

U.S. Congress.

Congressional Record

PROCEEDINGS AND DEBATES

OF THE

SECOND SESSION OF THE
SIXTY-EIGHTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME LXVI—PART 1

DECEMBER 1 TO DECEMBER 31, 1924

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Congressional Record

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OF THE
SEVENTH CONGRESS

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VOLUME LXVI—PART I



Congressional Record

PROCEEDINGS AND DEBATES OF THE SIXTY-EIGHTH CONGRESS SECOND SESSION

SENATE

MONDAY, December 1, 1924

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the second session of the Sixty-eighth Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

The PRESIDENT pro tempore (ALBERT B. CUMMINS, a Senator from the State of Iowa) called the Senate to order at 12 o'clock noon.

The Chaplain, Rev. J. J. Muir, D. D., of the city of Washington, offered the following prayer:

Our Father and our God, we come together to-day to enter upon the duties of high responsibility. As we look back over the past month we recognize the sadness that has shadowed and the grief that has come and the loneliness experienced because of the presence of death in connection with this body. We pray for richest consolations upon those who mourn.

Grant unto each one in connection with his duty such a sense of its dignity, such a conception of its large outlook, that there may be given to each wisdom from above and guidance in every matter of administration. The Lord our God be with the President, recognizing in him the authority by which he is surrounded. Let Thy blessing be constantly upon our Nation, and may it be exalted in righteousness. We humbly ask in the name of Jesus Christ our Lord. Amen.

CALL OF THE ROLL

The PRESIDENT pro tempore. The Clerk will call the roll to ascertain if a quorum of the Senate is present.

The reading clerk (John C. Crockett) called the roll, and the following Senators answered to their names:

Adams	Fernald	La Follette	Shipstead
Ashurst	Fess	McCormick	Shortridge
Ball	Fletcher	McKellar	Simmons
Bayard	Frazier	McKinley	Smith
Borah	George	McLean	Smoot
Brookhart	Gerry	McNary	Spencer
Broussard	Glass	Mayfield	Stanfield
Bruce	Gooding	Moses	Stanley
Bursum	Greene	Neely	Sterling
Capper	Hale	Norris	Swanson
Caraway	Harrell	Oddie	Trammell
Copeland	Harris	Overman	Underwood
Couzens	Harrison	Owen	Wadsworth
Cummins	Hedlin	Pepper	Walsh, Mass.
Curtis	Howell	Philips	Walsh, Mont.
Dial	Johnson, Minn.	Pittman	Warren
Dill	Jones, N. Mex.	Ralston	Watson
Edge	Jones, Wash.	Reed, Pa.	Weller
Edwards	Kendrick	Robinson	Wheeler
Elkins	Keyes	Sheppard	Willis
Ernst	Ladd	Shields	

Mr. FESS. The Senator from Vermont [Mr. DALE] is detained from the Senate on account of illness. He is so ill, in fact, that he can not be removed to the hospital. He will be absent from the Senate Chamber for some days to come.

Mr. ROBINSON. I wish to announce that the Senator from Missouri [Mr. REED] is necessarily absent.

Mr. HARRISON. My colleague, the junior Senator from Mississippi [Mr. STEPHENS], is necessarily absent, on account of an accident.

Mr. GERRY. I desire to announce that the junior Senator from Utah [Mr. KING] and the junior Senator from Michigan [Mr. FERRIS] are necessarily absent.

Mr. BROUSSARD. I desire to announce that my colleague [Mr. RANDELL] is absent on account of illness.

The PRESIDENT pro tempore. Eighty-three Senators have answered to their names. There is a quorum present.

ADMINISTRATION OF OATH TO NEW SENATORS

Mr. CURTIS. Mr. President, I understand there are three Senators elected or appointed to fill vacancies, that the certificates of two are on file, and that a telegram has been received from the governor of the State of the other Senator elect announcing his election. I ask unanimous consent that the credentials may be presented and the oath of office administered to these Senators.

The PRESIDENT pro tempore. The Chair may suggest to the Senator from Kansas that he takes the liberty of laying before the Senate the certificate of the appointment of WILLIAM M. BUTLER to be a Senator from the State of Massachusetts, which the Clerk will read.

The reading clerk read as follows:

THE COMMONWEALTH OF MASSACHUSETTS.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the Commonwealth of Massachusetts, I, Channing H. Cox, the governor of said Commonwealth, do hereby appoint WILLIAM M. BUTLER a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States until the vacancy therein, caused by the death of HENRY CABOT LODGE, is filled by election as provided by law.

Witness: His excellency our governor, Channing H. Cox, and our seal hereto affixed at Boston this 13th day of November, in the year of our Lord 1924.

[SEAL.]

CHANNING H. COX, Governor.

By the Governor:

FREDERICK W. COOK,
Secretary of the Commonwealth.

The PRESIDENT pro tempore. The credentials will be placed on file. The Chair also lays before the Senate the certificate of election of JESSE H. METCALF, as a Senator from the State of Rhode Island, which will be read and placed on file.

The reading clerk read as follows:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

STATE RETURNING BOARD.

Be it known that JESSE H. METCALF, of Providence, in the State of Rhode Island, qualified according to the Constitution of the United States for a Senator in the Congress thereof, was by the people of said State, having the qualifications requisite for electors of the most numerous branch of the legislature thereof, on the 4th day of November, A. D. 1924, in accordance with law, elected a Senator from said State in the Congress of the United States for the unexpired term of LEBARON BRADFORD COLT, deceased, expiring March 3, A. D. 1925.

In attestation whereof, we have hereunto set our hands and caused our seal to be affixed at Providence this 17th day of November, in the year of our Lord 1924, and of the Independence of the United States of America the one hundred and forty-ninth.

[SEAL.]

JOHN W. RAMSBOTTOM,

JOSEPH F. COLE,

EARLE B. ARNOLD,

CHARLES H. SPARKS,

BENJAMIN C. SEABURY,

State Returning Board.

The PRESIDENT pro tempore. The credentials will be placed on file. The Chair also feels it to be his duty to lay

before the Senate a telegram received from the Governor of the State of Colorado and other officials of that State, which will be read and placed on file.

The reading clerk read as follows:

[Western Union telegram]

DENVER, COLO., November 29, 1924.

The PRESIDENT OF THE SENATE,

Washington, D. C.

The State canvassing board convened to-day and canvassed the votes cast at the general election held November 4 for the office of United States Senator to fill vacancy in Colorado, and a certificate of election has this day been issued to RICE W. MEANS, he having received the highest number of votes cast for said office. The certificate is being mailed you to-day.

ARTHUR M. STRONG, *State Auditor*.
WILLIAM E. SWEET, *Governor*.
WAYNE C. WILLIAM, *Attorney General*.
CARL S. MILLIKEN, *Secretary of State*.
H. E. MULNIX, *State Treasurer*.

Mr. CURTIS. I ask unanimous consent that the three Senators may be sworn in.

Mr. ROBINSON. Pending the request of the Senator from Kansas, I understand that during late years, in cases where no question is presented respecting the returns affecting the election of a Senator, it has been the practice of the Senate that the Senator elect has been sworn in upon information that the certificate has been duly made out and mailed to the President of the Senate.

Mr. CURTIS. That has been the practice.

Mr. ROBINSON. My information is that no question has arisen respecting the election of the junior Senator from Colorado, and therefore I make no objection to the request of the Senator from Kansas.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that the Senators whose certificates of appointment or election have been laid before the Senate be now sworn in. Is there objection? The Chair hears none, and these Senators will present themselves at the desk and take the oath of office.

Mr. BUTLER escorted by Mr. WALSH of Massachusetts, Mr. MEANS escorted by Mr. PHIPPS, and Mr. METCALF escorted by Mr. GERRY advanced to the Vice President's desk, and, the oath prescribed by law having been administered to them, they took their seats in the Senate.

LIST OF SENATORS BY STATES

Alabama.—Oscar W. Underwood and J. Thomas Heflin.
Arizona.—Henry F. Ashurst and Ralph H. Cameron.
Arkansas.—Joseph T. Robinson and Thaddeus H. Caraway.
California.—Hiram W. Johnson and Samuel M. Shortridge.
Colorado.—Lawrence C. Phipps and Rice W. Means.
Connecticut.—George P. McLean.
Delaware.—L. Heister Ball and Thomas F. Bayard.
Florida.—Duncan U. Fletcher and Park Trammell.
Georgia.—William J. Harris and Walter F. George.
Idaho.—William E. Borah and Frank R. Gooding.
Illinois.—Medill McCormick and William B. McKinley.
Indiana.—James E. Watson and Samuel M. Ralston.
Iowa.—Albert B. Cummins and Smith W. Brookhart.
Kansas.—Charles Curtis and Arthur Capper.
Kentucky.—A. Owsley Stanley and Richard P. Ernst.
Louisiana.—Joseph E. Ransdell and Edwin S. Broussard.
Maine.—Bert M. Fernald and Frederick Hale.
Maryland.—Ovington E. Weller and William C. Bruce.
Massachusetts.—David I. Walsh and William M. Butler.
Michigan.—James Couzens and Woodbridge N. Ferris.
Minnesota.—Henrik Shipstead and Magnus Johnson.
Mississippi.—Pat Harrison and Hubert D. Stephens.
Missouri.—James A. Reed and Selden P. Spencer.
Montana.—Thomas J. Walsh and Burton K. Wheeler.
Nebraska.—George W. Norris and Robert B. Howell.
Nevada.—Key Pittman and Tasker L. Oldie.
New Hampshire.—George H. Moses and Henry W. Keyes.
New Jersey.—Walter E. Edge and Edward I. Edwards.
New Mexico.—Andrieus A. Jones and Holm O. Bursum.
New York.—James W. Wadsworth, Jr., and Royal S. Copeland.
North Carolina.—F. M. Simmons and Lee S. Overman.
North Dakota.—Edwin F. Ladd and Lynn J. Frazier.
Ohio.—Frank B. Willis and Simeon D. Fess.
Oklahoma.—Robert L. Owen and J. W. Harrelld.
Oregon.—Charles I. McNary and Robert N. Stanfield.
Pennsylvania.—George Wharton Pepper and David A. Reed.
Rhode Island.—Peter G. Gerry and Jesse H. Metcalf.
South Carolina.—Ellison D. Smith and Nathaniel B. Dial.

South Dakota.—Thomas Sterling and Peter Norbeck.
Tennessee.—John K. Shields and Kenneth McKellar.
Texas.—Morris Sheppard and Earle B. Mayfield.
Utah.—Reed Smoot and William H. King.
Vermont.—Frank L. Greene and Porter H. Dale.
Virginia.—Claude A. Swanson and Carter Glass.
Washington.—Wesley L. Jones and C. C. Dill.
West Virginia.—Davis Elkins and M. M. Neely.
Wisconsin.—Robert M. La Follette and Irvine L. Lenroot.
Wyoming.—Francis E. Warren and John B. Kendrick.

NOTIFICATION TO THE HOUSE

Mr. CURTIS submitted the following resolution (S. Res. 259), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT

Mr. CURTIS submitted the following resolution (S. Res. 260), which was read, considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that the Congress is ready to receive any communication he may be pleased to make.

The PRESIDENT pro tempore appointed Mr. CURTIS and Mr. ROBINSON as the committee on the part of the Senate.

HOOR OF DAILY MEETING

Mr. CURTIS submitted the following resolution (S. Res. 261), which was read, considered by unanimous consent, and agreed to:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

DEATH OF SENATOR LEBARON B. COLT

Mr. GERRY. Mr. President, it is my sad duty to announce to the Senate the death of my late colleague Senator LEBARON B. COLT. This is not the proper time and occasion for a fitting testimonial to be offered to his memory. At a later date during this session I shall ask that a day be set aside upon which proper tributes may be paid to the life, character, and public services of Senator COLT. I now send to the desk a resolution, and ask unanimous consent for its immediate consideration.

The resolution (S. Res. 262) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. LEBARON B. COLT, late a Senator from the State of Rhode Island.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

DEATH OF SENATOR FRANK B. BRANDEGEE

Mr. McLEAN. Mr. President, I submit a resolution, relative to the death of my late colleague, Mr. BRANDEGEE. I ask to have the resolution read by the Secretary, and immediately considered.

The resolution (S. Res. 263) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. FRANK B. BRANDEGEE, late a Senator from the State of Connecticut.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

DEATH OF SENATOR HENRY CABOT LODGE

Mr. WALSH of Massachusetts. Mr. President, it is my sad duty formally to announce to the Senate that on Sunday, November 9 last, my late colleague, Hon. HENRY CABOT LODGE, died following a brief illness at the Charlesgate Hospital, in Cambridge, Mass.

For 37 years Senator LODGE represented Massachusetts without a break in the continuity of his service in the Congress of the United States. His career in the House of Representatives covered three terms, and he was a Member of this body for 31 years.

He was for years the foremost figure in the dominant political party of Massachusetts, and in recent years he was, if not indeed the foremost figure, one of the foremost figures in the Congress of the United States.

When death came he was the majority party leader in this Chamber, the senior Senator in years of continuous service, and one of the ablest and best known, nationally and internationally, of any Member of the United States Congress. Truly an exalted position has been made vacant by his death. The life of one of the great leaders and statesmen of our day in America has ended.

This, however, is not the occasion to undertake to review the career of this statesman and scholar. At the proper time I shall ask the Senate to set aside a day upon which proper tribute may be paid to his memory.

I now submit the resolution which I send to the desk, and ask unanimous consent for its immediate consideration.

The resolution (S. Res. 264) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. HENRY CABOT LODGE, late a Senator from the State of Massachusetts.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

ADJOURNMENT

Mr. WALSH of Massachusetts. Mr. President, as a further mark of respect to the memory of our three deceased colleagues, Senator LODGE, of Massachusetts, Senator BRANDEGEE, of Connecticut, and Senator COLT, of Rhode Island, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 21 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 2, 1924, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, December 1, 1924

This being the day fixed by the Constitution for the annual meeting of the Congress of the United States, the House of Representatives of the Sixty-eighth Congress met in its Hall at 12 o'clock noon for its second session and was called to order by the Speaker, Hon. FREDERICK H. GILLET, a Representative from the State of Massachusetts.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, Thy mercy is from everlasting to everlasting and Thy goodness endureth from generation to generation. We wait upon Thee at the threshold of this Congress. We offer Thee the expressions of our grateful hearts for Thy providential care, for the fruitage of field and orchard, and for the peace and prosperity of our land. Bless and be gracious and merciful unto our President and his household; the Speaker, the Members, the officers, and the pages, and all who serve. O Lord, our Lord, these days, so momentous, do Thou make us strong by the sense of Thy strength, wise by the sense of Thy wisdom and good by the sense of Thy goodness. In the solution of all problems O let the inspiration of Thy truth never fail us. Suffer not our hearts to languish, nor our souls to fear, but undismayed may we always seek to do our whole duty to our country and to the institutions which were founded to perpetuate our national greatness. Come, Heavenly Father of us all, and manifest Thy favor in the form of enlightened understanding and thus shall great contentment, equal justice, and deeper righteousness bless every section and comfort every fireside. Day by day with sweet, obedient, and un murmuring toil may we do our whole duty.

We breathe to Thee, O God, "Thy will be done." There are those of us who have passed beyond the veil that hides mortality from immortality. Some dear ones are looking out upon the world to-day with saddened hearts and wondering eyes. Come, blessed Lord, unto them and give them great peace. Through Jesus Christ our Lord. Amen.

CALL OF THE ROLL

The SPEAKER. The Clerk will call the roll of Members by States.

The roll was called and the following Members answered to their names:

John McDuffie.
Lister Hill.
Henry B. Steagall.
William B. Bowling.

William J. Driver.
William A. Oldfield.
John N. Tillman.

Clarence F. Lea.
John E. Raker.
Charles F. Curry.
Mae E. Nolan.
James H. MacLafferty.

William N. Valle.
Charles B. Timberlake.

E. Hart Fenn.
Richard P. Freeman.

Herbert J. Drane.

R. Lee Moore.
Frank Park.
Charles R. Crisp.
William C. Wright.
William D. Upshaw.

Burton L. French.

Morton D. Hall.
Elliott W. Sproul.
Thomas A. Doyle.
Adolph J. Sabath.
M. Alfred Michaelson.
Stanley H. Kunz.
Fred A. Britten.
Carl R. Chindblom.
Frank R. Reid.
Charles E. Fuller.
Edward J. King.

William E. Wilson.
Arthur H. Greenwood.
Frank Gardner.
Harry C. Canfield.
Everett Sanders.
Richard N. Elliott.
Merrill Moores.

William F. Kopp.
Harry E. Hull.
T. J. B. Robinson.
Cyrenus Cole.

Daniel R. Anthony, jr.
W. H. Sproul.
Homer Hoch.

Alben W. Barkley.
David H. Kincheloe.
Robert Y. Thomas, jr.
Ben Johnson.
Maurice H. Thatcher.

James O'Connor.
J. Zach Spearling.
Whitcomb P. Martin.
John N. Sandlin.

Carroll L. Beedy.
Wallace H. White, jr.

T. Alan Goldsborough.
Millard E. Tydings.
John Philip Hull.

Allen T. Treadway.
Frederick H. Gillett.
Calvin D. Paige.
Samuel E. Winslow.
A. Platt Andrew.
William P. Connery, jr.

Robert H. Clancy.
Earl C. Michener.
Arthur B. Williams.
John C. Ketcham.
Carl E. Mapes.
Grant M. Hudson.

[Roll No. 1]

ALABAMA

Miles C. Allgood.
Edward B. Almon.
George Huddleston.
William B. Bankhead.

ARIZONA

Carl Hayden

ARKANSAS

Otis Wingo.
J. B. Reed.
Tilman B. Parks.

CALIFORNIA

Henry E. Barbour.
Arthur M. Free.
Walter F. Lineberger.
John D. Fredericks.
Philip D. Swing.

COLORADO

Guy U. Hardy.
Edward T. Taylor.

CONNECTICUT

John Q. Tilson.

DELAWARE

William H. Boyce

FLORIDA

John H. Smithwick.

GEORGIA

Gordon Lee.
Charles H. Brand.
Carl Vinson.
William C. Lankford.
William W. Larsen.

IDAHO

Addison T. Smith.

ILLINOIS

William E. Hull.
Frank H. Funk.
William P. Holaday.
Allen E. Moore.
Henry T. Rainey.
J. Earl Major.
William W. Arnold.
Thomas S. Williams.
Edward E. Devision.
Richard Yates.
Henry R. Rathbone.

INDIANA

Albert H. Vestal.
Fred S. Purnell.
William R. Wood.
Samuel E. Cook.
Louis W. Fairfield.
Andrew J. Hickey.

IOWA

C. William Ramseyer.
Cassius C. Dowell.
William R. Green.
William D. Boles.

KANSAS

James G. Strong.
Hays B. White.
J. N. Tincher.

KENTUCKY

Arthur B. Rouse.
Joseph W. Morris.
Ralph Gilbert.
Fred M. Vinson.
John M. Robison.

LOUISIANA

Riley J. Wilson.
Ladislav Lazaro.
James B. Aswell.

MAINE

John E. Nelson.
Ira G. Hersey.

MARYLAND

J. Charles Linthicum.
Frederick N. Zihlman.

MASSACHUSETTS

Frederick W. Dallinger.
Charles L. Underhill.
James A. Gallivan.
Robert Luce.
Louis A. Frothingham.
Charles L. Gifford.

MICHIGAN

Louis C. Cramton.
Bird J. Vincent.
James C. McLaughlin.
Roy O. Woodruff.
Frank D. Scott.
W. Frank James.

Sydney Anderson.
Frank Clague.
Charles R. Davis.
Oscar E. Keller.
Walter H. Newton.

John E. Rankin.
Bill G. Lowrey.
William Y. Humphreys.
Jeff Bushy.

Ralph F. Lozier.
Jacob L. Milligan.
Charles L. Faust.
Henry L. Jost.
C. C. Dickinson.

John M. Evans.

John H. Morehead.
Willis G. Sears.
Edgar Howard.

Francis F. Patterson, jr.
Isaac Bacharach.
Elmer H. Geran.
Charles Browne.
Ernest R. Ackerman.

Robert L. Bacon.
John J. Kindred.
George W. Lindsay.
Thomas H. Cullen.
Loring M. Black, jr.
Charles L. Stengle.
John F. Quayle.
William E. Cleary.
David J. O'Connell.
Emanuel Celler.
Anning S. Prall.
Samuel Dickstein.
Christopher D. Sullivan.
Nathan D. Perlman.
John J. Boylan.
John J. O'Connor.
John P. Carew.
Sol Bloom.
Fiorello H. LaGuardia.

John H. Kerr.
Charles L. Abernethy.
Edward W. Pon.
Charles M. Stedman.
Homer L. Lyon.

Olger B. Burtness.

Nicholas Longworth.
A. E. B. Stephens.
John L. Cable.
Charles J. Thompson.
Charles Brand.
R. Clint Cole.
Israel M. Foster.
Mell G. Underwood.
John C. Speaks.
James T. Begg.

E. B. Howard.
Charles D. Carter.
Tom D. McKeown.

Willis C. Hawley.
Nicholas J. Sinnott.

William S. Vare.
Harry C. Ransley.
George W. Edmonds.
George A. Welsh.
George P. Darrow.
Thomas S. Butler.
Henry W. Watson.
William W. Griest.
Laurence H. Watres.
John J. Casey.
George F. Brumm.
William M. Croll.
Louis T. McFadden.
Edgar R. Kless.
Herbert W. Cummings.
Edward M. Beers.

Richard S. Aldrich.

MINNESOTA

Harold Knutson.
O. J. Kvale.
Oscar J. Larson.
Knud Wefald.

MISSISSIPPI

Ross A. Collins.
T. Webber Wilson.
Percy E. Quin.
James W. Collier.

MISSOURI

Samuel C. Major.
Clarence Cannon.
Cleveland A. Newton.
Harry B. Hawes.
Leonidas C. Dyer.

MONTANA

Scott Leavitt.

NEBRASKA

Melvin O. McLaughlin.
Robert G. Simmons.

NEVADA

Charles L. Richards

NEW HAMPSHIRE

Edward H. Wason

NEW JERSEY

Randolph Perkins.
George N. Seger.
Frank J. McNulty.
Daniel F. Minahan.
Frederick R. Lehlbach.

NEW MEXICO

John Morrow.

NEW YORK

Royal H. Weller.
Anthony J. Griffin.
Benjamin L. Fairchild.
J. Mayhew Wainwright.
James S. Parker.
Frank Crowther.
Bertrand H. Snell.
Thaddeus C. Sweet.
John D. Clarke.
Walter W. Magee.
John Taber.
Gale H. Stalker.
Meyer Jacobstein.
Archie D. Sanders.
S. Wallace Dempsey.
Clarence MacGregor.
James M. Mead.
Daniel A. Reed.

NORTH CAROLINA

William C. Hammer.
Robert L. Doughton.
Alfred L. Bulwinkle.
Zebulon Weaver.

NORTH DAKOTA

James H. Sinclair.

OHIO

Martin L. Davey.
C. Ellis Moore.
John McSweeney.
William M. Morgan.
Frank Murphy.
John G. Cooper.
Charles A. Mooney.
Robert Crosser.
Theodore E. Burton.

OKLAHOMA

F. B. Swank.
Elmer Thomas.
M. C. Garber.

OREGON

Elton Watkins.

PENNSYLVANIA

Frank C. Sites.
George M. Wertz.
J. Banks Kurtz.
Samuel F. Glatfelter.
William I. Swoope.
Samuel A. Kendall.
Henry W. Temple.
Thomas W. Phillips, jr.
Nathan L. Strong.
Harris J. Bixler.
Milton W. Shreve.
Everett Kent.
Adam M. Wyant.
M. Clyde Kelly.
James M. Magee.
Guy E. Campbell.

RHODE ISLAND

Jeremiah E. O'Connell.

SOUTH CAROLINA

William F. Stevenson.
Allard H. Gasque.
Hampton P. Fulmer.

SOUTH DAKOTA

William Williamson.

TENNESSEE

Joseph W. Byrnes.
W. C. Salmon.
Gordon Browning.
Finis J. Garrett.
Hubert F. Fisher.

TEXAS

James P. Buchanan.
Tom Connally.
Fritz G. Lanham.
Harry M. Wurzbach.
John N. Garner.
C. B. Hudspeth.
Thomas L. Blanton.
Marvin Jones.

UTAH

Elmer O. Leatherwood

VERMONT

Ernest W. Gibson.

VIRGINIA

Thomas W. Harrison.
R. Walton Moore.
Henry St. George Tucker.

WASHINGTON

John W. Summers.
Sam B. Hill.

WEST VIRGINIA

George W. Johnson.
J. Alfred Taylor.

WISCONSIN

Joseph D. Beck.
Edward E. Browne.
George J. Schneider.
James A. Frear.
Hubert H. Peavey.

WYOMING

Charles E. Winter.

The SPEAKER. Three hundred and seventy Members have answered to their names. A quorum is present. Members elect who desire to take the oath of office will come forward.

The following Members appeared before the bar of the House and took the oath of office prescribed by law:

U. S. GUYER, from the second district of Kansas.

STEPHEN W. GAMBRILL, from the fifth district of Maryland.

ROBERT LEACH, from the fifteenth district of Massachusetts.

THOMAS HALL, from the second district of North Dakota.

NOTIFICATION TO THE PRESIDENT

Mr. LONGWORTH. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

House Resolution 356

Resolved, That a committee of three Members be appointed on the part of the House to join the committee appointed by the Senate to wait upon the President and inform him that a quorum of the two Houses has assembled and that Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

The SPEAKER appointed the following committee: Mr. LONGWORTH, Mr. GREEN, and Mr. GARRETT of Tennessee.

RESIGNATION OF A MEMBER

The SPEAKER laid before the House the following communication:

AUGUST 28, 1924.

The CLERK, HOUSE OF REPRESENTATIVES,

Washington, D. C.

DEAR SIR: Quite a long time ago I forwarded a formal resignation of my seat in Congress to Gov. R. A. Nestos, Bismarck, N. Dak., to take effect on September 2, 1924.

Yours, respectfully,

GEORGE M. YOUNG.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment the bill of the following title:

H. R. 3537. An act for the relief of L. A. Scott.

The message also announced that the Senate had passed the following resolutions:

Senate Resolution 259

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Senate Resolution 260

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that the Congress is ready to receive any communication he may be pleased to make.

Senate Resolution 262

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. LEBARON B. COLT, late a Senator from the State of Rhode Island.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Senate Resolution 263

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. FRANK B. BRANDGEE, late a Senator from the State of Connecticut.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Senate Resolution 264

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. HENRY CABOT LODGE, late a Senator from the State of Massachusetts.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

NOTIFICATION TO THE SENATE

Mr. GREEN. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 357

Resolved, That the Clerk of the House inform the Senate that a quorum of the House of Representatives has appeared and that the House is ready to proceed to business.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

HOUR OF DAILY MEETING

Mr. SNELL. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 358

Resolved, That until otherwise ordered, the hour of daily meeting of the House of Representatives shall be 12 o'clock meridian.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. DREWRY, for two days, on account of sickness.

To Mr. OLIVER of Alabama, at the request of Mr. BOWLING, on account of illness.

To Mr. CORNING, for an indefinite period, on account of illness.

To Mr. COLTON, for five days, on account of important business.

To Mr. KAHN, indefinitely, on account of illness.

To Mr. MCCLINTIC, at the request of Mr. McKEOWN, on account of illness.

MEMORIAL SERVICES FOR THE LATE WOODROW WILSON, A FORMER PRESIDENT OF THE UNITED STATES

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the following House concurrent resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Concurrent Resolution 30

Resolved, by the House of Representatives (the Senate concurring), That Monday, the 15th day of December, 1924, be set aside as the day upon which there shall be held a joint session of the Senate

and the House of Representatives for appropriate exercises in commemoration of the life, character, and public service of the late Woodrow Wilson, former President of the United States.

That a joint committee, to consist of five Senators and seven Members of the House of Representatives, to be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives, respectively, shall be named, with full power to make all arrangements and publish a suitable program for the joint session of Congress herein authorized, and to issue the invitations hereinafter mentioned.

That invitations shall be extended to the President of the United States, the members of the Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, and such other invitations shall be issued as to the said committee shall seem best.

That all expenses incurred by the committee in the execution of the provisions of this resolution shall be paid, one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

The SPEAKER. The question is on agreeing to the House concurrent resolution.

The concurrent resolution was agreed to.

THE LATE REPRESENTATIVE EDWARD C. LITTLE

Mr. ANTHONY. Mr. Speaker, it becomes my painful duty to announce the death of my late colleague, Mr. EDWARD C. LITTLE, on June 27 last. At a later date I shall ask that a day be set aside for appropriate memorial services upon his life, character, and public services. Meanwhile I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 359

Resolved, That the House has heard with profound sorrow of the death of Hon. EDWARD CAMPBELL LITTLE, a Representative from the State of Kansas.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE LATE REPRESENTATIVE SYDNEY E. MUDD

Mr. ZIHLMAN. Mr. Speaker, it is with a profound sense of personal sorrow that I rise to announce the death of my late colleague, Hon. SYDNEY E. MUDD, of Maryland, who died October 11, of this year, in his thirty-ninth year. At a subsequent date I shall ask that a day be set aside for the pronouncement of eulogies upon his life, character, and public services. Meanwhile I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 360

Resolved, That the House has heard with profound sorrow of the death of Hon. SYDNEY E. MUDD, late a Representative from the State of Maryland.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE LATE REPRESENTATIVE WILLIAM S. GREENE

Mr. WINSLOW. Mr. Speaker, during the recess of Congress the Hon. WILLIAM S. GREENE, a Member of the House from the State of Massachusetts, died. In due time I shall ask that a day be set aside for public memorial services in his honor by this body. Meanwhile I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 361

Resolved, That the House has heard with profound sorrow of the death of Hon. WILLIAM STEDMAN GREENE, a Representative from the State of Massachusetts.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE LATE SENATOR LEBARON B. COLT

Mr. ALDRICH. Mr. Speaker, it is with a very deep sorrow that I announce the death of Hon. LEBARON B. COLT, late a Senator from the State of Rhode Island, on the 18th day of

August, 1924. I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 362

Resolved, That the House has heard with profound sorrow of the death of the Hon. LeBaron Bradford Colt, late a Senator of the United States from the State of Rhode Island.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE LATE SENATOR FRANK B. BRANDEGEE

Mr. TILSON. Mr. Speaker, it is with a sense of deep sorrow that I announce to the House the death of the Hon. FRANK B. BRANDEGEE, late a Senator of the United States from the State of Connecticut, who died on the 13th of October, 1924. I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 363

Resolved, That the House has heard with profound sorrow of the death of the Hon. FRANK BRISWORTH BRANDEGEE, a Senator of the United States from the State of Connecticut.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE LATE SENATOR HENRY CABOT LODGE

Mr. TREADWAY. Mr. Speaker, it is with a sense of very great sorrow that I announce the death of the Hon. HENRY CABOT LODGE, late a Senator from the State of Massachusetts. I offer the following resolution, which I send to the desk.

The Clerk read as follows:

House Resolution 364

Resolved, That the House has heard with profound sorrow of the death of the Hon. HENRY CABOT LODGE, a Senator of the United States from the State of Massachusetts.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, as a further mark of respect to the memory of the deceased Members of the House and Senate, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 2, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

556. A letter from the Acting Secretary of Commerce, transmitting a complete set of General Rules and Regulations prescribed by the board of supervising inspectors, Steamboat-Inspection Service, at the meeting of January, 1924, which regulations have been approved by the Secretary of Commerce; to the Committee on the Merchant Marine and Fisheries.

557. A letter from the Secretary of War, transmitting annual report of the American National Red Cross; to the Committee on Military Affairs.

558. A letter from the secretary of the United States Civil Service Commission, transmitting a statement showing the typewriters, adding machines, and other similar labor-saving devices exchanged in part payment for new machines during the fiscal year 1924, as required by section 5 of the deficiency act approved March 4, 1915; to the Committee on Appropriations.

559. A letter from the Acting Secretary of War, transmitting report of The Adjutant General of the Army relative to the financial and other affairs of the United States Disciplinary Barracks at Fort Leavenworth, Kans., the Pacific branch thereof situated on Alcatraz Island, Calif., and the Atlantic branch on Governors Island, N. Y., together with reports from the commandants of the barracks and its branches, all for the

fiscal year ended June 30, 1924; to the Committee on Military Affairs.

560. A letter from the Acting Secretary of Commerce, transmitting part 2 of the Annual Report of the Commissioner of Lighthouses for the fiscal year ended June 30, 1924, containing a list of purchases made by private contract or in the open market, with the reasons for such method of purchases, during the fiscal year 1924, of materials and supplies for the use of the Lighthouse Service; to the Committee on Interstate and Foreign Commerce.

561. A letter from the Acting Secretary of Commerce, transmitting a detailed statement concerning the publications issued by the Department of Commerce during the fiscal year 1924; to the Committee on Printing.

562. A letter from the Acting Secretary of Labor, transmitting statement of travel performed by officers and employees of the Department of Labor during the fiscal year ended June 30, 1924, in conformity with section 4 of the act approved May 22, 1908 (Stat. 224); to the Committee on Appropriations.

563. A letter from the chairman of the United States Shipping Board, transmitting statement of travel performed by officers and employees of the United States Shipping Board during the fiscal year ended June 30, 1924; to the Committee on Appropriations.

564. A letter from the Clerk of the House of Representatives, transmitting list of reports to be made to Congress by public officers during the Sixty-eighth Congress (H. Doc. No. 462); to the Committee on Accounts and ordered to be printed, with papers.

565. A letter from the Clerk of the House of Representatives, transmitting annual report, giving names of statutory and contingent-fund employees of the House and their respective compensations, including clerks to Members; the expenditures from the contingent fund and from certain specific appropriations; the amounts drawn from the Treasury; the stationery accounts; and unexpended balances for the year ended June 30, 1924 (H. Doc. No. 399); to the Committee on Accounts and ordered to be printed, with papers.

566. A letter from the Secretary of the Smithsonian Institution, transmitting a report of Government publications issued during the fiscal year ended June 30, 1924, showing the aggregate number of publications, the cost of paper and printing, the cost of preparation of each publication, and the number of each which was distributed during the fiscal year; to the Committee on Printing.

567. A letter from the Secretary of the Smithsonian Institution, transmitting information regarding purchases of typewriters in which exchanges were made in part payment by the Government branches under the direction of the Institution during the fiscal year ended June 30, 1924; to the Committee on Appropriations.

568. A letter from the Secretary of the Smithsonian Institution, transmitting statement showing in detail what officers and employees of the branches of the Government service under the direction of the Smithsonian Institution have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1924; to the Committee on Appropriations.

569. A letter from the Director of the United States Botanic Garden, transmitting certain information required by section 4, act of May 22, 1908, relative to travel from Washington, D. C., in connection with official business of the office of the United States Botanic Garden during the fiscal year 1924; to the Committee on the Library.

570. A letter from the Secretary of War, transmitting a comprehensive plan for necessary permanent construction at military posts, including Camp Lewis, in the State of Washington, based on using funds received from the sale of surplus War Department real estate, and for the sale of such property now owned by the War Department that is no longer needed for military purposes; to the Committee on Military Affairs.

571. A letter from the chairman of the Interstate Commerce Commission, transmitting copies of the final valuations of properties of 20 carriers subject to the provisions of section 192 of the Interstate commerce act; to the Committee on Interstate and Foreign Commerce.

572. A letter from the chairman of the Interstate Commerce Commission, transmitting statement showing the make, model, and serial number of each machine exchanged during the fiscal year 1924, the period of its use, the allowance therefor, and the article, make, and model thereof, and price, including exchange value paid for each article procured through such exchange, in compliance with the provisions of section 5 of the act approved March 4, 1915; to the Committee on Appropriations.

573. A letter from the chairman of the Interstate Commerce Commission, transmitting a statement showing in detail the travel expense of all officials and employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who have traveled on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1924; to the Committee on Appropriations.

574. A letter from the chairman of the Interstate Commerce Commission, transmitting statement showing the employment under appropriation for the valuation of carriers for the fiscal year ended June 30, 1924, the names of all persons employed, alphabetically arranged, the State from which each was appointed, the rate of compensation paid to each, together with a full itemized statement showing how the moneys appropriated for the fiscal years 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, and 1924 have been expended; to the Committee on Appropriations.

575. A letter from the Secretary of the Navy, transmitting a statement showing in detail what officers and employees of the Navy Department traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1924, with destination or destinations of such travel, business, or work on which same was made, and the amount of reimbursement for travelling expenses in each case; to the Committee on Appropriations.

576. A letter from the acting president of the Board of Commissioners of the District of Columbia, transmitting a report of the official operations of the government of the District of Columbia for the fiscal year ended June 30, 1924; to the Committee on the District of Columbia.

577. A letter from the Acting Postmaster General, transmitting report of a special contract between the Post Office Department and the Denver & Salt Lake Railroad for carrying the mails on its road on route No. 114773 between Denver and Craig, Colo.; to the Committee on Expenditures in the Post Office Department.

578. A letter from the chairman of Federal Trade Commission, transmitting report of the Federal Trade Commission on cooperation in foreign countries; to the Committee on Interstate and Foreign Commerce.

579. A letter from the Secretary of the Navy, transmitting statements showing exchanges made during the fiscal year ended June 30, 1924, of typewriters, adding machines, and other similar labor-saving devices by the Navy Department and Naval Establishments, including the United States Marine Corps; to the Committee on Appropriations.

580. A letter from the chairman of the United States Shipping Board, transmitting the Eighth Annual Report of the United States Shipping Board, covering the period June 30, 1923, to and including June 30, 1924; to the Committee on the Merchant Marine and Fisheries.

581. A letter from the Secretary of the Federal Trade Commission, transmitting a statement showing the number of typewriters, adding machines, and other similar labor-saving devices exchanged by the Federal Trade Commission during the fiscal year ended June 30, 1924; to the Committee on Appropriations.

582. A letter from the Secretary of War, transmitting report of the expenditure of \$128,742.80 out of the sum of \$150,000 included in the Army appropriation act for the fiscal year 1924 for the encouragement of the breeding of riding horses suitable for military service; to the Committee on Appropriations.

583. A letter from the Secretary of War, transmitting report covering the number and cost of publications issued and distributed by the Panama Canal during the fiscal year ended June 30, 1924; to the Committee on Printing.

584. A letter from the Secretary of War, transmitting a letter from The Adjutant General of the Army submitting report of documents received and distributed during the fiscal year ended June 30, 1924; to the Committee on Printing.

585. A letter from the Acting Secretary of War, transmitting report covering the disposal of surplus property in the possession of the War Department within the United States during the period from November 15, 1923, to November 15, 1924, inclusive; to the Committee on Expenditures in the War Department.

586. A letter from the Secretary of the Interior, transmitting report covering all operations, including receipts and disbursements, required by a provision of the war minerals relief act; to the Committee on Mines and Mining.

587. A letter from the Architect of the Capitol, transmitting annual report of the Architect of the Capitol for the fiscal year ended June 30, 1924 (H. Doc. No. 463); to the Committee on Public Buildings and Grounds and ordered to be printed.

588. A letter from the Comptroller of the Currency, transmitting annual report of the Comptroller of the Currency, covering activities of the Currency Bureau for the year ended October 31, 1924; to the Committee on Banking and Currency.

589. A letter from the Postmaster General, transmitting annual report of operations of the Postal Savings System for the fiscal year ended June 30, 1924, of the Post Office Department (H. Doc. No. 464); to the Committee on the Post Office and Post Roads and ordered to be printed.

590. A letter from the Secretary of the Treasury, transmitting a report in detail giving the number of the various publications issued by the Treasury Department during the fiscal year ended June 30, 1924; to the Committee on Printing.

591. A letter from the Acting Postmaster General, transmitting statement showing the post offices where clerical assistance at a higher rate than \$1,200 a year was authorized, payable from the appropriation for "Unusual conditions," for the fiscal year 1924; to the Committee on Appropriations.

592. A letter from the Secretary of War, transmitting a draft of proposed legislation to authorize the removal of the gates and gateposts at the head of West Executive Avenue, in the District of Columbia; to the Committee on Public Buildings and Grounds.

593. A letter from the Acting Secretary of Labor, transmitting report of expenditures from the appropriation contingent expenses, Department of Labor, for the fiscal years 1922, 1923, 1924, and 1925; to the Committee on Expenditures in the Department of Labor.

594. A letter from the Secretary of the United States Civil Service Commission, transmitting a statement showing in detail what officers or employees of the commission have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1924, the destination of such travel, the business on account of which the travel was performed, and the total expense charged the United States in each case; to the Committee on Appropriations.

595. A letter from the Librarian of the Library of Congress, transmitting a statement showing in detail what officers or employees of the Library of Congress have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1924, giving in each case the full title of the official, the destination or destinations of such travel, the business or work on account of which the same was made, and the total expenses to the United States charged in each case; to the Committee on Appropriations.

596. A letter from the Librarian of the Library of Congress, transmitting a report giving the aggregate number of publications issued by the Library of Congress proper during the fiscal year 1923-24, the cost of paper used, the cost of printing, the cost of preparation, and the number distributed; to the Committee on Printing.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. YATES: Committee on the Judiciary. H. R. 6491. A bill to provide for the appointment of an additional judge of the District Court of the United States for the Western District of New York; without amendment (Rept. No. 1031). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 9803) to amend the immigration act of 1917, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. CRISP: A bill (H. R. 9804) to amend an act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, as amended February 28, 1923; to the Committee on Ways and Means.

By Mr. CHINDBLOM: A bill (H. R. 9805) to amend section 257 of the revenue act of 1924; to the Committee on Ways and Means.

By Mr. FAIRCHILD: A bill (H. R. 9806) to repeal subdivision (b) of section 257 of the revenue act of 1924; to the Committee on Ways and Means.

By Mr. FULLER: A bill (H. R. 9807) relating to pensions of the Civil War, and granting pensions and increase of pensions in certain cases; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 9808) to remit the duty on a carillon of bells imported for St. Stephens Church, Cohasset, Mass.; to the Committee on Ways and Means.

By Mr. GRIEST: A bill (H. R. 9809) to amend section 409, Revised Statutes of the United States, relating to fines, penalties, forfeitures, and liabilities in the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. HAWES: A bill (H. R. 9810) to repeal an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD of Oklahoma: A bill (H. R. 9811) to amend section 101 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. KINDRED: A bill (H. R. 9812) to declare Lincoln's birthday a legal holiday; to the Committee on the District of Columbia.

By Mr. KNUTSON: A bill (H. R. 9813) to amend an act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

By Mr. O'CONNELL of New York: A bill (H. R. 9814) granting annual and sick leave to postal employees; to the Committee on the Post Office and Post Roads.

By Mr. PERLMAN: A bill (H. R. 9815) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. RAKER: A bill (H. R. 9816) to amend the act of June 29, 1906 (34 Stat. L. pt. 1, p. 596), as amended in sections 16, 17, and 19 by the act of Congress approved March 4, 1909 (35 Stat. L. pt. 1, p. 839); by the act of Congress approved March 4, 1913 (37 Stat. L. pt. 1, p. 736), creating the Department of Labor; by the act of Congress approved May 9, 1918 (Pub. No. 144, 65th Cong., 2d sess.); and by the act of Congress approved September 22, 1922 (U. S. Stats. pt. 1, ch. 411, p. 1021, 67th Cong., 2d sess.); to the Committee on Immigration and Naturalization.

By Mr. WATKINS: A bill (H. R. 9817) to provide for the deportation of certain undesirable aliens, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. WATSON: A bill (H. R. 9818) to amend section 257 of the revenue act of 1924; to the Committee on Ways and Means.

By Mr. WEFALD: A bill (H. R. 9819) providing for a per capita payment of \$100 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States; to the Committee on Indian Affairs.

By Mr. WILSON of Louisiana: A bill (H. R. 9820) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at or near each of the following-named points in Morehouse Parish, La.: Vester Ferry, War Ferry, and Zachery Ferry; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9821) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Monroe, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. GIFFORD: A bill (H. R. 9822) to authorize the Secretary of the Treasury to sell the old post-office building in the city of New Bedford, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. LAMPERT: A bill (H. R. 9823) providing for the extension of the post office and public building at Manitowoc, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. SANDERS of Texas: A bill (H. R. 9824) for the erection of a public building at Winnsboro, Wood County, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. QUIN: A bill (H. R. 9825) granting the consent of Congress to the Great Southern Lumber Co., a corporation of the State of Pennsylvania, doing business in the State of Mississippi, to construct a railroad bridge across Pearl River at approximately 1½ miles north of Georgetown, Miss.; to the Committee on Interstate and Foreign Commerce.

By Mr. ALDRICH: A bill (H. R. 9826) providing for the purchase of a site and the erection of a public building at Cranston, R. I.; to the Committee on Public Buildings and Grounds.

By Mr. FULLER: A bill (H. R. 9827) granting the consent of Congress to the county of Winnebago, the town of Rockford, and the city of Rockford, in the said county, in the

State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across Rock River; to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON: A bill (H. R. 9828) for the purchase of a site and the erection of a public building at Ardmore, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. PERLMAN: Joint resolution (H. J. Res. 296) providing for the admission of certain aliens as nonquota immigrants; to the Committee on Immigration and Naturalization.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 297) directing the Public Printer to furnish, upon application, to each Senator elect, each Representative elect, and each Delegate elect a copy of each issue of the CONGRESSIONAL RECORD and indexes; to the Committee on Printing.

By Mr. WRIGHT: Joint resolution (H. J. Res. 298) authorizing the appointment of a commission to consider proposals for and to negotiate for the lease and sale of Muscle Shoals, etc.; to the Committee on Military Affairs.

By Mr. LA GUARDIA: Resolution (H. Res. 365) requesting the Secretary of the Treasury to furnish to the House certain information regarding Robert J. Owens, a prohibition agent; to the Committee on the Judiciary.

By Mr. WOODRUFF: Resolution (H. Res. 366) requesting the President of the United States to direct the different agencies of the Government to refrain from directly or indirectly engaging the responsibility of the Government of the United States to supervise the fulfillment of financial arrangements between citizens of the United States and sovereign foreign governments or political subdivisions thereof, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PATTERSON: Resolution (H. Res. 367) to pay \$600 to John T. Kelly for extra services rendered during the Sixty-eighth Congress; to the Committee on Accounts.

By Mr. MacGREGOR (by request): Resolution (H. Res. 368) to propose a substitute for the League of Nations and the Permanent Court; to the Committee on Foreign Affairs.

By the SPEAKER (by request): Memorial of the Legislature of the State of Maryland recommending to the Congress of the United States that appropriate action be taken to make the Star-Spangled Banner the national anthem of the United States; to the Committee on the Judiciary.

Also (by request), memorial of the Legislature of the State of Maryland requesting the repeal of all laws which authorize appropriations to the several States in the form of Federal aid on the condition that the States make similar appropriations and to abolish all offices, boards, and bureaus created to administer or supervise such appropriations; to the Committee on the Judiciary.

Also (by request), memorial of the Legislature of the State of Maryland relating to Federal legislation for regulating and controlling the sale of farm and vegetable seeds; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the Legislature of the State of Maryland requesting Congress to modify the immigration laws; to the Committee on Immigration and Naturalization.

Also (by request), memorial of the Legislature of the Territory of Alaska urging the passage of a law granting all persons who served in the United States Army during the World War 160 acres of land in Alaska; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALDRICH: A bill (H. R. 9829) granting a pension to Mary J. Randall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9830) granting a pension to Edward P. Coan; to the Committee on Pensions.

By Mr. AYRES: A bill (H. R. 9831) granting an increase of pension to Anna E. Crawford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9832) granting a pension to Carrie A. Carringer; to the Committee on Pensions.

Also, a bill (H. R. 9833) granting an increase of pension to Mary J. Hedinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9834) granting an increase of pension to Mary N. Moody; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9835) granting an increase of pension to Marian Breeze; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9836) granting an increase of pension to Helen M. Farley; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 9837) to provide for an examination and survey of Cold Spring Inlet for the purpose of

determining the cause of the erosion of the beach; to the Committee on Rivers and Harbors.

By Mr. BECK: A bill (H. R. 9838) granting an increase of pension to Millard A. Hammond; to the Committee on Pensions.

Also, a bill (H. R. 9839) granting a pension to Inez L. Hoxsie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9840) granting a pension to Inez L. Hoxsie; to the Committee on Invalid Pensions.

By Mr. BRIGGS: A bill (H. R. 9841) to authorize a survey of Texas City Channel, Tex., and for other purposes; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9842) to authorize a survey of Galveston Channel, Tex., and for other purposes; to the Committee on Rivers and Harbors.

By Mr. BURDICK: A bill (H. R. 9843) granting an increase of pension to Margaret C. Cooper; to the Committee on Pensions.

Also, a bill (H. R. 9844) granting an increase of pension to Josephine M. Hayes; to the Committee on Pensions.

Also, a bill (H. R. 9845) granting a pension to Harriet G. Albro; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 9846) for the relief of Francis Kelly; to the Committee on Naval Affairs.

By Mr. COLE of Iowa: A bill (H. R. 9847) granting an increase of pension to Mary A. Crane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9848) granting a pension to Jennie Hall; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 9849) granting a pension to Mary Hague; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9850) granting a pension to Eliza Seaman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9851) granting a pension to Julia A. Woodard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9852) granting a pension to Susan Roe; to the Committee on Pensions.

Also, a bill (H. R. 9853) granting a pension to Sarah J. West; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 9854) granting an increase of pension to Rose Moten; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 9855) for the relief of Bruce Brothers Grain Co.; to the Committee on Claims.

Also, a bill (H. R. 9856) granting a pension to Susan A. Bankston; to the Committee on Pensions.

Also, a bill (H. R. 9857) granting a pension to Morris R. Tidrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9858) granting a pension to Julia Moomaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9859) granting an increase of pension to Mary E. Whitford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9860) granting a pension to Andrew W. Nash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9861) granting an increase of pension to Clara A. Loomis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9862) granting a pension to Ellen Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9863) granting a pension to Martha M. Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9864) for the relief of Thomas W. Goldin; to the Committee on Military Affairs.

By Mr. FITZGERALD: A bill (H. R. 9865) granting an increase of pension to Herman Bertman; to the Committee on Pensions.

Also, a bill (H. R. 9866) granting a pension to John M. Stephens; to the Committee on Pensions.

Also, a bill (H. R. 9867) granting an increase of pension to Blanche Bunker; to the Committee on Pensions.

Also, a bill (H. R. 9868) granting a pension to John G. De Camp; to the Committee on Pensions.

Also, a bill (H. R. 9869) granting a pension to Henry E. Ravencraft; to the Committee on Pensions.

Also, a bill (H. R. 9870) granting a pension to Lewis Corfman; to the Committee on Pensions.

Also, a bill (H. R. 9871) granting a pension to William B. Davies; to the Committee on Pensions.

Also, a bill (H. R. 9872) granting a pension to James Burke; to the Committee on Pensions.

Also, a bill (H. R. 9873) granting a pension to Patrick Brosnan; to the Committee on Pensions.

Also, a bill (H. R. 9874) granting a pension to Harry E. Thompson; to the Committee on Pensions.

Also, a bill (H. R. 9875) granting a pension to George W. Salisbury; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 9876) granting a pension to Elizabeth Pugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9877) granting a pension to Horace G. Sherman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9878) granting an increase of pension to Phebe Goldsberry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9879) granting an increase of pension to Jane E. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9880) granting an increase of pension to Bartlett Sharp; to the Committee on Pensions.

Also, a bill (H. R. 9881) granting an increase of pension to Lydia L. Willcox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9882) granting an increase of pension to John W. Hughes; to the Committee on Pensions.

Also, a bill (H. R. 9883) granting a pension to Frank Butcher; to the Committee on Pensions.

Also, a bill (H. R. 9884) granting an increase of pension to Nancy O. Vale; to the Committee on Invalid Pensions.

By Mr. FREDERICKS: A bill (H. R. 9885) granting a pension to Mary E. Taylor; to the Committee on Pensions.

Also, a bill (H. R. 9886) granting a pension to Madison M. Burnett; to the Committee on Pensions.

Also, a bill (H. R. 9887) granting a pension to Nora Ong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9888) granting a pension to Elizabeth J. Hibler; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 9889) granting an increase of pension to Ellen B. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9890) granting an increase of pension to Lucella M. Strunk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9891) granting an increase of pension to Mildred Renwick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9892) granting an increase of pension to Nellie Chalmers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9893) granting an increase of pension to Lydia A. Fowler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9894) granting a pension to Christina Maxworthy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9895) granting a pension to Cora Ford; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 9896) granting an increase of pension to Louise M. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9897) granting an increase of pension to Harriet A. Craig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9898) granting an increase of pension to Angeline Hollowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9899) granting a pension to James R. Maston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9900) granting a pension to William Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9901) granting a pension to Oscar Mitchell; to the Committee on Pensions.

Also, a bill (H. R. 9902) granting a pension to Sarah F. Esarey; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 9903) granting an increase of pension to Emma L. Knapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9904) granting an increase of pension to Josephine H. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9905) granting an increase of pension to Azzaline M. Bogle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9906) granting an increase of pension to Emily H. Barden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9907) granting an increase of pension to Weston A. Pattee; to the Committee on Pensions.

Also, a bill (H. R. 9908) granting an increase of pension to Abbie J. Pierson; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 9909) providing for the examination and survey of the shore at West Chop, Marthas Vineyard, Mass.; to the Committee on Rivers and Harbors.

By Mr. GREEN: A bill (H. R. 9910) granting an increase of pension to Anna Harden; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 9911) granting an increase of pension to Harriet N. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9912) granting a pension to Melinda J. Miller; to the Committee on Invalid Pensions.

By Mr. HERSEY: A bill (H. R. 9913) granting a pension to Elizabeth Russell; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 9914) for the relief of Edith L. Bickford; to the Committee on Foreign Affairs.

Also, a bill (H. R. 9915) granting a pension to Sadie E. Hagerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9916) granting a pension to Anna Z. Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9917) granting a pension to Lena Thackeray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9918) granting an increase of pension to Seth S. Crosby; to the Committee on Pensions.

Also, a bill (H. R. 9919) granting an increase of pension to Joseph H. Masters; to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 9920) granting a pension to Harriet Belsel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9921) granting a pension to Virginia A. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9922) granting a pension to Eliza J. Welmer; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 9923) granting an increase of pension to Euphemia Brady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9924) granting an increase of pension to Dorothy Bacon; to the Committee on Invalid Pensions.

By Mr. LAMPERT: A bill (H. R. 9925) granting a pension to Eliza E. Eaton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9926) granting a pension to Flora A. Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9927) granting a pension to Bertha M. Park; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9928) granting a pension to Charles J. Hunter; to the Committee on Pensions.

Also, a bill (H. R. 9929) granting an increase of pension to Margaret Beck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9930) granting a pension to Maria Barnard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9931) granting an increase of pension to Nellie Troost; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9932) granting an increase of pension to Louis E. Beck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9933) granting an increase of pension to Julia M. Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9934) granting an increase of pension to Frances M. Loper; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 9935) for the relief of James J. Haley; to the Committee on Military Affairs.

Also, a bill (H. R. 9936) for the relief of Charles Gallagher; to the Committee on Military Affairs.

Also, a bill (H. R. 9937) for the relief of Maurice J. Keegan; to the Committee on Military Affairs.

By Mr. LONGWORTH: A bill (H. R. 9938) granting an increase of pension to Florence S. L'Hommedieu; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 9939) granting an increase of pension to Isadora P. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9940) granting a pension to Daniel Ransdale; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 9941) granting a pension to Martha J. Prentice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9942) granting a pension to Nellie Ainsworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9943) granting an increase of pension to Lena Emrich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9944) granting an increase of pension to Charles A. Scheerle; to the Committee on Pensions.

Also, a bill (H. R. 9945) granting a pension to Leonard Merial; to the Committee on Pensions.

Also, a bill (H. R. 9946) granting a pension to Harry E. Pangburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9947) granting a pension to Ella E. Lampbier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9948) for the relief of Henry C. Ober, alias Harry G. Thompson, alias Harry McKinney; to the Committee on Naval Affairs.

Also, a bill (H. R. 9949) to correct the military record of John Dewitt Marvin; to the Committee on Military Affairs.

Also, a bill (H. R. 9950) correcting the military record of William J. Wilson, alias John W. Wilson; to the Committee on Military Affairs.

By Mr. MICHENER: A bill (H. R. 9951) granting a pension to Sanford S. See; to the Committee on Pensions.

Also, a bill (H. R. 9952) granting a pension to Margaret J. Posey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9953) granting a pension to Lucy M. Walker; to the Committee on Invalid Pensions.

By Mr. O'CONNELL of New York: A bill (H. R. 9954) for the relief of Anna Balch; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 9955) for the relief of Joseph L. Keresey; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 9956) granting an increase of pension to Fredonia Gentry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9957) granting a pension to Charles W. Ferrell; to the Committee on Pensions.

Also, a bill (H. R. 9958) granting an increase of pension to Clarence E. Maynard; to the Committee on Pensions.

Also, a bill (H. R. 9959) granting an increase of pension to Henry L. Weissner; to the Committee on Pensions.

Also, a bill (H. R. 9960) granting a pension to Deborah A. Baker; to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 9961) granting an increase of pension to Susan B. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9962) granting an increase of pension to Annie Ireland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9963) granting an increase of pension to Sarah E. Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9964) granting an increase of pension to Sarah E. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9965) granting an increase of pension to Margaret C. Todd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9966) granting an increase of pension to Susanna D. Tyler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9967) granting an increase of pension to Sarah H. Luffbarry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9968) granting an increase of pension to Mary F. Shellenberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9969) for the relief of the New York Shipbuilding Corporation for losses incurred by reason of Government orders in the construction of battleship No. 42; to the Committee on Naval Affairs.

By Mr. PURNELL: A bill (H. R. 9970) granting an increase of pension to Lucinda E. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9971) granting an increase of pension to Elizabeth B. Painter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9972) granting an increase of pension to Mary M. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9973) granting an increase of pension to Martha Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9974) granting an increase of pension to Amelia A. Wood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9975) granting a pension to Albert M. Kirby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9976) granting an increase of pension to Lydia E. Chappellear; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9977) granting an increase of pension to Phoebe A. Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9978) granting an increase of pension to Mary A. Rodgers; to the Committee on Invalid Pensions.

By Mr. ROBSON of Kentucky: A bill (H. R. 9979) granting an increase of pension to Clementine H. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9980) granting an increase of pension to James M. Howard; to the Committee on Pensions.

Also, a bill (H. R. 9981) granting an increase of pension to Granville Burns; to the Committee on Pensions.

Also, a bill (H. R. 9982) granting a pension to John Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9983) granting a pension to Willie T. Smith; to the Committee on Pensions.

Also, a bill (H. R. 9984) granting a pension to Bige Hubbard; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 9985) granting a pension to Ellen Jane Putraw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9986) granting a pension to James McDonald; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 9987) granting an increase of pension to Permelia I. Winters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9988) for the payment of claims for damages to and loss of property, personal injuries, and for other purposes incident to the operation of the Army; to the Committee on War Claims.

By Mr. SWOOPE: A bill (H. R. 9989) granting a pension to Joseph Alters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9990) granting a pension to Frank Peasley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9991) granting a pension to Sadie A. Nolf; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 9992) granting an increase of pension to Earl Boice; to the Committee on Pensions.

By Mr. TINCER: A bill (H. R. 9993) granting a pension to Mary E. Walp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9994) granting an increase of pension to Mary E. Buckmaster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9995) granting a pension to Sarah A. Moss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9996) granting a pension to Sarah Bendle; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 9997) granting a pension to Harry E. Galusha; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9998) granting a pension to Hattie L. Cowles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9999) granting a pension to James R. Hinds; to the Committee on Pensions.

By Mr. VINSON of Georgia: A bill (H. R. 10000) granting a pension to Eugene A. Rentz; to the Committee on Pensions.

Also, a bill (H. R. 10001) granting an increase of pension to Robert L. Hester; to the Committee on Pensions.

Also, a bill (H. R. 10002) granting an increase of pension to William H. Cole; to the Committee on Pensions.

By Mr. WATSON: A bill (H. R. 10003) granting an increase of pension to Virginia S. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10004) granting an increase of pension to Allen F. McAfee; to the Committee on Pensions.

By Mr. WELSH: A bill (H. R. 10005) granting a pension to Eugene Promie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10006) for the relief of Ernestine McBride; to the Committee on Claims.

By Mr. WILLIAMS of Michigan: A bill (H. R. 10007) granting a pension to George A. Newton; to the Committee on Pensions.

Also, a bill (H. R. 10008) granting a pension to Mary Jane Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10009) granting an increase of pension to Emily F. DuBois; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10010) granting a pension to Emma Jane Whipple; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10011) granting a pension to Mary J. Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10012) granting a pension to Clara Nichols; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 10013) granting an increase of pension to Mary N. Hoagland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10014) granting an increase of pension to Eliza J. Chenoweth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10015) granting an increase of pension to Nancy Jakes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10016) granting an increase of pension to Maria Kienle; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 10017) granting an increase of pension to Thomas I. Kitzmiller; to the Committee on Pensions.

Also, a bill (H. R. 10018) granting an increase of pension to Louis Roth; to the Committee on Pensions.

Also, a bill (H. R. 10019) granting a pension to Mary K. Stegle; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3035. By the SPEAKER (by request): Petition of Riverside Post, No. 118, G. A. R., Riverside, Calif., concerning the Stone Mountain Confederate Association and the 50-cent memorial coins authorized by Congress; to the Committee on Coinage, Weights, and Measures.

3036. Also (by request), petition of executive committee of the La Salle County, Ill., Farm Bureau, favoring legislation that will prevent the continued use by the city of Chicago of the Illinois River for sewage purposes; to the Committee on Rivers and Harbors.

3037. Also (by request), petition of John A. Stewart, New York City, N. Y., favoring the passage of the Washington commemoration bill; to the Committee on Industrial Arts and Expositions.

3038. Also (by request), petition of Bradford Baptist Association, Canton, Pa., urging the repeal of that part of the immigration law that discriminates against the Japanese people; to the Committee on Immigration and Naturalization.

3039. Also (by request), petition of John F. Matthews, urging the enactment into law of either H. R. 2719 or S. 1535; to the Committee on Military Affairs.

3040. Also (by request), petitions of Garfield Post, No. 25, G. A. R., Wichita, Kans., and Wilde Post, No. 25, G. A. R., Chester, Pa., concerning the Stone Mountain Confederate Monumental Association and the 50-cent memorial coins authorized by Congress; to the Committee on Coinage, Weights, and Measures.

3041. Also (by request), petition of the council of the American Institute of Consulting Engineers, opposing the enactment into law of the Howell-Barkley bill; to the Committee on Interstate and Foreign Commerce.

3042. Also (by request), petition of Lyon Post, No. 8, G. A. R., Oakland, Calif., urging the repeal of the law authorizing the issue of 5,000,000 memorial pieces, the profits from the sale of this issue to be turned over to the Stone Mountain Monumental Association, of Atlanta, Ga.; to the Committee on Coinage, Weights, and Measures.

3043. Also (by request), petition of members of the Central Christian Church of Flint, Mich., favoring action by the President and Congress to appoint a day to be known as defense day; to the Committee on Military Affairs.

3044. By Mr. KINDRED: Petition of the Exchange Club of Jamaica, urging the enactment of the game refuge public shooting ground bill; to the Committee on Agriculture.

3045. By Mr. MacGREGOR: Petition of officers and members of Seyburn-Liscum Camp, No. 12, U. S. W. V., Department of New York, indorsing the provisions of Senate bill 1898; to the Committee on the Post Office and Post Roads.

3046. Also, petition of the American Federation of Labor, urging Congress to enact into law Senate bill 1898; to the Committee on the Post Office and Post Roads.

3047. By Mr. O'CONNELL of New York: Petition of the American Federation of Labor, urging the Congress to speedily enact Senate bill 1898, the postal salary increase bill; to the Committee on the Post Office and Post Roads.

3048. Also, petition of the New York State League of Savings and Loan Associations, urging the United States Department of Commerce, Bureau of the Census, to make an intercensal survey covering building and loan associations in the United States and the Congress to make the necessary appropriation to make the survey; to the Committee on the Census.

3049. Also, petition from J. D. Rising, vice president of the National Park Bank of New York, favoring the change of name of Mount Rainier (in Washington) to Mount Tacoma; to the Committee on the Public Lands.

3050. Also, petition of the Flatbush Chamber of Commerce, Brooklyn, N. Y., favoring the repeal of section 257(b) of the revenue act of 1924; to the Committee on Ways and Means.

SENATE

TUESDAY, December 2, 1924

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, through the many years Thou hast proven Thyself to be a father. Thou hast borne with us under many distressing circumstances and Thou art always ready to hear the cry of the humble and contrite heart. Grant that this moment it may be not lip service but the yearning of souls after Thee for Thy guidance, for Thy strength, for every inspiration that will help in the performance of known duty. Hear us and be with us constantly till life's work is done. Through Christ our Lord we ask it. Amen.

WOODBIDGE N. FERRIS, a Senator from the State of Michigan, appeared in his seat to-day.

The reading clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a resolution (H. Res. 357) informing the Senate that a quorum of the House of Representatives had appeared and that the House was ready to proceed to business.

The message also announced that the House had passed a resolution (H. Res. 356) providing for the appointment of three Members on the part of the House to join a similar committee appointed by the Senate to wait upon the President and inform him that a quorum of the two Houses had assembled and that Congress was ready to receive any communication that he may be pleased to make.

The message further announced that the House had passed a concurrent resolution (H. Con. Res. 30) providing for a joint session of the two Houses for the purpose of holding appropriate exercises in commemoration of the life, character, and public service of the late Woodrow Wilson, former President of the United States, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 9138) to authorize the discontinuance of the seven-year regauge of distilled spirits in bonded warehouses, and for other purposes, in which it requested the concurrence of the Senate.

The message further communicated to the Senate the intelligence of the death of Hon. EDWARD CAMPBELL LITTLE, late a Representative from the State of Kansas, and transmitted the resolutions of the House thereon.

The message also communicated to the Senate the intelligence of the death of Hon. SYDNEY E. MUDD, late a Representative from the State of Maryland, and transmitted the resolutions of the House thereon.

The message further communicated to the Senate the intelligence of the death of Hon. WILLIAM STEDMAN GREENE, late a Representative from the State of Massachusetts, and transmitted the resolutions of the House thereon.

The message also communicated to the Senate the resolutions of the House unanimously adopted as a tribute to the memory of the Hon. LEBARON BRADFORD COLT, late a Senator from the State of Rhode Island.

The message further communicated to the Senate the resolutions of the House unanimously adopted as a tribute to the memory of the Hon. FRANK BOSWORTH BRANDEGEE, late a Senator from the State of Connecticut.

The message also communicated to the Senate the resolutions of the House unanimously adopted as a tribute to the memory of the Hon. HENRY CABOT LODGE, late a Senator from the State of Massachusetts.

NOTIFICATION TO THE PRESIDENT

Mr. CURTIS and Mr. ROBINSON appeared, and Mr. CURTIS said: Mr. President, your committee which was appointed to join a similar committee from the House to advise the President that a quorum of the two Houses was present and ready to receive any communication he desired to make have performed that duty. The President advised the joint committee that he will communicate in writing to the two Houses to-day the Budget message and to-morrow will submit in writing his regular message.

CREDENTIALS

The PRESIDENT pro tempore laid before the Senate a certificate of the Governor of Iowa certifying to the election of SMITH W. BROOKHART as a United States Senator for the term beginning March 4, 1925, which was read and ordered to be filed, as follows:

CERTIFICATE OF ELECTION

STATE OF IOWA,
EXECUTIVE DEPARTMENT.

To SMITH W. BROOKHART, *Greeting:*

It is hereby certified that at an election holden on the 4th day of November, A. D. 1924, you were elected to the office of United States Senator of said State, for the term of six years from and after the 4th day of March, A. D. 1925.

Given at the seat of government this 24th day of November, A. D. 1924.

N. E. KENDALL,
Governor of the State of Iowa.

Countersigned:
[SEAL.]

W. C. RAMSAY,
Secretary of State.

Mr. UNDERWOOD. Mr. President, I present the certificate of election of my colleague, Senator HEFLIN, for the six-year term commencing the 4th of March, and ask that it be filed with the Secretary.

The certificate was read and ordered to be filed, as follows:

CERTIFICATE OF ELECTION

THE STATE OF ALABAMA,
DEPARTMENT OF STATE.

I, S. H. BLAN, secretary of state, in accordance with the provisions of section 516 of the Code of Alabama, do hereby certify that, as shown by the returns of election on file in this office, Hon. J. THOMAS HEFLIN was elected to United States Senate from the State of Alabama at the general election held in this State on Tuesday, the 4th day of November, 1924.

Witness my hand this 25th day of November, 1924.

[SEAL.]

S. H. BLAN,
Secretary of State.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION

The PRESIDENT pro tempore. The Chair announces that in accordance with the provisions of section 5581 of the Revised Statutes, he has appointed REED SMOOT, a Senator from the State of Utah, a member of the Board of Regents of the Smithsonian Institution to fill the vacancy caused by the death of the late Senator LODGE.

COMMISSION FOR THE EXTENSION AND COMPLETION OF THE CAPITOL BUILDING

The PRESIDENT pro tempore laid before the Senate a letter from Elihu Root resigning his membership in the Commission for the Extension and Completion of the Capitol Building, constituted under the provisions of the act approved April 28, 1904, etc., which was referred to the Committee on Public Buildings and Grounds.

REPORT OF THE SURGEON GENERAL, PUBLIC HEALTH SERVICE

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Surgeon General of the Public Health Service for the fiscal year 1924, which was referred to the Committee on Finance.

REPORT OF THE COMPTROLLER OF THE CURRENCY

The PRESIDENT pro tempore laid before the Senate a communication from the Comptroller of the Currency, transmitting, pursuant to law, the annual report of the Comptroller of the Currency, covering activities of the Currency Bureau for the year ended October 31, 1924, which was referred to the Committee on Banking and Currency.

WAR DEPARTMENT REPORTS

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a report showing expenditures from the appropriation for the encouragement of breeding of riding horses for the fiscal year 1924, which was referred to the Committee on Military Affairs.

He also laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a report relative to a comprehensive housing program containing a series of charts showing the new construction required at military posts in the United States, Hawaii, and Panama, together with classified lists of surplus military reservations, etc., which was referred to the Committee on Military Affairs and ordered to be printed.

CONTRACTS WITH RAILROADS FOR CARRYING THE MAILS

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Postmaster General, transmitting, pursuant to law, a report relative to the fixing of rates of compensation to be paid to railroad companies for the transportation of the mails and special contracts therefor, which was referred to the Committee on Post Offices and Post Roads.

ADMINISTRATION OF WAR MINERALS RELIEF ACT

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with law, a report covering all operations, including receipts and disbursements, arising out of the so-called war minerals relief act, which was referred to the Committee on Mines and Mining.

DEPRESSION IN THE DOMESTIC LEATHER INDUSTRY

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Secretary of Commerce concerning Senate Resolution 250, directing the Secretary of Commerce to furnish the Senate with data relative to depression in the domestic leather industry and the competition from foreign calf upper leathers, stating that all information which can

be obtained, both at home and abroad, will be collected and furnished the Senate as expeditiously as possible, and so forth, which was ordered to lie on the table.

RULES AND REGULATIONS, STEAMBOAT INSPECTION SERVICE

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Secretary of Commerce, transmitting, in compliance with law, a complete set of general rules and regulations prescribed by the Board of Supervising Inspectors, Steamboat Inspection Service, and approved by the Secretary of Commerce, which were referred to the Committee on Commerce, as follows:

- (1) General rules and regulations, ocean and coastwise, edition of April 4, 1924.
- (2) General rules and regulations, Great Lakes, edition of April 4, 1924.
- (3) General rules and regulations, bays, sounds, and lakes other than the Great Lakes, edition of April 4, 1924.
- (4) General rules and regulations, rivers, edition of April 4, 1924.

REPORT ON HOUSE-FURNISHINGS INDUSTRIES

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting, pursuant to law, a report of the commission on the house-furnishings industries, dealing especially with kitchen utensils and domestic appliances, submitted in further response to Senate Resolution 127, Sixty-seventh Congress, second session, dated January 4, 1922, which was referred to the Committee on Manufactures.

PUBLICATIONS OF THE FEDERAL TRADE COMMISSION

The PRESIDENT pro tempore laid before the Senate a communication from the secretary of the Federal Trade Commission, transmitting, pursuant to law, a statement indicating the cost of distribution of the 14 publications issued by the Federal Trade Commission during the fiscal year 1924, which was referred to the Committee on Printing.

REPORTS OF THE INTERSTATE COMMERCE COMMISSION

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, pursuant to law, a statement showing in detail the travel expenses of all officials and employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who have traveled on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1924, which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, pursuant to law, a statement showing employment under the appropriation for the valuation of carriers for the fiscal year ended June 30, 1924, the names of all persons employed, alphabetically arranged, the State from which each was appointed, the rate of compensation paid to each, together with a full itemized statement showing how the moneys appropriated for the fiscal years 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, and 1924 have been expended, which was referred to the Committee on Interstate Commerce.

He also laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, pursuant to law, a statement showing the make, model, and serial number of each office machine exchanged during the fiscal year 1924, the period of its use, the allowance therefor, and the article, make, and model thereof and price, including exchange value paid for each article procured through such exchange, which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, pursuant to law, copies of the following final valuations of properties of certain carriers:

Valuation Docket No. 151, Florida East Coast Railway Co. and Atlantic & East Coast Terminal Co.

Valuation Docket No. 4, the Kansas City Southern Railway Co. et al.

Valuation Docket No. 2, Texas Midland Railroad.

Valuation Docket No. 127, Ann Arbor Railroad Co. and Menominee & St. Paul Railway Co.

Valuation Docket No. 232, Danville & Western Railway Co.

Valuation Docket No. 191, Southern Railway Co. in Mississippi.

Valuation Docket No. 16, Bowdon Railway Co.

Valuation Docket No. 77, Wood River Branch Railroad Co.

Valuation Docket No. 183, the Rhode Island Co. and the Narragansett Pier Railroad Co.

Valuation Docket No. 188, Durham & South Carolina Railroad Co.

Valuation Docket No. 300, Knoxville, Sevierville & Eastern Railway.

Valuation Docket No. 94, Hoosac Tunnel & Wilmington Railroad Co.

Valuation Docket No. 131, Union Freight Railroad Co.

Valuation Docket No. 169, Paris & Mt. Pleasant Railroad Co.

Valuation Docket No. 63, Gainesville Midland Railway.

Valuation Docket No. 289, the Cumberland Railroad Co.

Valuation Docket No. 280, Nevada Copper Belt Railroad Co.

Valuation Docket No. 24, the New Mexico Midland Railway Co.

Valuation Docket No. 93, Gulf Terminal Co.

Valuation Docket No. 219, Raritan River Railroad Co.

REPORT ON ADMINISTRATION OF ADJUSTED COMPENSATION ACT

The PRESIDENT pro tempore laid before the Senate a communication from the Director of the United States Veterans' Bureau, transmitting, pursuant to law, a report of the administration of the adjusted compensation act by the United States Veterans' Bureau to date, which was referred to the Committee on Finance.

REPORT OF UNITED STATES TARIFF COMMISSION

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the United States Tariff Commission, transmitting, pursuant to law, the Eighth Annual Report of the United States Tariff Commission, which was referred to the Committee on Finance.

REPORT OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA

The PRESIDENT pro tempore laid before the Senate a communication from the acting president of the Board of Commissioners of the District of Columbia, transmitting, pursuant to law, a report of the official operations of that government for the fiscal year ended June 30, 1924, which was referred to the Committee on the District of Columbia.

REPORTS OF UNITED STATES SHIPPING BOARD

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the United States Shipping Board, transmitting, pursuant to law, the Eighth Annual Report of the United States Shipping Board covering the period June 30, 1923, to and including June 30, 1924, which was referred to the Committee on Commerce.

He also laid before the Senate a communication from the vice chairman of the United States Shipping Board transmitting, pursuant to law, a statement of travel performed by the officers and employees of the United States Shipping Board during the fiscal year 1924, which was referred to the Committee on Appropriations.

TYPEWRITERS, ETC., CIVIL SERVICE COMMISSION

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the United States Civil Service Commission, transmitting, pursuant to law, a statement showing typewriters, adding machines, and other similar labor-saving devices exchanged in part payment for new machines during the fiscal year 1924, and so forth, which was referred to the Committee on Appropriations.

REPORT OF THE ARCHITECT OF THE CAPITOL

The PRESIDENT pro tempore laid before the Senate a communication from the Architect of the Capitol, transmitting, pursuant to law, the annual report of the office of the Architect of the Capitol for the fiscal year ended June 30, 1924, which was referred to the Committee on Public Buildings and Grounds.

IMPROVEMENT OF THE SENATE CHAMBER

The PRESIDENT pro tempore laid before the Senate a communication from the Architect of the Capitol, transmitting, in compliance with Senate Resolution 231, agreed to June 7, 1924, a report relative to the improving of the living conditions of the Senate Chamber and including a plan to place the Senate Chamber in direct contact with the outer walls of the building, and so forth, which was referred to the Committee on Rules and ordered to be printed with the illustrations.

UNITED STATES BOTANIC GARDEN—TRAVEL EXPENSES

The PRESIDENT pro tempore laid before the Senate a report of the Director of the United States Botanic Garden, transmitting, pursuant to law, a statement relative to travel

performed from Washington, D. C., in connection with official business of his office during the fiscal year 1924, which was referred to the Committee on Appropriations.

LIBRARY OF CONGRESS REPORTS

The PRESIDENT pro tempore laid before the Senate a communication from the Librarian of Congress, transmitting, pursuant to law, a report giving the aggregate number of publications issued by the Library of Congress proper during the fiscal year 1923-24, the cost of paper used, the cost of printing, the cost of preparation, and the number distributed, which was referred to the Committee on the Library.

He also laid before the Senate a communication from the Librarian of Congress, transmitting, pursuant to law, a statement showing in detail the travel performed by officers and employees of the Library of Congress on official business to points outside of the District of Columbia during the fiscal year 1924, and so forth, which was referred to the Committee on Appropriations.

DISMISSAL OF CAUSES BY THE COURT OF CLAIMS

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, informing the Senate that the cause of Hyland C. Kirk et al., assignees of Addison C. Fletcher, versus the United States, congressional No. 15369, was dismissed by the court for nonprosecution on May 19, 1924, on motion of the defendant, which was referred to the Committee on Claims.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, informing the Senate that the cause of Alfred A. Thresher versus the United States, congressional No. 17297, was dismissed by the court on May 5, 1924, for nonprosecution on motion of the defendant, which was referred to the Committee on Claims.

ACTS OF THE PORTO RICAN LEGISLATURE

The PRESIDENT pro tempore laid before the Senate certified transcripts of acts and resolutions of the special session of the Tenth Legislature of Porto Rico, 1924, which were referred to the Committee on Territories and Insular Possessions.

REPORT ON COOPERATION IN FOREIGN COUNTRIES

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Federal Trade Commission, submitting, pursuant to the provisions of section 6 of the Federal Trade Commission act, a report on cooperation in foreign countries.

Mr. NORRIS. Mr. President, a parliamentary inquiry. I would like to inquire whether the report will be printed; and if so, how many copies of it will be printed?

The PRESIDENT pro tempore. The Chair has not ordered it printed. There ought to be some action on the part of the Senate if such reports are to be printed, because they are very voluminous.

Mr. NORRIS. Before disposition is made of that particular report I would like to ask some action of the Senate. I have no desire to do it at this moment unless it is agreeable to the Senate, but I do not want the report taken off the President's desk until I can make some request with reference to it. It is a very important report connected definitely with agricultural problems and the only use of it will come from a perusal of it. It ought to be printed. I think there will be a great demand for copies of it. I have not yet myself been able to secure a copy of it so that I can examine it. I have only read the description of it contained in the letter of transmittal, a copy of which I have on my desk.

The PRESIDENT pro tempore. How many copies does the Senator propose to have printed?

Mr. SMOOT. Mr. President, may I suggest to the Senator from Nebraska that he let it go to the committee, and then the committee will ask that an appropriate number of copies be printed. I do not know what it will cost. Under the law the Senate can only order the printing of a certain number of copies without a concurrent resolution. If there is no objection, and I presume there will be none, I suggest that that course be followed.

Mr. NORRIS. I do not think there will be objection, but it occurred to me that possibly a concurrent resolution would be the proper solution of the question. I ask now that the communication of the Federal Trade Commission on the subject mentioned, together with the letter of transmittal, be referred to the Committee on Agriculture and Forestry.

The PRESIDENT pro tempore. Is there objection?

Mr. FLETCHER. I think that under the rule the committee itself has authority to print a certain number of copies.

Mr. SMOOT. A thousand copies can be printed under the law.

Mr. FLETCHER. The committee can do that without any further action by the Congress, and then if it is desired to have more copies printed it will require the passage of a concurrent resolution.

Mr. NORRIS. Of course, before we can definitely settle the question as to the number of copies that shall be printed we will have to examine the report itself. I do not want to have a lot of reports printed unless that is the proper course; but from my reading of the outline of this report it is one that will be greatly in demand from all parts of the country. My idea is that probably we ought to have concurrent action of the House and Senate before we finally determine on the number to be printed.

Mr. SMOOT. May I suggest to the Senator that they be printed under authority of a concurrent resolution and not by committee order? If we have a committee print, it has no number, while if we have it printed by authority of a concurrent resolution it will have a number. We do not want to have two documents. It seems to me the proper way to dispose of it will be by a concurrent resolution.

Mr. NORRIS. If the Senate will agree to the request I have submitted, the Committee on Agriculture and Forestry at the very first opportunity will look into it and ascertain what their judgment is and report back to the Senate.

The PRESIDENT pro tempore. The Chair does not understand that any objection has been made. Without objection, the report will be referred to the Committee on Agriculture and Forestry.

TRIBUTE TO THE LATE SENATOR LODGE

The PRESIDENT pro tempore laid before the Senate resolutions adopted by the Board of Aldermen of the City of Chelsea, Mass., in honor of the memory of the life, character, and public service of HENRY CABOT LODGE, late a Senator from the State of Massachusetts, which were ordered to lie on the table.

TRIBUTE TO THE LATE SENATOR BRANDEGEE

The PRESIDENT pro tempore laid before the Senate a resolution adopted by the Court of Common Council of the City of Hartford, Conn., in honor of the memory of the life, character, and public service of FRANK B. BRANDEGEE, late a Senator from the State of Connecticut, which was ordered to lie on the table.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the Legislature of Arkansas, which was referred to the Committee on Education and Labor:

STATE OF ARKANSAS, GOVERNOR'S OFFICE,
Little Rock, June 30, 1924.

Senator ALBERT B. CUMMINS,

Washington, D. C.

DEAR SIR: I take pleasure in inclosing you herewith certified copy of house concurrent resolution No. 1, ratifying a proposed amendment to the Constitution of the United States of America, which shall give the Congress the power to limit, regulate, and prohibit the labor of persons under 18 years of age.

Respectfully,

THOMAS C. McRAE, Governor.

STATE OF ARKANSAS,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, Ira C. Hopper, secretary of state of the State of Arkansas, do hereby certify that the following and hereto attached instrument of writing is a true and perfect copy of house concurrent resolution No. 1, ratification of the proposed amendment to the Constitution of the United States of America, approved June 28, 1924, the original of which was filed for record in this office on the — day of —, 192—.

In testimony whereof I have hereunto set my hand and affixed my official seal. Done at office in the city of Little Rock, this 30th day of June, 1924.

[SEAL.]

IRA C. HOPPER,
Secretary of State.

By B. T. HOFF, Deputy.

House concurrent resolution 1, amendment to the Constitution of the United States of America

Whereas both Houses of the Sixty-eighth Congress of the United States of America, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"Joint resolution

"Proposing an amendment to the Constitution of the United States of America in Congress assembled (two-thirds of each House concur-

ring therein). That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE —

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article, except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

Therefore be it resolved by the General Assembly of the State of Arkansas:

SECTION 1. That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the General Assembly of Arkansas.

SEC. 2. That certified copies of this preamble and joint resolution be forwarded by the governor of this State to the Secretary of State at Washington, D. C., to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

Approved: June 28, 1924.

THOMAS C. McRAE,
Governor of the State of Arkansas.
IRA C. HOPPER,
Secretary of the State of Arkansas.
R. K. MASON,
President of the Senate.
HOWARD REED,
Speaker of the House.

The PRESIDENT pro tempore also laid before the Senate the following resolution of the Legislature of Georgia, which was referred to the Committee on Interstate Commerce:

Whereas the Southern States have been passing through a period of great financial depression; and

Whereas on account of freight rates the growers of peaches, watermelons, and other crops have been unable to profitably ship their produce; and

Whereas under the discriminating rates now in force, produce may be shipped into Georgia from great distances at a lower rate than the same articles can be shipped from point to point within the State; and

Whereas the State public-service commission is powerless to regulate interstate rates and provide any relief; and

Whereas the prosperity of the entire State is largely dependent on a downward revision of freight rates and surcharges to a figure more nearly in line with the normal rates prior to the World War: Therefore be it

Resolved by the House of Representatives and the Senate of the State of Georgia, That we do most earnestly request of the Interstate Commerce Commission that they take immediate action to remedy these conditions; be it further

Resolved, That a copy of these resolutions be sent by the clerks of the house and senate to the President of the United States, to the presiding officers of the House and Senate of the United States, and to each Member of the House and Senate of the United States from Georgia.

The PRESIDENT pro tempore also laid before the Senate the following resolution of the Legislature of Georgia, which was referred to the Committee on Public Lands and Surveys:

Whereas our National Congress has taken, or is likely to take, steps to create, locate, and open a national park in the Southern Appalachian Mountains: Therefore be it

Resolved by the house (the senate concurring), That we urge our Congressmen and Senators to use their best efforts in having such park created, located, and laid out in the Southern Appalachian Mountains, where the States of Georgia, the Carolinas, and Tennessee join;

Resolved further, That we commend and approve the efforts of the Southern Appalachian Park Association and kindred organizations for their efforts in the promotion and creation of additional parks by our National Government in the Southern Appalachian Mountains to the end that there may be mobilization of out-of-doors recreation and nature conservation for the promotion of the health, happiness, and prosperity of the people.

Resolved further, That a copy of this resolution be furnished to the President of the United States, Secretary of Interior, to the clerks, respectively, of the United States Senate and United States House of Representatives, and also to the United States Senators and Congressmen of Georgia, North and South Carolina, and Tennessee.

The PRESIDENT pro tempore also laid before the Senate the following joint resolution of the Legislature of Maryland, which was referred to the Committee on the Library:

THE STATE OF MARYLAND,
OFFICE OF THE SECRETARY OF STATE.

I, E. Brooke Lee, secretary of state of the State of Maryland, under and by virtue of the authority vested in me by section 59 of article 35 of the Annotated Code of Maryland, do hereby certify that the attached is a true and correct copy of Joint Resolution No. 4 of the acts of the General Assembly of Maryland at the regular session of January, 1924, as the same is taken from and compared with the original joint resolution.

In testimony whereof I have hereunto set my hand and have caused to be affixed the official seal of the secretary of state, at Annapolis, Md., this 14th day of April, in the year 1924.

[SEAL.]

E. BROOKE LEE,
Secretary of State.

Joint resolution recommending to the Congress of the United States that appropriate action be taken to make the Star-Spangled Banner the national anthem of the United States

Whereas the Star-Spangled Banner is universally recognized by tradition and by custom as the national anthem of the United States; and

Whereas the American Legion, representing the thought not only of the men who served in the World War but also of the many other patriotic organizations and of the great majority of American citizens at large, has gone on record as being in favor of making the Star-Spangled Banner the national anthem by an official act of Congress: Therefore be it

Resolved by the General Assembly of Maryland, That the Congress of the United States be requested to take appropriate action to make the Star-Spangled Banner officially and legally the national anthem of the United States; and be it further

Resolved, That the secretary of state of Maryland be, and he is hereby, requested to transmit, under the great seal of this State, a copy of the foregoing resolution to the President of the United States Senate, the Speaker of the House of Representatives, and to each of the Representatives from Maryland in both Houses of Congress.

Approved, April 9, 1924.

[THE GREAT SEAL OF MARYLAND.]

ALBERT C. RITCHIE, *Governor.*
FRANCIS P. CURTIS,
Speaker of the House of Delegates.
DAVID G. MCINTOSH, Jr.,
President of the Senate.

The PRESIDENT pro tempore also laid before the Senate the following joint resolution of the Legislature of Maryland, which was referred to the Committee on Appropriations:

THE STATE OF MARYLAND,
OFFICE OF THE SECRETARY OF STATE.

I, E. Brooke Lee, secretary of state of the State of Maryland, under and by virtue of the authority vested in me by section 59 of article 35 of the Annotated Code of Maryland, do hereby certify that the attached is a true and correct copy of Joint Resolution No. 20, of the acts of the General Assembly of Maryland, at the regular session of January, 1924, as the same is taken from and compared with the original joint resolution.

In testimony whereof I have hereunto set my hand and have caused to be affixed the official seal of the secretary of state, at Annapolis, Md., this 12th day of April, in the year 1924.

[SEAL.]

E. BROOKE LEE,
Secretary of State.

Joint resolution and memorial of the General Assembly of Maryland to the Senate and House of Representatives of the United States in Congress assembled requesting the repeal of all laws which authorize appropriations to the several States in the form of Federal aid on the condition that the States make similar appropriations, and to abolish all offices, boards, and bureaus created to administer or supervise such appropriations

Whereas the enactment of laws of Congress authorizing appropriations to the several States on condition that similar appropriations be made by the States compels each State to undertake work which it may not wish to undertake or lose its share of the Federal appropriation, in which case it would be compelled to contribute in taxes to the work in other States, of which its people disapprove and from which they derive no benefit; and

Whereas such Federal appropriations are becoming burdensome, amounting to millions of dollars each year, with similar amounts from the States; and

Whereas in practically every case the work thus undertaken properly belongs to the several States and should be done by them without interference or control from a centralized government; and

Whereas it is time to cease centralizing power and authority in the National Government in matters which are primarily of local concern and which can generally be best done under local authority and supervision; and

Whereas there is a demand on the part of the people of Maryland for a return to the fundamental principles of our Government, namely, the performance of State duties and functions by the several States: Therefore be it

Resolved by the General Assembly of Maryland, That the Senate and House of Representatives of the United States in Congress assembled be, and they are hereby, requested and urged to repeal all laws which authorize appropriations to the several States in the form of Federal aid on condition that similar appropriations are made by the respective States; and be it further

Resolved, That all offices, boards, and bureaus created to administer or supervise such appropriations be abolished; and be it further

Resolved, That the Representatives from the State of Maryland in the Senate and House of Representatives of the United States be, and they are hereby, requested to urge and support the repeal of the above-mentioned laws; and be it further

Resolved, That the secretary of the State of Maryland be, and he is hereby, requested to transmit under the great seal of this State a copy of the foregoing resolution and memorial to the President of the United States Senate and the Speaker of the House of Representatives of the United States and to each of the Representatives from Maryland in the Senate and House of Representatives of the United States.

Approved, April 9, 1924.

[THE GREAT SEAL OF MARYLAND.]

ALBERT C. RITCHIE, *Governor*.

DAVID G. MCINTOSH, Jr.,

President of the Senate.

FRANCIS P. CURTIS,

Speaker of the House of Delegates.

The PRESIDENT pro tempore also laid before the Senate the following joint resolution of the Legislature of Maryland, which was referred to the Committee on Agriculture and Forestry:

EXECUTIVE DEPARTMENT,
Silver Spring, Md., June 14, 1924.

Hon. ALBERT B. CUMMINS,

Acting Chairman of the Senate,

Senate Office Building, Washington, D. C.

DEAR MR. CHAIRMAN: Inclosed are copies of the resolutions which I am directed by the 1924 session of the General Assembly of Maryland to mail to you.

Very truly yours,

E. BROOKE LEE.

THE STATE OF MARYLAND,
OFFICE OF THE SECRETARY OF STATE.

I, E. Brooke Lee, secretary of state of the State of Maryland, under and by virtue of the authority vested in me by section 59 of article 35 of the Annotated Code of Maryland, do hereby certify that the attached is a true and correct copy of Joint Resolution No. 12 of the acts of the General Assembly of Maryland at the regular session of January, 1924, as the same is taken from and compared with the original joint resolution.

In testimony whereof I have hereunto set my hand and have caused to be affixed the official seal of the secretary of state at Annapolis, Md., this 12th day of April, in the year 1924.

[SEAL.]

E. BROOKE LEE,
Secretary of State.

Joint resolution relating to Federal legislation for regulating and controlling the sale of farm and garden seeds

Whereas the farmers and the vegetable growers of the United States annually suffer great losses because of decreased yields due to the purchase and use of seeds of inferior quality and of unsuitable origin which are sold in interstate commerce; and

Whereas the efforts of the individual States to provide adequate protection to farmers and vegetable growers are defeated by the said interstate commerce in farm and vegetable seeds of inferior quality and of unsuitable origin; Therefore be it

Resolved by the General Assembly of Maryland, That the Congress of the United States be, and it is hereby, requested and urged to enact legislation regulating and controlling the interstate sale of farm seeds in conformity with the uniform State seed law as approved by the Association of Official Seed Analysts of North America, and of garden seeds under such rules and regulations as will provide adequate protection to vegetable growers; and be it further

Resolved, That a copy of this resolution be transmitted by the secretary of state of Maryland to the Speaker of the United States House of Representatives and to the President of the United States Senate.

Approved, April 9, 1924.

[THE GREAT SEAL OF MARYLAND.]

ALBERT C. RITCHIE, *Governor*.

FRANCIS P. CURTIS,

Speaker of the House of Delegates.

DAVID G. MCINTOSH, Jr.,

President of the Senate.

The PRESIDENT pro tempore laid before the Senate the following joint resolution of the Legislature of Maryland, which was referred to the Committee on Immigration:

THE STATE OF MARYLAND,
OFFICE OF THE SECRETARY OF STATE.

I, E. Brooke Lee, secretary of state of the State of Maryland, under and by virtue of the authority vested in me by section 59 of article 35 of the Annotated Code of Maryland, do hereby certify that the attached is a true and correct copy of Joint Resolution No. 22 of the acts of the General Assembly of Maryland, at the regular session of January, 1924, as the same is taken from and compared with the original joint resolution.

In testimony whereof I have hereunto set my hand and have caused to be affixed the official seal of the secretary of state, at Annapolis, Md., this 12th day of April, in the year 1924.

[SEAL.]

E. BROOKE LEE,

Secretary of State.

Joint resolution requesting Congress to modify the immigration laws

Whereas emergencies arise in regard to the employment of labor on farms; and

Whereas the present immigration laws make it very difficult to secure immigrants who are experienced in agricultural labor: Therefore be it

Resolved by the General Assembly of Maryland, That the Congress of the United States be, and it is hereby, requested and urged to amend the immigration laws by exempting experienced agricultural workers from the contract-labor provisions of the law so as to permit the bringing in of experienced agricultural laborers in case of emergencies in the farm-labor situation, such emergency or emergencies to be determined by the United States Secretary of Labor, any workers who are brought in under the above-mentioned conditions to be in addition to the quota allowed for such country or countries and to be allowed to come in such number or numbers as said Secretary of Labor shall designate; and be it further

Resolved, That the Representatives from the State of Maryland in the Senate and House of Representatives of the United States be, and they are hereby, requested to cooperate to the fullest extent in having the immigration laws amended as above suggested; and be it further

Resolved, That the secretary of the State of Maryland be, and he is hereby, requested to transmit under the great seal of the State a copy of this resolution to the Secretary of the Department of Labor, the President of the United States Senate, the Speaker of the House of Representatives, and to each of the Representatives from Maryland in the Senate and House of Representatives of the United States.

Approved, April 9, 1924.

[THE GREAT SEAL OF MARYLAND.]

ALBERT C. RITCHIE, *Governor*.

DAVID G. MCINTOSH, Jr.,

President of the Senate.

FRANCIS P. CURTIS,

Speaker of the House of Delegates.

The PRESIDENT pro tempore also laid before the Senate resolutions of Andrew Mather Post No. 14, Grand Army of the Republic, Department of West Virginia, of Parkersburg, W. Va.; of Wild Post No. 25, Department of Pennsylvania, Grand Army of the Republic, of Chester, Pa., and of Riverside Post No. 118, Grand Army of the Republic, Department of California and Nevada, of Riverside, Calif., praying for the repeal of the law authorizing the coinage of 50-cent pieces in commemoration of the work on Stone Mountain, Ga., which were referred to the Committee on Finance.

He also laid before the Senate a resolution adopted by the Bradford Baptist Association, at Canton, Pa., protesting against the enactment of legislation prohibiting Japanese immigration into the United States, which was referred to the Committee on Immigration.

He also laid before the Senate a petition of the Society of Friends of New York, favoring the United States Government calling an international economic conference, which was referred to the Committee on Foreign Relations.

Mr. FLETCHER. I present a letter and some resolutions adopted by the Unitarian Laymen's League. I ask that the letter and resolutions be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the letter and resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

UNITARIAN LAYMEN'S LEAGUE,
EXECUTIVE OFFICES,
Boston, Mass., November 25, 1924.

HON. DUNCAN U. FLETCHER,
United States Senate, Capitol,
Washington, D. C.

DEAR SENATOR FLETCHER: I am directed, by vote of the council of the Unitarian Laymen's League, to transmit with its approval to the Senate the inclosed resolution adopted at the annual convention of chapter officers of the league at their meeting in Niagara Falls, Ontario, Canada, on September 13 last.

We feel justified in hoping that the foreign policy of the United States may exemplify the inspired statesmanship referred to in the resolution.

Cordially yours,

GEORGE G. DAVIS,
Vice President.

Resolution adopted September 13, 1924, by the annual convention of chapter officers of the Unitarian Laymen's League at Niagara Falls, Ontario, Canada

Whereas war inevitably causes unspeakable horrors, incalculable suffering, and irreparable waste, dulls the moral perceptions, and breeds the ugliest passions; and

Whereas history records that international disputes of the most acute nature can be arbitrated to the ultimate satisfaction and benefit of all concerned, as is witnessed by the fact that Great Britain and the United States have preserved, unbroken, more than 100 years of peace, and have mutually shown their confidence and trust by maintaining between Canada and the United States, unfortified by land and water, the longest international boundary line in the world; and

Whereas the aim of every church should be the creation of such a passionate concern for truth and justice, for love, honor, and mutual helpfulness, for every divine attribute, that men shall no longer resort to or tolerate injustice or aggression; be it

Resolved, That we pledge ourselves to unremitting effort on the part of our churches to function in creating a sentiment that shall make war impossible; and be it further

Resolved, That we request the council of our league to express to the Premier and Parliament of the Dominion of Canada and to the President and Senate of the United States our profound conviction—

First. That resort to arms is never justifiable save as a last desperate measure to restrain and control gross injustice; and

Second. That by patient negotiation and inspired statesmanship some international agency can and must be created for the peaceful adjudication of all international disputes.

Mr. ROBINSON presented letters in the nature of petitions of sundry citizens of Pine Bluff, Ark., praying for the passage of Senate bill 1898, granting increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. SHEPPARD presented a petition of sundry citizens in the State of Texas praying for the relief of Indians in Polk County, Tex., which was referred to the Committee on Indian Affairs.

Mr. McKELLAR presented a petition of the Waverly Place Methodist Church, of Nashville, Tenn., praying for the entrance of the United States into the World Court, which was referred to the Committee on Foreign Relations.

He also presented memorials, numerously signed, of sundry citizens of Memphis, Ooltewah, and vicinity, all in the State of Tennessee, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. McNARY presented a memorial of sundry citizens of Waltherville and vicinity, in the State of Oregon, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. ASHURST presented a memorial of sundry citizens of Globe, Ariz., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CAPPER presented a telegram in the nature of a petition from the Joint Postal Committee of Greater Kansas City, Mo., praying for the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution of the Topeka Industrial Council, of Topeka, Kans., favoring the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. LADD presented resolutions adopted by the house of delegates of the North Dakota State Medical Association at Bismarck, N. Dak., protesting against the passage of the so-called Cramton bill governing the use of alcoholic liquors for medicinal purposes by physicians, and also favoring a reduction of the war tax on narcotics, which were referred to the Committee on Finance.

He also presented a resolution of the Postal Club, of Mandan, N. Dak., favoring the passage of Senate bill 1898, granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 3493) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, as amended February 28, 1923; to the Committee on Finance.

A bill (S. 3494) to amend an act entitled "An act to establish the Utah National Park in the State of Utah"; to the Committee on Public Lands and Surveys.

A bill (S. 3495) authorizing the Secretary of Commerce to acquire, by condemnation or otherwise, a certain tract of land in the District of Columbia for the enlargement of the present site of the Bureau of Standards; to the Committee on Public Buildings and Grounds.

By Mr. BALL:

A bill (S. 3496) to authorize the removal of the gates and gate posts at the head of West Executive Avenue in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McNARY:

A bill (S. 3497) to provide for the acquisition of a site and the erection thereon of a Federal building at Marshfield, Oreg.; to the Committee on Public Buildings and Grounds.

A bill (S. 3498) granting a pension to Nicholas Bler;

A bill (S. 3499) granting a pension to Esther Ann Hill Morgan; and

A bill (S. 3500) granting a pension to William J. Hirschberg; to the Committee on Pensions.

By Mr. ODDIE:

A bill (S. 3501) to confer jurisdiction upon the Court of Claims to render judgment in the matter of the claim of Addison B. McKinley, of Reno, Nev.; to the Committee on the Judiciary.

A bill (S. 3502) to authorize the acquisition of a site and the erection of a Federal building at Sparks, Nev.; to the Committee on Public Buildings and Grounds.

By Mr. SHORTRIDGE:

A bill (S. 3503) for the relief of Emma Zembsch; to the Committee on Claims.

By Mr. KEYES:

A bill (S. 3504) granting an increase of pension to Mary E. Tonery; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 3505) for the relief of Canadian Car & Foundry Co. (Ltd.); to the Committee on Finance.

A bill (S. 3506) granting a pension to Mary Ann Raper (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 3508) for the relief of John B. Evans (with accompanying papers); to the Committee on Naval Affairs.

By Mr. DIAL:

A bill (S. 3509) to change the time for the holding of terms of court in the eastern district of South Carolina; to the Committee on the Judiciary.

By Mr. DILL:

A bill (S. 3510) for the relief of James Doherty; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 3512) granting an increase of pension to Laura E. Franklin (with accompanying papers); and

A bill (S. 3513) granting an increase of pension to George E. Ryan (with accompanying papers); to the Committee on Pensions.

A bill (S. 3514) authorizing the Court of Claims of the United States to hear and determine the claim of H. C. Ericsson; to the Committee on Claims.

By Mr. SHIELDS:

A bill (S. 3515) granting an increase of pension to Robert L. Chick; to the Committee on Pensions.

A bill (S. 3516) for the relief of James Craig; to the Committee on Military Affairs.

By Mr. LADD:

A bill (S. 3517) for preventing the manufacture, sale, or transportation of imitated or misbranded articles of commerce, and regulating the traffic therein, and for other purposes; to the Committee on Interstate Commerce.

By Mr. MOSES:

A bill (S. 3518) granting an increase of pension to Elise Pinard (with accompanying papers);

A bill (S. 3519) granting an increase of pension to Nettie Lamprey (with accompanying papers);

A bill (S. 3520) granting an increase of pension to Myra McDonald (with accompanying papers);

A bill (S. 3521) granting an increase of pension to Ann Milnes (with accompanying papers);

A bill (S. 3522) granting an increase of pension to Marion E. Laird (with accompanying papers); and

A bill (S. 3523) granting an increase of pension to Mary E. Foss (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 3524) granting a pension to Ellen M. Kilbourn (with accompanying papers); and

A bill (S. 3525) granting a pension to Elizabeth Hitchcock (with accompanying papers); to the Committee on Pensions.

By Mr. McKINLEY (by request):

A bill (S. 3526) granting pensions and increase of pensions to certain Indian war veterans and widows, to certain Spanish war soldiers and their widows, and for other purposes; to the Committee on Pensions.

By Mr. McKINLEY:

A bill (S. 3527) for the relief of Mary B. Jenks; to the Committee on Claims.

By Mr. SPENCER:

A bill (S. 3528) granting an increase of pension to Christopher S. Alvord; to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 3529) granting an increase of pension to Valentine Horst; to the Committee on Pensions.

By Mr. PITTMAN:

A joint resolution (S. J. Res. 147) limiting grazing charges on forest reserves; to the Committee on Agriculture and Forestry.

By Mr. DIAL:

A joint resolution (S. J. Res. 148) to repeal a joint resolution proposing an amendment to the Constitution in respect to child labor; to the Committee on the Judiciary.

By Mr. CAPPER:

A joint resolution (S. J. Res. 149) authorizing the Secretary of War to loan cots, bedding, and camp equipment, not including tentage, for the use of the Modern Woodmen of America Foresters at their national quadrennial encampment to be held at Milwaukee, Wis., in June, 1925; to the Committee on Military Affairs.

By Mr. McKINLEY:

A joint resolution (S. J. Res. 150) authorizing the Secretary of War to loan cots, bedding, and camp equipment, not including tentage, for the use of the Modern Woodmen of America Foresters at their national quadrennial encampment to be held at Milwaukee, Wis., in June, 1925; to the Committee on Military Affairs.

MUSCLE SHOALS

Mr. UNDERWOOD. Mr. President, I introduce a bill in reference to the disposition of the Muscle Shoals property. I ask that the bill may be printed in the usual form, and also as a substitute for the pending Muscle Shoals bill, being House bill No. 518; in other words, I ask to have the bill printed in both forms.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 3507) to provide for the national defense; for the production and manufacture of fixed nitrogen, commercial fertilizer, and other useful products, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. UNDERWOOD. Mr. President, under the order of the Senate, to-morrow has been fixed for the consideration of House bill 518, relating to the disposition of the Muscle Shoals property. During the summer the Senator from North Dakota [Mr. Ladd], who is the only chemist in the Senate, wrote two very interesting and learned articles in regard to this property. I ask unanimous consent that those articles may be printed in the CONGRESSIONAL RECORD, in eight-point type, for the information of the Senate, so that they may be before the Senate when the matter comes up for consideration to-morrow.

The PRESIDENT pro tempore. Is there objection?

Mr. MOSES. Is the request to print in the RECORD the articles referred to by the Senator from Alabama in eight-point type?

Mr. UNDERWOOD. Yes. Is not that the usual course?

Mr. MOSES. That may not be done without changing the law.

Mr. UNDERWOOD. I mean to request that the articles be printed in the usual RECORD type, whatever that may be. I understand now it is six-point type.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The articles referred to are as follows:

[From the Saturday Evening Post of November 22, 1924]

WHY I AM FOR HENRY FORD'S OFFER FOR MUSCLE SHOALS

(By EDWIN F. LADD, United States Senator from North Dakota)

Only in the past 25 years have governments and scientists paid any real attention to the rapidly increasing dependence of the whole world upon the nitrogen of the air for the preservation and increase of soil fertility. It was in 1898 that Sir William Crookes, in his presidential address before the British Association for the Advancement of Science, called world-wide attention to this subject and predicted starvation for millions unless the nitrogen problem could be speedily solved, declaring that "all civilized nations stand in deadly peril of not having enough to eat." It is well known that without nitrogen we can not grow food crops or cotton for clothing, and without nitrogen no nation can carry on modern warfare.

But "there's a divinity that shapes our ends, rough-hew them how we will," and it has been divinely arranged that the nitrogen in the air over every square mile of the earth's surface amounts to 20,000,000 tons; the gaseous nitrogen of the air, however, is extraordinarily inert and chemically rebellious.

The nitrogen problem is: How can this air nitrogen be economically converted into a solid or liquid product so that it can be used? This is a problem in industrial chemistry and national economics.

With respect to the purely legal questions arising in the solution of the Government's nitrogen problem, considered in connection with Henry Ford's offer for Muscle Shoals, I must be guided by the infallible authority of the lawyers of the Senate, reserving some layman views of my own as to the Federal water power act and its application to the proposal of Henry Ford.

As to the questions of chemistry involved in the solution of the Government's Muscle Shoals problem, however, I have some decided opinions of my own, based upon the history of air-nitrogen developments and upon my own study and experience as a chemist; and with this viewpoint I approach the Government's problems at Muscle Shoals and present my views to the readers of the Saturday Evening Post.

In a series of two articles the Hon. GEORGE W. NORRIS, United States Senator from Nebraska and chairman of the Senate Committee on Agriculture and Forestry, has presented to readers of the Saturday Evening Post his views as to why Henry Ford's offer for Muscle Shoals should not be accepted by the Senate. In general, Senator NORRIS and myself have been in accord on legislative matters. We have much in common. We are both identified with the progressive element in the Senate which is earnestly endeavoring to advance the interests of the people through constructive legislation in which party politics is made secondary to the general welfare. Both of us come from a region in which the fertilizer question, though of growing importance, is as yet one of the very least of the farmers' troubles. It can not fairly be said that either of us has adopted his views in order to secure a selfish benefit in his home State.

Though a progressive in Government policies, I am a conservative in commercial chemistry; and with respect to the Ford offer I have to say to that group of Senators with whom I am usually in accord what President Coolidge once said to the senators in the Massachusetts Legislature, "Be as radical as science and as reactionary as the multiplication table."

I regard the Government as exceptionally fortunate in having received an offer from Henry Ford when no one else would make a pro-

posal, and consider it very unfortunate that Chairman NORRIS has made unjust attacks on the Ford offer which have not been of a character calculated to lead to a calm, logical, and fair decision. The amount of useful power which Mr. Ford would get has been greatly exaggerated, while the power necessary for the manufacture of fertilizer under any fair interpretation of the terms of Mr. Ford's offer has been grossly underestimated. The extent of Mr. Ford's obligations, the amount of money which Mr. Ford or his company could make out of the transaction, the value of the property which Mr. Ford would receive, the title under which he would receive it, the significance of the lease period, the effect of the Federal water power act, the degree of public regulation of the business, the insurance of the dams against destruction—in all these and in many other particulars reckless statements of half truth or less than half truth have been made, grotesquely distorting the picture; misstatements which have been systematically broadcast throughout the country.

In view of these circumstances I am not surprised that Mr. Ford, after three years of unnecessary delay and unjust criticism, has seen fit to withdraw his offer. While I deeply regret that he has done so and gravely fear that the Government will never again secure an equal proposal, I am confident that the Senate will not overlook the fact that Mr. Ford has stated that he is still open to a counter proposition from the Government. There is a special significance in this statement, because when the Secretary of War sold the Gorgas steam-power plant which was a part of the property included in Mr. Ford's bid, he thereby made it impossible for Congress to accept the Ford proposal in accordance with its terms. Any legislation for its acceptance therefore necessarily must be in the nature of a counter proposal, and that is exactly what the McKenzie bill is—a counter proposition.

In spite of Mr. Ford's reported withdrawal I therefore cherish the hope that the benefits of the Ford offer at Muscle Shoals will not be lost.

For many years it has been proposed to improve the navigation of the Tennessee River at Muscle Shoals in northwestern Alabama by means of two large navigation-power dams and one very small dam for navigation only. Of these, only one, the Wilson Dam, is being built.

ESSENTIAL FACTS

At Muscle Shoals the Government has built two nitrate plants. Nitrate plant No. 1, with a capacity of only 30 tons of nitrogen in the form of ammonia a day, was an unsuccessful experimental plant costing \$13,000,000. Nitrate plant No. 2, which cost \$67,000,000, is the largest nitrate plant in the world employing the cyanamide process. Its capacity is 40,000 tons of pure nitrogen a year. This is equivalent to about 250,000 tons of Chilean nitrate, or about 70 per cent of the entire amount imported from Chile annually for use by American agriculture. Unfortunately there is ample evidence that this plant will have to be radically changed to produce the improved concentrated fertilizers that are admittedly possible, while the cost of such changes and additions, from estimates given by the Hon. MARTIN B. MADDEN, chairman of the House Committee on Appropriations, will be at least \$25,000,000.

Senator NORRIS claims that these expenditures would cost Mr. Ford nothing, as he could repay himself by selling houses and lots to employees. Making the liberal estimate of \$2,000,000 as the value of the 571 houses—of which 263 are negro cabins with walls of tar paper—there would remain \$23,000,000 to be realized from the sale of lots. This is absurd for two reasons: First, the nitrate plant property can not be made to produce such a vast number of salable lots; and second, Mr. Ford is not going to Muscle Shoals to engage in the real-estate business.

The first question to be settled in disposing of this property is the policy to be pursued. The Government's investment at Muscle Shoals is the money of all the people. The project should be so disposed of as to bring the greatest good to the greatest number. In determining how to secure this result, there are two questions to be answered:

First, shall power production and distribution or fertilizer manufacture be paramount?

To decide upon a policy intelligently we must first have the facts, and when all debate and controversy have been swept aside there still remain four great outstanding facts that are generally admitted:

First, in spite of the fact that our domestic production of nitrogen in the form of by-product sulphate of ammonia has increased from 183,000 tons in 1914 to 591,000 tons in 1923, our dependence upon Chile for nitrate has increased from 564,000 tons in the fiscal year 1914 to nearly double that amount, or 962,000 tons, during the fiscal year ending June 30, 1924. Moreover, this increase in domestic production of by-product nitrogen, instead of being accompanied by a decrease in price, has resulted in an increase from \$2.69 a hundred pounds in 1914 to an average of \$3.14 a hundred pounds in 1923.

Second, Germany, prior to the war, was importing about 600,000 tons of Chilean nitrate annually, while to-day she is independent of Chile through the operation of her war-built air-nitrogen plants.

FERTILIZER COSTS

Third, authorities are agreed that combined nitrogen in the form of ammonia, which costs the farmer from 20 to 25 cents a pound when purchased in the form of mixed fertilizers, can be manufactured at Muscle Shoals for 5 to 6 cents a pound by several well-known processes.

Fourth, for eight years there has been an increasing volume of expert testimony to the effect that the nitrogen and phosphoric-acid industry properly established at Muscle Shoals can reduce the cost of fertilizers delivered to the farmers by one-half.

Nitrogen is an essential element in practically every kind of explosive, and in addition is the most expensive fertilizer ingredient that the farmer must buy. The Muscle Shoals development was made for the definite and clearly expressed purpose of procuring nitrogen for explosives in time of war and for fertilizers in time of peace, and the location was selected for two reasons: First, because it afforded the large amount of electrical power which now, as then, is an absolute necessity not only for the rather obsolete cyanamide process but for any known feasible process of producing a concentrated combination of nitrogen and phosphoric acid, the two chief fertilizer elements; second, because it is close to the great Tennessee phosphate fields and can be economically supplied with raw materials for fertilizer production.

It was made clear during the extended hearings before our committee that if we would divorce the nitrogen industry from reliance upon water power we immediately must turn to coal; but the country knows only too well how a coal strike can paralyze transportation and industry. Shall we deprive our future fertilizer industry of water power and make agriculture itself dependent upon the good grace and tolerance of the coal operators and their miners?

The domestic price of by-product nitrogen fertilizer is fixed by our domestic monopoly—mostly coal operators—in accordance with the price of Chilean nitrate, and the latter is fixed by a world-wide monopoly called the Chilean Nitrate Producers' Association. Our farmers fare no better at the hands of the by-product coke monopoly than they do at the hands of the Chilean nitrate monopoly. It seems to me that if we want to get cheaper fertilizer for American farmers we must find some other road than by permitting the fertilizer industry to be exploited by coal and coke operators, who have already declined to sell American farmers cheaper fertilizers, regardless of any technical advantage in doing so.

My position as to the use of the Muscle Shoals power in the manufacture of fertilizers squares exactly with that of Dr. E. H. Hooker, president of the Manufacturing Chemists' Association and of the Hooker Electrochemical Co., who is one of the leaders in the application of electric power to chemistry in the United States. Doctor Hooker told our committee that if the full opportunities for fertilizer manufacture are to be realized at Muscle Shoals, then the amount of power that would be necessary to meet the growing demand for fertilizer "will probably increase rather than decrease, although it will be less per unit."

This is exactly what is planned in the Ford offer, which is the only proposal in which there is no limit placed upon the amount of power to be used in fertilizer manufacture. It is confidently expected that the amount of power per ton of fertilizer will decrease, but that the total power to be used in fertilizer manufacture will constantly increase. From the very outset, however, Mr. Ford's minimum fertilizer obligations would require the entire supply of dependable Muscle Shoals power and would compel him to improve some of the secondary or irregular power to carry them out.

The proposal of Senator NORRIS that we divorce the power from the fertilizer and limit the amount of power to be used in the manufacture of fertilizer to not more than 25,000 horsepower of primary or dependable power and 75,000 horsepower of secondary or irregular power and engage in a cooperative business relation with the Alabama Power Co. and its associates in order to distribute the larger portion of the power, although a satisfactory arrangement to the associated power interests and to the fertilizer group will never have my support. Public utilities have had absolute domination of our water powers in this country for a generation, but never yet have they accomplished anything of importance to the farmer, although they themselves say in the report of the committee on public policy, National Electric Light Association, at their convention in June, 1922:

"No nation such as ours is stronger than its agriculture. . . . Any movement, therefore, to build up the city at the expense of the farming community is shortsighted."

OPPOSITION TO THE PLAN

Yet that association circulated pamphlets violently attacking the Ford plan as a means of reducing the farmer's expenses and increasing his crop yields and declaring that Dam No. 3, an important part of the project, should not be built at all.

When I review in the hearings the record of the power companies which were asked to bid on Muscle Shoals, I feel that the Government would get the worst of it in any business deal it might make with them. Mr. Duke, who controls the Southern Power Co., operating in North and South Carolina, and which company Mr. Yates testified would be a part of the superpower system—Mr. Duke, replying to the invitation sent to him by General Beach, condemned both the operation of the nitrate plant and the completion of the water power, and specifically pointed out to General Beach that the power could not go to the Carolinas.

Three of the associated power companies which made an offer for Muscle Shoals, following the publication of the Ford proposal, had already replied to General Beach's invitation in 1921, declaring that neither the Government nor private enterprise could afford to complete the water-power development at the Wilson Dam. Among the group of power companies which have opposed the farmers in their efforts to gain the acceptance of Mr. Ford's offer, the ringleader is the Alabama Power Co., a company whose contract with the Government was sharply criticized by the Attorney General, who stated:

"When its intricate provisions are closely scrutinized and their full significance realized, it becomes at once apparent that the company lost no opportunity of turning to its own advantage every possible change of circumstances."

These are the companies which proposed to use Muscle Shoals as a convenient auxiliary to their own private power development. I want no such partners or near-partners in any superpower policy at Muscle Shoals.

If the Ford offer is rejected, I am for Government operation; and if this policy is adopted, I am in favor of buying out the Alabama Power Co., just as the Ontario Hydroelectric Power Commission bought out the Ontario Power Co., the Toronto Power Co., and others, in its program of Government operation in Canada. I do not believe that our great Government should play second fiddle to any group of power companies in any plan of power distribution.

Senators may vote down the Ford offer, but when they do they should realize that the Ford proposal is the only one in which the responsibility of operating Nitrate Plant No. 2 to full capacity is guaranteed and the operation carried on at private and not at public expense. Mr. Ford's obligations are not limited to nitrogen alone, but include other commercial fertilizers, of which they are only two—phosphoric acid and potash. The capacity of Nitrate Plant No. 2 means sufficient nitrogen for 2,000,000 tons of 2-8-2 commercial fertilizer—worth about \$60,000,000—annually, while the total consumption of commercial fertilizers in the United States in 1921 was 5,183,523 tons; so it is very evident that the minimum fertilizer production proposed by Mr. Ford is by no means the insignificant portion of the total American consumption which the opposition would lead the country to believe.

The very fight which these interests are making to prevent the acceptance of the Ford offer belies their statement that the production would be so small as to have little or no effect on the price of fertilizers in general. Their able spokesman and bond expert, Francis E. Frothingham, of Coffin & Burr, Boston bond brokers, frankly acknowledges the corn when, not denying the possibilities for cheaper and better fertilizers at Muscle Shoals, he urges in the Boston Transcript that the power should be awarded to the Alabama Power Co., and complains that "As to the fertilizer end of this problem, it has been given an undue importance and has had a disturbing influence on the entire discussion." With the unanswerable facts in favor of the farmers at Muscle Shoals, and against the contentions of the power interests, it is no wonder that Mr. Frothingham feels pinched by the disturbing influence.

Since nitrogen and phosphoric acid constitute more than 75 per cent of the farmers' fertilizer purchases, it is to be expected that the large-scale production of these plant foods in this favorable location should have a radical effect upon the cost of fertilizers. When such a national leader in electrochemistry as Dr. E. H. Hooker, whose industries have recently contracted for \$15,000,000 worth of Niagara Falls electric power, declares that half-price fertilizer is feasible and that the operation of a single plant at Muscle Shoals will save the farmers \$30,000,000 a year in their fertilizer bill, then it behooves those who dispute it to come forward with their proof.

The repeated assurance of the feasibility of this important reduction in the cost of fertilizers, together with the well-known fact that German farmers are procuring their fertilizers at half price, has been a source of much dissatisfaction among American farmers, who are still dependent upon Chile and the by-product coke ovens for their nitrate fertilizer. Realizing its world-wide monopoly in nitrates, the Chilean Government for years has taken advantage of its monopoly through an export duty to meet a great part of the government's expense. An export tax of \$12.53 on every long ton of Chilean nitrate was levied in 1879, and since that time, whenever the farmer buys Chilean nitrate—which sells at our ports for about \$50 a ton—he pays a tax of about 20 per cent to support the Chilean Government. Since the beginning of importations this country's nitrate bill has reached approximately \$1,000,000,000 up to July 1, 1924, and American con-

sumers up to that date have paid Chile an export tax of more than \$212,000,000 for the mere privilege of buying nitrates from that country.

POSSIBLE SAVINGS

The comparative economic benefits of the Muscle Shoals power, when utilized in fertilizer manufacture as against public-utilities service through a superpower system, are evident when it is recognized that the farmers' expenditures for fertilizers in the 11 Southern States from Virginia to Arkansas, as shown in the following table and upon the map, were \$207,000,000 in 1920, while the expenditures for electric lighting and power purchased from all public utilities as recently as 1922 in the same States amounted to only \$109,000,000.

A saving of 50 per cent of the farmers' fertilizer bill in these 11 States would be a greater economic benefit to the people of that region than would result if every purchaser of public-utility light and power in those States were supplied at 10 cents on the dollar. Such a reduction would be absurd and manifestly impossible, while it is generally conceded that the cost of fertilizers can be reduced one-half at Muscle Shoals.

Annual expenditures for light and power furnished by public utilities compared with annual expenditures for fertilizers in the South-eastern States

[From reports of U. S. Census Bureau]

State	Expenditures for light and power purchased from all public utilities, 1922	Expenditures for fertilizer, 1920
Virginia.....	\$13,940,025	\$17,277,705
North Carolina.....	15,876,891	48,796,604
South Carolina.....	8,982,735	52,546,795
Georgia.....	14,674,362	46,196,434
Florida.....	7,143,546	10,316,929
Alabama.....	10,259,689	14,066,108
Tennessee.....	12,043,389	3,525,133
Kentucky.....	10,074,903	3,597,450
Mississippi.....	3,859,674	4,288,165
Louisiana.....	7,578,467	3,840,409
Arkansas.....	5,734,324	2,572,678
Total.....	109,868,005	207,024,560

It is also true that the farmers constitute by far the majority of the population in these States, for census returns show that more than 75 per cent of the population is classed as rural, so that the welfare of 17,000,000 out of a total of 22,000,000 of people depends directly, from year to year, upon their use of commercial fertilizers.

To say, as Senator Norris does, that we must have a public-utility development at Muscle Shoals and that "any other development, especially at public expense, is an injury and a fraud to the people of the country, and particularly to the people of the Southern States," was voted untrue by the southern Representatives in the House, who voted for the acceptance of the Ford proposal with but one dissenting vote.

There can be no question that in the Southeastern States a super-fertilizer policy rather than a superpower policy not only secures the greatest good but it secures that good directly for the greatest number, while indirectly there is not a State in the Union but will share in its economic benefits.

Those who are in favor of a superpower policy at Muscle Shoals and against a superfertilizer policy owe it to the farmers to show that their plan will do as much for the people by reducing the cost of power as the Ford plan will accomplish for the farmers by reducing the cost of fertilizer.

Let us have the giant power or superpower program by all means; it is a natural and inevitable improvement. Neither Mr. Ford nor any other reasonable man would refuse to interconnect the Muscle Shoals plants with a general system, since such interconnection would be of great and undoubted value to all concerned; but if we would serve our posterity wisely, we should assure ourselves that this water power, with its unique advantages in the production of fertilizer, shall be employed primarily for that purpose. This is the thought conveyed in the message of President Coolidge to Congress when he said, "The amount of money received for the property is not a primary or major consideration."

QUESTIONS OF POLICY

Such power distribution as can be accomplished without detriment to fertilizer production may confidently be expected under the Ford offer, and when Senator Norris makes the unqualified assertion that Nashville, Memphis, Knoxville, Chattanooga, Birmingham, and other southern cities will not get a kilowatt of Muscle Shoals power if the Ford offer is accepted he is making a statement which will not stand investigation. Mr. Ford expressly informed the public on October 11, 1923, that "If I get Muscle Shoals we shall run power lines 200 miles in every direction from Muscle Shoals."

It is true that power distribution is not a requirement of his offer, but this is in the interest of the greatest possible production of fertilizer. Neither Henry Ford nor anyone else can agree to manufacture nitrogen and other commercial fertilizers according to demand and at the same time agree to distribute his power supply to meet the public-utility demand in the Southeastern States.

Every bidder recognized this fact, and all except Henry Ford limited the power which they proposed to use in fertilizer production. This is one important reason why I am for the Ford offer.

The second question of policy is whether we shall have Government ownership and operation or private ownership and operation at Muscle Shoals.

There are many things which this powerful Government of ours can do more effectively than any private citizen or corporation. In the case of Muscle Shoals, however, as I view it, the policy of Government operation is in greatest danger from its own best friends. Neither a nation nor an individual can rush into commercial chemistry without risking heavy losses. In such a venture one of the very first questions which any private executive would ask is, What will it cost? Neither Senator NORRIS nor any other advocate of Government operation at Muscle Shoals has suggested an estimate of the investment that would be required, nor of what the returns would be if the Government undertakes this enterprise.

But these same people demand from Mr. Ford very specific guaranties, and because Mr. Ford did name definite terms, he, also, as a prudent business man, protected himself by limiting the payments during the preliminary period of six years at Dam No. 2 and three years at Dam No. 3, during which time he and his associates could not use any considerable amount of power. During this period they would be working out ways and means for utilizing this large amount of power primarily for cheaper fertilizers with useful by-products wherever possible. Nevertheless, Senator NORRIS and others denounce Mr. Ford's offer as not constituting a sufficient return to the Government, although Senator NORRIS in his bill is unwilling to hazard any estimate whatever of any future return. The important fact is that no other bidder has offered a return equal to Mr. Ford's, together with a definite obligation to manufacture fertilizer to the full capacity of nitrate plant No. 2 as a minimum, except at the expense of the Government.

At Muscle Shoals only 241,000 horsepower of a total of 850,000 horsepower will be available continuously throughout the year, and when the remainder, or secondary power, is available at all it will be so unreliable and irregular that no reasonable man would build large industries dependent upon it for their operation.

COSTS UNDETERMINED

This large secondary power is a problem which, under the Norris plan, will lead the United States into large appropriations, either for the construction of great storage dams to stabilize the flow of the Tennessee River and hold back the flood waters so that they can be utilized during the low-water periods, or, as an alternative, for the construction of enormous steam-power plants, which would have to be operated for the greater part of the year. Probably both will be required. How much such a program would cost the United States the Chief of Engineers has declined to say.

"Just what will prove to be practicable no man at the present can state," said General Taylor to our committee; "nobody has got the data. We have more than anybody else and we don't know. Nobody does."

This statement of the Chief of Engineers confirms my opinion that the facts which we should have for a businesslike consideration of the Norris bill have never been determined.

On the other hand, the Ford offer eliminates all such uncertainties, for, following the preliminary construction period, the Government gets full 4 per cent on its entire investment to complete the Wilson Dam, fully equipped, and on the entire cost of building Dam No. 3, with complete equipment, no matter what these costs may be. As for the \$17,000,000 of war funds expended on the Wilson Dam before the Ford offer was made and on which no return is proposed, it fairly represents the unavoidable waste brought about by war and other unfavorable conditions; but this is included in the amount returned to the Government by the Ford sinking fund during the lease period, as has been shown by Secretary Weeks in his testimony before the Military Committee of the House.

GOVERNMENT OPERATION

I am for Government operation of our water powers, but I urge that we begin our policy under conditions that promise success—namely, at a large power site where most of the power is reliable and constant all the year round. One such favorable site is Priests Rapids on the great Columbia River in the State of Washington—a river which will richly repay a Government expenditure of \$500,000 or more for a complete survey of its navigation and power possibilities. A still better power site, perhaps, is at Croil Island, near the Long Sault Rapids in the St. Lawrence River, where the continuous power on the American and Canadian sides is nearly 1,000,000 horsepower.

That site is controlled by three powerful financial interests—the Du Ponts, the Aluminum Co. of America, and the General Electric Co.

In spite of the monopolistic character of these three great interests, I would be willing to grant them a 100-year lease to develop this 1,000,000 horsepower site on the St. Lawrence if they will include in their offer the fertilizer provisions of the Ford proposal. I do not believe, however, that these interests would make such an offer—they never have at Muscle Shoals. Meanwhile I suggest that our engineer representatives on the St. Lawrence Commission study the Government-operation plan of the Ontario Hydroelectric Power Commission with a view to recommending a similar plan for the Government operation of the great water-power site at the Long Sault on the St. Lawrence for the benefit of eastern farmers, and at Priests Rapids on the Columbia for the benefit of farmers of the West.

I may be pardoned a bit of a diversion perhaps in connection with the Columbia River. In my studies of the power possibilities of our streams I could find no data that appear at all conclusive as to the water power that can be developed on this mighty international stream. Few of our people realize that the Columbia drains an area twice as great as all the Middle Atlantic and New England States combined, and its tributaries extend through Washington and Idaho into Montana and Nevada.

On the other hand, I find that such an insignificant and unknown stream as the Catawba River in South Carolina has developments totalling nearly 500,000 horsepower, and an unknown tributary of the Coosa River, Ala., called the Tallapoosa River, has furnished sites for six large storage dams, where the engineers had reported but one.

The Columbia and its tributaries can develop more water power within our borders than the St. Lawrence; but the public does not appreciate the Columbia River, because its power possibilities have never been surveyed, and I repeat my statement that this Government can well afford to spend \$500,000 for such a survey.

Returning to Muscle Shoals, the difficulties which make it dangerous for Government operation are not merely the difficulties of power development. The air-nitrogen fertilizer industry exists in large commercial form only in Germany, while in the United States there is no such developed industry and there are no precedents to follow. One of the most competent electrochemical engineers in the United States well expressed the situation before our committee when he said, "This art is changing so fast that you can hardly follow it."

WHY INVITE FAILURE?

In this new industry any plant, however well designed, admittedly may become obsolete even before its construction is completed, as our large Muscle Shoals plant already has become. How, then, can any reasonable man insist upon taking the taxpayers' money by the scores of millions of dollars and sinking it in great fertilizer plants under such conditions when, with the Ford offer accepted, private capital agrees to research these improved processes, carry the research work through to a commercial scale, and to adopt such processes as prove their worth, insuring that the nitrate plant will be kept up to date for 100 years with no expense whatever to the Government?

I doubt if anyone can imagine that we would have had the present remarkable perfection of the modern automobile if the first horseless carriage had been turned over to the Department of Agriculture to develop; yet the problems of the automotive industry are simple indeed when compared with the problem of preparing and delivering to the farmer an adequate supply of plant foods at prices that will enable them to be applied profitably in sufficient quantity to our great field crops. To put such a problem of large-scale development and production into the hands of a Government bureau is, in my judgment, to invite a disastrous failure, which can and undoubtedly will be held up as a horrible example by those who oppose Government ownership and operation as a policy.

It is a most significant fact that many of the interests that opposed the operation of Muscle Shoals by the Government in 1920, and that have been fighting the Ford proposal, offer no objection to the Government operation bill of Senator NORRIS; but the amazing thing is that the Senator can not see that the power companies and their Wall Street allies who favor his bill and who have offered no proposal of their own in the Senate do so because the Senator's bill is a means of defeating the Ford proposal and provides a wide-open gateway to the power that these interests long have coveted, but which they could not get directly by offers of their own.

[From the Saturday Evening Post of November 20, 1924]

To secure the greatest good for the greatest number at Muscle Shoals we must certainly conclude in the light of the facts stated—first, that fertilizer production should be the chief objective and power distribution a secondary consideration; and, second, that the provisions of the Ford offer are much preferable to the risks of Government operation of such an undeveloped and hazardous enterprise.

Certain of the engineering societies have proposed that a fact-finding commission of their members be created to assemble and limit to Congress the facts about Muscle Shoals; but at this stage of development of the art of air-nitrogen fixation no fact-finding commission, whether of civil engineers, chemical engineers, or other scientific men

of any qualifications, could determine what the cost of fertilizer manufacture is to be at Muscle Shoals. A number of new processes, untried as yet on a commercial scale, await development, any one of which, placed in strong hands able to command the necessary technical talent and able to spend the necessary money, gives great promise of lower costs, with production of aluminum and its alloys, for example, as by-products. What we need is not an investigation by engineers but the test of these processes on a commercial scale.

THE FARMER'S FAITH

Senator NORRIS and those who agree with him say that the farmer has been deceived, and that his confidence in Henry Ford's ability to solve the fertilizer problem at Muscle Shoals is a mere blind faith, but I can not agree with them.

If anyone would know the reason for the farmer's faith in Mr. Ford, let him study the table herewith, which shows the price record of the Ford touring car and the average daily wages paid in the Ford factories for the past 16 years, from statistics furnished by the Ford Motor Co.

16-year record of the Ford Motor Co.—1908-1923

Year	Price of Model "T" touring car		Average daily wages paid	
	Amount	Per cent reduction from 1908	Amount	Per cent increase over 1908
1908	\$950		\$2.25	
1909	780	18	2.14	5
1910	690	27	2.40	7
1911	660	31	2.28	1
1912	550	42	2.25	0
1913	490	48	2.43	8
1914	440	54	4.41	96
1915	360	62	4.40	95
1916	360	62	4.41	96
1917	450	53	4.95	117
1918	525	45	5.31	136
1919	575	39	6.11	171
1920	440	54	6.72	198
1921	415	56	6.91	207
1922	348	63	6.65	195
1923	285	69	6.62	194

*Decrease.

The farmer knows that this price reduction from \$950 in 1908 to \$285 in 1923 was not forced upon Mr. Ford by any of his competitors. He knows that the reductions have been made voluntarily, while at the same time Mr. Ford has been paying the highest wages paid anywhere in the automobile industry.

Any man who can master the science of mass production as Mr. Ford has mastered it, and reduce the price of his product 69 per cent while increasing the average daily wages of his men by 194 per cent, is serving the common people of this country as few men have served them. The people are not slow in recognizing such a friend, and the enthusiasm for Mr. Ford, instead of being based on blind faith, is a testimonial to his magnificent achievement. The man who says the farmers are fooled is fooled about the farmers. It is no more possible to legislate confidence in the power and fertilizer interests into the minds of American farmers than it is possible to legislate their confidence in Henry Ford and his company out of their minds.

The farmers will regard it as an insult to their intelligence to be told that they should have faith in the ability of the Department of Agriculture to reduce the price of fertilizer at Muscle Shoals as Henry Ford has reduced the price of his car. When will the Department of Agriculture have a selling organization equal to Mr. Ford's 10,000 successful agencies?

In view of the violent misrepresentations which have been broadcast over the country regarding Mr. Ford's offer, it is not surprising that he has seen fit to withdraw it, but whether he takes any further interest in the subject or not, it can not be denied that in bringing the true possibilities of Muscle Shoals to the attention of the country he has performed a public service for which due credit will be given him.

It has been declared that the acceptance of the Ford offer would be a raid on the Public Treasury, an attack on conservation, a subsidy of \$14,000,000,000, and an unregulated gift of \$50,000 horsepower. If all this were true, and if those who support the Ford offer were the simple-minded dupes or the vicious self-seeking politicians which they have been pictured, then this would be a serious indictment of the Members of the House of Representatives who passed the Ford offer without amendment by almost a 2-to-1 majority. Such absurd exaggerations hurt no one but those who use them. They will not stand because they are not based upon facts.

PUBLISHED FIGURES QUESTIONED

As an example of the lack of careful investigation on the part of Senator NORRIS in stating his facts, let us consider the following statement of his which has been widely published:

"There is personal property which under his [Ford's] bid would be conveyed to him, amounting in value, in round numbers, to \$2,000,000. Most of this personal property has a definite fixed market value. There are all kinds and quantities of building materials, all stored in sheds and kept in perfect condition. This building material was bought by the Government and stored on the property because it was thought at the time it might be necessary to use it in extending the towns owned and built by the Government, and in the construction of other shops and works. For instance, there is more than 6,000,000 feet of lumber, millions of common and fancy brick, immense quantities of slate shingles and hollow building tile. There are more than 10,000 wooden doors and 3,000 screen doors"—

In order to determine the accuracy of this statement, I wrote to Gen. C. C. Williams, Chief of Ordnance, and received a reply stating that property valued at \$1,998,236.31, consisting principally of lumber, construction equipment, fittings, housing equipment, and the like, had been transferred to the Wilson Dam. Further inquiry develops the fact that it was used for temporary accommodations for the workmen, and for other temporary construction purposes. The office of the Chief of Ordnance also stated that "in addition to that transferred to the Wilson Dam, very appreciable quantities of certain materials have been used on plant maintenance during the last five years. A recent estimate, covering surplus property at plant No. 2, and including ammonium nitrate, construction equipment, railroad equipment, tools, electrical equipment, building material, and miscellaneous other equipment, but not including reserves which may be required for plant maintenance in the near future, has been prepared by the plant organization. The estimated sale value of this property is \$506,175.70. * * * In general the most valuable property has been used at the dam, leaving items of more uncertain value."

Instead of finding \$2,000,000 worth of building material which has been placed in sheds and well taken care of, and for which there is a ready market, as the Senator declares, Mr. Ford, on the acceptance of his offer, would find that the serviceable portion of this material has been used for temporary construction purposes at the Wilson Dam and that on completion of the job its value will be practically nil. Moreover, under his offer, it would become leased Government property not subject to sale.

This is a fair example of the lack of accuracy which appears throughout the reports of Senator NORRIS, which he has issued on behalf of a majority of our committee. Such inaccuracies do not inspire a great deal of confidence in the majority's report.

Many well-intended editorials inspired by these inaccuracies have denounced Mr. Ford's offer and have referred in glowing terms to the superiority of the offers of the power companies and others, but in spite of this widespread and expensive publicity, neither the House nor the Senate committees would report any of them. I have stated the reason. My space is limited, but I will state it again:

No other bidder combined a return equal to that of Mr. Ford's with a definite obligation to manufacture fertilizer to the full capacity of nitrate plant No. 2, except at the expense of the Government.

WAS JUDGE GARY ASLEEP?

There are, perhaps, half a dozen objections to the Ford offer which the opposing interests have heralded through the press from one end of the country to the other. First, there is the claim that Mr. Ford would receive "the greatest gift ever bestowed on mortal man since salvation was made free to the human race," as Senator NORRIS extravagantly puts it. The Senator has been supported in this view by similar statements of the fertilizer interests and the power interests, which have consistently opposed the development of Muscle Shoals from the very outset. The record of these interests does not support the statements made either by them or by the Senator from Nebraska.

VALUES OVERESTIMATED

If it were true that the Muscle Shoals properties possessed an earning power so great as to enable Mr. Ford or his estate under his offer to accumulate \$14,500,000,000 in 100 years by virtue of their possession, and enable his corporation to dominate all the business of the entire world, as Senator NORRIS declares, then any schoolboy would know that when the Federal Government decided to dispose of these properties there would have been a veritable stampede to secure such marvelous earning capacity. Who could imagine the United States Steel Corporation, for example, overlooking a chance to accumulate \$14,500,000,000? But did it undertake to secure this wonderful bonanza? It did not. When, in 1919, the Government, through its nitrogen director, Mr. A. G. Glasgow, attempted to secure

an offer for this property, his proposal was coldly received and the fertilizer and allied interests all declared that they were not interested.

The testimony shows that Mr. Glasgow went personally to the president of each of the large fertilizer companies and offered him the nitrate plants free of any rental whatever until they should earn 9 per cent on whatever investment was necessary for their operation, thereafter dividing profits evenly with the Government; but, with one accord these interests declined to make an offer, in spite of the fact that then, as to-day, the dam was under construction, with attractive prospects for water power for economical operation. An appeal was made also by the nitrogen director to the by-product coke operators—leading firms of which are controlled by the Mellon interests, which also control the Aluminum Co. of America—with the same result. The Muscle Shoals properties went begging and no one would have them. The situation was repeated in 1921, when General Beach asked the power companies for bids.

Falling to interest private capital, Mr. Glasgow proposed a Government corporation to be financed by the sale of surplus war materials, which should undertake the operation of this property. The Wadsworth-Kahn bill, which carried these provisions, was vigorously opposed in both the House and Senate by the same interests which had declined to bid; and though it passed the Senate, after having been destructively amended, the bill died in the House Committee on Military Affairs. It is these same interests which have been looking to the Senate to defeat the will of the people and reject the Ford proposal.

VALUES OVERESTIMATED

The truth of the whole matter is that these properties have no such value as Senator NORRIS suggests, but that their value would be utterly insignificant compared with the losses that would be incurred by anyone who undertook to operate nitrate plant No. 2 in the production of fertilizer as it now stands, and as it will continue to stand until scores of millions have been expended to establish the electrochemical fertilizer industry successfully at Muscle Shoals. Realizing this, the Union Carbide Co. and the Hooker-Atterbury-White people offered to operate the nitrate plant only on the condition that the Government paid all the expense. The Alabama Power Co. did not offer to operate the plant at all, but merely to keep it in idleness, while its offer to produce 50,000 tons of nitrogen for fertilizers annually was a conditional one. Its unconditional offer was limited to 5,000 tons annually.

The claim is not true that Mr. Ford receives a warranty deed in fee simple to this nitrate-plant property, however questionable its value, for the provisions of his offer must be written into his deeds and become covenants running with the land. The sale is conditional, and if Mr. Ford or his company at any time violates its provisions, the Government can cancel his deeds by court procedure and take its property back, and neither Mr. Ford nor his company can give a clear title to the property for 100 years.

As for the \$700,000 worth of platinum which Senator NORRIS suggests that Mr. Ford might sell, this platinum is made up into special catalysts that are an absolutely necessary part of the military equipment of nitrate plant No. 2, and Mr. Ford could not sell these catalysts without violating his agreement to maintain the nitrate plant ready for war service by the Government on five days' notice.

But, say the opposition, even if the nitrate plants are not so valuable, there is this great water power. Yes, I reply, but all the reliable power—all the 241,000 horsepower available all the year round with the help of the steam-power plants—must be used in order to carry out Mr. Ford's minimum fertilizer obligations, and in these operations his profit is limited to 8 per cent on the fair actual annual cost of production, with a board of farmers to tell him what is fair and to fix the price and control the distribution of his product. As for the irregular and unreliable power, sooner or later this largely will be needed for fertilizer manufacture to meet the demand. At present it has little or no value and will have none until millions are spent in making it dependable and valuable.

It should be remembered in discussing what Mr. Ford should or should not have offered, that he was asked merely to state what arrangements he would be willing to make to assure the Government a reasonable return on its investment if the United States should complete the unfinished dam and power plant. There was no suggestion that this nitrate enterprise, the peace-time purpose of which was the production of fertilizers and not the distribution of electrical power, should be required to come under the terms of the Federal water power act. The legality and enforceability of many of the provisions of that act were in dispute at that time, and still remain so, the States of New York and New Jersey having brought suit in the Supreme Court to test its validity and to defend their States' rights; and two national party platforms call for its amendment. It is a law designed to apply to projects in which water-power development and distribution are the purposes of the enterprise, and the act can hardly be affected whatever the outcome at Muscle Shoals.

There was no suggestion that offers to lease the dam must be limited in their lease period to 50 years. On the contrary, the only offer for Muscle Shoals which has ever been recommended to Congress by the United States engineers was made by the Alabama Power Co. in 1913 for a lease period of 100 years, and offered a return of only 3 per cent on the Government's investment. One way to defeat the Ford offer was to provide that Mr. Ford should come under the Federal water power act, and this was attempted in the House of Representatives; but a large majority, recognizing that the House had no authority to change Mr. Ford's offer without his consent, voted down the proposed amendments.

If the benefits of the regulation to be had under the water power act are really what is claimed for them, then they should be applied to all developments affecting the navigable capacity of our streams; such, for example, as that of the Aluminum Co. of America on the Little Tennessee River; but I have yet to find a single particular in which the public would be benefited by bringing the Aluminum Co. under the water power act, for the only difference in the situation would be that the annual operating expenses of the Aluminum Co. would be increased by 25 cents for each installed horsepower of its development. If there is no public benefit to be gained by bringing the Aluminum Co. of America under the water power act on the Little Tennessee River, then why should Henry Ford be required to come under the water power act in the production of fertilizers and aluminum at Muscle Shoals?

STATE CONTROL

As for the lease period, I agree with Secretary Weeks that this is not a vital question, for its length is absolutely immaterial if the interests of the public are protected. Neither Mr. Ford nor anyone else can distribute power to the public in any Southern State without his plant automatically becoming a public utility, subject to the rules and regulations of the State public-utility commission in the State in which he does business. If anyone has any doubt about this, or sees the need for further regulation, let him remember that aside from navigation the control of the use of the water of a navigable stream for beneficial purposes is not in the Federal Government but in the State; and if it should be found that any further regulation of Mr. Ford and his company becomes desirable, a simple remedy is immediately available, for the Governor of Alabama can call the legislature of the State together and pass whatever laws are necessary in the public interest.

The statement of Senator NORRIS that Mr. Ford's bid actually "provides that the Ford corporation shall have the electricity developed at Muscle Shoals without regulation by either Federal or State authority" is entirely incorrect and unjust to Mr. Ford. No such provision is made anywhere in the Ford offer, and if it were it would be entirely void and unenforceable. The powers of Congress and of the State legislatures and of the courts can not be set aside by contract. As to the legality of Mr. Ford's guaranties and pledges, this is a purely legal question in which I, like other laymen, must be guided by legal opinion; but I find nothing in the record to warrant the apprehension of our chairman; on the contrary, I find that the Judge Advocate General testified that these guaranties were satisfactory.

The Senator claims that Mr. Ford has asked the Government to insure him against the destruction of the dams; but the proposal says merely that (as in the case of all other navigation dams) the responsibility for maintenance expense is left to the Government, and it is a well-known principle of law that any contract becomes void by the destruction of its subject matter. As for the cost of this maintenance, Mr. Ford pays \$55,000 annually for this purpose and the Chief of Engineers has testified that this is sufficient. I am willing to trust the judgment of our Chief of Engineers.

Both nitrates and dyes are necessary for national defense; the same organic chemicals which become our dyes can be converted to poisonous gases for chemical warfare, or, when combined with nitrogen, become explosives. The crude materials for the dye industry are obtained from the by-products which are recovered in the manufacture of coke in by-product ovens.

When war was declared the American manufacturers, who as a whole were about 90 per cent dependent upon German synthetic colors, found that their supply was cut off in the face of an unprecedented demand for their own products in which the dyes were needed. As a result the price of dyes skyrocketed to a level as much as 2,100 per cent above normal. The demand far exceeded the supply, regardless of price, and it was under these conditions, with the opportunity for enormous profits, that the American dye plants were built.

THE DYE INTERESTS

In the Senate hearings on dyes in 1919 it was shown that the National Aniline & Chemical Co., owned by some of the largest interests which are fighting the Ford offer, was capitalized in 1917 with \$25,000,000 preferred and \$25,000,000 common stock and that 18 months later that company had been able to set aside for plant depreciation, obsolescence, Federal taxes, and so on, a sum equal to their entire common stock, or about \$25,000,000.

Having thus had an extraordinary opportunity to pay for their new plants out of war-time profits, the dye industry, led by the General Chemical Co. and the Du Ponts, came to Washington and declared that the high tariff of 30 per cent ad valorem plus 5 cents a pound which had been placed on foreign dyes by Congress in 1916 was not sufficient. In declaring to the Senate Committee on Finance what the dye industry wanted, Mr. Irénée Du Pont, president of E. I. Du Pont de Nemours & Co., stated:

"What do we want? I say an embargo, with a permit to bring in these things we do not make for a 10-year period. I say we want, second, a tariff in addition to the embargo. The embargo may miscarry; put as high a duty as you can get behind the embargo wall. I want further, then, and at the risk of seeming to get a monopoly, to urge that you should provide that the Sherman law does not apply to the dye industry if it is thought necessary in the opinion of some Government official."

So the dye industry, whose unregulated profits had been absolutely protected by the President's war-time embargo on dyes of 1917, secured a continuation of the embargo in 1921 which continued until 1922, when the tariff was increased to 60 per cent ad valorem and 7 cents a pound; and to-day only a few specialty dyes are imported, while the average cost a pound of the dyes used in this country is about three times their pre-war cost.

On one hand we have this dye industry, owned by the powerful eastern financial interests, with its war-built plants long since paid for out of war-time profits, securing this remarkable aid at the expense of the American people in the name of national defense; on the other hand, we have the Ford offer to establish a nitrogen industry for the production of the nitrogen that is absolutely necessary for every pound of our military explosives, and of the greatest benefit to agriculture as well. One readily receives an absolute embargo against competition from abroad at the hands of Congress, free from any limitation whatever on its profits; the other, asking no tariff protection and with a voluntary limitation of profit to 8 per cent on the fair actual annual cost of production, and with a board of farmers to fix the price and to say what is fair, is denounced as a subsidy and denied a decision for more than three years.

Why the difference? It is this: In the case of the dye industry Congress has heard and promptly responded to the voice of big business, while in the case of the Ford offer Congress has failed to answer to the appeals of the farmers for a decision.

I have nothing whatever against the American dye industry—I recognize its great value as a military asset; but I protest against the discrimination which says that these favors to the dye industry are justifiable and the acceptance of Henry Ford's offer is unjustifiable.

Though the power and fertilizer interests which are fighting the Ford offer are willing to deal with Government bureaus or special officials, they have shown no inclination to deal directly with the representatives of the people in Congress or to deal with the consumers themselves. Consistent with this attitude, their spokesmen have recommended that all offers be rejected and the entire matter be referred to a commission as a means of defeating a vote on the Ford offer in Congress. In this connection they have pointed to the President's message in which he suggested a small joint committee of Congress to deal with the Muscle Shoals question. This is a very different proposal from the commission plan. It does not recommend that jurisdiction of the Muscle Shoals question shall be taken out of the hands of Congress. A commission with power to act would relieve Congress from its responsibility to the farmers, however, and if it chose to recommend the distribution of the power and to leave the farmers at the mercy of the Chilean Nitrate Producers' Association, the way would be open for it to do so.

Armies and not arbitration have settled the fate of nations for centuries, but civilization has come to realize that neither armies nor arbitration can assure national safety in these days of deadly scientific achievement.

A high naval authority recently said, "The poison-gas clause of the limitation of armament treaty is merely an internationally expressed hope that may be expected possibly to prolong the régime of peace. . . . The discovery of a new gas may mean the routing of an army, the annihilation of a navy, or the loss of a war."

I am very much opposed to war, but I realize that under these conditions our country well may observe a day dedicated to the national defense. The voluntary mobilization of 17,000,000 men and women is inspiring and impressive, but it is a pitiable mockery of preparedness if our patriotism is not backed up by industries prepared to furnish the necessities of present-day warfare on short notice.

PEACE-TIME NECESSITIES

Men may be mobilized quickly, but no general order will produce great tonnages of nitrates for explosives nor of light metals and other materials for efficient aviation equipment nor of deadly toxic gases for chemical warfare, unless we have in this country large, well-established industries making peace-time products which can supply these war needs

when called upon—strong industries, able to carry on the intensive research which we must have if we are to continue in reasonable security.

We may agree to the limitation of armament, but we can not limit the production of peace-time necessities; and when these necessities can be turned quickly to present-day military purposes they become an unbridled menace in the hands of a foreign enemy. Nitrogen, for instance, has its peace-time use in fertilizers, chemicals, and refrigeration. Aluminum and other light metals are needed for motor cars, household utensils, commercial airplanes, welding, and electrical uses, while chemicals for war gases are used in dyes, textiles, paper, and a multitude of other manufactures. No limit can be placed upon the peace-time production of nitrogen, light metals, and gases, and no nation need feel secure which ignores or neglects them.

Applying this to Muscle Shoals, the possibilities of the future are nothing short of bewildering.

First, there is the opportunity to combine nitrogen fixation for fertilizer purposes with the production of light metals, such as aluminum, by a number of processes. For example, report No. 100 of the United States Fixed Nitrogen Research Laboratory describes a modification of the so-called aluminum-nitride process whereby an electric furnace product called ferro-aluminum is employed, and cites references showing that the production of ferro-aluminum is nothing new, for it has been known to electrometallurgists since 1885.

Estimates of the cost of production are given showing that with conditions to be had at Muscle Shoals the entire cost of nitrogen for fertilizer purposes can be charged against the aluminum, and even then the cost of the purified raw material from which aluminum is made can be reduced 40 per cent.

When our Government nitrogen laboratory, which since 1919 has made a specialty of the study of improved processes, admits that the raw materials for aluminum can be reduced 40 per cent in cost and at the same time the nitrogen, which is the most expensive element in commercial fertilizers, can be supplied free of charge for fertilizer manufacture, it must be admitted that the prospects for the production of fertilizers at Muscle Shoals and their sale to farmers at about half of the present prices is a reasonable expectation. Since the production of aluminum is an important factor in reducing the cost of fertilizers at Muscle Shoals, I would be disposed to give preference to any satisfactory offer which provides for its production in connection with fertilizer manufacture; not only at Muscle Shoals but at the magnificent power site at Croll Island in the St. Lawrence River and at Priest Rapids in the Columbia River, to which I referred in my previous article. Geologists are predicting the early exhaustion of the best of our copper deposits and the cheapening of aluminum well may become an important factor in maintaining the leading position of the United States among the industrial nations of the world.

CHEMICAL POSSIBILITIES

Nitrate plant No. 2 is the greatest calcium carbide plant in the world, and the products of calcium carbide alone rival those of coal tar in their possibilities of variety and usefulness. One great branch consists of the derivatives of carbide after it has been combined with nitrogen, forming the well-known fertilizer compound, calcium cyanamide. The United States Fixed Nitrogen Research Laboratory reports that it has studied a few of the many compounds which can be made from cyanamide, such as urea, the most concentrated form of exclusively nitrogen fertilizer known, dicyandiamide, melamine, guanidine, urethane. Among others which have received less attention might be mentioned carbamic acid, amidodicyanic acid, carboxyguanidine, biguanide, ammeline, bluret, allophanic acid, cyanaminoformic acid, iminodicarboxylic acid, and others. As Dr. F. G. Cottrell, director of the Government's nitrogen laboratory, states in his annual report, "Some of the large number of cyanamide derivatives have already found distinct uses in the manufacture of military explosives, in medicine, and in the arts. This class of compounds forms the natural starting point for a whole new field in chemistry much as certain coal-tar compounds lay at the base of the present dyestuff industry."

Another series of products of calcium carbide are the derivatives of acetylene, the gas which is formed when calcium carbide is treated with water. Acetylene is most generally used for illumination, and in connection with oxygen produces in a special torch a very hot flame useful for cutting and welding steel and other metals. Combined with water, acetylene forms acetaldehyde, which, when oxidized, becomes acetic acid, which was used in a large way during the war for the preparation of materials for smokeless powder and dope for airplane wings. Acetic acid, however, when heated in the presence of a catalyst is converted to acetone, a valuable solvent especially useful in the making of smokeless powder, celluloid, chloroform, iodoform, sulphonal and many other organic compounds. Acetone is the base used to produce bromoacetone, which was used by the Germans as a tear gas. Its uses in organic synthesis defy enumeration. To mention one in-

teresting example, when acetone is reduced by nascent hydrogen generated by the action of an amalgam of sodium on water, a dihydroxyalcohol is formed, called pinacol.

This was made by the Germans in large quantities during the war and converted by heat and pressure into dimethylbutadiene, which, when merely stored in a sealed vessel, maintained at a temperature of about 60° centigrade for about two months, was converted by a process called polymerization into synthetic India rubber.

Cheap power and cheap salt at Muscle Shoals naturally lead to another varied field of valuable products. First, there is cheap metallic sodium by a number of available processes. The making of sodium has been suggested in recent scientific literature as a feasible means for the chemical storage of electrical power. Cheap metallic sodium opens the door to another series of electrochemical processes for producing combined nitrogen for fertilizers along with many useful by-products, particularly aluminum and magnesium. I would not venture an estimate of what it will cost to bring these new processes to successful production on a commercial scale, and no advocate of Government operation at Muscle Shoals has suggested any approximate estimate. The amount, however, certainly will be large, and under the Norris bill it will come out of the Federal Treasury. I much prefer to let Henry Ford undertake this job at his expense.

Other applications of salt, in connection with fertilizer production, yield chlorine, the well-known war gas; or, combined with sulphur, produce sulphur monochloride, useful in vulcanizing rubber, and which, when combined with ethylene, produces the mustard gas which nearly won the war for the Germans. Another combination of chlorine is chloride of lime, useful as a bleaching powder and disinfectant, from which are obtained chloroform and phosgene, another war gas with a peace-time usefulness in dye manufacture. Another branch of the electrochemical salt tree produces sodium cyanide, a useful disinfectant and of great value in extracting gold and silver from their ores, and in the manufacture of insecticides and fungicides for spraying fruit trees, and in the production of a deadly war gas called cyanogen chloride. Caustic soda is another product from which there are obtainable various soap compounds and drugs valuable in medicine, while as a by-product is produced the hydrogen gas that is essential in the manufacture of nitrogen fertilizers by several of the most modern processes.

RISKS AND HAZARDS

It has always been thought difficult to cause clay and salt to react upon each other directly at high temperatures because of the volatility of the salt. It now appears that this difficulty has been overcome, and patents have been issued for processes which indicate that this reaction promises to be made commercial. This may mean substantially cheaper metallic aluminum, for it indicates that the problem of large-scale production of anhydrous aluminum chloride at low cost may soon be solved. This is very significant aside from chemical warfare, for the Bureau of Mines reports that the use of 16 pounds of this chloride per barrel of oil increases the yield of gasoline from the present average conversion of 30 per cent of the crude oil to a conversion of 60 to 85 per cent, so that the production of gasoline from a given amount of crude oil can be more than doubled without material changes in the present refining plants. This chloride also has a multitude of other uses in the manufacture of many dyes, perfumes, drugs, and pharmaceuticals, and is employed on a large scale in carrying out the Friedel-Crafts organic reactions.

Has Henry Ford offered to double the production of gasoline from crude oil, or to carry out any other particular one of these interesting chemical possibilities at Muscle Shoals? No, of course not; but it is along just such a road of by-product production that success in the large-scale manufacture of cheaper and better fertilizers will be found, and his offer of commercial research will surely and inevitably lead him along just such roads as I have described, for Mr. Ford proposes:

"To determine by research whether by means of electric furnace methods and industrial chemistry there may be produced on a commercial scale fertilizer compounds of higher grade and at lower prices than farmers and other users of commercial fertilizers have in the past been able to obtain, and to determine whether in a broad way the application of electricity and industrial chemistry may accomplish for the agricultural industry of the country what they have economically accomplished for other industries; and if so found and determined, to reasonably employ such improved methods."

Those who desire to see the policy of Government ownership and operation succeed in this country will do well to let this complex and uncharted field of industrial chemistry, with its inevitable succession of mistakes, loss and great expense, severely alone. That is one of the compelling reasons why I am for the offer of Henry Ford.

As a chemist, I have every confidence that at Muscle Shoals processes can be made commercial for producing nitrogen for the preservation and increase of the fertility of our farm lands, with aluminum as a by-product to give us light metal alloys for aircraft. Thus we will free ourselves from our dependence upon a foreign country for nitrates.

Again I say, I am opposed to all wars; but I have just read a translation of an article lately published in Japan insisting that a Japanese-American war is unavoidable and the sooner it comes the better it will be for Japan, and stating that after America has developed its air forces, Japan, struggle as it may, can do nothing. I refuse to believe that we ever will have any war with Japan; yet I can understand what Mr. Ford meant in his recent public statement that Muscle Shoals might prevent war.

FOREIGN EYES ON CONGRESS

At 2 p. m. on December 3, 1924, the Norris and McKenzie bills come up for consideration in the United States Senate. If the Norris bill is passed, then it will probably fail in the House. If both bills are voted down, no legislation for disposing of Muscle Shoals can be expected at the short session. Without legislation, the 260,000 horsepower which will be ready for service at the Wilson Dam in June, 1925, will stand idle till Congress passes legislation for disposing of the Muscle Shoals power in 1926.

In conclusion no better confirmation of the position which I have taken regarding the Ford offer could be found than that contained in a recent dispatch from Santiago, Chile, published in the Wall Street Journal, as follows:

"Henry Ford's withdrawal of his offer to take over the Muscle Shoals project has resulted in a considerable boom in the Chilean nitrate industry," and a United Press dispatch goes on to say that "Chile has followed the whole Muscle Shoals controversy with the keenest interest and considered Ford the greatest menace to the future of the national nitrate industry. Withdrawal of his proposal was little short of a boon to this country. Nitrate shares in London—the principal market for Chilean nitrate stocks—rose from two to three points last week as soon as news of withdrawal of the Ford offer was received."

Other offers for Muscle Shoals were submitted to committees of Congress and Senator Norris has declared to the readers of the Saturday Evening Post that any and all of them were better than the proposal of Mr. Ford. The facts are, however, that neither the announcement of any of these offers nor their rejection by the committees produced the slightest flurry in the Chilean nitrate industry, either in London or Chile. The nitrate industry, however, quickly recognized that the Ford offer meant that something effective would be accomplished in freeing the farmers of this country from the domination of these monopolists, and their industry made no secret of its satisfaction and relief when the Ford proposal was withdrawn.

In view of these undeniable facts I can only express my regret and chagrin that the United States Congress, by delay and inaction, should have lost this great opportunity to secure a boon for American agriculture. It is my earnest hope that it will be possible to secure another proposal that will be the equal of the Ford offer, but I fear that the Government will never receive another like it.

The President claims that common sense is the country's greatest asset; if so it appears that the time has come for the President to join with Congress in applying some of this asset to the Muscle Shoals situation.

CONSTRUCTION OF PUBLIC BUILDINGS

Mr. FLETCHER. Mr. President, I introduce a bill making appropriations for the construction of certain public buildings. It is a very short bill and I ask that it may be printed in full in the Record of to-day's proceedings.

The bill (S. 3511) making appropriations for the construction of certain public buildings was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed in the Record, as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated for the objects hereinafter expressed, namely:

(a) For increase in the limit of cost of construction of those certain public buildings, heretofore authorized by Congress to be constructed and for which appropriations were made, referred to in Senate Document No. 28, Sixty-eighth Congress, first session, \$15,130,780, or so much thereof as may be necessary.

(b) For the construction of public buildings on those certain sites, heretofore acquired, for the construction of which buildings no appropriations were made, referred to in Senate Document No. 28, Sixty-eighth Congress, first session, \$23,557,500, or so much thereof as may be necessary.

Mr. FLETCHER. In connection with the bill just introduced by me I request to have incorporated in the Record excerpts from the annual reports of the Postmaster General for the fiscal years ending June 30, 1922, pages 2, 3, 4, and 5, June 30, 1923, page 19, and June 30, 1924, page 13 (as indicated), having particular reference to the desirability of Government ownership of post-office quarters; also Senate Document No. 28 of this Congress, together with a letter dated May 17, 1924, from the Secretary of the Treasury to the chairman of the

Committee on Appropriations, United States Senate, referring to a similar bill introduced by me on March 20 last, which was referred to the Committee on Appropriations, all of which I send to the desk.

The document was, of course, printed for the information of Members of Congress and the public, but I understand that the demand for it is large and the supply exhausted.

The PRESIDENT pro tempore. In the absence of objection, the request of the Senator from Florida will be agreed to.

The matter referred to is as follows:

[Senate Document No. 28, Sixty-eighth Congress, first session]

ERECTION OF PUBLIC BUILDINGS

Letter from the Secretary of the Treasury, transmitting, in response to Senate Resolution 94, information relative to sites acquired and appropriations necessary for the erection of certain public buildings

TREASURY DEPARTMENT,
Washington, January 24, 1924.

THE PRESIDENT OF THE SENATE.

SIR: In response to Senate Resolution 94, directing the Secretary of the Treasury to furnish certain data in reference to public buildings, I have the honor to submit the following:

The information desired, together with certain additional data not specifically called for by the resolution, but without which the statement in regard to the status of authorized buildings and sites would not be complete, is set forth in Exhibit A, as follows:

(a) Name of each city or town (by States) where authorizations have been made for acquisition of a site, construction of a building on site already owned, or for site and building.

(b) Date site was acquired; or, if not acquired, its present status.

(c) Consideration paid for each site.

(d) Amount authorized for site, site and building, or for building only.

(e) Balance available for building.

(f) Estimated cost of building on site authorized.

(g) Amount of increase required where existing authorization is insufficient.

There is also submitted Exhibit B, which includes the names of certain projects, mentioned in Exhibit A, where drawings have been prepared, or are contemplated, for buildings of a very simple type that may possibly be provided within the existing limit of cost by the adoption of much cheaper methods of construction than has been the practice heretofore of this department; or by furnishing space to satisfy present needs only, without room for future expansion; or by not including accommodations for Government activities that may be located in the places named but where the legislation is for a post office only.

Respectfully,

A. W. MELLON,
Secretary of the Treasury.

EXHIBIT A

Names of cities where sites only or sites and buildings have been authorized, limit of cost of each project, amount authorized in each case, cost of land where sites have been acquired, date of acquisition by Government, balance available, estimated cost of project, and increase in limit required

Place	Date site acquired	Cost of site	Amount authorized	Balance available	Estimated amount	Increase
(a)	(b)	(c)	(d)	(e)	(f)	(g)
Alabama:						
Albertville.....	June 9, 1917	\$2,500	\$5,000		\$65,000	
Andalusia.....	Feb. 26, 1915	4,975	150,000	\$45,000	110,000	\$65,000
Attalla.....	Apr. 20, 1918	4,000	5,000		55,000	
Greenville.....	Jan. 23, 1917	5,000	5,000		95,000	
Sylacauga.....	Sept. 10, 1914	5,000	5,000		80,000	
Union Springs.....	Aug. 26, 1914	4,500	5,000		55,000	
Alaska:						
Fairbanks.....	Sept. 30, 1915	15,000	15,000		400,000	
Juneau.....	Sept. 2, 1911	22,500	200,000	177,500	477,500	300,000
Arizona:						
Globe.....	Nov. 14, 1911	15,000	15,000		225,000	125,000
Prescott.....	Apr. 13, 1915	7,500	7,500		250,000	
Tucson.....	Apr. 29, 1914	15,000	15,000		425,000	
Arkansas:						
Brinkley.....	Sept. 30, 1918	3,735	5,000		35,000	
Conway.....	June 16, 1915	2,000	5,000		190,000	
El Dorado.....	Mar. 2, 1922	5,000	5,000		175,000	
Forrest City.....	May 28, 1917	4,500	5,000		65,000	
Marianna.....	Feb. 7, 1917	2,750	50,000	47,250	92,250	45,000
North Little Rock (Argen- ta).....	Dec. 14, 1920	9,500	10,000		100,000	
Prescott.....	Aug. 24, 1914	(9)	50,000		65,000	15,000
Russellville.....	Feb. 17, 1917	5,000	50,000	45,000	130,000	85,000
Stuttgart.....	Not purchased		5,000		90,000	

¹ Site and building.

² Site.

³ Building.

⁴ Donated.

Names of cities where sites only or sites and buildings have been authorized, limit of cost of each project, etc.—Continued

Place	Date site acquired	Cost of site	Amount authorized	Balance available	Estimated amount	Increase
(a)	(b)	(c)	(d)	(e)	(f)	(g)
California:						
Bakersfield.....	Aug. 23, 1911	\$17,500	\$120,000 135,025	\$185,000	\$230,000	\$115,000
Long Beach.....	Feb. 14, 1914	40,000	40,000		750,000	
Modesto.....	Dec. 28, 1916	17,000	20,000		175,000	
Red Bluff.....	Jan. 31, 1917	9,500	160,000	50,200	135,200	85,000
San Bernardino.....	June 17, 1913	16,500	20,000		200,000	
San Luis Obispo.....	Oct. 30, 1916	7,500	180,000	72,000	115,000	42,500
San Pedro.....	Site not selected.		160,000	60,000	500,000	440,000
Colorado:						
Canon City.....	May 8, 1915	11,000	15,000		140,000	
Durango.....	Jan. 24, 1912	10,000	10,000	100,000	250,000	160,000
Monte Vista.....	May 22, 1916	2,900	10,000		100,000	
Montrose.....	Mar. 31, 1916	15,000	15,000		400,000	
Sterling.....	July 31, 1917	15,000	15,000		125,000	
Connecticut:						
Branford.....	June 8, 1917	9,800	155,000	45,400	60,400	15,000
Manchester.....	Aug. 22, 1911	12,000	15,000		100,000	
Mystic.....	Mar. 22, 1917	4,000	155,000	51,000	76,000	25,000
Putnam.....	Sept. 16, 1911	8,500	165,000	56,500	105,500	50,000
Delaware:						
Newark.....	Dec. 18, 1914	4,000	5,000		60,000	
District of Colum- bia:						
State, etc., De- partment ¹						
Florida:						
De Funiak Springs.....	Jan. 9, 1917	(9)	5,000		70,000	
Key West.....	Nov. 3, 1915	32,750	80,000		450,000	
Kissimmee.....	Oct. 9, 1914	5,000	6,000		70,000	
Lake City.....	Oct. 17, 1914	6,000	7,500		85,000	
Marianna.....	Nov. 16, 1916	4,000	70,000	66,000	181,000	85,000
Georgia:						
Canton.....	Aug. 29, 1916	5,000	5,000		50,000	
Douglas.....	Aug. 22, 1917	3,500	155,000	51,500	76,500	25,000
Eatonville.....	Apr. 10, 1917	3,000	5,000		55,000	
Madison.....	July 21, 1917	5,000	5,000		65,000	
Monroe.....	May 29, 1916	5,000	5,000		65,000	
Rossville.....	Apr. 3, 1915	5,000	5,000		70,000	
Sandersville.....	Aug. 12, 1916	5,000	5,000		65,000	
Thomson.....	Sept. 25, 1915	5,000	5,000		55,000	
Toccoa.....	Jan. 28, 1915	5,000	5,000		65,000	
Waynesboro.....	Apr. 13, 1916	4,993	8,000		70,000	
West Point.....	Apr. 28, 1916	6,000	160,000	44,000	69,000	25,000
Idaho:						
Caldwell.....	June 28, 1915	8,500	10,000		100,000	
Coeur d'Alene.....	May 3, 1912	13,200	100,000	86,800	251,800	165,000
Nampa.....	Jan. 16, 1917	6,200	10,000		125,000	
Sand Point.....	Aug. 6, 1916	(9)	170,000	70,000	115,000	45,000
Illinois:						
Batavia.....	Not selected.		195,000	95,000	65,000	None.
Carlinville.....	Mar. 10, 1917	3,000	10,000		95,000	
Carrollton.....	Sept. 14, 1918	7,000	7,000		100,000	
Chicago, West Side.....			1,750,000			
Chicago, East Sixty-third.....			50,000			
Cicero.....	June 10, 1915	6,000	7,000		100,000	
Geneseo.....	July 15, 1920	10,000	160,000	50,000	100,000	50,000
Havana.....	Nov. 14, 1916	9,000	10,000		110,000	
Highland.....	Sept. 30, 1914	4,000	7,000		80,000	
Jerseyville.....	Sept. 9, 1918	6,250	165,000	58,750	98,750	40,000
Mendota.....	Sept. 8, 1917	10,000	10,000		70,000	
Metropolis.....	Site not selected.		150,000	50,000	100,000	50,000
Mount Carmel.....	Sept. 23, 1914	20,000	175,000	55,000	715,000	50,000
Paxton.....	Site not selected.		160,000	60,000	100,000	40,000
Spring Valley.....	June 27, 1921	6,000	10,000		75,000	
Woodstock.....	Aug. 23, 1917	15,000	17,000		110,000	
Indiana:						
Bluffton.....	Oct. 9, 1918	11,500	170,000	58,500	98,500	40,000
Clinton.....	Jan. 4, 1917	6,800	160,000	53,200	73,200	20,000
Decatur.....	Sept. 20, 1919	9,000	10,000		125,000	
Greensburg.....	July 26, 1917	12,000	12,000		140,000	
Lebanon.....	Apr. 3, 1917	6,000	10,000		115,000	
Linton.....	Aug. 18, 1916	5,500	8,000		95,000	
Mount Vernon.....	Sept. 15, 1911	7,500	7,500		100,000	
Noblesville.....	Dec. 11, 1917	10,000	10,000		170,000	
North Vernon.....	May 16, 1918	10,000	160,000	50,000	85,000	35,000
Plymouth.....	Not purchased		10,000		80,000	
Rochester.....	do.		170,000	62,000	112,000	50,000
Salem.....	do.		5,000		60,000	
Warsaw.....	Oct. 27, 1921	10,000	10,000		100,000	
Iowa:						
Albia.....	June 19, 1917	5,000	5,000		100,000	
Cherokee.....	July 19, 1916	12,000	170,000	58,000	103,000	45,000
Des Moines.....	Aug. 15, 1919	65,000	1100,000 1250,000	250,000	600,000	340,000
Fairfield.....	Sept. 18, 1916	7,000	10,000		100,000	
Marengo.....	Dec. 29, 1915	3,500	5,000		75,000	

¹ Site and building.

² Site.

³ Building.

⁴ Donated.

⁵ Proposition taken up by Committee on Public Buildings and Grounds in their report to the Senate.

⁶ These matters will require a survey of the entire Chicago situation.

Names of cities where sites only or sites and buildings have been authorized, limit of cost of each project, etc.—Continued

Place	Date site acquired	Cost of site	Amount authorized	Balance available	Estimated amount	Increase
(a)	(b)	(c)	(d)	(e)	(f)	(g)
Iowa—Contd.						
Newton	July 13, 1917	\$10,000	\$10,000		\$125,000	
Oelwein	Aug. 23, 1915	8,000	8,000		85,000	
Kansas:						
Hollon	Sept. 22, 1911	4,500	7,500		90,000	
Kentucky:						
Barbourville	Nov. 9, 1921	5,000	5,000		50,000	
Central City	June 17, 1915	7,500	7,500		60,000	
Elizabethtown	Dec. 23, 1916	4,000	7,500		75,000	
Eminence	Oct. 11, 1915	6,850	8,000		65,000	
Falmouth	Nov. 21, 1914	5,000	5,000		60,000	
Harrodsburg	Mar. 24, 1917	7,500	10,000		85,000	
Hodgenville	Aug. 28, 1917	2,500	5,000		55,000	
Madisonville	Dec. 29, 1916	5,000	10,000		90,000	
Murray	May 3, 1917	4,000	5,000		60,000	
Paintsville	Aug. 10, 1917	4,000	5,000		60,000	
Pikeville	Not purchased		7,500		75,000	
Protonsburg	Mar. 12, 1918	3,000	5,000		60,000	
Shelbyville	June 10, 1911	10,000	10,000	\$50,000	100,000	\$50,000
Louisiana:						
Morgan City	Dec. 7, 1921	6,000	6,000		60,000	
Thibodaux	Mar. 15, 1918	5,000	10,000	45,000	60,000	15,000
Maine:						
Caribou	Sept. 20, 1911	10,000	10,000	30,000	80,000	30,000
Fort Fairfield	Feb. 8, 1915	18,000	180,000	62,000	77,000	15,000
Hallowell	Mar. 13, 1912	6,500	20,000		70,000	
Maryland:						
Salisbury	Apr. 21, 1917	10,500	100,000	79,500	104,500	25,000
Massachusetts:						
Amherst	June 5, 1923	10,500	180,000	69,500	99,500	30,000
Leominster	July 2, 1917	20,000	190,000	70,000	135,000	65,000
Malden	Site to be donated.		150,000	150,000	250,000	100,000
Newburyport	May 3, 1912	25,000	25,000	70,000	140,000	70,000
Provincetown	Dec. 10, 1917	7,500	8,000		90,000	
Southbridge	Nov. 11, 1915	18,000	180,000	62,000	122,000	60,000
South Framingham	Dec. 19, 1916	18,000	25,000		145,000	
Waltham	Oct. 17, 1911	46,051	115,000	68,900	178,900	110,000
Winchester	Mar. 31, 1916	19,500	175,000	55,500	120,500	65,000
Michigan:						
Benton Harbor	June 2, 1917	25,000	25,000		160,000	
Bozoyan	Aug. 14, 1911	8,000	10,000		70,000	
Calumet	Not purchased		20,000		120,000	
Cheboygan	Oct. 2, 1906	7,900	170,000	62,100	87,100	25,000
Hastings	Dec. 30, 1918	6,300	81,000	74,700	124,700	50,000
Midland	Nov. 8, 1916	6,000	160,000	54,000	99,000	45,000
Wyandotte	Site not purchased		175,000	75,000	150,000	75,000
Minnesota:						
Duluth	Apr. 15, 1911	86,700	95,000		650,000	
Fairmount	Site not purchased		65,000	60,000	115,000	55,000
Montevideo	Aug. 23, 1911	5,000	5,000	50,000	110,000	60,000
Mississippi:						
Holly Springs	Feb. 2, 1914	6,500	145,000	40,500	73,500	30,000
Water Valley	Apr. 29, 1916	5,000	150,000	45,000	75,000	30,000
Missouri:						
Aurora	Apr. 19, 1909	6,975	10,000		90,000	
Caruthersville	July 18, 1918	4,000	5,000		75,000	
Centralia	Sept. 11, 1914	6,000	7,500		103,000	
Farmington	Jan. 30, 1918	5,000	5,000		80,000	
Fayette	Mar. 28, 1917	4,000	155,000	51,000	91,000	40,000
Harrisonville	Oct. 27, 1916	5,000	152,500	47,500	67,500	20,000
Lamar	Aug. 22, 1914	7,000	10,000		65,000	
Lebanon	Dec. 16, 1914	6,800	7,500		75,000	
Liberty	Sept. 28, 1917	6,000	160,000	54,000	69,000	15,000
Mountain Grove	Oct. 12, 1916	6,000	7,500		80,000	
Sikeston	June 16, 1917	7,500	7,500		75,000	
Trenton	Jan. 25, 1910	8,000	10,000		90,000	
Unionville	Feb. 26, 1917	7,500	7,500		55,000	
West Plains	Aug. 20, 1914	5,000	7,500		75,000	
Nebraska:						
Central City	July 17, 1917	(9)	155,000	55,000	75,000	20,000
Nevada:						
Fallon	June 14, 1917	1,500	155,000	53,500	65,500	12,000
Gouldfield	Not acquired		175,000	75,000	75,000	None.
New Hampshire:						
Somersworth	Dec. 23, 1920	7,500	7,500		60,000	
New Jersey:						
Bayonne	Nov. 10, 1913	25,000	25,000	100,000	230,000	150,000
East Orange	Oct. 9, 1911	45,000	100,000	125,000	390,000	265,000
Millville	Nov. 20, 1912	14,700	55,000	40,300	115,300	75,000
Montclair	Nov. 11, 1914	30,000	130,000	100,000	250,000	150,000
Passaic	Apr. 7, 1913	25,000	25,000		75,000	
Red Bank	June 3, 1914	25,000	25,000		125,000	
Salem	Mar. 2, 1917	10,000	10,000		100,000	
Vineyard	Nov. 8, 1915	10,000	170,000	60,000	130,000	60,000
Woodbury	Nov. 12, 1912	15,000	170,000	55,000	80,000	25,000

1 Site and building.

2 Site.

3 Building.

4 Donated.

5 New site or additional land.

Names of cities where sites only or sites and buildings have been authorized, limit of cost of each project, etc.—Continued

Place	Date site acquired	Cost of site	Amount authorized	Balance available	Estimated amount	Increase
(a)	(b)	(c)	(d)	(e)	(f)	(g)
New Mexico:						
East Las Vegas	Dec. 27, 1917	\$9,000	\$125,000	\$116,000	\$116,000	None.
New York:						
Bath	Dec. 9, 1914	15,000	15,000		90,000	
Binghamton	Mar. 22, 1916	100,000	100,000		25,000	
Bronx	July 17, 1914	275,900	285,000		116,500	
Coates	Feb. 1, 1916	38,500	140,000	81,500	170,000	\$35,000
Dunkirk	Mar. 21, 1914	20,000	20,000		170,000	
Fort Plain	Site not purchased.		165,000	65,000	95,000	30,000
Long Island City	Apr. 13, 1915	40,000	260,000	160,000	310,000	150,000
Lynx	Dec. 18, 1917	15,000	15,000		90,000	
Nyack	Aug. 10, 1911	15,500	15,500		100,000	
Oneida	Mar. 29, 1917	14,350	20,000		110,000	
Saranac Lake	Jan. 12, 1917	18,500	180,000	71,500	111,500	40,000
Syracuse	Oct. 6, 1911	324,900	325,000	550,000	1,600,000	1,050,000
Utica	Sept. 20, 1911	90,500	100,000		800,000	
Yonkers	June 22, 1917	338,000	1,000,000	160,300	550,000	300,000
Walden	Nov. 19, 1914	7,500	165,000	57,500	87,500	30,000
Waterloo	June 2, 1911	19,000	130,000	55,000	90,000	35,000
North Carolina:						
Edenton	Aug. 2, 1916	4,000	7,500		85,000	
Lenoir	Aug. 24, 1915	4,500	8,000		90,000	
Lumberton	Sept. 16, 1914	10,000	10,000		115,000	
Mount Olive	Aug. 26, 1920	2,000	5,000		75,000	
Mount Airy	Site not purchased.		5,000		100,000	
Rockingham	No appropriation.		5,000		75,000	
Rutherfordton	July 21, 1917	4,000	5,000		65,000	
Thomasville	Sept. 13, 1917	8,000	155,000	47,000	82,000	35,000
Wadesboro	No appropriation.		5,000		70,000	
Wilson	May 28, 1909	10,000	160,000	50,000	250,000	200,000
North Dakota:						
Fargo	Apr. 9, 1915	23,500	25,000		600,000	
Jamestown	Dec. 23, 1911	7,500	110,000	75,000	200,000	185,000
Ohio:						
Akron	Aug. 28, 1914	80,250	1,400,000	313,720	1,000,000	686,280
Conneaut	Nov. 3, 1911	15,000	15,000		115,000	
Delphos	Not purchased.		7,000		10,000	
Fremont	Apr. 2, 1912	12,000	15,000	100,000	145,000	45,000
Jackson	July 31, 1911	10,000	10,000		85,000	
Kenton	Nov. 2, 1916	14,000	180,000	60,000	131,000	65,000
Millersburg	Feb. 25, 1918	7,500	7,500		70,000	
Napoleon	Sept. 15, 1915	7,500	7,500		115,000	
New Philadelphia	July 20, 1915	12,400	12,500		120,000	
Niles	May 27, 1911	15,000	15,000		110,000	
Sandusky	Mar. 30, 1917	65,000	215,000	100,000	290,000	135,000
St. Marys	Sept. 25, 1917	6,500	7,500		75,000	
Steubenville	Sept. 23, 1912	36,000	270,000	235,000	235,000	None.
Urbana	June 3, 1911	13,000	15,000		115,000	
Washington:						
Court House	Feb. 6, 1915	15,000	80,000	65,000	115,000	50,000
Wilmington	Not purchased		175,000	75,000	130,000	55,000
Oklahoma:						
Frederick	Mar. 8, 1917	6,800	10,000		90,000	
Hobart	May 28, 1915	10,000	10,000		110,000	
Oregon:						
St. Johns	Not purchased		5,000		55,000	
Pennsylvania:						
Donors	Not selected		175,000	75,000	100,000	25,000
Dubois	Oct. 5, 1912	25,000	25,000	85,000	135,000	50,000
Franklin	Feb. 1, 1915	10,000	100,000	81,000	161,000	80,000
Kittanning	Sept. 30, 1909	15,000	15,000		125,000	
Lancaster	Oct. 1, 1917	127,833	138,278		300,000	
Lewistown	May 15, 1917	16,500	175,000	58,500	103,500	45,000
McKees Rocks	Sept. 7, 1916	14,500	180,000	65,000	100,000	85,000
Glyphant	Not selected		165,000	65,000	86,000	20,000
Pittsburgh	Pending		950,000	950,000	2,230,000	
Pittston	Mar. 25, 1919	20,000	100,000	80,000	230,000	150,000
Rochester	Aug. 4, 1911	26,000	30,000		65,000	
Sayre	Not selected		180,000	80,000	130,000	50,000
State College	Feb. 9, 1916	14,400	175,000	60,600	120,600	60,000
Tamaqua	Not purchased		175,000	48,000	123,000	75,000
Tarentum	July 28, 1911	20,000	20,000	60,000	125,000	65,000
Tyrone	Aug. 2, 1918	25,000	25,000		160,000	
Waynesburg	Not selected		175,000	75,000	140,000	65,000
Rhode Island:						
Warren	June 8, 1916	10,000	10,000		75,000	
Dillon	Oct. 9, 1914	7,500	7,500		75,000	
Lancaster	Mar. 30, 1915	8,000	150,000	42,000	82,000	40,000
South Dakota:						
Chamberlain	Not selected		160,000	60,000	75,000	15,000
Millbank	July 7, 1917	4,000	7,500		65,000	

1 Site and building.

2 Site.

3 Building.

4 Additional land.

5 This matter will require a survey of the entire Bronx situation.

6 Additional for site.

Names of cities where sites only or sites and buildings have been authorized, limit of cost of each project, etc.—Continued

Place	Date site acquired	Cost of site	Amount authorized	Balance available	Estimated amount	Increase
(a)	(b)	(c)	(d)	(e)	(f)	(g)
South Dakota—Continued.						
Vermilion	Jan. 4, 1917	\$2,500	\$7,500		\$85,000	
Tennessee:						
Athens	Dec. 24, 1914	5,000	150,000	\$45,000	115,000	\$70,000
Elizabethton	Not purchased		2,500		2,500	
Franklin	Jan. 17, 1917	6,200	155,000	45,800	128,800	80,000
Huntingdon	Aug. 13, 1915	2,500	2,500		75,000	
Memphis sub-postoffice	Mar. 14, 1918	90,000	120,000	120,000	750,000	630,000
Rogersville	Dec. 30, 1918	2,250	3,000		65,000	
Tullahoma	June 28, 1919	6,000	150,000	44,000	74,000	50,000
Texas:						
Atlanta	Sept. 19, 1912	4,000	5,000		65,000	
Coleman	Oct. 12, 1915	1	5,000		70,000	
Comanche	Aug. 13, 1913	3,000	150,000	47,000	87,000	40,000
Crockett	Sept. 23, 1915	6,000	6,000		85,000	
Dallas	Apr. 18, 1914	250,000	300,000		2,000,000	
Georgetown	Oct. 5, 1914	5,000	5,000		85,000	
Gilmer	Jan. 23, 1917	5,000	155,000	50,000	70,000	20,000
Huntsville	Jan. 25, 1912	5,000	5,000		85,000	
Memphis	Mar. 16, 1916	3,000	7,500		75,000	
Mount Pleasant	Dec. 29, 1916	5,000	155,000	50,000	80,000	30,000
Orange	Apr. 10, 1915	5,000	160,000	55,000	110,000	55,000
Pittsburg	Feb. 21, 1917	5,000	155,000	50,000	65,000	15,000
Seguin	May 19, 1914	(4)	7,500		80,000	
Sweetwater	Nov. 19, 1914	6,500	7,500		90,000	
Taylor	Mar. 31, 1915	5,000	5,000		115,000	
Utah:						
Nephi	May 17, 1918	5,000	5,000		65,000	
Vernal	Mar. 15, 1918	4,750	150,000	45,250	130,250	85,000
Vermont:						
St. Johnsbury	June 26, 1917	8,500	100,000	91,500	146,500	55,000
Virginia:						
Buena Vista	Apr. 4, 1919	4,000	5,000		75,000	
Cape Charles	Not purchased		7,500		75,000	
Manassas	Dec. 19, 1919	3,750	5,000		65,000	
West Point	Sept. 23, 1915	5,000	5,000		55,000	
Woodstock	July 23, 1917	4,000	5,000		65,000	
Washington:						
Colfax	Oct. 25, 1917	5,500	7,000		75,000	
Pasco	July 12, 1916	10,000	10,000		75,000	
Seattle	Jan. 11, 1912	169,500	1200,000	300,000	14,800,000	4,500,000
West Virginia:						
Hinton	Mar. 14, 1913	5,027	10,000	50,000	85,000	35,000
New Martinsville	June 20, 1916	12,250	12,500		85,000	
Philippi	Apr. 13, 1914	8,000	8,000		60,000	
Williamson	Oct. 28, 1911	6,500	10,000	50,000	250,000	200,000
Wisconsin:						
Madison	Nov. 19, 1923	336,448	1550,000	213,552	853,552	640,000
Milwaukee, west side	No appropriation		100,000		350,000	
Mineral Point	Dec. 9, 1921	4,468	160,000	55,500	70,500	15,000
Monroe	Aug. 1, 1911	7,500	7,500		110,000	
Tomah	July 18, 1917	8,000	155,000	47,000	72,000	25,000
Waupun	Sept. 3, 1913	3,409	5,000		80,000	
Wyoming:						
Buffalo	Sept. 14, 1911	7,000	17,000	62,500	97,500	35,000
Cody	Apr. 20, 1912	4,500	16,000	50,000	125,000	75,000
Green River	Oct. 6, 1911	6,000	5,000		70,000	
Newcastle	Dec. 22, 1916	4,400	5,000		75,000	

¹ Site and building.

² Site.

³ Building.

⁴ Donated.

⁵ Additional for site.

⁶ Present site not suitable; changes in legislation contemplated.

⁷ New site and building.

EXHIBIT B

LIST OF BUILDINGS INCLUDED IN EXHIBIT A WHERE DRAWINGS HAVE BEEN PREPARED OR ARE CONTEMPLATED

California: Bakersfield, Red Bluff, and San Luis Obispo.
 Georgia: Douglas and West Point.
 Idaho: Sandpoint.
 Illinois: Geneseo, Jerseyville, and Mount Carmel.
 Indiana: Bluffton, Clinton, and North Vernon.
 Kentucky: Shelbyville.
 Louisiana: Thibodaux.
 Maryland: Salisbury.
 Massachusetts: Leominster.
 Michigan: Cheboygan and Midland.
 Mississippi: Water Valley.
 Missouri: Fayette and Liberty.
 Nevada: Fallon.
 New Jersey: Vineland.
 New Mexico: East Las Vegas.
 New York: Cohoes, Saranac Lake, Walden, and Waterloo.

Ohio: Kenton, Steubenville, and Washington Court House.
 Pennsylvania: Dubois, Franklin, Lewistown, Pittston, and State College.

Tennessee: Franklin.

Texas: Gilmer, Mount Pleasant, and Pittsburg.

Vermont: St. Johnsbury.

Wisconsin: Mineral Point.

Wyoming: Buffalo and Cody.

TREASURY DEPARTMENT,
 Washington, May 17, 1924.

THE CHAIRMAN COMMITTEE ON APPROPRIATIONS,
 United States Senate.

SIR: Reference is made to your recent request for a report on Senate bill 2882, for increase in the limit of cost of certain public buildings heretofore authorized and for which appropriations were made, referred to in Senate Document No. 28, in total amount \$15,130,780; and for construction of public buildings, on sites heretofore acquired, for which buildings no appropriations were made, referred to in said document, in amount \$23,557,500.

Detailed information in regard to the projects in the two sections of the bill was transmitted to Congress in letter of January 24, 1924 (printed as Senate Document No. 28), a copy of which is attached to this report and made a part thereof.

It has been found possible to award contracts for buildings at certain of the places of the type and construction described in the last paragraph of the said letter and furnishing the minimum accommodations possible under the legislation. This reduces the total amount required under section (a) of the bill to \$14,860,780.

The passage of this bill would permit the construction of those buildings authorized and limits of cost fixed under act of March 4, 1913, which, on account of the increased cost of labor and materials, can not now be erected within such limits. The completion of these projects and the erection of Federal buildings in many places where sites only have been authorized would be a substantial help in relieving the congestion in the Postal Service.

In connection with the foregoing you are advised that the department is informed that the appropriations contemplated by this bill are in conflict with the financial program of the President.

Respectfully,

A. W. MELLON,
 Secretary of the Treasury.

[From Annual Report of the Postmaster General for the fiscal year ending June 30, 1924]

The Postal Service is growing steadily and its requirements are difficult to meet without constant recourse to enlarged quarters, which are secured on a rental basis at an expense much greater than that which would result from Government construction and ownership. A vast sum is paid annually for these rentals. The reasons in favor of some plan of Government ownership of post-office buildings for postal use where an economy would be realized is set forth in detail in my letter to the Joint Commission on Postal Service, which reads as follows:

OFFICE OF THE POSTMASTER GENERAL,
 Washington, D. C., August 21, 1922.

JOINT COMMISSION ON POSTAL SERVICE,
 Washington, D. C.

MY DEAR SIR: There are at present 5,846 post offices in leased quarters and 1,119 post offices in buildings owned by the Government. The aggregate annual rental paid for the occupancy of these 5,846 leased quarters is \$9,262,515.47, but this aggregate does not include the amount paid for quarters not under lease, which when added to \$9,262,515.47 makes a present total annual rental bill of \$11,660,056, not including garages, to be paid by the Government from appropriation made to the Post Office Department. There are at present 5 Government-owned buildings actually under construction and 11 under contract for construction in which post offices will find quarters.

The earnings of the Post Office Department have doubled in the last 10 years. This ever-increasing postal business demands and must have space in which it may be efficiently and economically carried on. During the last holiday season several cities handled heavy parcel-post business on the sidewalks under protection of guards but without protection against the weather. This increased volume of postal business has forced the use of basements and subbasements and has brought about a congestion in workrooms in some of our larger cities. This condition, caused by inadequate and unsuited quarters, is detrimental to the comfort and physical well-being of many postal workers, is subversive to efficiency of service, and from any viewpoint is wholly undesirable. Renewal leases entered into from March 4, 1921, to August 5, 1922, show an increase in space of 71 per cent over the space in the expired leases, but in this calculation the space of additional post offices established at various places since the expiration of the aforesaid leases because of the necessities of the service is not included. If this new and additional space be included, then there is an in-

crease of 153 per cent over the expired leases. The per cent of increase in the rental of these renewed leases over the expired leases is 147, but this does not include the rental for the new and additional post offices, which when added make an increase of 342 per cent over the rental of these expired leases.

In addition to the amount of \$11,660,056 annually paid for the rental of post-office quarters there are 76 garages throughout the country under lease, for which the amount of \$588,921 is annually paid for rental. This sum of \$588,921 when added to \$11,660,056 brings the total amount of rental paid by the Government for buildings leased for postal uses up to \$12,248,977. Confronted with this annual expenditure of \$12,248,977 for rental of real estate for postal uses, which will annually steadily increase, two questions at once arise for answer with reference to first-class post offices, the larger second-class post offices, and the larger classified stations and their branches. First, viewed solely from the financial side, is the present plan of leasing in keeping with the best business methods and practices? Second, aside from the financial point of view, is the present plan giving the best postal service results?

My answer to the first question is in the negative. I am decidedly of the opinion, and I believe that your business experience and observation will support my view, that annually a great saving in money will result if a policy of Government ownership were adopted. I do not advocate Government ownership of all offices, stations, and garages, for manifestly at times and on occasions it is better business to lease than own. But I do advocate and urge Government ownership in those cases where an economy would be realized and where good business judgment demands ownership rather than tenancy. Of course, at times efficiency of service will suggest leasing rather than ownership even when a considerable money saving could be effected by ownership, but these cases are exceptional, and good judgment can always be depended upon to leave such cases to the leasing plan.

Many reasons can be given in support of the Government ownership plan, among which are the following:

1. The Government can borrow money on practically a 4 per cent basis to build post offices, whereas when it leases it pays a rental sufficient to permit the lessor to borrow money at 7 per cent, and in some cases as much as 10 per cent. In other words, by this lease policy the Government is indirectly paying 7 per cent and 10 per cent interest on money when it is able to borrow at 4 per cent.

2. When the Government owns a post-office building it is free from taxation, whereas when it leases an office it is indirectly paying taxes at the rate of about 2 per cent on the investment and many times at a very much higher rate. When a building required for postal uses represents an investment of a large amount of money it is readily seen that the taxes alone which the Government must pay to the lessor in the form of rent is a very considerable sum.

3. Another way of stating in a combined form the two preceding propositions is that the ordinary lessor usually obtains about 10 per cent gross on his investment, whereas if the Government owned the property, building it with 4 per cent money, it would be costing the Government about one-half as much as it is obliged to pay in the form of a lease for the use of a building.

4. If the Government adopted the policy of owning its post-office buildings, it would be in a position to take property by right of eminent domain, whereas it can not take a leasehold interest by such right.

5. In our negotiations for leases with prospective lessors we are confronted with the fact that we can not build, and therefore we must pay what they ask. If we could say to bidders, "Unless you bring your rental down to a certain reasonable figure the Government will put up a building of its own," we would then have a powerful weapon of negotiation where we now have none. But that is only possible when the Government has adopted a policy of ownership and provided funds to carry out such a policy.

6. Leased buildings are constantly being outgrown, confronting the department with the necessity of either adding additional space or seeking an entirely new location. With a lease policy and without the right of condemnation the additional adjacent space is often held at unconscionable figures, and we are often compelled to pay far more than we know to be reasonable on account of the situation.

7. When a Government post office or postal building is erected by a lessor, in a very large percentage of cases it enhances the value of all property in the vicinity, so that it becomes necessary to renew such lease at much higher figures, whereas if the Government owned the building it would receive the benefit of the enhancement of values which it has created.

8. The lessor who builds a post office or postal station for the Government on a contract for lease for 10 or 20 years is obliged to figure on absorbing either the whole or a large percentage of the original cost of the building, and this he does. He is obliged to do this because he knows he may be compelled at the end of the lease to reconvey it into other uses. The result of such a lease policy is that the Government not only pays about 10 per cent on the original investment but it pays in addition thereto a certain per cent of all the

original investment distributed over a term of years, so that at the end of the lease the Government has nothing, but is obliged to start over again, still at the mercy of lessors, with no efficient weapon to compel fair prices.

My answer to the second of the above questions is also in the negative. It frequently is impossible to lease buildings having satisfactory working conditions, such as natural light and ventilation. In erecting Government-owned buildings ideal working conditions would be provided, thereby insuring the health and comfort of employees, which should always be given first consideration. Then, too, such buildings would be erected in accordance with plans and specifications either made or approved by the Post Office Department based upon its experience with a view to efficiency of service as well as to cost of service.

The Joint Commission on Postal Service expressed the opinion in its report to the Senate and House of Representatives that the site immediately west of the present general post-office building at New York City, commonly called the Pennsylvania Railroad site, was a desirable site for a building to relieve the present congested condition of the general post office at New York City. The department began negotiations to lease for a period of 20 years a building to be erected on this site, but no agreement has been made. Of the offers submitted to the department the aggregate rental for 20 years ranged from \$19,245,695 to \$24,900,000. If the Government would purchase this site and erect the building and become the owner instead of lessee, at the end of 20 years the aggregate expenditure would be considerably less than the lowest offer, and in addition the Government would own the property. What is said of the advantage of ownership as against tenancy of this New York City site can with equal force be said of other sites. Where the business and circumstances justify Government ownership it seems unbusinesslike for the Government to deny to itself and forego all the advantages, financial and otherwise, of ownership and become lessee with a money loss and with all the other many attendant disadvantages of tenancy.

It is not my present purpose to suggest or advocate any particular way for the execution of this general plan of Government ownership of buildings for postal use. My present purpose is to call attention to the necessity for the adoption of this general plan of Government ownership of buildings within the limitation of good business judgment, as hereinabove pointed out, as against the leasing system. I regard the present plan of leasing as unbusinesslike, and in view of this present practice I hope the Congress may enact the necessary legislation to effect the change herein suggested and advocated.

I earnestly solicit your support and cooperation.

Sincerely yours,

HUBERT WORK,
Postmaster General.

[From Annual Report of the Postmaster General for the fiscal year ending June 30, 1923]

GOVERNMENT OWNERSHIP

Attention again is invited to the unbusinesslike method of securing quarters for post offices and postal stations under the leasing system. In many cases the Government is paying in annual rent from 10 to 17 per cent of the value of the premises occupied. On August 21, 1922, a letter was addressed by the then Postmaster General to the Joint Commission on Postal Service setting forth very fully the department's views with reference to Government ownership of post-office buildings. This letter was published in full in the last annual report, and the conclusions contained therein have been considered by me and receive my full approval.

[From Annual Report of the Postmaster General for the fiscal year ending June 30, 1924]

GOVERNMENT OWNERSHIP

I desire again to invite attention to the unbusinesslike method of securing quarters for post offices and postal stations under the leasing system. In many cases the Government is paying in annual rent a large per cent of the value of the premises occupied. In 1922 the then Postmaster General addressed a letter to the Joint Commission on Postal Service setting forth fully the department's views with reference to Government ownership of post-office buildings. In the last report mention was made of my full approval of those recommendations.

FUNERAL EXPENSES OF THE LATE SENATOR COLT

Mr. GERRY submitted the following resolution (S. Res. 265), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Presi-

dent pro tempore in arranging for and attending the funeral of the Hon. LEIBRON B. COLT, late a Senator from the State of Rhode Island, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

LEILA A. GRIFFIN

Mr. SMITH submitted the following resolution (S. Res. 266), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate to Leila A. Griffin, daughter of Richard S. Anderson, late a messenger of the Senate, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

FUNERAL EXPENSES OF THE LATE SENATOR BRANDEGEE

Mr. McLEAN submitted the following resolution (S. Res. 267), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the President pro tempore in arranging for and attending the funeral of the Hon. FRANK B. BRANDEGEE, late a Senator from the State of Connecticut, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

FUNERAL EXPENSES OF THE LATE SENATOR LODGE

Mr. WALSH of Massachusetts submitted the following resolution (S. Res. 268), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the President pro tempore in arranging for and attending the funeral of the Hon. HENRY CABOT LODGE, late a Senator from the State of Massachusetts, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

HANDLING OF MAIL MATTER

Mr. STERLING submitted a resolution (S. Res. 269), which was read, considered by unanimous consent, and agreed to, as follows:

Whereas there was included in the appropriation bill for the Post Office Department for the fiscal year ending June 30, 1924, an item of \$500,000 for the purpose of completing the work of determining the cost to the department of handling the various classes of mail matter; and

Whereas it is understood that said report has been completed: Therefore be it

Resolved, That the Postmaster General be respectfully requested to submit said report to the Senate of the United States.

FINANCIAL ARRANGEMENTS WITH FOREIGN GOVERNMENTS

Mr. LADD submitted the following concurrent resolution (S. Con. Res. 22), which was referred to the Committee on Foreign Relations:

Resolved by the Senate (the House of Representatives concurring), That the President be, and he is hereby, requested to direct the Departments of State, Treasury, and Commerce, the Federal Reserve Board, and all other agencies of the Government which are or may be concerned thereunder, to refrain henceforth, without specific prior authorization of the Congress, from—

(1) Directly or indirectly engaging the responsibility of the Government of the United States, or otherwise on its behalf, to supervise the fulfillment of financial arrangements between citizens of the United States and sovereign foreign Governments or political subdivisions thereof, whether or not recognized de jure or de facto by the United States Government; or

(2) In any manner whatsoever giving official recognition to any arrangement which may commit the Government of the United States to any form of military intervention in order to compel the observance of alleged obligations of sovereign or subordinate authority, or of any corporations or individuals, or to deal with any such arrangement except to secure the settlement of claims of the United States or of United States citizens through the ordinary channels of law provided therefor in the respective foreign jurisdictions, or through duly authorized and accepted arbitration agencies.

HOUSE BILL REFERRED

The bill (H. R. 9138) to authorize the discontinuance of the seven-year regauge of distilled spirits in bonded warehouses, and for other purposes, was read twice by its title and referred to the Committee on Finance.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker of the House had signed enrolled bills and a joint resolution of the following titles, and they were thereupon signed by the President pro tempore:

S. 2265. An act to provide for a rearrangement of the public-alley facilities in square 616 in the District of Columbia, and for other purposes;

S. 3397. An act to remit the duty on a carillon of bells to be imported for the Church of Our Lady of the Rosary, Providence, R. I.;

H. R. 6426. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 9561. An act making additional appropriations for the fiscal year ending June 30, 1925, to enable the heads of the several departments and independent establishments to adjust the rates of compensation of civilian employees in certain of the field services; and

S. J. Res. 85. Joint resolution authorizing an appropriation for the participation of the United States in the preparation and completion of plans for the comprehensive observance of that greatest of all historic events, the bicentennial of the birth-day of George Washington.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

The PRESIDENT pro tempore. Morning business is closed. Mr. WARREN. Mr. President, we have just received a message from the House of Representatives having to do with the completion of some of the unfinished business of the last session. There is another matter of importance which did not reach the stage which was reached by the bills which have just been sent to the desk from the House of Representatives and which merely lack the signatures of the two Presiding Officers. I refer to a bill that was in conference at the last session and lacked the finishing touches of consideration. It is very important that that bill should be acted upon at the earliest moment. It is the second deficiency appropriation bill and proposes to appropriate about \$175,000,000 or \$180,000,000. It affects every department of the Government and almost every known interest of the Government, because it is a clean-up for the year of amounts necessary to close accounts, to pay employees, and to settle other pending obligations. It is important because many of the beneficiaries are suffering for the want of the money which the bill proposes to provide. It is important because the Budget Bureau should know what has been provided for these expenses of the last year, so that they may arrange the budget for the next year accordingly. The departments should know what disposition is to be made of the measure.

Therefore I propose to call up the conference report at this time. All that will be required will be, first, a motion to reconsider; second, a motion to adopt the report of the conferees; and third, a recession on the part of the Senate from the only two remaining items that were in disagreement. So I now ask unanimous consent to reconsider the action by which the conference report on the second deficiency appropriation bill was recommitted to the committee of conference.

Mr. PITTMAN. Mr. President, I wish to join in the request of the Senator from Wyoming. During the last session an order was made under a unanimous-consent request submitted by me at that time. I wish to say that there has been an entirely satisfactory adjustment, so far as I am personally concerned, with regard to the matters that caused my protest. I regretted very much at that time to make the protest. I agree with the Senator from Wyoming that it is very important to consider this matter immediately.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered.

Mr. WARREN. Now I move the adoption of the conference report on House bill 9559.

The PRESIDENT pro tempore. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9559) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1925, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 32, 35, and 36.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "Provided, That no part of the sums herein appropriated shall be used for the commencement of construction work on any reclamation project which has not been recommended by the Commissioner of Reclamation and the Secretary of the Interior and approved by the President as to its agricultural and engineering feasibility and the reasonableness of its estimated construction cost"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$375,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$315,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$375,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 29, 34, 58, and 59.

F. E. WARREN,
CHARLES CURTIS,
W. L. JONES,
LEE S. OVERMAN,
WM. J. HARRIS,

Managers on the part of the Senate.

MARTIN B. MADDEN,
D. R. ANTHONY, JR.,
Managers on the part of the House.

Mr. ASHURST. Mr. President, will the Senator yield to me at this juncture?

The PRESIDENT pro tempore. Allow the Chair to state his understanding of the present parliamentary situation. The Chair understands that the conference report is now before the Senate for consideration.

Mr. WARREN. It is, and I therefore move the adoption of the report.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wyoming, that the Senate agree to the conference report.

Mr. ASHURST. Mr. President, I shall vote for the motion, and I hope it may prevail. Those who deigned to pay any attention to what I said just before the session of Congress closed on June 7 last will remember that I suffered a grievous disappointment because two certain amendments adopted by the Senate on June 5 were eliminated by the conferees. I believe the Senate conferees used every effort at their command to hold these amendments. In the heat and sensation of the hour of adjournment I may not have done the conferees the full justice to which they were entitled; but I am profoundly convinced that they used every honorable effort to hold these two Senate amendments.

I have faith in the justice of the United States Senate. I believe that at the eligible and appropriate time the Senate will readopt and insist upon the two amendments that were thrown out of the bill by the conferees. I refer to the one presented by my colleague and to the other presented by myself. Believing in the justice of the Senate, and relying upon the inherent strength of these amendments, I vote for this conference report, and ask unanimous consent that a comparatively few paragraphs from the report of the committee of special advisers on reclamation, namely, the fact finding commission, urging these amendments be included in the Record at this point.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

ARIZONA-CALIFORNIA-YUMA PROJECT

Notwithstanding it has been held under existing law that all moneys received and to be received under a certain contract, dated October 23,

1918, between the United States and the Imperial Irrigation district should be paid into the reclamation fund, we recommend appropriate legislation directing that such moneys be credited to the Arizona-California-Yuma project, including the Mesa division, upon an equitable basis.

We understand the term "equitable basis" to mean taking into consideration the differences in soil, topography, and location of each farm unit on a project, with a special reference to the influence of these and all other essential factors upon the ability of each such unit to produce crops of value as compared with other farm units upon the same project.

This committee finds that this project was authorized to provide water for the irrigation of certain lands on both sides of the Colorado River in the vicinity of the town of Yuma, Ariz.

CONTRACT LANDS

The land in California is in an Indian reservation. The lands in Arizona were destined to be irrigated partly by gravity and partly by a pumping plant. The lands now included under water-right contracts embrace the following:

	Acres
Indian reservation lands in California disposed of to white settlers	6,100
Reservation lands in California remaining with the Indians	8,100
Valley lands in Arizona	48,800
Mesa lands in Arizona	6,000

(There are mesa lands having a total area of about 34,000 acres susceptible of irrigation by works yet to be completed.)

COST OF WATER RIGHTS

The project cost of water rights in California has been fixed by notice at \$55 to \$66 per acre. The project cost of water rights in Arizona, in the Yuma Valley, has been fixed by public notice at \$75 per acre. The project cost of water rights on mesa lands in Arizona is estimated at \$200 an acre.

EXPENDITURES NOT INCLUDED IN THE FIXING OF PROJECT COSTS AND WHICH ARE NOT NOW REPRESENTED BY ANY ASSETS WHICH CAN BE CHARGED TO SETTLERS

The original plans for this project provided for a main canal starting from the Laguna Dam to divert water from the Colorado River, which was to extend down to the Yuma area on the east side of the river, crossing in its course the Gila River. After \$580,936 had been spent it was found that this route was not feasible, and it was abandoned. There are no assets to balance this expenditure, and it has not been included in fixing the cost of water rights.

In order to protect the farms on both sides of the river from flooding and erosion, it became necessary to build a levee and in some places to riprap the banks. The building of this flood-protection system had developed until the costs stand at present as follows:

Indian reservation levee	\$867,287.12
Yuma Valley levee	1,374,122.93
Gila Valley levee	405,363.97
Yuma city levee	112,060.20
Imperial Valley irrigation district	156,512.29
Total	2,715,952.51

The cost of this levee system has not been included in the estimates on which the different project costs of water were fixed. It is an expenditure which settlers could not afford to pay and which has not been charged against them. It needs to be disposed of definitely, and the committee makes a recommendation with regard to it.

In fixing the project costs that settlers were required to pay, the entire expenditure on the Laguna Dam was included (about \$2,225,000). Subsequently a right to use this dam has been sold to the Imperial Irrigation district in California for \$1,600,000. The question has arisen as to whether this sum when paid shall be placed in the general reclamation fund or credited on water-right contracts of settlers under the Arizona-California-Yuma project.

With regard to these different matters the committee recommends:

(1) That the \$580,936 expended on the Arizona main canal, which was subsequently abandoned, be deducted from the general reclamation fund as money lost beyond recovery.

(2) That the levee system be regarded as a public work of the United States, similar in character to other protection works built under the rivers and harbors act along navigable streams, because the United States holds that the Colorado River is a navigable stream, and in pursuance of that holding the Government has built protection works at Yuma and a levee on the California side of the stream in Mexico, known as the Oockerson Levee, at an expenditure of \$1,000,000. These have been treated as improvements under the rivers and harbors act, no charge for repayment having been made against anyone.

The committee recommends, therefore, that legislation be secured under which the expenditure for the construction, operation, and maintenance of these levees by the reclamation fund shall be treated as an expenditure of the General Government, similar to expenditures

^a Reimbursed.

under the rivers and harbors act, and that the reclamation fund be reimbursed by an appropriation equal to the amount of this expenditure.

The committee recommends that expenses incurred in the maintenance and operation of the levee system to be provided for under some cooperative agreement between the States of California and Arizona and the War Department similar to other cooperative agreements for the maintenance of levees on the Mississippi and other rivers, and that no part of this cost be included in the operation and maintenance expenses of this project.

We further recommend:

1. All excess holdings of lands in farm units should be disposed of to bona fide settlers.
2. Disposition of all unpaid charges in accordance with Resolution No. 24.
3. Adoption of the new plan of repayment in accordance with Resolution No. 23.

YUMA AUXILIARY PROJECT (MESA DIVISION OF THE YUMA PROJECT)

This division was constructed under the provisions of an act of Congress approved January 25, 1917, known as "An act to provide for an auxiliary reclamation project in conjunction with the Yuma project in Arizona (39 Stat. 868)." The drastic provisions of this act are impossible of fulfillment, and only a few of the settlers have been able to meet their contracts. They, too, will soon fail, as the charge for water will bankrupt them.

The committee recommends:

That an early study be made by the Bureau of Reclamation of this division with a view of making recommendations to Congress for financial relief, or the disposal of the division, if adequate relief is not feasible.

Mr. ASHURST. The fact finding commission was appointed by Secretary Work. All the members thereof, including the chairman, were and are well known throughout the country as experts upon irrigation matters, and this commission unanimously concurred in the justice and necessity of the two amendments to which I have referred.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

The report was agreed to.

Mr. WARREN. Mr. President, in the report as first made, there were five items in disagreement. Three of them were agreed to on the floor of the House after the last report was made, so that there are but two items in disagreement now, amendments numbered 29 and 34. One of those items refers to an appropriation for Spanish Springs, Nev.; the other to the position and salary of the Director of Reclamation. So, Mr. President, to cover those two items, I move that the Senate recede from its amendments numbered 29 and 34.

Mr. PITTMAN. Mr. President, one of these items is the one that caused discussion at the last session. I am entirely satisfied now that every member of the Committee on Appropriations of the Senate recognizes the justice of that item. The Department of the Interior has again recommended the item; the Budget has again provided for it; and I feel every assurance that it will be a part of the forthcoming Interior Department appropriation bill, which will be here in a few days, as I understand. Therefore I again gladly join with the chairman of the committee in supporting his motion.

The PRESIDENT pro tempore. The Senator from Wyoming moves that the Senate recede from its amendments numbered 29 and 34 to House bill 9559.

The motion was agreed to.

Mr. WARREN. Mr. President, that carries the bill to passage. I ask that the enrollment may immediately follow and that the enrollment committee may hasten the presentation of the bill to the Presiding Officers of both Houses, so that it may reach the President at an early date.

The PRESIDENT pro tempore. Is there objection to the request? The Chair hears none, and it is so ordered.

MEMORIAL SERVICES FOR THE LATE WOODROW WILSON

Mr. ROBINSON. Mr. President, the concurrent resolution which passed the House of Representatives yesterday relating to memorial services for the late former President Wilson is on the President's table. I ask that it be laid before the Senate.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent for the immediate consideration of House Concurrent Resolution 30, which the Secretary will read.

The reading clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That Monday, the 15th day of December, 1924, be set aside as the day upon which there shall be held a joint session of the Senate and the House of Representatives for appropriate exercises in commemoration of the life, character, and public service of the late Woodrow Wilson, former President of the United States.

That a joint committee, to consist of five Senators and seven Members of the House of Representatives, to be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives, respectively, shall be named, with full power to make all arrangements and publish a suitable program for the joint session of Congress herein authorized, and to issue the invitations hereinafter mentioned.

That invitations shall be extended to the President of the United States, the members of the Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, and such other invitations shall be issued as to the said committee shall seem best.

That all expenses incurred by the committee in the execution of the provisions of this resolution shall be paid, one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the concurrent resolution? The Chair hears none. The question is upon agreeing to the concurrent resolution.

The concurrent resolution was unanimously agreed to.

THE BUDGET

The PRESIDENT pro tempore. The Chair lays before the Senate the Budget message of the President of the United States, which will be read.

The reading clerk read the message, as follows:

To the Congress of the United States:

I transmit herewith the Budget of the United States for the fiscal year ending June 30, 1925. The receipts and expenditures shown in detail in the Budget are summarized in the following statement:

Summary			
	Estimated, 1925	Estimated, 1925	Actual, 1924
Total receipts.....	\$3,641,295,092	\$3,601,968,297	\$4,102,044,701.65
Total expenditures (including reduction of the public debt required by law to be made from ordinary receipts).....	3,267,551,378	3,534,083,808	3,506,677,715.41
Excess of receipts.....	373,743,714	67,884,489	595,366,986.24

In transmitting to Congress December 3, 1923, the Budget for the fiscal year ending June 30, 1925, I recommended that taxes be reduced. This recommendation was warranted by the statement of our finances as presented to Congress in that Budget. It was there estimated that under the tax laws then in force the surplus of receipts over expenditures would be \$329,639,624 for the fiscal year 1924 and \$395,681,634 for the fiscal year 1925. Taxes have been reduced. The benefits to the people of this reduction went back to the commencement of the calendar year January 1, 1923. The confidence of the Chief Executive and of the Congress that our revenues could be safely reduced has been fully justified. The fiscal year which ended June 30, 1924, was closed with a surplus of receipts over expenditures of \$505,396,000. This was \$175,727,000 in excess of the estimate made on December 3, 1923. Increase of \$117,367,000 in receipts and decrease of \$58,360,000 in expenditures produced this unexpected additional surplus of \$175,727,000.

We have now completed five months of the current fiscal year, which ends June 30, 1925. This affords an index of the probable reduction in our revenues under the current tax law. It also affords an index of the limits within which our expenditures can be kept under the continuing policy of economy. A revision of the estimate of receipts and expenditures for the fiscal year ending June 30, 1925, indicates to-day that the receipts will be \$3,601,968,297 and the expenditures \$3,534,083,808. This forecasts a surplus of receipts over expenditures for the current fiscal year of \$67,884,489. This estimate is most significant. On the one hand, we anticipate receiving this year \$400,000,000 less revenue than we had last year, due principally to the reduction in taxes. On the other hand, we must provide \$114,000,000 for the extraordinary increase in expenditures made necessary by the World War adjusted compensation act. Yet we are confident that the year will be closed with a surplus of more than \$67,000,000. Our aim should be not only to conserve this prospective surplus but to add to it.

For the fiscal year 1925 it is estimated that the ordinary receipts will be \$3,641,295,092 and the expenditures \$3,267,551,378. This indicates a surplus of \$373,743,714. In addition to these receipts and expenditures it is estimated that the postal receipts will be \$647,410,000 and the expenditures chargeable

thereto \$637,376,005. This forecasts a surplus in postal revenue of \$10,033,905, which amount is included in the estimated general surplus of \$373,743,714.

We come now to the estimates of appropriations contained in this Budget. The Chief Executive is pledged to economy in the requests he makes upon Congress for funds for the executive branch of the Government. This pledge is kept in these estimates of appropriations. They call for a total of \$3,092,143,841.48, exclusive of the Postal Service. A fair comparison of the estimates of appropriations for 1926 with the appropria-

tions actually made for 1925 should include the supplemental estimates for 1925 which were presented to Congress for consideration in the second deficiency bill, fiscal year 1924, and the bill to adjust compensation of employees in certain of the field services. These two bills failed of enactment before the adjournment of Congress June 7, 1924. In the following table a comparison is made of the estimates of appropriations for 1926 with the appropriations actually made for 1925 and the supplemental estimates submitted for that year which are awaiting final legislative consideration:

Estimates of appropriations for 1926 compared with appropriations for 1925, plus supplemental estimates for 1925 which are awaiting final legislative consideration

	Estimates of appropriations, 1926	Appropriations, 1925	Supplemental estimates submitted for 1925	Total for 1925
Legislative establishment.....	\$15,094,545.80	\$14,229,816.00	\$50,000.00	\$14,279,816.00
Executive Office.....	439,960.00	397,847.50	43,520.00	441,367.50
Independent offices:				
Civil Service Commission.....	967,375.00	947,115.00	64,920.00	1,012,035.00
Employees' Compensation Commission.....	2,301,500.00	2,650,600.00	-----	2,650,600.00
Federal Board for Vocational Education.....	8,222,270.00	6,380,000.00	944,000.00	7,324,000.00
Federal Trade Commission.....	950,000.00	1,010,000.00	-----	1,010,000.00
General Accounting Office.....	3,701,960.00	3,724,612.00	75,240.00	3,799,852.00
Housing Corporation.....	743,915.00	808,100.00	74,315.00	882,415.00
Interstate Commerce Commission.....	4,913,500.00	4,272,284.00	309,590.00	4,641,864.00
Shipping Board and Emergency Fleet Corporation.....	24,330,000.00	30,344,000.00	-----	30,344,000.00
State, War, and Navy Department Buildings.....	2,342,880.00	2,433,115.00	-----	2,433,115.00
Tariff Commission.....	721,500.00	681,980.00	1,260.00	683,240.00
Smithsonian Institution and National Museum.....	817,890.00	869,101.66	-----	869,101.66
United States Veterans' Bureau.....	405,700,000.00	349,065,000.00	135,892,898.00	484,957,898.00
Other independent offices.....	1,578,045.00	1,777,186.79	30,000.00	1,807,186.79
Department of Agriculture.....	140,092,750.00	70,956,024.00	7,091,162.00	78,047,186.00
Department of Commerce.....	22,741,514.00	23,942,905.00	1,904,650.00	25,847,555.00
Department of the Interior.....	267,785,596.17	290,473,724.06	3,845,432.80	294,319,156.86
Department of Justice.....	24,917,822.00	21,371,430.00	1,258,186.50	22,629,616.50
Department of Labor.....	8,335,290.00	7,981,516.51	694,829.98	8,676,346.47
Navy Department.....	289,783,978.00	277,298,327.00	408,930.00	277,707,257.00
State Department.....	16,130,652.51	15,027,646.29	737,110.00	15,764,756.29
Treasury Department.....	163,847,741.00	147,414,605.00	33,243,495.00	180,658,100.00
War Department, including Panama Canal.....	338,551,280.00	334,563,786.13	12,599,808.54	347,153,594.67
District of Columbia.....	32,335,827.00	27,682,067.00	2,672,048.21	30,354,115.21
Ordinary.....	1,777,377,711.48	1,636,202,788.94	202,091,393.01	1,838,294,181.95
Reduction in principal of the public debt:				
Sinking fund.....	323,175,000.00	310,000,000.00	-----	310,000,000.00
Purchase of Liberty bonds from foreign repayments.....	-----	208,000.00	-----	208,000.00
Redemption of bonds and notes from estate taxes.....	-----	100,000.00	-----	100,000.00
Redemption of securities from Federal reserve bank and Federal intermediate credit bank franchise tax receipts.....	850,000.00	1,152,200.00	-----	1,152,200.00
Redemption of bonds, etc., received as repayments of principal and as interest payments on obligations of foreign governments.....	160,641,130.00	160,345,601.00	-----	160,345,601.00
Principal of the public debt.....	484,766,130.00	471,806,401.00	-----	471,806,401.00
Interest on the public debt.....	830,000,000.00	865,000,000.00	-----	865,000,000.00
Total payable from the Treasury.....	3,092,143,841.48	2,973,009,189.94	202,091,393.01	3,175,100,582.95
Post Office Department and Postal Service, payable from postal revenues.....	637,376,005.00	613,645,195.25	-----	613,645,195.25
Total including Post Office Department and Postal Service.....	3,729,519,846.48	3,586,654,385.19	202,091,393.01	3,788,745,778.20

For the national defense the estimates amount to \$549,000,000, which is \$29,000,000 less than the amount available this current fiscal year. These figures do not include non-military items of the War and Navy Departments. This reduction is made in accordance with my belief that we can have adequate national defense with a more modest outlay of the taxpayers' money. Further study may point the way to additional reduction without weakening our national defense, but rather perfecting it. This Nation is at peace with the world. We no longer have international competition in naval construction of major units. We are concerned primarily with maintaining adequate preparedness. We should have adequate preparedness in 1926 within the limits of the amount recommended.

Aside from the important factor of training personnel, our national defense is largely an industrial problem. To-day the outstanding weakness in the industrial situation, as it affects national defense, is the inadequacy of facilities to supply air-service needs. The airplane industry in this country at the present time is dependent almost entirely upon Government business. To strengthen this industry is to strengthen our national defense. For the Air Service of the Army and Navy, and the Air Mail Service, the estimates, including contract authorizations, amount to \$38,945,000. This contemplates an expenditure with the industries of \$18,287,000 for the procurement of airplanes, engines, and accessories. The remaining \$20,658,000 is for maintenance, operation, experimentation, and research. The amount of \$38,945,000, however, does not include all that will be available for this service in 1926. Amounts contributing to the Air Service carried in other estimates, and usable war supplies, will make a total availability conservatively estimated at \$65,000,000.

The amount requested for national defense includes \$50,118,000 for the Army and Navy Reserves, National Guard,

citizen's military training camps, and other civilian training activities.

There is also included in the national-defense estimates \$7,444,000 for increase of the Navy. This will provide for continuing work on the fleet submarines under construction and for beginning work on two of the four remaining fleet submarines authorized in the 1916 program. With regard to the Navy estimates, legislation is now pending which provides for additional vessels, including gunboats for use on the Yangtze River. Further estimates for increase in the Navy are dependent upon the enactment of this legislation. It will also be necessary to request of Congress legislation increasing the authorized cost of the two airplane carriers now under construction. If this be granted, it will require funds for the next fiscal year not provided in the estimates contained in this Budget.

For rivers and harbors \$56,237,600 is recommended. In this is included \$40,000,000 for maintenance and improvement of existing river and harbor works, \$10,500,000 for flood control on the Mississippi and Sacramento Rivers, and \$5,437,600 for the operation and maintenance of canals and the removal of wrecks and other obstructions. Of the \$40,000,000 for maintenance and improvement of rivers and harbors, \$21,973,915 is for new work and \$17,241,575 is for maintenance. This will make possible material progress on the most important projects approved by Congress.

It is estimated that \$6,541,590 will be needed to complete Dam No. 2 at Muscle Shoals. Of this amount \$3,501,200 will be required this year. This will be covered by a supplemental estimate for 1925. The balance, \$3,040,390, is provided for in these estimates.

There is included in these estimates \$50,000,000 to be set aside in the adjusted service certificate fund established under the World War adjusted compensation act of May 19, 1924,

This is for the second payment to the fund to be made January 1, 1926. For the first payment, due January 1, 1925, \$100,000,000 is included in the deficiency bill now under consideration by Congress. The applications from veterans so far have been below the estimated number which the records indicate as entitled to the benefits of the act. If the two appropriations recommended be made, it is estimated there will be a sufficient amount in the fund on January 1, 1926, to meet the demands of the act. Should the number of applications increase beyond what present experience indicates as probable, there will be ample time to submit a supplemental estimate for the additional amount necessary before that date.

The estimates for salaries of civilian employees in the District of Columbia are in accordance with the provisions of the classification act approved March 4, 1923. For the field services the estimates for salaries are based on rates comparable with those for departmental employees in the District of Columbia.

For Federal aid to States the estimates provide in excess of \$100,000,000. These subsidies are prescribed by law. I am convinced that the broadening of this field of activity is detrimental both to Federal and State Governments. Efficiency of Federal operations is impaired as their scope is unduly enlarged. Efficiency of State governments is impaired as they relinquish and turn over to the Federal Government responsibilities which are rightfully theirs. I am opposed to any expansion of these subsidies. My conviction is they can be curtailed with benefit to both the Federal and State Governments.

For reclamation purposes I am recommending \$9,777,257 for 1926. It is highly desirable that the Congress, as a basis for this and other future reclamation expenditures, enact the legislation embodying new reclamation policies proposed in H. R. 9611, Sixty-eighth Congress, first session.

The gross public debt was reduced \$1,098,894,375 during the fiscal year ended June 30, 1924, and stood at \$21,250,812,989 on the latter date. This reduction was accomplished through (1) the application of the sinking fund and other public debt retirements required to be made from ordinary receipts, aggregating \$457,999,750; (2) a reduction in the general fund balance of \$135,527,639; and (3) the use of the entire surplus of \$505,366,986. The annual interest charges on the debt represented by this reduction are equivalent to over \$45,000,000.

The total reduction in the debt since the high point of \$26,594,000,000 on August 31, 1919, amounted to \$5,343,000,000 at the close of the last fiscal year. This total reduction has effected a saving in interest amounting to approximately \$25,000,000 annually, a saving which equals nearly one-third of the total annual pre-war expenditures of the Government.

The fixed-debt charges are included in the regular Budget of the Government under a definite plan worked out soon after the close of the war for the gradual retirement of the public debt and must be met before the Budget can balance. The most important of these fixed-debt charges is the cumulative sinking fund provided in the Victory Liberty loan act. Retirements through this fund during the past fiscal year were about \$290,000,000. The next items in size among the fixed-debt charges are the retirements of securities received from foreign governments under debt settlements and the purchases and retirements of securities from foreign repayments. These continuing reductions of the public debt have a very material effect in maintaining high prices for Liberty bonds. They permit the issuance of new Government securities for temporary and for refunding purposes at low interest rates, with consequent further economy in Government expenditures. Interest paid in the fiscal year 1924 amounted to \$940,000,000. It is estimated that this item will be \$865,000,000 in 1925 and \$830,000,000 in 1926. This saving of \$110,000,000 in two years is the result of the reduction in the amount of the debt and decrease in the average rate of interest paid. The sinking fund is a part of the contract between the United States and the holder of the United States obligation, and therefore can not in good faith be changed. The continual steady effect of these debt-reducing factors is to cut down the largest single item of Government expenditure and permit further reductions in the burden of taxation.

In my message transmitting the Budget for the fiscal year 1925 I recommended the enactment of legislation which would authorize a reasonable progressive building program to meet the needs of the executive departments and establishments of the Government in the District of Columbia. The situation is yearly becoming more acute even with full utilization of all Government-owned buildings, including the temporary buildings erected during the period of the late emergency. We are now spending something more than \$670,000 per year for rental of buildings or parts of buildings in the District of Columbia.

The present crowded condition is detrimental to efficiency. The fire hazard in the temporary buildings is great. An expenditure of \$5,000,000 annually for a period of years would enable the present situation to be gradually relieved. A larger yearly expenditure would shorten the period during which full relief could be attained. During the last session of Congress a bill was introduced authorizing a yearly appropriation of not exceeding \$10,000,000 for a progressive building program in the District of Columbia. This bill has my indorsement. I earnestly recommend its enactment by Congress.

I have recently appointed a commission to investigate agricultural conditions. The purpose of this was to determine what action, through legislation or otherwise, should be taken to place agriculture on a basis of economic equality with other industries. The findings and recommendations of the commission are for the use of the Congress. I mention this commission here for the reason that I will shortly submit to the Congress an estimate of appropriation to meet the expenses of the commission.

We are now in the fourth year of our campaign for reduction in the cost of government. Our aim is to reduce the burden of taxes. In this we have been successful. For those things which we are now required to do we are fast reducing our expenditures to a minimum consistent with efficient service. We have before us an estimated surplus of \$67,000,000 for the current fiscal year and \$373,000,000 for the next fiscal year. Shall we embark upon new projects involving expenditures which will prevent the accumulation of these expected surpluses, or shall we continue the campaign for economy? I am for economy. If we continue the campaign for economy, we will pave the way for further reduction in taxes. This reduction can not be effected immediately. Before it is undertaken we should know more definitely by actual operation what our revenues will be under our present tax law. But the knowledge of our revenue under the existing law will avail us nothing if we embark upon any new large expenditure program.

CALVIN COOLIDGE.

THE WHITE HOUSE,

December 1, 1924.

The PRESIDENT pro tempore. In the absence of a motion, the Chair will refer the message and accompanying papers to the Committee on Appropriations.

OREGON-CALIFORNIA RAILROAD GRANT LANDS

Mr. McNARY. Mr. President, at the last session of Congress I introduced the bill (S. 2751) to authorize the addition to national forests of lands revested in United States by the act of June 9, 1916, or reconveyed to the United States under act of February 26, 1919, and the bill (S. 2752), of similar title, which were referred to the Committee on Public Lands and Surveys. I ask unanimous consent that that committee be discharged from the further consideration of those bills.

Mr. HARRISON. May I ask the Senator what the bills involve?

Mr. McNARY. They are bills involving the expansion of the national forests to include what are known as the Oregon-California railroad grant lands in the State of Oregon.

Mr. ROBINSON. What is the Senator's request?

Mr. McNARY. That the committee be discharged from the further consideration of these two bills.

Mr. ROBINSON. Does the Senator mean to ask to have some other action taken respecting the bills?

Mr. McNARY. After further consideration, I entertain some doubt of the propriety of the bills in their present form, and I merely desire to have the committee discharged from the further consideration of the bills. If that request is granted, I shall move that they be indefinitely postponed.

Mr. ROBINSON. Very well. I have no objection.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that the Committee on Public Lands and Surveys be discharged from the further consideration of the bills to which he has referred. Is there objection? The Chair hears none, and it is so ordered.

Mr. McNARY. I now move that the bills be indefinitely postponed.

The motion was agreed to.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 1 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, December 3, 1924, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 2, 1923
[Appointments during the last recess of the Senate]

SECRETARY OF AGRICULTURE

Howard M. Gore, of West Virginia, to be Secretary of Agriculture.

ASSISTANT SECRETARIES OF STATE

Wilbur John Carr, of New York.
John Van A. MacMurray, of New Jersey.

ASSISTANT ATTORNEY GENERAL

William J. Donovan, of New York, to be Assistant Attorney General, vice Earl J. Davis, resigned.

AMBASSADORS EXTRAORDINARY AND PLENIPOTENTIARY

James Rockwell Sheffield, of New York, to be ambassador extraordinary and plenipotentiary of the United States of America to Mexico.

Edgar A. Bancroft, of Illinois, to be ambassador extraordinary and plenipotentiary of the United States of America to Japan.

FOREIGN SERVICE OFFICERS

CLASS I

Maxwell Blake, of Missouri.
Jefferson Caffery, of Louisiana.
Sheldon L. Crosby, of New York.
Charles C. Eberhardt, of Kansas.
John G. Foster, of Vermont.
Alphonse Gaulin, of Rhode Island.
Franklin Mott Gunther, of Virginia.
Albert Halstead, of the District of Columbia.
Carlton Bailey Hurst, of the District of Columbia.
Julius G. Lay, of the District of Columbia.
Henry H. Morgan, of Louisiana.
Gabriel Bie Ravndal, of South Dakota.
Warren D. Robbins, of New York.
William H. Robertson, of Virginia.
Thomas Sammons, of Washington.
H. F. Arthur Schoenfeld, of the District of Columbia.
Robert P. Skinner, of Ohio.
Frederick A. Sterling, of Texas.
Nathaniel B. Stewart, of Georgia.
George T. Summerlin, of Louisiana.
Horace Lee Washington, of the District of Columbia.
Post Wheeler, of Washington.
Sheldon Whitehouse, of New York.
Hugh R. Wilson, of Illinois.
Evan E. Young, of South Dakota.

CLASS II

Homer M. Byington, of Connecticut.
William Coffin, of Kentucky.
Edwin S. Cunningham, of Tennessee.
Charles B. Curtis, of New York.
Claude I. Dawson, of South Carolina.
William Dawson, of Minnesota.
William H. Gale, of Virginia.
Clarence E. Gauss, of Connecticut.
Edwin N. Gunsaulus, of Ohio.
Nelson T. Johnson, of Oklahoma.
Leo J. Keena, of Michigan.
Tracy Lay, of Alabama.
Marion Letcher, of Georgia.
Alexander R. Magruder, of Maryland.
De Witt C. Poole, of Illinois.
Ralph J. Totten, of Tennessee.
Roger Culver Tredwell, of Indiana.
Craig W. Wadsworth, of New York.
Alexander W. Weddell, of Virginia.

CLASS III

Norman Armour, of New Jersey.
Ray Atherton, of Illinois.
James G. Bailey, of Kentucky.
Thomas D. Bowman, of Missouri.
John K. Caldwell, of Kentucky.
Clarence Carrigan, of California.
George E. Chamberlin, of New York.
Carl F. Delchman, of Missouri.
Frederic R. Dolbeare, of New York.
Louis G. Dreyfus, jr., of California.
Allen W. Dulles, of New York.
Frederick T. F. Dumont, of Pennsylvania.
Robert Frazer, jr., of Pennsylvania.
Arthur C. Frost, of Massachusetts.

Wesley Frost, of Kentucky.
John A. Gamon, of Illinois.
Arthur Garrels, of Missouri.
Arminius T. Haeberle, of Missouri.
Matthew E. Hanna, of Connecticut.
Ernest L. Harris, of Illinois.
Lewis W. Haskell, of South Carolina.
Charles M. Hathaway, jr., of Pennsylvania.
P. Stewart Heintzleman, of Pennsylvania.
Philip Holland, of Tennessee.
W. Stanley Hollis, of Massachusetts.
Augustus E. Ingram, of California.
Theodore Jaekel, of New York.
Douglas Jenkins, of South Carolina.
Hallett Johnson, of New Jersey.
John E. Kehl, of Ohio.
Alexander C. Kirk, of Illinois.
Ezra M. Lawton, of Ohio.
Sampel T. Lee, of Michigan.
Will L. Lowrie, of Illinois.
Ferdinand L. Mayer, of Indiana.
George S. Messersmith, of Delaware.
Raneford S. Miller, of New York.
Stokeley W. Morgan, of Arkansas.
Edwin L. Neville, of Ohio.
Edward J. Norton, of Tennessee.
John Ball Osborne, of Pennsylvania.
Ely E. Palmer, of Rhode Island.
Willis R. Peck, of California.
Mahlon Fay Perkins, of California.
G. Howland Shaw, of Massachusetts.
Alban G. Snyder, of West Virginia.
Addison E. Southard, of Kentucky.
Henry P. Starrett, of Florida.
Louis A. Sussorff, jr., of New York.
Francis White, of Maryland.
John Campbell White, of Maryland.
Charles S. Winans, of Michigan.

CLASS IV

William W. Andrews, of Ohio.
F. Lamont Belin, of Pennsylvania.
Philander L. Cable, of Illinois.
Hamilton C. Claiborne, of Virginia.
Felix Cole, of the District of Columbia.
E. Haldeman Dennison, of Ohio.
Hernando De Soto, of California.
Leon Dominian, of New York.
George K. Donald, of Alabama.
James Clement Dunn, of New York.
Cornelius Van H. Engert, of California.
Cornelius Ferris, of Colorado.
Fred D. Fisher, of Oregon.
Otis A. Glazebrook, of New Jersey.
Herbert S. Gould, of California.
George A. Gordon, of New York.
Elbridge Gerry Greene, of Massachusetts.
Oliver B. Harriman, of West Virginia.
Clarence B. Hewes, of Louisiana.
Calvin M. Hitch, of Georgia.
Myron A. Hofer, of Ohio.
Ross E. Holaday, of Ohio.
Samuel W. Honaker, of Texas.
Williamson S. Howell, jr., of Texas.
J. Klahr Huddle, of Ohio.
John F. Jewell, of Illinois.
Stewart Johnson, of Illinois.
Paul Knabenshue, of Ohio.
Arthur Bliss Lane, of New York.
Irving N. Linnell, of Massachusetts.
J. Theodore Marriner, of Maine.
John F. Martin, of Florida.
Lester Maynard, of California.
Jay Pierrepont Moffat, of New York.
Maxwell K. Moorhead, of Pennsylvania.
Dana G. Munro, of New Jersey.
R. Henry Norweb, of Ohio.
Gordon Paddock, of New York.
Robert M. Scotten, of Michigan.
Richard B. Southgate, of Massachusetts.
Benjamin Thaw, jr., of Pennsylvania.
Walter C. Thurston, of Arizona.
John C. Wiley, of Indiana.
North Winship, of Georgia.
L. Lanier Winslow, of New York.
John Q. Wood, of Hawaii.

CLASS V

Copley Amory, Jr., of New Hampshire.
 Frank D. Arnold, of Pennsylvania.
 Henry H. Balch, of Alabama.
 Joseph W. Ballantine, of Massachusetts.
 Thomas H. Bevan, of Maryland.
 Pierre de L. Boal, of Pennsylvania.
 George A. Bucklin, of Oklahoma.
 Ralph C. Busser, of Pennsylvania.
 Charles H. Cameron, of New York.
 Harry Campbell, of Kansas.
 Frederick C. Chabot, of Texas.
 Harold D. Clum, of New York.
 John K. Davis, of Ohio.
 Leslie A. Davis, of New York.
 Hasell H. Dick, of South Carolina.
 Alfred W. Donegan, of Alabama.
 Eugene H. Dooman, of New York.
 W. Roderick Dorsey, of Maryland.
 Edward A. Dow, of Nebraska.
 Coert Du Bois, of California.
 John W. Dye, of Minnesota.
 Carol H. Foster, of Maryland.
 Claude E. Guyant, of Illinois.
 George C. Hanson, of Connecticut.
 Joseph E. Haven, of Illinois.
 Oscar S. Helzer, of Iowa.
 Frank Anderson Henry, of Delaware.
 Charles L. Hoover, of Missouri.
 George N. Ifft, of Idaho.
 Ernest L. Ives, of Virginia.
 Jesse B. Jackson, of Ohio.
 William L. Jenkins, of Pennsylvania.
 Herschel V. Johnson, of North Carolina.
 Paul R. Josselyn, of Iowa.
 Wilbur Keblinger, of Virginia.
 Graham H. Kemper, of Kentucky.
 Frank C. Lee, of Colorado.
 Walter A. Leonard, of Illinois.
 Stuart K. Lupton, of Tennessee.
 David B. Macgowan, of Tennessee.
 O. Gaylord Marsh, of Washington.
 Keith Merrill, of Minnesota.
 Leland B. Morris, of Pennsylvania.
 Wallace S. Murray, of Ohio.
 David J. D. Myers, of Georgia.
 Myrl S. Myers, of Pennsylvania.
 José de Olivares, of Missouri.
 Kenneth S. Patton, of Virginia.
 Lowell C. Pinkerton, of Missouri.
 *John R. Putnam, of Oregon.
 Edward L. Reed, of Pennsylvania.
 Leslie E. Reed, of Minnesota.
 Elliott Verne Richardson, of New York.
 Emil Sauer, of Texas.
 James B. Stewart, of New Mexico.
 Alfred R. Thomson, of Maryland.
 S. Pinkney Tuck, of New York.
 Avra M. Warren, of Maryland.
 Hugh H. Watson, of Vermont.
 Charles D. Westcott, of Pennsylvania.
 Edwin C. Wilson, of Florida.
 Thomas M. Wilson, of Tennessee.
 Alan F. Winslow, of Illinois.
 James B. Young, of Pennsylvania.

CLASS VI

Wainwright Abbott, of Pennsylvania.
 Walter A. Adams, of South Carolina.
 Charles H. Albrecht, of Pennsylvania.
 J. Webb Benton, of Pennsylvania.
 Percy A. Blair, of the District of Columbia.
 William P. Blocker, of Texas.
 Walter F. Boyle, of Georgia.
 Homer Brett, of Mississippi.
 Charles C. Broy, of Virginia.
 Parker W. Buhrman, of Virginia.
 William C. Burdett, of Tennessee.
 Algar E. Carleton, of Vermont.
 Joseph W. Carroll, of New York.
 Benjamin F. Chase, of Pennsylvania.
 H. Merle Cochran, of Arizona.
 Harris N. Cookingham, of New York.
 Raymond E. Cox, of New York.
 Henry C. A. Damm, of Tennessee.

Thomas L. Daniels, of Minnesota.
 Chester W. Davis, of New York.
 James P. Davis, of Georgia.
 Monnett B. Davis, of Colorado.
 Lawrence Dennis, of Massachusetts.
 Erle R. Dickover, of California.
 Henry I. Dockweiler, of California.
 Clement S. Edwards, of Minnesota.
 Joseph Flack, of Pennsylvania.
 Barton Hall, of Missouri.
 George M. Hanson, of Utah.
 Robert Harnden, of California.
 Thornwell Haynes, of Alabama.
 Frederick P. Hibbard, of Texas.
 Henry B. Hitchcock, of New York.
 John P. Hurley, of New York.
 Jay C. Huston, of California.
 Joseph E. Jacobs, of South Carolina.
 John D. Johnson, of Vermont.
 Curtis C. Jordon, of California.
 Edwin Carl Kemp, of Florida.
 Alfred W. Kliefoth, of Pennsylvania.
 Harry M. Lakin, of Pennsylvania.
 William R. Langdon, of Massachusetts.
 Frederic D. K. Le Clercq, of South Carolina.
 Dayle C. McDonough, of Missouri.
 Joseph F. McGurk, of New Jersey.
 George A. Makinson, of California.
 Lucien Memminger, of South Carolina.
 Cord Meyer, of New York.
 G. Harlan Miller, of Pennsylvania.
 James P. Moffitt, of New York.
 Benjamin Muse, of Virginia.
 Charles Roy Nasmith, of New York.
 Edward I. Nathan, of Pennsylvania.
 H. Dorsey Newson, of New York.
 George Orr, of New Jersey.
 Jefferson Patterson, of Ohio.
 Frederick F. A. Pearson, of Rhode Island.
 Charles J. Pisar, of Wisconsin.
 Harold B. Quarton, of Iowa.
 Elbridge D. Rand, of California.
 John Randolph, of New York.
 Bertil M. Rasmussen, of Iowa.
 Benjamin Reath Riggs, of Pennsylvania.
 John M. Savage, of New Jersey.
 Walter H. Schoellkopf, of New York.
 Walter H. Sholes, of Oklahoma.
 Samuel Sokobin, of New Jersey.
 William B. Southworth, of Pennsylvania.
 Francis R. Stewart, of New York.
 Lucien N. Sullivan, of Pennsylvania.
 Merritt Swift, of the District of Columbia.
 Harold H. Tittmann, Jr., of Missouri.
 Thomas W. Voetter, of New Mexico.
 John J. C. Watson, of Kentucky.
 Orme Wilson, Jr., of New York.
 Warden McK. Wilson, of Indiana.
 Henry M. Wolcott, of New York.

CLASS VII

Philip Adams, of Massachusetts.
 Charles E. Allen, of Kentucky.
 Norman L. Anderson, of Wisconsin.
 W. Roswell Barker, of Minnesota.
 Maynard B. Barnes, of Iowa.
 Frank Bohr, of Kansas.
 Wilbert L. Bonney, of Illinois.
 John L. Bouchal, of Nebraska.
 Richard F. Boyce, of Michigan.
 Robert R. Bradford, of Nebraska.
 Austin C. Brady, of New Mexico.
 George L. Brandt, of the District of Columbia.
 Lawrence P. Briggs, of Michigan.
 Alfred T. Burri, of New York.
 Harry E. Carlson, of Illinois.
 James C. Carter, of Georgia.
 William E. Chapman, of Oklahoma.
 Reed Paige Clark, of New Hampshire.
 Arthur B. Cooke, of South Carolina.
 John Corrigan, Jr., of Georgia.
 Eliot B. Coulter, of Illinois.
 Paul H. Cram, of Maine.
 Cecil M. P. Cross, of Rhode Island.
 Raymond Davis, of Maine.
 Thomas D. Davis, of Oklahoma.

Leonard G. Dawson, of Virginia.
 Harold M. Deane, of Connecticut.
 James Orr Denby, of Indiana.
 Samuel S. Dickson, of New Mexico.
 Hooker A. Doolittle, of New York.
 William F. Doty, of New Jersey.
 J. Preston Doughten, of Delaware.
 Maurice P. Dunlap, of Minnesota.
 Dudley G. Dwyre, of Colorado.
 Francis J. Dyer, of California.
 John G. Erhardt, of New York.
 Hugh S. Fullerton, of Ohio.
 Ilo C. Funk, of Colorado.
 Gerhard Gade, of Illinois.
 William P. George, of Alabama.
 Raleigh A. Gibson, of Illinois.
 John Sterett Gittings, jr., of Maryland.
 Bernard Gottlieb, of New York.
 Louis H. Gourley, of Illinois.
 William J. Grace, of New York.
 Edward M. Groth, of Georgia.
 Don S. Haven, of Pennsylvania.
 Harry F. Hawley, of New York.
 Robert W. Helmgartner, of Ohio.
 Robertson Honey, of New York.
 George D. Hopper, of Kentucky.
 Charles Bridgham Hosmer, of Maine.
 William H. Hunt, of New York.
 Robert L. Kelser, of Indiana.
 Clinton E. MacEachran, of Massachusetts.
 John H. MacVeagh, of New York.
 Karl de G. MacVitty, of Illinois.
 William J. McCafferty, of California.
 Andrew J. McConico, of Mississippi.
 Stewart E. McMillin, of Kansas.
 Renwick S. McNiece, of Utah.
 Robert B. Macatee, of Virginia.
 George R. Merrell, jr., of Missouri.
 Hugh Millard, of Nebraska.
 John R. Minter, of South Carolina.
 W. M. Parker Mitchell, of Virginia.
 Edmund B. Montgomery, of Illinois.
 Orsen N. Nielsen, of Wisconsin.
 Thomas R. Owens, of Alabama.
 Maurice C. Pierce, of Wisconsin.
 Harold Playter, of California.
 Walter T. Prendergast, of Ohio.
 Ernest B. Price, of New York.
 Samuel C. Reat, of Illinois.
 Horace Remillard, of Massachusetts.
 Winthrop R. Scott, of Ohio.
 John F. Simons, of New York.
 Gaston Smith, of Louisiana.
 Carl O. Spamer, of Maryland.
 Clarence J. Spiker, of the District of Columbia.
 Richard L. Sprague, of Massachusetts.
 Paul C. Squire, of Massachusetts.
 Maurice L. Stafford, of California.
 Dana C. Sycks, of Ohio.
 G. Russell Taggart, of New Jersey.
 William H. Taylor, of Pennsylvania.
 Raymond P. Tenney, of Massachusetts.
 Samuel R. Thompson, of California.
 R. A. Wallace Treat, of Ohio.
 Marshall M. Vance, of Ohio.
 Henry C. von Struve, of Texas.
 Egmont C. von Tresckow, of South Carolina.
 George Wadsworth, of New York.
 Harry L. Walsh, of Maryland.
 Henry S. Waterman, of Washington.
 Henry T. Wilcox, of New Jersey.
 Herbert O. Williams, of California.
 Harold L. Williamson, of Illinois.
 Digby A. Willson, of New York.
 Gilbert R. Willson, of Texas.
 Damon C. Woods, of Texas.
 Romeyn Wormuth, of New York.
 William J. Yerby, of Tennessee.
 Bartley F. Yost, of Kansas.

CLASS VIII

Harry J. Anslinger, of Pennsylvania.
 Miss Lucile Atcherson, of Ohio.
 Henry D. Baker, of Illinois.
 Rees H. Barkalow, of New Jersey.

Willard L. Beaulac, of Rhode Island.
 Donald F. Bigelow, of Minnesota.
 Lee R. Blohm, of Arizona.
 Hiram A. Boucher, of Minnesota.
 Lewis V. Boyle, of California.
 William W. Brunswick, of Kansas.
 Howard Bucknell, jr., of Georgia.
 Robert S. Burgher, of Texas.
 Herbert S. Bursley, of the District of Columbia.
 Edward Caffery, of Louisiana.
 John S. Calvert, of North Carolina.
 Reginald S. Castleman, of California.
 J. Rives Childs, of Virginia.
 Thomas W. Chilton, of New York.
 George T. Colman, of New York.
 Edward S. Crocker, 2d, of Massachusetts.
 Nathaniel P. Davis, of New Jersey.
 Richard M. de Lambert, of New Mexico.
 Howard Donovan, of Illinois.
 William W. Early, of North Carolina.
 Stillman W. Eells, of New York.
 Leon H. Ellis, of Washington.
 Robert F. Fernald, of Maine.
 Augustine W. Ferrin, of New York.
 Harold D. Finley, of New York.
 Carl A. Fisher, of Utah.
 Samuel J. Fletcher, of Maine.
 Walter A. Foote, of Pennsylvania.
 Paul H. Foster, of Texas.
 Ray Fox, of California.
 Lynn W. Franklin, of Maryland.
 Waldemar J. Galtman, of New York.
 William P. Garrety, of New York.
 Albert H. Gerberich, of Pennsylvania.
 Herndon W. Goforth, of North Carolina.
 Harvey T. Goodier, of New York.
 Charles I. Graham, of Illinois.
 John Harrison Gray, of New York.
 Julian C. Greenup, of California.
 Christian Gross, of Illinois.
 Stuart E. Grummon, of New Jersey.
 Maxwell M. Hamilton, of Iowa.
 Stanley Hawks, of New York.
 William W. Heard, of Maryland.
 Donald R. Heath, of Kansas.
 Charles H. Heister, of Delaware.
 Jack Dewey Hickerson, of Texas.
 Leighton Hope, of Mississippi.
 William I. Jackson, of Illinois.
 S. Bertrand Jacobson, of New York.
 Robert Y. Jarvis, of California.
 Felix S. S. Johnson, of New Jersey.
 Robert F. Kelley, of Massachusetts.
 Trojan Kidding, of Pennsylvania.
 Gerhard H. Krogh, of North Dakota.
 Clark P. Kuykendall, of Pennsylvania.
 Drew Linard, of Alabama.
 Robert D. Longyear, of Massachusetts.
 Thomas McEnelly, of New York.
 Walter H. McKinney, of Michigan.
 H. Freeman Matthews, of Maryland.
 John J. Melly, of Pennsylvania.
 H. Tobey Mooers, of Maine.
 J. Lee Murphy, of New York.
 James J. Murphy, jr., of Pennsylvania.
 Robert D. Murphy, of Wisconsin.
 Gustave Pabst, jr., of Wisconsin.
 Robert R. Patterson, of Michigan.
 Robert L. Rankin, of New Jersey.
 Walter S. Relneck, of Ohio.
 H. Earle Russell, of Michigan.
 Lester L. Schnare, of Georgia.
 Rudolf E. Schoenfeld, of the District of Columbia.
 Harold Shantz, of New York.
 George P. Shaw, of California.
 Fred C. Slater, of Kansas.
 Alexander K. Sloan, of Pennsylvania.
 E. Talbot Smith, of Connecticut.
 Leland L. Smith, of Oregon.
 John Stambaugh, 2d, of Ohio.
 Christian T. Steger, of Virginia.
 George K. Stiles, of Maryland.
 Francis H. Styles, of Virginia.
 Harold S. Tewell, of North Dakota.
 Edward B. Thomas, of Illinois.

Frederick L. Thomas, of New York.
Howard K. Travers, of New York.
Ernest A. Wakefield, of Maine.
George P. Waller, of Alabama.
Fletcher Warren, of Texas.
LeRoy Webber, of New York.
James V. Whitfield, of North Carolina.
Samuel H. Wiley, of North Carolina.
James R. Wilkinson, of Wisconsin.
Howard F. Withey, of Michigan.
G. Carlton Woodward, of Pennsylvania.

CLASS IX

Richard P. Buttrick, of New York.
Charles L. De Vault, of Indiana.
Raymond H. Geist, of Ohio.
Bernard F. Hale, of Vermont.
Christian M. Ravndal, of Iowa.
Shelby F. Strother, of Kentucky.
Howard P. Van Sant, of New Jersey.

UNCLASSIFIED

Knox Alexander, of Missouri.
Paul H. Abling, of Pennsylvania.
Maurice W. Altaffer, of Ohio.
Charles A. Amsden, of New Mexico.
George Alexander Armstrong, of New York.
Lawrence S. Armstrong, of New York.
George Atcheson, jr., of California.
Frederick W. Baldwin, of New York.
Charles A. Bay, of Minnesota.
William H. Beach, of Virginia.
David C. Berger, of Virginia.
Herbert C. Biar, of Indiana.
William A. Bickers, of Virginia.
Gilson G. Blake, jr., of Maryland.
Ralph A. Boernstein, of the District of Columbia.
Ellis A. Bonnet, of Texas.
Paul Bowerman, of Michigan.
Howard A. Bowman, of New York.
Norton F. Brand, of North Dakota.
Russell M. Brooks, of Oregon.
Henry R. Brown, of Minnesota.
John H. Bruins, of New York.
Joseph F. Burt, of Illinois.
Leo J. Callanan, of Massachusetts.
Alfred D. Cameron, of Washington.
Randolph F. Carroll, of Virginia.
Arthur H. Cawston, of Illinois.
Culver B. Chamberlain, of Missouri.
Flavius J. Chapman, 3d, of Virginia.
J. Holbrook Chapman, of the District of Columbia.
Prescott Childs, of Massachusetts.
Haskell E. Coates, of Wisconsin.
Harold M. Collins, of Virginia.
William W. Corcoran, of Massachusetts.
Alexander P. Cruger, of New York.
William E. De Courcy, of Texas.
Charles H. Derry, of Georgia.
Horace J. Dickinson, of Arkansas.
Julian C. Dorr, of New York.
Albert M. Doyle, of Michigan.
Fred C. Eastin, jr., of Missouri.
Samuel G. Ebling, of Ohio.
Ernest E. Evans, of New York.
Curtis T. Everett, of Tennessee.
E. Kitchel Farrand, of Illinois.
James G. Finley, of the District of Columbia.
C. Paul Fletcher, of Tennessee.
Peter H. A. Flood, of New Hampshire.
Richard Ford, of Oklahoma.
Charles Forman, of Louisiana.
George Gregg Fuller, of New York.
Joseph T. Gilman, of Massachusetts.
Arthur B. Giroux, of New York.
Frank P. S. Glassey, of Pennsylvania.
Arthur J. Gravelle, of Iowa.
Leonard N. Green, of Minnesota.
Samuel E. Green, 3d, of Maryland.
Winthrop S. Greene, of Massachusetts.
Joseph G. Groeninger, of Maryland.
George J. Haering, of New York.
John N. Hamlin, of Oregon.
Richard B. Haven, of Illinois.
Harry C. Hawkins, of Michigan.

J. Cameron Hawkins, of New York.
Loy W. Henderson, of Colorado.
Robert O'D. Hinckley, of the District of Columbia.
Frederick W. Hinke, of New York.
Anderson Dana Hodgdon, of Maryland.
John E. Holler, of Pennsylvania.
Thomas S. Horn, of Missouri.
R. Flournoy Howard, of Georgia.
John F. Huddleston, of Ohio.
Joel C. Hudson, of Missouri.
George R. Hukill, of Delaware.
Benjamin M. Hulley, of Florida.
Alan T. Hurd, of California.
Carlton Hurst, of the District of Columbia.
John R. Ives, of Michigan.
William Oscar Jones, of Pennsylvania.
James Hugh Keeley, jr., of the District of Columbia.
Rufus H. Lane, jr., of Virginia.
Richard S. Leach, of Connecticut.
Scott S. Levisse, of Virginia.
Charles W. Lewis, jr., of Michigan.
Edward P. Lowry, of Illinois.
John McArdle, of Pennsylvania.
Clarence E. Macy, of Colorado.
Erik W. Magnuson, of Illinois.
Marcel E. Maligne, of Idaho.
Raphael A. Manning, of Massachusetts.
Joseph A. Marquis, of Maine.
Paul Mayo, of Colorado.
Carl D. Meinhardt, of New York.
Paul W. Meyer, of Colorado.
Harvey Lee Milbourne, of West Virginia.
Hugh S. Miller, of Illinois.
John E. Moran, of Illinois.
Robert L. Mosier, of Indiana.
John J. Muccio, of Rhode Island.
William F. Nason, of Massachusetts.
Alfred T. Nester, of New York.
Sidney E. O'Donoghue, of New Jersey.
Earl L. Packer, of Utah.
Nelson R. Park, of Colorado.
James E. Parks, of North Carolina.
George R. Paschal, jr., of Florida.
William L. Peck, of Connecticut.
C. Warwick Perkins, jr., of Maryland.
Julian L. Pinkerton, of Kentucky.
Edwin A. Plitt, of Maryland.
Austin R. Preston, jr., of New York.
Joseph P. Ragland, of the District of Columbia.
Egbert B. Rand, of Louisiana.
Sydney B. Redecker, of New York.
Conger Reynolds, of Iowa.
John S. Richardson, jr., of Massachusetts.
Quincy F. Roberts, of Texas.
Thomas H. Robinson, of New Jersey.
Laurence E. Salisbury, of Illinois.
Edwin Schoenrich, of Maryland.
William W. Schott, of Kansas.
Winfield H. Scott, of the District of Columbia.
George E. Seltzer, of New York.
Edward E. Silvers, of New Jersey.
William A. Smale, of California.
Robert Lacy Smyth, of California.
F. Leroy Spangler, of Kansas.
Edwin F. Stanton, of California.
W. Maynard Stapleton, of Pennsylvania.
Harry E. Stevens, of California.
Ronald D. Stevenson, of Pennsylvania.
Robert B. Streepier, of Ohio.
Leo D. Sturgeon, of Illinois.
George Tait, of Virginia.
Sheridan Talbott, of Kentucky.
Howard C. Taylor, of South Dakota.
Cyril L. F. Thiel, of Illinois.
Joseph I. Touchette, of Massachusetts.
Arthur F. Tower, of New York.
Harry L. Troutman, of Georgia.
Mason Turner, of Connecticut.
William T. Turner, of Georgia.
Frederik van den Arend, of North Carolina.
Maurice Walk, of Illinois.
Richard R. Willey, of New York.
Rollin R. Winslow, of Michigan.
Granville O. Woodward, of California.

Leslie E. Woods, of Massachusetts.
Whitney Young, of New York.

CONSULAR OFFICERS

To be consuls

Harry J. Anslinger, of Pennsylvania.
Willard L. Beaulac, of Rhode Island.
Herbert S. Bursley, of the District of Columbia.
Richard P. Butrick, of New York.
Edward Caffery, of Louisiana.
Charles L. De Vault, of Indiana.
Howard Donovan, of Illinois.
Samuel J. Fletcher, of Maine.
Raymond H. Geist, of Ohio.
Charles I. Graham, of Illinois.
Bernard F. Hale, of Vermont.
Charles H. Heisler, of Delaware.
Leo J. Keena, of Michigan.
H. Tobey Mooers, of Maine.
Christian M. Ravndal, of Iowa.
Francis H. Styles, of Virginia.
Fletcher Warren, of Texas.

To be vice consuls of career

Paul H. Alling, of Pennsylvania.
George Alexander Armstrong, of New York.
William H. Beach, of Virginia.
Ellis A. Bonnet, of Texas.
Prescott Childs, of Massachusetts.
Joseph T. Gilman, of Massachusetts.
Arthur J. Gravelle, of Iowa.
Winthrop S. Greene, of Massachusetts.
George J. Haering, of New York.
Harry C. Hawkins, of Michigan.
Benjamin M. Hulley, of Florida.
John R. Ives, of Michigan.
C. Warwick Perkins, jr., of Maryland.
Joseph P. Ragland, of the District of Columbia.
Edwin Schoenrich, of Maryland.
W. Maynard Stapleton, of Pennsylvania.
Harry E. Stevens, of California.
Howard C. Taylor, of South Dakota.
Cyril L. F. Thiel, of Illinois.

FOREIGN-SERVICE OFFICERS

[NOTE.—The following-named foreign-service officers have retired in accordance with the provisions of the "Act for the reorganization and improvement of the foreign service of the United States, and for other purposes," approved May 24, 1924.]

CLASS I

Alexander M. Thackara, of Pennsylvania.

CLASS III

Joseph I. Brittain, of Ohio.
Frederic Ogden de Billier, of the District of Columbia.
Frederic W. Goding, of Illinois.
George Horton, of Illinois.
Francis B. Keene, of Wisconsin.
Dominic I. Murphy, of the District of Columbia.
Frederick M. Ryder, of Connecticut.
Alfred A. Winslow, of Indiana.

CLASS IV

Henry S. Culver, of Ohio.
William P. Kent, of Virginia.
Frank W. Mabin, of Iowa.
Chester W. Martin, of Michigan.
George H. Pickerell, of Ohio.

CLASS V

Charles M. Freeman, of New Hampshire.
John N. McCunn, of Wisconsin.
Robert Brent Mosher, of the District of Columbia.
Gebhard Willrich, of Wisconsin.

CLASS VI

Edward L. Adams, of New York.
Julius D. Dreher, of South Carolina.
John H. Grout, of Massachusetts.
Mason Mitchell, of New York.

CLASS VII

Percival Gassett, of the District of Columbia.
Lorin A. Lathrop, of California.

CLASS VIII

Eugene L. Bellisle, of Massachusetts.
James S. Benedict, of New York.

Henry W. Diederich, of the District of Columbia.
Henry Abert Johnson, of the District of Columbia.
James B. Milner, of Indiana.
Bradstreet S. Rairden, of Maine.

CLASS IX

Frank C. Denison, of Vermont.
Alonzo B. Garrett, of West Virginia.
Thomas R. Wallace, of Iowa.

SECRETARIES IN THE DIPLOMATIC SERVICE

J. Holbrook Chapman, of the District of Columbia.
John N. Hamlin, of Oregon.
Robert O'D. Hinkley, of the District of Columbia.
Paul Mayo, of Colorado.

MEMBERS OF THE BOARD OF TAX APPEALS

(Terms expiring June 1, 1926)

Adolphus E. Graupner, of California.
Charles D. Hamel, of North Dakota.
J. S. Y. Ivins, of New York.
A. E. James, of New Jersey.
Jules Gilmer Korner, jr., of North Carolina.
W. C. Lansdon, of Kansas.
Benjamin H. Littleton, of Tennessee.
John J. Marquette, of Montana.
Charles P. Smith, of Massachusetts.
John M. Sternhagen, of Illinois.
Charles M. Trammell, of Florida.
Sumner L. Trussell, of Minnesota.

MEMBERS OF THE BOARD OF CHARITIES FOR THE DISTRICT OF COLUMBIA

(Terms of three years, from July 1, 1924)

John Joy Edson, of the District of Columbia. (Reappointment.)
George M. Kober, of the District of Columbia. (Reappointment.)

UNITED STATES CIRCUIT JUDGE

Learned Hand, of New York, to be United States circuit judge, second circuit, vice Julius M. Mayer, resigned.

UNITED STATES DISTRICT JUDGE

Guy H. Martin, of Idaho, to be United States district judge for the Canal Zone, vice John D. Wallingford, deceased.

UNITED STATES ATTORNEYS

Julien A. Hurley, of Alaska, to be United States attorney, fourth division, district of Alaska, vice Guy B. Erwin, removed.

Grady Reynolds, of Alabama, to be United States attorney, middle district of Alabama, vice Thomas D. Sanford, term expired.

David J. Reinhardt, of Delaware, to be United States attorney for the district of Delaware, vice James H. Hughes, jr., term expired.

George Stephan, of Colorado, to be United States attorney, district of Colorado, vice Granby Hillyer, resigned.

John Buckley, of Connecticut, to be United States attorney, district of Connecticut, vice Allan K. Smith, appointed by court.

Joseph C. Shaffer, of Virginia, to be United States attorney, western district of Virginia, vice Lewis P. Summers, resigned.

UNITED STATES COAST GUARD

Carl H. Hilton to be temporarily an ensign, to rank as such from August 20, 1924.

Norman M. Nelson to be temporarily an ensign, to rank as such from August 19, 1924.

William W. Chism to be temporarily an ensign, to rank as such from August 14, 1924.

William H. Jacobson to be temporarily an ensign, to rank as such from August 18, 1924.

Arthur J. Craig to be temporarily an ensign, to rank as such from August 20, 1924.

Victor E. Schminke to be temporarily an ensign, to rank as such from August 15, 1924.

William Bowman to be temporarily an ensign, to rank as such from August 20, 1924.

Joseph S. Rosenthal to be temporarily an ensign, to rank as such from August 18, 1924.

Robert E. Hunter to be temporarily an ensign, to rank as such from August 15, 1924.

Carl E. Guisness to be temporarily an ensign, to rank as such from August 20, 1924.

William L. Foley to be temporarily an ensign, to rank as such from August 14, 1924.

Sydney A. Harvey to be temporarily an ensign, to rank as such from August 16, 1924.

Frederick L. Thompson to be temporarily an ensign, to rank as such from August 23, 1924.

Frank D. Higbee to be temporarily an ensign, to rank as such from August 25, 1924.

Harold C. Palmer to be temporarily an ensign, to rank as such from August 16, 1924.

Chester McP. Anderson to be temporarily an ensign, to rank as such from August 22, 1924.

Nathan Levy to be temporarily an ensign, to rank as such from August 15, 1924.

Wellington S. Morse to be temporarily an ensign, to rank as such from August 21, 1924.

William H. Newman to be temporarily an ensign, to rank as such from August 14, 1924.

Edward R. Glosten to be temporarily an ensign, to rank as such from August 14, 1924.

Clifford D. Peak to be temporarily an ensign, to rank as such from August 15, 1924.

Iray W. Dierham to be temporarily an ensign, to rank as such from August 18, 1924.

James H. Earle to be temporarily an ensign, to rank as such from August 31, 1924.

Chester B. Kirkpatrick to be temporarily an ensign, to rank as such from August 15, 1924.

Clarence C. Paden to be temporarily an ensign, to rank as such from August 14, 1924.

Nathaniel S. Fulford, jr., to be temporarily an ensign, to rank as such from August 20, 1924.

Kenneth S. Davis to be temporarily an ensign, to rank as such from August 16, 1924.

Alexander A. Tanos to be temporarily an ensign, to rank as such from date of oath.

Leroy M. McCluskey to be temporarily an ensign, to rank as such from August 18, 1924.

William H. Austermann to be temporarily an ensign, to rank as such from August 20, 1924.

Niles E. Lauphere to be temporarily an ensign, to rank as such from August 18, 1924.

Niels S. Haugen to be temporarily an ensign, to rank as such from August 23, 1924.

Jerome J. Buskin to be temporarily an ensign, to rank as such from August 15, 1924.

Robert H. Furey to be temporarily an ensign, to rank as such from August 18, 1924.

John P. Crowley to be temporarily an ensign, to rank as such from August 18, 1924.

Bion B. Libby to be temporarily an ensign, to rank as such from August 16, 1924.

Lester B. Poole to be temporarily an ensign, to rank as such from August 15, 1924.

Harold B. Adams to be temporarily an ensign, to rank as such from August 15, 1924.

Harry C. Howe to be temporarily an ensign, to rank as such from August 16, 1924.

Philip A. Short to be temporarily an ensign, to rank as such from August 16, 1924.

Kenneth L. Young to be temporarily an ensign, to rank as such from August 19, 1924.

Horne D. Glover to be temporarily an ensign, to rank as such from August 13, 1924.

Chester C. Childs to be temporarily an ensign, to rank as such from August 21, 1924.

Ernest B. Johnson to be temporarily an ensign, to rank as such from August 19, 1924.

Frank E. B. Stuart to be temporarily an ensign, to rank as such from August 19, 1924.

Ralph R. Hayes to be temporarily an ensign, to rank as such from August 16, 1924.

Paul B. Cronk to be temporarily an ensign, to rank as such from August 16, 1924.

Donald F. deOtte to be temporarily an ensign, to rank as such from August 15, 1924.

Frank E. Pollio to be temporarily an ensign, to rank as such from August 15, 1924.

Robert deB. Vale to be temporarily an ensign, to rank as such from August 15, 1924.

Henry T. Jewell to be temporarily an ensign, to rank as such from August 18, 1924.

John W. Kelliher to be temporarily an ensign (engineering), to rank as such from August 20, 1924.

Emette B. Smith to be temporarily an ensign (engineering), to rank as such from August 20, 1924.

Ben C. Wilcox to be temporarily an ensign (engineering), to rank as such from August 20, 1924.

Ernest T. Peterson to be temporarily an ensign (engineering), to rank as such from August 27, 1924.

Edward S. Moale to be temporarily an ensign (engineering), to rank as such from August 15, 1924.

Elias M. Deer, jr., to be temporarily an ensign (engineering), to rank as such from August 21, 1924.

Jarvis E. Wellman to be temporarily an ensign (engineering), to rank as such from August 15, 1924.

Eugene S. Endom to be temporarily an ensign (engineering), to rank as such from August 16, 1924.

James F. Brady to be temporarily an ensign, to rank as such from September 5, 1924.

John H. Burke to be temporarily an ensign, to rank as such from September 6, 1924.

Vincent J. Charte to be temporarily an ensign, to rank as such from September 5, 1924.

Harold L. Connor to be temporarily an ensign, to rank as such from September 5, 1924.

Arthur W. Davis to be temporarily an ensign, to rank as such from September 4, 1924.

Charles Etzweiler to be temporarily an ensign, to rank as such from September 4, 1924.

Roy F. Gilley to be temporarily an ensign, to rank as such from September 6, 1924.

Angus S. MacIntyre to be temporarily an ensign, to rank as such from September 6, 1924.

Julius F. Jacot to be temporarily an ensign, to rank as such from September 5, 1924.

Arthur G. Morrill to be temporarily an ensign, to rank as such from September 6, 1924.

Paul O. Ritter to be temporarily an ensign, to rank as such from September 6, 1924.

William W. Storey to be temporarily an ensign, to rank as such from September 6, 1924.

Glenn E. Trester to be temporarily an ensign, to rank as such from October 2, 1924.

Donald G. Jacobs to be temporarily an ensign, to rank as such from September 15, 1924.

John F. Kinnaly to be temporarily an ensign, to rank as such from September 9, 1924.

John McCann to be temporarily an ensign, to rank as such from September 8, 1924.

Stewart P. Mehlman to be temporarily an ensign, to rank as such from September 9, 1924.

Joseph T. Ogden to be temporarily an ensign, to rank as such from September 8, 1924.

Ozro H. Hunt to be temporarily an ensign (engineering), to rank as such from September 8, 1924.

Cadet Engineer Thomas Y. Awalt to be ensign (engineering), to rank as such from September 10, 1924.

Frank H. Nelson to be temporarily an ensign, to rank as such from September 19, 1924.

Emmanuel Desses to be temporarily an ensign, to rank as such from October 5, 1924.

Lloyd O. Hammarstrom to be temporarily an ensign, to rank as such from September 27, 1924.

Mudge A. Ransom to be temporarily an ensign, to rank as such from October 5, 1924.

Frank M. Meals to be temporarily an ensign, to rank as such from September 16, 1924.

John H. Martin to be temporarily an ensign (engineering), to rank as such from October 23, 1924.

Lorenz A. Lonsdale to be temporarily a chief boatswain, to rank as such from October 6, 1924.

August Anderson to be temporarily a chief boatswain, to rank as such from October 3, 1924.

Christian Jansen to be temporarily a chief boatswain, to rank as such from September 29, 1924.

John B. Jones to be temporarily a chief boatswain, to rank as such from September 29, 1924.

Sigvard B. Johnson to be temporarily a chief boatswain, to rank as such from October 3, 1924.

Nelson F. King to be temporarily a chief boatswain, to rank as such from September 29, 1924.

Oscar Vinje to be temporarily a chief boatswain, to rank as such from September 29, 1924.

Albert Hays to be temporarily a chief boatswain, to rank as such from September 30, 1924.

Thomas A. Ross to be temporarily a chief boatswain, to rank as such from October 22, 1924.

Charles Lucas to be temporarily a chief boatswain, to rank as such from October 2, 1924.

Olaf Egeland to be temporarily a chief boatswain, to rank as such from October 1, 1924.

Horace B. Deets to be temporarily a chief machinist, to rank as such from September 29, 1924.

Barnett Rashin to be temporarily a chief machinist, to rank as such from October 1, 1924.

Torleif Hansen to be temporarily a chief machinist, to rank as such from October 3, 1924.

Edward G. Davis to be temporarily a chief machinist, to rank as such from November 7, 1924.

David M. Moore to be temporarily a chief machinist, to rank as such from October 17, 1924.

James M. Cahill to be temporarily a chief machinist, to rank as such from October 4, 1924.

Knute P. Floe to be temporarily a chief machinist, to rank as such from October 3, 1924.

Charles Thrun to be temporarily a chief gunner, to rank as such from September 29, 1924.

John DeCosta to be temporarily a chief gunner, to rank as such from October 2, 1924.

Howard D. Brownley to be temporarily a chief pay clerk, to rank with but after ensign, to rank as such from September 29, 1924.

Robert Grassow to be temporarily a chief warrant carpenter, to rank with but after ensign, to rank as such from October 4, 1924.

Herbert F. Rowland to be temporarily an ensign, to rank as such from October 25, 1924.

Irving E. Baker to be temporarily an ensign, to rank as such from October 25, 1924.

Cadet Alfred C. Richmond to be an ensign, to rank as such from October 1, 1924.

Cadet Walter R. Richards to be an ensign, to rank as such from October 1, 1924.

Cadet Roy L. Raney to be an ensign, to rank as such from October 17, 1924.

Cadet George B. Gelly to be an ensign, to rank as such from October 17, 1924.

Cadet Russell E. Wood to be an ensign, to rank as such from October 17, 1924.

Cadet Clarence H. Peterson to be an ensign, to rank as such from October 17, 1924.

Cadet James A. Hirschfield to be an ensign, to rank as such from October 17, 1924.

Cadet Joseph D. Conway to be an ensign, to rank as such from October 17, 1924.

Cadet Charles W. Lawson to be an ensign, to rank as such from October 17, 1924.

Cadet Frank T. Kenner to be an ensign, to rank as such from October 17, 1924.

Cadet George C. Carlstedt to be an ensign, to rank as such from October 17, 1924.

Cadet John Rountree to be an ensign, to rank as such from October 17, 1924.

Cadet William W. Kenner to be an ensign, to rank as such from October 17, 1924.

Cadet Stephen P. Swicegood, jr., to be an ensign, to rank as such from October 17, 1924.

Cadet Henry C. Perkins to be an ensign, to rank as such from October 24, 1924.

Cadet Paul W. Collins to be an ensign, to rank as such from October 24, 1924.

Cadet Harold S. Berdine to be an ensign, to rank as such from October 24, 1924.

Cadet Charles W. Thomas to be an ensign, to rank as such from October 24, 1924.

Cadet Frank A. Leamy to be an ensign, to rank as such from October 24, 1924.

Cadet John H. Byrd to be an ensign, to rank as such from October 24, 1924.

Cadet Beckwith Jordan to be an ensign, to rank as such from October 24, 1924.

Boatswain (life saving) Oswald A. Littlefield to be a district superintendent with the rank of ensign, to rank as such from October 24, 1924.

PUBLIC HEALTH SERVICE

Surg. Tallaferro Clark to be senior surgeon in the Public Health Service, to rank as such from December 25, 1924, in place of Senior Surg. G. B. Young, to be placed on "waiting orders," effective December 24, 1924. Surgeon Clark has passed the necessary examination required by law.

Dr. Adolph S. Runnelch to be assistant surgeon, to rank as such from September 2, 1924.

Dr. Ernest E. Huber to be assistant surgeon, to rank as such from September 2, 1924.

Passed Asst. Surg. Clifford R. Eskey to be surgeon, to rank as such from September 8, 1924.

Passed Asst. Surg. Walter T. Harrison to be surgeon, to rank as such from October 26, 1924.

Passed Asst. Surg. Rolla E. Dyer to be surgeon, to rank as such from October 31, 1924.

Passed Asst. Surg. Charles Armstrong to be surgeon, to rank as such from October 27, 1924.

Passed Asst. Surg. Justin K. Fuller to be surgeon, to rank as such from October 27, 1924.

Passed Asst. Surg. Vance B. Murray to be surgeon, to rank as such from July 26, 1924.

Asst. Surg. Lester C. Scully to be passed assistant surgeon, to rank as such from October 4, 1924.

Asst. Surg. Floyd C. Turner to be passed assistant surgeon, to rank as such from September 30, 1924.

Asst. Surg. Marion R. King to be passed assistant surgeon, to rank as such from October 4, 1924.

Dr. Edwin H. Carnes to be assistant surgeon, to rank as such from November 3, 1924.

Dr. Lucius F. Badger to be assistant surgeon, to rank as such from date of oath.

These officers are now serving under temporary commissions issued during the recess of the Senate.

REGISTERS OF THE LAND OFFICE

William H. H. Heckman, of California, to be register of the land office at Eureka, Calif., in accordance with the provisions of the Interior Department appropriation act approved June 5, 1924.

James J. Donegan, of Oregon, to be register of the land office at Burns, Oreg., in accordance with the provisions of the Interior Department appropriation act approved June 5, 1924.

Charles E. Player, of California, register of the land office at Independence, Calif., vice Oliver C. Harper, term expired.

William H. Dickinson, of Wyoming, register of the land office at Lander, Wyo., vice Irving W. Wright, resigned.

John H. Peare, of Oregon, to be register of the land office at La Grande, Oreg., effective upon completion of consolidation in accordance with provisions of Interior Department appropriation act approved June 5, 1924.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONELS

Lieut. Col. Leon LaGrange Roach, Infantry, from June 19, 1924.

Lieut. Col. Horace Potts Hobbs, Infantry, from July 1, 1924.

Lieut. Col. Louis Joseph Van Schaick, Infantry, from July 1, 1924.

Lieut. Col. Edgar Albert Myer, Infantry, from July 1, 1924.

Lieut. Col. Arthur Morson Shipp, Infantry, from July 19, 1924.

Lieut. Col. Joseph William Beacham, jr., Infantry, from July 21, 1924.

Lieut. Col. Guy Stevens Norvell, Cavalry, from July 23, 1924.

Lieut. Col. Robert Hayes Wescott, Infantry, from July 24, 1924.

Lieut. Col. Allen Parker, Infantry, from August 1, 1924.

Lieut. Col. Allen Smith, jr., Infantry, from August 22, 1924.

Lieut. Col. Frank Burson Hawkins, Infantry, from September 20, 1924.

Lieut. Col. Paul Trapler Hayne, Adjutant General's Department, from September 25, 1924.

Lieut. Col. Fred Erskine Buchan, Cavalry, from September 27, 1924.

Lieut. Col. Edward Albert Sturges, Finance Department, from October 23, 1924.

Lieut. Col. William Luke Luhn, Cavalry, from November 2, 1924.

Lieut. Col. Hu Blakemore Myers, Cavalry, from November 3, 1924.

Lieut. Col. Henry Russell Richmond, Cavalry, from November 10, 1924.

Lieut. Col. Charles Evans Kilbourne, Coast Artillery Corps, from November 16, 1924.

Lieut. Col. Osmun Latrobe, Cavalry, from November 20, 1924.

Lieut. Col. Orval Pool Townshend, Infantry, from November 26, 1924.

TO BE LIEUTENANT COLONELS

Maj. Richard Irving McKenney, Coast Artillery Corps, from June 19, 1924.

Maj. Charles Albert Clark, Quartermaster Corps, from July 1, 1924.
 Maj. Robert Louis Moseley, Infantry, from July 1, 1924.
 Maj. Aristides Moreno, Infantry, from July 1, 1924.
 Maj. William Lay Patterson, Infantry, from July 19, 1924.
 Maj. Charles Edward Wheatley, Coast Artillery Corps, from July 21, 1924.
 Maj. Earl Biscoe, Coast Artillery Corps, from July 23, 1924.
 Maj. William Scott Wood, Field Artillery, from July 24, 1924.
 Maj. James Howard Stansfield, Judge Advocate General's Department, from August 1, 1924.
 Maj. Francis Bradford Wheaton, Quartermaster Corps, from August 22, 1924.
 Maj. James Merrill Hutchinson, Quartermaster Corps, from September 20, 1924.
 Maj. George Morgan Newell, Finance Department, from September 25, 1924.
 Maj. Sidney Smith Underwood, Ordnance Department, from September 27, 1924.
 Maj. Thomas Egbert Jansen, Finance Department, from October 5, 1924.
 Maj. Felix Edward Blackburn, Judge Advocate General's Department, from October 23, 1924.
 Maj. Charles Almon Hunt, Infantry, from November 2, 1924.
 Maj. Warren Thomas Hannum, Corps of Engineers, from November 3, 1924.
 Maj. Robert Ross Ralston, Corps of Engineers, from November 10, 1924.
 Maj. Mark Brooke, Corps of Engineers, from November 16, 1924.
 Maj. Laurence Verner Frazier, Corps of Engineers, from November 20, 1924.
 Maj. James Franklin Bell, Corps of Engineers, from November 23, 1924.
 Maj. Gilbert Henry Stewart, Ordnance Department, from November 26, 1924.

TO BE MAJORS

Capt. Joseph Taggart McNarney, Air Service, from June 16, 1924.
 Capt. Pearson Menoher, Cavalry, from June 19, 1924.
 Capt. Albert Henry Warren, Coast Artillery Corps, from June 22, 1924.
 Capt. Omar Nelson Bradley, Infantry, from June 25, 1924.
 Capt. Paul John Mueller, Infantry, from June 26, 1924.
 Capt. Leland Stanford Hobbs, Infantry, from July 1, 1924.
 Capt. John Frederick Kahle, Coast Artillery Corps, from July 1, 1924.
 Capt. Edwin Bowman Lyon, Air Service, from July 1, 1924.
 Capt. Reinold Melberg, Coast Artillery Corps, from July 1, 1924.
 Capt. Clarence Brewster Lindner, Coast Artillery Corps, from July 3, 1924.
 Capt. John Henry Cochran, Coast Artillery Corps, from July 19, 1924.
 Capt. Carl Conrad Bank, Field Artillery, from July 21, 1924.
 Capt. Charles Calvert Benedict, Air Service, from July 23, 1924.
 Capt. Vernon Evans, Infantry, from July 24, 1924.
 Capt. Roscoe Barnett Woodruff, Infantry, from August 1, 1924.
 Capt. Joseph Jesse Teter, Coast Artillery Corps, from August 10, 1924.
 Capt. Lewis Clarke Davidson, Infantry, from August 22, 1924.
 Capt. Dwight David Eisenhower, Infantry, from August 26, 1924.
 Capt. Harold William James, Infantry, from August 26, 1924.
 Capt. George Hume Peabody, Air Service, from September 18, 1924.
 Capt. Martin John O'Brien, Coast Artillery Corps, from September 20, 1924.
 Capt. Joseph Cumming Haw, Coast Artillery Corps, from September 20, 1924.
 Capt. James Basevi Ord, Infantry, from September 20, 1924.
 Capt. Earl Larue Naiden, Air Service, from September 25, 1924.
 Capt. Henry McElderry Pendleton, Cavalry, from September 27, 1924.
 Capt. Iverson Brooks Summers, jr., Adjutant General's Department, from October 1, 1924.
 Capt. Edmund de Treville Ellis, Quartermaster Corps, from October 5, 1924.
 Capt. Robert William Strong, Cavalry, from October 23, 1924.

Capt. Clifford Randall Jones, Coast Artillery Corps, from October 26, 1924.
 Capt. John Bengnot Wogan, Field Artillery, from November 2, 1924.
 Capt. Clesen Henry Tenney, Coast Artillery Corps, from November 3, 1924.
 Capt. Clifford Barrington King, Field Artillery, from November 4, 1924.
 Capt. Frank Edwin Emery, jr., Coast Artillery Corps, from November 5, 1924.
 Capt. Edward Caswell Wallington, Chemical Warfare Service, from November 10, 1924.
 Capt. Carl Ernest Hocker, Coast Artillery Corps, from November 16, 1924.
 Capt. John William Leonard, Infantry, from November 20, 1924.
 Capt. Richmond Trumbull Gibson, Coast Artillery Corps, from November 23, 1924.
 Capt. Edward Campbell McGuire, Cavalry, from November 26, 1924.

TO BE CAPTAINS

First Lieut. Wilbur Joseph Fox, Infantry, from June 11, 1924.
 First Lieut. Frank Eckel Taylor, Judge Advocate General's Department, from June 16, 1924.
 First Lieut. Charles Palmer Clark, Air Service, from June 17, 1924.
 First Lieut. William Vincent Witcher, jr., Infantry, from June 17, 1924.
 First Lieut. Leo Leftwich Partlow, Field Artillery, from June 18, 1924.
 First Lieut. Joseph Francis Stiley, Coast Artillery Corps, from June 19, 1924.
 First Lieut. Edward Henry Dignowity, Corps of Engineers, from June 22, 1924.
 First Lieut. John William Elkins, jr., Infantry, from June 22, 1924.
 First Lieut. Philip Doddridge, Infantry, from June 24, 1924.
 First Lieut. Chillon Farrar Wheeler, Air Service, from June 25, 1924.
 First Lieut. Henry Thomas Kent, Infantry, from June 26, 1924.
 First Lieut. James Arthur Boyers, Infantry, from June 27, 1924.
 First Lieut. Evan Kirkpatrick Meredith, Infantry, from July 1, 1924.
 First Lieut. Howard John Liston, Infantry, from July 1, 1924.
 First Lieut. Charles Marion Thirkield, Field Artillery, from July 1, 1924.
 First Lieut. William Robert Carlson, Coast Artillery Corps, from July 1, 1924.
 First Lieut. Ernest Thomas Jones, Infantry, from July 2, 1924.
 First Lieut. Harry Womersley Ostrander, Coast Artillery Corps, from July 3, 1924.
 First Lieut. Melville Stratton Creusere, Field Artillery, from July 3, 1924.
 First Lieut. Clarence Flagg Murray, Field Artillery, from July 6, 1924.
 First Lieut. Perry Cole Ragan, Infantry, from July 8, 1924.
 First Lieut. James Cave Crockett, Infantry, from July 19, 1924.
 First Lieut. Philip Dunbar Terry, Coast Artillery Corps, from July 19, 1924.
 First Lieut. Charles Carroll Knight, jr., Field Artillery, from July 21, 1924.
 First Lieut. Joseph Vincent Thebaud, Infantry, from July 23, 1924.
 First Lieut. George Willis Norris, Signal Corps, from July 24, 1924.
 First Lieut. Ira Augustus Hunt, Infantry, from July 29, 1924.
 First Lieut. Paul Parker Logan, Infantry, from August 1, 1924.
 First Lieut. Jesse James France, Field Artillery, from August 10, 1924.
 First Lieut. Armand Sherman Miller, Field Artillery, from August 21, 1924.
 First Lieut. Thomas Henry, Infantry, from August 22, 1924.
 First Lieut. Earl Hamlin DeFord, Air Service, from August 26, 1924.
 First Lieut. Peter Powell Rodes, Field Artillery, from August 26, 1924.

First Lieut. Frank Martin Smith, Infantry, from September 3, 1924.
 First Lieut. John Carl Cook, Field Artillery, from September 3, 1924.
 First Lieut. Herbert William Garrison, Infantry, from September 3, 1924.
 First Lieut. Burdette Shields Wright, Air Service, from September 18, 1924.
 First Lieut. Arthur Kay Chambers, Coast Artillery Corps, from September 19, 1924.
 First Lieut. Paul Thomas Hogge, Infantry, from September 20, 1924.
 First Lieut. Dale Clarence Hall, Ordnance Department, from September 20, 1924.
 First Lieut. Charles Summers Miller, Cavalry, from September 20, 1924.
 First Lieut. Eugene Edwin Hagan, Quartermaster Corps, from September 25, 1924.
 First Lieut. Joseph Edward Schillo, Quartermaster Corps, from September 27, 1924.
 First Lieut. John Moody Tuther, Quartermaster Corps, from October 1, 1924.
 First Lieut. Joseph Henry Burgheim, Infantry, from October 5, 1924.
 First Lieut. John Palmer Harris, Ordnance Department, from October 5, 1924.
 First Lieut. Fred Thomson Bass, Corps of Engineers, from October 7, 1924.
 First Lieut. Andrew Jackson Patterson, Infantry, from October 18, 1924.
 First Lieut. Rufus Alexander Byers, Infantry, from October 23, 1924.
 First Lieut. George Edwin Adamson, Quartermaster Corps, from October 26, 1924.
 First Lieut. Charles A. Morrow, Quartermaster Corps, from November 1, 1924.
 First Lieut. Edward Oscar Schairer, Quartermaster Corps, from November 2, 1924.
 First Lieut. Charles Muller, Infantry, from November 3, 1924.
 First Lieut. Alfred Henry Thiessen, Signal Corps, from November 4, 1924.
 First Lieut. Claude Evan Gray, Finance Department, from November 4, 1924.
 First Lieut. Horace Nevil Helsen, Air Service, from November 5, 1924.
 First Lieut. Aubrey Irl Eagle, Air Service, from November 7, 1924.
 First Lieut. Jacob J. Van Putten, jr., Finance Department, from November 10, 1924.
 First Lieut. Harvey Weir Cook, Air Service, from November 11, 1924.
 First Lieut. Charles Summer Reed, Ordnance Department, from November 14, 1924.
 First Lieut. Raymond Clair Hildreth, Signal Corps, from November 16, 1924.
 First Lieut. David Emery Washburn, Signal Corps, from November 20, 1924.
 First Lieut. Bernard Edward McKeever, Quartermaster Corps, from November 21, 1924.
 First Lieut. Michael James Byrne, Infantry, from November 23, 1924.
 First Lieut. William George Muller, Infantry, from November 26, 1924.

TO BE FIRST LIEUTENANTS

Second Lieut. Harold Robert Emery, Infantry, from June 3, 1924.
 Second Lieut. David Sanderson McLean, Infantry, from June 11, 1924.
 Second Lieut. William Joseph Meroney, Infantry, from June 14, 1924.
 Second Lieut. Russell Lowell Williamson, Air Service, from June 16, 1924.
 Second Lieut. Howard Dohla Johnston, Infantry, from June 16, 1924.
 Second Lieut. Franklin Leroy Rash, Infantry, from June 17, 1924.
 Second Lieut. Edgar Harvey Snodgrass, Infantry, from June 17, 1924.
 Second Lieut. Claude Birkett Ferenbaugh, Infantry, from June 18, 1924.
 Second Lieut. Adna Chaffee Hamilton, Infantry, from June 19, 1924.
 Second Lieut. Harold Stuart Ruth, Infantry, from June 22, 1924.

Second Lieut. Sterling Eugene Whitesides, jr., Infantry, from June 22, 1924.
 Second Lieut. Lewis Stone Sorley, jr., Infantry, from June 24, 1924.
 Second Lieut. Albert Coady Wedemeyer, Infantry, from June 24, 1924.
 Second Lieut. David Best Latimer, Coast Artillery Corps, from June 25, 1924.
 Second Lieut. Roswell Boyle Hart, Infantry, from June 25, 1924.
 Second Lieut. Halvor Hegland Myrah, Coast Artillery Corps, from June 26, 1924.
 Second Lieut. Herbert Joseph Riess, Infantry, from June 27, 1924.
 Second Lieut. Henry Ignatius Szymanski, Infantry, from July 1, 1924.
 Second Lieut. Frederick Brenton Porter, Field Artillery, from July 1, 1924.
 Second Lieut. Bryan Sewall Halter, Infantry, from July 1, 1924.
 Second Lieut. Charles Raymond Gross, Infantry, from July 2, 1924.
 Second Lieut. Charles Hardy Hart, jr., Infantry, from July 3, 1924.
 Second Lieut. Adolphus Rankin McConnell, Air Service, from July 3, 1924.
 Second Lieut. George De Vere Barnes, Quartermaster Corps, from July 3, 1924.
 Second Lieut. Paul Robert Menzies Miller, Field Artillery, from July 6, 1924.
 Second Lieut. Albert Smith Rice, Infantry, from July 8, 1924.
 Second Lieut. Charles Linton Williams, Air Service, from July 19, 1924.
 Second Lieut. Charles Ream Jackson, Coast Artillery Corps, from July 19, 1924.
 Second Lieut. Charles Leslie Keerans, jr., Infantry, from July 21, 1924.
 Second Lieut. Fred Cleveland Fishback, Air Service, from July 23, 1924.
 Second Lieut. George Oliver Roberson, Air Service, from July 23, 1924.
 Second Lieut. Kenneth Newton Walker, Air Service, from July 24, 1924.
 Second Lieut. John Lawrence Hanley, Coast Artillery Corps, from July 20, 1924.
 Second Lieut. Stanley Hunsicker Hunsicker, Quartermaster Corps, from August 1, 1924.
 Second Lieut. Neal Henry McKay, Quartermaster Corps, from August 10, 1924.
 Second Lieut. Stanleigh Megargee, Quartermaster Corps, from August 14, 1924.
 Second Lieut. Oscar Leslie Rogers, Air Service, from August 21, 1924.
 Second Lieut. Roger Frederic O'Leary, Quartermaster Corps, from August 21, 1924.
 Second Lieut. Samuel Perham Mills, Air Service, from August 24, 1924.
 Second Lieut. Edgar Theodore Selzer, Air Service, from August 26, 1924.
 Second Lieut. Albert Joseph Lubbe, Signal Corps, from August 26, 1924.
 Second Lieut. George Raymond Ensminger, Ordnance Department, from August 26, 1924.
 Second Lieut. John Bicknell Lascombe, Quartermaster Corps, from August 30, 1924.
 Second Lieut. Charles Harold Howard, Air Service, from August 30, 1924.
 Second Lieut. Edward Alton Hillery, Air Service, from September 1, 1924.
 Second Lieut. Hugh Sydney Harpole, Quartermaster Corps, from September 3, 1924.
 Second Lieut. Homer William Jones, Quartermaster Corps, from September 3, 1924.
 Second Lieut. Everett Sanford Davis, Air Service, from September 3, 1924.
 Second Lieut. Frank Egerton Powell, Quartermaster Corps, from September 3, 1924.
 Second Lieut. Bradford Nelson Headley, Quartermaster Corps, from September 4, 1924.
 Second Lieut. Frederick Irving Patrick, Air Service, from September 6, 1924.
 Second Lieut. Donald Reuben Goodrich, Air Service, from September 17, 1924.
 Second Lieut. Carl Henry Barrett, Air Service, from September 18, 1924.

Second Lieut. Francis Hill Kuhn, Quartermaster Corps, from September 18, 1924.

Second Lieut. John Daniel O'Connell, Quartermaster Corps, from September 19, 1924.

Second Lieut. Harold Brand, Air Service, from September 20, 1924.

Second Lieut. Edward Watson Kelley, Infantry, from September 20, 1924.

Second Lieut. Claud Thomas Gunn, Coast Artillery Corps, from September 20, 1924.

Second Lieut. Herbert Benjamin Wilcox, Infantry, from September 27, 1924.

Second Lieut. Robert Milton Eichelsdoerfer, Cavalry, from October 1, 1924.

Second Lieut. Otto Max Jank, Coast Artillery Corps, from October 3, 1924.

Second Lieut. Paul Evert, Air Service, from October 5, 1924.

Second Lieut. Paul Americus Harris, Coast Artillery Corps, from October 5, 1924.

Second Lieut. Jefferson Cleveland Campbell, Field Artillery, from October 7, 1924.

Second Lieut. Hugh Franklin Conrey, Field Artillery, from October 8, 1924.

Second Lieut. Edwin Clark Maling, Infantry, from October 9, 1924.

Second Lieut. Richard Head Trippe, Infantry, from October 11, 1924.

Second Lieut. O. D. Wells, Infantry, from October 18, 1924.

Second Lieut. Frank Celestine Meads, Coast Artillery Corps, from October 19, 1924.

Second Lieut. Paul Wallace Cole, Coast Artillery Corps, from October 23, 1924.

Second Lieut. Everett Samuel Prouty, Infantry, from October 26, 1924.

Second Lieut. Charles Speir Lawrence, Infantry, from October 26, 1924.

Second Lieut. John Corwin Shaw, Infantry, from October 26, 1924.

Second Lieut. William Cadwalader Price, jr., Field Artillery, from October 29, 1924.

Second Lieut. Clarence Matthew Tomlinson, Infantry, from November 2, 1924.

Second Lieut. Eugene Reedy Guild, Coast Artillery Corps, from November 3, 1924.

Second Lieut. Julian Buckner Haddon, Air Service, from November 4, 1924.

Second Lieut. Claude Delorum Collins, Infantry, from November 4, 1924.

Second Lieut. William Hugh Burns, Coast Artillery Corps, from November 5, 1924.

Second Lieut. William Eldridge Moore, Quartermaster Corps, from November 7, 1924.

Second Lieut. Clem Oliver Gunn, Coast Artillery Corps, from November 10, 1924.

Second Lieut. Wilber Russell Ellis, Coast Artillery Corps, from November 11, 1924.

Second Lieut. Donald Weldon Braunn, Infantry, from November 14, 1924.

Second Lieut. George Bernhard Anderson, Coast Artillery Corps, from November 16, 1924.

Second Lieut. Walter John Wolfe, Coast Artillery Corps, from November 19, 1924.

Second Lieut. Roswell Emory Round, Infantry, from November 20, 1924.

Second Lieut. Clyde Harrison Lamb, Infantry, from November 21, 1924.

Second Lieut. Fred Ross Cowan, Quartermaster Corps, from November 21, 1924.

Second Lieut. Lester Frank Watson, Quartermaster Corps, from November 23, 1924.

Second Lieut. William Edwin Vecqueray, Quartermaster Corps, from November 26, 1924.

HOUSE OF REPRESENTATIVES

TUESDAY, December 2, 1924

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Heavenly Father, grant us this day strength of mind and heart that we may have fidelity and courage to overcome difficulties and bear valiantly our responsibilities. Help us to catch the strain of the Man of Galilee in disinterested and

self-denying service. Teach us, O Lord, that he has not learned the vital lesson of life who fails to conquer fear. In our labors, in our devotion to duty, in our broad outlook upon the needs of our country, may we find the title to our place and honor. Amen.

The Journal of the proceedings of yesterday was read and approved.

REPORT FROM COMMITTEE ON RIVERS AND HARBORS

Mr. DEMPSEY. Mr. Speaker, I wish to file a privileged report (H. Rept. 581) from the Committee on Rivers and Harbors. The report was filed previously through inadvertence through the basket, and in order to retain the privilege to which the bill is entitled it is necessary to report it from the floor.

The SPEAKER. Is it a bill authorizing projects?

Mr. DEMPSEY. It is.

The SPEAKER. The gentleman from New York submits a privileged report from the Committee on Rivers and Harbors, which the Clerk will report.

The Clerk read as follows:

Mr. DEMPSEY, from the Committee on Rivers and Harbors, reports the following bill: "A bill (H. R. 8914) authorizing construction of certain public works on rivers and harbors, and for other purposes."

Mr. GARRETT of Tennessee. Mr. Speaker, I do not know that it is necessary, but as a matter of course I reserve all points of order on the bill.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message, in writing, from the President of the United States, by Mr. Latta, one of his secretaries.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ROSENBLUM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9561. An act making additional appropriations for the fiscal year ending June 30, 1925, to enable the heads of the several departments and independent establishments to adjust the rates of compensation of civilian employees in certain of the field services;

H. R. 6426. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

S. 2265. An act to provide for a rearrangement of the public alley facilities in square 616 in the District of Columbia, and for other purposes;

S. 3397. An act to remit the duty on a carillon of bells to be imported for the Church of Our Lady of the Rosary, Providence, R. I.; and

S. J. Res. 85. Joint resolution authorizing an appropriation for the participation of the United States in the preparation and completion of plans for the comprehensive observance of that greatest of all historic events, the bicentennial of the birthday of George Washington.

ORDER OF BUSINESS

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that Calendar Wednesday, to-morrow, be dispensed with. I will give my reasons for making the request if I may have the attention of the minority leader. I am informed that the Committee on Naval Affairs, which has the call to-morrow, is not quite ready with its bill, which is a very important one. That is true also of the Committee on the Post Office and Post Roads, which has the next call. If unanimous consent should be given to do away with the day, I am also informed that the Appropriations Committee will be ready to begin consideration of the Interior Department appropriation bill on Wednesday, and I think it is in the interest of the dispatch of the business of the House if we can dispense with Calendar Wednesday to-morrow.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the business of Calendar Wednesday on to-morrow be dispensed with. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I have no disposition at all to object to that arrangement, but I would like to ask the gentleman from Ohio about the program for the remainder of the week. As I understand, the President's message will be read to-morrow, and the Appropriations Committee will have the remainder of the day. Will there be anything during the remainder of the week aside from the consideration of the appropriation bill?

Mr. LONGWORTH. So far as I know, there is nothing except the appropriation bill.

Mr. GARRETT of Tennessee. That will be the consideration of the Interior Department appropriation bill?

Mr. LONGWORTH. Yes; the Interior Department appropriation bill.

Mr. WINGO. Mr. Speaker, further reserving the right to object, will the gentleman give the House some idea as to when the McFadden bill will be considered?

Mr. LONGWORTH. I will say to the gentleman that personally I would be very glad to have that bill taken up and disposed of before the holidays if possible, but we desire to get through with the appropriation bills as quickly as possible as they come up. I understand there are at least two bills ready.

Mr. WINGO. The gentleman thinks at least there is no possibility of the bill being considered before the holidays?

Mr. LONGWORTH. I can not answer the gentleman definitely, because I do not know whether there is any substantial opposition to the McFadden bill or not. I have been told that there was some at the last session that has been removed by amendments now in the bill.

Mr. WINGO. I noticed that in the New York newspapers, but otherwise I was not advised.

Mr. LONGWORTH. In that case, I shall be glad to help dispose of that bill as soon as possible.

Mr. WINGO. I shall ask for consideration. Although I shall not vote for the bill, I have promised to expedite it. We are concerned with the consideration of the bill, and we are being blamed for the delay. I wanted the Record to show that we are ready to take it up to-day, or to-morrow, or on any day that the majority cares to take it up.

Mr. LONGWORTH. I will say to the gentleman that personally I am in favor of having that bill considered as soon as possible.

Mr. WINGO. I am in favor personally of its expedition.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. HASTINGS. Do I understand that the Interior Department appropriation bill has not yet been reported?

Mr. LONGWORTH. It will be reported, as I understand, immediately after the reading of the Budget report to-day.

Mr. BLANTON. Will there be a disposition to give the Members, during the consideration of this Interior Department bill, an opportunity to debate certain items to which there might be objection? In other words, it has not been reported yet. We have no time to consider it. There might be items in it subject to points of order. We would like to have opportunity to look into that bill somewhat before it is pushed through hurriedly.

Mr. LONGWORTH. I have no idea that there is any disposition on the part of the Committee on Appropriations or the gentlemen in charge of that bill to hasten its consideration unduly.

Mr. BUTLER. Is it proposed to-morrow to dispense with business in order on Calendar Wednesday?

Mr. LONGWORTH. Yes. I have made that request, but it has not yet been granted.

Mr. BUTLER. Will the gentleman renew his request to-day?

Mr. LONGWORTH. I have already made the request. It is now pending before the House.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PENSIONS

Mr. FULLER, from the Committee on Invalid Pensions, submitted, for printing under the rule, a conference report on the bill (H. R. 6941) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war.

Mr. GARRETT of Tennessee. Is it the gentleman's purpose to call up that conference report to-morrow?

Mr. FULLER. No. It has to be agreed to in the Senate first. It is hanging over from the last session. It has not yet been agreed to in the Senate.

RATIFICATION OF A PROPOSED AMENDMENT TO THE CONSTITUTION

The SPEAKER. The Chair lays before the House the concurrent resolution of the Legislature of Arkansas, which the Clerk will read.

[For communication, see proceedings of Senate, page 16.]

MESSAGE FROM THE PRESIDENT—THE BUDGET

The SPEAKER laid before the House the following message from the President, which was read and, with the accompanying documents, referred to the Committee on Appropriations.

[For message, see proceedings of Senate, page 34.]

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. CRAMTON, from the Committee on Appropriations, by direction of that committee, reported the bill H. R. 10020, making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes, which, with the accompanying papers, was read a first and second time and referred to the Committee of the Whole House on the state of the Union.

Mr. CARTER reserved all points of order.

CORRECTIONS

Mr. HILL of Alabama. Mr. Speaker, roll call No. 207, on the conference report on the bill S. 1898, the postal salary bill, given in the Record of June 6, 1924, shows me not voting. I wish to state that I was present and voted "yea" on the roll call.

Mr. COLLINS. Mr. Speaker, on the same roll call on the same date, I was likewise reported as not voting, when, as a matter of fact, I was present and voted "yea."

The SPEAKER. Without objection, the corrections will be made.

There was no objection.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Wednesday, December 3, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

597. A letter from president Board of Managers, National Home for Disabled Volunteer Soldiers, transmitting report of the Board of Managers of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1924; to the Committee on Military Affairs.

598. A letter from the chairman of United States Tariff Commission, transmitting a copy of the Eighth Annual Report of the United States Tariff Commission (H. Doc. No. 466); to the Committee on Ways and Means and ordered to be printed, with illustrations.

599. A letter from the Postmaster General, transmitting report of the finances of the Post Office Department for the preceding year, showing the amount of balances due the department at the beginning of the year, the amount of postage which accrued within the year, the amount of engagements and liabilities, and the amount actually paid during the year for carrying mail, showing how much of the amount was for carrying the mail in preceding years, and a report of the amount expended in the department for the preceding year, including detailed statements of expenditures made from the contingent fund; to the Committee on Expenditures in the Post Office Department.

600. A letter from the Director of United States Veterans' Bureau, transmitting a report of the administration of the adjusted compensation act by the United States Veterans' Bureau to date; to the Committee on Ways and Means.

601. A letter from the chairman of the United States Tariff Commission, transmitting a report showing in detail all travel from Washington performed by officers and employees of the Tariff Commission during the fiscal year ended June 30, 1924; to the Committee on Appropriations.

602. A letter from the chairman of the United States Tariff Commission, transmitting a report showing the exchange of typewriters and adding machines by the Tariff Commission during the fiscal year ended June 30, 1924; to the Committee on Appropriations.

603. A letter from the Secretary of the Treasury, transmitting the report of the Surgeon General of the Public Health Service for the fiscal year 1924; to the Committee on Interstate and Foreign Commerce.

604. A letter from the Director of United States Veterans' Bureau, transmitting statement showing by location, salary range, and bureau designation employees receiving an aggregate annual salary of \$2,000 and over, as of November 1, 1924; to the Committee on Appropriations.

605. A letter from the Postmaster General, transmitting statement showing which officers or employees of the Post Office Department (other than special agents, inspectors, or employees who, in the discharge of their regular duties, are required to travel) traveled on official business from Washington to points outside of the District of Columbia from

July 1, 1923, to June 30, 1924; to the Committee on Appropriations.

606. A letter from the Postmaster General, transmitting a report of the public property in the Post Office Department on December 1, 1924; to the Committee on Expenditures in the Post Office Department.

607. A letter from the Postmaster General, transmitting a report giving the aggregate number of the various publications issued by the Post Office Department during the fiscal year 1924, giving same in detail, the cost of the paper used for such publications, cost of printing, and the cost of preparation of each publication, and the number of each which have been distributed; to the Committee on Printing.

608. A letter from the Postmaster General, transmitting statement required by section 5 of the act making appropriations to supply deficiencies in appropriations for the fiscal year 1915, etc., showing data relative to typewriters exchanged by the Post Office Department during the fiscal year ended June 30, 1924; to the Committee on Appropriations.

609. A letter from the Postmaster General, transmitting a tabular statement showing in detail the claims of postmasters for reimbursement for loss of postal, money order, and other funds and stamps resulting from burglary, fire, or other unavoidable casualty, which have been acted upon by the Postmaster General during the fiscal year ended June 30, 1924, the amounts claimed, amounts allowed, disallowances, and cause of loss; to the Committee on Expenditures in the Post Office Department.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CRAMTON: Committee on Appropriations. H. R. 10020. A bill making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes; without amendment (Rept. No. 1033). Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 5022) granting a pension to John E. T. Ward; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CRAMTON: A bill (H. R. 10020) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. BLAND: A bill (H. R. 10021) to establish a national military park at the battle field of Yorktown; to the Committee on Military Affairs.

By Mr. DRIVER: A bill (H. R. 10022) to provide for the establishment of a dairying and livestock experiment station at Paragould, Ark.; to the Committee on Agriculture.

By Mr. GILBERT: A bill (H. R. 10023) to amend an act entitled "An act to authorize the Director of the Census to collect and publish additional statistics of tobacco," approved April 30, 1912; to the Committee on the Census.

By Mr. HUDSON: A bill (H. R. 10024) to repeal the excise tax on auto trucks and wagons, automobiles and motor cycles, tires, inner tubes, parts and accessories; to the Committee on Ways and Means.

By Mr. SNYDER: A bill (H. R. 10025) to provide for the permanent withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation; to the Committee on Indian Affairs.

By Mr. SPEAKS: A bill (H. R. 10026) to amend the act to adjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service, approved June 10, 1922; to the Committee on Military Affairs.

By Mr. KINDRED: A bill (H. R. 10027) to regulate the operation of motor-propelled vehicles in the District of Columbia, and to provide penalties for its violation; to the Committee on the District of Columbia.

By Mr. ZIHLMAN: A bill (H. R. 10028) to regulate motor vehicles in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. LINEBERGER: A bill (H. R. 10029) to increase the morale of the naval service; to the Committee on Naval Affairs.

By Mr. SITES: A bill (H. R. 10030) granting the consent of Congress to the Harrisburg Bridge Co. and its successors to reconstruct its bridge across the Susquehanna River at a point opposite Market Street, Harrisburg, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. BLAND: Joint resolution (H. J. Res. 299) establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Yorktown, authorizing an appropriation to be utilized in connection with such observance, and for other purposes; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIXLER: A bill (H. R. 10031) granting a pension to Amanda Koons; to the Committee on Invalid Pensions.

By Mr. BLACK of Texas: A bill (H. R. 10032) granting an increase of pension to Martha Wilcox; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 10033) granting a pension to Frederick L. Eagle; to the Committee on Pensions.

By Mr. BROWNING: A bill (H. R. 10034) granting a pension to Georgia A. Godwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10035) granting a pension to Kelley Roberson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10036) granting a pension to Leonard Godwin; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 10037) granting an increase of pension to Robert L. Chick; to the Committee on Pensions.

By Mr. CLANCY: A bill (H. R. 10038) for the relief of William J. Nagel; to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 10039) granting an increase of pension to Susan A. Stork; to the Committee on Invalid Pensions.

By Mr. CORNING: A bill (H. R. 10040) granting a pension to Jessie Emma Diggery; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 10041) for the relief of the San Francisco, Napa & Calistoga Railway; to the Committee on Claims.

Also, a bill (H. R. 10042) granting a pension to William B. Walker; to the Committee on Pensions.

Also, a bill (H. R. 10043) granting a pension to Guy Warwick; to the Committee on Pensions.

Also, a bill (H. R. 10044) granting a pension to Sarah E. Keefer; to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 10045) granting a pension to Alphald E. Park; to the Committee on Invalid Pensions.

By Mr. DRIVER: A bill (H. R. 10046) granting an increase of pension to Cora Hubbard; to the Committee on Pensions.

By Mr. FISH: A bill (H. R. 10047) granting an increase of pension to Mary E. Croshier; to the Committee on Pensions.

Also, a bill (H. R. 10048) for the relief of Joseph McCloy; to the Committee on Military Affairs.

Also, a bill (H. R. 10049) granting an increase of pension to Emma L. Jesser; to the Committee on Pensions.

By Mr. FLEETWOOD: A bill (H. R. 10050) granting a pension to Augusta Mattemore; to the Committee on Invalid Pensions.

By Mr. GREENWOOD: A bill (H. R. 10051) granting a pension to Martha J. Lawyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10052) granting a pension to Nancy E. Quillen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10053) granting a pension to Jennie City; to the Committee on Pensions.

Also, a bill (H. R. 10054) granting a pension to Dora Tomey; to the Committee on Pensions.

Also, a bill (H. R. 10055) granting a pension to Willie Ray Paris; to the Committee on Pensions.

By Mr. HARDY: A bill (H. R. 10056) granting a pension to Anna J. Manuel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10057) granting a pension to Harriet D. Waterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10058) granting an increase of pension to John G. Schempp; to the Committee on Pensions.

By Mr. HUDDLESTON: A bill (H. R. 10059) granting an increase of pension to Sarah E. Smith; to the Committee on Pensions.

By Mr. HUDSON: A bill (H. R. 10060) granting a pension to Louise Holden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10061) granting a pension to Emma C. Alton; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 10062) granting a pension to Charles W. Hanson; to the Committee on Pensions.

By Mr. KIESS: A bill (H. R. 10063) granting an increase of pension to Julia Embich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10064) to renew and extend certain letters patent to George J. Pilger; to the Committee on Patents.

By Mr. KOPP: A bill (H. R. 10065) granting an increase of pension to Margaret E. Wilson; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 10066) granting a pension to Salome M. Wertz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10067) granting an increase of pension to Anna M. George; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10068) granting an increase of pension to Mary E. Piper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10069) granting an increase of pension to Harriet M. Hoover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10070) granting an increase of pension to Mary A. Crum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10071) granting an increase of pension to Mary C. Fluck; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 10072) granting a pension to Anna Guthery; to the Committee on Invalid Pensions.

By Mr. LUCE: A bill (H. R. 10073) granting a pension to Carrie H. Moffatt; to the Committee on Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 10074) to provide for the retirement of Clarence W. Sessions, Judge of the District Court for the Western District of Michigan; to the Committee on the Judiciary.

By Mr. MURPHY: A bill (H. R. 10075) granting an increase of pension to Frank E. Putnam; to the Committee on Pensions.

Also, a bill (H. R. 10076) granting a pension to Mary Orr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10077) granting an increase of pension to Parnelia Swan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10078) granting an increase of pension to Elizabeth May; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10079) granting an increase of pension to Rachel L. Herbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10080) granting a pension to William G. Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10081) granting an increase of pension to Martha Burdett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10082) granting a pension to Martha Hutton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10083) granting an increase of pension to Sarah S. Badger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10084) granting an increase of pension to Margaret J. Coss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10085) granting an increase of pension to Cassie A. Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10086) granting an increase of pension to Maggie Fetterman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10087) granting a pension to Mary D. Wirebaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10088) granting an increase of pension to Margaret R. Humphrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10089) granting an increase of pension to Flora A. Fuller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10090) granting an increase of pension to Julia R. Burris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10091) granting an increase of pension to Mary E. Deselms; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10092) granting a pension to Elizabeth Olmstead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10093) granting a pension to Elizabeth Vanfosson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10094) granting an increase of pension to Anna F. Ault; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10095) granting an increase of pension to Ellen Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10096) granting a pension to Ada M. Buffington; to the Committee on Invalid Pensions.

By Mr. O'CONNELL of New York: A bill (H. R. 10097) granting a pension to Minnie Klingel; to the Committee on Pensions.

By Mr. PHILLIPS: A bill (H. R. 10098) granting a pension to Victor Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10099) granting a pension to Kate Stanton; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 10100) granting a pension to Sarah A. Lansing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10101) granting an increase of pension to Mary J. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10102) to correct the military record of Joseph A. Stevenson; to the Committee on Military Affairs.

By Mr. ROUSE: A bill (H. R. 10103) granting a pension to Louise C. Kimberly; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 10104) granting an increase of pension to Adaline Minsing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10105) granting a pension to Mary Pratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10106) granting a pension to Mary M. Town; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 10107) granting a pension to Zora Haggerty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10108) granting a pension to Martha Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10109) granting a pension to Elizabeth W. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10110) for the relief of Neal W. Allen; to the Committee on Naval Affairs.

By Mr. SMITH: A bill (H. R. 10111) for the relief of Lawrence J. Kessinger; to the Committee on Claims.

Also, a bill (H. R. 10112) granting a pension to Don C. Had-dock; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 10113) for the relief of the Burt Wool & Leather Co.; to the Committee on Claims.

By Mr. SPEAKS: A bill (H. R. 10114) granting an increase of pension to Arthur L. Hamilton; to the Committee on Pensions.

Also, a bill (H. R. 10115) granting an increase of pension to Edith C. Peck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10116) granting an increase of pension to Hannah Marble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10117) granting an increase of pension to Margaret A. Hankins; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 10118) granting an increase of pension to Margaret C. Wile; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 10119) granting a pension to Elizabeth Berry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10120) granting a pension to Tina C. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10121) granting a pension to David B. Todd; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 10122) granting an increase of pension to Charles Andross; to the Committee on Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 10123) granting an increase of pension to Sarah Hughes; to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 10124) granting a pension to Rachel E. Mishler; to the Committee on Invalid Pensions.

By Mr. WILSON of Indiana: A bill (H. R. 10125) granting an increase of pension to Emma Meckel; to the Committee on Pensions.

Also, a bill (H. R. 10126) granting an increase of pension to Sophia Fahr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10127) granting an increase of pension to Emily E. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10128) granting an increase of pension to Martha P. Matthews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10129) granting an increase of pension to Clariissa Jameson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10130) granting an increase of pension to Nancy E. Ulen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10131) granting a pension to Martha Jane Barton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10132) granting a pension to Anna B. Armistead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10133) granting a pension to Sophie Atkinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10134) granting a pension to Albert Braun; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10135) granting an increase of pension to Sarah Maria McGill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10136) granting an increase of pension to Mary Abbie Meats; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10137) granting an increase of pension to Charlotte Bredenkamp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10138) granting an increase of pension to Amanda R. Frank; to the Committee on Invalid Pensions.

By Mr. BIXLER: Resolution (H. Res. 369) to pay salary and funeral expenses of Henry R. Thorpe, late an employee in the Doorkeeper's department of the House; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3051. By the SPEAKER (by request): Petition of Jason Waterman Warren, president of J. W. Warren Co., Cleveland, Ohio, favoring certain amendments to the Constitution of the United States; to the Committee on the Judiciary.

3052. Also (by request), petition of First Baptist Church of Paterson, N. J., approving the purpose of Senate bill 1898; to the Committee on the Post Office and Post Roads.

3053. By Mr. CULLEN: Petition of State commission of prisons, recommending to the Federal Government the erection in New York State of an institution with facilities for the detention of Federal prisoners, both before and after conviction, whereas the increasing number of Federal prisoners committed to county penal institutions of New York State has caused serious overcrowding in county jails and consequent violation of the laws of the State relative to the separation and classification of prisoners, as a result of which the officials in charge of these institutions find themselves in many instances unable to comply with said laws because of the large number of Federal prisoners; to the Committee on the Judiciary.

3054. Also, petition of the American Federation of Labor, advocating an adequate Postal Service wage standard; to the Committee on the Post Office and Post Roads.

3055. Also, petition of New York State League of Savings and Loan Associations, urging an appropriation by Congress for the purpose of an intercensal survey by the Bureau of the Census of building and loan associations in the United States; to the Committee on the Census.

3056. Also, petition of Flatbush Chamber of Commerce, of Brooklyn, N. Y., condemning the provisions of the section of the revenue act of 1924 which pertain to publicity in connection with income tax as radical and un-American; to the Committee on Ways and Means.

3057. By Mr. GALLIVAN: Petition of American Federation of Labor, urging Congress to speedily enact Senate bill 1898, which provides for wage increases for postal workers; to the Committee on the Post Office and Post Roads.

3058. By Mr. SEGER: Petition of Mr. Daniel Meyer, jr., of Haledon, N. J., and 56 residents of Paterson, Haledon, and Hawthorne, N. J., for passage of Senate bill 1898, increasing salaries of postal employees; to the Committee on the Post Office and Post Roads.

3059. Also, petition of Mr. John J. Spruce, of Paterson, N. J., and 53 residents of Paterson, N. J., for passage of Senate bill 1898, increasing salaries of postal employees; to the Committee on the Post Office and Post Roads.

3060. Also, petition of Mr. Krine Patmos, of Paterson, N. J., and 81 residents of Paterson, N. J., for passage of Senate bill 1898, increasing salaries of postal employees; to the Committee on the Post Office and Post Roads.

3061. By Mr. SNELL: Petition of Council 329, L'Union St. Jean-Baptiste d'Amerique, against the passage of any legislation tending to establish a Federal bureau of education; to the Committee on the Judiciary.

3062. Also, petition of St. Anthony's Society, of Ogdensburg, N. Y., against the passage of any legislation tending to establish a Federal bureau of education; to the Committee on the Judiciary.

3063. Also, petition of St. John the Baptist Society, protesting against the creation of a Federal bureau of education and the child labor amendment; to the Committee on the Judiciary.

3064. By Mr. SWING: Petition of the Methodist Church of Fallbrook, Calif., urging an amendment to the preamble of the National Constitution; to the Committee on the Judiciary.

SENATE

WEDNESDAY, December 3, 1924

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, in whom we live and move and have our being, enable us to understand our relations to Thee as well as to each other and to the great country in which we live. Grant us Thy guidance in all matters and may we be willing to follow Thy lead as we can understand it and discern Thy ways for us. We ask in Christ's name. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SENATOR FROM MICHIGAN

The PRESIDENT pro tempore. The Chair lays before the Senate the certificate of the election of JAMES COUZENS, a Senator from the State of Michigan, which will be read.

The reading clerk read as follows:

STATE OF MICHIGAN CERTIFICATE OF ELECTION

We, the undersigned, State canvassers, from an examination of the election returns received by the secretary of state, determine that at the general election held on the 4th day of November, 1924, JAMES COUZENS was duly elected United States Senator for the term ending March 4, 1925.

In witness whereof we have hereto subscribed our names at Lansing this 1st day of December, 1924.

CHAS. J. DELAND,

Secretary of State;

FRANK E. GANNON,

State Treasurer;

THOMAS E. JOHNSON,

Superintendent of Public Instruction;

Board of State Canvassers.

State of Michigan, Department of State, ss:

I hereby certify that the foregoing copy of the certificate of determination of the board of State canvassers is a correct transcript of the original of such certificate of determination on file in this office.

In witness whereof I have hereto attached my signature and the great seal of the State at Lansing this 1st day of December, 1924.

[SEAL.]

CHAS. J. DELAND,

Secretary of State.

The PRESIDENT pro tempore. The credentials will be filed with the Secretary of the Senate.

Mr. CURTIS. The Senator elect from Michigan is present, and I ask that he be sworn in.

The PRESIDENT pro tempore. The Senator elect will present himself at the desk to take the oath of office.

Mr. COUZENS, escorted by Mr. FERRIS, advanced to the Vice President's desk and the oath prescribed by law was administered to him.

COMMITTEE ASSIGNMENTS

Mr. CURTIS. I ask unanimous consent for the entering of the order which I send to the desk.

The PRESIDENT pro tempore. The clerk will read the order.

The reading clerk read as follows:

Ordered, That the following Senators are hereby relieved from further service upon the following committees:

The junior Senator from Idaho [Mr. GOODING] from the Committee on Claims.

The junior Senator from Vermont [Mr. DALE] from the Committee on Education and Labor.

The Senator from Connecticut [Mr. McLEAN] from the Committee on Interstate Commerce.

The senior Senator from Colorado [Mr. PHIPPS] from the Committee on Mines and Mining.

The senior Senator from New Jersey [Mr. EDGE] from the Committee on Post Offices and Post Roads.

The senior Senator from California [Mr. JOHNSON] from the Committee on Military Affairs.

That the following Senators are hereby assigned to membership on the following committees:

The junior Senator from Colorado [Mr. MEANS] to the Committee on Claims; to the Committee on Immigration; to the Committee on the Judiciary; to the Committee on Mines and Mining.

The junior Senator from Rhode Island [Mr. METCALF] to the Committee on Education and Labor; to the Committee on the Library; to the Committee on Naval Affairs; to the Committee on Patents.

The Senator from Connecticut [Mr. MCLEAN] to the Committee on Foreign Relations.

The senior Senator from New Jersey [Mr. EDGE] to the Committee on Foreign Relations.

The junior Senator from Massachusetts [Mr. BUTLER] to the Committee on the Judiciary; to the Committee on Naval Affairs; to the Committee on Patents.

That the senior Senator from Idaho [Mr. BORAH] is hereby relieved from further service as chairman of the Committee on Education and Labor.

That the senior Senator from California [Mr. JOHNSON] is hereby relieved from further service as chairman of the Committee on Territories and Insular Possessions.

That the following Senators are hereby appointed to be chairmen of the following committees:

The senior Senator from Colorado [Mr. PHIPPS] to be chairman of the Committee on Education and Labor.

The senior Senator from Idaho [Mr. BORAH] to be chairman of the Committee on Foreign Relations.

The senior Senator from California [Mr. JOHNSON] to be chairman of the Committee on Immigration.

The senior Senator from Iowa [Mr. CUMMINS] to be chairman of the Committee on the Judiciary.

The senior Senator from Ohio [Mr. WILLIS] to be chairman of the committee on Territories and Insular Possessions.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent for the entering of the order. Is there objection? The Chair hears none, and the order is entered.

Mr. ROBINSON. I ask unanimous consent for the entering of an order for the following committee assignments to be made, and call the attention of the Senator from Kansas thereto.

The PRESIDENT pro tempore. The order will be read. The reading clerk read as follows:

Ordered, That the Senator from Georgia [Mr. GEORGE] be assigned to service on the Committee on Banking and Currency, and the Senator from Arizona [Mr. ASHURST] be assigned to service on the Committee on Irrigation and Reclamation.

The PRESIDENT pro tempore. Without objection, the order is entered.

MEMORIAL SERVICES FOR THE LATE WOODROW WILSON

The PRESIDENT pro tempore. As the members of the committee on the part of the Senate to arrange for the joint meeting of Congress in commemoration of the life, character, and public services of the late President Wilson, provided for in House Concurrent Resolution 30, the Chair appoints the Senator from Virginia [Mr. SWANSON] as chairman of the committee, and the Senator from Maine [Mr. FERNALD], the Senator from New Hampshire [Mr. KEYES], the Senator from Michigan [Mr. COUZENS], and the Senator from Nevada [Mr. PITTMAN].

BOARD OF REGENTS, SMITHSONIAN INSTITUTION

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Smithsonian Institution transmitting the resignation of the Senator from Illinois [Mr. MCCORMICK] as a member of the Board of Regents of that institution, which will lie on the table. The Chair appoints instead of the Senator from Illinois [Mr. MCCORMICK] the Senator from Pennsylvania [Mr. PEPPER] as a member of the Board of Regents of the Smithsonian Institution.

REPORTS OF THE SECRETARY OF THE SENATE

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the Secretary, containing a full and complete account of all property, including stationery, belonging to the United States in his possession on the 1st day of December, 1924 (S. Doc. No. 165), which was ordered to lie on the table and to be printed.

He also laid before the Senate the report of the Secretary of the Senate, transmitting, pursuant to law, a full and complete statement of the receipts and expenditures of the Senate, showing in detail the items of expense under proper appropriations, the aggregate thereof, etc., which was ordered to lie on the table and to be printed.

REPORTS OF THE SERGEANT AT ARMS OF THE SENATE

The PRESIDENT pro tempore laid before the Senate a report of the Sergeant at Arms relative to condemned property of the United States Senate sold and the proceeds thereof since

December 3, 1923 (S. Doc. No. 163), which was ordered to lie on the table and to be printed.

He also laid before the Senate a communication from the Sergeant at Arms of the Senate, transmitting, pursuant to law, a full and complete account of all property in his possession and in the Senate Office Building belonging to the United States on December 24, 1924 (S. Doc. No. 159), which was ordered to lie on the table and to be printed.

TREASURY DEPARTMENT REPORTS

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting pursuant to law, statements of approved expenditures under the loan acts of April 24, 1917; of September 24, 1917, as amended; and of September 24, 1917, as amended and extended, which was referred to the Committee on Finance.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the cumulative sinking fund, which was referred to the Committee on Finance.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report concerning expenditures to June 30, 1924, under the provisions of section 8 of the first Liberty bond act, approved April 24, 1917, and section 10 of the second Liberty bond act, approved September 24, 1917, as amended, etc., which was referred to the Committee on Finance.

JUDGMENTS OF THE COURT OF CLAIMS (S. DOC. NO. 164)

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to law, a statement of all judgments rendered by the Court of Claims for the year ended November 29, 1924, the amounts, the parties, and a synopsis of the nature of claims, which was referred to the Committee on Appropriations and ordered to be printed.

REPORT OF THE DISTRICT PUBLIC UTILITIES COMMISSION

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Public Utilities Commission of the District of Columbia, transmitting, pursuant to law, a report of the official proceedings of the Public Utilities Commission for the year ended December 31, 1923, with other information relating to the regulation and operation of public utilities in the District of Columbia, which was referred to the Committee on the District of Columbia.

SALARIES IN THE VETERANS' BUREAU

The PRESIDENT pro tempore laid before the Senate a communication from the Director of the United States Veterans' Bureau, transmitting, pursuant to law, a statement showing by location, salary range, and bureau designation employees receiving an aggregate annual salary of \$2,000 and over as of November 1, 1924, etc., which was referred to the Committee on Finance.

DISPOSITION OF USELESS PAPERS

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to law, a statement of papers on file in the Bureau of Medicine and Surgery, Navy Department, not needed in the conduct of business and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The President pro tempore appointed Mr. HALE and Mr. SWANSON members of the committee on the part of the Senate and ordered that the Secretary notify the House of Representatives thereof.

REPORT ON COST OF HANDLING MAIL MATTER (S. DOC. NO. 162)

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster General, transmitting, in response to Senate Resolution 269, adopted yesterday, a report (prepared pursuant to law) on cost ascertainment, showing the cost of handling the several classes of mail matter and of conducting the special services for the fiscal year 1923, which was referred to the Committee on Post Offices and Post Roads and, on motion of Mr. STERLING, ordered to be printed with the illustrations.

PRESIDENT'S MESSAGE (H. DOC. NO. 467)

A message in writing from the President of the United States was transmitted to the Senate by Mr. Latta, one of his secretaries.

The message was received by the Assistant Doorkeeper and handed to the President pro tempore.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Secretary (George A. Sanderson) read the message, as follows:

To the Congress of the United States:

The present state of the Union, upon which it is customary for the President to report to the Congress under the provisions of the Constitution, is such that it may be regarded with encouragement and satisfaction by every American. Our country is almost unique in its ability to discharge fully and promptly all its obligations at home and abroad, and provide for all its inhabitants an increase in material resources, in intellectual vigor and in moral power. The Nation holds a position unsurpassed in all former human experience. This does not mean that we do not have any problems. It is elementary that the increasing breadth of our experience necessarily increases the problems of our national life. But it does mean that if we will but apply ourselves industriously and honestly, we have ample powers with which to meet our problems and provide for their speedy solution. I do not profess that we can secure an era of perfection in human existence, but we can provide an era of peace and prosperity, attended with freedom and justice and made more and more satisfying by the ministrations of the charities and humanities of life.

Our domestic problems are for the most part economic. We have our enormous debt to pay, and we are paying it. We have the high cost of government to diminish, and we are diminishing it. We have a heavy burden of taxation to reduce, and we are reducing it. But while remarkable progress has been made in these directions, the work is yet far from accomplished. We still owe over \$21,000,000,000, the cost of the National Government is still about \$3,500,000,000, and the national taxes still amount to about \$27 for each one of our inhabitants. There yet exists this enormous field for the application of economy.

In my opinion the Government can do more to remedy the economic ills of the people by a system of rigid economy in public expenditure than can be accomplished through any other action. The costs of our national and local governments combined now stand at a sum close to \$100 for each inhabitant of the land. A little less than one-third of this is represented by national expenditure, and a little more than two-thirds by local expenditure. It is an ominous fact that only the National Government is reducing its debt. Others are increasing theirs at about \$1,000,000,000 each year. The depression that overtook business, the disaster experienced in agriculture, the lack of employment and the terrific shrinkage in all values which our country experienced in a most acute form in 1920, resulted in no small measure from the prohibitive taxes which were then levied on all productive effort. The establishment of a system of drastic economy in public expenditure, which has enabled us to pay off about one-fifth of the national debt since 1919, and almost cut in two the national tax burden since 1921, has been one of the main causes in reestablishing a prosperity which has come to include within its benefits almost every one of our inhabitants. Economy reaches everywhere. It carries a blessing to everybody.

The fallacy of the claim that the costs of government are borne by the rich and those who make a direct contribution to the National Treasury can not be too often exposed. No system has been devised, I do not think any system could be devised, under which any person living in this country could escape being affected by the cost of our Government. It has a direct effect both upon the rate and the purchasing power of wages. It is felt in the price of those prime necessities of existence—food, clothing, fuel, and shelter. It would appear to be elementary that the more the Government expends the more it must require every producer to contribute out of his production to the Public Treasury and the less he will have for his own benefit. The continuing costs of public administration can be met in only one way—by the work of the people. The higher they become, the more the people must work for the Government. The less they are, the more the people can work for themselves.

The present estimated margin between public receipts and expenditures for this fiscal year is very small. Perhaps the most important work that this session of the Congress can do is to continue a policy of economy and further reduce the cost of government, in order that we may have a reduction of taxes for the next fiscal year. Nothing is more likely to produce that public confidence which is the forerunner and the mainstay of prosperity, encourage and enlarge business opportunity with ample opportunity for employment at good

wages, provide a larger market for agricultural products, and put our country in a stronger position to be able to meet the world competition in trade, than a continuing policy of economy. Of course, necessary costs must be met, proper functions of the Government performed, and constant investments for capital account and reproductive effort must be carried on by our various departments. But the people must know that their Government is placing upon them no unnecessary burden.

TAXES

Everyone desires a reduction of taxes, and there is a great preponderance of sentiment in favor of taxation reform. When I approved the present tax law, I stated publicly that I did so in spite of certain provisions which I believed unwise and harmful. One of the most glaring of these was the making public of the amounts assessed against different income-tax payers. Although that damage has now been done, I believe its continuation to be detrimental to the public welfare and bound to decrease public revenues, so that it ought to be repealed.

Anybody can reduce taxes, but it is not so easy to stand in the gap and resist the passage of increasing appropriation bills which would make tax reduction impossible. It will be very easy to measure the strength of the attachment to reduced taxation by the power with which increased appropriations are resisted. If at the close of the present session the Congress has kept within the Budget which I propose to present, it will then be possible to have a moderate amount of tax reduction and all the tax reform that the Congress may wish for during the next fiscal year. The country is now feeling the direct stimulus which came from the passage of the last revenue bill, and under the assurance of a reasonable system of taxation there is every prospect of an era of prosperity of unprecedented proportions. But it would be idle to expect any such results unless business can continue free from excess-profits taxation and be accorded a system of surtaxes at rates which have for their object not the punishment of success or the discouragement of business but the production of the greatest amount of revenue from large incomes. I am convinced that the larger incomes of the country would actually yield more revenue to the Government if the basis of taxation were scientifically revised downward. Moreover the effect of the present method of this taxation is to increase the cost of interest on productive enterprise and to increase the burden of rent. It is altogether likely that such reduction would so encourage and stimulate investment that it would firmly establish our country in the economic leadership of the world.

WATERWAYS

Meantime our internal development should go on. Provision should be made for flood control of such rivers as the Mississippi and the Colorado, and for the opening up of our inland waterways to commerce. Consideration is due to the project of better navigation from the Great Lakes to the Gulf. Every effort is being made to promote an agreement with Canada to build the St. Lawrence waterway. There are pending before the Congress bills for further development of the Mississippi Basin, for the taking over of the Cape Cod Canal in accordance with a moral obligation which seems to have been incurred during the war, and for the improvement of harbors on both the Pacific and the Atlantic coasts. While this last should be divested of some of its projects and we must proceed slowly, these bills in general have my approval. Such works are productive of wealth and in the long run tend to a reduction of the tax burden.

RECLAMATION

Our country has a well-defined policy of reclamation established under statutory authority. This policy should be continued and made a self-sustaining activity administered in a manner that will meet local requirements and bring our arid lands into a profitable state of cultivation as fast as there is a market for their products. Legislation is pending based on the report of the fact finding commission for the proper relief of those needing extension of time in which to meet their payments on irrigated land, and for additional amendments and reforms of our reclamation laws, which are all exceedingly important and should be enacted at once.

AGRICULTURE

No more important development has taken place in the last year than the beginning of a restoration of agriculture to a prosperous condition. We must permit no division of classes in this country, with one occupation striving to secure advantage over another. Each must proceed under open opportunities and with a fair prospect of economic equality. The

Government can not successfully insure prosperity or fix prices by legislative fiat. Every business has its risk and its times of depression. It is well known that in the long run there will be a more even prosperity and a more satisfactory range of prices under the natural working out of economic laws than when the Government undertakes the artificial support of markets and industries. Still we can so order our affairs, so protect our own people from foreign competition, so arrange our national finances, so administer our monetary system, so provide for the extension of credits, so improve methods of distribution, as to provide a better working machinery for the transaction of the business of the Nation with the least possible friction and loss. The Government has been constantly increasing its efforts in these directions for the relief and permanent establishment of agriculture on a sound and equal basis with other business.

It is estimated that the value of the crops for this harvest year may reach \$13,000,000,000, which is an increase of over \$3,000,000,000 in three years. It compares with \$7,100,000,000 in 1913, and if we make deduction from the figures of 1924 for the comparatively decreased value of the dollar, the yield this year still exceeds 1913 in purchasing power by over \$1,000,000,000, and in this interval there has been no increase in the number of farmers. Mostly by his own effort the farmer has decreased the cost of production. A marked increase in the price of his products and some decrease in the price of his supplies has brought him about to a parity with the rest of the Nation. The crop area of this season is estimated at 370,000,000 acres, which is a decline of 3,000,000 acres from last year, and 6,000,000 acres from 1919. This has been a normal and natural application of economic laws, which has placed agriculture on a foundation which is undeniably sound and beginning to be satisfactory.

A decrease in the world supply of wheat has resulted in a very large increase in the price of that commodity. The position of all agricultural products indicates a better balanced supply, but we can not yet conclude that agriculture is recovered from the effects of the war period or that it is permanently on a prosperous basis. The cattle industry has not yet recovered and in some sections has been suffering from dry weather. Every effort must be made, both by Government activity and by private agencies, to restore and maintain agriculture to a complete normal relationship with other industries.

It was on account of past depression, and in spite of present more encouraging conditions, that I have assembled an agricultural conference made up of those who are representative of this great industry in both its operating and economic sides. Everyone knows that the great need of the farmer is markets. The country is not suffering on the side of production. Almost the entire difficulty is on the side of distribution. This reaches back, of course, to unit costs and diversification, and many allied subjects. It is exceedingly intricate, for our domestic and foreign trade, transportation and banking, and in fact our entire economic system, are closely related to it. In time for action at this session, I hope to report to the Congress such legislative remedies as the conference may recommend. An appropriation should be made to defray their necessary expenses.

MUSCLE SHOALS

The production of nitrogen for plant food in peace and explosives in war is more and more important. It is one of the chief sustaining elements of life. It is estimated that soil exhaustion each year is represented by about 9,000,000 tons and replenishment by 5,450,000 tons. The deficit of 3,550,000 tons is reported to represent the impairment of 118,000,000 acres of farm lands each year.

To meet these necessities the Government has been developing a water-power project at Muscle Shoals to be equipped to produce nitrogen for explosives and fertilizer. It is my opinion that the support of agriculture is the chief problem to consider in connection with this property. It could by no means supply the present needs for nitrogen, but it would help and its development would encourage bringing other water powers into like use.

Several offers have been made for the purchase of this property. Probably none of them represent final terms. Much costly experimentation is necessary to produce commercial nitrogen. For that reason it is a field better suited to private enterprise than to Government operation. I should favor a sale of this property, or long-time lease, under rigid guarantees of commercial nitrogen production at reasonable prices for agricultural use. There would be a surplus of power for many years over any possibility of its application to a de-

veloping manufacture of nitrogen. It may be found advantageous to dispose of the right to surplus power separately with such reservations as will allow its gradual withdrawal and application to nitrogen manufacture. A subcommittee of the Committee on Agriculture should investigate this field and negotiate with prospective purchasers. If no advantageous offer be made, the development should continue and the plant should be dedicated primarily to the production of materials for the fertilization of the soil.

RAILWAYS

The railways during the past year have made still further progress in recuperation from the war, with large gains in efficiency and ability expeditiously to handle the traffic of the country. We have now passed through several periods of peak traffic without the car shortages which so frequently in the past have brought havoc to our agriculture and industries. The condition of many of our great freight terminals is still one of difficulty and results in imposing large costs on the public for inward-bound freight, and on the railways for outward-bound freight. Owing to the growth of our large cities and the great increase in the volume of traffic, particularly in perishables, the problem is not only difficult of solution but in some cases not wholly solvable by railway action alone.

In my message last year I emphasized the necessity for further legislation with a view to expediting the consolidation of our railways into larger systems. The principle of Government control of rates and profits, now thoroughly imbedded in our governmental attitude toward natural monopolies such as the railways, at once eliminates the need of competition by small units as a method of rate adjustment. Competition must be preserved as a stimulus to service, but this will exist and can be increased under enlarged systems. Consequently the consolidation of the railways into larger units for the purpose of securing the substantial values to the public which will come from larger operation has been the logical conclusion of Congress in its previous enactments, and is also supported by the best opinion in the country. Such consolidation will assure not only a greater element of competition as to service but it will afford economy in operation, greater stability in railway earnings, and more economical financing. It opens large possibilities of better equalization of rates between different classes of traffic so as to relieve undue burdens upon agricultural products and raw materials generally, which are now not possible without ruin to small units, owing to the lack of diversity of traffic. It would also tend to equalize earnings in such fashion as to reduce the importance of section 15A, at which criticism, often misapplied, has been directed. A smaller number of units would offer less difficulties in labor adjustments and would contribute much to the solution of terminal difficulties.

The consolidations need to be carried out with due regard to public interest and to the rights and established life of various communities in our country. It does not seem to me necessary that we endeavor to anticipate any final plan or adhere to any artificial and unchangeable project which shall stipulate a fixed number of systems, but rather we ought to approach the problem with such a latitude of action that it can be worked out step by step in accordance with a comprehensive consideration of public interest. Whether the number of ultimate systems shall be more or less seems to me can only be determined by time and actual experience in the development of such consolidations.

Those portions of the present law contemplating consolidations are not sufficiently effective in producing expeditious action and need amplification of the authority of the Interstate Commerce Commission, particularly in affording a period for voluntary proposals to the commission and in supplying Government pressure to secure action after the expiration of such a period.

There are other proposals before Congress for amending the transportation acts. One of these contemplates a revision of the method of valuation for rate-making purposes, to be followed by a renewed valuation of the railways. The valuations instituted by the Interstate Commerce Commission 10 years ago have not yet been completed. They have cost the Government an enormous sum, and they have imposed great expenditure upon the railways, most of which has in effect come out of the public in increased rates. This work should not be abandoned or supplanted until its results are known and can be considered.

Another matter before the Congress is legislation affecting the labor sections of the transportation act. Much criticism has been directed at the workings of this section and expe-

rience has shown that some useful amendment could be made to these provisions.

It would be helpful if a plan could be adopted which, while retaining the practice of systematic collective bargaining, with conciliation and voluntary arbitration of labor differences, could also provide simplicity in relations and more direct local responsibility of employees and managers. But such legislation will not meet the requirements of the situation unless it recognizes the principle that the public has a right to the uninterrupted service of transportation, and therefore a right to be heard when there is danger that the Nation may suffer great injury through the interruption of operations because of labor disputes. If these elements are not comprehended in proposed legislation, it would be better to gain further experience with the present organization for dealing with these questions before undertaking a change.

SHIPPING BOARD

The form of the organization of the Shipping Board was based originally on its functions as a semijudicial body in regulation of rates. During the war it was loaded with enormous administrative duties. It has been demonstrated time and again that this form of organization results in indecision, division of opinion and administrative functions, which make a wholly inadequate foundation for the conduct of a great business enterprise. The first principle in securing the objective set out by Congress in building up the American merchant marine upon the great trade routes and subsequently disposing of it into private operation can not proceed with effectiveness until the entire functions of the board are reorganized. The immediate requirement is to transfer into the Emergency Fleet Corporation the whole responsibility of operation of the fleet and other property, leaving to the Shipping Board solely the duty of determining certain major policies which require deliberative action.

The procedure under section 28 of the merchant marine act has created great difficulty and threatened friction during the past 12 months. Its attempted application developed not only great opposition from exporters, particularly as to burdens that may be imposed upon agricultural products, but also great anxiety in the different seaports as to the effect upon their relative rate structures. This trouble will certainly recur if action is attempted under this section. It is uncertain in some of its terms and of great difficulty in interpretation.

It is my belief that action under this section should be suspended until the Congress can reconsider the entire question in the light of the experience that has been developed since its enactment.

NATIONAL ELECTIONS

Nothing is so fundamental to the integrity of a republican form of government as honesty in all that relates to the conduct of elections. I am of the opinion that the national laws governing the choice of Members of the Congress should be extended to include appropriate representation of the respective parties at the ballot box and equality of representation on the various registration boards, wherever they exist.

THE JUDICIARY

The docket of the Supreme Court is becoming congested. At the opening term last year it had 592 cases, while this year it had 657 cases. Justice long delayed is justice refused. Unless the court be given power by preliminary and summary consideration to determine the importance of cases, and by disposing of those which are not of public moment reserve its time for the more extended consideration of the remainder, the congestion of the docket is likely to increase. It is also desirable that the Supreme Court should have power to improve and reform procedure in suits at law in the Federal courts through the adoption of appropriate rules. The Judiciary Committee of the Senate has reported favorably upon two bills providing for these reforms which should have the immediate favorable consideration of the Congress.

I further recommend that provision be made for the appointment of a commission, to consist of two or three members of the Federal judiciary and as many members of the bar, to examine the present criminal code of procedure and recommend to the Congress measures which may reform and expedite court procedure in the administration and enforcement of our criminal laws.

PRISON REFORM

Pending before the Congress is a bill which has already passed one House providing for a reformatory to which could be committed first offenders and young men for the purpose of segregating them from contact with hardened criminals and providing them with special training, in order to reestablish in

them the power to pursue a law-abiding existence in the social and economic life of the Nation. This is a matter of so much importance as to warrant the early attention of the present session. Further provision should also be made, for a like reason, for a separate reformatory for women.

NATIONAL POLICE BUREAU

Representatives of the International Police Conference will bring to the attention of the Congress a proposal for the establishment of a national police bureau. Such action would provide a central point for gathering, compiling, and later distributing to local police authorities much information which would be helpful in the prevention and detection of crime. I believe this bureau is needed, and I recommend favorable consideration of this proposal.

DISTRICT OF COLUMBIA WELFARE

The welfare work of the District of Columbia is administered by several different boards dealing with charities and various correctional efforts. It would be an improvement if this work were consolidated and placed under the direction of a single commission.

FRENCH SPOILATION CLAIMS

During the last session of the Congress legislation was introduced looking to the payment of the remaining claims generally referred to as the French spoliation claims. The Congress has provided for the payment of many similar claims. Those that remain unpaid have been long pending. The beneficiaries thereunder have every reason to expect payment. These claims have been examined by the Court of Claims and their validity and amount determined. The United States ought to pay its debts. I recommend action by the Congress which will permit of the payment of these remaining claims.

THE WAGE EARNER

Two very important policies have been adopted by this country which, while extending their benefits also in other directions, have been of the utmost importance to the wage earners. One of these is the protective tariff, which enables our people to live according to a better standard and receive a better rate of compensation than any people, any time, anywhere on earth ever enjoyed. This saves the American market for the products of American workmen. The other is a policy of more recent origin and seeks to shield our wage earners from the disastrous competition of a great influx of foreign peoples. This has been done by the restrictive immigration law. This saves the American job for the American workmen. I should like to see the administrative features of this law rendered a little more humane for the purpose of permitting those already here a greater latitude in securing admission of members of their own families. But I believe this law in principle is necessary and sound and destined to increase greatly the public welfare. We must maintain our own economic position; we must defend our own national integrity.

It is gratifying to report that the progress of industry, the enormous increase in individual productivity through labor-saving devices, and the high rate of wages have all combined to furnish our people in general with such an abundance not only of the necessities but of the conveniences of life that we are by a natural evolution solving our problems of economic and social justice.

THE NEGRO

These developments have brought about a very remarkable improvement in the condition of the Negro race. Gradually, but surely, with the almost universal sympathy of those among whom they live, the colored people are working out their own destiny. I firmly believe that it is better for all concerned that they should be cheerfully accorded their full constitutional rights, that they should be protected from all of those impositions to which, from their position, they naturally fall a prey, especially from the crime of lynching, and that they should receive every encouragement to become full partakers in all the blessings of our common American citizenship.

CIVIL SERVICE

The merit system has long been recognized as the correct basis for employment in our civil service. I believe that first, second, and third class postmasters, and without covering in the present membership the field force of prohibition enforcement, should be brought within the classified service by statute law. Otherwise the Executive order of one administration is changed by the Executive order of another administration, and little real progress is made. Whatever its defects, the merit system is certainly to be preferred to the spoils system.

DEPARTMENTAL REORGANIZATION

One way to save public money would be to pass the pending bill for the reorganization of the various departments. This project has been pending for some time, and has had the most careful consideration of experts and the thorough study of a special congressional committee. This legislation is vital as a companion piece to the Budget law. Legal authority for a thorough reorganization of the Federal structure with some latitude of action to the Executive in the rearrangement of secondary functions would make for continuing economy in the shift of Government activities which must follow every change in a developing country. Beyond this many of the independent agencies of the Government must be placed under responsible Cabinet officials, if we are to have safeguards of efficiency, economy, and probity.

ARMY AND NAVY

Little has developed in relation to our national defense which needs special attention. Progress is constantly being made in air navigation and requires encouragement and development. Army aviators have made a successful trip around the world, for which I recommend suitable recognition through provisions for promotion, compensation, and retirement. Under the direction of the Navy a new Zeppelin has been successfully brought from Europe across the Atlantic to our own country.

Due to the efficient supervision of the Secretary of War the Army of the United States has been organized with a small body of Regulars and a moderate National Guard and Reserve. The defense test of September 12 demonstrated the efficiency of the operating plans. These methods and operations are well worthy of congressional support.

Under the limitation of armaments treaty a large saving in outlay and a considerable decrease in maintenance of the Navy has been accomplished. We should maintain the policy of constantly working toward the full treaty strength of the Navy. Careful investigation is being made in this department of the relative importance of aircraft, surface and submarine vessels, in order that we may not fall to take advantage of all modern improvements for our national defense. A special commission also is investigating the problem of petroleum oil for the Navy, considering the best policy to insure the future supply of fuel oil and prevent the threatened drainage of naval oil reserves. Legislative action is required to carry on experiments in oil shale reduction, as large deposits of this type have been set aside for the use of the Navy.

We have been constantly besought to engage in competitive armaments. Frequent reports will reach us of the magnitude of the military equipment of other nations. We shall do well to be little impressed by such reports or such actions. Any nation undertaking to maintain a military establishment with aggressive and imperialistic designs will find itself severely handicapped in the economic development of the world. I believe thoroughly in the Army and Navy, in adequate defense and preparation. But I am opposed to any policy of competition in building and maintaining land or sea armaments.

Our country has definitely relinquished the old standard of dealing with other countries by terror and force, and is definitely committed to the new standard of dealing with them through friendship and understanding. This new policy should be constantly kept in mind by the guiding forces of the Army and Navy, by the Congress, and by the country at large. I believe it holds a promise of great benefit to humanity. I shall resist any attempt to resort to the old methods and the old standards. I am especially solicitous that foreign nations should comprehend the candor and sincerity with which we have adopted this position. While we propose to maintain defensive and supplementary police forces by land and sea, and to train them through inspections and maneuvers upon appropriate occasions in order to maintain their efficiency, I wish every other nation to understand that this does not express any unfriendliness or convey any hostile intent. I want the armed forces of America to be considered by all peoples not as enemies but as friends, as the contribution which is made by this country for the maintenance of the peace and security of the world.

VETERANS

With the authorization for general hospitalization of the veterans of all wars provided during the present year, the care and treatment of those who have served their country in time of peril and the attitude of the Government toward them is not now so much one of needed legislation as one of careful, generous, and humane administration. It will ever be recognized that their welfare is of the first concern and always

entitled to the most solicitous consideration on the part of their fellow citizens. They are organized in various associations, of which the chief and most representative is the American Legion. Through its officers the Legion will present to the Congress numerous suggestions for legislation. They cover such a wide variety of subjects that it is impossible to discuss them within the scope of this message. With many of the proposals I join in hearty approval and commend them all to the sympathetic investigation and consideration of the Congress.

FOREIGN RELATIONS

At no period in the past 12 years have our foreign relations been in such a satisfactory condition as they are at the present time. Our actions in the recent months have greatly strengthened the American policy of permanent peace with independence. The attitude which our Government took and maintained toward an adjustment of European reparations, by pointing out that it was not a political but a business problem, has demonstrated its wisdom by its actual results. We desire to see Europe restored that it may resume its productivity in the increase of industry and its support in the advance of civilization. We look with great gratification at the hopeful prospect of recuperation in Europe through the Dawes plan. Such assistance as can be given through the action of the public authorities and of our private citizens, through friendly counsel and cooperation and through economic and financial support, not for any warlike effort but for reproductive enterprise, not to provide means for unsound government financing but to establish sound business administration, should be unhesitatingly provided.

Ultimately nations, like individuals, can not depend upon each other but must depend upon themselves. Each one must work out its own salvation. We have every desire to help. But with all our resources we are powerless to save unless our efforts meet with a constructive response. The situation in our own country and all over the world is one that can be improved only by hard work and self-denial. It is necessary to reduce expenditures, increase savings, and liquidate debts. It is in this direction that there lies the greatest hope of domestic tranquillity and international peace. Our own country ought to furnish the leading example in this effort. Our past adherence to this policy, our constant refusal to maintain a military establishment that could be thought to menace the security of others, our honorable dealings with other nations, whether great or small, has left us in the almost constant enjoyment of peace.

It is not necessary to stress the general desire of all the people of this country for the promotion of peace. It is the leading principle of all our foreign relations. We have on every occasion tried to cooperate to this end in all ways that were consistent with our proper independence and our traditional policies. It will be my constant effort to maintain these principles and to reinforce them by all appropriate agreements and treaties. While we desire always to cooperate and to help we are equally determined to be independent and free. Right and truth and justice and humanitarian efforts will have the moral support of this country all over the world. But we do not wish to become involved in the political controversies of others. Nor is the country disposed to become a member of the League of Nations or to assume the obligations imposed by its covenant.

INTERNATIONAL COURT

America has been one of the foremost nations in advocating tribunals for the settlement of international disputes of a justiciable character. Our representatives took a leading part in those conferences which resulted in the establishment of The Hague Tribunal and later in providing for a Permanent Court of International Justice. I believe it would be for the advantage of this country and helpful to the stability of other nations for us to adhere to the protocol establishing that court upon the conditions stated in the recommendation which is now before the Senate, and further that our country shall not be bound by advisory opinions which may be rendered by the court upon questions which we have not voluntarily submitted for its judgment. This court would provide a practical and convenient tribunal before which we could go voluntarily, but to which we could not be summoned, for a determination of justiciable questions when they fail to be resolved by diplomatic negotiations.

DISARMAMENT CONFERENCE

Many times I have expressed my desire to see the work of the Washington Conference on Limitation of Armaments appropriately supplemented by further agreements for a further reduction and for the purpose of diminishing the menace and

waste of the competition in preparing instruments of international war. It has been and is my expectation that we might hopefully approach other great powers for further conference on this subject as soon as the carrying out of the present reparation plan as the established and settled policy of Europe has created a favorable opportunity. But on account of proposals which have already been made by other governments for a European conference, it will be necessary to wait to see what the outcome of their actions may be. I should not wish to propose or have representatives attend a conference which would contemplate commitments opposed to the freedom of action we desire to maintain unimpaired with respect to our purely domestic policies.

INTERNATIONAL LAW

Our country should also support efforts which are being made toward the codification of international law. We can look more hopefully, in the first instance, for research and studies that are likely to be productive of results, to a co-operation among representatives of the bar and members of international law institutes and societies, than to a conference of those who are technically representative of their respective governments, although, when projects have been developed, they must go to the governments for their approval. These expert professional studies are going on in certain quarters and should have our constant encouragement and approval.

OUTLAW OF WAR

Much interest has of late been manifested in this country in the discussion of various proposals to outlaw aggressive war. I look with great sympathy upon the examination of this subject. It is in harmony with the traditional policy of our country, which is against aggressive war and for the maintenance of permanent and honorable peace. While, as I have said, we must safeguard our liberty to deal according to our own judgment with our domestic policies, we can not fail to view with sympathetic interest all progress to this desired end or carefully to study the measures that may be proposed to attain it.

LATIN AMERICA

While we are desirous of promoting peace in every quarter of the globe, we have a special interest in the peace of this hemisphere. It is our constant desire that all causes of dispute in this area may be tranquilly and satisfactorily adjusted. Along with our desire for peace is the earnest hope for the increased prosperity of our sister Republics of Latin America, and our constant purpose to promote cooperation with them which may be mutually beneficial and always inspired by the most cordial friendships.

FOREIGN DEBTS

About \$12,000,000,000 is due to our Government from abroad, mostly from European Governments. Great Britain, Finland, Hungary, Lithuania, and Poland have negotiated settlements amounting close to \$5,000,000,000. This represents the funding of over 42 per cent of the debt since the creation of the special Foreign Debt Commission. As the life of this commission is about to expire, its term should be extended. I am opposed to the cancellation of these debts and believe it for the best welfare of the world that they should be liquidated and paid as fast as possible. I do not favor oppressive measures, but unless money that is borrowed is repaid credit can not be secured in time of necessity, and there exists besides a moral obligation which our country can not ignore and no other country can evade. Terms and conditions may have to conform to differences in the financial abilities of the countries concerned, but the principle that each country should meet its obligation admits of no differences and is of universal application.

It is axiomatic that our country can not stand still. It would seem to be perfectly plain from recent events that it is determined to go forward. But it wants no pretenses; it wants no vagaries. It is determined to advance in an orderly, sound, and common-sense way. It does not propose to abandon the theory of the Declaration that the people have inalienable rights which no majority and no power of government can destroy. It does not propose to abandon the practice of the Constitution that provides for the protection of these rights. It believes that within these limitations, which are imposed not by the fiat of man but by the law of the Creator, self-government is just and wise. It is convinced that it will be impossible for the people to provide their own government unless they continue to own their own property.

These are the very foundations of America. On them has been erected a government of freedom and equality, of justice and mercy, of education and charity. Living under it and supporting it the people have come into great possessions on the material and spiritual sides of life. I want to continue in this direction. I know that the Congress shares with me that desire. I want our institutions to be more and more expressive of these principles. I want the people of all the earth to see in the American flag the symbol of a government which intends no oppression at home and no aggression abroad, which in the spirit of a common brotherhood provides assistance in time of distress.

CALVIN COOLIDGE.

THE WHITE HOUSE,

December 3, 1924.

The PRESIDENT pro tempore. The message will lie on the table and be printed. Petitions and memorials are in order.

PETITIONS AND MEMORIALS

Mr. WILLIS presented two memorials, numerous signed, of sundry citizens in the State of Ohio, remonstrating against the ratification of the so-called Hay-Quesada treaty proposing to cede the Isle of Pines to Cuba, which were referred to the Committee on Foreign Relations.

Mr. ROBINSON presented letters and telegrams in the nature of petitions of sundry citizens of Pine Bluff, Russellville, Mulberry, Blytheville, Sheffield, Stamps, Batesville, Texarkana, and Newark, all in the State of Arkansas, praying for the passage of legislation granting increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. CAPPER presented telegrams in the nature of petitions from H. W. Priest and O. R. Shelly, and William P. Sherrard, secretary of the local union, Association of Postal Clerks, of Winfield; Ottawa County Postal Employees, of Minneapolis; the postal force of Hays; and Alonzo Brummitt, secretary of Hays letter carriers, of Hays, all in the State of Kansas, praying for the passage of legislation granting increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a resolution of the second district, Rural Letter Carriers' Association, of Ottawa, Kans., favoring the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on December 2, 1924, that committee presented to the President of the United States enrolled bills and a joint resolution of the following titles:

S. 2265. An act to provide for a rearrangement of the public-alley facilities in square 616 in the District of Columbia, and for other purposes;

S. 3397. An act to remit the duty on a carillon of bells to be imported for the Church of Our Lady of the Rosary, Providence, R. I.; and

S. J. Res. 85. Joint resolution authorizing an appropriation for the participation of the United States in the preparation and completion of plans for the comprehensive observance of that greatest of all historic events, the bicentennial of the birthday of George Washington.

LEILA A. GRIFFIN

Mr. KEYES. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably four resolutions and ask for their consideration at this time. I think there will be no opposition to any of them. I first report Senate Resolution 266.

The resolution (S. Res. 266) submitted yesterday by Mr. SMITH was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate to Leila A. Griffin, daughter of Richard S. Anderson, late a messenger of the Senate, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

FUNERAL EXPENSES OF THE LATE SENATOR LODGE

Mr. KEYES, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported without amendment the resolution (S. Res. 268) submitted yesterday by Mr.

WALSH of Massachusetts, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the President pro tempore in arranging for and attending the funeral of the Hon. HENRY CABOT LODGE, late a Senator from the State of Massachusetts, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

FUNERAL EXPENSES OF THE LATE SENATOR BRANDEGEE

Mr. KEYES, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported without amendment the resolution (S. Res. 267), submitted yesterday by Mr. McLEAN, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the President pro tempore in arranging for and attending the funeral of the Hon. FRANK B. BRANDEGEE, late a Senator from the State of Connecticut, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

FUNERAL EXPENSES OF THE LATE SENATOR COLT

Mr. KEYES, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported without amendment the resolution (S. 265) submitted yesterday by Mr. GERRY, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the President pro tempore in arranging for and attending the funeral of the Hon. LEBARON B. COLT, late a Senator from the State of Rhode Island, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED

Bills were introduced, read the first time, and by unanimous consent the second time, and referred as follows:

By Mr. SMITH:

A bill (S. 3530) to amend the act entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton"; to the Committee on Agriculture and Forestry.

By Mr. HARRELD:

A bill (S. 3531) to provide for the permanent withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation; and

A bill (S. 3532) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. EDGE:

A bill (S. 3533) for the relief of the New York Shipbuilding Corporation for losses incurred by reason of Government orders in the construction of battleship No. 42; to the Committee on Naval Affairs.

By Mr. NORRIS:

A bill (S. 3534) to correct the military record of Thomas C. Johnson, deceased; to the Committee on Military Affairs.

By Mr. ODDIE:

A bill (S. 3535) to authorize the acquisition of a site and erection of a Federal building at Gardnerville, Nev.; to the Committee on Public Buildings and Grounds.

By Mr. COPELAND:

A bill (S. 3536) granting increase of pension for loss of hand or arm; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 3537) for the completion of the first Mesa division of the Yuma auxiliary reclamation project, Arizona, and for other purposes; and

A bill (S. 3538) to reimburse the reclamation fund for the benefit of the Yuma Federal irrigation project, Arizona-California, and to provide funds to operate and maintain the Colorado River front work and levee system adjacent to the Yuma project, Arizona-California; to the Committee on Irrigation and Reclamation.

By Mr. SPENCER:

A bill (S. 3539) granting an increase of pension to George Smith; to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 3540) granting a pension to Walter D. Quinn;

A bill (S. 3541) granting a pension to Harry J. Kendall; and

A bill (S. 3542) granting an increase of pension to Augusta Probst; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3543) for the relief of John H. Moore (with accompanying papers); to the Committee on Civil Service.

By Mr. HARRISON:

A bill (S. 3544) limiting the provisions of the act of August 29, 1916, relating to the retirement of captains in the Navy; to the Committee on Naval Affairs.

By Mr. ELKINS:

A bill (S. 3545) granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a highway and street railway toll bridge across the Ohio River between the city of Huntington, W. Va., and a point opposite in the State of Ohio; to the Committee on Commerce.

By Mr. UNDERWOOD:

A bill (S. 3546) granting a pension to Reuben Edward Hunting; to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 3547) granting a pension to Edward M. Murphy; to the Committee on Pensions.

A bill (S. 3548) for the relief of the heirs of Karl T. Larson, deceased (with accompanying papers); to the Committee on Public Lands and Surveys.

By Mr. FERRIS:

A bill (S. 3549) for the relief of Roy A. Darling; to the Committee on Naval Affairs.

A bill (S. 3550) to correct the military record of James M. Patrick; to the Committee on Military Affairs.

A bill (S. 3551) granting a pension to Ada C. Lee; and

A bill (S. 3552) granting a pension to Maria L. McShea; to the Committee on Pensions.

SPANISH SPRINGS IRRIGATION PROJECT, NEVADA

Mr. PITTMAN submitted an amendment proposing to appropriate \$500,000 for continued investigations, acquisition of rights of way and reservoir sites, commencement of construction, and incidental operations, for the Spanish Springs irrigation project, Nevada, intended to be proposed by him to House bill 10020, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PRINTING OF CERTAIN PAPERS RELATIVE TO THE ISLE OF PINES

Mr. MOSES submitted the following resolution (S. Res. 270), which was considered by unanimous consent and agreed to:

Resolved, That certain papers relating to the adjustment of title to the ownership of the Isle of Pines be printed as a Senate document.

INDIAN LAWS AND TREATIES

Mr. HARRELD submitted the following resolution (S. Res. 271), which was referred to the Committee on Indian Affairs:

Resolved, That the Committee on Indian Affairs is hereby authorized to have prepared for the use of the Senate a compilation of the laws, agreements, Executive orders, proclamations, etc., relating to Indian affairs passed and proclaimed since December 1, 1913, to be known as Laws and Treaties Relating to Indian Affairs, volume 4.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the Speaker of the House had signed enrolled bills of the following titles, and they were thereupon signed by the President pro tempore:

H. R. 3537. An act for the relief of L. A. Scott; and

H. R. 9559. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1925, and for other purposes.

PUBLIC BUILDINGS IN THE DISTRICT OF COLUMBIA

The PRESIDENT pro tempore (at 1 o'clock and 5 minutes p. m.). Morning business is closed.

Mr. SMOOT. Mr. President, I ask unanimous consent to proceed to the consideration of the bill (S. 2284) to provide for the construction of certain public buildings in the District of Columbia.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah?

Mr. UNDERWOOD. As this is a unanimous-consent request, I want it understood that it will not interfere with the order of the Senate that takes effect at 2 o'clock.

Mr. SMOOT. It could not, if I wanted it to do so.

Mr. UNDERWOOD. It might by unanimous consent. The Senator asked unanimous consent to make the bill the unfinished business. I am not willing to grant that unanimous consent unless it is understood that it does not interfere with House bill 518 being taken up at 2 o'clock.

The PRESIDENT pro tempore. The Chair understands that at 2 o'clock there will be laid before the Senate the bill to which the Senator from Alabama refers.

Mr. UNDERWOOD. Regardless of the unfinished business.

The PRESIDENT pro tempore. And that no change will be made in that order unless by unanimous consent especially referring to that order. The Senator from Utah asks unanimous consent that the Senate proceed to the consideration of Senate bill 2284. Is there objection?

Mr. ROBINSON. Mr. President, pending the request of the Senator from Utah I inquire if the report by the committee was unanimous?

Mr. SMOOT. It was unanimous.

Mr. ROBINSON. It appears to be an effort to comprehensively treat the subject of public buildings in the District of Columbia.

Mr. SMOOT. That is the object of the bill.

Mr. ROBINSON. What is the total amount contemplated to be expended under the bill?

Mr. SMOOT. Within the term of 10 years it will be \$50,000,000, \$5,000,000 a year. I hope the Senators will listen to what I shall have to say. We are in a critical condition here in the District of Columbia with our records and with our employees, and something must be done. The bill will cover what the commission believes is absolutely necessary to meet the serious situation that exists.

Mr. ROBINSON. I have no objection to the consideration of the bill.

Mr. ASHURST. Mr. President, the Senator from Utah asks unanimous consent for the present consideration of a bill which proposes ultimately to expend \$50,000,000 for Federal buildings in the District of Columbia. I believe that such an appropriation is wise and economically prudent as the Government is paying high rents. We are forgetting, however, that it is now nearly 12 years since we have had a public buildings bill.

Referring to the State of Arizona, there are several cities and towns in that State that have doubled their population and doubled their postal receipts within the past 12 years. The rentals which the Federal Government is now paying in some cities in Arizona to house various agencies and offices of the Federal Government are equivalent to interest at the rate of 30 per cent per annum upon such sums as would be required to construct the necessary buildings.

I call attention to the bill introduced yesterday (S. 3511) by the senior Senator from Florida, Mr. FLETCHER, which proposes to increase the cost of construction of those certain public buildings heretofore authorized by Congress to be constructed and for which appropriations were made and for the construction of public buildings on sites heretofore acquired by the Government, and I further call attention of the Senate to pages 28, 29, 30, and 31 of the RECORD of yesterday's proceedings, wherein are set out the names of the cities where sites alone or sites and buildings have been authorized. Take, for example, the city of Globe in Arizona; the limit of cost of construction of the Federal building in that city should be increased and the amount now available could be expended. I refer also to the cities of Prescott and Tucson, where sites were long ago acquired, but for the reason that we have had no public buildings bill for nearly 12 years it has been, of course, impossible to procure the appropriations necessary to construct buildings in these cities. Every Member of Congress realizes that Federal buildings can, for all practical purposes, be authorized only by a general public buildings bill.

No doubt many other cities and towns throughout the United States are likewise in need of public buildings. If the responsible officials of the Government really intend to retrench, no better items could be found than to cease paying these enormously high rentals and to construct adequate public buildings.

Mr. DILL. As I understand the Senator's request, the bill would become the unfinished business?

Mr. SMOOT. No.

Mr. DILL. With the exception of the Muscle Shoals measure?

Mr. SMOOT. I am in hopes that the bill will be passed before 2 o'clock.

Mr. DILL. But if it does not pass before 2 o'clock?

Mr. SMOOT. Then, of course, it goes back to the calendar, just where it is to-day.

Mr. DILL. The reason why I ask the question is that I would like to get some idea of the status of the postal salary bill and the veto message of the President, which has never been brought up before the Senate. I do not want a bill on the calendar made the unfinished business, even the Muscle Shoals bill, that will interfere with bringing up the postal salary bill.

Mr. SMOOT. This bill will go to the calendar in the same position it occupies to-day unless it is passed by 2 o'clock. It will have no standing as against any other bill upon the calendar, I will say to the Senator.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2284) to provide for the construction of certain public buildings in the District of Columbia, which had been reported from the Committee on Public Buildings and Grounds with an amendment.

Mr. SMOOT. Mr. President, I want to impress upon Senators the necessity for the immediate adoption of a public-building program in the District of Columbia, for it is a matter of the gravest importance to the Government. The Public Buildings Commission in its reports to Congress has for years called attention to the hazardous and uneconomical arrangement of the Government's housing in Washington. There are reasons by the score why this intolerable and preposterous situation should be remedied without delay.

In the first place, there is the matter of economy. The Government is now paying rentals in the District of Columbia amounting to \$733,469.11 annually. In addition to this, there are the maintenance and upkeep charges on these rented buildings, which the Government pays and which in many cases is as much as the rent. It is therefore safe to say that the construction of public buildings and the elimination of these charges would easily effect a saving of \$1,000,000 annually. Other great economies would result when each department is able to bring its activities together under one roof or at least in the immediate vicinity of each other.

As the situation exists to-day, the Government is squandering untold sums of money for messenger service, automobiles, trucks, time lost by employees going from one building to the other, delays while officials are waiting for papers, and so forth, which in numerous instances must be secured from another division or bureau located at a considerable distance. The time wasted by the public in transacting business with the Government on account of the widely scattered units of each establishment is also large.

It is difficult to accurately estimate the great savings which would result from bringing together the bureaus and divisions of each department. The Comptroller General, for instance, has estimated that a saving of \$250,000 per annum could be effected in administration by having the General Accounting Office in one building, and the Commissioner of Internal Revenue believes a building for that bureau would save at least 15 per cent or 20 per cent in the cost of collecting taxes, besides securing more nearly 100 per cent of the sums due. These are only two instances, but savings of greater and lesser degree could be similarly effected in practically every governmental establishment.

The following table shows the number of buildings occupied by each department and independent bureau:

Number of buildings occupied by department or bureau	
Agriculture.....	46
Allen Property Custodian.....	1
Bureau of Efficiency.....	1
Civil Service Commission.....	4
Commerce.....	7
(The Bureau of Standards group is counted as one building.)	
Court of Claims.....	1
Court of Customs Appeals.....	1
Employees' Compensation Commission.....	1
Federal Board for Vocational Education.....	1
Federal Power Commission.....	2
Federal Trade Commission.....	1
Commission of Fine Arts.....	1
General Accounting Office.....	21
Government Printing Office.....	8
Grain Corporation.....	1
Interior.....	8
International Boundary Commission.....	1
International Joint Commission.....	1
Interstate Commerce Commission.....	2
Justice.....	6
Labor.....	4
National Advisory Committee for Aeronautics.....	1
Navy.....	8
Panama Canal.....	1
Post Office.....	2
(City substations not counted.)	
Public buildings and grounds, office of.....	1

Shipping Board	2
State	30
Superintendent, State, War, and Navy Buildings	
(This is a maintenance organization and necessarily occupies a portion of every building under its control.)	
Tariff Commission	1
Treasury	36
Veterans' Bureau	2
War	14

Mr. COPELAND. Mr. President, may I interrupt the Senator from Utah?

The PRESIDING OFFICER (Mr. SPENCER in the chair). Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. Certainly.

Mr. COPELAND. Under the plan which is proposed by the Senator from Utah would each of the various departments be housed in its own buildings owned by the Government?

Mr. SMOOT. Ultimately they would, but I will say to the Senator from New York that it will require 10 years to bring about that very desirable situation.

Mr. President, a serious factor in the situation is that a large part of the Government's office space in Washington is located in the temporary war-time buildings. As is well known, these buildings are of the most inflammable wooden construction and are a serious menace to the safety of thousands of employees, records, and files of the Government. They are rapidly deteriorating, and it is only by the expenditure of considerable money yearly that they are habitable at all. It is difficult to keep them warm in cold weather, and on extremely hot days in the summer the temperature on the upper floors is almost unbearable. On days such as these it is no uncommon occurrence for numbers of employees to be overcome by the heat. There are instances where chiefs of bureaus or divisions have found it necessary to dismiss their employees for the day, rather than subject them to the punishment of working under such intolerable conditions. The Government is under a distinct obligation to furnish its employees comfortable and safe working quarters. No well-conducted business house would subject its employees to such conditions nor imperil its records and files by housing them in such inflammable buildings.

The following statement showing the occupancy of the temporary buildings will illustrate the extent to which they are occupied by important Federal activities:

Building C, a temporary wooden structure: Divisions of the Bureau of Internal Revenue, Public Health Service, and Department of Agriculture.

Building D: General Supply Committee, Bureau of the Census, and District of Columbia Rent Commission.

Building E: World War Records of the War Department.

Building F: Bureau of Supply of the Treasury Department, Department of Agriculture, General Supply Committee, Public Health Service, Records of War Department.

Temporary No. 1: Examination Rooms of Civil Service Commission, United States Grain Corporation, Supply Division of Shipping Board, National Library for the Blind.

Temporary No. 2: Bureau of Valuation of Interstate Commerce Commission.

Temporary No. 3: Personnel Classification Board and Bureau of Internal Revenue.

Temporary No. 4: Federal Trade Commission and Divisions of the Department of Labor.

Temporary No. 5: Old War Trade files (State Department), Federal Traffic Board, Bureau of Internal Revenue, various units of War Department, Federal Power Commission, Veterans' Bureau, School of Photography, unit of Navy Department.

Temporary No. 6: Files of Department of Justice and General Accounting Office, units of War Department.

Temporary No. 7: Troops, District of Washington.

Treasury Annex No. 2: Bureau of the Internal Revenue.

BUREAU OF INTERNAL REVENUE

It will be noted that parts of the Bureau of Internal Revenue are located in four of the temporary buildings. In fact, more than 70 per cent of the bureau's space is located in these nonfireproof structures. In all, this important governmental activity is now occupying 10 buildings in various parts of the city, two of which are rented. However, the most serious feature of this situation is the fact that the major portion of the bureau's activities are carried on under the most dangerous conditions as to fire hazard. The destruction of one or more of these buildings by fire could easily cost the Government several times the amount required for financing the entire public building program. Taking risks of this sort certainly can not be classed as economy. The need for remedying

the housing situation of the Bureau of Internal Revenue is by far the most urgent of any of the building projects.

Mr. COPELAND. Mr. President, may I ask the Senator from Utah a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. I yield.

Mr. COPELAND. I desire to ask the Senator from Utah, are we violating fire, sanitary, and health rules which the Government would require the private owners of buildings to observe?

Mr. SMOOT. We certainly are, Mr. President. I know of no private concern nor of no private individual that would take the chances which the Government of the United States is taking to-day in these temporary buildings, both as to the risk of the lives of its employees and the destruction of records of untold value that all the money in the world could not replace.

Not only that, Mr. President, but there are thousands of Government employees who are housed in those buildings. As chairman of the Public Buildings Commission I do not wish to be held responsible for what may happen to those employees in case of a fire in any of those buildings. No one can tell what would happen in case of such a fire. If scores of employees should not meet their death we should be exceedingly fortunate.

CENSUS BUREAU

Another important activity housed in one of these temporary buildings is the Bureau of the Census, which has files and records in Building D, which go back almost to the beginning of the Government. A serious fire would certainly doom these valuable records of historic and genealogic value.

DEPARTMENT OF AGRICULTURE

The Department of Agriculture, a rapidly growing institution of great importance to the country, has been compelled to expand its activities into the temporary buildings, now occupying portions of three of them. Agriculture now occupies 46 buildings of every conceivable type and scattered over various sections of the city. This condition should be remedied without delay.

ARCHIVES BUILDING

In the departments and independent establishments there are thousands of dead and semilactive files and records which could be transferred to an archives building. It has been estimated that more than half a million square feet of good office space is thus occupied.

The construction of an archives building would have the immediate effect of releasing this large amount of space for office purposes, thus relieving a great deal of congestion in some of the departments. Particularly is this true of the Treasury, Justice, Post Office, and War Departments, and the General Accounting Office.

Estimating the value of first-class office space conservatively at \$1 per square foot, it is very apparent that an archives building would alone mean a saving of half a million dollars a year, aside from other considerations. It hardly seems necessary to dwell upon the obvious advantage of having all the permanent records of monetary and historic value housed safely under a single roof, where they would easily be accessible at all times.

DEPARTMENT OF JUSTICE

The Department of Justice has needed a new building for years. Its main offices are now housed in a rented building at Vermont Avenue and K Street NW., for which a rental of \$75,000 per annum is being paid, a much larger rental being demanded. The department is housed in a most unsatisfactory manner, having long since outgrown the main structure, which is badly overcrowded at the present time, in spite of the fact that several units have been removed to other buildings in order to partially relieve the overcrowded condition in the main building.

Scarcely a month passes that I have not a letter from the owners of the building asking that the employees of the department be removed, and stating that they have a chance of renting the building for nearly four times the amount the Government is now paying. Of course, I think those letters are written for the purpose, when suit may be brought against the Government of the United States, of being used as evidence against the Government in securing a judgment for additional rental.

Other departments in urgent need of more adequate housing facilities are State, Post Office, Commerce, Interior, par-

ticularly the Patent Office, Interstate Commerce Commission, Labor, and numerous independent bureaus and offices.

With reference to the situation of the Patent Office, a measure of relief has recently been provided by removing a number of activities from the Old Land Office Building and assigning the space thus vacated to the Patent Office. This situation can be further relieved by turning over the entire Land Office Building to the Patent Office as soon as circumstances will permit.

It can be said without fear of successful contradiction that there is scarcely a department of the Government in Washington which is adequately and satisfactorily housed, and this condition of affairs is steadily going from bad to worse. Congress is constantly passing laws creating new Federal activities and imposing additional duties on the ones now in existence, which means that the personnel and housing requirements of the Government are on the increase. The seriousness of the housing situation of the Government here can hardly be exaggerated and it is of the most vital importance that immediate relief be provided.

Mr. President, I have before me statistics relating to the space occupied and the rentals paid by each department. I am not going to take the time of the Senate now to read them, but I ask that they may be inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Statistics relating to space occupied and rentals paid by each department

Department	Total gross space occupied by entire department	Total Government-owned space not including temporary buildings	Total space in temporary buildings	Total rented space	Total rent now being paid
	Sq. feet	Sq. feet	Sq. feet	Sq. feet	
Agriculture	1,138,249	430,849	156,051	551,340	\$196,866.00
Alien Property Custodian	17,121	17,121			
Bureau of Efficiency	11,235	11,235			
Civil Service Commission	78,114	13,735	17,433	46,946	16,875.00
Commerce	1,131,775.8	704,452	220,527	195,404.8	68,000.00
Court of Claims	31,500	31,500			
Court of Customs Appeals	12,822			12,822	7,000.00
Employees' Compensation Commission	12,254	12,254			
Federal Board for Vocational Education	38,920	38,920			
Federal Power Commission	6,160	6,160			
Federal Trade Commission	88,728		88,728		
Federal Traffic Board	4,060		4,060		
Commission of Fine Arts	840	840			
General Accounting Office	425,680	218,004	29,600	178,076	72,200.00
Government Printing Office	707,115	707,115			
Grain Corporation	22,153		22,153		
Interior	915,326	886,894		28,432	6,450.00
International Boundary Commission	2,223	2,223			
International Joint Commission	1,716	1,716			
Interstate Commerce	244,712		58,440	186,272	72,088.04
Justice	142,046		16,700	125,346	93,900.00
Labor	118,773	7,719	26,073	84,981	24,000.00
National Advisory Committee for Aeronautics	5,000	5,000			
Navy	923,316	923,316			840.00
Panama Canal	15,000	15,000			
Post Office	791,453	791,453			
Public Buildings and Grounds	7,500	7,500			
Shipping Board	270,098	235,166	43,942		
State	144,812	104,062	28,240	12,510	21,614.07
Superintendent State, War, and Navy Buildings	1,802,628	1,140,257	493,901	150,470	
Tariff Commission	25,396	25,396			
Treasury	2,604,973	1,614,721	792,894	197,358	70,686.00
Veterans' Bureau	375,939	675,939			
War	1,620,454	1,070,944	167,854	372,656	82,980.00
Total	14,082,248.8	9,617,481	2,166,596	2,151,622.8	733,469.11

¹ Figures not given for space occupied and rentals paid by postal substations.

² The superintendent's office is a maintenance organization, and all public portions of each building are assigned to his office.

Miscellaneous and unclassified space 146,549 square feet.

Mr. SMOOT. I will say that no Senator can study these figures without wondering why action has not been taken

before. If a firm or an individual doing business in the United States should take the same position that the Government is taking in relation to rented buildings and should run the risks that are now being assumed by the Government, such firm or individual would not receive credit from institutions from which they desired to purchase goods.

Mr. DILL. Mr. President—

Mr. SMOOT. I yield.

Mr. DILL. For how long a period does the Senator think that this bill will take care of the public-building situation in the District of Columbia?

Mr. SMOOT. I think by the end of the 10-year period under the expenditure of \$50,000,000 every department of the Government can be housed, and housed comfortably, and the records of the Government can be put in a place where they may be safely kept.

Mr. DILL. The Senator, then, thinks that the bill will take care of the situation for 10 years more?

Mr. SMOOT. For a longer time than that, I am quite sure; I have no doubt about it.

Mr. President, I have had taken in each of the departments of which I have spoken some photographs showing the hazardous conditions under which Government property and records are housed in these temporary buildings. I think it is wicked for the Government to continue longer hazardous life and the safety of its records in maintaining these wooden shanties, if you please, for governmental activities.

If Senators who want personally to observe the deplorable conditions will take the time to do so, I ask them to go down and look at the temporary buildings across the road from the building where the Navy Department is now located. If they will do so, I say that they can not help but become advocates of razing of those buildings and erecting proper structures in which to house the Government employees and safeguard the records of the Government.

Mr. President, I have the reports of the Public Buildings Commission, created under the act of March 1, 1919, for the years 1922, 1923, and 1924. For that length of time the commission has been pleading with Congress to take some action. The President of the United States is in full sympathy with this program; he approves of it. There is not a head of a department of the Government but who says it is absolutely necessary; and as a Senator of the United States I tell the Senate that another session of Congress should not be allowed to pass without putting this program into operation. Therefore, Mr. President, I ask that the bill may be considered and passed at this time.

Mr. COPELAND. Mr. President, before the Senator takes his seat, will he not kindly give the Senate a résumé of exactly what it will mean in money if the bill is passed—what the immediate demand upon the Treasury will be? Let us have it in a few words.

Mr. SMOOT. Mr. President, for instance, we are paying to-day for rented buildings in the District \$733,469.11. Again, at least a million dollars will be saved in time and expense by having each department of our Government under one roof. The head of every department and every division has appeared before the commission and given an estimate of what could be saved in time spent if his activities were all in one building. For instance, I have not any doubt but that in the work of the Commissioner of Internal Revenue alone there would be millions of dollars saved. The Comptroller General testified before the committee that if his employees were all together in one building, there would be a saving of \$250,000 a year there; and I could go into every department of our Government and show similar savings. I want to say to the Senators here that considering the loss of time and the loss of efficiency under present conditions, with the rents that are paid, if we appropriated the \$50,000,000 to-day the interest upon it would not be as much as the loss is alone.

In the case of the temporary buildings and buildings that we are renting in different parts of the District, we have to heat and light every one of them. Some of them it is almost impossible to keep warm in the winter, and, as I stated before, in the summer it is almost impossible for the employees in the buildings to live on account of the heat.

Mr. UNDERWOOD. Mr. President, I did not want to stop the Senator from Utah in the middle of his speech. I concur in what he says in the main in regard to the importance of the Government properly housing its own employees in its own buildings, and in the end I think it can be done at an interest rate that will be less than the rental; but there are some things in this bill that I am not sure I approve of.

This bill authorizes the Public Buildings Commission, with \$50,000,000 in its purse, among other things, to buy land. It says that these buildings shall be constructed—

On lands now owned, or which may hereafter be acquired, by the United States.

And the commission is given the power to acquire them hereafter. There is no limitation.

It seems to me that we ought to stop buying land. We have a lot of land in this District. We bought it from time to time. We do not use it. We rent it at desirable rentals to other people, and then they do not want us to take it away, and the real-estate agents want to sell us some more land. This bill would be very much more satisfactory to me if the Senator would limit these buildings to the land we have already acquired; and I should like to ask him a question in that connection, as he is better informed than I am.

The Government now owns the tract of land lying south of Pennsylvania Avenue opposite the New Willard Hotel, between Fifteenth and Fourteenth Streets, and running back to the Mall. There are three or four blocks in that tract of land bought for the purpose of erecting Government buildings.

Mr. SMOOT. It will all be utilized under this bill.

Mr. UNDERWOOD. Then I understand that down near the Pan American Building, close to the present War and Navy Buildings, we bought several blocks of land.

Mr. SMOOT. Directly west of the Pan American Building and north of the Navy Building.

Mr. UNDERWOOD. Can the Senator tell me how much land we bought there?

Mr. SMOOT. The independent offices appropriation act, approved June 12, 1922, authorized the Commission in Charge of the State, War, and Navy Departments Buildings to purchase the sites of the seven temporary buildings west of Seventeenth Street and south of Pennsylvania Avenue at a limit of \$1,500,000. Seven squares were acquired at a cost of \$1,391,280.27, thus saving \$108,719.73 of the original appropriation. There were 28 transactions involved in the acquisition of these squares and it was necessary to resort to condemnation in only one instance, all other purchases being made in the open market at an approximate average price of \$1.90 per square foot. In the case where condemnation was resorted to, the Government was compelled to pay \$3.20 per square foot.

I will say to the Senator that the commission asked certain individuals here in the District to help us purchase that land. We did not ask for options in the name of the Government; but when the options were obtained in the names of men who were friendly to the Government they were turned over to the Government, and the Government purchased them for less than a million and a half dollars. We saved something like \$135,000 out of the appropriation that was made to purchase all of that land.

Mr. UNDERWOOD. I do not know the land values here, but it seems to me the commission did very well. I know nothing about land values in the District, but it is available property for the purposes that are contemplated. Now, with all that land—four blocks of land lying adjacent to other public buildings south of Pennsylvania Avenue between Fourteenth and Fifteenth Streets, and four or five blocks of land lying on the other side, near the War and Navy Building—is not the Senator willing to limit the terms of this bill so as to provide that these buildings shall be erected on this Government land, and not have everybody who wants to sell a piece of property somewhere else engaged in trying to sell his property to the Government and have it paid for out of this \$50,000,000?

Mr. SMOOT. I will say to the Senator that they have not had very much influence with the commission.

Mr. UNDERWOOD. I am sure of that. I know the Senator, and I have confidence that he is not going to be amenable to influence of that kind; but times change. I hope the Senator will live a thousand years, but he may not; and with all this land available for the construction of public buildings, and in view of the message of the President which has just been laid before the Congress asking for economy, I think we might refrain from buying more land and be content to erect these buildings on the land that we now own.

Mr. SMOOT. I want to assure the Senator that the commission never would buy a foot of land in the District of Columbia to erect any kind of a building as long as they had lands suitable for that purpose.

Mr. UNDERWOOD. Of course, that is a very great broadening of the situation, because the word "suitable" might be construed into anything by a new commission. There is rivalry for the location of these buildings. The land that we hold and

own to-day masses the public buildings together. It brings them close to the functions of the Government.

Mr. SMOOT. As far as I am concerned, if I remain a member of the commission, I have no idea whatever now of purchasing any lands in addition to those we have already purchased. The Senator will remember that when we talked about an archives building, and purchasing land at Eighteenth Street, we did not at that time own the lands that I have just described, which were purchased for less than a million and a half dollars, or the lands covered by those temporary buildings.

Mr. UNDERWOOD. I understand that.

Mr. SMOOT. Now we have all of those lands, and in my opinion no member of the commission would ever think of purchasing an acre of land as long as the Government has lands suitable for erecting the buildings.

Mr. UNDERWOOD. Then why should we give them legislative authority to do so? If we have plenty of lands now, we will save the commission trouble and harassment if we strike out of this bill the power to go and buy more lands.

Mr. SMOOT. There may be a building that is already constructed that we would like to build onto, and we would have to have adjacent lands for that purpose. It will not amount to much.

Mr. UNDERWOOD. There is a provision here in relation to the Government Printing Office. I have no objection to the main part of that provision, but it is limited to that building.

Mr. COPELAND. What is it that the Senator objects to, specifically?

Mr. UNDERWOOD. Specifically, when we have 10 or 12 blocks of land well situated, lying adjacent to the other public buildings, on which these buildings can be erected, I object to giving the commission the opportunity to use such portion of \$50,000,000 as they desire to go and buy other lands. We have this land. It is available. It was bought for the purpose of erecting buildings, and what I want to ask the Senator to do is to agree to an amendment striking out, on page 1, the words "or which may hereafter be acquired."

Mr. SMOOT. Mr. President, I see no real objection to that, because if a particular case should arise where we would have to have a small piece of land for some particular purpose we could come to Congress and ask for it.

Mr. UNDERWOOD. Undoubtedly.

Mr. SMOOT. I have no objection to that amendment.

Mr. UNDERWOOD. Then, Mr. President, I move to amend the bill on page 1, in lines 5 and 6, by striking out, after the word "owned," the words "or which may hereafter be acquired."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama.

The amendment was agreed to.

Mr. UNDERWOOD. Then on page 5 I want to amend lines 7, 8, and 9 by striking out the words "as sites for any of the buildings authorized by this act" and inserting the words "for the site for the building described in this section."

Mr. SMOOT. That applies to the Government Printing Office. I have no objection to that amendment. It is only carrying out the original thought.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, I think this is a very excellent measure and that we ought to act upon it promptly; and as the bill is amended I am strongly in favor of it. I agree with the position taken by the Senator from Utah, that we are wasting a lot of money here in paying rent when we ought to go on and put up the buildings that the Government needs on the land that the Government now owns, thus not only economizing—as to which we have been so strongly urged by the President, and very properly—but also making more safe the documents and records which the Government owns, and promoting efficiency generally in the Government departments. I want to suggest, however, that there is another matter which, to my mind, is of quite equal importance.

The last public buildings bill was passed in 1913 and signed by President Taft on March 4, 1913. Under that bill a number of sites for post offices were acquired throughout the country. Many sites were donated to the Government; others were purchased at very reasonable prices, and under that bill the construction of buildings in various portions of the country, in practically all of the States, was authorized. But it was found when the Government went to let the contracts that the prices of material had so risen and the cost of labor had so increased that the Government could not construct the buildings authorized within the amounts of the appropriations, and in a number of instances the sites have remained vacant because no appropriation was made for building at all. In a

number of instances they have been vacant because the appropriation was inadequate to construct the buildings. That situation has continued now for 11 years, and Congress has failed to provide these buildings. The Senator from Arizona [Mr. ASHURST] put his finger on the spot a few minutes ago when he referred to the condition in his State.

Mr. SMOOT. I think the same situation exists in every State in the Union.

Mr. FLETCHER. In nearly all of them. But in his State, for instance, at Globe, the site was acquired November 14, 1911, at Prescott in 1915, and at Tucson in 1914, and no buildings have yet been put up on any of those sites. The appropriation made in each instance was wholly inadequate. The Senator from Arizona has said that it is costing the Government for rent 30 per cent of the amount that would be required to afford the accommodations needed.

That situation has continued in various States, and I had inserted in the Record yesterday a report from the Post Office Department showing the conditions, which appears on pages 28 and 29 of the Record. I also had inserted a communication from the Secretary of the Treasury and one from the Postmaster General bearing on the subject, which will be found on pages 30 and 31. The Treasury Department reported on the bill which I introduced yesterday, which is the same bill I introduced at the previous session, as follows:

The passage of this bill would permit the construction of those buildings authorized and limits of cost fixed under act of March 4, 1913, which, on account of the increased cost of labor and materials, can not now be erected within such limits. The completion of these projects and the erection of Federal buildings in many places where sites only have been authorized would be a substantial help in relieving the congestion in the Postal Service.

The Postmaster General recites that—

The Postal Service is growing steadily and its requirements are difficult to meet without constant recourse to enlarged quarters, which are secured on a rental basis at an expense much greater than that which would result from Government construction and ownership. A vast sum is paid annually for these rentals. The reasons in favor of some plan of Government ownership of post-office buildings for postal use where an economy would be realized is set forth in detail in my letter to the Joint Commission on Postal Service, which reads as follows:

At pages 30 and 31 of the RECORD that letter is given. It appears from that letter that there are at present 5,846 post offices in leased quarters and 1,119 post offices in buildings owned by the Government. The aggregate annual rental paid for the occupancy of these 5,846 leased quarters is \$9,262,515, but this aggregate does not include the amount paid for quarters not under lease, which, when added to the \$9,262,515, makes a total annual rental bill of \$11,660,056, the amount paid by the Post Office Department for the rental of buildings in that service. That does not include garages to be paid for by the Government from appropriations made for the Post Office Department. The report continues:

There are at present 5 Government-owned buildings actually under construction and 11 under contract for construction in which post offices will find quarters.

The report goes on to show the earnings of the Post Office Department, which have doubled in the last 10 years, and it also shows that the increasing business warrants the construction of these buildings which have been authorized. It further states:

During the last holiday season several cities handled heavy parcel-post business on the sidewalks under protection of guards, but without protection against the weather. This increased volume of postal business has forced the use of basements and sub-basements and has brought about a congestion in workrooms in some of our larger cities.

That is the condition with reference to the post offices throughout the country, and I submit that that needs remedying just as much as does the situation here in the District of Columbia with reference to these Government offices. The report goes on to show that the annual expenditure for rentals now totals \$12,248,977.

The whole matter is set out in the CONGRESSIONAL RECORD of yesterday, and I trust Senators will read it. What I want to suggest now is that there should be incorporated in this bill provisions to take care of this situation, which has gone on and continued over the protest of the Post Office Department, to the neglect of the public, a situation which is growing worse and worse all the while, and which calls for some action now in order to prevent the necessity of actually handling the mails on the sidewalks in different portions of

the country. I shall offer as an amendment to this bill, as section 7, the bill which I introduced yesterday.

Mr. SMOOT. I hope the Senator will not do that. The situation in my State is exactly the same as that in other States in this respect. I believe we have as many post offices unprovided for as there are post offices unprovided for in Arizona and perhaps more. But let this bill stand on its own footing, and let us take the Senator's bill up at the proper time and pass it as a separate measure. There will have to be amendments made to it. I could not let it go through without some amendment to cover two or three cities in my State which are in exactly the same situation as those referred to in the bill. It would not be right to take two or three out of all the number that are in the same situation.

Mr. FLETCHER. No; and this does not do that. This is what the bill provides:

That the following sums be, and the same are hereby, appropriated for the objects hereinafter expressed, namely:

(a) For increase in the limit of cost of construction of those certain public buildings, heretofore authorized by Congress to be constructed and for which appropriations were made, referred to in Senate Document No. 28, Sixty-eighth Congress, first session, \$15,130,780, or so much thereof as may be necessary.

(b) For the construction of public buildings on those certain sites, heretofore acquired, for the construction of which buildings no appropriations were made, referred to in Senate Document No. 28, Sixty-eighth Congress, first session, \$23,557,500, or so much thereof as may be necessary.

There are just two objects, and the items to be covered are set forth in this document. They cover Utah, as well as every other State.

Mr. SMOOT. They cover part of Utah, and I think parts of other States. That measure is a different proposition entirely, and I hope the Senator will not offer that as an amendment to this bill. I would like to have this bill passed.

Mr. FLETCHER. I hesitate to do anything that would imperil the Senator's bill, but it seems to me it is just as important to serve the public through the Post Office Department and to take care of the needs of that department, as shown by the report, which I have not taken the time to read in full, merely referring to certain extracts from it. The present condition is simply intolerable. It is a condition that was recognized as far back as 1913, and has continued right down to date. Of course, the war came on and the effort to correct this evil was interrupted; but that has passed now, and I wish the Senator would allow this amendment to go onto the bill. I think it ought to go on this bill, because I believe it is just as much in the public interest and as sound a proposition of public economy as is the measure proposed by the Senator from Utah.

Mr. DIAL. Mr. President, may I ask the Senator if the amendment refers to places where the Government already owns the sites?

Mr. FLETCHER. Yes; sites which have been acquired under previous legislation.

Mr. SMOOT. Mr. President, I have no doubt but that there will be a general public buildings bill, perhaps at this session; if not, then at the next. But this is an entirely different subject. The records of the United States are involved in this legislation, records which could not be replaced by the expenditure of any amount of money. It would be an impossibility to replace them. I do not think the health of the postmasters throughout the country is at stake, as is the health of the employees here in the District of Columbia. Neither are there the fire risks.

I ask the Senator not to offer his bill as an amendment to this bill. Let us put through a general bill rather than put the matter on this bill, to which the commission has given so much attention. I ask the Senate to pass the bill now, and I hope the Senator will not offer the amendment.

Mr. FLETCHER. Mr. President, I feel like asking that the amendment be submitted. I am in hearty accord with the Senator's bill, but I really think this is just as important to the country at large as the provision regarding these offices here in the District.

Mr. SMOOT. Mr. President, I would very much prefer to have the bill laid aside, because I do not want to send anything over to the House over which I know there will be a conflict. If we want to have this bill enacted into legislation, the only way to do it is to pass it in its present form, in my opinion, and rather than accept the amendment I would prefer to let the bill go over. I do not like to have it tied up with other matters.

Mr. ASHURST. Mr. President, we in this body have no right nor desire to refer to proceedings in another branch of

Congress, but the Senator from Utah is too experienced a man not to know that this bill will never pass the other branch of Congress unless and until there is a public buildings bill attached to it in accordance with the data submitted by the Secretary of the Treasury and printed in the Record yesterday at the request of the Senator from Florida [Mr. FLETCHER]. There is not a Senator, unless he came here within the last week, who does not know that this bill will never pass the other branch of Congress until full justice is done to the country. Let us handle the situation here in a practical way. Let us add the appropriate amendment.

Mr. SMOOT. All appropriation bills originate in the House of Representatives. The House can, at any time they desire, originate a bill providing for the erection of public buildings. I do not see the necessity of having these two subject matters combined at this time.

Mr. ASHURST. It may seem strange that I should presume to tell the Senator something, but I do say this to him, that if this bill passes the Senate a public buildings bill for the entire country would not pass the Senate at this short session. We will have slinned away our day of grace or lost our opportunity to pass a public buildings bill.

Mr. SMOOT. If the Senator objects to it, I will withdraw the bill. If the Senate does not want to pass the bill as it is, then I withdraw the bill from further consideration.

The PRESIDENT pro tempore. Does the Senator from Florida offer an amendment?

Mr. FLETCHER. I offer the amendment and will ask to have it pending.

Mr. SMOOT. I will withdraw the bill.

Mr. FLETCHER. The Senator can not withdraw his bill. The bill is before the Senate by unanimous consent, and I have offered an amendment to it.

The PRESIDENT pro tempore. The Chair may make the observation that it will be withdrawn, under the unanimous-consent agreement, in about one minute.

Mr. FLETCHER. I know that, but I have offered the amendment as section 7 of the bill. Let it be read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Florida will be read.

The PRINCIPAL LEGISLATIVE CLERK. On page 5, after line 18, insert a new section, as follows:

Sec. 7. That the following sums be, and the same are hereby, appropriated for the objects hereinafter expressed, namely:

(a) For increase in the limit of cost of construction of those certain public buildings, heretofore authorized by Congress to be constructed and for which appropriations were made, referred to in Senate Document No. 28, Sixty-eighth Congress, first session, \$15,130,780, or so much thereof as may be necessary.

(b) For the construction of public buildings on those certain sites, heretofore acquired, for the construction of which buildings no appropriations were made, referred to in Senate Document No. 28, Sixty-eighth Congress, first session, \$23,557,500, or so much thereof as may be necessary.

MUSCLE SHOALS

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, in accordance with the unanimous-consent agreement entered into on the 4th day of June, 1924, the Chair lays before the Senate House bill 518, which will be reported.

Mr. HARRISON. Mr. President, a parliamentary inquiry. The PRESIDENT pro tempore. The Senator from Mississippi will state his parliamentary inquiry.

Mr. HARRISON. Does the bill that was just being considered go to the calendar under the rule?

The PRESIDENT pro tempore. The bill called up by the Senator from Utah is now on the calendar.

Mr. HARRISON. What becomes of the amendment offered by the Senator from Florida?

The PRESIDENT pro tempore. The amendment will be pending when the bill is next taken up. House bill 518 is before the Senate.

Mr. UNDERWOOD. Has the Clerk reported the bill?

Mr. NORRIS. The bill has not yet been formally reported.

The PRESIDENT pro tempore. Does the Senator desire that the bill be read?

Mr. NORRIS. The Clerk has not followed the direction of the Presiding Officer and has not, as a matter of fact, formally reported the bill. I ask that it be formally reported, so there may be no question about it having been reported.

The PRESIDENT pro tempore. The bill will be read by its title.

The PRINCIPAL CLERK. A bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful

products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Mr. NORRIS. I ask unanimous consent that the formal reading of the bill be dispensed with.

The PRESIDENT pro tempore. Without objection, that order is made.

Mr. NORRIS. Mr. President, the bill comes up pursuant to the unanimous-consent agreement that appears on the calendar and with which Senators are familiar. The Committee on Agriculture and Forestry have made a report in which they recommend striking out all of the bill after the enacting clause and inserting the language of another bill, which is printed as a substitute amendment. Several Senators this morning have asked me if I would be willing not to take up the bill to-day, because they had an anxiety to read particularly the bill introduced yesterday by the Senator from Alabama [Mr. UNDERWOOD], which is later to be offered as a substitute for the committee bill, and also to read the report, and even the committee bill itself. I have no objection to postponing consideration of the bill until to-morrow and have so expressed myself to those Senators who have talked to me about it; and I think on the strength of that statement some of them have gone who want to be here when it is taken up.

Mr. UNDERWOOD. Mr. President, may I interrupt the Senator for a minute?

Mr. NORRIS. Certainly.

Mr. UNDERWOOD. I have no objection to debate and consideration of the bill going over until to-morrow, but I suggest that the Senator have his amendment in the nature of a substitute read this evening, and the other amendment, too, if it can be read at this time. I have reference to the one which I have offered as a substitute. That may be a little out of order, but, of course, it can be done by unanimous consent.

Mr. NORRIS. I have no objection to the amendment being read now. Technically, of course, it is not in order.

The PRESIDENT pro tempore. Before any agreement is made the Chair would like to inquire of the Senator from Alabama, who is the author of the agreement, whether he understands that under the agreement the bill can be temporarily laid aside?

Mr. UNDERWOOD. I think it can be temporarily laid aside only by unanimous consent for the transaction of other business, because the order can not be changed except by unanimous consent. However, I was going to suggest to the Senator from Nebraska, if agreeable to him, that when that is done, instead of adjourning until to-morrow we take a recess until to-morrow, so that debate may proceed as soon as we meet at 12 o'clock.

Mr. NORRIS. That course would be very agreeable to me if it is satisfactory to others.

Mr. CURTIS. That would be satisfactory to me, except that I want a short executive session this afternoon after the disposition of the day's legislative business.

Mr. UNDERWOOD. That is all right if we can have the understanding.

Mr. NORRIS. Then let us have an understanding that instead of adjourning at the close of the executive session we shall take a recess until to-morrow at 12 o'clock.

Mr. CURTIS. That will be all right.

Mr. DILL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield.

Mr. DILL. I want to ask the Senator whether, so long as this bill is before the Senate, we will be kept from taking up the postal employees' salary veto message, or whether this measure holds its place until it is disposed of and it will be impossible to take up the veto message?

Mr. NORRIS. I can only speak for myself, because it would require unanimous consent to temporarily lay aside the bill; but so far as I am concerned, for a proposition like the veto message, which is in the nature of unfinished business, I shall not object and would be glad if unanimous consent could be obtained to temporarily lay the bill aside in order to take up the veto message of the President.

Mr. CURTIS. May I suggest to the Senator from Washington that we are trying to reach some agreement about a time to take up the postal measure; and if the Senator will let it go a day or two, I think we will reach an agreement.

Mr. DILL. I want to say to the Senator from Kansas that I do not want any agreement entered into that will keep any of us, who might have the right to make the motion for a vote, from having such a vote taken on the veto message.

Mr. CURTIS. That will be taken up in the presence of the Senate. Nothing will be done except in the open. We are trying to reach some agreement. We can then present it here and have the matter taken up.

Mr. DILL. The Senator just said that arrangements were being made.

Mr. CURTIS. I said we would talk it over, but we will have to submit it to the Senate. I have talked to Senators on the other side, including the leader, who is not here at the moment. There will be no snap judgment taken of any kind or character.

Mr. DILL. There is a parliamentary situation here about which I am concerned, namely, that a motion to refer the postal bill and message to a committee might take precedence over a motion for a vote on the veto message itself. That parliamentary situation, it seems to me, ought to be considered.

The PRESIDENT pro tempore. The Chair is in grave doubt with regard to a proper interpretation of the agreement. The agreement says specifically that the Senate shall take up House bill 518 and that it shall not be "laid aside until finally disposed of, and that this order," which embraces the entire subject, "shall not be set aside except by unanimous consent." The doubt in the mind of the Chair is whether, if unanimous consent is given to lay aside the bill temporarily, it can be resumed at the suggestion of any Senator.

Mr. NORRIS. I am rather surprised at the opinion expressed. I have had no doubt that under the unanimous-consent agreement, which requires unanimous consent to modify or change or set aside, it would, of course, require unanimous consent to temporarily lay it aside and take up something else. However, it never occurred to me that when that was done the unanimous-consent agreement would not come right back into effect the same as it always does under any such unanimous-consent agreement.

The PRESIDENT pro tempore. The Chair wants no misunderstanding about it. The Chair is rather inclined to agree with what has just been said by the Senator from Nebraska. By unanimous consent the bill can be temporarily laid aside, but it will be in order for any Senator to bring it again to the consideration of the Senate upon suggestion.

Mr. UNDERWOOD. I think that is correct.

Mr. NORRIS. I think we all agree that that is the proper construction of the agreement. I do not want any doubt about it, because I would dislike to lay the bill aside temporarily and then have the construction put on the unanimous-consent agreement that we could not take it up again. I think it comes up automatically.

The PRESIDENT pro tempore. If it is temporarily laid aside at this time and we have a recess, it will come up automatically at the opening of the session to-morrow. If we have an adjournment, it will not come up before 2 o'clock to-morrow.

Mr. NORRIS. Yes; I understand that.

Mr. BORAH. Do I understand that it is agreed upon all hands that the bill can not be laid aside for anything else except by unanimous consent?

The PRESIDENT pro tempore. It can not.

Mr. NORRIS. With that understanding, if the Senator from Kansas wants to move an executive session, I am ready to proceed to the consideration of executive business.

Mr. UNDERWOOD. So that it will not have to be done to-morrow, if there is no hurry for an executive session, will not the Senator allow his committee amendment and my substitute to be read? We will save just that much time to-morrow.

The PRESIDENT pro tempore. The Chair understands the Senator from Nebraska to ask unanimous consent that the bill shall be temporarily laid aside.

Mr. NORRIS. I ask first that the committee amendment be read. I want to say to the Senator from Alabama that I think his amendment ought not to be read until we have formally voted on the substitute proposed by the committee.

Mr. UNDERWOOD. That is satisfactory.

Mr. NORRIS. If there be no objection, I am willing to take that vote now.

Mr. UNDERWOOD. That is satisfactory. I will have my substitute read after the other is voted on.

The PRESIDENT pro tempore. The Senator from Nebraska has asked that the formal reading of the bill be dispensed with.

Mr. NORRIS. I had already obtained that unanimous consent, but that referred to the House text. I presume we will have to read the amendment reported by the committee; that even by unanimous consent we could not waive that.

Mr. UNDERWOOD. It will take some time to read it.

Mr. NORRIS. I ask that the Clerk now read the committee amendment.

The PRESIDENT pro tempore. The amendment of the committee will be read.

The principal clerk read the substitute reported by the Committee on Agriculture and Forestry, which was to strike out all after the enacting clause and insert:

That the Secretary of War is hereby authorized and directed to complete the construction of Dams Nos. 2 and 3 in the Tennessee River at Muscle Shoals, Ala., in accordance with report submitted in House Document 1262, Sixty-fourth Congress, first session: *Provided*, That the Secretary of War may, in his discretion, make such modifications in the plans presented in such report as he may deem advisable in the interest of power or navigation: *Provided further*, That funds for the prosecution of this work may be allotted from appropriations heretofore or hereafter made by Congress for the improvement, preservation, and maintenance of rivers and harbors; and in order to provide for a larger amount of primary power to be developed on the Tennessee River if a suitable site or sites can be found upon investigation where practical storage reservoirs can be obtained at reasonable cost, the Secretary of War is directed to take the necessary steps to secure such sites and to build the necessary dams for the impounding of water therein. If the Secretary of War, under authority of this act, constructs one or more dams for the purpose of impounding the waters of said river, he shall give due consideration in the construction of such dams to the development of hydroelectric power, to the necessities of navigation, and flood control.

Sec. 2. That in the construction of said Dam No. 3, or in the construction of other dams or other works provided for in this act, the Secretary of War is hereby authorized to use and to remove any of the temporary buildings now owned by the Government of the United States and erected anywhere in the vicinity of Muscle Shoals or nitrate plants Nos. 1 or 2, providing the removal of such buildings will not interfere with the operations of the Federal power corporation as hereinafter set forth.

Sec. 3. That if the Secretary of War should find it advisable and practical to construct storage reservoirs on the Tennessee River or any of its tributaries as hereinbefore provided, and that by virtue thereof the flow of the Tennessee River is equalized and a larger amount of primary power thereby developed, he shall require of any private person, partnership, or corporation maintaining a dam on said river for the development of power to contribute his or its proportionate share for the construction of said reservoirs, and he is hereby authorized to take the necessary action or actions in court for the purpose of compelling contribution to such development by any person, partnership, or corporation receiving the benefits therefrom; and if the right to dam said river for the purpose of developing hydroelectric power is hereafter given by virtue of any law of the United States to any person, partnership, or corporation, one of the requirements of said grant shall be that the person, partnership, or corporation given the privilege to build any such dam shall pay his or its proportionate share of the expenses of the construction of any such reservoir or reservoirs either then constructed or thereafter constructed by virtue of this act.

Sec. 4. That there is hereby incorporated and created a corporation by the name, style, and title of "the Federal power corporation" (hereafter referred to as the corporation). Said corporation shall have perpetual succession and shall have power—

- (1) To adopt, use, and alter a corporate seal;
- (2) To sue and be sued and to complain and to defend in any court of law and equity within the United States;
- (3) To make and enforce such contracts as may be necessary to carry out the provisions of this act;
- (4) To appoint and fix the compensation of such employees, attorneys, and agents as are necessary for the transaction of the business of the corporation, to define their duties, require bonds of them, and fix the penalties thereof; but in no case shall any such employee receive a salary in excess of \$7,500 per annum;
- (5) To prescribe, amend, and repeal by-laws not inconsistent with this act for the conduct of its business;
- (6) In the name of the United States Government, to exercise the right of eminent domain, and in the purchase of any real estate or in the acquisition of real estate by condemnation proceedings the title to such real estate shall be taken in the name of the United States Government; and

(7) To exercise all the rights, powers, and privileges conferred upon it by this act and such additional powers as may be necessary to carry out the provisions of this act.

SEC. 5. That the business of said corporation shall be transacted by a board of directors (hereinafter called the board), consisting of three persons, to be appointed by the President of the United States, by and with the advice and consent of the Senate. Members of said board shall hold their offices during good behavior and shall receive a salary of \$7,500 per year, payable monthly: *Provided*, That any member of said board may be removed from office at any time by a concurrent resolution of the House of Representatives and the Senate. No member of said board shall during his continuance in office be engaged in any other business, but shall give his entire time to the business of said corporation. Said board shall select one of its members as president. It shall select a treasurer and as many assistant treasurers as it deems proper, and such treasurer and assistant treasurers may be corporations or banking institutions and shall give such security for the safe-keeping of the moneys of said corporation as the board may require.

SEC. 6. In the appointment of officials and the selection of employees for said corporation and in the promotion of any such employees or officials no political test or qualifications shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency. The board shall keep a record of all requests, oral and written, made to any member thereof, coming from any source, asking for any favor in behalf of any person or the promotion of any employee, which record shall be open to the public inspection. Any member of said board who permits the use of political or partisan influence in the selection of any employee, or in the promotion of any such employee of said corporation, or who gives any consideration to political consideration in the official action of said board, or who, knowing that such political influence has been or is attempted, does not record the same in said record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding \$1,000 or be imprisoned not to exceed six months, or both such fine and imprisonment, and the conviction of any member of said board of the offense herein defined shall have the effect of removing such member from office.

SEC. 7. That upon the completion of the organization of said corporation the President and Secretary of War shall turn over to said corporation the steam plant located at nitrate plant No. 2, at Muscle Shoals, Ala., together with all real estate used in connection therewith; all machinery, tools, equipment, accessories, and materials thereunto belonging; the railroad, together with the engines, cars, tools, materials, machine shops, and all accessories used in the operation of said steam plant; and all transmission lines connecting said plant with nitrate plants Nos. 1 and 2 and Dam No. 2: *Provided, however*, That the transfer of any of the property above described to said corporation shall be subject to such use of said property by the Secretary of War as he may elect in the construction and development of the dams herein provided for. As soon as any of the dams herein provided to be constructed by the Secretary of War have been completed the President and the Secretary of War shall turn the same over to said corporation and thereafter said property shall be in the control and under the management of said corporation, and the said corporation shall manage said dams and keep the same in first-class condition: *Provided, however*, That said corporation shall be under no obligation to repair or to maintain any of the locks in said dams placed there for the purposes of navigation. There shall also be turned over to said corporation all the real estate, including all residences and other buildings now owned by the United States in the vicinity of Dam No. 2.

SEC. 8. That in case all the power developed at Dams Nos. 2 and 3, or any other dam or dams constructed by the Secretary of War under the provisions of this act and turned over to said corporation, can not be used to practical advantage and is not necessary for the manufacture of fertilizer or explosives as herein provided, the board may, in its discretion, sell any such surplus power so developed to any State, municipality, district, corporation, partnership, or person, upon such terms and under such conditions as the board may deem just; and in making such sale the board shall give preference to States, counties, municipalities, and districts, and if the sale of such surplus power is made to private individuals, corporations, or partnerships, for distribution or resale, the board may, as one of the conditions of such sale, provide in the contract therefor, for the regulation of the price at which any such individual, partnership, or corporation shall charge the consumer in a resale of such power. It shall be the policy of said corporation in selling electric energy to fix the time of such sale for as short a term as possible and in no case for a longer term than 25 years.

In order to convert secondary power into primary power and thereby cheapen the hydroelectric power produced and increase the

number of people to be benefited by such use, as well as to cheapen the price thereof to the consumer, the corporation is hereby authorized to enter into agreements with the owners of existing transmission lines, or with the owners of transmission lines hereafter constructed, to bring about the exchange of power whenever the same can be advantageously done. The corporation is authorized to construct transmission lines for the purpose of giving wider distribution to the use of the hydroelectricity developed at any of said dams, and to enter into contracts with persons, partnerships, corporations, municipalities, districts or States, for the joint construction and joint use of such transmission lines, having always in view that one of the objects of this act is to give as wide a distribution as possible at the smallest practicable cost, the use of the electric current developed at any of the dams herein provided for.

SEC. 9. The corporation is hereby authorized to complete the steam auxiliary plant at nitrate plant No. 2, in accordance with the original plan.

It shall also have power to purchase or lease transmission lines owned by other parties, or to purchase or lease an interest in the same for joint use.

SEC. 10. There shall be turned over to said corporation by the Secretary of the Treasury, the sum of \$3,172,487.25, received by the United States for the sale to the Alabama Power Co. of the Gorgas steam plant at Gorgas, Ala., and said sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated. The Secretary of War is directed to sell all surplus materials at Muscle Shoals not needed by said corporation or the Secretary of Agriculture in carrying out the provisions of this act and turn the proceeds thereof over to said corporation, which sums shall be considered the operating capital of the corporation. The corporation shall continue to increase said capital from its net earnings until the sum amounts to \$25,000,000, and thereafter all the income from said corporation not necessary for depreciation, management, and other legitimate expenses of said corporation, shall be turned over to the Treasury of the United States.

SEC. 11. The corporation shall supply to the Government of the United States, free of charge, a sufficient amount of power necessary to operate all the locks that are established in any of the dams herein provided for, for navigation purposes.

SEC. 12. The corporation shall at all times furnish power for the operation of nitrate plants Nos. 1 and 2, as the same may be demanded or called for by the Secretary of Agriculture, or any other agency having in charge the operation of said nitrate plants, except as provided herein; and in the reconstruction or modification of either one or both of said nitrate plants the corporation shall likewise supply all power necessary for such construction purposes.

In order to cheapen the cost of fertilizer products as much as possible, it shall be the duty of the Secretary of Agriculture, in the operation of said nitrate plants, to use the most economical grade of power available, and he shall not demand of the Federal power corporation for such purposes more than 100,000 horsepower, of which not more than 25,000 shall be primary power. The price charged for power so supplied shall not exceed the lowest price for similar power at which the same is sold to any other purchaser.

SEC. 13. The board shall make a complete and detailed report of its operations as soon after the close of each calendar year as possible to the Congress, and the Secretary of War shall at least once each year make a complete audit of all the accounts and of all the financial operations of said corporation and shall include in his annual report to Congress a detailed statement thereof.

The principal place of business of said corporation shall be established by the board at or in the vicinity of Muscle Shoals, Ala.

SEC. 14. Upon the passage of this act nitrate plants Nos. 1 and 2, the Waco Quarry in Franklin County, Ala., the steam plant at nitrate plant No. 1, the railroad and the engines, cars, and other personal property necessary for the operation of the same, together with the real estate and residences owned by the United States at nitrate plants Nos. 1 and 2 and at the said Waco Quarry, shall be placed under the control and jurisdiction of the Secretary of Agriculture. The Secretary of Agriculture is hereby authorized to provide for the operation of one or both of said plants, through the Fixed Nitrogen Research Laboratory, or through such other means as he may deem advisable, and he is hereby authorized, if in his judgment better results can be obtained, to enter into a contract or contracts with private persons or corporations for the operation, either in whole or in part, of said nitrate plants, or other property or parts thereof and to likewise, through the instrumentalities aforesaid, provide for experimentation, study, and research in any other manner that he may deem advisable for the cheapening of the manufacture and sale of fertilizer or other products. He is hereby authorized to remodel nitrate plant No. 1 and to use the same in the manufacture of fertilizer or other products and in experimental work designed to cheapen the production of such products. He is also authorized to add to or change nitrate plant No. 2 for the purpose of supplying fertilizer or other ingredients: *Provided, however*, That no change shall be made in nitrate plant

No. 2 that will interfere in any way with its use to its full capacity in the manufacture of explosives to be used for war purposes, unless and until by the experiments above provided for it shall have been ascertained and developed that the manufacture of explosives can be cheapened and improved over the method provided for by the use of nitrate plant No. 2, and until the Secretary of War shall have determined that such new improved method has been installed with sufficient capacity to equal the present capacity of nitrate plant No. 2.

SEC. 15. It is hereby declared to be one of the objects of this act to cheapen as much as possible the cost of fertilizer and fertilizer ingredients and other products helpful to agriculture, and to bring about such objects the Secretary of Agriculture shall have power to manufacture fertilizer ingredients or a completed fertilizer and such other products ready for use, and in order to prevent a monopoly of the fertilizer or other business or an undue or unreasonable enhancement in the price thereof he is authorized to sell such products direct to farmers or to organizations of farmers, or to dealers in, and manufacturers of fertilizer, and to likewise sell to the trade generally fertilizers and any by-products that may be obtained in the manufacture of fertilizer or other products. In the sale of such products to dealers and manufacturers he shall likewise have authority to provide that in the resale by the purchaser of said products to consumers thereof that no more than a reasonable profit shall be exacted.

SEC. 16. In the appointment of officials and the selection of employees under this act by the Secretary of Agriculture or any of his subordinates, such appointments and selections and all promotions shall be made in accordance with the requirements of section 6 of this act, and all of the provisions of said section shall apply with full force and effect to all such appointments, selections, or promotions.

SEC. 17. To enable the Secretary of Agriculture to carry out the provisions of this act with reference to the cheapening and improvement of fertilizer products and other products, and the manufacture of fertilizer, by or under the authority herein given to the Secretary of Agriculture, there is hereby appropriated out of the Treasury of the United States the sum of \$1,500,000, available until expended, and all receipts for the sale of any such fertilizer products or other products shall be covered into the Treasury of the United States as miscellaneous receipts and a full and detailed report of all such operations shall be made annually to Congress.

SEC. 18. All laws relating to embezzlement, conversion, improper handling, redemption, use, or disposal of moneys of the United States shall apply to moneys of the corporation while in the custody of any officer, employee, or agent of the United States or of the corporation.

SEC. 19. All transmission lines constructed by the Federal power corporation, excepting transmission lines connecting the dams herein provided for and other properties of the Government at Muscle Shoals, shall be subject to taxation under the laws of the State wherein located.

SEC. 20. It is hereby declared to be the spirit and intention of Congress in passing this act—

(a) Primarily to provide for the national defense by maintaining ready for immediate use for war purposes nitrate plant No. 2.

(b) To promote agriculture by developing cheap fertilizers and other things of benefit to agriculture to the highest degree.

(c) To assist in the development of electric power by the complete storage and utilization of the waters of our rivers and their tributary streams in conjunction with steam and other sources of fuel to the end that electrical energy may be carried to all citizens.

(d) These objects shall be carried out as nearly as possible without interference with private enterprise.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until tomorrow at 12 o'clock noon.

The motion was agreed to; and (at 2 o'clock and 30 minutes p. m.) the Senate took a recess until tomorrow, Thursday, December 4, 1924, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 3, 1924

APPOINTMENTS IN THE OFFICERS' RESERVE CORPS OF THE ARMY

To be major generals

Charles White Barry, major general, New York National Guard, from September 20, 1924.

Milton Joseph Foreman, major general, Illinois National Guard, from September 20, 1924.

Quincy Adams Gillmore, major general, New Jersey National Guard, from November 10, 1924.

Benson Walker Hough, major general, Ohio National Guard, from September 20, 1924.

John Augustus Hulen, major general, Texas National Guard, from September 20, 1924.

Baird Hockett Markham, major general, Oklahoma National Guard, from September 19, 1924.

Mathew Adrian Thaley, major general, Iowa National Guard, from November 5, 1924.

Robert Henry Tyndall, major general, Indiana National Guard, from October 29, 1924.

To be brigadier generals

Clarence Bretton Blethen, brigadier general, Washington National Guard, from September 24, 1924.

Ellerbe Winn Carter, brigadier general, Kentucky National Guard, from September 18, 1924.

Abel Davis, brigadier general, Illinois National Guard, from September 19, 1924.

William Graham Everson, brigadier general, Indiana National Guard, from September 19, 1924.

Alfred Franklin Foote, brigadier general, Massachusetts National Guard, from November 17, 1924.

Frank David Henderson, brigadier general, Ohio National Guard, from September 20, 1924.

Henry Hutchings, brigadier general, Texas National Guard, from September 19, 1924.

Robert Bruce McCoy, brigadier general, Wisconsin National Guard, from September 19, 1924.

Charles E. McPherron, brigadier general, Oklahoma National Guard, from September 19, 1924.

John Lea McQuigg, brigadier general, Ohio National Guard, from September 19, 1924.

Edward Martin, brigadier general, Pennsylvania National Guard, from September 19, 1924.

Churchill Brown Nehard, brigadier general, Pennsylvania National Guard, from November 7, 1924.

Paul Lincoln Mitchell, brigadier general, Ohio National Guard, from November 18, 1924.

Alva Joseph Niles, brigadier general, Oklahoma National Guard, from September 18, 1924.

Morris Benham Payne, brigadier general, Connecticut National Guard, from September 19, 1924.

Winfield Scott Price, brigadier general, New Jersey National Guard, from October 20, 1924.

George Perry Rains, brigadier general, Texas National Guard, from September 19, 1924.

William August Raupp, brigadier general, Missouri National Guard, from September 18, 1924.

Willie McDaniel Rowan, brigadier general, Kansas National Guard, from September 18, 1924.

Louis Arthur Toombs, brigadier general, Louisiana National Guard, from November 6, 1924.

Robert Jesse Travis, brigadier general, Georgia National Guard, from September 18, 1924.

John Pearson Wood, brigadier general, Pennsylvania National Guard, from September 19, 1924.

To be major general, auxiliary section

George Herbert Harries, from September 16, 1924.

To be brigadier general, medical section

John Miller Turpin Finney, from September 24, 1924.

To be brigadier general, ordnance section

John Tallafarro Thompson, from November 22, 1924.

PROMOTIONS IN THE REGULAR ARMY

MEDICAL CORPS

To be lieutenant colonels

Maj. Howard Houghton Baily, Medical Corps, from July 8, 1924.

Maj. Paul Lamar Freeman, Medical Corps, from July 8, 1924.

VETERINARY CORPS

To be captains

First Lieut. Kenneth Earl Buffin, from June 11, 1924.

First Lieut. Robert Payne McComb, from June 22, 1924.

First Lieut. William Roy Wolfe, from June 23, 1924.

First Lieut. Chauncey Edmund Cook, from June 23, 1924.

To be captains with rank from July 1, 1924

First Lieut. Robert Patrick Kunnecke.

First Lieut. Clifford Eugene Pickering.

First Lieut. Stanley Clifford Smock.

First Lieut. Howard Newell Beeman.

First Lieut. Howard Mayo Savage.
 First Lieut. Burlin Chase Bridges.
 First Lieut. Mott Ramsey.
 First Lieut. Josiah Wistar Worthington.
 First Lieut. Fred Chester Waters.
 First Lieut. Homer Johnson.
 First Lieut. Joseph Fenton Crosby.
 First Lieut. Raymond Irvin Lovell.
 First Lieut. Ralph Brown Stewart.
 First Lieut. George Jacob Rife.
 First Lieut. Maximilian Siereveld, jr.
 First Lieut. Charles Mansur Cowherd.
 First Lieut. John Knox McConeghy.
 First Lieut. Sawyer Adelbert Grover.
 First Lieut. Charles Sears Williams.
 First Lieut. Oness Harry Dixon, jr.
 First Lieut. John Wesley Miner.
 First Lieut. Seth C. Dildine.
 First Lieut. Fred W. Shinn.
 First Lieut. Philip Henry Riedel.
 First Lieut. Irby Rheuel Pollard.
 First Lieut. Frank Benjamin Steinkolk.
 First Lieut. Francois Hue Karl Reynolds.
 First Lieut. Raymond Randall.
 First Lieut. Frank Caldwell Hershberger.

To be captains

First Lieut. Gerald Woodward FitzGerald from July 9, 1924.
 First Lieut. Charles Brenton Dumphy from July 15, 1924.
 First Lieut. Harry Edward Van Tuyl from July 31, 1924.
 First Lieut. Louis Lathrop Shook from August 2, 1924.

To be captains with rank from August 3, 1924

First Lieut. Daniel Henry Mallan.
 First Lieut. Louis Goldman Weisman.
 First Lieut. Everett Cooper Conant.
 First Lieut. James Alexander McCallam.
 First Lieut. Harry John Juzek.
 First Lieut. William Henry Dean.
 First Lieut. Solon B. Renshaw.
 First Lieut. Frank H. Woodruff.
 First Lieut. Will Charles Griffin.
 First Lieut. Lloyd Clifford Ewen.
 First Lieut. Charles Oliver Grace.
 First Lieut. Edward Michael Curley.
 First Lieut. James Russell Sperry.
 First Lieut. Floyd Chauncey Sager.
 First Lieut. Henry Emil Hess.
 First Lieut. Vincent Brown Wright.
 First Lieut. Paul Roberts King.
 First Lieut. Forest Lee Holycross.
 First Lieut. Daniel Sommer Robertson.

To be captains

First Lieut. Earl Floyd Long from August 5, 1924.
 First Lieut. Joseph Hiram Dornblaser from September 16, 1924.
 First Lieut. George Leslie Caldwell from September 18, 1924.
 First Lieut. Jacob Landes Hartman from September 18, 1924.
 First Lieut. John Harold Kintner from September 18, 1924.
 First Lieut. Arthur Dunlap Martin from September 18, 1924.
 First Lieut. Samuel George Kleismeyer from September 21, 1924.
 First Lieut. Peter Thomas Carpenter from September 22, 1924.

MEDICAL ADMINISTRATIVE CORPS

To be first lieutenants

Second Lieut. Stanley Alling Clark from June 24, 1924.
 Second Lieut. Francis Moore from July 24, 1924.
 Second Lieut. Max Verne Talbot from August 24, 1924.
 Second Lieut. Alexander Joseph Doray from October 13, 1924.
 Second Lieut. Harvey Israel Rice from October 19, 1924.

CHAPLAINS

To be chaplains with the rank of captain

Chaplain Joseph Gail Garrison, from June 17, 1924.
 Chaplain Faye Arnold Moon, from July 14, 1924.
 Chaplain Ivan Loveridge Bennett, from July 29, 1924.
 Chaplain Monroe Starkey Caver, from August 1, 1924.
 Chaplain John Knox Bodell, from August 13, 1924.
 Chaplain William Roy Bradley, from August 24, 1924.
 Chaplain James Lloyd McBride, from August 26, 1924.
 Chaplain Thomas Lawrence McKenna, from August 27, 1924.
 Chaplain Mylon Dickinson Merchant, from September 1, 1924.
 Chaplain Maurice William Reynolds, from September 8, 1924.

Chaplain Henry Russell Westcott, jr., from September 27, 1924.

Chaplain Albert Floyd Vaughan, from October 2, 1924.

Chaplain Edgar Nathaniel Thorn, from October 3, 1924.

Chaplain Jodie Gibson Stewart, from October 7, 1924.

Chaplain Gynther Storaasli, from October 11, 1924.

Chaplain Commodore Robert Watkins, from October 20, 1924.

Chaplain Ivan Gochnauer Martin, from November 6, 1924.

CADET APPOINTMENTS IN THE REGULAR ARMY

To be second lieutenants with rank from June 12, 1924

CORPS OF ENGINEERS

Cadet Wallace Howard Hastings.
 Cadet Emerson Leroy Cummings.
 Cadet Fisher Shinholt Blinn.
 Cadet Donald Charles Hill.
 Cadet Reginald Langworthy Dean.
 Cadet Merrow Egerton Sorley.
 Cadet Philip Robison Garges.
 Cadet John Ludden Monseau Des Islets.
 Cadet Gerald Joseph Sullivan.
 Cadet Arthur Gilbert Trudeau.
 Cadet Emerson Charles Itschner.
 Cadet Howard Ker.
 Cadet Herbert Davis Vogel.
 Cadet Fremont Swift Thompson.
 Cadet Emil John Peterson.
 Cadet Gordon Edmund Textor.
 Cadet Clinton Frederick Robinson.
 Cadet Frederic Allison Henney.
 Cadet Leonard Lawrence Bingham.

SIGNAL CORPS

Cadet John Henry Brewer.
 Cadet Victor Allen Conrad.
 Cadet Francis Elmer Kidwell.
 Cadet Cary Judson King, jr.
 Cadet Jesse Bernard Wells.
 Cadet John Sewell Thompson.
 Cadet James Stewart Willis.
 Cadet Czar James Dyer.
 Cadet Lawrence Wendall Adams.
 Cadet Merton Goodfellow Wallington.
 Cadet Emil Lenzner.

CAVALRY

Cadet John Held Riepe.
 Cadet Wendell Blanchard.
 Cadet Charles George Meehan.
 Cadet Harry Jordan Theis.
 Cadet Lawrence Russell Dewey.
 Cadet William Armstrong Bugher.
 Cadet Wilbur Kincaid Noel.
 Cadet Andrew Allison Frierson.
 Cadet Carl William Albert Raguse.
 Cadet Henry Sterling Jernigan.
 Cadet Frank Jay Thompson.
 Cadet Augustine Davis Dugan.
 Cadet Clarence William Bennett.
 Cadet Gordon Byrom Rogers.
 Cadet George Curnow Claussen.
 Cadet Murray Bradshaw Crandall.
 Cadet William Joseph Reardon.
 Cadet George William Busbey.
 Cadet William Louis Howarth.
 Cadet Cary Brown Hutchinson.
 Cadet Clarence Keith Darling.
 Cadet Joe L. Loutzenheiser.
 Cadet Zachery Winfield Moores.
 Cadet William Bellemere Wren.
 Cadet Peter Conover Hains, 3d.
 Cadet Harry Taylor Cavanaugh.
 Cadet Bernard Warren Justice.
 Cadet Frank Glover Trew.
 Cadet Walter Louis Weinaug.
 Cadet John Harry Stadler, jr.
 Cadet Laurence Knight Ladue.

FIELD ARTILLERY

Cadet George Dakin Crosby.
 Cadet Ernest Orrin Lee.
 Cadet Charles Day Palmer.
 Cadet Samuel Vance Krauthoff.
 Cadet George Arthur Duerr.
 Cadet Raymond Thomas Beurket.
 Cadet John Franklin Williams.
 Cadet Amel Thomas Leonard.

Cadet Harry Van Wyk.
 Cadet Glenn Bruce McConnell.
 Cadet Raymond Hendley Coombs.
 Cadet Wellington Alexander Samouce.
 Cadet William Hubbard Barksdale, jr.
 Cadet Robert Clement Lawes.
 Cadet Oren Wilcox Rynearson.
 Cadet James Thomas Loomie.
 Cadet Leslie Seekell Fletcher.
 Cadet Thomas Edwin Binford.
 Cadet Marcus Butler Stokes, jr.
 Cadet Francis Mariou Day.
 Cadet Bernard Francis Luebbermann.
 Cadet James Angus Watson, jr.
 Cadet Russell Layton Mabie.
 Cadet William John Eyerly.
 Cadet George Dunbar Pence.
 Cadet Lester Joseph Tacy.
 Cadet Charles Lanier Dasher, jr.
 Cadet Perry William Brown.
 Cadet Lindsay Patterson Caywood.
 Cadet Vonna Fernleigh Burger.
 Cadet Charles Dwelle Daniel.
 Cadet James Alexander Drvidson, jr.
 Cadet John Gilbert Moore.
 Cadet Edward Lynn Andrews.
 Cadet James Grafton Anding.
 Cadet Joseph Rogers Burrill.
 Cadet Francis Anthony Kreidel.
 Cadet Nathaniel Clay Cureton, jr.
 Cadet Howard Everett Kessinger.
 Cadet Walter Armin Linn.
 Cadet Walton Gracey Procter.
 Cadet Eleazar Parmly, 3d.
 Cadet Edward Orlando McConahay.
 Cadet William Joseph Cleary.
 Cadet Oliver Malcolm Barton.
 Cadet Bjarne Furuholmen.
 Cadet Charles Pelot Summerall, jr.
 Cadet Thomas George McCulloch.
 Cadet Frederick Cruger Pyne.
 Cadet Louis Chadwick Friedersdorff.
 Cadet Walter Domenick Marinelli.
 Cadet Daniel Francis Healy, jr.
 Cadet George Hinkle Steel.
 Cadet John Philip Maher, jr.
 Cadet Frank Smith Kirkpatrick.
 Cadet George Walter Vaughn.
 Cadet Thomas Jefferson Holmes, jr.
 Cadet William Harry Bertsch, jr.
 Cadet William Reineman Forbes.
 Cadet Gerald Jay Reid.
 Cadet James William Clyburn.
 Cadet Roy Deck Reynolds.
 Cadet David Griffith Erskine.
 Cadet Albert Newton Stubblebine, jr.
 Cadet Robert Charles Cameron.
 Cadet William Leo Coughlin.
 Cadet William Thaddeus Sexton.
 Cadet Robert Augustus Ellsworth.
 Cadet George Edmund Wrockloff, jr.
 Cadet Carroll Rigs Griffin.
 Cadet Charles Edward Hart.
 Cadet Kenneth Negley Decker.
 Cadet Thomas Allen Jennings.
 Cadet Joseph Massaro.
 Cadet James Barry Kraft.
 Cadet Howard Jehn John.
 Cadet Charles Loomis Booth.

COAST ARTILLERY CORPS

Cadet Robert Vernon Lee.
 Cadet Benjamin Schultz Mesick, jr.
 Cadet Frank Lawrence Lazarus.
 Cadet Everett Chalmers Wallace.
 Cadet Venum Charles Stevens.
 Cadet Floyd Allen Mitchell.
 Cadet Joseph Peter Shumate.
 Cadet Robert Lee Miller.
 Cadet John Ismert Hincke.
 Cadet Elmer Ernest Count, jr.
 Cadet Robert Ward Berry.
 Cadet Harold Peabody Tasker.
 Cadet Claude Earl Moore.
 Cadet Grayson Schmidt.
 Cadet Leslie Earl Simon.

Cadet Ralph Irvin Glasgow.
 Cadet James William Alexander McNary.
 Cadet Harold Phineas Gard.
 Cadet William Lloyd Richardson.
 Cadet Ovid Thomason Forman.
 Cadet George Wesley Palmer.
 Cadet Clark Cornelius Witman.
 Cadet Ernest August Merkle.
 Cadet Herbert Theodore Benz.
 Cadet Clarence Everett Rothgeb.
 Cadet George Bernard Finnegan, jr.
 Cadet Peter Wesley Shunk.
 Cadet Emil Pasoli, jr.
 Cadet Sanford Joseph Goodman.
 Cadet Gerald Goodwin Gibbs.
 Cadet Frank Satchwell Lyndall, jr.
 Cadet John Clair Smith.
 Cadet George Edmund Young.
 Cadet Albert Delmar Miller.
 Cadet James Edward McGraw.
 Cadet Darwin Denison Martin.
 Cadet George Avery Tucker.
 Cadet Clarence Sterling Raymond.
 Cadet John Alfred McComsey.
 Cadet Maxwell Wood Tracy.
 Cadet William Lewis Johnson.
 Cadet William Henry Kendall.

INFANTRY

Cadet Otis McCormick.
 Cadet Thomas Du Val Roberts.
 Cadet David Jerome Ellinger.
 Cadet Francis John Clark.
 Cadet Heyward Bradford Roberts.
 Cadet Bruce Woodward Bidwell.
 Cadet William Howard Arnold.
 Cadet Charles Trueman Lanham.
 Cadet Richard Warburton Stephens.
 Cadet John Henry Haile, jr.
 Cadet Richard Longworth Baughman.
 Cadet Edwin Henry Harrison.
 Cadet Cecil Ernest Henry.
 Cadet Craig Alderman.
 Cadet Charles Raeburne Landon.
 Cadet George Arthur Hadsell, jr.
 Cadet Earl Mattice.
 Cadet Charles Goldsmith Stevenson, jr.
 Cadet William Herbert Schaefer.
 Cadet Ewing Hill France.
 Cadet Edward Fearon Booth.
 Cadet William Hill Lamberton.
 Cadet Haydon Lemaire Boatner.
 Cadet David Marcus.
 Cadet James Edward Moore.
 Cadet Silas Woodson Hosea.
 Cadet Ellis Spurgeon Hopewell.
 Cadet Harold James Keeley.
 Cadet Richard Emmel Nugent.
 Cadet Walter Allen Buck.
 Cadet Cleland Charles Sibley.
 Cadet George Morgan Kernan.
 Cadet Francis Edwin Gillette.
 Cadet Albert Kellogg Stebbins, jr.
 Cadet Richard Givens Prather.
 Cadet Douglas Byron Smith.
 Cadet Robert Edward Cullen.
 Cadet Samuel Glenn Conley.
 Cadet Stephen Wilson Ackerman.
 Cadet Lewis Spencer Kirkpatrick.
 Cadet Charles Hunter Coates.
 Cadet Otto Lauren Nelson, jr.
 Cadet John Curtis LaFayette Adams.
 Cadet Robert Wells Harper.
 Cadet Augustus Jerome Regnier.
 Cadet Willard Koehler Liebel.
 Cadet John Archer Stewart.
 Cadet Lewis Curtis Barks.
 Cadet George Alvin Millener.
 Cadet Robert Harvey Thompson, jr.
 Cadet Russell Andrew Baker.
 Cadet Paul Cooper.
 Cadet Lee William Gilford.
 Cadet Ralph Pulsifer.
 Cadet Logan Carroll Berry.
 Cadet Onto Price Bragan.

Cadet Gilbert Francis Baillie.
 Cadet Robert Joseph McBride.
 Cadet Charles Ward Van Way, jr.
 Cadet Harry Dillon McHugh.
 Cadet Armistead Davis Mead, jr.
 Cadet Charles Harold Royce.
 Cadet George Patrick O'Neill.
 Cadet Oswaldo de la Rosa.
 Cadet Henry Coates Burgess.
 Cadet James Edgar Macklin, 2d.
 Cadet Armand Joseph Salmon.
 Cadet Frederick Raymond Keeler.
 Cadet Edward Amedee Chazal.
 Cadet Reed Graves.
 Cadet Mark Edward Smith, jr.
 Cadet John Gillespie Hill.
 Cadet Wolcott Kent Dudley.
 Cadet Andrew Suter Gamble.
 Cadet Earl Lynwood Scott.
 Cadet Andrew Paul Foster, jr.
 Cadet John Jacob Outcalt.
 Cadet Melvin Eugene Melster.
 Cadet Hobart Amory Murphy.
 Cadet William Henry Maglin.
 Cadet Camille Henry Duval.
 Cadet William Samuel Triplet.
 Cadet George Winifred Smythe.
 Cadet Jesse Thomas Traywick, jr.
 Cadet Leslie Ellis Griffith.
 Cadet Philip McCaffrey Kernan.
 Cadet Howard Alexander Malin.
 Cadet James Earl Purcell.
 Cadet John Archer Elmore, jr.
 Cadet John Wesley Ramsey, jr.
 Cadet Francis John Graling, jr.
 Cadet Nye Kirwan Elward.
 Cadet James Pierce Hulley.
 Cadet Samuel Wayne Smithers.
 Cadet Kenneth Rector Bailey.
 Cadet Lucien Francis Wells, jr.
 Cadet Richard Tonkin Mitchell.
 Cadet Samuel Henry Fisher.
 Cadet Dennis Milton Moore.
 Cadet Charles Roger Bonnett.
 Cadet Val Evans.
 Cadet Clark Horace Bailey.
 Cadet Victor Emmanuel Phasey.
 Cadet Clyde Davis Eddleman.
 Cadet Russell Leonard Moses.
 Cadet Sarratt Thaddeus Hames.
 Cadet Virgil Rasmuss Miller.
 Cadet James Somers Stowell.
 Cadet Bertel Eric Kuniholm.
 Cadet Michael Henry Cleary.
 Cadet Robert Cantrill Polsgrove.
 Cadet George Edwin Penton.
 Cadet Reeve Douglas Keller.
 Cadet George Emmert Elliott.
 Cadet William Wallace Cornog, jr.
 Cadet Demas Thurlow Craw.
 Cadet Henry Isaac Kiel.
 Cadet Daniel Harrison Hundley.
 Cadet William Walrath Lloyd.
 Cadet Jacob Robert Moon.
 Cadet Thomas Harrison Allen.
 Cadet Raymond Rodney Robins.
 Cadet Ralph Parker Eaton.
 Cadet Henry Dahmke.
 Cadet Clement Hypolite Dabezies.
 Cadet George Harvey Doane.
 Cadet Walter Dewey Gillespie.
 Cadet Robert Carlyle Andrews.
 Cadet Herbert Frank McGuire Matthews.
 Cadet Buford Alexander Lynch, jr.
 Cadet William James Brunner.
 Cadet Albert John Dombrowsky.
 Cadet Jean Dorbant Scott.
 Cadet Robert Walter Stika.
 Cadet Ovid Oscar Wilson.
 Cadet Martin Frank Hass.
 Cadet Edward John Hirz.
 Cadet Clarence William Hooper.
 AIR SERVICE
 Cadet Albert Fox Glenn.
 Cadet Earle Everard Partridge.

Cadet Fred Arley Ingalls.
 Cadet Herbert Theodore Schaefer.
 Cadet Robin Bernard Pape.
 Cadet Clyde Massey.
 Cadet Robert Lyle Brookings.
 Cadet Eugene Barber Ely.
 Cadet George Anthony Bicher.
 Cadet Leo Douglas Vichales.
 Cadet Vzal Girard Ent.
 Cadet North Harper.
 Cadet Donald Dean Rule.
 Cadet James Frederick Howell, jr.
 Cadet John Phillips Kirkendall.
 Cadet Joseph Aloysius Kietly.
 Cadet Robert Roy Selway, jr.
 Cadet Leslie Alfred Skinner.
 Cadet James Edwards Poore, jr.
 Cadet Washington Mackey Ives, jr.
 Cadet John Jacob Williams.
 Cadet Luther Stevens Smith.
 Cadet Warfield Richardson Wood.
 Cadet Howard McMath Turner.
 Cadet Leonard Henry Rodleck.
 Cadet Alexander George Greig.
 Cadet John Lyman Hitchings.
 Cadet Kenneth Crawford Strother.
 Cadet Edward Higgins White.
 Cadet James Hewins, jr.
 Cadet Denis James Mulligan.
 Cadet Paul Albert Pickhardt.
 Cadet William Olmstead Eareckson.
 Cadet Francis Robert Stevens.
 Cadet Richard Weigand Gibson.
 Cadet George Almond Ford.
 Cadet Felix Marcinski.
 Cadet Rupert Davidson Graves.
 Cadet John Reynolds Hawkins.
 Cadet Ralph Emanuel Fisher.
 Cadet John Harold Claybrook, jr.
 Cadet Francis William Johnson.
 Cadet Ralph Arthur Koch.
 Cadet George Edward Lightcap, jr.
 Cadet George James Smith.
 Cadet John O'Day Murtaugh.
 Cadet Arthur LeRoy Bump, jr.
 Cadet William John Renn, jr.
 Cadet Irving Ballard Greene.
 Cadet Harold Currie King.
 Cadet Richard Gernant Herbine.
 Cadet Ralph Houston Lawter.
 Cadet Noah Mathew Brinson.
 Cadet Leighton Marion Clark.
 Cadet Cornelius Walter Cousland.

APPOINTMENTS IN THE BRANCHES OF THE REGULAR ARMY

To be second lieutenants with rank from June 14, 1924

Corpl. William Frederick Kellotat, Infantry.
 Staff Sergt. James Goodrich Megirt, Quartermaster Corps.
 Corpl. Floyd Fausett, Coast Artillery Corps.
 Staff Sergt. William Ewing Baker, Infantry.
 Staff Sergt. Raleigh Raymond Hendrix, Coast Artillery Corps.
 Staff Sergt. Duane Grant Warner, Air Service.

To be second lieutenants with rank from June 15, 1924

Howard Donald Criswell, Infantry.
 Edwin Harvey Auerbach, Ordnance Department.
 Robert Douglas McLeod, jr., Chemical Warfare Service.
 Glenn Newman, Coast Artillery Corps.
 William George Devens, Coast Artillery Corps.
 Charles Edward Shepherd, Coast Artillery Corps.
 Walker Wesley Holler, Coast Artillery Corps.
 Leon Clinton Hull, Coast Artillery Corps.
 Daniel Jerome Martin, Infantry.
 Malin Craig, jr., Field Artillery.
 Forrest James French, Coast Artillery Corps.
 Joseph Howard Gibbons, jr., Coast Artillery Corps.
 William Francis Bullis, Signal Corps.
 Henry Frederick Garcia, Field Artillery.
 Samuel Howard Morrow, Coast Artillery Corps.
 Norman Blakesley Simmonds, Coast Artillery Corps.
 Vern Walbridge, Coast Artillery Corps.
 Winfield Wayne Scott, Field Artillery.
 Sylvan Berliner, Coast Artillery Corps.
 Joris Bliss Rasbach, Field Artillery.
 John Berrington Stackhouse, Infantry.
 Herman Lester Darnstaedt, Infantry.

Leonard Marlon Johnson, Field Artillery.
 Henry Kipp Vreeland, Field Artillery.
 John England Catlin, Infantry.
 Chester Archibald Rowland, Corps of Engineers.
 John Sterling Taylor, jr., Infantry.
 Ernest Gaskins, Infantry.
 Louis Bernard Rutte, Infantry.
 Harold Jefferson Johnson, Air Service.
 Nunez Christian Pilet, Infantry.
 Arthur Willink, Ordnance Department.
 Stephen Smith Hamilton, Infantry.
 Farris Newton Latimer, Infantry.
 Carl Joseph Crane, Air Service.
 John Douglas Salmon, Infantry.
 James Penrifoy Hill, Infantry.
 William Arthur Cole, Infantry.
 Bryan Maxwell Jacobs, Air Service.
 Raymond Dishmann Palmer, Cavalry.
 Murray Eberhart McGowan, Infantry.
 George Francis Seyle, Infantry.
 Harrison Wells Davison, Cavalry.
 Thomas Clagett Wood, jr., Infantry.
 George Henry Decker, Infantry.
 Conrad Lewis Boyle, Cavalry.
 Edward Joseph O'Neill, Infantry.
 Robert Reinhold Martin, Infantry.
 John Perry Willey, Cavalry.
 John Vogler Tower, Infantry.
 Harry Donald Eckert, Cavalry.
 George Edward Isaacs, Infantry.
 Harold Francis Chrisman, Infantry.
 Henry Landon McCord, Infantry.
 George Cooper Reinhardt, Corps of Engineers.
 William Crowell Saffarans, Infantry.
 William Joseph Bradley, Cavalry.
 Clark Louis Ruffner, Cavalry.
 Ridgely Gaither, jr., Infantry.
 John Randolph Armstrong, Air Service.
 Earl William Aldrup, Quartermaster Corps.
 Conrad Gordon Follansbee, Field Artillery.
 John Henry Sampson, jr., Field Artillery.
 George August Zeller, Ordnance Department.
 August Edward Schanze, Infantry.
 Howard Eugene Engler, Cavalry.
 Thomas Adams Doxey, jr., Field Artillery.
 John Mason Reynolds, Infantry.
 William Donald Old, Air Service.
 Grovener Cecil Charles, Infantry.
 Andral Bratton, Field Artillery.
 Harold Mills Manderbach, Field Artillery.
 Lawrence Clifton Elliott, Air Service.
 Harry William Coon, Air Service.
 James Regan, jr., Field Artillery.
 George Laurence Holsinger, Field Artillery.
 Harold Witte Uhrbrock, Infantry.
 Elmer Theodore Lundquist, Air Service.
 Raymond Charles Lane, Infantry.
 David Marshall Ramsay, Air Service.
 Sheldon Perkins McNickle, Infantry.
 Will Knox Stennis, Field Artillery.
 Everette Favor Arnold, Infantry.
 Harold George Peterson, Air Service.
 George Francis Schulgen, Air Service.
 Otto Paul Weyland, Air Service.
 Reginald Roan Gillespie, Air Service.
 Kirtley Jameson Gregg, Air Service.
 George Aldridge Whatley, Air Service.
 Frank Riley Loyd, Air Service.
 Harry William Miller, Air Service.
 Sheldon Brightwell Edwards, Air Service.
 Clarence Steven Thorpe, Air Service.
 Paul Ready Greenhalgh, Air Service.
 Howard Hunt Couch, Air Service.
 Wilfred Joseph Paul, Air Service.
 Glenn L. Davasher, Air Service.
 Charles Stowe Stodter, Signal Corps.

PROMOTIONS IN THE PHILIPPINE SCOUTS

To be first lieutenants

Second Lieut. Edward Freeman from September 25, 1924.
 Second Lieut. James William Smith from October 4, 1924.

To be second lieutenant with rank from June 12, 1924
 Cadet Ricardo Poblete.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

THE ADJUTANT GENERAL'S DEPARTMENT

Maj. Robert Lawrence Eichelberger, Infantry, July 14, 1924, with rank from July 1, 1920.

Capt. Joseph Nicholas Dalton, Infantry, November 11, 1924, with rank from October 4, 1917.

Capt. Kenneth Burman Bush, Infantry, November 15, 1924, with rank from July 1, 1920.

JUDGE ADVOCATE GENERAL'S DEPARTMENT

Capt. Adam Richmond, Infantry, September 29, 1924, with rank from July 1, 1920.

FINANCE DEPARTMENT

Lieut. Col. William Jones Kendrick, Cavalry (detailed in Finance Department), September 24, 1924, with rank from July 1, 1920.

Maj. Cherubusco Newton, jr., Coast Artillery Corps (detailed in Finance Department), July 24, 1924, with rank from July 1, 1920.

Maj. Edward Dworak, Infantry (detailed in Finance Department), September 6, 1924, with rank from September 28, 1921.

CORPS OF ENGINEERS

Second Lieut. Theodore Morrison Clarence Osborne, Coast Artillery Corps, June 11, 1924, with rank from June 12, 1923.

Second Lieut. Ralph Arnold Tudor, Coast Artillery Corps, June 11, 1924, with rank from June 12, 1923.

Second Lieut. Hebert Davidson, Field Artillery, June 25, 1924, with rank from June 12, 1923.

ORDNANCE DEPARTMENT

Capt. Edward Aloysius Murphy, Coast Artillery Corps (detailed in Ordnance Department), July 14, 1924, with rank from June 19, 1919.

Capt. Leo Joseph Dillon, Quartermaster Corps, August 9, 1924, with rank from July 1, 1920.

First Lieut. Grosvenor Liebenan Wotkyns, Infantry (detailed in Ordnance Department), November 5, 1924, with rank as prescribed by the act of June 30, 1922.

First Lieut. Galen Magnus Taylor, Coast Artillery Corps, June 21, 1924, with rank from April 13, 1924.

Second Lieut. Myron Leedy, Coast Artillery Corps, June 21, 1924, with rank from June 13, 1922.

SIGNAL CORPS

Maj. Joseph James Grace, Finance Department, September 24, 1924, with rank from July 1, 1920.

Maj. Laurence Watts, Coast Artillery Corps, October 27, 1924, with rank from July 1, 1920.

Capt. Lester Joslyn Harris, Infantry (detailed in Signal Corps), June 16, 1924, with rank from May 4, 1924.

Second Lieut. Benjamin Stern, Air Service, September 4, 1924, with rank from June 12, 1923.

CHEMICAL WARFARE SERVICE

Maj. Maurice Benjamin Willett, Coast Artillery Corps, September 8, 1924, with rank from July 1, 1920.

Capt. Maurice Eugene Barker, Coast Artillery Corps, June 27, 1924, with rank from July 1, 1920.

First Lieut. Norman Drysdale Gillet, Infantry, August 8, 1924, with rank from July 1, 1920.

FIELD ARTILLERY

Col. Joseph Sutherland Herron, Cavalry, October 18, 1924, with rank from July 1, 1920.

Maj. Arthur Dryhurst Budd, Infantry, November 26, 1924, with rank from July 1, 1920.

Capt. Claude Alfred White, Infantry, October 8, 1924, with rank from July 1, 1920.

Capt. David Loring, jr., Infantry, August 8, 1924, with rank from July 1, 1920.

Capt. Garth Bly Haddock, Air Service, July 21, 1924, with rank from July 1, 1920.

First Lieut. Mark Milton Potter, Infantry, July 24, 1924, with rank from October 6, 1919.

First Lieut. Auston Monroe Wilson, jr., Coast Artillery Corps, November 4, 1924, with rank from January 17, 1923.

Second Lieut. Charles Aloysius Hennessey, Air Service, October 8, 1924, with rank from June 12, 1923.

Second Lieut. George Phillips Privett, Coast Artillery Corps, July 21, 1924, with rank from July 3, 1923.

Second Lieut. Stephen Stanley Koszewski, Air Service (appointed second lieutenant of Air Service during the recess of the Senate), November 26, 1924, with rank from June 12, 1924.

Second Lieut. Peter Sather, jr., Air Service (appointed second lieutenant of Air Service during the recess of the Senate), October 25, 1924, with rank from June 12, 1924.

Second Lieut. Frank Faron Carpenter, jr., Air Service (appointed second lieutenant of Air Service during the recess of the Senate), November 20, 1924, with rank from June 12, 1924.

COAST ARTILLERY CORPS

Capt. Adolphe St. Armand Fairbanks, Corps of Engineers, July 14, 1924, with rank from April 19, 1923.

First Lieut. John Sanderson Crawford, Infantry, November 11, 1924, with rank from July 1, 1920.

Second Lieut. Charles Wesley Gettys, Air Service, June 25, 1924, with rank from June 12, 1923.

Second Lieut. Morris Kelly Voedisch, Air Service, June 25, 1924, with rank from June 12, 1923.

Second Lieut. Guy Haines Stubbs, Air Service, August 15, 1924, with rank from June 12, 1923.

Second Lieut. Ben Early Cordell, Air Service, August 16, 1924, with rank from July 3, 1923.

INFANTRY

Col. Russell Creamer Langdon, Adjutant General's Department, November 28, 1924, with rank from July 1, 1920.

Capt. Norman Daniel Cota, Finance Department, September 1, 1924, with rank from September 1, 1919.

Second Lieut. Richard Garner Thomas, jr., Air Service (appointed second lieutenant of Air Service during the recess of the Senate), September 11, 1924, with rank from June 12, 1924.

AIR SERVICE

Capt. Willis Henry Hale, Infantry (detailed in Air Service), November 13, 1924, with rank from November 5, 1917.

APPOINTMENTS IN THE REGULAR ARMY

MEDICAL CORPS

To be first lieutenants

First Lieut. Leon Lloyd Gardner, Medical Officers' Reserve Corps, with rank from August 7, 1924.

Capt. Henry Fremont Lucking, Medical Officers' Reserve Corps, with rank from August 30, 1924.

First Lieut. Prentice Lauri Moore, Medical Officers' Reserve Corps, with rank from August 30, 1924.

First Lieut. John Marshall Gaines, Medical Officers' Reserve Corps, with rank from August 30, 1924.

First Lieut. William Charles Furr, Medical Officers' Reserve Corps, with rank from November 10, 1924.

Capt. Ray Hamilton Skaggs, Medical Officers' Reserve Corps, with rank from November 10, 1924.

VETERINARY CORPS

To be second lieutenants

Second Lieut. Herbert Morris Cox, Veterinary Officers' Reserve Corps, with rank from August 27, 1924.

Second Lieut. Laurence Robert Bower, Veterinary Officers' Reserve Corps, with rank from August 29, 1924.

CHAPLAIN

To be chaplain with the rank of first lieutenant

Rev. John Harold McCann, of Massachusetts, with rank from September 20, 1924.

POSTMASTERS

ALABAMA

Evelyn E. Morgan to be postmaster at Uniontown, Ala., in place of S. D. Buck, removed.

Minnie V. Compton to be postmaster at Pine Apple, Ala., in place of J. R. Melton, removed.

Robert H. Meacham to be postmaster at Castleberry, Ala., in place of A. B. Kennedy, removed.

Joseph S. Mathis to be postmaster at Atmore, Ala., in place of A. J. Bowab, resigned.

John H. Lynn to be postmaster at Summerdale, Ala. Office became presidential October 1, 1924.

Albert R. Boroughs to be postmaster at Perdue Hill, Ala. Office became presidential October 1, 1924.

Jesse D. Newton to be postmaster at Odenville, Ala. Office became presidential October 1, 1924.

Luannie C. Law to be postmaster at New Brockton, Ala. Office became presidential October 1, 1923.

Sister M. Loreta to be postmaster at Holy Trinity, Ala. Office became presidential October 1, 1924.

Eugene B. Hanby to be postmaster at Coal Valley, Ala. Office became presidential April 1, 1924.

Marzette H. Bell to be postmaster at Calhoun, Ala. Office became presidential April 1, 1924.

James McDonald to be postmaster at Winfield, Ala., in place of R. F. Wheeler. Incumbent's commission expired February 11, 1924.

Allie Wilson to be postmaster at Stevenson, Ala., in place of J. M. Graham. Incumbent's commission expired June 5, 1924.

Henry C. Warren to be postmaster at Rogersville, Ala., in place of W. B. Reeder. Incumbent's commission expired February 11, 1924.

Madison D. Majors to be postmaster at Georgiana, Ala., in place of S. D. Fulford. Incumbent's commission expired July 28, 1923.

James W. Snipes to be postmaster at Florala, Ala., in place of J. W. Snipes. Incumbent's commission expired June 4, 1924.

Perry W. Caraway to be postmaster at Fayette, Ala., in place of T. L. Lindsey. Incumbent's commission expired May 28, 1924.

Edward B. Beason to be postmaster at Demopolis, Ala., in place of L. K. Simmons. Incumbent's commission expired April 28, 1924.

John T. Haertel to be postmaster at Citronelle, Ala., in place of J. F. Manley. Incumbent's commission expired June 4, 1924.

Frances A. King to be postmaster at Childersburg, Ala., in place of Sophie Harris. Incumbent's commission expired June 4, 1924.

Thalia F. Pratt to be postmaster at Carrollton, Ala., in place of J. F. Hodge. Incumbent's commission expired June 4, 1924.

John G. Bass to be postmaster at Birmingham, Ala., in place of R. B. Smyer. Incumbent's commission expired February 4, 1924.

ALASKA

Mark A. Winkler to be postmaster at Nome, Alaska, in place of John Hegness, resigned.

ARIZONA

Lucinda White to be postmaster at Dos Cabezas, Ariz. Office became presidential July 1, 1924.

Charles C. Stemmer to be postmaster at Cottonwood, Ariz. Office became presidential October 1, 1924.

ARKANSAS

Estell Baynham to be postmaster at Success, Ark. Office became presidential July 1, 1924.

Pearl Knod to be postmaster at Gillham, Ark. Office became presidential July 1, 1924.

CALIFORNIA

Charles J. Funk to be postmaster at Redondo Beach, Calif., in place of E. J. Murphy, resigned.

Carolyn M. Kell to be postmaster at Niles, Calif., in place of J. B. Barnard, deceased.

Frank B. Clark to be postmaster at Mount Lowe, Calif., in place of H. D. Priest, resigned.

Josephine C. McCabe to be postmaster at Imola, Calif., in place of J. K. Harries, resigned.

Charles W. Conrad to be postmaster at Huntington Beach, Calif., in place of E. G. Conrad, resigned.

Wallace B. Sawyer to be postmaster at Galt, Calif., in place of W. T. Botzbach, removed.

Leigh M. Rothenburg to be postmaster at Burbank, Calif., in place of W. P. Coffman, resigned.

Ruth A. Hamilton to be postmaster at San Ysidro, Calif. Office became presidential April 1, 1924.

John W. S'Renco to be postmaster at Santa Fe Springs, Calif. Office became presidential October 1, 1923.

Jay K. Battin to be postmaster at La Jota, Calif. Office became presidential July 1, 1924.

Clement J. McDonald to be postmaster at Firebaugh, Calif. Office became presidential October 1, 1924.

Irene Pierce to be postmaster at Burnett, Calif. Office became presidential October 1, 1924.

Ora A. Woods to be postmaster at Winters, Calif., in place of O. A. Woods. Incumbent's commission expired June 4, 1924.

William J. Martin to be postmaster at Salinas, Calif., in place of W. J. Martin. Incumbent's commission expired May 10, 1924.

Harvey P. Rogers to be postmaster at Quincy, Calif., in place of H. P. Rogers. Incumbent's commission expired August 29, 1923.

Edna M. Sheridan to be postmaster at Monte Rio, Calif., in place of E. M. Sheridan. Incumbent's commission expired June 4, 1924.

John E. Nolan to be postmaster at Junesstown, Calif., in place of J. E. Nolan. Incumbent's commission expired June 4, 1924.

Charles F. Evers to be postmaster at Fortuna, Calif., in place of C. F. Evers. Incumbent's commission expired June 4, 1924.
William W. Ware to be postmaster at Fort Bragg, Calif., in place of W. W. Ware. Incumbent's commission expired August 15, 1923.

Charles M. Grist to be postmaster at Covelo, Calif., in place of C. M. Grist. Incumbent's commission expired February 11, 1924.

Joseph C. Beard to be postmaster at Burlingame, Calif., in place of J. C. Beard. Incumbent's commission expired June 4, 1924.

COLORADO

Dwight K. Foster to be postmaster at Paonia, Colo., in place of E. E. Hufty. Incumbent's commission expired May 21, 1924.

CONNECTICUT

William J. Beecher to be postmaster at Brookfield, Conn. Office became presidential October 1, 1924.

Robert DeF. Bristol to be postmaster at Guilford, Conn., in place of E. B. Sullivan. Incumbent's commission expired June 5, 1924.

Frank S. Merrill to be postmaster at Bristol, Conn., in place of W. A. Hayes. Incumbent's commission expired June 5, 1924.

George W. Fairgrieve to be postmaster at Bantam, Conn., in place of G. W. Fairgrieve. Incumbent's commission expired June 5, 1924.

HAWAII

Arthur V. Lloyd to be postmaster at Lahaina, Hawaii, in place of A. V. Lloyd. Incumbent's commission expired February 14, 1924.

IDAHO

Albert T. Moulton to be postmaster at Victor, Idaho, in place of M. H. Brinton, resigned.

Flossie G. Hill to be postmaster at Gooding, Idaho, in place of H. D. Cheney, resigned.

William R. Ogle to be postmaster at Glenns Ferry, Idaho, in place of C. O. Dice, resigned.

Marie E. Roos to be postmaster at Welppe, Idaho. Office became presidential April 1, 1924.

Leonard B. Wehr to be postmaster at Star, Idaho. Office became presidential July 1, 1924.

Arthur N. MacQuivey to be postmaster at Wendell, Idaho, in place of C. A. Miller. Incumbent's commission expired February 4, 1924.

ILLINOIS

Rex C. Bliss to be postmaster at La Fayette, Ill., in place of O. G. Kunkel, resigned.

John Gukelsen, to be postmaster at Kenilworth, Ill., in place of W. T. Robinson, deceased.

Frederick Rugen to be postmaster at Glenview, Ill., in place of M. A. Grenning, resigned.

Rufus D. Denton to be postmaster at Carthage, Ill., in place of E. R. Boswell, deceased.

Chester O. Burgess to be postmaster at Sigel, Ill. Office became presidential October 1, 1924.

John C. Harned to be postmaster at Secor, Ill. Office became presidential October 1, 1924.

William McKinley to be postmaster at Ogden, Ill. Office became presidential October 1, 1924.

William E. Kitch to be postmaster at Niantic, Ill. Office became presidential October 1, 1924.

Harry R. Smith to be postmaster at Manlius, Ill. Office became presidential October 1, 1924.

William H. Weathers to be postmaster at Magnolia, Ill. Office became presidential October 1, 1924.

Eugene Culley to be postmaster at McClure, Ill. Office became presidential July 1, 1924.

Homer W. Witter to be postmaster at Kingston, Ill. Office became presidential October 1, 1924.

Ida I. Shrader to be postmaster at Humboldt, Ill. Office became presidential October 1, 1924.

Charles D. Ragsdale to be postmaster at De Soto, Ill. Office became presidential October 1, 1924.

Herman H. Schultz to be postmaster at Bartlett, Ill. Office became presidential July 1, 1924.

Vera M. Carlson to be postmaster at Woodhull, Ill., in place of C. E. Carlson. Incumbent's commission expired June 5, 1924.

Fred Frazier to be postmaster at Viola, Ill., in place of Grove Harrison. Incumbent's commission expired June 5, 1924.

Oral Beck to be postmaster at Stewardson, Ill., in place of Edward Streng. Incumbent's commission expired June 5, 1924.

Oscar B. Harrauff to be postmaster at Princeton, Ill., in place of R. L. Russell. Incumbent's commission expired June 5, 1924.

Alice Murray to be postmaster at Onelda, Ill., in place of C. E. Lingwall. Incumbent's commission expired March 9, 1924.

Harry C. Smith to be postmaster at New Windsor, Ill., in place of H. B. Shroyer. Incumbent's commission expired June 5, 1924.

George E. Carlson to be postmaster at Moline, Ill., in place of C. V. Gould. Incumbent's commission expired March 9, 1924.

Charles Jackson to be postmaster at Joy, Ill., in place of R. L. Downing. Incumbent's commission expired June 4, 1924.

John S. Redshaw to be postmaster at Granville, Ill., in place of J. S. Redshaw, jr. Incumbent's commission expired August 29, 1923.

Laurence E. Brookfelt to be postmaster at Dolton, Ill., in place of J. J. Wesse. Incumbent's commission expired June 5, 1924.

John H. Bayless to be postmaster at Colchester, Ill., in place of J. F. Bushmeyer. Incumbent's commission expired March 9, 1924.

Mary H. Hrdlicka to be postmaster at Cary Station, Ill., in place of M. H. Hrdlicka. Incumbent's commission expired March 9, 1924.

INDIANA

Allie Bybee to be postmaster at Universal, Ind., in place of Flo Wilson, deceased.

William M. Willmore to be postmaster at Vincennes, Ind., in place of E. G. Meyer, deceased.

Lena M. Anderson to be postmaster at Miller, Ind. Office became presidential July 1, 1924.

John C. Chaille to be postmaster at Otwell, Ind. Office became presidential October 1, 1924.

Floyd E. Sears to be postmaster at Wolcottville, Ind., in place of G. W. Roy. Incumbent's commission expired June 5, 1924.

Manda Neet to be postmaster at Rosedale, Ind., in place of W. T. Newton. Incumbent's commission expired June 5, 1924.

Harry D. Bodenhafer to be postmaster at Kendallville, Ind., in place of G. C. Hart. Incumbent's commission expired June 5, 1924.

Charles E. Barracks to be postmaster at Frankton, Ind., in place of J. C. Ring. Incumbent's commission expired June 5, 1924.

Frederick D. Seeley to be postmaster at Elwood, Ind., in place of H. P. Carpenter. Incumbent's commission expired June 5, 1924.

George P. Crabtree to be postmaster at Clay City, Ind., in place of G. C. Luther. Incumbent's commission expired June 5, 1924.

Alfred V. Reschar to be postmaster at Anderson, Ind., in place of J. L. Fraley. Incumbent's commission expired June 5, 1924.

IOWA

Perry E. Rose to be postmaster at Earlham, Iowa, in place of D. T. Spence, removed.

William Stevens to be postmaster at Templeton, Iowa. Office became presidential July 1, 1924.

Mollie Daley to be postmaster at Parnell, Iowa. Office became presidential April 1, 1924.

Estella Griffin to be postmaster at McIntire, Iowa. Office became presidential April 1, 1924.

Emil Kaloupek to be postmaster at Elberon, Iowa. Office became presidential July 1, 1924.

Harriet Smith to be postmaster at Bucknell, Iowa. Office became presidential July 1, 1924.

Della Douthit to be postmaster at Braddyville, Iowa. Office became presidential October 1, 1924.

Bernard E. Fraley to be postmaster at Albion, Iowa. Office became presidential July 1, 1924.

Frank E. Lundell to be postmaster at Stratford, Iowa, in place of F. E. Lundell. Incumbent's commission expired March 22, 1924.

Arthur W. McIsaac to be postmaster at Rockwell City, Iowa, in place of George Ritz. Incumbent's commission expired June 5, 1924.

George T. Stauffer to be postmaster at Garrison, Iowa, in place of C. F. Irons. Incumbent's commission expired June 5, 1924.

Harry E. Blomgren to be postmaster at Fort Dodge, Iowa, in place of F. W. Ryan. Incumbent's commission expired March 22, 1924.

Earl P. Patten to be postmaster at Danbury, Iowa, in place of E. P. Patten. Incumbent's commission expired August 5, 1923.

Earl E. Silver to be postmaster at Center Point, Iowa, in place of I. T. Street. Incumbent's commission expired June 5, 1924.

KANSAS

Emil Dolecek to be postmaster at Holyrood, Kans., in place of L. E. Clothier, appointee declined.

Pearl M. Mickey to be postmaster at Zurich, Kans. Office became presidential October 1, 1924.

Maud Williams to be postmaster at Lenexa, Kans. Office became presidential October 1, 1924.

Enos F. Halbert to be postmaster at Chapman, Kans., in place of T. J. Foley. Incumbent's commission expired June 4, 1924.

KENTUCKY

Samuel H. McMurray to be postmaster at Stearns, Ky., in place of O. H. Marcum, resigned.

Vera Baird to be postmaster at Crab Orchard, Ky., in place of Mary Wilson, resigned.

Rex A. O'Flynn to be postmaster at Utica, Ky. Office became presidential July 1, 1924.

Cameron F. Dunbar to be postmaster at Russell Springs, Ky. Office became presidential July 1, 1924.

Garrett H. Lawrence to be postmaster at Poor Fork, Ky. Office became presidential April 1, 1923.

Allen E. Bell to be postmaster at Moreland, Ky. Office became presidential July 1, 1924.

York Hatfield to be postmaster at McVeigh, Ky. Office became presidential July 1, 1924.

Mack R. Huston to be postmaster at Lakeland, Ky. Office became presidential April 1, 1924.

Lloyd F. Williams to be postmaster at Bagdad, Ky. Office became presidential October 1, 1924.

William Rice to be postmaster at Manchester, Ky., in place of J. V. Dickinson. Incumbent's commission expired February 20, 1924.

Virgil A. Matthews to be postmaster at Fordsville, Ky., in place of G. G. Lanum. Incumbent's commission expired June 4, 1924.

LOUISIANA

Lillie Schexnaider to be postmaster at Sellers, La., in place of Cecilia Block, resigned.

George M. Tannehill to be postmaster at Urania, La. Office became presidential October 1, 1924.

Frank G. Rieger to be postmaster at Scotlandville, La. Office became presidential July 1, 1924.

Ophelia L. Willis to be postmaster at Pearl River, La. Office became presidential July 1, 1924.

William C. Reynolds to be postmaster at Ida, La. Office became presidential July 1, 1924.

Estelle S. Keller to be postmaster at Collinston, La. Office became presidential July 1, 1924.

Thomas C. Reagan, sr., to be postmaster at Winnsboro, La., in place of N. D. Womble. Incumbent's commission expired April 9, 1924.

Albert A. Thoman to be postmaster at Monroe, La., in place of J. T. Bryant. Incumbent's commission expired June 4, 1924.

Octave H. Deshotels to be postmaster at Kaplan, La., in place of O. H. Deshotels. Incumbent's commission expired June 4, 1924.

Edith E. Steckler to be postmaster at Jeanerette, La., in place of E. E. Steckler. Incumbent's commission expired June 4, 1924.

Edna Byrd to be postmaster at Glenmora, La., in place of Susie Jones. Incumbent's commission expired June 4, 1924.

MAINE

Charles W. Abbott to be postmaster at Albion, Me. Office became presidential July 1, 1924.

George H. Williams to be postmaster at Alfred, Me., in place of G. H. Williams. Incumbent's commission expired June 5, 1924.

MARYLAND

Richard H. Williams to be postmaster at Midland, Md. Office became presidential October 1, 1924.

Lester S. Wheeler to be postmaster at Glyndon, Md. Office became presidential July 1, 1924.

George C. Eichelberger to be postmaster at Union Bridge, Md., in place of F. J. Shriner. Incumbent's commission expired June 4, 1924.

Wilmer L. Barnes to be postmaster at Bel Air, Md., in place of W. L. Barnes. Incumbent's commission expired June 4, 1924.

MASSACHUSETTS

Ella M. Harrington to be postmaster at Jefferson, Mass. Office became presidential October 1, 1924.

William J. O'Brien to be postmaster at Kingston, Mass., in place of W. J. O'Brien. Incumbent's commission expired July 21, 1921.

Edmund Daly to be postmaster at Hingham, Mass., in place of Edmund Daly. Incumbent's commission expired June 4, 1924.

MICHIGAN

Fred Alford, sr., to be postmaster at Vulcan, Mich., in place of W. J. Eva, resigned.

M. Adele Zinger to be postmaster at Ruth, Mich., in place of T. G. Oborski, removed.

Willard A. Hilliker to be postmaster at Dryden, Mich., in place of C. E. Terry, resigned.

Ida M. Ludwick to be postmaster at Pewamo, Mich. Office became presidential July 1, 1924.

Noel H. Allen to be postmaster at Maple Rapids, Mich. Office became presidential July 1, 1924.

Gertrude Oyster to be postmaster at Maltby, Mich. Office became presidential April 1, 1924.

Herbert E. Gunn to be postmaster at Holt, Mich. Office became presidential October 1, 1924.

Victor H. Sisson to be postmaster at Freeport, Mich. Office became presidential October 1, 1924.

John W. Aldrich to be postmaster at Falmouth, Mich. Office became presidential October 1, 1924.

Edna M. Park to be postmaster at Aiden, Mich. Office became presidential October 1, 1924.

Willie A. Ruggles to be postmaster at Whitehall, Mich., in place of W. A. Ruggles. Incumbent's commission expired June 4, 1924.

Harry W. Stockman to be postmaster at Oscoda, Mich., in place of J. A. Hull. Incumbent's commission expired June 4, 1924.

Clinton E. Ankerman to be postmaster at Montgomery, Mich., in place of Elmer Bremer. Incumbent's commission expired June 4, 1924.

Thomas H. Berryman to be postmaster at Mohawk, Mich., in place of T. H. Berryman. Incumbent's commission expired January 26, 1924.

David J. Doherty to be postmaster at Marlette, Mich., in place of Charles Hunter. Incumbent's commission expired June 4, 1924.

Ernest L. Storbeck to be postmaster at Kinde, Mich., in place of E. D. Ahearn. Incumbent's commission expired June 4, 1924.

Norman E. Weston to be postmaster at Kent City, Mich., in place of N. E. Weston. Incumbent's commission expired October 1, 1923.

Edwin W. Klump to be postmaster at Harbor Beach, Mich., in place of Harold Murphy. Incumbent's commission expired June 4, 1924.

John Anderson to be postmaster at Gwinn, Mich., in place of John Anderson. Incumbent's commission expired July 28, 1923.

Alpheus P. Decker to be postmaster at Deckerville, Mich., in place of D. R. Brown. Incumbent's commission expired June 4, 1924.

Euphemia Hunter to be postmaster at Cass City, Mich., in place of J. M. Dodge. Incumbent's commission expired June 5, 1924.

Oscar Keckonen to be postmaster at Calumet, Mich., in place of J. R. Ryan. Incumbent's commission expired September 13, 1922.

June L. Oliver to be postmaster at Beaverton, Mich., in place of A. E. Dann. Incumbent's commission expired June 4, 1924.

George W. Paton to be postmaster at Almont, Mich., in place of R. P. Hallock. Incumbent's commission expired June 4, 1924.

MINNESOTA

Carrie B. Quinn to be postmaster at Wells, Minn., in place of F. M. Clark, resigned.

Emil Rasmussen to be postmaster at Sleepy Eye, Minn., in place of W. R. Hodges, removed.

Edward C. Ellertson to be postmaster at Gully, Minn. Office became presidential July 1, 1924.

Arnold C. Klug to be postmaster at Zumbrota, Minn., in place of M. H. Baskfield. Incumbent's commission expired June 5, 1924.

Albert W. Knaak to be postmaster at Waterville, Minn., in place of J. A. Timpone. Incumbent's commission expired June 5, 1924.

Bennie H. Holte to be postmaster at Starbuck, Minn., in place of B. H. Holte. Incumbent's commission expired June 5, 1924.

Lorenzo J. Gault to be postmaster at St. Peter, Minn., in place of H. J. Essler. Incumbent's commission expired June 5, 1924.

Frank W. Hanson to be postmaster at Rush City, Minn., in place of J. D. Markham. Incumbent's commission expired February 18, 1924.

Mary A. Mogren to be postmaster at Ortonville, Minn., in place of M. A. Mogren. Incumbent's commission expired June 5, 1924.

Ernest E. Meyer to be postmaster at Norwood, Minn., in place of M. I. McGuire. Incumbent's commission expired February 28, 1924.

Peter W. Gorrie to be postmaster at Morristown, Minn., in place of P. W. Gorrie. Incumbent's commission expired June 5, 1924.

James H. Pelham to be postmaster at Menahga, Minn., in place of J. H. Pelham. Incumbent's commission expired June 5, 1924.

Elizabeth Doyle to be postmaster at Maple Lake, Minn., in place of P. B. Jude. Incumbent's commission expired July 28, 1923.

Frank T. O'Gorman to be postmaster at Goodhue, Minn., in place of F. T. O'Gorman. Incumbent's commission expired June 5, 1924.

Carl A. Qvale to be postmaster at Farmington, Minn., in place of E. C. Feely. Incumbent's commission expired June 5, 1924.

Nelson S. Erb to be postmaster at Faribault, Minn., in place of John Kasper. Incumbent's commission expired June 5, 1924.

Fred E. Logelin to be postmaster at Belleplaine, Minn., in place of A. J. Irwin. Incumbent's commission expired June 5, 1924.

MISSOURI

Horace L. Johnson to be postmaster at Winston, Mo. Office became presidential October 1, 1924.

Charles C. Stobaugh to be postmaster at Triplett, Mo. Office became presidential October 1, 1924.

Dana Gerster to be postmaster at Stella, Mo. Office became presidential July 1, 1924.

William H. Reynolds to be postmaster at Smithton, Mo. Office became presidential October 1, 1924.

Elizabeth E. Letton to be postmaster at Mindenmines, Mo. Office became presidential October 1, 1924.

Joseph Snider to be postmaster at Ludlow, Mo. Office became presidential October 1, 1924.

James R. Murray to be postmaster at Harviell, Mo. Office became presidential July 1, 1924.

Ada C. Luna to be postmaster at Gainesville, Mo. Office became presidential October 1, 1924.

Henry L. Windler to be postmaster at Barnett, Mo. Office became presidential October 1, 1923.

George T. Holybee, jr., to be postmaster at Platte City, Mo., in place of J. W. Davis. Incumbent's commission expired August 12, 1923.

William E. Morton to be postmaster at Kansas City, Mo., in place of Baylis Steele. Incumbent's commission expired June 5, 1924.

MONTANA

Stanley A. Yergey to be postmaster at Hardin, Mont., in place of C. E. Bowman. Incumbent's commission expired June 4, 1924.

NEBRASKA

Henry L. Nichols to be postmaster at Lebanon, Nebr. Office became presidential October 1, 1924.

Mamie Mathews to be postmaster at Marsland, Nebr. Office became presidential July 1, 1924.

William Mankin to be postmaster at Lisco, Nebr. Office became presidential January 1, 1924.

Henry D. Grady to be postmaster at O'Neil, Nebr., in place of M. H. McCarthy. Incumbent's commission expired June 4, 1924.

George W. Whitehead to be postmaster at Mason City, Nebr., in place of W. C. Rusmisell. Incumbent's commission expired June 4, 1924.

NEW JERSEY

James L. O'Donnell to be postmaster at Hammonton, N. J., in place of L. J. Laugham, resigned.

Jessie M. Patterson to be postmaster at Union, N. J. Office became presidential April 1, 1924.

Alfred Johansen to be postmaster at Smithville, N. J. Office became presidential July 1, 1924.

Sanford W. Souders to be postmaster at Riegelsville, N. J. Office became presidential April 1, 1924.

Walter E. Walling to be postmaster at Port Monmouth, N. J. Office became presidential April 1, 1924.

Clair MacFarland to be postmaster at Monroeville, N. J. Office became presidential October 1, 1924.

Hiram H. Shepherd to be postmaster at South Boundbrook, N. J., in place of H. H. Shepherd. Incumbent's commission expired June 5, 1924.

Evan F. Benners to be postmaster at Moorestown, N. J., in place of J. H. Barcklow. Incumbent's commission expired June 5, 1924.

Walter G. Barber to be postmaster at Millville, N. J., in place of L. R. Hogan. Incumbent's commission expired January 28, 1924.

Anna G. Rockhill to be postmaster at Columbus, N. J., in place of A. G. Rockhill. Incumbent's commission expired June 5, 1924.

Edna Dalrymple to be postmaster at Alpha, N. J., in place of Edna Dalrymple. Incumbent's commission expired April 15, 1924.

NEW MEXICO

Clara L. Kennedy to be postmaster at San Jon, N. Mex. Office became presidential July 1, 1924.

Mahan Wyman to be postmaster at Loving, N. Mex. Office became presidential July 1, 1924.

Carl Seligman to be postmaster at Grant, N. Mex. Office became presidential July 1, 1924.

John H. York to be postmaster at East Las Vegas, N. Mex., in place of E. V. Long. Incumbent's commission expired September 5, 1922.

NEW YORK

Lole C. Husted to be postmaster at Woodhull, N. Y., in place of M. K. Husted, removed.

Roy M. Hackett to be postmaster at Hornell, N. Y., in place of E. J. Halbert, removed.

James Agnew to be postmaster at Lake Ronkonkoma, N. Y. Office became presidential October 1, 1924.

Edwin W. Cushman to be postmaster at Kenka Park, N. Y. Office became presidential October 1, 1924.

Clarence J. Weyant to be postmaster at Fort Montgomery, N. Y. Office became presidential October 1, 1924.

Richard J. Higgins to be postmaster at East Rockaway, N. Y. Office became presidential July 1, 1924.

NORTH CAROLINA

Frances K. Thagard to be postmaster at Pembroke, N. C. Office became presidential July 1, 1923.

Ella N. Painter to be postmaster at Cullowhee, N. C. Office became presidential April 1, 1924.

Anna M. Smith to be postmaster at West Albany, N. C. Office became presidential July 1, 1924.

OHIO

Albert A. Sticksel to be postmaster at Newtown, Ohio. Office became presidential July 1, 1924.

Ethel Shoemaker to be postmaster at Mount Blanchard, Ohio. Office became presidential October 1, 1924.

Blanche M. Lauer to be postmaster at Lower Salem, Ohio. Office became presidential October 1, 1924.

Frank J. Patterson to be postmaster at Glencoe, Ohio. Office became presidential October 1, 1924.

Jennie Fickes to be postmaster at Empire, Ohio. Office became presidential October 1, 1924.

Millard F. Cunard to be postmaster at Edison, Ohio. Office became presidential October 1, 1924.

John W. Keel to be postmaster at Bolivar, Ohio. Office became presidential October 1, 1924.

Glenn B. Rodgers to be postmaster at Washington C. H., Ohio, in place of G. B. Rodgers. Incumbent's commission expired June 4, 1924.

William H. Fellmeth to be postmaster at Canal Fulton, Ohio, in place of P. J. Blank. Incumbent's commission expired June 4, 1924.

Maurice M. Murray to be postmaster at Bluffton, Ohio, in place of Gideon Locher. Incumbent's commission expired June 4, 1924.

OKLAHOMA

Charles F. Ritcheson to be postmaster at Maysville, Okla., in place of P. E. High, resigned.

Earl Leeper to be postmaster at Denoya, Okla., in place of Ada Bartels, removed.

Katherine Anderson to be postmaster at Ninnekah, Okla. Office became presidential April 1, 1924.

Madge Morris to be postmaster at Lyman, Okla. Office became presidential October 1, 1924.

Henry A. Ravia to be postmaster at Bessie, Okla. Office became presidential July 1, 1924.

OREGON

Mary F. Schultz to be postmaster at West Linn, Oreg. Office became presidential July 1, 1924.

Frederick C. Robison to be postmaster at Taft, Oreg. Office became presidential October 1, 1924.

Saddle B. Jones to be postmaster at Oakridge, Oreg. Office became presidential October 1, 1924.

Emma M. C. Brashears to be postmaster at Lexington, Oreg. Office became presidential October 1, 1924.

Charles W. St. Dennis to be postmaster at Lakeside, Oreg. Office became presidential October 1, 1924.

Edith Glover to be postmaster at Grand Ronde, Oreg. Office became presidential July 1, 1924.

George C. Peterson to be postmaster at Bay City, Oreg. Office became presidential October 1, 1924.

Charles O. Hendrix to be postmaster at Alsea, Oreg. Office became presidential October 1, 1923.

Erle N. Hurd to be postmaster at Seaside, Oreg., in place of F. H. Lughton. Incumbent's commission expired June 4, 1924.

Albert N. Johnson to be postmaster at Estacada, Oreg., in place of W. A. Heylman. Incumbent's commission expired June 4, 1924.

PENNSYLVANIA

Harry B. Henderson to be postmaster at Klittanning, Pa., in place of W. P. Parker, deceased.

Clarence E. Grim to be postmaster at Windsor, Pa. Office became presidential October 1, 1924.

Annie Smith to be postmaster at Waverly, Pa. Office became presidential July 1, 1924.

Emma E. Forster to be postmaster at Wall, Pa. Office became presidential July 1, 1924.

Charles S. Mayhugh to be postmaster at South Mountain, Pa. Office became presidential July 1, 1923.

William K. Pearce to be postmaster at Rutledge, Pa. Office became presidential October 1, 1924.

Bertha C. Eshleman to be postmaster at Pequea, Pa. Office became presidential July 1, 1924.

William E. Schaeffer to be postmaster at Manorville, Pa. Office became presidential October 1, 1924.

Samuel L. Boyer to be postmaster at Library, Pa. Office became presidential July 1, 1924.

Ellen M. Brown to be postmaster at Kelton, Pa. Office became presidential October 1, 1924.

Jules C. Luyten to be postmaster at Indianola, Pa. Office became presidential October 1, 1924.

Christian S. Clayton to be postmaster at Huntingdon Valley, Pa. Office became presidential April 1, 1924.

James Matchette to be postmaster at Hokendauqua, Pa. Office became presidential July 1, 1924.

Jennie S. Curren to be postmaster at Gordon, Pa. Office became presidential July 1, 1924.

Maxwell L. Byerly to be postmaster at Embreeville, Pa. Office became presidential July 1, 1924.

Carey W. Huff to be postmaster at Durant City, Pa. Office became presidential October 1, 1924.

Sara A. Conrath to be postmaster at Dixonville, Pa. Office became presidential October 1, 1924.

Margaret E. Warnock to be postmaster at Darlington, Pa. Office became presidential October 1, 1924.

William C. Bubb to be postmaster at Dalmatia, Pa. Office became presidential July 1, 1924.

Minnie E. Lewis to be postmaster at Covington, Pa. Office became presidential July 1, 1924.

Martin C. Flegal to be postmaster at Avis, Pa. Office became presidential July 1, 1924.

Charles H. Lapsley to be postmaster at Glassport, Pa., in place of C. H. Lapsley. Incumbent's commission expired February 4, 1924.

Edward J. Fleming to be postmaster at Cochranon, Pa., in place of Thomas McCobb. Incumbent's commission expired June 5, 1924.

PORTO RICO

Leonor G. Lucca to be postmaster at Guayanilla, P. R. Office became presidential October 1, 1924.

Teodoro M. Lopez to be postmaster at Vega Baja, P. R., in place of T. M. Lopez. Incumbent's commission expired August 21, 1923.

Arturo G. Molina to be postmaster at Juncos, P. R., in place of A. G. Molina. Incumbent's commission expired February 4, 1924.

RHODE ISLAND

John A. Hazard to be postmaster at Warwick, R. I. Office became presidential July 1, 1924.

Bertha M. Brayton to be postmaster at Hope, R. I. Office became presidential October 1, 1924.

SOUTH CAROLINA

James J. Vernon, Jr., to be postmaster at Wellford, S. C. Office became presidential July 1, 1924.

Elijah Lee to be postmaster at Pacolet, S. C. Office became presidential October 1, 1923.

Mark D. Batchelder to be postmaster at Frogmore, S. C. Office became presidential January 1, 1924.

TENNESSEE

John N. Clouse to be postmaster at Monterey, Tenn., in place of J. C. Walker, removed.

Carrie S. Honeycutt to be postmaster at Wartburg, Tenn. Office became presidential October 1, 1924.

Prior T. Livesay to be postmaster at Sneedville, Tenn. Office became presidential October 1, 1924.

Link Monday to be postmaster at Kimberlin Heights, Tenn. Office became presidential October 1, 1924.

Herbert D. Miller to be postmaster at Christiansa, Tenn. Office became presidential April 1, 1924.

TEXAS

Pearl B. Monke to be postmaster at Weinert, Tex. Office became presidential July 1, 1924.

Lewis Kiser to be postmaster at Sylvester, Tex. Office became presidential October 1, 1923.

Robert L. Mobley to be postmaster at Santa Anna, Tex., in place of R. L. Mobley. Incumbent's commission expired January 31, 1924.

UTAH

Heber J. Sheffield, Jr., to be postmaster at Kaysville, Utah, in place of H. J. Sheffield, Jr. Incumbent's commission expired June 4, 1924.

VERMONT

Kenneth A. Foster to be postmaster at Wolcott, Vt. Office became presidential July 1, 1924.

Otis B. Dauchy to be postmaster at Townshend, Vt. Office became presidential October 1, 1924.

Irwin Mattison to be postmaster at South Shaftsbury, Vt. Office became presidential July 1, 1924.

Ethel E. Churchill to be postmaster at Quechee, Vt. Office became presidential October 1, 1924.

William H. C. Whitcomb to be postmaster at Forest Dale, Vt. Office became presidential July 1, 1924.

Hiram E. Rowe to be postmaster at Barnet, Vt. Office became presidential April 1, 1924.

WASHINGTON

Audley Butler to be postmaster at Selleck, Wash. Office became presidential July 1, 1924.

Bella C. Valentine to be postmaster at Satsop, Wash. Office became presidential July 1, 1924.

Ed V. Pressentin to be postmaster at Rockport, Wash. Office became presidential October 1, 1924.

Elizabeth M. White to be postmaster at Monitor, Wash. Office became presidential April 1, 1924.

William C. Hubbard to be postmaster at Klickitat, Wash. Office became presidential January 1, 1924.

Thurston B. Sldham to be postmaster at Doty, Wash. Office became presidential October 1, 1924.

Joseph F. Fea to be postmaster at Dalkena, Wash. Office became presidential April 1, 1924.

Andrew J. Grant to be postmaster at Harrington, Wash., in place of A. J. Grant. Incumbent's commission expired February 11, 1924.

WEST VIRGINIA

Thomas O. Wash to be postmaster at Kayford, W. Va. Office became presidential October 1, 1924.

Harry F. Cunningham to be postmaster at Grant Town, W. Va. Office became presidential October 1, 1924.

James T. Keeney to be postmaster at Eskdale, W. Va. Office became presidential October 1, 1924.

Albert A. Drinkard to be postmaster at Elbert, W. Va. Office became presidential July 1, 1924.

Henry E. Crews to be postmaster at Edwight, W. Va. Office became presidential October 1, 1924.

Roscoe C. Damron to be postmaster at Branchland, W. Va. Office became presidential October 1, 1924.

Harry M. Slush to be postmaster at Whitesville, W. Va. Office became presidential October 1, 1924.

James H. Reid to be postmaster at Slab Fork, W. Va. Office became presidential July 1, 1924.

John S. Walker to be postmaster at Sharples, W. Va. Office became presidential October 1, 1924.

Millard M. Mason to be postmaster at Seth, W. Va. Office became presidential April 1, 1924.

J. Wade Bell to be postmaster at Quinwood, W. Va. Office became presidential October 1, 1924.

Clifton M. Spangler to be postmaster at Peterstown, W. Va. Office became presidential October 1, 1924.

Andrew B. Canterbury to be postmaster at Pax, W. Va. Office became presidential October 1, 1924.

William W. Wolfe to be postmaster at Mount Clare, W. Va. Office became presidential October 1, 1924.

Joseph W. Thornbury to be postmaster at Man, W. Va. Office became presidential October 1, 1923.

Ora E. Gay to be postmaster at Libow, W. Va. Office became presidential October 1, 1924.

Blanche P. Reed to be postmaster at Clay, W. Va., in place of Buren Stephenson. Incumbent's commission expired February 11, 1924.

WYOMING

Maxwell L. Jourdan to be postmaster at Medicine Bow, Wyo., in place of M. A. Jourdan, resigned.

Burton R. Jones to be postmaster at Greybull, Wyo., in place of Roy Shaver, resigned.

John G. Bruce to be postmaster at Lander, Wyo., in place of F. E. Godfrey. Incumbent's commission expired June 5, 1924.

HOUSE OF REPRESENTATIVES

WEDNESDAY, December 3, 1924

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our Lord, holy, holy, holy is Thy name, and righteousness is the habitation of Thy throne. We would cherish that greatest of gifts, the mercy of a grateful heart. We praise Thee for the things that gladden and enrich our lives, for all are of Thy bounty. As Thy children, Thou dost understand us. So discipline us that our defects and excesses shall yield a more complete perfection and greater usefulness. Amid this sweet stillness, forgive us while we bow and have mercy upon us when we are judged in the light of Thy throne. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9559) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1925, and for other purposes.

Resolved, That the Senate recedes from its amendments Nos. 29 and 34.

The message also announced that the Senate had concurred in the following resolution:

House Concurrent Resolution 30

Resolved by the House of Representatives (the Senate concurring), That Monday, the 15th day of December, 1924, be set aside as the day upon which there shall be held a joint session of the Senate and the House of Representatives for appropriate exercises in commemoration of the life, character, and public service of the late Woodrow Wilson, former President of the United States.

That a joint committee, to consist of five Senators and seven Members of the House of Representatives, to be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives, respectively, shall be named, with full power to make all arrangements and publish a suitable program for the joint session of Congress herein authorized, and to issue the invitations hereinafter mentioned.

That invitations shall be extended to the President of the United States, the members of the Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, and such other invitations shall be issued as to the said committee shall seem best.

That all expenses incurred by the committee in the execution of the provisions of this resolution shall be paid, one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9559. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1925, and for other purposes; and

H. R. 3537. An act for the relief of L. A. Scott.

NOTIFICATION TO THE PRESIDENT

Mr. LONGWORTH and Mr. GARRETT of Tennessee appeared, and

Mr. LONGWORTH said: Mr. Speaker, your committee, which was appointed to join a similar committee from the Senate to advise the President that a quorum of the two Houses was present and ready to receive any communication he desired to make, has performed that duty. The President advised the joint committee that he will submit in writing his regular message.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message, in writing, from the President of the United States, by Mr. Latta, one of his secretaries.

The SPEAKER. The Chair lays before the House the following message from the President of the United States.

Mr. William Tyler Page, Clerk of the House of Representatives, read the message from the President of the United States, as follows:

[For message, see proceedings of Senate, p. 52.]

The SPEAKER. Without objection, the message will be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

There was no objection.

THE COWLITZ TRIBE OF INDIANS

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 71, an act authorizing the Cowlitz Tribe of Indians, residing in the State of Washington, to submit claims to the Court of Claims, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the bill H. R. 71, disagree to all the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. SNYDER, Mr. DALLINGER, and Mr. HAYDEN.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10020) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes; and pending that motion I ask unanimous consent that the time for general debate be limited to six hours, if that is agreeable to my friend from Oklahoma, three hours to be controlled by the gentleman from Oklahoma [Mr. CARTER] and three hours by myself.

Mr. CARTER. That would be satisfactory.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Interior Department appropriation bill, and pending that asks unanimous consent that the time for general debate be limited to six hours, three hours to be controlled by himself and three hours by the gentleman from Oklahoma [Mr. CARTER]. Is there objection?

There was no objection.

The motion of Mr. CRAMTON was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SANDERS of Indiana in the chair.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, in August the President said, "I am for economy, and after that I am for more economy." However we may disagree as to many matters that were or were not decided at the recent election we must all agree that that declaration of the President has met with universal approval. [Applause.]

In the able and fearless and thoroughly sane presentation of affairs touching the state of the Union to which we have just listened, through the reading of the President's message, there stands out prominently that same declaration. The President has emphasized that this Congress can accomplish more for the people of the country through rigid economy than through any other action; that no person in the country escapes the effect of unnecessary expenditure or of extravagance; that every person shares in the benefits of reduction of taxes; and that the most important work we have is to make possible tax reduction. In the beginning of my remarks upon this first appropriation bill to receive the consideration of this session of the Congress I wish to emphasize that intimate relationship between expenditures authorized by appropriations and tax reduction. Tax reduction is not possible without reduction of expenditures. We ask your support in the economy program set forth in these appropriation measures.

Recognizing that this is the short session of Congress, with 11 appropriation bills to be considered, realizing that a due regard for efficient conduct of the Government as well as proper economy in expenditure demands the careful consideration of these matters, the forceful and energetic chairman of the Committee on Appropriations [Mr. MADDEN] arranged a schedule and started the various subcommittees to work on the several bills as early as advance proofs of the Budget estimates were available, and it is his purpose and the program of the committee, acting under his leadership, to bring these bills before you as rapidly as the House can dispose of them.

Accordingly, this, the first of the series, was reported to the House yesterday immediately after the formal presentation of the Budget.

Hearings began on the bill now before you on the 12th of November, in advance of the session, and the time since that date has been constantly occupied by the subcommittee in consideration of the estimates transmitted by the President.

A majority of the subcommittee have been in the study of these matters as members of the subcommittee for the past three years in the framing of the three former bills for this department.

My colleague, Mr. CARTER, ranking minority member of the subcommittee, as you know, formerly served a number of years with distinction as chairman of the great Committee on Indian Affairs, handling the appropriations for that service which are now so largely a part of this bill. The gentleman from Idaho [Mr. FRENCH] and the gentleman from Colorado [Mr. TAYLOR] have spent most of their lives in contact with these problems in our western country. The gentleman from Ohio [Mr. MURPHY] and I have been students at their feet.

COMPARATIVE FIGURES ON THE BILL

So that this bill does not come before you with slight consideration even though it is presented in the first week of the session. The bill carries all of the appropriations for the Interior Department and nothing else. The appropriations for that department for the current year, including those set forth in the deficiency bill that has just gone to the President and in the classification salary bill, totals \$268,959,114.80. In the estimates I speak only of the annual appropriations, with no reference to the permanent or indefinite appropriations. The estimates for 1926 are \$239,704,138.67. The bill that is now before you for your consideration totals \$238,240,926. That is a reduction of \$30,718,188.80 below the current year and \$1,463,212.67 below the estimate. Comparing the bill before you with the current year, the principal reductions are: for Army and Navy pensions, \$25,500,000; a reduction of \$4,297,520 for the Reclamation Service, \$1,046,011.30 for the Indian Service, and \$617,010 under the General Land Office. The following table presents a general view of the bill:

A comparative statement of the appropriations for 1925, the Budget estimates for 1926, and the amounts recommended in the accompanying bill for 1926

Object	Appropriations for 1925, including amounts in pending deficiency and field classification bills	Budget estimates for 1926	Amount recommended in the bill for 1926	Increase (+) or decrease (-), bill compared with 1925 appropriation	Increase (+) or decrease (-), bill compared with 1926 Budget estimates
Secretary's Office.....	\$1,691,440.00	\$1,828,255.00	\$1,779,255.00	-487,815.00	-847,000.00
General Land Office.....	3,200,000.00	2,583,590.00	2,586,590.00	-617,010.00	-
Indian Affairs, Bureau of.....	12,923,281.80	12,577,027.67	11,885,270.00	-1,086,011.80	-493,737.67
Pension Office.....	324,616,000.00	199,118,000.00	199,085,000.00	-25,500,000.00	-21,000.00
Patent Office.....	2,819,600.00	2,765,220.00	2,801,600.00	-54,380.00	+82,000.00
Bureau of Reclamation.....	13,240,520.00	9,769,000.00	8,943,000.00	-4,297,520.00	-16,535.00
Geological Survey.....	1,735,423.00	1,654,595.00	1,637,760.00	-97,663.00	-16,500.00
Mines, Bureau of.....	2,013,268.00	1,676,560.00	1,881,500.00	-131,708.00	+5,000.00
National Park Service.....	2,982,657.00	3,170,500.00	3,187,400.00	+204,752.00	+16,500.00
Education, Bureau of.....	778,115.00	794,495.00	794,400.00	-95.00	-
Government in the Territories and Alaska Railroad.....	1,307,610.00	2,210,137.00	1,908,637.00	-401,137.00	-301,500.00
St. Elizabeths Hospital.....	1,006,000.00	1,023,000.00	1,023,000.00	-	+15,000.00
Columbia Institution for the Deaf.....	109,000.00	113,400.00	113,400.00	-	+4,400.00
Howard University.....	365,000.00	321,000.00	406,000.00	+41,000.00	+185,000.00
Freedmen's Hospital.....	174,700.00	202,950.00	202,950.00	-	+28,250.00
Grand total, Department of the Interior.....	268,959,114.80	239,704,138.67	238,240,926.00	-30,718,188.80	-1,463,212.67

This department is a great constructive department. Its problems are of great interest to the whole country. There are many matters that I would like to discuss, but in the limited time that I feel proper to take now I shall speak especially of some outstanding problems that faced the committee. I want to be perfectly courteous, and if I fail to make myself clear at any time I shall be glad to yield for a correction or for an inquiry, but in the main I hope that I may be permitted to proceed without interruption in the interest of economy of time.

The matters that I want especially to speak about have to do with steps toward economy in Government administration and steps to protect Government expenditures with regard to their proper use to secure the greatest benefit of the country. These problems are intimately involved in the program of economy that the President has set before us and that the country urgently demands. I hope that the House will regard the Committee on Appropriations in connection with this bill as their servants who have sought merely in the work we have done and now place before you to carry into effect the will of the country for the best administration, the greatest efficiency, and the greatest measure of economy.

ECONOMY IN THE GENERAL LAND OFFICE

I shall first discuss some problems in respect to the General Land Office. That great bureau administers our public lands. It handles very considerable revenues, as is shown here:

Statement of receipts, including fees and commissions, for the General Land Office for the fiscal year 1924

Salaries, General Land Office (copies of records).....	\$14,896.97
Salaries and expenses, offices of surveyors general (copies of records).....	5,590.50
Surveying the public lands (sales of Government property).....	603.36
Reproducing plats of surveys, General Land Office (sales of plats).....	4,373.00
Sales of public lands.....	551,339.00
Sales of Indian lands.....	389,088.97
Fees and commissions.....	684,650.98
Royalties, rentals, and bonuses, mineral leasing act.....	13,631,840.72
Sales of land and timber in Oregon and California railroad grant.....	978,710.78
Sales of land and timber in Coos Bay wagon road grant.....	148,761.00
Sales of reclamation town sites.....	8,697.32
Sales of town lots, Alaska.....	5,975.12
Royalties on coal leases, Alaska.....	9,161.83
Sales of timber, Alaska.....	8,930.58
Royalties and rentals, potash deposits.....	8,792.91

Power permits.....	\$9,110.61
Miscellaneous.....	25,223.57
Protecting public lands, timber, etc., as follows:	
Timber trespasses.....	\$25,349.07
By civil and criminal action in cases of depredations on public lands and violations of public land laws.....	30,924.02
	58,273.09
Total.....	16,403,928.06
Deduct amount recovered by Department of Justice by civil and criminal action in cases of depredations on public lands and violations of public land laws.....	30,924.02
Total receipts collected by the General Land Office.....	16,373,004.04

A comparative statement of the appropriations for 1925, the Budget estimates for 1926, and the amounts recommended in the accompanying bill for 1926

Object	Appropriations for 1925, including amounts in pending deficiency and field classification bills	Budget estimates for 1926	Amount recommended in the bill for 1926	Increase (+) or decrease (-), bill compared with 1925 appropriation
Salaries.....	\$885,920.00	\$805,000.00	\$805,000.00	-\$80,920.00
Inspection, expenses of.....	5,000.00	3,000.00	3,000.00	-2,000.00
Maps:				
United States and other.....	18,000.00	15,000.00	15,000.00	-3,000.00
State and Territorial.....	1,500.00	1,300.00	1,300.00	-200.00
Filing appliances.....	3,000.00			-3,000.00
Surveyors general.....	214,680.00			-214,680.00
Surveying public lands.....	792,820.00	840,290.00	840,290.00	+47,470.00
Reproducing plats of surveys.....	5,000.00	6,000.00	6,000.00	+1,000.00
Registers and receivers.....	315,000.00	125,000.00	125,000.00	-190,000.00
Contingent expenses of land offices.....	415,280.00	350,000.00	350,000.00	-65,280.00
Protecting public lands, timber, etc.....	526,400.00	420,000.00	420,000.00	-106,400.00
Hearings in land entries.....	15,000.00	15,000.00	15,000.00	
Restoration of lands in forest reserves.....	2,000.00	2,000.00	2,000.00	
Opening Indian reservations (reimbursable).....	1,000.00	1,000.00	1,000.00	
Total, General Land Office.....	3,200,600.00	2,583,590.00	2,583,590.00	-617,010.00

The total appropriations for the Land Office in 1925, the current year, were \$3,200,600. In the bill before you we recommend the sum of \$2,583,590, a reduction of \$617,010, or about 20 per cent. Within the control of the bureau are certain economies, which they have resolutely carried through. Take their salary roll, for instance, for the service in the city of Washington. It is sometimes charged that a department or a bureau will never do away with employees or reduce their rolls. Please note that the Land Office was authorized for 1924 for their service here in Washington 545 employees and for the current year 488 employees. Yet, notwithstanding that authorization, they are going to turn back this year of that fund \$70,000 unexpended. For 1926, 418 employees are authorized in this bill, a reduction of 127 from 1924 to 1926, or about 25 per cent. That is within their authority, and no assistance is required from Congress to accomplish that economy.

ABOLISHING LAND OFFICES

But there are some items where the assistance of Congress is necessary, and this committee has accepted the recommendations of the department with reference to those economies that they desire and in which they require the cooperation of Congress. I appeal to this House to give thorough support to the program of economy recommended by the General Land Office. There is involved in the matter, first, the question of abolishing numerous land offices, a question that has been discussed in past years and which this committee has for several years sought to accomplish as a measure of economy. The bill before you provides:

Registers: For salaries and commissions of registers of district land offices, at not exceeding \$3,000 per annum each, \$125,000: *Provided*, That the offices of register and receiver of such of the following land offices as may now have two officials shall be consolidated, effective July 1, 1925, and the applicable provisions of the act approved October 28, 1921, shall be followed in effecting such consolidations: Montgomery, Ala.; Anchorage, Fairbanks, and Nome, Alaska; Phoenix, Ariz.; Little Rock, Ark.; Los Angeles, Sacramento, San Francisco, and Visalia, Calif.; Denver, Glenwood Springs, Montrose, and Pueblo, Colo.; Gainesville, Fla.; Boise and Lewiston, Idaho; Baton Rouge, La.; Marquette, Mich.; Cass Lake, Minn.; Havre, Helena, Miles City, and Missoula, Mont.; Lincoln, Nebr.; Carson City, Nev.; Las Cruces, Roswell, and Santa Fe, N. Mex.; Bismarck, N. Dak.; Guthrie, Okla.; Lakeview, Portland, Roseburg, The Dalles, and Vale, Oreg.; Pierre and Rapid City, S. Dak.; Salt Lake City, Utah; Seattle and Spokane, Wash.; and Buffalo, Douglas, Evanston, and Lander, Wyo.: *Provided further*, That the following land offices are hereby abolished, effective July 1, 1925: Harrison, Ark.; El Centro, Eureka, Independence, and

The bureau presents a program of expenditures that represents a total reduction of 20 per cent in the entire cost of the bureau for the year 1926 as compared with 1925. That reduction is recommended by the bureau; it is recommended by the Secretary of the Interior, is recommended by the Budget and by the President of the United States. That is real economy, and so thoroughly has the committee appreciated that program as a real exemplification of what we have all been talking about in the campaign, viz, economy, that we have recommended the adoption of their estimates as they came to us in the Budget, making no change. The following table presents vividly this example of real retrenchment:

Susanville, Calif.; Del Norte, Durango, Lamar, Leadville, and Sterling, Colo.; Blackfoot, Coeur d'Alene, and Hailey, Idaho; Topeka, Kans.; Crookston and Duluth, Minn.; Jackson, Miss.; Billings, Bozeman, Glasgow, Great Falls, Kallispell, and Lewistown, Mont.; Alliance, Nebr.; Elko, Nev.; Clayton and Fort Sumner, N. Mex.; Dickinson, N. Dak.; Burns and La Grande, Oreg.; Bellefourche, S. Dak.; Vernal, Utah; Vancouver, Walla Walla, Waterville, and Yakima, Wash.; Wausau, Wis.; Cheyenne and Newcastle, Wyo., and their necessary personnel, together with such records, furniture, and supplies as may be necessary, shall be transferred to such of the land offices enumerated above and not abolished by this act as the Secretary of the Interior may direct, except that the records of the Topeka, Kans., Jackson, Miss., and Wausau, Wis., land offices shall be disposed of in accordance with existing law.

That means the abolition of 39 land offices and the abolition of the office of receiver at all other land offices, continuing those other offices in charge of a register only. These economies mean a saving of \$255,280, as follows:

	1925	1926
For registers and receivers (Interior bill).....	\$315,000	\$125,000
Field classification.....	60,280	
Contingent expenses.....	355,000	350,000
Total appropriations.....	730,280	475,000
Saving proposed.....		255,280

Please note that that change has the indorsement of the Commissioner of the General Land Office, Mr. Spry, a former Governor of the State of Utah, and of Doctor Work, the Secretary of the Interior, both from public-land States and well informed in respect to the problems of those States. It also has the indorsement of the President as a part of his economy program. I insert here a statement from the hearings, being that of Mr. Bond, the chief clerk of the General Land Office, who is probably as familiar with this question from a practical standpoint as anyone, because he has spent his life in the general land service and formerly was in a general land office, I think, in Montana or Wyoming. When asked about the effect of this reduction upon the service to the public Mr. Bond said that he was asked by the Budget Committee about that and told them that in his judgment it is a good administrative proposition, and he said that the public would not be adversely affected as to the service rendered to them. The following excerpts from his testimony before the committee will be of interest:

Statement showing district land offices proposed to be abolished, number of officials, acreage unappropriated, and unreserved lands and acreage embraced in unperfected entries, as of July 1, 1924; and entries made, entries perfected, receipts, and expenses during fiscal year ended June 30, 1924.—Continued

States and offices	Statement as of July 1, 1924		Entries made, entries perfected, receipts, and expenses during fiscal year ended June 30, 1924											Ex- penses above re- ceipts	Rela- tion of ex- pense to revenue
			Number of applications, entries, etc. (original and final)	Original entries	Final proofs made; entries per- fected	Pat- ented	Receipts			Expenses					
	Unappro- priated and unreserved	Unper- fected entries					Indian lands	Public lands (in- cluding re- ceipts from oil, coal, timber, etc.)	Miscella- neous (in- cluding fees and com- missions)	Total	Salaries and com- missions, registers and re- ceivers	Clerk hire, rent, and other inciden- tals	Total		
	Acrea	Acrea		Acrea	Acrea	Acrea									P. ct.
Kansas: Topeka*†	2,038	28,987	96	5,067	8,797	11,487	\$200.00	\$150.00	\$1,029.76	\$1,379.76	\$1,153.76	\$1,932.50	\$3,086.26	\$1,706.50	223.68
Minnesota:															
Crookston*†	121,114	46,070	30	434	1,799	10,946	10,251.98	698.58	2,566.44	13,517.00	2,045.46	1,310.00	3,355.46		24.82
Duluth*†	39,928	38,780	170	4,212	4,362	8,984	5,214.17	4,110.02	1,673.57	10,967.76	1,095.94	1,864.75	3,500.09		32.28
Mississippi: Jackson*†	18,546	14,840	144	3,059	3,788	14,431	6,972.74	1,251.50	8,224.24	1,583.94	3,034.04	4,617.98			56.15
Montana:															
Billings*†	253,570	207,689	122	14,998	11,977	30,811	30,321.36	2,031.54	3,075.62	35,428.55	3,000.00	3,675.37	6,675.37		18.84
Bozeman*†	161,156	165,452	304	31,797	32,384	41,431	3,725.00	4,775.56	8,500.56	4,769.38	1,826.50	6,595.88			77.59
Glasgow†	1,381,005	694,433	750	75,188	100,967	164,415	94,214.65	5,273.37	11,701.66	11,189.71	6,000.00	8,110.06	14,110.06		12.69
Great Falls*†	146,392	286,882	326	22,057	41,823	49,004	3,584.12	4,264.83	7,848.95	3,000.00	4,219.61	7,219.61			91.98
Kalispell†	32,620	20,837	118	6,001	8,817	14,516	1,583.67	247.61	1,367.58	3,200.86	1,552.90	1,391.85	2,944.75		92.00
Lewistown†	535,545	299,316	322	22,759	54,789	98,286	221,836.78	5,168.57	227,005.35	6,000.00	6,667.07	12,667.07			5.58
Nebraska:															
Allamore*†	16,336	84,679	139	8,856	10,538	23,155	1,104.22	1,604.23	2,608.45	1,646.31	1,303.86	2,950.17	341.72	113.1	
Nevada:															
Elko†	18,474,537	149,246	167	46,635	23,007	157,377	8,737.66	3,652.01	12,389.76	3,000.00	2,719.61	5,719.61			46.16
New Mexico:															
Clayton†	63,254	247,816	497	32,265	84,313	88,836	343.37	6,316.95	6,660.32	6,000.00	4,113.76	10,113.76	3,453.44	151.85	
Fort Sumner†	528,220	483,242	575	109,992	90,293	101,549	500.29	10,896.14	11,396.43	6,000.00	4,288.38	10,288.38			90.01
North Dakota:															
Dickinson*†	104,006	98,531	138	6,518	23,445	27,268	1,261.00	1,788.10	3,049.10	2,024.93	1,387.00	3,411.93	362.83	111.90	
Oregon:															
Burns†	3,540,721	328,588	241	40,634	47,756	51,666	4,012.11	4,449.13	8,461.24	4,572.64	2,600.00	7,172.64			84.77
La Grande*†	214,020	264,740	467	38,886	78,511	73,016	6,262.61	6,190.53	12,453.14	6,000.00	3,353.00	9,353.00			75.11
South Dakota:															
Bellevue†	66,035	312,120	304	25,454	76,601	83,560	1,240.86	3,583.93	4,774.79	3,000.00	2,670.70	5,670.70	895.91	118.76	
Utah:															
Vernal†	1,477,987	1,540	155	18,039	15,347	18,309	2,523.21	18,214.42	4,442.74	25,180.37	2,982.68	2,246.82	5,229.50	20.77	
Washington:															
Vancouver*†	140,831	58,990	70	9,826	3,529	28,154	208.93	825.04	1,033.97	1,024.54	1,805.50	2,830.04	1,796.07	273.71	
Walla Walla*†	108,758	83,339	72	1,716	11,140	11,505	2,059.00	718.69	2,777.69	1,169.85	1,457.75	2,627.60			94.60
Waterville*†	262,263	148,003	429	182,576	13,305	29,765	3,407.47	4,086.98	18,760.82	3,000.00	3,011.45	6,011.45			32.04
Yakima*†	197,640	92,160	96	11,789	15,117	51,144	2,613.17	2,367.50	4,980.67	2,627.14	1,817.50	4,444.64			89.24
Wisconsin:															
Wausau*†	4,652	11,148	76	1,409	1,806	3,428	787.77	628.35	1,416.12	1,024.09	1,439.78	2,483.87	1,067.75	175.40	
Wyoming:															
Cheyenne*†	3,020,610	1,091,564	1,327	131,146	277,318	288,018	51,116.71	31,271.09	82,387.80	6,000.00	5,915.10	11,915.10			14.46
Newcastle†	438,605	1,171,837	1,316	114,437	309,068	341,311	15,528.75	21,550.36	37,079.11	6,000.00	9,498.34	15,498.34			41.80

Offices which will remain:

Alabama: Montgomery.
Alaska: Anchorage, Fairbanks (ex officio), and Nome (ex officio).
Arizona: Phoenix.
Arkansas: Little Rock.
California: Los Angeles, Sacramento, San Francisco, and Visalia.
Colorado: Denver, Glenwood Springs, Montrose, and Pueblo.
Florida: Gainesville.
Idaho: Boise and Lewiston.
Louisiana: Baton Rouge.
Michigan: Marquette.
Minnesota: Cass Lake.
Montana: Havre, Helena, Miles City, and Missoula.
Nebraska: Lincoln.
Nevada: Carson City.
New Mexico: Las Cruces, Roswell, and Santa Fe.
North Dakota: Bismarck.
Oklahoma: Guthrie.
Oregon: Lakeview, Portland, Roseburg, The Dalles, and Vale.
South Dakota: Pierre and Rapid City.
Utah: Salt Lake City.
Washington: Seattle and Spokane.
Wyoming: Buffalo, Douglas, Evanston, and Lander.
Total, 45 offices.

Of this work the cooperation of Congress is asked. A large annual saving will result and we have assurance of the officials best qualified to speak that service to the public will not suffer.

SURVEYORS GENERAL

There is another matter in which the General Land Office asks the cooperation of Congress to secure economy. They ask that the office of the surveyors general be abolished and that the work heretofore handled by the surveyors general be

consolidated with the field surveying service. The bill contains this paragraph:

The office of surveyor general is hereby abolished, effective July 1, 1925, and the administration of all activities theretofore in charge of surveyors general, including the necessary personnel, all records, furniture, and other equipment, and all supplies of their respective offices, are hereby transferred to and consolidated with the field surveying service, under the jurisdiction of the United States supervisor of surveys, who shall hereafter administer same in association with the surveying operations in his charge and under such regulations as the Secretary of the Interior may provide.

Governor Spry, Commissioner of the General Land Office, thus stated the purpose of this:

Mr. SPRY. To bring the entire field surveying service under one administrative head and secure greater economy in operation the position of United States surveyor general should be abolished and the work of their offices consolidated with the field surveying service under the supervisor of surveys.

This change will result in an immediate and continuing annual saving of \$167,210.

Comparison of appropriations

	1925	1926
Surveying public lands, Interior Department.....	\$700,000	\$840,290
Surveying public lands, field classification.....	92,820	
Surveyors general, Interior Department.....	175,000	
Surveyors general, field classification.....	39,680	
Total appropriations.....	1,007,500	840,290
Total reduction.....		167,210

This question has to do with the important work of surveying the public lands.

Statement showing, in acres, area of public lands surveyed during the fiscal year 1924, also total area surveyed and unsurveyed on June 30, 1924.

States	1924	Surveyed to June 30, 1924	Unsurveyed to June 30, 1924
Alabama		32,818,560	
Alaska ¹	66,845	1,770,405	376,395,355
Arizona	924,241	30,687,370	33,151,030
Arkansas	461	33,616,000	
California ¹	381,339	82,389,809	17,227,471
Colorado ¹	145,563	63,990,625	2,350,495
Florida	1,404	35,111,040	
Idaho ¹	535,853	37,920,367	15,426,193
Illinois		35,867,520	
Indiana		23,068,800	
Iowa		35,575,040	
Kansas		52,335,360	
Louisiana		29,061,760	
Michigan	17	36,787,200	
Minnesota	281	51,749,120	
Mississippi		29,671,680	
Missouri		43,985,280	
Montana ¹	427,522	80,311,187	13,257,453
Nebraska		49,157,120	
Nevada ¹	486,492	46,023,064	24,262,376
New Mexico ¹	896,221	64,342,216	14,059,704
North Dakota		44,917,120	
Ohio		25,073,600	
Oklahoma		44,424,960	
Oregon ¹	132,214	54,561,058	6,627,422
South Dakota		48,943,759	251,761
Utah ¹	904,043	35,742,391	16,855,369
Washington ¹	226,165	35,776,619	6,998,421
Wisconsin	40	35,363,840	
Wyoming ¹	256	58,903,853	3,556,302
Total	5,151,820	1,289,946,728	530,419,352
Resurveyed	1,441,628		

¹ Has office of surveyor general.

Statement of lands surveyed and resurveyed in States which have surveyors general, during the fiscal year 1924.

State	Original surveys, 1924		Resurveyed, 1924		Unsurveyed to June 30, 1924	
	Acres	Rank	Acres	Rank	Acres	Rank
Alaska	66,845	11			376,395,355	1
Arizona	924,241	1			33,151,030	2
California	381,339	7	100,948	4	17,227,471	4
Colorado	145,563	9	535,188	1	2,350,495	12
Idaho	535,853	4			15,426,193	6
Montana	427,522	6			13,257,453	8
Nevada	486,492	5	14,897	6	24,262,376	3
New Mexico	896,221	3	4,852	7	14,059,704	7
Oregon	132,214	10			6,627,422	10
Utah	904,043	2			16,855,369	5
Washington	226,165	8	154,682	3	6,998,421	9
Wyoming	256	12	292,741	2	3,556,302	11

As was stated to the committee by Governor Spry, the surveyors general were originally created under authority of section 2207, United States Revised Statutes, as district headquarters, from which the field work of surveying the public lands under the old contract system was administered. The act of Congress approved June 25, 1910 (36 Stat. 703-740), brought to a close the practice of having these surveys executed under contracts by authorizing the employment of a permanent corps of United States surveyors and engineers selected under competitive civil-service requirements. The change affected very materially the functions of these offices, and "since that time they have been a more or less unnecessary intermediate agency between the administrative and supervisory unit in the General Land Office and the field surveying organization, and should therefore, in the interest of economy and efficiency, be consolidated with the field surveying service as recommended in these estimates."

In the hearings Mr. Bond, chief clerk of the office, stated the bill carries enough money to handle the work efficiently.

The change involves only the abolition of political jobs and a consolidation of the work. In numerous western cities we have now side by side headquarters of the field surveying service and offices of the surveyors general. There is duplication of expense and lessening of efficiency. The surveyors general are political appointments, in the main filled by men without technical training. A few weeks ago one of them failed to cooperate with the Department of Justice in furnishing needed information from his records because his political friends were affected. The bureau recommends that this work be consolidated, that the political positions be abolished, and that there

be a unified technical service to carry on this important work. It occurs to me that in a bureau that is so rigorously enforcing economy in those branches where they have authority, it is incumbent upon Congress, if we are in earnest in this matter of economy, to cooperate with the General Land Office and bring about this consolidation that is at once in the interest of efficiency and economy.

ARMY AND NAVY PENSIONS

This bill carries \$197,000,000 for payment of Army and Navy pensions. That is \$25,500,000 below the appropriation for that purpose the current year and about \$17,000,000 to \$18,000,000 below the probable actual expenditures. The estimate last year was \$230,000,000 for the current year, which impressed the committee as higher than necessary, and while we wished to be sure of avoiding a deficit we felt safe in recommending a reduction to \$222,500,000, which was accepted by the House. When the bill was under consideration by the House I stated concerning this—

We do not agree with the Pension Office that \$230,000,000 is necessary for 1925. We went into the matter carefully and with more detail than I care to go into with you at this time, and as a result of our investigations we felt perfectly safe in reducing the amount to the extent of \$7,500,000. My personal opinion is, from such study as I can give the matter in my amateur way, that unless the laws should be changed the expenditures will likely not exceed \$215,000,000 in 1925. But we have wanted to be safe, although we have not gone to the extreme degree of safety that the bureau did in their estimates.

I have no desire to imperil any reputation that may gain me as a forecaster on this involved matter, but I feel assured the estimate sent to Congress of \$197,000,000 for 1925 is as low as it is safe for us to go.

In connection with this subject the following information in tabloid form will be of interest:

Pensioners of the different wars on the roll at the close of last fiscal year

	1924	Veterans	Widows
Civil War	399,951	146,815	250,341
War with Spain	101,142	85,038	13,206
War of 1812	33		33
War with Mexico	1,468	31	1,437
Indian wars	6,830	3,863	2,967
Regular Establishment	16,037	12,283	2,283
World War	78	56	14
Total	525,539	248,116	270,194

Pensioners of the Civil War on the roll at the close of the last 15 fiscal years

Year	Soldiers	Widows	Minors, dependents, etc.	Total
1913	462,370	293,129	6,931	762,430
1914	429,354	292,343	6,432	728,129
1915	396,370	280,218	6,018	696,606
1916	362,277	286,080	5,650	654,007
1917	329,226	284,216	4,884	618,326
1918	298,808	288,815	4,170	591,793
1919	271,391	263,244	3,708	538,343
1920	243,520	286,844	3,365	533,729
1921	218,775	278,096	3,229	500,102
1922	193,791	269,245	3,039	466,075
1923	168,542	264,580	3,104	436,226
1924	146,815	250,341	2,795	399,951

Amount paid to pensioners, 1900 to 1924, inclusive

War of the Revolution	\$70,000,000.00
War of 1812	46,145,923.39
Indian wars	25,640,832.23
War with Mexico	56,545,304.31
Civil War	6,427,106,586.49
War with Spain	129,673,359.67
Regular Establishment	67,557,368.44
World War	168,538.79
Unclassified	16,513,425.54
Total	6,836,351,398.86

The number of claims to be filed this year is estimated at 100,000. The largest number ever filed in one year being 138,078 in 1921. In 1924 there were filed claims as follows:

Civil War veterans	21,822
Civil War widows	12,095
Spanish War veterans	56,127
Spanish War widows	4,215
Others	21,560
Total	115,825

The largest number of claims ever pending at one time was 99,100 in 1921. There are now pending 50,000 claims, and the work is practically current.

The largest number of pensioners was in 1902, when 990,402 were on the roll. There were 525,539 on the roll June 30, 1924.

The largest expenditure was \$263,012,500.18 for 1923 as against \$215,000,000 the current year.

The salary roll is 786 employees, the smallest force in over 40 years, 51 less than 1925, 201 less than 1924, and 329 less than 1917.

The oldest pensioner is 105 years old and is the widow of a veteran of the War of 1812. There were at the close of the fiscal year 1924, 33 widows of veterans of that war. The youngest is now 65. She married the veteran in 1883 when she was 23 and he 86, he having been a boy of 16 when in the service. If she lives to the age of 86, his age at their marriage, she will in 1945 be drawing pension as the result of her husband's military service 130 years before. You see something of the possibilities that come where patriotism, national gratitude, and romance are intertwined.

THE PATENT OFFICE

In the bill before you last year in reference to the item for the Patent Office, there was a plan worked out by the committee and the commissioner intending to bring the work of the Patent Office up current at the earliest possible time. Because of the time needed to organize the temporary force it was estimated that two years would be required, the fiscal years 1925 and 1926. That program was adopted and provisions made for it the current year. In order to complete that program and be able to hold the commissioner wholly responsible to his promise, it is necessary to give \$191,000 for the temporary roll for 1926, and we recommend that figure though \$36,000 above the estimate. Thereby he will be able to continue the force now organized for that purpose and be current by July 1, 1926.

These figures will be of interest in that connection:

Applications for patents, including releases, designs, trade-marks, labels, and prints

Year ended June 30—	
1914	81,539
1915	79,116
1916	80,621
1917	81,538
1918	73,307
1919	75,657
1920	102,940
1921	107,656
1922	113,674
1923	100,809
1924	99,653

A comparative statement of the appropriations for 1925, the Budget estimates for 1926, and the amounts recommended in the accompanying bill for 1926, under principal subjects exclusive of tribal funds

Object	Appropriations for 1925, including amounts in pending deficiency and field classification bills	Budget estimates for 1926	Amount recommended in the bill for 1926	Increase (+) or decrease (—), bill compared with 1925 appropriation	Increase (+) or decrease (—), bill compared with 1926 Budget estimates
BUREAU OF INDIAN AFFAIRS					
Salaries, Commissioner's Office	\$388,640.00	\$381,500.00	\$381,500.00	—\$7,140.00	—\$7,140.00
Total, Indian lands	70,340.00	211,767.67	100,000.00	+29,690.00	—\$111,767.67
Total, industrial assistance	637,800.00	582,000.00	590,000.00	—47,800.00	+8,000.00
Total, water supply	82,680.00	76,300.00	77,300.00	—6,380.00	+1,000.00
Total, irrigation and drainage	1,719,950.00	1,367,900.00	1,084,500.00	—635,350.00	—283,310.00
Total, for education	6,332,563.00	6,269,760.00	6,194,500.00	—138,663.00	—66,260.00
Total, for conservation of health, etc.	644,690.00	728,000.00	800,000.00	+155,410.00	+74,600.00
Total, general support and civilization	1,753,430.00	1,577,080.00	1,486,520.00	—267,910.00	—91,530.00
Total, roads and bridges	112,200.00	18,000.00	18,000.00	—94,200.00	—94,200.00
Total, annuities and per capita payments	31,020.00	31,020.00	31,020.00		
Miscellaneous	1,154,932.80	1,144,730.00	1,120,840.00	—34,092.80	—23,890.00
Total, Bureau of Indian Affairs, exclusive of tribal funds	12,929,281.80	12,377,627.67	11,883,270.00	—1,046,011.80	—493,757.67
Total reimbursable of above	2,162,970.00	1,716,140.00	1,437,770.00	—725,200.00	—278,370.00
FROM TRIBAL FUNDS					
Total, Indian lands	205,000.00	156,860.00	156,860.00	—48,140.00	—48,140.00
Total, irrigation and drainage	138,800.00	17,700.00	17,700.00	—121,100.00	—121,100.00
Total, for education	59,700.00	61,200.00	61,200.00	+1,500.00	
Total, support and civilization	1,898,800.00	1,868,890.00	1,868,890.00	+10,380.00	
Total, roads and bridges	9,000.00	29,000.00	29,000.00	+20,000.00	+20,000.00
Total, Bureau of Indian Affairs, from tribal funds	2,270,800.00	2,189,660.00	2,133,660.00	—137,130.00	—137,130.00

PAYMENTS IN LIEU OF TAXES

There are some matters to which I desire to call your attention. First, there was in the estimate this item:

For payment of certain local taxes to the counties of Stevens and Ferry, in the State of Washington, on allotted Colville Indian lands, as provided by the act of June 7, 1924, \$115,767.67.

June 30—	Applications awaiting action
1914	22,283
1915	18,270
1916	16,559
1917	16,058
1918	14,709
1919	17,735
1920	34,355
1921	49,334
1922	67,367
1923	71,927
1924	62,645
Nov. 28, 1924	56,948

This office has an intimate connection with our industrial welfare, is self-sustaining, and the highest state of efficiency is imperative. The commissioner and his staff are making great efforts, as our hearings will fully demonstrate. The total receipts for 1924 were, net, \$3,042,276.22. The expenditures were \$231,065.15 above that figure, but the Patent Office has to its credit a net surplus of \$8,232,249.64 of receipts over expenditures to date.

INDIAN AFFAIRS

I want to discuss also the Bureau of Indian Affairs, a great bureau that has to do with the Government's relations and efforts for the Indian population totaling 346,902, a population that has been increasing of late years. It has the administration of the business affairs of those Indians, and the revenues belonging to the Indians collected by the Indian Service during the last fiscal year exceeded \$32,000,000. The Indians have individual and tribal property, which in 1924 totaled \$1,052,000,000, and in 1923, \$1,010,000,000. In other words, in a year the value of their individual and tribal property increased some \$42,000,000.

The largest part of the revenue for 1924 came from royalties and bonuses on oil leases on Indian lands, proceeds from the sale of timber on Indian reservations, and reimbursement accounts with Indians for livestock, farming implements, and other equipment.

The \$32,861,768 receipts of the Indian Bureau were deposited in the Treasury of the United States to the credit of the various Indian tribal funds, but a large part was later drawn out during the year and paid to individual Indians. The greatest distribution was to the Osage Indian Tribe of Oklahoma.

The total expense of the Indian Service from the Treasury, exclusive of tribal funds, for the current year is \$12,929,281, of which \$2,162,970 is reimbursable. In the bill before you there is a total of \$11,883,270 from the Treasury, a decrease of \$1,046,011.80 below the current year and \$493,757.67 below the estimates. The following statement gives a general view of their expenditure:

That was authorized by the following act:

An act to authorize the payment of certain taxes to Stevens and Ferry Counties, in the State of Washington, and for other purposes

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Stevens and Ferry Coun-

ties, in the State of Washington, as taxes claimed by said counties under section 2 of the act of July 1, 1892, relating to the payment of local taxes on allotted Colville Indian lands, the following sums, to wit: To Stevens County, \$44,309.67; to Ferry County, \$71,458: *Provided*, That there may be deducted from said amounts by the Secretary of the Interior such sum or sums as he may find have been paid to said counties for Indian tuition; also the excess, if any, where the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable land.

SEC. 2. That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, \$115,767.67 or so much thereof as may be necessary, for the payment of said sums to said counties, as provided in the foregoing section.

The report on that bill in the House carried this letter from the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, February 5, 1924.

Hon. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

DEAR MR. SNYDER: The receipt is acknowledged of your request dated January 9, 1924, for report on H. R. 1414, Sixty-eighth Congress, first session, entitled "A bill to authorize the payment of certain taxes to Stevens and Ferry Counties, in the State of Washington, and for other purposes."

The claims of Stevens and Ferry Counties are based upon section 2 of the act of July 1, 1892 (27 Stat. 62), and no objection will be made to the enactment of H. R. 1414 into law.

The provisions of the bill are identical with H. R. 5418, Sixty-seventh Congress, first session, a favorable report upon which was made to your committee on May 16, 1921, in which reference was made to a report dated December 6, 1920, to the President of the Senate on paragraph 22 of the Indian appropriation act approved February 14, 1920 (41 Stat. 408, 432). These reports contain in full the reasons for favorable action.

Very truly yours,

HUBERT WORK.

The statement of the department that the claims were based on the act of 1892 would naturally disarm opposition to the bill. But investigation in our hearings developed that the act of July 1, 1892, provided:

SEC. 2. * * * set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior from time to time, in such amounts as he shall deem best, in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians, as he shall think fit, so long as such allotted lands shall be held in trust and exempt from taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among said Indians.

That is to say, it authorized these payments in lieu of taxes from the tribal funds, if sufficient was available. The act of June 7, 1924, provides for payment from public funds.

In the first place, the act of 1924 provides for \$115,767.67 to be paid, less the amount that has been paid for tuition of Indian children in the public schools in those counties. After inquiry we learned that the tuition amounted to \$26,000 and more, and the payment to the counties would need to be reduced accordingly. Further, the act of 1924 required that it should be ascertained that the rate of taxation that would be applied on these Indian lands was not to be at a higher rate than on other lands.

But there have been no steps taken to bring about the ascertainment of the truth as to that, so that in any event we are not ready to act upon this particular item. In the hearings Mr. Meritt said:

Referring to the inquiry about the report of the official who made the investigation regarding the claims of Stevens and Ferry Counties, in the State of Washington, you are advised that our records show that this report was transmitted to the Secretary of the Senate under date of December 6, 1920, and this report has not been returned to the files of this office. Careful investigation of the records of the Indian Office show that there has been expended for tuition of Indian children in Ferry County, \$18,263.37, and for tuition of Indian children in Stevens County, \$6,033.93. We have no information about "the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable land." Any further information available from the files of this office desired by the committee will be gladly furnished.

But there is more involved in this than that. The act of 1892, as I have said, authorized the payment of these moneys

in lieu of taxes out of the funds of the Indians received from the sale of the ceded portion of the reservation. But the act of 1924, which it was said was to carry into effect the act of 1892, concerns a payment out of the Treasury, and not out of the funds of the Indians.

To make this appropriation of \$115,000, as authorized by the act of 1924, would be a precedent that if carried out logically would involve the Treasury in the expenditure of hundreds of millions of dollars, because there are probably a thousand counties in the West that are fully as much entitled to such recognition from the Treasury as are those two counties, as far as payment from public funds is concerned. And so the committee have eliminated that item from the bill.

INDIAN EDUCATION

There are said to be, according to the last available figures, Indian children of school age and eligible to the number of 80,906, and there were actually in school in 1924, 65,184; and the present actual attendance is 67,125. There were 4,071 more Indian children in school in 1924 than there were in 1923. There are about 2,000 more in school now than there were a year ago. They have, out of about 81,000, 67,000 in school.

Some of your sensationalists, who live upon their attacks upon the Government administration of Indian affairs, charge that there are so many thousand Indian children out of school, and they seem to feel that we have been terribly recreant in our duty to that race. But I have a statement by the Bureau of Education to the effect that nearly as great a proportion of all the children of the United States are also out of school. The bureau says:

Total children, white and colored, of school age, 28,627,201.

Of the total number of children of school age, there were enrolled in public schools 23,239,227; in private schools, 1,580,873; total, 24,820,100.

But your committee is highly appreciative of the importance of increased and improved facilities for education.

The committee for several years has been increasing the capacity of the Indian schools, and the bureau has been diligent in getting them into school, and it is probable that we have nearly reached the point where we have facilities for all the Indian children that can be put to school. At the same time there is a rapid growth in the appreciation on the part of the Indians of the educational facilities offered them.

TABLE NO. 2.—Indian and school population, number eligible for school attendance, number in schools, etc., and capacity of schools provided for Indian children during fiscal year ended June 30, 1924

States and superintendencies	Indian population	Number of school age	Eligible for attendance	Eligible not in school	Total in school	Total capacity in all schools
Grand total.....	312,702	87,627	80,906	15,512	65,484	73,065
Arizona.....	43,840	12,023	10,685	3,210	7,475	5,928
California.....	18,702	3,830	3,663	418	3,245	3,125
Colorado: Consolidated Ute.....	792	259	236	46	189	212
Iowa: Sac and Fox.....	370	103	82	6	76	70
Kansas: Pottawatomie.....	1,528	540	491	109	391	283
Michigan.....	1,214	740	689	—	689	573
Minnesota.....	13,920	4,029	3,895	434	3,461	2,881
Mississippi: Choctaw.....	1,200	450	394	194	190	210
Montana.....	12,953	4,133	3,811	937	2,874	2,807
Nebraska.....	2,574	889	650	93	557	349
Nevada.....	1,157	1,460	1,333	236	1,097	902
New Mexico.....	20,834	5,676	4,913	726	4,187	3,366
North Carolina: Cherokee.....	2,581	956	798	24	774	711
North Dakota.....	9,818	3,101	2,855	263	2,592	2,031
Oklahoma.....	117,364	31,868	31,407	7,472	23,935	22,168
Total, western Oklahoma.....	15,858	4,889	4,428	98	4,330	4,073
Five Civilized Tribes.....	101,506	26,979	26,979	7,374	19,605	18,095
Oregon.....	4,492	1,415	1,351	267	974	954
South Dakota.....	23,924	7,120	6,025	530	5,495	4,541
Utah: Uintah and Ouray.....	1,146	525	293	100	193	183
Washington.....	10,789	3,084	2,887	192	2,395	2,264
Wisconsin.....	7,973	2,164	1,929	23	1,896	2,356
Wyoming: Shoshone.....	1,808	531	446	59	357	402
Alaska.....	—	344	344	—	344	—
New York.....	4,272	1,245	1,245	—	1,245	1,195
Florida.....	467	132	132	—	—	—
Total.....	4,739	1,721	1,721	—	1,569	1,195

¹ Report of 1923.

That has been increased since and will be further increased when current construction is completed.

The total in the pending bill for education is \$6,194,500 from the Treasury, well over half of the total expenditure of \$11,883,270 for the bureau.

CONSERVATION OF HEALTH

A second great agency in solving the Indian problem is through conservation of health. It is surprising that no specific

appropriation was made for the conservation of the health of the Indians until 1910, when \$12,000 was given. The amount was increased until in 1924 it was \$370,000. For the current year, by reason of the experience of members of the committee who had examined the conditions on the reservations and elsewhere, it was increased to \$500,000, and the bill before you further increases it to \$800,000, including the cost of field classification.

IRRIGATION ECONOMIES

There is a reduction of \$283,310 in the appropriation for irrigation and drainage on Indian reservations; \$178,910 of that reduction results from this one motive. Many of these irrigation projects, large and small, serve both the Indians and the whites who are either adjacent to them or who intermingle with them in their land settlements. The theory is that those white owners or lessees shall pay their share of the cost of operation of the project—a pro rata that should be fairly assessed to their lands. There was an act passed in 1914 which came to the attention of the committee—I had not known of it myself before—that authorized any collections of that kind to be used for the same purpose, and they would then become available until expended and be a species of revolving fund.

There has been nothing said about that and the practice has been to appropriate the full amount deemed necessary to operate and maintain these projects. Then during the year, if they did succeed in making collections from the whites, they had that; they were able to use first the appropriation that was limited to the specific year, and then they had the other funds to fall back upon if they should need it. We really have not known much about it, and this year when we tried to find out about it the information was so diversified in its habitat outside of Washington that the bureau here was not able to give us very complete information. They were kind enough to telegraph to the reservations, but even so the hearings do not give definitely the information we ought to have as to the cost of operation and maintenance, or as to the amount assessed against the white owners and lessees, and to the amount that reasonably ought to be assessed against them. The committee felt that we should know more about these things. We might have recommended the repeal of that provision of 1914 enabling them to use these funds. That is a custom that does not prevail generally as to governmental receipts. But it seemed desirable also to force a more active program of proper assessments of the charges against the whites to the white-owned and white-leased lands, to force a more active program of properly assessing and collecting such charges. So we tried in a rough way to deduct from the estimates required the amount that the white lands ought to contribute. These deductions are as follows:

Yuma	\$28,710
Fort Hall	25,000
Flathead	35,000
Blackfoot	7,000
Crow	24,000
Confederated Utes	24,000
Wind River	35,000
Total	178,710

As to these several projects the following summarizes the available information:

YUMA

Under works, 8,312 acres.
Indian, 2,800 acres; white owned or leased, 5,220 acres.
Operation and maintenance charges on whites, \$28,710. Estimate reduced that amount.

FORT HALL

Under works, 52,000 acres; cultivated, 30,517 acres.
Indian owned and not leased, 17,858 acres, of which 7,249 acres cultivated; white owned, 14,706 acres, of which 3,822 acres cultivated; white leased, 19,446 acres. Total, 52,010 acres.
Assessment, 1924, against white-owned lands, \$18,382.50; against white-leased lands, \$24,307.50. Total, \$42,690.
Amount collected, 1924, \$21,958.21.
Estimate, \$40,000; recommended, \$15,000.

FLATHEAD

Under constructed works, 105,000 acres, which is all assessed a minimum of 25 cents, \$26,250.
Actually irrigated, 34,500 acres, \$40,250; subject to additional assessment.
Cultivated by Indians, 2,226 acres; cultivated by whites, 32,274 acres.
Operation and maintenance, 1924, was \$35,000; personnel since reduced.
Estimate, \$45,000; recommended, \$10,000.

BLACKFOOT

Under constructed works, 20,900 acres.
Irrigated by 55 Indians, 292 acres; irrigated by whites, 3,549 acres. Minimum, \$2,061.75; additional assessments, \$5,323.50. Total, \$7,985.25.
Total operation and maintenance, \$12,492.37; minus, \$7,985.25. Total, \$4,507.12.
Estimate, \$12,000; recommended, \$5,000.

CROW

Under constructed works assessed at \$1.50 per acre, 1924, 53,000 acres.
Irrigated, 30,632 acres.
Irrigated by Indians, 8,076 acres.
Irrigated by whites, 21,956 acres.
Total assessment, \$79,500.
Total collections, \$11,039.
Operation and maintenance cost, 1924, \$77,707.75.
Mr. Reed says, page 853, ought to be cut down this year one-third or more. Hope to operate for \$40,000.
Estimate, \$40,000.
Recommend \$16,000.

CONFEDERATED UTES

Under constructed works, 77,195 acres.
Actually irrigated, 53,222 acres.
Irrigated by Indians, 8,646 acres.
Irrigated by whites—owned, 16,506 acres.
Irrigated by whites—leased, 28,070 acres (exempt).
1924, much assessed was extended.
1924, collected \$16,096.42 from white owners. 1924, collected \$1,700.36, canal carriage right capacity. Total, \$17,796.78.
Mr. Reed says, page 864, \$40,000 will cover operation and maintenance for 1926.
Estimate, \$40,000.
Recommend \$16,000.

WIND RIVER

Necessary to combine ceded and diminished, as no information available separately.
Under construction works, 55,000 acres.
Irrigated, 25,447 acres.
Indians cultivated, 7,693 acres.
White owned and leased, 22,299 acres.
Total assessments, at \$1.50 per acre, \$82,500.
Collected, 1924, \$12,052.
Cost of operation and maintenance, 1924, \$85,524.
Whites, four-ninths of \$85,000, \$37,000.
Balance for Indians, \$48,000.
Estimate, \$105,000.
Recommend, \$50,000.

The orders which are in effect from the department in all cases require, apparently, that those charges be paid in advance, so that we are trying to appropriate here enough to cover the Indians' share of the project for operation and maintenance, and it is up to the Indian Office to collect, and it is up to the whites to pay their share of the cost, in order to have the project properly operated. As I say, our information is not exact, so we have tried to err on the side of liberality for this year, trusting that in another year a full presentation will be made which will enable us to make a more complete disposition of the money.

THE COOLIDGE DAM

The bill carries an item of \$450,000 to commence construction of the Gila River Reservoir. This is the only new Indian irrigation project in the bill and is of much importance, planned to cost \$5,500,000 and serve Indian and white owned land and public lands, and was authorized by the act of June 7, 1924, with greater safeguards for success of the project and return of the construction costs to the Treasury with interest than has heretofore been the case.

The dam on the Gila River is to be 200 feet high and impound 760,000 acre-feet of water. The Indian lands served are those of the Pimas, historically peace loving and friends of the whites and followers of agriculture through irrigation for many centuries, and whose water rights have been greatly diminished through encroachments above their lands. Acting upon the suggestion of Representative HAYDEN, in whose district and State the project lies, the committee recommends the dam be hereafter known as the Coolidge Dam.

Pending a thorough examination of the whole subject, further construction in the Montana irrigation projects does not seem wise, and the estimates, restricted to operation and maintenance costs, are accepted with reductions based upon contributions by white owners and lessees as above referred to.

RECLAMATION PROBLEMS

Reclamation, stressed in the President's message you have heard read, is one of the greatest problems for the future of the West and therefore for the future of the country. The placing of men upon land which they themselves own and which they themselves till is the surest foundation for a democracy, and I am a great believer in the program of reclamation for the West. But my contact with it during the past three years and more—during which time I have visited nearly all of the great reclamation projects and during which time I have had charge here of the appropriations for carrying on the work—has impressed me with this fact: That the welfare of the West and the welfare of the country as bound up in the policy of reclamation demands that it is absolutely necessary that this whole program be now put upon a business basis. It must be taken out of politics. Projects must be selected not through political logrolling but upon the basis of merit and with reference to the opportunity there is for each project to succeed and make good. But there never was a time when we were more at sea as to what is going to happen in reclamation than now.

In this work \$150,000,000 has been spent. Some \$18,000,000 or \$20,000,000 has come back. Most of the rest is not yet due. We have provided liberally for accretions to the fund. Out of the amount which has been spent, \$106,990,339 came from the sale of public lands, but that source of revenue is pretty much gone, and during 1926 there is expected to come from that source only \$600,000. For the next fiscal year the principal source of increase for that fund, 1926, will be from oil-leasing royalties, \$7,000,000. The leasing act of 1920 provided that 52½ per cent of the receipts from that source should go to the reclamation fund, 37½ per cent to the States, and 10 per cent to the United States.

When I attempt to intimate that my constituents up in Michigan are interested in the economical and wise expenditure of these funds, the immediate response is that we do not need to worry; that we do not give any of that money; that it comes out of the reclamation fund. In the first place, any big, worth-while program of further extension, such as is demanded, will only be possible through taking more money out of the Federal Treasury, a part of it contributed by my constituents. But, more than that, the principal revenue which goes into that fund next year is \$7,000,000 from oil-leasing royalties. The States in which that oil lies have been pretty well recognized when we turn over immediately to them, without any expenditure on their part for supervision or enforcement of the law, 37½ per cent of all of the value of the oil that comes out of that Government-owned land, and we take 10 per cent for the cost of administration, 52½ per cent going into the reclamation fund. The Nation has an interest in the proper expenditure of the proceeds of our natural resources on the public domain. Where are they to get the money we are to appropriate for reclamation? Well, there is a balance of \$6,000,000 which they expect to have on the 1st of July. They expect to get \$600,000 from the sale of public lands during the year 1926; they expect to get \$7,000,000 from oil-leasing royalties, and \$10,000 from potassium and power royalties. Two million five hundred thousand dollars, when we are spending some \$6,000,000 or \$8,000,000 offhand, for construction. They expect to get back \$2,500,000 in construction repayment on a program which has been under way for 20 years.

Then for operation and maintenance repayments. The figures before us from the service, for the operation and maintenance of these projects for the next fiscal year, are \$3,000,000, and how much do they expect will be repaid to the fund just from operation and maintenance, an annual cost which ought to be taken care of annually? Two million five hundred thousand dollars.

The Bureau of Reclamation is forced to give us figures showing that there will be \$500,000 less repaid to the fund than is paid out of it for operation and maintenance alone. That does not sound very businesslike to me. The estimate in full is as follows:

Estimated funds available, fiscal year 1926	
Probable balance, July 1, 1925	\$6,110,000
Receipts from sale of public lands	800,000
Receipts from oil-leasing royalties	7,000,000
Receipts from potassium and power royalties	10,000
Construction repayments	2,500,000
Operation and maintenance repayments	2,000,000
Rentals of irrigation water	850,000
Power returns	350,000
Miscellaneous returns	550,000
	13,360,000
Total	19,470,000

Less:	
Repayment on loan from General Treasury	\$1,000,000
Budget, 1926	9,750,000
	\$10,750,000
Probable carry over, July 1, 1926	8,711,000

You recall the deficiency bill which passed this House last session and just yesterday received final action in another legislative body. You recall the circumstances under which that bill passed this House. It carried provisions in it authorizing the commencement of construction upon several new reclamation projects—the Owyhee, the Salt Lake Basin project, the Kittitas division of the Yakima, and a power plant for the North Platte. Most of those projects had never been recommended by the Interior Department or by the Budget, but items were put in the deficiency bill in another body for their construction. It carried also new general legislation. The old reclamation act provided for the repayment of this money, the cost of construction, in 20 years without interest, but the deficiency act which has just gone to the President provides for the repayment of the money not in stated annual portions but with reference to the gross crops produced upon the farms. We have got to keep books on all our farms out there and take a part and titling of their production each year.

Under this method it is estimated by those best qualified to judge that instead of this money for construction being repaid in 20 years without interest it will run from 35 to 40 years without interest, and as to certain of these new projects the director of the reclamation gave us to understand that probably the time to repay the construction costs as to one project, for instance, that was included in this deficiency bill, would be as much possibly as 138 years, without interest, and the money taken from the Federal Treasury.

I do not care where that money comes from; it is now a trust fund that we ought to handle with special care and with a view to the proper development of the great West.

This House did not believe in those projects being inserted in that way, a haphazard, political, logrolling method, and this House did not believe in the changes in legislation proposed. Some of us thought that the legislation went too far and some of us thought it did not go far enough. I undertake to say there is practically no one in this House that thinks that the legislation with reference to reclamation and so vitally affecting it is wise as it stands in the deficiency bill. But you remember, in the closing moments of the session, a great appropriation bill, that carried emergency appropriations for every branch of the Government, provided for the administration of the bonus, provided for many things vital to good administration, notice was served that that bill could not become law unless this political logrolling was permitted to succeed. In other words, the rule of force, rather than that of reason, was used to select new projects and make new law for this great problem of reclamation, in which we are trying to build for all the centuries to come a contented, land-owning people.

This subcommittee felt that in the present uncertain situation with regard to reclamation and its policies, we ought not to start any new projects, and hence an item included in the estimates with reference to the Spanish Springs project to cost some \$6,000,000 additional expenditure from the Treasury, was eliminated by us, not as condemnation of that project but because we believe the logical thing is to first adopt a policy with reference to repayments and land settlement and so forth, and after that make the appropriations.

There were other items for the Salt Lake, the Kittitas, and the North Platte. Especially as to the Salt Lake and the Kittitas, if we had been allowed to follow our judgment we would have omitted those items also until a new policy could be adopted by the Congress to govern them, but their beginning has been authorized in the deficiency act that just goes to the President. So the items for their further construction we have been obliged to approve, but have attempted to surround them with safeguards that we hope will meet with the approval of the House.

THE SALT LAKE PROJECT

As to these items that are before us, in the interest of conservation of time, I am going to discuss only two. First, the Salt Lake project, where something like \$375,000 was carried in the deficiency bill authorizing the project, and \$1,000,000, is in this bill. We have cut that \$1,000,000 to \$900,000 because of a reappropriation of \$100,000 that they will not be able to use from the other item.

As to the Salt Lake project. The original purpose of reclamation was to develop the public lands of the West; to provide cheap homes to settlers; to take care of reclamation

problems where several States were involved and the interstate rights might come into play; or tremendously large projects like the Boulder Canyon project, where many States are involved and the expenditure is enormous, or where other problems, such as power and its proper conservation for the public use came into play. The Salt Lake project, as I understand it, is this: An area of land, entirely in private ownership and entirely settled and under irrigation, has an insufficient water supply for the whole season. They desire to turn from field crops that mature early to garden truck, and so forth, which would require a longer growing season; but their water supply fails them in early July.

If the construction of a certain reservoir they can be given an additional water supply to carry them through the season. It is an additional facility for an agricultural section. It is an additional facility for many farms now in private ownership and under private cultivation. It is a desirable project, apparently. It is a good business matter, so far as these people are concerned, to have this additional facility; but, you know, up in my country if a farmer wants a silo or some additional facility on his farm he can go to the Farm Loan Board of the United States and can borrow the money for that purpose. The farmer has 40 years in which to repay or amortize the loan, with interest at $4\frac{1}{4}$ per cent, if I am correct. They are the terms on which my constituent would get that aid for an additional facility for his farm, but how is it proposed to give this facility to these farmers of Utah in the deficiency bill that has just gone to the President?

It is proposed to spend some two or three million dollars there and to get the money back in 35 to 40 years; or at the best, under the Warren Act, 20 years, if the work goes under the Warren Act. At any event, the loan is without interest. Now, what reason is there for that? Why for an area in private ownership, should the Treasury of the United States spend its money, on terms more or less vague and uncertain, to provide these private facilities? The only reason they turn to the Federal Government is that they are unable to finance the scheme themselves. All we put in the bill is a provision not unfriendly to the project but friendly to the Treasury and, we think, important to the full success of the policy of reclamation, a provision similar to that that my constituents would have to meet for a loan of this money up there for 40 years, with interest at 4 per cent—an amortization plan. We propose:

Salt Lake Basin project, Utah, first division: For construction of Echo Reservoir and Weber-Provo Canal and incidental operations, \$900,000: *Provided*, That any unexpended balance of any appropriation available for the Salt Lake Basin project for the fiscal year 1925 shall remain available during the fiscal year 1926: *Provided further*, That no part of this appropriation shall be used for construction purposes until a contract or contracts, in form approved by the Secretary of the Interior, shall have been made with an irrigation district or with irrigation districts organized under State law, providing for payment by the district or districts as hereinafter provided. The Secretary of the Interior shall by public notice announce the date when water is available under the project, and the amount of the construction costs charged against each district shall be payable in annual installments, the first installment to be 5 per cent of the total charge and be due and payable on the 1st day of December of the year following the date of said public notice, the remainder of the construction charge, with interest on deferred amounts from date of said public notice at 4 per cent per annum, to be amortized by payment on each December 1 thereafter of 5 per cent of said remainder for 40 years, or until the obligation is paid in full: *Provided further*, That the operation and maintenance charges on account of land in this project shall be paid annually in advance not later than March 1, no charge being made for operation and maintenance for the first year after said public notice. It shall be the duty of the Secretary of the Interior to give such public notice when water is actually available for such lands.

That policy was adopted last June by the House when it adopted the bill for the San Carlos Reservation in Arizona, where 80,000 acres were involved—40,000 belonging to the Indians and 40,000 to the whites. The House adopted a provision exactly in line with this provision with reference to the Salt Lake as to repayment and amortization, with interest at 4 per cent.

THE KITTITAS

Now, the other project is the Kittitas unit of the Yakima project. I have been on the project, and though I am not thoroughly familiar with it, I have some impressions concerning it and no unfriendly attitude toward it when we get around to a definite, businesslike line of procedure.

We have built a dam that stores the water, and they now ask us to spend some \$6,000,000 additional for canals to carry the water to this additional Kittitas unit. The land there is almost entirely in private ownership, as in the Utah project; but unlike that in the Utah project, it is not developed. There has been a little attempt at irrigation, but not much. In the main it is undeveloped but in private ownership. There again it seems to me that we ought to have a business policy. If we are going to spend \$6,000,000 we ought to have a definite provision for the repayment, and so we have the same provision in reference to repayment that was put in with reference to the San Carlos Reservoir and that we have inserted in the Salt Lake project. As in those we provide for the creation of an irrigation district, so that instead of doing business with the individual water users, as the Government has been asked to do in other projects, we require the land to be formed into an irrigation district. That will have this important result, that the charges collectible annually would be collected as taxes and then turned over to us by the district. So that if it is carried out the people of the Kittitas unit on this Yakima project would have the water brought down through the canal to the land and then turn it over to a local organization that would do the rest.

But there is another important feature. We suggest, further, to protect against exploitation, as the San Carlos bill provided:

That no part of the sum provided for herein shall be expended for construction on account of any lands in private ownership until an appropriate repayment contract in accordance with the terms of this act and in form approved by the Secretary of the Interior shall have been properly executed by a district organized under State law, embracing the lands in public or private ownership irrigable under the project, and the execution thereof shall have been confirmed by decree of a court of competent jurisdiction, which contract, among other things, shall contain an appraisal approved by the Secretary of the Interior, showing the present actual bona fide value of all such irrigable lands fixed without reference to the proposed construction of said Kittitas division, and shall provide that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall be valid unless and until the purchase price involved in such sale is approved by the Secretary of the Interior, and shall also provide that upon proof of fraudulent representation as to the true consideration involved in any such sale the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sale; and all public lands irrigable under the project shall be entered subject to the conditions of this section which shall be applicable thereto: *Provided further*, That no part of the sum hereby appropriated shall be expended for construction until a contract or contracts shall have been executed between the United States and the State of Washington pursuant to its land settlement act embodied in chapter 188, Laws of 1913, as amended by chapter 90, Laws of 1921, and by chapters 34 and 112, Laws of 1923, or additional enactments, if necessary, whereby the State shall assume the duty and responsibility of promoting the development and settlement of the project after completion, including the subdivision of lands held in private ownership by any individual in excess of 100 irrigable acres, the securing, selection, and financing of settlers to enable the purchase of the required livestock, equipment, and supplies, and the improvement of the lands to render them habitable and productive. The State shall provide the funds necessary for this purpose and shall conduct operations in a manner satisfactory to the Secretary of the Interior: *Provided further*, That the operation and maintenance charges on account of land in this project shall be paid annually in advance not later than March 1, no charge being made for operation and maintenance for the first year after said public notice. It shall be the duty of the Secretary of the Interior to give such public notice when water is actually available for such lands.

We suggest measures to guard against speculative values in the land to protect the settler. When on the project I was assured any measure of this kind would be acceptable. We provide for State and Federal cooperation, and our suggestion is in accordance with the recommendation of a local committee of business men—I do not know whether they are all residents of Ellensburg, but several gentlemen of that section who have prepared a very interesting statement. Speaking of the sources of credit open to respective settlers, they refer to the Federal land act, the livestock association, the local banks and insurance, mortgage companies, and private individuals. Then they say:

The committee is of the opinion that in addition to these, special attention should be called to the statement on page 75 of the report relative to the land settlement law of the State of Washington. It is believed that the provisions of this law furnish a very important source of possible credits to settlers on the Kittitas unit.

The State of Washington has enacted a land settlement law to aid in the development of the State and the proper settlement of its land. It has something of a fund to be used for the purpose of extending credit to those who are developing the unsettled parts of the State. The pending bill proposes that the State of Washington and the United States shall cooperate in this work of reclamation as we cooperate in road building, and so forth.

The CHAIRMAN. The Chair will state to the gentleman from Michigan that he has occupied one hour.

Mr. CRAMTON. I will yield myself 10 minutes more, in which time I expect to be through. That cooperation will be along these lines: The United States would build the works, bringing the water to the land, and then we would deal with the reclamation district, and the State would supervise the settlement of the land and the financing of the settler.

That, we believe, would insure the success of the project and safeguard the return of our investment at some time.

That is just the beginning of the problem. The land has to be cleared and leveled and gotten ready, and it is not an immediate proposition that prosperity comes. It is hard work, and it is work where a man needs to know his business. Under the present law, as it stands, we choose these settlers by lot. The man who draws the lucky ticket gets the 40 acres of land. Of course, under that system we often get men who can not make a success of the development of the land.

VIEWS OF DIRECTOR OF RECLAMATION

The views that I am suggesting to-day are not radical. I do not think they are unfriendly to a proper reclamation development or to these particular projects. The director of the reclamation fund, Doctor Mead, is one of the greatest authorities in the country on that subject, and holds very similar views. He has had great experience.

Doctor Mead was formerly professor of rural institutions in the University of California and was recently chairman of the State land settlement board in that State and a member of the fact finding commission, etc.

Doctor Mead served as consulting engineer in Australia in the planning of irrigation and development and study of land settlement in connection with a commission appointed by the British Government.

He has had a life-long experience in irrigation administration, beginning as assistant State engineer of Colorado, then State engineer of Wyoming, then chief of irrigation and drainage investigations of the United States Department of Agriculture, chairman of the State Rivers and Waters Supply Commission of Australia, consulting engineer of the Interior Department and of a number of countries in which irrigation is an important problem.

Doctor Mead is a graduate in engineering and agriculture of Purdue University and of Iowa State College, a member of the American Society of Civil Engineers and other engineering bodies, and an honorary member of the American Society of Agricultural Engineers.

He made a statement in our hearings which will be found on page 991, and which I shall incorporate as a part of my remarks. We had asked Doctor Mead about the need of reclamation, whether the legislation in the deficiency appropriation bill which had just gone to the President was sufficient and whether under it he could go ahead safely in the development of these projects. The bill before us carried the words "if found feasible." He said that those words had reference not to the engineering possibilities, but to the enactment of further legislation. He told us that the legislation as sent to the President was incomplete. Doctor Mead says:

NEED FOR GENERAL REVISION OF THE RECLAMATION ACT

Mr. MEAD. I would like to express the belief that the future success of reclamation will be promoted by a complete revision of the reclamation act. Many things indispensable to the adjustment of project costs and to the prompt and successful colonization of the land are not included in the bill now before Congress. Among the matters which should have consideration are the following:

(a) The Bureau of Reclamation should have its duties and responsibilities more clearly defined. At present the bureau is a creation of the Secretary to enable him to carry out the duties imposed by Congress. The extent of the commissioner's authority and the policies which control the bureau change with the views of different Secretaries. Such an arrangement is not favorable to continuity of action or the carrying out of a long-time program of development. Giving the bureau definite authority and responsibility would relieve the Secretary of a burden that is destined to become far more arduous in the future.

(b) The time has come for considering requiring interest payments on the construction costs of all new projects. If this were done, it

would put reclamation on a business basis. It would end the favoritism that is now shown the owners of private land in the development of their properties with interest-free money. It would tend to stop the inflation of prices of unimproved land, which has been a continuing abuse in the past and has often prevented realizing the desirable social and economic purposes of the act. If interest is paid, it does not greatly matter when payment begins on the money spent on the works. They could remain the property of the Government until irrigators were ready to assume control, and if the interest rate were made low, say 3 or 4 per cent, no additional burden would be imposed on the settler of small means. On the contrary, it might improve his condition, as he now sometimes pays twice for his water right, once to the Government and again in high land prices and high interest rates on borrowed money.

(c) The increased cost of works and the large amount of money which has to be spent in changing unimproved land into habitable farms make the methods of colonization and farm development matters of first importance. Provision should be made for soil surveys, appraisal of prices of farms according to productive value, whether the land is the property of the Government or excess holdings of private owners. The qualifications of settlers should be scrutinized. There must be publicity to call attention to the opportunities of these projects and a farm development program to aid the beginner in his development. These things are necessary to bring under cultivation abandoned farms on old projects, check the unhealthy increase in tenancy, and insure the prompt settlement, development, and payment of charges on all new projects.

(d) This law ought to be an opportunity for home ownership for the settler of small means. If it is to be this, a fund must be provided from which advances can be made to help in the improvement and equipment of farms of selected settlers who lack all the capital required. We now appropriate immense sums of money to be repaid without interest, for the construction of works which improve the landed possessions of private owners, but we do nothing to help the farmer of small means become the owner of that land. Our terms of payment for works are the most generous of any country. Our aid to the settler and for farm development is the least. The time has come for a reversal of the objects of the Government's liberality.

(e) It is believed that the law should require State approval and State cooperation in the case of all new projects. This is now required in the building of highways and in agricultural extension. Doing this will bring to this complex task a knowledge of local conditions possessed by the State, will arouse the effort and interest of the people most concerned in the success of these new communities, and will lessen the burden on the Federal fund. Now the law not only does not require State effort but gives no opportunity for its exercise.

In his report which has just come to the Congress he emphasizes the seriousness of the situation when he says:

CHANGING CONCEPTION OF RECLAMATION

Discussions in Congress, official reports, and articles in the press all bear testimony to the fact that a change is taking place in our conception of what is needed to make national reclamation by irrigation a social and economic success. All are agreed that a lofty purpose animated the framers of the national reclamation act; yet all familiar with its history realize that not all the conditions under which it would operate were foreseen, and that the results are unlike those anticipated.

When this act was framed the country was still in the pioneer period of development; irrigation works as a rule were neither large nor costly, areas watered from a single project were not extensive, and settlement of these areas shaped itself without organization or plan except in particular cases like those controlled by the Mormon Church. It was the common belief that all that was needed to obtain irrigated farms and prosperous homes was to provide water by building canals and reservoirs. The sponsors of Federal reclamation believed it would be a simple matter to change arid, unimproved land into farms because they thought the settler would have virtually free land, and that water would be cheap because the irrigation works would be constructed by the Government without profit, and with interest-free money.

As a result of this conception, the act dealt almost entirely with the construction and operation of irrigation works. The obstacles settlers would encounter in subdividing the land, equipping farms, and meeting payments on water rights were not regarded as serious enough to require a place in the development program. Time has shown that this was a mistake. Land has not been free; a majority of the settlers had to buy their farms from private owners, in some cases at extortionate prices.

It is now known that the cost of changing 40 or 80 acres of raw land into a farm is not only much greater than was anticipated, but often equals or exceeds the cost of canals and reservoirs. It is beginning to be realized that development under important works requires a study of agricultural and economic problems and the work-

ing out of settlement and development plans if the land is to be brought under cultivation without disastrous delays and waste of money and effort.

In the 22 years of the act's operation, social and economic conditions in the arid region have undergone a revolutionary change. People are no longer willing to undergo the hardships or privations that once were a part of pioneer life or adopt the methods which enabled pioneers to succeed when land was free, when they had no debts for land and very small payments for water rights. Even if they were willing, these methods will not answer to-day when the farmer has to pay higher taxes, pay the higher irrigation charges, pay more for improving farms, and too often pay high interest rates on money borrowed to buy or equip his farm. The financial problems of land settlement have assumed an importance which did not exist 20 years ago and which as yet is only partly realized.

FACT FINDING

The committee organized and began its investigations on October 15, 1923. Its report was submitted on April 10, 1924, and was thereafter approved by the Secretary and the President, and transmitted to Congress.

Unfortunately it did not reach Congress until near the end of the session. Time was lacking to give adequate consideration to all the committee's recommendations. A bill (H. R. 9559, sec. 5) having for its main purpose the financial relief of settlers on existing projects has passed the House and is now before the Senate. This bill is based on the committee's recommendations, but does not include some that are of fundamental importance to future development. If enacted in its present form, it will authorize the following modifications in reclamation methods:

1. The annual payments on construction charges will be based on the average annual gross crop return; now they are based on a percentage of the project cost, fixed without relation to the productivity of the land.
2. Where lack of soil fertility, scarcity of water, or other adequate cause renders settlers unable to pay project costs the Secretary may make such investigation as will disclose the pertinent facts and report them to Congress with recommendations looking to a correction of the fault. The present law calls for repayment of project costs in full regardless of the value of the water made available for irrigation.
3. Operation and maintenance charges will be paid in advance, thus bringing Government practice in harmony with that of privately owned works. Such charges are now for the most part paid after the service is rendered.
4. The costs of the Washington office, including expenses of general investigations similar to the one undertaken by the committee, will be charged to the reclamation fund, but not to the water users, as at present.

SUCCESS OF FUTURE PROJECTS DEPENDENT ON FURTHER LEGISLATION

All the foregoing changes will be helpful in the operation of existing projects; but if legislation stops with these, the amended reclamation act will not provide a working plan for the development of new projects. The reason for this is the fact that many of the best opportunities for future reclamation are where the land is now privately owned. Under the grazing homestead act filings have been made on virtually all the land which can be irrigated, and much of this land is held in areas larger than homestead units and by people who have no intention of becoming irrigators if works are built.

It was never the purpose of the reclamation act to subsidize private owners by furnishing interest-free money to develop their properties, leaving them free to capitalize the Government's investment in reclamation works and add it to the price at which they sell their excess holdings to actual settlers. Nor was it the intention to improve arid estates by supplying water and then leave the owners of those estates to create a system of tenantry and rent the land on an irrigation basis.

Yet the law in its present form is conducive to both of these things and both have happened repeatedly. Lack of adequate authority has prevented the Bureau of Reclamation from adopting a coordinated or orderly subdivision and settlement of these privately owned properties. In too many cases high prices asked for land, held in large tracts before the Government works were authorized, have retarded settlement and agricultural development, have increased tenantry, and made the act an instrument for creating poverty among oversanguine and inexperienced farm buyers.

LEGISLATION RECOMMENDED BY THE ADVISERS

The evidence of the benefits of a coordinated plan of settlement was so convincing that the committee of special advisers sought to provide this. It proposed what seemed to it the only effective means, which was that the Government buy or secure absolute control of all the privately owned land held by any individual in excess of a homestead unit before works are authorized or development begun.

Recommendation No. 12 deals with this subject, was embodied in section 3 of a draft of a bill that accompanied the committee's report, and reads as follows:

"12. DISPOSITION OF PRIVATE LANDS IN EXCESS OF FARM UNIT

"That no reclamation project should hereafter be authorized until all privately owned land in excess of a single homestead unit for each owner shall have been acquired by the United States or by contract placed under control of the Bureau of Reclamation for subdivision and sale to settlers at a price approved by the Secretary. This price to be considered in determining what land and water will cost settlers and hence the feasibility of the project under the payment conditions of the law."

This was opposed by some who do not realize the difficulties in obtaining settlers under existing projects, public or private, and by others who regard land speculation as a legitimate feature of reclamation. Still others believed that the purchase of the land would involve too large an investment of money in a single project and would increase the complications of reclamation. For these reasons this section of the bill was omitted from the measure now before Congress.

If, however, control of settlement were made possible the bureau could go ahead with development, certain that the future settler could get his farm at its actual value. It could proceed to subdivide excess lands into farms of proper size, could adjust the prices of land to agree with productive values, and could give long-time payments with low interest. If the Government owns or controls the land in excess of homestead units, it can properly give liberal terms to farm buyers and make it possible to obtain settlers with small capital but equipped by character and experience to succeed. In other words, if plans for settlement and farm development are made a part of reclamation, the policy will be complete instead of stopping as it now does where engineering ends and agriculture and human welfare begin.

The advisory board framed other recommendations to accord with this control of excess land. One of the sections of the act provides that under new works construction charges would not be imposed until a period varying from one to five years after water was ready for irrigators. This is a desirable feature for harassed settlers trying to improve and equip farms, but it will open the way to abuses if it is to apply to excess holdings owned by individuals.

Taking part of the advisory board's legislation recommendations and rejecting part creates an unworkable plan. It is useless to apportion construction costs carefully if the owner of large project areas ignores these in fixing selling prices of lands to settlers. To let the owner of large holdings escape any payment of project costs for one year or five years, as is provided in subsection E of the bill now before Congress, will delay development and jeopardize some of the most beneficent possibilities of the act.

FUTURE DEVELOPMENT MUST BE SAFEGUARDED AGAINST LAND SPECULATION

The evidence placed before the advisory board was conclusive as to the need for safeguarding future development against the evils of land exploitation.

Unless the law is changed there is no reason to anticipate better results in the future. On new projects some landowners will look to reap their advantages from sales of land to settlers at inflated prices rather than from an increase in earning capacity.

If irrigators have to buy their farms from these owners, what will they be asked to pay for land? On one area where competent opinion fixed the value of land at \$5 an acre, one owner said his price was \$50 an acre. He believes that he can get \$45 an acre rake-off as his part of the benefit of Government construction. He sees nothing wrong in this. Nevertheless the wrong and the injury exist. Money that ought to be spent on improvements would go to make inflated land payments. The field officers of the Bureau of Reclamation would face the heartbreaking experience of seeing settlers work under conditions so discouraging as to give almost no hope of success.

MONEY MUST BE PROVIDED TO SUPPLEMENT SETTLER'S CAPITAL

Nowhere is early and successful closer settlement more important than under Government projects. On all new projects under consideration the existing population must be largely increased if the best results are to be obtained from the cultivation of the land, but it is becoming increasingly difficult to secure settlers equipped with means to develop homes on these new projects. A number of States realizing this have either enacted laws providing financial assistance to group settlement or are considering doing so.

NECESSITY FOR SAFEGUARDS

So the action of this committee and the restrictions we place about these particular items have been forced upon us by the necessities of the case. They are in harmony with the findings of the fact finding commission and the views of the Director of Reclamation. Legislation of a general character may come or may not. We have preferred to let all of these new projects await the enactment of a general, well rounded, well considered, businesslike plan, but our hands are forced. These new projects have been approved in the deficiency bill and it is now proposed to continue them. We are simply in this bill throwing a safeguard about the funds that we are asked to appropriate. I hope that the House will give very careful consideration to these matters. I hope especially that our action will

meet with the full approval of those gentlemen from the West who understand these problems so well, and who are so deeply concerned about their future.

The safeguards that we put in last year with reference to the Minidoka resulted in \$1,984,000 being placed in the Treasury, money that in the main would perhaps have come sometime much deferred, but included were from \$60,000 to \$100,000 of interest charges that never would have been collected except for those safeguards.

THE WILLISTON PROJECT

We propose in this bill certain legislation with reference to the Williston project, where about 1,000 acres receives water and the appropriation requested was \$105,000. But the main business carried on there is not irrigation but the operation of a lighting plant for the town of Williston, and in order to run our pumping plant to furnish electricity to the town of Williston we have got a Government coal mine in operation where we get our fuel. Each year we operate it, but we do not get back enough to pay the cost of operation and maintenance, to say nothing about construction costs. They are saying that if we will appropriate between \$15,000 and \$20,000 for more machinery they can pump the water a little more cheaply. We thought it all right for somebody else to try that, so we have left out any appropriation here for further operation or maintenance of the Williston project, and we propose to give the director of reclamation authority to lease or sell that plant on the best terms possible, an action on our part entirely in accord with his recommendation.

I greatly regret there is not time for me to discuss the problems and work of the Bureau of Mines, the Geological Survey, the National Park Service, and others, but I can not take more time now and I thank you for your patience. [Applause.]

PERMANENT AND INDEFINITE APPROPRIATIONS

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. MORTON D. HULL. The report makes a distinction between annual appropriations and permanent and indefinite appropriations, amounting to about \$28,000,000. Will the gentleman inform us generally what are the permanent and indefinite appropriations?

Mr. CRAMTON. The annual appropriations are those that are not effective unless we make them each year, and they are good for only one year. The permanent and indefinite appropriations go on until Congress stops them, and the report on page 34 contains a list of those. For instance, there is a fund for schools in Alaska, then there is indemnity for swamp lands to States, and then, for instance, the land-grant colleges get their money through an indefinite and permanent appropriation. These permanent and indefinite appropriations result from various acts of Congress in the past.

Mr. MORTON D. HULL. Does that mean that the appropriation is made to be drawn upon indefinitely until consumed or that it is an appropriation continued year after year?

Mr. CRAMTON. It is an appropriation that may involve money that is indefinite in extent, that will come into the Treasury during the year, and then the same act provides for its expenditure, perhaps, without any action of Congress. It may require action by a bureau or a department, but without action of Congress that money is paid out during each year in accordance with the original act. [Applause.]

Mr. CARTER. Mr. Chairman, I yield 25 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

CONSCRIPTION OF PROPERTY AND LABOR FOR WAR

Mr. HUDDLESTON. Mr. Chairman, the proposal to conscript property and labor for war is, upon the surface, highly attractive, but fundamentally it is vicious and illogical.

The proposal has for its avowed purposes to take the profits out of war and to strengthen the national defense. In reality it will do neither. On the other hand, it is open to the most serious objections. Its advocates appear to have dealt with the proposal in a purely objective, near-at-hand sort of way and not to have tried to think it out to the ultimate result or to visualize the consequences that it may ultimately produce.

CONSCRIPTION OF PROPERTY NOT A NEW IDEA

As an abstract proposition all will agree that there should be no profits made out of war. All will agree to the justice of the position that if men are to be conscripted for war, property

should also be taken. These ideas are not new. On July 9, 1917, in a speech which appears in part 8, volume 55, of the CONGRESSIONAL RECORD, page 479, I said:

It seems fundamental to me that there should be no profits in war; that neither financiers nor war contractors should be allowed to make money out of their country's misfortune and from human misery and suffering.

Men are being conscripted for the war. Why should not profits and incomes also be conscripted? What moral right is there in big business concerns to pile up swollen fortunes while the country is being bankrupted and bled white? This war should be paid for by those who are able to pay, by those who make a profit from it. They should not be permitted to come out richer than they went in, while the plain people come out decimated and impoverished.

I reiterated on numerous occasions that "no man should be allowed to come out of the war richer than he entered it."

But not always may abstract principles be made rules of action. My views remain the same as during the war. I realized then that it was impracticable to attempt to conscript property; that the final results of such an attempt would prove disastrous; that it were better to permit profit making than to try to stop it by such a means; that it would "be insane to burn the house merely to destroy the vermin."

WHAT THE PROPOSAL IS

The proposal for the conscription of property and labor is presented by several pending measures. Typical of them is H. R. 4841, a bill drafted by a committee of which the commandant of the Army War College, General Ely, was a member and probably the controlling influence. We may therefore accept this bill as showing the attitude of the military mind.

H. R. 4841 authorizes the President, when he considers war to be imminent, to conscript "material resources, industrial organizations, and services" at his discretion, and to fix prices for "services and commodities," both for public and private use.

The bill authorizes the conscription of men of all ages for labor in public and private works. It authorizes the conscription of men to labor for private persons and in privately owned plants from which the owners make profits.

Much was said at the hearings concerning the conscription of all property and of the entire population. But the bill does not so provide. It leaves all persons not required for service as laborers or soldiers free. It authorizes the fixing of prices upon essential services and commodities. It leaves producers and dealers in nonessentials to profiteer at will.

CONSCRIPTION OF PROPERTY AND LABOR

Not attempting to point out the many technical and minor faults of the bill, I prefer to discuss upon principle the proposal which it presents, to wit, the conscription of property and labor for war.

The reasons for my opposition to the conscription of soldiers have often been stated in the House. My position remains unchanged. I will not reiterate my views on conscription of soldiers, but will discuss the aspect of the proposal which contemplates the conscription of property.

However, I refer briefly to the proposal to conscript men for labor in public works and in private enterprises. The constitutional authority to conscript soldiers is found in the power granted Congress to raise armies. There is no provision which can be stretched into an authorization to conscript men for the performance of labor not connected with the production of war materials. The conscription of labor is therefore violative both of fundamental principles and of the clauses of the Constitution which protect civil liberties.

The conscription of labor, where the entire population is not drafted, is a violation of the principle of equality which the proposal professes to protect. Even if the entire population is taken, there is a resulting inequality unless all are placed at the same kind of work. Labor of all kinds is not merely labor, for some callings are more hazardous and some are less pleasant than others. To conscript a man to do hard, dirty, and monotonous drudgery is quite different from conscription for some light and interesting employment. To conscript a man to perform the duties of a calling which he has heretofore followed makes the rule of social maladjustment and inequality into an edict of law. Men follow the occupations which will bring them bread and do the work which they are able to find, and not all work is of equal desirability, nor are all tasks performed by those best fitted for them.

As to conscription of labor for private enterprises or for private advantage it is scarcely necessary to point out that this is merely a form of slavery. It is a slavery in which the master is not required to own the slave and has not the incentive of

selfish interest in his welfare and not even to recognize a tradition of a master's duty and honor. And such a system it is proposed to establish by starting with the workers of America.

A COMMUNISTIC ATTACK ON PRIVATE PROPERTY

The proposal to conscript property for war is a direct attack upon the institution of private property such as would be worthy of extreme communism. It is an attack from above and not from below. Constantly we are warned by the champions of property rights that there is danger that the propertyless multitude may strike at private ownership as an institution. Here we have an attack on property by the Government itself.

A precedent is established of subverting the owner's interest because of an emergency due to war. But war is merely one of many conceivable causes of national emergencies. Flood, famine, and plague may produce emergencies as great as war. If private ownership may be set aside for a war emergency, it may with propriety be set aside on account of other emergencies. And at last the principle being established it is left for those in position of decision to say what is an "emergency." The propertyless masses may conceive of an economic emergency arising from the collection of natural resources and wealth into the control of a few. The proletariat may find in the conscription of property for a war emergency a precedent for confiscation to remedy economic conditions. The attack on property, started from above by those who control the machinery of government, may yet be offered as an excuse for an attack on property from those dissatisfied with the distribution of wealth.

CONFERS POWER NO DESPOT HAS EVER DARED TO EXERCISE

The proposal authorizes the President to conscript property and men at discretion upon a finding that war is imminent. It confers upon the Executive power exceeding that ever given to a constitutional monarch and such as even a despot has never in the world's history dared to exercise.

Under the Constitution the President is Commander in Chief of the Army and Navy. By virtue of this authority already he may wage actual war, although Congress has refused to declare war. He may send our Navy to bombard seaports and our Army to invade nations with which we are at peace. The President having power to involve us in actual warfare, there is no check upon his authority other than the power of Congress to withhold the soldiers and supplies required to conduct a war.

With the power to conscript property an ambition-mad President might wage war against the overwhelming will of Congress and the people. With the country turned into an armed camp he might rule indefinitely as a military dictator. No Old World "war lord" ever had such power as it is proposed that democratic America shall concede to the President.

SUSPENDS THE GUARANTEES OF THE CONSTITUTION

It is fundamental in the American system that the Constitution remains in operation alike during peace and war and that its safeguards are never suspended. The authorization to conscript property and men upsets for the period of its exercise all constitutional safeguards. It suspends the functions of Congress and courts and throws the people upon the mercy of military authorities, of which the President is the supreme head, and who must regard his will as law. It establishes an absolute military autocracy to continue during the will of the dictator. With the Nation converted into a military camp and under a military régime there can no longer remain trial by jury, exemption from search and seizure, or any of the forms of civil liberty now guaranteed by the Constitution—all will be suspended, possibly lost beyond recall. The control which the President is authorized to exercise over men and property goes to this logical extent.

VIOLATES FIFTH AMENDMENT

It makes no difference whether the conscription of property takes the form of price fixing or of physical seizure and use, it is a taking of property. The war powers which, by construction, Congress is given, can not override the express provisions of the Constitution, which secure to the citizen actual possession of his property and the freedom to contract with regard to it.

It is very clear that the conscription of property for war or other emergency is a taking of property within the prohibition of the fifth amendment to the Constitution. It is clearly a violation of the fifth amendment and probably of other constitutional provisions.

Always I fear the entering wedge. If conscription of men for soldiers and workers is a proper exercise of the functions

of government, there is warrant for governmental concern to see that men are fit for the taking, and the Government may logically interfere in every detail of men's daily lives, to correct their habits, conduct, and practices to the end that they may be more efficient when conscripted.

If conscription of property is proper, then the Government is warranted in seeing to it that the most desirable property is available for the taking. And again there is no bounds beyond which officialdom may not go in meddling with the affairs of the citizen.

COLLECTIVISM AGAINST INDIVIDUALISM

The opposing schools of political thought are the individualists and the collectivists. The former hold that by the exercise of individual responsibility may the evolution and development of the race be best promoted. The collectivists regard society as a mass, a whole, and look for development through raising the general level, including the lowest and weakest elements.

The individualist holds that man has a natural moral right to govern himself, to order his own actions, to live his own life, and that no restrictions should be placed upon the individual except for the protection of the rights of other men. The collectivist is not interested in the individual and feels that he has no natural or moral rights inconsistent with the welfare of the mass.

It is undoubtedly true that our civilization is developing toward collectivism, and that the rights of the individual are held in diminishing regard. Conscription of men and property can be excused only upon the principles of collectivism. Unless we are prepared to accept in its entirety the philosophy of collectivism, we should oppose conscription in all its forms, or, if accepting anything of conscription at all, carry it no further than the occasion absolutely requires.

To conscript unnecessarily or merely to gratify a taste for abstractions is to strike at individualism. Conscription in any form is a step toward collectivism. This is illustrated by the proposal to conscript property, which follows logically upon the conscription of men. No one would have dared to make such a proposal had we not conscripted soldiers. That affords the excuse and the precedent for the conscription of property.

Those who object to Government ownership of railroads and other utilities should recognize that the proposal under discussion goes infinitely further toward collectivism.

CONSCRIPTION OF PROPERTY IMPRACTICABLE

The proposal is unworkable and impracticable. Conscription of property must take the form of physical seizure or of fixing prices. The major part of property is not useful for war purposes. If all is seized, the expense and the vast machinery required for administration will far outweigh any possible benefit. If only the useful property is seized, there will yet be waste, disorder, and difficult machinery to manipulate, with inevitable discrimination, favoritism, corruption, tyranny, and every conceivable governmental abuse.

To whatever extent property may be seized, there will result a corresponding social and economic disruption, with consequences of far-reaching extent and lasting long after the war has ended.

If there is conscription by the fixing of prices, the benefit, in any event, will probably not equal the harm which will be done. Prices are to be fixed for the period of the war only, with no account of the previous prices or prices after the close of the war. Again, there will be overwhelming disruption and confusion, which only the greatest war disaster would cause. The most serious economic aspect of war is the disrupting of the ordered channels of business activity. Governmental price fixing will greatly aggravate the economic disorder which follows a war and make worse that which must necessarily be bad.

The proposal is that "in case of war" the President shall be authorized to conscript. The authority is not contingent upon the strength of our adversary, but may be exercised upon war with some puny and ineffective power. He may exercise it in a war with the least of the nations if in his opinion it is desirable. We may therefore find a war deliberately provoked merely to bring this great power of the President into play, and find it exercised for reasons and under conditions never contemplated by Congress.

There are many who advocate peace-time price fixing for monopolized products or to prevent undue profits. The answer of their opponents is that freedom of contract is inherent in our system and fundamental. If, however, prices may be fixed because of a war emergency, they may with propriety be fixed because of any emergency or for other good cause.

In conscription by price fixing, a precedent will be found for price fixing at any and all times—and away with the freedom of contract.

WILL NOT TAKE PROFIT OUT OF WAR

To conscript property either by seizure or fixing prices will not take the profit out of war. It begins with the beginning of war or when it is imminent. Profits which have been made in anticipation are left intact. During the year and a half prior to our entry into the World War greater profits were made than during the period of the war. The year and a half following the signing of the armistice was a continuous orgy of profiteering and profit making.

Perhaps, after all, the profit makers most dangerous to peace are those who make a business of furnishing Army and Navy supplies between wars—the preparedness-for-private-profit element. Vast profits are made in times of peace by Army and Navy contractors. It is to their interest that there should be great armaments on land and sea, and they foster war scares and other movements for the increase of Army and Navy. Their activities tend far more to produce conditions which make for war than the alleged influence of those who expect to make money while the war is on. The bill does not attempt to reach the peace-time military contractors nor to take away their profits.

The advocates of the proposal agree that where property is seized or prices fixed the owners shall be allowed a reasonable return for its use or profit in its sale. Again, the opportunity for favoritism and corruption in the exercise of discretion in fixing the profit and return.

No class ever derives benefits from war comparable to the professional soldier—the officer who has chosen arms as a profession. With war comes his opportunity for distinction and for rapid promotion. In war the officer caste receives the highest social honors and respect with an accretion of dignity to its calling. The officer is honored and glorified, with a corresponding enhancement of influence and emoluments. Trained to arms, he naturally relies upon force and regards war as a reasonable and proper means for the settlement of disputes between nations. No scheme for deprofiteering war should omit regard for this influential class of war beneficiaries.

DEPRIVES PEOPLE OF POWER TO VETO WAR

The Government of the United States belongs to our citizens. It is the instrumentality by which they express themselves and work their will. The people have the right to govern this country, even to misgovern it if they choose. The people are the source of all authority and have the right to decide public questions. It is a natural and moral right belonging to our system. The people have the right to decide whether there shall be peace or war. To wage war against the deliberate will and judgment of the majority is an indefensible governmental usurpation. There should be no declaration of war not supported by the considered judgment of a substantial majority of the people.

It is practically impossible to have a worth-while referendum upon war. The institution of war under our system must be left to the legislative and executive branches. But there should always be left to the people an opportunity to express their will upon it. They should always have the power to veto the war by refusing to support it. One reason why I have always opposed conscription of soldiers is that it deprives the people of their opportunity for decision upon war by forcing them to serve whether they agree with the justice of the cause. I oppose conscription of property upon the same grounds. It is not only bad public policy and violative of democratic principles, but it violates the natural and moral right of the citizen to take his property for the support of a war waged against his will and for purposes which his conscience does not approve.

PACIFISTS—EX-SOLDIERS—MILITARISTS

Strange to say, the proposal to conscript property and labor has assembled as its advocates antagonistic groups such as pacifists, ex-soldiers, and militaristic advocates of preparedness. Each group supports the measure for separate reasons of its own, reasons which are faulty and illogical except as to the militarists, whose position is in part well taken for their purposes.

The pacifist theory is that it will discourage movements for war. This theory assumes that expectant profiteers deliberately cause wars so that they may derive profits therefrom. Such influences are the least of all factors in producing war. The prospect for profits is too remote and dependent upon too many contingencies, and the hazard of loss too great to move any substantial number, no matter how selfish and wicked

they might be. The profit makers are usually already men of property. Not all such men make war profits. Frequently they sustain heavy losses because of war. Profit making from war depends largely upon chance, the securing of contracts, the particular business in which men are engaged, and other factors which no one can foresee.

I fully agree that in the main wars are about property interests and their consequences are measured in terms of property, but the activities of profit makers most dangerous to the Nation's peace occur prior to war and only finally culminate in war. For illustration, financiers and industrialists advocate larger military forces so as to increase the Government's influence in imperialistic practices—in finding markets and opportunity for investment, and other means of exploitation of foreign fields. It is with no deliberate purpose to cause war that the financier demands of his government that he be given a share in a foreign loan, or that the Philippines be retained so that he may invest and trade. The war comes may be a generation later as the final and unforeseen result of governmental activity taken at his behest, and possibly by the war his investment and accumulations are lost. He did not will the war. Probably he will be dead when it comes.

All efforts to prevent or avoid wars which do not take account of the causes of war are wasted and vain. Wars can not be prevented by paper agreements. They are preventable only by dealing with their causes. Foolish indeed is the pacifist who hopes to avoid war by preparation for war, by organizing his country for war, by increasing its military strength and preparing to wage the most effective war. Such measures do but promote the war spirit and develop the "will for war" and the reliance upon force instead of upon right.

The ex-soldier, rankled by his own conscription, demands that property be put upon an equality with men. But let him reflect that among the conscripts themselves some were exalted and others thrust into the mire—there was no equality, for hundreds of thousands found the easier places and the easier way. Millions of others, for no sufficient reasons, were excused and exempted, and millions more were over or under age, and other millions were not conscripted because they were women. Under no possible system of conscription of soldiers can there be an equality of sacrifice.

Nor would the conscription of property produce equality of sacrifice, for never can the jeopardy of property equal the jeopardy of life, nor can the loss of property bring a pang equal to that of the soldier in the field. Equality of sacrifice, like equality of opportunity, is an abstraction and must remain a dream. In seeking it we must not enter upon impracticable and unsound schemes which will lead us far astray.

FAULTY LOGIC OF THE MILITARISTS

Of the groups supporting the measure only the militarists are sustained by a measure of logic. With conscription of men and property at the discretion of the military Commander in Chief, our Nation will be organized for war as never in all history was any nation before us. It will intimidate the nations, and will give us temporarily a preponderating strength. With 110,000,000 of population potentially under arms, backed by vast natural and industrial resources and an aggregate wealth of near 300,000,000,000, the nations will have cause for fear for our maneuver.

The nations will probably tremble temporarily. They will tremble until they themselves have put similar measures into operation. They will tremble only until by alliances they have restored their relative strength. Then we will be exactly where we began and the world will be camped on a field mined with deadly explosives.

It is the way of all "preparedness." It leads toward war, for it is preparedness for war and not for peace. Nations that arm themselves drive nations with conflicting interests to arms, and the more thorough the preparation of one nation the more thoroughgoing must be the organization of its possible adversaries, until with each increase in burden in the competition in armaments a point is finally reached when the burdens become more onerous than even defeat might be, and the pressure to put the contest to an issue becomes irresistible.

There is no "adequate preparedness." Its meaning comes to depend wholly upon the strength of possible combinations of adversaries, and as the preparation must be made "adequate" to each change in the condition of the adversary there can be no stability and nothing fixed, but always an increasing competition in the burdens of alliances and armaments. All for doing a vain and useless thing.

Again, war is not merely a matter of machines and automatics. The human element must not be overlooked. At last,

courage and love of country are necessary. Those who drive on and on with militaristic measures do not seem to realize that conscription does not make for love of country, that state slavery does not tend to produce intelligence, courage, and patriotism. In the long run the bravest men and the best soldiers are to be found among the freest men. Even with the world's brief experience with conscription it is demonstrated that conscript armies are not finally the most reliable. The test of a soldier is defeat. The free, the voluntary soldier, reforms and fights again, but the soldier who was driven to the trenches is freed by defeat and goes his way. The world never saw such military collapse as that which followed upon the defeat during the World War of the conscript armies of Germany, Austria, and Russia.

Therefore those who drive for conscription of men and property go forward to destroy the quality of the materials with which they would seek victory—as they sacrifice the liberties of the people for efficiency in war, they destroy the efficiency which they would promote. Conscription is not an instrument for permanent military success. Rather it is a means to final destruction and defeat.

WAR SHOULD BE OUTLAWED

I am in full harmony with those who would prevent war. I would join them in outlawing war and, failing that, in minimizing its horrors and its consequences.

War is a crime against civilization and humanity. It is the most stupendous folly of mankind. Few wars are worth what they cost, for the price of victory nearly always outruns any benefit which may be gained. Even in victory there is defeat, for in success are nearly always the seeds of eventual disaster.

War is never justified unless it be fought in defense of liberty. No people ever gained an increased measure of liberty for themselves by waging a successful foreign war. Frequently the vanquished are freed by the defeat which discredits their ruling class, and frequently conquest feeds a nation's pride in military prowess and causes the surrender of cherished liberties to the demand for more perfect organization. Defeated Germany, first to use conscript armies, substituted the rule of democracy for the autocrat, while victorious America turns toward gross materialism and submits to the indignity of conscription. [Applause.]

Mr. CARTER. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Mr. Chairman and gentlemen of the committee, as we enter upon this course of legislation with the current appropriation bill there are a number of things we would do well to consider at the start. We have been in a national campaign of late. We have been talking economy, and I think we all believe in economy. I think we all really want economy. I doubt if there is a man in this House who is not honestly in his heart in favor of economy; but it is hard for us to keep from yielding on matters of this appropriation and that. Each appropriation perhaps in itself seems small, and yet they pile up into a large sum as we yield time after time to many unjustifiable and questionable items. We yield to the solicitation of this element and that among our constituents and to this class and that. The soldier boys want certain things; the Grand Army men want certain things; the postal employees want certain things; and these things one after another come, and we yield to the demand or the appeals of this class and that, and there is where we come in at last with our extravagance, I think, in legislation. I had hoped I would have a little time to discuss this thought, but I am going to pass on, because there is one item in this bill which I opposed a year ago and want to discuss a little further to-day. That is the item of \$400,000 and a little over to be appropriated for Howard University. Now, I want to say to all alike that I challenge any man in this House from any section of the country to be any more truly a friend of the Negro than I am. I have been raised with him and been his friend from the time we played around the doorstep in our dresses, when I was small enough to wear dresses. I have worked negroes under my direction for years. I never struck one a lick in all my life. I never had any trouble with one in my life, and they know, where I live, that I am their friend and that I want the best things for them and want them to get the best things for themselves.

Only a man who has had these years of association knows just how to be their friend. My opposition to this item in this bill is not from any unwillingness that the Negro race shall have the very best opportunity to make the very best possible of themselves and for themselves. I would not be guilty of trying to shut the door of hope or close the way to progress to any man or any race of men. I am a friend to

the negro. Now, you notice I say "negro." Booker Washington, I think, pretty nearly always said "negro" and not "colored person." His successor in a speech which he made at the Lincoln Memorial dedication said "negro" all the way through, and not "colored people." I received a copy of a paper published in New York by that race called, I believe, "The Negro World" and not "Colored Man's World." And at its masthead it said that it was devoted to the progress of the "Negro" race, and not the colored race. And I use the word not because I dislike the negro or want to use a term that is unwelcome to him, but, like one of the great men of his race, I think that it is the historic name of his race and one that he ought to be taught to be proud of and rejoice in and not be taught that his ancestral name is disgraceful.

And now in regard to the appropriation for the Howard University. I stated my view last year that it was contrary to our constitutional Government—that it was really an illegal appropriation for this House to make. As I remember, only one man of those favoring the bill undertook to answer that in any way, and he undertook to answer it entirely on an appeal to precedent by saying that this Congress has been doing this for 50 years. But he did not undertake to go into our Constitution and show that it was legal to make such an appropriation. I can say in answer to the proposition, that we have no right to appropriate to Howard University.

If so, we have a right to appropriate to George Washington University. We have a right to appropriate to the two Catholic universities of this city. We have a right to appropriate to any college in my State or in yours. And if this item is germane, then I would have the right to offer a bill to appropriate so much money to the Presbyterian synodical college of my district or to the University of Mississippi, which is in my district, and it would be as germane as this is. But certainly nothing could justify a thing so extremely doubtful, from the legal and constitutional standpoint, unless it were an absolute emergency. I am not admitting that even an emergency in the matter of the education of the negro would justify this Congress in appropriating money to an institution that in no way belongs to the Government. I do not believe that even an emergency would justify it.

But let us see whether or not any emergency exists. There are in the United States 653 schools for negroes, outside of our public-school system—colleges and high schools, boarding schools, and so forth. And, by the way, of the 653 schools over 600 are in the Southern States. This is an average of 36 schools each for 17 Southern and border States. Of those schools 294 are classed as "large and important" schools, and of those 294 classed as "large and important" schools less than half a dozen are outside of the Southern States. That is, they are where the negroes are more numerous, where negro schools would be most needed, and in that part of the country where they go entirely to their own schools. Under public control—of "large and important" schools—there are 28; and of land-grant schools there are 16 classed as "large and important," and they are mostly in the Southern States.

Of denominational schools there are 507, and 220 of those are classed as "large and important." Of this 220 only 3 are in the North. Two hundred and seventeen of these large and important denominational schools are in the 17 Southern and border States, which is an average of more than 12 such schools to the State already supplied to this race, and supplied by the philanthropy of the white friends of the negro or by the negro's own generosity. Then certainly there is no special emergency. Please let me stop here to say that the data which I am now giving is taken from Department of Interior Bulletin, 1916, No. 38, on negro education.

Let me run over the list of land-grant schools for a moment. There are—

Alabama Agricultural and Mechanical, Arkansas Normal, Delaware State College, Georgia State Industrial College, Kentucky Industrial Institute, Louisiana Southern University and Agricultural and Mechanical, Maryland Princess Ann Academy, Mississippi Alcorn Agricultural and Mechanical, Missouri Lincoln Institute, North Carolina Agricultural and Technical College, Oklahoma Agricultural and Normal University, South Carolina Normal Industrial, Agricultural, and Mechanical, Tennessee Agricultural and Industrial Normal, Texas Prairie View State Normal, West Virginia Collegiate Institute.

I could read over a further list. There are, in addition to these land-grant colleges, 11 State schools, colleges, universities, or normal schools supported by the States. It seems to me that we have gone far enough into that proposition to show that there is at least no emergency, and that the opportunity exists fully outside of the Howard University for the education of the Negro race, and that we can not make this appro-

priation on any claim that there is any emergency demand for it.

I think I shall take time to read over a little further statement. Alabama has a total of 74 schools for negroes, outside of the public-school system, colleges and boarding schools, and schools private and under State management, and so forth. Of these, 40 are classed as "large and important." Arkansas has 27, 12 of which are classed as "large and important." Florida has 27, 9 of which are classed as "large and important." Georgia has 70; 33 classed as "large and important." Kentucky has 18; 7 classed as "large and important." Louisiana has 65; 14 classed as "large and important." Mississippi has 47; 24 classed as "large and important." North Carolina has 76; 34 classed as "large and important." Oklahoma has 5, of which 2 are classed as "large and important." South Carolina 61, of which 27 are classed as "large and important." Tennessee has 32, of which 16 are classed as "large and important." Texas has 30, of which 18 are classed as "large and important." Virginia has 56, of which 27 are classed as "large and important."

I think those figures demonstrate the fact that we have no need of Federal appropriations to meet an emergency to give education to the colored people. Provision is amply made and amply made outside of Howard University.

Now understand, I am not opposed to Howard University. I approve the great campaign that is being made for its private endowment. I believe it can be endowed privately. I am willing to see it done that way. I have no fight to make on the institution or on that move. But when this Congress has appropriated money that now runs into the millions, and has given it splendid equipment, and has backed it for half a century, it does seem to me that with the provisions existing for the education of that race elsewhere there is no legitimate reason why we should step over our Constitution and step over the whole question of legality and make an appropriation from the United States Treasury, from trust funds committed to us for governmental purposes, for this institution.

Now, I am very sure that in the first place the Negro race themselves are amply able to carry on this institution if they see the importance of it and really want it. Their own estimate, as recently published, is that they own \$1,500,000,000 worth of property in the United States now and that they own 22,000,000 acres of land in the United States. I "hand it to them" that they have made such splendid achievements in the accumulation of property like that. But if they are not able to endow it out of their own splendid achievements, then there is the white philanthropy to which they can always resort.

By the way, it is interesting to note what a large number of these schools of which I have spoken are supported by the philanthropy of the white people. Three hundred and fifty-four of the 653 schools existing are supported by white denominational philanthropy, by the churches of the white race, and the white race has always shown itself ready to rally to the need of the negro when it comes to philanthropy in helping him in the matter of education. Recently you noted, I guess, that in this move to raise \$2,000,000, I believe, for Hampton and Tuskegee, one banker in New York has offered to start the subscription with \$250,000 in one gift. So the thing can certainly be met by philanthropy and without the need of our voting trust funds committed to us for governmental purposes in order to maintain an institution which I do not believe any man in this House doubts would be maintained if we did not appropriate another dollar.

It would be maintained when it was left to make its appeal to philanthropy, and if the same appeal is made to the people of this country that has been made to this House there is no need for this House to respond, because the people of this country will respond. And yet I am going to say—and I ask your attention especially to this proposition, and this does not mean I am not a friend to the Negro race, as I said—there is not a man here from Chicago, there is not a man here from Indianapolis, and there is not a man here from Philadelphia who does not know that what I am about to say is a serious fact.

At a luncheon in this city, given by one of the great commercial bodies of this city, citizens approached me and a prominent Republican Congressman from far north, up next to the Lakes, on the question of the franchise for the District. Now, note that I did not make the reply. My ardent Republican friend from up on the lake coast made the reply. He said: "Well, I will tell you, LOWREY, I do not know about that." He said, "I would be very slow to vote for a measure which would enfranchise this large number of negroes in the District of Columbia. I would be afraid of such a measure when there

is such an immense negro population in the District that would come near putting our National Capital under negro domination." Now, it was not this mean southern Democrat who said that; it was one of the most prominent Republicans on that side of the House, who lives up on the lake coast. He was afraid of any proposition which would tend to put our National Capital largely under the domination of the Negro race. And with the immense population that is here now and the continued population coming, I throw this out simply as a final statement, and I want somebody to consider it seriously:

Have we a right to continue to do things that will inevitably make our Capital City more and more a Mecca for a great influx of negro population? Unquestionably, a great institution, fostered and forever kept free, forever kept abreast, and forever kept open by the National Government in the National Capital, tends to make our National Capital a great Mecca for the Negro race. I do not believe there is a man in this House from North or South, Republican or Democrat, who would say he believes that is good for the National Capital or that that is good for the Nation. I believe every man before me, if he will meet the issue squarely, knows it is not good for the National Capital and it is not good for the Nation. [Applause.] And therefore we are doing very doubtful things when we legislate to make Washington more and more a great place for the influx and gathering of a great colored population—and it is growing more and more. It is now about one-third of the population of the National City. And while we would not oppress, and while we want to do those people justice, I believe every man of us, if he will look the thing squarely in the face and be honest with his own heart, must admit that we are doing our Nation a wrong, we are doing our Capital City a wrong, and we are doing the Negro race itself a wrong every time we pass legislation that tends more and more to place our National Capital under the domination of the Negro race, if they should be given the franchise. We are perilously near that now, because there are enough to-day to hold the balance of power in almost any election, if not enough to make a majority in any election.

Mr. Chairman, I shall not continue the discussion. How much time have I left?

The CHAIRMAN. The gentleman has five minutes.

Mr. LOWREY. I yield back the remainder of my time. [Applause.]

The CHAIRMAN. The gentleman yields back five minutes.

Mr. CARTER. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman and gentlemen, another two years' cycle has rolled around, and we have all been back to and returned from the people whom we have the honor to represent. My only purpose in mentioning the facts which I intend to put before you is to furnish an encouragement to Members to take stands, not passive but active stands, against bills which do not appeal to their consciences.

There were several proposed measures in the past session which I fought actively and vigorously on this floor. One was the proposal to turn over Muscle Shoals to Henry Ford. I did not believe that was a sound measure economically. I did not believe the people of this Government ought to bind themselves to repair, maintain, and operate those dams, gates, and locks at their own expense for Henry Ford and his corporation for 100 years. I did not believe in it, and I saw fit to fight it with all the strength there was in my being, however much I regretted opposing so many of my friends on this side of the aisle who were strongly in favor of that bill, and I hated to incur their displeasure.

I also fought the McNary-Haugen bill, which sought to create another great wasteful corporation, and I opposed it even though it was called "a farmers' bill." It was a bill which, in my judgment, would have wasted \$200,000,000 out of the Treasury. That bill also provided for \$1,000,000,000 worth of bonds which this proposed corporation was authorized to issue and which the Government, of course, would have had to pay some of these days. I saw fit to fight that measure when I represent an agricultural district. I knew that if the farmers in my district misunderstood my position on that bill or misunderstood the measure itself I would be penalized and punished for standing against legislation which was claimed to be framed for the benefit of farmers.

I also saw fit to fight from the very beginning what I considered a socialistic, communistic measure, denominated the Howell-Barkley bill, sponsored by one of the finest colleagues we have in the House, the gentleman from Kentucky [Mr. BARKLEY]. But watching our friend here for several years, I had reached the conclusion that such proposal was not in

accord with the position he had maintained for years and I could not support the bill, and I helped to fight it, and I am glad to say that those of our colleagues whom I helped in the fight defeated it. I knew at the time that if I had done wrong in this respect the people at home would not again support me.

I am glad to know that the people back home have a right to pass on us every two years. I am glad to go back to them and submit my record every two years. It is a right they have, to pass upon us and our actions here. It is a right that should never be taken away. The people make mistakes sometimes, but they have an opportunity every two years to rectify mistakes. If they defeat a Congressman wrongfully, they have an opportunity to put him back in two years, and if they ought to defeat a man, they are given the opportunity every two years to do so, and I am glad they have that right.

I went down to my district with the kind of a record I have mentioned, knowing that every feature of it was going to be submitted to the voters of my district. It was submitted to them. Do not ever imagine that this particular Member can get by without a contest. There were men in my district who would have liked to keep me in Texas and out of Congress, and every vote that I had cast here along lines which apparently would be unpopular was submitted to the people, and they passed upon every one of them, and I am glad to say that the Democratic convention in my district went on record and approved these positions taken by me.

The young man who ran against me this year also ran in the preceding campaign two years ago, then making 40 speeches, after which he withdrew just before the primary. He had been secretary of the chamber of commerce of the great city of Brownwood. He had also been secretary of the chamber of commerce in the great oil city of Ranger. Before he again entered the race this year he came to Washington and got acquainted with nearly all of our Members, going to your offices trying to gather campaign thunder against me, but I do not believe that he was very successful, and then he went back to make his campaign. He established campaign headquarters in my home city of Abilene, selected campaign committees, effected organizations in the counties, and made numerous speeches, but he failed to know even how to get his name on the ticket in some of the counties. After he had made numerous speeches, and from his intensive campaign of the district realized his inevitable defeat, he put a little notice in the Fort Worth Star-Telegram, stating he had decided he could not be elected and would not conduct his campaign any further.

The next day the Ku-Klux Klan indorsed him. I did not belong. My opponent, Mr. Albright, did belong. They did not prefer my opponent, but they indorsed him because he was a Klansman and I was not one. From Abilene, Tex., where I live, the Ku-Klux Klan mailed its statement and its ticket embracing the names of its candidates. It mailed same just a few days before the primary. Same was mailed out from Abilene, Tex., on July 19, 1924, just seven days before the election was to come off on July 20, and it had on the envelope, as the return, post-office box 858, which box is rented by the Abilene Klan of the Knights of the Ku-Klux Klan. The following is this Klan statement, with its complete Ku-Klux Klan ticket, from United States Senator down to constable, and, as stated, they saw fit to recommend my opponent, Mr. Ernest G. Albright, for Congress.

Let me read this statement and ticket:

As a Klansman you know that the Klan is not in politics, and never has been, except when it has been forced to meet the assaults of the enemy. Certainly as between its enemies and its friends the Klan stays with its friends—nothing else could or should be expected.

"Self-preservation is the first law of nature."

"Self-defense is recognized both by nations and individuals."

Therefore it naturally follows that when a man announces for office in opposition to the Klan and at the same time threatens it with destruction loyal Klansmen will meet the attack and will, if the opportunity is afforded, vote for a Klansman or one who is friendly to the Klan.

We must know our friends.

We must know our enemies.

Fully mindful of the above we have patiently and diligently investigated the entire field of candidates and absolutely know the friends and enemies of the Klan. The election of Klansmen to the office means victory for the great patriotic principles for which we stand. Our defeat means victory for those seeking our destruction.

The enemies of the Klan are waging an uncompromising war on every candidate they know to be a Klansman or believed to be in sympathy with its principles.

We are therefore inclosing with this letter a ticket containing a name of the Klansmen and those known to be friendly to the order.

Certainly Klansmen will vote as they please, but believing, as we do, that loyal Klansmen will prefer to vote for their friends instead of those who seek their destruction, we most respectfully submit the names on ticket for your serious consideration.

We will have our regular meeting at the usual place Tuesday, July 22, and hold a rally at Fair Park Thursday, July 24.

Please attend both these meetings, especially the meeting Thursday, as matters of importance will be discussed.

KLAN TICKET

For United States Senator: MORRIS SHEPPARD, of Bowie County.
For governor: Felix D. Robertson, of Dallas County.
For lieutenant governor: Will C. Edwards, of Denton County.
For attorney general: Edward B. Ward, of Nuecos County.
For comptroller: O. D. Baker, Milam County.
For State treasurer: C. V. Terrell, of Wise County.
For State superintendent of public instruction: S. M. N. Marrs, of Travis County.
For commissioner of agriculture: Robert E. Sparkman, of Ellis County.
For railroad commissioner: J. C. Mason, Taylor County, six-year term; W. A. Nabors, Wood County, four-year term; Walter M. W. Splawn, Bell County, two-year term.
For chief justice, supreme court: William Clayton Wear, of Hill County.
For associate justice, court of criminal appeals: O. S. Lattimore, Travis County.
For associate justice, civil appeals, second district: Irby Dunklin, Tarrant County.
For Congress, seventeenth district: Ernest G. Albright, Eastland County.
For Senator, twenty-fourth district: Ben L. Russell, of Callahan County.
For Representative, one hundred and sixteenth district: W. S. Cummings, Taylor County.
For judge, forty-second judicial district: W. R. Ely, of Taylor County.
For district attorney: Milburn S. Long, Taylor County.
For district clerk: J. K. Fuller.
For sheriff: John Bond.
For county judge: Carlos D. Speck.
For county attorney: Thomas M. Willis or Frank E. Smith.
For county clerk: W. E. Beasley.
For county treasurer: Austin Pitts.
For tax assessor: Joe T. Perry.
For tax collector: R. A. McLain.
For county superintendent public instruction: M. A. Williams.
For surveyor: ———.
For county commissioner, precinct 1: Dave Booth.
For justice of the peace, precinct 1, place No. 1: M. C. Lambeth; place No. 2, P. B. Ford.
For constable, precinct 1: R. D. (Bob) Allen.
For public weigher, precinct 1: R. L. Young.

If you think this kind of an indorsement is not calculated to take votes away from a man, you are mistaken. If you think this organization is not strong down in my district, you are mistaken. I happen to know that some of the biggest preachers in my district belong to it. I happen to know that some of the most influential men in my city belong to it. I happen to know that one of my former campaign managers belongs to it [laughter and applause], yet the Klan was strong enough to put this indorsement of my opponent over in spite of him, although this former manager was a klegle in the organization. [Laughter.] That is how strong they were.

Let me read a little statement from my opponent which he put in the Comanche paper the week preceding the primary election. Comanche is the home city of a former distinguished Member of Congress who has twice opposed me in years past. Mr. Albright asked the voters of Comanche County to scratch my name from the ballot and put in his name, stating that he was in the race to the end.

The statement is as follows:

[From the Comanche Enterprise, July 17, 1924]

ATTENTION VOTERS

On account of some technical error my name has been left off the ballot in Comanche County for the office of Congress for this, the seventeenth district, and this is to notify my friends in Comanche County that I am in the race to the finish and will ask them to write my name on the ballot and then scratch the name of my opponent, the Hon. THOMAS L. BLANTON, who is running for the fourth consecu-

tive term. I will appreciate the support of each and every voter in Comanche County. Don't forget to write my name on the ticket when you go to make out your ballot.

Yours for clean politics,

ERNEST G. ALBRIGHT,
Ranger, Tex.

The following returns, officially certified, show that only 33 persons in Comanche County complied with his very urgent request:

PRIMARY ELECTION RETURNS FOR COMANCHE COUNTY, TEX., CONGRESSIONAL RACE, SEVENTEENTH DISTRICT

To Hon. FRED COCKRELL,

Chairman Democratic Executive Committee,
Seventeenth Congressional District, Abilene, Tex.

SIR: In accordance with the requirements of law, as chairman of the Democratic executive committee of Comanche County, Tex., I hereby certify to you the official returns of all votes cast in the primary election held in said Comanche County on July 26, 1924, for the office of Representative of the seventeenth congressional district of Texas, as follows, to wit:

Votes cast for THOMAS L. BLANTON..... 4,180
Votes cast for Ernest G. Albright..... 33

To the correctness of the above I hereby certify.

N. A. PALMER,
Chairman Democratic Executive Committee of
Comanche County, Tex.

Mr. Albright claimed to be a resident of Ranger, Eastland County, Tex. For several years he had been secretary of the chamber of commerce there. The following returns, officially certified, show that he received only 1 vote in Eastland County, and that was in his home city of Ranger:

PRIMARY ELECTION RETURNS FOR EASTLAND COUNTY, TEX., CONGRESSIONAL RACE, SEVENTEENTH DISTRICT

To Hon. FRED COCKRELL,

Chairman Democratic Executive Committee,
Seventeenth Congressional District, Abilene, Tex.

SIR: In accordance with the requirements of law, as chairman of the Democratic executive committee of Eastland County, Tex., I hereby certify to you the official returns of all votes cast in the primary election held in said Eastland County on July 26, 1924, for the office of Representative of the seventeenth congressional district of Texas, as follows, to wit:

Name of precinct	Number of precinct	Votes cast for Thomas L. Blanton	Votes cast for Ernest G. Albright
Eastland.....	1	1,457	1
Ranger.....	2	414	
Tudor.....	3	8	
Sabano.....	4	39	
East Cisco.....	5	359	
West Cisco.....	6	947	
Rising Star.....	7	393	
Desdemona.....	8	180	
Pleaser.....	9	103	
Fir.....	10	40	
Kokomo.....	11	40	
Carbon.....	12	391	
Gorman.....	13	578	
Long Branch.....	14	63	
Okra.....	15	82	
Scranton.....	16	69	
Nimrod.....	17	50	
Olden.....	18	161	
Dolan.....	19	51	
Romney.....	20	45	
Mangum.....	21	29	
Pleasant Hill.....	22	54	
Staff.....	23	48	
Cook.....	24	33	
Ranger.....	25	179	
Do.....	26	264	
Do.....	27	215	
Do.....	28	450	
Total.....		6,811	1

To the correctness of the above I hereby certify.

MILBURN MCCARTY,
Chairman Democratic Executive Committee
of Eastland County, Tex.

The following are the returns, officially certified, showing the votes cast in all of the 19 counties in my district:

CERTIFIED ELECTION RETURNS FOR THE SEVENTEENTH CONGRESSIONAL DISTRICT

I, Fred Cockrell, chairman of the Democratic executive committee for the seventeenth congressional district of Texas, do hereby certify

that the following is the official vote for Congress cast in said district in the Democratic primary election held July 26, 1924, as officially certified to me by the Democratic county chairmen of the 19 counties in said district, to wit:

County	Votes cast Thomas L. Blanton	Votes cast Ernest G. Albright
Brown.....	4,130	0
Burnet.....	2,111	0
Callahan.....	2,166	0
Coleman.....	3,001	788
Comanche.....	4,180	33
Concho.....	1,394	0
Eastland.....	6,841	1
Jones.....	4,374	6
Lampasas.....	2,271	0
Llano.....	1,719	0
McCluskey.....	2,127	380
Mills.....	1,090	0
Nolan.....	1,051	661
Palo Pinto.....	1,841	1,070
Randall.....	3,827	0
San Saba.....	2,441	0
Shackelford.....	1,364	5
Stephens.....	1,985	1,185
Taylor.....	3,007	812
Total.....	53,310	4,930

To the correctness of which I hereby certify.

FRED COCKRELL,
Chairman Democratic Executive Committee,
Seventeenth Congressional District of Texas.

ABILENE, TEX., August 23, 1924.

After the primary election was over, a Democratic convention was held in my district. It was composed of delegates selected by the Democrats of the 19 counties of my district. They are not very dissimilar from your constituents. If you Republicans, even, were to go down there and you did not have pointed out to you which were Republicans and which were Democrats, you could not tell many of them apart by looking at them. [Laughter.] They are business men just like you are and like my colleagues on this side of the aisle. They think and act like you do in many respects. If you leave out this infernal tariff and this infernal ship subsidy and this infernal way of conducting Cabinet offices by Republican Cabinet officials, they think like you, and they act like you in many respects, and they are in favor of the same kind of legislation in many respects that you are in favor of. There is not such a very great dissimilarity. My district joins the district of my good friend and former State senator, the gentleman from Texas [Mr. HUDSPETH], and he can vote with you even for that infernal tariff bill and yet come back here with an almost unanimous vote from his district. I want you to notice what this Democratic convention said. I want to get before you the indorsement of the positions I have taken on the questions and the issues which have been brought before us on the floor of the House.

Mr. HUDSPETH. Will the gentleman from Texas yield?

Mr. BLANTON. I yield.

Mr. HUDSPETH. My colleague voted for the infamous emergency tariff bill, did he not?

Mr. BLANTON. Yes; to meet the agricultural emergency because it was the only protection possible to the producers of this nation—their only salvation. [Laughter and applause.] But I did not vote for the Fordney tariff measure that followed it. Mr. Chairman, I will ask that the Clerk read the action of said Democratic convention which met in my district on August 23, 1924, which resolution I send to the Clerk's desk.

The CHAIRMAN. Without objection the Clerk will read. The Clerk without objection read as follows:

The committee on resolutions, duly appointed for the Democratic congressional convention, composed of Lloyd B. Thomas, Mrs. Laura Cook Mitchell, Dr. Lou W. Hollis, Jr., R. G. Cogdell, and Judge E. N. Kirby, presented to the convention the following resolution:

Whereas, in the Democratic primary election held July 26, 1924, Congressman THOMAS L. BLANTON, of Abilene, Tex., received 53,310 votes, while his opponent received only 4,930 votes, demonstrating conclusively that said Congressman THOMAS L. BLANTON has practically the unanimous support and indorsement of his constituents: Therefore be it

Resolved by the Democrats of the Seventeenth Congressional District of Texas in convention assembled—

(1) That we do hereby heartily indorse said THOMAS L. BLANTON and his work in Congress;

(2) That we commend said THOMAS L. BLANTON for his untiring efforts in making a personal survey and investigation of expenditures made by all the various bureaus and departments of Government, and his fights to eliminate all waste and extravagance from their appropriations;

(3) That we commend said THOMAS L. BLANTON for his incessant fights against the practice of sending out free garden seeds under the franks of Senators and Congressmen, which resulted in abolishing such petty graft, thus saving to the people \$360,000 each year;

(4) That we commend said THOMAS L. BLANTON for the fearless fights he made which resulted in a law being passed by Congress preventing Senators and Congressmen from buying anything but necessary office supplies from the stationery rooms;

(5) That we specially commend the said THOMAS L. BLANTON for the uncompromising fights he has made to free the people of the United States from the unjust burden of paying a large per cent of the local civic expenses of the 437,000 people of Washington, and for his continued insistence that the ridiculous tax rate of only \$1.20 on the \$100 enjoyed by said Washingtonians at the expense of the whole people shall cease and that the Government shall pay no part of said expenses until said people of Washington shall themselves pay a reasonable rate of taxation of at least \$2.75 on the \$100, which is less than the people anywhere else in the United States have to pay, and concerning this we demand action by our Senators;

(6) We commend THOMAS L. BLANTON for his fight against the bill which sought to turn over to Henry Ford's corporation for 100 years our \$100,000,000 Muscle Shoals power plant, obligating the people to maintain and operate the dams, gates, and locks for 100 years at their own expense with no adequate remuneration therefor;

(7) We commend said THOMAS L. BLANTON as the recognized leader in Congress of the American open-shop movement, guaranteeing to every person the right to labor without being forced to join and pay dues to a union. We know him to be the loyal, dependable friend of every man who labors. We indorse the fights he has made against the provisions forced by labor leaders into the Army and Navy appropriation bills prohibiting the Government from exercising rightful supervision over the work done by its thousands of employees in arsenals and navy yards, and we demand of our Senators that they shall give him cooperation and help along this line;

(8) That we commend said THOMAS L. BLANTON for leading the fight against the pernicious Howell-Barkley bill, which sought to eliminate the public's representation at the council tables and sought to tax the public with paying \$7,000 salaries to 40 board members, allowing them unlimited employees at unlimited salaries, with no enforcement of said board's decisions; and

(9) That we commend the said THOMAS L. BLANTON for the fight he made against the McNary-Haugen bill, which was a sham and a fraud upon the farmers of America and which would have wasted a \$200,000,000 appropriation and an additional \$1,000,000,000 authorized bond issue, to have been dissipated by a corporation, and which measure undoubtedly would have placed on the Government pay roll an additional 50,000 Federal employees with little assurance of relief to farmers: And be it further

Resolved, That our Congressman is hereby assured that in his future endeavors he has the confidence, good will, and commendation of practically a unanimous constituency, who will heartily support him in all of his fights for the people.

Same was unanimously adopted.

R. W. HAYNIE,
Chairman of Convention.

Attest:

Mrs. CLYDE FULWILER,
Secretary of Convention.

Mr. BLANTON. Gentlemen, I bring these facts before you, as I say, to let you know that you need not be afraid to present issues of this kind before the people of the United States. I have been at the head of organized labor's black list. When organized labor gets up in the gallery through its high-salaried leaders and demands of us something that is not sound economically, something against the best interests of the whole people of this Government, we do not have to vote for it simply because they threaten us with defeat. When they demand anything that is proper I support it. I have never denied them support of any measure that I thought was proper. Whenever it is not selfish class legislation, when it is not detrimental to the interests of the whole people, I give it my hearty support. It is only when they demand something improper that I stand up, look them in the face, and tell them when they sit up there in the gallery that I am going to vote against them, and they can go into my district and let my people know about it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Just to show that I support proper labor measures I want to put before you the following statements from two leading organizations in Washington.

The statements are as follows:

CITY FIRE FIGHTERS' ASSOCIATION OF WASHINGTON, D. C.,

Washington, D. C., June 24, 1924.

Editor DAILY REPORTER,

Abilene, Tex.

DEAR SIR: Congressman THOMAS L. BLANTON has proven himself to be the loyal, dependable friend of every member of the City Fire Fighters' Association of the District of Columbia.

Not only did he champion and help to pass a bill giving all firemen here a living wage, but also he was the author of a measure, which he fought for until he got it approved by the committee and passed by Congress, which gives to all firemen here one day off each week in lieu of Sunday.

The 700 firemen of Washington, D. C., are all his friends, and we want Congressman BLANTON's constituents to know that we appreciate his efforts in Congress.

While he fights against all waste and extravagance, he is always willing to help meritorious legislation.

Capt. EDWARD O'CONNOR,

President City Fire Fighters' Association, Washington, D. C.

POLICEMEN'S ASSOCIATION OF THE DISTRICT OF COLUMBIA,

Washington, D. C., June 16, 1924.

NEWSPAPERS, Abilene, Tex.

GENTLEMEN: Through you we want to express to the constituents of Congressman THOMAS L. BLANTON our appreciation of his loyal friendship and his valuable efforts in our behalf.

He gave his hearty support to our bill giving a living wage to the Metropolitan police of Washington, and he was the author of a measure granting to every policeman in Washington one day off each week in lieu of Sunday, which will be a boon we have never enjoyed before, and Congressman BLANTON fought for same until he got the committee to approve it and Congress to pass it.

We want you and his constituents to know that the 1,030 members of the Metropolitan police of Washington, D. C., highly appreciate the service your Congressman is giving the people. When he gets behind a bill you may be sure that there is no graft or waste or extravagance in it. We are his friends and he is ours, and we indorse him.

Feeling that you would be pleased to know of our feeling toward Mr. BLANTON, I am,

Very sincerely yours,

MILTON D. SMITH,

President Policemen's Association.

Mr. BLANTON. Now, we are going to have the Howell-Barkley measure before us again if newspaper reports are accurate. We will have to pass on that measure again, not with an election intimidating us but with the people's mandate against the bill staring us in the face. We are also going to have another so-called farmers' relief measure brought before us, and I hope our Committee on Agriculture will see to it when they bring in another bill before the House and seek its passage, that they will have a measure of proper relief for the farmers, and not a sham—with all due respect to the men who reported it—the McNary-Haugen bill. I hope that when the President seeks to whip in line some of our good friends over on the Republican side into giving Muscle Shoals to Henry Ford, I hope the distinguished leader of the majority will stand up there and tell the President and the country that whenever Henry Ford or any other Republican—and I say that advisedly—gets Muscle Shoals, he is going to pay dollar for dollar for it in value to the American people. We are going to have the Cape Cod subsidy up again. You have not got an election staring you in the face now. Our President recommends that we give the money over to these people. You do not have to do it unless you want to; if you do not believe in that legislation you have a right to stand up and tell the leader that you are not going to support him.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CRAMTON. Mr. Chairman, I yield 20 minutes to the gentleman from Washington [Mr. SUMMERS].

THE LONG AND THE SHORT OF IT

Mr. SUMMERS of Washington. Mr. Chairman, during the development of our great railroad systems innumerable unjust discriminations in passenger and freight rates were made between individuals and localities.

The interstate commerce act was passed and the Interstate Commerce Commission was created 37 years ago for the purpose of securing to all the people of the United States just and equitable passenger and freight rates, and for other purposes.

The fourth section, or rate section, of the act has been the bone of contention from that day till this. It has been amended several times. Each time the language was ambiguous. It has been the subject of much litigation. Each decision has left many questions unsettled.

This ambiguous fourth section of the interstate commerce act has largely occupied the time of the Interstate Commerce Commission during all these 37 years.

Section 4 has cost communities, railroads, and the Federal Government multiplied millions of dollars for "hearings" during this 37-year controversy.

The discriminations and violations under section 4 have cost the shippers and consumers of this country not millions but hundreds of millions of dollars.

These violations have throttled water transportation, have nullified section 500 of the transportation act, which provides that—

It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation—

have made the expenditure of \$1,200,000,000 for the construction of canals and the improvement of rivers and harbors almost useless.

Till this fourth-section controversy is settled it scarcely seems advisable that we make further appropriations for water transportation.

What is the present situation? A member of the commission testifies millions of applications are now and for 13 years have been pending before the commission. Applications have been granted without hearings because of lack of time.

A few months ago a new application for more exasperating discriminations was filed and is now pending.

The object of this last application is clearly to close the Panama Canal so far as United States commerce is concerned.

THE REMEDY

What is the remedy? During the closing days of the last session of Congress the Senate passed Senate bill 2327, the Gooding bill, the purpose of which is to stop further discriminations and to save water transportation from utter destruction. This bill is now before the House Committee on Interstate and Foreign Commerce. We seek and believe we are entitled to immediate hearings. Since exhaustive hearings have already been held by the Senate committee, we hope our own committee will report the bill out before the holidays.

MAP AND CHARTS

The map and charts before you tell the story graphically of present discriminations and of some others sought in the pending application.

Northwestern discriminations

Dry goods, carloads, from Chicago to—	Miles	Present rate	Proposed rate
Detroit, Minn.....	613	\$1.10	-----
Steele, N. Dak.....	812	1.58	-----
Seattle, Wash.....	2,314	1.58	\$1.10

If this violation of the fourth section is permitted, Detroit, Minn., which is only 613 miles from Chicago, will pay the same freight rate that the merchant 2,314 miles from Chicago pays.

The consumers out in North Dakota will pay a higher rate than the merchant 1,500 miles farther west.

Western discriminations

Dry goods, carload, 40,000 pounds, from Chicago to—	Miles	Present rate	Proposed rate
Scranton, Iowa.....	376	\$1.11	-----
Ogallala, Neb.....	820	1.58	-----
Portland, Oreg.....	2,262	1.58	\$1.10
Seattle, Wash.....	2,445	1.58	1.10

If the application of the railroads now pending before the Interstate Commerce Commission is granted then the merchant in Scranton, Iowa, will pay more freight than the merchant 2,069 miles further west, and the merchants of North

and South Dakota, Wyoming, Montana, Idaho, Spokane and Walla Walla, in east Washington, and Oregon will pay a higher freight rate than the merchant in Portland and Seattle.

Dry goods, carloads, from Chicago to—	Miles	Present rate	Proposed rate
Willard, Kans.....	601	\$1.10	-----
Haviland, Kans.....	749	1.58	-----
San Francisco, Calif.....	2,760	1.58	\$1.10

If this application is allowed the people of Willard, Kans., will pay the same rate San Francisco will pay for three and one-half times as long a haul.

At the present time the consumers of Haviland, Kans., and all points in Colorado and Utah are paying the same rate on dry goods as San Francisco. If this fourth section violation of the interstate commerce act is allowed, the consumers of Haviland, Kans., and Colorado and Utah will continue to pay a freight rate of \$1.58 on dry goods while San Francisco will pay \$1.10 per 100 for a haul that is 2,011 miles longer.

Southwestern discriminations

Dry goods, carloads, from Chicago to—	Miles	Present rate	Proposed rate
Greenville, Miss.....	747	\$1.10	-----
Amesville, La.....	931	1.58	-----
San Francisco, Calif.....	3,408	1.58	\$1.10

If the proposed rate is granted then the Amesville, La., merchants and consumers will pay 48 cents more per hundred for a 2,477-mile shorter haul.

Intermediate merchants in Louisiana, Texas, New Mexico, Arizona, and interior California will continue to pay \$1.58 per hundred, while San Francisco will pay \$1.10—or the same rate as Greenville, Miss., which is 2,661 miles nearer Chicago.

The distance from St. Louis, Chicago, Milwaukee, Springfield, and Indianapolis to New Orleans is 203 miles greater than the distance to Meridian, Miss., yet the railroads have an application before the commission to make higher rates from those points to Meridian, Miss., than to New Orleans on 41 different commodities.

The present rate on dry goods in carloads, from Chicago to Little Rock, Ark., a distance of 634 miles, is \$1.90½ per 100 pounds.

The present rate on dry goods in carloads, from Chicago to San Francisco, a distance of 3,408 miles, is \$1.58 per 100 pounds. For a shorter haul by 2,774 miles the people of Little Rock pay \$0.32½ more.

The present rate on dry goods in carloads, from Chicago to Pine Bluff, Ark., a distance of 677 miles, is \$1.99½ per 100 pounds.

The proposed rate on dry goods in carloads, from Chicago to San Francisco, a distance of 3,408 miles, is \$1.10 per 100 pounds.

For a shorter haul by 2,731 miles the people of Pine Bluffs will have to pay \$0.89½ more.

Southeastern discriminations

Fertilizer, in carloads, from Savannah, Ga., to—	Present rate per ton
Memphis, Tenn., 678 miles.....	\$5.29
Corinth, Miss., 588 miles.....	6.64

Corinth, Miss., for the shorter distance of 90 miles pays \$1.35 per ton more than Memphis, Tenn.

Molasses, in carloads, from New Orleans to—	Present rate per ton
Norfolk, Va., 1,093 miles.....	\$9.00
Spartanburg, S. C., 688 miles.....	11.70

Although Spartanburg, S. C., has 405 miles shorter haul than Norfolk, Va., the rate is \$2.70 a ton more.

Fertilizer, in carload lots, from Savannah, Ga., to—	Present rate per ton
Vicksburg, Miss., 632 miles.....	\$4.95
Jackson, Miss., 588 miles.....	5.63

Jackson for the shorter haul of 44 miles pays 68 cents more.

WATER TRANSPORTATION

One thing that is of especial importance to us at this time is the fact that we are called on from year to year to make additional appropriations to facilitate water transportation, and at the same time the terminal-discriminating rates are putting the water transportation practically out of business. We have spent \$1,200,000,000 for canals and harbors and for

bettering waterways. The rates that are asked for here to the Pacific coast practically eliminate commerce through the Panama Canal. The railroads contend that they must have this additional transportation in order to successfully operate their lines, whereas the additional freight that they might possibly hope to gain if they eliminate the haul through the Panama Canal would add to their tonnage only about 1 per cent.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield? Mr. SUMMERS of Washington. Yes.

Mr. HASTINGS. Will the gentleman explain briefly how the Gooding bill will correct the evils of which he makes complaint?

Mr. SUMMERS of Washington. There have been several attempts to amend the fourth section of the interstate commerce act so as to make it impossible for decisions by the Interstate Commerce Commission to permit the railroads to make these rates. I am not saying that the Interstate Commerce Commission deliberately does this thing; but it seems that in endeavoring to enact language fair to the roads, so that a road that has a little additional mileage in reaching a western point may have equal opportunity with other more direct lines, the language is always ambiguous. When this has gone up to the courts, the courts have sustained the roads. Under these decisions there have been different rates on different commodities at different stations; and, multiplied, they run into the millions. The Gooding bill, it is believed, is so worded that it will not discriminate against the road that has a longer haul because of its line being a little more circuitous than another line and, at the same time, will not permit the rate making that I have been describing. The Gooding bill passed the Senate almost unanimously and is now before the Interstate and Foreign Commerce Committee of the House, and we are hoping to have it reported out soon.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. BLANTON. On the issue of the disparagement of rates, I hope the gentleman will write a former Member of Congress, Mr. George J. Kindel, of Denver, Colo., for the data and figures that he has on this subject. He spent probably the last 8 or 10 years gathering statistics upon this question, and has the most comprehensive data and tables and maps that I have ever seen on the subject.

Mr. SUMMERS of Washington. I know of Mr. Kindel's data, but I already have more material than I can use. I am bringing this to your attention at this time because of the effort that is being made to have hearings started at a very early date and have this bill reported out, in order that the House may discuss it and take action upon it during this short session. I believe we ought to have hearings immediately and that the bill ought to be reported out by the committee before the holidays, in view of the conditions that we are pointing out here and to relieve the congestion that obtains. As I have stated, there are millions of applications that have been pending now for 13 years, and many of them have had favorable action without hearings. It is a matter of clearing up the calendar and securing justice for all concerned, as I interpret it, and not a discrimination against the coast points at all. A little fairer rate to the interior would enable that part of the country to develop. We would then spend dollars with our coast cities where we now spend pennies. I believe it is wrong to discriminate against all of this territory up here in the great northwest interior and we ought to stop it. Water transportation can not possibly become a competitive factor there. That territory belongs to the railroads. The points on the Pacific coast are bound to be the market centers from which the trade will be carried on with these interior towns and cities. The larger and more prosperous the interior communities, the greater the volume of trade. All of this interior country is backing up the coast and building up the coast cities. The intermediate territory to which I have referred should not be compelled to pay a higher rate by 48 cents a hundred. These rates place a discrimination against 1,500 miles of territory, and that makes it impossible to bring capital into that territory and develop it. We want fair play and a square deal—nothing more, nothing less. The same may be said of the intermediate territory in the Middle West. Some of the worst discriminations that I have observed are against the State of Arkansas. There are some very bad ones over in the southeastern part of the United States also.

This is a matter that concerns the whole country. As one who is interested in the transportation question, and believing that water transportation should be developed to carry the heavy freight and the slow freight, and at the same time permit the greatest possible development of the railroads for the

more rapid freight, I solicit your interest in this nation-wide question and your cooperation in securing hearings at the earliest possible date. [Applause.]

Mr. CRAMTON. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. MAPES having resumed the chair as Speaker pro tempore, Mr. SANDERS of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10020, had come to no resolution thereon.

The SPEAKER. The Chair lays before the House the following personal requests:

LEAVE OF ABSENCE

By unanimous consent,

Mr. JEFFERS (at the request of Mr. McDUFFIE) was granted leave of absence for six days on account of business in connection with his official duties.

Mr. DREWRY was granted leave of absence for four days on account of sickness.

MEMORIAL SERVICES FOR THE LATE WOODROW WILSON

The SPEAKER. The Chair appoints the following committee to act as a committee in charge of the exercises in memory of President Wilson.

The Clerk read as follows:

Mr. BACHARACH, Mr. ANTHONY, Mr. GREEN, Mr. SCOTT, Mr. GARRETT of Tennessee, Mr. POT, and Mr. MOORE of Virginia.

ADJOURNMENT

Mr. CRAMTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 11 minutes p. m.) the House adjourned until to-morrow, Thursday, December 4, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

610. A letter from the chief clerk of the Court of Claims, transmitting, pursuant to law, a statement of all judgments rendered by the Court of Claims for the year ended November 29, 1924, the amounts, the parties, and a synopsis of the nature of claims; to the Committee on Claims.

611. A letter from the Comptroller General, transmitting a report showing the typewriters, adding machines, and other similar labor-saving devices belonging to the General Accounting Office which were exchanged during the fiscal year 1924; to the Committee on Appropriations.

612. A letter from the Comptroller General, transmitting a report of travel performed on official business by officers and employees of the General Accounting Office from Washington to points outside of the District of Columbia during the fiscal year 1924, giving the destination, the business on account of which the same was made, and the total expense to the United States; to the Committee on Appropriations.

613. A letter from the Chief of United States Bureau of Efficiency, transmitting a report showing the publications issued by the Bureau of Efficiency during the fiscal year 1924, the cost of preparation, printing, and paper, and the total number distributed; to the Committee on Printing.

614. A letter from the Secretary of the Treasury, transmitting statement in detail of purchases of United States bonds and Treasury notes for the cumulative sinking fund during the fiscal year 1924 (H. Doc. No. 469); to the Committee on Ways and Means and ordered to be printed.

615. A letter from the Secretary of the Treasury, transmitting statement of purchases of United States bonds from repayments by foreign governments during the fiscal year of 1924 (H. Doc. No. 470); to the Committee on Ways and Means and ordered to be printed.

616. A letter from the Secretary of the Treasury, transmitting statements of approved expenditures under the provisions of section 8 of the first Liberty bond act and section 10 of the second Liberty bond act on account of expenses of loans through the fiscal year ended June 30, 1924 (H. Doc. No. 471); to the Committee on Ways and Means and ordered to be printed.

617. A letter from the Secretary of the Navy, transmitting a list of useless records in the Bureau of Medicine and Surgery, Navy Department, which are no longer needed for use in connection with the transaction of public business and have no

permanent value or historical interest; to the Committee on Disposition of Useless Executive Papers.

618. A letter from the Secretary of the Navy, transmitting detailed statements of expenditures under the contingent appropriations for the Navy Department (civil) for the fiscal year ended June 30, 1924; to the Committee on Expenditures in the Navy Department.

619. A letter from the Secretary of the Treasury, transmitting a statement of the proceeds of all sales of old materials, condemned stores, supplies, and other public property for the fiscal year ended June 30, 1924, deposited and covered into the Treasury as miscellaneous receipts; to the Committee on Expenditures in the Treasury Department.

620. A letter from the Secretary of War, transmitting statement showing in detail what officers and employees of the War Department have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1924; to the Committee on Appropriations.

621. A letter from the chairman of the Public Utilities Commission of the District of Columbia, transmitting eleventh annual report of the Public Utilities Commission of the District of Columbia for the year ended December 31, 1923; to the Committee on the District of Columbia.

622. A letter from the Comptroller of the Currency, transmitting the annual report of the Comptroller of the Currency covering activities of the Currency Bureau in the year ended October 31, 1924; to the Committee on Banking and Currency.

623. A letter from the Director of the United States Veterans' Bureau, transmitting report of typewriters and other labor-saving machines purchased in exchange during the fiscal year ended June 30, 1924; to the Committee on Appropriations.

624. A letter from the Director of the United States Veterans' Bureau, transmitting a report of traveling expenses incurred by officers and employees of the central office of the United States Veterans' Bureau traveling on official business outside of Washington during the fiscal year 1924; to the Committee on Appropriations.

625. A letter from the Secretary of the Treasury, transmitting statements from 12 offices and bureaus of the Treasury Department showing in detail what officers and employees performed travel on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1924; to the Committee on Appropriations.

626. A letter from the Secretary of War, transmitting a report of The Adjutant General of the Army relative to the administration of the World War adjusted compensation act so far as the War Department is concerned; to the Committee on Ways and Means.

627. A letter from the Secretary of the Treasury, transmitting detailed report of the expenditures under "Preventing the spread of epidemic diseases" for the fiscal year ending June 30, 1924; to the Committee on Expenditures in the Treasury Department.

628. A letter from the Secretary of the Treasury, transmitting a combined statement of the receipts and disbursements, balances, etc., of the Government during the fiscal year ended June 30, 1924 (H. Doc. No. 465); to the Committee on Appropriations and ordered to be printed, with accompanying papers.

629. A letter from the Secretary of the Treasury, transmitting statement showing claims for refund approved by the Commissioner of Internal Revenue during the fiscal year ended June 30, 1924, and forwarded to the disbursing clerk of the Treasury for payment or to the General Accounting Office for direct settlement; to the Committee on Ways and Means.

630. A letter from the Secretary of War, transmitting report of expenditures on account of appropriation "Contingencies of the Army" during the fiscal year ending June 30, 1924; to the Committee on Expenditures in the War Department.

631. A letter from the Secretary of the Interior, transmitting two tables showing the cost and other data with respect to Indian irrigation projects as compiled to the end of the fiscal year June 30, 1924; to the Committee on Indian Affairs.

632. A letter from the Secretary of the Interior, transmitting statement of fiscal affairs of Indian tribes for the fiscal year ended June 30, 1924; to the Committee on Indian Affairs.

633. A letter from the Secretary of the Interior, transmitting statement of expenditures for the fiscal year 1924 from the appropriation "Industry among Indians, 1924," act of August 1, 1914 (38 Stat. L. 586); to the Committee on Indian Affairs.

634. A letter from the Secretary of the Interior, transmitting report for the fiscal year 1924 showing the amounts expended at each Indian school and agency from the appropriation for construction, lease, purchase, repair, and improvement of school and agency buildings; to the Committee on Indian Affairs.

635. A letter from the Secretary of the Interior, transmitting report of expenditures for the purpose of encouraging industry among the Indians of the various reservations during the fiscal year ended June 30, 1924, from the appropriation of \$100,000 under the act of June 30, 1913 (38 Stat. L. 77-81); to the Committee on Indian Affairs.

636. A letter from the Secretary of the Interior, transmitting report for the fiscal year ended June 30, 1924, relating to the appropriation, "Indian schools, support, 1924"; to the Committee on Indian Affairs.

637. A letter from the Secretary of the Interior, transmitting report of labor-saving devices purchased for the Department of the Interior during the fiscal year 1924; to the Committee on Appropriations.

638. A letter from the Secretary of the Interior, transmitting report of expenditures for the purpose of encouraging industry and support among the Indians on the Tongue River Reservation, Mont., during the fiscal year ended June 30, 1924; to the Committee on Indian Affairs.

639. A letter from the Secretary of the Interior, transmitting statement of expenditures from the tribal funds of the Chippewa Indians of Minnesota for the fiscal year ended June 30, 1924; to the Committee on Indian Affairs.

640. A letter from the Secretary of the Interior, transmitting report of expenditures for the purchase of cattle for the Northern Cheyenne Indians on the Tongue River Reservation, Mont., for the fiscal year ended June 30, 1924; to the Committee on Indian Affairs.

641. A letter from the Secretary of the Interior, transmitting a statement of expenditures on account of the Indian Service for the fiscal year ended June 30, 1924, from the appropriation "Industrial work and care of timber, 1924"; to the Committee on Indian Affairs.

642. A letter from the Secretary of the Interior, transmitting report of expenditures from the permanent fund of the Sioux Indians during the fiscal year ended June 30, 1924; to the Committee on Indian Affairs.

643. A letter from the Secretary of the Interior, transmitting detailed report of expenditures from the \$250,000 authorized from the funds of the Apache, Kiowa, and Comanche Indians for the fiscal year ended June 30, 1924; to the Committee on Indian Affairs.

644. A letter from the Secretary of the Interior, transmitting report of all moneys collected and deposited during the fiscal year ended June 30, 1924, under the appropriation "Determining heirs of deceased Indian allottees, 1924"; to the Committee on Indian Affairs.

645. A letter from the Secretary of the Interior, transmitting a detailed report of expenditures from the tribal funds of the Confederate Bands of the Utes during the fiscal year ended June 30, 1924; to the Committee on Indian Affairs.

646. A letter from the Secretary of the Interior, transmitting report showing the diversion of appropriations for the pay of specified employees in the Indian Service for the fiscal year ended June 30, 1924; to the Committee on Appropriations.

647. A letter from the Secretary of the Interior, transmitting a statement of the expenditures for the fiscal year ended June 30, 1924, of money carried on the books under the caption "Indian moneys, proceeds of labor"; to the Committee on Indian Affairs.

648. A letter from the Secretary of the Interior, transmitting statement of travel expenses incident to the detail of employees from the office of one surveyor general to another during the fiscal year ended June 30, 1924; to the Committee on the Public Lands.

649. A letter from the Secretary of the Interior, transmitting statement of cost of survey and allotment work, Indian Service, for the fiscal year ended June 30, 1924; to the Committee on Indian Affairs.

650. A letter from the Secretary of the Interior, transmitting report showing that no expenditures were made during the fiscal year ended June 30, 1924, for the construction of hospitals from the appropriation, "Relieving distress and prevention of diseases among the Indians"; to the Committee on Indian Affairs.

651. A letter from the Secretary of the Interior, transmitting statement showing the receipts from rentals, extension of Capitol grounds, for a period from December 1, 1923, to and including November 30, 1924; to the Committee on Public Buildings and Grounds.

652. A letter from the Secretary of the Interior, transmitting report on the claims of members of the Sioux Nation of Indians residing in the State of South Dakota for horses killed on the Cheyenne River Indian Reservation in the years 1895, 1896, and 1897, which horses are alleged to have been erroneously suspected of being infected with glanders; to the Committee on Indian Affairs.

653. A letter from the Secretary of the Interior, transmitting report of the disbursements of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts for the fiscal year ending June 30, 1925; to the Committee on Expenditures in the Interior Department.

654. A letter from the Secretary of the Interior, transmitting detailed statement of receipts and expenditures on account of pay patients admitted to Freedmen's Hospital for the fiscal year ended June 30, 1924; to the Committee on Expenditures in the Interior Department.

655. A letter from the Secretary of the Interior, transmitting detailed statement of expenditures for professional and other services in the Freedmen's Hospital for the fiscal year ended June 30, 1924; to the Committee on Expenditures in the Interior Department.

656. A letter from the Secretary of Agriculture, transmitting detailed report showing the names of all persons employed, their designations, and rates of pay, in the Bureau of Animal Industry, for the suppression of contagious, infectious, or other communicable diseases of domestic animals, during the fiscal year ended June 30, 1924; to the Committee on Expenditures in the Department of Agriculture.

657. A letter from the Secretary of Agriculture, transmitting report giving in detail the aggregate number of publications issued by the Department of Agriculture during the fiscal year ended June 30, 1924, together with the cost of preparation, paper, and printing of each publication and the number of each distributed; to the Committee on Printing.

658. A letter from the Secretary of Agriculture, transmitting detailed statement of the manner in which the appropriation "Miscellaneous expenses, Department of Agriculture, 1924," has been expended; to the Committee on Expenditures in the Department of Agriculture.

659. A letter from the Secretary of Agriculture transmitting report of all labor-saving devices exchanged during the fiscal year 1924 in part payment for new machines; to the Committee on Appropriations.

660. A letter from the Secretary of Agriculture, transmitting statement showing the cost of maintenance, operation, and repair of all motor-propelled and horse-drawn passenger-carrying vehicles and motor boats owned by the department and operated outside of the city of Washington during the fiscal year 1924; also a report of the motor-propelled or horse-drawn passenger-carrying vehicles or motor boats purchased by the department during the fiscal year 1924; to the Committee on Appropriations.

661. A letter from the Secretary of Agriculture, transmitting report of sale of paper no longer needed for public business, receipts for sale of this useless paper for the fiscal year amounting to \$2,669.85; to the Committee on Disposition of Useless Executive Papers.

662. A letter from the Secretary of Agriculture, transmitting report of contributions on account of cooperative work with the Forest Service and the amount refunded to depositors on account of excess deposits, national forests fund, for the fiscal year 1924; to the Committee on Expenditures in the Department of Agriculture.

663. A letter from the Secretary of Agriculture, transmitting report of sums of money allotted to the Bureau of Chemistry that were used for compensation of or payment of expenses of officers or other persons employed by State, county, or municipal governments; to the Committee on Expenditures in the Department of Agriculture.

664. A letter from the Secretary of Agriculture, transmitting report of revenues derived from the operation, and expenditure made on behalf of, the Center Market, Washington, D. C., during the fiscal year ended June 30, 1924; to the Committee on Expenditures in the Department of Agriculture.

665. A letter from the Secretary of Agriculture, transmitting a statement showing in detail the travel, from Washington to points outside of the District of Columbia, performed by officers and employees (other than special agents, inspectors, and employees who in the discharge of their regular duties are required to constantly travel) of the Department of Agriculture during the fiscal year 1924; to the Committee on Appropriations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FREDERICKS: A bill (H. R. 10139) to establish an extension to the transcontinental Air Mail Service from Salt

Lake City, Utah, to Los Angeles, Calif.; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM: A bill (H. R. 10140) to punish the counterfeiting of Government transportation requests; to the Committee on the Judiciary.

By Mr. ROACH: A bill (H. R. 10141) to amend an act approved December 23, 1913, as amended by an act approved March 3, 1919, known as the Federal reserve act; to the Committee on Banking and Currency.

Also, a bill (H. R. 10142) to extend the provisions of the pension act of May 11, 1912, and subsequent acts amendatory thereof to the Enrolled Missouri Militia and other militia organizations of the State of Missouri that cooperated with the military or naval forces of the United States in suppressing the War of the Rebellion who served 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 10143) to exempt from cancellation certain desert-land entries in Riverside County, Calif.; to the Committee on the Public Lands.

By Mr. ZIEHLMAN: A bill (H. R. 10144) to amend an act entitled "An act to fix the salaries of officers and members of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia," approved May 27, 1924; to the Committee on the District of Columbia.

By Mr. BURTON: A bill (H. R. 10145) to authorize the settlement of the indebtedness of the Republic of Poland to the United States of America, and for other purposes; to the Committee on Ways and Means.

By Mr. VAILE: A bill (H. R. 10146) to amend certain sections of the World War veterans' act, 1924, pertaining to Government life insurance; to the Committee on World War Veterans' Legislation.

By Mr. CURRY: A bill (H. R. 10147) to create a department of aeronautics, defining the powers and duties of the Secretary thereof, providing for the organization, disposition, and administration of a United States air force, and providing for the development of civil and commercial aviation, the regulation of air navigation, and for other purposes; to the Committee on Military Affairs.

By Mr. MOORE of Illinois: A bill (H. R. 10148) extending to inhabitants of Hawaii the provisions of subdivision b of section 9 of the act of October 6, 1917, as amended; to the Committee on the Territories.

By Mr. JOHNSON of South Dakota: A bill (H. R. 10149) to amend the World War veterans' act, 1924; to the Committee on Military Affairs.

By Mr. ALMON: A bill (H. R. 10150) to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. DEAL: A bill (H. R. 10151) to authorize the acquisition of a site and the erection thereon of a Federal building at Boykin, Va.; to the Committee on Public Buildings and Grounds.

By Mr. GASQUE: A bill (H. R. 10152) granting the consent of Congress to the Huntley-Richardson Lumber Co., a corporation of the State of South Carolina, doing business in said State, to construct a railroad bridge across Bull Creek at or near Eddy Lake, in the State of South Carolina; to the Committee on Interstate and Foreign Commerce.

By Mr. ROACH: A bill (H. R. 10153) for the erection of a Federal post-office building at the city of Eldon, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10154) for the erection of a Federal post-office building at the city of Centrahia, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. TIMBERLAKE: A bill (H. R. 10155) for the purchase of a site for a public building at Littleton, Arapahoe County, Colo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10156) for the purchase of a site for a public building at Loveland, Larimer County, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. GIBSON: A bill (H. R. 10157) to acquire a site and erect a public building at Derby Line, Vt.; to the Committee on Public Buildings and Grounds.

By Mr. GARNER of Texas: Joint resolution (H. J. Res. 300) extending the time during which certain domestic animals which have crossed the boundary line into foreign countries may be returned duty free; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota: Resolution (H. Res. 370) extending the time for rendering the report of the Committee on World War Veterans' Legislation to February 15, 1925; to the Committee on Rules.

By Mr. GRAHAM: Resolution (H. Res. 371) to print the manuscript entitled "Hearing on the proposed child labor amendments to the Constitution of the United States"; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALDRICH: A bill (H. R. 10158) granting an increase of pension to Sarah C. Webb; to the Committee on Invalid Pensions.

By Mr. ARNOLD: A bill (H. R. 10159) granting an increase of pension to Joseph E. W. Bergbower; to the Committee on Pensions.

Also, a bill (H. R. 10160) granting a pension to Olive Griffin; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 10161) granting an increase of pension to Nancy Evaline Hammon; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 10162) granting a pension to Mary Fitchett; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 10163) granting a pension to Edgar M. Riggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10164) granting an increase of pension to Mary A. Scobey; to the Committee on Pensions.

Also, a bill (H. R. 10165) granting a pension to Frank Isgrig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10166) granting a pension to Anna C. Tonnemacher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10167) granting a pension to Mary E. Scudder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10168) granting a pension to James K. Waltermire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10169) granting a pension to Mary E. Eubank; to the Committee on Invalid Pensions.

By Mr. COOK: A bill (H. R. 10170) granting a pension to Lida Bahr; to the Committee on Pensions.

Also, a bill (H. R. 10171) granting a pension to Emily J. Hornel; to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 10172) granting an increase of pension to Mattie Hepler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10173) granting an increase of pension to Mrs. William R. Lebert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10174) granting an increase of pension to Garbin Patrick; to the Committee on Pensions.

By Mr. DEAL: A bill (H. R. 10175) to place Capt. Herbert L. Lee on the retired list of the United States Army; to the Committee on Military Affairs.

Also, a bill (H. R. 10176) to extend the benefits of the employers' liability act of September 7, 1916, to James Robert Allen; to the Committee on Claims.

Also, a bill (H. R. 10177) granting six months' pay to Virginia Weaver Plonk; to the Committee on Naval Affairs.

By Mr. ELLIOTT: A bill (H. R. 10178) granting an increase of pension to Nellie J. Wyrick; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 10179) granting a pension to Thomas H. Savage, alias William Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10180) granting an increase of pension to William Thomas Bond; to the Committee on Pensions.

By Mr. FISHER: A bill (H. R. 10181) to reinstate in the naval service Joseph W. Peete, jr.; to the Committee on Naval Affairs.

By Mr. FITZGERALD: A bill (H. R. 10182) for the relief of the estate of Elijah Abbott; to the Committee on Claims.

By Mr. FREE: A bill (H. R. 10183) granting a pension to Frances M. Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10184) granting a pension to Melissa Kitchen; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 10185) granting an increase of pension to Carrie Miller; to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 10186) granting an increase of pension to Mary E. Cummins; to the Committee on Invalid Pensions.

By Mr. GERAN: A bill (H. R. 10187) granting an increase of pension to William A. Hankinson; to the Committee on Invalid Pensions.

By Mr. GLATFELTER: A bill (H. R. 10188) granting an increase of pension to Annie Hoover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10189) granting an increase of pension to Julia N. Sheely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10190) granting an increase of pension to Mary A. Morningstar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10191) granting an increase of pension to Elizabeth Hale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10192) granting an increase of pension to Mary Ellen Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10193) granting an increase of pension to Jane W. Rohrbach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10194) granting an increase of pension to Anna M. Zeigler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10195) granting an increase of pension to Justina Wenner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10196) granting an increase of pension to Mary L. Householder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10197) granting an increase of pension to Mary A. Ness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10198) granting an increase of pension to Mary A. Hoffman; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 10199) granting an increase of pension to Elizabeth Jones; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 10200) granting an increase of pension to Priscilla DeWitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10201) granting an increase of pension to Minnie V. Main; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10202) granting an increase of pension to Nancy J. Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10203) granting an increase of pension to Ezekiah C. Cotner; to the Committee on Pensions.

Also, a bill (H. R. 10204) granting an increase of pension to Mary Emily Stanberry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10205) granting an increase of pension to Sarah J. Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10206) granting an increase of pension to Margaret Ellen Fisher; to the Committee on Invalid Pensions.

By Mr. WILLIAM E. HULL: A bill (H. R. 10207) granting an increase of pension to Mary M. Eaton; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 10208) granting a pension to Frances A. Burdsal; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 10209) granting an increase of pension to John A. Petty; to the Committee on Pensions.

By Mr. LEHLBACH: A bill (H. R. 10210) granting a pension to Minnie E. Banks; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 10211) granting an increase of pension to James W. Fisher; to the Committee on Pensions.

Also, a bill (H. R. 10212) granting an increase of pension to Sarah Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10213) granting an increase of pension to William T. Lamme; to the Committee on Pensions.

Also, a bill (H. R. 10214) granting an increase of pension to Amanda Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10215) granting an increase of pension to Sarah M. Kuhn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10216) granting a pension to Robert T. McElhiney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10217) granting a pension to William M. Silver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10218) granting a pension to Eunice Catherine Dearing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10219) granting a pension to Sarepta Richards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10220) granting a pension to Daniel Wesley Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10221) granting a pension to Catherine Cowhick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10222) granting a pension to William W. Alverson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10223) granting an increase of pension to Nancy Burton; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 10224) granting an increase of pension to Hattie A. Frazier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10225) granting an increase of pension to Jane Grant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10226) granting an increase of pension to Mary E. Nixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10227) granting an increase of pension to Eliza J. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10228) granting an increase of pension to Zoe Rodd; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 10229) granting an increase of pension to Risby Jane McLaughlin; to the Committee on Invalid Pensions.

By Mr. McREYNOLDS: A bill (H. R. 10230) granting an increase of pension to John A. Brammett; to the Committee on Pensions.

By Mr. MERRITT: A bill (H. R. 10231) granting a pension to Dora E. F. Terhune; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10232) granting a pension to Edna F. Verity; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10233) granting an increase of pension to James M. Burns; to the Committee on Pensions.

Also, a bill (H. R. 10234) granting an increase of pension to Mary Eliza Brewster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10235) granting an increase of pension to Emma L. Jimmerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10236) granting an increase of pension to Sophia J. Bartram; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 10237) granting a pension to Eldora Temple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10238) granting a pension to Margaret Diehl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10239) granting an increase of pension to Anna Cochran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10240) granting an increase of pension to Elizabeth Lilly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10241) granting an increase of pension to Rebecca M. Reese; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10242) granting an increase of pension to Sarah L. Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10243) granting an increase of pension to Susan V. Rogers; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 10244) for the relief of William Winterbottom; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 10245) granting an increase of pension to Elizabeth Reeves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10246) granting an increase of pension to Grandville A. Henry; to the Committee on Pensions.

By Mr. PARKER: A bill (H. R. 10247) granting a pension to Rosetta Connelly; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 10248) granting an increase of pension to Ann E. Pike; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10249) granting an increase of pension to Luttia Neff; to the Committee on Invalid Pensions.

By Mr. ROACH: A bill (H. R. 10250) granting a pension to Addie Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10251) granting a pension to Catherine D. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10252) granting a pension to Nancy J. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10253) for the relief of Alfred Mason; to the Committee on the Post Office and Post Roads.

By Mr. ROBSON of Kentucky: A bill (H. R. 10254) granting a pension to James M. Cawood; to the Committee on Pensions.

Also, a bill (H. R. 10255) granting a pension to Nancy C. Patrick; to the Committee on Invalid Pensions.

By Mr. ROGERS of New Hampshire: A bill (H. R. 10256) granting a pension to Margaret E. McCarthy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10257) granting an increase of pension to Ida Paquette; to the Committee on Pensions.

Also, a bill (H. R. 10258) granting an increase of pension to Arophine C. Knox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10259) granting an increase of pension to Esther Huntress; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 10260) granting a pension to Helena Dearborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10261) granting a pension to Mary E. Grey; to the Committee on Invalid Pensions.

By Mr. SPROUL of Illinois: A bill (H. R. 10262) granting a pension to Lester Swanberg; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 10263) granting an increase of pension to Aroline H. Atwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10264) granting an increase of pension to Bert Myers; to the Committee on Pensions.

By Mr. THATCHER: A bill (H. R. 10265) granting an increase of pension to Mattie P. Gilbert; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 10266) granting an increase of pension to Martha J. Keeler; to the Committee on Invalid Pensions.

By Mr. WATRES: A bill (H. R. 10267) granting an increase of pension to Edward Sweeney; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3065. By Mr. ALDRICH: Petition of Department of Rhode Island, Veterans of Foreign Wars, favoring increase of pay and allowances of men in Army bands, the commissioning of band leaders, and the designation of band leaders as band commanders; to the Committee on Military Affairs.

3066. By Mr. BYRNS of Tennessee: Papers accompanying House bill 10037, granting an increase of pension to Robert L. Chick; to the Committee on Pensions.

3067. By Mr. FREDERICKS: Petition of citizens of Pasadena, Calif., praying that doctors practicing drugless methods of health be added to the staff of hospitals treating disabled veterans; to the Committee on World War Veterans' Legislation.

3068. Also, petition of citizens of Los Angeles, Calif., remonstrating against the passage of Senate bill 3218; to the Committee on Education.

3069. By Mr. GALLIVAN: Petition of Massachusetts Civic League, Boston, Mass., recommending early and favorable consideration of House bill 5195, which provides for the establishment of a probation system in the United States district courts; to the Committee on the Judiciary.

3070. By Mr. HAWLEY: Petition of citizens of Lane County, Oreg., opposing the enactment of Senate bill 3218; to the Committee on the District of Columbia.

3071. By Mr. KIESS: Petition of citizens of Potter County, Pa., protesting against the passage of Senate bill 3218; to the Committee on the Judiciary.

3072. By Mr. KINDRED: Petition of the Prison Association of New York, recommending the erection in New York of an institution for the detention of Federal prisoners both before and after conviction; to the Committee on the Judiciary.

3073. By Mr. O'CONNELL of New York: Petition of the Regular Democratic Organization of the Twentieth Assembly District of Brooklyn, N. Y., favoring the postal salary increase bill; to the Committee on the Post Office and Post Roads.

3074. By Mr. O'CONNELL of Rhode Island: Petition of Cumberland Post, No. 14, American Legion, Department of Rhode Island, in favor of equalizing pay of Army and Navy musicians; to the Committee on Military Affairs.

3075. By Mr. PHILLIPS: Affidavits to accompany House bill 10099, granting a pension to Kate Stanton; to the Committee on Invalid Pensions.

3076. Also, affidavits to accompany House bill 10098, granting a pension to Victor Clark; to the Committee on Invalid Pensions.

3077. By Mr. ROUSE: Petition of 207 citizens of Kenton County, Ky., against the passage of Senate bill 3218 or any religious legislation; to the Committee on the Judiciary.

3078. By Mr. VARE: Petition of Army and Navy Union, United States of America, Capt. Charles V. Gridley Garrison, No. 4, Erie, Pa., urging that an increase of pension be granted to veterans of all wars and their dependents; to the Committee on Pensions.

SENATE

THURSDAY, December 4, 1924

(Legislative day of Wednesday, December 3, 1924)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

PROPOSED GIFT BY ELIZABETH SPRAGUE COOLIDGE TO THE LIBRARY OF CONGRESS

The PRESIDENT pro tempore. The Chair lays before the Senate a letter from the Librarian of Congress, submitting an offer from Mrs. Frederic Shurtleff Coolidge to build an auditorium in connection with the Library of Congress. Without objection, the letter will be printed in the RECORD, and it will be referred to the Committee on the Library for consideration. The communication is as follows:

LIBRARY OF CONGRESS,
OFFICE OF THE LIBRARIAN,
Washington, D. C., December 4, 1924.

HERBERT PUTNAM, Esq.,
Librarian of Congress.

SIR: I have the gratification of communicating to Congress the offer of a unique gift. It is set forth in the following letter from Mrs. Frederic Shurtleff Coolidge, of New York City and Pittsfield, Mass., already a benefactor of the Library of Congress and of music in America:

99 IRVING STREET, CAMBRIDGE, MASS.

MY DEAR MR. PUTNAM: Confirming the intentions expressed in my letter of October 23, 1924, and welcomed by you, I ask you to submit to Congress the following offer, to wit:

In pursuance of my desire to increase the resources of the music division of the Library of Congress, especially in the promotion of chamber music, for which I am making an additional provision in the nature of an endowment, I offer to the Congress of the United States the sum of \$60,000 for the construction and equipment in connection with the Library of an auditorium which shall be planned for and dedicated to the performance of chamber music, but shall also be available (at the discretion of the Librarian and the chief of the music division) for any other suitable purpose secondary to the needs of the music division.

Yours most sincerely,

ELIZABETH SPRAGUE COOLIDGE
(Mrs. Frederic Shurtleff Coolidge).

The need of such an auditorium—a small hall seating about 600 persons—in connection with the Library has been felt ever since it entered upon its larger activities. Any present design for the building would have included it. The space for it—preferably in the northwest courtyard, adjacent to the music division—is available.

Its primary purpose, in connection with the music division, would add influentially to the resources of this division in promoting the study and appreciation of music in America, which our great collection of musical material—now one of the largest in the world—is designed to serve. Its secondary uses—for staff meetings and for lectures and discussions in the study and interpretation of the collections—would meet a need now generally recognized in library buildings.

The coincident gift which Mrs. Coolidge refers to as "in the nature of an endowment" is a provision for the utilization of the resources of the music division and the extension of its service in the interest of music and appreciation of it. The details of this provision are now under consideration.

In the meantime prompt action upon the offer of the auditorium is desirable. And my hope is that the offer may be referred to the Committee on the Library for consideration, report, and recommendation.

Very respectfully,

HERBERT PUTNAM,
Librarian of Congress.

The honorable the PRESIDENT pro tempore,
United States Senate.

CREDENTIALS

The PRESIDENT pro tempore laid before the Senate a certificate of the Governor of Colorado certifying to the election of LAWRENCE C. PHIPPS as a Senator for the term beginning March 4, 1925, which was read and ordered to be filed, as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November, 1924, LAWRENCE C. PHIPPS was duly chosen by the qualified electors of the State of Colorado a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1925.

Witness: His excellency our governor, William E. Sweet, and our seal hereto affixed at Denver, this 29th day of November, in the year of our Lord 1924.

[SEAL.]

By the governor:

WILLIAM E. SWEET, Governor.

CARL S. MILLIKEN,
Secretary of State.

The PRESIDENT pro tempore also laid before the Senate a certificate of the Governor of Colorado certifying to the election of RICE W. MEANS as a Senator for the unexpired term of the late Senator SAMUEL D. NICHOLSON, ending March 3, 1927, which was read and ordered to be filed, as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November, 1924, RICE W. MEANS was duly chosen by the qualified electors of the State of Colorado a Senator from said State to represent said State in the Senate of the United States for the unexpired term of the Hon. SAMUEL D. NICHOLSON.

Witness: His excellency our governor, William E. Sweet, and our seal hereto affixed at Denver this 29th day of November, in the year of our Lord 1924.

[SEAL.]

By the governor:

WILLIAM E. SWEET, Governor.

CARL S. MILLIKEN,
Secretary of State.

REPORT OF THE LIBRARIAN OF CONGRESS

The PRESIDENT pro tempore laid before the Senate a communication from the Librarian of Congress, transmitting, pursuant to law, his annual report for the fiscal year ended June 30, 1924, which was referred to the Committee on the Library.

REPORT OF THE FEDERAL WATER POWER COMMISSION

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, as ex officio chairman of the Federal Power Commission, transmitting, pursuant to law, a report showing permits and licenses issued under the Federal water power act during the fiscal year ended June 30, 1924, together with the names of parties and the moneys received on account thereof, which was referred to the Committee on Commerce.

REPORT OF NATIONAL FOREST RESERVATION COMMISSION

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, as ex officio chairman of the National Forest Reservation Commission, transmitting, pursuant to law, the report of the commission for the fiscal year ended June 30, 1924, which was referred to the Committee on Public Lands and Surveys.

REPORTS OF THE SECRETARY OF THE INTERIOR

The PRESIDENT pro tempore laid before the Senate two communications from the Secretary of the Interior, transmitting, pursuant to law, reports for the fiscal year ended June 30, 1924, which were referred to the Committee on the District of Columbia, as follows:

A report of the surgeon in chief of the Freedmen's Hospital showing the expenditures of the said institution for professional and other services; and

A report of the surgeon in chief of the Freedmen's Hospital showing the receipts and expenditures of the said institution on account of pay patients.

The PRESIDENT pro tempore also laid before the Senate certain communications from the Secretary of the Interior, transmitting, pursuant to law, statements and reports for the fiscal year ended June 30, 1924, which were referred to the Committee on Indian Affairs, as follows:

A report showing the cost and other data with respect to Indian irrigation projects;

A report of expenditures made for the purpose of encouraging industry among Indians of the various reservations from the appropriation "Industry among Indians, 1924";

A report of expenditures from the appropriation "Indian schools, support, 1924," together with a statement that no part of the said appropriation was used in the construction of schoolhouses or for their repairs;

A report of expenditures at each school and agency from the appropriation for construction, lease, purchase, repair, and improvement of school and agency buildings;

A report of expenditures made for the purpose of encouraging industry among the Indians of the various reservations from the appropriation of \$100,000 made in the act of June 30, 1913;

A statement of expenditures on account of the Indian Service from the appropriation "Industrial work and care of timber, 1924";

A report of expenditures from the \$250,000 authorized from the funds of the Apache, Kiowa, and Comanche Indians;

A report of expenditures made for the purchase of cattle for the Northern Cheyenne Indians on the Tongue River Reservation, Mont.;

A report stating that no expenditures were made during the fiscal year 1924 for the construction of hospitals from the appropriation "Relieving distress and prevention, etc., of diseases among Indians, 1924";

A statement of expenditures of money carried on the books of the department under the caption "Indian moneys, proceeds of labor";

A report of expenditures made from the tribal funds of the Chippewa Indians of Minnesota;

A report relative to expenditures made for the purpose of encouraging industry and support among the Indians on the

Tongue River Reservation, Mont., and stating that no expenditures have been made therefrom since June 30, 1916;

A report of expenditures made from tribal funds of the Confederated Bands of Utes;

A statement of the cost of all survey and allotment work on Indian reservations;

A report showing the diversion of appropriations for the pay of specified employees in the Indian Service;

A report of all moneys collected and deposited under the appropriation "Determining heirs of deceased Indian allottees, 1924"; and

A report of expenditures made from the permanent fund of the Sioux Indians.

The PRESIDENT pro tempore also laid before the Senate two communications from the Secretary of the Interior, transmitting, pursuant to law, reports, which were referred to the Committee on Appropriations, as follows:

A report of expenditures for traveling expenses incident to the detail of employees from the office of one surveyor general to another during the fiscal year ended June 30, 1924; and

A report showing the number and kind of typewriters, adding machines, and other labor-saving devices purchased and exchanged during the fiscal year ended June 30, 1924.

The PRESIDENT pro tempore also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report in regard to the claims of certain members of the Sioux Nation of Indians for damages occasioned by the destruction of their horses, which was referred to the Committee on Indian Affairs.

RENTALS FROM PROPERTY IN CAPITOL GROUNDS EXTENSION

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report showing the receipts from rentals of property acquired for the extension of the Capitol Grounds for the period from December 1, 1923, to November 30, 1924, which was referred to the Committee on Public Buildings and Grounds.

COLLEGES OF AGRICULTURE AND MECHANIC ARTS

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the disbursements made for the current fiscal year to the several States and Territories under the acts approved August 20, 1890, and March 4, 1907, applying a portion of the proceeds of the sale of public lands to the more complete endowment and support of colleges for the benefit of agriculture and the mechanic arts, together with a statement of the amounts paid out to the several States and Territories since the enactment of said acts, which was referred to the Committee on Agriculture and Forestry.

REPORTS OF SECRETARY OF AGRICULTURE

The PRESIDENT pro tempore laid before the Senate certain communications from the Secretary of Agriculture, transmitting, pursuant to law, reports for the fiscal year ended June 30, 1924, which were referred to the Committee on Agriculture and Forestry, as follows:

A report showing the number of motor-propelled and horse-drawn passenger-carrying vehicles and motor boats purchased by the Department of Agriculture, together with the cost of maintenance, operation, and repair thereof, for use outside of the city of Washington, D. C.;

A report showing the names of all persons employed, together with their designations and rates of pay, in the Bureau of Animal Industry for the suppression of contagious, infectious, or communicable diseases of domestic animals;

A report showing the payment to officers or other persons employed by State, county, or municipal governments of sums allotted to the Bureau of Chemistry;

A report showing contributions received on account of cooperative work with the Forest Service and the amount refunded to depositors on account of excess deposits, national forests fund; and

A report of expenditures from the appropriation "Miscellaneous expenses, Department of Agriculture, 1924."

The PRESIDENT pro tempore also laid before the Senate certain communications from the Secretary of Agriculture, transmitting, pursuant to law, reports for the fiscal year ended June 30, 1924, which were referred to the Committee on Appropriations, as follows:

A report relative to the disposition of the accumulation of department files which do not constitute permanent records

and stating that the receipts from the sale of obsolete and useless documents amounted to \$2,669.85;

A report showing the number of typewriters, adding machines, and other labor-saving devices purchased and exchanged;

A report showing the revenues derived from the operation and expenditures made on behalf of the Center Market, Washington, D. C.; and

A report showing in detail the travel from Washington to points outside of the District of Columbia performed by certain officers and employees of the Department of Agriculture.

The PRESIDENT pro tempore also laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a report giving in detail the aggregate number of publications issued by the Department of Agriculture during the fiscal year ended June 30, 1924, together with the cost thereof, which was referred to the Committee on Printing.

REPORTS OF THE UNITED STATES VETERANS' BUREAU

The PRESIDENT pro tempore laid before the Senate two communications from the Director of the United States Veterans' Bureau, transmitting, pursuant to law, reports, which were referred to the Committee on Appropriations, as follows:

A report of expenses incurred by officers and employees of the United States Veterans' Bureau for traveling on official business from Washington to points outside of the District of Columbia for the fiscal year ended June 30, 1924; and

A report showing the number of typewriters, adding machines, and other labor-saving devices purchased and exchanged during the fiscal year ended June 30, 1924.

TYPEWRITERS, ETC., UNITED STATES RAILROAD ADMINISTRATION

The PRESIDENT pro tempore laid before the Senate a communication from the Director General of the United States Railroad Administration, transmitting, pursuant to law, a statement showing the make, model, and serial number of typewriters exchanged during the fiscal year ended June 30, 1924, which was referred to the Committee on Appropriations.

MEMORIAL

Mr. WILLIS presented a memorial of sundry citizens of Akron, Ohio, remonstrating against the ratification of the so-called Hay-Quesada treaty, proposing to cede the Isle of Pines to Cuba, which was referred to the Committee on Foreign Relations.

REPORT OF A COMMITTEE

Mr. McNARY, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 3035) to provide for the appointment of a commissioner of reclamation, and for other purposes, reported it with an amendment and submitted a report (No. 797) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 3553) to authorize the settlement of the indebtedness of the Republic of Poland to the United States of America; and

A bill (S. 3554) to authorize the settlement of the indebtedness of the Republic of Lithuania to the United States of America; to the Committee on Finance.

By Mr. WILLIS:

A bill (S. 3555) for the relief of C. M. Rodefer (with accompanying papers); to the Committee on Claims.

By Mr. HALE:

A bill (S. 3556) granting an increase of pension to James S. Pendergast (with accompanying papers);

A bill (S. 3557) granting an increase of pension to Louise M. Little (with accompanying papers);

A bill (S. 3558) granting an increase of pension to Joseph J. King (with accompanying papers);

A bill (S. 3559) granting an increase of pension to Ellen H. Phillips (with accompanying papers);

A bill (S. 3560) granting a pension to Jennie L. Sargent (with accompanying papers); and

A bill (S. 3561) granting an increase of pension to Ellen Blanchard Littlefield (with accompanying papers); to the Committee on Pensions.

A bill (S. 3562) to correct the military record of Alexander W. Goodreau; to the Committee on Military Affairs.

By Mr. PEPPER:

A bill (S. 3563) authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. REED of Pennsylvania:

A bill (S. 3564) granting an increase of pension to Lillie Stewart; to the Committee on Pensions.

AMENDMENTS TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. ASHURST submitted an amendment proposing to appropriate \$597,088 to reimburse the reclamation fund for the benefit of the Yuma Federal irrigation project in Arizona and California for all costs, as found by the Secretary of the Interior, heretofore incurred and paid from the reclamation fund, for the operation and maintenance of the Colorado River front work and levee system adjacent to said project, and so forth, intended to be proposed by him to House bill 10020, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$200,000 for operation and maintenance and completion of construction of the irrigation system required to furnish water to all of the irrigable lands in part 1 of the Mesa division, otherwise known as the first Mesa unit of the Yuma auxiliary project, and so forth, intended to be proposed by him to House bill 10020, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

MARY A. MERRIFIELD—WITHDRAWAL OF PAPERS

On motion of Mr. HALE, it was

Ordered, That the papers accompanying the bill S. 1804, Sixty-eighth Congress, first session, granting a pension to Mary A. Merrifield, be withdrawn from the files of the Senate, no adverse report having been made thereon.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on December 2, 1924, the President had approved and signed the following acts and joint resolution:

S. 2265. An act to provide for a rearrangement of the public-alley facilities in square 616 in the District of Columbia, and for other purposes;

S. 3397. An act to remit the duty on a carillon of bells to be imported for the Church of Our Lady of the Rosary, Providence, R. I.; and

S. J. Res. 85. Joint resolution authorizing an appropriation for the participation of the United States in the preparation and completion of plans for the comprehensive observance of that greatest of all historic events, the bicentennial of the birthday of George Washington.

COTTON-CROP REPORTS

Mr. McKELLAR. Mr. President, I ask to have inserted in the RECORD a resolution of the board of directors of the Tennessee Cotton Growers' Association in reference to the cotton crop reports and some short editorials that go with it.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is ordered accordingly.

The matter referred to is as follows:

Whereas the United States Crop Reporting Board has, for the first time during the growing season of 1924, issued two cotton-crop reports monthly; and

Whereas those frequent reports have given the growers of cotton and the legitimate cotton trade more accurate and timely information regarding the growing crop and reduced speculation and violent fluctuations in the market; and

Whereas cotton speculators and the New Orleans and New York cotton exchanges are waging an active campaign to induce Congress to prevent the Crop Reporting Board from issuing semimonthly cotton-crop reports during the growing season of 1925: Therefore be it

Resolved, That the board of directors of the Tennessee Cotton Growers' Association, in regular monthly meeting, November 19, 1924, urgently requests the Senators and Representatives of Tennessee, and earnestly solicits the cooperation of all other Senators and Representatives, especially those from all other cotton-growing States, to make every effort to have these semimonthly cotton-crop reports continued; and be it further

Resolved, That a copy of this resolution be sent to every Senator and Representative from the cotton-growing States.

ROBT. S. FLETCHER, Jr., Secretary.

[From the Progressive Farmer]

FREQUENT OFFICIAL COTTON-CROP REPORTS

How often should official cotton-crop reports be issued?

If frequent crop reports are good, as issued by spinners, merchants, exchanges, and speculators, why does the "trade" object to frequent official cotton-crop reports?

Do frequent official cotton-crop reports "disturb trade"?

In the light of the concerted and persistent attacks of the exchanges and speculators, including merchants and spinners—all generally known as the "trade"—on the official cotton-crop reports, we submit that the foregoing are pertinent questions.

They are also questions which every cotton grower in the South should ask himself. Particularly should every large cotton producer and politician, who is now attacking the official cotton reports—and, to their shame, there are many of them—ask himself these questions and consider well his answers. As cotton growers ourselves, and for self-evident reasons interested in all other cotton growers in the country, we have asked ourselves these questions. Not in any prejudiced spirit, but in all seriousness, for the whole question is a serious one to every cotton grower who desires his product to be free from the control of speculation. Having asked ourselves these questions and given some thought and study to obtain correct answers, we are giving our conclusions to our readers.

1. HOW OFTEN SHOULD THE OFFICIAL COTTON CROP REPORTS BE ISSUED?

Our answer is as often as practicable with the money and facilities available. Why this answer? Because if one cotton-crop report a month is good two a month can not be bad. The objections offered to two reports a month are really the objections the so-called "trade" has against any official cotton-crop reports at all. The real reasons why at least two official cotton-crop reports a month should be issued, from August to December, are:

First, the "trade" issues frequent so-called cotton-crop reports, many times more than twice a month, and since they are bound to be biased and based on insufficient observations, therefore frequent official reports are necessary to check the effects of these biased reports on prices, or to prevent violent fluctuations caused by speculation.

Second, during any month of the growing season, great changes in the condition of the cotton crop may take place, and if there were no official report issued in the middle of the month as a check, then these changes in the crop would be exaggerated by the private reports for selfish reasons, and violent and unjustified fluctuations in prices would be brought about. The experience of the past season, the first we have had two official reports a month, has proved this. Exaggerated reports and violent fluctuations have been less than formerly.

2. SINCE THE "TRADE" ISSUES NUMEROUS COTTON REPORTS WHY DOES IT OBJECT TO FREQUENT OFFICIAL REPORTS

The first reason is that the so-called "trade"—meaning the spinners, the cotton merchants, and the speculators—object to official cotton-crop reports of any sort. This is shown by the fact that they first tried to destroy the official reports by charging that they were dishonest. When this failed, as it was bound to, they started a campaign to discredit the official reports, because, as they claimed, they were "inaccurate." When it was shown that the official reports were the most accurate we had, because unbiased and the data gathered with more care and intelligence, they grasped as a last straw to their drowning cause, the fiction that frequent official reports "disturb trade."

The so-called "trade" objects to official cotton-crop reports because they reduce speculative control and protect the producers from a complete control of the market by speculation. Official cotton-crop reports, particularly frequent ones, are objected to by spinners, merchants, exchanges, and speculators because they interfere with speculation. Disguise and deny it as they may, that is the whole truth, and the proof is plain to any man who is not blind if he will but investigate the whole question.

3. DO FREQUENT OFFICIAL COTTON-CROP REPORTS "DISTURB TRADE"?

The exchanges and speculators say that frequent official cotton-crop reports "disturb trade." We say that frequent official reports "disturb speculation," and the real difference in these statements must not be overlooked, for therein lies the whole secret of the fact that the exchanges all over the world are combining to wage war on these frequent official reports. The Liverpool exchange, the New York exchange, and the New Orleans exchange, the three most important cotton exchanges, are conferring and cooperating to fight these frequent official crop reports. Letters are being sent out by these exchanges for the purpose of working up a concerted action against these twice-a-month official reports.

Some of those who, as producers, should have supported the crop reporting board in its efforts to protect the growers of cotton have been carried off their balance by the campaign of ignorance and falsehood carried on by the speculators and have joined them in their efforts to destroy the only protection against speculation the producers now have. The attack of the exchanges on the mid-month official reports has also been encouraged by the attacks of certain Congressmen and representatives of political organizations claiming to represent the growers.

If any additional evidence were needed to prove that frequent official reports are in the interest of the growers and antagonistic to speculation, the attacks the exchanges are making on these frequent reports ought to be sufficient, but the question is such a simple one that it is beyond understanding that any politician or producer should "fall" for this campaign against frequent official reports.

If these frequent reports "disturb trade," it is because the "trade" is on a speculative basis, but the facts show that since these frequent reports have been issued prices have been more stable. This year, with the largest acreage ever planted, with very little boll-weevil damage, and with a dry season since June over most of the belt, if there had not been these frequent reports, who believes the price of cotton would have remained above 22 cents a pound? If we had not had official reports, the "trade" reports under such conditions of the crop would have "predicted" a 15,000,000-bale crop and cotton might have sold for 15 cents a pound until the "error" was discovered. And the "error" would not have been discovered until the producers had sold most of their crop.

We ask our readers to write their Congressmen and Senators asking them to keep "hands off" the crop reporting board and these frequent crop reports; because these are their only protection from the speculators who have always in the past controlled the cotton markets. Do not neglect this, Mr. Reader, it is a most important matter to you as a cotton producer.

[From the Progressive Farmer]

WHOM SHOULD OFFICIAL COTTON REPORTS SERVE

Why are official cotton-crop reports issued? From the source of the attacks made on them, with the avowed purpose of forcing their discontinuance, one may well ask, Is the purpose of these cotton-crop reports by the Government to serve the interests of the producers and the legitimate cotton trade, or are they issued for the special benefit of the speculators and the cotton exchanges?

It should be clearly understood that the speculators and the exchanges will always be opposed to official reports. Moreover, so long as the cotton "trade," as represented by the spinners and old-line cotton merchants, is so largely dominated by speculation these interests will also be opposed to official crop reports.

The speculators, merchants, and spinners do not want Government cotton-crop reports. They would prefer to issue "private" reports—unchecked by official and more accurate reports—which could be made to better serve their "private" purposes.

In fact, a representative of a large organization of spinners, in a conference for the improvement of the cotton-crop reports, in all sincerity and innocent of the transparent selfishness of the suggestion, stated that the interests he represented "wanted only one report a year, and that issued after January 1 of the year following the production of the crop."

Yes; this kind of a report would suit the exchanges, the spinners, and the speculators, but no official report at all would suit them still better.

I

There is nothing surprising about this, but it is surprising that so many producers and particularly so many Congressmen, Senators, and other politicians, who pretend to want to serve the interests of producers, can not see through such a transparent scheme as the concerted and organized attacks of the speculators on the official cotton-crop reports. Not seeing, or if seeing not caring, that the true object of these attacks is to destroy the official reports, they fall in line with the exchanges and speculators and do all they can to destroy the only unbiased and the most accurate source of information the producers and legitimate trade now have regarding the condition of the crop and the probable production.

If these producers and politicians, for there are a few producers who are false to the interests of the producers, who are assisting the speculators in their attacks on the official cotton-crop reports, would ask themselves, what is the interest of the exchanges and speculators in these reports, they might be able to realize the injustice of their activities to the producers of cotton.

There is no question but that we will have cotton reports from the "trade" and the speculators, whether there are official reports or not. If by doing away with the Government reports all reports would cease, then there might be found some show of consistency in the activities of those who want first to have the Government reports stopped entirely and, failing in that, then by false charges and unjust criticism to destroy confidence in them.

But reports we will have. If not unbiased and reasonably accurate official reports, then biased and inaccurate reports will still be issued. Therefore, the only protection the producers can have from the biased, inaccurate, and selfish reports of the speculators and the "trade" is the official Government reports.

The first line of attack on the official reports was that they were dishonest. When that was disproved, the next line of attack was on the fancied inaccuracy of the reports. This has also been met by the facts, showing that the Government reports are the most accurate we have had, even though the so-called reports of the "trade" are largely based on the last Government report.

The charge of a lack of dependability has also been given the "lie" by the speculators and merchants themselves, by their acceptance of the Government reports and buying or selling future contracts ac-

cording to whether they considered the reports "bullish" or "bearish." If they had really believed the reports were dishonest or inaccurate they would not have bet their money to the limit allowed by the rules of the exchanges.

II

We make the unqualified statement that the official reports have been the most accurate of any class of reports issued and challenge anyone to disprove this statement.

Then when this line of attack failed, as it must when the facts were learned, the next and last ditch stand is made on the frequency of the reports and their disturbance of "trade." The wrong word is being used. These frequent and more accurate reports disturb "speculation."

We hope our readers, every one of them, will write their Congressmen and Senators and state in no uncertain language that since cotton reports are going to be issued by the "speculators" they insist on the continuance of the more accurate and unbiased official reports, and that they be issued as often as practicable, and not less than twice a month from August to December.

It would also be well for the rank and file of the cotton farmers of the South to let certain officious large producers and small politicians, who are more interested in speculation and "cussing the Government" than in the interests of the farmers, understand that they had better stop giving assistance to the "enemy" by spreading its "propaganda."

There is not a shadow of a doubt but the largest acreage ever planted in cotton in this country was planted in 1924. There has been very little damage by boll weevils, taking the belt as a whole. After an unfavorable spring, the season has generally been dry, which is always favorable to the fruiting of the cotton crop.

These are well known facts with which all are familiar.

III

Now, let each reader of the Progressive Farmer ask himself the question: If there had been no official reports which, because the information on which they are based is gathered from all sections, took into consideration the bad stands and abandoned acreage, and gave out accurate reports of the condition of the crop at the time the reports were gathered, how large a crop of cotton would the "trade" and the speculators have "reported" for this season? Would they have said, "we have the largest acreage ever planted, there is no boll weevil damage, and from June on the weather has been generally dry, which is favorable to the fruiting of cotton; therefore, we will certainly make 15,000,000 bales"? Indeed, might they not have made it 16,000,000 bales, because that would have suited their purposes better? Where would the decline in prices have stopped? Would we now be getting more than 15 cents a pound for cotton?

What do you think, Mr. Reader? These are matters which are worth thinking about in connection with these attacks of the speculators, spinners, and politicians on the official cotton-crop reports.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 71) authorizing the Cowlitz Tribe of Indians, residing in the State of Washington, to submit claims to the Court of Claims, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SNYDER, Mr. DALLINGER, and Mr. HAYDEN were appointed managers on the part of the House at the conference.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1282, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

The PRESIDENT pro tempore. The question is upon agreeing to the substitute reported by the Committee on Agriculture and Forestry.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The principal legislative clerk (Harvey A. Welsh) called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Keyes	Shipstead
Ball	Ferris	Ladd	Shortridge
Bayard	Foss	McKellar	Smith
Borah	Fletcher	McKinley	Smoot
Brookhart	Frazier	McLean	Spencer
Broussard	George	McNary	Stanfield
Bruce	Gerry	Mayfield	Sterling
Bursum	Glass	Means	Swanson
Butler	Gooding	Metcalf	Underwood
Capper	Greene	Neely	Wadsworth
Caraway	Hale	Norris	Walsh, Mass.
Copeland	Harrell	Oddie	Walsh, Mont.
Couzens	Harris	Overman	Warren
Cummins	Harrison	Pepper	Watson
Curtis	Heflin	Phillips	Weller
Dial	Howell	Pittman	Wheeler
Dill	Johnson, Minn.	Ralston	Willis
Edge	Jones, N. Mex.	Reed, Pa.	
Edwards	Jones, Wash.	Robinson	
Ernst	Kendrick	Sheppard	

Mr. FLETCHER. I wish to announce that my colleague, the junior Senator from Florida [Mr. TRAMMELL], is unavoidably absent. On the matter of Muscle Shoals legislation he has a general pair with the Senator from South Dakota [Mr. NORBECK].

Mr. HARRISON. My colleague, the junior Senator from Mississippi [Mr. STEPHENS], is absent on account of sickness. He has a general pair with the junior Senator from Vermont [Mr. DALE].

The PRESIDENT pro tempore. Seventy-seven Senators have answered to their names. There is a quorum present.

Mr. McNARY. Mr. President, in the issues of the Saturday Evening Post of May 24 and 31, 1924, two articles appeared, written by Senator GEORGE W. NORRIS, the senior Senator from Nebraska, under the caption, "Shall we give Muscle Shoals to Henry Ford?" These articles throw a flood of information upon this important subject, and I ask unanimous consent that they may be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

The articles referred to are as follows:

SHALL WE GIVE MUSCLE SHOALS TO HENRY FORD?

[By GEORGE W. NORRIS, United States Senator from Nebraska]

During the World War it became apparent to many governments, and particularly to many government officials who had inside and confidential information, that the Allies were in danger of defeat because of the growing scarcity of nitrogen in the manufacture of explosives. An inexhaustible supply of nitrogen is contained in the air we breathe, but the method of its extraction and the expensive character of all such operations then known to the scientific world outside of Germany made it impossible for a sufficient supply to be obtained from that source. The best-understood method at that time for the extraction of nitrogen from the atmosphere was what is known as the cyanamide process. This process required as one of its essential features a very large amount of power. An abundance of cheap power was absolutely necessary, therefore, in order to secure the supply of nitrogen necessary to carry on the war, and those behind the scenes knew that if the war should continue very long this supply of nitrogen meant the difference between victory and defeat.

With a view of meeting this emergency, our Government selected Muscle Shoals, Ala., as the place where it would develop enormous quantities of power on the Tennessee River and go into the business of extracting nitrogen from the atmosphere. Muscle Shoals is a term applied to a section of the Tennessee River in northern Alabama, where the power possibilities are very great.

This section of the country was entirely undeveloped, and the Government went into the enterprise much the same as it would go into a virgin forest if it were desirous of securing lumber on a wholesale scale. It was necessary to employ thousands of men and to build habitations not only for those who should be engaged in the construction of the works necessary but to provide permanent residences for families of employees and officials necessary for the operation of the works when they were completed. The first workmen were housed in tents while temporary living quarters were built. A railroad was built connecting the various localities with the two railroad systems in that vicinity of the country. The Government purchased about 5,000 acres of land. It built about 100 miles of standard-gauge railway. It bought engines and all the box cars and flat cars necessary to carry on the work in the most economical way.

Limestone is one of the necessary materials in the extraction of nitrogen from the air by the cyanamide process. Twenty-six miles away from the works at Muscle Shoals the Government purchased between four and five hundred acres of limestone land and opened a large quarry. It constructed two nitrate plants, known as No. 1 and No. 2, several miles apart. It built a steam plant at each one of these nitrate plants having an aggregate capacity of 120,000 horsepower. These steam plants are as modern as any similar plants anywhere in the world. At each of these two nitrate plants the Government laid out and built a town with macadamized streets, electric-light facilities,

and everything necessary for permanent living quarters. These houses are modern in every way, containing bathrooms, hot and cold water, and surrounded by beautiful lawns and growing trees. In short, by the expenditure of public funds a desert was converted into a garden, and everything known to science for the comfort and happiness of the inhabitants has been installed. Many of these houses are furnished with modern, up-to-date furniture. In one of these towns a club house was built for the enjoyment of officials and employees. It is modern in every way, and completely furnished. It compares favorably with anything of its size ever constructed. A hotel was built containing 100 rooms, completely furnished and operated by the Government for the convenience of its employees and the public. The Government also owns the land around these towns, so that they are capable of almost indefinite expansion.

DAM NO. 2

While these building operations were going on at nitrate plants No. 1 and No. 2 the Government was engaged in the building of Dam No. 2 on the Tennessee River, several miles farther up the stream. It purchased the land on the river abutting the location of this dam. It laid out another town with macadamized streets, sewers, waterworks, a filtration plant, and electric-light system. This town is similar in all respects to the two other towns located at the nitrate plant. This location is connected with the other towns by a standard-gauge railway. The dam itself is the largest concrete structure of its kind in the world. Its total length from bank to bank is approximately 4,500 feet. It dams the water of the Tennessee River for a distance of over 14 miles, and the lake thus formed will cover an area of over 14,000 acres. The height in round numbers is 100 feet. When completed it will contain a roadway 20 feet above this height. The foundations extend nearly 20 feet into the bedrock of the river. At bedrock the dam is 100 feet thick, and it has an apron of about 60 feet, making a total width of approximately 160 feet. The maximum head of water on the turbines will be 96 feet, and the minimum will be 68 feet. When completed it will have units installed that will be capable of 540,000 horsepower. The flow of the river, however, is sufficient at some times to produce about a million horsepower, but the river in some exceedingly dry seasons has gone down so low that the horsepower would be reduced on some occasions to about 100,000. It was because of this variation between the high and low water flow of the Tennessee River that the immense steam plants which I have heretofore described were constructed. They can be used to convert the secondary power of this great dam into primary power, so that when the two are combined the power possibilities at Muscle Shoals, considering this dam alone, compare favorably with the greatest power projects of the world.

The Government has been working on Dam No. 2 ever since the beginning of operations at Muscle Shoals. It has spent on this dam alone to date somewhere between twenty-five and thirty millions of dollars. It is estimated that its total cost when completed will be between forty-five and fifty millions of dollars.

DAM NO. 3

The plans of the Government contemplate the construction of another dam still farther up the river, located at the head of the lake formed by the backwater from Dam No. 2, just described. This dam is to be known as Dam No. 3. It is similar to Dam No. 2, excepting that it will be only 40 feet high and nearly 7,000 feet long. Its power possibilities will be a little over 40 per cent of the power possibilities of Dam No. 2.

The construction of Dam No. 3, however, will greatly increase the power possibilities of Dam No. 2, because it will be able to hold back large quantities of water when the river is high and thus convert, at Dam No. 2, secondary into primary power.

Dam No. 3, when constructed, will back up the water of the Tennessee River for 65 miles; and it is seen, therefore, that the flood-control proposition involved in addition to its power possibilities is a great item, increasing not only the power which is developed at Dam No. 3 but also at Dam No. 2. Nothing has been done at Dam No. 3 except the necessary surveys, soundings, and borings. The estimated cost of Dam No. 3 is \$25,000,000.

TOTAL GOVERNMENTAL EXPENDITURES

I have thus briefly outlined the activities of the Government and have also noted the condition of the entire project up to date. The total expenditure of the Government up to the present time on the entire enterprise is between \$125,000,000 and \$130,000,000.

It might be well to consider what the property owned at Muscle Shoals by the Government is fairly worth at the present time. Much of the work was done during the war period when prices were high; but both the cost of material and of labor have decreased very little since that time, and it is doubtful whether the property could be replaced for much less than it actually cost.

It should be remembered also that this wild, barren land has been converted into streets and towns and that as far as the land is concerned its value has increased many fold. If a city is to spring up in the vicinity of Muscle Shoals, as many people believe, the Govern-

ment could sell vacant and improved lots in these three towns and make vast sums of money by the operation. It is not contemplated, of course, that the Government will do this, but if the property is sold or given away to a private corporation, such a possibility becomes an actual reality; and without doubt if this vast property is turned over to some private corporation it will proceed at once, as good business would dictate, to sell all the buildings and vacant lots located in the three towns above described. Such a corporation would very likely plat the adjoining land which it would thus acquire and thus increase in a very legitimate manner the value of its investment.

MR. FORD'S BID

Mr. Ford has made a bid to the Government for all this property which I have enumerated and described. He proposes that the Government shall give him a warranty deed to all this property, except Dams Nos. 2 and 3 and the one town and the real estate located at Dam No. 2, and that the Government shall give him a lease for 100 years to Dam No. 2 and Dam No. 3, together with the real estate and the town located at Dam No. 2. It will therefore be seen that Mr. Ford's bid can properly be divided into two parts. I will consider these subdivisions of his bid in the order named.

1. PROPERTY CONVEYED BY WARRANTY DEED

The property which Mr. Ford proposes shall be deeded to him in fee simple has cost the Government in round numbers about \$85,000,000. As a consideration for the conveyance of this property by warranty deed Mr. Ford proposes to pay the Government \$5,000,000. He also agrees that he will operate nitrate plant No. 2, or its equivalent, to its present capacity, which is admitted to be 40,000 tons of nitrogen per annum. Since his bid provides for a profit on this operation of 8 per cent, I do not consider it any valuable consideration for this deed of conveyance. I will discuss the proposed fertilizer operation of Mr. Ford later on.

Included in the bid of Mr. Ford, to which he will get absolute title, is not only the real estate which I have heretofore described but a vast amount of personal property as well. There is personal property which under his bid would be conveyed to him amounting in value in round numbers to \$2,000,000. Most of this personal property has a definite fixed market value. There are all kinds and quantities of building materials, all stored in sheds and kept in perfect condition. This building material was bought by the Government and stored on the property because it was thought at the time it might be necessary to use it in extending the towns owned and built by the Government, and in the construction of other shops and works. For instance, there is more than 6,000,000 feet of lumber, millions of common and fancy brick, immense quantities of slate shingles and hollow building tile. There are more than 10,000 wooden doors and 3,000 screen doors, vast quantities of shingles and windows, and, in short, all the material that goes into the construction of modern homes. All this material is the same as new, has not deteriorated in any respect, and could all be put on the market and sold for cash without any delay whatever. In addition to this there is a vast quantity of secondhand lumber and other kinds of building material used in the construction by the Government of temporary homes and halls for the use of its employees in the early stages of construction. There is also a large amount of office furniture, typewriters, desks, etc. All the tents and other camping equipment used by the Government at the beginning of its development at Muscle Shoals are still there, properly stored and in excellent condition. In addition to this there are supplies for the use of the nitrate plants, much more than would be needed within any reasonable length of time in the operation of these plants. For instance, there is one item of platinum having a definite known market value of more than \$700,000. Many miles of standard-gauge railroad, built during the construction period of nitrate plants Nos. 1 and 2 and the two steam plants, are unnecessary in the operation of these plants. There are also numerous engines and freight cars, all in good condition, used during the construction period, which are unnecessary in the operation of the plants. Mr. Ford could dispose of this personal property, if he so desired, upon the market and realize sufficient cash money from it to pay the entire \$5,000,000 which he proposes to give to the Government for the entire property.

It is an open secret that if Mr. Ford gets this property he does not intend to sell any of the electricity which he develops at these great dams. He intends to use it himself for manufacturing purposes and to supply power for such manufacturing as he may desire to develop at Muscle Shoals. It will follow, therefore, that quite a city will spring up in this vicinity. By the bid Mr. Ford will get several thousand acres of land adjoining the two towns at these two plants. He will be able—and it would be a perfectly honorable and legitimate thing to do—to lay out this real estate into lots and sell it. He would perhaps not only sell the vacant lots but he would sell all the residence property in these two towns which the Government has already improved by building modern homes.

There is no reason why the owner of these steam plants, these nitrate plants, this stone quarry, and the lessee of these dams should own the homes in which the citizens of the vicinity will live. It would prob-

ably be good business judgment to sell them and thus have a city of home owners instead of a city of tenants. If Mr. Ford took this course with the property, which under his bid would be perfectly legitimate and good business, he could sell these lots and residences for many times the \$5,000,000 which he pays for the entire property. It would be safe to say, therefore, that on this part of his bid alone he would be able to make millions of dollars and still have left by fee-simple title all the property necessary or desirable to its use and its utilization. The lots comprising these towns are already worth many times what the Government actually paid for them. If Mr. Ford builds a large manufacturing plant in the vicinity, their value would double and treble within a comparatively short length of time.

The effect, therefore, of the bid would be not only that Mr. Ford would acquire this property without any consideration whatever, but that he would make a profit out of it, without any other consideration, of many millions of dollars. For him and the corporation which he proposes to organize it would be the most gigantic and profitable deal that he ever made in his wonderful business career. If he builds the manufacturing establishments that he has given the country to understand he will construct at Muscle Shoals, he can make enough profit out of this land speculation alone to build all his manufacturing establishments and have sufficient money left to operate them without at any time investing a single dollar. His operations in the automobile world, which have resulted in such wonderful success, would sink into insignificance compared with the enormous profit there would be to him and his corporation in the Muscle Shoals development. This conveyance would in effect be the greatest and most magnificent gift ever recorded in history, and, as I have said on a former occasion, it would be the greatest gift ever bestowed on mortal man since salvation was made free to the human race. It would not only assure Mr. Ford that he would be the richest man in the world, but it would give him a power in the commercial field by which he could dominate the industries not only of this country but of the world. And if Mr. Ford loses, his loss will be greater than any loss ever incurred in the speculative world and could only be compared with the loss of Adam and Eve when they were driven out of the Garden of Eden.

2. THE 100-YEAR LEASE

We have seen the enormous possibilities of profit to the Ford corporation in that part of the property to which under Mr. Ford's bid it secures absolute title. The opportunities for making the vast sum outlined would not be possible if it were not for that part of the bid which provides for the leasing of these two great dams. The conveyance of the property by fee simple, while resulting in a loss of over \$75,000,000 to the Government, and while important in itself, sinks into insignificance when compared to that part of the bid in which Mr. Ford demands a lease to his corporation for 100 years for these dams. No one has ever secured from the Government of the United States or, so far as I know, from any civilized government of the world such an advantageous lease.

The conservation of the natural resources of the country, so far as navigable streams are concerned, has been one under discussion for many years. The importance of the question increases with the passing of the years. These great streams belong to all the people. The wonderful power possibilities ought to be developed so as to benefit all the people. It would be an economic sin for Congress to turn over to any corporation the use of this power for 100 years without regulation of any kind. We owe something to the generations that will come after us. We have no right to mortgage the inheritance of unborn millions for the benefit of a private corporation unregulated and unrestrained.

In the wildest stretch of the imagination we can not foresee the wonderful possibility of electric energy generated from these streams in the next 40 or 50 years. We only know that the use of electricity is becoming more general every day, that it is part of our civilization, and that in one form or another every citizen has a right to enjoy the privileges which it affords. It should be understood to begin with that Mr. Ford's bid provides that the Ford corporation shall have the electricity developed at Muscle Shoals without regulation either by Federal or State authority. For the space of 100 years this electricity becomes the property of the corporation as absolute and as outright as though he were a king or a potentate and owned in fee simple all the property and all the people of his domain. The bid provides that these dams shall be constructed at the cost of the Government of the United States. The taxpayers of the country, through the Treasury of the United States, contribute every dollar that goes into them. When the dams are completed then a lease is given to Mr. Ford's corporation for 100 years.

MR. FORD'S CORPORATION

We ought to pause and give consideration to the fact that in Mr. Ford's bid he assumes no personal obligation, except that he will form a corporation with a paid-up capital stock of \$10,000,000. It is with this corporation that we are dealing. Mr. Ford has done all that he has agreed to do in his bid when he forms this corporation. The deed I have been speaking of is given to this corporation. The lease I have

mentioned goes to this corporation. There is not even an implication in Mr. Ford's bid that he will even control this corporation during his lifetime. It is assumed, of course, that Mr. Ford will control it and that all its stock will be owned by Mr. Ford or members of his immediate family, but we ought to understand to begin with that when we consider Mr. Ford's bid we are dealing with a corporation that at the very best can not be controlled by Mr. Ford for more than a few years. Those who favor his bid, if they do so upon the ground of the great confidence that the people generally have in his honesty, must realize that even if we give Mr. Ford credit for every virtuous attribute that his friends and admirers ascribe to him, it will nevertheless follow, in the course of human events, that this corporation will eventually be owned and managed as all other corporations are. I am not criticizing Mr. Ford. I have always had great admiration for him, but I do not agree with some of his admirers who think that he is superhuman. He is only an individual after all, anxious, perhaps, to outstrip all competitors of the world by becoming richer than any other human being. He is asking a deed that will convey for all time this property that belongs to all the people, and a lease for 100 years to other valuable concessions, and the people who are advocating the acceptance of his bid do not seem to realize that he will not be with us long, and that our children and our children's children will be dealing with a corporation as cold and as clammy as though organized by a Rockefeller or a Stinnes. Long after Mr. Ford has gone to his reward, long after he has obtained a monopoly of the manufacture of heavenly chariots that rattle over the golden-paved streets of the eternal city, our descendants will be sweating and toiling in the sun to pay tribute to the soulless corporation that he has left behind.

CONSIDERATIONS FOR THE LEASE

It is claimed by the Ford adherents that under Mr. Ford's bid this corporation will pay to the Government a rental of 4 per cent on the actual cost of these dams. This is one of the many points of deception that have been heralded before the people of the country. An analysis of the bid discloses that there is no such payment provided for. The bid provides—with an exception that will be noted later—that the corporation shall pay 4 per cent on such expenditures made after May 31, 1922, the date of Mr. Ford's bid. The corporation does not agree and is not obligated to pay any interest on any expenditure made before that time. It must be remembered that prior to that date the Government had purchased the land abutting this dam and had built the town heretofore mentioned at one end of the dam, and that the dam was partially completed on that date. The Government had spent at that time \$17,000,000 at this dam. Mr. Ford's bid does not pay one penny of interest on that investment.

There is another exception that a close analysis of the bid discloses which is important. It is provided in the bid that for six years after the completion of Dam No. 2 this corporation, instead of paying interest, shall pay \$200,000 per annum. This will be interest for six years of the term at less than one-half of 1 per cent upon the money already expended and to be expended in the completion of this one dam.

The bid provides that the 4 per cent interest does not commence to run on Dam No. 3 until three years after it is completed. During these three years the corporation pays an annual rental, instead of interest, of \$160,000. This will be interest on the money invested in Dam No. 3 for three years during the term at less than 1 per cent upon the cost of the dam.

The bid does not contemplate the payment of any interest until these dams are completed. This means that no interest shall be paid upon any of the money invested in these dams until completion, and then for six years and three years, respectively, the payment of interest upon the Government's investment at less than 1 per cent. Upon the money that is expended from the Treasury of the United States from year to year, amounting in the aggregate on the two dams to about \$75,000,000, no interest whatever is paid during the construction period, and the 4 per cent interest does not commence to run on Dam No. 2 until six years after its completion and on Dam No. 3 until three years after its completion.

If we make a computation, giving Mr. Ford's corporation credit for the 4 per cent while he pays it, and the rental installments above mentioned before the 4 per cent interest commences to run, and apply it to the investment of the Government from the various dates of expenditure on these two dams, we find that the mathematical result of such computation is that Mr. Ford's corporation is paying the Government exactly 2.79 per cent interest for this money; and when we realize that this corporation has the use of this money for 100 years we begin to comprehend the generosity of the tax-paying public in behalf of Mr. Ford's corporation.

THE SO-CALLED AMORTIZATION PAYMENTS

To be absolutely fair with Mr. Ford's corporation it must be admitted that he makes other payments besides the interest payments above analyzed. It is claimed by the advocates of the Ford offer that he actually pays back to the Government its entire investment in these dams by way of so-called amortization payments. This is one of the

most interesting and deceptive propositions contained in the Ford offer. It has been heralded over the country that as a matter of fact the investment of the Government is entirely returned to the Treasury of the United States, and millions of our people believe to-day that if this lease is made to Mr. Ford's corporation the Government in the course of 100 years will secure a return of the taxpayers' money which is used in the construction of these dams.

The Ford offer proposes that commencing with the seventh year of the lease on Dam No. 2 and the fourth year of the lease on Dam No. 3 there shall be paid semiannually as to Dam No. 2, \$19,868, and as to Dam No. 3, \$3,505. It is alleged that if the Government would take these payments and loan them out at interest at 4 per cent, then collect the interest every six months and continue to loan such collections at 4 per cent, that in 100 years the fund would reach an amount practically equal to the cost of the dams, less the \$17,000,000 paid by the Government prior to the Ford offer. It is not claimed even by the Ford adherents that the Government would ever get any return on any interest on this \$17,000,000. Everybody knows that such a proposition is not only impractical but perfectly nonsensical. Neither the Government nor any business institution ever has or ever could go into such a deal.

Mr. Ford will not even dare apply his own amortization theory to his own business, but, on the other hand, his corporation should receive credit for every one of these payments. If we figure them up, we find that during the 100-year period these payments so made by the Ford corporation would amount to \$4,368,378, and, of course, the corporation is entitled to and should receive credit for these various installments upon the date when they are paid. These payments will have a tendency, in a very small degree, to increase the interest that Mr. Ford's corporation pays upon the Government's investment. If we give the corporation credit for every cent that it pays at the time it pays it, we find that after adding all these payments, which he calls amortization payments, to the interest payments, the corporation will be paying interest upon the Government's investment at the rate of 2.85 per cent. Analyzing the proposition, therefore, and reducing it to actual figures, we find that the Government would be loaning to the Ford corporation about \$75,000,000 for 100 years, at an annual interest rate of 2.85 per cent. In other words, it means that the Government has not only loaned this money at this wonderfully cheap rate to this corporation for 100 years, but that at the end of the 100 years it will not have received back one cent of the investment.

In justice to the taxpayers of the country, who must contribute this money, and in justice to the present generation and to the unborn generations, who have title to the property conveyed, how can any law-making body acquiesce in the unreasonable demand that this corporation shall become the greatest beneficiary of public money in the history of civilization? By what magic has this financial wizard gained control of the public conscience so as to induce our public servants to thus barter away the inalienable rights not only of those who live but of unborn generations who shall follow?

But the loan of this money is not the only gift involved in the financial part of the transaction. Not only does the Government loan to this corporation for 100 years \$75,000,000 at 2.85 per cent interest, but it gives to the corporation, which is the beneficiary of this loan, the absolute title to all the electricity developed without reserving any power to the Federal Government or to the State government to control or regulate in any way its use or distribution.

But suppose we apply Mr. Ford's amortization theory to his corporation. If the Ford adherents still claim that this foolish and unreasonable amortization theory is correct and that the Government should be so unwise as to accept it, they will certainly admit that the same rule ought to be applied to the corporation that is the beneficiary of the Government's charity. If we assume that a fair rate of interest in the commercial world is 6 per cent and that therefore 6 per cent is what Mr. Ford would have to pay for this money that he gets from the Government at less than 3 per cent, we find when we consider the Government's investment in these two dams that the difference on the investment between 6 per cent and what the Ford corporation actually pays is about \$236,250,000 during the entire lease period. This would be the actual profit if the money were used in business and is, as a matter of fact, a fair statement of the actual profit based on this one item alone; but if we apply Mr. Ford's amortization theory and require this corporation to take the annual earnings on this interest item each year and loan them out at interest, compounding them the same as he asks the Government to compound his payments, we would find that at the end of the 100-year period the Ford corporation would have a cash fund of \$14,500,000,000. If Mr. Ford's theory is correct as applied to the Government and the same theory is applied to his corporation, we find that at the end of this period this corporation would be able to completely control and dominate the business not only of the United States but of the entire world.

The only other consideration for this lease in the Ford offer is that the corporation agrees to furnish power free of charge to the Government for the operation of the locks that are to be installed in both Dam No. 2 and Dam No. 3. This is such a small item when it is taken

into consideration with the enormity of the entire proposition that it is hardly worthy of notice, and it would be difficult to make a computation of its value.

KEEPING THE DAMS IN REPAIR

Another piece of deception very carefully concealed from the public is that in the Ford bid it is provided that the Government shall keep these dams in repair for the benefit of this corporation during the entire 100-year period. Again we approach a proposition that dazzles the human mind and causes us to wonder not only how any living mortal could ask the Government to undertake such an enormous task for the benefit of a private corporation but how it could be possible that when such a proposition is made the public would not as one man rise up in righteous indignation. In the history of our country no citizen has ever presumed to make such an unrighteous demand. In every law that has ever been passed by Congress, and in the general leasing law providing for the building of dams upon our navigable streams, it is distinctly provided not only that the lessee shall furnish the money to build the dams but that he shall keep them in repair during the leasing period. If this proposition were made without connecting it with the name of any man, it would be really laughable and would not receive consideration for a single moment by any citizen. The corporation under this bid does generously agree to keep its power house and the machinery in the power house in repair, but the balance of the dam must be kept in repair and maintained in good condition by the Government of the United States during the entire 100 years.

I have often wondered if Mr. Ford does not laugh in his sleeve when he realizes that a proposition like this is given serious consideration by the lawmakers of the country.

In effect this means that the Government shall go into the insurance business. It is true that Mr. Ford's bid provides that this corporation shall pay the Government \$35,000 annually for this insurance on Dam No. 2 and \$20,000 annually on Dam No. 3. Thus the Government insures these two dams for 100 years upon the annual premium of \$55,000. It is the most gigantic insurance policy ever conceived by the human mind. No insurance company in the world organized on business principles would give the proposition a moment's consideration. Every expert who testified on this proposition expressed the opinion that these insurance premiums were absolutely and entirely inadequate for the risk assumed. Dam No. 2 is the largest concrete structure of its kind in the world. In the history of engineering there is no basis upon which an expert could fairly compute what the premium on such insurance should be. Do the taxpayers of America want to assume this risk for 100 years' time upon the payment of this nominal fee? This is putting the Government into business with a vengeance. It is putting it into a business that everybody knows in advance will be a losing venture. It is binding the Treasury of the United States for 100 years in the future to save harmless a corporation that is already smothered in governmental gifts at the expense of the taxpayers. If we give to this corporation by warranty deed all the property heretofore enumerated, and then give it a lease for 100 years' time, without any regulation as to the hydroelectric energy it shall produce, and in effect finance the operations for 10 years on a \$75,000,000 basis at less than 3 per cent interest, why should the suffering public be still further mulcted by guaranteeing to this corporation any loss or any damage that might be sustained from the elements of nature during an entire century?

The plans of Dam No. 2 provide for large steel gates running all the way across the dam proper. No one believes that these structures will last for 100 years. It is conceded that they will have to be replaced several times during this period. They are liable also to damages at any time during high water. No one can foresee what the possibilities may be. A crazy anarchist might blow out a section of this dam with dynamite. In case of a war the entire structure might be destroyed in a few moments by explosives dropped from airplanes. Extremely high water might cut around the dams or otherwise damage them. An earthquake might damage or totally destroy either one or both of these dams. Should the loss in any such case fall upon the taxpayers, who have practically given all this property to Mr. Ford's corporation? A cloud-burst might tear away some of the structure. There are hundreds—yes, there are thousands of ways in which extremely great damage might occur. We hope it will not occur. We do not expect them all to happen, but it is safe to say that in the course of 100 years many of them will naturally occur. If a portion of this dam were torn out, under Mr. Ford's bid it would at once be the duty of the Government to reconstruct it at its own expense. If it were injured by an enemy or an idiot, the Government alone would be responsible for the damages. If a commercial corporation could be induced to issue a policy of insurance upon these dams, it would under no condition issue one for a longer period than from three to five years. It is doubtful indeed whether any insurance institution would issue such a policy under any consideration. If the Government were going into the insurance business, and would issue an insurance policy upon all dams in the United States, charging a premium commensurate with the risk, it might well insure Mr. Ford's

corporation against loss for a reasonable fee. But the insurance business is based upon the theory that the insurance company will take a large number of risks of a similar kind. No corporation would issue only one policy unless, indeed, it charged an enormous premium for it. The theory of all insurance is a promiscuous number of risks located in different sections, and it is based upon the theory that while loss will always occur somewhere, it will not come everywhere at the same time, and therefore the loss on one risk will be made up by the profits on many other similar risks.

But the proposition of Mr. Ford is that the Government shall go into the insurance business and confine the issuing of its policies to these two dams in the same locality owned by the Ford corporation. During the entire discussion no one has ever given a reasonable excuse for this provision contained in Mr. Ford's bid, and it is safe to say that no one ever can, because it is not based upon any business consideration or upon any fair consideration of the subject. It is simply a proposition that binds the Government to guarantee the profits of this corporation through 100 years, after it has practically donated the property in the first place.

THE FERTILIZER QUESTION

Mr. Ford's bid provides that he will operate nitrate plant No. 2 to its full capacity in the manufacture of fertilizer. This fact has been used over the country to induce the farmers to back Mr. Ford's proposition and to demand favorable action at the hands of Congress. In all fairness, however, this part of Mr. Ford's bid is not entitled to be considered as one of the considerations for the transfer of the property or the leasing of the dams. It is expressly stipulated in the bid that the corporation shall be entitled to make a profit of 8 per cent on its fertilizer operations.

The farmers of the country have been led to believe that Mr. Ford will cut the price of fertilizer in two. There is no such guaranty in his bid. He is under no such obligation. The corporation is only bound to produce 40,000 tons of nitrogen per annum, and it is entitled to make a profit on that of 8 per cent. It is not stipulated that he shall cut the price of fertilizer one-half. It ought to be small satisfaction to the farmers of the country to realize that while they will toil early and late in the fields to give this corporation an 8 per cent profit, they will likewise bend their backs in toil to pay their portion of the taxes on the money that will be loaned to this great corporation on 100 years' time, at less than 3 per cent.

It is my belief that the extraction of nitrogen from the air will be cheapened. Until the price is cheapened it will not be possible to use the nitrogen thus extracted in the manufacture of fertilizer and to sell the product at less than the present market price, unless power for its manufacture can be obtained at practically nothing, and I assert without fear of successful contradiction that until this price is cheapened neither Mr. Ford nor the Government nor anybody else will be able to manufacture fertilizer from nitrogen extracted from the air at Muscle Shoals, if a profit of 8 per cent is added to the business, at a price that will materially reduce the cost to the farmer.

As a matter of fact, Mr. Ford's bid holds no hope whatever for the reduction of the price of fertilizer to the farmer. His success in this respect is the same as that of anyone else. It depends entirely upon improvements and the cheapening of the method of extraction. The scientific men of the entire country, led by the Bureau of Chemistry of the Government, have been working diligently ever since the war to cheapen this process. They have met with a very fair amount of success, and it is believed now by these experts that they have discovered a way of very materially cheapening the method of extracting nitrogen from the atmosphere. They have done this as Government officials working in Government laboratories. Neither Mr. Ford nor any of his employees or assistants are entitled to any credit whatever for this improvement. If he secures Muscle Shoals he would be entitled to use whatever improvement the Government had invented, but this would likewise be true of everybody else. It would be true of the Government if it operated the nitrate plants. Such improvement does not depend upon selling or leasing this property to the Ford corporation.

The investment of the Government at Muscle Shoals was originally a war proposition. It is important, it seems to me, that the Government should retain this property. If a war should come in which we should be engaged, we would need all the property that we now have there. We can compare Muscle Shoals to a battleship, the only difference being that the nitrate plants have a peace-time use while the battleship has only a war-time use. There is no more reason for giving away Muscle Shoals to this Ford corporation than there would be to making him a present of a battleship.

It is extremely important that the manufacture of fertilizer should be cheapened, and the people of the country are to be congratulated on what promises to be a wonderful development and improvement by way of cheapening the process of extracting nitrogen from the atmosphere. Such improvement can best be brought about and the benefits thereof be given to the public at large, by the retention of Muscle Shoals by the Government and the use of the improved methods therein invented and discovered by our own public servants, and thus

supply one important ingredient of fertilizer to the farmers of the country, not at a profit of 8 per cent, but at absolute cost.

Since the Government will need this property in time of war, and since it is absolutely necessary in time of war, it is just as essential that it keep it in repair and in stand-by condition in time of peace as it is that we should keep our fortifications in good shape and our Navy in fighting condition.

THE RECAPTURE CLAUSE

Mr. Ford's followers make considerable capital out of the fact that his bid provides that the Government can take over this property from his corporation in time of war. This is another provision in the bid that has no basis of merit except as a foundation for propaganda. Every child knows that in time of war the Government can take over any property it sees fit to take. If Mr. Ford's bid provided that the Government should take over this property at the price he pays for it, then there would be some merit in his contention, but under his bid, if we take it over, we would have to pay—not what he paid—but its full value. Not only this but his bid specifically provides that when we take it over we shall pay damages if there be any obligations or contracts that are in existence at that time.

THE DONATION OF ANOTHER STEAM PLANT

It would seem that these enormous gifts from the Government to the Ford corporation ought to fill the heart of Mr. Ford with overflowing thankfulness. To be the beneficiary of such a national gift as Muscle Shoals ought to move his great heart to charitable activity. But the bill which is now pending in the Senate and which recently passed the House thrusts into the lap of this Ford corporation another specimen of kindly beneficence that would move a heart of stone to shed tears of gratitude. There is one provision of this wonderful piece of proposed legislation that will guarantee Mr. Ford's corporation against any possible distress or poverty. It is provided in this bill that the Secretary of War shall condemn a suitable site for a steam plant somewhere on the Black Warrior River, and that he will construct at Government expense on this property, at the mouth of a coal mine, a steam power plant capable of producing 40,000 horsepower, and in order that Mr. Ford's corporation may receive this wonderful gift without trouble or expense this bill further provides that the Secretary of War shall purchase a right of way from the site so selected to Muscle Shoals and construct thereon a transmission line, and that after all this is done it shall be turned over free of cost to the Ford corporation by absolute warranty deed. This ought to make Mr. Ford feel happy and compensate him for any worry that may have come to him on account of the delay in Congress that some misguided Members of the House and Senate have caused to the acceptance of his wonderful bid.

No one has ever given a reason for this additional donation that has any foundation for its basis. The only excuse given for it that I have heard is that several months ago the Secretary of War sold to the Alabama Power Co. an undivided interest in a power plant located at Gorgas, and from which power plant the Government obtained power when it commenced the construction operations at Muscle Shoals. It was in no way connected with Muscle Shoals. It had no relation to Muscle Shoals after the Government had built its own steam plant, and was in no way either directly or indirectly involved in the operation of the governmental activities at Muscle Shoals.

There is no more reason for the Government building this additional steam plant and giving it to Mr. Ford's corporation because power was once secured from the Gorgas plant to supply building operations at Muscle Shoals, than there would be in buying an automobile factory and giving it to Mr. Ford because in the beginning of operations at Muscle Shoals automobiles or trucks from that factory had been used in the development operations.

If Congress passes a bill containing such a provision it certainly ought to apologize for complaining of the action of recent governmental officials in giving away valuable oil lands belonging to the Government. In 100 years from now Teapot Dome and the naval oil reserves in California will be dry and barren waste, of no value whatever, but Dams Nos. 2 and 3, at Muscle Shoals, having been kept in repair for the benefit of a private corporation, by funds from the Treasury of the United States, will be much more valuable then than now. During the years that shall intervene the waters of the Tennessee will still be tumbling over the rapids, turning the wheels of toil for the benefit of this much-beloved corporation. The cilia of the earth in the meantime will have become extinct. Water power will have increased in value. The exhaustion of oil will increase the value of electricity; oil lands will eventually become valueless, and as they decrease water power will increase in value in the same ratio. If we give the oil away the beneficiary has received the full utilization of the gift when he has used or sold the oil; but if we give away all right to use our navigable streams for hydroelectric energy, the gift becomes more valuable with use.

PROPAGANDA

I doubt if in the history of the Nation there has ever been an instance where such wonderful propaganda has been inaugurated as has existed in favor of the acceptance of Mr. Ford's proposition. In the vicinity of Muscle Shoals all the land within a radius of quite a number of miles has been purchased by speculators. Much of this land has been laid out in lots and real-estate speculators have covered the country with their activities in favor of Mr. Ford. Expensive offices are maintained in New York, Washington, Chicago, Detroit, and, as I am reliably informed, in quite a number of the other large cities of the country. The most deceptive and alluring literature possible has been circulated. Canvassers and agents are on the road for the purpose of inducing all kinds of people to invest in Muscle Shoals.

The name of Mr. Ford is linked with every one of these great advertising schemes. There is no doubt but that many people in the vicinity of Muscle Shoals have been made to believe that if Muscle Shoals is given to Mr. Ford there will be a city springing up there that will make New York look like a country village. They have organized the colored people; they have organized the school children; they have organized the bankers; they have gotten control of boards of trade and all kinds of commercial organizations. I do not know how many of these are financially interested in the lots that are offered for sale, or how many are really deceived by the wonderful literature that is being circulated. They have sold an enormous amount of this real estate to purchasers scattered all over the United States, and every purchaser becomes a booster for Mr. Ford's proposition. Having sold a lot to an individual these real-estate sharks send literature to the purchaser describing in colored and illustrated pamphlets the wonderful profit that will come to the investors if Ford is given Muscle Shoals. They are induced, many of them with perfectly honorable intentions, to write to their Congressmen and their Senators urging them to vote for the Ford offer.

This propaganda has been particularly active among the farmers of the country. They have used different methods for the farmer. He is made to believe that if Mr. Ford gets Muscle Shoals he will be able to buy fertilizer for a song. He is told, and falsely told, that Ford has agreed to cut the price of fertilizer in two at least. These schemers have gotten control of many of the heads of farm organizations. Members of Congress have in many instances pledged their votes in advance to organizations of farmers, making the pledge even before they understood the proposition and assuming that the information on which these farm organizations and leaders had acted was reliable. Many of them have discovered since that it is a wonderful propaganda of hypocrisy and that it would be a monumental national sin to turn over this valuable property to a corporation without consideration.

The greatest farm organization in America pays its representative and his office assistants in Washington very liberal salaries. This representative is supposed to be here looking after the legislative program as it pertains or relates to the agricultural situation. As a matter of fact, he is devoting practically all his time to the Ford proposition and has sent out misleading but carefully worded literature to the farmers comprising his organization, thus continuing the deceitful practice of those who are engaged in this wonderful propaganda.

The State organization of a farmers' union in one of the Western States some time ago passed a resolution in favor of accepting the Ford proposition. I recently learned that this organization was induced to take this action mainly by a woman who ostensibly was working for the benefit of agriculture but who, as a matter of fact, was the owner of 5,000 acres of land in the vicinity of Muscle Shoals.

In some localities the churches have even been organized. I am in receipt of a telegram signed by several ministers of the gospel, in which they say that "the Muscle Shoals Independent Holiness Association pledge themselves to earnestly pray that Almighty God may defeat any opposition to the Ford offer," so that the Ford proposition is taken to the throne of God Himself. I do not know to what extent these prayers may be influenced by financial consideration, but there is no doubt but that some of these minister leaders have worked their followers into a frenzy on the subject.

One of the things that is difficult to understand is how the people of the South, including all classes, have to a great extent been organized into enthusiastic supporters of the Ford proposition. I have in my possession a copy of a letter written by the chamber of commerce of a southern city to its members notifying them that each member has been assessed for the purpose of raising money to put the Ford proposition across in Congress. This city is located within 100 miles of Muscle Shoals, and in the letter to its members its officers state that other cities of the South, naming them, have raised large sums of money. It seems from this letter that these cities are each assessed a certain sum. Each locality was given a quota the same as was done during the war when we were selling Liberty bonds, and from the letter it is learned that this is not the first quota that has been

assessed. The amount to be raised in this particular city was \$5,000, and reference is made to a former quota not only of that city but of all the others. There is no doubt but that hundreds of thousands of dollars have been raised in these cities, and that a propaganda is on right now to raise a vast sum of money. I do not myself see how it can be legitimately used, and I can not understand the viewpoint of many of these southern organizations. I know from my correspondence that many of the business men and farmers even of the South have had their eyes opened and are beginning to see that after all this is a propaganda based upon misrepresentation and that an analysis of the Ford offer means nothing except profit to the Ford corporation.

There is no doubt if Mr. Ford gets Muscle Shoals that a manufacturing city of reasonable size will eventually be built in the vicinity of Muscle Shoals. This is on the truthful theory that Mr. Ford will use all the hydroelectric energy developed at Muscle Shoals except what is necessary to operate the nitrate plant for manufacturing purposes established by himself or his corporation. That means, and it is undoubtedly true, that the Ford corporation will not sell a kilowatt of this electricity. Even the city that will be brought into being has no guaranty that either its streets or its homes will be supplied by electricity developed at Muscle Shoals. Mr. Ford will need it all for manufacturing purposes, and under his bid he has a right to keep it all. It would follow that these cities that are so generously pouring out their funds to have the Government make this wonderful gift to Mr. Ford will be completely outdistanced in all manufacturing enterprises by the cheap power that this corporation will own. Nashville, Memphis, Knoxville, Birmingham, Mobile, New Orleans, and even the cities of Arkansas; in fact, practically all the cities of the South ought to be benefited by the electricity that will eventually be developed at Muscle Shoals. But if Mr. Ford's offer is accepted not one of them will get a kilowatt. On the other hand, there will spring up in their midst a city that will have such advantages over all the others by reason of cheap power that instead of a benefit they will find themselves compelled to compete with an impossible opposition.

The modern method of conveying electricity has clearly demonstrated that to get the maximum benefit of any hydroelectric development the various power possibilities should all be tied together in one grand plan. This would enable people to use hydroelectric power when they were located a thousand miles away from some of the points of generation. This property that belongs to all the people in the way of electricity that will eventually be developed at Muscle Shoals ought to be supplied to the cities and homes of the South at absolute cost, but a large number of these honest and well-meaning people are crying themselves hoarse for the benefit of a corporation that will never do them a particle of good and will never turn a single wheel except for the benefit and the profit of Mr. Ford's corporation. I do not mean that there will be enough electricity developed at Muscle Shoals to supply the entire South, but I do mean that it is the largest one instance of such development, and that when tied in with other developments that can be utilized in various places of the South there would be a system of hydroelectric energy that would bring direct benefit to practically all the towns and the farms of the South. Any other development, especially at public expense, is an injury and a fraud to the people of the country, and particularly to the people of the Southern States. If the people of the South were alive to their own interests and to their own happiness, they would stand up and condemn in one voice any Congress that enacts a law accepting the Ford offer. The time will come, and it will be at no distant day, when the truth will gradually percolate through the minds of the southern people and cause them to realize the economic crime involved in the Ford proposition. The politicians and the political bosses through all that section who are capitalizing this deception that is being practiced upon the people will eventually reap a reward of humiliation and defeat which is involved in this unholy propaganda. If Congress is clubbed into submission by this campaign of misrepresentation, the people will waken within a few years to the enormity of the offense by which the inheritances of unborn generations have been frittered away and our descendants compelled to pay financial tribute to the soulless corporation whose tentacles will be fastened for 100 years into the rightful inheritance of a misguided people.

Some of the literature that has been sent out by a Washington representative of a great farm organization in favor of the Ford proposition dwells upon the necessity of using electricity developed from our public streams for the benefit of all the people, and in this literature it is stated that the woman at the washtub should be able to secure current to assist her in her occupation. It almost brings tears to the eyes of the sympathetic person who reads this literature to see the smile of satisfaction that shall come to the washerwomen of the South when electric washing machines can save the aching backs of these poor women. But this literature does not explain that the acceptance of Mr. Ford's offer means no such thing. It gives the people to understand that farmers and laboring classes are going to get electricity so cheap that they will not take the time

to turn off the current, and yet those who send out such literature know that under Mr. Ford's proposition such a condition is an absolute misrepresentation. The washerwoman, washing the clothes and bed linen of the officers of this corporation, will not be able to get a single kilowatt of power from the mighty torrent within hearing while she thus labors. All this power will go to the one corporation. It is under no obligation whatever to give a particle of it to the farmer, to the washerwoman, or to the homes that are to spring up as if by magic when Ford is given title to this valuable property. In the name of the poor, in the name of those who toil, these real-estate speculators, assisted by others who expect to gain a financial or a political advantage, are practicing a deception upon the honest people of the country that deserves and will eventually receive the condemnation of all fair-minded people.

It is difficult to harmonize the idea of Mr. Ford's philanthropy and his fairness when we note his silence while his name is coupled with and used in this propaganda of exaggeration and deception. The country has been led to believe that without any improvement in the extraction of nitrogen from the air he will reduce the cost of fertilizer by at least one-half. He has made no such offer and has entered into no such guaranty. The people of the country by this false propaganda have been induced to believe that he pays 4 per cent interest to the Government for the use of this money. He pays nothing of the kind. It is claimed in behalf of his offer that he repays to the Government the entire amount of its investment. He does not return one penny. The propaganda in his behalf claims that he will reduce the price of electricity to a large portion of the South. He has made no such claim, and no such claim can be truthfully made in his behalf. The country has been told by the advocates of his proposal that the property which is deeded to him is paid for by his corporation on a basis of its fair value. Nothing is further from the truth. He gets it for practically nothing. In fact, connected with the gift of water-power possibilities and the possibilities of his selling that which is of no use in the operation of any manufacturing establishment which he may build, he is not only getting the property for nothing but he is given a premium of enormous financial value to get him to take it.

THE DISTRIBUTION OF ELECTRICITY GENERATED FROM PUBLIC STREAMS

There are two theories in the distribution of electricity that is manufactured from navigable streams. One theory believes that this privilege should be turned over to one person or to one corporation, and that such corporation should absolutely own all the electricity so developed. The theory is that if such a corporation is thus enabled to manufacture its product at a cheap price, the buying public will get the benefit of its reduction. As a matter of practice everybody knows that human nature is practically the same everywhere and that such a corporation is in business solely for the purpose of making money, and as a matter of practice he lowers his price only sufficiently to undersell his competitor. He sells his product at as high a price as possible and lowers it only to drive out competition, and when competition is thus driven out he can raise his price, and the fact that he is able to lower it prevents anyone from going into a competitive business. This principle is well illustrated by the Ford proposition. This corporation will be under no obligation whatever to sell power to towns, cities, and municipalities, and would not be subject to regulation in any way. It would be the only instance in the country where a corporation is allowed to develop electricity from a public stream without having the sale and the use of such electricity regulated by law.

On the other hand, the other school believes that electricity developed from such streams shall be used for the benefit of all the people; that municipalities, counties, States, and districts shall have such electricity at cost; and that if it is sold either to municipalities or to individuals, the price shall be regulated by law.

When the great power of the Tennessee is fully developed it ought to mean that every man, woman, and child within a radius of several hundred miles should receive some of the benefits of the electricity developed on a stream belonging to all the people.

THE CONTEST OVER THE PRESERVATION OF PUBLIC WATER-POWER RESOURCES

For many years there was waged a bitter contest between those who wanted to preserve the water-power resources of the country for the benefit of the people and those who desired to turn over these resources to private corporations for their own benefit and gain.

Those who contended for the preservation of these resources were trying to preserve these rights not only for the people of to-day but for those who shall follow us as well, and to protect future generations from extortion and monopoly. This contest finally culminated in the passage by Congress of a general water power act that should apply to all alike. One of the conclusions reached in this law was that no grant of water-power privilege should extend beyond a period of 50 years. It was likewise established in the law that there should be a small rental paid for the use of the privilege. Another principle thus established was that there should be control by law, either on the part of the Federal Government or of the States, of the rates charged to the consumers and a regulation or control over the service

that should be rendered by the lessee. It was also set forth in this statute that the rates for this service should also be fair and reasonable. It is provided also in the law that the lessee must construct the dam with his own money, and it is likewise provided that he shall take all the risk of destruction and accident. The Government in no way insures his investment, and in no way is bound to contribute anything toward maintaining it and keeping it in repair. It is also provided that excess profits, if any, should be paid into the Public Treasury.

The Ford proposal unblushingly violates every one of these propositions. There is no pretense of any obligation to keep the property in repair. The 50-year limit is violated. There is no limit on the profits that the corporation can make by virtue of having this public donation. The improvements are not made by money belonging to the corporation, but they are made by public funds contributed by the taxpayers of the country upon which interest is paid at a rate less than 3 per cent. The corporation not only does not agree to keep the dam in repair, but under its bid it is entitled to a guaranty of repair and protection for the space of 100 years. The acceptance of the Ford offer is a repeal of the laws of the land so far as they apply to Mr. Ford. These laws shall apply to every other individual and every other corporation except to this one institution that he shall organize. The acceptance of this offer means the losing of the fight carried on for years by public-spirited citizens for the protection of the people's rights. The fight for the preservation of the natural resources of our country is to a great extent lost, and we give by this one act the greatest monopoly to one corporation that has ever been given in the history of mankind. The resources that by an all-wise Creator have been given to all the people are ruthlessly taken from them and turned over without limit and without regulation and without price to one corporation.

It is no defense to say that Mr. Ford is a good man, or that he has in the past dealt fairly with his employees. No man is truly good when he asks the people to capitalize his virtues by donating to him inalienable rights that God has given to His people. No human being can be so great or so good that he has a moral right to ask his fellow citizens to set him up on a pedestal and give him privileges that the law permits no one else to receive. In fact, when such a person asks that an exception be made in his favor, he is admitting that his goodness, his kindness, and his greatness are after all only selfish pretenses, used to give him a special privilege denied to other men.

Mr. NORRIS obtained the floor.

Mr. BRUCE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. NORRIS. I yield.

Mr. BRUCE. Is the pending substitute offered by the committee open to amendment at this time?

The PRESIDENT pro tempore. We have here two propositions. The amendment of the committee is the equivalent of a motion to strike out and insert, and either the original text or the substitute offered by the committee is open to amendment at any time.

Mr. BRUCE. That is what I supposed. Then I ask permission to offer my amendment to the amendment.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield for that purpose?

Mr. NORRIS. I have no objection to having the amendment read for the information of the Senate, but I do not want to take it up now. The Senator from Maryland can offer it when the proper time comes. I have no objection to having it read.

The PRESIDENT pro tempore. The Clerk will read the proposed amendment to the amendment of the committee.

The READING CLERK. Strike out section 6 in the substitute reported by the committee, and in lieu insert:

In the appointment of officials and in the promotion of any such officials no political test or qualifications shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency; and in the selection of employees for said corporation and in the promotion of any such employees all selections shall be made in accordance with the provisions of the Federal statutes relating to the Federal classified civil service and the powers and authority of the President and the United States Civil Service Commission with respect thereto. The board shall keep a record of all requests, oral and written, made to any member thereof, coming from any source, asking for any favor in behalf of any person or the promotion of any employee, which record shall be open to the public inspection. Any member of said board who permits the use of political or partisan influence in the selection of any employee, or in the promotion of any such employee of said corporation, or who gives any consideration to political consideration in the official action

of said board, or who, knowing that such political influence has been or is attempted, does not record the same in said record shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not exceeding \$1,000 or be imprisoned not to exceed six months, or both such fine and imprisonment, and the conviction of any member of said board of the offense herein defined shall have the effect of removing such member from office.

Mr. NORRIS. Mr. President, since the adjournment of the last session of the present Congress Mr. Ford, who was one of the bidders for the Muscle Shoals proposition, in fact the only bidder who was given any consideration and for the acceptance of whose bid the House bill had been passed, has withdrawn his offer; and I take it that there will be no serious contention on the part of anyone in the Senate to consider the Ford offer. In my discussion, therefore, I am not going to refer to that particular bid.

The Senate committee in its report on the Muscle Shoals measure has recommended that the entire House bill, after the enacting clause, be stricken out and that a new bill, which is a part of their report, be inserted. That is the bill which the majority of the committee favors and is the bill which I also favor.

Mr. President, the question presented in the Muscle Shoals problem is one that we have inherited from the Great War. Primarily, it is a question of national defense. It became evident during the progress of the World War, even before we entered it, that modern warfare required the manufacture of explosives in such large quantities that the life of our Nation might be put in jeopardy because of our inability to supply such explosives in sufficient quantities to carry on a modern war. We were dependent to a great extent upon the importation of nitrates to keep our Army and our Navy supplied with a sufficient amount of explosives to defend our country and preserve the life of the Nation in times of great emergency.

Nitrogen is one of the ingredients of the air, and an inexhaustible supply exists everywhere, but the question of extracting it from the air was a very difficult and not fully understood proposition. Several processes for this extraction have been known for years in the scientific world, but all of these processes were expensive and required an immense amount of cheap power in order to accomplish results with any degree of economy. It was primarily to solve this question that the Government engaged in its activities at Muscle Shoals, Ala.

We have expended of public funds in the neighborhood of \$125,000,000, and by the time the contemplated work is completed we will have expended over \$150,000,000. We built nitrate plant No. 2, with a capacity of 40,000 tons annually of atmospheric nitrogen. This plant is designed to utilize what is known in the scientific world as the cyanamide process. It is a well-established and well-understood process, but it was known when the plant was constructed that this system was expensive and required a large amount of power. As a war proposition the expense of securing the explosives, while an important consideration, is nevertheless secondary in importance to certainty in production. This plant is not excelled by any other plant using the cyanamide process in the world. It is capable of producing 40,000 tons of fixed atmospheric nitrogen per annum.

Knowing the expensive nature of this process, the Government officials also constructed at Muscle Shoals another nitrate plant of much smaller capacity, which was designed to extract nitrogen from the air by what is known as the Haber process. It was known that this was more or less an experiment, although the experts believed then, as they do now, that the Haber process was the one which presented a greater field for improving the method and cheapening the production.

Nitrate plant No. 1 was never a success. The experience, however, that was obtained from this more or less experimental plant has resulted in improved methods, and it is known now that this plant, by the installation of new machinery, can extract nitrogen from the air more cheaply than can be done at nitrate plant No. 2, equipped for such work by the cyanamide process.

The Government constructed a steam-power plant at nitrate plant No. 2 capable of producing 120,000 horsepower. There were installed at this steam plant units amounting to 50,000 horsepower. The additional unit is provided for in the construction of the building, and it only remains to install additional boiler capacity in order to increase the present power facilities to the original design. There was installed a steam plant likewise at plant No. 1, with a capacity of 5,000 horsepower. These steam plants are modern in every way and are not surpassed to the extent of their capacity by any other steam plants in the world.

FERTILIZER

There is a definite connection and relation existing between the production of explosives for war purposes and the production of fertilizer for use in agriculture. Nitrogen is one of the ingredients of every fertilizer product, and therefore this question presents a peace-time problem as well as one of war and national defense. It is extremely desirous that the machinery and the investment used for the production of explosives in time of war should be used for the purpose of increasing and cheapening fertilizer products in time of peace, and when we consider the fertilizer problem we are at once faced with the question of cheapening the product. It is advisable, of course, to cheapen it in time of war, but this is a secondary consideration. In time of peace, for fertilizer, the question of economy is a paramount one, and these great plants can not be used for the production of fertilizer unless the process can be cheapened to a price that will at least not exceed the cost of fertilizer by other methods. The question of fertilizer will be discussed more in detail later on.

WATER POWER

At the same time the Government constructed these plants it planned the construction of two dams on the Tennessee River at Muscle Shoals. One of these dams, known as Dam No. 2, is now nearing completion, and it is estimated that it will be completed and ready to produce hydroelectric energy by the 1st of July, 1925. It will take from three to five years to complete Dam No. 3.

POSSIBILITIES OF POWER AT DAM NO. 2

The weakest point in the development of hydroelectric energy, especially in the South, is the great difference between high and low water flow of the rivers. The flow of the Tennessee River at the location of Dam No. 2 is sometimes sufficiently high to produce nearly, if not quite, a million horsepower if the entire flow could be utilized, while in case of extreme drought at very short intervals the minimum flow would produce a little less than 100,000 horsepower. Gauge readings of the river have been carefully taken for a period of 50 years, and these readings show that at Dam No. 2 there will be developed horsepower as follows:

	Horsepower
99.4 per cent of the time.....	87,300
97 per cent of the time.....	100,000
88.3 per cent of the time, or about 10 months.....	141,000
66 per cent of the time, or about 8 months.....	205,000
50 per cent of the time, or about 6 months.....	306,500
20 per cent of the time, or about 2½ months.....	600,000
7 per cent of the time, or a little less than 1 month.....	1,000,000

DAM NO. 3

The amount of power that will be developed at Dam No. 3 can be readily understood when it is known that the power possibilities of that dam are 40 per cent of the power possibilities at Dam No. 2. The difference between high and low water, and therefore the difference between primary and secondary power, is practically the same at Dam No. 3 as it is at Dam No. 2.

PRIMARY AND SECONDARY POWER

Primary power is the power that can be utilized every hour in the day and every hour in the year. Secondary power is that which is only developed a portion of the year. In the use of power it can readily be seen that there is a great difference between primary and secondary power. For most purposes primary power is required, and therefore its value is much greater than secondary power. Moreover, there are various degrees in value to secondary power. Secondary power, for instance, that can be utilized for 11 months in the year is much more valuable than secondary power that can be developed for only one month in the year. By the use of an auxiliary steam plant, or by the construction of a storage dam that would equalize the flow of the river, much secondary power can be converted into primary power, and wherever this can be accomplished there is more economy and great gain in power. Secondary power, sometimes almost valueless, can by one or both of these means be converted into primary power at very little additional expense.

TWO PROPOSITIONS AT MUSCLE SHOALS

It can readily be seen, therefore, that there are two definite and distinct propositions presented for consideration, and they have no very definite connection with each other—the question of power and the question of explosives and of fertilizer material.

POWER PRODUCTION

The production of power at Muscle Shoals is comparatively a simple question. All the elements involved in it are well

understood and well known. It is assumed that everybody is in favor of cheapening the cost of hydroelectric energy as much as possible, and that in a general way this power should be distributed over as wide an area as possible in order that the greatest number of our citizens may receive benefits from such production.

It must be remembered the power at Muscle Shoals is developed from a navigable stream over which the Federal Government has jurisdiction. The power thus produced from a waterway belonging to all of the people should not be given away to any private individual or corporation for his or its personal financial benefit. We should adopt a method that will give the benefits of electricity to just as many of our citizens as possible. Modern methods of transmission of electric current have revolutionized the possibilities of such distribution. It can readily be seen that one of the necessities in economic power development and distribution depends to a great extent upon the conversion of secondary power into primary power. It is likewise apparent that to develop the maximum amount of hydroelectric energy the entire stream and all its tributaries should be considered as a whole. Every dam site should be selected with reference to all other dam sites, keeping always in view the question of navigation. In addition to this, it is important that in order to regulate the flow in any stream and keep it as nearly uniform as possible we should construct storage dams where large amounts of flood waters can be stored and let out at times of low water, thus decreasing the maximum and increasing the minimum flow.

It should be borne in mind that the maximum flow is often as damaging to the production of hydroelectric energy as the minimum flow. The amount of hydroelectric energy that can be developed at any given time is often very materially decreased by too large a flow of the stream, which has a tendency to back the water up below the dam and thus decrease the fall of water over the dam, which in turn materially decreases the amount of hydroelectric energy produced. It is therefore seen that the storage of flood waters not only increases the amount of hydroelectric energy upon the dams on the stream during low water but likewise increases it during high water by holding the water back when it would do damage rather than good.

The construction of storage dams has also another important feature. It is a very important element in flood control and holds back floods that would do damage, while it increases the electric current that can be produced both at high and low water and likewise regulates the stream so as to make navigation possible at all times.

STEAM AUXILIARY PLANTS

Another method of converting secondary into primary power is by the construction of steam auxiliary plants. Such plants would not be able to produce electricity as cheaply as water power; but if they can be used for portions of the year when the water is low, and thus bridge over the gap of such portion of the year, they convert into primary power what would ordinarily go to waste and be absolutely of no value.

GIANT POWER

But after we have constructed flood reservoirs and steam auxiliary plants we have not yet completely converted all secondary power into primary power. There will be seasons and perhaps times in every season when the watershed supplying the stream with water is deficient in rainfall, and, notwithstanding the help of storage dams and auxiliary steam plants, there is still a large amount of secondary power going to waste.

When one stream has a period or even a season of low water some other stream on the other side of a mountain or a different watershed may have an oversupply—indeed, it may have so much as to seriously interfere with the production of the maximum amount of electric current. Modern methods of the transmission of electricity require that these different systems be hooked up together with transmission lines, and when one system is short of water and another system has too much water a transfer of electricity from one system to another can be brought about by simply pushing a button—and thus on a larger scale do we utilize all the electricity developed in both of the systems.

It is now possible to transmit electricity direct from 250 to 300 miles without material loss, but the same effect of transmitting electric power from one system to another can be brought about by what is known as a relay of power from one system to another system, and in this way the same practical effect can be had as though electricity could be carried direct indefinite distances. There is no limit to which power can be thus relayed.

This was well illustrated a few years ago in relieving a condition that existed in the State of North Carolina. North Carolina has a system of electric distribution that covers a quite large portion of the State, but in the year 1921 the rainfall in North Carolina was very deficient. It was evident that the requirements for power were so great that the system could not be supplied on account of the decrease brought about by the drying up of the streams, and had there been no way of relief it would have been necessary for many of North Carolina's industries to shut down and some of her residences would have had to go back to kerosene lamps, and in many ways great damage and inconvenience would have resulted to millions of people and many industries.

Between North Carolina and the Government's great steam plant at nitrate plant No. 2 at Muscle Shoals there is a distance of 600 miles. The power company in North Carolina secured power from companies in South Carolina, but the companies in South Carolina could not have supplied this had they not been able to get a supply of power from companies in Georgia, and the Georgia power companies had no power to spare and could not have supplied this extra energy had it not been possible for them to get power from the Alabama Power Co. in Alabama. The Alabama Power Co. had no power to spare, but they had leased the steam plant owned by the Government at nitrate plant No. 2, and they supplied the Georgia company with some of their power and in turn made up the deficiency by starting up this great governmental steam plant, which poured the electricity into their system from the western side, and thus the effect was to transfer electricity from the Government steam plant at Muscle Shoals to the factories and homes in North Carolina, 600 miles away.

The Alabama Power Co. is now building storage reservoirs and power dams on the Tallapoosa River in that State. It seems that this river possesses wonderful capacity for storage water. It has likewise a certain definitely known power possibility. Dam No. 2 at Muscle Shoals has likewise a known power capacity. If these two systems were hooked up together with a transmission line, it would be possible, by using the two together and trading power back and forth, to increase the output by more than 100,000 horsepower above the combined estimate of the Tallapoosa system and Muscle Shoals put together.

It can be seen, therefore, that the economic way of securing all the benefit possible from the flow of our streams is to combine them into systems, with interchangeable transmission lines, so that the maximum amount of power can be developed and the maximum amount of secondary power be converted into primary power.

The State of Virginia has potential power possibilities of 450,000 horsepower. The State of Kentucky has potential power of 77,000 horsepower. The State of Tennessee has a potential power possibility of 432,000 horsepower. Arkansas has potential power of 125,000 horsepower. This is in all cases primary power. There would be about an equal amount of valuable secondary power. It is conceivable and reasonable that within a few years these power possibilities will be developed either by the States and municipalities or by private persons or corporations. They should be connected with Muscle Shoals, which in turn would connect them up with all the other hydroelectric companies of the South. The Senate has passed a bill recently providing for the utilization of the power possibilities of the Potomac River. If the House passes the bill and that improvement is made, there will be twice as much power produced as can be utilized by the District of Columbia. It in turn could be connected up with the Virginia power development and thus become a feeder in a great system of power production that would extend from the Potomac River to the Gulf of Mexico, and from the Atlantic Ocean to the municipalities and the farms of Mississippi and Louisiana. But this would not necessarily be the limit. The great State of Pennsylvania is already making a survey with the idea of utilizing her streams and many of her coal mines in the organization of a giant power proposition. It is reasonable to assume that in the next 10 or 20 years all water power east of the Mississippi River, together with numerous auxiliary steam plants located at the mouth of coal mines, will be united into one giant power scheme in which the maximum amount of electricity will be developed and distributed to the maximum number of people at the lowest possible cost. This electricity will be developed to a great extent by the flow of the streams, which as a matter of fact belong to all of the people, and it is therefore but fair that the greatest number of people possible should secure the benefits of such development.

DANGER OF MONOPOLY

To me there is one possible danger in such a scheme, and that is the danger of monopoly. With a network of wires

spread over the country carrying light, power, and heat to all the people, it is absolutely incumbent upon governmental authority to provide by proper regulation that such a great plant shall not be utilized for the financial benefit of individuals or corporations and that those controlling such a system should not in any way be permitted to utilize the great power in their hands unrestrained and unregulated. Practically all the States have commissions that regulate not only the price of electricity but the service as well, but in addition to such regulation the most effective help to save the people from such a monopoly would be to have the Federal Government own at least some of the power-producing elements that enter into such a system.

It is therefore important that the Government should retain the ownership and management of Muscle Shoals. In the system that I have outlined, Muscle Shoals, if properly developed and improved by the construction of storage dams on the Tennessee River and its tributaries, will be the greatest one unit in the entire system. It will be, as it were, a partner in this great plan. It will have a direct voice in the management and control of the entire system. It can therefore more directly control any tendency toward monopoly than can be done by State commissions, however valuable their service may be.

No one can tell just what the future will bring forth. Improvement in the production and the transmission of electricity are constantly taking place. In my opinion the time will come at no distant date when the Government will have to take a still greater part in the regulating, the generating, and the distribution of electricity. Present indications are that electricity is going to be demanded in every home and on every farm for light and power purposes at least, and it ought to be one of the duties of Government, both Federal and State, to see that the one danger to what will be the happiness and comfort of all the people is prevented from exercising any monopolistic control.

The consummation of giant power systems will be to stop the present tendency that has been going on ever since the economic use of steam has been in use, which, because the power thus generated was used in the immediate vicinity of its generation, turned the tide from the country, the village, and the small city into the great population centers. The sending of electricity over a wire throughout the country will divert the tide of manufacturing enterprises from the congested centers into localities where the raw product is produced. The generation of power from steam can be most economically produced in very large units, and under conditions of the past years such economy in the production of steam power necessarily brought manufacturing establishments and the millions of employees and other people together into congested centers. The small manufacturer was driven out of business. The economy of large steam plants increased the population of manufacturing centers, to the detriment of the country and the smaller cities. The new electric age which is just dawning will change this tide. It will make it possible for the small manufacturer located in the vicinity of the production of his raw material to economically produce a finished product and successfully compete with the larger concerns.

With this great economic change going on in our country it would be almost criminal to permit any person or any corporation to utilize all of the electric power at Muscle Shoals for one concern and for the benefit and profit of one corporation. It is not contended, of course, that there will be sufficient power developed at Muscle Shoals to supply the entire South, but it is the key to the entire problem. It will be the dominating influence in the system that will grow up, and an examination of the map will show that Muscle Shoals is practically in the northwest corner of existing systems of production covering several Southern States. Tennessee, immediately to the north, has but partially developed her power. Mississippi and Louisiana, to the immediate west and south, sought to receive the benefit of proper distribution of this power. Arkansas is within transmission distance, and she possesses a large amount of potential water power. There is no reason why these States should not be covered with a network of transmission lines, of which Muscle Shoals would be the one most important distributive point. Moreover, if Muscle Shoals is turned over to one corporation, particularly if that corporation is given a governmental subsidy in the way of cheap money, on a basis of 100 years' time, and then the corporation permitted to use all of this cheap power in its own manufacturing business, it would in effect be giving to such corporation a governmental subsidy running over a period of years, which would give it an undue advantage—an advantage backed up by money of the taxpayers of the country—over every other manufacturing establishment of a similar nature in the entire South.

If we turn over this valuable property for 100 years to one corporation and then give it money at an extremely low rate of

interest, it would be using the taxpayers' money and the taxpayers' property to give an advantage to a favored corporation, which would be able to put manufacturers of similar products entirely out of business; and once having put them out of business, such a favored corporation would be able to fix its own price and levy tribute upon the people at will. And if such a corporation were given such a franchise that ran over a period of 100 years, it would be no defense that the present organizer of such a corporation would be moved by the highest kind of philanthropic motives. It would be but a few years until by the operation of nature itself those now living would pass away and such a corporation would be as cold and as clammy as any trust or monopoly that has ever existed in the history of civilization.

INVESTIGATION OF THE COMMITTEE

The committee has given months of study to the questions involved at Muscle Shoals. It held extensive hearings, and it has made the most minute and elaborate study of the questions involved ever undertaken by any committee of Congress and perhaps by any investigating body in the country. We have had before us various bids and propositions made by individuals and corporations.

THE HEARINGS

These bidders, with one exception, have furnished the committee much valuable information. A great amount of it was, from its very nature, quite technical. The intricate problems connected with the extraction of nitrogen from the air and kindred subjects were discussed in great detail by experts representing these various bidders. They placed themselves at the disposition of the committee and frankly and courteously answered all questions propounded to them relating to their various bids, and in every way showed a fair and honorable disposition to assist the committee in every way possible in the solution of this difficult problem.

THE IMPORTANCE OF CHEAP FERTILIZER

The importance of the fertilizer question can not be overestimated. It is a vital consideration in the maintaining of our civilization. The preservation of agriculture upon a proper basis demands not only a greater amount of fertilizer but a cheaper fertilizer. It is worthy of the best effort and the best thought of all honest citizens. Agriculture is admittedly the fundamental industry. The preservation upon a high standard, including a reasonable profit to the farmer, is absolutely necessary for the happiness and the comfort of the human race. We are justified in the expenditure of public funds in a reasonable endeavor to cheapen its manufacture. Nitrogen is one of the necessary ingredients of the ordinary fertilizer used by the farmers, and any process that will cheapen the extraction of nitrogen from the atmosphere will to that same degree cheapen the cost of fertilizer to the farmer. Ever since the acquisition of Muscle Shoals by the Government our officials in the Bureau of Soils and in the Fixed Nitrogen Research Laboratory have been making extraordinary efforts in the development of improved methods in the production of fertilizer.

It is gratifying to know that we have within that time made more progress than in many years of similar work before the war. It is likewise gratifying to know that our own Government officials have taken the lead in the country, and perhaps in the world, in bringing about these improved methods. It is believed that the extraction of nitrogen from the air can be cheapened by one-half the prior cost, and it is worthy of note that all the bidders for Muscle Shoals have taken advantage of the information secured from our own fixed nitrogen research laboratory, and all the specialists and scientists representing the bidders who appeared before the committee paid tribute to the efficiency of this laboratory. The work of this laboratory is public. Its discoveries are given to the public, and it is believed that the best advancement can be made in the cheapening of fertilizer by giving to our governmental specialists who have been so successful in the last few years a wider scope and a greater field such as can be thrown open to them at the Muscle Shoals nitrate plants.

But we ought not to deceive the people, and the truth is that notwithstanding the improvement that has been made, such improvement has not yet gone far enough to demonstrate that the cost of fertilizer can be very much reduced by these improved methods. Practically every scientific man engaged in the study of the question, expressed the belief that additional improvement will be made, and that fertilizer eventually will be given to the farmer at a very much lower cost than at present. Present discoveries warrant the statement that the price can be somewhat reduced by the application of recent discoveries, but

the goal has not yet been reached. The present factory cost of the nitrogen contained in a ton of completed 2-8-2 fertilizer, is about \$4.80.

Mr. STERLING. Will the Senator explain what the expression "2-8-2" means?

Mr. NORRIS. I will say to the Senator that the formula "2-8-2" is the formula applied to the ordinary commercial fertilizer. It means two parts of nitrogen, eight parts of phosphorus, and two parts of potash, by weight. Different soils require different kinds of fertilizer, and there are changes made depending upon the soil, but the ordinary fertilizer on the market, almost universally used, is what is known as "2-8-2."

The cost of the nitrogen in a ton of ordinary fertilizer of that grade is \$1.80. If the cost of nitrogen were reduced one-half, it would therefore only reduce the completed fertilizer \$2.40 per ton. And if the nitrogen cost absolutely nothing, the completed fertilizer would still be higher than it ought to be and much higher than I believe it will be within the next few years. I have great hopes that the investigations which have been made and that are now being continued, will eventually put a completed fertilizer in the hands of the farmer at half, or even less, than the present cost, but it must be stated that that time has not yet been reached.

One of the greatest items of expense in fertilizer is that in its completed form it contains over 80 per cent of inert material possessing no fertilizer quality whatever, but simply used as a necessary carrier. The necessary ingredient of the fertilizer as it is used by the farmer, possessing any value as fertilizer, is less than 20 per cent of the material which he handles. Scientists have so far been unable to devise a combination of fertilizer ingredients without putting with them a lot of unnecessary material which must be used as a carrier of the fertilizer ingredients; and the ultimate cost to the consumer consists mostly in the mixing, the handling, and the freight cost of this material having no fertilizer value. The fertilizer ingredients are mixed at the fertilizer factory, and the consumer has to pay for this mixing. He has to pay for freight upon all this useless material. He has to pay for the extra sacks thus made necessary. He has to haul from his station to his farm material less than 20 per cent of which has any fertilizer value, and in this operation he has been compelled to pay a cost that is greater than the intrinsic value of all the fertilizer contained in the finished product. Our scientists have been working on the proposition of trying to avoid this mixture of fertilizer with the useless material. This will mean a large saving in labor, a saving in mixing, a very large saving in freight, and a saving in the cost of sacks and in its application to the soil. If a concentrated fertilizer can be brought about, this of itself, without any cheapening of the fertilizer ingredients, should reduce the cost to the farmer about one-third.

The chemists who have appeared before the committee have been to a great extent in harmony in holding the opinion that from present indications of the investigations this desired condition will eventually be brought about. In the judgment of the committee, this can be soonest achieved by putting the nitrate plants at Muscle Shoals under the control of the experts of the Agricultural Department, who have so far done more than any other set of experts in the solving of this difficult problem so far as it has been solved. The indications are that every improvement of the process will consume less power. In one process that possesses great possibilities of improvement and development, known as the coal process, now used in Germany, and in which nitrate plant No. 1 can be used, it would require comparatively little power. Under the bill that we have reported we have given authority to the Agricultural Department to experiment on all these processes or any other process that may later be invented or developed. The use by the Agricultural Department of nitrate plant No. 1 will give to that department an opportunity to test out all these experiments on a scale much larger than any laboratory test that has ever been made. It will become in fact the largest and best field for the study of fertilizer questions anywhere in the world.

THERE ARE NO SECRETS IN FERTILIZER MANUFACTURE

It can safely be said without any fear of contradiction that there are no essential secrets unknown to scientific men or others who choose to study the question in the manufacture of fertilizer ingredients or in the mixing of such ingredients. Since the greatest development in these improvements have been made by our own officials, it seems but fair that they should be given an opportunity to continue their investigations and experiments, and whatever improvements are made through such experiments will become open to the world, and

thus bring about the competition that is necessary not only to increase the product but to enable the farmer to get it at a fair price.

We believe from our investigation that it is not possible to produce the ingredients of fertilizer at nitrate plant No. 2 through the method installed in that plant at a price that would reduce the cost of fertilizer to the farmer below present market price. However, in the bill which we have reported we have given authority to the Secretary of Agriculture to lease nitrate plant No. 2 to any person or corporation for the manufacture of fertilizer ingredients, and have provided that the Federal power corporation shall supply such lessee with power to operate the plant. If any of the bidders or any other person or corporation can produce fertilizer ingredients at nitrate plant No. 2 at a price that will reduce the cost to the consumer, they will be able through the bill which we report to lease this plant from the Secretary of Agriculture and go into the business. The Secretary of Agriculture under the terms of the bill would have authority to make such a lease, even without charging any rent for the same. This leaves the way open for anyone to enter the fertilizer field on terms much more favorable than it is claimed by any of the bidders so far they desire to secure. If the production of cheap fertilizer for the farmer has animated or moved any of these bidders, here is an opportunity for them to carry out their plans under the most favorable conditions possible.

Mr. President, the bill which the committee has reported carries out, we think, the provisions that I have thus briefly outlined. We separate the two propositions at Muscle Shoals—power and fertilizer. We provide in the bill for a governmental corporation that shall have authority to handle the power proposition the same as an individual would have it. They shall have power to build transmission lines. They shall have power to sell the current, giving preference to States, municipalities, and public corporations of that kind. They can enter into partnership with such municipalities in the construction of transmission lines. They can connect the system up with existing transmission lines of existing power concerns or with other concerns that may develop new fields of electricity. In other words, we have tried to give to them every power and every authority that an individual would have if he was the owner of the plant.

It is a little different from original governmental ownership propositions. If we had invested no Government money at Muscle Shoals, if we had taken no steps there to bring about the great development that has taken place, then an objection to governmental operation and retention of this great power might have some force, at least with those who are opposed to governmental operation of such concerns. But it must be remembered the Government is already there: the Government has expended nearly \$200,000,000 of the taxpayers' money there. We have done it on the theory, first, that it was necessary as a matter of national defense; and, second, that in time of peace this great improvement might be used to benefit the condition of agriculture.

We found—and I say it without any fear of successful contradiction—that under the present state of the art, under the present scientific knowledge of the civilized world, it is necessary for a great many more experiments and investigations to be made before we can make fertilizer at a price that will materially reduce it from its present market price. I have referred to some of those difficulties. One of the objections, and one of the big items in fertilizer, is freight. That interferes very materially with the distribution of fertilizer, because the farther it is carried the higher the freight charge must be. We believe it is unnecessary to say that we must use all of the power produced there in the production of fertilizer, because the scientific people of the world know now that it would be useless. There is no use in producing a whole lot of nitrogen unless it can be of some use after it is produced or will cheapen the production of fertilizer.

Although I dislike to say it, although I would much prefer to be able to say that we have reached the goal now, yet to be fair with the Senate and fair with the people of the United States it seems to me we must say that the goal has not been reached. We can not say, of course, positively that it ever will be reached. I am one of those who believe that it will soon be here.

I am one of those who believe—and I do not believe anybody can successfully contradict it—that experts in the laboratory of research have done more to cheapen fertilizer in the last few years than has ever been done by any set of men in a similar length of time anywhere in the world, at least in this country. All bidders who came to try to get the plant down there, without exception, have been to this labora-

tory before they made any bids, and have consulted with Doctor Cottrell, the head of the laboratory, and got all the information they could. Of course, I am glad he gave them the information. I am speaking in no complaining sense of that. I would be glad to have the same information go everywhere to the world and let them utilize what we know and invent something new and improved if they can by the use of that information.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. NORRIS. Certainly.

Mr. REED of Pennsylvania. What is the state of the art in Germany? Have they used their nitrogen plants to make fertilizer? Are they farther ahead than we are?

Mr. NORRIS. Yes. I asked one of the experts who had been to Germany, as several of our experts have been over there and investigated, and I reached this conclusion from his reply. In Germany they are using to a great extent what I referred to a while ago as the coal process. The main reason why they make it much cheaper than we do is because everything is much cheaper there than it is here. I think our experts know practically what all the German experts know. I was impressed at least with some of them who said they were given every opportunity when they went there to investigate and look into everything.

Of course, as a war proposition—

Mr. BROOKHART. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I yield.

Mr. BROOKHART. With reference to that proposition, I will state that I investigated the nitrate plant at Syracuse, N. Y., which has been developed since the war. They use there the Haber process. They claim that they can make it by a cheaper method than any of the German methods at this time. Mr. H. S. Loud is in charge of it there, and I got a great deal of information to that effect from him.

Mr. NORRIS. I am glad the Senator called my attention to that matter. There is a factory at Syracuse, N. Y., using a modification of the Haber process. That has come, as a matter of fact, out of the governmental experiments at Muscle Shoals. During the war no one here knew just how to get nitrogen from the air by what is known as the Haber process. They thought they knew, and they built nitrate plant No. 1 on a small scale because they had some doubt about it, using that process. The men who built it now know what is necessary to make that plant a success. It is a failure. All of the machinery will have to be scrapped. It is a failure as it is built. The Syracuse plant came about, as a matter of fact, out of what was learned by the scientific world when we constructed nitrate plant No. 1. I do not know whether they would admit it or not, and yet I suppose they would admit it even themselves.

Mr. BROOKHART. I think he said the same men who designed the Syracuse plant designed the plant at Muscle Shoals, and the big improvement is in the reduction of the pressure. They can work at a much less pressure in Syracuse than they do in Germany.

Mr. NORRIS. They use much less than in Germany?

Mr. BROOKHART. Yes.

Mr. HARRELD. Mr. President—

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Nebraska yield to the Senator from Oklahoma?

Mr. NORRIS. I yield.

Mr. HARRELD. The main trouble with nitrate plant No. 1 was that they failed to put in machinery that would stand the excessive heat. Was it not due to a miscalculation on the part of the engineers really that caused that plant to be a failure? Does not the plant itself show now that the vats, tanks, and so forth, have been melted by the extreme heat turned on to use it?

Mr. NORRIS. I do not want to be understood as criticizing our Government officials, but in the construction of nitrate plant No. 1, which was constructed during the war, they did the best they knew how. Everybody admits that it was a failure, as experiments often are.

Mr. BROOKHART. Mr. President—

Mr. NORRIS. But the benefit they got out of it was the knowledge that let scientific men know what caused the failure and enabled them, for instance, to build the Syracuse plant. I yield to the Senator from Iowa.

Mr. BROOKHART. I did not understand that it was a failure. I understood it was not completed when the war closed.

Mr. NORRIS. I think we will have to say it is a failure. Our governmental experts say that there is practically no machinery in it which can be used.

Mr. BROOKHART. Mr. Loud estimated to me that for a million dollars it could be changed to a successful process.

Mr. NORRIS. They vary on that. Most of the experts with whom I have talked have put it as high as \$2,000,000 and some at \$3,000,000.

Mr. BROOKHART. I would not be certain about that.

Mr. NORRIS. It is perfectly fair to say that to a greater or less extent it is in an experimental stage. We spent a good many million dollars down there in nitrate plant No. 1, that small plant, and that money, in my judgment, has not been absolutely thrown away. It was a costly experiment and everyone connected with the construction of that plant could build it over again and make a success of it, and still even with all we know now they would not be able to reduce the cost very materially. As I said, it is not so much a question of the cost of nitrogen that we must reduce to make cheaper fertilizer. If we got the nitrogen for nothing, if it did not cost anything, our fertilizer would still be too expensive.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. NORRIS. I yield.

Mr. FLETCHER. I am a little surprised to hear the Senator state that nitrate plant No. 1 was a failure. If that is the case, then one of the strong points in the bill in favor of providing for turning over nitrate plant No. 1 to the Department of Agriculture would not seem to be very valuable. What is the use of turning nitrate plant No. 1 over to the Department of Agriculture?

Mr. NORRIS. We turn nitrate plant No. 2 over to the Department of Agriculture also. That never was a failure. That did just what they said it was going to do before they started the foundation. That complied with every estimate and filled the bill 100 per cent. We turn all of the fertilizer proposition over because we think someone ought to have it who will be able, through the use of Government funds, because it is something that will redound to the benefit of all the people, to experiment with it and get out of it a successful method of making fertilizer at cheaper prices.

Mr. FLETCHER. Then there is something of value in nitrate plant No. 1. The Senator said in his report and in his remarks this morning that the use by the Agricultural Department of nitrate plant No. 1 would give to that department an opportunity to test the process; so there is something there worth preserving.

Mr. NORRIS. Exactly, and the bill contains an appropriation for \$1,500,000. That amount was put in, as I remember it, at the suggestion of Doctor Cottrell, the head of the laboratory research department, and we do not need to tear down nitrate plant No. 1 all at once and scrap all the machinery, because it is realized that if we built it now, according to their present knowledge, they still would have something that to a certain extent would be experimental, as far as getting cheaper fertilizer is concerned. They could get cheaper nitrate and help out the explosive proposition, but still they do not know just how they will be able to reduce the cost of fertilizer. It is generally conceded by all that the present indications are that improved methods will take less and less power as they proceed with them.

Mr. GEORGE. Mr. President—

Mr. NORRIS. In just a moment. I would like, before the Senator interrupts me, because I thought of it when I spoke of the power connected with it, to refer to the President's message. He seems to go on the theory, and I think the Senator from Alabama [Mr. UNDERWOOD] goes on the same theory in his bill, that if we want to make cheaper fertilizer the way to do it is to put a whole lot of power to work. But the scientific men of the day say and these laboratory men say that if we want to cheapen the product we do not need to use all this vast amount of power. The President's message said that from time to time the power used in commerce now shall be diverted over into the fertilizer field. The probabilities are that the trend will be just in the other direction; that it will require less and less power than is now necessary under the known methods to extract nitrogen and the other parts of the fertilizer from the air. Practically every new invention lessens the amount of power which it is necessary to use. The cyanamide process, which is used in plant No. 2, requires a vast amount of power. The plants in Norway, where they have the cheapest power in the world, used enormous quantities of power. The improvements through all the years have tended

in the direction of using less and less power; that is the tendency. The Haber process reduces the power requirement very materially, and is a better process than is the cyanamide process.

Mr. EDGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield?

Mr. NORRIS. I yield first to the Senator from Georgia.

Mr. GEORGE. Mr. President, I merely wish to ask the Senator from Nebraska a question in reference to his use of the figures in the formula which he has quoted. For instance, he referred to the formula for fertilizer as being 2-8-2. It sounds better to me to say 8-2-2; that is, 8 per cent of acid, 2 per cent of ammonia, and 2 per cent of potash.

Mr. NORRIS. I did not hear the Senator's first suggestion.

Mr. GEORGE. I say that the Senator from Nebraska used the 8-2-2 formula as an illustration of the possibilities of manufacturing commercial fertilizer. I wish to direct the Senator's attention merely to one fact, for I know he deals with the question with an absolutely open mind. The Senator in his illustration is taking the lowest grade of fertilizer; he is now taking a grade of fertilizer which is not much used, although it is the basic formula, and I understand the Senator is using it merely for the purposes of illustration. Fertilizer now runs much higher in ammonia and much higher in nitrogen than formerly; in other words, the more depleted the soil becomes the more necessary it becomes to increase the amount of ammonia and nitrogen in the fertilizer. The prevailing fertilizer now used, for instance, in my section of the South is manufactured on a formula of 8-4-4 instead of 8-2-2, and 9-3-3, at least, is the lowest grade used.

There are two points involved in the suggestion which I wish to bring to the Senator's attention, for two reasons: First, as the amount of ammonia in a fertilizer increases, the price of the fertilizer, of course, is relatively increased, because ammonia is the expensive material in the manufacture of a fertilizer. Second, as the grade of the fertilizer is increased, more and more is the filler or waste, to which the Senator from Nebraska has referred, done away with. For instance, in the manufacture of fertilizer, say, on the formula of 8-5½-4, from properly selected materials, there will be no filler, but there will be an actual tonnage of fertilizer, whereas a fertilizer of 8-2-2 carries a filler of, say, 675 pounds; so that freight has to be paid on practically one-third of tonnage that is absolutely worthless for the purpose of building up plants.

I merely wish to direct the Senator's attention to the fact that he has selected a fertilizer carrying the lowest grade of nitrogen or ammonia. Therefore, of course, the figures he has quoted need some slight modification. When the amount of ammonia in a fertilizer is increased the degree of wastage, or what the fertilizer people call "tonnage," is decreased.

As I have just stated, it is possible to so select the materials and combine the elements as to do away with filler in the manufacture of fertilizer, but, as a matter of fact, what the Senator calls 2-8-2 goods and what I call 8-2-2 goods carry about one-third of filler.

Mr. NORRIS. Mr. President, I am very glad to have had the suggestions which have been made by the Senator from Georgia. He, of course, comes from a section of the country where an immense amount of fertilizer is used. What he says and what I briefly tried to say, that different kinds of soils need different kinds of fertilizers, of course, is true. The formula which I have mentioned is the one that is very commonly used, and, indeed, it was almost universally used by the experts who testified before our committee. The particular figures which I have used were verified by the experts of the department before I used them.

Mr. GEORGE. I understand that to be the basic formula, and formerly it was the formula which was almost universally used; but on soils which have become depleted in nitrogen we have constantly used an increased amount of ammonia.

Mr. NORRIS. There are soils which, for instance, require no potash, and for those soils a fertilizer manufactured according to the 2-8-0 formula is used. That means no potash. There are other soils that require less nitrogen; others that require less phosphorus. My understanding has been—and I obtained that understanding from an immense amount of testimony which has been adduced at different times not only on this question but in relation to other matters—that the formula 2-8-2 was the one most commonly used.

Mr. EDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Jersey?

Mr. NORRIS. I yield to the Senator.

Mr. EDGE. I was very much interested in the statement made by the Senator a few moments ago to the effect that at Syracuse a private concern, as I understand, had, through the knowledge gained from the governmental experiments, been able to develop a plant which produced nitrates even cheaper than those produced by Germany, where, it is generally understood, they are produced very cheaply.

Mr. NORRIS. I would not say that; I did not intend to say that.

Mr. EDGE. Perhaps I misunderstood the Senator.

Mr. NORRIS. I did not intend to say that they were produced there cheaper than they were in Germany. Of course, I have no knowledge except my recollection of the testimony; I have not had an opportunity personally to investigate German production. I should like to have had such an opportunity, for it would, perhaps, have enabled me to understand the question much better than I do now. But the experts who testified and who knew about Germany and who had been there were asked that question, and, as I remember the testimony, they said that Germany produced nitrates at a much lower cost. However, there was no secret about it that our experts did not understand or that they were not willing to explain; and the principal reason why they produced nitrates so much cheaper was that the cost of everything in Germany was very much cheaper. They produce the nitrates without the use of water power; they use coal for what little steam they need—and they do not use much steam.

Mr. EDGE. The thought that impressed me was this: If I understood the Senator correctly, plant No. 1 must be practically reconstructed, and, in the light of the experience of the private concern in Syracuse, even though it may not manufacture the product cheaper than similar products are produced in Germany, certainly it has developed the production of a cheap commodity. So why would it not be better, inasmuch as the Government must practically begin all over again, as I understand, plant No. 1 being practically useless, to encourage the turning over plant No. 1 to private interests, with the probability of having the same result as apparently the Syracuse firm has demonstrated?

Mr. NORRIS. I think it is just the other way. The Syracuse plant would probably never have been constructed if it had not been for the governmental experiments. They are there and they are enabled to be there because they secured the information from the experiments made by the Government. I should like to have similar plants constructed all over the United States. Let the Government keep on making the product cheaper and cheaper, and I would welcome any private concern going into the business so as to have all the competition possible.

Mr. EDGE. I recognize the missionary work performed by the Government and attempted to give credit for it. It enabled the Syracuse firm to develop what they have apparently developed. But my point is this: That the fact that that plant has been developed does not prevent the Government from continuing experiments. Here is a great big plant that cost millions of dollars, and apparently if it could be turned over to private capital, having the benefit of the Government's investigations which have been properly made and unquestionably have been of great benefit to the industry, it would seem to me to be a business proposition to encourage the private producer.

Mr. NORRIS. The way to encourage the private producer is to do that which has already encouraged the private producer, only do more of it. The private producer was enabled to construct the Syracuse plant, I believe, by virtue of the experiments conducted by the Government of the United States. If those experiments have led to that plant being built, why is it not reasonable to suppose if we will make more and more experiments and keep on the job the same men who have been doing the work so well that we will have more and more Syracuse plants all over the country? Incidentally let me say further—

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I will yield in just a moment.

Incidentally there is one thing the Senator has not mentioned. If the Syracuse plant has improved somewhat upon what they got from the Government plant, the chances are a thousand to one they have a patent on it right now. They may have gone beyond what they learned from the Government experiments. When the Government conducts these experiments it makes public the results; they are open to the

world and there can be no monopoly; nobody is able to maintain one; and in the end that means cheaper fertilizer to the farmer.

I wanted to go to Syracuse and inspect the plant there. I never did that because I could hardly get away from here, but I did write to the officials of the Syracuse plant and asked them to come before the committee. I have forgotten now just what their reply was, but, at least, we never succeeded in getting anybody here from that plant. I wanted to get the benefit, if there was any benefit, of their investigation and their work and be able to lay it before the Senate in due time, but I have not been able to do that.

Mr. HARRISON. Mr. President—

Mr. NORRIS. I yield first to the Senator from New York, who first interrupted me.

Mr. COPELAND. I merely wanted to suggest probably what the Senator from Nebraska has in mind that the laboratory work—the research work—might go on; and that by keeping plant No. 1 under the department it would be a sort of glorified laboratory where the investigations could continue and where practical application could be made of the experiments, so that the American people would have the benefit of the increased knowledge obtained in connection with the development of fertilizer.

Mr. NORRIS. We want to give the experts of the Agricultural Department an opportunity to investigate and to experiment and develop on a larger scale and in a broader field than they have heretofore done. We think there is an opportunity to do that, but we want to know just what every step costs. We do not want to say, "You can have this water power if you will make fertilizer at such prices," because it would be of no benefit in the end if a man made fertilizer at a loss and recouped what he lost out of what he made from the disposition of the water power. That, in the end, will not do any good, because we are not going to make fertilizer enough at Muscle Shoals to supply the farmers of the United States; it will not be a drop in the bucket, after all. What we want to do is to develop the art there, so that everybody everywhere can have the benefit of the knowledge thereby gained and go into the fertilizer business if they want to. I now yield to the Senator from Mississippi.

Mr. HARRISON. Reverting to the controversy between the Senator from Nebraska and the Senator from New Jersey, relative to the turning over of plant No. 1 to private individuals, I merely desire to say for the benefit of the Record that, as the Senator will recall, in January, 1919, I think it was, Mr. Glasgow was appointed director and placed in charge of operations there. He subsequently made a report to Congress, sometime early in 1920, that he had failed to interest private industry in operating the nitrate plant. Although he offered them the opportunity to make 9 per cent on any investment of their own before the Government should have any return on its investment he was unable to find anyone to take it under those apparently very advantageous conditions. It was upon the recommendation of Mr. Glasgow that in 1920 the War Department recommended that a bill be passed, which was known as the Kahn-Wadsworth bill, which was introduced in the Senate by my friend from New York [Mr. WADSWORTH], who after he introduced it did not see fit to vote for it. I merely state that for the benefit of the Record.

Mr. NORRIS. Mr. President, I rather think the suggestion made bears out the theory that I have and that I think the majority of the committee has. We must develop fertilizer manufacture more before we shall be able to reduce materially the cost of fertilizer to the ultimate consumer.

Mr. President, it is a thing for which we can well appropriate public funds. I come from a section of the country which, up to the present time at least, has not been particularly interested in the fertilizer question. I think, however, that the fertilizer question is even broader than our own country. It reaches out into the civilized world, wherever there is a civilized human being. It is not the farmer only that is interested in fertilizer. Every consumer in Christendom is interested in it. Every citizen of every other nation is interested in it, and we are getting more interested in it every day. We must face the proposition of a cheaper fertilizer in agriculture not only to help the farmer but to help everybody who eats food. We are all interested in it. It is something that comes into every home, everywhere, in every country and in every community. We can not escape it.

We ought to face this problem, it seems to me, like men. If we find in it something that does not look right, that is not pleasing, as we do when we look into it, let us admit it. Let us say so. Let us go before the people and say, "This is necessary even for the human race, and we are justified in the expend-

ture of public money for any experiment, any investigation, that offers any reasonable prospect of a reduction in the price of fertilizer."

That is what the committee bill tries to do. We will know when we get through just what all these experiments cost. We will know absolutely what fertilizer costs through any new invention that may be made; and it is the theory that we will appropriate money from year to year for carrying on these investigations, as we always have in the past to a certain degree; but now we have that plant, nitrate plant No. 1. That is not large enough to go into the fertilizer business as a manufacturing proposition; and we feel that we ought to take public money, put our experts in charge, give them practically a free hand, let them delve into the subject and do the best they can, and all pray to God that they will be successful.

The bill provides that nitrate plant No. 2 shall remain intact. We know just how much nitrogen we can get in a year by the cyanamide process in nitrate plant No. 2, and we know that it will cost us too much to use it for fertilizer purposes. We provide by the bill that it shall remain intact until a new process is discovered and installed in large enough capacity to produce as much nitrogen as nitrate plant No. 2 will produce. We do that as a matter of national defense. We do that to hold the nitrate plant there in readiness so that it can be started up on an hour's notice. We know just what it can do. We can make explosives there, and we want it to remain just that way until we have a different system, because if unfortunately we should get into another war we would need nitrate plant No. 2. We would need it right away, and we would need it every day, and we could not afford to wait to build another one. So the bill provides that it must remain intact as it is, looked after, and kept in repair; and when these investigations proceed to such an extent that a new process has been invented and installed to a capacity equal to that of nitrate plant No. 2, then we can dismantle No. 2.

It may be, of course—I can not say—that the invention may come in the improvement of the cyanamide process and that nitrate plant No. 2 may eventually be the place where we will extract nitrogen at the lowest price in the world. The indications are that that is not true, but I can not say with any certainty. No scientific man has been able to tell me with any certainty. They all agree, however, that the indications of improvement, of cheapening the process, all lie through some other process than the cyanamide process—most of them say in some modified form of the Haber process, for which nitrate plant No. 1 was originally designed.

Mr. President, it is going to cost some money from year to year to carry on these experiments. It will cost some money to remodel nitrate plant No. 1. As I take it, Doctor Cottrell, if he were placed in charge to-day, would not dismantle the entire machinery at once. He would not fix up that machinery just as he would fix it if he were going to make a nitrate plant to extract nitrogen from the air by the Haber process. He would not do what he would do if we were faced with a war and immediately had to get as much nitrogen as possible. In that event he could fix up that plant at a cost of a million or perhaps two million dollars, and it could run to its full capacity under the Haber process; but he wants to cheapen even the Haber process. So it is not the purpose to install a whole lot of machinery to do it as cheaply as we can now to the capacity of the plant, but to use whatever parts of it may be necessary as an experimental proposition; and under our bill they are not confined to the Haber process. They can take any process. We have tried to leave them perfectly free. They can follow any clue that they get anywhere in the world.

Mr. President, I think that is what we ought to do with Muscle Shoals. I have heard some criticism of our bill because we provide in the bill that the governmental corporation shall supply the power to the Agricultural Department for their experiments at the lowest price that anybody is charged for similar power. When these experiments go on, it is very likely that they will not use very much primary power for experimental purposes, so they will not need to use the most valuable part of it; and there is a limitation put in the bill that the Agricultural Department can not call upon this governmental corporation for primary power exceeding 25,000 horsepower or 75,000 secondary horsepower. That has been criticized. I want to tell the Senate why it was put in. It was not in my bill originally. I have not any particular pride about it now, but there is a reason for putting it in which I think will appeal to reasonable business men.

We provide in the bill that the Secretary of Agriculture can lease all of these plants, all of this machinery or any part of

it. That was not in my bill originally. If I had my way about it, I would not have that in the bill.

I would keep our agricultural experts at work. I think they are better than any others. I have been impressed all through the hearings with the fact that everybody paid tribute to these men who are working for the Government at almost nominal salaries. All these chemists have paid tribute to them, and said that they were leading the world in their particular lines. Now, if the Secretary of Agriculture did lease that plant to a private concern, suppose it was somebody who, directly or indirectly, did not want this power distributed, but wanted to cripple the governmental power possibilities. If he could get all he demanded he would demand at once 100,000 primary horsepower, about all they had at Dam No. 2. He would not need it, but he would demand it in order to keep that power off the market, in order to prevent it from going into competition with the power companies that are already doing business in the South; in order, if you please, to be more specific, to prevent it from competing with the Alabama Power Co. in that field. That is the power company that is in the immediate vicinity. With that provision in the bill, allowing the Secretary of Agriculture to make that lease, we thought, as a safeguard to the Government itself, that we ought to limit the amount of power they had a right to demand. The bill does not limit the amount of power they can get. They can deal with this governmental corporation and get all the power, and the price is to be always the lowest that is charged to anybody; but they are not bound to give them more than 25,000 primary horsepower or more than 75,000 secondary horsepower. We felt that was more than they would ever use. If our officials are going to use this power, if you are willing to take the lease provision out of this bill, then I am willing to strike out all limitations, because I have faith enough in the Government officials to believe that they never would demand any more power than they needed, and I would give them all they need. I want to be liberal with them.

Mr. President, later on, when the Senator from Alabama [Mr. UNDERWOOD] offers his substitute, I expect to have something to say in regard to the substitute. Unless there are some questions from Senators, which I shall be glad to answer if I am able to do so, I think I am through.

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I yield to the Senator; yes.

Mr. BROOKHART. There is one fact there that is not straightened out in my mind. When I visited plant No. 1, the explanation was given to me that it never had been completed and never had been used. The reason given for it was that this improved process had been discovered in the meantime, and it was not considered worth while to go ahead and complete the plant on the old lines. I should like to know whether or not that is correct.

Mr. NORRIS. I will say to the Senator that I do not believe that is correct. I think the plant was all completed.

Mr. BROOKHART. As I went through the plant they pointed out to me units of it that were not completed.

Mr. NORRIS. There might have been some such units.

Mr. BROOKHART. And I think none of it had been used.

Mr. NORRIS. No; it failed to do the work.

Mr. WADSWORTH. Mr. President, perhaps the Senator from Nebraska will permit me an observation at that point. My recollection of the testimony—and I paid a great deal of attention to it at the time; it was testimony brought to us at least four years ago—is that plant No. 1, being a Haber-process plant, failed because there was not at that time anyone in the United States who really knew how to operate the Haber process. They came as close as possible to it, but there were certain things lacking of a very technical nature, which, not being present in that plant, or the knowledge of using them not being present in the minds of the men who were trying to operate it, caused the thing to fail. It came within an ace of success, but it did fail.

Mr. BROOKHART. Did they actually complete and try to operate some units of it?

Mr. WADSWORTH. Yes; they did. It was not surprising that they failed. When we started to build that plant there was no American alive, as I understand, who had ever built and installed and operated the Haber process.

Mr. KENDRICK. Mr. President—

Mr. NORRIS. Mr. President, I will yield in just a moment. This plant was constructed at a time when we had no access, of course, to German plants, which were then operating suc-

cessfully under the Haber process. Our people had no way of knowing just how to do it. They knew there was such a process; our scientific men knew a great deal about it; and they undertook to construct there a plant to use that process. You will see from the size of the plant that they realized that they did not know for a certainty that it was going to be a success.

Just think of the difference. Here is one plant, the cyanamide plant, that they knew would work—they knew all about that—with a capacity of 40,000 tons of nitrogen annually. This other plant, while it is a large building and has connected with it a steam plant of 5,000 horsepower would have been built on the same large scale as the cyanamide plant if they had known for a certainty that it would work. In fact, if they had known for a certainty that it would work they probably would not have built the cyanamide plant. It was a question of getting explosives there, and getting them quickly.

Mr. WADSWORTH. Mr. President, it may be observed also that at that time there was only one concern in all America that had ever built and operated a cyanamide plant, and the Government had to use the services of that concern to go to Muscle Shoals and build this new cyanamide plant. That concern, knowing how to do it, having had experience of its own, built it, and it was promptly a success, but the process is now somewhat out of date.

Mr. NORRIS. Mr. President, I think it is not unfair to say that when it was built, even, scientific men regarded it as just a little out of date. They would not have built the other plant if they had not. I now yield to the Senator from Wyoming.

Mr. KENDRICK. If I am not mistaken, there was testimony given to our committee which indicated very clearly that when the original formula was furnished to our officials in the building and construction of the plant they were misled through the failure to furnish at least a part of the formula for a deliberate reason. I think something of that kind will be found somewhere in the testimony.

I wanted to ask the Senator from Nebraska if, in his very inclusive discussion of this question, he has touched upon the fact that running through almost all the hearing there was testimony indicating that there was to be a cheapening of this process, and that the final process would almost result in the entire elimination of power as one of the essential factors in the production of nitrogen?

Mr. NORRIS. I did refer to that; but I am very glad to have the Senator's approval of it, because it can not be emphasized too often that that is the present state of the art.

Mr. KENDRICK. As it seems to me, in connection with the final disposition of this question we should not overlook that important fact. There is every reason to believe from the testimony that we are to cheapen the process and that we are finally to produce nitrates without the employment of very much power, which ought to have a sort of a determining effect with us in trying to pass upon this question for a period of 25 or even 50 years.

Mr. NORRIS. Mr. President, by his very valuable suggestion the Senator from Wyoming reminds me of something I ought to mention, something we ought to bear in mind, and which the committee has in view in reporting this bill. The Senator from Wyoming is one of the men who helped to frame the bill.

We were impressed with the idea that probably less and less power would be used in the manufacture of fertilizer. We can not guarantee that. We only know that the indications of the scientific world point in that direction. You may say to us that they may take a turn and go the other way. That may be true. Then it is said, "What have you done to take care of that contingency if in a few years that shall happen?"

Let me answer that suggestion, which I have made myself, and which perhaps will be used as an argument against the committee bill, that we will have this corporation handle the electricity generated under this plan, and will have leased it out for a number of years, and some new invention for fertilizer may come along and demand new power.

Let us see. The committee provides for the complete development of the Tennessee River, and is the only measure before Congress that does make provision for the most economic development of hydroelectric energy on the Tennessee River in the maximum quantity.

Anyone who will study this water-power question will not controvert what I am about to say, and what, in a brief way, I said earlier in my remarks. The way to get electricity from water power in the maximum quantity for the minimum cost is to develop a system as a whole. This bill provides for the development of every horsepower on the Tennessee River and

any of its tributaries. The Secretary of War is directed to survey the entire Tennessee and its tributaries for the purpose of ascertaining the best places for the location of other dams, storage reservoirs and power dams, or both combined in one. When that shall have been done, we will at Dam No. 2 have converted our secondary power, or a large proportion of it, into primary power. In other words, instead of being able to sell practically 100,000 horsepower every hour in the year at this great dam, they will be able to sell five, six, or seven times that amount; and when you at once develop the power and multiply its capacity by seven without any material addition to the cost, thereby you divide the cost to the consumer by seven. That is the way to get the cheapest electricity. That is the way to get the most of it, and that is what we have provided in this bill.

When these dams are completed there will be more power at Dam No. 2, there will be more power at Dam No. 3, and this governmental corporation which the committee bill sets up is given the handling and the control of all this additional power; and if, within the next 5 years, the next 10 years, and again in the next 15 years, such a condition should come about that the economic manufacture of fertilizer should require more power, they would have it. When this great system shall be inaugurated they will have power being developed from year to year as the development takes place. We will build another dam somewhere up the Tennessee River, for instance. Suppose it has a capacity of 50,000 primary horsepower. From the very fact that you build it and store the water you increase the primary power at Dam No. 2 and Dam No. 3.

Mr. FLETCHER. Has the disposition of the Gorgas plant interfered with the general scheme and plan which the Senator has in mind?

Mr. NORRIS. No; the disposition of the Gorgas plant has had nothing to do with it. The committee bill provides that this governmental corporation shall take the money paid by the Alabama Power Co. for the Gorgas plant, to wit, three million, seven hundred and some thousand dollars, and that the Secretary of War shall sell the useless material the Government owns down there, which will amount perhaps to a million more, and that money shall be turned over to this corporation, that that will be its capital, and that it may retain its income until its capital reaches \$25,000,000, and that thereafter all the profits shall be turned over to the Treasury of the United States.

It will take a good many years to develop a system of that kind. If anything is worth doing at all, Mr. President, it is worth doing right. In round numbers, we will have practically 100,000 primary horsepower at Dam No. 2. When the improvement of the Tennessee River is completed, and the other dams constructed to carry out the system outlined in the committee bill, instead of there being 100,000 primary horsepower there, there will probably be four or five hundred thousand primary horsepower at that dam. So if we pass the committee bill we will increase the power developed on the Tennessee River. It will be the only river in the United States that will be scientifically developed. Every horsepower there will be taken for the benefit of humanity, and every time we increase it we will cheapen the cost of all of it.

There is another thing I should mention. If the plan contemplated by the committee bill is carried out, the Tennessee River will be made navigable practically to its source. The completion of Dam No. 2 will make the Tennessee River navigable up to Dam No. 3, about 12 or 14 miles upstream, and when Dam No. 3 shall be built it will make the Tennessee River navigable for 75 miles more. So when we carry out the plan we have outlined and build the other dams we will make the Tennessee River navigable practically to its source.

We have provided for another thing. When we shall have carried out this plan set forth in the committee bill we will have stored all the flood waters of the Tennessee system. Thus, as far as the Tennessee River has anything to do with the overflowing and the damage by flood waters of the Mississippi, it will be absolutely under control, as far as man can put it under control.

That is not all. These things all dovetail into each other. The great steam plant, when completed, will generate 120,000 horsepower. The other steam plant, at nitrate plant No. 1, has a capacity of 5,000 horsepower. They must use coal which they have to ship in by railroad. When the Tennessee River is made navigable, as it will be if the committee bill passes, instead of those steam plants being compelled to pay freight to the railroad for hauling their coal they will be put practically side by side with the coal mines which exist farther up on the Tennessee River, and the coal will come down by barges. It will more than cut in two the cost of coal for

the operation of those plants. So there is another reduction. All these things work together to make more electricity and reduce the cost.

I myself can not understand how, if we are going to build a dam at all—and we have already built one—we should not follow it up to the final and logical conclusion. If we are to maintain Dam No. 2—and nobody denies that we are to keep it—which cost over \$45,000,000, why should we not do everything to increase the power of Dam No. 2? Why should we not do everything to convert this almost useless power, known as secondary power, into primary power, that will be good every minute in the hour and every hour in the day and every day in the year? That is the only scientific way to construct power plants on the navigable streams of the country.

We would make the river navigable in addition. We would control the flood waters of the Mississippi River to the extent of the water that is in the Tennessee River. We would produce more electricity with the plan carried out than can be produced in any other way.

We provide that if any private person or corporation above shall build a dam on the Tennessee River, and the Government build a storage dam farther up, the private party or corporation shall be required to pay its proportionate share of the storage dam built above its dam, because every storage dam in the system anywhere converts secondary into primary power at every dam below the storage dam.

I have no interest of my own in this thing. My people have no particular direct interest in it. I went into this question absolutely unprejudiced, as far as I know, and God is my judge in saying that I am unprejudiced now, as far as I know. I do not want to do anything except for the benefit of the people, and I want to get the most benefit for the most people at the least cost possible.

It happens that in this case the people of the South will be most benefited. Eventually it will be the people of the East, and I think years after I have gone it will be the people of the West, too, because the time is coming when this whole country will be under one giant power scheme. The development of such a scheme would be the economic way to get all the power possible at the minimum cost from our great streams, and if we are wise, we will not do anything that will interfere with the extension of this giant power scheme, which as time progresses and things develop will more and more hook one system into another, so that we can turn the power of the Tennessee River into the State of California some day by the pushing of a button. You can do it now all through the South.

I am just as earnest in advocating the building of a great dam out here beyond Washington. Almost within the sight of this Capitol there is a little Niagara. The weak point in it is the same weak point that is found in the development on the Tennessee River—there is so much difference between the high and the low water. That means there is so much secondary power. But under the plan of the bill which passed the House, there will be twice as much primary produced as can be used in the District of Columbia. In Virginia, just below, with her streams, power is going to waste, hundreds of thousands of horsepower going to waste every day, which ought to be turning the wheels of machinery, which ought to be relieving man from toil, which ought to be going into the homes of all of the people, giving them light and power.

We ought to connect that up, and if the House shall pass that bill, if Virginia will develop her streams, in a short time that will be connected with Muscle Shoals. We can transfer this power to Florida. We can transfer it to Arkansas. We can transfer it absolutely almost without limit by the relay system known now to scientific men. Every day we are increasing the distance to which we can carry electricity. Every hour, almost, our scientific men are extending the distance to which we can carry electrical current without perceptible loss. We have no reason to doubt that work will be continued. The man who will invent a practical storage battery will revolutionize it all. He will store up the secondary power. Instead of storing the water he will store the power and use it where it is needed and when it is needed.

Mr. President, we are only entering a great electric age. We ought not to make a mistake. We ought not to turn this great property over to private interests. We ought to realize that sooner or later, no matter what we do, this giant power scheme is coming, because it is the economy of human nature.

It is God's own way of giving man the benefit of the power that is going to waste in our flowing streams. Every stream that trickles down the mountain side is going to be worth its weight in gold. I want to enact such laws that no drop of it will ever have to pay a tribute for the benefit of private interests or private corporations. Let all the people have the bene-

fit of it. We are taking the first step here by the committee bill. We are developing a stream and its tributaries as no other stream has ever been developed and as nobody has ever proposed to develop it. It means the maximum amount of electricity for the minimum cost to the greatest number of people. That is the reason why I believe the committee bill ought to be enacted into law.

Mr. UNDERWOOD obtained the floor.

Mr. BROUSSARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Shipstead
Bayard	Frazier	McKinley	Shortridge
Brookhart	George	McLean	Simmons
Broussard	Gooding	McNary	Smith
Bruce	Greene	Mayfield	Smoot
Bursum	Hale	Means	Spencer
Butler	Harrell	Metcalf	Stanfield
Capper	Harris	Neely	Sterling
Caraway	Harrison	Norris	Underwood
Copeland	Hefflin	Oddie	Wadsworth
Couzens	Howell	Overman	Walsh, Mass.
Curtis	Johnson, Minn.	Pepper	Warren
Dial	Jones, N. Mex.	Phelps	Weller
Dill	Jones, Wash.	Ralston	Wheeler
Edge	Kendrick	Reed, Pa.	Willis
Ferris	Keyes	Robinson	
Fess	Ladd	Sheppard	

Mr. BROUSSARD. I desire to announce that my colleague [Mr. RANDALL] is ill and for that reason is absent.

The PRESIDING OFFICER. Sixty-six Senators have answered to their names. There is a quorum present.

Mr. UNDERWOOD. Mr. President, the questions involved at Muscle Shoals on the Tennessee River date back to the early years in the last century. There is not a precipitate fall at Muscle Shoals, but there are a series of rapids that fall something like 100 feet in 14 miles of the river. That impeded navigation in the very early history of the settlement of Tennessee and Alabama. As far back as 1828 an effort was made to improve the navigation on the Tennessee River, and the State of Alabama was granted by the Federal Government 400,000 acres of land as a grant or gift to aid the State in accomplishing that purpose. From that time to this at various intervals the problem involved at Muscle Shoals on the Tennessee River has been before the Congress of the United States. In 1871 an act was passed by the Congress to build a dam around the shoals for the transportation of river steamers. A small dam was ultimately built under that act. It was always inadequate. The work was never fully completed and it did not serve a very useful purpose for that reason.

At one time, I think in 1899, just after the Spanish war, a law was enacted by Congress authorizing the building of a dam to secure navigation and for power purposes, but the grantee of that right never utilized it and it lapsed. That law was enacted without much contest at the time as the issues involved in water-power development had then not arisen in Congress.

Later on, about 1910 or 1911, the Government authorized a survey of the entire project looking to the development of water power and the improvement of navigation. That survey was made about 15 years ago, if I recollect rightly, and was approved by the Government, but the Congress failed to take action directly for its development. It was only just before the beginning of the Great War, when those who were studying the question, both in the Government and outside of it, realized our entire shortage of a supply of nitrogen for war purposes and also realized the inadequacy of the supply of nitrogen for fertilizer purposes, that in the national defence act of 1916 an amendment was added in the Senate authorizing the President of the United States to select a dam site and build an air nitrogen plant somewhere in the United States for the purpose of making air nitrogen for national defense in time of war and to be utilized for the manufacture of fertilizer in time of peace. That act carried an appropriation of \$20,000,000, an appropriation that seemed large at the time, but which since that time we have realized was entirely inadequate.

Under that act the President of the United States finally selected Muscle Shoals as the site for the building of the nitrate plant and for the building of a plant to furnish power both to manufacture nitrogen for war purposes and to manufacture fertilizers in time of peace. Carrying out the purposes of that act, the President, out of the appropriation that had been made by Congress during the war which was subject to his personal disposition, allocated to this national defense proposal, as set forth by Congress, a large amount of money for the building of this great nitrate plant No. 2, and also a portion of the

money for the building of nitrate plant No. 1, and ultimately, after the war was over, some portion of that money was allocated for the commencement of the building of Dam No. 2 in the Tennessee River.

Mr. President, I make this statement of facts in order that the Record may show how long the Government has been considering the development of navigation and the creation of power on the Tennessee River at this point. Now we are coming down to the last chapter—the final showing. No matter what others may say—and I shall discuss the subject more at length before I conclude—as to whether or not we have equipped plants, and whether or not we now have plants at Muscle Shoals which are prepared to serve the national defense of this country, we have invested altogether at Muscle Shoals in the neighborhood of \$80,000,000 outside of Dam No. 2, and I am informed that when completed next July, Dam No. 2 will have cost \$45,000,000. So we have a vast expenditure of money which has been appropriated and which has been utilized by Government officers under the direct authority of the Congress of the United States in order to accomplish two things: One is to supply nitrogen for national defense, and the other is in time of peace to furnish a supply of nitrogen to be converted into fertilizers and to aid the agricultural classes of America in that way.

The question now before Congress, and particularly before the Senate at this hour, is whether or not after the expenditure of that vast sum of money we are going to change our minds and use this development for other purposes than those for which the law of the land has already provided, or whether we are going to carry out the original plans of the Government; in other words, shall this great expenditure, these great plants that are already built, continue to be used for the national defense of America and for the upbuilding of the soil of America, not only to benefit the farming classes but to produce cheaper food for the masses of American people; or, on the other hand, are we going to change our plan and develop a great superpower system, a system of concentration of electrical power for the upbuilding of the great manufactories of America?

I am not contending that it is not wise, where it can be done, that the electrical power of the United States should be massed and that industry should not get the benefit of it. I say that far too much water runs down the streams of America that is not harnessed and made ready to work for industry, but I say we have made a dedication of this project; it is not something that we are to do to-day, but it is something that has been done. That dedication is to patriotism, to the life of the Nation, to the power of the Government, and to the upbuilding of the toiling masses of American people who are engaged in agricultural endeavor. The problem which confronts us to-day is as to whether we shall follow my good friend, the Senator from Nebraska [Mr. Norris] in providing the splendid superpower system which he has outlined to the Senate to-day in an interesting speech, and vote for his proposed substitute, which primarily is a power substitute and not a fertilizer or a national-defense substitute, or whether the Senate of the United States shall maintain the original purpose of the legislation which was enacted in 1916 and utilize these great plants for national defense and for the production of fertilizer.

Mr. President, it has been said by an ancient philosopher, and it has been repeated many times since, that there are only two great forces that destroy national life; one is an invading army and the other is the depletion of the soil. That is true. Invading armies may wipe out civilization and peoples, but depletion of the soil makes it impossible for nations and peoples to sustain life in their habitat, and they move on, as the people of Greece moved in times gone by, to the more fertile lands of southern Italy, which came to be called Magna Græcia.

Now, let us look at this question from the standpoint of national defense, for that is the first problem that should confront a Senator of the United States. We may have our interests and our desires; our people may plead for their own interests; but, in the last analysis, the Senators of the United States are here first to secure national defense in order that our Government and our people may continue to exist and may not be driven from the earth.

I realize that there has been a vast deal of testimony given by so-called experts. Some of them were really experts, and some of them called themselves experts; but a vast deal of testimony has drifted into the documents and the hearings of Congress in the last 10 years on this subject. There are, however, certain facts that stand out that no expert can deny and which must be admitted. When we went to war in 1917 we thought we were prepared to a certain extent, but we found

ourselves lacking preparation all along the line. We hear theories advanced as to what the future holds for us in new ideals and new experimentation. If I remember rightly, I read in the testimony in this case that an Army officer who was called before the Agricultural Committee testified that if the amount of nitrogen which is being made in the by-products coke ovens of America continued to increase as it had since the Great War in 20 years we would not need to bring any nitrogen into this country for national defense. Can that officer or anybody else guarantee to the people of America that we shall not be involved in a war within 20 years? Are we to sit down here idly with our hands tied and wait until some scientific gentleman informs us of a better way to make nitrogen for war defense than that which has already been devised and which is available at the great plant that has already been built by the Government?

When we went to war our allies, France and Great Britain, informed us that they could not furnish us with a powder supply; that the only powder supply they had was that which must be available for their own armies. One of the reasons why this great plant at Muscle Shoals was built was because we had to have a nitrogen supply. It is true that the navies of Great Britain and Japan had cleared the seas of the German scout cruisers, that commerce could move with safety, and that our ships proceeded to bring our supplies of nitrogen from Chile. Let me visualize to Senators for just a moment what that meant and how dire was our need. Senators will recall that when the war broke we commandeered every available merchant-marine ship that was on the seas; we secured the Austrian ships that were interned in Pearl Harbor; we took every available merchantman that could be found to carry our troops to the front line, to supply them with food and munitions of war, and to move the commerce of the United States; yet in that dire necessity one-third of the entire merchant marine of America was engaged throughout the war in moving Chilean nitrates to the ports of America in order to supply the raw materials from which powder should be made so as to supply our men on the front line with the explosives which were needed to carry on the war.

People talk about our having an adequate supply of powder, and about these scientific men waking up overnight and furnishing us with a new way of producing explosives to defend our country. It reminds me a good deal of our preparedness at the time the late war broke out. I do not say this in criticism of the General Staff, because I think during the war they rendered great, efficient, and splendid service; but I can tell you of an incident that shows the necessity of being prepared beforehand.

The General Staff was organized when Theodore Roosevelt was President of the United States. It was composed of the very ablest of our men in the Army. When the war broke out the General Staff came before a committee of which I was a member to ask for appropriations for war supplies, which, as you know, were granted without hesitation by the Congress; but among other things they asked for was this: They said they wanted a large appropriation for camps in which to drill and prepare the soldiers for war. I asked a member of the Staff where those camps were to be located, and he said they had not yet been selected.

Mr. President, it seems to me that if there is one thing that any man would visualize who was contemplating a future war, it is that you might some day have to muster your men to arms, and if they were to be mustered to arms you would have to have a field in which you could muster them. A camp is of great importance, because you must know that it is healthy and that the terrain is good for the movement of troops. Yet, we are not prepared in that respect; and as you know, General Wood was detailed to pick out sites for camps. Although we had hundreds of thousands of men drafted, we waited from April until late in September before we were prepared to move a drafted man into camp. So, although I give great credit to the scientific men of the Government, I am not ready to surrender every question of national defense to their consideration.

Look at this question yourselves. In the year 1912 the importations of Chilean nitrates, largely for fertilizer, amounted to 589,000 tons. In 1918 we had deprived the farmer of the use of nitrogen entirely. We cut him out of it, and for war purposes alone we imported into this country 1,607,000 tons of nitrogen—1,607,000 tons of nitrogen for war purposes from Chile.

I have heard it argued here, and it has been said time and time again, that there are other sources of a nitrogen supply for national defense besides Chilean nitrates. There is one other source, and only one, and that is if it is taken out of

the air. Why do I say that? I know that ammonium nitrate is made in the by-product furnaces, and I know that that supply was something less than 200,000 tons before the Great War, and by reason of war stimulation—the very appropriations that we made in Congress to stimulate its production—it has increased to nearly 600,000 tons; but I also know that the larger portion of that production is used in refrigeration, and there is no better supply of nitrogen for refrigeration than the ammonia from coke-oven furnaces.

Now, just imagine a General Staff or a Congress or a President of the United States moving the ammonia that is used for refrigeration out of the refrigeration tanks and using it on the battle lines to kill the enemy! Refrigeration means the moving of the Nation's food supply. You no longer buy your meat from the butcher who is in your neighborhood. You buy your meat from Chicago or Kansas City or some other western city. You bring your perishable foods from Florida or other points on the southern coast line. If you should take the refrigeration ammonia away from the purposes for which it is used in times of peace, you would destroy more lives by reason of decayed and putrid food than you probably would destroy on the battle front. You could not feed an army without moving their beef supply; and to tell me that men who are honestly at heart for the protection of their country say that you can call on supplies of ammonia of that kind for the defense of your country in time of war is not to question the patriotism or the intelligence of such men, but it is merely to say that the vision of some men is absorbed by their own desires.

What does that mean? I know of no other supply of nitrogen that is at all commensurate with a war supply outside of the by-product ammonium. We have a few experimental plants, it is true. I hope they may grow larger. I hope they may develop. I hope the day may come when private enterprise in America will build and develop the plants that will supply the country's needs in time of war; but it did not come adequately in the Great War, though some advance was made. It did not come under the needs of a great war. It is coming less to-day than it did then, and we have no right to expect that it will come in the immediate future.

What does this plant mean? Forty thousand tons of concentrated nitrogen is its capacity. If it makes all it can, running day and night, 365 days in the year, 40,000 tons is all it can make. What does 40,000 tons mean? Forty thousand tons of fixed nitrogen is equal to 250,000 tons of Chilean saltpeter. That is agreed to by all those who are in the business and who have testified on the subject. Two hundred and fifty thousand tons of Chilean saltpeter is only about one-seventh of the amount we imported for war purposes in the year 1918—only about one-seventh of the war supply. Now, Senators of the United States—you who are disposed to treat this proposition as a mere industrial one, or as merely a question of a combat between certain great institutions that desire power and certain others that desire the use of these plants for agricultural purposes—visualize for a moment, before you drive this problem away from you, what is going to happen to your country if the supply of Chilean nitrate stops.

You know what a war supply is. You know that war to-day is not merely a matter of men. The chief item in the war of a hundred years ago was the personnel, the men. In the sixties it became the question of small arms. To-day it is the question of explosives. I have been told that in one of the great battles in the World War, which lasted some days, more explosives were exhausted in those few days' fighting than the entire amount of explosives that were fired in the Civil War. War to-day is the massing on the front of the greatest possible amount of explosives in the way of a barrage, of gun fire, of every other thing that can use nitrogen in the shape of powder and explosives; and the peace and safety of your Nation depends on massing it.

Visualize what will happen if in the near future, or at any time before we are prepared, we go to war with some power that can take command of the seas, that can prevent our merchant fleets from going to Chile. How long will your sons—yea, and I may say your daughters, because the women served in the Great War on the battle fronts—how long will your sons and daughters last before the gunfire of an enemy when you have no powder supply at your command? That is the material problem that faces you; and the hour that communication is cut off with Chile an adequate supply is gone.

But you do not have to lose command of the seas, even, to lose that supply. Suppose the Chilean Government felt friendly to another power with which we engaged in war and should do as we did in 1914; suppose their Government

should issue a proclamation of neutrality and amity and say that no munitions of war should leave their shores. In time of war nitrogen is a munition of war; and if Chile issued a proclamation prohibiting the export of nitrogen from her shores, you would be on your bended knee asking for terms from an enemy at your doors.

Mr. HARRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. UNDERWOOD. I yield.

Mr. HARRIS. I want to remind the Senator that during the last war Germany threatened Chile and tried to prevent her from letting us have nitrate.

Mr. UNDERWOOD. Certainly; the Senator is right. The first naval battle of the war took place off the shores of Chile; and although Germany, when the war broke out, had a greater supply of Chilean saltpeter stored up than any other nation in the world, the first battle took place off the shores of Chile, the British and Japanese gunboats driving away the German fleet and preventing her merchantmen from coming out with their cargoes of Chilean saltpeter; and if it had not been that Germany had been wise enough in her day and generation to see the handwriting on the wall, knowing that it was probable that she could not maintain her line of communication, and if she in advance had not partially provided for a supply of nitrogen from the air, her colors would have been furled at the end of the first year of the war. But with the supply of Chilean nitrate she had on hand, and with a partial preparation for producing nitrogen from the air, she was enabled to carry on for the first year, and then went in every direction possible to increase her supply of nitrogen, which she finally raised to a point that carried her through the war.

Senators say that because Germany has gone into the Haber process that is the only available process; that that is the last word in producing nitrogen from the air. It is not the last word; it is not the first word. Germany went into the Haber process because she has no water powers, and under the Haber process they use less electricity than under any other process; they use practically none. It was cheaper for her, not having water power, to manufacture with the Haber process than it was to burn up her coal supply and make electricity out of coal. But she used the cyanamide process; she used the Haber process; she developed her by-product ammonia to the greatest degree possible. The result is that although before the war Germany was a great purchaser of Chilean nitrates, to-day she does not purchase any. She has an adequate supply of nitrogen coming out of her war plants to serve her farmers in time of peace, holding it in reserve for the possible danger of a future war.

More than that, there is not a great nation in this world, except ours, that has not waked up to the realization of what nitrogen means for national defense. Germany has her supply, as I have indicated. France has her supply, and part of it is made by the cyanamide process. England has made a supply, and so has Japan. Japan might cut the communications between ourselves and Chile, and seriously injure us, but if we should cut the communications between Chile and Japan, Japan would still have, maybe not a fully adequate, but a partially adequate, supply of nitrogen drawn from the air.

Senators, it may be that no great enemy, even if we did not have an adequate supply of nitrogen, could come as far as North Alabama, where this plant is located, or to Arkansas, or the mountains of Tennessee, but I will ask you how much you would charge to insure the great buildings in New York or San Francisco from attack and destruction by an enemy the hour that your supply of nitrogen gave out?

It seems to me it is perfectly apparent that this problem is just as much a matter of national defense for the people of America as is the problem of building battleships. You do not hesitate, when a naval supply bill comes before you, to appropriate \$40,000,000 to build a modern battleship. You think it is in the day's work. But when somebody asks you to appropriate something like \$40,000,000 to insure a powder supply for national defense, because of your confidence in yourselves and the theories you have been fed by certain professional theorists, you think it is wasting money to provide the powder necessary to enable that battleship to speak. Senators know that. You spend two or three hundred million dollars every year to maintain a great navy, to keep it in commission, and yet you hesitate to provide a supply of powder, and you think it is more valuable to convert the power at one small dam into a superpower system for the advancement of industry than you do to hold it charged and dedicated to the national defense of your country. That is the problem that confronts you and you can not avoid it.

You may say that you do not want to make it at Muscle Shoals. For national defense you can make it where you please, but you have already spent in the neighborhood of \$150,000,000 to make it at Muscle Shoals. Why not go on with your job? Why abandon what you have started to do because somebody wants to buy cheaper power for industrial purposes?

Before I sit down I shall analyze the two proposals pending before you, the proposal of the Committee on Agriculture and Forestry, as presented by the Senator from Nebraska [Mr. Norris], and a bill which I have introduced and which I propose to offer as a substitute in the event the Senate refuses to accept the proposal of the Senator from Nebraska. But before I come to the analysis of those two measures I want to discuss a little two problems; first, why these great dams and works have been built.

I hardly think it is necessary for me to go further in the discussion of the question of national defense, except to say this, that there are some people who say, "It is all right; we have a plant at Muscle Shoals that will make 40,000 tons of fixed nitrogen; let it stay there; oil its machinery and paint its roof; if we get into war we will use it; meantime let us get this power for other purposes; the farmer does not need the nitrogen; he can get it from Chile; and we do not need it for powder in time of peace."

Do you say that of your battleship? Every man in whose face I am looking now, time in and time out, votes for the maintenance of great battleships in commission, and you will so vote in the weeks ahead of you. You vote to put the men aboard, to train them, to recruit them, to supply them with food, to put munitions aboard the ships, and you say that that ship is ready for national defense when, on the order of the captain, she can steam to sea and protect your harbors or your fleets.

Would you call it national defense, Senators, if you built a \$40,000,000 battleship and carried it into what you thought was a safe harbor, anchored it, greased its machinery, and painted its roof? That is the suggestion we have in reference to a powder plant.

Do you not know that you have to have key men aboard your battleship—men who are prepared when the order comes to move on the hour's notice—or your battleship is no defense? Do you not equally know that you have to have key men to operate a great nitrogen works, which contains more complicated machinery than is found on a battleship? They have to be prepared to produce results and produce them on an hour's notice, or it is no longer national defense.

To say that we should give this property away or that we should dedicate it for some other purpose after spending hundreds of millions of dollars on it is merely to say that private enterprise and private business has a stronger voice in the ear of the United States Senate than a call to public duty.

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. UNDERWOOD. I do.

Mr. NORRIS. May I ask the Senator if he is in favor of operating plant No. 2 all the time to manufacture explosives and store material? Is that the idea he wants to convey to us?

Mr. UNDERWOOD. If the Senator had read my bill he would have seen that that is not my idea.

Mr. NORRIS. I thought it was not; but the Senator's speech indicates that he wants us to do that.

Mr. UNDERWOOD. If the Senator will allow me to answer him—

Mr. NORRIS. Certainly.

Mr. UNDERWOOD. I am in favor of the Government of the United States or a private lessee, if we can obtain one, producing 40,000 tons of fixed nitrogen a year, and when it is produced, I desire to have it used in the manufacture of fertilizer in time of peace. But if we could not find any use for it, if it could not be used in the manufacture of fertilizer—as it can be—I would say that we had no adequate defense if we did not produce it and throw it into the river after it was produced. That is practically what we do with the money we put aboard a battleship.

Mr. NORRIS. What does the Senator propose to do with it? I would judge from what the Senator has been saying, that he thinks we ought to operate this plant as a matter of national defense, and I suppose he would have us store up the explosives, then?

Mr. UNDERWOOD. I am sorry the Senator from Nebraska has not learned more than he has about this subject in the months he has been studying it.

Mr. NORRIS. I thought perhaps I could learn something from the Senator, but I ascertain from his answer to a simple question that I can not.

Mr. UNDERWOOD. I am delighted to inform the Senator. The Senator knows that every witness who came before his committee who was in favor of the operation of this plant or plants sought to have them operated for the purpose of producing fertilizer in time of peace, so that that supply would be available in time of war for national defense; and that is exactly what the proposal I have introduced asks the Congress to do.

Mr. NORRIS. If the Senator will permit me, I judged from listening to the able argument he was making that he was trying to impress the Senate with the proposition as a matter of national defense, not as a fertilizer proposition; that we should continue to the full capacity of the plant to make nitrogen in time of peace even. I do not know what the Senator would do with the nitrogen unless it was with the idea, and it may be a proper thing, of storing it and having it ready in time of war, because all we could make in time of war would not be sufficient to keep us going. I wanted to know whether that was the Senator's idea. Then I wanted to ask, if that be true, if he does not know that we could make our explosives cheaper now in other ways than by operation of that plant.

Mr. UNDERWOOD. I do not know that, and I do not think anybody knows it except a witness who is testifying from selfish interest because he does not want competition. That is my judgment about it. I do not think we can make explosives cheaper. I do not think the testimony taken in the last decade in the consideration of this plan bears out that point.

What I said a moment ago I did not say in criticism of the Senator, but if the Senator had read the proposal I have made he would know that it is perfectly apparent on its face that it dedicates these great works first to national defense and the making of nitrogen for national defense as a supply source in time of war, and the very next paragraph provides that the nitrogen shall be used in time of peace for the production of fertilizer.

Of course, the Senator has not waited until I finished my speech. He said that I am only talking about national defense and he thinks from that that I must want a mass of 40,000 tons of fixed nitrogen made only to be thrown away in time of peace. The Senator should have waited, because I am coming to the other branch of the subject. I have said what I wish to say in regard to national defense. I say again that one can not justify keeping a battleship in stand-by condition and at a loss of money, for it is a loss and there is no return from it, unless we are going to supply it with explosives for operation.

The same principle that justifies keeping a battleship in stand-by condition with the necessary explosives aboard justifies us in operating this plant, whether we make any money out of it or not. We have to have some nitrogen. It may not be an adequate supply of nitrogen, but we have to have some supply of nitrogen if our line of communication between here and Chile should be broken.

Now, on the other hand, I said when I started this argument that a great philosopher had once said that nations were destroyed mainly by two causes, one an invading army and the other depletion of the soil. For national life the one is nearly as important as the other. War may be more imminent at times, but it is no more destructive of national life than the cutting off of the food supply. More than 100 years ago we knew of fertilizing of the soil only by means of grazing flocks and herds upon it. Then we found certain artificial fertilizers. In the early times of Greece they knew of no artificial fertilizer and they had not then found the way by which they could take the grass seed from the valleys and wet places and transplant it to the hills in order to graze the cattle there. So the depletion of the soils of Greece finally spelled the overthrow of that great empire and her citizens moved westward along the shores of the Mediterranean. Some years ago I recall sailing into the harbor that is adjacent to the capital of Athens in Greece. I found a charming beautiful national city in the midst of her great historic ruins, but that was not the thing that impressed me most. As boys we read in Homer of the fertile hills of Greece, and her flocks and herds as they roamed the hills. We read it in song and in story. Now we enter her ports and see those barren brown hills with every bit of life and vegetation washed away, the depletion of the soil having made it impossible for the growth of crops of grasses, the rains have washed the soil into the

sea and the fertility of the soil of Greece was gone and the empire fell.

This is no theoretical question. We are a young country, a very young country compared with Greece or Rome, but we have already realized that our soils become depleted. Take a trip a few miles into Maryland between here and Leonardtown and see the soil that grew great tobacco crops 300 years ago. Note the condition of that soil to-day as compared to the fertile fields of Iowa or Minnesota or the Dakotas.

Three hundred years of continual farming has depleted the soil of Maryland, and unless it can be renewed it is not in a position to compete with the rich fields of the Western States. Yet the West is not immune. I can remember when as a boy I lived on the prairies of Minnesota, and saw the great Dalrymple farm, with its wheat waving in the breezes as if it was an inland sea. In those days it produced 50 to 60 bushels of wheat to the acre. To-day the production has come down to 20 or 25, or even a lesser number of bushels to the acre. Why? Because the fertility of that soil has been depleted and drawn out by the hand of man in growing his crops.

The President of the United States, in his message on this subject, called your attention to a very interesting fact. He said:

It is estimated that soil exhaustion each year is represented by about 9,000,000 tons and replenishment by 5,450,000 tons. The deficit of 3,550,000 tons is reported to represent the impairment of 118,000,000 acres of farm lands each year.

Not to continue for a great length of time, but the depletion of 118,000,000 acres of farm lands each year; and then we say we will not take a definite position in regard to the replenishment of this lack of fertility. One hundred and eighteen million acres traveling away from civilization, from furnishing food to the masses and employment to many thousands of people. Yet in 1916 we dedicated this proposition that we have under consideration to-day to national defense in war and to fertilizers in time of peace, and the Committee on Agriculture and Forestry reports to the Senate of the United States a superpower bill. It is an excellent superpower bill. If my only object at this time was to develop the navigation of the Tennessee River and produce power, I would vote for the bill of my friend the Senator from Nebraska. If we did not have this other obligation on us, or if it were not our duty to provide for national defense and the fertilization of our soil, I should be very glad to give the Senator my support.

I admit that he has the only superpower bill that is before the Congress as presented at present. I do not know what may be presented before the debate is concluded. His bill, if enacted into law, would develop the navigation of the Tennessee River just as he said it would. It would develop a great power, vastly more than anything that is contemplated in my substitute measure, and it would be of great benefit to those people.

But this dam and these plants were dedicated by the Government of the United States to national defense and fertilizers, and I have introduced a bill to hold them there and use them for that purpose. The distinction between what the Senator is recommending and what I am recommending is perfectly plain. There can not be any doubt about it. I listened with great care to the splendid speech the Senator made this morning on the question of the necessity of the development of power. I would have no criticism about it if it were not that he is taking away in his superpower plan the very backbone of national defense and fertilization of the soil.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I yield.

Mr. NORRIS. I do not like to permit the statement of the Senator to go unchallenged, because acquiescence in it might be presumed by my silence.

Mr. UNDERWOOD. I am delighted to have the Senator correct me if I do not understand his bill correctly.

Mr. NORRIS. If the Senator from Alabama will yield, I desire to ask him to point out wherein the bill which the committee has reported takes away any element of national defense? If power at Dam No. 2 is good for the national defense, would not power at a dozen dams, with Dam No. 2 more than doubled in capacity, be still better for national defense?

Mr. UNDERWOOD. Yes; if national defense were provided by power dams, but it is not.

Mr. NORRIS. If national defense is not provided by power dams, what, then, becomes of the Senator's argument when he complains that my proposition is to develop power, but insists that he wishes to get power for purposes of national defense?

Mr. UNDERWOOD. I will explain to the Senator. National defense is not provided by power dams alone. National

defense is provided by the coordination of power dams with certain manufacturing works. It is when power is combined with a nitrogen plant that national defense is served.

Mr. NORRIS. Then, if that be true, under that statement would it not assist to have the power cheapened at Dam No. 2 and to have more dams? So the Senator, according to his theory, ought to go further and provide for the development of all the power on the Tennessee River, the same as I propose to do. That would cheapen the cost of national defense.

Mr. UNDERWOOD. I will say to the Senator as to the development of the power on the Tennessee River and making that river navigable, if we can do that and Congress is willing to undertake it without a conflict with what I think is our solemn duty to provide for the national defense, I shall very cheerfully cooperate. If he fails to get his bill through now for that purpose and will introduce another bill, he will certainly have my vote to increase the amount of power developed. I think it would be a wise thing to do, but I am not willing to have the Congress drawn away from a consideration of national defense in order to build up a great power system for the manufacturing enterprises of America.

Mr. NORRIS. If one dam on the Tennessee River would be good for national defense, as the Senator from Alabama seems to contend, and we could build more than one dam, and increase the power even at the one dam, would it not be still better for the national defense?

Mr. UNDERWOOD. But the Senator—and I admit that most people in considering this subject seem to have the same viewpoint—still visualizes national defense as power. National defense is not power. When the Great War broke we had any quantity of hydroelectrical power in this country which we could have commandeered on an hour's notice, but it was not coordinated with machinery adapted to make nitrogen. Here is an effort in which the Government has spent years to coordinate power and the machinery for the purpose of defense, and the Senator's bill would break it up; it would not carry out that purpose.

Mr. NORRIS. On the other hand, I should like to say to the Senator, if he will permit me—

Mr. UNDERWOOD. I know the Senator from Nebraska does not agree with me; but I will discuss the question more fully later, and I will read the details of his bill.

Mr. NORRIS. Very well.

Mr. UNDERWOOD. I wish the Senator from Nebraska would understand that what I am saying is not critical of himself, but I am criticizing a piece of legislation which the Senator has brought in for criticism.

Mr. NORRIS. I am not objecting to that; but I have been trying to have the Senator from Alabama make plain why, if he feels that the power developed at Dam No. 2 is so sacred and must all be used, whether we need it or not, in the manufacture of explosives, it would not make it even more sacred and still more holy if we built some storage and other dams by which the power even at Dam No. 2 would be not only increased but cheapened, so that under the Senator's own theory we would get more power than we had before?

Mr. UNDERWOOD. I want to discuss that as I come to it, but I have not quite said the last word I wish to say on the subject of fertilizer. As soon as I shall have done so, I will come to the other matter to which the Senator refers.

I wish to say to the Senator that as to Dam No. 2, which he proposes to put in a great power system, while it is not necessary for the Government of the United States or its lessees to own or control all of that great power system in order to produce the nitrogen we want, yet we wish to keep it segregated from that power system, so that we can utilize it where it is coordinated with a nitrogen plant. I say the Senator's bill does not do that. I will come to the discussion of his bill in a moment.

On the question of fertilizer I desire to say I know that Senators who are facing me understand this problem just as well as I do, but, for the sake of the record, I wish to call the attention of the country to the fact that in the last 25 years we have paid a fertilizer bill to Chile of a billion dollars. Every bit of fertilizer which comes out of Chile is taxed \$12.53 a ton. We have paid to Chile in taxes over \$200,000,000. Why should we continue to do that? Germany is not doing it. Germany is making her nitrogen out of the air; she has prepared herself for national defense; she is furnishing her own farmers the fertility for their soil without going out of the continental confines of Germany. But it seems that we are afraid to do so; that we are afraid to engage in the business of manufacturing fertilizers in this country lest we may interfere with somebody's business interests. That is all there is in this proposition; that is the thing which is involved.

I am not going into the question of how much cheaper we can furnish fertilizers to the farmers if this plan shall be carried out, but I wish to call the attention of Senators, in passing, to the fact that some of the greatest chemists and the greatest agricultural experts in the world have stated that if we shall adopt methods along the line that is proposed here we can reduce the cost of fertilizers to the farmers of America, some say one-half and some say one-third. Most able and noted chemists have said in the hearings that we can bring the cost of nitrogen to 5 cents a pound. Senators may exclude that if they wish to; I am not a chemist nor a scientist; but that statement is staring us in the face. So long as we have to maintain the national defense anyhow, if we are going to do our patriotic duty, I think the farmers of America are entitled to have us try a small experiment in their behalf and see what we can do with these plants which have already been builded.

I know that the capacity of the plant at Muscle Shoals is not adequate either for the national defense or for the production of fertilizers. We imported something over 500,000 tons of fertilizer in 1912 and about the same amount in 1913; but this year, 1924, we have imported over 900,000 tons of Chilean saltpeter for fertilizer. I am making the estimate based on the number of tons that have been imported during 10 months of the year. If the present rate of importation continues, the total will be over 900,000 tons. There has been an increase in by-product ammonia, and yet our importation of Chilean nitrates within the last year amounts to nearly double what it did before the Great War. What does it mean? It means the demand for fertilizer in this country has vastly increased—a demand that is registered in cash. It is not theoretical because we are not using this nitrogen that is now coming in from Chile as a war measure; we are using it only for one purpose, and that is for fertilization.

Can a man walk the streets of a great city and know that this problem is not confronting him? Twenty years ago the streets were filled with horses and vehicles that were used in the cities and kept in livery stables. The truck farmer who carried on intensive farming and needed a high degree of fertilization for his land came to town with his wagon load of vegetables and, after disposing of them, drove around to the livery stables and loaded up his wagon with manure, which he took back to his farm for fertilizer; but to-day we do not find the horse in the streets; he has gone; there may be some horses on the farms, but they have gone from the city streets. The truck farmer still must have fertilization for his patch, or he can not produce the food to feed the great cities. That is one reason for the increasing demand for Chilean saltpeter.

The condition is here at our doors, and yet because our action may affect somebody's business interests we can not do anything. I am not in favor of interfering with private business, but when private business will not function to the needs of the Government, then there is nothing else for the Government to do but to take action itself. It is the only way in which the Government can act.

Mr. President, I have already trespassed on the time of the Senate longer than I had intended, but now, if my friend from Nebraska will bear with me—

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. UNDERWOOD. I yield.

Mr. NORRIS. I take it from what the Senator has said that he has not finished, in fact has not nearly finished. Would he like to discontinue now and go on in the morning?

Mr. UNDERWOOD. No; I will conclude in half an hour.

Mr. NORRIS. I should be glad to move that the Senate take a recess if the Senator would prefer to go on in the morning.

Mr. UNDERWOOD. I thank my friend from Nebraska for his courtesy, but I prefer to close what I have to say.

I now come to the problem that really confronts the Senate, and that is the proposals in regard to this bill. As everybody knows, four years ago, when the war was over, a bill was prepared by the Ordnance Bureau of the War Department providing for a corporation to operate the nitrate plants at Muscle Shoals and the dam when it should be completed for the purpose of making powder in time of war and fertilizers in time of peace. That bill was passed by the Senate. It went to the House of Representatives and failed of passage. That bill was followed by another making an appropriation of \$10,000,000 to carry on the work of building Dam No. 2 at Muscle Shoals. That bill passed the Senate, but the House refused to accept it, and after a long fight the appropriation went into conference.

At that time it was said on this floor that we had spent \$17,000,000 in the Tennessee River, and we had wasted it; it had been thrown away. Subsequently, a few years ago, Con-

gress changed its mind, and we got the appropriation and practically finished Dam No. 2. It will be finished in July. That is, the dam will be finished and eight of the hydroelectric power machines will be prepared for use, and emplacements are there for eight more.

I am informed by the Secretary of War that that dam complete will cost about \$45,000,000. I want to say to the Congress that we have not wasted any money. I am not in favor of selling this power to a private corporation as a power proposition, because I think we have a Government duty to perform; but it has been stated to me by the responsible officers of a great power corporation that if we will eliminate fertilizer and eliminate powder and national defense, and lease to them for 50 years the power in this dam, they will maintain the dam in good condition and pay the Government 5 per cent a year on the total cost of the dam—5 per cent a year. Government taxed money is worth only 4 per cent; Government untaxed money, $3\frac{1}{2}$ per cent. Counting Government money as worth 4 per cent, the other 1 per cent between 5 and 4 would amortize this dam and pay back in 50 years every dollar that the Government has expended; so that this dam is a 100 per cent investment.

We have not wasted any money in the river. It can all be utilized, and it is fair to say to the Congress that it can. You can get your money back if that is all you are after. You do not have to go into a superpower proposition to get that back. You can dispose of this dam itself for 50 years. You could dispose of it for eternity if you wanted to and divorce it from any national defense. You do not have to go into a superpower system to get rid of this dam if all you want is to get your money back. You can sell it as it stands; and not only did I have that offer, but the Secretary of War told me that he had had an offer of $5\frac{1}{2}$ per cent on the cost of the dam for the power. So that you have, as far as the dam is concerned, a live investment.

Now let me take just a few minutes to call to your attention why I do not agree with the substitute offered by the Senator from Nebraska [Mr. Norris].

I shall not discuss the Ford bill. The bill pending before the Senate is the Ford proposition. I want to say in passing that from the beginning I have been for the Ford bill. I think Mr. Ford made the greatest offer that was ever made by a private citizen to a government. In other words, he proposed at his own cost and with his own endeavor to supply us with 40,000 tons of fixed nitrogen every year, and to have it ready for the defense of the country, and it was not going to cost us a nickel. It was free of cost—an amount of nitrogen equal to 250,000 tons of Chilean nitrate. I regret that Mr. Ford has withdrawn that offer.

When this bill was reported to the Senate last June I asked the Senate to pause and give the Ford offer consideration before adjournment. They did not do so, and I voted against the adjournment. In the meantime, however, Henry Ford has withdrawn his offer. I am not critical of his action, because the Government of the United States invited him to make that offer, and he made it in good faith, and you kicked it around the Halls of Congress for two and a half years as if it were a dirty football on a common field—a man offering to provide you with a portion, at least, of your national defense! That is gone, however. He is out. He has withdrawn his offer, and it would only be occupying the time of the Senate unnecessarily to discuss it. I want, however, to discuss and call to your attention the proposal of the Committee on Agriculture and Forestry on the one side, and the substitute bill I have offered on the other side.

I shall not read the substitute offered by the Senator from Nebraska, because I think I can state its provisions correctly, and if I do not I hope the Senator will interrupt me and correct me. He provides for the completion of Dam No. 2. He provides for the establishing of great reservoir dams in the upper waters of the Tennessee River. In other words, he provides for the development of this hydroelectric power in the Tennessee River to the maximum. There is not any question about that. The Senator's bill is a good bill if what you want is only hydroelectric power. If that is what you want, then it is a far better bill than the one I have proposed, because I am only attending to what is taking place at Muscle Shoals and Dam No. 2. I hope some day the Congress may see its way clear to follow the Senator from Nebraska on the development of the Tennessee River. I should like to be able to do it now, but I do not want to load a bill with these proposals that I fear might endanger its passage.

Most of the pages of the bill provide in one way or another for the development of this great superpower project. The Senator from Nebraska very ably defended that proposal in

his speech to-day. He divides the subject into two parts. There are two parts to it. The question is whether you want to divide it or whether you want to combine it. There is the power proposition on the Tennessee River, which may be combined with the other water powers in the South and make a great proposition, or one dam on it may be confined to a particular use. The other proposition is the question of making nitrogen for powder in war and fertilizer in peace.

The Senator creates a Government corporation to operate this great superpower system, and he sets that off to one side. That is power. I do not mean to say that the other people can not borrow power from it or can not get it, but that is a corporation set on one side. Then he turns over to the Agricultural Department the proposition of making nitrogen for national defense and fertilizer in time of peace. He turns that over to a bureau of one of the departments here in Washington. If the Senator's bill passes, I am sure we will have a large increase of power down in our country, and I hope it will bring many of the cotton mills from New England down there. We should like to have them. We should like to see their spindles working on Alabama power. Here, however, is what the Senator says about making nitrogen:

The Secretary of Agriculture is hereby authorized to provide for the operation of one or both of said plants—

That is, nitrate plants 1 and 2 at Muscle Shoals—

through the fixed nitrogen research laboratory, or through such other means as he may deem advisable, and he is hereby authorized, if in his judgment better results can be obtained, to enter into a contract or contracts with private persons or corporations for the operation, either in whole or in part, of said nitrate plants, or other property or parts thereof and to likewise, through the instrumentalities aforesaid, provide for experimentation, study, and research in any other manner that he may deem advisable for the cheapening of the manufacture and sale of fertilizer or other products.

Then the Senator goes along in the same vein for a couple of pages on the theory of the possibility of developing nitrogen through an agricultural department or a research station.

We tried that once. When the \$20,000,000 was made available in the national defense act and we wanted to find out how we could make nitrogen for powder in war and fertilizer in peace, the President of the United States appointed one of the ablest commissions whose names I have ever read, judging from the titles they had. They were great chemists, and they were the heads of their professions in every line; and it seemed as if they were the men we wanted to carry out a practical thing and tell us how we could make nitrogen to defend us in time of war. The result, however, was that they did not do anything. Each man thought he would find a better method than anybody else ever found to make nitrogen out of the air and to make fertilizer, and they spent considerable money and 18 months of time in working out theories, and finally did nothing. Eventually President Wilson had to send for a practical man—as the Senator himself said to-day, the only practical man in America who knew how to make air nitrogen—and told him to go down there and build this plant in a year for national defense.

This bill of the Agricultural Committee, if it passes, is a bill to let experts, scientists, roam around this country for the next dozen or half dozen years, as long as you pay their bills, and no result will be accomplished. We do know that we have one plant down there. It is said to be the biggest of its kind in the world, but it is a small proposition as compared to the amount of nitrogen we need. We know it is there. We know it has the power, and it is a practical proposition to operate it. By the committee bill pending before the Senate you propose to divorce power from nitrogen, and you would turn the operation of a business proposition over to some theorists in a Government bureau, the very last place you can expect to get a business result that will be efficient.

Now I want to call attention to the substitute I have offered. There is a good deal in it, but I can explain it in a very few minutes.

The first paragraph dedicates all the property at Muscle Shoals to the national defense and to the production of fertilizer; it dedicates it to national defense in time of war and the production of fertilizer in time of peace.

The second paragraph provides that whenever in the national defense the United States shall require all or any part of the operating facilities or properties or renewals or additions hitherto described and enumerated in this act, then they may take it over on five days' notice. No matter whether a lessee has it or a Government corporation has it, on five days' notice

in time of war the Government can put its hand on it and take it back.

Mr. NORRIS. Mr. President, may I ask the Senator a question on that proposition?

Mr. UNDERWOOD. Certainly.

Mr. NORRIS. Suppose it shall be leased; the Senator does not provide at what figure it shall be taken back?

Mr. UNDERWOOD. No; I do not.

Mr. NORRIS. Even without that provision in his bill, would not the Government have the same right to take it anyway? They would have to pay, of course, whatever was proper, but they would have to do that under the Senator's bill.

Mr. UNDERWOOD. They would have the power to take it back by condemnation proceedings, but this provides for only five days' notice.

Mr. NORRIS. They could take it in one day if that provision were not in the measure. If there were nothing said in the bill about it, they would not have to wait five days.

Mr. UNDERWOOD. I do not think the Senator is correct, because the provisions for condemnation proceedings in force during the war have been repealed and they would have to be enacted again. This provides for taking the plant without condemnation proceedings. I take it for granted that if a man whose property is taken suffers any loss, the loss will be made good by the Government. I will explain in a moment that these provisions to which I am referring apply whether the plant is leased or whether it is operated by a Government corporation. I am coming to that in a moment. This bill would authorize the Government to take the property back at once and take any patents that may be found there and use them for national defense.

The third paragraph of the bill provides for the production of 40,000 tons of fixed nitrogen. It does not say it must be produced in plant No. 2. It does not say by what process it shall be produced. There is a live plant there now which can produce 40,000 tons, but if conditions changed, and a lessee or a Government corporation found it more advisable to adopt some other method, they could adopt another method than that used in plant No. 2, and make the nitrogen in the other way. The obligation in this paragraph is to make 40,000 tons of fixed nitrogen a year.

Mr. RALSTON. Mr. President, may I ask the Senator a question in that connection?

Mr. UNDERWOOD. I yield.

Mr. RALSTON. Is the Senator going on the theory that all the power which can be generated by this proposed plant will be required to make 40,000 tons of nitrogen?

Mr. UNDERWOOD. No; I do not think so. It may be used in other ways. I am coming to the question of the power, if the Senator will let me call attention to the fourth paragraph.

Mr. HARRISON. Before the Senator gets to that, I want to ask him a question in connection with the second paragraph. There seems to be a difference of opinion between the Senator from Nebraska and the Senator from Alabama as to whether or not, if the Government should take over the plant in case of war, the Government would pay the lessee something. I can understand why they need not pay anything, but I just wanted to get the idea of the Senator as to whether he intended the lessee would be paid in the event we take the plant over for war purposes?

Mr. UNDERWOOD. The question of the Senator from Mississippi and the question of the Senator from Nebraska are very natural questions. Of course, I am only fixing certain fundamental provisions in this first paragraph, which you might say is the charter of our legislation, and I provide in a later paragraph that the Secretary of War may make a lease, for not longer than 50 years, and on certain terms, within these provisions. Of course, when he and the lessee sit at the table it will be within their power to fix in the lease the terms on which the plant shall be taken back, except that it may be taken back on five days' notice.

There are a great many provisions which would go into a lease which are not mentioned in my bill. They would be in the determination of the Secretary of War and the lessee if he can find one. I take it if we knew the lessee was to be Mr. Ford we would know the terms on which he wanted to lease it. The Union Carbide people have been making proposals. If they should sit at the table of the Secretary of War, they might want certain terms in their lease that would not be objectionable to the Government. On the other hand, the Hooker-Atterbury people have a proposal here, and if they should sit at the Secretary's table they might want other terms in the lease. I am referring to the minor terms.

I am not trying in this bill to fix all of the terms, by any means, and I do not think it would be wise to attempt to do that, because the minor terms must be sufficiently liquid to meet the wishes of a lessee when he comes to deal with the Secretary of War. But I do fix certain fundamental terms within this measure which I think are essential, and the first is that these plants shall be dedicated to the defense of the Nation. The next is that we can take them back when we want them. The third is that they shall produce 40,000 tons of fixed nitrogen every year.

Mr. WADSWORTH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from New York?

Mr. UNDERWOOD. I yield.

Mr. WADSWORTH. I assume the Senator from Alabama intends—and I put it in the form of an assumption—that the 40,000 tons of fixed nitrogen shall be produced each year whether or not it is produced at a loss?

Mr. UNDERWOOD. I do. I do not think there is any question about that. I hope it will not be produced at a loss, and I do not think it will. I am sure it will not be produced at a loss if we lease the plant, because the lessee will think he is not going to produce it at a loss.

Mr. WADSWORTH. Is it not fair to assume from the testimony we have had thus far that the nitrogen will be produced at a loss for some few years to come; and that that loss, if it is to be absorbed at all, must be absorbed by the profits from the water-power distribution?

Mr. UNDERWOOD. That may be. I do not think, though, that it is to be assumed that it is to be made at a loss. The cyanamide plants in Germany are not running at a loss. There is one plant running in Canada that is not being operated at a loss. I talked with the president of it within a week, and he says he is making a profit on it. That is not quite so large a plant as this, but they are the men who built this plant.

Mr. NORRIS. May I interrupt the Senator there?

Mr. UNDERWOOD. Certainly.

Mr. NORRIS. Did the Senator find out whether this man in Canada, who is running under the cyanamide process and not producing at a loss, was making fertilizer at a profit?

Mr. UNDERWOOD. He said he was selling part of the raw material for fertilizer and part of it was being purchased to produce sulphate of ammonia.

Mr. NORRIS. Of course, those people who are producing nitrogen at Syracuse, for instance, I assume are making money, but they are not making a profit through the manufacture of fertilizer.

Mr. WADSWORTH. It is fair to say they make a great many different things. There are many chemical by-products being produced there which are of immense importance.

Mr. BROOKHART. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Iowa?

Mr. UNDERWOOD. I yield.

Mr. BROOKHART. I would like to ask if the Senator's amendment contemplates the operation of a cyanamide plant. Does it require that that plant shall be operated?

Mr. UNDERWOOD. No; my amendment provides that if a lease shall be made, or if a Government corporation shall run this plant, they must produce 40,000 tons of fixed nitrogen a year.

Mr. BROOKHART. It is indefinite as to the process?

Mr. UNDERWOOD. Absolutely. Why should we tie their hands?

Mr. BROOKHART. There is no difference between that and the other bill.

Mr. UNDERWOOD. The other bill turns this proposition over to a research bureau of the Government of the United States here in Washington to experiment with it.

Mr. BROOKHART. It is the Agricultural Department, is it not?

Mr. UNDERWOOD. It is a research station of the Agricultural Department. There is nothing practical in it. It does not produce any fertilizer.

Here is a mandate. I am in favor of a mandate. If the Senate of the United States is not in favor of a mandate for national defense and for the production of fertilizer, of course, it ought to vote against my proposal.

Mr. NORRIS. Mr. President, may I ask the Senator, while he is giving his mandate, why does he not carry it clearly through? The Senator proposes a mandate requiring them to produce 40,000 tons of nitrogen a year. Why does he not carry it through and compel them to produce 40,000 tons of nitrogen a year, say, at a cent a pound, or something of that

kind? If he can perform a miracle by a mandate, why not make a good one while he is at it?

Mr. UNDERWOOD. I know now the theory of my friend's bill. I had not discovered it before. I see on what theory it is written.

Mr. NORRIS. There is no mandate of that kind in it.

Mr. UNDERWOOD. The Senator's bill is a theoretical bill, but I am trying to write a practical one. I want these lessees to make money on this proposition if they can, a reasonable amount of money—there is a limitation on it—because I believe if they can take it over and make money on it, a number of nitrate plants will be developed in America, and ultimately we will have an adequate amount of nitrogen for national defense and an adequate amount of nitrogen for fertilization. I do not want to destroy their opportunity. I know the Senator from New York looked surprised when I said that here is a Government plant, and that whether they can make money on it or not, I would force them to make 40,000 tons of nitrogen a year. I was not looking in that direction and I do not know whether the Senator was in his seat when I was discussing the question of national defense, but when the Senator brings in a supply bill to buy some new land for a camp or a maneuvering ground he does not stop to question whether the Government of the United States will ever get any return on the money. He knows it will lose the money. He does not expect any return when we appropriate money here every year and send it out to provide for drilling troops for national defense. He knows the money will be gone, but we will have a return in the defense of the Nation. I think it is idle to say that if nitrogen is needed for national defense, if the supply from Chile were cut off, we should not produce it at a loss, if necessary, rather than not have it.

Mr. WADSWORTH. Mr. President, I agree thoroughly with the observation the Senator has just made.

Mr. UNDERWOOD. I am sure the Senator agrees with me about that.

Mr. WADSWORTH. I asked my question in view not only of the mandate, so called, contained in section 3, but of the supplementary mandate contained in section 4, to the effect that when not required by the national defense—and I assume that means in peace times—this same nitrogen shall be used for the manufacture of commercial fertilizer.

Mr. UNDERWOOD. I will say to my friend very candidly—

Mr. WADSWORTH. Apparently, the Senator's reply is that it shall be used in the manufacture of commercial fertilizer to the extent of 40,000 tons a year, whether it is used at a loss or not.

Mr. UNDERWOOD. I had not gotten to the next paragraph, but I will come to it now. I will be perfectly candid with the Senator and the Senate. As I said, whichever angle we take of the bill, the lessee or the Government is required to make, after the fourth year, 40,000 tons a year. I step them up, beginning with 10,000 tons the first year, 20,000 tons the second year, 30,000 tons the third year, and 40,000 tons thereafter every year. Of course, if it is the lessee, it is none of our business whether he loses or not. If he makes the contract, that is his business. If it is the Government, then, are we going to refuse to have adequate national defense because it will cost a few dollars? The difference between what we can sell it for, even if we lost something on it, and what it has cost us would not equal the cost of maintenance of a battleship. Of course, if it is a lessee that does it, we have nothing to do with it. He has to make the contract to make 40,000 tons of nitrogen, and then under paragraph 4 he has to contract to convert that nitrogen into such fertilizer as will consume that much nitrogen.

Mr. WADSWORTH. Does the Senator believe we would ever get a lessee under those circumstances?

Mr. UNDERWOOD. Yes; I think so. We had one. If we had accepted his proposition last June we would have had the richest man in the United States agreeing to do that very thing.

Mr. WADSWORTH. But he did not promise to make 40,000 tons of nitrogen.

Mr. UNDERWOOD. My friend is mistaken. I know he is usually very accurate, but he is mistaken. I will tell him why he is mistaken. Paragraphs 3 and 4 of the bill are practically the Ford offer. I took the Ford offer and wrote into the bill the provision in reference to making nitrogen. Paragraph 4 of the bill, providing for the manufacture of fertilizer, is the Ford offer practically word for word, except that Ford's proposed contract said he had to make the 40,000 tons of fertilizer the first year, and I propose to give the lessee

or the Government four years to build up to that amount. So we would have had the name of the richest man in the world signed to that contract, but the Government did not drop the lid and keep him in the coop whilst they had the chance.

Mr. WADSWORTH. I am no longer a member of the Committee on Agriculture and Forestry, but I have not yet found a member of that committee who could find in Mr. Ford's offer the guarantee of 40,000 tons of production annually.

Mr. UNDERWOOD. The Senator challenges me on this point. The Senator told me a moment ago that I had put into the bill a guarantee of 40,000 tons of fertilizer.

Mr. WADSWORTH. I see it in the bill, but I never saw it in the Ford offer.

Mr. UNDERWOOD. If the Senator will take section 15 of the Ford offer and compare it with section 4 of my bill he will find them practically identical. There is no question about that.

If the lessee agrees to make the 40,000 tons of fertilizer, it is off our hands and we have no complaint to make about it. It is his business whether he loses money or not. But suppose the other section of the bill becomes the law and the Government corporation takes it over and the Government has to do it through that corporation. Let us look at it as a practical proposition. Everybody knows that I belong to the old-fashioned school of democracy and that I do not believe in Government ownership in the general acceptance of the term. But, of course, we all believe in Government ownership in certain national-defense lines. We believe in the Government owning the Navy. We believe in the Government owning the forts for the Army. We even go so far as to believe in the Government making powder—not all of it—but we pass appropriation bills every year for certain powder plants that we hold for national defense, and on some of them we do not make money. If this proposition is not made from the viewpoint of the Nation's defense and we do not have to make 40,000 tons to have something like an adequate national defense; if we do not agree to it, but feel that we had better just take our chances and scrap the plant and let it lie idle and become obsolescent as time goes by, then we ought not to vote for it; but if we agree that we ought to have 40,000 tons of fixed nitrogen for the national defense, I ask if we ought not to get it as cheaply as we can? Should we throw it in the river at the end of every year, or should we convert it into fertilizer and sell it at the best price we can get for it as a Government proposition?

After the artillery horses get lame we do not take them out and kill them. We save as much as we can. We sell the horses to somebody else. We had better sell this fertilizer in that way. I do not think for a minute that the Government is going to fail to make fertilizer at a profit if it has to come to it. But if it makes a loss it will not be as big a loss as if we poured that fixed nitrogen into the river when we had to have fixed nitrogen for national defense. It is merely a business proposition and the only trouble about it is that unfortunately we happen to be stepping on some business men's toes and they do not like it. I am not criticizing them for not liking it. I probably would not like it either, but nevertheless they have not functioned in the way that gives us national defense and the Government itself has to do it.

As I said, the fertilizer section of my bill is identical with the Ford proposal. Then I provide in the bill that the Secretary of War within the terms of the contract can make a lease to a private individual of these properties at a rental of not less than 4 per cent on the cost of Dam No. 2. I said a while ago that we could lease the dam for the production of fertilizer and powder at 5 per cent, and I concede that I am giving the Secretary of War the right to sell the power at 1 per cent cheaper than we probably could sell it for. I do not believe in subsidizing people, nor do I believe in a great deal of the legislation that is proposed that is going to advance agriculture, because I do not think it is practical. But I know that we fix a high tariff wall to help business, we enact a great deal of legislation to help the great business interests of the country, and I am not averse—in fact, if it is incident to national defense I am in favor of trying to build up a system of fertilization in this country that will enrich the land, aid the farmer, and make more food for the toiling masses of the American people. If we were going to make a gift it would be one thing, but when we can do that in connection with and as a necessity for national defense, it is another thing. I provide then that he must make a lease and the minor terms of the lease left to him and the lessee to arrange and agree upon.

But if the Secretary can not make the lease by the 1st day of July next, then I provide for the organization of the

Government corporation, every share of the stock to be in the name of the President of the United States. With that stock the President will elect five directors.

Those five directors will run the corporation like we run any private corporation, like the United States Steel Corporation or the Potomac Electric Power Co. is run. The President of the United States merely elects or selects five directors, and then we have a business corporation organized. There are a great many terms in the section which involve merely the powers that are necessary for the corporation to do business, but it does provide that if the corporation is organized it must comply with the first four sections of the act. The property must be maintained for national defense, they must make 40,000 tons of fixed nitrogen a year, and they must produce the fertilizer that will be commensurate with 40,000 tons of fixed nitrogen.

Mr. HARRELD. Mr. President, will the Senator yield?

Mr. UNDERWOOD. In just a moment I will yield. Forty thousand tons of fixed nitrogen is equal to 250,000 tons of Chilean saltpeter, and 250,000 tons of Chilean saltpeter would be equal to something over 2,000,000 tons of ordinary 2-8-2 fertilizer. That is the comparison. So that the farmer would get some fertilizer out of the proposition. I now yield to the Senator from Oklahoma.

Mr. HARRELD. Do I understand that the Senator's bill limits to 40,000 tons the amount of nitrate that must be furnished to the Government?

Mr. UNDERWOOD. Oh, no.

Mr. HARRELD. That is the limit the contractors must furnish to the Government, is it not?

Mr. UNDERWOOD. Not at all. It is just the other way. It is the minimum that they must make. It is not furnished to the Government. They must have their plant prepared so that if the Government needs it in time of war it can get 40,000 tons of nitrogen. The lessee can go to the sky. There is no limitation on what he can produce, but he must produce this amount.

Mr. HARRELD. In other words, the Government can not call on him to deliver to it in times of peace more than 40,000 tons?

Mr. UNDERWOOD. No; because that is the capacity of the plant.

Mr. HARRELD. We had experts before the Committee on Agriculture and Forestry who made calculations and testified that 40,000 tons of nitrate would not make fertilizer enough to supply one-half the State of Alabama. Where does the farmer come in on a proposition of that kind?

Mr. UNDERWOOD. I believe the Senator just entered the Chamber.

Mr. HARRELD. No; I did not. I have been here for some time.

Mr. UNDERWOOD. If he had been here some time ago, he would have heard me discuss that question, but I am glad to tell him. I said in the beginning that this was not an adequate supply, but that 40,000 tons is the capacity of the plant. If the lessee can make it profitably, I have no doubt he will increase that amount, but if he makes the lease he is required to make that much. That 40,000 tons of nitrogen, converted into 2-8-2 fertilizer, will equal 2,000,000 tons of fertilizer as ordinarily sold to the farmer, and that is considerably more than the people of Alabama use each year.

Mr. HOWELL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. UNDERWOOD. I yield.

Mr. HOWELL. Is there any objection to cutting out the leasing feature from the Senator's proposal and allowing the Government to perform the service?

Mr. UNDERWOOD. There would not be any objection so far as some people are concerned, but I have an objection. I will say to my friend from Nebraska that my status is very well fixed. I may say that I was one of the strong advocates, if not the leader, in the fight that passed a Government operation bill through the Senate four years ago. It was a bill prepared by the Government and introduced by my friend from New York, and he did not push the bill, having changed his mind about it, but I did, and with the help of others like the Senator from Nebraska [Mr. Norris], or with his lead, whichever it was, we passed it, though it died in the House. Then the Government took the position that they did not want Government operation. They wanted private operation and wanted the leasing. They called Mr. Ford in and he made a bid. I heartily favored the Ford proposal. I regret that it is not here now, because I think it is the best proposal that has ever been made to the Government. However, it is not here.

The Senator can see that I am not opposed to the Government operating a plant which is necessary for defense in time of war. I am not a Government-ownership man in the sense that I would vote for Government ownership of railroads, but for a war endeavor, of course, I think it is within the power of the Government, and, if it can not be done otherwise, it is the duty of the Government to exercise that power. It is a war power.

However, I recognize that it always costs the Government more to operate than it costs a private individual; the Government's losses are usually greater. So if we can get a lessee that will guarantee our national defense and the product can be converted into fertilizer to the extent of the ability of that plant, I prefer that a private lessee shall take that burden rather than to put it on a Government corporation. I provide in my substitute that, if we can not get a private lessee who is willing to take the burden, after the 1st of July we shall have a capable organized corporation to take up the burden and go ahead with it. Do I make myself clear to the Senator from Nebraska?

Mr. HOWELL. Yes, sir. As I understand, to produce 40,000 tons of fixed nitrogen will require in the neighborhood of 80,000 or 90,000 horsepower?

Mr. UNDERWOOD. I will tell the Senator where I got a part of my information. I obtained it from Col. Hugh Cook, who is the consulting engineer on this dam, who is the engineer who built the Keokuk Dam, and who is one of the ablest hydroelectrical engineers in America. He was in my office some days ago, and I asked him that question. He replied that it would require 500,000 kilowatt hours. I asked him to translate that into horsepower and he stated it would be equivalent to 100,000 horsepower a year.

Mr. HOWELL. In other words, to produce 40,000 tons a year would require all of the primary power capable of production by dam No. 2?

Mr. UNDERWOOD. I did not figure it in that way.

Mr. HOWELL. I am now speaking of primary power.

Mr. UNDERWOOD. Of course, that depends upon what one calls "primary power."

Mr. HOWELL. That is the power that is available the year around.

Mr. UNDERWOOD. I understand that. There was an estimate made by the engineers some time ago which was quoted in an article by Francis E. Frothingham in one of the Boston newspapers. It was an official estimate, and set forth that the dam will have what is called "firm" power of 70,000 horsepower available 98½ per cent of the time; 125,000 horsepower available 75 per cent of the time, or nine months in the year; 195,000 horsepower available seven months in the year, or 60 per cent. There is 60,000 or 80,000 horsepower available therefrom in steam plants. Ninety-eight and one-half per cent means that all the time, on the lowest flow of water that has occurred in 40 years, that dam would be running all the time except five days in the year. Practically speaking, however, it will run those five days anyway, because the computation is based on the lowest water during the 40-year period. So, for practical purposes, there is 125,000 horsepower there in the ordinary run of the year. To make up the difference to 200,000 horsepower would require the operation of the steam plants for three months in the year. So with the operation of the steam plant for three months in the year, with the power that is available there now—I mean with all that is in commission—we have 200,000 primary horsepower.

There is 125,000 horsepower that is there all the time, practically speaking, and the balance is there for nine months of the year. So with working the steam plants for three months—and this does not take in Dam No. 3—according to my estimate, we have 200,000 available primary horsepower; that is, horsepower that can be used every day in the year.

It will take 100,000 of that horsepower to operate the cyanamide plant No. 2 if that method is employed. On the other hand, if we are going to make fertilizer by the newest and best method we have got to put acid phosphate in as well. The phosphate rock was treated in the old days by pouring the acid on it and letting it disintegrate. In that way the phosphorus was obtained for fertilizer; but the new method—and it is in operation as a practical proposition now in Anniston, Ala.—is to grind up the rock, put it through an electrical furnace, and by eliminating the refuse a very high grade of phosphorus is obtained. I forget its chemical name, but the phosphorous compound is very high. Then it is mixed in the fertilizer. If it is proposed to use that process also in the manufacture of fertilizer—and I presume it will be—there will be consumed a great deal more of the power. So I do not think there will be so much surplus power if present methods be

applied. The last word in making the phosphorous element of the fertilizer is an electrical furnace, and most of the power will be consumed if that process shall be employed.

I provide in my substitute that if there be any surplus power either the lessee or the Government may sell it, and I also provide that they shall sell it subject to the laws, rules, and regulations of the State in which it may be used.

I do not know how other Senators may feel; some prefer Government regulation; but I think the people of the State of Alabama through their legislature are better capable of regulating the way they want their power plants run and the prices at which they want power sold than is the Congress of the United States.

Mr. HOWELL. This is the thought that came to my mind: If we lease this property, then it puts a period to the further development of water power on that watershed to transform secondary power into primary power, because if the Government—and I assume that the Government alone would do so—should undertake the development of the storage reservoirs it would do it at its own expense. The lessees of this dam then would enjoy the advantage of having their secondary power transformed into primary power, and there is no provision made that they shall pay any part of such expense.

Mr. UNDERWOOD. The Senator is right if he does not go any further than that. Of course, as I have said, my bill does not provide all the terms which the Secretary of War may impose in the lease. The Secretary of War may put in the lease, if he wants to, a provision that for the storage reservoirs so built by the Government the lessee should pay for the additional power or pay so much of a contribution, or the Secretary may neglect to include such terms. But the question of the building of storage dams is so remote that I did not want to involve in a direct question of national defense and fertilizer production that is before us here something that may not occur in 50 years on the upper Tennessee River. I have no objection to what the Senator says; his idea is an excellent one; but I did not want to encumber the bill with it, inasmuch as the Secretary of War can look after the details himself; and I assume he will do so.

Mr. HOWELL. Will the Senator pardon me if I call his attention to another matter?

Mr. UNDERWOOD. Certainly.

Mr. HOWELL. I notice that the Senator's substitute provides for a 4 per cent return on the cost of Dam No. 2. As I understand, that would be 4 per cent of about \$45,000,000?

Mr. UNDERWOOD. That is right.

Mr. HOWELL. But it involves all of that property, which has cost something over \$100,000,000.

Mr. UNDERWOOD. Yes; that is true. It is a pretty cheap rental for the individual who wants to go into the fertilizer business.

Mr. HOWELL. Yes. Furthermore, a part of that property is highly depreciable property.

Mr. UNDERWOOD. The contract, though, provides for replacement.

Mr. HOWELL. It provides for maintenance, but not for replacement.

Mr. UNDERWOOD. Yes; for maintenance; that is what I meant.

Mr. HOWELL. The word "replace" is not used. Of course, there can be a deferred maintenance that takes a very large amount in a great plant. So we will say when the end of the 50 years comes the lessee might turn this plant back to the Government, having paid 4 per cent, with no fund for depreciation accumulated. As a consequence, we would have a shell, and all we would have gotten would be 4 per cent.

Mr. UNDERWOOD. The Senator is right about that unless the Secretary of War wishes to raise the price, because the bill provides that the rate shall be not less than 4 per cent. Of course, if the Secretary of War wanted to charge 5 per cent, or if he wanted to charge a rental on the other property, he could do so; but he must get at least 4 per cent. I fix that as the minimum, as the Senator understands.

Mr. HOWELL. Would it not be a good idea to incorporate a provision that, in addition to the 4 per cent, there should be accumulated for the purpose of replacements a depreciation fund that should be ample to cover the Government's interest, because there will be electrical and other machinery there; and then there will be depreciation in the case of the dam, irrespective of all of the improvements?

Mr. UNDERWOOD. That will not amount to much.

Mr. HOWELL. That will not be so much, but there will be some depreciation.

Mr. UNDERWOOD. I will say to the Senator that some hold to the theory that that ought to be done. Probably, if we

were dealing as two business men, we would require it. I deliberately have not required it, and I will tell the Senator why. Of course, I recognize the factor of depreciation. The bill provides for maintenance. If the work shall be done by a Government corporation it will not make any difference, because the profits will come back into the Government Treasury. So I will merely discuss it from the standpoint of leasing, for it does not make any difference if in the case of the Government it takes money out of one pocket and puts it in another. But assuming that we lease it, I have provided in the bill for maintenance, but I have not provided for replacement. Every bit of that property will have to be replaced within 50 years; it can not last 50 years.

Mr. HOWELL. No; it may be replaced twice within that period; but the last replacement might come at such a time and they might so arrange it that it would not be made until the property was turned back.

Mr. UNDERWOOD. Certainly; but let us consider the question for a moment. It has certainly got to be replaced once. Now, the lessee is under a contract to provide a certain amount of nitrogen irrespective of the property. He does not have to provide it from any one plant, but he has got to do it from that property; and if he can not do it from existing plants he has got to build another plant in order to do it. In any event, he has got to produce a definite quantity of fertilizer, regardless of the plant. Before the 50 years has elapsed he will have to replace it anyhow.

If the Government had it, we would have to pay the bill for replacement, but as the lessee has it he has to pay the bill for replacement. It will wear out. That is not true of the dam. I think the cost of maintenance of the dam in 50 years will be very little, hardly anything.

There is another proposition, however. I am not trying to make the use of this property in time of peace any more expensive than I have to. I really want to provide for the manufacture of cheap fertilizer. I do not think we ought to give this property to the farmers for the purpose of making fertilizer, but I think we should be as reasonable as possible about it. Every burden that I write into this bill about replacement or raising rentals, if there is a lessee, has to be reflected back into the cost, because this bill provides that the lessee may make a profit of 8 per cent; and we want him to do so, because if he can make a profit of 8 per cent somebody else may go into it.

Mr. HOWELL. Does the 8 per cent profit on the fertilizer include whatever profit he shall make from the power that he sells?

Mr. UNDERWOOD. Oh, no.

Mr. HOWELL. Or is he going to have that profit in addition?

Mr. UNDERWOOD. It means his net profit. The terms that I use here are just what were in the Ford offer. It is exactly the same thing.

Mr. HOWELL. I mean is it net profit upon the fertilizer, or in figuring the net profit do they take in the profit from the power that is sold?

Mr. UNDERWOOD. I do not understand that at all. It says the net profit on the fertilizer. Of course, if Senators think I am providing for having this lease granted too cheaply and that we ought to put more burdens on the man who is going to make this fertilizer, then they ought to offer amendments to that effect. I admit that instead of trying to put the burden on the lessee, as he is limited to 8 per cent profit on his production of fertilizer, I prefer to make it reasonably cheap for him to make the fertilizer to serve a great field of replenishment of soil depletion.

I thank Senators very much for their attention to what I have said.

Mr. McKELLAR. Mr. President, before the Senator closes I want to ask him a question. I was out of the Chamber just a few moments ago, and perhaps the Senator has already explained the matter. How much of this power would be required to manufacture the 40,000 tons of fixed nitrogen?

Mr. UNDERWOOD. While the Senator was out I said that I had asked Colonel Cooper, the consulting engineer, and he said 500,000 kilowatt hours. I asked him to translate that into horsepower, and he said about 100,000 horsepower.

Mr. McKELLAR. That is about the extent of the primary power, is it not?

Mr. UNDERWOOD. I think the primary power will be made practically 200,000 horsepower by supplementing it for three months in the year with a steam plant. It is not what would be called primary power, strictly speaking, but it results in the same thing.

Mr. McKELLAR. The present capacity of the steam plant is about 90,000 horsepower, as I understand.

Mr. UNDERWOOD. I do not think it is quite that much, but I think 98½ per cent of the time the primary power runs up to 125,000 horsepower; but, of course, if they are going to make fertilizer by the last method, and manufacture the phosphorus by an electrical process, it is going to take a good deal more; so there is not very much surplus power there, anyhow.

I have explained to the Senate now what I think is the distinction between these bills. The bill of the Senator from Nebraska is a power bill. Of course it relates to nitrogen and defense and fertilizer, but it is an experimental proposition. The substitute that I have proposed here is to lease it under the binding terms that were in the Ford offer as to nitrogen and fertilizer if we can get a lessee; and if we can not do it by the 1st of July, it provides for the creation of a Government corporation, the President to select five directors, and for the Government corporation to run the plant under the terms of the Ford offer. That is the proposal and the distinction between the two bills.

I thank the Senate.

REPORT OF THE CIVIL SERVICE COMMISSION

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Civil Service:

To the Congress of the United States:

As required by the act of Congress to regulate and improve the civil service of the United States, approved January 16, 1883, I transmit herewith the Forty-first Annual Report of the United States Civil Service Commission for the fiscal year ended June 30, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 4, 1924.

REPORT OF AMERICAN BATTLE MONUMENTS COMMISSION

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Military Affairs:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the annual report of the American Battle Monuments Commission for the fiscal year ended June 30, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 4, 1924.

REPORT OF THE COUNCIL OF NATIONAL DEFENSE (S. DOC. NO. 170)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Military Affairs, and, with the accompanying paper, ordered to be printed:

To the Congress of the United States:

In compliance with paragraph 5, section 2, of the Army appropriation act, approved August 29, 1916, I transmit herewith the Eighth Annual Report of the Council of National Defense for the fiscal year ended June 30, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 4, 1924.

FUNDING OF THE LITHUANIAN DEBT (S. DOC. NO. 168)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Finance, and, with the accompanying papers, ordered to be printed:

To the Congress of the United States:

I am submitting herewith for your consideration a copy of the report of the World War Foreign Debt Commission, dated September 22, 1924, together with a copy of the agreement referred to therein, providing for the settlement of the indebtedness of the Government of the Republic of Lithuania to the Government of the United States of America. The agreement was executed on September 22, 1924, and was approved by me on that day, subject to the approval of Congress pursuant to authority conferred by act of Congress approved February 9, 1922, as amended by act of Congress approved February 28, 1923.

I recommend the approval of this agreement.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 4, 1924.

FUNDING OF THE POLISH DEBT (S. DOC. NO. 169)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Finance, and, with the accompanying papers, ordered to be printed:

To the Congress of the United States:

I am submitting herewith for your consideration a copy of the report of the World War Foreign Debt Commission dated

November 14, 1924, together with a copy of the agreement referred to therein, providing for the settlement of the indebtedness of the Government of the Republic of Poland to the Government of the United States of America. The agreement was executed on November 14, 1924, and was approved by me on that day, subject to the approval of Congress pursuant to authority conferred by act of Congress approved February 9, 1922, as amended by act of Congress approved February 28, 1923.

I recommend the approval of this agreement.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 4, 1924.

ORGANIZATION OF THE CUSTOMS SERVICE (S. DOC. NO. 167)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Finance, and ordered to be printed:

To the Congress of the United States:

The sundry civil act approved August 1, 1914, contains the following provisions, viz:

The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead: *Provided*, That the whole number of customs collection districts, ports of entry, or either of them, shall at no time be made to exceed those now established and authorized except as the same may hereafter be provided by law: *Provided further*, That hereafter, the collector of customs of each customs collection district shall be officially designated by the number of the district for which he is appointed and not by the name of the port where the headquarters are situated and the President is authorized from time to time to change the location of the headquarters in any customs collection district as the needs of the service may require: *And provided further*, That the President shall, at the beginning of each regular session, submit to Congress a statement of all acts, if any, done hereunder and the reasons therefor.

Pursuant to the requirements of the third proviso to the said provision, I have to state that the following is the only change in the organization of the customs service made by Executive order since the last report:

By Executive order dated October 28, 1924, Empire, Oreg., was abolished as a port of entry in customs-collection district No. 29 (Oregon) and Marshfield, Oreg., was created a port of entry in the said customs-collection district, with headquarters at Portland, Oreg., effective November 15, 1924.

The above change was dictated by considerations of economy and efficiency in the administration of customs and other statutes with the enforcement of which the customs service is charged, as well as the necessities and convenience of commerce generally.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 4, 1924.

CLAIMS OF THE COWLITZ TRIBE OF INDIANS

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 71) authorizing the Cowlitz Tribe of Indians, residing in the State of Washington, to submit claims to the Court of Claims and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HARRELD. I move that the Senate insist on its amendments and agree to the conference asked by the House and that the Chair appoint the conferees on the part of the Senate.

The PRESIDENT pro tempore. It is understood that this is done by unanimous consent. Is there objection? The Chair hears none. The question is upon agreeing to the motion of the Senator from Oklahoma.

The motion was agreed to, and the President pro tempore appointed Mr. HARRELD, Mr. CURTIS, and Mr. KENDRICK conferees on the part of the Senate.

PROPOSED INVESTIGATION OF NAVAL ESTABLISHMENT

Mr. JONES of New Mexico. At the request of the Senator from Utah [Mr. KING] I offer a resolution which I ask to have printed and lie on the table.

The PRESIDENT pro tempore. If there be no objection, it is so ordered.

The resolution (S. Res. 272) was ordered to lie on the table, as follows:

Whereas Congress in the last 10 years has appropriated and there has been expended more than \$150,000,000 for the construction of submarines for the Naval Establishment, and there have been delivered within that time 124 submarines of various types, none of which have

proven satisfactory or effective for the purposes for which they were projected and for which such expenditures were authorized; and

Whereas said submarines, with about 20 exceptions, were constructed under contract by the Lake Submarine Co., of Bridgeport, and the Submarine Boat Co., of New London, Conn., after designs made by said corporations and according to patents claimed to be owned by them, as a result of which said corporations have taken many million dollars of profits and have failed to deliver submarines which meet the requirements of the Government or are effective or serviceable as a part of the Naval Establishment; and

Whereas the Navy Department has projects for the construction of 22 cruisers and other craft which will require 220,000 tons of steel and has in contemplation further projects for the construction of 100,000 tons of airplane carriers to bring the naval fleet up to the standard allowed by the Washington treaty for the limitation of naval armaments; and

Whereas the estimated cost of said cruisers is \$1,000 per ton, the cost of armor plate is \$525 per ton, and the Navy Department has recently sold more than 300,000 tons of steel at the mere nominal price of about \$5 per ton, which material would have been adequate for the construction of the new cruiser fleet and four modern airplane carriers to complete our quota under said treaty, which new construction is necessary to put the Naval Establishment upon a proper footing with respect to the other powers which are parties to the Washington treaty for the limitation of naval armament; and

Whereas the Government has a large investment in an armor-plate plant and in navy yards and their appurtenant docks, shipways, machine shops, furnaces, foundries, and forges maintained for the construction and repair of naval craft, and also maintains a highly skilled mechanical personnel and official organization to direct and operate such yards; and

Whereas it has been charged that the policy of the Navy Department with respect to naval construction, and particularly with respect to the use of navy yards and naval personnel for naval construction, has been affected by various corporate, foreign, and pacifist propaganda; and

Whereas the Government is not obtaining proper and adequate results from the expenditures of the money appropriated by Congress for the construction of naval craft and the extension of the Naval Establishment; and

Whereas it is claimed that there is a feeling of dissatisfaction and repressed uneasiness among the personnel of the Naval Establishment; and

Whereas it is necessary that the Naval Establishment be self-contained and independent, and not subject to extraneous interference or propaganda, and not dependent upon private corporations for the construction of new naval craft or the repair of existing naval craft as required for the proper maintenance of the Naval Establishment: Now therefore be it

Resolved, That the Naval Affairs Committee is authorized and directed to investigate the matters and things in the premises set forth and to report to the Senate their findings and recommendations as to the future use of navy yards and personnel in naval construction for the maintenance of the Naval Establishment of the United States.

Such committee as a whole or by subcommittee is authorized to hold hearings, to sit during the sessions or recesses of the Sixty-eighth Congress at such times and places, to employ such experts and accountants, and clerical and other stenographic assistants as it may deem advisable. The committee is further authorized to send for persons and papers; to require by subpoena or otherwise the attendance of witnesses, the production of books, papers, and documents; to administer oaths and to take testimony, as it may deem advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. Subpoenas for witnesses shall be issued under the signature of the chairman of the committee or subcommittee thereof. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized shall be liable to the penalties provided by section 102 of the Revised Statutes of the United States.

RATIO OF NAVAL STRENGTH

Mr. McKELLAR. I ask unanimous consent to have printed in the RECORD, for the information of Senators and others, a statement by the Navy League of the United States with regard to the report of the Secretary of the Navy for 1924.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The statement referred to is as follows:

STATEMENT BY THE NAVY LEAGUE OF THE UNITED STATES REGARDING THE REPORT OF THE SECRETARY OF THE NAVY FOR 1924

Perhaps the most constructive statement in the report of the Secretary of the Navy for 1924 is the following:

"Recommendations for the increase of the Navy and for appropriations to maintain the Navy at the full treaty ratio pro-

vided by the treaty for the limitation of naval armament, not only with reference to the type of vessels covered by that treaty but with reference to other types of vessels not so limited, are made."

Before discussing here the principal steps necessary to bring the Navy up to the treaty ratio in every essential respect, the matter of maintaining the present fleet in fit condition seems to call for immediate attention.

The report of the Secretary of the Navy for 1922 said:

"The money for repairs to ships has been very carefully handled and drastic restrictions have been placed upon alterations. Repairs to ships have been limited to those necessary to military efficiency and the health and safety of the personnel. There is, however, a deferred maintenance in the ships which must be cleared up at a future date."

Now, two years later, the report of the Secretary of the Navy for 1924 says:

"Due to inadequacy of funds wherewith to meet all upkeep needs, the material condition of the fleet has not improved during the past year.

"The state of the material condition of the fleet is now not satisfactory.

"Although the available funds for the present fiscal year remain about the same as for last year, retrogression is apparent because the ships are older and the maintenance costs are increasing accordingly. Efficient operation is becoming impaired and casualties to machinery are frequent."

"The six older battleships must be modernized if the reliance on them as ships of the first line of battle is to continue and our ratio of naval strength is to be maintained."

This means that while the naval treaty allows the United States 18 battleships as the backbone of our first line of defense, only 12 of them might be considered as approximately fit for such service. But in point of fact there are only 5 battleships out of the 18 allowed the United States that are in fairly fit condition for real service. For 13, including the 6 cripples above mentioned, need to be modernized against torpedo and aerial attacks and to have their main guns elevated, while 6 of these should be changed from wasteful coal burners to oil burners.

The report of the Secretary of the Navy points out that a bill authorizing \$18,360,000 for such modernization (exclusive of gun elevation) passed the House and Senate last spring, but that a last-minute motion to reconsider the vote in the Senate held up final action. His report expresses the hope that this bill will be passed immediately, so that the long-delayed work of modernizing these ships can proceed forthwith.

When it is realized that 13 out of the 18 battleships allowed the United States are in a seriously unsafe and inefficient condition for real service for lack of a total of about \$18,000,000, it would hardly seem to be expecting too much of Congress to make this appropriation immediately available.

But the guns of these 13 American battleships are not sufficiently elevated to fire as far as do those of other powers. So the value of 13 out of our 18 battleships is open to serious question, even if "modernized," unless their guns are elevated. This would cost an additional \$6,500,000 and is a matter for which an appropriation should be made immediately—if it is the intention of the administration and of Congress to bring the American capital fleet up toward approximate equality to the British capital fleet and to five-thirds the strength of the Japanese capital fleet.

The report of the Chief of Naval Operations says:

"At the present time every ship in the Navy has a long list of outstanding (repair) work far greater than the financial naval resources permit of accomplishment."

As deterioration has been accumulating for years until the conditions above suggested have come about, it would hardly seem to be asking too much of Congress for sufficient maintenance funds to end "deferred maintenance" and the generally "unsatisfactory" material condition of the fleet as a whole and to put all naval vessels that are in active service in proper material condition to perform their duties without such casualties to machinery as have occurred of late years.

But it is not enough to stop the deterioration of our present fleet and to put all its present vessels that are in commission in really fit material condition for active service.

The report of the Secretary of the Navy recommends, in effect, that the Navy be increased and maintained "at the full treaty ratio provided by the treaty for the limitation of naval armament, not only with reference to the types of vessels covered by that treaty (capital ships and aircraft carriers), but with reference to other types of vessels not so limited . . ."

In short, if we are to live up to the spirit of the naval balance contemplated by the naval treaty, the United States Navy should be the equal of the British Navy and five-thirds as strong as the Japanese Navy in every essential respect.

CRUISERS

As the naval treaty limits the numbers and aggregate tonnages only of capital ships and of aircraft carriers, all powers that are party to the treaty may build and operate as many cruisers and submarines as they choose. As was to be expected, the limiting of capital ships made other classes of vessels more important than they had been, with the following results:

In 1916 the United States authorized 10 light cruisers and began building all of them before the Washington conference was convened in 1921. Nine of them are now in commission, the tenth is about to be commissioned, and together they aggregate 75,000 tons. The United States has no other modern light cruisers and has not authorized and made appropriations for any more since the conference.

The British Empire has 47 light cruisers, aggregating 223,530 tons that have been built since 1912. It is building eight more that aggregate 74,850 tons, five of these of 10,000 tons each having been authorized since the conference; and Australia has recently authorized the building of two more of 10,000 tons each. This will give the British Empire a modern light cruiser force of 57 vessels, aggregating 318,380 tons, of which 7, totalling 70,000 tons, have been authorized since the conference. It should be realized, however, that several of the smaller British light cruisers will soon be 15 years old and consequently obsolete. So it is fair to put the British light cruiser force at about 54 vessels that total a little more than 300,000 tons. It should be added, however, that further increases are immediately contemplated.

The Japanese Empire has 18 light cruisers, aggregating 91,440 tons, that have been built since 1912. Since the conference it has authorized and made appropriations for the building of 10 more that amount to 79,565 tons; and it had authorized a much greater tonnage of light cruisers the building of which has been postponed because of rehabilitation costs after the earthquake. But upon completion merely of the 10 cruisers now in hand the Japanese Empire will have a modern light cruiser force of 28 vessels, totalling 171,005 tons.

In short, the immediate prospect is that whereas the United States has only 10 modern light cruisers, totalling only 75,000 tons, the British Empire will have a force of about 54, aggregating over 300,000 tons, while the Japanese Empire will have a similar force of 28 vessels, amounting to 171,000 tons.

As the British will have an excess of over 225,000 tons of modern light cruisers over the United States, it follows that if the United States is to maintain the treaty ratio of equality with the British Empire we should forthwith build twenty-two 10,000-ton light cruisers. Evidently the proposal before Congress last spring to build merely eight such cruisers—which the Secretary of the Navy recommends be passed by the present session—would provide little more than one-third of the new cruiser tonnage necessary to equal the British in light-cruiser tonnage.

As the Japanese light cruisers amount to 171,000 tons, the ratio of five-thirds would call for 285,000 tons, and as that is an excess of 210,000 tons over the 75,000 tons of light cruisers that the United States has, it follows that if the United States is to maintain the treaty ratio of five-thirds the strength of the Japanese Empire in light-cruiser tonnage we should forthwith build twenty-one 10,000-ton light cruisers.

So whether we aim to maintain five-thirds the strength of the Japanese in light cruisers or to maintain equality with the British in this respect, we should have not less than 21 or 22 new light cruisers.

FOREIGN TRADE

At this point it may be well to say a few words about foreign trade, for not a few Americans seem to accept without reconsideration the British doctrine that the volume and extent of England's world-wide sea-borne trade with all parts of the world makes absolutely necessary the maintenance of a predominant British cruiser force wherewith to protect their sea-borne trade and far-flung lines of communication.

This British point of view naturally overlooks the fact that the United States maintains trade with every part of the world with which England trades and that, consequently, our trade is as extended and our lines of overseas communication are as world-wide and as far-flung as those that center in England. So if the length of England's lines of communication is what requires a cruiser fleet of about 300,000 tons for their defense it is difficult to see why America's equally extended lines of overseas trade should not be accorded an equal measure of cruiser protection.

But even if it is admitted that American overseas lines of trade are geographically as extended as England's, those who have the British point of view seem to think that the overseas trade of the United States is utterly inconsiderable compared with that of the British Isles.

In point of fact, between 85 and 90 per cent of the foreign trade of the United States is overseas trade. In 1920 it amounted to about \$13,500,000,000, of which about \$8,000,000,000 were American exports and was much greater than the total external trade of the British Isles has ever been. To be sure, in the world-wide slump of 1921 the total of American foreign trade fell considerably below \$8,000,000,000. But ever since it has been recovering until now it is virtually as great as

the total external trade of the British Isles, which amounts to less than \$10,000,000,000 a year; and our present rate of exports exceeds that of the British Isles.

If the extendedness and the volume of British trade requires the protection of about 300,000 tons of cruisers, it is difficult to see why American overseas trade should not be accorded a like measure of protection, as it is virtually as extended and of as great value as the trade of the British Isles and promises to become much more so.

While we are on this subject a word about the direction and trend of our oversea trade may not be out of place.

Twenty-five years ago nearly three-quarters of our oversea trade was with Europe and consisted mostly of exports of foodstuffs and raw materials for Europe's industrial machine, our imports from Europe amounting to only about a third of our exports to Europe and consisting largely of manufactured luxuries.

To-day our trans-Atlantic trade is only about half of our oversea trade, whereas our oversea trade with Latin America and our trans-Pacific trade are each about a quarter of our total; each is now about a third greater than was our trans-Atlantic trade of 25 years ago; to Latin America and Asia we sell most of our manufactured exports and import from them almost all the tropical products on which we are dependent; and to Latin America we sell about ten times as much per capita as we do across the Pacific, which suggests that our greatest future market is with the 900,000,000 people across the Pacific rather than with the 85,000,000 of Latin America.

And in turn this suggests that if the British need 300,000 tons of cruisers for the protection of their oversea trade, we need five-thirds the strength of the Japanese in cruisers for the protection of our trade—or twenty-one 10,000-ton cruisers in addition to the 10 light cruisers we now have.

SUBMARINES

Under present-day conditions of transoceanic strategy, the most important types of submarines to consider are those of over a thousand tons in size and of comparatively long radius and high speed. Of these the United States has three, aggregating 3,318 tons, that are out of commission because their engines were failures. In addition to these we are building four that have a total tonnage of about 8,500 tons, giving us a total of seven vessels that aggregate close to 12,000 tons. All of these were originally authorized long before the Washington Conference, although the initial appropriation for one was made only last spring.

The British Empire has eight such submarines completed that total 18,460 tons and is building one more of 1,480 tons, authorized since the conference, which makes a total of nine large vessels aggregating 17,940 tons or a volume about 6,000 tons greater than that of the large American submarines.

The Japanese Empire is said to have only one such submarine of 1,400 tons completed. But it is building, or has authorized and made appropriations for the building of at least 22 such submarines, aggregating 34,310 tons, since the Washington conference. Thus in the near future the Japanese Empire will have 23 large submarines totaling about 36,000 tons, all but one of which are postconference authorizations.

As five-thirds of 36,000 tons would be 60,000 tons and as the United States will have only about 12,000 tons of large submarines, it follows that if we are to maintain the treaty ratio in this very important respect, we should build forthwith about 48,000 tons more of large, high-speed, long-radius submarines in order to keep up with the pace the Japanese have set in this respect since the conference.

And it should be added that, while the above refers only to submarines of over 1,000 tons in size, a somewhat similar though much less critical situation exists with respect to submarines of between 700 and 1,000 tons in size.

NAVAL AIR FORCE, PERSONNEL AND BASES

The building of light cruisers and large submarines that the British Empire and the Japanese Empire have inaugurated since the Washington conference makes the commensurate development of American light cruisers and large submarines of the utmost importance—if we intend that our Navy shall be really the equal of the British Navy and five-thirds as strong as the Japanese Navy, rather than a third-rate navy. But it is almost as important that the completion of the quota of airplane carriers allowed the United States by the naval treaty be hastened and that our Navy's other aerial forces be developed to a much greater extent than has been possible with the meager appropriations Congress has allowed for these purposes.

As to personnel, space here makes it impossible to say more than that the enlisted personnel in the Japanese Navy has been increased by over 7,000 men during the past year. In order to maintain the treaty ratios in this respect the United States Navy should have 3,882 more officers and 23,093 more enlisted men, for during the last three years the Navy has been so underofficered and undermanned that proper maintenance and operation on a peace basis have been quite impossible. The Secretary of the Navy's recommendation that appointments to Annapolis be increased from three to five, with a view to correcting

ultimately the present dearth of officers, is a modest suggestion under the circumstances. But the most pressing need is for an increase in the enlisted personnel.

As to bases, here it can only be said that two years ago the Navy League pointed out that \$186,000,000 were required to develop our requirements ashore according to a comprehensively worked-out plan then earnestly recommended. Virtually nothing has since been done in this respect by Congress.

CONCLUSION

With such glaring deficiencies as have been pointed out, it is hardly necessary to add that the list could be extended almost indefinitely in lesser matters. But here it is desired to lay the emphasis on the fact that we should forthwith build 22 more light cruisers, aggregating 220,000 tons, and about 48,000 tons more of large submarines if we are to maintain our position and live up to the treaty ratios.

Since the conference the British have inaugurated the building of 70,000 tons of light cruisers and of one large submarine of 1,480 tons.

Since the conference the Japanese have inaugurated the building of very nearly 80,000 tons of light cruisers and of 22 large submarines amounting to over 34,000 tons.

Since the conference the United States in these respects has inaugurated only the initial appropriation for one submarine that was authorized in 1916.

These facts have destroyed the balance assumed for the treaty for the limitation of naval armaments. When agreement was reached at the Washington conference America accepted the assurance that the treaty ended absolutely competition in naval armament and also left the relative security of the great naval powers unimpaired.

The post-conference construction and programs of other powers must end our belief in one of these two bases of security. We may abstain from competition, but if we do our relative security necessarily remains impaired. We may restore our relative security but only by new construction.

The proper choice is stated in the quotation from the Secretary of the Navy's recommendation at the outset of this statement. The extent of construction necessary to restore our relative security is to be measured by the immediate building of 22 light cruisers aggregating 220,000 tons and large submarines amounting to 48,000 tons.

Then when we have at last evidently started to reestablish ourselves on the treaty ratio of equality with the British and five-thirds the strength of the Japanese, we might succeed in bringing about a further limitation of naval armament at an "auxiliary" conference.

NAVY LEAGUE OF THE UNITED STATES.
R. W. KELLEY, President.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Friday, December 5, 1924, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 4 (legislative day of December 3), 1924

GOVERNOR OF THE PANAMA CANAL

Col. Meriwether L. Walker, Corps of Engineers, United States Army, for appointment as Governor of the Panama Canal, provided for by the Panama Canal act, approved August 24, 1912, vice Col. Jay J. Morrow, Corps of Engineers, United States Army (retired).

PROMOTION IN THE NAVY

Medical Director Edward R. Stitt to be Surgeon General and Chief of the Bureau of Medicine and Surgery in the Department of the Navy, with the rank of rear admiral, for a term of four years from the 30th day of November, 1924.

COAST AND GEODETIC SURVEY

To be aids with relative rank of ensigns in the Navy

Carl Ingman Aslakson, of Minnesota.

Arthur Christian Zimmerman, of Minnesota.

To be junior hydrographic and geodetic engineers, with relative rank of lieutenant (junior grade) in the Navy

Jerry Hall Service, of Ohio.

Herschel East Brown, of Indiana.

George William Tatchell, of New York.

Kenneth Gleason Crosby, of Massachusetts.

CONFIRMATION

*Executive nomination confirmed by the Senate December 4
(legislative day of December 3), 1924*

SECRETARY OF AGRICULTURE

Howard M. Gore to be Secretary of Agriculture.

HOUSE OF REPRESENTATIVES

THURSDAY, December 4, 1924

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most gracious God, amid all the conditions of our daily lives, give us increasing ability to hope, to believe, and to love the pure and the true. While we thank Thee for Thy manifold blessings, yet make us worthier to receive them. This day open our minds to Thy truth and our hearts to Thy love. Thy providence has directed the good fortunes of our country. Do Thou help us to ever honor it for its principles and ideals. May our best dreams for its present and future greatness be realized and let Thy saving health be known among all nations. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. LONGWORTH] or I myself may have the floor for a minute. I want the attention of the gentleman from Ohio for half a minute, if I may have it.

The SPEAKER. The gentleman is recognized.

Mr. GARRETT of Tennessee. Mr. Speaker, to-morrow, I believe, is pension day under the general rules of the House. As I understand it, the pension committees have no business that they desire to bring to the attention of the House on to-morrow. But next Friday will be claims day, or Private Calendar day, as I now recall, under the general rules of the House. During this Congress claims have not come up in the regular order. Of course we have had several Private Calendar days, but they have always been to consider bills unobjected to. Now, there are a number of bills on the Private Calendar, reported from the Committee on Claims, and perhaps from other committees, which have been objected to, although the authors of them believe they are entitled to have the House act upon them. I would like to ask the gentleman from Ohio if he can give the House any idea now as to what the disposition will be next Friday toward letting the general rules prevail and having claims considered without any limitation on the consideration?

Mr. LONGWORTH. Mr. Speaker, I am glad the gentleman from Tennessee asked me that question, because I think that it is none too early now to arrive at some general understanding about what we shall do from now until the Christmas holidays. I feel that it is our duty under existing conditions to clear the decks, so far as possible, for the passage of the appropriation bills. I am informed by the chairman of the Committee on Appropriations that there are two bills now ready in addition to the bill we are considering to-day—the Agricultural bill and the Treasury Department bill; and the Post Office appropriation bill, I believe, is practically completed. At any rate I am very confident that the Committee on Appropriations will have bills ready for us to take up one after the other, and there will be no reason why we shall not be able to pass all the appropriation bills within a very reasonable time. Certainly it will not be the fault of the Committee on Appropriations if we do not.

At the same time I realize that there is other legislation in which many gentlemen are interested, and that there are certain days provided under the rules of the House for the consideration of that legislation. I, for instance, would favor, at least so far as I can now foresee, in advance, the proposition that the Committee on the District of Columbia shall have its day in court on the days provided under the rules. The same would be true as to the preservation of Calendar Wednesday, there being a number of very important bills on that calendar. The same, in my judgment, would be true as to the reservation of the Mondays on which motions to suspend the rules and unanimous consent shall be entertained. The same would be true in possibly lesser degree of those

days on which it is in order to consider claims. I understand that there are now a number of bills for claims which have been rather strongly contested, which could not be taken up under unanimous consent for the passage of bills to which no objection is made. And I will say specifically, answering the question of the gentleman from Tennessee [Mr. GARRETT], that I personally will be very glad, if it is the desire of the House, to preserve Friday; that is, a week from to-morrow, for the consideration of claims.

It might also be well to suggest that something might be agreed upon as to when the House desires to adjourn for the Christmas holidays. Personally I believe it will be unwise to have a recess of as much as two weeks; that is to say, a recess which would begin some days before Christmas and last until some days after New Years. We have barely got started, and if we should adjourn for two weeks at Christmas I do not think we would be doing quite our full duty with regard to the passage of the necessary legislation and the business of the country; and I propose—and I hope that the House will agree with me in this—I propose at the proper time to offer a resolution to adjourn on the 20th, which will be the Saturday before Christmas, and to reassemble on Monday after Christmas; that is the 29th. That will give gentlemen abundant opportunity to spend Christmas at their homes and come back, it is true, before New Year's, which I believe is rather unusual. But we could have an understanding that the House would adjourn over New Year's Day and observe that as a holiday, and that would give us nearly a full week additional for the transaction of business. It seems to me that under all the circumstances that would be the wise plan.

Mr. MOORE of Virginia. Mr. Speaker, may I make a suggestion to the gentleman from Ohio?

Mr. LONGWORTH. I yield to the gentleman.

Mr. MOORE of Virginia. The gentleman will remember that at the last session the Consent Calendar was taken up on several occasions at night. I know that the gentleman will recognize the importance of some consideration being given to that calendar. Will not the gentleman determine whether we may not begin the consideration of the Consent Calendar at night sessions at some reasonably early day, not perhaps before the holidays, but following the recess?

Mr. LONGWORTH. I will say to the gentleman that so far as I am concerned, I see no real reason why the first and third Mondays in each month should not be taken up in the consideration of bills on the Unanimous Consent Calendar and motions to suspend the rules.

Mr. MOORE of Virginia. Of course, if that is practicable—if the Consent Calendar can be sufficiently considered in that way, everybody, I suppose, will acquiesce; but we are all anxious, at least I am, to speed the Appropriations Committee in any way we can in completing its work and doing everything in that direction, and every other direction that is possible, to avoid an extra session. Perhaps that will make necessary night sessions.

Mr. LONGWORTH. I will say to the gentleman that possibly it would be wise to wait and cross that bridge when we come to it. But I can hardly see the use of frittering away the Mondays on which it is in order to suspend the rules and take up unanimous consents with the consideration of any legislation which everyone knows can not become a law at this session of Congress. That is my view of the situation. [Applause.]

Mr. McDUFFIE. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. McDUFFIE. As the gentleman knows, the Rivers and Harbors Committee has presented quite an extensive program in a bill involving a great many meritorious projects—not a great many, but 34; not so many as may have been carried in other bills. I would like to know the gentleman's attitude with reference to getting some early action on that legislation. I think the whole country is interested, and I am sure quite a number of gentlemen on that side of the aisle are interested and many on this side. And the gentleman will recall that during the closing hours of the last session of this Congress there was some suggestion that immediately, or as soon as possible, upon our return the leadership upon the Republican side would take up the question of carrying out the rivers and harbors program. I am wondering whether the gentleman has given it any serious consideration and how he feels about when we may expect some action on the bill.

Mr. LONGWORTH. Answering the gentleman's question, I will say that I personally am in favor of the passage of a rivers and harbors bill at this session. [Applause.] Of course, something would depend upon the form in which the bill was

brought into the House. I think I can say to the gentleman, though, that in my judgment a rivers and harbors bill will be brought up for the consideration of this House at an early date. But, as I say, I think our first duty is to clear the decks for the passage of the main supply bills. However, that ought not to interfere with the passage of other legislation which the country wants.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. LONGWORTH] may have two minutes more in which to answer a question I should like to propound to him.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDDLESTON. The gentleman has expressed opposition to the frittering away of the time of the House on Unanimous Consent Mondays in considering a measure which can not possibly become a law. He obviously referred to the Howell-Barkley bill. The gentleman will remember that he caused the frittering away of the time of the House at the last session for a number of days by a persistent filibuster against that bill. If the gentleman wants to stop frittering away the time of the House will he not consider abandoning his filibuster and allow that measure to be considered on its merits and give the House a chance to say whether it should be passed or not? A clear majority was developed in favor of the bill when it was previously considered. It was only the gentleman's filibuster which prevented the measure from being considered and probably passed by the House. Will the gentleman answer whether he is going to continue his filibuster against that measure or whether he is going to let it be considered?

Mr. LONGWORTH. Mr. Speaker, if the gentleman is through asking his question, I will say, in the first place, that I deny I had anything to do with any filibuster against that bill. I do think that a bill of that importance should have had an opportunity of fair consideration by the committee which reported it. [Applause.]

Mr. HUDDLESTON. The gentleman sets his opinion against the will of the majority of the House, which said it might be brought before the House in a different manner.

Mr. LONGWORTH. Which it would have had it not been for the action largely led by the gentleman who has just addressed me.

Mr. BLANTON. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. BLANTON. Is it not the best judgment of the majority leader that the country wants Congress to pass the appropriation bills and go home? That is my opinion of what the country wants. [Applause.]

Mr. LONGWORTH. I think there is no question that the country wants us to pass the appropriation bills rather than that type of legislation which was repudiated by a tremendous majority in the last election. [Applause.]

Mr. HUDDLESTON. Does the gentleman think the country wants the majority to put itself in the attitude of wasting the time of Congress by filibustering against the consideration of bills? Is that what the gentleman wants us to believe—that the people did so express themselves?

Mr. MACLAFFERTY. Regular order, Mr. Speaker.

GREAT LAKES TO GULF WATERWAY

Mr. WILLIAM E. HULL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting a speech I recently made before 800 business men in my home town of Peoria, Ill., in support of H. R. 5475, a bill I introduced in the last session of Congress for the improvement of the Illinois River in order to make it the connecting link in the deep-waterway project from the Lakes to the Gulf.

President Coolidge, in his message to Congress delivered in this House yesterday, indorsed this Lakes-to-Gulf project, and I believe my speech on the subject will be of interest to the Members of the House.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. WILLIAM E. HULL. Mr. Speaker, under leave granted to extend my remarks I insert a speech delivered by myself at Peoria, Ill., which is as follows:

Mr. Chairman, ladies, and gentlemen, it is well for us to have great interest in deep-water navigation from the Great Lakes to the Gulf of Mexico. This can only come through large Federal appropriations. To secure such appropriations is always a difficult task.

We in the Central West have reached the point where it is unnecessary to argue that inland navigation to tide water will be of great advantage to all of those who ship products from the farm and the

factory. It is admitted that the Central West will always be at a great disadvantage unless the traffic from the Great Lakes by way of our inland rivers may reach the Gulf. The Federal Government will have to make large appropriations to bring this about. The amount of these appropriations depends entirely upon the cost of construction called for by various plans under consideration.

ABOUT LAKE FLOW

Every plan must be based upon an assumption, so far as the Illinois River is concerned, that there will be a permanent definite minimum flow of Lake Michigan water brought down the Illinois Valley.

The quantity of that water might be just enough to overcome losses by evaporation and through the operation of locks. If that minimum quantity is the basis for calculating costs, then there will have to be built, practically from Joliet to the mouth of the Illinois River, a series of dams that would hold the river into a series of large pools of practically still water. To construct such dams and locks, we are told by competent engineers, would cost many, many millions of dollars; therefore, it must be apparent that the Federal Government would not make the vast appropriations which would be required to establish these large stagnant pools. The smallest quantity of water that could be turned this way would have to be sufficient to maintain the first of these pools at a level with Lake Michigan and at the same time provide a south current.

All who discuss "waterways" speak of "volume" in the terms of cubic second-feet. It has been said that it might be possible to maintain these great pools with an assurance of 1,000 second-feet from Lake Michigan.

It is admitted that as the quantity from Lake Michigan is increased the cost of constructing dams and locks is greatly decreased.

OTHER THINGS TO CONSIDER

It is thought advisable to maintain at the low-water stages of the improved Illinois River a navigable depth of at least 9 feet, with a channel from two to three hundred feet wide.

The State of Illinois is constructing its section to afford a possible depth of 14 feet.

A 9-foot depth can be maintained, as above illustrated, with the minimum flow referred to if the Federal Government can be induced to make the enormous appropriations necessary to do the work. From a deep-waterway standpoint, considering navigation through the Illinois Valley as the sole and only object, we can attain this end if the Government is willing to supply the funds for these large "locked-in" pools.

There are other things, however, to be considered aside from appropriations.

The first is: Would the minimum of 1,000 cubic second-feet furnish sufficient water in the Mississippi River to maintain a 9-foot channel unless that river were likewise made a network of locks?

Second: The source of Chicago's water supply being Lake Michigan, the flow of 1,000 second-feet would not, it is conceded by everybody, prevent the pollution of Lake Michigan.

We are told that the sanitary district canal, some 50 miles in length, is designed to carry something over 10,000 cubic second-feet.

UNITED STATES HAS CONTROL

It is in evidence that for a short period of time the canal, having a full head, can discharge possibly 25 per cent more. Such a discharge would, of course, increase the current in the Chicago River to a point where navigation in the Chicago River, and in the canal itself, would be impractical.

The Federal Government having control, for navigation purposes, of the Chicago River, would never concede such a maximum flow there. It has been demonstrated that a flow of 10,000 cubic second-feet does not interfere with navigation in the Chicago River.

My position, as a deep-waterway advocate, is to secure the necessary governmental appropriations that will give us a practical waterway through the Illinois Valley of at least 9 feet, and maintain that depth from the junction of the Illinois and Mississippi Rivers down to the Gulf of Mexico.

Assuming that we would get the appropriation necessary to maintain such a waterway, the necessities of the people of the Sanitary District of Chicago, the rights of navigators on the Great Lakes, and of the landowners in the Illinois Valley must receive deepest consideration. Efforts must be made to reconcile their conflicting interests. Having this in mind, the bill introduced by myself in Congress affords the groundwork for protecting the rights of all these interests.

INDUCEMENT TO CONGRESS

The bill is based on the theory that the greatest possible flow from Lake Michigan means a minimum cost to the Federal Government, and is the greatest inducement that could be offered to Congress to make the needed appropriations.

This flow, the navigators of the Great Lakes tell us, reduces the lake levels.

Accepting that theory, as well as the claim that we have no right to reduce these lake levels, a fair solution of the controversy sug-

gests that the Sanitary District of Chicago should be compelled to install compensating works that would obviate any cause of complaint on the theory of reducing lake levels.

The bill under consideration so provides. With compensating works installed, there can be no complaint from navigators on the Great Lakes. There would, however, continue to be, as there now is, objection from both Niagara and Canadian water-power interests to any plan that would diminish their water-power possibilities. They urge that the withdrawal of any considerable quantity of water at Chicago from Lake Michigan is a deprivation of their claimed right to control all the water-power possibilities of the Great Lakes.

TO USE WATER POWER

They insist that the development of water power in the Illinois River through the use of Lake Michigan water is a waste; that the 10,000 cubic feet coming from Lake Michigan through the sanitary district canal can at most be used at hydroelectric stations but five times. In other words, that the slope in the river is such that by controlling that volume at five hydroelectric stations we get the maximum efficiency that may come from such volume.

Our State has appropriated \$20,000,000 to take up and use the power that can be thus developed. The State can, let us assume, use this water at five different points; the Niagara and Canadian water-power interests say that if the State of Illinois is deprived of this use and that volume is left to them that they can use it to generate seven times the power made possible in the Illinois River, or, in other words, that for 1 horsepower generated from Lake Michigan water in the State of Illinois they can generate 7 horsepower in their territory. It is their argument that they should be given this privilege.

If we give to the Canadian and Niagara power interests the full measure demanded by them, it means that there never can be a deep waterway connecting the Great Lakes with the Gulf of Mexico.

We will not here discuss treaties nor governmental policies, but only suggest the injustice of these demands. We stand firmly upon the proposition that we are entitled to all the power that can come through the use of Lake Michigan water, regardless of whether or not it cuts into the profits of Canada and Niagara Falls interests.

THAT 10,000 SECOND-FEET

It is insisted by some that it is necessary to take 10,000 second-feet from Lake Michigan to maintain unpolluted the source of Chicago's water supply.

In 1889 the State of Illinois made it possible for the Sanitary District of Chicago to organize for the protection of such water supply.

The legislature had in mind that Chicago then had a population of a million and a half. It provided in the bill that the canal between Lake Michigan and the Illinois River should provide for a continuous flow of not less than 5,000 second-feet (300,000 minute-feet) with a depth of 18 feet and a flow not to exceed 3 miles per hour, and that as the population of such district increased such flow should be increased something over 300 second-feet for every 100,000 increase in population.

The same act provided that if the Federal Government ever improved the Des Plaines and Illinois Rivers the sanitary district should make its canal sufficient in size to maintain a flow of 10,000 second-feet. Chicago has reached the point where it is safe to estimate its population at 3,000,000 people.

The Illinois law, under which this district was created, obligates the district to the use at this time of 10,000 second-feet from Lake Michigan. The same law contemplated that any flow from Chicago will damage bottom lands, and provides that such damages shall be paid for, and that the landowners may sue for them and to have the same fixed by jurors in the counties where the damaged lands are situated. The law contemplates that the Sanitary District of Chicago has the right to divert into the Illinois Valley for all time 10,000 second-feet, and the landowner is not obliged to bring successive suits, but can recover in full in one suit, on the theory of the permanency of that flow, namely, 10,000 second-feet.

Complaint has been made that the district has resisted these claims. Complaint has been made that juries have not given adequate verdicts. Complaint has been made that the sanitary district has not observed restrictions placed upon it by the War Department, and that it has exceeded the flow fixed in these governmental permits.

I offer no justification for the resistance in court by the sanitary district of these claims. The district evidently thought where it resisted that it was justified in doing so. The bill we have under consideration appreciates that the statute of limitations has already barred many landowners, and that to now sue for his damages is too late. In order to give him relief, since he has neglected his day in court, this bill can be so worded, if it is not strong enough in that regard, to take away from the sanitary district the right to plead the statute of limitations, and it can be made to compel the Sanitary District of Chicago to deposit with the Federal Government, or with some board of commissioners, the amount of money necessary to compensate landowners in the Illinois Valley for any damages they may have sustained or in the future will sustain by reason of its flow, whether or not they have instituted damage suits.

STATE HAS AUTHORITY

Some may ask how can such a thing be brought about? The answer is, by compelling the sanitary district to enter into a formal agreement to do this very thing, and to give it no rights under this bill unless it complies fully with such agreement.

Another complaint urged against the Sanitary District of Chicago is that the people of Illinois now realize that the sewage coming down the Illinois River is not sufficiently diluted to remove objections to its presence there.

Without urging the fact that Illinois has ample authority under its police powers to absolutely prevent any of the sewage of Chicago or any other city being discharged into the river where its presence endangers the health of the people, this bill is intended to compel the sanitary district to dilute its sewage so as to remove its menace.

SEWAGE-DILUTION METHODS

Let us not discuss the various scientific methods of sewage dilution, nor the success along that line of European or American cities. Those who know more about that matter than we do, who have given it deeper study, say that the proposition of properly handling the sewage of large cities is yet in its infancy. Methods which to-day are recognized as being the very best may within a very short period of time be discarded and other more effective and economical practices followed.

Assuming for the sake of argument that the methods now employed for this purpose are the very best that scientists can suggest, the installation and use thereof can only be accomplished by the expenditure of tax money.

The Sanitary District of Chicago has been declared by the courts to be a municipal corporation.

The constitution of the State limits its debt-creating ability, the same as it does every other municipality, so that it can not contract debts in excess of 5 per cent of the taxable value of the property within its limits.

This is a limitation by the constitution.

It is not one that can be changed by the State legislature, even though the municipality affected might be willing to make such change. This limitation is to-day causing great inconvenience to practically every city in the State of Illinois; loss of revenue in recent years; the demand for greater civic improvements and the advanced costs of public works have so handicapped many of the cities of this State that they are practically at a standstill for want of revenue, and are now devising ways and means to raise revenue by placing taxes and license fees upon various business undertakings.

EASY TO MAKE ACCUSATIONS

It is said that the present taxable value of the property within the Sanitary District of Chicago and its contemplated increase over the next 20 years will allow that district to spend approximately \$5,000,000 per year in the installation of these sewage-disposal plants.

Argument is, of course, made that the expenses of the sanitary district in its legal and other departments are largely in excess of what should be spent for such purposes. It may be that the Sanitary District of Chicago is extravagant. It may be that it is not being properly and economically administered. We can here indulge in no denials that this is the fact.

It is easy to make accusations, to impugn motives, and to declare misconduct. It is easy to charge wrongdoing and misconduct of public officials, and it is very easy to make the public believe such charges. In fact, in discussion of this matter before us one gentleman was so reckless in his statements as to charge I had mercenary motives in this regard, that I was serving the Sanitary District of Chicago, and that I was to be compensated for my such services. This is simply one of the slanderous charges that are so easily bandied about by those character assassins who know not whereof they speak and care not what the effect of their slanders may be.

The fact is that the Sanitary District of Chicago has shown before the committee of Congress, of which I am a member, its maximum possibilities, from a financial standpoint, to develop this sewage-disposal program.

Briefly stated, the program as outlined (and it has not been questioned by anybody) contemplates the expenditure of about a hundred million dollars during the next 20 years (from 1924 to 1945), for such purpose.

COMPELS PURIFICATION

The program of the bill provides that in 1945, regardless of its growth in population, should it exceed that number, the sewage from 4,252,000 of its population will be put through these purification processes. With such program followed, it is estimated that in 1945 the solids turned into the river will be 50 per cent less than they are to-day.

If the bill we have under consideration does nothing more than this one thing, it makes it possible from to-day on to compel a development of these purification works, so that eventually there will be but one-half of the solids in the river that are to-day to be found there.

I would prefer to continue this program of compulsory treatment of sewage by the sanitary district after 1945 by having it proceed in the development of such plants, if it were scientifically and mechanically possible, so that all of the water could be treated for the removal of solids, and that the same should be removed to the greatest possible extent known to scientific endeavor.

Complaint is made that the program of this bill carries on for only 20 years. I am willing to carry it on indefinitely.

In fact, it is urged by those who are not well advised that instead of 20 years being allowed them to make this improvement they should be limited to 5 or at the most 10 years.

Those who urge such a program evidently have not thought of the constitutional limitations placed upon the district. They have not figured out the possibilities of the taxpayers of that district, and they imagine the Legislature of the State of Illinois can increase the debt-creating ability of the Sanitary District of Chicago. Such a suggestion is preposterous, and comes through a misunderstanding of the powers of the legislature.

Objection has been urged to many features of the bill as originally drawn. I, myself, admit that it should be amended.

Nobody has ever pretended that it was a perfect measure. The only thing I claim for it is that it is a step in the right direction. It provides for maintaining the integrity of the United States in its position that it has a right to use the waters of its inland lakes for the benefit and opportunity of its citizens.

CHEAPER FREIGHT RATES

It makes possible a deep waterway from the Lakes to the Gulf.

It opens up to the Middle West the possibility of cheaper freight rates.

It invites to the Illinois Valley manufacturers and business enterprises desiring to take advantage of river facilities to turn out cheaply to the markets of the world their heavier products which are susceptible to slow movement, and cause great industrial development in this valley.

It makes possible the generation of large quantities of electricity by the State of Illinois itself, not by private enterprise, thus inviting manufacturers to locate where they can secure cheap power.

It is in the line of saving our coal deposits.

It places us in favorable position when competing with tidewater gateways.

Of course, there is a burden thrown upon the landowner. Of course, there is an objection to sewage in the river.

If anybody can suggest a program that will better protect the landowner in his damages, I will offer, and struggle for, such an amendment to this bill.

If anybody can suggest a program by which the Sanitary District of Chicago can secure money to speed up the installation of its reduction plants, I will gladly accept, and work for such an amendment.

If anybody can suggest a program humanly possible, or even apparently logical, that will continue the development of sewage-disposal plants indefinitely, until the maximum of purity of the water can be reached, I will favor such an amendment and work to have it incorporated in the bill.

I believe that the large flow is necessary for navigation purposes in the Illinois and Mississippi Rivers.

I believe without this flow there can be no deep waterway.

I believe that the contribution of the sanitary district of its millions of dollars, and many miles of deep-waterway channel, suggests at least fair consideration of the interests of that city and the health of its citizens.

This bill was considered by the Peoria Association of Commerce. It appointed a committee to consider the various phases of the bill and suggest amendments to it. That committee made its report, offering certain suggestions. Each of them, I agree, had merit.

ANOTHER OBJECTION

One of the great objections of the valley landowner is that the sanitary district does not so regulate its flow in the time of natural floods as to diminish the danger to lands adjacent to the river.

I do not know how the Sanitary District of Chicago regulates its flow. I do know that they are using certain large quantities of water for the generation of electric current, and I presume they do use the same regardless of natural conditions in the valley, and that they do generate practically the same quantity of electricity every day in the year.

Landowners seem to think—and we agree with them—that the control of the discharge from Lake Michigan should be taken out of the hands of the sanitary district and placed in the hands of the War Department of the United States. They seem to feel that the bill as introduced may not be strong enough on that point, and such is one of the suggestions of amendment by the Association of Commerce.

I am in favor of the War Department having absolute control of the discharge through the sanitary district canal, and any language that will give such department that absolute control and authority will receive my approval and support.

ASSOCIATION OF COMMERCE COMMITTEE REPORT

My interest in this matter is not political.

I am for a deep waterway, and I am for fairly treating the different interests affected. I am not seeking any political advantage to myself or political disadvantage to any other person.

The report of the committee of the Association of Commerce was adopted. It read:

"We approve H. R. bill 5475 with the following recommendations or suggestions as to amendment:

"In case the Sanitary District of Chicago have not immediately complied with any requirements, or orders, of the Chief of Engineers, then the said Chief of Engineers is hereby authorized and empowered to take charge of such locks and controlling works, and operate the same for such length of time as may be necessary to carry out the objects and purposes of this section."

"Next—We suggest that the bill be amended to provide a definite program of construction of purification works, which shall be commenced immediately, upon the passage of the bill, such program to provide that by 1945 such purification works shall be sufficient, and in operation, so that the amount of raw sewage and waste passing through the sanitary district canal into the Des Plaines and Illinois Rivers shall be at least 90 per cent less than the amount now passing into such river."

"We recommend the bill provide a period of 50 years as the time the contract or franchise between the Government and sanitary district shall run as we do not favor the granting of such rights in perpetuity."

"We further recommend that section 11 be amended to read that in case the Sanitary District of Chicago shall violate, fail, or refuse to carry out any of the provisions of this act on their part to be performed in the time and according to the terms hereof, then the Secretary of War shall have the right to immediately forfeit and annul all of the rights, powers, and privileges by this act granted to the Sanitary District of Chicago by giving to its officers written notice of such forfeitures and annulment."

OTHER SUGGESTIONS

This report was signed by all the members of that committee. It contained no other recommendations, and one of the members of that committee has seen fit to accuse me of a misconception of duty and of violating my trust, when these recommendations are the only ones that he and his associates submitted, and as to each of which I gave them my word I would introduce as amendments to this bill when the consideration comes before the waterway committee.

I have had other amendments suggested to me—some came from Mr. Sackett, who is in charge of the water-power development of this State; some from others, including Congressman RAINEY; and it is my intention, as well as Congressman RAINEY'S, to see that such amendments are put in this bill that will remove any uncertain language that may be in it, and that will make certain the rights, duties, and obligations of all concerned in the proposition.

One of my opponents—and I rather expected more from him—has gone into a frenzy because one provision of this bill reads:

"This act shall not be in force or effect until the same shall be formally accepted without reservations within 60 days after its passage by an ordinance of the board of trustees of the Sanitary District of Chicago duly passed and promulgated."

That provision is put in the bill for the purpose and with the design of compelling the sanitary district in an official way to formally accept this bill and agree to be bound by its terms and provisions and subject to its forfeiture for the violation of its terms.

SOME GUARANTIES

It is to make sure that the sanitary district officially binds itself to do the things the bill says it shall do. It calls their attention to the possible forfeitures—it calls their attention to the fact that the Chief of Engineers of the War Department is to have the control of their discharge, and is an agreement upon their part to pay the land damages, according to the terms of the bill; to install lake-level controlling works; and to carry out its guarantee with reference to the treatment of sewage, and to consent that the authority over its flow shall be in the hands of the War Department.

It should be our purpose to compel the sanitary district to accept these terms in a formal and binding way; and if it does not do so within 60 days, then so far as the bill gives the sanitary district any rights and privileges the same will not be in force and effect.

Another, learned in the law, advises that no legislation for the deep waterway should be undertaken and that the bill under consideration does not add anything to the development of a deep waterway. His theory is that because there is a dispute between the War Department and the district, which the Supreme Court will decide some time in the near future, that there is a possibility the sanitary district will have to abide by any decision of the War Department regarding the flow until such time as Congress may act in the premises.

DISTRICT MIGHT ACT ALONE

If the decision of the Supreme Court is adverse to the sanitary district, I prophesy that the War Department will never cut down the flow so as to endanger the water supply of the city of Chicago. Should I be wrong, and the War Department goes that far, then I say to you I am firmly of the opinion that the Congress would give authority to the Sanitary District of Chicago to continue to use this 10,000 second-foot, and that another bill to that end by Congressman MADDEN or one of his Chicago colleagues would get almost unanimous support in Congress.

Such a bill would have no appropriations in it for a deep waterway and contain no provisions with reference to sewage-disposal plants, and none for the maintaining of lake levels or paying land damages. The legislature that authorized the organization of the district is pictured as acting with "stupendous stupidity," and this criticism comes from one who, subsequent to the passage of the legislation, was a member of the Illinois General Assembly, and while there offered no suggestion to correct the misconduct of his "supine" predecessors.

This same gentleman says this bill is not a "waterway bill," because it takes advantage of the 65 miles of improvement to be made by the State of Illinois. How ridiculous! For that 65 miles—Lockport to Utica—no Government appropriation is needed. Illinois supplies the money, but Illinois does not agree to pay for lands overflowed nor to maintain the channel from Utica to Grafton. This gentleman advises that the State spend its \$20,000,000 before it can know how much water may be withdrawn from Lake Michigan. He advises that the State put in its hydroelectric plants and then wait for water in sufficient quantities to turn its turbines. Let us trust the State authorities have sense enough not to follow his advice.

AFFECTS WHOLE NATION

It is entirely probable the Supreme Court will hold that the limit Chicago may use from Lake Michigan shall be fixed by the War Department until Congress acts on the situation. Assume that, following such a decision, the War Department might make the limit, say, 5,000 second-foot, does anyone imagine the Supreme Court would in its decision to leave it open to the War Department to do this?

The Attorney General of the United States, who is seeking to sustain the right of the Secretary of War to issue these permits, if yesterday's press reports are true, admitted in his brief that while the law questions involved are "comparatively insignificant" that in the case are "far-reaching consequences which effect vitally the whole Nation, questions of magnitude not easily exaggerated."

He is quoted as saying:

"Chicago's problem . . . is a serious and perplexing one, in which the entire Nation should take a sympathetic interest, The solution of the question is through Congress . . . as time would be required in Chicago to adjust itself to a decreased withdrawal, . . . the Government would not object to a modification . . . of the present permit, pending action by Congress, to allow a withdrawal in excess of 4,167 second-foot, The court could provide for some such arrangement in entering its decree."

CONGRESS MUST ACT

Does anyone doubt but what the Supreme Court would do this?

Do any of us doubt that Congress will eventually have to take the first definite action?

Is it not up to us to see that in taking such action Congress will give us ample appropriations for a deep waterway, and provide for the treatment of the sewage involved, and provide for protection and damages to the valley landowner?

A gentleman in an article published in the Peoria Star just before the last election wrote:

"The people of this valley do not need any bill . . . the Supreme Court will . . . protect our rights by forcing the sanitary district to install purification plants by the enforcing of its injunctive order controlling the flow from Lake Michigan."

Strange that the Attorney General of the United States should disagree with the gentleman!

Another Peorian wrote:

"If it [this bill] is defeated, we will get the waterway anyhow, because that is already authorized . . . and the effect of the injunction to be issued within a short time, if not blocked by the Hull bill, will be to force the sanitary district to install reduction plants to care for all of its sewage."

With him, also, the United States Attorney General disagrees.

The Attorney General is of the opinion that even if the decision sustains the right of the War Department to limit the flow, that the court will restrain drastic action until Chicago can arrange to protect its water supply.

Even Congressman HENRY T. RAINEY is not spared; "he has fallen before the same blandishments" to which I succumbed.

You have heard "Mr. HULL personally has refused to consider, or accept, any amendment that would modify the viciousness of his sanitary district sewage bill."

LET US GO SOMEWHERE

That statement is, without any qualification, false, and known to be so when its author made it.

As an evidence of its untruth I agreed to propose amendments unanimously suggested by our association of commerce committee in the form of a report, to which he was a subscribing member.

Here we are like the confused members of a volunteer fire department standing arguing over the route to be taken to the fire while our neighbor's house is burning to the ground.

Let us agree to go somewhere; we may by chance find the fire in time to render some service.

This bill, like many other waterway measures, is still unconsidered in committee.

Less than four years ago the United States district engineer for the northwestern division reported to the House Rivers and Harbors Committee as follows:

"The probability that Congress will limit the increment (Lake Michigan water) to 4,167 second-foot is, in my opinion, so remote that this hypothesis may be left out of consideration."

The same report estimates an 8-foot channel, with 4,167 second-foot of increment (present dams removed), will entail a first cost of \$3,124,000, with an annual maintenance cost of \$85,800; with an increment of 7,500 second-foot, a first cost of \$1,310,000; with an annual maintenance cost of \$77,500; with an increment of 10,000 second-foot, a first cost of \$576,100, with an annual maintenance cost of \$77,500.

The report concludes:

"In my opinion, to most reasonably conform to the probable conditions of the future, an 8-foot project should now be adopted, based on a 7,500 second-foot withdrawal Then should Congress place the limit . . . at 10,000 second-foot, which I deem probable and under proper conditions advisable, that increment would of itself increase the depth to 9 feet."

The committee adopted a resolution which I offered calling upon the War Department to furnish the necessary estimates and data to show the cost of constructing a waterway through the Illinois River, at various depths, and particularly a depth of 9 feet, with "increment flows" varying from 1,000 to 10,000 second-foot.

This report is being prepared, and when it is made—and that will be before long—we will know what appropriation will be required to maintain the various depths of water with the different suggested "flows." We will then know the quantity of lake water necessary to maintain a 9-foot level in the Illinois and Mississippi.

When that report is considered I propose to offer all of these amendments and recommendations that have been suggested and do my best to have them incorporated in the bill.

RAPS THE WORD PAINTERS

I do not propose to relinquish my opposition to the demands of the Canadian and Niagara water-power interests; nor do I propose to relinquish my efforts in behalf of a pure stream and for the protection of the valley landowner.

The opponents of this bill may call the bill "a sewage bill" if they like; they may picture the beautiful stream we are said to have had here twenty and more years ago, in which we bathed and fished, over which we boated and from which we gathered pond lilies.

To-day this once beautiful stream is pictured to be "a sullen, silent menace carrying upon its once pure vibrant bosom death and destruction."

Of course, many of the older citizens will fail to recognize the stream of this beautiful word picture.

These word painters forget the fact that for many years before the sanitary district was organized, Chicago was pumping into the Illinois and Michigan Canal 6,000 cubic feet of alleged water per minute, which was so full of solids that it would hardly flow down the canal. It was visible even below Peoria, as it gently worked its way southward in the form of floating islands, while its odors filled the air from Chicago to Grafton.

None of us are so young but what we can remember when in dry seasons the wheels of the steamboats turned up river-bottom mud as they cautiously worked upstream. Neither are we too young to remember that this was a malaria-infected valley every spring.

It may be that the water of to-day, while it appears cleaner, is in fact dirtier, and it may be that the fish have been driven from the river, as they have been driven from every stream into which factory waste is turned, and it may be that adjacent lands have been flooded; and it may be that people have been damaged financially, all because of the waters of the sanitary district. All these things can be admitted, but one of the primary questions to be decided is, Shall the farmers, manufacturers, and other business interests of the great Central Western States be granted deep-water navigation from the Lakes to the Gulf?

Are we willing to keep pace with the progress of the world? Are we willing to bring about a reduction in freight rates? Are we willing to revive manufacturing? If so, we are in favor of a deep waterway.

WANTS JUSTICE FOR ALL

Just which bill may secure it—just what the exact provisions of it may be—is to me immaterial, if the main ideas which I have suggested are part of it.

The thing I am interested in is that we shall get this deep waterway, with justice to everybody, and every interest affected by it.

I submit to you that unless my activities in this matter meet with the approval of my constituents it is their duty to say so. I do not intend, though I believe in the merit of the measure, to waste time and effort trying to accomplish something that is not approved by the people of this congressional district.

I want you to read and study this bill, learn all of its provisions, consider its merits and defects, and then candidly express your opinions concerning it.

I believe I am right on the main features of the bill, and so believing will continue until convinced the majority of my constituents do not agree with me.

PRESIDENT GIVES HIS APPROVAL

President Coolidge in his recent annual message to the Congress said:

"Meantime our internal development should go on. Provision should be made for flood control of such rivers as the Mississippi and the Colorado and for the opening up of our inland waterways to commerce. Consideration is due to the project of better navigation from the Great Lakes to the Gulf. Every effort is being made to promote an agreement with Canada to build the St. Lawrence waterway. There are pending before Congress bills for further development of the Mississippi Basin, for the taking over of the Cape Cod Canal in accordance with the moral obligation which seems to have been incurred during the war, and for the improvement of the harbors on both the Pacific and the Atlantic coasts. While this last should be divested of some of its projects, and we must proceed slowly, these bills in general have my approval. Such works are productive of wealth and in the long run tend to a reduction of the tax burden."

This is considered by many of the older Members of the House to be the strongest indorsement ever given by a President to a deep-waterway project from the Great Lakes to the Gulf of Mexico, and I believe the time has arrived for the Congress to take a prompt action in favor of this legislation.

REPORT OF THE COUNCIL OF NATIONAL DEFENSE

The SPEAKER laid before the House the following message, from the President, which was read, and, with the accompanying papers, referred to the Committee on Military Affairs.

To the Congress of the United States:

In compliance with paragraph 5, section 2, of the Army appropriation act, approved August 29, 1916, I transmit herewith the Eighth Annual Report of the Council of National Defense for the fiscal year ended June 30, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 4, 1924.

REPORT OF THE UNITED STATES CIVIL SERVICE COMMISSION

The SPEAKER also laid before the House the following message from the President, which was read, and, with the accompanying papers, referred to the Committee on Civil Service:

To the Congress of the United States:

As required by the act of Congress to regulate and improve the civil service of the United States, approved January 16, 1883, I transmit herewith the Forty-first Annual Report of the United States Civil Service Commission, for the fiscal year ended June 30, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 4, 1924.

REPORT OF THE WORLD WAR FOREIGN DEBT COMMISSION—POLAND

The SPEAKER also laid before the House the following message from the President, which was read, and, with the accompanying papers, referred to the Committee on Ways and Means:

To the Congress of the United States:

I am submitting herewith for your consideration a copy of the report of the World War Foreign Debt Commission dated November 14, 1924, together with a copy of the agreement referred to therein, providing for the settlement of the indebtedness of the Government of the Republic of Poland to the Government of the United States of America. The agreement was executed on November 14, 1924, and was approved by me on that day, subject to the approval of Congress, pursuant to authority conferred by act of Congress approved February 9, 1922, as amended by act of Congress approved February 28, 1923.

I recommend the approval of this agreement.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 4, 1924.

REPORT OF WORLD WAR FOREIGN DEBT COMMISSION—LITHUANIA

The SPEAKER also laid before the House the following message from the President, which was read, and, with the accompanying papers, referred to the Committee on Ways and Means:

To the Congress of the United States:

I am submitting herewith for your consideration a copy of the report of the World War Foreign Debt Commission dated September 22, 1924, together with a copy of the agreement referred to therein, providing for the settlement of the indebtedness of the Government of the Republic of Lithuania to the Government of the United States of America. The agreement was executed on September 22, 1924, and was approved by me on that day, subject to the approval of Congress pursuant to authority conferred by act of Congress approved February 9, 1922, as amended by act of Congress approved February 28, 1923.

I recommend the approval of this agreement.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 4, 1924.

REPORT OF THE AMERICAN BATTLE MONUMENTS COMMISSION

The SPEAKER also laid before the House the following message from the President, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the annual report of the American Battle Monuments Commission for the fiscal year ended June 30, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 4, 1924.

CUSTOMS COLLECTION DISTRICTS

The SPEAKER also laid before the House the following message from the President, which was read and referred to the Committee on Ways and Means:

To the Congress of the United States:

The sundry civil act approved August 1, 1914, contains the following provisions, viz:

The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead: *Provided*, That the whole number of customs collection districts, ports of entry, or either of them, shall at no time be made to exceed those now established and authorized except as the same may hereafter be provided by law: *Provided further*, That hereafter the collector of customs of each customs collection district shall be officially designated by the number of the district for which he is appointed and not by the name of the port where the headquarters are situated, and the President is authorized from time to time to change the location of the headquarters in any customs collection district as the needs of the service may require: *And provided further*, That the President shall, at the beginning of each regular session, submit to Congress a statement of all acts, if any, done hereunder and the reasons therefor.

Pursuant to the requirements of the third proviso to the said provision, I have to state that the following is the only change in the organization of the customs service made by Executive order since the last report:

By Executive order dated October 28, 1924, Empire, Oreg., was abolished as a port of entry in customs collection district No. 29 (Oregon) and Marshfield, Oreg., was created a port of entry in the said customs collection district, with headquarters at Portland, Oreg., effective November 15, 1924.

The above change was dictated by considerations of economy and efficiency in the administration of customs and other statutes with enforcement of which the customs service is charged, as well as the necessities and convenience of commerce generally.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 4, 1924.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLUM, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval the following bills:

H. R. 9561. An act making additional appropriations for the fiscal year ending June 30, 1925, to enable the heads of the several departments and independent establishments to adjust the rates of compensation of civilian employees in certain of the field services;

H. R. 6426. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy,

and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 9559. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1925, and for other purposes; and

H. R. 3537. An act for the relief of L. A. Scott.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES

Sundry messages, in writing, from the President of the United States, by Mr. Latta, one of his secretaries.

NATURALIZATION

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in explanation of a bill (H. R. 9816) on naturalization.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker and gentlemen of the House, on January 3, 1924, I introduced H. R. 4471 to amend the naturalization laws. There are certain important changes required, some provisions of the present laws repealed, and certain new provisions required.

To clarify the situation I have reintroduced the bill on naturalization, being H. R. 9816, on December 1, 1924. This bill has for its purpose a correction of what was intended by the provisions of H. R. 4471.

I have attempted to explain the provisions of H. R. 9816 and the reasons for and necessity of such proposed legislation, namely:

EXPLANATORY REPORT TO ACCOMPANY H. R. 9816, BY MR. RAKER, TO AMEND THE NATURALIZATION LAWS

Following the declaration of war against Germany numerous bills were introduced in Congress to so amend the naturalization statutes as to care for war-time needs and conditions. These bills were in the main eventually consolidated and enacted into law in what is known as the act of May 9, 1918 (40 Stat. L. pt. 1, p. 596).

It requires only a casual inspection of this legislation to establish that it was designed as a temporary expedient merely, and that it was never intended as permanent legislation. Nevertheless, although more than seven years have elapsed since the declaration of war, and although hostilities ceased more than six years ago, we still find this emergency legislation in force.

In certain essentials, in connection with favored classes, this act of May 9, 1918, removed practically every protecting clause of the law, while, on the other hand, certain restrictions were imposed that have no place during the time of peace. Taken all in all, the statute has outlived any war-time usefulness it may have had, and, in addition, opened the door to the grossest character of sins, against which the United States has practically no protection. For example, for a time in California aliens in great numbers who would not fight for the United States during the war and whose war records were such as to prevent their naturalization at all under the general act, resorted to the act of May 9, 1918, and secured naturalization forthwith. Conceding that there was urgent need for the enactment of this legislation during the time of war, there is even more urgent need now, in time of peace, for its repeal.

The basic naturalization act is the act of June 29, 1906 (34 Stat. L. pt. 1, p. 596). That statute, as originally enacted, consisted of 31 sections, these sections being divided into paragraphs, as the subject matter dictated. The only exception to this arrangement is found in section 4. As originally enacted this consisted of six subdivisions, each of one or more paragraphs. The war-time act of May 9, 1918, heretofore referred to, amended the act of June 29, 1906, by adding additional subdivisions to said section 4, these being numbered seventh to thirteenth, inclusive. Two additional sections were added, these being numbered sections 2 and 3, respectively, of said act of May 9, 1918.

By this bill it is proposed to repeal the subdivisions 7 to 13, inclusive, as well as one clause of section 2 of the act aforesaid. In lieu of this repealed legislation in the bill offered there has been drafted a provision designated as the said seventh subdivision of section 4 of the act of June 29, 1906, and therein an endeavor has been made to codify in unambiguous language all of the law in said subdivisions 7 to 13, inclusive, of the act of May 9, 1918, as warrant continuation in permanent legislation.

In preparing the bill here offered it has been felt that any naturalization legislation should, while fully protecting the interests of the United States, make admission to citizenship as easy as possible for those worthy of receiving same. There can be no question but that a large alien element in our population constitutes a menace to our institutions. It is highly desirable, therefore, that we make citizens of all those who desire to be naturalized and whom we can naturalize without danger to ourselves or our institutions. The process of naturalization should not be made too burdensome or irksome. The bill offered endeavors to give legislative form to the suggestions made during recent years by expert witnesses who have testified before the Committee on Immigration and Naturalization.

The proposed seventh subdivision provides in simple and easily understood language a rule governing all those aliens who have meritoriously served in any of our armed forces. There is no distinction made between service in the Army, in the Navy, or minor branches of the armed service. The United States, beginning with the Civil War, declared the national policy to be that soldiers of alien birth should be granted citizenship on easier terms than those who had not performed said service. Later the same rule was applied to veterans of the Navy. Under the act of May 9, 1918, the same privilege was extended to the National Guard, Naval Militia, Marine Corps, and Coast Guard. All of these favored classes are cared for by the proposed seventh subdivision. The bill proposed in the main closely adheres to the Civil War act, later codified as section 2166 of the Revised Statutes. For peace times I have eliminated the 1918 expedient of providing an immediate hearing on these cases.

The reasoning of the Circuit Court of Appeals for the Eighth Circuit in the case of United States v. Peterson (182 Fed. 291) amply warrants this stand, as does the fact that the immediate-hearing clause has made possible colossal fraud in applications based on the act of May 9, 1918. It should be remembered, also, that before the act of 1918, and from the time the act of 1906 went into effect, final hearings on the petitions of veterans could be heard only on stated days fixed by rule of court and of which 90 days' notice had been given. By the legislation here proposed we return to that state of affairs, so far as peace times are concerned, thereby eliminating the opportunity for fraud that has crept into naturalization under the said act of May 9, 1918. Although more than six years have now elapsed since the signing of the armistice, there are still a few veterans of the World War of alien status who have not availed themselves of the privilege of being naturalized as honorably discharged soldiers. It is reported that there are still a few Spanish-American War veterans who are in a like situation. Therefore, to care for these remaining cases, provision has been made, under proper safeguards, that they may be naturalized under the provisions of the proposed seventh subdivision, providing application is filed within one year.

The emergency act of May 9, 1918, required a petition to be filed within six months of the date of honorable discharge. This legislation was doubtless based on the premise that it is entirely possible for a man who during his military or naval service behaved as a man of good moral character to degenerate in this particular following his discharge. Candidates should no doubt be required to petition within a reasonable length of time after getting out of the service, particularly as the record of the candidate in the armed forces is to be accepted as evidence of good moral character. The period of one year, rather than six months, has been fixed in the proposed seventh subdivision to afford greater flexibility of the statute and to give every candidate the maximum freedom of action.

The last sentence of paragraph 2 of the proposed seventh subdivision contains a clause designed to care for the naturalization of our fighting forces of alien birth during time of war. At the time of the declaration of war against Germany there was no legislation of this character on the statute books. More than a year elapsed before a bill could be gotten through Congress. The bill as thus enacted was the act of May 9, 1918. As will be noted by the eleventh subdivision of said act, as a preliminary appropriation for this war-time naturalization, some \$400,000 were provided. Had there been in existence on April 6, 1917, a provision of law such as proposed here, not only would the act of May 9, 1918, have been unnecessary but all of this soldier naturalization could have been cared for by the regular naturalization force without the expenditure of other than a trifling sum. In fact, it is altogether conceivable that this work could have been cared for under the appropriate

tion that the naturalization officers were working under at that time. Certainly this proposed bill eliminates any possibility of Congress being again called upon for any such sum as \$400,000 for this work. And by enacting this legislation we have a workable statute immediately available in the time of any war and which becomes operative without any expense to the United States upon the declaration of war by Congress.

The second paragraph of this proposed subdivision lays down a workable rule to govern the naturalization status of enemy aliens during the period of war. A perusal of the reports shows what utter confusion this matter was in at the outbreak of the World War. As illustrating this, there are cited some of the decisions on which the above statement is predicated: In re Jonasson, 241 Fed. 723; In re Kreuter, 241 Fed. 981; United States v. Meyer, 241 Fed. 305; In re Nannunga, 242 Fed. 737; In re Haas, 242 Fed. 739; In re Subjects of Germany, 242 Fed. 971; ex parte Borchardt, 242 Fed. 1006; In re Duus, 245 Fed. 813; In re Lindner, 247 Fed. 138; United States v. Kamm, 247 Fed. 968; In re Welsz, 250 Fed. 1008; In re Pfeiffer, 251 Fed. 511; In re Pollock, 257 Fed. 350; and Grahl v. United States, 261 Fed. 487.

The act of May 9, 1918, made provision under certain circumstances for the naturalization during the war of enemy aliens. From what can be learned as a result of painstaking inquiry, the experiment was far from a success, and the country should be spared from going through a like experience in connection with any future war.

The last clause of this sentence provides that an American citizen who finds himself in an enemy country during the time of war may not be naturalized a citizen or subject of such enemy country. This protection he is entitled to as a matter of law to prevent his being forced through pressure to become an expatriate. This country has from the earliest times declared the right of expatriation to be inalienable. Accordingly no restriction can logically be placed upon an American citizen in a friendly or neutral country during the time of war becoming a citizen or subject of such friendly or neutral country. In fact, we pursued this identical policy during the World War in respect to subjects of the allied powers then in this country whom we naturalized as a matter of course in great numbers all during the period of the war.

The last paragraph of the proposed seventh subdivision undertakes to so codify the law dealing with alien seamen as now declared in the seventh subdivision of the act of May 9, 1918, as to more fully protect the interests of the United States, and to at the same time work no hardship on any given candidate. As drafted it is believed this purpose has been achieved. By restricting the privilege of the petitioner to the home port of the alien concerned, there is eliminated all necessity for an immediate hearing of the petition, thus giving the Government time to investigate the case, which investigation will put a stop to such frauds as now exist in these classes of cases. The petitioner also is better prepared at such home port than he is elsewhere to establish the essential facts concerning his residence and good moral character.

To permit of a critical study being made of the proposed seventh subdivision and the legislation it is proposed to replace through repeal, there is made a part of this report, set down in opposing columns, the said proposed seventh subdivision in the first column, and in the second column the seventh, eleventh, twelfth, and thirteenth subdivisions of the act of May 9, 1918, the repeal of which is provided for:

Seventh. That any alien eligible to naturalization who has enlisted, or may hereafter enlist, in any one of the regularly established armed forces of the United States, and who has been honorably discharged therefrom by reason of expiration of his term of service or because of injuries or sickness actually incurred in line of duty, may, if he petitions within one year from the date of his discharge, be naturalized without proof of residence in the United States of more than one year preceding the date of his application, and without the production of a declaration of intention, upon his compliance with the other terms of the naturalization law: *Provided*, That time spent in the Panama Canal Zone, the Philippine

Seventh. Any native-born Filipino of the age of 21 years and upward who has declared his intention to become a citizen of the United States and who has enlisted or may hereafter enlist in the United States Navy or Marine Corps or the Naval Auxiliary Service, and who, after service of not less than three years, may be honorably discharged therefrom, or who may receive an ordinary discharge with recommendation for reenlistment; or any alien, or any Porto Rican not a citizen of the United States, of the age of 21 years and upward, who has enlisted or entered or may hereafter enlist in or enter the armies of the United States, either the Regular or the Volunteer Forces, or the National Army, the Na-

Islands, or other places outside the boundaries of the United States, in service with the armed forces of the United States, may be regarded as residence within the United States in connection with petitions for naturalization filed under this provision, but may not be so regarded in connection with any other class of cases: *Provided further*, That a veteran of the World War who did not prior to November 11, 1918, refuse to be naturalized while in the service, or who did not prior to the armistice seek release from the service on the ground of alienage; or a veteran of the Spanish-American War, Philippine rebellion, or Chinese Relief Expedition may be naturalized under the terms of the foregoing provisions, provided he files his petition within one year from the date of the passage of this act: *And provided further*, That upon the declaration of war by Congress the President of the United States may during the emergency by proclamation and under such safeguarding regulations as he may promulgate, authorize designated courts to immediately naturalize those aliens who have been inducted into the armed forces of the United States; that he shall be empowered to waive court costs in such naturalizations, as well as the requirement of at least one year's United States residence; that he may direct the courts to adjourn from the regularly established places of sitting, and to hear the petitions presented to them under this provision at such places as may best suit the conveniences of the War and Navy Departments; and that the Bureau of Naturalization and its field force shall be the agency designated to handle the emergency war-time naturalization authorized by this provision.

That during the time of war no enemy alien may be naturalized nor may an American citizen expatriate himself by becoming naturalized a citizen or subject of an enemy country.

That every alien seaman, eligible to naturalization who has declared his intention to become a citizen of the United States, and who has thereafter honorably served continuously for three years upon any vessel of the United States Government, or on board of ocean-going merchant or fishing vessels of the United States, petition for naturalization at his home port, without proof of United States residence other than proof of the service here prescribed, upon compliance with all other requirements of the naturalization law: *Provided*, That petition is filed within six months from the date of last discharge: *And provided further*, That only in the case of petitions filed under this provision of law may time spent upon vessels of the United States be regarded as residence within the United States."

tional Guard or Naval Militia of any State, Territory, or the District of Columbia, or the State militia in Federal service, or in the United States Navy or Marine Corps, or in the United States Coast Guard, or who has served for three years on board of any vessel of the United States Government, or for three years on board of merchant or fishing vessels of the United States of more than 20 tons burden, and while still in the service on a reenlistment or reappointment, or within six months after an honorable discharge or separation therefrom, or while on furlough to the Army Reserve or Regular Army Reserve after honorable service, may, on presentation of the required declaration of intention petition for naturalization without proof of the required five years' residence within the United States if upon examination by the representative of the Bureau of Naturalization, in accordance with the requirements of this subdivision it is shown that such residence can not be established; any alien serving in the military or naval service of the United States during the time this country is engaged in the present war may file his petition for naturalization without making the preliminary declaration of intention and without proof of the required five years' residence within the United States; any alien declarant who has served in the United States Army or Navy, or the Philippine Constabulary, and has been honorably discharged therefrom, and has been accepted for service in either the military or naval service of the United States on the condition that he becomes a citizen of the United States, may file his petition for naturalization upon proof of continuous residence within the United States for the three years immediately preceding his petition, by two witnesses, citizens of the United States, and in these cases only residence in the Philippine Islands and the Panama Canal Zone by aliens may be considered residence within the United States, and the place of such military service shall be construed as the place of residence required to be established for purposes of naturalization; and any alien, or any person owing permanent allegiance to the United States embraced within this subdivision, may file his petition for naturalization in the most convenient court without proof of residence within its jurisdiction, notwithstanding the limitation upon the jurisdiction of the courts specified in section 3 of the act of June 29, 1906, provided he appears with his two witnesses before the appropriate representative of the Bureau of Naturalization and passes the preliminary examination hereby required before filing his petition for naturalization in the office of the clerk of the court, and in each case the record of this examination shall be offered in evi-

dence by the representative of the Government from the Bureau of Naturalization and made a part of the record at the original and any subsequent hearings; and, except as otherwise herein provided, the honorable discharge certificate of such alien, or person owing permanent allegiance to the United States, or the certificate of service showing good conduct, signed by a duly authorized officer, or by the masters of said vessels, shall be deemed prima facie evidence to satisfy all of the requirements of residence within the United States and within the State, Territory, or the District of Columbia, and good moral character required by law, when supported by the affidavits of two witnesses, citizens of the United States, identifying the applicant as the person named in the certificate or honorable discharge, and in those cases only where the alien is actually in the military or naval service of the United States, the certificate of arrival shall not be filed with the petition for naturalization in the manner prescribed; and any petition for naturalization filed under the provisions of this subdivision may be heard immediately, notwithstanding the law prohibits the hearing of a petition for naturalization during 30 days preceding any election in the jurisdiction of the court. Any alien who, at the time of the passage of this act, is in the military service of the United States, who may not be within the jurisdiction of any court authorized to naturalize aliens, may file his petition for naturalization without appearing in person in the office of the clerk of the court and shall not be required to take the prescribed oath of allegiance in open court. The petition shall be verified by the affidavits of at least two credible witnesses who are citizens of the United States, and who shall prove in their affidavits the portion of the residence that they have personally known the applicant to have resided within the United States. The time of military service may be established by the affidavits of at least two other citizens of the United States, which together with the oath of allegiance may be taken in accordance with the terms of section 1750 of the Revised Statutes of the United States after notice from and under regulations of the Bureau of Naturalization. Such affidavits and oath of allegiance shall be admitted in evidence in any original or appellate naturalization proceeding without proof of the genuineness of the seal or signature or of the official character of the officer before whom the affidavits and oath of allegiance were taken, and shall be filed by the representative of the Government from the Bureau of Naturalization at the hearing as provided by section 11 of the act of June 29, 1906. Members of the Naturalization Bureau and

service may be designated by the Secretary of Labor to administer oaths relating to the administration of the naturalization law; and the requirement of section 10 of notice to take depositions to the United States attorneys is repealed, and the duty they perform under section 15 of the act of June 29, 1906 (34 Stat. L. pt. 1, p. 506), may also be performed by the commissioner or deputy commissioner of naturalization: *Provided*, That it shall not be lawful to make a declaration of intention before the clerk of any court on election day or during the period of 30 days preceding the day of holding any election in the jurisdiction of the court: *Provided further*, That service by aliens upon vessels other than of American registry, whether continuous or broken, shall not be considered as residence for naturalization purposes within the jurisdiction of the United States, and such aliens can not secure residence for naturalization purposes during service upon vessels of foreign registry.

During the time when the United States is at war no clerk of a United States court shall charge or collect a naturalization fee from an alien in the military service of the United States for filing his petition or issuing the certificate of naturalization upon admission to citizenship, and no clerk of any State court shall charge or collect any fee for this service unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected. A full accounting for all of these transactions shall be made to the Bureau of Naturalization in the manner provided by section 13 of the act of June 29, 1906.

Eleventh. No alien who is a native, citizen, subject, or denizen of any country, state, or sovereignty with which the United States is at war shall be admitted to become a citizen of the United States unless he made his declaration of intention not less than two nor more than seven years prior to the existence of the state of war, or was at that time entitled to become a citizen of the United States, without making a declaration of intention, or unless his petition for naturalization shall then be pending and is otherwise entitled to admission, notwithstanding he shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject: *Provided*, That no alien embraced within this subdivision shall have his petition for naturalization called for a hearing, or heard, except after 90 days' notice given by the clerk of the court to the Commissioner or Deputy Commissioner of Naturalization to be present, and the petition shall be given no final hearing except in open court and after such notice to the representative of the Government from

the Bureau of Naturalization, whose objection shall cause the petition to be continued from time to time for so long as the Government may require: *Provided, however*, That nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien; and section 2171 of the Revised Statutes of the United States is hereby repealed: *Provided further*, That the President of the United States may, in his discretion, upon investigation and report by the Department of Justice fully establishing the loyalty of any alien enemy not included in the foregoing exemption, except such alien enemy from the classification of alien enemy, and thereupon he shall have the privilege of applying for naturalization; and for the purposes of carrying into effect the provisions of this section, including personal services in the District of Columbia, the sum of \$400,000 is hereby appropriated, to be available until June 30, 1919, including travel expenses for members of the Bureau of Naturalization and its field service only, and the provisions of section 3679 of the Revised Statutes shall not be applicable in any way to this appropriation.

Twelfth. That any person who, while a citizen of the United States and during the existing war in Europe, entered the military or naval service of any country at war with a country with which the United States is now at war, who shall be deemed to have lost his citizenship by reason of any oath or obligation taken by him for the purpose of entering such service, may resume his citizenship by taking the oath of allegiance to the United States prescribed by the naturalization law and regulations, and such oath may be taken before any court of the United States or of any State authorized by law to naturalize aliens or before any consul of the United States, and certified copies thereof shall be sent by such court or consul to the Department of State and the Bureau of Naturalization, and the act (Public, 55, 65th Cong.) approved October 5, 1917, is hereby repealed.

Thirteenth. That any person who is serving in the military or naval forces of the United States at the termination of the existing war, and any person who before the termination of the existing war may have been honorably discharged from the military or naval services of the United States on account of disability incurred in line of duty, shall, if he applies to the proper court for admission as a citizen of the United States, be relieved from the necessity of proving that immediately preceding the date of his application he has resided continuously within the United States the time required by law of other aliens, or within the

State, Territory, or the District of Columbia for the year immediately preceding the date of his petition for naturalization, but his petition for naturalization shall be supported by the affidavits of two credible witnesses, citizens of the United States, identifying the petitioner as the person named in the certificate of honorable discharge, which said certificate may be accepted as evidence of good moral character required by law, and he shall comply with the other requirements of the naturalization law.

No attempt has been made to recodify subdivisions 8, 9, and 10 of the act of May 9, 1918. New subdivisions here proposed begin with the eleventh.

By the proposed eleventh subdivision it is attempted by statute to fix an educational test that candidates must meet to entitle them to naturalization. This provision follows almost word for word resolutions adopted on this subject by the 1923 California State American Legion convention and the National American Legion convention held during the same year.

At present there is nothing in the statute governing this subject. It is true that as a part of the oath of allegiance the petitioner declares that he will support and defend the Constitution of the United States. It is equally true that a man can not be attached to something with which he is not acquainted. Therefore it is a practice of certain courts to impose an educational qualification. There is, however, up to the present time no statutory requirement governing this matter, and as a consequence there is no uniformity of practice. In one court there may be a rigid test, in another none at all. The need of such a test as is here proposed is graphically portrayed by an article appearing in a recent issue of the San Francisco Examiner, one of the great Pacific coast newspapers. In reporting the proceedings in a Federal court of California this newspaper quoted the judge verbatim as disposing of a case on the following questions and responses:

"Have you ever heard of George Washington?"

"No."

"Do you know who Abraham Lincoln was?"

"No; but I have five children."

"I guess that really counts for more in good citizenship," the judge replied, as he admitted him.

The Government was, of course, without right or remedy in this or any other like case, and was, of course, helpless in so far as objecting to the naturalization of this candidate on the showing made by such candidate. The provisions of the law proposed are designed to give the people of the United States something to say on the subject through appropriate legislation prescribing reasonable educational tests.

The second paragraph of the proposed eleventh subdivision is likewise based upon resolutions of the American Legion convention above referred to. The need of this legislation is made very clear by the court decisions, some of which declare ineligible for naturalization those who, because of their alien status, would not fight in the war against Germany, while other tribunals hold that a refusal to fight does not in any way affect the eligibility of a petitioner to become naturalized. Some courts hold that a man who refused to fight in time of war can never be naturalized; others that such exemption claims bar naturalization only for a period of years. These conflicting decisions in themselves warrant this proposed legislation, particularly when we stop to consider that by law the rule of naturalization shall be uniform. The cases favoring denial of those who will not fight follow:

In re Gustavson (300 Fed. 251); In re Bevelacqua (295 Fed. 862); In re Pitto (293 Fed. 200); In re Linder (292 Fed. 1001); In re D— (290 Fed. 863); Petition of Escher (279 Fed. 792); In re Shanin (278 Fed. 739); Hauge v. United States (276 Fed. 113); In re Roepner (274 Fed. 490); In re Rubin (272 Fed. 697); In re Trachel (271 Fed. 779); In re Tomarchio (269 Fed. 400); In re Silberschutz (269 Fed. 779); and In re Loen (262 Fed. 166).

Those holding that refusal to fight does not constitute an objection to naturalization are:

United States v. Slem, C. C. A. (299 Fed. 582); In re Slem (284 Fed. 838); In re Levy (278 Fed. 621); and In re Miegel (272 Fed. 688).

By referring to the first decision, which is an appellate court decision, it will be noted that the court ruled in this as it did for the reason that there is no statute specifically governing the subject, which further emphasizes the urgent need of the legislation here proposed.

The last paragraph of the proposed said eleventh subdivision is likewise based upon legislation urged by the American Legion in its 1923 convention. It enables those of the public who have any real ground for objecting to the naturalization of a given applicant to appear in court in such a status as to insure them a hearing.

The first paragraph of the proposed twelfth subdivision is made necessary by this condition. The Supreme Court of the United States has declared members of certain races ineligible to citizenship. So far as the naturalization statute is concerned, however, there is nothing to prevent members of any of the races above referred to from at will declaring their intention to become citizens of the United States. This situation requires correction, and correction can only be accomplished through specific legislation.

The second paragraph of this proposed amendment is legislation most urgently needed. Since immigration has been restricted it is a matter of common knowledge that aliens have streamed across the Canadian and Mexican borders in vast hordes in utter disregard of the immigration laws and without compliance therewith. One of the first steps likely to be taken by such a person is to file his declaration of intention, this with a view to fighting deportation in the event of apprehension. Aliens thus illegally in this country should be deprived of the privilege of declaring their intention so long as their status as illegal-entry men continues. This proposed legislation accomplishes this purpose and likewise provides a means for the Department of Labor to locate aliens illegally in the United States under the immigration laws.

The third paragraph of the proposed amendment likewise represents a need so far as permanent legislation is concerned. While there are a few court decisions declaring a candidate must be 21 years of age, and while this may be the accepted practice, yet there is nothing to prohibit a court from departing from such practice and from naturalizing a minor.

The need of the last paragraph of the proposed twelfth subdivision is emphasized by the litigation that has grown out of the fact that there is now nothing in the statute specifically defining the jurisdiction of the State courts in naturalization causes. The weight of judicial authority is as defined in the proposed legislation. (United States v. Koopmans, 290 Fed. 545; petition of Briese, 267 Fed. 600; United States v. Johnson, 181 Fed. 429; United States v. Wayer, 163 Fed. 650; and United States v. Schurr, 163 Fed. 648.) Once in a while, however, a court refuses to follow this ruling. (United States v. Stoller, 180 Fed. 910.) The reason why the jurisdiction should be restricted as above provided is well stated in the Johnson case, *supra*, in the following language:

The clear import, it seems to me, of the provision of the naturalization act, "that the naturalization jurisdiction of all courts herein specified—State, Territorial, and Federal—shall extend only to aliens resident within the respective judicial districts of such courts," is that the alien applicant shall reside in the county where the district court acting on the application is held. This view best accords with the remedial policy of the present law that for purposes of inspection by the Bureau of Immigration and Naturalization into the grant of certificates of naturalization the record thereof may point to the residence of the party as of the county where the certificate has been granted and where the public and parties interested may be expected to take notice of the records of the district court having jurisdiction over the person as well as the subject matter.

Respecting the proposed thirteenth subdivision, it may be stated that at practically every session of Congress since the act of 1906 became law it has been urged that provision be made for the taking of depositions to establish residence in the State in which the candidate files his application. In far Western States, where distances are vast and where seasonal occupations prevail, there are great numbers of men who of necessity must move about within the State. As the law now stands they can not resort to cumulative proof, and this precludes them from procuring naturalization.

They can not take the depositions of the witnesses at their various places of residence, nor can they bring these witnesses into court to orally testify. They are restricted to two witnesses who must possess knowledge of the candidate's residence and character for the whole of the five years that precede the date of making their applications. Had they lived in States other than the one in which it was desired to petition, this

residence at points other than their homes could be established by depositions. The legislation proposed follows established Federal practice in deposition-testimony matters and fully protects the interests of the United States.

The first paragraph of the proposed fourteenth subdivision is self-explanatory. It provides that an alien who fraudulently enters the United States through evasion of the immigration laws shall not be confirmed in his right to remain in the United States through his being made a citizen by naturalization. This is a reasonable supplement to the immigration laws.

The second paragraph of the proposed amendment is suggested by the provision in the new immigration bill which places the burden of proof upon the alien concerned. The cases that most readily fall within this provision are cases like the United States v. Wursterbarth, 249 Fed. 395; Schurmann v. United States, 264 Fed. 917, 42 S. Ct. 185, 257 U. S. 621, and United States v. Herberger, 272 Fed. 278. Likewise, cases such as United States v. Sweiglin, 254 Fed. 884; United States v. Stuppiello, 200 Fed. 483; and United States v. Olsen, 272 Fed. 706, are directly in point.

But after all is said and done, these decisions represent judge-made law, and the rule therein declared can ordinarily only be enforced during the time of war fervor. This is well illustrated by United States v. Woerndle, 288 Fed. 47, in which a naturalized German permitted a German spy to use his American citizenship papers in the furtherance of the said spy's hostile activities.

The proposed legislation therefore merely gives legislative form to what the overwhelming number of courts have declared should be the law. This proposed provision will also care for cases where aliens of the most vicious type, such as pimps and bawdyhouse keepers, procure naturalization, and who under present conditions can only be stripped thereof at a great expenditure of money and time by the United States. Decisions such as United States v. Raverat (222 Fed. 1018), United States v. Lelles (236 Fed. 784), and United States v. Milder (289 Fed. 572) have a direct bearing on the situation under discussion. By making specific statutory provision for cases of this kind any doubt as to the Government's right to revoke naturalization will be set at rest and will make much easier the task of the United States in confining citizenship to naturalized aliens who are unquestionably men of good moral character.

The third paragraph of the proposed fourteenth subdivision deals with aliens who abandon their families abroad and who conceal facts relating thereto and who appear among those who seek naturalization. Once admitted to citizenship it is difficult indeed for the Government to recall the grants of naturalization conferred. Cases such as United States v. Albertini (206 Fed. 136) and United States v. Kichin (276 Fed. 818) illustrate this situation. The legislation proposed is amply warranted by the experience of the past.

The proposed fourth paragraph is essential to make effective the preceding paragraphs of the section.

Paragraph 1 of the fifteenth subdivision calls for certificates of arrival in naturalization cases to contain the personal description of the alien named therein. Without this personal description there is no opportunity afforded the courts of naturalization to really identify the petitioner with the record of landing adduced. A provision such as here proposed will eliminate the last possible avenue of fraud through appearing under the record of another.

The second paragraph of the proposed fifteenth subdivision is offered as a result of the situation portrayed in United States v. Janke, 183 Fed. 277. In that case a woman who had been dead for some four years petitioned for naturalization. Her application was verified by two citizens, who identified her as the person named in the petition. Later on hearing was had on this petition in open court, so far as the records show, and the petitioner and witnesses appeared and were examined in open court as to their qualifications. Following this there was an order of the court entered naturalizing this deceased woman, and a certificate of naturalization was actually issued in her name.

Later the Government, undertaking to punish this fraud through criminal prosecution, was defeated on the ground that the witnesses did not understand English and therefore could not be held to personal responsibility for their acts in signing the fraudulent petition made up in this case and their subsequent acts. The situation where ignorance of what is going on in a naturalization case can be successfully pleaded as a bar to conviction for crime should be corrected. A rule requiring the naturalization to occur within the sight and hearing of his witnesses and that these witnesses shall be able to speak and understand English will accomplish this. Thereby the standard

of citizenship will be greatly raised. Fraud will also be all but done away with, or where not done away with the Government will be able to successfully prosecute.

Section 2 of this proposed bill is designed to deal with the following situation. In the seventh subdivision of the emergency act of May 9, 1918, it is provided as follows:

That it shall not be lawful to make a declaration of intention before the clerk of any court on election day or during the period of 30 days preceding the day of holding any election in the jurisdiction of the court.

Whatever war-time purpose this legislation was intended to serve is not known. The situation is, however, that naturalization court clerks have for years overlooked this provision of law, as a result of which great numbers of declarations have been issued in violation thereof. This is true in my own congressional district, and I understand is true generally throughout the United States.

The legislation is legislation that should be repealed, and the declarations issued in violation thereof should be validated, and this is the intent of the proposed section 2.

By section 3 of this proposed bill repeal of four portions of the acts is provided for. The first of these has to do with legislation designed to care for Civil and Spanish-American War veterans. So many years have elapsed since the Civil War that it is inconceivable that there are many more veterans of that war of alien birth who have not been naturalized on their soldier record. The Spanish-American War veterans are cared for by the proposed seventh subdivision. In fact, that subdivision goes further and cares for all of those who saw war service prior to the World War, this through inclusion of the Philippine rebellion and the Boxer uprising. The second portion of law which it is sought to repeal deals with the Naval Reserve. Members of this reserve are provided for in the aforesaid proposed seventh subdivision.

The third provision of law to be repealed deals with the status of neutral aliens who during the war evaded military service by claiming alienage. Their cases are dealt with by paragraph 2 of the proposed eleventh subdivision.

The last provision of law, the repeal of which is sought, extended the provisions of the seventh subdivision of the act of May 9, 1918, for one year after all of our troops returned from abroad. This provision has lapsed by expiration of time and should be repealed.

Section 4 undertakes to deal with a general situation, which is that clerks of the courts in large centers, through lack of clerical force, are unable to give the public the service that should be provided in accepting the filing of declarations of intention and petitions for naturalizations. The present law only allows a clerk to retain \$3,000 during any fiscal year. After he has earned this sum, he has to turn all of the remaining fees collected over to the United States. Should clerks be allowed to retain one-half of all the fees they collect there would be no loss by the Government, as a greater volume of business would be done, which would mean a greater collection of fees. As said fees would be ample to provide all of the clerical assistance needed, such assistants would be employed, could these fees be so retained. The Government at no cost to itself would thus be relieved of all burdens in providing clerical aid in the larger courts, and at the same time the public would receive vastly improved service.

By paragraph 2 of this proposed section the filing fee for declarations of intention is raised from \$1 to \$4. There are a great many more aliens who annually declare their intention to become citizens than who actually seek naturalization. This is due to the laws of various States and municipalities that require those employed on public works to either be citizens or to have declared their intention to become such. These declarants file their applications for no other purpose than to secure employment that by law is confined to American citizens or those who in good faith intend to become such. The fee of \$1, now fixed, does not pay the clerical cost of preparing a declaration, and the thousands of aliens who every year declare their intention with no thought of becoming naturalized thereon, should no longer be accorded the privilege of securing these papers at a financial loss to the taxpayers, as the taxpayers must make up the difference between the cost of the issuance of any given declaration of intention and the fee paid for execution of such instrument.

All of which is respectfully submitted.

The bill (H. R. 9816) reads as follows:

A bill (H. R. 9816) to amend the act of June 29, 1906 (34 Stat. L. pt. 1, p. 596), as amended in sections 16, 17, and 19 by the act of Congress approved March 4, 1909 (35 Stat. L. pt. 1, p. 830); by

the act of Congress approved March 4, 1913 (37 Stat. L. pt. 1, p. 736), creating the Department of Labor; by the act of Congress approved May 9, 1918 (Public. No. 144, 65th Cong., 2d sess.); and by the act of Congress approved September 22, 1922 (U. S. Stats. pt. 1, chap. 411, p. 1921, 67th Cong., 2d sess.)

Be it enacted, etc., That the seventh, eleventh, twelfth, and thirteenth subdivisions of section 4 of the act of June 29, 1906 (34 Stat. L. pt. 1, p. 596), as amended, are repealed, and in lieu thereof the following provisions are substituted:

"Seventh. That any alien eligible to naturalization who has enlisted, or may hereafter enlist, in any one of the regularly established armed forces of the United States, and who has been honorably discharged therefrom by reason of expiration of his term of service or because of injuries or sickness actually incurred in line of duty, may, if he petitions within one year from the date of his discharge, be naturalized without proof of residence in the United States of more than one year preceding the date of his application, and without the production of a declaration of intention, upon his compliance with the other terms of the naturalization law: *Provided*, That time spent in the Panama Canal Zone, the Philippine Islands, or other places outside the boundaries of the United States in service with the armed forces of the United States may be regarded as residence within the United States in connection with petitions for naturalization filed under this provision, but may not be so regarded in connection with any other class of cases: *Provided further*, That a veteran of the World War who did not prior to November 11, 1918, refuse to be naturalized while in the service or who did not prior to the armistice seek release from the service on the ground of alienage, or a veteran of the Spanish-American War, Philippine rebellion, or Chinese relief expedition, may be naturalized under the terms of the foregoing provision provided he files his petition within one year from the date of the passage of this act: *And provided further*, That upon the declaration of war by Congress the President of the United States may during the emergency, by proclamation and under such safeguarding regulations as he may promulgate, authorize designated courts to immediately naturalize those aliens who have been inducted into the armed forces of the United States; that he shall be empowered to waive court costs in such naturalizations, as well as the requirement of at least one year's United States residence; and that the Bureau of Naturalization and its field force shall be the agency designated to handle the emergency war-time naturalization authorized by this provision.

"That during the time of war no enemy alien may be naturalized, nor may an American citizen expatriate himself by becoming naturalized a citizen or subject of an enemy country.

"That every alien seaman eligible to naturalization who has declared his intention to become a citizen of the United States, and who has thereafter honorably served continuously for three years upon any vessel of the United States Government, or on board of ocean-going merchant or fishing vessels of the United States, petition for naturalization at his home port, without proof of United States residence other than proof of the service here prescribed, upon compliance with all other requirements of the naturalization law: *Provided*, That petition is filed within six months from the date of last discharge: *And provided further*, That only in the case of petitions filed under this provision of law may time spent upon vessels of the United States be regarded as residence within the United States.

"Eleventh. That no alien may be naturalized who does not establish at the final hearing on his petition in open court, to the satisfaction of the court and the United States, that he proficiently reads and writes English, and that he possesses a true comprehension of the Declaration of Independence and the Constitution of the United States, and a knowledge of civics and American history: *Provided*, That naturalization procured or conferred without compliance with the foregoing requirement shall be deemed illegally secured.

"That no person who has asked for or sought exemption from military service in the United States armed forces in any wars in which this country has been (or may hereafter be) engaged, on the grounds of his conscientious objection or enemy or neutral alienage, shall be naturalized.

"That examiners of the Bureau of Naturalization may, in their appearance before the courts in naturalization causes as the representatives of the United States, associate with them members of any patriotic organization under such regulations as the Secretary of Labor may prescribe.

"Twelfth. That hereafter no alien who is not a free white person or of African nativity or descent may file a declaration of intention to become a citizen of the United States.

"That no alien may file a declaration of intention until he has established that his admission into the United States was in

accordance with the immigration laws, and for the purpose of permanent residence therein. The Secretary of Labor shall make such regulations as may be necessary for the enforcement of this provision.

"That no alien may petition for naturalization until after having attained the age of 21 years.

"That the jurisdiction of State courts in the filing of declarations of intention and petitions for naturalization shall be limited to bona fide residents of the county or municipality in which the court concerned sits.

"Thirteenth. That any alien who, by reason of his residence at widely separated points within the State in which he seeks naturalization, is unable to produce two witnesses competent from observation and personal contact to testify to his residence and good moral character for the five years continuously and immediately preceding his application shall be given the benefits of section 10 of the act of June 29, 1906: *Provided*, That he has resided within the county or municipality in which he applies for naturalization for not less than one year continuously immediately preceding the filing of his petition: *And provided further*, That the State residence remaining to be covered by deposition testimony represents residence at a place or places 100 miles or more distant from the court in which naturalization is sought.

"Fourteenth. That no alien may be naturalized who has not entered the United States at a regularly established port of entry, for the purpose of permanent residence, and who has not at the time of such entry fully complied with the immigration laws.

"That the burden of proof shall be upon every alien seeking naturalization, and his witnesses, to fully establish that such alien has met all requirements of the naturalization laws and that said applicant is in every respect entitled to naturalization; that it shall be the duty of each such alien and witness to disclose to the United States every matter that may in any way bear upon said alien's eligibility to naturalization; and that the admission to citizenship of every alien shall be conditioned on his continued loyalty to the United States, law-abiding conduct, and behavior as a person of good moral character.

"That no alien may be naturalized who has abandoned his wife and minor child or children, or wife, or child or children, in the old country, or who has prior to his petitioning for naturalization failed or neglected to bring to the United States his wife and minor child or children, or wife, or child or children.

"That the United States may, by suit in equity, revoke any naturalization secured, or held, where such naturalization was so secured, or is held, in breach of any of the foregoing provisions.

"Fifteenth. That every certificate of arrival issued for naturalization purposes shall, in addition to the information now required to be recited therein, contain the personal description of the alien concerned as shown by the immigration records made at the port of entry at the time of the admission of such alien to the United States for the purpose of permanent residence therein, and any petition for naturalization not supported at the time of its filing by such a certificate shall be void.

"That every petition for naturalization shall be signed by the applicant and verifying witnesses in the presence of each other; that the examination of the applicant and his witnesses in open court at the time of the final hearing on any petition for naturalization shall be in the presence of and within the hearing of each other; that the verifying witnesses on a naturalization application shall be able to speak and to read and write English; and that at least one verifying witness on each petition for naturalization shall be a native-born citizen of the United States."

SEC. 2. All declarations of intention issued since May 9, 1918, by clerks of courts of competent naturalization jurisdiction within the period of 30 days preceding the holding of any election in the jurisdiction of the court are hereby declared valid in so far as the issuance of such declarations of intention within the prohibited period is concerned, but shall not by this act be further validated or legalized.

SEC. 3. That the portion of section 2 of the act of May 9, 1918 (Public No. 144, 65th Cong.), reading:

"That as to all aliens who, prior to January 1, 1900, served in the Armies of the United States and were honorably discharged therefrom, section 2166 of the Revised Statutes of the United States shall be and remain in full force and effect, anything in this act to the contrary notwithstanding."

is repealed.

The act of May 22, 1917 (Public Laws, 65th Cong., 1st sess., 1917, p. 84), providing for the separate naturalization of members of the Naval Reserve Force, is repealed.

So much of the act of July 9, 1918 (40 Stat. L. pt. 1, p. 885), as reads:

"*Provided*, That a citizen or subject of a country neutral in the present war who has declared his intention to become a citizen of

the United States shall be relieved from liability to military service upon his making a declaration, in accordance with such regulations as the President may prescribe, withdrawing his intention to become a citizen of the United States, which shall operate and he held to cancel his declaration of intention to become an American citizen, and he shall forever be debarred from becoming a citizen of the United States,"

is repealed.

So much of the act of July 19, 1919 (41 Stat. L. pt. 1, p. 222), as reads:

"Any person of foreign birth who served in the military or naval forces of the United States during the present war, after final examination and acceptance by the said military or naval authorities, and shall have been honorably discharged after such acceptance and service, shall have the benefits of the seventh subdivision of section 4 of the act of June 29, 1906 (34 Stat. L. pt. 1, p. 596), as amended, and shall not be required to pay any fee therefor; and this provision shall continue for the period of one year after all of the American troops are returned to the United States,"

is repealed.

SEC. 4. Clerks of State courts exercising naturalization jurisdiction shall retain one-half of all naturalization fees collected by them, and such fees shall be full compensation for services performed by them in the exercise of naturalization jurisdiction by their courts. So much of section 13 of the act of June 29, 1906, as amended, as is inconsistent with this provision is repealed. The provision of the act of June 12, 1917 (40 Stat. L. pt. 1, p. 171), relating to section 13 of the act of June 29, 1906, as amended June 25, 1910, is repealed.

That from and after 30 days from the passage of this act the fee for filing a declaration of intention shall be \$4.

DEPARTMENT OF INTERIOR APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10020, making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SANDERS of Indiana in the chair.

Mr. CHINDBLOM. Mr. Chairman, may I ask how much time remains for general debate?

The CHAIRMAN. The gentleman from Michigan has 1 hour and 24 minutes and the gentleman from Oklahoma has 1 hour and 45 minutes remaining.

Mr. CARTER. Mr. Chairman, I yield 15 minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL of Washington. Mr. Chairman, I want to consume the time allotted to me in explaining an item which I think should be included in the appropriation bill now under consideration. It has reference to the claim of Stevens and Ferry Counties, in the State of Washington, for one hundred and fifteen thousand and some dollars in lieu of taxes on Indian allotments in the north half of the Colville Indian Reservation located partly in these two counties.

By Executive order, made in 1872, the Colville Indian Reservation located in the Territory, now the State of Washington, was established. In 1890 a commission was sent out to the various Indian reservations in the country, including the Colville Reservation, for the purpose of negotiating with these Indians, to the end that certain of the lands might be restored to the public domain. This was known as the Fullerton Commission. That commission visited the Colville Reservation in that year and reported back the result of their efforts with reference to that particular reservation. Based on that report and on the recommendation of the Secretary of the Interior, an act was passed July 1, 1892, restoring to the public domain what is known as the north half of the Colville Indian Reservation.

I am going to read to you a part of that act that you may get the particular wording applying to this particular restoration. I am quoting in reading this from the report of the Secretary of the Interior under the date of May 16, 1921, to the chairman of the Committee on Indian Affairs of the House.

I quote from the report as follows:

The claims of Stevens and Ferry Counties are based on the act of July 1, 1892 (27 Stat. L. 62), which act provided that the net proceeds arising from the sale of the north half of the Colville Reservation, in these counties, containing approximately 1,500,000 acres of land, ceded by the Indians and restored to the public domain, should be—

"SEC. 2. * * * set apart in the Treasury of the United States, for the time being but subject to such further appropriation for public

use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior from time to time in such amounts as he shall deem best, in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians as he shall think fit, so long as such allotted lands shall be held in trust and exempt from taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among said Indians."

That, gentlemen of the committee, is the particular section of the act upon which this claim is based. I want to call your attention to this distinctive feature of that particular section, distinguishing it from the wording of other acts applying to the restoration to the public domain of other Indian lands. We are all agreed that it is not customary that Indian lands should be taxed, and this matter, strictly speaking, is not a tax on Indian land, but it provides for the payment by the Government to these counties in lieu of taxes on Indian land. It is based on the statute, and I want to read it so that you may get the distinction:

for the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians as he shall think fit.

You will not find this language in any other act restoring Indian lands to the public domain.

I call attention to that fact because in the report of this committee the committee have said in their report, page 3:

An item of \$115,767.07 estimated for payment of taxes to certain counties in the State of Washington is not recommended, as a precedent would be established by such payment that might hereafter be held to justify many millions in similar payments in many States.

They seem to think it might establish a precedent, and I can sympathize with that attitude, provided the conditions exist upon which to base such a statement. I am inclined to think the committee did not have full information or they would not have made the statement that it would establish a precedent, because I say that you can not find the language about payment of taxes contained in the act of 1892, referred to, in any other act restoring Indian lands to the public domain. So it can only apply in the case of the restoration to the public domain of lands in the north half of the Colville Indian Reservation.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. HILL of Washington. Yes.

Mr. CARTER. As I understand this proposition, or as it was explained to the committee, there was some kind of an understanding with the Indians by which a certain amount of money, the result of the sales of their lands, which they had ceded, would be used for their support and civilization and for the payment of taxes. That is true, is it not?

Mr. HILL of Washington. Yes.

Mr. CARTER. Then, I understand that all that money was used for the support and civilization of the Indians.

Mr. HILL of Washington. I do not so understand.

Mr. CARTER. And that there is now none of that money in the Treasury. Furthermore, that this item calls for a direct appropriation from the Treasury to pay taxes for Indian lands which have been exempted. If the gentleman's case is on a different basis from the cases of Indian lands in other States, it may be entitled to some consideration, but if it is on the same basis as Indian lands in other States, then I say to him that if it were adopted we would be entering upon a policy here, setting a precedent, which, if we would follow it, would cost this Government not less than \$100,000,000 annually in the payment of taxes on Indian lands that have been exempted in all the different States of the country. Take, for instance, Arizona and New Mexico. Some of the counties in those States have practically no taxable lands on account of the land in them being Indian lands and exempt from taxation. Take the State of South Dakota. That State has counties in it which can not be organized, which have no officials on account of the lands being nontaxable, being Indian lands. In Oklahoma it would cost not less than \$50,000,000 annually to carry out this policy of taking care of the taxes on the Indian lands which are exempted. As I say, if the gentleman's case is upon a different basis from those which I have in mind, then it ought to have consideration, but if it is on the same basis as lands in other States, and if this money is to be taken directly from the Treasury without any reimbursement from the Indian funds, then certainly we would be embarking upon a policy about which we ought to hesitate before giving it our sanction.

Mr. HILL of Washington. It is not the gentleman's understanding that there are any similar provisions as to these other reservation lands providing for the payment of local taxation, is it? The gentleman does not understand that there is a similar provision to this in respect to other Indian lands which have been restored to the public domain, providing for local taxation on Indian allotments?

Mr. CARTER. I understand the gentleman's proposition to be that these lands were exempt from taxation, as all Indian lands are, and that afterwards the Indians ceded a part of their reservation, one of the conditions being that the money for which those lands were sold to the white settlers should be used for the support and civilization of the Indians and for the payment of taxes on lands that have been exempted to those counties, but that all of the money that was collected for the sale of these lands has been expended, that the fund has been exhausted in the support and civilization of the Indians, and that there is now no money in that fund, and that this calls for a direct appropriation from the Treasury.

Mr. HILL of Washington. Yes; it calls for a direct appropriation from the Treasury.

Mr. CARTER. If that is true, that would place them upon the same basis exactly as all other Indian lands in the different States.

Mr. HILL of Washington. I shall be glad to direct my attention to that phase; but let me repeat that this is the only act in which language is used providing for the payment of taxes on Indian lands by the Government—that is, by the money from this special fund.

Mr. CARTER. Does the gentleman know whether this fund has been exhausted?

Mr. HILL of Washington. I am coming to that. It will take a little time to explain it. There were a million and a half acres ceded to the Government, or restored to the public domain, from the north half of the Colville, and that was land remaining after the Indians had selected their allotment. The homesteaders were permitted to go in there and take this land, and upon the payment of the usual land-office fee, plus a dollar and a half an acre, the land was homesteaded, and with the usual residence of five years the homesteader could secure a patent. The net proceeds of the sales of these lands went into a special fund set apart for the purpose to which I have referred here; that is, the net proceeds of sales were put into a special fund and out of that fund the Secretary of the Interior from time to time was authorized to pay for the building of schoolhouses, the maintenance of schools for the Indians, and for the payment of such part of the local taxation as may be properly applied to lands of such Indians. That was in a special fund, set apart in the Treasury of the United States for the time being, but subject to such further appropriation for public use as Congress may make. The gentleman is following me?

Mr. CARTER. Yes.

Mr. HILL of Washington. It is set apart in this special fund for the use to which I have referred. It is to stay in that fund until Congress shall otherwise appropriate it. There was accumulated in that fund from 1900, when the Indian reservation was opened by proclamation of the President, until some time about the year 1915, a little less than \$400,000. A part of that money was spent in building schoolhouses and maintaining schools for Indians, and no part was spent for local taxation or for the building of roads or any improvements that went to the civilization of these Indians. It stayed in that fund, and Congress never appropriated it for any other purpose, but the Comptroller of the Treasury, without any act of Congress, covered it into the General Treasury of the United States and it went into the reclamation fund, as the proceeds of the sales of all lands of the public domain in that State go, and that, too, without any authorization from Congress. In other words, the special fund, so far as any act of Congress is concerned appropriating it otherwise, still exists, but in fact it has been covered into the General Treasury and it is no longer available. For that reason we had to come to Congress and get this act authorizing the payment by the Government of that money. Had it not been for the fact that this money was diverted from that special fund, without any act of Congress but simply through the erroneous act of the Comptroller of the Treasury, I contend, then the Secretary of the Interior would have the money to pay these claims and would not require anything of Congress to authorize him to do it.

Mr. CARTER. Now, is the gentleman sure this money has been diverted or is not this the fact: There were two different purposes for which the money could be used under the understanding with the Indians, to wit, in general terms, support and civilization and payment of taxes. Now, is it not a fact

that all the money has been consumed in support and civilization rather than some having been diverted?

Mr. HILL of Washington. No; it is not.

Mr. CARTER. Can the gentleman tell the House how much—

Mr. HILL of Washington. I can not tell how much, but I will tell the gentleman this: In 1903 instead of these homesteads being on a sale basis they were made free homesteads. In 1906 the Government bought outright a million and a half acres of land involved in the previous transaction at an agreed price of a million and a half dollars, and that was paid to the Indians, and out of that money was reserved the unexpended balance of the moneys in this special fund.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL of Washington. Can the gentleman from Oklahoma yield me five more minutes?

Mr. CARTER. I yield the gentleman five additional minutes.

Mr. HILL of Washington. So the fund was not exhausted, but they deducted it from the million and a half dollars that constituted the purchase price for this land, and it is in the Treasury of the United States Government; it was not expended. There is an abundance of money there to pay this claim. It should be made available for that purpose. Now, I want to say in the short time remaining that this claim has been thoroughly investigated by various committees. In February, 1920, the Indian appropriation bill carried a provision that the Secretary of the Interior should make an investigation of this claim in the field, and he sent one of his very best men to make the investigation, and he investigated and reported back that this claim should be paid, and the Secretary of the Interior embraced that in his report, and it was reported to the House and Senate Indian Affairs Committees, and upon that report were based bills for the payment of these moneys.

The matter has been twice investigated by the Senate Committee on Indian Affairs and reported favorably. It has been twice passed by the Senate. It has been investigated by the House Committee on Indian Affairs. The bill was laid last session before the subcommittee, and that committee unanimously reported it favorably, and the whole committee favorably reported in a unanimous report made to this House. It was passed; it has been approved by three Secretaries of the Interior; it has been passed by the Director of the Budget; and it comes here to this House with all of this approval back of it. And I ask the favorable consideration of the item at this time in this bill. I take it that the committee considering this bill did not have the time to investigate this item or did not have the data upon which to base approval of this item, or else they would not have found contrary to the reports of all these other investigating officials who had the same matter in charge. It can not become a precedent, because there is no other act relating to a similar subject that carries the wording of the statute upon which this claim is based. Hence you will not be confronted with the millions of dollars of claims which seems to be so greatly feared. I know we are all interested in economy. That was the strong theme of the President's address, but he said that the United States Government should pay its debts; and that is what we want now, that a debt of the United States Government be paid, and that the item in question be included in this bill. I shall not try to enter into the details of this matter, especially in the limited time allotted to me, to show you why the peculiar language as to payment of taxes was included in the act of 1892 and not in other similar acts. There is a peculiar condition obtaining in the north half of the Colville Reservation, which made it necessary to offer special inducement to settlers to go into that country. It has been extremely difficult to get settlers to go into that rugged country. Take Ferry County. To-day that county has only 14 per cent of its land on the tax rolls, and 86 per cent of the land is in Indian allotments, in forest reserves, and public domain. So, you see, the conditions were peculiar that gave a reason for this diversion from the usual and ordinary procedure in the matter of restoring Indian-reservation lands to the public domain.

I wish I had more time to go into that feature of it. I simply touched upon it in order to call your attention to the fact that there was a reason why this exception was made as to these lands.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MURPHY. Mr. Chairman, I yield one hour to the gentleman from Ohio [Mr. BURTON].

The CHAIRMAN. The gentleman from Ohio is recognized for one hour.

Mr. BURTON. Mr. Chairman and gentlemen of the committee, under the latitude of general debate it is my desire to speak upon some lessons to be derived from the recent election.

Such a review will be helpful because we can thus interpret the will of the voters, whose Representatives we are, and recognize beacon lights to guide us in the future.

What, then, are some of the lessons of the recent election? In the first place, it is evident that the people of the United States are not disposed to adopt radical changes hastily. A sane conservatism survives. They still adhere to those fundamental principles contained in the Constitution and wrought in the structure of this Government. One fundamental principle should never be forgotten. It is to the effect that, while the will of the people must prevail and we must have faith that ultimately their judgment will be right, it is equally essential that the will of the people should be deliberately expressed after mature and careful consideration.

The avoidance of hasty action resulting from superficial consideration or under the influence of passion or prejudice is secured by the Federal Constitution in many ways, as, for example, by the creation of two legislative bodies, a Senate and a House. At the time of the Constitutional Convention of 1787 no less a person than Benjamin Franklin advocated only one. But his suggestion was rejected. Again, deliberate action is promoted by the veto power of the President and by a tenure of Cabinet officers not subject to termination by adverse votes of the legislative branch. In this last regard our system differs very materially from that of the governments of Europe. In the adoption of constitutional amendments there is required for submission a two-thirds vote of both Houses and then ratification by three-fourths of the States. Incidentally, in the negotiation of treaties there is a requirement that there shall be ratification by a two-thirds vote of the Members of the Senate who are present. Most important of all in securing the objects desired is the Supreme Court, intrusted with the power to determine the limits and boundary lines of executive and legislative authority and to pass upon the validity of laws enacted by Congress and the State legislatures.

It is well to remember that this Government of ours is not an advanced or radical democracy. It is rather a Republic in which the law-making power is vested in representatives. The stability of the Republic is fortified by checks and balances and by safeguards alike against overthrow by revolution or oppression by the tyranny of fleeting majorities.

The framers of the Constitution were reluctant to grant arbitrary power or the final determination of legal questions to either executive or legislative bodies. They were strongly impressed by the words of Montesquieu in his work, "The Spirit of the Laws": "There is no liberty if the power of judging be not separate from the legislative and executive powers." Thus the ideal was established of a government of laws and not of men. The one distinctive feature of our political system is a Supreme Court to act as a restraint, a mentor it may be called, upon both executives and legislators.

Another motive which aided in the notable victory of November last was a desire for stability both in the maintenance of existing institutions and of conditions in our industrial and social life. It was the thought of the people that, whatever may have been the faults of the present administration in either branch, it was unsafe to tread the path of experiment. Changes in control were not regarded as desirable unless there was an assurance of improvement, and neither of the two contending parties gave promise of such improvement. Again the present administration submitted its claims to the people with a record of achievement in matters both foreign and domestic which may well challenge comparison with any preceding administration.

Another lesson is to be found in the overwhelming victory of President Coolidge. The electorate are always prone to visualize in some prominent personality the embodiment of their ideals and aspirations. They have standards for leadership and thus they are often more interested in the individual candidate than in the principles set forth in party platforms. Such a personality was found in Calvin Coolidge. His courage, his conscientious regard for public duty, his plain but abundant common sense, all appealed to the men and women of the country. The arrows of slander and detraction fell harmless at his feet. His almost unprecedented vote was a tribute of popular confidence rarely vouchsafed to any political leader.

A most encouraging lesson can be derived from the support of President Coolidge in that, while blocs and minorities can threaten, and selfish and local interests may regard important national issues as subservient to personal advantage, a Presi-

dent who stands four-square for the general welfare is sustained when a myriad of votes are cast. In nothing is there greater danger to the body politic than in the power of persistent and well-organized groups to secure the enactment of measures which are contrary to the interest of the aggregate body of our citizenship. This is made possible by the fact that the united and vigorous support of a comparatively small number often seems to render more efficient aid to one seeking office than that of the inert and rarely aroused majority who take less interest in public affairs. The present disposition to secure such advantages is manifested by the great mass of propaganda much of which is calculated to mislead rather than to give accurate information, by the fact that Washington is filled with organizations of lobbyists who seek to overawe Congress for such objects as special privilege or favors, bonuses, larger salaries, and matters of individual or local concern. The late election with its 15,000,000 votes, approximately, for the successful candidate against 12,000,000 for all others, is a proof that the country still has supreme regard for courage and common honesty. [Applause.]

In this connection it may be said that a severe criticism can be made upon the political platforms of parties in the past in that they have been marked by a strenuous endeavor to include an almost infinite variety of views and interests. Thus, they promote the formation of groups and blocs. The result is a neglect of weighty problems of general concern which should stand out as high spots in the aims of all patriotic citizens. Among reforms which may be considered desirable both for convenience and salutary accomplishment, none would be more commendable than to lay emphasis upon a limited number of issues of grave importance with brevity in their statement.

The autumn of 1924 was not a favorable season for the muckraker or professional pessimist. The voters were not disposed to give much attention to numerous charges against public officials as the real issues of the campaign. This was not due to any lack of insistence upon honesty or absence of interest in the punishment of the guilty. It must be especially emphasized that dishonesty or failure of duty on the part of those in the public service, whether their station be high or low, must be relentlessly prosecuted and severely punished. There was a general belief that many of these accusations were made for political capital, and as the people were confident that President Coolidge would strenuously insist upon rectitude in official positions, they resented the baseless accusation that their Government was steeped in corruption. Any wholesale indictment of their public servants was regarded as an unjust reflection upon the American name and, in effect, an indictment of themselves. The judicious deplored the spread of scandals, which were circulated here and abroad. It is to be hoped that hereafter no anxiety for success in an election will afford an excuse for reckless assertions such as were made in the late campaign. A candidate for high office declared that the United States Government would lose more than a billion of dollars by the Tea Pot Dome lease. Some things which were done in connection with this transaction were apparently most reprehensible and deserving of condign punishment, but such a preposterous statement is worthy of the severest condemnation. I speak of this matter guardedly, because the question is now before the courts.

References to a so-called slush fund were futile, partly because they were exaggerated or incorrect and partly because they were accepted as the lament of some of those in minor political organizations who would have been glad to have raised and expended as much themselves, and only had ground for criticism because they were less successful in securing financial support. [Laughter.]

The recent management of the Republican campaign was clean; was characterized by an absence of extravagant expenditures and by the avoidance of a deficit. It was conducted in accordance with lawful and correct methods by Chairman Butler and his associates.

In view of the difficulty in arousing voters to go to the polls and in placing the issues clearly before them, a fund of four millions, or even more—which is not much in excess of 13 cents for each voter—does not seem exorbitant. The amount is very small in comparison with the billions of dollars annually expended for advertising. At the same time large expenditures in campaigns are to be regretted, and in an ideal Republic every voter should be alert to perform his duty and give such attention to the consideration of public questions as to vote intelligently. If such conditions could be attained, expenses would be reduced to a minimum, but it is not a political party or the candidate for office who is chiefly responsible; it is rather that inactive mass of voters who only

go to the polls when urged and whose study of the problems of the time is so superficial that their conclusions are likely to be erroneous.

The result of the election is a decisive proof that the more thoughtful refused to listen to stock arguments and false accusation, so common in the recent campaign, viz, that financial and business interests control the action of Congress at Washington and have ready access to the White House. A considerable number of agitators have gained prominence by shouting in the voice of a crushed tragedian, "Wall Street! Wall Street!" as if it were like a personal devil, always present at everybody's side. There is enough to criticize in the methods and transactions of Wall Street.

The love of money, the root of all evil, is only too manifest there; but any claim that this financial center of the country is a consolidated or united force, is a myth. There is represented there a very marked contrariety of interests. First, the never-ending fight between the "bulls" and "bears," one desiring increase in the prices of stocks and securities and the other a decrease. There is a large number of institutions which will be benefited by an increase in the rate of interest; others by a lowering of those rates. There are financial houses interested in foreign loans, while there are others who would prefer to see the funds of the country restricted to investment in domestic loans. Some would expect benefit from the highest rates of tariff and others from the lowest. Then there are Republicans and Democrats, each contributing of their means, and giving their support to the respective parties. And I think it may be said without fear of contradiction that if any delegation or any individual came before a committee of this House or an individual Member, saying, "I am a representative of Wall Street," his arguments would be received with great caution.

The history of legislation in past years affords to any dispassionate observer a complete refutation of this groundless charge of undue influence by corporations or financial interests. An appeal on this ground could only be made to those who have not given careful or intelligent study to the subject. As this outcry, however, has not yet been entirely quelled and still has very considerable acceptance, it is well to give a clear statement of the facts. What has been the action of Congress and of Executives in recent years? A summary of that which has occurred since 1887 shows there has been a constantly progressive movement in the restraint of corporate power and the curbing of the privileges which attach themselves to great wealth or large business enterprises.

Let us survey some of the legislation and executive action of the last 40 years.

Beginning in February, 1887, the interstate commerce act was passed. At first this was only a partial solution of problems then pending, for great railway corporations even threatened to overshadow the State. A leading railroad president at one time expressed himself, "the public be damned," and this, unfortunately, was the attitude of some railway magnates. But this act, with amendments passed in 1903, 1906, 1910, and other years, gives absolute control to the Interstate Commerce Commission of rail rates, both freight and passenger. The only real limit upon the rulings of the commission is confiscation of the property involved. The action of the commission has been constantly exerted for the protection of shippers and the various communities of the country. True, rates have been raised—beginning in 1918, when under Government control—but this has been in response to the far higher cost of wages, materials, and taxes. During recent years the average return of railway investments has been less than upon most other forms of property, and reductions have recently been made aggregating \$200,000,000 per annum in freight rates especially benefiting the farmers of the West. Has Wall Street or financial interests approved of all this? By no means.

Then in 1890 the antitrust act was passed, which has been enforced with a great deal of severity. During the life of the present administration many corporations have been brought to book and suits are pending against some of the most powerful business organizations in the country with every prospect of a successful outcome. The act was drastically limited in its application to workmen and associations of farmers by the Clayton Act and by prohibitions in appropriation bills so as to afford them practical exemption from the operations of the antitrust statute.

Next, the Federal Trade Commission was established, which has been very aggressive in detecting and preventing illegal practices on the part of manufacturers and traders. It is needless to say that none of this legislation or regulations in pursuance thereof has been favored by great financial interests.

The income tax amendment was presented to the States by a two-thirds vote in both Houses of Congress and ratified by three-fourths of the States. It had been most confidently asserted that it was impossible to secure the necessary majority either in Congress or among the States, because this amendment to the Constitution would arouse the united opposition of the aggregate wealth of the country. But the necessary majority was obtained in Congress and there was ratification by three-fourths of the States. Under acts passed in pursuance of this amendment rates have been as high as 65 per cent in surtaxes, which, with the normal taxes, absorbed for the Government three-fourths of incomes in the higher brackets. In comparison with other nations, exemptions are much larger for those of smaller incomes. Earned incomes for a very considerable amount are favored and have lower rates. Surtaxes up to 40 per cent are now levied—a rate which, it is true, is too high to be effective, especially in view of the fact that there is a refuge for those who invest in tax-free securities. Then there is an inheritance tax as high as 40 per cent on the largest fortunes, and still later in this present Congress an equal rate on gifts has been imposed. Income, Federal, and State inheritance taxes will presumably prevent the accumulation of fortunes so large as those which now exist or have existed in the past.

An especial appeal has been made for the farmers. Time would fail me to enumerate the very considerable number of laws enacted for the benefit of the farmers of this country. It is sufficient to say that no less a person than Mr. William Jennings Bryan said that the first Congress of the Harding administration accomplished more for the farmers than any Congress for 50 years. It is true he maintained that no political party was entitled to the credit, but nevertheless the action of the last Congress shows the trend of the times. In a recent statement Mr. Gompers has said that no legislation opposed by labor has recently been passed, while numerous acts which are favorable to the interests of the working class have been enacted. Contemporaneously with the legislation above described there has been an ever-widening activity in the passage of humanitarian laws for the protection and benefit of workers. The welfare of women and children has by no means been neglected. Political parties have vied with each other in the enactment of humane and progressive legislation.

In the dealings of the executive departments with great corporations and with employers of labor there have been notable instances of the keenest regard for better conditions for the workingman, though against the will of many, if not most of the great employing corporations. It may be said without the slightest fear of contradiction that those who perform manual labor in this country are far more fortunate and enjoy far better opportunities than in any country in the world, and better than in our own country in any previous era of our industrial life.

During the life of President Harding he brought pressure to bear on the United States Steel Corporation to abolish the seven-day week and long hours. In this he was successful and these harsh conditions were abolished a few days before the day of his death.

A report from the Federal Trade Commission, which had been long delayed, favored the abolition of the Pittsburgh-plus plan, and the United States Steel Corporation, which, like all other organizations, is subject to influences of popular opinion, voluntarily abolished it. This undoubtedly will benefit the users of iron and steel products in many portions of the country.

It is a baseless slander upon Congress and the Executive, and upon both the leading political parties, to assert that any favoritism has been shown to the moneyed interests of the country. In fact, under present conditions at Washington, the great financial interests must come and plead, if they dare to come at all, and must be confronted with a manifest disposition to curb their power.

The accusation has been made that the Supreme Court is reactionary or unduly conservative, especially in questions pertaining to the rights of labor. Such accusation is conclusively disproved by a decision rendered in October in which, reversing the judgment of both the district and circuit courts and contrary to a generally accepted opinion of the law, it was decided that those arrested for violation of an order of the court forbidding an act which constitutes a criminal offense, are entitled to a trial by jury unless the violation or contempt is committed in the presence of the court, or is in a proceeding instituted by the Government.

The so-called Clayton Act was sustained. According to this decision, in case there is violence or riot in which thousands participate, the remedy by injunction is nugatory, because each

and all are entitled to trial by jury, unless the strong arm of the Federal Government is invoked, as was done by President Cleveland in the railway strike of 1894.

The question of tariff did not awaken the interest which was anticipated, in the discussions last autumn. It was confidently predicted by opponents of the tariff act of September, 1922, that the rates were so high that foreign trade would be seriously impaired. Some even said it would be practically destroyed. The logic of facts shows how groundless were these criticisms. A computation of the imports in the 21 months succeeding the passage of the law showed an increase in comparison with the 21 months preceding of \$1,881,000,000 in value, or of 40 per cent; also an increase in exports. If comparison is made with other countries, the improvement in foreign trade was much more noticeable in the United States than anywhere else.

Another argument employed was that the cost of living had been increased in such a way as to involve an additional expense of three or four billions per annum.

A comparison of wholesale prices does not sustain this untenable position. The reported index number for prices of all commodities in August, 1922, was 155; in October, 1923, 153.1; in September, 1924, 148.8; in October, 1924, 151.9. In fact, the marvelous producing capacity of the country has so manifested itself that larger production has kept down most prices. Most of such increases as have occurred have been in agricultural products, and in view of the depressed condition which has rested upon the farming industry, we should be willing to face such an increase.

The principal reason which makes for higher cost of living is to be found in the wide gap between the producer and the consumer. The retailer or final distributor is not so much to blame, because he has to pay a higher rent and higher salaries, keep a greater variety in his stock, maintain pace with the fashions, and each year a considerable share of the goods which he purchases is left over as a loss. The great abundance of gold and the readiness with which credit can be obtained are other causes of an inflation of prices. And then again, we must face this fact, which is in part psychological, that the demand of all classes of our people in this time is for higher profits and higher wages. It is largely due to the aftermath of the Great War, when prices were expanded and everyone was expecting a larger return.

If there was any prophet of calamity, his predictions have been conclusively disproved by the widespread and almost universal impetus given to business since the election on November 4. Confidence, one of the mainsprings of prosperity, has been wonderfully enhanced. The quoted prices of stocks have displayed an increase so phenomenal as to raise a doubt whether the movement is natural or wholesome, but the improvement has been very marked all along the line and in almost every branch of endeavor. This improvement has found a reflection in the increase of employment.

There are numerous conjectures as to the future of the so-called third party in this election. Every political movement, in order that it may survive, must have a basis in principles which promise universal benefits. Its platform must be such as to displace pending issues. It must sedulously avoid such agitation as will arouse class antagonism. In considering this question we must realize that for orderly government in any country one beneficial object to be sought is the existence of only two contending parties. If new political creeds or outside movements are advocated, one or the other party organization can adopt such portions as seem to be for the public weal, but the existence of more than two political organizations makes for inefficiency and the distractions of faction. It promotes special interests and the formation of blocs and obscures the supreme importance of decisions upon settled principles upon which the future welfare of the country must depend. Again, there is danger of fads and delusions which, however attractive they may be, can only result in confusion and disaster. The failure of divers governments on the Continent of Europe to secure the best results has been clearly due to factional divisions resulting from a considerable number of parties. These are unanswerable arguments for the American people against a division into party groups. There is very naturally an alternation in control wherever there are two political parties. When one fails to meet the demands of the time the other takes its place.

It is a notable feature of our American political life that periodically certain financial delusions sweep over the land, sometimes even when the country is most prosperous, at other times when there is depression; for instance, depression from the ravages of the grasshopper or drought or from an abnormally low range of prices. At such times great numbers accept palpably erroneous ideas and adhere to them with fanatical

enthusiasm. Among these we may enumerate the greenback craze in the seventies. We have had an object lesson from experiences in Europe very recently of the evils of irredeemable paper currency, and there is no policy in finance more damaging to each and to all than this idea of using the printing press under the stamp of the government or in any other way for the issuance of currency which can not be exchanged for gold or something of permanent value, and exchanged not only ultimately but immediately. Who would support the greenback theory now? Yet it numbered among its devotees hundreds of thousands, and it was a leading factor in elections in several States. Then came in 1896 the unspeakable fallacy of 16 to 1. People soon came to learn the unsoundness of the theory of tying two metals together, metals which had an independent use beside that for coinage, and which as such were quoted in the markets of the world. In view of the fact that the leading nations of the earth had adopted the gold standard, the idea of the free and unlimited coinage of silver was a chimera. Who will defend it now? But for a period of six or eight years it had the advocacy of a very large mass of the voters of this country.

I might mention other delusions. But only one, perhaps, is necessary. That is the idea of the guaranty of bank deposits, which was advocated in 1908, a proposition not without merit if under proper limitation and management, but as then proposed, altogether objectionable. Yet it swept through the country, and when orators asked in meetings, "How many are in favor of a guaranty of bank deposits?" in an audience of thousands every hand would go up. Who believes in that now in the form in which it was advocated? And is it not only most probable but reasonably certain that some of the ideas which have been widely scattered in this recent campaign, after their overwhelming rejection by the vote of the people, will go into the dust heap as delusions which ought never to have received support?

The Republican majority in this House will fail to meet the expectations of the people unless in essentials there is unity of purpose and of action. Opinions which are advocated by individual Members must always receive careful consideration, but in final conclusions upon important questions of policy these should yield to the predominant sentiment of the majority. In no other way can those results be attained which are worthy of a party intrusted with the direction of affairs by the solemn mandate of the people.

The recent victory should not be celebrated by mere notes of triumph but with an abiding sense of responsibility. It is not a time for retrogressive conservatism. The Republican Party, in the future as well as in its splendid past, must still be an organization which keeps step with the progress of the age. There are imperfections to be removed and reforms to be adopted which must evoke constant attention and deliberate but decisive action. The accepted program should be fairness to all, special privilege to none [applause], harmony between the President and Congress, with a breadth of vision which shall afford comprehension of every perplexing problem, always realizing that more than the material progress, of which we are so proud, the development of the moral and intellectual forces which make for the betterment of all humanity will be the chiefest glory of the American name. It is with such aims and not merely for a party that we should labor, however important its control may be. We shall hope to aid in securing the permanence of this Republic and the preservation of its institutions so happily founded, and to do our part in a manner worthy of the future of the greatest of nations, the most prosperous and fortunate of peoples. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Ohio yields back 15 minutes.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. McKeown].

The CHAIRMAN. The gentleman from Oklahoma is recognized for 10 minutes. [Applause.]

Mr. McKEOWN. Mr. Chairman and gentlemen of the House, I do not rise in my place to make any remarks touching the questions discussed by the distinguished gentleman from Ohio [Mr. BURTON] who has so ably expressed his views touching the results of the late election. I am disappointed in that he did not discuss one of the vital issues upon which the campaign turned, so that in the future those of us who had such sad experiences with that question might be able to avoid it. I heard no reference to the effects of the Klan or the anti-Klan in this late campaign, and that is one of the things about which I was very much interested to hear. [Laughter.]

The distinguished gentleman discussed the question of bank guaranty of deposits. I take it, however, that a great many American citizens are still of the opinion some guaranty should be given in certain events, such as provided by Martin Van Buren while Governor of the State of New York, when he had the Legislature of New York place upon the statute books of that Empire State a provision that the earnings of laborers and the savings of the poor should be guaranteed by the banks of that Commonwealth. I am one who is still of the same opinion, be they National or State banks, that the savings of the workingman and of the poor ought to be guaranteed against loss. [Applause.]

Now, so much for that. I rise to talk about the Budget provision with reference to the improvement of the streets of Washington, the paving of the streets of Washington. I hope the Committee on Appropriations will hold up that item just long enough to give this Congress time in which to pass some traffic laws to regulate traffic in the District of Columbia and provide a chain gang for some of the drivers here, and we can then pave the streets with the chain gang without having to expend Uncle Sam's money.

You take it in the District of Columbia, where people come from every part of this country to visit the Capital, when a man crosses the borders of the District of Columbia he takes his life in his hands. Instead of paving these streets we ought to tear up some of the pavements that are already down, because those are the only kind of streets on which a pedestrian can walk across safely, the ones which are not paved, because the cars can not run so fast on those, and a man can save himself a little when he goes across.

Why, gentlemen, there are men in this House who have risen here and called the attention of the Congress time after time to the destruction of human life in the District of Columbia, but nothing has resulted. There was a case which occurred here that was very flagrant. A poor old colored charwoman, who used to work in the House Office Building, was ruthlessly killed in the very shadow of this Capitol, and yet that fellow, I am informed, has never been brought to trial in the District of Columbia. Is human life so cheap in this District that men full of corn liquor, running and operating cars, probably without permits or licenses, can go unchecked?

The city of Washington ought to have the best traffic arrangements of any city in the United States. It ought to have its proper lights, proper signals, and sufficient men to enforce the law. It needs mounted men who can go out and bring these fellows to justice.

We sit here oblivious to what is going on, although every morning, when you pick up your newspaper, somebody else was killed last night, somebody else was maimed and crippled. It would be a horrible sight for this Congress to sit by and see pass in procession the maimed and crippled in the District of Columbia for the lack of facilities and enforcement of the laws.

You need laws which will enable those who have the enforcement of the laws to have an opportunity to put a real punishment on these fellows. They put up a little deposit, and then they go their way and they do not come back. Of course, they will forfeit the little deposit they put up. You need a law in the District of Columbia making a jail sentence imperative and making it a felony to operate an automobile while under the influence of liquor. You need a law in the District of Columbia which will put these fellows out here in a chain gang and make them help build these streets. The humiliation of it will restrain such violations of the law.

Why, gentlemen, there is no greater menace to life anywhere than to let a fellow get a quart of this corn liquor under his belt, get in a high-powered machine, and operate it in the city of Washington. It is a most deadly machine, and I do not understand why the War Department and the Navy Department do not adopt it for war purposes if they want a heartless, death-dealing instrument for destruction of human life and limb.

Now, gentlemen, I am serious when I tell you that the lives of the people of Washington are in danger. Where is the man who can send his little child, his little girl or little boy, on a little errand out to the little corner store or over to a neighbor's house who does not sit with fear until that little child returns? It ought not to be, gentlemen, and we ought not to sit here day in and day out passing legislation—of course, that is important—and let this matter go without attention. I say we owe speedy action to the people of this District.

Mr. BLANTON. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BLANTON. If the gentleman will investigate he will find that the taxicabs which shoot around corners at about 50 miles an hour are responsible for 90 per cent of the danger. Just watch these Black and White taxicabs, if you please, when you try to cross a street, even when you have the right of way, and you will find that they will shoot by you at 50 miles an hour, whether there is danger of overturning you or not. They ought to be denied the privileges of the streets of Washington until they instruct their drivers to pay greater attention to the traffic laws. [Applause.]

Mr. McKEOWN. Well, I take it, gentlemen, that the taxi driver is put on a commission on what he can make; he is probably working on a per cent basis, and that is what impels him to drive rapidly, because he is trying to get around and get as many returns as possible. But we ought to regulate that, as suggested by the gentleman from Texas [Mr. BLANTON].

Now, the police themselves have no protection in this city. They have no protection themselves. A man could beat up a policeman here and get away with a small fine. A policeman has no protection. We have no law here making it a felony, and it is the only city on earth where a policeman has to take his life in his hands and take what is coming to him when he goes out to enforce the law.

If some business man goes down town and violates the traffic rules and the policeman arrests him or undertakes to arrest him, the business man will say to him, "Give me your name and your number; I am going to see a Congressman and get your job." They also say, I do not know how true it is, that some Members of Congress sometimes get fretted and say they are going to get the policeman's job, who is simply trying to enforce the law.

I say now that we ought to at once pass a proper traffic law and give them some law to govern conditions, and let them fix proper penalties, and we should also provide for men in this city to protect the inhabitants and your constituents when they come here. Gentlemen, your constituents at least have the right to come to Washington to see the Capital, and a man ought not to be required to endanger his life and forfeit his life insurance simply because he wants to come here and see the Capital of the Nation. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. O'CONNOR]. [Applause.]

Mr. O'CONNOR of Louisiana. Mr. Chairman and members of the committee, our colleague, Congressman RILEY WILSON of Louisiana, will in the near future introduce a bill providing for a survey of spillway sites on the Mississippi River above New Orleans. I understand that General Harry Taylor heartily approves the purpose of the proposed bill. As you know, General Taylor is the Chief of the Army Engineers. The lamented Ben Humphreys was for many years looked upon by the House of Representatives as the outstanding authority on the Mississippi River flood problem and its solution or the control of the floods which annually menace the people of the country lying for miles on both sides of the great river. But Ben is gone to the bourne from whence no traveler has ever returned. Since his departure Mr. WILSON has become the recognized authority upon flood control. He has probably given the subject as much thought as has been given to it by any other man in the country, and his remarks upon the Mississippi River are always worth hearing and recording. Congressman WILSON lives in north Louisiana, and his first concern naturally is the protection of his section and the property and lives of his constituents from the terrific floods that annually endanger them by the erection, construction, and building of immense levees that are going up higher and higher from time to time. But in addition to his own immediate congressional interest in his constituency he is also tremendously interested, not only as a Louisianian but as a far-sighted, broad-visioned American statesman, in the flood perils that yearly threaten the city of New Orleans. Those who are competent to express an opinion believe, as a result of our enormous expenditures in levees or embankments, that we of the city are safe from inundation, overflow, or catastrophe through a break in the levee system which virtually surrounds New Orleans and which our people have endeavored to make as strong as walls of steel. But we desire to make assurance doubly sure and out of an abundance of precaution provide against any possible calamity which might cost millions of money and perhaps the lives of thousands of people. One thing we are sure of: We can not build our levees any higher in and around New Orleans nor in the lower reaches of the great river. We have reached the limit.

The foundation will not support any superstructure higher than we have there now. Hence our desire for something in addition to the levees we have. What is that something or

things? Spillways, by-passes, waste weirs, and the like will give us the protection we need in the event that the Ohio, upper Mississippi, and the Missouri rise in flood at the same time. It was a similar natural condition or contingency as that just predicated—that is, a flood combination—that caused the great Paris flood a little over 12 years ago. Eternal vigilance is the price we must pay not only for liberty but for flood protection, and through that control the protection of perhaps millions of lives. It is said that the dwellers along the slopes of Vesuvius, Aetna, and other volcanoes always straggle back to their old homes when they can find them after every terrific volcanic outburst of fire and lava and then immediately apparently forget the trials, suffering, and vicissitudes they endured when they had to flee from their fields and homes. They do not even build the roads which would make easy an escape from the next eruption. Men employed in the great steel mills of the country and structural-iron workers become so familiar with the hazards and dangers of their occupation as to treat carelessly and indifferently risks that terrify those not engaged in these occupations. Visitors who first look at our great levees above New Orleans wonder at the courage of those who dwell behind them. Fittingly altered, the lines by Pope in regard to the change that comes over one's viewpoint of life as he daily has to witness vice and its operations, first shuddering at it and finally embracing it, might be given an appropriate application to the attitude of people who have become used to and familiar with some great danger. Carelessness will come unless the danger be constantly stressed and never lost sight of. As a result of a lack of care in providing for a proper dam across the South Fork, a small branch of the Connemaugh River, there was a flood which the American people will not soon forget. Ten millions of property was destroyed and twenty-two hundred and five lives were lost. In Grand View Cemetery sleep 777 of the unidentified dead of that awful horror. In the mad rush of waters as a result of a broken dam, houses were overturned, then caught fire, and as a consequence could not even be used as rafts.

May 31, 1889, will always be regarded in that section of the country as a day of horror. It will so be regarded in all parts of the country by those who happen to have their memories revived on the subject. It was a lack of preparedness by Galveston to meet a West Indian hurricane which swept over the island city on September 8, 1900, that caused the loss of 6,000 lives and \$17,000,000 of property, sending a chill of horror to the hearts of the people of the whole country, and one which Texas, near the coast, will not forget for generations to come.

Inasmuch as we of New Orleans know the terrible consequences of a lack of preparedness and what might happen if we fail to keep watchmen on the towers night and day, we have gone the limit in spending our money for the purpose of protecting the lives and property of those intrusted to our care. We are now convinced that we need something more than the old levee system. The fox must sleep sometimes and the wild deer must rest, but we of the Crescent City and its environments can not sleep, can not rest, until we know that we have relief measures such as I have already enumerated. We are entitled to it; that is, to the relief we seek. Louisiana bears the brunt of the now uncontrolled flood drainage of some 27 States which drain into the Mississippi River. It is just as much a moral responsibility of the Federal Government to protect Louisiana from damage and concern caused by the flood drainage of other States as it would be to protect Louisiana from armed invasion from other States or another nation. Keep this in mind, Members of Congress: Every drop of water that falls from heaven in the way of rain and dew between the summit of the Alleghenies and that of the Rockies and every drop of water that springs from the ground in the great Mississippi Valley must pass the city of New Orleans on its way to the Gulf of Mexico, where it becomes a part of the great eternal inland sea. And not a drop of the gentle rain that falls from the heavens or the springs that gush from the ground in Louisiana but finds its way into the Gulf of Mexico through lakes, streams, and rivers which are not in any way tributary to the Mississippi. Our danger comes from the waters that rush down upon us from other lands than those of our own State.

I can not repeat too often: Relief works in Louisiana, such as spillways, by-passes, weirs, and the like supplementing the levees and bank revetments unquestionably can be made to protect Louisiana from the flood run-off of the drainage basin of the Mississippi River. I hope that the bill will be speedily passed and that the engineers charged with the study of making the surveys in accordance with the letter of the act will draw to their aid all available sources of information and make a comprehensive study of the entire local problem of flood control in Louisiana. This study should cover the Atchafalaya as a controlled outlet of the Mississippi, including the creation

of supplemental channel capacity for the relief of the Atchafalaya Basin with a cut-off to fully safeguard the Morgan City territory. It should include means by which silt-laden flood waters might be diverted under complete control to the plantations and to the marsh land, fertilizing and irrigating the one and filling the other. It should include small as well as large spillways, by-passes, and waste weirs. The water from many small relief works can be made to render a valuable service in addition to reducing flood levels in times of need. All of this, of course, has relation only to local relief works in Louisiana and under no circumstances should be confused with or involved by the larger problems of source-stream control and the utilization of now wasted waters for stream-flow regulation, for waterway improvement, for irrigation, and, incidentally, for power development, nor the related problems and projects of reforestation and the checking of soil erosion.

These larger problems may be met and solved by the passage of S. 3328, introduced by Senator RANDELL. The bill is entitled and has for its purposes "the development of water resources, for electric power, agriculture, flood control, irrigation, and other purposes," and will, according to O. C. Merrill, the executive secretary of the Federal Water Power Commission, enable that commission with the authorization that it has presently to do all that might have been accomplished in this great direction through the Newlands bill. In the event that it be found that Mr. Merrill is mistaken about what can be accomplished by the Federal Water Power Commission in the way of solving our major problems when and after the Ransdell bill is passed, we will by sheer force of necessity and to permanently meet a situation which must inevitably be settled right move for the reenactment of the Newland bill.

I am sure that the National Flood Prevention and River Regulation Commission will gladly cooperate with Mr. WITSON and will stand squarely behind the engineers if the matter be approached and handled in a complete way. I do not want any frightful calamity to compel America to focus her attention on the necessity for a complete system of flood protection. We want her to awaken to the fact that it is folly almost inconceivable and a supidity unparalleled to allow, permit, and even hasten the flow of waters through the affluents, tributaries, and the Father of Waters itself within a relatively brief period thereby endangering the lives and property interests of hundreds of thousands of people. It is so clear that it is an utterly ruinous policy that permits the flood waters to run their way to the sea in less than six weeks' time instead of holding them in check and permitting the flow to gradually wind its way to the sea through more than 10 months of the year as to be beyond discussion. What disastrous consequences flow from the present lack of a scientific river policy? Great loss annually through destroyed property interests and great suffering by the people whose homes are menaced, if not actually ruined. I will not, my friends, permit myself to fall into the terrible rumination of what might happen, in view of a lack of proper dams and checks in the source streams, in the event that the Ohio, upper Mississippi River, and the Missouri were to rise at one and the same time, creating a flood condition that might spell a disaster which would stagger mankind for generations to come. We must reach the heart and brain of America through our engineering talent, the Safe River Committee of New Orleans, the Mississippi Valley Association, and kindred associations and show the wisdom of a system of dams and checks that will make for a conservation of our water in the Mississippi Valley and the wonderful navigation and commerce which would flow therefrom. Yes; I know America will, when the case is presented to her, understand that we must put folly behind us, open our eyes to the truth of a situation that stares us frankly in the face, and correct by the proper relief works, which can and will be secured through a reenactment of the Newlands bill if necessary, the terrible waste of water and the danger that results from such waste, changing what is presently a liability so ghastly as to be a nightmare into an asset so rich and bountiful as to make easy the efforts of our people to create an empire of wealth in the Mississippi Valley. [Applause.]

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, that closes the time on my side.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE SECRETARY
SALARIES

Secretary of the Interior, \$12,000; First Assistant Secretary, Assistant Secretary, and other personal services in the District of Columbia in accordance with "the classification act of 1923,"

\$302,835; In all, \$314,835: *Provided*, That in expending appropriations or portions of appropriations, contained in this act, for the payment for personal services in the District of Columbia in accordance with "the classification act of 1923," the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by "the classification act of 1923," and is specifically authorized by other law.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is the first appropriation bill of this second session. When the attempt was first made in the last session to provide lump-sum appropriations in the appropriation bills for the present fiscal year I raised the question with the chairman of the Committee on Appropriations as to whether or not that was going to cease with the session that adjourned last June, and whether or not we could expect in succeeding years a return to the wise policy of having appropriations specified in particular in these bills. The gentleman indicated that it was necessary last year because the new classification had not been worked out. That excuse does not exist now. There is no excuse whatever for a continuation of the lump-sum policy, and it ought not to be permitted to exist any longer.

The 400 Members of Congress not on the Appropriations Committee ought to cause this to stop, and it ought not to be permitted to continue any longer. We have given wide powers to these 35 brethren of ours who compose the Appropriations Committee, and they owe it to us; they owe it to the membership of Congress; they owe it to the people of the country to specify the various amounts of expenses, so that the people may know how the money is being expended, where it goes, and into whose pockets it finally lodges. May I ask the distinguished gentleman from Michigan how much longer are we to expect this lump-sum practice to continue. In my experience in Congress for eight years I have heard several very distinguished members of the Appropriations Committee—and we have had some of the smartest men in the Nation on same—vigorously denounce lump-sum appropriations. If they denounce it and others denounce it, why should we allow it to continue? May I ask why we could not stop that now and specify in detail these various items?

Mr. CRAMTON. I shall be glad to make a statement if the gentleman will allow me. The gentleman from Texas has manifestly an erroneous impression of what was said last year by the chairman of the committee, Mr. MADDEN. I do not know the statement the gentleman from Texas refers to, but I do know that the gentleman from Illinois [Mr. MADDEN] could not have said anything that would have justified, properly construed, the impression which the gentleman from Texas has. The gentleman asks how long the present policy with reference to appropriations, which he erroneously termed lump-sum appropriations—how long it will continue. In my judgment it will necessarily continue until Congress abolishes the present reclassification law. It is a necessary adjunct, a necessary effect, of the reclassification act.

What was termed in years past as the lump-sum system is entirely different from that illustrated in the provisions of this bill. Under the law formerly there were two ways of fixing a salary. One was that termed the statutory roll which named the position and named the salary in the law, an absolutely inelastic situation. That took no account of merit or efficiency, made no provision whatever for promotion, and so forth, but one that most of us preferred because when we gave discretion to the head of the department it was nearly always abused.

The other system was the lump-sum appropriation. That is to say, Congress would appropriate \$10,000 or \$100,000 for a salary roll in a certain office, and it was entirely in the discretion of the head of that bureau or organization to fix the salaries in his discretion; unless, as sometimes we did, we put a limitation that no salary could be over a certain amount. But it was placing a lump sum of money at the disposal of the

department to be used in his discretion as a salary roll. As I said, we generally found favoritism. After many years it came to be a situation that the persons employed in bureaus that were getting their salary roll by the statutory roll were getting much less money for the same service than did similar people under the lump-sum appropriation doing the same character of work.

Mr. CARTER. Will the gentleman yield?

Mr. CRAMTON. I yield to my colleague.

Mr. CARTER. As a matter of fact, the reclassification act classifies all salaries?

Mr. CRAMTON. Yes; I was just coming to that. That was the two plans, the statutory roll and the lump-sum appropriation, and many of us had criticized the lump-sum appropriation in former years. Now, the reclassification act had two outstanding purposes; one was to give some opportunity for recognition and promotion in the light of experience. A man in the second year on a job is worth more than a man in the first year. It gives some opportunity for a promotion. Also, it equalizes the pay through the Government service, so that a man in the Pension Office doing a certain kind of work may, as he ought to have, the same pay that a man in the Veterans' Bureau has, doing the same kind of work.

Under the classification act a board has been set up to readjust the salaries so established. Now, when that comes to us, if in this bill we should do as the gentleman from Texas says he thinks we ought to do—that is, fix the salaries all the way through the bill—you would entirely nullify the reclassification act. As a matter of fact, the lump-sum system in the old days prevailed to the extent of 90 per cent of the positions. In the present system, although the gentleman gets the impression that this is a lump sum, still, as a matter of fact, it is not left to the discretion of the head of a bureau how the money shall be used and is not a lump sum in the sense the term was formerly used.

In this item, for instance, of \$302,000 the Secretary of the Interior can not spend the money at his own sweet will, as was formerly the case with lump sums, but he must spend it in accordance with the terms of the classification act; and that act was not framed by the Committee on Appropriations, but by Congress, and it came from a legislative committee. Therefore we, as the servants of the House, are simply following the law.

Mr. BLANTON. Does the gentleman from Michigan mean to convey the impression that the Secretary, under this bill and under the classification act, has not the power to slide some pet employee from one class to another class, whereby the salary would be very materially raised, or to slide some other employee downward, where the salary would be lowered?

Mr. CRAMTON. I say that his expenditure of the money must be in accordance with the terms of the classification act.

Mr. BLANTON. But he does have the power that I have mentioned?

Mr. CRAMTON. The Personnel Classification Board passes on these matters, and his transfers, promotions, and increases, within the amount of money provided, are regulated by the terms of that law. If the gentleman from Texas thinks that gives too much discretion, then he should advocate an amendment of the law.

Mr. BLANTON. Then the gentleman from Michigan is no longer in favor of specific appropriations as against lump-sum appropriations?

Mr. CRAMTON. If my committee had come in here with this bill so drawn that each salary in it was named in the law, we would have displaced the classification act as to this department. In other words, we would then have overturned the existing law.

Mr. BLANTON. And henceforth, if I understand the gentleman, we may expect only just such lump-sum appropriations as are contained in this bill?

Mr. CRAMTON. So long as the House—

Mr. BLANTON. And the country stand for it?

Mr. CRAMTON. So long as the House and its committee follows the classification act. But, understand, they are not lump-sum appropriations, expendable at the discretion of the head of the bureau. They are expendable in accordance with the provisions of the law. The Budget carries an analysis of the roll, which the gentleman, of course, would have before him, the number of positions, each salary, and so forth.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. CARTER. As a matter of fact, is not this the situation: Prior to the classification act we put in the bill so many clerks at \$2,250, so many clerks at \$2,000, so many clerks at \$1,800, and so on.

Mr. CRAMTON. In some cases.

Mr. CARTER. In most cases. That is what the gentleman from Texas [Mr. BLANTON] is distinguishing as not being lump-sum appropriations. The reason for this change, as the gentleman from Texas ought to know if he would examine the law, is that the law already provides for that, and he would be only repeating the law if we put it in the bill.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WINGO. Mr. Chairman, I think my friend from Texas [Mr. BLANTON] is not as mentally alert as usual. He asks why this method of appropriation, and protests against it, and asks how long it is going to continue. It is rather difficult to answer his questions, and while I had intended at some later date to make a few observations on the situation, I believe I shall ramble around for a few moments now, and perhaps from what I shall have to say he can catch the explanation and the answer to his question.

We are living under that beautiful and perfectly ideal system of government called a bureaucratic budget government. Everybody is for the Budget, of course, just as everybody is for tax reduction. The question is the method to be used. That is where the disputes come in. As the gentleman from Michigan [Mr. CRAMTON] has explained, the classification act provides for these different groups, different grades, and different employees. While the gentleman from Texas [Mr. BLANTON] was down in Texas, and while I was down in Arkansas, and the rest were at home, the ordinary duties that Congress was intended to perform, contemplated by the founders of the Government, were being performed by the Budget Bureau. I am not attacking the Budget Bureau; I have great respect for it; I understand they are very efficient; but they were doing what Congress was supposed to do. They were holding hearings as in the old days Congress used to hold them, to ascertain the needs of the Government, and decide how much the people would expend on their governmental activities. Of course, that relieves Congress of not only the privilege but the burden of discharging that duty. The result is that you see very few Members present here today. This is a great bill carrying a very large appropriation. The gentleman from Michigan [Mr. CRAMTON] has given the only reason he can give. He says to the gentleman from Texas [Mr. BLANTON], "Go and look at the Budget estimates; you have it before you, and it will tell you."

Mr. Chairman, we legislative birds, sitting in the legislative nest, just open our mouths and we must take whatever worm of appropriation is thrust down our throats, and after having set up this Budget Bureau, after having waived our rights, it ill becomes us to make any complaint. We can not kick against the pricks, because we deliberately set up the Budget. Then we went further. We so framed the rules of this House that it is practically beyond the power of any individual Member to get the judgment of the House on any particular proposal, unless it has been first passed on by the lords of the Budget. The people are back of that plan. Do not fool yourself by thinking that they are not.

There are two conflicting theories of government abroad in the land, not the old theory that was established originally. You have one group that cries, "We want to curb the courts," and in the last campaign a great many people were scared to death because they were afraid that if LA FOLLETTE were elected he would abolish the Supreme Court overnight, and that we would have this Congress here passing upon and reviewing every case that the Supreme Court decided. Then the people had been told by deliberate propaganda for years that Congress does not have enough capacity to do what a parliamentary body is supposed to do in a system of government like ours, namely, attend to the public business and appropriate the public money, and that we had to set up an organization to tell us how to do it. The public naturally recoiled at the mere suggestion of such a body reviewing judicial decisions. Then there is another group, and I think so far as the perpetuity of our free institutions is concerned they are the more vicious. They continually fill the papers each day, and public speakers each day reiterate them, with contemptuous references to Congress. Every little whipper-snapper, who licks the feet of privilege, continuously snarls and snaps and speaks contemptuously of Congress, and they have convinced the American people, or the great majority of them, that 434 out of 435 Members of this House are incompetent and inefficient and can not discharge the duties for which this House was established under the Constitution.

They believe that each one of their individual Congressmen is all right, but they believe the Congress as a whole is in-

competent, and to-day when it is suggested it may be necessary to have a special session of the Congress people hold up their hands and say, "My God, have we got to be afflicted with that evil?" Why do they do that? Because of this propaganda that seeks to destroy parliamentary government, this propaganda that applies itself to the dislodging of the keystone of Anglo-Saxon government—

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. I ask to continue for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. Why, this propaganda that knocks out the keystone of Anglo-Saxon government—that is, that Congress shall control the purse strings—and leads the American people to believe that a bureaucratic government is more efficient, that it is better for the public welfare, that we must put up with the Congress because, forsooth, it is a constitutional body—that we are elected, and hence you can not get rid of us; but let us put up with it as little as we can. The gentleman from Texas asks how long it is to continue. If the gentleman will read the history of this body he will find that one appropriation committee during one period of this Nation was bitterly denounced as being vicious, and it was heralded as a great reform when we adopted the present system of distributing the powers to several appropriating committees. But now you have swung away from that which was once heralded as a great evil when abolished and you have brought back to-day an evil of that day as a virtue of the present day. Sooner or later the American people will swing back to constitutional government.

They will hold the Members of the House of Representatives responsible, they will believe that we are capable of determining how much of their money shall be expended for the Interior Department, for the Agricultural Department, and other activities of the Government. But, gentlemen, do not flatter yourself that the people of this country believe that at this time. They think that the safety and the economic administration of governmental affairs require this House to surrender its constitutional privileges; and gentlemen who are trained, and very well trained, the Budget Bureau, must go through the arduous task of having hearings to determine how much we shall spend, and the "King comes down to the Commons," as he did the other day, and says, "I submit to you the Budget; keep within that. I have told you how much, now keep within it." Does the Congress hold the purse strings? That power in practice is nothing but a tradition to-day, and I say to the gentleman from Texas that he might just as well exercise a little more patience, save a little more of his valuable time, and console himself with the Biblical injunction not to kick against the pricks. The people believe in a dictatorial bureaucratic government at the present time, I will say to my friend, and they are not going to insist this year or next year on a return to the old constitutional system of government of three separate and coordinate branches. The legislative branch is at a low ebb in the estimation and confidence of the American people at this time. When the gentleman asks for an itemized appropriation bill it is not left to his judgment or to mine.

In a few months you are going to pass two or three or four billions of dollars' worth of appropriations. The only hope for economy that the taxpayer has is that the Budget has done its duty well. And God pity the poor devil who lays his sacrilegious hand upon that Budget! The public will feel like laying its crushing hand on him at this hour. I repeat to the gentleman from Texas the Biblical injunction not to kick against the pricks. [Applause.]

Mr. BLANTON. Mr. Chairman, I move to strike out the pro forma amendment.

The CHAIRMAN. The pro forma amendment has been withdrawn.

Mr. BLANTON. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes. Is there objection? There was no objection.

Mr. BLANTON. Mr. Chairman, the gentleman from Michigan [Mr. Cramton] can not dismiss this issue with a wave of his hand. This is an important question, this matter of spending \$4,000,000,000 a year of the people's money in lump-sum appropriations. In this bill we are turning over to the Secretary of the Interior \$238,240,926. That is a big sum of money. Why should you specify his salary in detail at \$12,000 a year and then put practically all the balance of this enormous amount in lump sums?

Mr. CRAMTON. I will answer the gentleman. This is a statutory salary.

Mr. BLANTON. The others ought to be statutory, too.

Mr. CRAMTON. That has a limit.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CARTER. Did the gentleman vote for the classification act?

Mr. BLANTON. I did not. I remember that I fought numerous features of it.

Mr. CARTER. I thought the gentleman did vote for it. Now he is asking this committee to violate it.

Mr. BLANTON. I did not vote for it. But I voted for the Budget and supported it heartily. I am for the Budget. With very few exceptions, I have never voted to enlarge items recommended by the Budget. You can look back into the record and see that "the gentleman from Texas" has supported the Budget and supported the committee on practically every item in the appropriation bills; that is, as to keeping them within the limit of the Budget.

But, for instance, take the General Land Office in this bill. This bill permits the Commissioner of the General Land Office to spend \$805,000 and gives it to him in a lump sum. We ought to direct that commissioner just exactly how to spend that \$805,000. And the Congress of the Nation ought to direct the Secretary of the Interior just how he should spend this enormous sum of \$238,000,000, if you please.

Now, I know that these positions are provided for in a general way under the classification act, but I also know, as the gentleman from Michigan knows and as every one of these 35 members of the Committee on Appropriations knows, that every head of a department has the right and has the power of sliding these employees up or down. He can slide pets upward and increase their salaries, or he can slide them downward at will and decrease their salaries. We ought not to give him that power. There are pets in many departments; there are pets in the bureaus. There are pets among the personnel of employees in the commissions of Government. We, the Representatives of the people, ought to specify in every one of these bills just how much money shall be spent for each particular purpose stated in the bill. We ought to give a certain sum of money for the support of a department and then specify how that sum shall be expended. As it is, they can expend the money for all the purposes described in the bill or for only a few of them, or they could expend all, if they saw fit, for one particular item enumerated under the lump sum.

I am not strong enough in this Congress to stop that lump-sum policy of appropriations, or I would do it. The friends of mine who believe as I do on this question, and who believe it ought to be stopped, are not strong enough to stop it. Otherwise they would do it. This is the most important question that the Congress has to deal with, I will say to my colleague from Arkansas [Mr. Wingo], for it is the main avenue through which waste is incurred and public money dissipated, and it ought to be stopped.

Mr. BYRNS of Tennessee. Mr. Chairman, I have always listened to the gentleman from Arkansas with great pleasure and interest, and usually I agree with him; but I must take sharp issue with him in his statement that in adopting the Budget system Congress has surrendered some of its functions. The gentlemen present who were here before the Budget bill was enacted will recall the slipshod, haphazard manner in which estimates were always sent to Congress. Rarely did anyone in the various departments give them any serious or careful consideration. During those years it was the custom of bureau chiefs and others who were at the head of various activities of the Government to ask Congress for really more than they expected to receive, for really more than many of them, as I happen to know, felt that they needed, on the theory that if they did not ask for a large amount they might not get what they actually needed.

I think the country is to be congratulated upon the fact that we now have an orderly system in submitting estimates to the Congress. I think the country is to be congratulated upon the fact that the Director of the Budget holds hearings upon these estimates before they are sent to Congress, and endeavors to ascertain whether or not the estimates submitted for our consideration represent what is needed by the departments and no more than is needed by the departments. That does not prevent Congress from taking such action as it pleases upon the estimates after they are submitted; and I submit this volume of hearings on this particular bill as evidence of the fact that Congress and the Committee on Appropriations have not abandoned their former practice of very closely investigating these estimates after they come forward.

These are the hearings conducted by the subcommittee presided over by the gentleman from Michigan [Mr. CRAMTON], and they consist, as the gentleman from Colorado [Mr. TAYLOR], himself a member of the subcommittee, suggests, of a thousand pages which shows that the Committee on Appropriations is just as diligent to-day in its effort to ascertain any incorrectness that may exist with respect to the estimates as it was before the Budget system was adopted.

I think, gentlemen, we took a very long step, not only toward economy but toward orderly procedure, when the Budget law was passed, and it is a mystery to me that years ago this great Government of ours spending, as it has for the last 10 or 15 years, more than \$1,000,000,000 per year, and spending to-day between \$3,000,000,000 and \$4,000,000,000 a year, did not adopt this system, which has been the practice of all up-to-date and prosperous business concerns during all these years.

As a fact tending to show that the Budget system is approved by the people of this country, every progressive State in this Union has adopted a budget system, and the same is true of almost every municipality of any size or of any importance in this country. It is saving the people of this country millions of dollars. Appropriations are now made in a more business-like way and with some regard to the amount of income.

I was unwilling to keep my seat after the statement by the gentleman from Arkansas [Mr. WINGO] that in the adoption of this Budget system Congress had abandoned some of its prerogatives or any of its privileges. You have the right to increase the estimates any time you please, and if a majority of this House feels that the estimates are not large enough for any particular purpose, there is nothing to prevent a majority of this House from so saying and from providing a greater appropriation; neither is there anything to prevent a majority of this House from reducing any estimate that may be submitted by the Budget or that may be recommended by the Committee on Appropriations.

Now, in so far as lump-sum appropriations are concerned, let me say this, very briefly—

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, may I have three minutes more?

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for three additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. Let me say this: I have always opposed lump-sum appropriations. I have always felt that if we could believe—and I am not bringing any wholesale indictment—that the head of every bureau and every governmental activity would act with the same diligence and economy with respect to public appropriations as the heads of private concerns would do, then, possibly, it would be to the best interests of the Government and the taxpayers to have lump-sum appropriations. But, just as the gentleman from Texas [Mr. BLANTON] has said, we know perfectly well that frequently, in view of influences brought to bear and frequently for reasons which do not subject those at the head of bureaus to particular criticism, there is favoritism practiced, and for that reason I have always felt we ought not to have lump-sum appropriations. But, gentlemen, Congress passed the reclassification act a year or two ago. I did not vote for it. I opposed it upon the floor of this House, following the leadership of the gentleman from Indiana [Mr. WOOD], who was opposing it at that time. But Congress passed the reclassification act and provided in that act that there should be a rating of efficiency twice a year, in November and in May, and that those who had made a sufficient efficiency rating to pass from one class to another should receive a higher salary. Now, in view of the fact that Congress, in its judgment, by an overwhelming majority, passed that reclassification act, if you do not appropriate lump sums, as we appropriate them here, then you can not possibly carry out that law, because we make this appropriation to begin next July.

The money which we appropriate now will not be expended until after next July, and the result is that if in November or in the following May of that fiscal year clerks in the departments here are given higher ratings and are therefore entitled under the law as passed by Congress to an increase in salary of \$60 or \$100, they can not get such increase unless we give some leeway.

The committee has proposed—and I dare say the gentleman from Michigan [Mr. CRAMTON] has discussed them or will do so—some limitations with reference to the amounts of salaries and promotions that may be made. In other words, we have endeavored to hedge this around in every way we possibly could in order to prevent the display of such favoritism as has

been shown in the past year in increasing those who are higher up to the maximum and then saying to the clerks, "We have not enough money to give you the promotions to which you are justly and legally entitled." This was what I anticipated when the act was passed, as I took occasion to say at that time. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that debate on this paragraph close in five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that debate on this paragraph close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STENGLE. Mr. Chairman, reserving the right to object, if it is not too late to be recognized—I looked that way, but the Chair was busily engaged.

The CHAIRMAN. If the gentleman was trying to object and was on his feet, the Chair will recognize him for that purpose.

Mr. STENGLE. I only want to ask that the time be made 10 minutes instead of 5.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that the previous order be vacated and that the time be made 10 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the previous order be vacated and the time be made 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HASTINGS. Mr. Chairman, inasmuch as this is the first appropriation bill we have had up for consideration and inasmuch as the discussion has taken a rather wide range, emphasizing the necessity of economy in public expenditures, I thought it might be well for me to invite attention to a constitutional amendment which I have introduced and which is pending before the Judiciary Committee, an amendment which I think would greatly aid economy in making appropriations.

I am in favor of the budget system and I voted for it. I made a speech in favor of it when the first bill was up for consideration. After the adoption of the system I was one of the 14 new Members added to the Committee on Appropriations. I am not sufficiently familiar with the details of the reclassification act to say whether I favor it in its entirety or not, but in view of the fact that it has passed and has already become a law, I do not see the evils in lump-sum appropriations which I formerly entertained. This act fixes the salaries of employees in the various classes, and no economy would result in having them reenumerated in each appropriation bill.

But I want to discuss a constitutional amendment which I have proposed pending before the Judiciary Committee. In brief, it gives the President of the United States the right to veto separate items in appropriation bills.

I introduced a similar amendment some three or four years ago. I was diligent enough to send it to the governors of every State in the United States for constructive criticism and report. I do not now recall an adverse criticism. I believe that the replies received from some three-fourths, or, perhaps, a larger percentage of the governors of the various States, all favored it.

In almost every new constitution that has been adopted in the last 10 or 15 years by the various States a similar provision has been embodied. We have such a provision in the constitution of the State of Oklahoma. If such a provision is wise in a State constitution, why not adopt it as an amendment to the Constitution of the United States?

What would have been the practical effect if the President had had that constitutional power when the second deficiency appropriation bill came up for consideration on June 7 last?

Instead of its being held up, to force the incorporation of certain objectionable amendments, it could have been permitted to pass both Houses. It would have gone to the President of the United States. He would have exercised his constitutional right and could have vetoed any item of that appropriation bill that he thought ought not to have been incorporated in it. This would have saved the meritorious items and the Government from much embarrassment.

I have never heard of any legitimate objection raised to this proposed amendment. None was presented in any reply, as I said a moment ago, from the governors of any of the

States of the Union. The only objection I have ever heard from any Member is on account of a reluctance to amend the Constitution. If it is a good amendment, if it is a wholesome amendment, if it is one that is looking toward economy in the expenditure of public funds, I do not regard that as any valid objection at all.

Mr. DENISON. Will the gentleman yield?

Mr. HASTINGS. I yield.

Mr. DENISON. It has been the custom here for some time to put legislative riders upon appropriation bills. Under the gentleman's proposed amendment, would the President be given an opportunity to veto such riders?

Mr. HASTINGS. If it embodied an appropriation, yes.

Mr. DENISON. Then does not the gentleman think it ought to be broader than that?

Mr. HASTINGS. I am perfectly willing to have it broadened if necessary to cover separate independent items which may be added as amendments, but under the provisions of the bill as drawn it would only apply to appropriation bills or to separate items on appropriation bills. A former governor of my State suggested that the power to reduce any appropriation be given the President by vetoing the excess.

Mr. CARTER. And the gentleman would not have it apply to anything but appropriation bills.

Mr. HASTINGS. It would apply only to appropriation bills. It would be in the interest of economy and would prevent the log rolling so severely criticised by the chairman of the subcommittee.

The proposed amendment is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States, as provided by the Constitution:

Amend section 7, Article I, of the Constitution of the United States by adding the following paragraph at the end of said section:

"Every bill which shall have passed the House of Representatives and the Senate making appropriations of money embracing distinct items shall before it becomes a law be presented to the President of the United States: If he approves, he shall sign it, but if he disapproves the bill or any item or appropriation therein contained, he shall communicate such disapproval, with his reasons therefor, to the House in which the bill shall have originated. All items not disapproved shall have the force and effect of law according to the original provision of the bill. Any item or items so disapproved shall be void, unless repassed by a two-thirds vote, according to the rules and limitations prescribed in section 7, Article I, in reference to other bills."

From a careful reading of the proposed amendment you will observe it gives the President the power to disapprove the bill or any item or appropriation therein contained. If the word "item" is not broad enough to include a legislative rider on an appropriation bill, the power should be given. The veto power should not extend to separate items of legislative bills for the obvious reason that by the use of it vetoing and striking out certain provisions or sections the entire meaning and intent of the bill might be changed.

In my judgment the adoption of this amendment would be a long step in the right direction to enable the President to check extravagance in appropriations. Many doubtful items in the closing hours of Congress find their way upon general appropriation bills and can not be eliminated without vetoing the entire bill and necessitating the reconvening of Congress. No President would want to take the responsibility of doing this. There is no reason why the President should not be given the authority to veto any separate piece of legislation on appropriation bills. If such authority were given him the vicious practice of placing legislative riders on appropriation bills would be stopped. The President can not add any item. He can not increase the sum appropriated, and it would necessarily result in reducing public expenditures. If any item were increased above that submitted in the Budget, or a new item added, it would be closely scrutinized, and if not justified would be subject to a veto, and the power given to veto separate items would have a wholesome effect in discouraging the offering of questionable amendments in making appropriations for local purposes.

Everyone is interested in tax reduction and the surest way to reduce taxes is to see to it that only appropriations are made for the necessary and legitimate expenses of the Government. [Applause.]

Mr. STENGLE. I rise, Mr. Chairman, for the purpose of asking a few questions in order that I may obtain some infor-

mation. This is the first appropriation bill that we have had before us this session, and I take it that the words I find here, like the last session, will appear in every bill that we have for every department this year, and I refer especially to those words on page 3, at the latter end of this first paragraph, "when such higher rate is permitted by the classification act of 1923."

Last year when we had these bills before us I suppose I became what, in some opinions, might be called a human nuisance by interfering and injecting questions on the great problem of reclassification. I did not do it to embarrass the Members of the House. I did not do it because I wanted to interfere with the orderly procedure of committee work having to do with the appropriations in this House, but because I knew then, as I am firmly convinced now, that the matter was being handled by some people who did not know what real, honest-to-goodness reclassification meant, or they were being misled by those who are not fools but rather knaves in an endeavor to fatten and feast the higher-ups at the expense of the lower-downs—the rank and file of the public service.

I asked then if we were to be asked from time to time to vote these large lump-sum appropriations to departments and permit the distribution of these large sums without regard to any particular procedure, and I pointed out that in New York, a city as large as we have in this country, at the beginning of the year—yes, six months before that—every cent of every dollar that is to be spent has to be in black and white and every individual knows exactly where the money goes. I was told then that that was only because it was a hurry-up job for that year; it was a new law and we did not have time. We come back this year and we find the same old bugaboo—lump-sum appropriations.

I would like to ask some one of that committee, Are we to have no direct code lines for appropriations in this year's Budget? Are we to continue to "lump sum" by the millions and permit the heads of bureaus, as has been the case in this city, to obtain as high as 50 to 75 per cent increases and the poor man or woman in the lower ranks of clerical service to get nothing out of the lump sum? If that is the case, I am against the bill. If you are going to be square with the under dog I will go along with you. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired, and the Clerk will read.

The Clerk read as follows:

CONTINGENT EXPENSES, DEPARTMENT OF THE INTERIOR

For contingent expenses of the office of the Secretary and the bureaus, offices, and buildings of the department; furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, telephone service, street car fares not exceeding \$250, and expressage; examination of estimates for appropriations in the field for any bureau, office, or service of the department; not exceeding \$500 shall be available for the payment of damages caused to private property by department motor vehicles, exclusive of those operated by the Government fuel yards; purchase and exchange of motor trucks, motor cycles, and bicycles, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles and motor trucks, motor cycles, and bicycles, to be used only for official purposes; diagrams, drawings, filing and labor-saving devices; constructing model and other cases and furniture; postage stamps to prepay postage on matter addressed to Postal Union countries and for special-delivery stamps for use in the United States; expense of taking testimony and preparing the same, in connection with disbarment proceedings instituted against persons charged with improper practices before the department, its bureaus and offices; not exceeding \$450 for the purchase of newspapers, notwithstanding the provisions of section 192 of the Revised Statutes of the United States; and other absolutely necessary expenses not hereinbefore provided for, including traveling expenses, fuel and lights, typewriting and labor-saving machines, \$76,000.

Mr. BLACK of Texas. Mr. Chairman, I want to say just a few words about this lump-sum appropriation matter. The gentleman from Tennessee [Mr. BYRNE] has correctly interpreted the situation, and that is that all Government employees under the civil service now have their salaries fixed by law, and a department head can not under a lump-sum appropriation fix any salary that might suit his fancy or his whim.

I have listened several times to the able gentleman from New York [Mr. STENGLE], and I do not agree that he has brought to the attention of the House any unusual situation. When we had the reclassification bill up for enactment, the gentleman from New York was not here, I am sorry to say. I took occasion to point out at that time that the salary schedules applying to the professional service were much higher in proportion than those applying to the clerical grades and department em-

ployees generally, and I offered a series of amendments to bring about a better equality in this situation, and they were adopted by the House but not accepted by the Senate.

The fault is not with the Reclassification Commission—at least that is my opinion. Whatever fault there is is in the law. Now, in further illustration of this lump-sum controversy, let us take the postal appropriation bill at the last session, and I merely refer to the one of the last session of Congress because it is the most recent one; it appropriates, for example, for letter carriers in the City Delivery Service \$87,398,000. That is all it says about it. According to the argument made by the gentleman from Texas [Mr. BLANTON] and the gentleman from New York [Mr. STENGLE], we have left open an avenue there for waste and extravagance. We have turned over to the Post Office Department nearly a hundred million dollars, according to their statement, to spend as they please. However, such an assumption is entirely incorrect. Every employee in the City Delivery Service has his salary fixed by law, and it is beyond the power of the Postmaster General, it is beyond the power of the First Assistant Postmaster General, to increase or reduce these salaries.

Mr. STENGLE. Will the gentleman yield?

Mr. BLACK of Texas. Certainly.

Mr. STENGLE. Is it the contention of the gentleman from Texas that the classification act of 1923 covers the letter carriers' service?

Mr. BLACK of Texas. The gentleman from New York must know that I make no such contention. I was citing this illustration merely because every employee in the Postal Service is covered by the postal reclassification act of 1920. That is a separate act, but no different in principle from the classification act of 1923. If the gentleman from New York has any fault to find, let him find it with the act, because these officials, while they are clothed with an administrative discretion in making promotions to grades, according to a certain standard of efficiency, they are absolutely bound as to salaries by the letter of the law. Of course, if the gentleman from New York, or any other Member of Congress, knows of any acts of maladministration of the reclassification act by department heads, it is perfectly proper to cite them and criticize them. But the method of the committee in making the appropriation is in harmony with the law, and it was to that point that I have intended to direct my remarks.

The pro forma amendment was withdrawn.

The Clerk read as follows:

The office of surveyor general is hereby abolished, effective July 1, 1925, and the administration of all activities theretofore in charge of surveyors general, including the necessary personnel, all records, furniture, and other equipment, and all supplies of their respective offices, are hereby transferred to and consolidated with the Field Surveying Service, under the jurisdiction of the United States Supervisor of Surveys, who shall hereafter administer same in association with the surveying operations in his charge and under such regulations as the Secretary of the Interior may provide.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Michigan if he is going to move to strike out this paragraph?

Mr. CRAMTON. What paragraph does the gentleman refer to?

Mr. RAKER. The paragraph at the bottom of page 9 and the top of page 10 with reference to the abolition of the office of surveyor general. It was stricken out last year, and I did not know but that the gentleman would move to strike it out this year.

Mr. CRAMTON. The provision for the surveyor general has been carried many years. This particular provision has not been carried before, but the committee is very much in favor of it, and I would not care to have it stricken out.

Mr. RAKER. I was wondering whether the gentlemen from States where the surveyors general are located would not make some move.

Mr. CRAMTON. I do not know how much the gentleman from California agrees with us, but the committee has troubles enough without going outside to look for any. [Laughter.]

Mr. RAKER. There is a good deal in that.

Mr. LEATHERWOOD. Mr. Chairman, I would like to inquire of the gentleman in charge of the bill as to the practical effect if this provision should be adopted by the Congress; in case of surveys for mining patents where will the business be transacted if you abolish the office of surveyor general?

Mr. CRAMTON. The purpose of the department in making the recommendation for the abolition of the office of surveyor general is not to make any change in the transaction of the work that has been heretofore carried on under the office, ex-

cept to consolidate it with the field service. The effect of the paragraph that has just been read would be to abolish certain positions of a political nature, but the work carried on by them, in so far as they have any duties remaining, would be merely transferred to the field survey service, carried on in an office in the same town where it is now carried on, but a unified consolidated service with increased efficiency and greater economy.

Mr. LEATHERWOOD. Would the office have a head that could sign a plat after the survey had been completed?

Mr. CRAMTON. The duty would be transferred to the office of the field service survey, and I assume the man in charge of that office would have the authority which the gentleman from Utah speaks of.

Mr. LEATHERWOOD. Does it contemplate the transfer of the present officers to other points?

Mr. CRAMTON. It does not. Mr. Bond, chief clerk of the Land Office, and Governor Spry, Commissioner General of the Land Office, assured us that there was no transfer of that kind contemplated—certainly no intention of bringing them to Washington. Nearly every town, and possibly every place where there is a surveyor general located, there are headquarters maintained for field service. That duplication is to be eliminated. All the details are to be passed upon by the Secretary of the Interior, but that has not been done yet.

Mr. LEATHERWOOD. Does the Commissioner of the Land Office recommend the passage of this paragraph in the bill?

Mr. CRAMTON. Yes; it originated in the Land Office.

Mr. SMITH. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. SMITH. Under existing law certain duties are imposed on the surveyor general, but you make no provision in the bill for the transfer of those specific duties to any other officer.

Mr. CRAMTON. I assume that the General Land Office is familiar with all of these technical points, and we have accepted their judgment with reference to it. When the office was created the survey of public lands was entirely a matter of contract, and the only representative in the field with reference to the subject was the surveyor general.

Since 1910 we are doing the work ourselves, and none of it through contract, and since 1910, therefore, most of the importance of the position of surveyor general has been done away with. We have been developing and expanding the field surveying service. As to the technical point as to just what authority the field surveying service has as to some particular matters, I have no knowledge, and I have accepted the judgment of the Land Office with reference to that.

The Clerk read as follows:

Registers: For salaries and commissions of registers of district land offices, at not exceeding \$3,000 per annum each, \$125,000: *Provided*, That the offices of register and receiver of such of the following land offices as may now have two officials shall be consolidated, effective July 1, 1925, and the applicable provisions of the act approved October 28, 1921, shall be followed in effecting such consolidations: Montgomery, Ala.; Anchorage, Fairbanks, and Nome, Alaska; Phoenix, Ariz.; Little Rock, Ark.; Los Angeles, Sacramento, San Francisco, and Visalia, Calif.; Denver, Glenwood Springs, Montrose, and Pueblo, Colo.; Gainesville, Fla.; Boise and Lewiston, Idaho; Baton Rouge, La.; Marquette, Mich.; Cass Lake, Minn.; Havre, Helena, Miles City, and Missoula, Mont.; Lincoln, Nebr.; Carson City, Nev.; Las Cruces, Roswell, and Santa Fe, N. Mex.; Bismarck, N. Dak.; Guthrie, Okla.; Lakeview, Portland, Roseburg, The Dalles, and Vale, Oreg.; Pierre and Rapid City, S. Dak.; Salt Lake City, Utah; Seattle and Spokane, Wash.; and Buffalo, Douglas, Evanston, and Lander, Wyo.: *Provided further*, That the following land offices are hereby abolished, effective July 1, 1925: Harrison, Ark.; El Centro, Eureka, Independence, and Susanville, Calif.; Del Norte, Durango, Lamar, Leadville, and Sterling, Colo.; Blackfoot, Coeur d'Alene, and Hailey, Idaho; Topeka, Kans.; Crookston and Duluth, Minn.; Jackson, Miss.; Billings, Bozeman, Glasgow, Great Falls, Kalspell, and Lewistown, Mont.; Alliance, Nebr.; Elko, Nev.; Clayton and Fort Sumner, N. Mex.; Dickinson, N. Dak.; Burns and La Grande, Oreg.; Bellefourche, S. Dak.; Vernal, Utah; Vancouver, Walla Walla, Waterville, and Yakima, Wash.; Wausau, Wis.; Cheyenne and Newcastle, Wyo., and their necessary personnel, together with such records, furniture, and supplies as may be necessary, shall be transferred to such of the land offices enumerated above and not abolished by this act as the Secretary of the Interior may direct, except that the records of the Topeka, Kans.; Jackson, Miss., and Wausau, Wis., land offices shall be disposed of in accordance with existing law.

Mr. SINNOTT, Mr. CRAMTON, and others rose.

Mr. RAKER. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. CRAMTON. Mr. Chairman, I rise to ask unanimous consent that debate upon this may be limited to such time as seems only necessary.

Mr. SINNOTT. Mr. Chairman, I have an amendment that I desire to offer.

The CHAIRMAN. The gentleman from California reserves the point of order.

Mr. CARTER. Let us first settle the point of order.

Mr. CRAMTON. We would like to have that settled.

Mr. BLANTON. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The gentleman from California must make the point of order.

Mr. RAKER. Mr. Chairman, the point of order is that that part of the paragraph commencing on line 10, page 12, with the words "provided further," down to the end of line 4 on page 13 is new legislation on an appropriation bill and therefore is subject to the point of order.

Mr. CRAMTON. Mr. Chairman, if the Chair desires to hear me on that, the paragraph is a retrenchment, a reduction of expenditures of something over \$160,000, as becomes apparent, and is therefore justified under the Holman rule.

Mr. BLANTON. And, Mr. Chairman, the point of order is not well taken for the further reason that we have just recently passed a provision in the bill which abolishes the office of surveyor general, and this follows that provision. That provision having been passed in the bill without objection, without the point of order being made against it, without a motion to strike it out, then this is in accordance with the bill, and, as stated by the gentleman from Michigan [Mr. CRAMTON], it would come within the Holman rule. Even if it were legislation, it is not subject to the point of order because it is a retrenchment of expenditures. Certainly the abolishment of offices and the consolidation of other offices ought to be held to be a retrenchment of expenditures.

Mr. RAKER. Mr. Chairman, of course the suggestion of the gentleman from Texas [Mr. BLANTON] that we have passed an item that might have been stricken by a point of order, is quite out of place. He does not argue that seriously. As to the other point, there are some close decisions.

Is it possible that the Committee on Appropriations can abolish all public offices by a provision put on an appropriation bill, without an opportunity to be heard before a committee or otherwise, under what is claimed to be the Holman rule, because there is retrenchment of expenditures? It does not seem to me that that is the intention of that rule, especially after we have now the stringent provision adopted two years ago that no legislation even from the Senate can be placed on an appropriation bill without an opportunity on the part of the House to be heard. Can we simply abolish these offices now and have the work go to some other office to be done there, it may be, at a cost of two or three times as much? Clearly one must not forget the general provision that we can not have new legislation on an appropriation bill by a wholesale act abolishing the offices, and if you can abolish these offices and what the gentleman is contending be upheld, then you can abolish every office for which the committee might appropriate, without any opportunity for any of us to be heard before the committee or in any other way. Clearly this is not a case where there is some obvious reduction. There is nothing there to show but that the expenditures will be twice as much as they are now, and sometimes they will be as much as that. It seems to me that the Holman rule ought not to be enforced in a case of this kind.

Mr. CRAMTON. Mr. Chairman, the paragraph about which a question has been raised as compared with existing law does away with several offices, with the receivers of the land offices, first. Heretofore, at each land office, or most of them, there has been authorized a receiver and a register, and the current appropriation carries money for the receivers as well as the registers. The item before us appropriates alone for registers, and that is the first retrenchment. In the next place, the item proposes certain consolidations which are enumerated, but which I think are not involved in this point of order. As I understand it, the point of order is especially directed to the last proviso, that certain named offices are hereby abolished, beginning July 1, 1925, which is the beginning of the next fiscal year. In the current appropriation for this item there was carried a sum, based on the salaries of the officers provided for, of \$315,000. There was an item with reference to the contingent fund for care and other expenses, and that in the current year amounted to \$415,000.

Those were the only paragraphs in the bill that carried expenditures for these land offices. The pending paragraph

reduces the appropriation to pay the salaries from \$315,000 to \$125,000. In the next paragraph an economy becomes apparent. That is only possible because of this abolition, a saving of rentals, and so forth, a reduction from \$415,280 to \$350,000. Those two reductions result from this proviso. The gentleman from California [Mr. RAKER] says that it is not apparent upon the face of the bill that there is a reduction, and hence that it does not come within the Holman rule. Grant that it does not say in so many words in this paragraph that that which heretofore costs \$315,000 shall this year cost only \$125,000; yet these rules are to accomplish desired legislation rather than to hinder it, and one of the most desirable forms of legislation to-day is economy.

This question was directly raised on January 25, 1921, when in Committee of the Whole, in consideration of the agricultural appropriation bill, an amendment was offered by the gentleman from Minnesota [Mr. ANDERSON] to strike out a certain amount and insert a different amount, and then to take some action which resulted in the abolishment of a kelp plant. The gentleman from Iowa [Mr. HAUGEN] made the point of order that the proviso constituted new legislation, and the gentleman from Arkansas [Mr. WYCO] contended that the proviso did not come within the Holman rule for the reason that the sale of the plant was not mandatory, but merely lay within the discretion of the executive officer. The point that is now stressed by the gentleman from California [Mr. RAKER] was disposed of at that time by the then Chairman of the Committee of the Whole, Mr. HICKS, of New York, and his decision will be found in the third session of the Sixty-sixth Congress, Record page 2022. After stating that he is somewhat dubious about the proposition, he said that the Chair will try to answer one or two questions:

Does the proviso reduce the amount of money covered by the bill? On its face it does not. However, it appears that in the current law \$192,000 was appropriated for the maintenance of this plant. It is stated that \$150,000 was included in the present bill for a portion of the coming fiscal year, based on the prospect of selling the plant, as indicated in the proviso. If the plant is sold, it seems a logical conclusion to assume that no further appropriation will be required for it; if the proviso is not agreed to, it will be necessary to increase the appropriation to \$208,500 in order properly to maintain this plant during the next fiscal year. Therefore, while the proviso on its face does not indicate a reduction in the amount of money in the bill under consideration, yet it seems to the Chair a logical conclusion that the proviso will bring about a saving of money formerly carried in this bill and liable to be carried in the future. The Chair feels that the principle laid down by the gentleman from Tennessee [Mr. GARRETT] is sound, that an amendment or a provision in a bill reported from the Committee on Appropriations changing existing law and clearly a retrenchment within the three methods provided in the rules, may include legislation directly instrumental in accomplishing a reduction provided it is not permanent legislation—that is, legislation beyond the life of the bill under consideration.

The proviso before us in abolishing these offices of course does away with the necessity of their further maintenance. I think the Chair in supporting the ruling here cited can take judicial notice of the fact that these offices can not be maintained without paying a salary to the officer and, without certain expenditures for the conduct of the office.

Mr. CARTER. Mr. Chairman, I want to add to what the gentleman from Michigan has said. The Chair is familiar with the Holman rule, which provides that amendments may be placed on an appropriation bill in four different ways. First, that shall retrench expenditures by the reduction of the number and salary of the officers of the United States. Second, by the reduction of the compensation of any person paid out of the Treasury of the United States. Third, by the reduction of the amounts of money covered by the bill. It then provides that upon the recommendation of the committee having jurisdiction of the subject matter such amendment is germane as will retrench expenditures. Now, the Chair, I know, will take into consideration the existing conditions of the law of the land and that it is not necessary for the bill to show that such and such is a retrenchment. That is for the Chair to construe. Now, my contention is that this language proposed by the committee complies with every provision of the Holman rule, to wit, it retrenches expenditures by the reduction in the number and salary of employees; and, second, by the reduction of compensation, because it does away with the compensation of these certain employees; and, third, by the reduction of the amount of money required in the bill, because, as I recall, there are 29 offices abolished. Their salary has an average of about \$2,000. Twenty-nine times \$2,000 makes

\$58,000. So, if this amount is carried in the bill, \$58,000 additional must be carried in the bill for the payment of salaries or some other necessary work must be abandoned. I think it comes clearly under the last provisions of the Holman rule, which provide for amendments which retrench expenditures.

The CHAIRMAN. The Chair is ready to rule. This point of order is made against the proviso which apparently is new legislation. The justification for the new legislation is that it is a retrenchment of expenditures under rule 21, clause 2. The same question was decided in the citation by the gentleman from Michigan in interpreting the rule and, in addition, in the cases cited by the gentleman from Oklahoma. On February 11, 1922, page 2460, Chairman GRAHAM ruled upon a very similar point of order made by the gentleman from California who now makes the point of order. In rendering the decision in that case, the Chairman said:

This section has really three proposals in it—first, to consolidate certain offices; second, the proviso to limit the expenditure of the fund appropriated; and, third, the abolishing of certain officers in the section.

The Chair in that case, after citing a number of precedents, held it was a retrenchment of expenditures under the Holman Rule, and the present occupant of the chair will follow that ruling.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto may close—will 30 minutes accommodate all gentlemen? I ask unanimous consent that all debate upon the paragraph and all amendments thereto close in one hour.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that debate on the paragraph and all amendments thereto close in one hour. Is there objection?

Mr. BLANTON. Reserving the right to object, I should think the gentleman from Michigan would want all the time reasonably to be divided—

Mr. CRAMTON. It must be.

Mr. BLANTON. Between those who are in favor of the committee's bill and those who are seeking to change it?

Mr. CRAMTON. The rules of the House protect it.

Mr. WILLIAMSON. I object. Will the gentleman from Michigan yield—

Mr. CRAMTON. I thought I had the floor before.

The CHAIRMAN. The gentleman from Oregon was recognized to offer an amendment.

Mr. SINNOTT. I yield to the gentleman to ask unanimous consent, not out of my time.

Mr. CRAMTON. I would like to get some understanding about this debate from the gentleman from South Dakota.

Mr. WILLIAMSON. I am willing to withdraw the objection if I have an opportunity to offer an amendment if the first one fails. And I should like to have five minutes.

Mr. CRAMTON. I am seeking progress, and in a fair way. I ask unanimous consent that debate upon this paragraph and all amendments thereto may close in one hour, during which time the gentleman from Oregon and the gentleman from Utah and the gentleman from South Dakota shall each have an opportunity to offer and discuss an amendment.

Mr. BLANTON. That is improper.

Mr. CRAMTON. If the gentleman from Texas will allow me, I think I can work this matter out.

Mr. BLANTON. I do not object, but it is against the rules of the House.

Mr. CRAMTON. I think I know something about the rules.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time be limited to one hour, and that during that hour the gentleman from Oregon [Mr. SINNOTT], and the gentleman from South Dakota [Mr. WILLIAMSON], and the gentleman from Utah [Mr. LEATHERWOOD] shall be given opportunity to debate. Is there objection?

Mr. TILLMAN. I object.

The CHAIRMAN. Objection is heard. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Page 12, line 10, after the word "Wyoming" strike out all of the paragraph down to and including line 4 on page 13.

The CHAIRMAN. The gentleman from Oregon is recognized.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to proceed for 10 minutes. Is there objection? There was no objection.

Mr. RAKER. Mr. Chairman, there was so much confusion that we would like to have the amendment reported again.

The CHAIRMAN. Without objection, the amendment will be reported.

The amendment was again read.

The CHAIRMAN. The gentleman from Oregon [Mr. SINNOTT] is recognized for 10 minutes.

Mr. SINNOTT. Mr. Chairman, I have offered this amendment to strike from the bill the language abolishing some 39 land offices. I offer this amendment, as much as anything, in the interest of orderly procedure, in the interest of what might be termed due process of law, in the interest of representative government, in the interest of our right to come here and be heard when our interests and districts are affected, not only before this House but before the committees of Congress [applause]; a right that we have been denied in this matter.

These land offices have been our conveniences for 50 or 60 years. They are our conveniences just the same as your post offices, your customhouses, are your conveniences, and yet they have been, without a hearing, abolished. We, the Representatives, have had no opportunity to be heard, to present the claims of our people living in vast areas like my own district, larger than any State east of the Mississippi River, yet you are abolishing two offices there.

I do not criticize the chairman of the committee; he had to get his bill in on the convening of Congress. He is the victim of a system that has grown up here, a system—a reprehensible one—often resorted to by the departments who do not resort to the ordinary channels and present their wishes and claims to a legislative committee for calm consideration, a committee like the Public Lands Committee, where these matters can be fully heard and where Members from the North, East, South, and West can present the claims of their respective districts.

I say I do not blame the chairman of the subcommittee; he had to work under pressure. Nevertheless, the whole thing has been a star chamber, a drumhead court-martial proceeding. Not a Member affected has been heard in his committee nor has had the opportunity to be heard. And yet our offices are abolished. Most of us got here at the opening of Congress.

The bill then was already written up. Our people hardly know to-day that these offices have been abolished. Yet we are receiving wires from our chambers of commerce protesting against the outrage, without a hearing of the abolishment of these offices, against this wholesale dislocation of the conveniences that we have had for 50 years in the West.

And why was it done? The Interior Department was told to cut down its estimates; and, like the dentist who was pulling out the teeth of the man who had the toothache in the back teeth pulled out the front teeth, saying "they were the handiest ones to get at," the Interior Department, when it was told to curtail its expenses, did it at the expense of the West and without consultation with a western Member. It is idle for Mr. Bond to go before the committee and say they are not needed. I know that they are needed. Two land offices in my district have been abolished, and it will require people who seek information in the land office to travel 13 hours by train in order to get that information. Mr. Bond secures this upon what I say is—and I measure my words—a disingenuous and misleading statement, as the record in the hearing shows before the committee. Listen to his language. He leaves the committee to infer—a committee that is apparently not familiar with land-office procedure, although some of its members may be from the West—that certain officers, certain officials, "land commissioners," he calls them, will take care of the interests of our constituents. We have no such thing as "land commissioners." We do have United States commissioners appointed by the Federal court, before whom some one may make a filing or an affidavit; but these commissioners have no land-office records. They are merely, as far as Federal courts are concerned, notaries public. And yet he would have this committee believe, as you will see from the testimony, that these so-called commissioners—"United States commissioners" is their proper name—can take care of the interests of the public. See how he ingeniously dodges the question. Mr. FRENCH asked him, page 127 of the hearings:

Mr. FRENCH. And under the process you contemplate will they be provided with data touching the types of land that the people will be interested in?

As a matter of fact, they are not provided with any data. Mr. FRENCH was laboring under the impression that they would be. Now, see how Mr. Bond dodges the question. Mr. Bond, who is asked about this data—whether these land commissioners are going to have the data so that the respective applicants can get the information—what does he say? He says, on page 128 of the hearings:

My judgment is that they know more about it than the Land Office does, because they are out over the ground, chasing around, doing things of that kind.

It is only the land office which has the record of each plat in each township.

This man is making a disingenuous and misleading statement, because he says:

They are out on the ground chasing around and doing this kind of thing.

Think of a land commissioner "chasing out over the ground!" There is in my district a territory nearly 250 by 300 miles in extent, practically square, an area larger than from here to the State of New York. And yet Mr. Bond would have the committee believe that that land commissioner is going to be familiar with that enormous area. Mr. Bond is the man behind this whole thing, and he says they can do without the local land office because there are not many inquiries made.

Then he was asked the question, on page 128 of the hearings, "Do you keep such a record?" meaning of the inquiries made.

On page 128 he says, "No; we have no such record."

Now, I had my office in the land office at my town all summer, a land office that is not abolished, and hourly and daily men came up there to make their inquiries. They like to see a Government official and talk with him and get his advice and not go to some notary public or some United States commissioner 150 or 200 miles from the land office.

There has been more trouble, there have been more complications—

The CHAIRMAN. The time of the gentleman has expired.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent to proceed for three more minutes.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to proceed for three additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SINNOTT. There has been more grief and more land contests because of the mistaken advice of these United States commissioners than from any other source that I know of in the land office practice, and I have been in that practice all my life.

Mr. RAKER. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. RAKER. Is it not a fact that the land commissioner would have no information and he would have to go to the county seat or State capital, 300 or 400 miles away, in order to get it?

Mr. SINNOTT. Yes; and he would charge a man for that information. Now, here is another thing: The two offices in my district which are abolished are paying propositions. One pays 25 per cent into the Government more than the expenses, and the other pays 16 per cent. That is up to the last fiscal year. But both of these offices are to be consolidated.

One was consolidated last August, and that saves \$3,000 to that office; the other office is to be consolidated on the 1st of January of next year, yet Mr. Bond, the expert, who appears before this committee, did not know that was the law. He did not know it, or somebody else misled his chief, because a few months ago the department sent to the two Oregon Senators a request for the appointment of a new register for the Burns land office, although the office had been consolidated. Yet this wisacre, who appears before this committee and overpersuades this committee in the absence of anyone from the West, was about to foist upon the Government an official at \$3,000 a year, an official whose office had been abolished.

Gentlemen, I appeal to this House in the interest of fair play and representative government, in the interest of our right to represent our districts and constituents before these committees, and to have time and opportunity to present to the proper committees our arguments against this arbitrary, wholesale inconvenience to the land-office patrons of 39 States of this Union. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. RAKER. Mr. Chairman—

The CHAIRMAN. Does the gentleman from California rise in opposition to the amendment?

Mr. RAKER. No; I am for the amendment.

The CHAIRMAN. Does any gentleman desire recognition in opposition to the amendment?

Mr. LAGUARDIA. I desire recognition in opposition to the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. LAGUARDIA. Mr. Chairman, only yesterday there was considerable applause in this Chamber in response to the President's appeal for economy. It does seem strange that the first appeal for the President's message on economy must come from an "irregular." It was understood in my part of the country that the majority would loyally support the President in all his recommendations. This is your first opportunity. Here is a recommendation to abolish a large number of useless offices. After very careful study at the Budget Bureau and after careful consideration and deliberation on the part of the committee, and yet Members of the President's own party, after only three days of the session, on the first appropriation bill take the floor in opposition to the President, and you talk about regularity to me. [Applause.] We will go along with the President in his economy program.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WILLIAMSON. Would the gentleman be willing to abolish all the fourth-class post offices in the State of New York that do not pay their way?

Mr. LAGUARDIA. That is no comparison.

Mr. WILLIAMSON. Yes; it is a very good comparison.

Mr. LAGUARDIA. But I will say that the "gentleman from New York" is willing to reduce the Federal forces in New York State 33 per cent in order to get more efficiency and better service to the public.

Mr. WATKINS. Does the gentleman refer to prohibition-enforcement officers?

Mr. LAGUARDIA. No; I would put them under the civil service. Here is a chance for you Republicans to stand by your President and put the prohibition officers under civil service. I will vote with you to do that and be "regular." I doubt very much if you will stand by the President on that. [Applause.] I do not know what connection there is between the prohibition department and the land offices, but when it comes to real economy, abolition of the spoils system, and efficient service, we will see who is regular. I do hope that the majority will stand by the President on economy and on efficiency in the departments, and here is your first opportunity.

Gentlemen, I am against the amendment, and I hope it will be voted down.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in 10 minutes.

Mr. COLLIER. Mr. Chairman, reserving the right to object, I desire some time.

Mr. SWING. Mr. Chairman, I object to that. The gentleman from Michigan [Mr. CRAMTON] will want five minutes of that himself.

Mr. CRAMTON. I think it would be worth while for the committee if I should take five minutes.

Mr. SWING. That would leave only five minutes for us, and I object.

The CHAIRMAN. Objection is heard.

Mr. CRAMTON. I want to be fair and find out how much time is desired. I ask unanimous consent that all debate on the pending amendment close in 30 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all debate on the pending amendment close in 30 minutes. Is there objection?

Mr. TILLMAN. Mr. Chairman, I object.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, it is unfortunate that we are compelled to present this matter at this time. I received a telegram from the register of the Susanville land office on November 29. My secretary immediately called up the office of the Commissioner of the General Land Office, and that was on the 1st of December. This is what we were advised:

No action is contemplated at present relative to the Susanville land office. However, the commissioner expects to recommend its elimination altogether some time in the near future. Will wait until he sees what action Congress takes relative to appropriations.

Now, on that same day I sent this telegram to the register:

Telegram received. No action is contemplated by Commissioner General Land Office at present relative to the consolidation or elimination of the Susanville land office. Will keep in close touch with matter and leave nothing undone to retain office as at present.

I went to the committee to get a hearing, but was unable to get one. I was unable to get a bill, and the first thing I learned was—

Mr. CRAMTON. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. CRAMTON. Does the gentleman say he consulted with me at all about a hearing on this bill?

Mr. RAKER. Oh, no. I went to the committee's room, but I could not get a copy of the hearings even on Monday. I am not complaining.

Mr. CRAMTON. There has not been a day in three weeks but what I have been in my office all day, and the gentleman has not called upon me at all.

Mr. RAKER. I went to the Committee on Appropriations across the hall and I asked the gentleman in charge if I could get copy of the hearings. This was Monday. He said they were all exhausted and I could not get any, and I did not get them until the next day. I am not blaming the gentleman from Michigan at all.

Mr. CRAMTON. I understood the gentleman to say he had asked me for a chance to be heard.

Mr. RAKER. Oh, no; not to be heard at all.

Now, that was unfortunate because we are unable to present this matter. I immediately then telegraphed to the register, stating that I was mistaken and that I had either not understood the matter or had been improperly advised, and that there was a bill pending to abolish the office which would come up on yesterday.

I have received from the register a statement that this office has been paying at the rate of \$10,000 a year over and above all expenses, and I also received a letter from the judge of the county explaining the situation, and I have also heard from the Chamber of Commerce of Lassen County, the Chamber of Commerce of Modoc County, and the Chamber of Commerce of Plumas County, insisting that opportunity be given for a hearing and that the office be not abolished, because it is necessary by reason of the large amount of land involved and the amount of business done by that office.

Gentlemen, there is a further proposition involved. This is to be transferred to Sacramento, some 300 miles from Susanville. Lassen County, Modoc County, and the part of Plumas County involved are on the eastern side of the Sierra Nevada Mountains. We are 7,000 feet over the Sierra Nevadas, and in the wintertime we can only go part of the way by railroad, and after November until some time in March we can only get there by conveyance unless we go north 100 miles and swing around by way of Redding, another 150 miles, and then 125 miles down the valley to Sacramento.

This land office has been in the heart of this country where the people could attend to their business and attend to it properly, and to now cut it off would create an entirely different situation. In the northeastern part of our State the Sierra Nevada comes right around from Nevada and sweeps around in Lassen County, part of Plumas, and all of Modoc, and on the eastern slope the water never goes to the Pacific slope at all. The situation is entirely different from that in many other places. The distance is so great that the office ought not to be abolished.

These people have been paying taxes and this office has been a source of revenue to the Government. They sold some \$400,000 worth of timberland from the public domain in one lot last year. The public land has not been altogether disposed of yet. Therefore, there can be no possible reason based on the question of economy.

I am as strong for economy as any man can be, but it is not economy to compel a citizen who is entitled to service, entitled to have Government officials perform their work, to suffer such a hardship and be compelled to pay from \$10 to \$100 in order to get such an office do its work, because, in addition to the ordinary taxes which he is compelled to pay, he would have to pay that amount of money out of his pocket in order to have his business attended to.

Supplemental to what the gentleman from Oregon [Mr. SINNOTT] has said, I have been familiar with land practice for the last 45 years and have appeared before the land office at Susanville.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask that I may have three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

Mr. RAKER. The people believe in economy; they believe in service; they believe in having their business attended to properly. A land commissioner is nothing more or less than a notary public, in substance, appointed by the presiding judge of the United States court to take affidavits and do other business, and under the land laws he may take certain affidavits and do other things such as a notary public might

do or a county clerk might do, but he can never have access to the records of the land office unless he goes there, and then he would have to make copies of them. He would have to pay for the making of those copies, and this bill and his expenses would have to be paid; and if the citizen whom he represents desired to be heard, he would have to take the secondhand word of this man after paying his expenses, to say nothing of the time and trouble involved in going to the office; whereas if the office is maintained within a reasonable distance, he can go to the office, present his case to the register, who will look up on the maps and plats and there will find the condition of the land, and then the man can determine whether he wants to file on it or not.

Mr. SINNOTT. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. SINNOTT. His advice would be equivalent to the advice of an ordinary notary public on a legal question.

Mr. RAKER. Exactly so; whereas a register is a Government official. We have relieved many a homesteader and timberland claimant and desert-land claimant by virtue of receiving the advice of the register of the land office, and when his filing according to the law in the office might be different from that in the Land Office, it has been said that the register is an official of the Government and therefore an innocent party ought not to be deprived of his rights, and it is right that that should be done.

Therefore, while every man here might plead economy, every man here might say he is for economy, no man can go home to his constituents and honestly look them in the face and say he is in favor of economy when, as a matter of fact, he deprives the people of the means to do their legitimate business in a country that requires settlement and development, where every ingenuity, where every kind of strength and vitality is required of a man to build up this country. He ought not to be deprived of the opportunity to carry on the legitimate business, to say nothing of going through the hardships he has to go through in developing a pioneer country. [Applause.]

On this subject the first telegram received from Mr. Coffin, register, follows:

SUSANVILLE, CALIF., November 29, 1924.

Hon. JOHN E. RAKER, M. C.,

Washington, D. C.:

Relative to consolidation of Susanville with Sacramento Land office, have to advise Susanville office is self-supporting. Surplus of earnings over expenditures for last two fiscal years nearly \$10,000. This district isolated and mountainous. To close office will bring hardship on homesteaders and home seekers.

E. B. COFFIN, Register.

I made inquiry of the General Land Office and got the following response, viz:

No action is contemplated at present relative to the Susanville land office. However, the commissioner expects to recommend its elimination altogether sometime in the near future. Will wait until he sees what action Congress takes relative to appropriation.

Then sent the following telegram to Mr. Coffin, viz:

WASHINGTON, D. C., December 1, 1924.

Hon. E. B. COFFIN,

Register Susanville Land Office, Susanville, Calif.:

Telegram received. No action is contemplated by Commissioner General Land Office at present relative to consolidation or elimination of Susanville land office. Will keep in close touch with matter, and leave nothing undone to retain office as at present.

JOHN E. RAKER, M. C.

As soon as I learned the true situation, which was on December 3, 1924, and not before, I sent the following telegram to Mr. Coffin:

WASHINGTON, D. C., December 3, 1924.

Hon. E. B. COFFIN,

Register United States Land Office, Susanville, Calif.:

Contrary to report given me by General Land Office and as given you in my reply to your telegram relative to abolishing the Susanville land office the department recommended its abolishment and the Appropriations Committee have provided for its elimination by bill reported yesterday, which bill is being considered in House to-day. Will do our best to stay this action. Telegraph me reasons why this office should not be abolished. Have chamber of commerce and others give their desires in the matter at once.

JOHN E. RAKER, M. C.

Received the following telegrams and letter regarding the abolishment of this land office at Susanville, as follows:

SUSANVILLE, CALIF., December 3, 1924.

JOHN E. RAKER,
House of Representatives, Washington, D. C.:

Over one million acres Government land in Susanville land district, which can be administered here best. Office on paying basis. Lumber and agricultural interests demand local services. Will get State organization to wire you.

LASSEN COUNTY CHAMBER OF COMMERCE.

QUINCY, CALIF., December 3, 1924.

JOHN E. RAKER, M. C.,
Washington, D. C.:

People of Plumas County not in favor of moving Susanville land office to Sacramento. Use your best efforts in blocking same.

QUINCY COMMERCIAL CLUB.

ALTURAS, CALIF., December 4, 1924.

JOHN E. RAKER, M. C.,
Capitol Building, Washington, D. C.:

Modoc protests against any change in the location of Susanville land office and requests you to prevent the passage of any such measure. Revenue from that office is sufficient to pay its own expenses. Any change would mean a great inconvenience to Modoc, Lassen, Plumas.

MODOC COUNTY DEVELOPMENT BOARD,
E. F. AUBLE, Vice President.

SUSANVILLE, CALIF., December 4, 1924.

HON. JOHN E. RAKER,
House of Representatives, Washington, D. C.:

Your telegram even date received. There is no logical reason for elimination of this office. Is on a sound paying basis and serves four counties at present. Over a million acres of unappropriated Government lands within the district besides thousands of acres not yet titled that have been filed on. Protests from all parts of the district follow.

E. B. COFFIN, Register.

SUSANVILLE, CALIF., December 4, 1924.

JOHN E. RAKER,
House of Representatives, Washington, D. C.:

Lassen Advocate joins in protesting removal of Susanville land office. No valid reason for change. We commend your efforts.

LASSEN ADVOCATE.

SUSANVILLE, CALIF., December 4, 1924.

JOHN E. RAKER,
House of Representatives, Washington, D. C.:

Farmers of Modoc, Lassen, and Plumas Counties urge every effort to prevent removal of land office. Great convenience to farmers and stockmen and saves expense.

LASSEN COUNTY FARM BUREAU.

WESTWOOD, CALIF., December 3, 1924.

HON. JOHN E. RAKER, M. C.,
Washington, D. C.:

If land office is moved from Susanville to Sacramento, it will work a hardship on our company and the people generally of this district not only because of the long distance on high mountain railroad fare but the train service is not only slow but irregular, so we would like you to protest against having the office moved.

THE RED RIVER LUMBER CO.

CHAMBERS SUPERIOR COURT,
Susanville, Calif., November 29, 1924.

HON. JOHN E. RAKER, M. C.,
Washington, D. C.

DEAR SIR: Mr. Earl B. Coffin, register of the land office at this place, has just been to see me concerning an effort on the part of some of the citizens of Sacramento to have the Susanville land office consolidated with the Sacramento office. I understand that Mr. Coffin forwarded you a telegram last evening concerning this proposed change.

Mr. Coffin tells me that the receipts of the office over and above the expenses of maintaining and operating the same for the two fiscal years just past is something like \$10,000 per year. It would seem that from a financial standpoint there could be no object in closing the Susanville land office.

Again, we have such a large amount of land that still belongs to the Government in Lassen County, much of which is not worth a damn for anything except a possible stock raising, and very little use for that, and yet some of the stockmen are willing to take up portions of this land, and continue to do so unless the expense of obtaining it

becomes prohibitive, which would be the case were they compelled to lose a week's time, or thereabouts, and spend a hundred or a hundred and fifty dollars to visit a land office to make their filing, and the same amount of money when they came to make their proof, which would be the case if a removal were had to Sacramento.

Furthermore, those pieces that would have some value and which people would like to take as a homestead are desert land, and many of these people are too poor to stand the expenses of a trip to Sacramento and return, and therefore much of this land would not be occupied or used for many years.

You are perfectly familiar with conditions existing here and in the land district, and I trust you will take this matter up and use your very best endeavors to thwart the action of these Sacramento people. I understand it is merely some local people there that are starting the agitation, and that it is not the sense of the people generally. Anything we can do to assist you in seeing that justice is done in this matter, please advise us and we will get busy.

Very truly yours,

H. D. BURROUGHS, Judge.

Mr. COLLIER. Mr. Chairman and gentlemen of the House, this question came up last year both in the committee and on a roll call of the House, and the abolishment of these various land offices was not approved. We have heard a good deal this afternoon about the hardship of having to go 150 or 200 miles, and I appreciate the hardships that the gentlemen speak of; but I want to say to you that in the case of Mississippi you do not expect us to go 150 miles or 200 miles, you expect us to go 1,100 miles and to come up here to the city of Washington. You want to destroy the office there.

If this is to be on the ground of economy, I refer you to the reports in the papers presented by the committee. It is true that the Jackson (Miss.) office is a small office. A great part of our public land has been taken up, but we still have some public land that is not settled, and people continually have to look at these records. Now, talking about economy, while this small office takes in somewhere about \$8,000, it is costing the Government just about half that amount to run the office.

In view of the great inconvenience to the public, in view of the fact that some of the records are old and musty, but placed where we can now get at them, and they will be taken away a thousand miles and many of them perhaps destroyed, I think it is false economy to abolish these offices at this time. I am not going to take up any more of the time of the House. I think we all believe in economy, but the time we are wasting in trying to do away with these little offices is not much economy in itself. This matter was settled by a decisive vote in both the committee and in the House by a roll call, and I see no reason why these changes should be made, and I hope they will not be made. [Applause.]

Mr. LEAVITT. Mr. Chairman and gentlemen of the House, I think the charge of lack of economy should lie at the feet of either this subcommittee or of the officials of the Land Office; whoever are responsible for bringing this matter before us in this form every year. Instead of giving those of us who represent districts needing these land offices an opportunity to cooperate with them in the reduction, and who would fairly agree to a proper reduction if given such an opportunity in a businesslike way, they force us every year to come in here and fight this matter. We are willing to stand for proper reductions as the business of the land offices shrinks. In the State of Montana we are being asked to give up six land offices, offices where the receipts are five times as much as they are costing. As said by the gentleman from California [Mr. RAKER] we are trying in the West to build up a new pioneer country—to make homes on land that is undeveloped—but we can not do it by making it inconvenient for people who come there. Nor do these people originate in Montana. They come from Middle Western and Eastern States that they may have the opportunity to make homes in a new country. To hamper them is not the way to build a nation. That is not the way to economize in this Congress of the United States. [Applause.] I want to repeat my charge that the real cause for this lack of economy is that we are forced to fight the bill when we should have been given an opportunity to enter into this in a cooperative way, into some sort of a plan for reducing the offices as they should be reduced instead of having to fight for them year after year. [Applause.]

Mr. LEATHERWOOD. Mr. Chairman, any proposed economy that impairs the public service I think is false economy. We have a situation in the State of Utah very similar to that described by the gentleman from California [Mr. RAKER]. There are two land offices in the State; the principal one is at Salt

Lake City. Another that serves an important portion of the State is in the extreme northeastern corner, at Vernal. It is proposed by this legislation to abolish the Vernal office. I do not have the figures before me, but there is a large volume of business transacted in that office. I do know that Vernal lies in that portion of the State where there is a large percentage of the public domain yet unentered. If you abolish the office, during the winter season and particularly when there are heavy snows, the people of that part of the State are practically cut off from access to the office at Salt Lake City. It seems to me it is as important to the Government to make it possible for these people to do business in the land office at Vernal as it is to maintain post offices in the same section of the State, many of which do not pay expenses.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. LEATHERWOOD. I will.

Mr. WILLIAMSON. I have the figures here, and I find that the receipts in Vernal are five times as much as are expended for the maintenance of the office.

Mr. LEATHERWOOD. I thank the gentleman for the information. The gentleman says that the revenue of the office is five times what it costs to operate it. Yet the proposed legislation, in the face of this record, says that they will abolish this office and prevent these people, a portion of the year, from getting any service at a land office, and at other times they must travel 200 miles. There is no railroad connecting this portion of the State with Salt Lake City. It is a hard trip under most favorable conditions, and most of it made by stage. I can not conceive why gentlemen in the Congress want to go out into that country and try to impair the service and deprive the people of an office that is self-sustaining and that pays five times its cost of maintenance back to the Government. [Applause.]

Mr. TILLMAN. Mr. Chairman, I suggest to the gentleman from New York [Mr. LaGUARDIA] and also to the President, that we might practice economy instead of preaching it by eliminating the proposed appropriation of \$12,000,000 for the Cape Cod Canal, much favored by New York, by New England, and by President Coolidge, and also we could, with safety and with small hurt to the nation, eliminate a large sum of money that is to be asked for rivers and harbors near New York City. I suggest to the Chairman of the committee [Mr. Cramton] that we might scrap the item of \$406,000 which they seek to appropriate for Howard University, a private institution of higher learning here in the city of Washington, an appropriation of doubtful constitutionality, at least of doubtful propriety. I suggest that we might save a considerable item in this modest bill of \$268,000,000, by cutting out the item of \$202,000 for the Freedmen's Bureau, at least cut or diminish the appropriation of \$50,000 for additional improvements asked. There is another appropriation for the District of Columbia that might be cut the amount of \$103,400, for the Columbia Institution for the Deaf. If gentlemen are obsessed with a burning desire for reducing appropriations why not reduce appropriations? You are seeking to abolish 39 land offices, and altogether the saving in money is a mere bagatelle. I am interested particularly in my own land office at Harrison, Ark. It has been there 50 years. It has served an excellent purpose. It is housed in an elegant Federal building. There is no rent to pay. This office is located in the heart of the vacant land section of the State of Arkansas. Last year there were a large number of unperfected entries, and the number of applications amounted to 456. There are still left there 99,786 acres of vacant lands. In addition to this vacant land, one of the forest reserves is located in this locality, and under the rulings of the department, a man can homestead land in that forest reserve where it is known to be agricultural land. If this office is abolished my people—and the people who homestead land are usually poor people—will be compelled to go, if they desire to consult the register or the receiver of the land office, 150 miles away to the capital of the State, and they must change trains a time or two in order to get there.

They will have to spend quite a sum of money and expend a large amount of time each trip. Whether or not it is necessary for people to go to the land office to consult with a register or a receiver, they actually do so in perfecting their entries, or in making their entries or contests, and in making inquiries as to vacant lands.

This question of economy is important and I favor economy, but let us not start to economize at the bottom. Let us begin at the top. If economy is the sole issue, you might well dispense with all the rural carriers of the country, because they are expensive. You may also abolish a great many of the post offices of the country because they cost more than the amount of the revenue derived from them. The Post Office Department

itself, admittedly a well-conducted and popular department, exceeds its revenue. Should it be abolished? Congressmen are quite expensive luxuries themselves. Does the battle-ax brigade favor their curtailment?

In my district there is quite a lot of activity at the present time in the matter of homesteading vacant lands. This land is chiefly in the mountains, and the grape industry is getting to be an important enterprise there. Welch has established his southwestern grape-juice factory in my district, and a great many people from the North and elsewhere are coming into that country to acquire cheap lands, to homestead them, if they can get them.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. TILLMAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TILLMAN. Many people are going into that section to take advantage of the cheap land for the purpose of setting out vineyards, and Mr. Welch states that the soil of that section has been analyzed, and that it is ideal for grapes, and that at the time these grapes come on the market it is bare of grapes from any other section of the country. For that reason grape culture there can hardly be overdone.

I want this land office preserved, first to encourage homestead entries, to allow these people who have already made entries to perfect them, and not allow them to be cut off without notice. I knew nothing about this provision until it was read here on the floor of the House. I did not know about it two years ago nor one year ago until the bill was under debate in this House. The jurisdiction of this particular subject rests with the Public Lands Committee, and you have heard the chairman of that committee, a very able and popular gentleman here on this floor, and he feels keenly, and his committee feels keenly, the deprivation of jurisdiction which has been brought about with reference to this subject.

I do not want to appeal to you in a selfish way nor to make any threats, but there are a great many of us who have local matters in which we are interested, and we can and should be mutually fair and considerate. We have to pay some little attention to the practical side of legislation. We feel like assisting those who help us as far as it is proper to do so. We do not believe that these 39 offices should be abolished without notice to the people who live contiguous to them, or that these people should be deprived of the privilege of easy communication with those offices.

This is not a new question. We have debated it for three years, and each time the Membership of the House has risen to the occasion and has rebuked the efforts upon the part of this committee to usurp the jurisdiction of the Committee on the Public Lands. This is not a small matter to intending homesteaders, and, after all, the homesteader has been an important unit in the development of this Republic, and he is entitled to honorable mention and fair treatment. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. SWING. Mr. Chairman and gentlemen of the committee, it seems to me that the test of whether a public agency justifies its existence is not to be determined entirely by the question of whether it pays in dollars and cents. But even on that basis the two land offices which are located in my district, which is 500 miles long and 200 miles wide, pays the Government a profit of 50 per cent a year on the business transacted, which is a pretty good dividend. The proper test of the justification of the existence of a governmental agency, I believe, is whether it serves a useful purpose, whether it renders a real service to the people. As proof of that in this case you have the testimony of the Members of this House who live in the communities affected, and who ought to know, and I believe you will take their word for it when they say that these land offices are rendering a useful and needed service. I was much of the time this summer in and out of one of these land offices and saw people going in and out utilizing its officials and records constantly. If this measure is adopted as it is written, these same people will hereafter have to go from 225 to 250 miles to the city of Los Angeles to get desired information and advice or to transact their business. It is not true they can transact this business by mail. You can get your medicine by mail if you want to, but it is not considered good practice to do it; nor will any lawyer advise his client to transact his law business by mail. Every lawyer knows how frequently he has to go to the county clerk's office where the court records are; and so the records in these land offices are constantly referred to by those having land-office

business. Entrymen desire to consult the register and receiver regarding their public-land problems because they know that they are experts who can and will give helpful advice and assistance. Most of these offices are located in the heart of an area where there is much public land and therefore render a beneficial service to the public. If these people hereafter are compelled to go 200 or 300 miles, it will cost them about \$50 each, or if they take their witness \$150, which would be a heavy burden to them, because most of these settlers are people of very limited means.

The real issue here is not so much whether the Government is going to make a profit out of the sale of the public lands at \$1.25 an acre, but whether there is a big public policy to be served, and that is to encourage the building up of our country, to create new wealth and tax-paying property, and produce additional food supplies for the whole country. That is a national policy which, I believe, we all favor. These land offices are agencies which are rendering very useful and very beneficial service in furtherance of that policy, and in addition in most every case are paying a handsome dividend into the Public Treasury besides.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Oregon.

Mr. SUMMERS of Washington rose.

Mr. CRAMTON. I had the impression that the request I made was objected to.

The CHAIRMAN. The Chair let the debate run along pretty well. The rule, of course, says that an amendment shall be debated for five minutes on one side and five minutes on the other.

Mr. CRAMTON. I understand that rule, Mr. Chairman, but the committee in charge of the bill have a certain responsibility, and we have sought to make an amicable agreement to limit the time without enforcing the drastic rule to which the Chair referred. The requests I made have been objected to. The chairman of the subcommittee had the understanding that the last request he made was objected to.

The CHAIRMAN. That is true.

Mr. CRAMTON. If the Chair will permit, the committee does not desire any arbitrary action. We have not limited the time, desiring to give these gentlemen an opportunity to present their case.

The CHAIRMAN. There was a very simple method. The Chair asked the gentlemen as they rose if they moved to strike out the last word of the amendment—

Mr. CRAMTON. Permit me to make this request, and that is that further debate on the pending amendment be limited to 20 minutes; of which the gentleman from Washington [Mr. SUMMERS] have five minutes. I will ask that the time be limited to 30 minutes, 15 minutes to those in favor of the bill and 15 minutes to those against it, notwithstanding most of the time has been consumed by those favoring the amendment.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time be limited to 30 minutes on this amendment and all amendments thereto. Is there objection?

Mr. HILL of Washington. Mr. Chairman, reserving the right to object, I would like to have three minutes.

Mr. CRAMTON. I am not making any division of time except—

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. SINNOTT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Will the gentleman from Washington yield?

Mr. SUMMERS of Washington. I yield.

Mr. SINNOTT. Do I understand the proponents of the amendment have the right to close?

Mr. CRAMTON. Mr. Chairman, I do not understand anything of that kind. The committee has the right to close.

Mr. CARTER. Mr. Chairman, I have never seen any other rule invoked since I have been here except that those in charge of the bill had the right to close debate.

Mr. SINNOTT. The rule is that the proposer of the amendment has the right to close.

The CHAIRMAN. The gentleman from Washington [Mr. SUMMERS] is recognized.

Mr. SUMMERS of Washington. Mr. Chairman, as a matter of economy, when we consider the taxpayer we should leave the land offices where the territory is extensive, as it is in many of the Western States.

It is proposed here to eliminate the Yakima and the Walla Walla offices in eastern and southeastern Washington, in a territory that is about half the size of the State of Michigan. That will mean that the poor homesteader who wants to try to make a home on the land and develop the waste places is

going to have to travel from 250 to 300 miles in order to get the simplest elementary information in regard to vacant land or how to proceed.

The suggestion is made that he go to a United States court commissioner. Well, in that case he might have to travel 150 miles even for that purpose, and then he will find a man who has no information along the line he seeks.

Now, take the Yakima office. The register and receiver is already combined in one position there. He is a very efficient gentleman and he has earned during the last year \$2,627.14, and the clerk hire and incidental expenses were \$1,817.50. There was no extravagance or waste there. There are still 197,640 acres of vacant land in that territory, and there are unperfected entries to the extent of 92,160 acres more.

Over in Walla Walla the register and receiver is combined in one officer, and that officer has earned during the last fiscal year \$1,169.85. He keeps the office open and is there ready to serve a large territory. He is there to help display the records and to give the information that the homesteader seeks. We still have 108,758 acres of vacant land there, and we have in unperfected entries 83,399 acres additional.

I submit to you that you may be saving at the spigot but you are wasting at the bung. You are throwing ten times the expense on the man who seeks to establish a home on the land. You are going to necessitate his traveling into Spokane, two or three hundred miles away, or into Seattle, from 300 to 400 miles away, a total expense, including two or three days of time and hotel bill and transportation, of anywhere from \$30 to \$50. That is the best he can possibly do. Not very many trips will have to be made on the part of the taxpayer in that way in order to cause him more expense than the land office costs.

These land offices are practically paying their own way. One of them is a little more than paying and the other a little less than paying its own way. But they are serving a large territory, sparsely settled, and they are helping to develop that territory.

I submit to you that as a matter of economy we should not close offices of that kind.

Mr. EVANS of Montana. Mr. Chairman, I rise to support the amendment. The bill as brought into this House by the Appropriations Committee abolishes 39 land offices situated in the public-land States. Six of these offices, to wit: Billings, Bozeman, Glasgow, Great Falls, Kalispell, and Lewistown, which it is proposed to abolish, and situated in the State of Montana, which I have the honor in part to represent. These offices have been in existence for from 25 to 40 years and have been of great service and convenience to our people. There are still millions of acres of public lands located in the State of Montana, and millions of acres of known coal land and oil land, and all dealings with such properties have heretofore gone through some of these land offices. It is now proposed on the plea of economy to abolish these institutions. These offices have been our convenience for 40 years; they are our convenience just the same as your post offices or rural carriers or your customhouses, and yet without a hearing, without any notice to the Representatives of these States, without any opportunity to be heard, to present our claims or plead our cause, the people living in these Western States are to be deprived of these conveniences.

The offices situated at Lewistown and Great Falls are each known to be in the center of great oil fields that are just beginning to be developed—hundreds and probably thousands of people will want access to records and maps and want information from these offices annually; and yet, regardless of the inconvenience to our people and without notice to us, these offices are to be closed to the public on the sole ground of economy. It has been suggested that this business can be done by a land commissioner. A land commissioner is nothing more nor less than a notary public, in substance, appointed by the presiding judge of the United States court to take affidavits and do other business, and under the land laws he may take certain affidavits and do other things such as a notary public might do or a county clerk might do, but he can never have access to the records of the land office unless he goes there, and then he would have to make copies of them. He would have to be paid for making these copies, and this bill and his expenses would have to be paid; and if a citizen whom he represents desired to be heard, he would have to take the second-hand word of this man after paying his expenses, to say nothing of the time and trouble involved in going to a distant office, whereas if the office is maintained within a reasonable distance he can go to the office, present his case to the register, who will look up on the maps and plats and there will find the condition of the land, and then the man can determine whether he wants to file on it or not.

Therefore, while every man here might plead economy, every man here might say he is for economy, no man can go home to his constituents and honestly look them in the face and say he is in favor of economy when, as a matter of fact, he deprives the people of the means to do their legitimate business in a country that requires settlement and development, where every ingenuity, where every kind of strength and vitality is required of a man to build up this country. He ought not to be deprived of the opportunity to carry on the legitimate business, to say nothing of going through the hardships he has to go through in developing a pioneer country.

It seems to me that the test of whether a public agency justifies its existence is not to be determined entirely by the question of whether it pays in dollars and cents. The proper test of the justification of a governmental agency, I believe, is whether it serves a useful purpose, whether it serves a real service to the people. As proof of that in this case you have the testimony of the Members of this House who live in the communities affected, and who ought to know, and I believe you will take their word for it when they say that these land offices are rendering a useful and a needed service. I was often this summer in and out of some of these land offices and saw people going in and out, utilizing its officials and records constantly. If this measure is adopted as it is written, these same people will hereafter have to go from 200 to 500 miles to get the desired information and advice or to transact their business. It is not true that they can transact their business by mail.

No lawyer will advise his client to transact his law business by mail. Every lawyer knows how frequently he has to go to the county clerk's office where the court records are; and so the records in these land offices are constantly referred to by those having land-office business. Entry men desire to consult the register and receiver regarding their public-land problems, because they know that they are experts who can and will give helpful advice and assistance. Most of these offices are located in the heart of an area where there is much public land, and therefore render a beneficial service to the public. If these people hereafter are compelled to go 200 or 300 miles, it will be a heavy burden upon them, because most of these settlers are people of very limited means.

The real issue here is not so much whether the Government is going to make a profit out of the sale of the public lands at \$1.25 an acre but whether there is a big public policy to be served, and that is to encourage the building up of our country, to create new wealth and taxpaying property, and produce additional food supplies for the whole country. That is a national policy which, I believe, we all favor. These land offices are agencies which are rendering very useful and very beneficial service in furtherance of that policy, and in addition in most every case are paying a handsome dividend into the Public Treasury besides.

I protest against their abolishment, and I am therefore for this amendment.

Mr. RICHARDS. Mr. Chairman and gentlemen of the committee, we are all for economy in every true sense of the word. If not, we have no business being here.

Now, when it comes to a land office being essential, I can conceive of nothing being more so than that office which is situated in Elko in my State.

In the first place, Nevada is 90 per cent Government-owned land. Within the jurisdiction of the Elko land office are over 18,000,000 acres of this land, a vast territory, with few people, and extravagant distances; 110,000 square miles of territory and 77,000 square people. They may not have dealt "square" with me at the last election, but they are "square" just the same.

This land office is essential. It has become an established adjunct in the business affairs and in the social affairs of our people, and in all that which goes to make up the great scheme of our business in that country, it is just as essential as is your post office, and just as essential as some of our courts. In so far as receipts and expenditures of the Elko land office are concerned, last year, according to the report in the hearings, the expenses of the office were only 40.16 per cent of the receipts. That is, the expenses were \$5,719.61 and the receipts were \$12,389.76. If you consolidate this office with the Carson City office, which is over 300 miles from Elko and at a greater distance from some of the outlying sections than the distance at present from the Elko land office, you will subject our people to great inconvenience. It is true that we have modern conveyances that are sufficient; we have the Southern Pacific Railroad and we have automobiles. But for the land claimant to go to Elko from Carson City to look up a record, he would be forced to incur an ex-

pense of time and delay that ought not to be; in many instances forfeit a valid claim or entry owing to inability to defray expenses over the greater distance.

Mr. TILLMAN. The receipts of the office go into the Treasury of Uncle Sam?

Mr. RICHARDS. Certainly. Uncle Sam is receiving \$12,389.76 and is paying out \$5,719.61.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. RICHARDS. Yes.

Mr. HUDSPETH. Every office produces an excess of receipts, and they go into the Treasury?

Mr. RICHARDS. Yes.

Mr. HUDSPETH. I am surprised at my friend from Michigan trying to abolish offices yielding revenue to the Government. He is an honorable gentleman, and he is in favor of economy.

Mr. O'CONNELL of New York. Would not this help the railroads some?

Mr. RICHARDS. Possibly that would be in keeping with the theories of the party on the other side of the aisle, I suppose.

Now, I want to show you what is said by the present receiver of the Elko land office, Mr. George Russell:

I might say that one can get but little idea of the work done in this office from our reports. There is never a day that we don't have to look up land matters and furnish information as to the status of pending applications, land open for entry, etc.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDS. Mr. Chairman, I have but a line or two more and ask for an additional half second.

The CHAIRMAN. The gentleman from Nevada asks to proceed for an additional half second. Is there objection? [After a pause.] The Chair hears none.

Mr. RICHARDS (reading)—

The removal of our maps and tract books would work a great hardship, not only on those who might desire to take up land, but on those who hold land already and who want maps for plats made.

Mr. CRAMTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRAMTON. How does the time remain?

The CHAIRMAN. There are 18 minutes remaining, the Chair will say to the gentleman from Michigan.

Mr. CRAMTON. Those opposed to the amendment have 15 minutes, and there are 3 minutes on the other side. The division was between those for and against the amendment.

The CHAIRMAN. The Chair does not recall that was put in the unanimous-consent request.

Mr. CRAMTON. That was the request I presented.

The CHAIRMAN. Of course, in allotting time the Chair, if anyone demanded recognition in opposition to the amendment or in favor of the amendment, would recognize them alternately. But the Chair does not recall that the unanimous-consent request, as stated by the Chair, required that the time be divided equally between those for and against.

Mr. CRAMTON. The Record will show my request. There are three minutes remaining anyway and I believe that is more than the gentleman from Washington [Mr. JOHNSON] will require.

Mr. JOHNSON of Washington. Mr. Chairman—

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. JOHNSON of Washington. Mr. Chairman, I want to state that I am thoroughly opposed to this form of making legislation, and bringing in bills without chance for Members to be heard. I expect to have something to say on other matters in this bill, particularly Indian schools and allotments of Indian lands.

I have been in Congress for several years and have seen two offices of this kind go out of my district, and the office at Vancouver, the last one goes. It is a big district without a land office if this bill passes as written. I know a little something about the State of Oregon, and, as a matter of fact, instead of striking down land offices in Oregon, Congress, in my opinion, should be setting one up at Bend, near the center of that State. This whole proposition is not fair. The better thing to do would be to abolish the entire land office business, end all homesteading rather than to make that doubtful proposition just this much harder and more expensive for persons to homestead.

Mr. Chairman, I yield back the balance of my time.

Mr. CARTER. Mr. Chairman, the committee in taking this action simply undertook to strike out those particular land offices which the department said were no longer necessary.

The committee was careful not to add any other offices for fear that some damage might be done the service.

Now, I think, Mr. Chairman—

Mr. SINNOTT. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. SINNOTT. Will the gentleman point to anything in the hearings where they state these offices are not necessary?

Mr. CARTER. Why, yes.

Mr. SINNOTT. Is not this the statement?

Mr. CARTER. The mere fact that they recommend that these offices be abolished carries with it on its face the assertion that the offices are not necessary. Certainly they are not wanting offices abolished that are necessary. They would not make a recommendation of that kind.

Mr. SINNOTT. Does not the gentleman know—

Mr. CARTER. I can not yield further, as I have but five minutes.

Mr. SINNOTT. But the gentleman does not want to inadvertently mislead the House?

Mr. CARTER. I am not misleading the House.

Mr. SINNOTT. Of course, Mr. Bond stated they cut them out because they were ordered to cut down their estimates, and these offices were very handy.

Mr. CARTER. Is it the gentleman's idea that his administration, in order to secure economy, is wrecking a service that is necessary for the people of this country? Of course, that would appear to be the position the gentleman takes when he says the department has recommended the abolishment of offices that are still necessary.

Mr. SINNOTT. I say that Mr. Bond testified—

Mr. CARTER. I would like to yield to my friend further, but he knows I have only five minutes. I think gentlemen are unduly exercised about the effect this is going to have; that is, the effect the abolishment of these offices is going to have in their districts. We once had a number of these offices in Oklahoma and there were three in my own district. One of the first things I met when I came to Congress was the abolishment of two of those land offices in my district. I went down to the committee and asked them this question: "What are you gentlemen trying to do to me?" They said, "Why, the department says there is no business for these offices; they are through; your lands have been taken up and filed on and there is no further necessity to retain and keep these offices there except to keep some men in office." So, having no case, I acquiesced in the position taken by the department.

Mr. SMITH. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Idaho?

Mr. CARTER. I will yield in a minute, when I finish this story. When that report was made to the House the newspaper boys, of course, took it up and started it all over the country and lo and behold the mayor and president of the commercial club in my own home town came here and they said to me, "You are going to wreck things down there; you are doing away with a valuable institution that ought to be retained and kept." "But," I said, "gentlemen, the department has made the statement and put a statement in the record which indicates that these offices are no longer necessary, so that I have no case. I am willing to go as far as you can give me any logical reason to go, but I have nothing to say in defense of it." "Well," they said, "it is going to ruin you for election; you will certainly lose that country down there if you let these land offices be stricken out." I said, "I can not help it; there is no need for them and I can not retain them." They were stricken out, and the only time I ever heard of the proposition afterwards was when one fellow came to me and told me, in my own home town, "I am mighty glad to see you had the nerve to stand up and strike out these sinecures down there and preventing men from drawing salaries who had no work to do." It was not a question of nerve but it was merely a question of my not being able to prevent it; that is all.

I suppose I would have been like the other boys, and when the president of the commercial club and the mayor bore down on me I would have tried to have continued the offices. If I could; but I found out afterwards that I had done the right thing, and perhaps did not know I was doing such a good thing when I did it. Now I yield to the gentleman from Idaho.

Mr. SMITH. Is it not a fact that the Secretary of the Interior has authority now under general law to abandon these offices if they are not needed? This attempt to abandon these offices by legislation is not only unwise and unfair but unnecessary.

The act of June 12, 1840, provides when land offices may be discontinued by the Secretary of the Interior, as follows:

SEC. 2248 (R. S.). Whenever the quantity of public land remaining unsold in any land district is reduced to a number of acres less than 100,000, it shall be the duty of the Secretary of the Interior to discontinue the land office of such district; and if any land in any such district remains unsold at the time of the discontinuance of a land office, the same shall be subject to sale at some one of the existing land offices most convenient to the district in which the land office has been discontinued, of which the Secretary of the Interior shall give notice.

The act of March 3, 1853 provides when land office may be annexed to adjacent district by the President, as follows:

SEC. 2250 (R. S.). Whenever the cost of collecting the revenue from the sales of the public lands in any land district is as much as one-third of the whole amount of revenue collected in such district, it may be lawful for the President, if in his opinion not incompatible with the public interest, to discontinue the land office in such district and to annex the same to some other adjoining land district.

Mr. CARTER. Certainly; but the gentleman knows what would happen if he should undertake to abolish the office in his district. The gentleman himself and his Senator would be right down on the Secretary's neck, and it would be worth the Secretary's life to try to abolish them under such circumstances as that. [Applause.]

Mr. SUMMERS of Washington and Mr. COLLIER rose.

Mr. CARTER. I yield first to the gentleman from Washington.

Mr. SUMMERS of Washington. The gentleman has in mind the fact that the man in charge of these offices is not paid beyond the earnings of the office, but is simply paid from the fees that come in.

Mr. CARTER. That is true.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

Mr. EVANS of Montana. Reserving the right to object, is that to be in addition to the time fixed?

Mr. CRAMTON. Oh, no.

Mr. EVANS of Montana. Then I have no objection.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, it was only yesterday we sat here and heard read these words from the President:

In my opinion the Government can do more to remedy the economic ills of the people by a system of rigid economy in public expenditure than can be accomplished through any other action.

Anybody—

Said the President—

can reduce taxes, but it is not so easy to stand in the gap and resist the passage of increasing appropriation bills which would make tax reduction impossible.

We have for an hour or more listened to gentlemen who have laid offices in behalf of this amendment which seeks to destroy a saving of \$250,000 annually hereafter, equivalent to the income on \$5,000,000.

All of these land offices stand together. There is no amendment offered to save this one or that one in which the committee may have erred. No; the proposition is the old-fashioned, pork-barrel proposition of everybody standing together. There is the office in the district of the gentleman from Arkansas where the cost of operating it is 127 per cent of all the receipts.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. I can not yield now. The gentleman from Texas spoke about that. That does not mean the revenue that results from the operation of the office. It means the value of every acre of land, of every dollar's worth of oil, and so forth, that is produced there that goes through that office and would go into the Treasury just the same if there was no land office.

Here is Del Norte, in Colorado, 108 per cent, and down at Lamar, there is one where there are only 6,175 acres in the entire district; one at Sterling, with 8,000 acres; one at Topeka, Kans., with 2,038 acres. It will reach the point where there will be an office for each acre if they are allowed to continue. Mississippi has been heard from here—Mississippi where there are only 18,000 acres of public land in the whole State. Wausau, Wis., has been more modest to-day and has made no appeal. There are 4,600 acres of land there.

There has been some question about how this comes to the House. My friend from Oregon when he comes to read the

hearings with more care will regret that he has castigated quite so fiercely the chief clerk of the Land Office. He speaks of the land commissioner and quotes Mr. Bond as if he referred to that officer as one before whom these proofs would be made. He has referred to land commissioners and real estate agents as private individuals but not as an officer before whom proof would be made. Proof can be made before the United States commissioner.

Mr. Bond, in the hearings said in response to a question from Mr. French—

I want to know—

Said Mr. French—

quite definitely whether or not you feel that the contraction of the work in this respect is such that we can go to the limit recommended in the bill?

Mr. Bond said:

I was asked by the Budget about this, and I told them that in my judgment this is a good administrative proposition—

Mr. SMITH. Will the gentleman yield?

Mr. CRAMTON. I must decline to yield until I have finished my statements. If I have any time left then I will be glad to yield.

This is a good administrative proposition. I might say in this connection that the same question was asked as to the offices of surveyors general.

Mr. CRAMTON. And what was your answer?

Mr. BOND. The answer was the same, that it was a good economical administrative proposition.

That is where this has originated—with the department that is charged with the administration of this law. It has been said here in the debate that we should have gotten the advice of somebody from the West. Mr. Bond grew up in the land service, was for a long time clerk in a land office in Wyoming or Montana, and was for many years chief clerk of the General Land Office.

Mr. SINNOTT. Will the gentleman yield?

Mr. CRAMTON. I can not yield now.

Mr. SPRY, former Governor of Utah, a great public-land State, recommends this. He is the Commissioner of the General Land Office. Doctor Work, of Colorado, is the Secretary of the Interior, and he recommends this, and, lastly, the President has recommended it as a part of his program of economy.

Understand, a reduction of taxes does not come except with reduction of expenditures, and this program of economy does not come before you in one big lump that you vote for or against. The total of economy that is necessary in order to secure tax reduction is made up of many items that will come before you.

Of the total of the economy that is necessary in order to secure tax reduction the first line is here to-day, and they will come along through the 11 bills. If you want tax reduction to satisfy, you have got to support the Budget program of economy.

Why is there this fear of these gentlemen in whose districts the offices are located as to the result—a lack of service. If you will not take the opinion of the department experienced in the handling of these problems every day and every year, take the lesson of experience. My colleague from Oklahoma has stated the result in his district. Look at the State of Arizona. Arizona is as large as any of the States that are complaining here. Why, 18,000 acres only in the whole State of Mississippi available for entry. In Arizona there are 13,000,000 acres available. There is as much business in the State of Arizona as in any of the public-land States, and there is now only one land office in the whole State, and there has been only one for a number of years. There is no complaint from the people of the State with reference to it. It all results in the question of the abolition of a few political jobs and perhaps an infringement on the local pride of the towns where these offices are located.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. How on earth does the gentleman expect to sustain the committee's action and defeat this amendment when every Member nearly has an office located in his district? How does the gentleman expect—

Mr. CRAMTON. I can not yield further. Let me say to the gentleman from Texas that this audience is not the one that I would have selected to vote on this question. [Laughter.] Now I want to yield to the gentleman from Oregon, as I want to be courteous to all, and I may not make much impression on this audience, anyway. While the gentleman from Oregon is pre-

paring his question I would like to say that the General Land Office has not gone off on a tangent. They have made a thorough review of the expenditures of the office, and where they could do it without congressional cooperation they have done it. They have reduced in two years the salary roll in the District of Columbia 25 per cent. The total estimates for the department this year are 20 per cent under the current year.

Mr. SWING. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SWING. The gentleman says that the Land Office has retrenched where they could, but there are 14 offices where they have the power to consolidate the register and the receiver and save a large sum by doing away with clerks if they were willing to do so, but have not done so; they seem disposed to cut off the head instead of the foot and still render service to the people.

Mr. CRAMTON. The gentleman from California is one of the band that is making no distinction between the head and the foot; in trying to save the head he would save also the diseased member. The department has probably the authority to abolish some of these offices that come within a certain act, and having recommended this I trust that they will exercise their authority regardless of the action of Congress. But as to some of them, perhaps most of them, they probably require the aid of Congress.

The CHAIRMAN. All time has expired, and the question is on the amendment offered by the gentleman from Oregon.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 63, noes 38.

Mr. CRAMTON. Mr. Chairman, I ask for tellers, and pending that request I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. SINNOTT) there were—ayes 47, noes 61.

So the committee refused to rise.

The CHAIRMAN. The question now recurs on the demand of the gentleman from Michigan for tellers.

Tellers were ordered.

The Chair appointed as tellers Mr. CRAMTON and Mr. SINNOTT.

The committee again divided; and the tellers reported that there were—ayes 68, noes 47.

So the amendment was agreed to.

Mr. LEATHERWOOD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, line 6, after the words "South Dakota," strike out the words "Salt Lake City, Utah."

Mr. LEATHERWOOD. Mr. Chairman, that portion of the paragraph to which the amendment is directed seeks to consolidate the offices of register and receiver in the offices named. My amendment seeks to exempt Salt Lake City from that class where there would be a consolidation of these two offices. I offer the amendment, Mr. Chairman, for the reason that through all of these discussions I believe the public necessity is the paramount question. This is one of the leading offices in the West. Nearly 70 per cent of all the land within the State of Utah is included in what is known as the public domain.

Large areas of oil lands are handled through this office. Large areas of coal-bearing lands, the richest, perhaps, in the United States, have been handled and are yet to be handled through this office. For 23 years I have practiced in the office and I know something about the conditions existing there. Contests are almost continuously going on in the office, some of them involving hundreds of thousands and millions of dollars' worth of property. Many of these contests drag out for three, four, five, or six weeks. I know what the congestion is in the office and the necessity for the people to have service. Personally I have seen people wait in that office for two hours to be served, and that is no reflection upon anyone connected with the office, because they were doing all that was humanly possible to serve the public. It seems to me that we should proceed with some caution in the question of this consolidation. Frequently one of these officials will be conducting a hearing, and the other may be in the field investigating, so that they are both kept busy all of the time. It seems to me it would be foolish in a State where there is such a volume of business to consolidate these offices and cripple the service. At the present time the Government is contesting with the State of Utah practically all of the school-section allotments to the State upon the theory that title did not pass when the enabling act went into effect because of the known mineral character of the land, and these hearings involve the right of the State to the most valuable lands set apart for the schools of the

State. It may seem selfish on my part, but for one I speak of this particular office because I know what its congestion is and what the business to be transacted in that office is. It seems a poor policy to consolidate here and further cut down the effectiveness of this particular office, where there is such a demand upon the part of the people for efficient service.

Mr. CRAMTON. Mr. Chairman, the amendment the gentleman from Utah offers seeks to make two offices grow where they are growing now, instead of cutting one out as the bill proposes. The bill is indorsed by the Commissioner of the Land Office, who is a resident of Utah and I dare say familiar with the conditions there. I hope we will not override the Budget provision in this particular case.

Mr. LEATHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LEATHERWOOD. In reply to the gentleman I desire to say that I have the highest regard for the judgment of the Commissioner of the General Land Office, but I do not believe that the commissioner has been fully advised as to the condition existing in the Salt Lake land office.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word of the amendment. Since the majority leader has come into the chamber, I think he ought to know that his steering committee is in a bad sort of situation. We have here under consideration a committee bill seeking to abolish certain offices, seeking to retrench expenditures, seeking to effect governmental economy, such as has been proposed by the President of the United States, and when it comes to a question of carrying out the policy and abolishing the positions, the majority leader's committee and his great party are able to muster on the floor of the House less than 50 votes to sustain the action of the committee. For our friends who made their assault on the Treasury had 68 votes to pass their amendment and change the committee's bill, and the administration, which is supposed to be behind this Appropriations Committee, which is supposed to support its proposed retrenchments and economies, could muster, with Democratic help of a few votes, only 47 votes.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. That is a terrible situation for the country. I yield to the gentleman from Illinois.

Mr. CHINDBLOM. The gentleman spoke correctly when he said that the committee was aided by only a few votes on the Democratic side.

Mr. BLANTON. Oh, they are always aided by votes from the Democratic side in effecting proper economies.

Mr. CHINDBLOM. We grant that and we are obliged for it—

Mr. BLANTON. I do not care to take up any further time, but I want the majority leader to know that his followers are not helping his President in his so-called economy policy which through his message he announced the other day.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California is recognized in opposition to the motion to strike out the last word.

Mr. RAKER. Mr. Chairman, ordinarily I would not rise, and possibly somebody else ought to, but I do not think there is a man in the House who would submit the language used by the chairman of the subcommittee, or by the gentleman from Texas [Mr. BLANTON] who just left the floor.

Mr. BLANTON. That was facetious.

Mr. RAKER. I know it is facetious, but it goes abroad. There is not a man within the hearing of my voice but who knows these men who voted to-day are not pork-barrel statesmen. You know that we have not had a hearing, you know that this action was taken without an opportunity to be heard, and that our people demand recognition and hearing, and when the gentleman, chairman of the subcommittee, made the statement, he evidently made it facetiously, otherwise he knows and everybody within the sound of my voice knows that this is no pork-barrel proposition. Now, in regard to looting. I am going to answer that once and for all. It is wholly unnecessary to make that kind of remarks on the floor of the House and send broadcast that the Members of the House of Representatives are here trying to loot the Treasury. These statements are made for the purpose of scaring men from voting their honest convictions. If not for that purpose, then they should not be made.

Mr. CRAMTON. Will the gentleman yield?

Mr. RAKER. I will.

Mr. CRAMTON. The gentleman has used some harsh language in reference to some mild statements.

Mr. RAKER. I will withdraw it.

Mr. CRAMTON. I could very properly have used much more vigorous language. Does the gentleman deny that on the proposition which is before the House there was an organization made among those Members who had land offices in their districts for the purpose of defeating this measure of economy? If that is not a pork barrel, what is it, and I will let the language stand.

Mr. RAKER. I will say to the gentleman there has been no organized effort. Since the Members have learned of this attempt to abolish these offices they have justly got busy. I hold in my hand telegrams from the land office, from the judge of the county, from the chamber of commerce, from farmers' organizations in the four counties in which the Susanville land office is situated, and the last has been received since I closed my statement, from men of the highest probity, from men scattered all over that district, who know what they want and know the truth, who know more about that land office than the Secretary of the Interior ever knew or ever will learn about these offices. I do not refer to the gentleman personally, and I hope that he and others will not continue to broadcast that because a man has the courage to vote for things which he knows are right and proper to be voted for, and for that reason it is pork-barrel legislation. This matter of which the gentleman spoke and which he says was facetious is scattered and carried as though it is the truth, saying that we are looting the Government when we have the courage to vote for that which we think, in fact know, is proper and right.

Mr. CARTER. Will the gentleman yield?

Mr. RAKER. I will.

Mr. CARTER. I would like to ask the gentleman how much courage it takes for a man to vote to keep from abolishing an office in his own district?

Mr. RAKER. We have voted to abolish them, and when it is necessary and you have a proper hearing it is all right. It is very proper that these matters should be considered before being acted upon, and this idea that because the business of an office functions within your district therefore you should not have the courage to vote to retain it is all wrong.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn. The question is on the amendment offered by the gentleman from Utah.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

The unexpended balance of \$1,576.45 remaining to the credit of the appropriation of \$2,055.67 authorized in the deficiency appropriation act approved September 8, 1916, for examination and classification of lands within the limits of the Northern Pacific grant and made available until expended by the deficiency act of April 17, 1917, shall be carried to the surplus fund and be covered into the Treasury immediately upon the approval of this act.

Mr. JOHNSON of Washington. I would like to ask the gentleman if he intends to go ahead with the Indian affairs or not.

Mr. CRAMTON. It is not. The intention is just to read a few lines more, the item for the Commissioner of Indian Affairs, and then move that the committee rise.

The Clerk read as follows:

BUREAU OF INDIAN AFFAIRS SALARIES

For the Commissioner of Indian Affairs and other personal services in the District of Columbia in accordance with "The classification act of 1923," \$381,500.

Mr. CRAMTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SANDERS of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 10020 had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent—

Mr. O'SULLIVAN was granted leave of absence for 10 days on account of important business.

Mr. FITZGERALD (on request of Mr. FOSTER) was granted indefinite leave of absence on account of illness.

COMMITTEE VACANCIES

Mr. LONGWORTH. Mr. Speaker, vacancies exist on the Committees on the Revision of the Laws, Claims, and Irrigation and Reclamation of Arid Lands, due to the death of the

gentleman from Kansas, the late Mr. LITTLE, whom we all lament. I ask unanimous consent that those vacancies may be filled up to the 4th of next March by his successor, the gentleman from Kansas [Mr. GUYER].

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Th. SPEAKER. It is so ordered.

ADJOURNMENT

Mr. CRAMTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Friday, December 5, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

666. A letter from the chairman of the Interstate Commerce Commission, transmitting the thirty-eighth annual report of the commission (H. Doc. No. 449); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

667. A letter from the Secretary of the Treasury, transmitting request for the consideration of proposed legislation transferring a certain portion of land on Fayette Street at the southeast corner of the post-office site in Baltimore, Md., to the city of Baltimore, Md.; the proposed legislation was submitted to the House December 5, 1917 (H. Doc. No. 531); to the Committee on Public Buildings and Grounds.

668. A letter from the Director General of the United States Railroad Administration, transmitting statement showing the make, model, and serial number of each typewriter exchanged by the Railroad Administration during the fiscal year ending June 30, 1924, the period of its use, the allowances therefor, the make and model thereof, and the price, including exchange value, paid for each typewriter procured through such exchange; to the Committee on Appropriations.

669. A letter from the Secretary of the Treasury, transmitting statement of expenditures from appropriations for the Coast Guard for the fiscal year ended June 30, 1924; to the Committee on Expenditures in the Treasury Department.

670. A letter from the chairman of the Federal Power Commission, transmitting statement showing permits and licenses issued under section 4 (c) of the Federal water power act during the fiscal year ended June 30, 1924, the parties thereto, the terms prescribed, and the moneys received during the fiscal year 1924 on account of permits and licenses, this statement appearing as Appendix E of the Fourth Annual Report of the Federal Power Commission; to the Committee on Interstate and Foreign Commerce.

671. A letter from the superintendent of State, War, and Navy Department Buildings, transmitting a draft of proposed legislation "For the relief of certain disbursing officers of the office of the superintendent, State, War, and Navy Department Buildings"; to the Committee on Claims.

672. A letter from the librarian of the Library of Congress, transmitting an offer made by Elizabeth Sprague Coolidge to give to the Congress of the United States the sum of \$60,000 for the construction and equipment in connection with the library of an auditorium, which shall be planned for and dedicated to the performance of chamber music (H. Doc. No. 472); to the Committee on the Library and ordered to be printed.

673. A letter from the librarian of the Library of Congress, transmitting annual report of the Librarian of Congress for the fiscal year ending June 30, 1924; to the Committee on the Library.

674. A letter from the president of the Board of Commissioners of the District of Columbia, transmitting statement of the expenditures made from the appropriation for contingent expenses of the government of the District of Columbia for the fiscal year ended June 30, 1924; to the Committee on the District of Columbia.

675. A letter from the Secretary of the Interior, transmitting a statement showing in detail what officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to travel constantly) have traveled on official business for the department from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1924, giving in each case the full title of the official or employee, the destination or destinations of such travel, the business or work on account of which the same was made, and the total expense in

each case charged to the United States; to the Committee on Appropriations.

676. A letter from the Secretary of the Interior, transmitting statement of expenditures made by the Department of the Interior and charged to the appropriation "Contingent expenses, Department of the Interior, 1924," fiscal year ended June 30, 1924; to the Committee on Expenditures in the Interior Department.

677. A letter from the Secretary of the Treasury, transmitting request for the repeal of the act authorizing and directing the Secretary of the Treasury to purchase a site and building for offices to accommodate the United States Sub-treasury, and other Government offices at New Orleans, La., approved June 25, 1910 (36 Stat. 694); to the Committee on Public Buildings and Grounds.

678. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Amite River and Bayou Manchac, La. (H. Doc. No. 473); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

679. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Bayou Bonfouca, La. (H. Doc. No. 474); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

680. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Sheboygan Harbor, Wis. (H. Doc. No. 475); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

681. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Tradewater River, Ky. (H. Doc. No. 476); to the Committee on Rivers and Harbors and ordered to be printed.

682. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Saco Harbor and River, Me. (H. Doc. No. 477); to the Committee on Rivers and Harbors and ordered to be printed, with diagram.

683. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Siletz River, Bar, and Entrance, Oreg. (H. Doc. No. 478); to the Committee on Rivers and Harbors and ordered to be printed.

684. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Pasquotank River at Elizabeth City, N. C. (H. Doc. No. 479); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

685. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Cooper River, S. C., with a view to the removal of a shoal opposite the foot of Calhoun Street, Charleston (H. Doc. No. 480); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

686. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Buffalo Harbor, N. Y. (H. Doc. No. 481); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

687. A letter from the Secretary of the Treasury, transmitting annual report of the Secretary of the Treasury on the state of finances for the fiscal year ended June 30, 1924; to the Committee on Ways and Means.

688. A letter from the Director of the United States Veterans' Bureau, transmitting annual report of the Director United States Veterans' Bureau for the fiscal year ended June 30, 1924; to the Committee on World War Veterans' Legislation.

689. A letter from the Secretary of the Navy, transmitting reports made by the Chief of the Bureau of Navigation and the Major General Commandant, United States Marine Corps, as to the administration of the World War adjusted compensation act by the Navy Department; to the Committee on Ways and Means.

690. A letter from the Secretary of the Interior, transmitting statement embodying the number of documents received and distributed during the fiscal year 1924 by the Department of the Interior; to the Committee on Printing.

691. A letter from the Secretary of the Interior, transmitting a detailed statement embodying the aggregate number of the various publications issued during the fiscal year 1924 by the Department of the Interior, the cost of paper used for such publications, the cost of printing, cost of preparation of copy, and the number distributed; to the Committee on Printing.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9234) granting an increase of pension to Charles W. Hildreth; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9484) granting an increase of pension to Mary J. Hildreth; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CABLE: A bill (H. R. 10268) to provide for the choice of an officer who shall act as President in the event a President and Vice President shall not have been elected and qualified as provided by law; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. HAWES: A bill (H. R. 10269) regulating the interstate shipment of black bass, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD of Oklahoma: A bill (H. R. 10270) authorizing an appropriation to reimburse the State of Oklahoma for the education of Indian children in the public schools of said State; to the Committee on Indian Affairs.

By Mr. JOHNSON of South Dakota: A bill (H. R. 10271) to amend the World War veterans' act of 1924; to the Committee on World War Veterans' Legislation.

By Mr. TREADWAY: A bill (H. R. 10272) to amend the act entitled "An act to limit the immigration of aliens into the United States, and for other purposes," and cited as the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. DALLINGER: A bill (H. R. 10273) to establish a department of education and relief, and for other purposes; to the Committee on Education.

By Mr. FUNK: A bill (H. R. 10274) to provide for the purchase of a site and the erection of a public building at Paxton, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10275) to provide for the purchase of a site and the erection of a public building at Fairbury, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10276) to provide for the purchase of a site and the erection of a public building at Bloomington, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. TYDINGS: A bill (H. R. 10277) granting the consent of Congress to Bethlehem Steel Co. to construct a bridge across Humphreys Creek at or near the city of Sparrows Point, Md.; to the Committee on Interstate and Foreign Commerce.

By Mr. LUCE: A bill (H. R. 10278) authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes; to the Committee on Agriculture.

By Mr. HAYDEN: A bill (H. R. 10279) for the completion of first mesa division of the Yuma auxiliary reclamation project, Arizona, and for other purposes; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 10280) to reimburse the reclamation fund for the benefit of the Yuma Federal irrigation project, Arizona-California, and to provide funds to operate and maintain the Colorado River front work and levee system adjacent to the Yuma project, Arizona-California; to the Committee on Irrigation and Reclamation.

By Mr. KEARNS: Concurrent resolution (H. Con. Res. 81) authorizing the appointment of a joint committee of the House and Senate to investigate and negotiate with bidders and make report on the Government's property at Muscle Shoals, Ala.; to the Committee on Rules.

By Mr. BEEDY: Resolution (H. Res. 372) authorizing the Committee on Mileage to employ a clerk; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 10281) granting an increase of pension to Jennie Pratt; to the Committee on Pensions.

By Mr. BACON: A bill (H. R. 10282) providing for the examination and survey of Swan River, Long Island, N. Y.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 10283) authorizing the appointment of Howard D. Norris as first lieutenant of Air Service, United States Army; to the Committee on Military Affairs.

By Mr. BOYLAN: A bill (H. R. 10284) authorizing the appointment of Phillip T. Coffey a captain in the Engineer Corps of the United States Army, and for other purposes; to the Committee on Military Affairs.

By Mr. CROLL: A bill (H. R. 10285) granting a pension to Rebecca Manviller; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 10286) granting an increase of pension to Amelia Viets; to the Committee on Pensions.

By Mr. DRANE: A bill (H. R. 10287) authorizing preliminary examination and survey of the Caloosahatchee River in Florida with a view to the control of floods; to the Committee on Flood Control.

By Mr. FITZGERALD: A bill (H. R. 10288) granting a pension to James H. Jevens; to the Committee on Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 10289) granting an increase of pension to Charles Ingle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10290) granting a pension to Abraham Key; to the Committee on Pensions.

By Mr. GLATFELTER: A bill (H. R. 10291) granting an increase of pension to Catherine Deunes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10292) granting an increase of pension to Sarah M. Harbott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10293) granting an increase of pension to Sarah Hartman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10294) granting an increase of pension to Catherine Fry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10295) granting an increase of pension to Mary S. Heidler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10296) granting an increase of pension to Lizzie Shuman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10297) granting an increase of pension to Mary Chronister; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10298) granting an increase of pension to Mary A. Fake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10299) granting an increase of pension to Emma Bare; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10300) granting an increase of pension to Lovina E. Becker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10301) granting an increase of pension to Margaret E. Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10302) granting an increase of pension to Ida E. Koons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10303) granting an increase of pension to Sarah Mummert; to the Committee on Invalid Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 10304) granting a pension to Lucy R. Robertson; to the Committee on Invalid Pensions.

By Mr. HOWARD of Nebraska: A bill (H. R. 10305) granting a pension to Reuben P. Hillers; to the Committee on Pensions.

Also, a bill (H. R. 10306) granting a pension to Mary L. Thatch; to the Committee on Pensions.

By Mr. KELLER: A bill (H. R. 10307) for the relief of Robert C. Muirhead; to the Committee on Naval Affairs.

By Mr. KURTZ: A bill (H. R. 10308) granting a pension to Earl Lingenfelter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10309) granting a pension to Mary C. Fluck; to the Committee on Invalid Pensions.

By Mr. LAMPERT: A bill (H. R. 10310) granting an increase of pension to Elizabeth Groetsinger; to the Committee on Pensions.

By Mr. MCKENZIE: A bill (H. R. 10311) granting an increase of pension to Laura E. Reynolds; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 10312) granting an increase of pension to Sallie Gearhart; to the Committee on Invalid Pensions.

By Mr. MOORE of Illinois: A bill (H. R. 10313) granting a pension to Sarah V. Johnson; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 10314) for the relief of C. M. Rodefer; to the Committee on Claims.

By Mr. ROBSON of Kentucky: A bill (H. R. 10315) granting a pension to John Henson; to the Committee on Pensions.

Also, a bill (H. R. 10316) granting a pension to James M. Cawood; to the Committee on Pensions.

Also, a bill (H. R. 10317) granting a pension to Milton Jordan; to the Committee on Pensions.

Also, a bill (H. R. 10318) granting a pension to Nancy C. Patrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10319) granting an increase of pension to Polly Saylor; to the Committee on Invalid Pensions.

By Mr. ROGERS of New Hampshire: A bill (H. R. 10320) granting an increase of pension to Wealthy Young; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 10321) granting an increase of pension to Louise C. Kimberly; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 10322) granting a pension to Elizabeth Snyder; to the Committee on Invalid Pensions.

By Mr. SWOOPE: A bill (H. R. 10323) granting an increase of pension to Lovisa Buckley; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 10324) granting a pension to Laura Crawford; to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 10325) granting a pension to Nancy E. Dillon; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 10326) granting a pension to William H. Pettit; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 10327) granting an increase of pension to Mary Gorman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10328) granting an increase of pension to Mary A. Fife; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10329) granting an increase of pension to Rose A. Ferguson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10330) granting an increase of pension to Lucy A. Farington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10331) granting an increase of pension to Hittie Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10332) granting an increase of pension to Victoria M. Dean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10333) granting an increase of pension to Anna Crosby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10334) granting an increase of pension to Nellie M. Bunt; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 10335) granting an increase of pension to Eliza M. Vail; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10336) granting a pension to Belle Boerstler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10337) granting an increase of pension to Mary Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10338) granting an increase of pension to Mary Brooker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10339) granting an increase of pension to Livonia Rodgers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10340) granting an increase of pension to Hester C. True; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10341) granting an increase of pension to Julia A. Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10342) granting an increase of pension to Jennie Dorman; to the Committee on Invalid Pensions.

By Mr. WARD of North Carolina: A bill (H. R. 10343) to provide for an examination and survey of Belhaven Harbor, Belhaven, Beaufort County, N. C.; to the Committee on Rivers and Harbors.

By Mr. WILSON of Indiana: A bill (H. R. 10344) granting an increase of pension to Nancy A. Sumner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10345) granting an increase of pension to Sarah E. Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10346) granting an increase of pension to Margaret M. Blackard; to the Committee on Invalid Pensions.

By Mr. WOODRUM: A bill (H. R. 10347) for the relief of Robert B. Sanford; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3079. By the SPEAKER (by request): Petition of Ellis Post, No. 6, Department of Pennsylvania, Grand Army of the Republic, Germantown, Philadelphia, Pa., favoring the repealing of the law authorizing the coinage of the Stone Mountain memorial 50-cent pieces; to the Committee on Coinage, Weights, and Measures.

3080. Also (by request), petition of general board of L'Union St. Jean-Baptiste d'Amerique, protesting against the passage

of any legislation tending to establish a Federal bureau of education; to the Committee on Education.

3081. By Mr. ABERNETHY: Petition of George Henderson for the relief of persons who served in the United States Military Telegraph Corps during the Civil War, House bill No. 2719; to the Committee on Military Affairs.

3082. By Mr. CLARKE of New York: Petition of citizens of New York, opposing Senate bill 3218, to secure Sunday as a day of rest for the District of Columbia; to the Committee on the District of Columbia.

3083. By Mr. CULLEN: Petition of employees of the Brooklyn Postal Service of Brooklyn, N. Y., urging the enactment into law of Senate bill 1898, increasing the salaries of postal employees; to the Committee on the Post Office and Post Roads.

3084. By Mr. GALLIVAN: Petition of National Association of Real Estate Boards, Chicago, Ill., recommending legislation by Congress providing for scientific enlargement of the plan for the city of Washington and the extension of its parks; to the Committee on the District of Columbia.

3085. By Mr. PORTER: Petition of Army and Navy Union, United States of America, Capt. Charles V. Gridley Garrison, No. 4, Erie, Pa., favoring increased pensions being granted to war veterans and their dependents; to the Committee on Pensions.

3086. Also, petition of headquarters of Strong Vincent Post, No. 67, G. A. R., 409 State Street, Erie, Pa., favoring the passage of House bill 5934; to the Committee on Pensions.

3087. By Mr. SEGER: Petition of board of commissioners of the city of Passaic, N. J., for the passage of Senate bill 1898, increasing the salaries of postal employees; to the Committee on the Post Office and Post Roads.

3088. Also, petition of board of aldermen of Paterson, N. J., for the passage of Senate bill 1898, increasing the salaries of postal employees; to the Committee on the Post Office and Post Roads.

3089. Also, petition of John A. Gilson and 55 residents of Paterson, N. J., for the passage of Senate bill 1898, increasing the salaries of postal employees; to the Committee on the Post Office and Post Roads.

3090. Also, petition of H. Fronkes, of Passaic, N. J., and 80 residents of Passaic, Paterson, and vicinity, for the passage of Senate bill 1898 increasing salaries of postal employees; to the Committee on the Post Office and Post Roads.

3091. By Mr. SINNOTT: Petition of protest of residents of Bend, Oreg., against passage of Senate bill 3218, compulsory Sunday observance bill; to the Committee on the Judiciary.

3092. By Mr. TEMPLE: Petition of Wm. F. Templeton Post, No. 120, G. A. R., Washington, Pa., asking the repeal of the law authorizing the Director of the Mint to coin 50-cent pieces for the Stone Mountain Confederate Monumental Association; to the Committee on Banking and Currency.

3093. Also, petition of Strong Vincent Post, No. 27, G. A. R., Erie, Pa., in support of increase of rate of pension to veterans of the Civil and Indian wars and their widows, also in support of House bill 5934; to the Committee on Invalid Pensions.

SENATE

FRIDAY, December 5, 1924

(Legislative day of Wednesday, December 3, 1924)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	Kendrick	Shipstead
Ball	Fess	Keyes	Shortridge
Bayard	Fletcher	Ladd	Simmons
Borah	Frazier	McKellar	Smith
Brookhart	George	McKinley	Smoot
Bruce	Gerry	McLean	Spencer
Burnum	Glass	McNary	Stanfield
Butler	Gooding	Means	Stanley
Caraway	Greene	Metcalf	Sterling
Copeland	Hale	Neely	Swanson
Couzens	Harreld	Norris	Underwood
Cummins	Harris	Oddie	Wadsworth
Curtis	Harrison	Overman	Walsh, Mass.
Dial	Heflin	Pittman	Walsh, Mont.
Dill	Howell	Ralston	Watson
Edge	Johnson, Minn.	Reed, Pa.	Willis
Fernald	Jones, Wash.	Sheppard	

Mr. HARRISON. My colleague [Mr. STEPHENS] is absent on account of sickness.

Mr. FLETCHER. My colleague [Mr. TRAMMELL] is necessarily absent. I will let this announcement stand for the day.

Mr. GERRY. I wish to announce that the junior Senator from Texas [Mr. MAYFIELD] is detained on official business.

The PRESIDENT pro tempore. Sixty-seven Senators have answered to their names. There is a quorum present.

REPORT OF THE SECRETARY OF THE TREASURY

The PRESIDENT pro tempore laid before the Senate the annual report of the Secretary of the Treasury, transmitted, pursuant to law, on the state of the finances for the fiscal year ended June 30, 1924, which was referred to the Committee on Finance.

REPORT OF THE ATTORNEY GENERAL

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney General of the United States, transmitting, pursuant to law, his annual report for the fiscal year ended June 30, 1924, which was referred to the Committee on the Judiciary.

INTERIOR DEPARTMENT REPORTS

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement showing in detail travel performed on official business for the department from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1924, which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, an itemized statement of expenditures made by the Interior Department and charged to the appropriation "Contingent expenses, Department of the Interior, 1924," for the fiscal year ended June 30, 1924, which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed statement embodying the aggregate number of various publications issued during the fiscal year 1924, the cost of paper used for such publications, the cost of printing, the cost of preparation of copy, and the number distributed, which was referred to the Committee on Printing.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed statement embodying the number of documents received and distributed during the fiscal year 1924, which was referred to the Committee on Printing.

REPORT OF THE INTERSTATE COMMERCE COMMISSION

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the Thirty-eighth Annual Report of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

REPORT OF THE DIRECTOR, UNITED STATES VETERANS' BUREAU

The PRESIDENT pro tempore laid before the Senate a communication from the Director of the United States Veterans' Bureau, transmitting, pursuant to law, the annual report of the activities of the United States Veterans' Bureau for the fiscal year ended June 30, 1924, which was referred to the Committee on Finance.

THE FEDERAL TRADE COMMISSION

The PRESIDENT pro tempore laid before the Senate a communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report of the commission for the fiscal year ended June 30, 1924, which was referred to the Committee on Interstate Commerce.

He also laid before the Senate a communication from Nelson B. Gaskill, commissioner, Federal Trade Commission, transmitting an individual report and recommendation with reference to possible improvements in the functioning of the Federal Trade Commission, which was referred to the Committee on Interstate Commerce.

CREDENTIALS

The PRESIDENT pro tempore laid before the Senate a certificate of Ephraim F. Morgan, Governor of the State of West Virginia, certifying that at the general election held on the 4th day of November, 1924 (as shown by certificates filed in his office, returned by the boards of canvassers from every county in the State), GUY D. GOFF was chosen by the qualified voters of the State of West Virginia a Senator from that State for the term of six years beginning on the 4th day of March, 1925, which was ordered to be placed on the files of the Senate.

He also laid before the Senate a certificate of the Governor of New Jersey, certifying to the election of WALTER E. EDGE

as a Senator from the State of New Jersey for the term of six years beginning March 4, 1925, which was read and ordered to be filed, as follows:

STATE OF NEW JERSEY.

I, George S. Silzer, Governor of the State of New Jersey, do hereby certify, that at an election held in the said State, on the 4th day of November, 1924, WALTER E. EDGE was duly chosen and elected by the people of the said State of New Jersey to be a Member of the United States Senate for the term of six years beginning on the 4th day of March, 1925.

In testimony whereof, I have hereunto set my hand and caused the great seal of the State of New Jersey to be hereunto affixed, at Trenton, this 2d day of December, in the year of our Lord nineteen hundred and twenty-four, and of the Independence of the United States the one hundred and forty-ninth.

[SEAL.]

GEO. S. SILZER.

By the Governor:

THOS. F. MARTIN, *Secretary of State.*

The PRESIDENT pro tempore also laid before the Senate a certificate of the board of State canvassers of Michigan certifying to the election of JAMES COUZENS as a Senator from that State for the term ending March 4, 1931, which was read and ordered to be filed, as follows:

CERTIFICATE OF ELECTION

STATE OF MICHIGAN.

We, the undersigned State canvassers, from an examination of the election returns received by the secretary of state, determine that at the general election held on the 4th day of November, 1924, JAMES COUZENS was duly elected United States Senator for the term ending March 4, 1931.

In witness whereof we have hereto subscribed our names at Lansing this 1st day of December, 1924.

CHAS. J. DELAND,

Secretary of State,

FRANK E. GANNON,

State Treasurer,

THOMAS E. JOHNSON,

Superintendent of Public Instruction,

Board of State Canvassers.

STATE OF MICHIGAN, Department of State, as:

I hereby certify that the foregoing copy of the certificate of determination of the board of State canvassers is a correct transcript of the original of such certificate of determination on file in this office.

In witness whereof I have hereto attached my signature and the great seal of the State at Lansing this 1st day of December, 1924.

[SEAL.]

CHAS. J. DELAND,
Secretary of State.

PETITIONS

Mr. LADD presented numerous petitions of sundry citizens of the State of North Dakota praying for the passage of the so-called postal wage bill providing increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. WILLIS presented numerous petitions of sundry citizens of the State of Ohio praying for the passage of the so-called postal wage bill providing increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented petitions of sundry rural letter carriers of Columbia, Hampton, Litchfield, Springdale, Canaan, Clintonville, South Glastonbury, Bethel, Somers, Naugatuck, Greenwich, Lyme, North Stonington, Gaylordsville, Rockville, Thomaston, Plainville, Ridgefield, Williamantic, Broad Brook, New Preston, Westbrook, Madison, Terryville, New Canaan, Winsted, Watertown, and Middlebury, all in the State of Connecticut, praying for the enactment of legislation granting increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions, letters, and telegrams in the nature of petitions of Local Union No. 147, Hartford Post Office Clerks of Hartford; Branch No. 1327, National Association of Letter Carriers, of Milford; Connecticut Branch, National League of District Postmasters of the United States, at Sound View; employees of the United States post office at Canaan; Russell Council, No. 65, Knights of Columbus, of New Haven; and Branch No. 192, National Association of Letter Carriers, of New Britain, all in the State of Connecticut, praying for the enactment of legislation providing increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRUCE:

A bill (S. 3565) to extend the commerce of the United States by creating the World Commerce Corporation and authorizing the establishment of foreign trade zones; to the Committee on the Judiciary.

By Mr. BORAH:

A bill (S. 3566) granting a pension to Mrs. Riley B. Cooper; to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 3567) granting a pension to William Wallace; and

A bill (S. 3568) granting an increase of pension to George Curry; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 3569) granting a pension to Emory Wyatt (with accompanying papers); to the Committee on Pensions.

By Mr. BALL:

A bill (S. 3570) to authorize the Chief of Engineers, United States Army, to accept, as an addition to the park system of the District of Columbia, certain land donated by Mrs. Anne Archbold; to the Committee on the District of Columbia.

By Mr. WADSWORTH:

A bill (S. 3571) authorizing the transfer of real property no longer required for lighthouse purposes;

A bill (S. 3572) relating to the use of the roads leading from the bridges across the Potomac River to Arlington National Cemetery and to Fort Myer, Va.; and

A bill (S. 3573) authorizing the use for permanent construction at military posts of the proceeds from the sales of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 3574) granting an increase of pension to Joseph H. Butterfield; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 3575) granting a pension to Charles A. Stockard; to the Committee on Pensions.

A bill (S. 3576) for the relief of Margarethe Murphy (with accompanying papers); to the Committee on Foreign Relations.

By Mr. COPELAND:

A bill (S. 3577) for the relief of Thomas F. Kenny; and

A bill (S. 3578) for the relief of Antti Merihelmi; to the Committee on Claims.

A bill (S. 3579) granting an increase of pension to Alice J. Hunt; and

A bill (S. 3580) granting an increase of pension to James E. O'Brien; to the Committee on Pensions.

By Mr. McKINLEY:

A bill (S. 3581) for the relief of Francis J. Young; to the Committee on Claims.

By Mr. REED of Pennsylvania (by request):

A bill (S. 3582) to amend the World War veterans' act, 1924; to the Committee on Finance.

By Mr. BORAH:

A joint resolution (S. J. Res. 151) for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased, United States Marine Corps; to the Committee on Naval Affairs.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. JONES of Washington submitted an amendment proposing to appropriate \$115,767.67 for payment of certain local taxes to the counties of Stevens and Ferry, in the State of Washington, on allotted Colville Indian lands, as provided by the act of June 7, 1924, which was referred to the Committee on Appropriations and ordered to be printed.

EDWIN L. McCULLOCH

Mr. CURTIS (for Mr. MOSES) submitted the following resolution (S. Res. 273), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay out of the contingent fund of the Senate to Edwin L. McCulloch the sum of \$238.33 for services rendered as clerk from November 5 to 30, 1924, to Hon. RICE W. MEANS, Senator elect from the State of Colorado.

COMMITTEE ON INAUGURAL ARRANGEMENTS

Mr. CURTIS. I ask unanimous consent for the consideration of a concurrent resolution appointing a committee to ar-

range for the inauguration. Such a resolution has usually been passed by unanimous consent.

The concurrent resolution (S. Con. Res. 23) was read, considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President elect of the United States on the 4th of March next.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Mr. McNARY. Mr. President, I desire to offer an amendment to the amendment to be proposed by the Senator from Alabama [Mr. UNDERWOOD], which I ask may be printed and lie on the table.

The PRESIDENT pro tempore. Without objection, the amendment will be printed and lie on the table.

Mr. UNDERWOOD. Will the Senator allow his amendment to be read for the information of the Senate?

Mr. McNARY. Certainly.

The PRESIDENT pro tempore. The proposed amendment to the amendment of the Senator from Alabama will be read.

The READING CLERK. After the word "contract," in line 25, page 4, add:

The lease, in so far as relating to Dam No. 2, its power house, machinery and equipment, the steam plant at Sheffield, and all lands in connection therewith, shall be made subject to and in accordance with the provisions of the Federal water power act.

In line 1, page 5, for "said property," substitute "all property leased."

Mr. McKELLAR. I offer an amendment to the amendment of the Senator from Alabama, which I send to the desk and I ask that the Clerk may read it for the information of the Senate.

The PRESIDENT pro tempore. Without objection, the Clerk will read the proposed amendment to the amendment.

The READING CLERK. On page 4, at the end of line 19, strike out the period, insert a semicolon, and the following proviso:

Provided, That said lease shall only be made to an American citizen, or citizens, or to an American owned, officered, and controlled corporation; and, if leased, in the event at any time the ownership in fact or the control of such corporation should directly or indirectly come into the hands of an alien, or aliens, or into the hands of an alien owned or controlled corporation or organization, the said lease shall at once terminate and the properties be restored to the United States; the Attorney General of the United States is given full power and authority and it is hereby made his duty to proceed at once in the courts for the cancellation of said lease in the event said properties are found to be alien owned or controlled and are not voluntarily restored.

The PRESIDENT pro tempore. The proposed amendment to the amendment of the Senator from Alabama [Mr. UNDERWOOD] will be printed and lie on the table.

Mr. HARRISON. Mr. President, I shall occupy the attention of the Senate but a short time. In the beginning, as one member of the Committee on Agriculture and Forestry I want to express my personal appreciation and, I am sure, the appreciation of every Senator who comes from my section, of the work of the chairman of that committee in dealing with the Muscle Shoals question. In my 14 years' experience in Washington I have never seen any public official work harder and study the question involved more zealously than did the senior Senator from Nebraska [Mr. NORRIS]. I do not believe there is any other member of the committee who attended the hearings more regularly or who gave the question that high degree of study that he has given it.

I know the conclusions he has formed are most sincere and that his bill represents what he thinks would benefit the country most. I differ with him in the conclusions he has reached. I think the bill he has proposed, the measure he is championing, is a power proposition and that it negatives the intention of the original act that located the sites for the construction of the dams and upon which the erection of the plants at Muscle Shoals was made. I enjoyed his speech yesterday. It was wholesome and eloquent.

Mr. President, the question now comes up for consideration in this very short session of Congress. This Congress expires on the 4th day of March next. I do not speak by the cards, but we all know that in all probability there will be no extra session of Congress. The country knows and men who are close to those who control the affairs of the Government to-day know that the administration would feel better if Congress should adjourn on March 4 and not meet again soon. I do not look for any session of Congress after this one closes until December, 1925. If, during the six weeks remaining, nothing is done dealing with this very important question which has been before Congress for eight years, we may look for at least a year or a year and a half further delay in the Government fixing a settled policy touching Muscle Shoals.

Let me refresh the minds of Senators by stating that it was in May, 1916, when the national defense act was passed authorizing the location of the nitrate plants at Muscle Shoals. Indeed, they were not located at that particular time, but were located at a later date. Let me further refresh the minds of Senators by calling attention to the fact that the construction of Dam No. 2 began in February, 1918, and after six years it is not yet completed. The direction to locate these plants, especially plant No. 1, by the President, was at the request of the farmers of the country. They were the greatest influence in having these plants located at Muscle Shoals.

It will not be forgotten that it was on May 30, 1921, when work was begun on Dam No. 2. Because of a lack of funds, resulting from the failure of Congress to make the appropriations for the purpose, for approximately two years nothing was done toward carrying on the construction of that dam. It will not be forgotten—and I called the attention of the Senate on yesterday to the fact—that Mr. Glasgow in 1919 was placed in charge as the nitrate director of that work. After a long experience he reported to the President that he had tried in every imaginable way to interest private capital to lease those nitrate plants upon inviting and reasonable conditions, but that he had failed to do so. It was then that he recommended that the Government should go ahead with the organization of a corporation to carry on the development. It was upon that recommendation, back in 1920, that Mr. KAHN, of the House of Representatives, chairman of the Committee on Military Affairs, and the Senator from New York [Mr. WADSWORTH] framed the so-called Kahn-Wadsworth bill, which passed the Senate but which at that time died in the House of Representatives.

Following the failure of Congress to enact that legislation and the failure of Congress to make the appropriation of the funds to carry on the construction, and subsequent to the recommendation of a certain committee, which reported that the entire properties down there should be junked—and in one of the recommendations it was stated that those properties were worth only a few million dollars—the War Department asked for bids on the property. That was in April, 1921.

Following that closely, on July 8, 1921, Mr. Ford presented his bid. That offer is not now before the Senate, and I have no desire to go into a discussion of its provisions. I favored the acceptance of the Ford proposal, and I should favor it now if it were before the Senate. The more I have studied the question, the more I have compared Mr. Ford's bid with the other bids which were presented and considered by the Senate Committee on Agriculture, as well as the question of governmental operation, the more I am convinced that it would have been a wise course for the Government to have accepted the bid. I believe the Government would have received a return upon the expenditures which had been made and that the farmers of the country would have obtained cheap fertilizer, which latter object was one of the purposes of the original act.

It will be borne in mind that it was some months after Mr. Ford's bid was made before it was submitted to the Congress by the War Department; and it was some eight months, I believe, following the offer of Mr. Ford that a proposal was

made by the Alabama Power Co. However, be that as it may, it was three and one-half years from the time when Ford made his proposal to the time when he withdrew it. During all that time the Congress of the United States was negligent in failing to accept the bid or to do anything in carrying on the great construction work at Muscle Shoals.

Mr. WADSWORTH. Mr. President, will the Senator from Mississippi yield to me?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from New York?

Mr. HARRISON. I yield.

Mr. WADSWORTH. I am sure the Senator from Mississippi did not mean to give the impression that nothing has been done toward carrying on construction of this work during the period he has named?

Mr. HARRISON. No; I stated that for about two years the work on the dam was stopped and that nothing was being done during that time, but that at other times the work has been carried on.

Mr. WADSWORTH. It has been carried on for the last 10 years.

Mr. HARRISON. Yes; by funds appropriated by the Congress, but nothing has been done toward the fixing of any settled policy upon the part of the Government for manufacturing nitrate there, either for war purposes or for fertilizer purposes.

In the consideration of this question, it must not be forgotten that during the last 20 years \$3,054,000,000 have been expended by the farmers of the United States for fertilizer. It must not be forgotten that during those 20 years we bought from Chile \$567,000,000 worth of nitrates, and that we were willing to pay to the Chilean Government in a tax \$177,000,000 rather than to make for ourselves nitrate for fertilizer purposes in the United States. I call the attention of the Senate to that fact in order to show the very great importance of early and quick action upon the pending proposition.

Now, let me say in passing that I have here a chart which shows the effect of fertilizer upon the soil. I wish I had a large map; but as one remarkable illustration shown by this chart, while in 1880 for a certain area in the Southland, there were 699,000 bales of cotton produced, in the last 20 years, up to 1920, there has been only an increase in the production of cotton of 3 per cent. During that same period the increase in the cost of fertilizer has been 1,070 per cent. What is the reason for the small increase in the production of cotton of 3 per cent during that time? That question is answered by the very large increase of 1,070 per cent in the cost of fertilizer during the same period.

If Senators will look at the map which hangs upon the wall at the rear of the Senate Chamber, it will show to them that this is not a sectional question, that it affects no one locality alone. The very fact that Muscle Shoals is located in Alabama, near my own State of Mississippi, has nothing to do with the question. The manufacture of fertilizer contemplated by the original act will find its beneficent effect in every section of the country. I ask Senators to inspect the map which hangs upon the wall. I look into the benign countenance of my friend from Maine [Mr. FERNALD], who himself at times is a farmer. He knows the soil; he understands soil production. He knows, perhaps, more than any other man here how to take certain products from the soil, and can them and make them delightful to the palates of the people of this country. His State last year paid a bill of \$7,759,000 for fertilizers.

In the State of my friend from New Hampshire [Mr. KEYES] I find that \$857,000 was expended for fertilizers last year, although that is a very small State.

I find that the State of my friend the new Senator from Massachusetts [Mr. BUTLER] last year expended \$4,000,000 for fertilizers.

I come to the State of Connecticut, a little State of the New England group. One would not think that much money would be expended in that State for fertilizers, but I find that last year \$4,893,000 was expended in Connecticut for fertilizers.

I saw here a moment ago my friend from New Jersey [Mr. EDGE], who has taken much interest in this question. How much does New Jersey pay for fertilizers? I read here that the startling sum of \$10,742,000 was paid by the farmers of that State for fertilizers.

I see before me my friend from Delaware [Mr. BALL]—the little State of Delaware, but always so important in this Chamber. Would you think, Mr. President, that the State of Delaware last year spent \$1,222,000 for fertilizers? Would you think that the State of Pennsylvania, so ably represented

in part by my friend [Mr. REED], expended last year for fertilizers the startling sum of \$15,628,000; and that the State of New York, the Empire State, expended last year for fertilizers \$15,007,000?

I come now to a different section of the country. Would you think, Mr. President, that the State of Michigan expended last year for fertilizers \$4,872,000; that the State of Ohio, important as it is, expended \$13,206,000 for fertilizers; that the agricultural State of Indiana last year expended for fertilizers the sum of \$8,735,000; and that the State of Maryland, represented, in part, by my friend [Mr. BRUCE], expended last year \$7,610,000 for fertilizers?

Would you think that the State of North Carolina, represented by her two distinguished Senators, who have been here for a generation, and I hope will be here until doomsday, expended for fertilizers last year the enormous sum of \$48,796,000? Would you think, Mr. President, that the State represented in part by my friend from Florida [Mr. FLETCHER], who sits before me, expended last year \$10,316,000 for fertilizer, and that the State represented in part by my friend from South Carolina [Mr. SMITH] expended last year the sum of \$52,546,000 for fertilizer?

A survey of the map on the wall will show the enormously increased expenditures for fertilizers that have been made by the States in the far West and the Middle West during the last 10 or 20 years. In every instance it is shown that, while some of them may not have used much fertilizer 20 years ago, they are beginning to use more every day. In the great State of the golden West, represented in part by my eloquent friend from California [Mr. SHORTRIDGE], there was expended last year for fertilizers the sum of \$8,182,000.

Mr. President, I wish to place in the RECORD here in connection with the figures which I have mentioned testimony given to the committee by expert after expert showing that by the development of Muscle Shoals, in the transforming there of nitrate into fertilizers, we can cut the expense of the farmer for fertilizer one-half.

[From the American Farm Bureau Federation, April, 1924]

Ammonia is a chemical compound containing 83 per cent pure nitrogen. Nitrogen fertilizers are valued and sold according to the amount of ammonia (or its equivalent) that they contain.

Chilean nitrate of soda is now (April, 1924) selling at wholesale at our Atlantic ports at \$50 per ton of 2,000 pounds, which is a price of 16.1 cents per pound for nitrogen or 18.4 cents per pound for ammonia.

Sulphate of ammonia is now selling at wholesale at our Atlantic ports at \$58 per ton of 2,000 pounds, which is a price of 14.1 cents per pound for nitrogen or 11.6 cents per pound for ammonia.

The organic nitrogen materials, such as dried blood, tankage, and cottonseed meal, have such a high value in the feed market as to make their use as fertilizers practically prohibitive.

The testimony regarding the necessity of producing ammonia at 5 cents per pound for fertilizer purposes and the possibility of doing this at Muscle Shoals is as follows:

1915

"Agricultural nitrogen hunger has been a practical fact for generations, not because ample nitrogen could not be obtained but because it cost too much. . . . It may be assumed as a governing principle that a commercially successful nitrogen-fixation process must give as an end product potassium nitrate or ammonium nitrate or primary ammonium phosphate, and that the factory costs must not materially exceed 5 cents per pound of combined nitrogen figured as ammonia. (This is 6 cents per pound for nitrogen.) . . . From the point of view of a somewhat intimate acquaintance with all the nitrogen-fixation processes publicly known at this time, there is nothing in the above conclusions which should in the least discourage American technologists." (S. Peacock, chemical engineer, Philadelphia, Pa., in a paper on "Commercial nitrogen fixation" presented before the American Electrochemical Society at Atlantic City, N. J., April 23, 1915.)

1823

"It will be possible eventually to produce ammonia at Muscle Shoals at a cost of 5 cents per pound (or 6 cents per pound for nitrogen). This means that a ton of nitrate of soda would cost \$19. Sulphate of ammonia on the same basis would cost \$25." (S. Peacock, chemical engineer, Philadelphia, Pa., in letter of January 11, 1923, to Senator E. F. LADD, quoted in hearing of Gray Silver before House Committee on Agriculture, February 20, 1923.)

1924

"The actual cost of fixing nitrogen by the process we propose to use is about 6 cents down to as low as 5 cents per pound of actual nitrogen fixed." (Dr. R. F. Bacon, chemical engineer, New York City, formerly

director Mellon Institute of Industrial Research, testifying on behalf of the offer of the Alabama Power Co. and associates before House Committee on Military Affairs, January 25, 1924.)

"I say there is no difficulty in the United States in making fixed nitrogen at Muscle Shoals by a process which would produce ammonia at the prices which our friends have suggested, 5 or 6 cents perhaps (or 6 to 7 cents per pound of nitrogen), half what the present market is now." (Dr. Louis C. Jones, industrial chemist, New York City, testifying on behalf of the offer of the Alabama Power Co. and associates before House Committee on Military Affairs, January 25, 1924.)

"Ammonia up there (at Niagara Falls) is being manufactured at a cost under 7 cents per pound. The Muscle Shoals proposition at the power cost that is set up can manufacture ammonia there at 6 to 5 cents a pound (or 7 to 6 cents per pound of nitrogen). There is no doubt about it, because we are doing it and we know what we are doing. . . ." (E. M. Allen, president of the Mathieson Alkali Works, testifying on behalf of the offer of the Alabama Power Co. and its associates before the House Committee on Military Affairs, January 25, 1924.)

"If electric power can be produced at Muscle Shoals for a rate of 2 mills, as statements have frequently asserted, the catalyst discovered in the Fixed Nitrogen Research Laboratory can produce ammonia at the rate of 5 cents a pound." (This is 6 cents per pound for nitrogen.) (Dr. A. T. Larson, Fixed Nitrogen Research Laboratory, Washington, D. C., in Baltimore Sun, March 16, 1924.)

Just think, Mr. President, what it would mean if the State of North Carolina could save in a year one-half of the enormous sum which is expended there for fertilizer every year! The only persons who have been fighting the policy of making fertilizer at Muscle Shoals are some men interested in industries down there who desire to grab a little power in order to promote their own selfish interests. If North Carolina should be able to get all the power that could be developed at Muscle Shoals for use in her industries in the manufacture of cotton goods or what not, it would save to the people of that Commonwealth hardly one-tenth as much as would be saved to the farmers by cutting down their fertilizer bill by one-half.

And so, Mr. President, whatever is done by this Congress, we must not forget the fact that the original act passed in 1916 had two purposes. One was for the Nation's defense; the other was to manufacture fertilizer for the farmer; and we should not forget that in passing legislation here.

Why, the Norris bill is in the very teeth of that law. It defies the very provisions of the law that we passed at that time. Let me read in part the provisions of that act. I read from section 124, which made possible the location of these plants:

The President of the United States is hereby authorized and empowered to make, or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products.

It goes further in the same section and says:

And is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

Nothing is said there about expending a lot of money belonging to the people to develop some power "for power purposes." There is nothing in this act that authorizes the development of power that power may be sold. The bill of the Senator from Nebraska only permits and limits the use of power for fertilizer purposes to 25,000 primary horsepower and 75,000 secondary horsepower. The experts say that that would not furnish enough to manufacture more than 8,000 tons of fixed nitrogen a year; and that power can only be used, as stated by the Senator from Nebraska, in nitrate plant No. 1, which is there for experimental purposes, because nitrate plant No. 2 under his proposal is to remain in statu quo until some plan is ascertained that may be cheaper than the present methods of making fertilizers.

There is an erroneous impression abroad as to the amount of power that can be developed at Muscle Shoals. That was one of the things that seeped into the minds of the people and caused opposition to the Ford proposal. The country was made to believe, under a most systematic propaganda of deception

and misrepresentation, that Muscle Shoals was susceptible of being developed into 1,000,000 or at least 500,000 primary horsepower annually, when all the experts showed—and there is a map upon the wall here that shows if you will study it—that even with the employment of the steam plant there and the employment of the Gorgas plant, which has now been sold to the Alabama Power Co., and utilizing that power to its highest efficiency, there can be developed at Muscle Shoals annually only 241,000 primary horsepower; that is, power that can be used for 12 months in the year, the power that is needed to carry on a great industry. The testimony before our committee—and, so far as I know, it is uncontradicted—is that if Mr. Ford's proposition had carried on and he had been permitted under his proposal to make 40,000 tons of fixed nitrogen, of mixed and unmixed fertilizers of every kind annually, it would have required at Muscle Shoals 257,000 primary horsepower. They did not have that much primary horsepower, even with the operation of these two steam plants and the natural development of power at the dams.

So the country has been hoodwinked with respect to that great question; but they can develop there, by the use of the Gorgas plant and the steam plant at Dam No. 2 and the other, the natural falls, 241,000 primary horsepower for 12 months in the year; and yet my friend from Nebraska in his gracious way has given to the farmers the opportunity of taking 25,000 primary horsepower and 75,000 secondary horsepower, which would mean approximately 65,000 primary horsepower in all for fertilizer purposes.

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. HARRISON. I yield to the Senator.

Mr. NORRIS. I presume the Senator will admit that in the present state of knowledge with regard to the manufacture of fertilizer all the evidence demonstrates that even if you had 40,000,000 horsepower you would not be able to produce with it through the cyanamide process fertilizer that would be cheaper than the present commercial product.

Mr. HARRISON. I think that is true.

Mr. NORRIS. Then I should like to say to the Senator, if he will permit me, in his time—

Mr. HARRISON. First let me ask the Senator whether I did not state correctly that his bill limits the amount of power for fertilizer purposes to 25,000 primary horsepower and 75,000 secondary horsepower?

Mr. NORRIS. Oh, yes. The bill goes on the theory that in the present state of knowledge of the fertilizer question nobody knows how to make fertilizer, no matter how much power they may have to use, under the systems we now know about in such a way as to cheapen the product. Admitting that to be true—as much as I hate to admit it, because I am interested, as the Senator is interested, in the fertilizer question, and I agree with him that it is the most important question of any—but, recognizing what we believe to be the truth, we want to provide for a decrease in the cost of manufacture of fertilizer. We have set aside that much power to do it because the scientific men with whom we came in contact have themselves said that that is all they can use. If it can be shown that fertilizer can be made more cheaply than it now is made, so as to get it to the farmer at a reduced price, I am perfectly willing to dedicate to that purpose not only Dam No. 2 and Dam No. 3 but all the other dams, all the storage dams, and everything else provided in the bill, and put them all into fertilizer. I should be glad to do it, but when we have more power than can be used by the specialists in investigating the subject and trying to reduce the cost of fertilizer we do not see why we should take a lot of power that otherwise might do lots of good and use it for a useless purpose.

If 25,000 horsepower is not enough, for God's sake let us have more. The men who know better than I and, I think, better than the Senator from Mississippi, have said to me that 25,000 horsepower is all they can use. I will say again to the Senator, as I said yesterday, that this limitation was put in the bill—it was not in the bill as I introduced it—to satisfy men on the committee who, taking a business view of the situation, said, "If we do not limit it and somebody else is using the power or somebody else has leased the nitrate plant who might be interested in the power proposition, he can demand all the power there is, although he has no use for it, and thus accomplish no good and keep it out of the commercial market."

I admit that power is a secondary proposition. I am glad to concede that fertilizer is the prime thing; and I should welcome an amendment to take away all that limitation

if, at the same time, you will take out of the bill the power of the Secretary of Agriculture to lease any of the plant, and let him, through his scientific men, operate it; and let it be unlimited, and give him the right to demand all of it if he wants to.

Mr. HARRISON. I had understood that to be the Senator's view.

Mr. NORRIS. There is another thing I should like to say. Through the kindness of the Senator I am permitted to make these suggestions.

The Senator has not yet said whether or not he favors the so-called Underwood substitute; but I want to call his attention to this fact: If through future investigation power becomes a necessity in the cheapening of fertilizer, then it will be necessary, I think, in order to cheapen that item as much as possible, to go ahead with the development of the Tennessee River and its tributaries and develop it as a system so as to produce, even at the dam we have now, more primary power, and thus cheapen its cost. In other words, the Senator has stated with practical accuracy the amount of power that can be developed at Dam No. 2. If the committee bill is followed out, instead of developing 100,000 horsepower there—

Mr. HARRISON. That was Dam No. 2 and Dam No. 3.

Mr. NORRIS. All right. If the committee bill is carried out and the river is completely utilized in a scientific way for the development of power, we will increase the primary power of Dam No. 2 and Dam No. 3 from 130,000 or 140,000 horsepower to over 600,000 horsepower without any question, and thus at one swoop we have not only multiplied the amount of primary power by six, but we have divided its cost by nearly the same figure.

Mr. HARRISON. I agree with the Senator. The fact that they have a great superpower system is not repugnant to me. Indeed, it is attractive, because I can very readily see that where they have systems working together, relaying and transmitting and swapping and trading their power, and producing power here and giving it over there to another system when it has no power, it can work economy and be very helpful. I should like to see the whole Tennessee River developed as the Senator would have it developed, and I should like to see a great superpower system established under strict regulations as to rates. I am not at odds with the Senator on that point, and I knew what the Senator's views were with respect to this power proposition. He has not controverted anything. I have said. I say that the original act intended that this power should be developed for the Nation's defense and to manufacture nitrates for fertilizer purposes.

Mr. NORRIS. The Senator would not use power to manufacture nitrates, knowing in advance that he was not going to cheapen the fertilizer product, and that he would have on his hands nitrates that would be of no value to anybody, would he?

Mr. HARRISON. The Senator makes that statement, and yet he knows as well or better than any other Senator here that there was not simply one bid but there were several bids that offered to undertake this work, notably the Ford offer that said, "I will do it. I will manufacture mixed and unmixed fertilizer with a content of 40,000 tons of fixed nitrates annually, equivalent to 2,500,000 tons of ordinary fertilizer in this country"; and he said, "In order to do it I will back it up by signing my name and guaranteeing it with the Ford estate." Of course, I know that there was some difference of opinion about that, but that is what was offered; and the Alabama Power Co. made certain proposals, and if what the Senator said is true, why did they do that?

Mr. NORRIS. I do not question the Senator's sincerity in any respect.

Mr. HARRISON. I know that.

Mr. NORRIS. Of course, the Senator knows that I do not agree with his conclusion and do not agree with the proposition that Mr. Ford made any such offer. I do not want to discuss that or be led into a discussion of it now, because, as the Senator said, it is out of this question. The same proposition, however, was made by other bidders, whom the Senator has not mentioned, notably the Hooker people, who were going to make a concentrated fertilizer—a very attractive proposition.

Mr. HARRISON. That is the Union Carbide.

Mr. NORRIS. Yes; the Union Carbide Co., who have, with our scientists, been working for years. They say they have not succeeded in getting it as a practical proposition. I believe they will eventually, and when they do get a concentrated fertilizer they will cut the cost in two, because they will have taken out all of the worthless material and reduced the freight, which, after all, is one of the greatest items now in the cost of fertilizer that the farmer has to buy, because it means every year the payment of freight on a lot of stuff that does no good.

Mr. HARRISON. I do not understand the Senator to say that in the Ford proposal Mr. Ford did not agree to manufacture fertilizers of every kind, with a fixed nitrogen content of 40,000 tons annually?

Mr. NORRIS. The Senator and I could not reach any conclusion now in a discussion of the Ford proposition that would do us or the Senate or the country any good. I do not agree with any of that proposition. I do not believe Mr. Ford agreed to do anything of the kind.

Mr. HARRISON. Yesterday the Senator from New York [Mr. WADSWORTH] stated it was not in the Ford offer; and it ought to be cleared up.

Mr. NORRIS. If the Senator from New York had gone into it, he would have found that the particular offer quoted in the Underwood proposition came from the corporation Mr. Ford was to form. Mr. Ford has distinctly said that he would not make fertilizer if he could not make it at a profit. I say that without any disrespect for him. I do not blame him for it. Nobody can be expected to do it.

I only want to have the Senator meet me on this proposition, that at the present time nobody knows enough about the proposition to say to us that he can make fertilizer and cheapen the product principally through the cyanamide process, the only system we have known down there that will produce 40,000 tons of nitrogen a year. We have to develop something else, and I would like to have the Senator take up the Underwood substitute, which I suppose he is supporting, and point out just where that provides for negotiation, experiment, and development so as to improve the article.

Mr. HARRISON. I shall take it up.

Mr. NORRIS. I should like to have him compare that with the provisions in the Senate committee bill.

Mr. HARRISON. I will take up these other proposals also, before I have finished, and dissect them as best I can. But I want to clear up one point that has mystified the mind of my friend from New York, and which my friend the Senator from Nebraska still asserts, namely, that Ford made no such proposal and that only the corporation was to sign the proposal. I am going to read, merely for the Record's sake, from the proposal. The Ford proposition is out of it. I gave my support to that offer, and I gave it on this theory, that it meant cheaper fertilizers. If I had not been convinced of that, I would not have supported it. Here is what his contract or proposal states: I read from it—

Since the manufacture, sale, and distribution of commercial fertilizers to farmers and other users thereof constitutes one of the principal considerations of this offer, the company expressly agrees that, continuously throughout the lease period, except as it may be prevented by reconstruction of the plant itself, or by war, strikes, accidents, fires, or other causes beyond its control, it will manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, according to demand, at nitrate plant No. 2 or its equivalent, at such other plant or plants adjacent and near thereto as it may construct, using the most economical source of power available. The annual production of these fertilizers shall have a nitrogen content of at least 40,000 tons of fixed nitrogen, which is the present annual capacity of nitrate plant No. 2.

That means two and one-half million tons of ordinary fertilizers. Could a bid be more explicit? What more could he add to it to make it plainer to anybody? Yet the Senator still has doubt about it; and my friend from New York may argue to the contrary, but the provision is here in cold type, and no one, I care not how ingenious he may be, can controvert the proposition.

Now I shall go further with this Ford proposition:

In order that farmers and other users of fertilizers may be supplied with fertilizers at fair prices and without excessive profits, the company agrees that the maximum net profit which it shall make in the manufacture and sale of fertilizer products shall not exceed 8 per cent of the fair actual annual cost of production thereof.

Now as to the guaranty. Mr. Ford signed the offer himself, "Henry Ford," the proposer. This is not the contract; this is the authority to the Secretary of War to enter into the contract. But Henry Ford offered a proposal. If we had accepted it, it would have been binding on him and on everything he owns, on his heirs and assigns. Indeed, here is what he says in concluding:

The above proposals are submitted for acceptance as a whole and not in part. Upon acceptance, the promises, undertakings, and obligations shall be binding upon the United States and jointly and severally upon the undersigned, his heirs, representatives, and assigns, and the company, its successors, and assigns.

Mr. NORRIS. Mr. President—

Mr. HARRISON. What more could he say? If the Senator from Massachusetts [Mr. BUTLER] should make a proposal like that and sign it that way, he knows it would bind everything that he has, every interest that is unencumbered; and the Senator from Nebraska ought to know it.

Mr. NORRIS. May I interrupt the Senator now?

Mr. HARRISON. Yes; I yield.

Mr. NORRIS. Again I say, I do not care to be led into a discussion of Henry Ford—

Mr. HARRISON. I was led into it.

Mr. NORRIS. But since the Senator has read that language, by which he says it is shown that Henry Ford has personally bound himself and his estate to carry out that offer, I think any lawyer in examining the proposition would say that he agrees to do what it is stipulated in the bid he will do, namely, that he will form a corporation with \$10,000,000 capital. That is what Henry Ford agrees to do. The corporation itself agrees to some other things. We could not get Mr. Ford before the committee in person, but it appears in the record, undisputed, that he told the Secretary of War that whenever he could not make fertilizer at a profit he would quit making fertilizer; and his bid would permit him to do it. Again let me say that shows that Henry Ford has good business judgment. It is perfectly foolish, to my mind, to think for a moment that a man of Henry Ford's business judgment would bind his estate, his heirs, everything he owns, for a hundred years to carry out a contract. He would no more think of doing such a thing than he would think of trying to fly without wings. Nobody could do such a thing. Nobody expects anyone to do such a thing. He has done no such thing. He would not be bound to produce a pound of fertilizer personally. He would have no personal obligation except to form a corporation.

Mr. HARRISON. I will let the wording of the proposal speak for itself. I had thought that a grievous error had been committed when the steering committee on the other side did not lift the Senator from Nebraska to the high position of chairman of the Judiciary Committee; but after the present exposé I think they were wise in keeping him at the head of the Committee on Agriculture and Forestry.

Mr. NORRIS. Mr. President, the Senator from Mississippi has given—

Mr. HARRISON. I withdraw that remark.

Mr. NORRIS. I do not ask the Senator to withdraw it. The Senator from Mississippi has given to the steering committee on this side an excuse for their conduct which they will very much appreciate. They have not given any before, but now they will refer to the great Senator from Mississippi, and say it is because the Senator from Nebraska did not know anything about construing a legal contract; and I am willing to abide by that.

Mr. HARRISON. Very well.

Mr. NORRIS. I am willing to stand on the record, and stand on what I have said about Ford's proposition; and I can prove my position by the testimony of Henry Ford. If he did make that kind of a proposition, then he was certainly a subject for an asylum for the insane at once. Any man who would bind his personal estate for a hundred years certainly would be insane.

Mr. HARRISON. And the Senator does not think Henry Ford is insane?

Mr. NORRIS. No; I do not think he is insane.

Mr. HARRISON. Mr. President, reading a little further in this section 44 of the original act, it shows that it was never intended that anything should be done at Muscle Shoals except to develop power for the Nation's defense and for fertilizer purposes, and I want to read this clause in that law. It reads:

The plant or plants provided for under this act shall be constructed and operated solely by the Government, and not in conjunction with any other industry or enterprise carried on by private capital.

That would prevent acceptance of the Hooker proposition, that would prevent acceptance of the Union Carbide proposition, as I shall show in a minute in the discussion of their proposal.

Now, let us see what other bids were made. Of course, before the Senate there is a choice of two lanes for us to travel. One is to take the Norris proposition, which would give to the farmers an opportunity to get some fertilizer, provided it can be made out of 25,000 primary horsepower and 75,000 secondary horsepower. The balance of the power can

be sold to anyone without let and without restriction, except as to the price they can charge to the ultimate consumer.

The Alabama Power Co., or any other power company, could buy the amount of surplus power they chose, but the Secretary of Agriculture could use only 75,000 secondary power and 25,000 primary power.

Before us, however, there are two lanes, one of which we can follow. One is, as I say, to accept the Norris proposition of Government ownership. There is not a Senator here but who has a very strong idea that the President would veto such a proposition. It is right in the teeth of the message that was read from the Secretary's desk only day before yesterday. I will read a little later what the President said on that proposition.

Mr. NORRIS. Mr. President—

Mr. HARRISON. We would get nowhere by the acceptance of the Senator's proposition. I yield.

Mr. NORRIS. Is this doctrine the Senator is now proclaiming—to which I do not give my assent at all—that before we pass anything we must ascertain whether the President wants it or not, going to actuate the Senator in his conduct in the Senate?

Mr. HARRISON. I am not "from Missouri," but since the election I am almost "from Missouri," and I have about concluded that we have to get the President's consent before anything moves respecting Muscle Shoals.

Mr. NORRIS. Then we had better have a committee wait on him, and have him tell us how to vote on this proposition.

Mr. HARRISON. I would not want to go on the committee. I am afraid it might hurt. I am not blind to this situation—

Mr. NORRIS. The President would be very glad to get the cooperation of the Senator and his valuable support.

Mr. HARRISON. I would be very glad to support him on this proposition. I might be weak in my support of him on some other propositions.

We will have to go the route I have mentioned, or we will have to take the Underwood proposition, which I shall discuss presently. In passing, however, let me say that the Underwood proposal comes on all fours with the President's recommendation. I do not know whether they compared proposals or not, but I do know that the President says, "Let it out to private enterprise, and if private enterprise will not take it, then the Government must carry on the development"; and that is exactly what the Underwood proposal is. There must be some understanding about it. Indeed, if it had not been offered by my friend from Alabama, I would say, in view of the expressions in the President's message, that it was an administration proposal; but I presume the Senator from Alabama is not as yet the spokesman of the Administration.

Let us take another proposal that was before the committee, the Alabama Power Co.'s proposal. They have been fighting. They have had a proposal pending all the time. They want this power. They have worked in circuitous ways, indirect and otherwise. They very much desire it. That is laudable. I have no fault to find with them on that score. They could develop some more power there now if they would, although they have been developing a great deal; but the Alabama Power Co. wants this plant, and under the bill of the Senator from Nebraska, if it should pass, the Alabama Power Co. in all probability would get it.

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. HARRISON. I yield.

Mr. NORRIS. First I want to say most distinctly that the Alabama Power Co. would not get it under my bill.

Mr. HARRISON. Why not?

Mr. NORRIS. As a matter of fact, the only company on earth that can get whatever is left over under the Underwood bill is the Alabama Power Co., and that company would get it. Let me call the attention of the Senator to the fact that under the Underwood bill the Government corporation set up has not any power to build a transmission line. It can sell excess power there, but it can not take it anywhere. The only physical connection with Muscle Shoals by any of the power companies of the South is by the Alabama Power Co., and they pretty nearly have a "cinch" on getting what is left under the Underwood proposition.

Mr. HARRISON. If there is surplus power down there, the Alabama Power Co. can get it or any other power company can get it.

Mr. NORRIS. That company is the only one that can get it. They have a transmission line there now.

Mr. HARRISON. They can not get the amount under the Underwood bill as they would get it under the Norris bill.

The Underwood bill says it shall be leased, that at least 40,000 tons of fixed nitrogen after the fourth year shall be made, and that is the equivalent of 2,500,000 tons of fertilizer in the country. If the lessees get it under the Underwood proposal, they have to make that much fixed nitrogen. I take it that if the Secretary of War should enter into a contract with them he will make them put up a bond. It is provided in the Underwood bill that adequate guaranties shall be made. If the corporation should be organized as set forth in the Underwood bill, it is expressly provided that after the fourth year they must make 40,000 tons of fixed nitrogen at Muscle Shoals. So there would not be very much power left under the charge which the Senator agreed to until they had gone farther up the river and built more dams and had more power, and when that time comes then they could take care of that situation and more power would be developed and more of it would be utilized.

Now let us get to the Alabama Power Co. proposal. What was it? The first bid they made, following the Ford offer, was what? When they saw Ford might get it the first bid they made was purely a power proposition. Did they undertake to do anything with respect to making fertilizer? No. In the proposal which the Alabama Power Co. made in 1922—in February, I believe it was—they said, "We will pay for the completion of the dam; we will pay \$5,000,000 for the steam plant at nitrate plant No. 2, and we will give to whomsoever may take over nitrate plants No. 1 and No. 2, 100,000 secondary horsepower to carry on the fertilizer business." That was the gracious thing they were going to do. They were not going to make the fertilizer themselves. They were not going to take nitrate plants No. 1 and No. 2, but they were going to get the whole thing for power purposes and graciously give 100,000 secondary horsepower to somebody to operate plant No. 1 and plant No. 2, when they knew at the time that 100,000 secondary horsepower would hardly make 5,000 tons of fixed nitrogen at those two plants.

But that is not all. They came in afterwards with another bid, which is a very good bid in many respects. In 1924, when they saw there was a great chance for Ford to get it, that it was slipping out of their hands, then they made a real proposition. I would not be surprised if the amount in consideration that they offered was not larger than the Ford proposition, because it was perfectly natural that if they wanted it and were competing with Ford they would lift the amount they might offer just a wee bit in order to get favorable consideration from the American Congress. But they placed in their bid certain loopholes. They put in it certain little words, changing "and" to "or" and changing the whole proposition.

They did not agree in their bid to make 40,000 tons of fixed nitrogen of mixed and unmixed fertilizers annually. No; they did not do that, but they agreed, as I shall read, to make 50,000 tons of nitrogen—not fixed nitrogen, but either one of three kinds—ammonium phosphate, ammonium sulphate, or other concentrated nitrogenous fertilizers—as the commercial demands of the country warranted it, and the only guaranty that the Alabama Power Co. made in its last proposal was to make 50,000 tons of nitrogen; they choosing either one of the three different kinds.

I want to comment to the Senate about the three kinds that they propose to make at that time. They were to make this fertilizer in either of three forms. For instance, sulphate of ammonia could be made exclusively under their contract, and yet there is an overproduction to-day of sulphate of ammonia in this country. There would have been no benefits to the farmers of the country under that provision. I cite to the Senate the fact that last year we imported of sulphate of ammonia 3,539 tons and we exported of that particular kind of fertilizer 150,544 tons. The domestic production of sulphate of ammonia, the kind the Alabama Power Co. said they could make and which they guaranteed to make, was 619,000 tons. That was the domestic production last year. There was a consumption last year of only practically one-half that amount, or 395,000 tons.

Bear in mind, Senators, that the domestic fertilizer consumption in the United States last year was 6,647,000 tons, and that the consumption of sulphate of ammonia in the United States was just 6 per cent of that amount. What good would it have done the farmers of the country for the Alabama Power Co. to have made sulphate of ammonia and nothing else? They would have created an overproduction. It would have been sold in foreign countries and it was to be sold at a price to be fixed on the cost of production and sale. That was the proposal they made, not upon a certain profit on the "cost of production" as was contained in the Ford proposal, but on a certain percentage of the "cost of production and sale," which might have

been so expensive as to have prohibited the farmers entirely from purchasing any of it. So the Alabama Power Co.'s proposition had many features that would deceive and mislead. It was a power company proposal and that was all.

Now, let us take up the Union Carbide Co. That is the one which, as I saw in the press the other day, is favored by my friend from Illinois [Mr. McKINLEY]. It may have been that he was incorrectly quoted. What is this great institution? They have been making carbides for many years. They have industries all over the country. They are a rich and prosperous concern. That is all right. They are well able to guarantee the faithful performance of their proposal. But they proposed what in their first bid? They said, "If you will give us 50,000 horsepower, 25,000 primary and 25,000 secondary, we will make down there at nitrate plant No. 2 urea, but we will only do that with the understanding that you will give to us 50,000 horsepower additional, to be used in the other half of nitrate plant No. 2 in any wise we may see fit."

In other words, they wanted to manufacture carbide or other products there. They wanted the power there for that purpose and urea was really only incident to it. Urea, they tell us, is made after we reach the stage of cyanamide. It could be made at plant No. 2, but it has already been stated, and it is in evidence by expert after expert, that the cost of fertilizer by the cyanamide process is so high that it is useless. If we go into the manufacture of urea, and in doing so must manufacture cyanamide first, we know the cost of urea would be higher than the cost of cyanamide and it would be of not benefit to the farmers of the country. But they said, "We will make also phosphozote," but the experts say that is made from some combination of urea with cyanamide. In other words, in order to make phosphozote we would have to go in and make cyanamide first and then develop it to a higher state of urea, and that process would be so excessively costly that phosphozote would be useless to the farmers of the country. That is the Union Carbide theory.

But they made a second bid, and it is the second bid that looks pretty attractive. It is attractive as a matter of fact. They took nothing into consideration with respect to Dam No. 3, but at Dam No. 2 they propose to pay quite a good deal, I think in the aggregate \$120,000,000, but the only undertaking they offered was to manufacture urea, and they proposed that on a 10 per cent cost-plus basis, and they said that must be based on the cost of production and cost of sale. They say if it is not profitable then they may turn it back to the Government, and they will act as agents for the Government in doing that work upon the cost-plus basis. The testimony of one of the gentlemen, Mr. Morrison, who appeared before the Senate committee representing the Union Carbide Co., was that he was after power. The question of making urea was incident to getting the power at Muscle Shoals. He had no patent on the process. He only had an option on a certain patent that made urea. It would run out in a certain time, he said. Here is what this man who represented the Union Carbide Co. said before the committee:

Senator HARRISON. You state that all you had is an option on the process?

Mr. MORRISON. The option is binding.

Senator HARRISON. I understand that, but you merely have an option and you acquired that about a year ago?

Mr. MORRISON. Yes, sir.

Senator HARRISON. How long does it run?

Mr. MORRISON. I think it runs probably another year. I am not entirely definite on that.

Senator KENDRICK. As I understood you just there, you have, under an agreement, a right to use this process in the United States?

Mr. MORRISON. Absolutely. It is just like a land contract. If we take up this option within the period, they are bound to sell it to us.

Senator McNARY. I suppose you merely took an option instead of an outright purchase, because you do not want it unless you can acquire the necessary horsepower?

That was the question that touched the real spot.

Senator McNARY said:

I suppose you merely took an option instead of an outright purchase, because you do not want it unless you can acquire the necessary horsepower?

Mr. MORRISON. No. We want to secure for our use certain horsepower at Muscle Shoals, and in order to do that we have got to meet this fertilizer proposition.

That is his testimony. Senators may cite proposal after proposal, but it will be found that their authors all want the power; that the question of making fertilizer is only incident to their proposals.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER (Mr. SIMMONS in the chair). Does the Senator from Mississippi yield to the Senator from New York?

Mr. HARRISON. I yield.

Mr. WADSWORTH. The Senator does not mean that remark to apply to all the proposals that are before Congress, does he?

Mr. HARRISON. I am going to get to the Hooker proposal in a moment, if the Senator from New York will wait. That is an ingenious proposition; that is a smooth plan. Under it the Government puts up all the "dough" and at the end, after the preferred stock dividends shall have been paid to Mr. Hooker and his associates, the Government and Mr. Hooker are to divide on the theory of Mr. Hooker and his friends getting one-fourth and the Government getting three-fourths. Oh, Mr. Hooker has submitted a fine proposal for himself. Now Mr. Morrison further says:

Under our first offer we leave that extra power to the Government to do with it as it will. Under our second offer we take that power to do with it as we will.

Now, Mr. President, let us see about the other proposal, the one about which my friend the Senator from New York [Mr. WADSWORTH] has inquired—the Hooker-Atterbury-White proposition—wherein Mr. Hooker states in order to show good faith that they are willing to put up \$1,000,000; but he also states that, of course, they put up nothing substantially, that it is merely a partnership proposition, that is all, rather than for the Government to go there with its chemists, who receive \$2,500 a year, whom my friend the Senator from Nebraska [Mr. NORRIS] wants to put in charge to make fertilizer down there. Most of them, I presume, never had any business experience in the world and know nothing about anything, perhaps, except chemistry. I am not speaking disparagingly of them, but when experts devote themselves entirely to chemistry and study only chemistry, it seems to me that about 99 per cent of them must go crazy, because if there is any subject that is tantalizing it is chemistry. Chemists are not expected to know anything about ordinary business, and yet my friend from Nebraska would place this great laboratory research board under the charge of these cheap employees, who are all inadequately paid, and impose upon them the task of operating these great nitrate plants No. 2 and No. 1, which he himself admits is a hazardous business and is yet in its infancy—its swaddling clothes.

Now, let us see about the Hooker proposition. It is presented by Mr. Hooker, Mr. Atterbury, and Mr. White. They are excellent gentlemen; they are men of great business training; they have had large experience in chemistry, in railroad-ing, and in business of other kinds. I have no doubt from what I have heard of these gentlemen that they are men of the highest character, and that if the Government wanted to employ somebody to go down there and operate the business for the Government, and if they could be secured at a reasonable salary, they might be as good as anybody in the world; but if they should get this contract and be allowed to fix their own salaries, to be taken out of running expenses, I imagine they would fix somewhat higher salaries than probably the Government would fix if it were controlling them.

Property leased: Dams Nos. 2 and 3, nitrate plants Nos. 1 and 2, including all extension, development, and all property under control or used by the United States in connection with the Muscle Shoals project, no matter where located. (Para. 1 and 2.)

Payments: The United States is to receive:

Let us see about that, how the Government is ever to get anything back under this proposal out of this bill:

1. All net profit derived from the manufacture of fertilizer which remains after deducting and paying to the company 8 per cent of the current sales price of all fertilizers manufactured.

That is what section 11 proposes.

2. To determine the share which the United States shall receive from the profits derived from the production of electric power the annual net earnings from the power are determined and the following deductions are made from them:

(a) An 8 per cent dividend on all outstanding preferred stock of the company.

That is without limit; these estimable gentlemen can make it as high as they want to.

(b) An amount not to exceed \$200,000 for research is taken out of the current expenditures.

(c) Sinking-fund payments sufficient, at 4 per cent compound interest, to amortize the amount expended by the United States in com-

pleting the dams subsequent to the signing of the lease, plus one-half of the amount expended on Dam No. 2 prior to the signing of the lease, but not exceeding \$15,000,000.

That is section 12.

(d) A sufficient annual payment to retire the outstanding preferred stock—

Of these very estimable gentlemen—

prior to the termination of the lease; said preferred stock, however, having no par value, and no method of valuation of said stock being provided.

Next:

(e) Payments into a second sinking fund (payable only when power sales equal or exceed 150,000 kilowatts primary power and fertilizer sales aggregate 30,000 tons of nitrogen or more) which, if paid continuously each year after the first year for 40 years, would amortize, at 4 per cent compound interest, the remainder of the original expenditure on Dam No. 2 (excluding funds expended for navigation purposes) and the steam-power plant at nitrate plant No. 2, but not to exceed \$21,000,000.

If there remain any net earnings from the power after all of these deductions have been made, then for the first 10 years two-thirds of this remainder shall be paid to the United States and one-third to the common-stock holders of the company, and after 10 years three-fourths of such a remainder, if any, shall be paid to the United States and one-quarter to the common-stock holders of the company.

This payment to the United States, however, is not a net payment, for it is subject to a still further deduction.

It does not say, "This payment to the United States and to the stockholders," but—

This payment to the United States, however, is not a net payment, for it is subject to a still further deduction. Out of the share payable to the United States from the earnings of the company the advisory committee, controlled by the company, shall set aside a fund of an indefinite amount, called "an extraordinary replacement and betterment fund," to be used to keep the steam and water power plants intact and abreast of the art.

But even then the United States Treasury does not receive any funds, because all the remaining undistributed profits payable to the United States are turned into a "rotary fund," controlled by the Secretary of War, who, in his discretion, may make "expenditures for general purposes of the Muscle Shoals enterprise," which removes all doubt that the Treasury will in the end receive very much.

Mr. WADSWORTH. Mr. President, I see the Senator is reading from a prepared document. Will he regard it as impertinent on my part if I inquire if the Senator prepared that himself?

Mr. HARRISON. I myself prepared the document. It is a part of my notes.

Mr. WADSWORTH. I am very much interested in it, because that is the most extraordinary description of the Hooker offer that I have ever heard.

Mr. HARRISON. It may so appear to the Senator. I have no doubt the Senator will endeavor to combat it in his argument and attempt to show some good features in the Hooker proposal, to which I have just alluded. Mr. President, the Hooker proposition is all right if the Government wants to go in on a basis of giving to the gentlemen submitting the proposal one-third or one-fourth, the Government taking the remainder and the gentlemen forming the company doing the business; but under the Hooker proposal the Government will put up all the money and the farmers will not be guaranteed one cent of reduction in the price of fertilizer.

Mr. WADSWORTH. Mr. President, if the Senator will permit another interruption, let me say to him that that is true with respect to every proposal in regard to Muscle Shoals. The Government has already put up the money; no one but the Government has spent a cent there.

Mr. HARRISON. I understand that.

Mr. WADSWORTH. And this proposal, like all the others, merely contemplates the Government finishing the plants and the dams.

Mr. HARRISON. It is quite true that the Government has put up all the money.

Mr. WADSWORTH. Then it should not be a matter of denunciation in such stentorian tones.

Mr. HARRISON. Well, I have not denounced these gentlemen; I think it is a fine business proposition for them. The Senator could not have been here when I paid my very eloquent tribute to the character and business qualifications of these estimable gentlemen.

Mr. WADSWORTH. In referring to the question as to who put up the money, everybody knowing, of course, that the Government has put up all the money and must have put it up, I can only interpret the intent of the Senator by the manner in which he has made the utterance.

Mr. HARRISON. The Senator must not consider that I have cast any reflection on these particular gentlemen, who happen, perhaps, to be citizens of the State of New York. They are splendid gentlemen, no doubt; but I have talked about who put up the money in each one of these proposals; I am only analyzing the Hooker proposal.

Mr. WADSWORTH. The Senator has gone considerably further than that.

Mr. HARRISON. I have no venom in me at all.

Mr. WADSWORTH. The Senator has referred to them as being "smooth."

Mr. HARRISON. I say that that theirs is a pretty smooth offer. I do not mean it in an offensive sense.

Mr. WADSWORTH. That is a question to be demonstrated, which the Senator has not done.

Mr. HARRISON. I will not use such strong language if it gives offense to my friend from New York.

Mr. WADSWORTH. The Senator is liable to use strong language.

Mr. HARRISON. I withdraw the word "smooth," and I will say it is an ingenious proposal; that if the Government should accept it, it would lose much money, and these gentlemen would be greatly benefited and receive very large profits therefrom.

Mr. President, I do not care to occupy the time of the Senate longer. I believe that the best policy for the Senate to pursue is to accept the proposal made by the Senator from Alabama, to which I have some amendments I desire to offer. I believe that proposal embodies a plan that will mean the early completion of the dams and the operation of the nitrate plants at Muscle Shoals. I believe, in the end, it will work a great benefit to the farmers of the country.

Of course, I think the Senator has made an error, and I am sure that he will accept an amendment to his proposal in that his proposed substitute provides that if within four years, or at the expiration of four years—I may not have it exactly right—it is not paying, the corporation shall cease to function. I think, perhaps, it will not pay during the first four years. I think it should have a longer time to be tried out than that. I think that if there is any limitation at all to this corporation, it should be at least 10 years; and I would much prefer to see no limitation whatsoever. Even though the Government should lose some money in the making of nitrates for powder purposes and nitrates for fertilizer purposes there, is it not incumbent on us to provide for the Nation's defense? Was it not the intention when we poured out these millions on millions that we were to provide, in case of the exigency of war, a supply of nitrates for war purposes? We build a battleship at a cost of millions of dollars and in a few years it is sunk by airplanes or something else. We operate various Government agencies and we get nothing in return; indeed, the only department of the Government from which we get anything in return is the Post Office Department; and I learn from a report which has just been filed by the Postmaster General that on second-class mail matter we lost last year around \$40,000,000, I believe. That ought to be changed, perhaps, but whether that is so or not, we are giving to the people a benefit; we are giving to them a means of acquiring knowledge and getting their mail quickly. So in this case, even though we should lose some money in the manufacture of fertilizers at Muscle Shoals, we would be giving the farmers some benefit; we would be giving them cheaper fertilizers, and at the same time we would be providing for the defense of the Nation in time of war. So I say I am opposed to limitation of four years within which to determine whether or not the corporation has proved successful. I prefer 10 years or even a longer period.

Mr. UNDERWOOD. Mr. President—

The PRESIDING OFFICER (Mr. COPELAND in the chair). Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. HARRISON. I yield.

Mr. UNDERWOOD. Mr. President, I think the Senator's statement is a very just criticism of the proposal I made in that regard from his standpoint. I want to say that the proposal in the bill, although it shuts down the plant at the end of four years if it is not on a profitable basis, is not intended to shut it down entirely. It merely requires the officers to close down the works and report the fact to Congress, and

then, if the plant is losing money, allow the Congress to determine whether it will go ahead and lose money or whether it will continue to keep it closed down. The matter comes back to the Congress for determination.

As I stated yesterday, I think that as a matter of national defense we can well afford to lose money on the operation of a plant if that is the only way we are going to get the nitrogen that is necessary for our national defense. It is no more loss of money than it is to maintain a battleship; and the purpose of that clause in the bill is merely to bring it back to the attention of the Congress and allow the Congress to keep control of the organization.

Mr. HARRISON. I thank the Senator for his explanation; but I still hold to the view that the four-year provision should be eliminated, and it should be either 10 years or without limit. It is because I am an ardent, sincere advocate of the bill that I am offering these minor criticisms. They are merely minor criticisms, but here is one criticism that I am going to suggest to the Senator that I think is worth while:

The Senator authorizes and directs the Secretary of War to complete the construction of Dam No. 3 in the Tennessee River, and so forth, and then the Senator provides in the following section for Dam No. 3: Bear in mind that the Senator's proposal applies only to Dam No. 2. It has nothing to do with Dam No. 3. It is based, as I take it, on the theory that Dam No. 3 has not been started, has not been authorized, and that nothing has yet been done with it; but Dam No. 3 is a part of this system. Dam No. 3 will not only help in creating a reservoir for these waters and preventing damage from flood waters around Chattanooga and that section of the country and aiding navigation but it will add greatly to the primary power as well as the secondary power; and, in my opinion, the lessee who procures the right to develop power at Dam No. 2 should have the same right in regard to Dam No. 3. I think it is one system. I do not think we should disconnect them. I think that whoever bids on this proposition it should be along the lines that are contained in every proposal except that of the Union Carbide Co., as I understand, that Dam No. 3, when completed, will bear the same relation to the lessee as Dam No. 2.

So I hope that before the debate is closed, and before the consideration of the Senator's bill is ended, he will consent, if it meets with the views of the majority of the Senate, that the two propositions shall be consolidated, and not make the development at Dam No. 3 and the lease of power at Dam No. 3 wait upon the contingency of its completion before we enter into that lease. I have seen too much delay in this matter. I have seen practically eight years of delay with respect to Dam No. 2; and with a different personnel in a new Congress in the years to come when Dam No. 3 is completed, if it takes that long, the farmers will be delayed that much in getting cheaper fertilizer, or the people in getting power in that event.

Mr. UNDERWOOD. Mr. President, if my friend will allow me, if the Senator desires to make an amendment to that effect I have no objection. As a matter of fact, the clauses that the Senator reads are supplemental clauses to the part of the bill which relates to Dam No. 2. When I provided in the bill for the authorization of the building of Dam No. 3—which ought to be done, and which the Government will lose no money in building, because it is already demonstrated that when it is finished if the Government wants to lease the power it can do it for the cost of the dam—I did not provide what should be done with that power, but simply said that after its completion the Congress should determine it, because—I will be candid with the Senator—I did not know what to provide. Of course, so far as fertilizer is concerned, at Dam No. 2 there is enough power already developed to make fertilizer to the extent that this bill provides.

Mr. HARRISON. In that connection, I think the Senator is a little in error there. As I recall, the testimony and the maps prepared by the experts show that with the utilization of the steam plant at Gorgas, which is now gone, and which supplied 40,000 horsepower, and the steam plant at nitrate plant No. 2, which provides 80,000 horsepower, by converting the secondary power into primary power by the use of both of those steam plants we would have at Dams Nos. 2 and 3, not just Dam No. 2, only 241,000 horsepower, and that it will take 257,000 horsepower to make fertilizer to the extent of 40,000 tons of fixed nitrogen, mixed and unmixed, of all kinds of fertilizer.

Mr. UNDERWOOD. The Senator is right. One witness, and a very expert witness, testified to that effect, but the power at Dam No. 3 is 40,000 horsepower. Practically speaking, there is 200,000 primary horsepower with the same units added at Dam No. 2, and of course as to the utilization of power the 200,000 horsepower is more than sufficient to operate the

nitrogen plants. But if you are going to use the power also—and that probably ought to be done—to develop the making of phosphoric acid for fertilizer, it probably will require more power.

Now, having a double-barreled bill, one part of it providing for a lease and the other part for Government operation, I really was in doubt when I wrote that section as to how to word it in a way that might fit into a contract on the one hand or Government operation on the other. That is the reason why I merely provided that at a future date the matter should be determined by Congress, because if it goes to a lessee it might be treated in one way and if the Government operates it it might be treated in another way. I have no objection, however, to any amendment along that line that the Senate may wish to put on at this time.

Mr. HARRISON. The Senator understands that I am merely pointing out that criticism, which I think is a criticism.

Mr. UNDERWOOD. I think it is a criticism, and I should be glad to have it remedied if possible. I say that the reason why I did not attempt to remedy it was because I could not make up my mind how I could write a clause that would fit a lessee and a Government corporation both at the same time, and I left it to the future determination of Congress; but I have no objection whatever to the Senate amending that clause and providing now for the use of the power if it can be done satisfactorily.

Mr. HARRISON. Mr. President, the Senator from Alabama has done a great work in the preparation of this bill. It seems to me that he has solved this problem. The provisions of the bill meet the expressions of the President's message. I can not understand how even anyone who favors governmental operation can object to the bill. It seems to me that it is a method which we can all agree upon and do something that will reflect great credit upon this Congress.

The Senator's bill makes it necessary and obligatory that at least 40,000 tons of fixed nitrogen shall be made annually at Muscle Shoals, whether operated by the Government or whether operated by a lessee. Of course, that does not apply for the first three years, because it goes up in steps of ten, twenty, thirty, and at the fourth year it reaches forty thousand tons. There may be some question in my mind as to whether you have given the lessee long enough time in order to reach the 40,000 tons; but at least at a certain time, whether a lessee enters into a contract with the Government or whether the Government operates the plant through a corporation, the farmers will be assured of 40,000 tons of fixed nitrogen manufactured annually at Muscle Shoals, which will be a guaranty of the Nation's defense in time of war and a guaranty that at least 2,500,000 tons of ordinary fertilizer will be produced annually for the farmers in America.

I do not know, if this bill should pass, whether anybody will make a bid under its terms or not. It provides, as I read it, that the rate shall be fixed and regulated by the States into which the power enters and is sold—a proposition that even a Hamiltonian Republican ought to agree is sound. They ought to have that right.

Mr. DIAL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from South Carolina?

Mr. HARRISON. I yield to the Senator.

Mr. DIAL. I should like to suggest to the Senator that if it is contemplated to build Dam No. 3 it could be done much more economically soon after the completion of Dam No. 2, while the machinery and force are intact.

Mr. HARRISON. The Senator and I are in entire accord. We have just discussed that matter, and that is agreeable to the Senator from Alabama.

There are provisions here which say that the Secretary of War shall compel the lessee to put up adequate security. I do not know whether we ought to leave that power in the Secretary of War or not. I have some doubts about that proposition. I believe the Secretary of War will compel him to put up at least a \$10,000,000 bond, or capitalize the organization at that much, because every proposal that has come to us except the Hooker-Atterbury bid has proposed a \$10,000,000 corporation, and some of them \$15,000,000. But certainly a guaranty that is adequate should be required of whoever may lease this particular property. So under the provisions of the Underwood proposal we will get the required fertilizer; the rates will be regulated, because the Senator from Alabama writes into the bill the same proposal that was placed in the Ford bid, that the price to the consumer of fertilizer shall in no case be larger than the cost of production plus 8 per cent, leaving out, and wisely so, the cost of production and of sale plus 8 per cent; so the farmers will receive some benefit from

that proposition. If they do not bid on it, if these institutions that have made their proposals are not willing to come under the terms of the bill if we should pass it during this session, and the 1st day of July of next year should arrive, then the Government is to proceed with the \$50,000 corporation to run and operate this great natural resource down there.

Why, it is the wise thing to do. It is the economical—it is the expedient thing to do. I hope that the Senate will adopt this proposal, with certain minor amendments, and that after that shall have been done the House, without sending it to conference, will ratify and concur in the proposal. If that is done, I have no doubt that the President of the United States will sign it, because I read with thrills in my heart the expressions of the President touching this great subject.

Oh, how long it has been delayed! For what time have the farmers waited to get some benefit from the act of 1916; and how culpably negligent, how lacking in statesmanship, has the American Senate been—I will not say anything about the House, because under the rules I am prohibited from doing so—in dealing with this great question!

Here is what the President said:

The production of nitrogen for plant food in peace and explosives in war is more and more important. It is one of the chief sustaining elements of life.

What does he mean by that? Does he mean power?

It is one of the chief sustaining elements of life.

No; he means fertilizer.

It is estimated that soil exhaustion each year is represented by about 9,000,000 tons and replenishment by 5,450,000 tons.

What does he mean by "soil replenishment"? Does he mean power for some industries in that great section of the country? No; he means fertilizer.

The deficit of 3,550,000 tons is reported to represent the impairment of 118,000,000 acres of farm lands each year.

He goes further. He sounds more eloquent as the message goes on.

To meet these necessities the Government has been developing a water-power project at Muscle Shoals to be equipped to produce nitrogen for explosives and fertilizer. It is my opinion that the support of agriculture is the chief problem to consider in connection with this property.

Oh, with what emphasis did he use that expression! Was he talking about power when he took his pen to employ that language, when he said, "It is my opinion that the support of agriculture is the chief problem to consider in connection with this property"? Is it considered in the Norris bill, which gives 75,000 secondary horsepower and 25,000 horsepower? Is it considered in the Alabama Power Co. proposal? Is it considered in some of the other proposals, like that of the Union Carbide Co., made to the Senate?

The President further says:

It could by no means supply the present needs for nitrogen, but it would help and its development would encourage bringing other water powers into like use.

Several offers have been made for the purchase of this property. Probably none of them represent final terms. Much costly experimentation is necessary to produce commercial nitrogen. For that reason it is a field better suited to private enterprise than to Government operation. I should favor a sale of this property, or long-time lease, under rigid guaranties of commercial nitrogen production at reasonable prices for agricultural use.

Let me read that again. Let me burn it into your minds. Let me stamp it upon your hearts. These are the words of the President:

I should favor a sale of this property, or long-time lease, under rigid guaranties of commercial nitrogen production at reasonable prices for agricultural use.

Does he say anything about the development of power for power purposes, as is embodied in the Norris bill? No; it is to be for agricultural purposes. He goes further:

There would be a surplus of power for many years over any possibility of its application to a developing manufacture of nitrogen. It may be found advantageous to dispose of the right to surplus power separately, with such reservations as will allow its gradual withdrawal and application to nitrogen manufacture. A subcommittee of the Committee on Agriculture should investigate this field and negotiate with prospective purchasers.

Everything that the President suggests there is contained in the first part of the amendment offered by the Senator from

Alabama. Under that they would have six months to make their proposal to lease it under rigid guaranties, as the President says, to make nitrogen to insure this country against war and for fertilizer purposes. What does the President say in his concluding paragraph? He says:

If no advantageous offer be made, the development should continue and the plant should be dedicated primarily to the production of materials for the fertilization of the soil.

That is exactly what the bill introduced by the Senator from Alabama proposes, first, to give it to private initiative. If they do not accept it, the Government should then continue and the plant should be dedicated primarily to the production of materials for the fertilization of the soil.

Mr. President, the proposal made is a statesmanlike one, and we should at the earliest possible moment adopt it, with certain amendments, and get it to the White House, so as to let the farmers get some ray of relief, which has been long delayed.

The PRESIDING OFFICER. The question is on agreeing to the substitute reported by the Committee on Agriculture and Forestry.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ball	Fernald	Jones, N. Mex.	Sheppard
Bayard	Ferris	Jones, Wash.	Shipstead
Borah	Fess	Kendrick	Shortridge
Brookhart	Fletcher	Keyes	Simmons
Bruce	Frazier	McKellar	Smith
Bursum	George	McNary	Smoot
Butler	Gooding	Means	Stanfield
Caraway	Greene	Metcalf	Sterling
Copeland	Hale	Noel	Swanson
Couzens	Harrell	Norris	Underwood
Cummins	Harris	Oddie	Wadsworth
Curtis	Harrison	Overman	Walsh, Mont.
Dial	Heflin	Pittman	Watson
Dill	Howell	Ralston	Willis
Edge	Johnson, Minn.	Reed, Pa.	

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, there is a quorum present.

Mr. DIAL. Mr. President, I send to the desk an amendment to the amendment, which I ask may be printed and lie on the table.

The PRESIDING OFFICER. The amendment to the amendment will be printed and lie on the table.

Mr. WADSWORTH. Mr. President, I know that some other Senators desire to address the Senate on the question, but some of them are not ready at this time to do it, and although I can not boast of being completely prepared by any means to discuss such a complicated measure, I shall endeavor to offer some comments at least.

Mr. NORRIS. If the Senator from New York does not care to go on now I would like to make a suggestion, and I ask the attention of the Senator from Alabama [Mr. UNDERWOOD].

In the parliamentary sense the question before the Senate is the committee amendment. As I understand it, if the committee amendment were substituted for the House text, then unless we have some agreement to begin with it would not be subject to amendment. The amendments ought to be offered and acted on first. The Senator from Alabama can not offer his amendment until we get rid of this one. I do not want to limit amendments in any way, so I was going to suggest that if it is agreeable I will ask unanimous consent that if the committee amendment is substituted on the vote, which I suppose will only be a formal vote, because there is no one here advocating the House text now, it shall then be considered as an original bill subject to amendment in every way that an original bill would be.

We could pass on the committee amendment now, and then the Senator from Alabama could offer his amendment. I want this understanding, however. If that is agreed to and the Senator then offers his amendment, I would like the same unanimous-consent agreement when that comes up, that if it is agreed to it shall then be subject to amendment the same as an original bill.

Mr. UNDERWOOD. Of course I recognize in the present parliamentary state that it is probable I could not offer my substitute as an amendment to the committee substitute, but if the committee substitute is adopted then when the bill goes into the Senate I could move my substitute.

Mr. NORRIS. I am thinking not only of the Senator's amendment, but of amendments that other Senators may wish to offer. I presume there are various Senators who have amendments to offer, both to the proposition of the Senator

from Alabama and to the committee substitute as well. I do not want to preclude any such Senators from offering those amendments by any parliamentary procedure that would shut them out.

Mr. SMOOT. The Senator could not do that.

Mr. NORRIS. If we should vote now on the substitution of the committee amendment for the House text and it were substituted, I would be willing that we should consider it subject to amendment just as if it were an original bill, and not limit it in any way.

Mr. BRUCE and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. I yield first to the Senator from Utah.

Mr. SMOOT. It seems to me there is no advancement of the measure or time saved by that program. The rules provide that any amendment can be offered when the measure reaches the Senate.

Mr. NORRIS. I understand that; but many Senators would not want to wait until then. They might want two votes on their propositions. I am not making the suggestion for my own convenience. I want to do it in order to be as accommodating and courteous as I can to all Senators. I do not want anything to happen that might preclude those who may not be as familiar with the rules as is the Senator from Utah.

Mr. UNDERWOOD. As I understand the situation, an amendment to the committee substitute for the bill is not in the third degree, and anyone could move to strike out a clause of the committee amendment now; but I can not offer an amendment by way of a substitute.

Mr. NORRIS. I think the Senator is perfectly right; but I have talked with the Presiding Officer of the Senate, and he is of the opinion that if the committee amendment is now substituted, as the committee recommended, it would not then be subject to amendment again until the bill reached the Senate.

Mr. UNDERWOOD. That is true.

Mr. NORRIS. I think that is the parliamentary situation.

Mr. UNDERWOOD. I think so.

Mr. NORRIS. If some Senator wants to offer an amendment now, then I do not want to preclude him from offering it.

Mr. UNDERWOOD. Of course, when that time comes we can determine by unanimous consent whether we can offer another substitute in the Committee of the Whole or whether we shall wait until the bill gets into the Senate. I would prefer to wait until we have voted on the committee substitute.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent—

Mr. NORRIS. No; I shall not submit the request. I took the Senator from New York off the floor without intentionally doing it. I thought everyone would agree to my suggestion, but if nobody else wants it I certainly do not.

Mr. BRUCE. Mr. President—

Mr. WADSWORTH. I shall be glad to yield if the Senator from Maryland desires to proceed.

Mr. BRUCE. I merely desire to remind the Senator from Nebraska that I have already offered an amendment to his substitute.

Mr. NORRIS. That amendment is not before the Senate. I did not understand that it had been formally offered.

Mr. BRUCE. Oh, yes.

Mr. NORRIS. It was ordered to be printed.

Mr. BRUCE. I would like to have my amendment read at this time.

Mr. SMOOT. Does the Senator offer it at this time?

Mr. BRUCE. I have offered it, and I would like to have it read now.

Mr. NORRIS. I ask the Senator if his amendment has been printed?

Mr. BRUCE. It has been printed.

Mr. NORRIS. I would like to be supplied with a copy of it.

The PRESIDING OFFICER. The Clerk will read the amendment offered by the Senator from Maryland to the amendment in the nature of a substitute reported by the committee.

The READING CLERK. On page 23, after line 5, strike out "section 6" and substitute therefor the following:

In the appointment of officials and in the promotion of any such officials no political test or qualifications shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency; and in the selection of employees for said corporation and in the promotion of any such employees all selections shall be made in accordance with the provisions of the Federal statutes relating to the Federal classified civil service and the powers and authority of the President and the United States

Civil Service Commission with respect thereto. The board shall keep a record of all requests, oral and written, made to any member thereof, coming from any source, asking for any favor in behalf of any person or the promotion of any employee, which record shall be open to the public inspection. Any member of said board who permits the use of political or partisan influence in the selection of any employee, or in the promotion of any such employee of said corporation, or who gives any consideration to political consideration in the official action of said board, or who, knowing that such political influence has been or is attempted, does not record the same in said record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding \$1,000 or be imprisoned not to exceed six months, or both such fine and imprisonment, and the conviction of any member of said board of the offense herein defined shall have the effect of removing such member from office.

Mr. NORRIS. If the Senator's amendment is pending and he is going to talk on it, I would like to have him call the attention of the Senate to the difference between his amendment and the text which he seeks to amend. As it was read at the desk I thought it corresponded to the language of the proposed committee substitute.

Mr. BRUCE. I shall be glad to explain it.

Mr. NORRIS. From a casual reading of his amendment, which has just come to my desk, I think the only difference between the text of the committee substitute which the Senator seeks to amend and the Senator's amendment is that he adds one sentence providing for the application of the civil-service rules to appointments. If that is the only difference, I have no objection to the amendment myself.

Mr. BRUCE. I thought that the Senator from Nebraska probably would not have any objection to it; but let me offer just a word of explanation with reference to the scope of the amendment.

Section 6 of the committee substitute provides that in the appointment of the officials and in the selection of the employees of the proposed Federal corporation there shall be no political test or discrimination of any sort either as respects appointment or selection or promotion, and that all appointments or selections or promotions of such officials or employees shall be based upon merit and efficiency. That is all very well, of course, for the province of moral platitudes. Those provisions sound very smoothly to the ear, and I do not question for a moment that it was sincerely the object of the draftsman of the substitute to remove the officials and employees of the proposed Federal corporation entirely from the field of partisan influence.

But we all know that in order to do that something more is necessary. The amendment which I have proposed leaves the text of the committee substitute so far as it relates to officials of the proposed Federal corporation wholly untouched but it provides that when any employees, as distinguished from officials, are selected by the proposed Federal corporation they shall be selected agreeably with the Federal statutes bearing upon the Federal classified service and the powers of the President and the United States Civil Service Commission with regard thereto. If the amendment in that form is satisfactory to the Senator from Nebraska, I have little further to say.

Mr. NORRIS. It is perfectly satisfactory to me, I will say to the Senator. I think the Senator's amendment adds one sentence and helps the bill, and I am very glad to have it.

Mr. BRUCE. I was sure that it would be satisfactory to the Senator from Nebraska, and I trust that it will be equally satisfactory to all of the Members of the Senate. But I have no means of knowing whether it is or not, and I should like to supplement what I have said with just a few more observations. I feel all the more encouraged to do so now that I am aware that I have the very encouraging support of the Senator from Nebraska.

Of course, the object of this amendment is perfectly plain. It is to make sure that the employees of the proposed Federal power corporation, who, doubtless, will be very considerable in number, shall be selected agreeably not with the old patronage system of appointment or, as the President very fittingly called it two days ago in his message, the old "spoils system" of appointment, but agreeably with the statutes relating to the Federal classified service and the powers of the President and the United States Civil Service Commission in relation thereto.

I, for one, was delighted when, in addition to his other timely observations, the President declared that there was now almost universal recognition of the value of the principle that underlies the national merit system of appointment; and when he proceeded to recommend that even first, second, and third class postmasters should also be brought within the purview of that system.

I remember that a great many years ago the Rev. Henry Ward Beecher became so much interested in the merit system of appointment that he declared that he was beginning to believe that even entrance into the kingdom of heaven should be regulated by competitive examination. I am not such an extremist as that, but I do believe that nothing has ever been more effectual to promote the true spirit of our American institutions than the adoption of the national merit system of appointment. Certainly there could be no more seasonable occasion for the extension of that system than the present, when the President, in the message to which I have just referred, not only suggests that the entire Prohibition Unit should be brought within the Federal classified service but that when this is done the present members of that unit should not be covered into it. So far as I know, that is the first time in the history of the United States when there has been an extension of the Federal classified service and existing officeholders were not sheltered by its provisions.

So it seems to me that if this proposed Federal corporation shall be created, with the great number of Federal employees which we have every reason to believe that it would have, we shall require something more than the mere, bare declaration in section 6 of this substitute that those employees shall be selected without regard to partisan considerations. We shall want them actually brought under the protection of the Federal classified service so that they may have some better security for their tenure than any mere moral assurance or any mere smoothly turned profession of good intentions can ever be. That is the object of the amendment, and I trust that it will receive the support of every Senator in this body.

Mr. NORRIS. Mr. President, before the Senator from Maryland takes his seat I wish to ask him if, instead of striking out the entire section, he will not offer the amendment merely as an insertion?

Mr. BRUCE. I will do so with pleasure.

Mr. NORRIS. I suggest to the Senator that after the word "efficiency," in line 11, on page 23, he simply insert a new sentence instead of striking out the entire paragraph.

Mr. BRUCE. I accept the Senator's suggestion.

The PRESIDING OFFICER. The amendment as now proposed by the Senator from Maryland will be stated.

The READING CLERK. On page 23, line 11, after the word "efficiency," it is proposed to strike out the period and insert a semicolon and the words:

and in the selection of employees for said corporation and in the promotion of any such employees all selections shall be made in accordance with the provisions of the Federal Statutes relating to the Federal classified civil service and the powers and authority of the President and the United States Civil Service Commission with respect thereto.

Mr. BRUCE. That is entirely satisfactory to me.

The PRESIDING OFFICER. The Chair understands that the chairman of the committee favors the amendment suggested by the Senator from Maryland [Mr. BRUCE].

Mr. NORRIS. Yes. Personally I have no objection to it, and I myself am going to vote for it.

The PRESIDING OFFICER. The amendment, then, is before the Senate.

Mr. SMOOT. Let the amendment again be read as it has been finally agreed upon.

The PRESIDING OFFICER. The Senator from Utah asks that the amendment be again read. The Secretary will state the amendment.

The amendment was again read.

Mr. SMOOT. Mr. President, I wish to ask the Senator from Nebraska what the amendment means where it refers to promotions, where, it seems, under the wording of the amendment, the Civil Service Commission is called upon to pass upon every promotion that shall be made. If that shall be the case, it will be necessary to have three or have four or five times the number of Civil Service Commission employees we now have.

Mr. NORRIS. Promotions will be in accordance with existing laws and statutes.

Mr. SMOOT. But the Civil Service Commission has nothing to do with promotions.

Mr. NORRIS. I do not have the amendment before me, but under it promotions are to be in accordance with the Federal statutes.

Mr. SMOOT. I am going to ask the Senator from Maryland what he had in mind in presenting the amendment?

Mr. BRUCE. As I have said, the purpose is merely to provide that political consideration shall not be given weight—

Mr. SMOOT. To that we all agree.

Mr. BRUCE. In the selection of employees of the proposed Federal power corporation. I leave the existing provisions of

section 6 of the substitute as respects officials unaltered, because properly, of course, the higher officials of the proposed corporation ought not to be subjected to competitive examinations. So my amendment is directed solely at the selection of employees, and merely provides that in their selection and promotion the provisions of all statutes relating to the Federal classified service and to the powers of the President and the United States Civil Service Commission with respect thereto shall apply.

Mr. SMOOT. I have not read the amendment carefully, but I take it for granted that the Senator intends that the statutes governing the classified service as affecting the employees of our Government shall apply to all promotions.

Mr. BRUCE. That is right, and to appointments and selections.

Mr. SMOOT. Of course, there is no necessity of having that in the bill, because those statutes apply in any event, and it is impossible to get around them.

Mr. BRUCE. I do not think they would apply in this instance.

Mr. SMOOT. Why not?

Mr. BRUCE. Because the corporation will not be a part of any existing departmental organization of the Government; it will be a new governmental agency, for the substitute proposes to create a new field of administration altogether, just as in the case of the creation of the Prohibition Unit.

Mr. NORRIS. Mr. President, may I interrupt the Senator there?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Nebraska?

Mr. BRUCE. I do.

Mr. NORRIS. I take it that the suggestion of the Senator from Utah is to the effect that the law does not provide for the Civil Service Commission controlling promotions.

Mr. SMOOT. Yes; it does not control promotions.

Mr. NORRIS. Of course, if the law does not so provide, that portion of the Senator's amendment would not mean anything; and if the law does not so provide I suggest to the Senator that he strike out that portion of his proposed amendment.

Mr. STERLING rose.

Mr. BRUCE. I speak with hesitation in the presence of the Senator from South Dakota [Mr. STERLING], who is very familiar with the subject. My recollection is that the rules and regulations relating to the classified service do in some respects relate to promotions.

Mr. SMOOT. The rules of the classified service have to do with promotions, but the Civil Service Commission has nothing to do with them.

Mr. BRUCE. My amendment is not limited to the Civil Service Commission. It provides that selections and appointments are to be made agreeably with the provisions of the statutes relating to the United States Civil Service Commission and the classified service.

Mr. SMOOT. I should like to read the proposed amendment of the Senator from Maryland.

Mr. BRUCE. I am glad to give the Senator a copy.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from South Dakota?

Mr. BRUCE. I do.

Mr. STERLING. I simply wish to say that, in my opinion, the proposed amendment does not change the law or attempt to change the law in regard to promotions or confer any power on the Civil Service Commission that it does not already possess in regard to promotions. It will be noted that the amendment proposed by the Senator from Maryland refers to the Federal statutes, and to provisions in regard to the classified civil service. The statutes themselves have something to say in regard to promotions.

Mr. BRUCE. That is the point I was endeavoring to make.

Mr. STERLING. That is the meaning of this amendment. The fact that the word "promotion" and the words "Civil Service Commission" are used in the same sentence does not confer any new power upon the Civil Service Commission. The situation is as stated, I think, by the Senator from Nebraska in that respect. The amendment reads:

And in the selection of employees for said corporation, and in the promotion to any such employees, all selections shall be made in accordance—

With what?—

with the provisions of the Federal statutes relating to the Federal classified civil service and the powers and authority of the President and the United States Civil Service Commission with respect thereto.

How do they get any power at all except under statutes already existing?

Mr. SMOOT. Mr. President, since I have read the amendment carefully I think that the construction which has just been placed upon the wording of the amendment by the Senator from South Dakota is correct. When it was first read from the desk, however, I thought that it only applied to promotions, and provided that the United States Civil Service Commission should have power over such promotions. I know if such a thing were attempted that it would be absolutely impossible of administration, and I did not want any mistake to be put into the law that would bring about such a result.

Mr. BRUCE. Mr. President, I am very much obliged to the Senator from South Dakota, especially for the service that he has rendered me in accomplishing the very difficult task of disabusing the mind of my friend from Utah of an impression when once formed.

Mr. SMOOT. It is the wording of the provision that convinced me and not any statement that has been made, Mr. President.

Mr. BRUCE. It is very natural under the circumstances, I assure the Senator, that he should have formed the misapprehension that he did.

Mr. SIMMONS. Mr. President, I desire to ask the Senator from Maryland a question.

Mr. BRUCE. Certainly.

Mr. SIMMONS. I do not understand the Senator from Maryland to mean that these appointments would be made by the Civil Service Commission.

Mr. BRUCE. Oh, no.

Mr. SIMMONS. They would be made by agencies set up by the corporation itself?

Mr. BRUCE. Certainly. The United States Civil Service Commission would simply hold competitive examinations and report eligible lists to the corporation, and the corporation would make the appointments.

Mr. SIMMONS. Then the Senator does mean that these employees would be selected after a civil-service examination held by the Civil Service Commission?

Mr. BRUCE. So far only as one is required by the Federal statutes at the present time. Laborers, of course, would be selected as other Federal laborers are selected.

Mr. SMOOT. But they would have to pass the examination?

Mr. BRUCE. Yes; if required by the civil service laws.

Mr. SIMMONS. And that examination is before the Civil Service Commission, and they certify to this corporation an eligible list?

Mr. BRUCE. Yes; so far as the nature of the employment calls for examination and certification.

Mr. SIMMONS. Just as pertains to one of the departments of the Government now?

Mr. BRUCE. I say, so far as the nature of the employment is such as legally to call for examination and certification, and not otherwise.

Mr. SIMMONS. Now, Mr. President, another question. Does the Senator from Maryland really believe that he can successfully apply the civil-service system, as now inaugurated and practiced, to an industrial corporation?

Mr. BRUCE. Indeed I do. I do not see that there is any difference between the situation created by this substitute and any ordinary situation in which the Federal Government has to command the services of clerks, or messengers, or what not.

Mr. SIMMONS. Practically the Civil Service Commission would select the three from whom the managers of this industrial corporation would make the appointments from the highest down to the lowest employee in that industrial concern. Does the Senator know of a single great industrial corporation in this country that has a civil-service system of its own of that character, that takes out of the hands of the managers of this industrial corporation—it is not a Government function; it is a business institution, an industrial corporation—that takes out of the hands of the managers of that corporation the selection at will of its employees, from the highest to the lowest, its experts, its chemists, all the various grades of employees that work in that great institution, and forces them to make a selection from a list of three certified to them by the Civil Service Commission, based upon a test that they themselves do not as business men apply, but that the Civil Service Commission applies?

Mr. STERLING. Mr. President—

Mr. BRUCE. Just one moment. I will yield to the Senator in a moment. Just let me answer first.

Mr. STERLING. Certainly.

Mr. BRUCE. I am pretty familiar with this subject, I think. So far as private industrial concerns go, I can truly say that I do not know of any private industrial concern in the United States worthy of the name that has not of its own volition and as a matter of wise policy adopted a merit system of appointment of its own, absolutely free in every respect from partisan or sectarian influences, as the Federal classified civil service is intended to be.

Mr. SIMMONS. That is another question.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Arkansas?

Mr. BRUCE. I will yield in just one minute.

Mr. CARAWAY. Very well.

Mr. BRUCE. Private industrial concerns are not exposed to the temptations, the perversions, the pressure that belong to party politics; but we all know that every governmental agency is, whether it is a departmental agency created directly under the provisions of the Federal Constitution or merely such a special agency as the proposed Federal Power Corporation contemplated by this committee substitute.

Of course, the employees of the corporation—I am not speaking of the officials; my amendment does not include them—would be of precisely the same general nature as the ordinary employees of the Government when it is exercising its ordinary departmental or administrative functions.

Some of them will be chemists, just as the Senator from North Carolina suggests. Some of them will be clerks. Some of them will fill other subordinate positions of one kind or another; but I venture to say that there will not be one of them, no matter how highly exacting his duties may be, that will not fall directly within the spirit, even if in some cases not within the letter, of the Federal statutes relating to the Federal classified service.

Does not the Senator from North Carolina know—I am sure he does—that many applicants seeking positions of the most highly specialized or technical character are subjected to competitive examination at the hands of the United States Civil Service Commission? Why, surely the Senator receives periodically, as I do, printed circulars from the United States Civil Service Commission calling attention to vacancies that are to be filled by competitive examination. Those lists include positions that can be filled only by scientific experts, or highly trained technicians of one sort or another. Therefore I respectfully submit to the Senate that there is no real validity in the objections which the Senator from North Carolina is making to this amendment.

Mr. SIMMONS. Mr. President, I have no disposition to engage in any controversy with the Senator from Maryland. I did not rise with a view of trying to defeat his amendment; but it does seem to me that what the Senator has said has not removed the impression that to apply the civil service rules of this Government to this purely business institution—for that is what it is, although all its stock is owned by the Government—would necessarily result in very great embarrassment to the officials who have to administer the powers of that great corporation.

The Senator says he does not know of any private enterprise that applies the rigid practices of the Federal civil-service system. I think if you treat this as a private enterprise, you will see the wisdom of that course and the necessity under which private business has been to give full freedom and discretion to its officials in the selection of employees and subordinates, and not in any way to fetter them by the action of some collateral or outside organization. Now, this business that we are about to inaugurate—especially if we should adopt the plan proposed by the Senator from Alabama, and the Government should not be able to lease the plant, and should have therefore to operate the plant itself—while it would be a corporation owned by the Government, and in a sense operated by the Government, if it is to be operated successfully will have to be operated upon exactly the same principles that a private corporation engaged in the same kind of business would have to operate. I was afraid—and that was the only object of my making the suggestion—that if the principles of the civil service were to apply, the responsible officials of that corporation, those who have the general management and direction and control of its affairs, might find themselves very much embarrassed if they were forced to make a selection from three names certified to them by an outside agency, selected by the outside agency upon the application of certain tests that they have evolved as the legitimate and proper tests of efficiency, instead of being selected by the head officials or by a board appointed by the

corporation upon the application of such tests as they think, or business men like themselves would think, were the proper and legitimate and necessary tests in order to establish the qualifications and fitness of a particular employee.

The Senator does not understand me as antagonistic to his measure?

Mr. BRUCE. Oh, no.

Mr. SIMMONS. I am simply calling to his attention the fact that if we should impose this restriction upon the head of this corporation in the management of this business it might be very handicapping and might result in a great deal of embarrassment.

Mr. BRUCE. Now, as it seems to me, to establish—if I may say so without disrespect—the futility of the suggestions made by the Senator from North Carolina, it is only necessary to read the first lines of section 5 of the committee substitute:

That the business of said corporation shall be transacted by a board of directors (hereinafter called the board) consisting of three persons, to be appointed—

By whom, pray?—

to be appointed by the President of the United States, by and with the advice and consent of the Senate.

By what possible process of transmutation can the Senator from North Carolina convert such a corporation as that into a mere private industrial concern? It is perfectly obvious that this corporation is to be clothed with insignia of public authority and public responsibility.

Now, suppose, if you please, that this substitute, instead of providing for a Federal power corporation, had chosen to impose directly upon the Secretary of War, in the exercise of his departmental authority, the duty of carrying on this great work. Would it not be necessary for him to employ chemists? Would it not be necessary for him to employ skilled technical experts? Would it not be necessary for him to employ still other agents of a highly specialized character? Yet would not every one, or practically every one, of these agents have to be selected subject to the powers of the United States Civil Service Commission?

The alternatives presented are either to have this great work carried on by a Federal power corporation incorporated for the purpose or to have it done by the Secretary of War in the direct exercise of his departmental responsibility; and there is no more reason why the merit system of employment should not apply to the selection of employees required by the Federal power corporation than to the selection of employees by the immediate action of the Secretary of War himself; and subtle as may be the reasoning of the Senator, I feel sure that he would never be able to convert the Secretary of War of the United States, at least, into a private industrial concern.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, if I have been subtle in any particular in the views I have presented, I have not intended to be, and I am not conscious of having been; but I want to ask the Senator this question: He has offered this amendment, as I understand, to the so-called Norris bill?

Mr. BRUCE. To the committee substitute, which I understand was drafted by the Senator from Nebraska.

Mr. SIMMONS. That is, looking to Government operation and control?

Mr. BRUCE. Yes.

Mr. SIMMONS. If the committee amendment is agreed to and the Underwood proposition is offered as a substitute for it, is it the purpose of the Senator from Maryland to offer this same amendment to the substitute proposed by the Senator from Alabama?

Mr. BRUCE. I never believe in jumping over a fence, to begin with, until you have arrived at it, and it will be time enough to take up the Underwood substitute, it seems to me, when that substitute comes before the Senate for consideration. If the scheme of forming a corporate organization proposed by the Underwood substitute is in all essential particulars the same as the scheme of organization proposed by this committee substitute, I most assuredly will submit the same amendment to the Underwood substitute.

Mr. SIMMONS. If the Government should lease this plant, would the Senator apply the merit system?

Mr. BRUCE. No; because the solicitations of political temptation and the pressure of political influence would not then operate; for no intelligent, well-conducted private business enterprise in the United States would think of asking whether its employees were Democrats or Republicans. That much I can answer without a moment's hesitation.

Mr. SIMMONS. Of course, I agree entirely with the Senator that the appointments should not be political, and respecting that part of the amendment I think no one could raise any objection or make any criticism. The only disagreement I have is with reference to the application of the civil service system to the operations of this corporation engaged in the manufacture and production of nitrogen.

Mr. BRUCE. It is a public administrative corporation.

Mr. SIMMONS. I think, although it is a public corporation, it is engaged in a purely business and industrial enterprise, a competitive enterprise.

Mr. BRUCE. So is the Government in a sense, when it delivers letters.

Mr. SIMMONS. I think the very same principle that would apply to a business conducted by a private corporation in the selection of its officials would apply with equal force to a corporation of this sort conducted by the Government.

Mr. BRUCE. Not at all. The board of directors is to be composed of appointees of the President.

Mr. SIMMONS. If the Government inaugurates this business and appoints a board of directors to manage it, it wants that business to succeed. It is the same business in which private individuals in this country are engaged, and it will be conducted by the Government in competition with private institutions. The prices of its products will be regulated, in part, by the prices charged by private industries engaged in the same line of endeavor, and I think any interference from the outside in the selection of employees, laborers, and officials, would be just as harmful and just as embarrassing and just as great an interference with the successful and efficient conduct of that business, although the Government owns it, as would like interference with a private enterprise engaged in the same or any other line of business.

Mr. BRUCE. How would the plan of the Senator work practically? We should endeavor satisfactorily to answer that question; not simply spin theories about the matter. Here is a Federal power corporation formed, the President appoints certain persons as the directors of that corporation, and the selection of employees is not subject at all to the provisions of the Federal statutes relating to the classified civil service. All of us know, whether we are Democrats or Republicans, that that corporation would hardly be under way before every one of us would be subjected to an insistent pressure for place. Friends of the Senator from North Carolina, in whose State, I am sorry to say, the merit system of appointment does not seem to flourish as it might—

Mr. SIMMONS. The Senator has no right to say that I am opposed to the merit system. I have said nothing which indicates that at all. But I want to ask the Senator this question—

Mr. BRUCE. One of the saddest things in the world to me, as a native of the South, which I dearly love, is the fact that because perhaps of conditions which it is very hard to surmount, this splendid system, the merit system of appointment, has never obtained the foothold there which I trust some day to see it obtain.

But I have stated what would happen if that corporation should be organized. In three days after it was incorporated I would have in my office over in the Senate Office Building, and the Senator would have in his office, applicants for places under it, and then there would be the same solicitations, the same greedy clamor, the same jostling and pushing, the same gross exhibitions of human selfishness which were invariably found in association with all the operations of this Government when there was no impersonal and efficient system like the civil-service reform system by which employees of the Government could be selected without regard to partisan or sectarian considerations.

Mr. SIMMONS. Mr. President, if the Senator will pardon me for saying it, he is setting up a man of straw and knocking it down. I have heard nobody intimate in this discussion any objection to the Federal merit system. Personally, I have none to it myself. I do not question that it has worked very satisfactorily where it was properly administered. I think sometimes it is not quite properly administered.

Mr. BRUCE. Of course, every system has its limitations and defects.

Mr. SIMMONS. Where it is properly administered I am satisfied it has worked very successfully, and I do not know of anybody who is asking that it be abolished or repealed. But that is not the question I was raising at all. I was simply propounding an inquiry to the Senator, and he converts my inquiry into opposition to the civil-service system. I was simply questioning whether the system could be applied to a corporation, although organized and operated by the Gov-

ernment but engaged in industry in competition with private industries of like character. I was asking him whether he thought it could efficiently function under the handicap of having its employees selected by an outside agency, applying a test which probably no man engaged in that particular business in a private way would apply. Now, I ask the Senator a question, and it will test the matter, I think. Does he think that if the Government should be able to find a lessee for this property, any private interest in the country would lease the property if it was to be leased with the understanding that its employees should be selected through a civil-service examination?

Mr. BRUCE. The Senator's question, of course, is entirely beside the mark, because I have already stated that if the property were leased there would be no necessity for any amendment like mine.

But let me ask the Senator a question. It is one of the peculiarities of the Yankee—by which I mean Americans generally—that when he is asked one question, he replies by asking another. The Senator has asked me a question, and I am going to ask him one that is just the converse of the one that he has put to me. Suppose the Government decided not to carry on this great work through the instrumentality of any corporate agency at all, but to carry it on itself directly.

Would it be proper then, I ask the Senator from North Carolina, that all the employees engaged in such a vast enterprise should be employed wholly without regard to the United States civil-service system? That, I submit, is the true test of the scope of the Senator's convictions upon this subject.

Mr. SIMMONS. Mr. President, I will state to the Senator very frankly that I do not think the civil service should be extended to anything except a purely Government function. When the Government goes outside of its political functions and engages in private business, then it subjects itself to the rules that obtain and apply to private business. That is a matter of law. When a State in this Union undertakes to engage in any private venture, such as running a railroad or conducting a factory, it divests itself, for that purpose, of its sovereignty. It loses some of its privileges and some of the exemptions to which it is entitled, and to which the private citizen is not entitled, and for the purpose of that enterprise it becomes practically a private citizen.

That is what the Government is proposing to do here. The United States Government is not going into this business directly. It is expressly provided in the Underwood substitute and I think in all these measures that the Government shall not in any way be responsible for the indebtedness of this concern. The Government simply has certain property which it proposes to put into the hands not solely of the Secretary of War. The Secretary of War is not to operate this corporation by virtue of his functions and his duties as Secretary of War. He is merely to be one of the board of directors. He is to be the chairman of that board. He will be the head man in the operation of the affairs of the corporation. But as a member of that directorate or as the head of that corporation he is not acting as an official of the United States. It is an extra duty that has been imposed upon him by law.

The Government is deeply interested in the corporation. We may say in one sense it is a Government corporation. It is operating Government property. It is trying to make money out of Government property. It is trying to make that property useful to the citizens of the country and useful in supplying a necessary demand of the Government. Nevertheless it is engaged in a business outside of its governmental functions. I think that in order to succeed it must have the same degree of freedom in the selection of the agencies which it employs in order to conduct its business that the head of a great private enterprise of like character would have to have.

The question between the Senator and myself is a very simple one. The Senator seems to have some feeling about it—

Mr. BRUCE. Not the least.

Mr. SIMMONS. I have none in the world. I am merely suggesting a difficulty, and I think it is a very serious difficulty. However, it seems to me so patent, so obvious, that it ought not to require any argumentation, and so I am satisfied to leave it with that statement.

Mr. BRUCE. I am so familiar with the workings of the old system that perhaps I am somewhat morbidly vigilant when suggestions of that kind emanate from a member of the Senate. I say that the function in this case is exactly the same whether it is clothed with the ordinary corporate form or whether it is clothed with a purely governmental form. The work to be done is the same in either instance. The function to be performed is the same in either instance.

It seems to me that it is idle, not to use too strong a term, for the Senator from North Carolina to speak of the Government divesting itself of its sovereignty simply because it chooses to work out results through the agency of a corporation of this kind. The substitute on its very face says that the affairs of the corporation, if created, are to be conducted by a board, and that the members of that board are to be appointed by the President. How could there be a plainer indication of the intent on the part of the Government to retain a public, a political, an administrative, whatever you choose to call it, control over the transactions of the corporation?

Mr. FESS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. BRUCE. Certainly.

Mr. FESS. Assuming that it will be a public corporation run by the Government, the difficulty about the civil service in actual work, as I see it—and I have always stood for it because I think it is better than the old plan—is that we protect the inefficient about the same as we protect the efficient. Our purpose is, of course, to relieve our men and women employees from the embarrassment of constant interruption by political influence. That result I join with the Senator in trying to produce. But does not the Senator think we ought to find some cure for this constantly growing tendency in our civil service in which our employees, protected by the civil-service regulations, become possessed of the thought that they own the office, that they can do such work as they please, that they can come and go as circumstances permit, and in that degree we are not doing what we ought to do for the civil service in our efforts to protect them as I have suggested? Is there not some way to cure that? I think the Senator recognizes the condition here in Washington.

Mr. BRUCE. I have listened with great pleasure to what the Senator from Ohio has said, but I really do not think that the grievance of which he speaks is quite so considerable as he seems to believe. I have not been here long, but to me the thing in my contact with incumbents of subordinate Federal offices which proves distasteful is the lack of a manly independence of bearing that I sometimes observe.

I mean the disposition to pay a Member of the Senate just a little larger measure of deference and consideration than ought to be agreeable to him. I recall an incident which arose shortly after I landed in Washington. I entered one of the elevators to go to my office. There was a lady in the elevator who desired to get off on the second floor. My office was on the third floor. She gave seasonable notice of her desire to leave us at the second floor, but, to my amazement, the operator of the elevator continued his ascent to the third floor, notwithstanding a reminder from me that the lady wished to get off on the floor below. No! Members of the United States Senate were not to be arrested in their course from one floor to another.

That is a trifling incident, but it is illustrative of the point I make. It was the offspring of one of the infirmities of the old spoils system that has not yet been entirely worked off. The full tone of manly independence is not even yet to be found in the public service of the Government that, I am sure, as time goes on will be found.

Of course, my remarks are applicable only to a small percentage of the Federal officeholders at Washington. It will be a long day still, if my experience is worth anything, before any such subordinate officeholder will assume a supercilious or indifferent attitude toward anybody in Washington who is clothed with a considerable degree of political authority. I admit that there are shortcomings to be found in the merit system of appointment, but what is that but what we might say of the workings of any human system? I do say, however, that if there ever was a system in the political history of the world that has demonstrated its invaluable worth, it is this merit system of appointment.

The Senator from Massachusetts [Mr. BUTLER] knows that in New England it is considered almost a discreditable thing for a very rich man to die without leaving a legacy to Harvard University. So it has become almost a censurable thing for any man to fill the exalted office of President of the United States and to surrender it without having given another additional impulse of extension to the national merit system of appointment. Everyone of our recent Presidents, whether a Democrat or a Republican, has broadened the range of this wise and beneficent system.

And now we have the present President of the United States, for whom, despite the fact that I differ from him in many respects in point of political convictions, I entertain a strong feeling of liking and respect, sending a message to this body not only extolling the operations of the merit system in all its

general aspects, but practically expressing the hope that before his eyes close on his presidential deathbed it will be so enlarged as to embrace first, second, and third class postmasters. It now includes practically the whole great mass of the subordinate positions under the Government, and we should be quick to see that whenever a bill like the pending one comes along there shall be proper language in it applying the merit system to any employees to be selected under it.

I was delighted so promptly to have the support of the Senator from Nebraska [Mr. NORRIS] when I offered my amendment, because I can truly say, though flattery does not come very readily to my lips, that since I have been a Member of this body there has not been a man in it whose bearing in all his public relations has been marked in a higher degree by transparent candor and perfect honesty of motive and purpose than that of the Senator from Nebraska.

Mr. President, I have said far more about this matter, perhaps, than I should have said, but Senators will all, I am sure, do me the justice to recognize that I have been drawn unexpectedly into the wide range of observations into which I have wandered. In conclusion, I will only again express the hope that whatever may be the fate of the substitute when it comes to a final vote my amendment at least will receive the universal approval of this body.

I believe that the Senator from South Dakota [Mr. STERLING] desired to interrupt me? Is it too late?

Mr. STERLING. I rather desired to interrupt the Senator from North Carolina [Mr. SIMMONS], but I see he is not on the floor at the present moment.

Mr. WADSWORTH. Mr. President, I shall not detain the Senate long, as I know most of the Senators present want to get away pretty soon. I have been very much interested in the colloquy which took place between the Senator from Maryland [Mr. BRUCE] and the Senator from North Carolina [Mr. SIMMONS]. To my mind that colloquy exposed, perhaps unwittingly, the whole vice of Government operation. Whenever we approach a discussion of any measure proposing to put the United States Government into a commercial business undertaking we are immediately confronted with two alternatives. Shall we allow the men who are to be put in charge of that undertaking entire freedom in the exercise of their abilities to the limit to make a success of the undertaking in the way they see fit to make their efforts, or shall we restrict them by statute and bind them down by limitations in order to prevent the injection of politics into the effort itself? Just so long as we have before us here in the Senate any measure proposing to put the Federal Government into a business which is commercial in character we will all be confronted with that dilemma. I do not know which is the worse alternative; they are both bad. If there are to be no restrictions with respect to the appointment of subordinates and their promotion, if you please, as the Senator from Maryland says, nine-tenths of the Members of this body will be importuned by constituents to get them jobs under that Government corporation. We all know it; and yet if we are to impose restrictions and subject the whole thing to civil-service rules, the management of the corporation will have lost that most valuable privilege which should inure to every man who is to be held responsible for the success of a business undertaking—he will have lost the right to hire and fire.

Mr. NORRIS. Mr. President, may I interrupt the Senator from New York?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Nebraska?

Mr. WADSWORTH. I yield.

Mr. NORRIS. I should like to ask the Senator, in order to have his judgment on the matter, whether the section to which this amendment is offered, if unamended or, at least, if unamended by the proposed amendment, would, in his judgment, leave the board absolutely free from any influence in conducting this business? Are any of the limitations in section 6 such that they ought not to be there? I want to say to the Senator that it was the object of the committee in inserting those provisions to take the operations of the proposed corporation entirely out from the influence and control of partisan politics.

Mr. WADSWORTH. Yes; and, of course, that is a very high ideal, but it will never be achieved.

Mr. NORRIS. I should like to have the Senator suggest some amendment—

Mr. WADSWORTH. If I may make this observation in supplementing the remark I just made, the words "government" and "politics" are almost synonymous. Whatever the Government does is actuated, and must be actuated, in whole or in part by political considerations. Government is politics.

Mr. NORRIS. I do not agree with the Senator. It depends upon what the Government is doing. Because this has not been done is not, in my opinion, a reason why it can not be done. I have never seen it undertaken since I have been in Congress but what, to my amazement and my sincere regret, any reform of this kind has always been opposed by the so-called leaders of both of the great political parties. Twenty years ago when the civil-service idea was practically new the appropriation of public funds to carry it on was once defeated in the House of Representatives for reasons which the Senator gives. I should like to get the Senator's candid opinion. Is it the Senator's judgment that this corporation, a part of whose duties are outlined in section 6 of the substitute bill, can not be made to operate without being controlled by politics?

Mr. WADSWORTH. I think it can not be, because it is part of a government.

Mr. NORRIS. That is a very frank statement. Therefore, because the Senator thinks that way, he is opposed to any provision trying to do it?

Mr. WADSWORTH. Not at all.

Mr. NORRIS. Would the Senator from New York entirely eliminate section 6?

Mr. WADSWORTH. No; not at all. It is an effort in the right direction, but I have no hope for its ultimate comprehensive success.

Mr. NORRIS. Let me ask the Senator another question. Suppose he were appointed a member of this board and the statute provided, as this bill proposes, that it should be the duty of the board to conduct its business without regard to politics; that it should give no attention to recommendations for political preferment in any case; would the Senator obey that law?

Mr. WADSWORTH. The Senator from New York would do his best to do so, but he doubts his powers of resistance, because he knows perfectly well that 90 per cent of his present colleagues in the Senate would be in his office within a week asking him to appoint somebody to a position under it.

Mr. NORRIS. That may be true, but would the Senator still lack courage and nerve to say to them, "You are asking me to do something illegal?" And what does the Senator from New York suppose would be their reply?

Mr. WADSWORTH. The Senator from Nebraska is putting me on trial as an individual, and I will say that I do not know.

Mr. NORRIS. I should like to put the Senator from New York on trial in that kind of a position, for I have confidence and faith in the Senator's ability, integrity, and honesty. If he were running such an institution and I appealed to him and said, "I want John Doe to be appointed as a surveyor down here;" and the Senator should ask, "What has John Doe been doing?" and I replied, "He has been working in a livery stable," and the Senator should then inquire, "Did he ever see a surveyor's instruments?" and I should answer, "No, but he has been a good Republican all his life; he has shouted for the straight ticket ever since he has been out of his cradle; he has always voted right; he is a Republican and I have got to have him appointed," would the Senator agree to that? Would the Senator comply with my request? Notwithstanding our long and friendly relations here, would not the Senator say to me, "Why, look at the law; the law says that to do what you ask would be illegal; it would make me a criminal if I should do it. Under the statute which Congress enacted I would be subject to removal from office; I would be subject to go to the penitentiary if I should do what you ask?" Would not the Senator then, if I still persisted, turn around and kick me out of his office?

Mr. WADSWORTH. Now, Mr. President—

Mr. NORRIS. I have no doubt as to what the Senator would do.

Mr. WADSWORTH. If the Senator has no doubt as to what I would do, he should not have asked me the question.

Mr. NORRIS. I should like to have the Senator's view about the matter.

Mr. GLASS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Virginia?

Mr. WADSWORTH. I do.

Mr. GLASS. I merely wish to observe that the Senator from New York might say that to me, but I do not think he would say it to the Senator from Nebraska. [Laughter.]

Mr. WADSWORTH. In any event, Mr. President, anything that this unfortunate person did under those circumstances would be subject to suspicion. In this body and in the Congress generally there are constant rumors of political influence being used; for example, in the management of the

Emergency Fleet Corporation. Every Senator knows that. I think the officers of that corporation resist those influences to the limit of their ability, but I know from personal observation they are under constant pressure. Now, the appointments under that corporation are not subject to civil service, and I know that when that corporation—

Mr. NORRIS. Why would it not help it if they were? Would it not be a good thing?

Mr. WADSWORTH. I do not know.

Mr. NORRIS. Would it not be a good thing if this great corporation could point to a statute containing the words that are in section 6 and say, "Here, Mr. Senator, you ask me to do something, although the law makes me a criminal if I comply with your request." Does not the Senator suppose that would remedy conditions?

Mr. WADSWORTH. The Senator has asked me a question to the effect, Do I not think it would be better if the employees of the Emergency Fleet Corporation were under civil service? I am not so sure that it would be better. The administrative officers of that corporation would then lose all choice in the matter of employing their own subordinates. That is a business undertaking. It is not an ordinary Government function. I am not opposing the provision.

Mr. NORRIS. If the amendment suggested by the Senator from Maryland, which appeals to me as being a good thing, does not reach what we aim to reach, if it detracts rather than adds to section 6, I would rather not have it; that is true. We are trying in section 6—and the committee worked diligently and very faithfully for a long time on this feature of the bill—to suggest a law that will take this business out of politics. That is the object; we want to get it clear out of politics; we want to keep it out; and we welcome any suggestion that will help take it out. I do not want, however, to cripple the organization.

I can see some force in what the Senator has suggested in regard to the Fleet Corporation. I am not contradicting him. I myself think it would be better if that corporation were under civil service; but I realize I may be wrong and the Senator may be right. It would, however, free them from some of their unpleasant duties. But this provision we have put in the bill with the thought that it would remove politics from the operation of the proposed corporation. The only objection to the amendment which strikes me as having any merit is that it might result in keeping inefficient men in office after they got in.

Mr. WADSWORTH. It certainly would.

Mr. NORRIS. I do not want to do that; but my understanding of the civil service law is that if it were enforced properly it would not have that effect, and I do not want it to have that effect.

Mr. WADSWORTH. I should like to resume, if I may, the trend of my alleged thought. I did not rise to attack section 6 or to attack the amendment offered by the Senator from Maryland. I opened my remarks by the observation that the colloquy between the Senator from Maryland and the Senator from North Carolina—and I might enlarge that and say the presence of section 6 itself in this bill—should go far toward exposing the vice of the Government attempting to run a business undertaking. If there were not a vice inherent in it, we would not see section 6 proposed; we would not hear of the amendment offered by the Senator from Maryland. The fact is we are frightened to death that politics will get into anything that the Government undertakes. So we attempt to fortify the agency we are about to set up against the injection of politics; and how do we fortify it? By robbing the men to be in charge of the organization, to be in charge of this business agency, of all discretion in the matter of selecting their own subordinates. So I say that we have two alternatives, each of them bad, and the Government operation of a business undertaking starts in, no matter which alternative we choose, severely handicapped; and it will always be so.

Mr. NORRIS. May I interrupt the Senator further?

Mr. WADSWORTH. I yield.

Mr. NORRIS. I do not believe the Senator is quite warranted in saying—and perhaps he did not say it, but I inferred that that is what he meant—that any private business not connected with the Government in any way is free from the vice that all the governmental organizations are subjected to on account of politics getting in. I think the Senator from Maryland has well said that every successful, honest business concern, as a rule, had some method similar, or somewhat similar, at least, to the civil service, depending upon the nature of its business, for the selection, promotion, and discharging of its employees.

Mr. WADSWORTH. Certainly; but the discretion rests with its officers and it is not imposed by others.

Mr. NORRIS. Exactly; but great business corporations, the great oil corporations, the great water-power corporations, even a private company such as would get control of Muscle Shoals and operate it for private purposes and for private gain without any idea of it being connected with the Government in any way, if devoid of any regulation of any kind, would be subject to the same criticism that the Senator makes against the proposed governmental corporation created under the bill.

How many United States Senators have gone out of this Chamber to become attorneys for oil companies in this city and elsewhere? How many members of the Cabinet, who never shone as attorneys anywhere in the field of litigation before any of the courts of the country, became shining lights as attorneys and were able to command huge salaries after they had a connection of some kind with the Government? In the case of nearly all great corporations such things have happened; they are occurring all the time. They have the right to discharge an employee. If a man went to one of them to repair a chair, or a woman went to their office to clean a window, they would have the supreme right of letting her in or discharging her whenever they saw fit. If, however, it came to a salary where \$100,000 were involved, and a United States Senator or a Cabinet member or some similar public personage had lost his office and was not employed, having been defeated by his own people, he could get a job there right away. Yet that is an example of the efficiency of private business that is never afflicted by any of the ills that it is charged beset corporations of governmental origin designed to perform a function of a public nature.

Mr. WADSWORTH. Mr. President, I am not quite sure whether the Senator from Nebraska was asking me a question or not.

Mr. NORRIS. I am not, either.

Mr. BRUCE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Maryland?

Mr. WADSWORTH. I will yield for a question.

Mr. BRUCE. If the Senator will allow me, I will make it plain that I am asking one.

I do not know whether the Senator has read the Underwood substitute or not. That expressly declares that the corporation contemplated by his substitute and all of its assets—

shall be deemed and held to be instrumentalities of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, and local taxation.

Then:

The directors, officers, attorneys, experts, assistants, clerks, agents, and other employees of the corporation shall not be officers or employees of the United States within the meaning of any statutes of the United States, and the property and moneys belonging to said corporation, acquired from the United States or from others, shall not be deemed to be the property and moneys of the United States, within the meaning of any statutes of the United States.

Mr. WADSWORTH. I am aware of that.

Mr. BRUCE. Does that provision, taking the directors, officers, attorneys, experts, and so on, entirely out of the scope of the Federal classified civil service or the principle of the Federal or merit system of appointment, meet with the concurrence of the Senator from New York? Is that the system that he would like to see inaugurated in case a power corporation is established by the Government?

Mr. WADSWORTH. I can give only one answer to the Senator from Maryland, and I may be the only person in the Senate who entertains this view. I think the whole thing is hopeless in the matter of efficient management. You may install your civil service and have it apply to your work managers, to your chief chemist, your chief transportation agent, and men who go out and do business in competition with men who are working for their living in competition in turn with others. You may apply civil-service rules to those, if you please; but do not hope to pay dividends.

Mr. BRUCE. Then the Senator would prefer the system under which he says, in case he were one of the directors of this corporation, the Senator from Nebraska and myself would be hammering at his door clamoring for appointments?

Mr. WADSWORTH. No, Mr. President.

Mr. CARAWAY. He would not give them to you.

Mr. BRUCE. Well, then, the Senator from New York is a much more resolute man than I am, I am bound to say, because the most difficult form of pressure that I have had to confront in my life is just that sort of pressure.

Mr. WADSWORTH. I was practically quoting the Senator from Maryland, paraphrasing what he had already said. No; I am not in favor of the spoils system.

Mr. BRUCE. I know the Senator is not. He could not be.

Mr. WADSWORTH. Not at all.

Mr. BRUCE. The Senator could not be.

Mr. WADSWORTH. And for that reason, among others, I am utterly opposed to the Government going into commercial business.

Mr. BRUCE. I was just going to say, is not the Senator a little bit unduly influenced by that bias which he has against any governmental interference with private business, or anything that partakes of the nature of private business, which I share with him to a very great degree? That is my analysis of the conviction to which the Senator from New York is giving expression at the present time.

Mr. WADSWORTH. It is not for me to say whether my own views are extreme or not; it is for others to say. I hope, of course, they are not extreme.

Mr. BRUCE. Here is a case where you have to make the choice.

Mr. WADSWORTH. I have not been permitted to discuss this bill yet, or this general question of Muscle Shoals. I merely opened my remarks by saying that whenever we propose to put the Government into commercial business we are confronted with two desperately difficult alternatives, both of which I think are bad. We may do a little better by adopting one than by adopting the other, but there is little hope that by the adoption of either of them we shall escape the inherent difficulties in the Government operating a commercial business. I commenced to discuss this question along that line, and ever since then I have been asked whether I am a devotee of the spoils system or a devotee of rigid application up to the very limit of the civil service system. I think either the spoils system or the civil service system constitutes a terrible handicap to any business undertaking, but you have to take one or the other. That is all I have said on that question.

Mr. NORRIS. Then let me suggest, before the Senator leaves that subject, that we take the one that has the least evil in it and try to improve it, and see if we can not make it better.

Mr. WADSWORTH. All right.

Mr. NORRIS. Let us find out what is wrong about it, and, like men, meet that, whenever we find any wrong, and eliminate it.

Mr. WADSWORTH. Yes; assuming, of course, that we are committed to Government operation, I will join with the Senator from Nebraska, and the Senator from Maryland, and the Senator from Alabama in setting up every conceivable safeguard against the dangers to which all Government operations of commercial business are heir. It is going to be a long, long, uphill fight. Such a fight never has been won in the history of governments up to this hour.

Mr. President, the possibilities at Muscle Shoals are enormous. Long since I became a convert to the idea that they should be utilized for the benefit of the country at large; and I became even a more enthusiastic convert as I listened to some of the hearings before the Committee on Agriculture and Forestry last year, and read portions of the hearings as printed.

I think there will be developed down there an immensely valuable asset to the United States. We sit in committee, and we listen to testimony, and we debate upon the floor of the Senate, and we are apt to do a good deal of dreaming and prophesying, which at times is dangerous and certainly is never reliable; but the more we think about this thing the more we will be convinced that it is of the highest importance, and then in our second sober judgment, as it were, if we examine into it very, very carefully we will also be convinced that we are faced with a very complicated technical problem.

I would give a good deal if I were competent to discuss this matter before the Senate in all its technical ramifications. I will admit that in most respects that side of the discussion is over my head. Only a chemist or an engineer with the highest sort of education and the widest experience is competent to discuss the practical side of the problem which we are attempting to solve. I mean no impertinence to my colleagues in the Senate, but I have not heard it discussed in that way before the Senate. I wish it could be. None of us happen to have had experience, I suppose, equipping us for such a discussion. There are, however, one or two things which I might be permitted to refer to in connection with the bill reported by the committee and the bill offered by the Sen-

ator from Alabama which seems to me to be of sufficient simplicity to warrant my attempting to discuss them very briefly.

Let us assume that we are going to have Government operation at Muscle Shoals. That is the assumption of the so-called Norris bill. The bill introduced by the Senator from Alabama compels Government operation just so long as and until the Secretary of War can lease the facilities there. But for the moment let us assume that we are going to have Government operation of those immense installations. The bill reported by the committee divides the responsibility and the functions into two parts. The Federal Water Power Corporation provided for in the bill of the Senator from Nebraska is to take charge of the generation and distribution and sale of power generated at Dam No. 2 and later to be generated at Dam No. 3; and most of the bill, as I read it, is taken up with provisions setting forth the general policies under which the power shall be distributed and sold. Then the bill provides that the manufacture of the nitrogen or other chemical products to be used ultimately in the manufacture of fertilizers shall be done by another agency of the Government, this laboratory, which is in turn a subordinate agency of the Department of Agriculture; but I assume it is fair to say that ultimately the Secretary of Agriculture will be held responsible for the successful management of those plants and the manufacture of nitrogen through the air-fixation process.

Is it practical, from a business standpoint, to separate those two functions and have two entirely different agencies engaged in the work there and make both of them successful? I assume that we want to make this thing successful not only in the technical field of production but in the commercial field of production and distribution. We can not hope to make any money from the chemical industry there for several years to come. I think that is conceded by most of the witnesses who came before the Agricultural Committee. We have a right to hope to make money very shortly from the sale of power. So it is apparent that if we are to push the fertilizer side of it, the chemical industry side of it, with as little loss as possible, we ought to put back of that effort the whole strength and income from power development and sale. In other words, we ought to finance and sustain the chemical part by and with the power part. Otherwise, you will have the chemical part of it coming back to Congress for several years to come asking very, very substantial appropriations to make up the deficits in the chemical industry; and the income derived by power distribution and sale, bearing no relation financially to the chemical industry, will be turned into the Treasury of the United States.

There are very interesting and intricate questions of financial commercial management connected with this little problem that I have just tried to outline. There are a good many people very well informed on this subject who believe that the Government, if it is to embark on this thing as a Government operation pure and simple, would do better if it took the whole thing under one management—the sale of power and the manufacture and sale of chemicals—rather than dividing them between two agencies, with the necessary increase in overhead and the lack of that teamwork between the two which is essential.

Mr. President, there are some terribly technical sides to this matter, and I am going to read just a small portion of the testimony indicating it if I can find it.

Senators may know that I introduced a bill—and I am not going to discuss my bill this afternoon, at least—representing what was known as the Hooker-Atterbury-Wright offer. Those three gentlemen came before the committee, and I think I am not far off in saying that they probably brought to the Committee on Agriculture and Forestry more information on the intricacies of this problem than any other group that appeared before them.

Their frankness and candor and public spirit were apparent in everything they said. In fact, I think many members of the committee felt and still do feel very grateful to them for the light they threw on the problem, although the committee believed that another solution was better.

Mr. NORRIS. Mr. President, I think I ought to interrupt the Senator here by way of emphasizing something he is saying. Not all of the gentlemen the Senator has referred to, I think, gave us very much light, but Mr. Hooker did.

Mr. WADSWORTH. And Mr. A. H. Hooker, also, his brother, the chemist of the company.

Mr. NORRIS. Both of the Hookers. Of course, Mr. Atterbury is just an operative. He did not attempt to do very much there. But I do want to add to what the Senator has said in regard to these Hookers. They did give us a great deal of information and, as far as I was able to discern—and I tried

to find out—they were absolutely fair and absolutely frank in their testimony and did everything they could, I think, to help us, and they did assist us very materially. I think I ought to state that, although I am not in favor of accepting their proposition or in favor of the Senator's bill.

Mr. WADSWORTH. I am glad the Senator entertains those views. I happened to know he did, because he mentioned those sentiments to me during the last session.

Mr. FESS. Will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. FESS. In case the Underwood substitute were adopted, permitting the Government to make certain contracts, would that forestall entirely the Hooker-Atterbury-Wright proposal?

Mr. WADSWORTH. I think it would not forestall anyone's right to make a proposal for a lease, but I anticipate that with the mandatory provision contained in the bill of the Senator from Alabama for the production of 40,000 tons of nitrogen annually, no one will come forward to attempt it. It would have to be done at such a big loss.

Mr. FESS. That would not be until the fourth year, as I understand it.

Mr. WADSWORTH. The fourth year. I may be mistaken. The art may change in the meantime, but as it stands to-day I doubt if any man, unless he be a veritable Croesus, will attempt to fulfill any such contract.

Mr. FESS. I have read the Senator's bill and have been somewhat impressed, but I thought that the substitute would still leave it open for consideration of that bill.

Mr. WADSWORTH. It does; yes. Then it is a question of business men talking with business men and one set of business men making up their minds about entering into such a contract.

I did not want to discuss the bill I introduced, however. I mentioned a few moments ago my belief that these two efforts should be under a single head and a single management in order to get the maximum of efficiency, the maximum of production of fertilizer, which, I think, is the primary objective in our thoughts to-day.

Mr. A. H. Hooker, the chemist of the Hooker Chemical Co., was asked a good many questions by the chairman and other members from time to time, which led to a pretty technical discussion of what he would do if he were put in charge of this place as the managing chemist, and I want to read one paragraph of the testimony, to indicate, if nothing else, how far over the head of the average Senator this whole thing is. I will admit it is away over my head.

The Senator from Nebraska [Mr. NORRIS], the chairman of the committee, said:

I want to find out whether by putting in this improved process—

Which is known as the Casale process—

that you have at Niagara Falls now operating, so you know it can be done, getting the same amount of nitrogen per year, you would save horsepower; and if so, how much?

The Senator from Nebraska wanted to know how much horsepower would be saved if this concern went down there and used their process, after, of course, developing and altering the plants through a period of time. Listen to what he said:

Mr. A. H. HOOKER. I will tell you just what I would do down there, Senator, exactly; if I went down to Muscle Shoals in connection with our people to operate the power and the nitrate plant down there, to operate it with the greatest economy and cheapest for the company and with the greatest returns from power and the cheapest fertilizer through an organization controlling both. The first thing I would do, if operating a modified Haber plant, would be to operate in connection with an electrolytic hydrogen plant, produce my hydrogen electrolytically, using such undistributed power as I had there, and using this 10,000 horsepower in connection with that plant, thus using more power than you would use in the cyanamide plant, in order to produce that hydrogen, because hydrogen, in any one of your processes, is the most essential element of fixation of nitrogen, and in making your fertilizer, or that part of your fertilizer, I would use that excess power, a large amount of power, during the time that I was building up a use and demand, changing from a low use of water power of seasonal power to a small consumption as the demand and means of distributing that power became better established so that the public at large wanted that power, and when there was that demand for the power I would change right around and go to distributing that power to the uses of the South as they should want it, and manufacture water gas and hydrogen and take coal and coke to make that fertilizer and reduce my power down to 10,000 or 12,000 horsepower instead of 100,000.

You can see that you have an awfully complicated proposition there. There are processes and modifications of processes involving the use of by-products in the chemical industry which have a most profound and controlling effect as to the amount of horsepower needed in fixing nitrogen from the air, and these gentlemen suggested to the committee many probable processes, many different schemes, which could be used to get the maximum of efficiency out of the water power and the maximum production of fertilizer at the same time. Their contention is—and I agree with them—that if you are going to get the maximum in both efforts, you had better put the two efforts under one management, so that one boss can say how much power shall be used for fertilizer manufacture, and that same boss say how much is surplus for distribution for other purposes of a manufacturing nature throughout that district. The changes and variations in the use of power necessary for the manufacture of fertilizer will be constant. They will be changed from month to month, and in my humble judgment it is essential that one management be in charge of the two efforts.

There is a lot more of this testimony which, as I said, is very technical, but by using one sort of process and making use of a certain set of chemical by-products, they can make the 40,000 tons of fertilizer ingredient by using only 12,000 horsepower. With another set of processes, and with the use of a different set of chemical by-products, and especially with the use of the cyanamide process of extracting nitrogen from the air, they will require 91,000 constant horsepower to get the 40,000 tons production per year.

In between the 12,000 horsepower requirement and the 91,000 horsepower requirement there are an infinite variety of processes and alternatives, but if the Government is going into this thing, I honestly believe we had better put the whole job under one man or under one agency. Do not separate them, because they are inextricably interwoven, and you have to put all the power side of it, all the resources of the power situation, back of the chemical side, to sustain it and push it financially in order to get all the fertilizer that can be gotten, and what we are after, I think, primarily is fertilizer.

If we go ahead and complete Dam No. 3, there will always be a very, very large amount of surplus power after the requisite amount of fertilizer is produced, for, as the Senator from Nebraska said yesterday, the tendency of the art of atmospheric fixation is in the direction of using less and less power to produce a unit of nitrogen. But there are so many ways of doing it, and they are of such a technical character that it will be pretty wise of us, I think, to put the whole effort under one management.

You will not get men to run this thing successfully for the Government—for, mind you, it is going to be one of the biggest industrial and commercial undertakings in America—with a salary limitation of \$7,500 a year. You might just as well lift off these limitations on pay, and go at this thing as you would go at any business. Hire the best man in the United States, no matter what he costs, because even if it costs you twenty-five or fifty thousand dollars more in salary for one man, with freedom of choice of that kind given to the management by the law of the Congress, he undoubtedly will save you fifty times his increase of salary in the expenses of operating the plant, or by way of gain in income, after it is put into commercial operation.

What is a \$50,000 salary when you are dealing with present assets of two hundred million, and which are bound to grow? If there is to be any success at Muscle Shoals at all, two hundred million will not measure the assets of that place 40 years from now. It will be much more than \$200,000,000. Let us stop limiting salaries in advance. None of us would do anything of the sort in our private business. No one of us, if he had a \$200,000,000 property, would advertise for a manager to run it for him and in the advertisement say, "I will not pay anybody more than \$7,500 a year." He would not get anybody.

Mr. FESS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Ohio?

Mr. WADSWORTH. I yield.

Mr. FESS. I am in sympathy with what the Senator has said in regard to Government ownership. I shy at it whenever it is suggested. But there are two things we have to keep in mind, one of which the Senator from Nebraska mentioned the other day, namely, monopoly in the case of private ownership. We must keep that in mind as one thing.

The second I would like to have the Senator give me some light on. This is a new thing, as he has suggested, like the

radio. We had no conception of what the radio was going to be. I have just been amazed, as everybody has, at the development in the last two years of wireless and its application. Under the Senator's plan would the public be assured of the advantage of new discoveries and inventions that are bound to come in the application of this principle?

Mr. WADSWORTH. If the Senator from Ohio refers to the plan of the Senator from New York, does he mean my bill?

Mr. FESS. Yes.

Mr. WADSWORTH. I was not discussing my bill.

Mr. FESS. I mean private ownership as against public ownership.

Mr. WADSWORTH. I was not discussing that. I can not quite answer the Senator's question now. I was making this plea, that if the Senate is going to vote for Government operation it put that operation all under one management.

Mr. FESS. I agree with that.

Mr. WADSWORTH. That is all I was arguing about then.

Mr. FESS. I agree with the Senator's salary argument.

Mr. WADSWORTH. Yes; but the Senator knows how it is. Somebody will complain if we pay a high salary. It becomes a political issue and it is stormed about in campaigns. Whatever administration pays some Government officer at Muscle Shoals \$25,000 a year will be attacked in the next political campaign for having done so. It is dragged into politics inevitably.

Mr. UNDERWOOD. If the Senator will allow me, I agree with all the Senator said about the difficulties of Government operation of any business proposition whatever. So far as the substitute I have offered is concerned, it looks first to private endeavor and an opportunity to get private endeavor; but when we have to provide for national defense, if private endeavor does not function, then we have to go to Government operation.

I want to call to the Senator's attention that the substitute I have offered puts the whole proposition of a Government corporation under one head absolutely and unequivocally, and that is the President of the United States, who can select five men in the United States for a board of directors, and if he gets the men who have the nerve and courage to do it they can keep it out of politics.

Mr. WADSWORTH. The personal equation is, of course, a very important factor.

Mr. UNDERWOOD. And in the last analysis that is all there is to it.

Mr. WADSWORTH. That is true. Persons come and go.

Mr. UNDERWOOD. If the President chooses five men who go there and run that plant as a business proposition under my substitute, it can be run that way. Of course, if he picks five men who will yield to the importunities of ourselves—and I want to say we all have to make requests for friends and constituents—then it is a wreck. I am in hopes the President of the United States may be able in an emergency of this kind to pick five men who are far removed from the political equation and who would run the plant purely as a business proposition.

Mr. WADSWORTH. Of course, I dare say that strong men could keep that political influence down to a very low minimum.

Mr. NORRIS. Mr. President—

Mr. WADSWORTH. If the Senator will pardon me, I am going to finish my remarks in just a moment. There is another element in it. Men working for the Government in a commercial undertaking never have the courage of men working for themselves in a commercial undertaking—never. They fear criticism. I know perfectly well, for example, that some of the officers of the War Department wanted to sell some of the surplus property of the department back in 1920 at what they thought then would be as much as they could ever get for it and sell it at private sale. The law did not govern at all as to how it should be sold. They did not dare make the sale, because they feared criticism from the Congress and elsewhere. So, being cautious and anxious to remain in the good graces of the coordinate branches of the Government, they kept the property and eventually got for it about half of what they could have obtained had they sold in the first instance.

Now, that is the instinct in most Government officials. It is always going to be a handicap. Occasionally we get a strong, two-fisted man who does not care a rap about who criticizes him, and he goes ahead. We are fortunate when we find them in executive positions. But the tendency, especially the longer they stay in office, is for them to become more and more cautious and to lose their initiative. We can make a success of Government operation if we can eliminate some of these inherent weaknesses on the personal equation side that so often

seem to be present. I do not say that the thing is utterly hopeless, but I do say, as I said in the beginning, that we start in with a desperate handicap and we have to build up slowly, slowly, and it all depends upon who comes and who goes. We can stand here to-day and talk about it, but I do not know, neither does the Senator from Alabama know, who will be here running this thing 30 years from now.

Mr. UNDERWOOD. I quite agree with the Senator about that. I agree that if we can get private endeavor to carry on the business, it is better to have it, but if we can not get that it has to be carried on.

Mr. WADSWORTH. Yes; I admit that.

Mr. UNDERWOOD. More than that, there are instances of public operation that have been successful. Lloyd's, the British insurance company, is the greatest insurance company in the world, controlled by the British Board of Trade, which is a government function. I do not say that politics does get into it, but still it is a governmental function.

Mr. WADSWORTH. Mr. President, I have been diverted from a further and brief discussion of this technical and complicated side of the problem. I want to add another piece of testimony in regard to the difficulty of running the chemical industry separate from the power side of it. Again I take it from Mr. Hooker's testimony. To the layman, as I am, this is very interesting, although I confess that I can not quite fathom all of the steps which he suggests. He said:

Perhaps at this point it would be well for me to make a little clearer some of the reasons why I believe it is in the public interest that some one of these opposing bids should be accepted as a whole with suitable modifications, and why it is not in the public interest to divide any of them in two, joining the power part of one to the fertilizer part of another, for instance; at least, if you are serious in trying to accomplish a great fertilizer benefit to the farmers of the country over a period of years and have a real influence on our national life.

Taking "firm" power and "seasonal" power lumped together there is about 324,000 horsepower at Dam No. 2, and on the same basis about 130,000 at Dam No. 3. Let us assume, for example, one sensible way of developing this enterprise; suppose we start making fertilizer by using all of plant No. 2 to make 40,000 tons of cyanamide ammonia, and work this in conjunction with phosphoric acid obtained from the electric furnace to produce the full amount of fertilizer. This would be a natural and quick way of getting plant No. 2 into operation. The combination would require, roughly, 280,000 horsepower, or practically the entire output of Dam No. 2, leaving 50,000 horsepower for sale. Suppose, then, for the next forward step you were to combine phosphoric acid from the electric furnace with electrolytic hydrogen, so as to get the same amount of fertilizer covered by the above. This would release plant No. 2 but would still require all the power output except 50,000 horsepower from Dam No. 2.

Suppose now we pass to the next stage of progress and secure our hydrogen from water gas instead of electrolytic hydrogen. We could now develop the same amount of fertilizer and release half of this power from Dam No. 2. Later we will pass to the production of the phosphoric acid by the fuel-fired furnace, and this will release the other half of the water power from Dam No. 2. We would then have the same amount of fertilizer developed as in the beginning, but we would only be using about 30,000 horsepower instead of 280,000, and this could be released from Dam No. 2 for general purposes in the South.

Now it is interesting to see that after this process had been followed the equipment developed for use during the early years would not be wasted but would be continuously available for use during flood periods and for seasonal power for perhaps six months of the year, using power that was not otherwise salable.

I outline this progressive development to show you how intimately and inseparably the manufacturing uses of power and the power development itself are interconnected, so that they can not be used to the public advantage unless they are under common handling.

There must be no mistake made about this, if you propose to achieve a large amount of cheap fertilizer delivered to the farmer. The driving force of the power production and earning must be back of the attempt to deliver fertilizer to the farmer.

I think Mr. Hooker is right. He has often said to me, as I think he said to the committee, "If the Government goes into this thing, rejects our offer and rejects the Union Carbide offer and rejects the Alabama Power Co. offer, for heaven's sake go into it under one management."

I merely present these considerations, Mr. President, without undertaking to discuss my bill at this time.

Mr. NORRIS. Was the Senator reading from Mr. Hooker's testimony?

Mr. WADSWORTH. Yes.

Mr. NORRIS. I thought his testimony, as I remembered it, reduced the amount of power to be used further than that

would indicate. I was wondering if the Senator had the figures right. I thought he got down to 10,000 horsepower.

Mr. WADSWORTH. He did with another step in the process.

Mr. NORRIS. The figure the Senator read would indicate he would stop at 30,000 horsepower.

Mr. WADSWORTH. In another step in the process he could go down to 10,000 horsepower.

Mr. NORRIS. Of course, Mr. Hooker argues for one control, because his bid depends on it. All the bidders want it that way, because they want to use the horsepower, the profitable part. Of course, it is only natural and the Senator, of course, appreciates that. The first bill I introduced left it all in one control. I was induced by members of the committee and others to change. I reached the conclusion that they were right and that we could do it more scientifically if we divided it. However, I will explain that later.

Mr. WADSWORTH. I do not intend to discuss the matter further, much less discuss any bill that I have introduced. It is my own judgment that we will get along faster, that we will spend less money in the first few years and get more for the United States in the great number of years to come within the 50-year period, if the Government goes into partnership with men who know how to do this kind of business.

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it adjourn until 12 o'clock Monday.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kansas?

Mr. UNDERWOOD. I would like to see this legislation pushed along. Does the Senator think we can expedite business in that way?

Mr. CURTIS. Three or four Senators have said to me that they want to discuss the matter, that they have not yet prepared themselves, and if they had until Monday they would be better prepared and probably would not talk so long. I have talked with Senators on both sides of the Chamber and thought perhaps we had better adjourn over to save time.

Mr. UNDERWOOD. I would like to see the legislation pushed to a conclusion as early as may be. The only difficulty about going on to-morrow is that if we should come to a vote there would be a good many absentees, and I would like to have a full attendance in the Senate when we vote. Under those circumstances I shall not resist the Senator's request.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

Mr. HOWELL. Mr. President, I would like to ask the Senator from New York a question if I may.

Mr. WADSWORTH. Certainly.

Mr. HOWELL. Do I understand that by the use of power to produce hydrogen by the electrolytic method and using that in connection with water gas, the amount of power necessary to produce, for instance, 40,000 tons of fixed nitrogen a year would be reduced to in the neighborhood of 10,000 horsepower?

Mr. WADSWORTH. I am only relying upon the testimony of the men who are doing that very thing. I do not know anything about it from my own experience.

Mr. HOWELL. The purpose of my question is this: It may be the power is a mere incident to the production of fixed nitrogen.

Mr. WADSWORTH. Some of it will always be necessary.

Mr. HOWELL. Some of it will always be necessary, but what I mean is that the power is an incident. If we get down to 10,000 horsepower to produce this amount it would be a mere incident to the operation. Therefore, does it not suggest itself to the minds of Senators that we may be giving away this great power to somebody for profit when ultimately only a very small fraction of it may be needed to produce fertilizer?

Mr. WADSWORTH. The Senator must have in mind there is to be an everlasting limit of 40,000 tons of fertilizer per annum. I think the thing will go to 400,000 tons with improvement in process and increase in power going on at the same time.

Mr. HOWELL. It limits the amount to only 40,000 tons.

Mr. WADSWORTH. We do not limit the amount; that is a minimum.

Mr. HOWELL. We make the minimum 40,000 tons.

Mr. WADSWORTH. That figure was discussed because that was the figure of the original Ford offer, and the committee in asking the witnesses questions asked them, "How much power is it going to take to produce 40,000 tons a year?" The 40,000 tons was merely used as a standard, a measure of the amount. That happens to be the capacity of the cyanamide plant at

this time, but that is not a limit; it is a minimum. I think the sky will be the limit eventually.

Mr. HOWELL. I was thinking of the proposal of the Senator from Alabama [Mr. UNDERWOOD], that it might result in this great plant being used for the distribution of power only, and merely 10,000 horsepower being utilized for the production of fertilizer. Would not the Senator and the Congress in general feel that the best use had not been made of this great power if it were turned over to some company that might ultimately only use 10,000 horsepower in the production of fertilizer?

Mr. WADSWORTH. No one has made that suggestion, either in a written offer or in testimony.

Mr. HOWELL. I am merely suggesting what might be done.

Mr. WADSWORTH. That is up to the Government.

Mr. HOWELL. If the Senator and I had a power plant and it were our purpose to make money and we found that we could make more money by merely making 40,000 tons of fixed nitrogen a year by some method that only required 10,000 horsepower, and then could go on to sell all the remainder of that great power and make a great profit in that way, our purpose being to make money, that is the way we would do it. We would not go on and make more fertilizer; we would proceed to operate that plant to our best advantage. Are we not to assume that that is the way the Muscle Shoals plant will be operated by anybody who takes it over?

Mr. WADSWORTH. Not unless the Government deliberately permits it; and I do not think anybody will assume that the Government will permit such a thing.

DEATH OF REPRESENTATIVE EDWARD CAMPBELL LITTLE

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution from the House of Representatives, which will be read.

The resolution (H. Res. 359) was read, as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. EDWARD CAMPBELL LITTLE, a Representative from the State of Kansas.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect, this House do now adjourn.

Mr. CURTIS. Mr. President, I offer the resolution which I send to the desk, and ask unanimous consent for its consideration.

The resolution (S. Res. 274) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. EDWARD CAMPBELL LITTLE, late a Representative from the State of Kansas.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

DEATH OF REPRESENTATIVE SYDNEY E. MUDD

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution from the House of Representatives, which will be read.

The resolution (H. Res. 360) was read, as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. SYDNEY E. MUDD, late a Representative from the State of Maryland.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect, this House do now adjourn.

Mr. BRUCE. Mr. President, I submit a resolution, and I ask unanimous consent that it may be considered at this time.

The resolution (S. Res. 275) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. SYDNEY E. MUDD, late a Representative from the State of Maryland.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

DEATH OF REPRESENTATIVE WILLIAM STEDMAN GREENE

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution from the House of Representatives, which will be read.

The resolution (H. Res. 361) was read, as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. WILLIAM STEDMAN GREENE, a Representative from the State of Massachusetts.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. BUTLER. Mr. President, I offer the resolution which I send to the desk, and ask unanimous consent that it may be immediately considered.

The resolution (S. Res. 276) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. WILLIAM STEDMAN GREENE, late a Representative from the State of Massachusetts.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. BUTLER. Mr. President, as a further mark of respect to the memory of the deceased Representatives, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned, the adjournment being, under the order previously made, to Monday, December 8, 1924, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, December 5, 1924

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Heavenly Father and our God, as we wait in the solemnity of this moment do Thou hear our prayer. Unto Thee we look at day dawn and find our rest at evening time. Persuade us that the abiding realities of moral and spiritual being are found in a godly life. Do Thou sustain us in every effort to make a better world and to bring good cheer to mortal beings. Assure us of Thy presence, of the comfort of Thy care, and the blessing of Thy forgiveness. By calm and fortified understanding may we serve our country and help our fellow man. Consider, O Lord, and let the light of Thy wisdom fall upon the pathways of our duty. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 71) entitled "An act authorizing the Cowlitz Tribe of Indians, residing in the State of Washington, to submit claims to the Court of Claims," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed Mr. HARRELD, Mr. CURTIS, and Mr. KENDRICK as the conferees on the part of the Senate.

The message also informed the House of Representatives pursuant to the provisions of House Concurrent Resolution 30 the President pro tempore had appointed the following Senators as members of the committee on the part of the Senate to arrange for the joint meeting of Congress in commemoration of the life, character, and public service of the late President Wilson: Mr. SWANSON, chairman; Mr. FERNALD, Mr. KEYES, Mr. COUZENS, and Mr. PITTMAN.

LEAVE OF ABSENCE

By unanimous consent, Mr. ROGERS of Massachusetts (on request of Mr. FROTHINGHAM) was granted indefinite leave of absence, on account of illness.

DEPARTMENT OF INTERIOR APPROPRIATION BILL

Mr. LONGWORTH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10020) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SANDERS of Indiana in the chair.

The Clerk read as follows:

For salaries and expenses of such attorneys and other employees as the Secretary of the Interior may, in his discretion, deem necessary in probate matters affecting restricted allottees or their heirs in the Five Civilized Tribes and in the several tribes of the Quapaw Agency, and for the costs and other necessary expenses incident to suits instituted or conducted by such attorneys, \$40,000: *Provided*, That no part of this appropriation shall be available for the payment of attorneys or other employees unless appointed after a competitive examination by the Civil Service Commission and from an eligible list furnished by such commission.

Mr. HOWARD of Oklahoma. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen of the committee, this Congress is right now engaged in appropriating a lot of money for the benefit of the Bureau of Indian Affairs, based principally on a report made by the officers of that bureau. After having lived amongst the Indians since 1880, it is my opinion that there is more money wasted and more sins committed in public matters in the name of the Indian than in the name of any other parties with which this Congress has to do, except, possibly, it be in the name of the farmers. I think there is a little information due the Congress from the Bureau of Indian Affairs as to some discrepancies that exist and to which I want to call attention.

I note, Mr. Chairman, that in the report of the chairman of the subcommittee to this House one day this week, in a table, compiled evidently from a report made by the Bureau of Indian Affairs—that report being on page 83 of the CONGRESSIONAL RECORD of December 3, 1924—that according to it there are now in the State of Oklahoma 117,364 Indians. Now, Mr. Chairman, I note also from volume 3, page 829, of the census of 1920, that according to the census of the United States compiled by the Census Bureau there were in the State of Oklahoma, as shown by that census, only 57,337 Indians, as compared with 117,000 reported to this Congress by the Bureau of Indian Affairs. I think this Congress, when it is making appropriations for the purpose of caring for the Indian Bureau, should have some information as to just how many Indians are being cared for. The facts are, Mr. Chairman, that the Indian Bureau, including the Muskogee office of the Five Civilized Tribes, so far as the Muskogee office is concerned, is, as a matter of fact, caring for the business of only 16,850 Indians, that being the number of restricted Indians that are on the rolls of the Five Civilized Tribes. And yet, in my opinion, for the purpose of enlarging their appropriations and for the purpose of carrying on the rolls a larger number of employees than is actually needed either in the department here in Washington or at Muskogee, they have never stricken from the rolls of the Five Civilized Tribes an Indian since those rolls were made up, and Congress by that is led to believe that this bureau is caring for the business of 117,000 Indians, when, as a matter of fact, they are caring for the business of only 16,850 Indians, the majority of whose property is in value limited and probably the amount they expend in caring for the Indians' property is three or four times what it would bring in average interest if it were drawing interest.

I want to say to the Congress that I think we are entitled to a report. I want to express the opinion here, further, that this condition as to statistics from the Bureau of Indian Affairs is presented to this Congress for the purpose of, and is responsible for, unnecessary expense to the people of the United States and the employment of unnecessary help in the Indian Bureau in Washington and in the city of Muskogee. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

INDIAN LANDS

For the survey, resurvey, classification, and allotment of lands in severalty under the provisions of the act of February 8, 1887 (24 Stat. L. p. 388), entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey or allotment of Indian lands, \$50,000, reimbursable: *Provided*, That no part of said sum shall be used for the survey, resurvey, classification, or allotment of any land in severalty on the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona, who was not residing upon the public domain prior to June 30, 1914.

Mr. HILL of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HILL of Washington: On page 20, between lines 17 and 18, insert: "For payment of certain local taxes to the

counties of Stevens and Ferry, in the State of Washington, on allotted Colville Indian lands, as provided by the act of June 7, 1924, \$91,470.33."

Mr. CRAMTON. Mr. Chairman, I reserve a point of order against the amendment. I will say, in order to save time and dispose of the point of order, that I note the gentleman has cut the amount some \$25,000 or \$26,000 from what was estimated by the Budget. I would assume he is deducting the amount that has been paid as tuition for Indian children in the schools of those counties.

Mr. HILL of Washington. Will the gentleman yield?

Mr. CRAMTON. Yes. I am asking that of the gentleman.

Mr. HILL of Washington. Yes. I take from the chairman's speech on Wednesday of this week the figures included there, as given him by the Bureau of Indian Affairs, as being the amount of tuition paid to these counties, Ferry and Stevens, respectively, and I have deducted the total of those two items.

Mr. CRAMTON. Has the gentleman information as to whether the other condition precedent of the act of 1924 has also been complied with? Has it been determined that the rate of tax that would be accomplished by this payment to those counties is no higher than similar property in white ownership is now paying and has paid?

Mr. HILL of Washington. I will say to the gentleman that in the hearings before the subcommittee there were submitted unofficially made-up tax rolls to embrace the allotted lands in these two counties involved in that particular bill, employing the same rates as the official rates of tax levy for the years covered in the claims. This was made in the respective counties and based on valuations of lands in the same localities and of similar character to the allotted lands, and I want to refer the gentleman further to a statement included in the report of the inspector who made the investigation in the field and reported back the result of his investigation to the Secretary of the Interior in the following language:

The sources of evidence used by me indicated that the amounts placed upon the Indian lands are just if the assessments against the white lands are just.

I will say to the gentleman that when the committee that heard this matter, the subcommittee of the Committee on Indian Affairs, at the last session of Congress, when the bill to authorize this payment was under consideration, was holding hearings thereon these documents were submitted to the subcommittee for inspection—that is, the official tax rates were taken and the values were placed on a parity with similar lands in the localities where the allotted lands were situated.

Mr. CRAMTON. Mr. Chairman, I will make the point of order in the interest of economy of time, and the point of order is this: There is no law authorizing the expenditure that is proposed in the amendment offered by the gentleman from Washington except the act of June 7, 1924. The act of June 7, 1924, provides:

That the Secretary of the Interior be, and he is hereby, authorized and directed to make certain payments: *Provided*, That there may be deducted from said amounts by the Secretary of the Interior such sum or sums as he may find have been paid to said counties for Indian tuition; also the excess, if any, after the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable lands.

The statute governing this matter does not authorize, necessarily, the appropriation of \$115,000. It contemplates a reduction of that amount by two items; first, the amount of Indian-school tuition heretofore paid in those counties and, second, deduction of any excess involved in a higher rate of taxes being applied to these Indian lands than to similar white lands. The hearings disclose the fact that the Secretary of the Interior has not since June or since this law became effective made any examination of the question as to the tax rates. As to the matter of the payment of tuition, the records are in his office, and as I understand it is covered by the deduction that the gentleman from Washington has made, and I do not raise any question as to that; but as to the tax rates, an obligation is placed on the Secretary to make that investigation. The investigation has not been made by the Secretary under the statute. The only appropriation we are authorized to make is an appropriation subject to such reduction as the Secretary of the Interior would find necessary under that provision of the act of 1924, but the amendment before us proposes a flat appropriation of some \$90,000 and disregards that provision of the statute.

Mr. WINGO. Will the gentleman yield for a question?

Mr. CRAMTON. In a moment. I want to make this one suggestion first: If the gentleman desires to include authority to the Secretary to do as the act of 1924 authorized, then I do not think it would be subject to a point of order, and I would not desire to make a point of order.

Mr. HILL of Washington. I will be very glad to have that inserted; in fact, that was my understanding of the authority already given by the act of 1924.

Mr. CRAMTON. Yes; the authority is given by the act of 1924, but not preserved in the gentleman's amendment. The gentleman's amendment disposes of that matter. If the gentleman desires to add a proviso providing that the Secretary of the Interior shall deduct from such payment such excess, if any, as shall result from the rate based on the value of the Indian allotments above the rate based on taxable land, such an amendment would not be subject to a point of order, and I have no desire to be overtechnical or prevent the gentleman having a hearing.

Mr. HILL of Washington. I will be very glad to ask for a modification of the amendment in order to embrace that.

Mr. CRAMTON. Then, Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. Does the gentleman from Washington desire to modify his amendment?

Mr. HILL of Washington. Yes, Mr. Chairman, I desire to modify my amendment to embrace the proviso in the language suggested by the chairman of the committee.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to modify his amendment in the manner indicated, and without objection the amendment will be made and the clerk will report the amendment as modified.

There was no objection.

Mr. WINGO. Will the gentleman from Michigan yield for a suggestion?

Mr. CRAMTON. Certainly.

Mr. WINGO. May I direct the gentleman's attention to the fact that the reference to the act in the amendment in question says "as provided by that act"? I suggest instead of having a proviso, if after the figures "\$91,000" there is inserted "or so much thereof as may be necessary," you will have your limitation beyond any question. The gentleman's amendment does not say "as authorized by," but "as provided by."

Mr. CRAMTON. I am not sure how it would be construed if the gentleman's amendment put that in as a reference to the authorization for the appropriation. I am not sure it would be construed to carry with it the restrictions of the original provision. I am sure that this would reach the matter.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. HILL of Washington: On page 20, between lines 17 and 18, insert:

"For payment of certain local taxes to the counties of Stevens and Ferry, in the State of Washington, on allotted Colville Indian lands, as provided by the act of June 7, 1924, \$91,470.33: *Provided*, That from such sum the Secretary of the Interior shall deduct an amount to equal the excess, if any, in the rate based on the value of Indian allotments as compared with the rate on taxable lands."

Mr. HILL of Washington. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. HILL of Washington. Mr. Chairman, I want to direct my remarks to certain specific objections made by the chairman of the committee in his speech before the House on Wednesday of this week touching the particular item involved in the amendment I have offered. I want to refer first to this language in the remarks of the chairman of the subcommittee. After quoting section 2 in the act of July 1, 1892, which provides, among other things, that the Secretary of the Interior from time to time shall pay out of the special fund created by that act moneys for the maintenance of schools for such Indians and for the payment of such local taxation as may be properly applied to the land allotted to such Indians as he shall think fit, so long as such allotted land will be held in trust and exempt from taxation, and so forth.

Then the chairman proceeds with this language:

That is to say, it authorized these payments in lieu of taxes from the tribal fund if sufficient was available.

Now, I want to call the attention of the committee to the fact that the special fund referred to is not a tribal fund, and was never considered a tribal fund by the Congress. That the act of 1892 did not recognize in the Indians on the Colville Reservation any right, title, or interest in the lands restored by that act to the public domain or the land still occupied by them in that reservation. That provision will be found in section 8 of the act of July 1, 1892, and section 8 reads as follows:

That nothing herein contained shall be construed as recognizing title or ownership of said Indians to any part of the said Colville Reservation, whether that hereby restored to the public domain or that still reserved by the Government for their use and occupancy.

As a matter of fact, they did not follow the report of the commission which had negotiated the agreement with the Colville Indians. They ignored the agreement and did not comply with any of its terms, but simply restored the land of the Colville Indians in the north half to the public domain without any agreement or recognizing any right of the Indians in the lands restored or to the moneys realized from sales of the lands so restored as a tribal fund.

Now, I want to call the attention of the committee in that connection to section 2 of the act of July 1, 1892, a part of which is as follows:

That the net proceeds arising from the sale and disposition of the land to be so opened to entry and settlement shall be set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior from time to time in such amount as he shall deem best in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local taxation as may be properly applied to the land allotted to such Indians as he shall think fit so long as such allotted land shall be held in trust and exempt from taxation—

And so forth.

If this was a tribal fund, then the Government of the United States would not have authority to appropriate that money to other public uses. In other words, it would have no authority to appropriate it to be used for any purpose other than for the benefit of the Indians; it would have authority only to hold it in a special fund for the benefit of the Indians and for appropriations in their interest. But authority is given to appropriate the money for public use such as Congress may thereafter determine, and hence it could not be a tribal fund.

Now, I want to refer in that connection to a statement contained in a decision by the Comptroller of the Treasury found in 21, Decisions of the Comptroller of the Treasury, page 765, as follows:

The report herein referred to is the report of this commission which negotiated the agreement with the Indians. The decision stated:

The record indicates that after holding the report about six months Congress took—

The word "took" is italicized—

by the said act of July 1, 1892, without consideration or compensation to the Indians what the previous Congress had sought to secure by cession from the Indians through agreement, ignoring both the substance and fact of the agreement, except in so far as it seemed expedient to copy in part without credit the dictation of the agreement in the statute enacted.

In 1906, June 21, 15 years after the report of the commission was submitted, Congress passed an act which complied in part with that agreement and provided for the payment of one and one-half million dollars to the Colville Indians for one and one-half million acres of land in that north half.

Not until that time was the agreement entered into with the Indians by this commission recognized by Congress, and only through that act was any money paid to the Indians as tribal money for lands situated in the north half of the Colville Reservation. This special fund was created, and it was the money of the Government of the United States, but the act of Congress provided that out of that Government money in this special fund there should be paid or might be paid, as the Secretary of the Interior saw fit, money for the building of schoolhouses and the maintenance of schools for the Indians, and for the payment of such part of local taxation on Indian allotments as might be properly applicable thereto; but it was Government money all of the time, it was not tribal funds. This special fund stood, according to the terms of the act, until Congress should dissipate the fund or find other uses for it through an act of Congress, and no act of Congress has ever

been passed dissipating or taking the money out of that special fund or discontinuing that special fund. Hence that special fund still stands as a matter of law, although as a matter of fact in January, 1915, under a decision of the Comptroller of the Currency, through a matter of bookkeeping in the Treasury Department, I take it, this fund was discontinued on the books and was either covered into the General Treasury or perhaps placed in the reclamation fund. I am not advised as to which of those two things happened, but so far as any act of Congress is concerned that special fund still stands.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HILL of Washington. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL of Washington. It is disclosed in that official document that the moneys accruing to this special fund from July 1, 1892, to June 21, 1906, amounted to \$123,017.66, and that the moneys accruing to this special fund from June 21, 1906, to January 31, 1915, amounted to \$271,661.12, or a total to January 31, 1915, of \$394,678.78. Under the act of 1906 the Congress authorized the payment to the Colville Indians of the sum of one and a half million dollars in payment for the one and a half million acres of land which had been restored to the public domain in that reservation, and the Indians were charged with the amount of this special fund, \$271,661.12, or that amount was deducted from the \$1,500,000, or at least was so recommended by the Comptroller of the Treasury in his decision; so that that amount was restored to the special fund, and should at this time stand in that special fund, because that special fund has never been discontinued. They restored to that special fund out of this \$1,500,000 the amount of money that had accrued to the special fund from June 21, 1906, to January 31, 1915, when, as a matter of bookkeeping, the special fund as a separate item was discontinued; so that there should be in that special fund as Government money, not as Indian money, \$271,661.12, at least, because that much of the money accruing to that special fund has never been either otherwise appropriated or paid out to the Indians, and there is ample money in this special fund to pay the amount of the claims we are presenting now through this amendment which we offer.

I call attention again to the fact that this is not tribal money. If the committee is making any point on the fact that it is tribal money out of which this claim should be paid, I claim that was not in contemplation when the act was passed; that there was no tribal money provided by the act of July 1, 1892, and there never has been any tribal money placed in that fund, but that this money was to be paid out of the fund which belonged to the Government of the United States at all times, and I contend that the proposition that it should be paid out of the tribal fund is not well taken.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, I have no desire to resort to any technical objection to this item, because the matters of Indian tuition and the rate of taxation are minor matters; but there is involved in this amendment offered by the gentleman from Washington [Mr. Hill] a very large proposition. Whatever merit there may be in his contention should be reached in an entirely different way. If there is merit in his contention, it should be worked out in a different way. The proposition as it is now presented means not a matter of \$90,000 but several million dollars, if the precedent which would be established by the adoption of this amendment should be followed logically in other cases.

The situation is this: These Indians had some lands. The land was sold and a fund was created, and the act of 1892, which the act of 1924 is supposed to be carrying out, contains a provision which I shall directly call to your attention. The gentleman from Washington intimates that the act of 1892 did not intend this money to be taken from tribal funds. Please note that the act of 1892 provides that these moneys so received from the sale of the lands should be—

Sec. 2. . . . set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior from time to time, in such amounts as he shall deem best, in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local taxation as may be properly

applied to the lands allotted to such Indians as he shall think fit, so long as such allotted lands shall be held in trust and exempt from taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among said Indians.

That act of 1892 authorized those funds of the Indians to be paid for the benefit of the Indians, and also for payments in lieu of taxes, and we are not protesting against that use of the money of the Indians. The proposition before us is to take the \$90,000, not out of the Indian funds but out of the Treasury of the United States. The gentleman from Oklahoma [Mr. CARTER] probably knows more about Indian affairs than any other man in this country, and he fully indorses my statement. I think the gentleman from New York [Mr. SNYDER], the chairman of the Committee on Indian Affairs, will also indorse my statement.

I think that every man here who is at all familiar with conditions in the West will indorse my statement to this effect: That if you once start in taking money out of the Federal Treasury to make payment in lieu of taxes where Indian lands are held exempt from taxation in counties and States—if you once start on that program and carry it out logically without partiality, it will cost us millions of dollars. It is an important matter that is before you now. What I am protesting against is making any such precedent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. I shall ask for five additional minutes. And I will ask to be allowed to proceed without interruption in order that I will not take up too much time.

Mr. McKEOWN. Did the money pass—

Mr. CRAMTON. I am going to talk about that. I read the speech of the gentleman from Washington in the Record the other day, and I heard his remarks just now. But my friend from Washington is under a misapprehension as to the facts of the case. He said:

It is set apart in this special fund for the use to which I have referred. It is to stay in that fund until Congress shall otherwise appropriate it. There was accumulated in that fund from 1900, when the Indian reservation was opened by proclamation of the President, until some time about the year 1915, a little less than \$400,000. A part of that money was spent in building schoolhouses and maintaining schools for Indians, and no part was spent for local taxation or for the building of roads or any improvements that went to the civilization of these Indians. It stayed in that fund, and Congress never appropriated it for any other purpose, but the Comptroller of the Treasury, without any act of Congress, covered it into the General Treasury of the United States, and it went into the reclamation fund.

Now, I phoned the Indian Commissioner, calling attention to the statement, and I have this letter from him, which came to me as I came on the floor this noon. Now, please note:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington.

MY DEAR MR. CRAMTON: In response to your informal inquiry regarding the receipt and disposal of funds involving the north half of the Colville Indian Reservation in the State of Washington, the records of the office show that from the total sum of \$1,500,000, appropriated by Congress to pay the Indians in full for 1,500,000 acres of land, a per capita payment of \$500 was made to the Colville Indians approximating \$1,134,000—

That went directly to the Indians—

the sum of \$60,000 was paid on account of attorneys' fees and the remainder, except a balance of \$9,240.92, now to the credit of the Indians in the Treasury was expended for the benefit of the Indians in accordance with the terms of the appropriation act.

A million and a half dollars was turned over to them, and has gone to their benefit directly, except \$9,000, and now the gentleman's contention arose from this other proposition—but the letter further says:

Under a decision rendered by the Comptroller of the Treasury dated April 27, 1915, copy herewith, it was held that the proceeds of land sold prior to the act of June 21, 1906 (34 Stats. 377), belonged to the Indians and all proceeds of lands disposed of subsequent to the act of June 21, 1906, belonged exclusively to the United States and not to the Indians; consequently, all such proceeds were covered into the Treasury as miscellaneous receipts.

That is to say, sales before a certain act went to the benefit of the Indians, and sales after a certain act went to the benefit of the Treasury.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CRAMTON. I will ask to proceed for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. Mr. Chairman, I want to make this point clear, that the gentleman's amendment proposes to take money out of the Treasury for the payment of these taxes, and that we must absolutely resist or we start upon a very ruinous course. Any merit there is in the gentleman's proposition, and I am not prepared to say there is much or little, is involved in the question of whether land sold after June 21, 1906, or rather the proceeds from that land should have gone into the Treasury or to the benefit of the Indians. Now, the way to settle that question is to settle it. It is not to have mere dribblets out of the Treasury to pay taxes and establish this undesirable precedent. The thing to do is to have an act of Congress correcting any mistake that was made in the disposition of these funds from lands sold after 1906.

Now, it has come to me just as I was coming on the floor, and I have not had a chance to study it. I do not know whether the covering of this fund into the Treasury after 1906 was right or not, but I wish the gentleman from Washington, instead of starting in to take mere dribblets out of the Treasury, would introduce a bill to have the subject brought to a focus and pass upon the whole matter.

Mr. McKEOWN. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. McKEOWN. The gentleman talks about precedent. Can the gentleman say whether or not the United States Government paid Jersey City, N. J., money to recompense the city for the taxes on the German-American docks taken from them?

Mr. CRAMTON. I hope the gentleman will not attempt to fight the war all over or anything else. If it is any satisfaction to the gentleman, I will say I do not know.

Mr. HILL of Washington. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. HILL of Washington. The gentleman states that he has not had time to read the decision of the comptroller. I just want to direct my question to the statement contained in the letter there to the effect that the proceeds accruing from this fund prior to June 21, 1906, belong to the Indians, those accruing subsequent to that time belong to the Government. I read that statement recently, and I read it several times recently, and I very respectfully submit that that is a conclusion, in my judgment, which is not borne out by the facts.

Mr. CRAMTON. Let me suggest to the gentleman from Washington this: The gentleman contends that his justification is in some diversion of the funds into the General Treasury that should have been retained as a special gratuity for the Indians. Now, is not the thing to do, instead of starting in to make an appropriation directly out of the Treasury, as the gentleman's amendment does, to bring a bill before consideration of the Committee on Indian Affairs for the determination of the question as to whether one or two or three million dollars has been diverted? After establishing the fact that there has been a diversion and that you have that fund then a conclusion can be arrived at.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. CARTER. The gentleman speaks of this being determined through the jurisdiction of the court. Is that the way it is to be determined?

Mr. CRAMTON. Either through the court or through the Committee on Indian Affairs. In any event, it should receive careful consideration. Let me illustrate. The gentleman from Washington is probably familiar with it. He reads the opinion and gets one view of it. The Commissioner of Indian Affairs is also familiar with it, and he gives a different opinion. Is the House ready here to inferentially and indirectly pass upon the claim of these Indians for two or three million dollars, not to speak of disposing of this as a precedent?

Mr. HILL of Washington. My contention is that that was a special fund created by the act of 1892, and the only way it can be done away with is through an act of Congress such as this.

Mr. CRAMTON. But the statement of the bureau was that one million and a half was all that was due to the Indians under the act of 1892, and all of that except \$9,000 had been spent for their benefit.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.

Mr. SUMMERS of Washington. Mr. Chairman, this seems to be a very complicated situation for us to pass upon here on the floor of the House, but I want to call your attention to the fact that this has been before the Committee on Indian Affairs of the Senate several times in the last few years. It has been passed upon favorably by the Indian Committee in the Senate, and twice passed the Senate, and has been passed upon favorably by the Indian Committee of the House. It was then submitted to the Congress, and was passed by this House, and passed by the Senate, and signed by the President. It has been three times approved, or rather it has been approved by three different Secretaries of the Interior, and has been passed by the Director of the Budget.

I would like to know if, at this stage of the game, we are going to undertake to say that none of them understood the situation, and that we should reverse the action and the judgment of all of them at this time? I think we are too far along with this thing to undertake that in this sort of way here in the House.

Mr. CRAMTON. An illustration of that sort of situation is given by the letter of the Secretary of the Interior of April 5 last, presented in the Indian Committee report, when he says that the claim is based on the act of 1892. Did not that act require payment out of the tribal funds, whereas the act of 1924 approved required the payment out of the Treasury?

Mr. SUMMERS of Washington. Bringing up questions here that have been passed upon repeatedly by deliberative committees and asking us to reverse all of them at this time seems to me very inadvisable. I admit that sometimes things slip by the attention of a committee and points are overlooked. But does it seem probable that three different Secretaries of the Interior would be mistaken about this, that the House Indian Affairs Committee would be mistaken, and the Senate Committee on Indian Affairs would be twice mistaken, and that it would be passed by the Senate and by both branches of Congress, and then slip past the Director of the Budget, that iron man down there, you know, who does not pay attention to anything except to hold down appropriations?

I am very much in favor of the amendment. I think the amendment offered by my friend from the State of Washington is entirely fair. He is willing to eliminate all that has been paid in the way of tuition. He puts a further limitation on, as provided in the legislation passed here last spring, at the last session of Congress. All of that is put into his amendment, and I believe the amendment should be adopted by the House.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

Mr. CARTER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. CARTER. As I understand this situation, an act of Congress was passed providing for the ceding or sale of the north half of the Colville Reservation in the State of Washington, the proceeds to be used for certain purposes specified in the act. Any part of the sum could be used for either of those purposes, and all the sum could be used for either of the purposes under the language.

Now, the only question, as I understand it, for us to determine here is whether or not all that money has been used for either one of these three purposes. If it has not been used, then certainly it may be used for taxes. It could be legally used for taxes. It would be appropriate to use it for taxes. It would be just to the Indians and to all parties concerned to use it for taxes. But if that money has been consumed for either one of the purposes specified, then certainly we would set a very dangerous precedent, as stated by the gentleman from Michigan [Mr. CRAMTON], when we go into the Federal Treasury and appropriate as a gratuity money to pay taxes on Indian lands that have been exempted. If that policy is pursued, it will cost \$50,000,000 every year to do justice to the State which I have the honor in part to represent, Oklahoma; and to pay taxes on Indian exempt lands there would cost perhaps more than that in Arizona, and as much in New Mexico and South Dakota and Idaho, and other States having Indian lands. So that I think we might well hesitate before we undertake to set any such dangerous precedent. I realize fully that the Indian Committee of the House has passed upon this proposition.

Mr. HILL of Washington. Mr. Chairman, will the gentleman yield?

Mr. CARTER. If our friends on the Indian Committee can recall the facts in the case, I should be very glad to hear from them and get such information as they can give on the subject. But until I get such information I feel very reluctant about establishing any dangerous precedent now.

Mr. HILL of Washington. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. HILL of Washington. The gentleman has referred to precedents. Does the gentleman have in mind the peculiar language in this act of July 1, 1892, providing for the payment of such local taxes, and that such language is not contained in any other similar act?

Mr. CARTER. Well, I have not any particular language in mind at all in any act. The only thing I have in mind at present is this, as I have just tried to make clear, that I believe in keeping any agreement or understanding we have with the Government's wards—the Indians. If we agreed that certain of their funds should be used to pay taxes for certain purposes and we have not done that, then we should do it; but if those funds have been used and exhausted, then certainly we have not the right to go into the Federal Treasury and use money for any of the purposes mentioned in the act.

Mr. SNYDER. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. SNYDER. The gentleman has made reference to the fact that this bill has been before the Indian Affairs Committee. I will say to the gentleman that for seven years this bill has been in various forms before the Indian Affairs Committee and has been discussed many times. The last time was the first time it was ever considered of enough importance to send it to a subcommittee to investigate. In the closing of the session the subcommittee reported favorably upon this bill, but the committee as a whole had no time to go into an investigation of it to any very great extent. I have always had my doubts about the propriety of passing such legislation, and I concur heartily in what the chairman of the subcommittee and the gentleman from Oklahoma [Mr. CARTER] have said with reference to the matter. I think there is a question of grave doubt in that bill as to whether the amount should be paid.

Mr. CARTER. That satisfies me about it.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word, because I want to get this matter of precedent straight. If gentlemen want to set a precedent, then I would have no objection if it is going to be a precedent that is going to be adhered to in all parts of the country.

The Representative from Hoboken, N. J., has a bill here, which has been favorably reported, to refund to Hoboken money in lieu of taxes, due to the fact that the United States Government took over the German-American docks at Hoboken during the war.

Now, it may not be wise to set a precedent for the House, but there is something about it that does appeal to the average man as not being wholly fair to a large city or community to exempt large properties from taxation and at the same time allow those owning the property to enjoy the same privileges that the men who bear the burdens enjoy. Now, it does not appear to me to be fair for Congress to pass a bill providing that any citizen should receive all of the privileges and all of the protection which others receive and his property receive the same protection without paying any taxes.

Mr. CRAMTON. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. CRAMTON. In the gentleman's State, Oklahoma, there are great areas of Indian lands withheld from taxation but enjoying the blessings of which he speaks, and do I understand the gentleman from Oklahoma to say he feels we ought to appropriate from the Federal Treasury an amount equivalent to or in lieu of those taxes?

Mr. McKEOWN. I did not say that.

Mr. CRAMTON. Does not the gentleman feel we ought to treat Oklahoma as favorably as Washington?

Mr. McKEOWN. I want to show you the difference between the situations. Here is a case where the money was set apart and where the Government arbitrarily, as I see it and as I understand it, put some money into its own Treasury, and that we have not gone ahead and carried out the agreement to apportion the money to the different uses for which it was set apart. Now, if the Government does that these counties and municipalities should not lose on account of the act of some officer of the Government who goes beyond his powers or contrary to the law.

Mr. CRAMTON. If the gentleman will permit, it is a question whether that has been done or not. If it has been done, is not the proper thing for us to do to correct the whole error rather than to fuss away with this \$90,000?

Mr. McKEOWN. I think the gentleman should do as he is in the habit of doing, straighten it out right now without having to wait all these months and months in trying to get a bill through to do what ought to be done now.

Mr. CRAMTON. If the gentleman is correct, there is \$1,500,000 due them, while it is the contention of the Indian Bureau that only \$9,000 is due.

Mr. McKEOWN. The proposition is this: If you are not going to set a precedent to provide for the payment of money out of the Treasury of the United States in lieu of taxes due on large pieces of property then, of course, if you make the rule apply to all of the United States equally, nobody has any right to complain, but if you do not make it apply equally, of course, we have a right to complain.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The question is on the amendment offered by the gentleman from Washington [Mr. HILL].

The question was taken; and on a division (demanded by Mr. HILL of Washington) there were—ayes 17, noes 48.

Mr. HILL of Washington. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Washington [Mr. HILL] demands tellers. Those in favor of ordering a vote by tellers will rise and stand until counted. [After counting.] Not a sufficient number, and tellers are refused.

So the amendment was rejected.

The Clerk read as follows:

INDIAN LANDS

For the survey, resurvey, classification, and allotment of lands in severalty under the provisions of the act of February 8, 1887 (24 Stat. L. p. 388), entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey or allotment of Indian lands, \$50,000, reimbursable: *Provided*, That no part of said sum shall be used for the survey, resurvey, classification, or allotment of any land in severalty on the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona, who was not residing upon the public domain prior to June 30, 1914.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word.

I would like to ask the chairman in regard to expenditures for allotments in the paragraph just ahead of the one read for the survey, resurvey, classification, and allotment of lands in severalty, and so forth. The appropriation is \$50,000, and I would like to ask the chairman if any provision was made in connection with that or at any other place in the bill for the allotment required under a decision of the Supreme Court of the Quinault Indian Reservation.

Mr. CRAMTON. The item the gentleman refers to is on page 20 and is the general item for survey, resurvey, classification, and allotment of lands in severalty?

Mr. JOHNSON of Washington. Yes.

Mr. CRAMTON. And the gentleman asks is there any specific item for the allotment of the lands of the Quinault Indians.

Mr. JOHNSON of Washington. I will state it a little more explicitly.

Mr. CRAMTON. There is no specific item in the bill in reference to the Quinault Indians.

Mr. JOHNSON of Washington. The Supreme Court, in a decision rendered a few months ago, decided that the land in the Quinault Indian Reservation, whether agricultural or chiefly timber, had to be allotted. This is a large reservation. At one time some 600 allotments were made ready. This was 15 years ago. The markings, I understand, are now imperfect, and much of the land is unallotted. Now arises the question of proceeding to the allotment under the Supreme Court decision, and the statement is continually made to me in response to my requests on behalf of those who desire allotments that the Indian Office has no funds and that this allotment now required by the decision of the Supreme Court can not be made until that office has funds. I was prepared to go before the committee and make a showing in respect to that.

Mr. CRAMTON. Has the gentleman asked the Indian Office whether the funds provided for 1923 would take care of his situation?

Mr. JOHNSON of Washington. I do not know where to find out about the fund unless it is this item of \$50,000.

Mr. CRAMTON. The Indian Office would know exactly. If the matter the gentleman has in mind is in regard to the survey or resurvey or classification or allotment of lands in severalty under the act of 1887, or any other act, this would be wide enough to cover it.

Mr. JOHNSON of Washington. Except that the money here proposed to be allotted would not be enough.

Mr. CRAMTON. The money might not be sufficient. A question addressed to the Indian Office as to whether they have included something in their estimate for your particular situation would give the desired information. They would know better than I would. At the hearings their statement was that the amount allotted for the use of the Land Office, according to the figures received in that office, have been apportioned for 1925 and included \$3,000 for the State of Washington, and in apportioning survey funds made available for use during the fiscal year 1926 it was intended to allow not less than \$40,000 for work to be done under the supervision of the General Land Office in the allotment of this money; but there is no exact statement as to what lands in the State of Washington are to be cared for, and I can not answer about that.

Mr. JOHNSON of Washington. I have made inquiry. The Assistant Secretary of the Interior paid a visit this summer to western Washington, including a trip to the Quinault Reservation. He was in consultation with the superintendent of the various tribes in that part of the country, and thereafter stated that the allotments could not be made until funds were provided. I am simply bringing the matter to the attention of the chairman. It is a matter of administration, including the necessary appropriation by Congress.

Mr. CRAMTON. I will say to the gentleman from Washington I will be very glad to get some exact and definite information for him. All I could give him now would be speculation, but I will later get the exact information for him.

Mr. JOHNSON of Washington. That is much the same situation I am in myself. The allotment matter has to be considered. Timber on this reservation is probably worth \$7,000,000, some of it being sold under long-term contract, a partial allotment started 15 years ago and then stopped by a ruling that the land could not be allotted unless it was chiefly agricultural. The Supreme Court has reversed that ruling and ordered the allotment. How are we going to do it? Are we going to put a \$1,500 a year allotting agent out there to handle that great property? Who is going to take care of and close the rolls? It is quite a problem and one that should be discussed in some detail by some committee of this House.

Mr. CRAMTON. On inquiry at the Indian Office I learn the matter the gentleman from Washington mentions is under consideration, and a supplemental estimate to cover it is likely to follow.

The CHAIRMAN (Mr. CHINDBLOM). Without objection, the pro forma amendment is withdrawn, and the Clerk will read. The Clerk read as follows:

For necessary surveys and investigations to determine the feasibility and estimated cost of new projects and power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910, \$1,000.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Colorado: Page 20, line 2, after the figures "1,000," insert: "for reconnaissance work along the upper waters of the San Juan River, in La Plata County, Colo., to determine the water supply available for irrigation of lands in that vicinity by gravity and to determine whether or not such supply can be augmented by the impounding of flood waters and whether there are any feasible reservoir sites should investigations develop the feasibility of impounding such flood waters for irrigation purposes, \$10,000. Said sum, or any part thereof, that may be expended for this work shall be charged to lands that may hereafter be benefited by reason of these investigations and before any development pursuant to investigations made under authority of this act shall be carried out, the Secretary of the Interior shall execute with the landowners to be so benefited contracts providing for payment of the money expended."

Mr. CRAMTON. Mr. Chairman, if the gentleman from Colorado will yield, the amendment the gentleman has offered is an amendment which has been discussed with the Indian Office and which I have talked over with him.

Mr. TAYLOR of Colorado. Yes. I have used the language that we discussed with the officials of the Bureau of Indian

Affairs at the time of the hearings on this project and since that time.

The hearings before our subcommittee pertaining to the Pine River project on the Southern Ute Indian Reservation, in La Plata County, Colo., disclosed that the irrigation system was originally constructed by the Indians, but, due to inefficient methods and the rough topography of the country, it has required many changes and repairs, and the department urges an appropriation sufficient to rehabilitate that work. The commissioner also sets forth that a suit has been brought in the United States court at Denver for the purpose of preventing infringements by the whites upon the water rights of the Indians.

When I was down in southern Colorado this last fall a large number of ranchmen living adjacent to the Pine River came to see me at Bayfield and very earnestly presented the seriousness of the situation. Mr. Meritt, the Assistant Commissioner of the Bureau of Indian Affairs, stated before our committee that his bureau would look with favor upon the authorization of an investigation of the reservoir possibilities and of an appropriation of this amount to ascertain the cost of the construction of storage reservoirs sufficient to furnish the necessary amount of water to supply all the white settlers as well as the Indians, and that is the object of my amendment.

I am in hopes that the engineers of the Interior Department may during the next spring and summer make a thorough investigation of practical reservoir sites and also the flow of water throughout the season in that drainage section and ascertain whether or not there is sufficient water flow to supply all the needs of both the whites and Indians.

This situation is of very great importance to the welfare of that southern part of my State. In fact, the suit has a far-reaching effect generally to southwestern Colorado. In fact, it affects directly or indirectly every resident of the San Juan Basin and the drainage of the streams crossing the reservation; that is to say, practically all of the population of that part of southwestern Colorado.

Personally, I feel that this appropriation could not be made as a charge against the lands ultimately benefited, because both the whites and the Indians have absolute rights there, and it does seem to me that it comes squarely within the principle adopted by Congress concerning the Yakima Indian Reservation, in the State of Washington. I notice in Senate Document No. 337, Sixty-third Congress, second session, volume No. 5, pages 23 to 26, where a joint commission on impounding water on the Yakima Indian Reservation project was appointed, under section 23 of the Indian appropriation act approved June 30, 1913. That commission reported December 20, 1913. This document sets forth a condition almost identically parallel to this, and in pursuance to that report Congress passed an act approved August 1, 1914, which appears in the United States Statutes, Sixty-third Congress, volume 38, part 1, page 604, providing for the appropriation of money for the construction of waterworks to supply the Yakima Indians for the water taken away from them by the whites. And in this bill we are now considering is an item of \$11,000, which has also been carried in this bill for several years past, for the benefit of the Yakima Indians, in pursuance with that act of Congress.

While this suit referred to only directly affects those residing in the Pine River Valley, the same condition exists as to all the other streams in southwestern Colorado lying west of the Continental Divide. If the theory of the Government in this suit is correct, it practically nullifies and repudiates the State laws, giving preference to users of water for domestic purposes, such as our towns and cities; that is, if the theory of that suit is correct, the Government can not only take away the waters heretofore appropriated by the ranchmen and whose rights have become vested under the constitution and laws of Colorado and have been in active use unmolested for many years, but the Government could also take for the irrigation of Indian lands the waters appropriated and used by our towns and cities.

It does seem to the people of southwestern Colorado that there can be no justice or equity in the Government now attempting to deprive the people who have developed all of that country of the results of their many years' labor and expenditures and pioneer hardships. The Government has consistently and continually offered inducements for the people to settle upon and develop the lands throughout the country, and the Government has received the money for the payments on the lands and has encouraged the expenditure and improvements upon the lands and ditches and has formally approved the water rights acquired thereby.

The Indians and whites on the Pine River have gotten along with difficulty, I understand, and up to the present time there has been sufficient water for both the whites and Indians, and we see no immediate cause for the bringing of this suit.

The worst feature of the litigation is that the mere bringing and the pendency of this action has practically destroyed the credit of all those farmers and made it practically impossible for them to secure loans upon their lands irrigated from the Pine River.

It does seem to me that this situation presents a case that is entirely parallel to the one referred to on the Yakima Indian Reservation, in which Congress has recognized the rights of the whites to their appropriations and has appropriated money out of the Federal Treasury every year toward enlarging the water supply to make it sufficient for both the Indians and whites without working any hardship upon either. And in this case reservoirs of sufficient capacity can be provided at comparatively modest cost to fully supply all the immediate and future needs of the Indians for their lands; but the independent farmers have not the means and can not build these reservoirs, and they should not be required to do it, and they certainly can not secure the means to build such reservoirs under any circumstances with the present litigation pending. By the construction of those reservoirs the Government can fulfill to the very utmost every obligation it may owe to the Indians with respect to providing water for the irrigation of their lands, and it can allow the white settlers to retain what both the Government and the State of Colorado have allowed and approved and induced them to believe they were obtaining by their settlement and development.

The seriousness of the situation presented by this litigation is very fully set forth in a letter to me from the Durango Exchange, of Durango, Colo., which is the leading business men's organization of all southwestern Colorado, and I think their suggestions and information upon this subject are worthy of careful consideration by Congress. The letter is as follows:

THE WESTERN COLORADO CHAMBER OF COMMERCE,
Durango, Colo., October 3, 1924.

HON. EDWARD T. TAYLOR, M. C.,
Washington, D. C.

DEAR SIR: Your attention is called to the suit recently instituted in the District Court of the United States for the District of Columbia, sitting at Denver, No. 7736, and entitled "The United States of America, plaintiff, v. The Morrison Consolidated Ditch Co. et al., defendants."

In the suit the Government claims and demands the absolute first and prior right to the use of 212 cubic feet of water per second direct from Pine River, and one additional foot from Dry Creek, a tributary of the Pine River emptying into that stream near Ignacio, Colo.

This demand is not founded upon any claim of prior appropriation or application to beneficial use, but is based upon the theory that under the several so-called "treaties" made by the Government, and particularly the treaty ratified by Congress June 15, 1880 (21 Stat. 199), and the act of February 20, 1895 (28 Stat. 677), the Government impliedly agreed to and did reserve for use upon the Indian lands whatever water might at any time thereafter be required for their irrigation, and reserved and held the absolute right to take and use upon such lands the entire flow of the river, if necessary, regardless of the loss or damage to ensue, even though it mean the utter ruin of the settler, who, at the invitation of the Government, had invested his all, and had spent years of hardship in improving and reclaiming the theretofore barren, fruitless, and desert lands.

The present case involves, as we are advised, some 150 or more defendants, and threatens great damage, if not ruin, to every resident of the Pine River Valley from its head to the Colorado-New Mexico line.

It is asserted the contention of the Government is supported by the cases of *Winters v. U. S.*, 28 Sup. Ct. Rep. 210; *U. S. v. Conrad Co.*, 161 Fed. 829 and 156 Fed. 128; *U. S. v. Morrison*, 203 Fed. 364; and other cases.

On the other hand, it is contended that none of these decisions are controlling.

But it is not our purpose to discuss the legal propositions but to call your attention to what we consider the uncalled-for hardship and rank injustice of such procedure in this instance.

Whether the Government on the one hand or the settlers on the other might win in the end, these things we think deserve consideration by the Interior Department in determining whether a better method of settling all controversies may not be reached.

(a) These farmers are mostly men of small means; like farmers elsewhere, they have under conditions recently prevailing for several years operated at a loss which has practically wiped out all previous profits.

They are unorganized and without machinery for a combined, common defense to the suit.

(b) The Government has for years been gathering its data and formulating its plans, collecting and arranging its evidence, making its surveys, etc., with unlimited means at its disposal.

A proper preparation of the defense and proper trial of the case will involve an expenditure far beyond the combined resources of the defendants.

(c) The institution of this suit, threatening as it does to take away water rights, without which their lands would revert to their original desert condition, has affected, if not destroyed, their ability to raise by loan any money to conduct their defense.

(d) It appears from the complaint in this suit that beginning with the year 1877 and continuing until now the defendants and their predecessors in interest "have from time to time constructed numerous ditches and diverted water from the Pine River and its tributaries for the irrigation of their lands."

And such settlement and ditch construction was made at the invitation of the Government (which encouraged the reclamation of these desert lands), and was under and in conformity with Government and State laws and regulations.

(e) The defendants have some equity; the Government owes them an obligation no less weighty than its obligation to the Indians.

(f) The Government can fulfill to the utmost its obligation to furnish water to the Indians (if such obligation exists) without the slightest injury or injustice to anyone by the construction of reservoirs to conserve the flood waters of the river.

Such flood waters are more than ample to care for every need of all the Indian lands for all time to come, and can be constructed at a moderate cost, but a cost beyond the reach of these defendants.

(g) Several such reservoir sites have already, as we are informed, been surveyed by the reclamation and Indian departments, and we believe the Government is now in possession of surveys, plats, details, and information sufficient to enable it to determine with substantial accuracy the cost of construction of reservoirs amply for all needs of the Indians now or hereafter.

Why can not such reservoirs be constructed? We ask no favors for the white settler as against the Indian, but we do ask that all stand upon the same basis. Where Indian ditches have actually been built let their priority, as the priority of the white man, be based upon priority of diversion and application to beneficial use.

We believe it would be simple justice if the Secretary of the Interior will include in the Budget an amount sufficient to build these reservoirs and ask Congress to make the necessary appropriations.

In the meantime we suggest that the mere pendency of this suit, with the apparent effort to force it to an early issue, is working an untold hardship upon the hundreds who have in good faith accepted and acted upon the invitation of the Government to purchase and reclaim these lands.

May we ask you to give prompt and serious consideration to our suggestions?

Very respectfully,

THE DURANGO EXCHANGE,
By CHARLES E. HALL, Secretary.

I may add that the local attorneys of southwestern Colorado feel that the Winters case, in the Supreme Court, referred to by Mr. Meritt, is not, strictly speaking, applicable to the conditions prevailing upon the Pine River. And in support of that position they have called my attention to several cases, as follows: 166 Fed. 128; 143 Fed. 740; 148 Fed. 684; 230 Fed. 277; 240 Fed. 274; same case, 39 Supreme Court report, page 40; 234 Fed. 95; same case, 246 Fed. 112.

I have not had time to look into them carefully myself. I desire also to state in the records that I personally know the conditions upon that project, and in pursuance of my conference with the settlers I have asked the Interior Department and the Indian Bureau and the Budget Bureau to approve my application to them for their indorsement of an appropriation for \$10,000 to make a thorough investigation of the situation and a survey and estimate of the cost and feasibility of reservoir sites in the Pine River Basin sufficient to supply all the water necessary for the future use of the Indians and whites in that basin. And the Interior Department has so recommended to the Budget Bureau. In the meantime I have asked the Interior Department to request the Department of Justice to suspend further action in this litigation until such report is made and until Congress may have reasonable opportunity to take action in the matter, and I understand that recommendation has been made to the Department of Justice.

I believe that such an appropriation and expenditure would come thoroughly within the provisions of what is known as the Snyder Act—Public No. 85, "An act authorizing appropriations and expenditures for the administration of Indian affairs, and for other purposes." (42 Stats. p. 208, pt. 1, approved

November 2, 1921.) Under the provisions of that act, "For extensions, improvement, operation, and maintenance of existing Indian irrigation systems and for development of water supply."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The amendment was agreed to.

The Clerk read as follows:

For commencement of construction work on a dam across the canyon of the Gila River near San Carlos, Ariz., to be hereafter known as the Coolidge Dam, for the purpose, first, of providing water for the irrigation of lands allotted to the Pima Indians on the Gila River Reservation; and, second, for the irrigation of such other lands in public or private ownership as in the opinion of the Secretary of the Interior can be served water impounded by said dam without diminishing the supply necessary for said Indian lands as provided for in the act approved June 7, 1924 (43 Stat. L. pp. 475, 476), \$450,000, to be immediately available: *Provided*, That said sum, or so much thereof as may be required, shall be available for purchase and acquiring of land and necessary rights of way needed in connection with the construction of the project: *And provided further*, That the total amount appropriated shall be reimbursed to the Treasury of the United States in accordance with said act of June 7, 1924.

Mr. CRAMTON. Mr. Chairman, I do not think we need to settle the affairs of the State of Texas up here. They seem to be able to settle them themselves, although they have a lot of trouble in doing it. I have some sympathy with the gentleman, the Governor of Texas, or any other citizen who desires to be in the limelight in competition with our colleague from Texas. [Laughter.]

But the item before us results from a suggestion of eminent members of a different party from that of the President. It was deemed by them desirable, and I do not believe there is anyone but what would agree to that, except the gentleman from Texas. If the gentleman from Texas really is opposed to that language in the bill, as he has manifested by his speech, it seems to me his proper course is to bring the matter before the committee by an amendment and let us see how many will agree with the gentleman from Texas.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SNELL. It in no way affects the cost of the dam.

Mr. CRAMTON. Absolutely not.

Mr. SNELL. The remarks of the gentleman from Texas have nothing to do with that feature of it.

Mr. CRAMTON. They have nothing to do with any economy program.

The Clerk read as follows:

For maintenance and operation of the irrigation systems on the Flathead Indian Reservation, in Montana, by and under the direction of the Commissioner of Indian Affairs, including the purchase of any necessary rights or property, \$10,000 (reimbursable).

Mr. EVANS of Montana. Mr. Chairman, with regard to the question of the appropriation for the Flathead Indian reclamation project, I beg to suggest to the committee that the language carried in this bill differs from the language of the preceding bill in that this provides only for maintenance and operation of this project. It is a \$7,000,000 project, and I think about \$5,000,000 have been expended. The Congress has annually appropriated an average of about \$250,000 until last year. Last year the Budget Committee recommended \$300,000. The House committee recommended only \$50,000. In a compromise between the House and the Senate \$150,000 was appropriated. This year provision is made in the bill only for maintenance and operation and no money is appropriated for a continuation of the work.

I do not think this project is thoroughly understood by the House or by the committee, or perhaps by the department, and if you will bear with me I am going to suggest there was in Montana for many years what is known as the Flathead Indian Reservation. It consisted of a territory in a basin, not perhaps unlike this Hall, consisting of about 1,000,000 acres of land. Some 20 years ago the Government, through its Congress, conceived the idea of embarking upon the proposition of opening this reservation, and by a bill passed through the Congress it was provided that the Indians, about 2,000 in number, should take their lands in severalty—40 or 80 acres, as the case might be—and that the remainder of the agricultural lands of that reservation should then be subject to homestead entry by homesteaders, white people, at an appraised value.

The Government appraised the land at \$1.50 to \$7 per acre, so that the homesteader had to pay anywhere from \$1.50 to \$7

per acre, depending upon the appraisalment of the individual land he took, and then had to comply with the homestead law for a period of three or five years, as the case might be. Then the Government found in the lower part of this great basin about 150,000 acres of agricultural land that might be irrigated, and it embarked upon the plan of reclaiming that land. Part of this land had been taken by the Indians as their individual allotments, part of it had been taken by the white men as homesteads, and the Government said, "We will withhold title to these homesteads until this land is reclaimed and then, when the citizens have paid their fair share of the cost of reclamation, we will give them title and we will charge to the Indians a like amount, prorated for his acreage within the arid strip of territory that is being reclaimed." So this is not primarily an Indian project.

The larger portion of these arid lands that are being reclaimed was homesteaded by white men. The reservation was opened in 1908, and these people went on the reservation 16 years ago with the understanding made by the Government of the United States and the Congress of the United States that we would reclaim the lands and would reclaim them in a reasonable time and would give these people title to the land upon payment of the cost of reclamation. It was estimated by the engineers of the Bureau of Reclamation that it would cost about \$40 to \$45 per acre. We now find that when it is completed it will cost considerably more than that, and that is largely brought about by the fact that the Government has not conducted the matter in a businesslike way. It appropriated about \$200,000 a year, or perhaps \$250,000 or \$300,000 a year on an average, for 15 years upon a project that will cost \$6,500,000 or \$7,000,000 and then we complain that we get nothing back. The truth is the overhead charges in conducting a business transaction like that of \$7,000,000, with an expenditure of \$300,000 a year—the overhead charges and the waste represent about half the amount of money that has been spent on the project. These people have been there 16 years waiting for the Government to comply with its implied contract. They can not get title to their land. The State of Montana can not even tax the land. They can tax the improvements put upon it, but they can not collect taxes for the land, because the title is in the Government of the United States, and yet the Government of the United States will not go on and carry out its implied contract, at least to reclaim these lands.

The Government has spent now four and a half to five million dollars upon this project, and the recommendation of the committee is that we spend no more money. This recommendation is based upon the fact that the committee feel the people are not using the water to the extent it is susceptible of being used, and I suspect, in some degree, there is merit in that contention. They are not using it to the extent it is susceptible of use; why? Many factors enter into it. A man who has 40 acres of land can not improve the whole 40 acres of land the first year for irrigation purposes, or perhaps for two or three years.

Again, the turnover of the people upon that land has been very considerable. Men can not live always upon barren land waiting for the Government to do something. So that the first man moves off and sells his improvements to his neighbor or some newcomer or some one else, and he in turn stands it for four or five years and then he himself moves off, and naturally the turmoil and disturbance is very great, and for that reason there is not as much water used as would otherwise be if the matter had been completed in a businesslike way. It is incomprehensible, gentlemen, that the Government of the United States should put four and a half or five million dollars in an uncompleted project and then absolutely abandon it.

The truth is the Government has not got the water yet. They have got water in spots. To my personal knowledge there are 7,000 acres of land lying contiguous to the little town of Ronan that is claimed to have been reclaimed. The ditches are there, but back in the mountain the reservoir is not sufficient to supply the water to fill those ditches to irrigate that land in the irrigation season, so there are 7,000 acres of land which, of course, did not pay any revenue last year and will not pay any next year if they do not furnish water, and it will not pay if water is furnished one season and not furnished the following season, because farmers can not carry on a successful business under such circumstances. No manufacturer or any other business man could exist if every other year his business goes to pieces; of course he accomplishes nothing.

In August of this year I visited a considerable portion of this project, and I found miles of ditches and two reservoirs

as dry as this floor, because the storage capacity is not sufficient. For the last half dozen years I have been annually urging this Congress to make adequate appropriation to build storage reservoirs. Of course until an adequate supply of water is furnished these people can not be expected to make any returns to the Government.

The Appropriations Committee, which brings in this bill, recommend no appropriation to continue work on this project. Such a course is unwise and unbusinesslike. It is unjust to the people who for 16 years have waited for the Government to comply with its promises. It is unjust to the Congress itself to discontinue a worthy project under such circumstances. There are 20,000 people now living on what was the Flathead Indian Reservation; a considerable part of these people are dependent largely upon the reclamation of these lands for sustenance, and yet it is proposed by this bill, without any notice whatsoever, to discontinue this work.

It appears to me that if the committee and Congress are not satisfied and feel that something should be done by the people on this project before more money is expended, then the better plan would be to make an appropriation, with a limitation upon the same, providing that the money should not be spent until the conditions are complied with.

But the committee do not ask that. They simply cut off all appropriations for the further development of this project.

The discontinuance of this work for even a year means added expense and hardship to these people which in the end they must pay. I have no doubt that the actual additional expense will be more than \$100,000. It means that the whole working force must be broken up, moved, and disintegrated, the engineers and the office force discharged or sent to some other point, the steam shovels and similar equipment shipped to some other point or disposed of, the horses and mules used in this construction to be sold at a sacrifice, only to be repurchased or replaced at some future time at an additional price. The lumber, cement, and other necessary supplies for carrying on the project will deteriorate or disappear, so I think I am well within reason when I suggest the actual loss by a year's delay will be \$100,000. The potential loss in crops and produce will be twice as much more. It is a manifest injustice that should not be imposed by this Congress upon any body of American citizens, and I appeal to the sense of justice of the Members of this House to make a reasonably adequate appropriation to continue this work. I protest against even a temporary abandonment of this project.

Realizing the temper of this House to-day and the futility of attempting to amend the bill at this moment, I am not offering an amendment, but I am simply protesting against the passage of this bill without adequate appropriation for this project. I have consulted with other members of the Montana delegation who agree with me in the course I am pursuing. I am hopeful, however, that the Senate will so amend this bill that when it eventually becomes a law it will carry the necessary appropriation to warrant a belief in the completion of the project within a reasonable time.

Mr. CRAMTON. Mr. Chairman, I rise in opposition to the pro forma amendment. The questions involved in these Montana Indian irrigation projects are very important and very serious. A year ago the committee sought to go into it, and the department was woefully lacking in the information that they ought to have. We assumed—and we had a right to assume—that this year they would be better equipped to enlighten the committee, but this year I think, if anything, they knew less than they did a year ago. I refer now to anybody who could come before the committee. No doubt the information is out in Montana.

Mr. EVANS of Montana. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. If the gentleman will first permit me to complete what I have to say. I am saying this because I want the gentleman from Montana to understand the attitude of the committee. I esteem the gentleman as highly as any Member of the House. Having served with him on the Committee on Appropriations, and having traveled with him in his State, I know his merits. I feel that some time or other Congress should come to a definite decision as to what is to be done on those Indian projects in his State, but it is up to the department, it seems to me, to get busy and further analyze that situation out there and be prepared to give us information as to whether the project should be completed or abandoned. If completed, then to what extent and what new structures are necessary, and as to what has been done in the past, and whether readjustments are necessary. All of those things ought to be worked out in a completed plan. I have in mind myself, as have other members of the subcommittee, that this

coming season. If we do visit any activities of the department in the West, we especially want on the ground to make a study of the problems with reference to these projects. However, until we do have information so that we can go ahead with a definite knowledge, it has seemed to us that the proposition presented by the department this year, that of marking time as to construction, is the proper one to follow, and we have only presented appropriations for operation and maintenance. This is not to be taken as a final decision, even as to the subcommittee, that the matter of further construction should not be reopened and completed some time later. I now yield to the gentleman from Montana.

Mr. EVANS of Montana. Mr. Chairman, I should be gratified if the committee would go upon this project and make a personal investigation. It seems to me that the responsibility is not so much with the Indian Office as it is with the Congress. It is the Congress that is legislating. I agree with the gentleman from Michigan that he gets very little information from the department on this question, but the information is available. If Congress would take the necessary steps to get it, it could get it. Congress should call on the engineer in charge of the project, Mr. C. J. Moody, and he would tell all about it. He would be able to tell more in a minute than you will learn from the department in a thousand years.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last two words so that I may make this suggestion with reference to the Flathead project. The settlers on all Indian projects ought to be given the benefit of the new law with regard to a more scientific and fair manner of repayment to the Government of their water charges, such as has been given by Congress in the act passed by the Senate the day before yesterday and now before the President. I have a favorably reported bill to the effect. They will then be in a position to meet the charges that are accruing against them in a reasonable way. I am sure we will then be in a position to ask successfully for the necessary appropriations to complete the project. I am in entire accord with my colleague from Montana [Mr. EVANS] as to the steps which should be taken in this regard.

The Clerk read as follows:

For operation and maintenance of the irrigation system on the Pyramid Lake Reservation, Nev., \$3,500, reimbursable from any funds of the Indians of this reservation now or hereafter available.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. The Pyramid Lake Reservation in Nevada and the irrigation system, together with the Newlands irrigation project that is further east and west, together with a diversion dam of the Newlands project known as the Derby Dam, together with the use of the Pyramid irrigation project have so affected the flow of the Truckee River from Lake Tahoe and its various smaller reaches in the river before it reaches Reno, except that when the river reaches Pyramid Lake at the mouth at the lake, it extends out in a number of fingers whereby the trout are prevented from going up the stream to the various reaches of the river and Lake Tahoe. I have had this matter up with all the departments—the Bureau of Fisheries, the Fish and Game Commission of California, and the Fish and Game Commission of Nevada, and the Reclamation Service, and the Bureau of Indian Affairs.

It seems as though it is really incumbent upon the Reclamation Service and Bureau of Indian Affairs to provide in one of these appropriations, either under the Newlands project or the project here, with a proper provision to be made that the Derby Dam and other places on the stream, occasioned by virtue of the use of the river and use of water for irrigation projects as well as Indian reservations and irrigation projects, so that the fish might be utilized and come up this stream, which has been a wonderful resource to that part of Nevada and California. I have a lot of data and hoped to get the department to agree to put a provision in the reclamation part of it—that is, under the Newlands project—that a certain amount be expended to keep this stream open. May I ask the chairman if that matter was brought to his attention in the committee's hearings?

Mr. CRAMTON. I have not been able to follow all the gentleman said, although I tried hard to do so. I think nothing has been brought to the committee along the line the gentleman has suggested.

Mr. RAKER. Possibly we will not reach that part of the bill which provides for the Newlands reclamation project to-day.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. I ask for two more minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. When we reach that paragraph which provides for an appropriation for the Newlands project between now and to-morrow, if I could furnish data and authorization from the department, would the gentleman have any objection to a proviso that a certain amount be used for this purpose?

Mr. CRAMTON. I think we had better wait until we come to that paragraph. If it is not reached until to-morrow, I will read the record of what the gentleman has said also. I am always open to conviction.

Mr. RAKER. What I have said concerning this is simply a general statement without presenting facts as I should like to do.

Mr. CRAMTON. The gentleman will have that opportunity for a further presentation.

Mr. RAKER. All right.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

For improvement, maintenance, and operation of the Modoc Point, Sand Creek, Fort Creek, Crooked Creek, and miscellaneous irrigation projects on the Klamath Reservation, \$8,940, to be paid from the funds held by the United States in trust for the Klamath Indians in the State of Oregon, said sum, or such part thereof as may be used, to be reimbursed to the tribe under such rules and regulations as the Secretary of the Interior may prescribe.

MESSAGE FROM THE SENATE

The committee informally rose; and Mr. ANDERSON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed the following concurrent resolution:

Concurrent Resolution 23

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President elect of the United States on the 4th of March next.

DEPARTMENT OF THE INTERIOR APPROPRIATION BILL

The committee resumed its session.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman from New Mexico [Mr. MORROW], living close to the line, in regard to the bridge which he advocated here last session on which the Pueblos could cross over to their farms, they living on one side of the river and having to cross backwards and forwards. Has the gentleman secured an appropriation for the building of that bridge?

Mr. MORROW. It is under construction at the present time; appropriation has been made.

The Clerk read as follows:

For operation and maintenance, including repairs, of the Toppenish-Simcoe irrigation unit, on the Yakima Reservation, Wash., reimbursable as provided by the act of June 30, 1919 (41 Stat. L. p. 28), \$3,500.

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the last word. I offer an amendment to the paragraph, to strike out "\$3,500" and insert "\$5,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 36, line 2, strike out "\$3,500" and insert in lieu thereof "\$5,000."

Mr. SUMMERS of Washington. Mr. Chairman and gentlemen, I want to say a word concerning the general situation. In 1855, when the Indians of eastern Washington surrendered many million acres of land to the United States Government by treaty and limited themselves to the present Yakima Reservation, they were accorded certain rights and privileges under that treaty. The treaty was only fairly well observed by the whites, and the Government slept on the Indians' rights. Water was filed on by our irrigation projects and finally the United States Government had to expend something more than a million dollars in providing water rights in lieu of those they had permitted to slip away. At that time the Government agreed that it would furnish water for 40 acres for each Indian allotment, so we are under obligation to the Indians. Now, I am not wanting this work unduly pushed, but the situation is this, and I will have to say to you the same thing in regard to three different units all on the same project. The work has been under way for many years. There is something more than 100,000 acres that is now under irrigation, and it is

universally agreed that it is the most successful Indian irrigation project in the United States, and that it has cost less per acre than any other Indian project in the United States. I have been looking into this during the past several months, and I have learned that they have about \$100,000 worth of machinery there on the project with which they have been operating.

They tell me that they have the best organization that they have ever built up at any place in all the western territory for operating this machinery, and that it is doing efficient and effective work.

Now, the question is, since we are under obligation to put water on this land for these Indians—and we have been doing it for many years—whether it is the proper thing simply to take up \$100,000 worth of machinery and give it a dose of oil, which will stop deterioration to a certain extent, and disseminate and scatter and distribute to the four winds the best working organization they have ever had.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. LaGUARDIA. Would that \$3,500 a year be enough to do that?

Mr. SUMMERS of Washington. My contention is that it is not economy, and you are subjecting those who will have to repay this to undue expense which they ought not to be subjected to.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. In just a moment. The chairman of the committee, I am sure, would not start to build a residence and do a certain part of the work this year and then say, "We will do just enough next year to cover up the foundation," and next year build a little more, up to the second story, and then stop there, and a year or two later put on the next story, and finally put on the roof. That is an expensive way of doing private business. But we do those things here and then criticize the whole irrigation policy because it does not work out exactly on a business basis and because we do not get repayment charges as promptly as we should.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. SUMMERS of Washington. May I have two additional minutes?

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for two minutes additional. Is there objection?

There was no objection.

Mr. SUMMERS of Washington. Now there has been some work done on this particular unit, and they have a partial but insufficient supply of water, so they do get a little early crop. The Government is committed to this project. It is just a question as to when it will perform its duty. My question is, "Shall we do it in this slipshod, piecemeal fashion, covering many years, which is the most expensive way to do it?" This is the most highly productive Indian project in the United States.

Now I yield to the chairman of the committee.

Mr. CRAMTON. How much is necessary to complete the project? Does this \$1,650,000 referred to by the bureau apply to this unit?

Mr. SUMMERS of Washington. I have not had an opportunity of looking at those figures. I think the most economical way would be to appropriate a large amount. But I am not asking that in these times of severe economy, but I do not want to have them quit work entirely.

Mr. CRAMTON. Let me ask another question. The water is now covering 4,000 acres of the most productive land in the United States.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. CRAMTON. Mr. Chairman, I ask for recognition in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. CRAMTON. Why is it that no maintenance charges are being collected from these lands?

Mr. SUMMERS of Washington. The water that is supplied to this particular unit is only sufficient for some early crops. They have not a sufficient water supply to cultivate the land in the way the surrounding lands are cultivated, and grow remunerative crops.

Mr. CRAMTON. Leaving out of consideration the 2,200 acres that are cultivated by the Indians of this most productive land in the United States, even though we do not collect a dollar an acre from that, why should we not collect a dollar an acre for maintenance from the white owners on the 1,016

acres and the other 871 acres? In other words, why not collect from the white owners of these lands?

Mr. SUMMERS of Washington. I will say to the gentleman that if this project is completed up to the point where they are supposed to pay they should pay.

Mr. CRAMTON. This water that they are getting now is worth a dollar an acre. Why should the Treasury of the United States furnish it?

Mr. SUMMERS of Washington. I do not know what the department is getting.

Mr. CRAMTON. The department says that on account of the Indians on this project no rate has been fixed. But year after year we are maintaining this out of the Treasury, and 2,000 acres of the richest land in the United States are getting water at the cost of the United States Treasury. So much for that.

As to the amendment that the gentleman offers, I agree perfectly with him that as to any project we are going to build we ought to appropriate each year for an economical construction unit.

The gentleman's figure—\$50,000—is not an economical construction unit. His whole argument condemns the amendment which he offers. Either we should go ahead with this project at an expense of several hundred thousand dollars and get done with it, or do as we have provided in the bill. To pay out money in dribbles would be unwise. To spend only \$50,000 a year is dribbling money and wasteful. I think we had better retain the committee provision.

Mr. SUMMERS of Washington. The first thing that is to be done is to acquire a dam site, and the \$50,000 will take care of that and some of the preliminary work and tide the thing over without stopping operations entirely. I am considering this in connection with the other two units.

Mr. CRAMTON. I understand the zeal of the gentleman from Washington for the interests of his State. At the present time there is nothing in this bill that can be given to the State of Washington where the gentleman does not have his hands held out. I wish him success, but I do not think we should spend money to maintain irrigation projects in his district any more than in any other place, and we ought not to provide for construction units in dribbles.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For continuing construction and enlargement of the Wapato irrigation and drainage system, to make possible the utilization of the water supply provided by the act of August 1, 1914 (38 Stat. L. p. 404), for 40 acres of each Indian allotment under the Wapato irrigation project on the Yakima Indian Reservation, Wash., and such other water supply as may be available or obtainable for the irrigation of a total of 120,000 acres of allotted Indian lands on said reservation, \$10,000: *Provided*, That the entire cost of said irrigation and drainage system shall be reimbursed to the United States under the conditions and terms of the act of May 18, 1916: *Provided further*, That the funds hereby appropriated shall be available for the reimbursement of Indian and white landowners for improvements and crops destroyed by the Government in connection with the construction of irrigation canals and drains of this project: *And provided further*, That not to exceed \$100 of the amount herein appropriated shall be available for settlement of damages caused in connection with the drainage of Mud Lake.

Mr. SUMMERS of Washington. Mr. Chairman, I offer an amendment to the section just completed: Line 18, page 36, strike out "\$10,000" and insert "\$200,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SUMMERS of Washington: On line 18, page 36, after the word "reservation," strike out the figures "\$10,000" and insert in lieu thereof "\$200,000."

Mr. SUMMERS of Washington. Now, Mr. Chairman and gentlemen, what I have said in regard to the Toppenish-Simcoe project applies here with even more force. We have worked on this particular portion of the project for a great many years and we have been making good headway. It is the champion Indian project of the United States.

I want to digress just a moment to reply to the chairman. He says that at every point in this bill where it is possible the gentleman from Washington has his hands out. Now, I am here to represent that district. I did not have any time before his committee; I did not have that opportunity, and this

is the only opportunity I have of stating the facts in regard to this Government work.

We are committed to it; we are going to do it; we have been doing it for years. We do have there \$100,000 worth of machinery and the best organization and the most efficient, they say, they have ever built up. And now are we going to make repayment charges impossible by dribbling the thing along and be forever in getting it done, and thus bring criticism year after year from the chairman of the committee, who is favorable in a general way to this project? I insist that the policy we maintain here of distributing these appropriations for construction over a long period of time makes it impossible to handle the project in a businesslike way, and then my people out there are criticized for the logical results of our illogical actions.

Now, I have offered this amendment for \$200,000, which will carry on the work and utilize the expert force they have gathered together, which they can never get together again, instead of standing the machinery up to rust until such time as we decide we shall go ahead and add another story to the house, the foundation of which we have already laid and which we are going to some time complete.

This is a successful project. I have familiarized you with it on previous occasions. If we put it on a business basis and go forward and complete it, I know of no reason why they should not go ahead with repayment collections and conduct the project in a businesslike way; but if we stretch construction out over 10 or 15 years instead of completing it in 3 or 4 years, we are simply making that thing impossible.

I maintain it is economy for the Government and economy for the people who have to pay the bills if we make this appropriation of \$200,000 and let the work move forward.

Mr. CRAMTON. Mr. Chairman, as I understand it, \$535,000 will complete the project. That is to be spent for a power and pumping plant. I suppose the power plant will save considerable to the users of water. The profits, if power is sold, will be used as they are on the Salt River project, namely, to reduce the cost of operation and maintenance.

I agree with the gentleman that when we start to complete that project we ought to appropriate enough for the economical construction of the project. There is nothing going on there this year, and I understand there was nothing last year in the way of construction. There is operation and maintenance, however, authorized by this item.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SUMMERS of Washington. I think the gentleman is mistaken about no work having been done there in the last two years.

Mr. CRAMTON. I am wrong about 1924, and there is only an appropriation for operation and maintenance for the current year. For 1925 there is nothing. That is correct, is it not?

Mr. SUMMERS of Washington. The chairman has the figures, and, as far as I know, it is correct.

Mr. CRAMTON. This is the most successful Indian project in the United States. Notice that; and yet we are asked to rush into the expenditure of another couple of hundred thousand dollars to provide a power plant for them. There are 10,000 acres cultivated by the Indians and 60,000 acres cultivated by the whites. I have been on that project. It is a splendid region, and any Indian who owns 40 acres of that land, with this water available, is comfortably fixed if he will simply be willing to go to work. If they will set it out to fruit, they can have an income of several thousand dollars a year. But instead of that most of them on that most successful Indian project in the country rent the land unimproved for about \$800 a year and then expect us to pay the school charges for their children when they send them down to Chemawa. I say that the more we make things easy for those people the less of a favor we are doing them.

Now, we do not even get the operation and maintenance cost back. For 1924 the collections on that project for operation and maintenance were \$70,000 and the cost was \$108,000, about \$1.50 an acre in a rich country, where the field crops are splendid and much is in great orchards—\$1.50 an acre for water. We pay out of the Treasury \$108,000, and only \$70,000 comes back. I think we can just mark time a little until we get straightened out.

Mr. SUMMERS of Washington. What is that date?

Mr. CRAMTON. That is 1924, the fiscal year; not the calendar year 1924 but the fiscal year. Before we build a power plant for them I think we should ascertain whether they are going to pay it back and pay it back with interest.

Mr. SUMMERS of Washington. The power plant has nothing to do with this, because this is already under irrigation.

Mr. CRAMTON. But the \$200,000 which the gentleman proposes is on the power plant.

Mr. SUMMERS of Washington. It is for a continuation of the project; it is to finish up the work we have agreed to do under the treaty and under later agreements.

Mr. CRAMTON. And that is the completion of the power plant and the pumping plant.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The question is on the amendment offered by the gentleman from Washington [Mr. SUMMERS].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For operation and maintenance of the Satus unit of the Wapato project that can be irrigated by gravity from the drainage water from the Wapato project, Yakima Reservation, Wash., \$5,000, to be reimbursed under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. SUMMERS of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SUMMERS of Washington: Page 27, line 7, strike out "\$5,000" and insert in lieu thereof "\$50,000."

Mr. SUMMERS of Washington. Mr. Chairman and gentlemen, these are not three separate projects. They are units of the same project, and the same machinery and the same organization that would operate in one place would also take care of the others. We have here a little different situation from the others. If we do not utilize water rights that are available, they are liable to be filed on further down the river and we will still be under obligation to the Indians to make good under our treaty and under later agreements we have had with them, and we may then find ourselves under the necessity of making a very great outlay for water rights. That has once occurred. We did that very thing. The United States slept on the Indians rights and it cost us \$1,000,000, and yet we blame the people for it. The Congress of earlier days is to blame for it. The members of the old Committee on Appropriations were responsible for that, and that is the policy you are asked to pursue now.

Let us appropriate \$50,000 and start the reservoir and show that we are going to use the water there and in that way hold the water right for 35,000 acres that are yet to be irrigated instead of letting it flow on down the river and be filed on further down. We will then have to expend perhaps half a million dollars for another water right.

This is one of the best districts in the country, and if it is not being conducted wholly on a business basis I maintain we are as much to blame right here on the floor of the House as they are down in the department or as they are out on the reservation itself. If you do this work piecemeal, spread over a lifetime, the overhead is bound to be enormous and you are bound to be a long time in getting your repayments, and my people are criticized because they do not repay. How could you pay for a piece of property out of the rentals from the property if you laid the foundation one year, spent a little money the next year to take care of the foundation, and the next year built the first story, and the next year the second story, and a few years later put a roof on the building?

How could you expect repayment of your capital from rentals received on property handled in that manner? That is what we are doing on our reclamation projects. It seems to me that it is not economy and that it is shortsighted, and that we ought to at least go ahead and complete the work we are obligated to perform and that we have undertaken and have under way, and handle it in a businesslike manner.

As far as the repayments are concerned or any just charges that the chairman has referred to for tuition for children, I am willing to go with him all the way in regard to that. I am not asking something for nothing. I am only asking that we handle public business as we would handle our own private affairs. I have told you time and again of the fertility of the soil, of the salubrious climate, transportation, hard-surface highways, near-by schools, and business facilities. This appropriation ought to be made now and the work on the Satus project continued at this time.

Mr. CRAMTON. Mr. Chairman, the hearings disclose that I asked Mr. Reed, the chief engineer of the Indian Service, about this amount of \$50,000 which is the appropriation for the

current year for this item, which is the Satus unit of the Wapato project. I asked Mr. Reed these questions:

Mr. CRAMTON. Does \$50,000 for construction, operation, and maintenance complete the Satus unit?

Mr. REED. Yes, sir.

Mr. CRAMTON. So now it is just a question of operation and maintenance?

Mr. REED. Yes, sir.

Mr. Reed says the current appropriation is going to complete the Satus unit. Evidently there is some addition to the Satus unit involved in the gentleman's amendment.

Mr. SUMMERS of Washington. Will the gentleman yield briefly?

Mr. CRAMTON. I think the orderly way would be to have the gentleman come before us and give us the information if he wants an additional project.

Mr. SUMMERS of Washington. May I make just a brief statement?

Mr. CRAMTON. Yes.

Mr. SUMMERS of Washington. There are 40,000 acres involved, but there is one part of that unit, one field, so to speak, that they have put water on.

Mr. CRAMTON. Are the conditions so flourishing in the State of Washington in agriculture that there is any need to hurry to put thousands of additional acres into cultivation?

Mr. SUMMERS of Washington. This does not bring them into cultivation at this time.

Mr. CRAMTON. Oh, no; but it takes the money out of the Treasury.

Mr. SUMMERS of Washington. With the best they can do, it will require several years.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington. The amendment was rejected.

The Clerk read as follows:

Fort Bidwell Indian School, California: For 100 pupils, \$25,000; for pay of superintendent, drayage, and general repairs and improvements, \$7,000.

Mr. RAKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 42, after line 8, insert:

"Greenville Indian School, California: For 100 pupils, \$25,000; for pay of superintendent, drayage, and general repairs and improvements, \$15,000; for repair and reconstruction of school buildings damaged and mostly destroyed by reason of fire on December 19, 1921, \$60,000, to be immediately available; in all, \$100,000."

Mr. CRAMTON. Mr. Chairman, I reserve a point of order on the amendment. I have not had time to read it all, but as I understand it, the amendment provides for construction of new buildings and for the opening of a school that is now closed.

Mr. RAKER. The school is practically nonactive at the present time. The \$60,000 for building is for the reconstruction of a building which was mostly destroyed by fire, but the foundation is there. This is on the point of order, I take it, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. CRAMTON. Your item is for repair and reconstruction of school building damaged and mostly destroyed by fire, \$60,000?

Mr. RAKER. Yes.

Mr. CRAMTON. I withdraw any point of order, Mr. Chairman.

Mr. RAKER. Mr. Chairman, the facts of this particular case are that the school was in operation for a number of years, well located so far as providing for the Indian children was concerned. Within 1 mile to 20 miles the parents of practically all these children live. The school owned a very splendid tract of land upon which were 28 buildings still remaining. They obtained through the Forest Service 320 acres of timberland adjoining for experimental purposes. Six years ago we obtained sufficient appropriation to procure a farm upon which we raised hay and stock that provided meat and milk for the school. We had it so that it was really giving an education to these young men and women attending the school. At the time designated the fire came and destroyed the one building used for administrative purposes and a dormitory for the boys at one end and the girls at the other end and a kitchen. The other buildings are good. I was there last year and again this year. The children were moved

from that school, some to Salem, Oreg., many miles away in another State, some went to the northern part of the State of California, a number were sent to the Carson Indian School in Nevada, a long distance away, and some were sent clear to the Sherman School in the southern part of the State of California. A number, some 25 or 30, got nothing. I have been to the Sherman Institute in southern California, and to the others. Much has been said about their being splendid schools, but I want to say to you from personal observation that so far as the Indian schools are concerned that where a boy or girl can go to school at home where he can at intervals be in the environment of his own people, inhabitants who are building up the country, it is much better for that boy or girl than it is to go to a large institution all fenced in and 90 per cent artificial; because when that pupil leaves the institution after having been there 5 to 10 years he becomes isolated from his own people and does not take up the ways of the white man as he ought to. You get the schools close to the homes and you get results.

Now, this school can be replaced and put in shape for the amount designated. Everybody in the community asks for it to be done, because of the good it will do.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. I have sought every means I could to get this school reopened. Had I been on the ground at the time it never would have been closed, because they saved practically all of the dishes and bedding, and the boys had a building where they could have stayed and the girls another building on the other side, and within two months they could have got the necessary appropriation to reconstruct the building at the cost price, because they were ready to do it and are willing to do it now. I hope the chairman will, out of the goodness of his great heart, not object to letting this school be reopened. It will help the Indians out; it will not help me. It makes no difference who represents the school. If we could have had the chairman of the subcommittee and the chairman of the Indian Affairs Committee visit that country, I know they would have unanimously voted for this item. We have done our best to get the members of that committee to go to that territory, where they could see the national park and the school. We have offered to pay the expenses, railroad and otherwise. It is some distance from the railroad. We had one gentleman come there last summer, and it did a world of good. I hope the chairman of the subcommittee will allow the item to go in.

Mr. CRAMTON. Will the gentleman yield?

Mr. RAKER. Certainly.

Mr. CRAMTON. Is this amendment for the Greenville Indian School or for the national park?

Mr. RAKER. For the Greenville Indian School. We have not come to the park yet.

Mr. CRAMTON. Mr. Chairman, there are two reasons why we ought not to do this, and the gentleman knows that my opposition is based upon the necessities of the case. In the first place, it is not desirable to open the school anyway. We prefer a few large boarding rather than more small schools, where the overhead is greater and the facilities less. The second reason is that when I was in Arizona a year ago I visited various schools, and I met an inspector who was familiar with the conditions in the various towns where there were Indian schools. I was very much pleased at Riverside, where through the liberality of the community they gave every facility of the high school to any Indian pupil and in the junior college without tuition, no matter from what State they came. The same is true in Phoenix, where they are received in the churches and in the homes of the town in a way that I thought was splendid. In response to my inquiry I learned that the only community in this section of several States where there was an Indian school where the Indian pupils were discriminated against by the people of the town was in Greenville, Calif., where they were welcome neither in the homes nor in the churches or the local schools, and I am against opening or reopening an Indian school in any town anywhere where that situation prevails.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, in reply I say to the gentleman that that inspector was mistaken. There is no finer com-

munity anywhere, there are no finer schools nor better churches, nor more well attended by the higher class of citizens, nor any who recognize the rights of the Indians any better than do the people of Greenville and the people in that valley and Plumas County. The gentleman must remember that it is not very long since when the last trouble occurred with the Indians in that part of the State, and it took some time for the people to get over the feeling engendered by that trouble. A short distance from there, over on Honey Lake, the Pearson family were killed, and it took a long time for those people to get over that. They feel that these Indian children ought to go to school by themselves and not be mixed up with the whites, and with a good deal of that I am in hearty accord. We get better results now from Indian pupils who are segregated in that way than by mixing them up with the whites, boys and girls together.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was rejected.

The Clerk read as follows:

Sequoyah Orphan Training School, near Tahlequah, Okla.: For the orphan Indian children of the State of Oklahoma belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, \$59,850; for repairs and improvements, \$6,500.

Mr. HASTINGS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 44, line 20, after the semicolon, insert "for the enlargement of the school building so as to provide four additional classrooms, not to exceed \$20,000."

Mr. HASTINGS. Mr. Chairman, this is an orphan training school and is the only school of that kind in the United States. It is the only school where orphan children alone may attend. It is true that orphan children can go to other schools, but none but orphans can go to this school. Recently, within the last two or three years, there have been some additional dormitories erected, paid for out of the Cherokee funds. All of the Cherokee funds have been donated for the upbuilding of this school. They now find it in a crowded condition, where they do not have sufficient classrooms for the pupils. If this amendment is adopted, the idea is to raise the building up so that four new classrooms may be added, and thereby provide sufficient facilities to take care of the present attendance at the school. The school has a capacity of 250 children, and there were 246 in attendance there the other day when my colleague from Oklahoma [Mr. CARTER] and myself visited the school. I hope the amendment will be adopted.

Mr. CARTER. Mr. Chairman, I had an opportunity to visit the school within the last month, and I find this situation: The dormitory capacity had been increased until the school is able to accommodate from 250 to 275 children. On the day that I was there they had an attendance of 246 children and only 4 ordinary-sized classrooms, which made over 60 children to a classroom. The school is in a crowded condition. When I came back I called the attention of the committee to this, but not having the data at hand at that time as to what the cost might be, the chairman of the subcommittee, the gentleman from Michigan [Mr. CRAMTON] very kindly suggested that the matter go over and that we offer the amendment on the floor of the House. It is a very well-conducted school, serving a very splendid purpose, because no one but orphan children attend. In my opinion the additional classrooms can be used to very good advantage. As I saw the school, it was entirely too crowded for efficient instruction to be given.

I really think the amendment ought to be incorporated in the bill. It is an increase of \$20,000, which will be used for raising the school building, in order that four more classrooms may be added above those now being used. As far as I am concerned, I hope the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

The Clerk read as follows:

Chemawa, Salem, Oreg.: For 850 Indian pupils, including native Indian pupils brought from Alaska, including not to exceed \$1,000 for printing and issuing school paper, \$191,250; for pay of superintendent, drayage, and general repairs and improvements, \$17,000; *Provided*, That except upon the individual order of the Secretary of the Interior, no part of this appropriation shall be used for the support or education at said school of any native pupil brought from Alaska after January 1, 1925.

Mr. HAWLEY. Mr. Chairman, I move to strike out the last word for the purpose of asking a question concerning the proviso at the top of page 45. This school at Chemawa has an attendance now of 900 students, of which a large number come from Alaska. For 40 years the children of the Indians of Alaska have been admitted to this institution, and in the last 8 years some 821 different Indian children have come from Alaska to the school. They have proven to be very good students and have taken unusual advantage of the opportunities afforded. The people of the vicinity, the various civic organizations of Salem, which is within 5 miles of the school, are very much interested in these children, because of the excellence of their work and of their character. They have made inquiry as to why the committee proposes now to exclude these children from the school, to which they have been admitted for some 40 years. It has been stated that it is the intention of the committee to provide for the education of Alaskan children in Alaska without bringing them away from their native place. What is the purpose of the committee in making this change?

Mr. CRAMTON. Mr. Chairman, the school at Chemawa is one of our best Indian schools, I am advised, although I have not visited it. There is a demand for facilities there greater than we can accommodate. There are Indian children from the United States that could be placed there to the full capacity of the school without the Alaska children. The information that has come to the committee for the last three or four years with reference to the Alaska children is that bringing them from Alaska down to Oregon to educate them, with the idea of returning them to Alaska, is not practical. The results do not work out well. We simply unfit them for return to their people in Alaska. To a considerable degree the industrial training in Oregon which they receive does not fit them for practical work in Alaska. The health conditions surrounding them are not the best because of this change.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HAWLEY. Of the 821 children within the last eight years that have come to the Chemawa school, only 16 have been sent to institutions for tubercular affliction, and the health of the children is good. Less than 2 per cent of the children have been afflicted with tuberculosis, and they probably had it before they came here.

Mr. CRAMTON. My impression is that the gentleman from Idaho, a member of the subcommittee [Mr. FRENCH], who has given some attention to this, visited the sanatorium at Fort Lapwai, Idaho, and found quite a lot of Alaska children there who had tuberculosis—

Mr. HAWLEY. There were only 16—

Mr. CRAMTON. Perhaps they had it when they came. But, however that may be, the committee has felt the other reasons sufficient—the need for the school to take care of the Indian children for which it had been built, the effect of the industrial training in Oregon on Alaska children, their whole education unfitting rather than fitting them for their duties among the people of Alaska. And the idea of the committee was that it would be better to provide educational facilities for them in Alaska. We made some start last year. There is probably \$50,000 or over in the bill this year for construction and extension of industrial schools to take care of those.

But the limitation put in last year was not a very radical one. We did not desire to disturb those children now in the school and until the 1st of next January they have been permitted to come in. The committee desires that no more should come from Alaska, and gradually that the Alaska attendance at this school shall disappear, and in the meantime we are striving to provide ample facilities for their education in Alaska.

Mr. HAWLEY. Will the gentleman answer this question: These children have proven such excellent students; that is, they have taken advantage of the opportunities they have and we are interested in them by reason of the fact of their proximity and in the welfare of all such children in Alaska. Is it the intention of the committee to provide in Alaska—

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAWLEY. I ask for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HAWLEY. Is it the intention of the committee to provide for education of the children in Alaska and to have suitable facilities as will approximate those at Chemawa?

Mr. CRAMTON. It is the desire of the committee, and the program that committee has entered upon is, to provide facilities for them in Alaska to best fit them for their future in Alaska. They may not be identical with those at Chemawa.

Mr. HAWLEY. Will it be as efficient?

Mr. CRAMTON. They will be more efficient for the benefit of their future work in Alaska. There is one thing we are doing now. We have a ship—the *Boxer*—that makes the different ports clear up to the Arctic Circle. Now, one use that is made of it is as a floating school in the winter. We have a limited number of boys who are being trained in the care and repair of gasoline engines that are so largely used. These boys are trained in the making of repairs and it is a very valuable training that is given them on the *Boxer*, and they have a more practical training than can be given elsewhere.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAWLEY. I withdraw the pro forma amendment.
The Clerk read as follows:

The Secretary of the Interior is authorized to withdraw from the Treasury of the United States, in his discretion, the sum of \$35,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota arising under section 7 of the act of January 14, 1889, and to expend the same for payment of tuition for Chippewa Indian children enrolled in the public schools of the State of Minnesota.

Mr. SMITH. Mr. Chairman, I move to strike out the last word for the purpose of asking a question with reference to the item on page 32 providing for maintenance and operation of the Fort Hall irrigation system, Idaho, \$15,000. The appropriation for the current fiscal year is \$49,000, reimbursable. I received a telegram this morning from the Pocatello Water Users' Association, which is as follows:

POCATELLO, IDAHO, December 5, 1924.

Hon. ADDISON T. SMITH,

House of Representatives, Washington, D. C.

Reports indicate appropriation maintenance Fort Hall project, \$15,000. Total maintenance cost approximately \$1.50 per acre. Indian area not paying on acreage basis. Thirty-two thousand acres require maintenance appropriation \$48,000. Water users protest against paying maintenance cost for Indian lands.

POCATELLO WATER USERS' ASSOCIATION.

I wish to have the chairman explain the committee's reason for reducing the appropriation from \$49,000 to \$15,000. Is the department planning some new policy that is being made applicable to Indian irrigation projects?

Mr. CRAMTON. In my preliminary statement on Wednesday, page 84 of the RECORD, I go into that situation somewhat. The gentleman from Idaho is correct. It is the policy of the committee, taking in a number of reservations—Yuma, Fort Hall, Flathead, Blackfeet, Crow, Confederated Utes, and Wind River. With reference to Fort Hall, our best information is that there is Indian owned and not leased 15,000 acres, of which 7,249 acres are cultivated. White owned, 14,760 acres, of which 3,822 acres are cultivated; white leased, 19,446 acres. Total, 52,010 acres. There is a total amount of 34,000 acres white owned and white leased land. The assessment sought to be spread against that 34,000 acres would be \$42,690, but the estimated amount for operation and maintenance is \$40,000.

We did not want the whites to take care of the cost of irrigation for the Indians, and we did not desire the Treasury to take care of the cost of operation and maintenance of irrigation on the white land, and therefore we made the recommendation. From the information we have at hand that the Indians had about one-third of the land properly assessable and should pay about one-third of the cost of operation and maintenance, and taking \$40,000 as the cost, we placed \$15,000 in the bill as being the Indians' share.

Mr. SMITH. But if the Indians do not pay their share of these charges, are any portion of them imposed on the white landowners?

Mr. CRAMTON. That is a matter between the Treasury and the Indians. But there will be \$15,000 appropriated from the Treasury to take care of the third that belongs to the Indians. Now, if the whites will pay \$30,000 or less to take care of their two-thirds, then the department will have enough to operate and maintain the project. The trouble has been that the whites have not been paying their share.

Mr. SMITH. But under the proposed plan of the committee the white landowners would be required to pay operation and maintenance in advance.

Mr. CRAMTON. That is not the plan of the committee. That is the law and the order of the department. The order of the department fixing all of these charges under the act of 1914 provides for the payment in advance.

Mr. SMITH. Is that law being enforced?

Mr. CRAMTON. That is what we are trying to bring about. The order of 1914 fixes the authority of the department. We are trying to make it a little more practical and require that these charges be paid by the whites for the operation and maintenance of the white-owned land. We want them to pay their share, but not to pay the Indians' share.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For aid to the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma, \$155,000, to be expended in the discretion of the Secretary of the Interior, and under rules and regulations to be prescribed by him: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of the act of May 25, 1918 (40 Stat. p. 564), limiting the expenditure of money to educate children of less than one-fourth Indian blood.

Mr. HOWARD of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOWARD of Oklahoma: Page 47, line 13, strike out "\$155,000" and insert "\$578,000."

Mr. HOWARD of Oklahoma. Mr. Chairman and gentlemen of the committee, one of the most pathetic and yet one of the most ridiculous things that I know of is to see some fellow who has been elevated to some office, either through political preference or otherwise, writing a report about how much good he has done for the Indian, when in most instances the fellow making the report never saw an Indian except the one that stands in front of a cigar store until he received a political preferment, and in most other instances he is only interested in the Indian to the degree that he draws his salary.

This situation, Mr. Chairman, is especially true with respect to the Five Civilized Tribes in the State of Oklahoma, and I want to say without fear of contradiction that in the manner of the education of the Indian there is no greater waste, considering the amount involved, than there is in the expenditure of the moneys boasted of by the Indian Bureau in referring to what it does for the Indians of the Five Civilized Tribes.

In the first place, I want to say, Mr. Chairman and gentlemen of the committee, that I have lived among the Indians for 33 years, and I challenge any man to present to me a case of an Indian in the Five Civilized Tribes who has been under the surveillance and supervision of the Indian Bureau who is to-day any further advanced toward caring for himself than he was 33 years ago. On the other hand, where we have turned these Indians loose, where we have given them an opportunity to get out from under these self-styled "guardian angels," in just so many cases, as in an equal number of instances with respect to the white men of Oklahoma, those Indians have made good and have become good citizens.

I want to charge, Mr. Chairman, that the Indian Bureau, in so far as the Five Civilized Tribes are concerned, does not in anywise do what they claim to the Congress of the United States that they do in the matter of educating the Indians; and I will guarantee to this Congress that if you will give to the State of Oklahoma one-half of the money you spend on Indians in the Five Civilized Tribes for educational purposes we will place them in better schools than the Government furnishes and educate them among our white people, where they should be and where within seven years they must be educated.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. CRAMTON. If I understand the gentleman's proposition, it is interesting; but does he say that if we will give him half—

Mr. HOWARD of Oklahoma. Half of the \$680,000.

Mr. CRAMTON. About \$77,000?

Mr. HOWARD of Oklahoma. It is \$680,000.

Mr. CRAMTON. That is something else.

Mr. HOWARD of Oklahoma. I will get to that.

The Interior Department does not do for the Five Civilized Tribes what they claim they do. In that connection I want to call your attention to the table on page 83 of the CONGRESSIONAL RECORD of December 3, 1924. This report sets out that in the Five Civilized Tribes of Oklahoma there are 26,979 children of school age, and then it sets out—

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HOWARD of Oklahoma. Mr. Chairman, I ask unanimous consent to proceed for five more minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent for five additional minutes. Is there objection?

There was no objection.

Mr. HOWARD of Oklahoma. And then it sets out, Mr. Chairman, that there are in these Indian schools 19,605 students.

Now, Mr. Chairman, I hold in my hand here a copy of the report made by the United States Commissioner of Education in 1922, in which it is shown that instead of 19,605 of these children being in these schools supported by the Government, through tribal and governmental funds, there were, as a matter of fact, 3,584 of those Indians.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. HASTINGS. I heard the gentleman make some statement about the number of unrestricted Indians in remarks that he made before to-day. I think the misapprehension as to the figures arises from this fact, that the members of the Five Civilized Tribes were made citizens of the United States under the act of March 3, 1901. I think the Commissioner of Education or the Census Bureau does not make a report of all of those of Indian blood, whereas the Indian office or those who are charged with disbursing this money for the benefit of Indian schools take a census of all of the Indians of every degree of blood, and therefore the figures representing nineteen thousand-odd children are approximately correct, whereas the Commissioner of Education or the Census Bureau in taking the census does not take note of the great many Indian children who are not carried on the rolls, who are not restricted as of one-half Indian blood. I think that is the proper explanation.

Mr. HOWARD of Oklahoma. Yes; that is the camouflage of the Indian Bureau, when, as a matter of fact, the condition does not exist. But I refer to the fact that according to the report there are only 3,584 Indian children in the Indian schools maintained by the Government in the Five Civilized Tribes from governmental and tribal funds.

Now, Mr. Chairman, I find that the Government spent in 1922, \$680,000 for educating 3,584 of these Indian children, while the State of Oklahoma, according to the report of the Commissioner of Indian Affairs, is educating 21,245 of these Indian children, and they very liberally, so they think, appropriate to us \$150,000.

Now, Mr. Chairman, the table to which I refer says there is a total capacity in all schools for 18,095 children provided by the Government of the United States in Oklahoma. I want to ask where those schools are. I want to ask data from the Commissioner of Indian Affairs as to how many of those children are in their schools.

The facts are, Mr. Chairman and gentlemen of this committee, that those children are being educated, 21,000 of them, by the State of Oklahoma; but in order to camouflage this Congress and secure \$680,000, most of which they are wasting in the State of Oklahoma, they carry in the table presented to you a statement which would lead you to believe that they are educating 18,095 of these Indian children.

Now, Mr. Chairman, to get back to my amendment. I am only asking for justice for the State of Oklahoma. According to the report of the Commissioner of Education we in Oklahoma could have collected in school taxes \$1,283,000 last year had it not been for the agreement which the Government is carrying out with the Indians, and properly so, because they made that agreement. But I maintain, Mr. Chairman, that the Government of the United States should not impose upon the citizenship of the State of Oklahoma by asking them to educate 21,245 children while they, in carrying out their agreement with the Indians, keep that land off the tax rolls.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HOWARD of Oklahoma. Mr. Chairman, I ask for three more minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for three additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWARD of Oklahoma. Now, Mr. Chairman, I have figured this thing from the basis of the \$680,000 spent by the Government, and deducting that from the \$1,283,000 which the State could collect on these lands for school purposes, and it does seem to me but fair and it does seem to me but justice that this Congress should make up the difference, because the white children of Oklahoma, through this condition, are being kept out of school from one to three months each year and the taxpayers of Oklahoma are compelled to levy from \$400,000 to

\$650,000 extra in State funds upon themselves in order to carry on these schools and educate these children which the Indian Bureau tries to camouflage you into believing it is educating. It does seem to me Congress should make up the difference to us, and that difference is \$578,000, including the \$155,000 carried in this bill. I ask this on the recommendation of the Bureau of Education of the Interior Department, because in its report it said:

The school system should be organized so that the Indian youth shall ultimately be educated in the public schools of the State. To this end the responsibility of the Federal Government will gradually decrease, and that of the State will increase, until the schools are entirely controlled and maintained by the State. In view of the fact that the trust periods on Indian lands are to expire within 5 to 10 years, unless extended by Congress, it is important that the State shall make all possible effort to improve the rural schools of the Indian districts, incorporating in the curriculum those phases of education which are vitally related to home life, so that the Federal Government may resign its responsibility in favor of the State with the assurance that satisfactory standards of education will be maintained.

The Federal Government should provide liberal financial aid for the education of Indian children in the public schools during the trust period.

Mr. BLANTON. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. BLANTON. The gentleman has in his district in Oklahoma a magnificent State university?

Mr. HOWARD of Oklahoma. Not in my district.

Mr. BLANTON. At Norman? May I ask the gentleman whether any of these Indian children are attending that university?

Mr. HOWARD of Oklahoma. There are Indian children in every school we have in Oklahoma.

Mr. BLANTON. I mean in the university.

Mr. HOWARD of Oklahoma. Yes.

Mr. BLANTON. Does the State of Oklahoma receive any remuneration for those children?

Mr. HOWARD of Oklahoma. No, sir; except the \$155,000 included in this bill for the education of 21,245 children. Gentlemen, I ask you to do justice to the State of Oklahoma.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. CRAMTON. Mr. Chairman, it is not for me to argue with the gentleman from Oklahoma, as well informed as is the gentleman who has just spoken as to what is or is not in Oklahoma, but I do think that a gentleman as eminent as the gentleman from Oklahoma, before he would twice in one day challenge the accuracy, and not only the accuracy but the good faith of the Indian Bureau, would want to be sure that he was doing justice to those officials.

Now, he has claimed that they are misleading you about the number of children cared for in Indian Government schools in Oklahoma. Let me read to you from the hearings with respect to this particular item, page 936, and available to the gentleman from Oklahoma. It is a statement from Mr. Meritt on this item of \$145,000:

The total number of eligible children in the Five Civilized Tribes is 26,979, not including freedmen. Of these there were enrolled in the public schools about 16,563; in Government schools, about 2,097; in contract and noncontract schools, 945, making a total enrollment of 19,605.

Nobody but the gentleman from Oklahoma has any idea that the Indian Service has been trying to claim there were 19,000 children in Government schools in Oklahoma.

But the amendment proposed, what is it? The gentleman wants a total of some \$680,000 to be turned over to the State of Oklahoma to educate a total of 19,605, \$30 per capita for all of them, in addition to what we are providing in our other schools. I do not understand that his amendment would provide schooling for one additional child in Oklahoma, but it would transfer \$500,000 more from the Treasury to the coffers of Oklahoma than does this bill.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. CRAMTON. Yes.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HOWARD of Oklahoma. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan have two more minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from Michigan [Mr. CRAMTON] have two additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWARD of Oklahoma. Mr. Chairman, I reiterate what I said relative to the table on page 84, which states that the total in school is 19,695 and the total capacity of all schools is 18,095, evidently leading anyone who had no opportunity to attend the hearings of this committee, as was the case with most of us, because you will remember they were ready to report when we arrived in Washington, to the conclusion that they had facilities for 18,095 children out there, when they have not facilities for one-third of them.

Mr. CRAMTON. Mr. Chairman, this table has nothing to do with the question of whether they are in Government schools or State schools. It is a table of the number of Indian children who are in school. In another paragraph there is an appropriation of \$350,000 to pay tuition in the public schools, and I think everyone agrees who is familiar with the question that these Indian children are better off, where it is possible to do so, if they are in the public schools with the white children, and so we are constantly making that appropriation larger.

This table has nothing to do with the question of what kind of school they are in. It is the number that are in school, and if there is an error in it, I think gentlemen might better blame me than the Indian Service, because the table is a condensation which I prepared of much more elaborate tables which appear in the Indian Office reports, and the information I have just referred to absolutely acquits the Indian Bureau of any misrepresentation which the gentleman has twice to-day charged them with.

Mr. HOWARD of Oklahoma. Yes; and he is going to charge them with some more before he gets through and prove it, too.

Mr. CRAMTON. The gentleman wants to be just, I know.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. HOWARD of Oklahoma) there were—ayes 10, noes 26.

So the amendment was rejected.

The Clerk read as follows:

For necessary expenses in connection with oil and gas production on the Osage Reservation, including salaries of employees, rent of quarters for employees, traveling expenses, printing, telegraphing and telephoning, and purchase, repair, and operation of automobiles, \$58,400, to be paid from the funds held by the United States in trust for the Osage Tribe of Indians in Oklahoma.

Mr. CRAMTON. Mr. Chairman, the gentleman from New York [Mr. SNYDER], chairman of the Committee on Indian Affairs, has an amendment to this paragraph. He is on his way over now, and I ask unanimous consent that this paragraph may be passed until the gentleman from New York arrives.

The CHAIRMAN (Mr. SNELL). The gentleman from Michigan asks unanimous consent to pass this paragraph temporarily. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For expenses incurred in connection with visits to Washington, D. C., by the Osage Tribal Council and other members of said tribe, when duly authorized or approved by the Secretary of the Interior, \$10,000, to be paid from the funds held by the United States in trust for the Osage Tribe.

Mr. CRAMTON. Mr. Chairman, I ask now that we return to the item on page 58 concerning the Osage Indians.

Mr. SNYDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SNYDER: Page 58, after line 18, insert a new paragraph, as follows:

"For the erection of a monument under the supervision of the Secretary of the Interior on the Osage Indian Reservation in Pawhuska, Okla., as a memorial to Indians of that tribe who gave their lives for their country in the recent war with Germany, \$25,000, payable from the tribal funds of the Osage Indians."

Mr. SNYDER. Mr. Chairman, I do not think it is necessary to say anything with reference to this proposed amendment. Recently I was in Pawhuska, on Indian matters, and the council of the Osage Tribe were in session at that time. They requested me to present this amendment. I have found in my experience with the Osages that they are a very patriotic people. They were among the first to send their sons to war. They have ample funds; in fact, more money than they know what to do with, and they want this appropriation in order to

set up in their own country a monument to commemorate the activities of their own people in the Great War.

Mr. CARTER. And it is to be paid out of their own funds?

Mr. SNYDER. Yes; from their own funds. It is not a charge on the Government at all. I would be very pleased, of course, to see the amendment adopted.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. SNYDER. Yes.

Mr. LaGUARDIA. Does the gentleman provide in his amendment that the design shall be by an American artist?

Mr. SNYDER. The amendment does not call for that; but it would be rather unreasonable to expect the Indians of this country would go outside of the country to get an artist to design their own monument.

Mr. LaGUARDIA. That happened very recently in this country, and that is why I inquired.

Mr. HOWARD of Oklahoma. Mr. Chairman, I represent as a Member of Congress practically all of the Osages. I want to say I am pleased at the cooperation of the chairman of the Committee on Indian Affairs with the Osage Indians in introducing this amendment providing for the building of this monument.

I dare say there was no race of people whose sons made a better record on the battle field than did the sons of the Osage Tribe. I think it is fitting that the Osages themselves want to erect this monument to the memory of those of their tribe who fought for their country in the Great War.

In passing I also want to call attention to the fact that while it will not be commemorated by the building of this monument, yet the great Osage people with their great wealth exceeded in many instances, and always equaled, in the exemplification of the spirit of patriotism, any other citizenship, and the remarkable manner in which they subscribed their funds for the benefit of the Government at the time of war was a precedent and an act of which the Osages and the Nation should certainly be proud.

Mr. SNYDER. Will the gentleman from Oklahoma permit an interruption?

Mr. HOWARD of Oklahoma. Yes.

Mr. SNYDER. I know the gentleman will be pleased to have inserted in his remarks the fact there are about 2,200 Osages still on the rolls, in various ways, and there were 144 Osage Indians who served in the late war, and the per capita subscription of the Osage Indians to Liberty bonds was \$1,500.

Mr. HOWARD of Oklahoma. I thank the gentleman, and I want to say that one of the prettiest pictures I saw during the war was of one of these old Osage women, past 80 years of age, holding a great barbecue and feast at her home for the purpose of raising funds to help with the war work.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SNYDER].

The amendment was agreed to.

The Clerk read as follows:

PATENT OFFICE SALARIES

For the Commissioner of Patents and other personal services in the District of Columbia in accordance with "The classification act of 1923," \$2,370,000: *Provided*, That of the amount herein appropriated not to exceed \$25,000 may be used for special and temporary services of typists certified by the Civil Service Commission, who may be employed in such numbers, at \$4 per diem, as may, in the judgment of the Commissioner of Patents, be necessary to keep current the work of furnishing manuscript copies of records.

Mr. LaGUARDIA. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Michigan, the chairman of the committee, a question. I am pleased to state that there has been a marked improvement in the conduct of the Patent Office within the last two or three years. What I would like to ask the gentleman is, Has there been any provision made for making the responsible officers of the various divisions and the technical positions more attractive? I understand that young men get positions, remain there a few years, and, with nothing to look forward to, they leave the Government service for higher compensation in private offices. The result is that, instead of building up a permanent skillful and specialized personnel, the Patent Office becomes a mere training school. It seems to me that while the clerical force has been provided for under the present appropriation, it might be well if some thought was given to the reorganization of the office in regard to heads of divisions and technical men with a view of making the places more attractive and providing proper promotions and better remuneration, so as to build up a skilled and trained personnel in that office. Surely in the

greatest Patent Office in the world we should provide properly for the men who have such responsible work.

Mr. CRAMTON. I will say that within the last two years there has been an increase of about 50 per cent in the cost of administration in the Patent Office, very largely due to the salary increase not passed by Congress and approved February 8, 1922. At that time the cost was about one and a half million dollars, and at the present time it is almost two and a half million dollars. That is almost entirely due to the increase of salaries; not entirely, because there has been some increase in the personnel. So that at the present time we have probably gone about as far as we should in that direction. The gentleman will recognize that in any technical branch, and especially one like the Patent Office, where the Patent Office is the court that finally passes on the issuance of patents, bright and competent men who go into the service and become technical experts, by reason of the very training that they secure there, will attract salaries outside higher than the Government can pay, and therefore they will accept the outside position, taking them from the Government to some extent.

Mr. LA GUARDIA. Some of these men who become specialists I believe receive salaries of four or five thousand dollars, and I can understand how they would receive calls from outside with higher salaries. But if we could increase the pay of these men we would build up a permanent force that would expedite business and make it worth while for them to remain, as they do in the Army.

Mr. CRAMTON. The difference between this and the Army is that, generally speaking, the experience gained in the Army, outside of the Engineer Corps, is not a training that attracts offers of increased pay from outside. Then there are some other nice things about the Army; they are trying to retire them before they reach the age of 50, so that nobody is going to leave the Army.

But that is apart from the subject. We can not expect to put the Government salaries so high that no one will receive offers of a larger salary from outside.

Mr. SNELL. If the gentleman will yield, I would like to ask him how is the current work in the Patent Office?

Mr. CRAMTON. The current work is greatly improved, and we are told that with the temporary roll carried in the bill by the 1st of July, 1926, the work of the office will be current. That is to say, every application that comes in will be taken up for consideration with reasonable promptness and made practically current. There will still be quite a large number of applications pending, but the work will be current at that time.

Mr. WATSON. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. WATSON. This is the only office where they have made sufficient money to pay the expenses. Since the increase of the salaries, has it developed a situation where they are making more money or are they making less?

Mr. CRAMTON. Less; but still the situation is this: A more rapid disposition of the cases has increased the receipts, but the increase in receipts is not as great as the increase of expenditures. For the last fiscal year there is about \$214,000 deficit. That is not a very fair comparison, because a lot of business disposed of came in prior years. On the whole they have a surplus of about \$8,000,000 to their credit.

Mr. WATSON. As I recall, in some years past they have returned something like \$300,000.

Mr. CRAMTON. Yes; and as soon as we get caught up again and running on an even keel they will be able to take care of their expenses again.

The Clerk read as follows:

For temporary additional employees in the Patent Office at rates of compensation in accordance with "the classification act of 1923," such employees to serve without annual or sick leave allowance and to be appointed under the provisions of the civil service laws, rules, and regulations for the purpose of making current the work of the Patent Office, \$191,000.

Mr. HUDSON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the subcommittee whether the language in the paragraph is new in respect to the employment of temporary help, whether it has been carried before, where the annual and the sick leave allowance is not granted?

Mr. CRAMTON. That has generally been the policy with these temporary rolls. For instance, take a technical roll of this kind. It was a two-year program that we entered upon. It would take some little time to get the appointees selected through their proper examinations. Then it would take sev-

eral months to get them organized so as to produce, and it does not seem necessary or desirable that those who are on the temporary roll should be given these very generous sick leaves and annual leaves that occur generally in the civil service. In these temporary rolls we have generally exempted that. We did it in the Pension Office on a similar temporary roll a year ago.

Mr. HUDSON. I can understand the justification for taking out the annual leave, but it seems to me that if these temporary employees who are to be there for at least two years—

Mr. CRAMTON. Not two years, but it was a total of two years.

Mr. HUDSON. Then a year at least. I think that those who are serving under the civil-service rules and who are appointed under civil-service rules ought not to be penalized because the hand of misfortune brings sickness upon them. I think they ought to have 30 days' sick leave. I ask again if this is the usual practice?

Mr. CRAMTON. It is; and I think this sick-leave business has been abused. When putting on an emergency force like that it is not contemplated to have it disorganized by people taking the maximum sick leave.

Mr. HUDSON. Is it the thought of the chairman that this ought to be continued down through the general classification act? I refer to the cutting out of the sick leave.

Mr. CRAMTON. I do not know that I need pass upon that. That is out of my jurisdiction. I do think that there is a tremendous drain on the efficiency of the departments through the practice of a good many employees taking the maximum sick leave. I understand the departments have been trying to restrict that somewhat.

Mr. LA GUARDIA. Mr. Chairman, I move to strike out the last two words. I notice that the report shows that the temporary typists are being paid \$4 a day and are required to turn out 10,000 words, for which the Government receives \$10. Is that to be fixed by law, or is that under the discretion of the commissioner or some head of a department?

Mr. CRAMTON. That is a special work. It does not apply to the stenographers who are engaged in the work of the Patent Office generally, but it has reference to stenographers who are engaged to do a certain work in making copies of records that are desired by the public.

Mr. LA GUARDIA. What I want to get at is this: Congress is not fixing that rate of \$4 a day, is it? That is entirely under the discretion of the department, is it not?

Mr. CRAMTON. That is a limitation carried in the appropriation bill. I think there is no other legislation with reference to it.

Mr. LA GUARDIA. It seems to me to be rather low pay if they are required to turn out that much work, but from what I read on page 241 of the hearings I thought that that was discretionary with the department and that it was not up to us to do it.

Mr. CRAMTON. Four dollars is the maximum.

The Clerk read as follows:

Minidoka project, Idaho: For operation and maintenance, continuation of construction, and incidental operations, \$797,000.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I have not had time to go into this matter particularly, but the appropriation now under consideration is the Minidoka project in Idaho, which carries an appropriation of \$797,000. Is that to be reimbursed under the new system of 5 per cent on the gross proceeds of the project?

Mr. CRAMTON. I have been forced to make up my mind about some things in connection with the reclamation projects in this bill and to answer some questions in respect to them. I do not like to answer any more questions than I have to, because they are hard to answer. What is the status as to the Minidoka project I do not know. Whether the Minidoka project is one of those that is to take 138 years in repaying its money to the Government I do not know. I do know that there has been some change in the law, but how far-reaching it is I do not know as to the projects under construction.

Mr. RAKER. What I am trying to get at is this: Of course, as to all of the old projects, the money will be collected as the law stands.

Mr. CRAMTON. I should supplement that further in respect to the Minidoka project, to be perfectly frank. There are several hundred thousand dollars in this. My impression is that all of that for new construction is for the American Falls Reservoir, which is being constructed, so far as private lands are concerned, under certain contracts which require payment with interest by the private districts affected.

Mr. RAKER. The principal thought that was in my mind is that under the bill that finally passed, but that has not yet been signed unless it was signed to-day, the payment according to production would not apply to these projects unless the Secretary of the Interior pushed, as it were, the present occupants out of the project, and I am wondering whether or not the gentleman had accumulated any information with respect to that, whether it is the intention of the department to so arrange the matter that payments shall come under that contract that may run for from 50 to 150 or 200 years.

Mr. CRAMTON. As to the projects heretofore under construction, I have not gone into the question, because it was not particularly pertinent as to our work. As to the new projects authorized, of course new legislation, however far-reaching it is, will apply.

Mr. RAKER. The gentleman does not quite get my point. Under the old projects they will not come under the new law, when signed by the President, unless the Secretary so presents the matter as to make it so that the present occupants feel as if they had to come under the project, and I am wondering if anything of that kind has been presented to the committee.

Mr. CRAMTON. The committee has had no discussion as to the effect of the new legislation upon projects heretofore under construction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. I ask for an additional minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. The gentleman from Michigan, chairman of the subcommittee, and myself, I think, have been practically in accord on that proposition, and not having an opportunity to hear the testimony I wondered whether or not anything had been presented in committee at this session?

Mr. CRAMTON. We discussed with the Director of Reclamation the status of the law in reference to new construction being undertaken—for instance, Kittitas and Salt Lake and, to some extent, Spanish Springs and Owyhee. We discussed that because it was before us, and, as I said before in my opening speech, the Director of Reclamation feels that the legislation to which the gentleman from California referred is incomplete, and would not desire to go ahead with construction on these new projects until the law was supplemented by other features which he thinks are important.

The CHAIRMAN. The time of the gentleman has expired, and without objection the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Sun River project, Montana: For operation and maintenance, continuation of construction, and incidental operations, \$611,000: *Provided*, That no part of this appropriation shall be used for construction purposes until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or with irrigation districts organized under State law, providing for payment by the district or districts as hereinafter provided. The Secretary of the Interior shall by public notice announce the date when water is available under the project, and the amount of the construction costs charged against each district shall be payable in annual installments, the first installment to be 5 per cent of the total charge and be due and payable on the 1st day of December of the third year following the date of said public notice, the remainder of the construction charge, with interest on deferred amounts from date of said public notice at 4 per cent per annum, to be amortized by payment on each December 1 thereafter of 5 per cent of said remainder for 40 years, or until the obligation is paid in full: *Provided further*, That no part of the sum provided for herein shall be expended for construction on account of any lands in private ownership until an appropriate repayment contract in accordance with the terms of this act and in form approved by the Secretary of the Interior shall have been properly executed by a district organized under State law, embracing the lands in public or private ownership irrigable under the project, and the execution thereof shall have been confirmed by a decree of a court of competent jurisdiction, which contract, among other things, shall contain an appraisal approved by the Secretary of the Interior, showing the present actual bona fide value of all such irrigable lands fixed without reference to the proposed construction, and shall provide that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall be valid unless and until the purchase price involved in such sale is approved by the Secretary of the Interior, and shall also provide that upon proof of fraudulent representation as to the true consideration involved in any such sale the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sale; and all public lands irrigable under the project shall be

entered subject to the conditions of this section, which shall be applied thereto: *Provided further*, That no part of the sum hereby appropriated shall be expended for construction until a contract or contracts shall have been executed between the United States and the State of Montana, whereby the State shall assume the duty and responsibility of promoting the development and settlement of the project after completion, including the subdivision of lands held in private ownership by any individual in excess of 160 irrigable acres, the securing, selection, and financing of settlers to enable the purchase of the required livestock, equipment, and supplies and the improvement of the lands to render them habitable and productive. The State shall provide the funds necessary for this purpose and shall conduct operations in a manner satisfactory to the Secretary of the Interior: *Provided further*, That the operation and maintenance charges on account of land in this project shall be paid annually in advance not later than March 1, no charge being made for operation and maintenance for the first year after said public notice. It shall be the duty of the Secretary of the Interior to give such public notice when water is actually available for such lands.

Mr. RAKER. Mr. Chairman, I reserve a point of order on all of the matter on page 69 after the word "provided" in line 9. I do that for the purpose of asking a few questions; that is all.

Mr. CRAMTON. I would be glad to have the point of order presented.

Mr. RAKER. As a matter of fact, it is new legislation.

Mr. CRAMTON. It is not legislation. These are limitations, but it does provide some certainty as to the term on this particular project which does not apply on any other project.

Mr. RAKER. It is too late and the wrong place to get any results now, I appreciate that. Really, we ought to have had a hearing and a presentation before the Committee on Arid Lands.

Mr. CRAMTON. I hope there will yet be such a presentation and hearing.

Mr. RAKER. But this will bring one theory for one project, and another project will have another contract. Of course, there is one thing valuable in this; they are getting new work. They will not be in position to say the original notice was \$50 and now it is going to cost \$75, because, you understand, under this provision you have to enter into a contract and pay in addition what is required. That is, of course, valuable, and it is going to work tolerably well; but it is going to have this effect, that all the other projects—involving, I imagine, something like \$50,000,000—are going to say, "You ought to have done this for us, but you did not do it." I hope it will not occur that way. But there ought to have been a general law for all of these projects covering new works and new development. But I am not going to insist on the point of order. I am going to withdraw it with the idea it is going to have some beneficial effect. It is unfortunate that the legislation is not on the statute book to cover all of these other projects, so as to make these projects workable and make these men pay, to the end that we may get more money, have more and better development of our arid lands, which tend to the development of our country. I withdraw the point of order.

The CHAIRMAN. The reservation of the point of order is withdrawn.

Mr. LEAVITT. Mr. Chairman, I wish, first of all, to express my appreciation of this item being in the bill. For a period of 15 or 16 years an effort has been made to secure the construction of this storage dam. For the first time the Sun River project in Montana will be assured an adequate supply of water. I hope, however, that some of the terms set forth here will have further consideration, in view of the fact that this project is already partly constructed and partly settled. A very large part of the area has been under cultivation for a long period of years, and with the terms of payment previously made it has been rather difficult to meet the contract. Now, I have in mind, with several other provisions, this one which says that none of the money shall be expended until the State of Montana has made certain agreements.

I believe, since some of the people there have been operating for a period of 15 or 20 years, that this is a rather drastic provision. I will agree with the committee that in all new construction definite provision for repayment must be made. My position on that is plain as a member of the Reclamation Committee. But I believe the conditions imposed should be such that costs may be reasonably met, because that is one thing necessary to insure the payment of the money. I would ask the reconsideration of this provision in conference.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. RAKER. The gentleman is a member of the Committee on Irrigation and Reclamation of Arid Lands. This contains a special new provision. Does not the gentleman feel that we ought to have a policy that will apply to all projects, rather than to have a special matter like this on each individual project?

Mr. LEAVITT. The gentleman is also a member of the committee, and he knows that we had before us at the last session the report of the fact finding commission and that we attempted to write such a measure as that. We were able at the close of Congress only to get as far as the provisions that were enacted by the House before we adjourned and by the Senate on day before yesterday and which I believe would have been signed by the President before he went West if time had been allowed. I believe it will be signed by him. That takes care to a certain extent of the recommendation of the fact finding committee to cover the old projects. I am in favor of considering further the questions contained in this fact-finding report and also of carrying out the request made by the President in his message that we do enact into law the recommendations of the fact finding commission. This will put reclamation on a sound business basis by doing two things—by assuring, first, the success of the settlers on reclamation projects and, second, the return of the funds invested by the Government to the Treasury of the United States.

Mr. RAKER. The gentleman would agree with me in this, would he not, that what we want is a workable reclamation act that will develop the country and allow us to get an appropriation for that purpose and at the same time get a good citizenship and get our money paid back, as it ought to be?

Mr. LEAVITT. Yes. I will agree to that with this statement: That we should have in the reclamation law provisions as to the future which will make it possible for the settlers to receive such terms as can be complied with.

Mr. RAKER. We will never get a payment unless we make it mandatory and require the fellow to pay or forfeit his property if he does not pay.

Mr. LEAVITT. In defense of many of the people of the West I will have to disagree to that. Many of them have paid up to date under the present law.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. GREEN. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREEN. Is this project a Government project?

Mr. LEAVITT. Yes. It was on Government land, and it was originated by the Government something like 20 years ago. It is simply a matter of good faith to some extent to the people who have been waiting for many years and who have not had adequate supplies of water in dry years.

Mr. GREEN. Do you expect this will finish the project?

Mr. LEAVITT. No. This will not complete the project. This is the beginning of a storage dam which has heretofore been denied to the settlers although it was tentatively promised to them many years ago.

Mr. GREEN. What new land will this open to the prospective settler?

Mr. LEAVITT. About 40,000 acres of land. It will carry with it provisions that will enable them to pay and which will require them to pay.

Mr. GREEN. The expectation is to carry out that line of action?

Mr. LEAVITT. Yes. No further steps will be taken toward new construction without carrying provisions of that kind.

Mr. CRAMTON. Mr. Chairman, in response to the suggestion of the gentleman from Montana [Mr. LEAVITT] the committee would have been very glad if conditions had been such that we could have had more fully the benefit of the advice of Members like the gentleman from Montana who are well versed in these matters and have a breadth of view. There is nothing more important to the success of new projects than the methods of settlement and financing the settlers. It is properly a matter of State cooperation rather than of Federal activity. As to the language that is in the bill, I do not want to hold the Director of Reclamation responsible for it, but I think I am justified in saying that the language that we have in the bill has his complete and thorough indorsement.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LEAVITT. I talked with the director about this, and he was rather surprised to notice that no construction should start until that provision should have been met.

Mr. CRAMTON. I do not know about that, but I discussed it with him. The situation on that particular project is, of course, a little more involved. As I understand it, the construction now under way will provide additional water facilities for about 40,000 acres of land, and new and complete facilities for 40,000 acres more. That involves 80,000 acres, which is as much as the San Carlos project in Arizona involves. To what extent the contracts may be held to apply to the 40,000 acres partially supplied with water and partially developed is a problem. I will say to the gentleman that it will be the desire of the committee, of course, as we go on taking the successive steps in this bill, to proceed in the light of the best information we have, considering all the matters that the gentleman has suggested.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. RAKER. Mr. Chairman, I can hardly express my views in language that I would really like to use regarding some of the provisions of this particular item. We had about a month's work on the committee. We had only three witnesses, and those were members of the fact finding commission. We were unable to get outsiders or others to testify. While there is no opposition or obstruction or intention to obstruct legislation, there are many provisions here that I understand the fact finding commission has not suggested. Some of them are almost revolutionary. I will read one of them:

That until one-half of the construction charges against that land shall have been fully paid, no sale of any such land shall be valid unless and until the purchase price involved in such sale is approved by the Secretary of the Interior.

Now, in America one of the things we have stood for for years is the right to dispose of property; yet here you are building up a system by which a man can not sell or develop unless one-half of the whole construction charge has been paid or unless he goes down to the Secretary of the Interior and gets his consent. I am just calling the attention of the chairman of the committee to the unfortunate situation we are in.

Mr. CRAMTON. But the gentleman from California, who is so well informed on reclamation matters, knows, first, that the bulk of the lands to be developed hereafter are privately owned lands?

Mr. RAKER. I thoroughly agree with the gentleman on that.

Mr. CRAMTON. Second, the minute you start a project those lands take on a speculative value and, third, unless we restrict it the private owner, through the force of human nature, is going to sell that land at the highest speculative price he can secure. The result, therefore, is that the benefit of the liberal provisions the Government makes in developing these projects will go to the land speculator and none of it to the settler, so that the settlers on these projects during the years are groaning, not under obligations they owe the Government, but under obligations they owe locally or obligations secured at higher rates of interest, either to buy that land at speculative values or in financing its development.

The CHAIRMAN. The time of the gentleman from California has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Lower Yellowstone project, Montana-North Dakota: For operation and maintenance, continuation of construction, and incidental operations, \$180,000.

Mr. WATSON. I would like to call the chairman's attention to the fact that the words "continuation of construction, and incidental operations," are rather indefinite. They appear on page 71, line 20. Is the appropriation for all of the Yellowstone project or does it simply mean a part of it, and does operation and maintenance refer to a section of the Yellowstone project or to all of it?

Mr. CRAMTON. The item is for the lower Yellowstone project, but that, of course, does not mean all of the water rights that would be available on the Yellowstone River. There has been some question about those in the park or adjacent thereto, but, of course, this item has nothing to do with any except where the construction is already authorized.

Mr. WATSON. What construction does the \$180,000 involve?

Mr. CRAMTON. Well, \$100,000 of the \$180,000 is for drainage construction. The hearings show that:

About 5,000 acres have a water table within 4 feet of the surface and it is estimated that the amount requested will provide drainage for 4,000 acres of this land.

Five thousand dollars is to be expended on the distribution system, on some minor lateral extensions, additional turnouts, and so forth, and for operation and maintenance, \$75,000. So the gentleman will see there is no extension of the project involved.

Mr. WATSON. Does this include the building of roads or bridges?

Mr. CRAMTON. No; not generally speaking, but I would not say that under operation and maintenance there might not be some small item of that kind. But generally speaking that is not involved in this.

The CHAIRMAN. Without objection the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

North Platte project, Nebraska-Wyoming: For operation and maintenance, continuation of construction, and incidental operations, \$510,000: *Provided*, That any unexpended balance of any appropriation available for the construction of the Guernsey Reservoir and incidental operations for the fiscal year 1925 shall remain available for such purposes during the fiscal year 1926: *Provided further*, That all net revenues from any power plant connected with this project shall be applied to the repayment of the construction costs incurred by the Government on this project until such obligations are fully repaid.

Mr. SIMMONS. Mr. Chairman, I move to strike out the last word. The Budget recommended for the North Platte project, as I understand it, \$520,000, while this bill calls for \$510,000. I am advised that the additional \$10,000 which is not included in this bill is for putting in effect the classification of lands on the North Platte project under the provisions of the law that was attached to the deficiency bill. Doctor Mead has advised me that that \$10,000 is necessary, and I am wondering whether the chairman of the subcommittee will not consent to having that changed without the necessity of offering a motion to that effect, in order that we can give that project the money it needs. Doctor Mead says it is necessary and the Budget recommended it. I dislike to ask the committee to vote on it if the chairman is willing it should be done. The testimony regarding it, if the chairman pleases, is to be found on page 433; that is, the testimony regarding this item of \$10,000.

Mr. CRAMTON. I will say, Mr. Chairman, that the item of \$10,000, as I recall it—I have not been able to locate it yet in the hearings—was for a reclassification of lands involved in this project that are not now under operation.

Mr. SIMMONS. No; I think the chairman misunderstands that. It is for a reclassification of all of the lands that are now in operation under the project in order to comply with the repayment provisions in the law that went to the President the first of this week.

Mr. CRAMTON. I see Mr. Walter's statement to the effect that \$10,000 is to provide for the reclassification of about 113,000 acres of irrigable land as recommended by the committee of special advisers on reclamation. However, the legislation is very incomplete as yet. Under the present legislation, as I understand it, even if you get that land reclassified you do not know what you are going to do next about it, and the desire of the committee and the policy we have followed in this bill was to hold down just to the minimum extensions, and so forth, and new ventures, until this matter of legislation is straightened out by the proper legislative committee.

Mr. SIMMONS. If the chairman pleases, this is not an extension and not a new venture.

Mr. CRAMTON. I understand that; but it is the expenditure of \$10,000 that some time ought to be paid back by those people, and we hope it will be. But I do not understand that the program of legislation is thoroughly completed in order to be sure it is worth while to spend that \$10,000. And, further, if I may answer the gentleman, as I understand it, there is going to be a year or two yet in which they can reclassify, and then we can determine about spending the \$10,000, after we know what kind of a law we are going to have. I think in the interest of the gentleman's constituents we ought not to authorize this further burden upon them until that legislation becomes more tangible and more definite than it is now.

Mr. SIMMONS. If the gentleman please, the Director of Reclamation ought to know what is necessary, and he has advised me that this \$10,000 is needed.

Mr. CRAMTON. I have gotten far enough along with Doctor Mead to think that if you gentlemen from the West would

accept his judgment throughout and take the position on all the big things that you take on this little matter of \$10,000, I would be willing for you to have the \$10,000, and the Treasury would be several million dollars ahead. The gentleman agrees with the director just on this item, but when we come to something else he may not agree with him so thoroughly.

The pro forma amendment was withdrawn.

Mr. RAKER. Mr. Chairman, I move to strike out the proviso beginning on page 72, at line 4, and ending with line 8; and, pending that, I would like to ask the chairman a question. Does this proviso authorize the collection of the amount due in excess—

The CHAIRMAN. Will the gentleman pardon the Chair? Did the gentleman move to strike out the proviso?

Mr. RAKER. In the interest of time, Mr. Chairman, I move to strike out the last word in order to ask the chairman of the subcommittee whether this proviso authorizes the Reclamation Service to take the net revenues and pay off this debt without its being deposited in the Treasury and appropriated?

Mr. CRAMTON. Yes; I think that would be the result.

Mr. RAKER. Now, that is the only case we have remaining in all these governmental activities where we can take the revenue and handle it without its being deposited in the Treasury and then authorized by Congress.

Mr. CRAMTON. The entire reclamation fund, in so far as it derives any revenues from return of construction costs or from operation and maintenance, is handled in just that same way.

Mr. RAKER. It does not have to be deposited in the Treasury and then appropriated?

Mr. CRAMTON. In order to spend it again you would have to come to Congress, but we let them put the money in the Treasury without any let or hindrance. The only trouble is to get them to do it.

Here is what the proviso means: We are going to build a power plant, and that is going to reduce the cost of operation and maintenance, and there may be a profit in the power they may sell to private individuals. In one project in the Southwest we did that, and they are getting enough profit off of the operation of the power plant to pretty much take care of operation and maintenance, but they are only paying us back in dribbles in 20 years, without interest during all this time. We now propose that when we put up a power plant and they can sell the power and make some profit, as well as reduce the cost of operation and maintenance on the power which they use, any net profit shall immediately be applied to repay what they owe the Government.

Mr. RAKER. That sounds proper, with that explanation.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Newlands project, Nevada: For operation and maintenance, continuation of construction, and incidental operations, \$167,000, together with the unexpended balance of the appropriation for this project for the fiscal year 1925, of which amount \$245,000 shall be used for drainage purposes, but only after execution by the Truckee-Carson Irrigation district of an appropriate reimbursement contract satisfactory in form to the Secretary of the Interior, and confirmation of such contract by decree of a court of competent jurisdiction and final decision on all appeals from such decree.

Mr. RICHARDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nevada offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RICHARDS: Page 72, between lines 19 and 20, insert:

"Spanish Springs Irrigation project, Nevada: For continued investigations, acquisition of rights of way and reservoir sites, commencement of construction, if found feasible, and incidental operations, \$500,000."

Mr. RICHARDS. Mr. Chairman and gentlemen of the committee, I have offered the amendment because it is in keeping with the recommendation of the fact finding commission. It has been recommended by the Secretary of the Interior. It has been estimated by the Bureau of the Budget and allowed at this amount.

Nothing I might say before this committee at this time, I hope, shall be construed as antagonistic toward any person or any committee or any project, but this matter is of considerable and vital interest to the people of my State, and my sole desire is to lay before the committee what I think to be facts, constituting an unjustifiable discrimination, so far as leaving out this project is concerned.

The President of the United States, in his message delivered to Congress on December 3, 1924, gave his approval of such

amendment. The President, in his message, under the title of reclamation, gave his approval in the following language:

Our country has a well-defined policy of reclamation established under statutory authority. . . . Legislation is pending based on the report of the fact finding commission for the proper relief of those needing extension of time in which to meet their payments on irrigated land and for additional amendments.

I take that to mean just this kind of an amendment—one that is necessary and essential in order to properly fulfill the obligations of this Government.

The President, by such unequivocal statement, gave his earnest approval to the recommendations of the Special Advisory Committee on Reclamation which was appointed by Secretary of the Interior Work last year and which began its sessions at the Interior Department building in Washington on October 15, 1923, and filed its report with the Department of the Interior on the 10th day of April, 1924.

This committee is commonly known and described as the fact finding commission.

On the 21st day of April, 1924, the President submitted to Congress the report of this special advisory committee or fact finding commission.

The special advisory committee consisted of Thomas E. Campbell, former Governor of Arizona, chairman; Dr. John A. Widtsoe, former president of the State University and Agricultural College of Utah, secretary; James R. Garfield, of Ohio, former Secretary of the Interior; Elwood Mead, now Commissioner of Reclamation and at that time professor of rural institutions in the University of California, and chairman California State Land Board; Oscar Bradfute, of Ohio, president of the American Farm Bureau Federation; and Clyde C. Dawson, of Colorado.

The report of the special advisory committee was unanimous.

The special advisory committee in dealing with the Spanish Springs project treats it as a supplemental project to the Newlands project. It is discussed in recommendations under the general discussion of the Newlands project, Nevada, and is found on pages 182 and 183 of the report. The committee under such recommendation has this to say in part:

The Newlands project was among those first selected and authorized after the passage of the reclamation law.

The engineering features were carefully considered, the water supply based upon the use of storage in Lake Tahoe, and the agricultural study of soils made in accordance with then known scientific methods. It seemed to offer climatically, agriculturally, and physically an opportunity for a successful project.

The original possible area was thought to be about 450,000 acres; that was early reduced to 397,000 acres and later to 206,000 and finally to 73,000, when it was found, as a result of years of legal controversy, that the expected use of the water of Lake Tahoe was not available.

The unexpected failure of storage is the underlying cause of the difficulties from which the project has suffered. Unusual drainage and seepage condition and the existence of 20,000 acres held by a few owners with a prior water right, which became impotent because of the failure of the expected storage, added to the difficulties of the project.

The committee is satisfied that the proper course to pursue is the construction of the Spanish Springs Reservoir; otherwise the interests of both the settlers and the Government will be seriously jeopardized.

We recommend—

1. That the construction of the Spanish Springs extension be authorized, subject to Resolution No. 8.

The CHAIRMAN. The time of the gentleman from Nevada has expired.

Mr. RICHARDS. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes. This is of vital interest to my people.

Mr. CRAMTON. Can not the gentleman make it five minutes?

Mr. RICHARDS. No; I will make it 10 minutes.

The CHAIRMAN. The gentleman from Nevada asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. RICHARDS. Following this report, and in accordance with the recommendations therein contained, Secretary of the Interior Work, in preparing the estimates for his department for the fiscal year ending June 30, 1925, requested an appropriation of \$800,000 for the continued investigation, commencement of construction, and incidental operations of the Spanish Springs project. The Bureau of the Budget approved such estimate and requested and included the item of \$800,000 for

the Spanish Springs project in the Budget. Later, reduced to \$200,000, such appropriation was not agreed to by the House.

When the bill reached the Senate an amendment was offered to the bill by Senator PITTMAN, of Nevada, carrying an appropriation of \$800,000 for the Spanish Springs project. The amendment was unanimously adopted by the Senate. It then went into conference. It was one of the few Senate amendments that the conferees of the House refused to agree to.

In the face of the fact that it was one of only two projects recommended by the special advisory committee, the Secretary of the Interior, and estimated for by the Bureau of the Budget. To substantiate this, I read from the hearings of the second deficiency appropriation bill, 1924, page 459, under the heading—

PROJECTS RECOMMENDED BY FACT FINDING COMMITTEE FOR IMMEDIATE APPROPRIATION

Doctor MEAD. The question was asked whether there had been other recommendations beside the North Platte and the Spanish Springs, and I said, "Yes; but they were subject to investigation."

I would like to insert this morning, so that it would be perfectly clear, exactly the statement of the recommendations.

Doctor MEAD (reading):

"As to the proposed new projects—Owyhee, Vale, Salt Lake Basin, and Kittitas—the committee has not sufficient information upon which to make specific recommendations."

Mr. CRAMTON. So that it remains that this North Platte addition and the Spanish Springs Reservoir as an extension of the Newlands project are the only items that your service or the Interior Department are as yet prepared to urge for immediate appropriation without further investigation?

Doctor MEAD. That which I have read represents the attitude of the advisory board.

The CHAIRMAN. You are going to quote the Secretary now, are you, Doctor?

Doctor MEAD. Yes.

The CHAIRMAN. Is that in a communication to somebody?

Doctor MEAD. I am going to read from a letter of the Secretary to General Lord; a letter dated May 16.

The CHAIRMAN. Do you think you had better read the whole letter or just part of it?

Doctor MEAD. It will not take long; I will read the whole letter.

WASHINGTON, May 16, 1924.

Brig. Gen. H. M. LORD,

Director of the Bureau of the Budget,
Washington, D. C.

MY DEAR GENERAL: Your letter of April 30 was duly received, stating that the President finds it inconsistent with his financial policy to approve the estimates for the Owyhee, Vale, Salt Lake Basin, and Kittitas proposals that were recently submitted as a part of a supplemental budget for reclamation work.

At the subsequent hearing I understand you reiterated the foregoing and it was understood that there would be submitted a reduced supplemental estimate covering the following:

North Platte project, commencement of Guernsey reservoir, etc., \$800,000; Spanish Springs project, \$200,000; investigations, \$150,000. Estimates are transmitted herewith accordingly.

If I am correctly advised, the difference between the policies involved in the original supplemental estimates submitted by this department and your direction to eliminate certain proposed projects or units is that the department having on the advice of the committee of special advisers selected certain projects as apparently feasible, recommended appropriation for completion of investigations and beginning of construction and operation, while your view was that until all investigations were completed no appropriation should be made for construction or operation.

The department already has much data concerning each project or unit described in said estimates and thought that the remaining investigations could be carried on as a preliminary to subsequent construction. The limitations which accompanied each of said estimates were designed to protect the United States by the execution of appropriate contracts with duly organized districts, and with legal assurances that large landowners would divide their holdings and dispose of them to settlers at reasonable prices.

Under these conditions, and with these safeguards, I felt it proper to make the original recommendations and would be glad to have you give them further consideration, with the foregoing in mind. At the same time, in accordance with your direction, there has been prepared and is herewith submitted new supplemental estimates, confining the appropriations to the amounts fixed by you.

I quote from the report of the advisory committee on reclamation, merely for further information and because germane to the subject under discussion:

"As to the proposed new projects, Owyhee, Vale, Salt Lake Basin, and Kittitas, the committee has not sufficient information upon which to make specific recommendations. Attention is called to the fact that the estimated costs of construction are nearly all in excess of \$120 an acre. The committee is of the opinion, based upon the reports of annual production from lands now under irrigation, that projects requiring such acre cost as above suggested should be constructed only after it is clearly shown that the lands when irrigated can produce annual crop values sufficient to enable the settlers to repay costs from production and within a reasonable time.

"It is understood that the above projects are those which offer the most favorable conditions for present investigation, and hence the committee is of the opinion that the appropriations therefor should be authorized, but with the provision that further investigation should be made of their feasibility, and that, if finally selected, they should be constructed and developed in accordance with the general resolutions of this committee."

Very respectfully,

HUBERT WORK.

Mr. CRAMTON. So that situation boils down to this: That the Secretary of the Interior would have liked to have had appropriations for a number of projects joining with that permission for further investigation, to satisfy himself whether the money ought to be spent or not. That, when it is required that he present only those projects on which the department is prepared to take immediate responsibility of saying whether they are now satisfied that this money should be spent for these purposes, the only items that the department is prepared at this time to recommend are the North Platte and the Newlands, the items that we have under discussion.

The result of the fight for this amendment in the Senate resulted in the conference report being referred back to the conferees with instructions to insist upon the Spanish Springs amendment. No action had been taken upon the conference report at the time of adjournment of Congress.

On the 2d day of this month the chairman of the Appropriations Committee of the Senate asked unanimous consent to reconsider the order by which the conference report had been referred back to the conferees with instructions to insist upon the Spanish Springs amendment, and Senator PITTMAN, of Nevada, joined in the request. The conference report upon the second deficiency appropriation bill was thereupon adopted by the Senate.

Senator PITTMAN, then on the floor of the Senate, supported the motion of Senator WARREN to recede from the Senate amendment in favor of Spanish Springs, and stated in supporting said motion that he was assured that such amendment would become a part of the Interior Department appropriation bill for the fiscal year ending June 30, 1926. It is entirely left out of the bill.

When the item was under consideration before the subcommittee of the Committee on Appropriations for Interior Department appropriation bill for 1926, Dr. Elwood Mead, Commissioner of Reclamation, appeared before such committee and made the following statements on behalf of the proposed appropriation for the Spanish Springs project:

(Page 443 of the hearings)

SPANISH SPRINGS PROJECT, NEVADA

Mr. CRAMTON. The next item, which is for the Spanish Springs project, Nevada, is as follows: For continued investigations, commencement of construction, if found feasible, and incidental operations, \$500,000.

Doctor MEAD. In connection with that, I offer the following statement:

For continued investigations, commencement of construction, if found feasible, and incidental operations, \$500,000.

The primary purpose of this storage system is to provide an adequate water supply for the irrigation of land under the Truckee Canal, a part of the Newlands project, amounting to about 21,000 acres. About 7,000 acres of this have been settled, but the water supply for its irrigators has proven so inadequate that the remainder of the land has been withdrawn from settlement and is now of no value to the project. The Truckee Canal and dam cost \$1,683,816. Its operation for the limited area of land now irrigated is unprofitable. In order to improve the financial situation of the Government by increasing the use of this canal and conserving the flood and waste waters of the Truckee River, a matter of great importance to Nevada because of the State's limited population, it is proposed to build a storage work large enough to hold the dependable flood supply of the stream. Investigations to date indicate that there will be sufficient water to irrigate 39,000 acres of land, now irrigated by the Newlands project. The greater part of this would be within the original boundaries of the project, and about 18,000 acres outside those boundaries. An economic survey has been made to determine the suitability of the land for irrigation culture, and I submit a summary of its conclusions.

On page 445 continuing, Doctor Mead further said:

The investigations have been pretty well completed on this project. The situation is this: That when the original Newlands project was carried out a canal and a dam from the Truckee River were built at an expense of \$1,683,000. This was done under the belief that a dependable water supply could be obtained by the regulation of Lake Tahoe. Subsequently, litigation with water-power interests led to an agreed decision that has made it impossible to regulate the flow of that river. The result is that of the land underneath that canal only 7,000 acres was settled. Then it was discovered that there was not water for this area, and the rest of the land was withdrawn.

So that we have there now an investment of over a million and a half that is unprofitable, the operation expenses are heavy, the income is small, and some of the best land is below it.

Mr. CRAMTON. And now why is it, Doctor, if you have made your investigations, why do you not make a report on this one way or the other; if you have completed your investigation, why do you not either recommend or deny this project?

Doctor MEAD. Well, I do recommend it.

Mr. CRAMTON. What I am asking you now is this: Whether you have decided the questions that are preliminary to the approval of the project; first, do you consider it a feasible project?

Doctor MEAD. Yes.

Mr. CRAMTON. Next, are there any of these conditions that you speak of that can not be surmounted, as to limitation upon the price of the land and the method of settlement, and so forth?

Doctor MEAD. This is one of the places where the greater part of the land is public lands.

On page 462 of the hearings, as follows:

Mr. CRAMTON. It is the duty of the Reclamation Service to investigate and pass upon these projects. You are the technical branch of the Government having to do with this, and the present law contemplates that your recommendations will come to Congress. Congress will act, first, in approving the project, and, second, in appropriating the money to build it. What is the recommendation of your office with reference to the Spanish Springs Reservoir?

Doctor MEAD. I recommend that it be built, and, coupled with that recommendation, that there be a change in the settlement law.

Now, mind you, in the face of these facts, when the second deficiency bill received consideration originally—I do not know what the ultimate allowances were, but originally there was \$1,250,000 for Owyhee, Vale \$250,000, Salt Lake Basin one million and a half, and Kittitas one million and a half—\$4,500,000 was provided for in that bill for these four reclamation projects that were not ready for recommendation according to the advisory committee.

Mr. LEATHERWOOD. Will the gentleman yield? I know he does not want to mislead.

Mr. RICHARDS. I do not.

Mr. LEATHERWOOD. There was only \$375,000 carried in the deficiency bill for the Salt Lake Basin.

Mr. RICHARDS. I said I did not know what the ultimate allowances carried in the bill were.

Mr. LEATHERWOOD. That whole amount was not appropriated.

Mr. RICHARDS. I said I did not know the ultimate figures appropriated, because I have not been able to get a copy of the deficiency bill as it passed. But be that as it may, here are appropriations made in the deficiency bill for projects that the fact finding committee said they were not ready to recommend, in view of the fact that the only projects that were recommended were the North Platte and the Spanish Springs, and Spanish Springs is now conspicuous by its absence. That seems to me to be an unjust discrimination against the Spanish Springs, and if it is not I do not know what discrimination is.

I do not stand before you advocating the spilling of the Nation's millions in the middle of a Nevada desert just for the sake of spending them. Reclamation will be the one great boon to my section of the world if properly conducted. The ultimate end will be developed country, contented Americans owning their respective homes, and increased taxable wealth added to the Nation and prosperous communities instead of an otherwise barren waste. All this is the desired end, but it must rest on a sound business policy to commence with. All interests must be considered. The ultimate refund of the Government's money, the certainty of the settler to make good, and the general safeguarding of all rights, vested and to become vested, by adequate and proper reclamation laws. This I am convinced to be the sole aim and desire of those now

formulating the future reclamation policy of our Government. I most sincerely hope to see it accomplished.

The CHAIRMAN. The time of the gentleman from Nevada has again expired.

Mr. RICHARDS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Chairman, I shall take only a minute or two to make the position of the committee clear. This is a big new project. It involves additional water rights to about 7,000 acres, a complete new development of a large area. I asked Doctor Mead why they came in the Budget in this language in connection with this proposed item:

For continued investigation, commencement of construction, if found feasible, and incidental operations.

I said, after some discussion:

That is to say, that proposes that Congress shall appropriate this money and leave it up to the Reclamation Service whether it will be built or not.

To that Doctor Mead replied as follows:

Doctor MEAD. There are a number of things embraced in the term "feasibility." We will have to determine how this unoccupied land is to be settled; we will have to make an arrangement for the creation of a district and secure a contract with that district before construction begins if the appropriation is made.

Mr. CRAMTON. What I am asking you now is this: Whether you have decided the questions that are preliminary to the approval of the project; first, do you consider it a feasible project?

Doctor MEAD. Yes.

That is on page 446 of the hearings. Then, on page 461 of the hearings—and I think this refers to the report that has been made of an investigation this summer by various local engineers and Federal and business men—I find the following:

Mr. CRAMTON. You have received that report, which I understand is a favorable report; is that right, Doctor?

Doctor MEAD. Yes; it is favorable in this way, that it recommends the project as feasible, provided changes in method of development are adopted. It bas its favorable conclusion on this change in the method of settlement.

Mr. CRAMTON. That is, that you be authorized to select the settlers?

Doctor MEAD. Yes.

Mr. CRAMTON. Without that authority the report would not recommend that the project be attempted. You have no authority under the present law, and this committee, of course, can not give you any authority of that kind.

Doctor MEAD. No.

Again, farther down on the same page, I quote the following:

Mr. CRAMTON. So that is what you mean by feasibility. Your idea would be more clearly met if instead of using the language that is here we should appropriate the money and say, "provided none of this money shall be available until Congress gives the Reclamation Service the authority to select the settlers." That expresses your idea?

Doctor MEAD. Yes.

They have not that authority yet, as I understand it, and Doctor Mead does not recommend commencing the construction of this project. I do not believe we ought to start any other new projects now. We should not have started some of these others, but that was done when we could not help ourselves. We ought not to start any more until the law becomes clear.

Mr. RICHARDS. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. RICHARDS. There are 7,225 actual water applications on the Newlands project not now supplied with water, and is not this the real source from which the Government can keep its contract and is there not an obligation?

Mr. CRAMTON. Let us keep them clear. One is the Newlands project, where they want additional water, and the other is a much larger area to be provided for by this expenditure of \$6,000,000. As to the new area to be provided for, Doctor Mead says that until he has the right to select the settlers instead of being obliged to accept the one who draws a ticket by lot and who goes on there not knowing anything about it, who can not make a success, and who ruins the reputation of reclamation and keeps the money out of the Treasury, we ought to wait. As to those on the Newlands project, I do not know whether what I am about to say will be news from home to my friend or not, but I received this telegram this morning:

FALLON, NEV., December 5, 1924.

Congressman LOUIS CRAMTON,

House of Representatives, Washington, D. C.:

We heartily indorse your stand on Spanish Springs. The settlers on Newlands project are against it to a man. Why waste millions of Government money building new projects when ours is not half settled, besides robbing us of our water supply? Please wire us to-day names of Senators that would help us in this fight against Spanish Springs.

THE LAHONTAN VALLEY WATER USERS' ASSOCIATION,
L. A. BECKSTEAD, Secretary.

As I did not want to be embarrassed by starting any movement in the Senate against this, I simply replied as follows in acknowledgment to that telegram:

DECEMBER 5, 1924.

L. A. BECKSTEAD,

Secretary The Lahontan Valley Water Users' Association,
Fallon, Nev.:

Your wire received. The Senators from Nevada would no doubt be interested in the expression of your views if you have not already advised them.

LOUIS C. CRAMTON.

I probably should have also told them to get in touch with the Member from that State in the House, but they merely asked me about the Senate and I let it go at that.

Mr. RICHARDS. Mr. Chairman, in reply to that I want to state to the gentleman that I have a wire from Truckee-Carson irrigation district requesting that the action of the fact finding committee be put into law as far as it can be.

Mr. CRAMTON. And Doctor Mead, a member of the fact finding committee, says that this project should not be built until this program of legislation is completed and there is some provision for this selection of settlers.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. RICHARDS. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RICHARDS. Mr. Chairman, I would like to ask the gentleman in charge of the bill a question. In so far as the law authorizing action on the part of the Reclamation Bureau to spend money appropriated when it should be spent, I am just wondering whether the annual report of the Secretary of the Interior, on page 7, has any bearing. Referring to the law as embraced in the deficiency bill, the language of the report is as follows:

In a special message to the Sixty-eighth Congress the President urged that the legislation suggested by the special advisory committee be enacted into law, pointing out that a definite policy is imperative. This legislation failed in the last hour of the last session of Congress. In my opinion, the future of Federal reclamation depends on the prompt enactment of this legislation at the coming session. Public approval of this measure since Congress adjourned would justify its prompt passage.

I wonder if it has passed in the desired form?

The CHAIRMAN. The time of the gentleman from Nevada has expired.

Mr. CRAMTON. Mr. Chairman, I merely say that the deficiency bill contained legislation which in the view of the service is incomplete and must be supplemented with reference to settlement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Williston project (formerly North Dakota pumping project), North Dakota: The Director of Reclamation is authorized, during the fiscal year 1925 or thereafter, to appraise the buildings, machinery, equipment, and all other property of whatever nature or kind appertaining to this project, and to lease or to sell the same at public or private sale, on such terms and in such manner as he may deem for the best interests of the Government, reserving the right to reject any and all bids. The proceeds from such lease or sale shall be paid into the reclamation fund.

Mr. SINCLAIR. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 73, line 2, after the words "North Dakota," strike out all the remainder of the paragraph and insert in lieu thereof the following: "For operation, maintenance, and incidental operations, \$50,000."

Mr. RAKER. Mr. Chairman, a point of order. Would it be too late to reserve a point of order on the original paragraph?

The CHAIRMAN. The Chair thinks it is.

Mr. RAKER. It has not been debated.

The CHAIRMAN. But an amendment has been offered. The Chair will be glad to hear the gentleman, if he can show any authority to the contrary. The Chair's recollection is that a point of order must be reserved to a paragraph before an amendment is offered.

Mr. RAKER. I thought before debate began.

The CHAIRMAN. That is the Chair's recollection. Of course, the point of order would lie to an amendment offered.

Mr. RAKER. I want to make a point of order to the paragraph.

Mr. CRAMTON. Mr. Chairman, I make the point of order it is too late to make a point of order against the language of the bill, as an amendment to the bill has been offered, which is the same as debate.

Mr. RAKER. There has not been any argument. I am trying to get the matter before the Chair, and I think I will make the point of order and present it to the Chair on the ground that it is new legislation on an appropriation bill. It is legislation authorizing and directing the sale of this project.

Mr. CRAMTON. I want to do the thing that is going to be the quickest. The gentleman's point of order would not get anywhere under the language of the Kelp decision referred to yesterday; but there has been an amendment offered to the paragraph here, and I make the point of order it is too late to make a point of order to the paragraph in the bill.

Mr. RAKER. Let the Chair pass on the question. I have not the time, but the point of order the gentleman argued the other day and this are entirely different, because it is legislation authorizing the Director of the Reclamation Service to sell a project. He certainly has power now; but the Chair is ready to rule and I do not care to argue the question.

The CHAIRMAN. Unless the gentleman from California can cite the Chair to some authority to the contrary, the Chair will hold that it is too late to make a point of order against the language in the paragraph after an amendment on the merits has been offered.

Mr. RAKER. Let me do this—well, at present I will withdraw the point of order.

The CHAIRMAN. The gentleman from California withdraws the point of order.

Mr. RAKER. That will relieve the rendering of a decision at this time.

Mr. SINCLAIR. Mr. Chairman, this Williston project is one of the first projects and one of the smallest projects in the whole Reclamation Service. As I understand the report of the fact finding committee, they recommend the discontinuance of this project because it has failed to pay operating expenses in the past three years, using the past three years as a basis. Now, it seems to me that if that is going to be the policy of the Government with reference to irrigation and reclamation questions we are going gradually to close up all of our irrigation projects, because certainly during the last three years a great many projects have not been paying operating expenses. At this time it seems to me that the Committee on Appropriations has chosen a very unfair time in which to put in operation any such policy as that. We all know that farming, the business of agriculture, has been unprofitable along every line, and quite so, of course, in irrigation. Now last year, 1923, on this project there was raised a gross value of farm crops of something like \$24.15 per acre. If that could be continued and the operation costs maintained at a reasonable figure, certainly the project will be put on a paying basis. The facts are, of course, that the operating expenses have been so high that many settlers have been forced off their farms, have lost their farms, but to-day there are something like 144 farms still remaining on this project. There are 7,650 acres capable of irrigation under this project, but because of the deplorable condition of farming and the heavy payments that were to be made much of the land was abandoned until only 1,170 acres were actually under irrigation last year. Under the new and more liberal policy incorporated in the bill passed this week, I have no doubt but that all of the 7,650 acres would be resettled and brought under a high state of irrigated cultivation, and the project thus made a success.

I maintain that it is not right, it is not fair to those farmers, to now dispose of their project and take away the operation of it at a time when they are not financially able to take care of it themselves. There certainly seems to me to be an obligation there that the Government owes to the farmers who are on this project.

Further than that, I believe that the chairman will agree with me when I say that no congressional district in the United States has supplied a greater portion of the irrigation fund than has the third district of North Dakota. The total amount of money coming from the State of North Dakota and used for irrigation purposes amounts to over \$12,000,000. This is the only project wholly within the State, and should receive consideration from this Congress on that account.

Mr. RAKER. Mr. Chairman, will the gentleman yield to a question right there?

Mr. SINCLAIR. I shall be very glad to.

Mr. RAKER. Under the new bill, if it is signed, this project, like the rest, can get on its feet without question, because it will have to pay only 5 per cent of the gross proceeds of production on that project.

Mr. SINCLAIR. I think so. The new bill that has been passed will enable the farmers on this project, like those on all the other projects, to get on their feet, and they can have some hope; they can go on and resettle the vacant lands that are now subject to irrigation and put them under operation.

Mr. RAKER. Have those people had any opportunity to oppose this legislation that is to set them out of their homes?

Mr. SINCLAIR. No. As you know, Members of Congress have not had an opportunity to present any facts with reference to the legislation in this bill at all. It seems to me that before this policy was adopted a full hearing should have been had and the districts affected should have had an opportunity to present their side of the case.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. SINCLAIR. May I have one minute more?

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent for one minute more. Is there objection?

There was no objection.

Mr. SINCLAIR. I just want to say in that connection that the failure of the settlers on this project has been for two reasons: First, the payments were too high, more than they could possibly make, and were limited to too short a time; and second, farmers were not instructed with reference to irrigated farming. Now a new policy has been adopted and new ideas have come in, and this land has been found to be the best kind of sugar-beet land. They are now raising sugar beets. A sugar-beet factory has been erected in the city of Williston and the business will be put upon a paying basis.

Mr. RAKER. May it not be a fact that some big sugar company wants to buy out the whole thing and take it from these farmers at a sacrifice?

Mr. SINCLAIR. I would not like to say that. I think the committee has acted in good faith. I would not have in mind such a thing as the gentleman has suggested.

Mr. CRAMTON. You do not have to look so far away as that for an excuse. There has been irrigated in this tract 1,160 acres. None of the construction cost has been paid back. The land is situated where they believe in irrigation only by spells. In a wet year they think irrigation is not necessary. In a dry year they know it is necessary. The appropriation last year was \$105,000. My friend from North Dakota, I think, says there are 240 farmers involved. I do not know how that can be with only 1,160 acres, but I would rather give them \$500 apiece and close down the works than to continue operation as it has been conducted hitherto. Every year it costs, outside of construction costs, more to maintain than is derived from the project. I have the figures here. The average of four years in cost was \$84,000; collections, \$53,900; or a net loss to the Treasury of \$31,000 each year.

Mr. SINCLAIR. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SINCLAIR. The gentleman has included in those costs some betterments.

As a matter of fact, in 1922, despite the adverse conditions, and the inclusion of certain sums for permanent improvements, the project came within \$7,286.21 of paying all expenditures upon it. The actual cost of operating and maintenance of this plant for the past six years is as follows:

1919,	\$44,266;	per irrigable acre,	\$6.61.
1920,	\$50,198;	per irrigable acre,	\$7.50.
1921,	\$39,852;	per irrigable acre,	\$5.96.
1922,	\$29,219;	per irrigable acre,	\$4.27.
1923,	\$28,795;	per irrigable acre,	\$4.31.
1924,	\$28,000;	per irrigable acre,	\$4.19.

These figures prove that the operating costs are being constantly reduced, and I do not think there is a doubt but that if the project can be continued it will soon be on a self-sustaining basis.

Mr. CRAMTON. One year there were some betterments. The truth is that the principal business we are in up there is not to furnish water for this tract of 1,160 acres. We are operating an electric-light plant for the town of Williston, and we are running a coal mine to get enough fuel to run our plant.

Now, the fact finding commission recommended that this project be wiped off of the slate. The language gives authority to sell or to lease, and it seemed to us very desirable that the Treasury be protected against any further losses there.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by putting certain figures in the Record.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the Record by inserting certain figures. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. Under the leave given I present the following:

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, December 2, 1924.
Memorandum on Williston project

This project was authorized in 1906 to irrigate an area estimated at 10,753 acres.

Area actually irrigated, 1923.....	Acres 1,163
Area actually irrigated, 1924.....	1,160

A part of this area is a State experiment farm maintained and operated by North Dakota.

Total construction cost of project.....	\$498,782.87
Total net investment, including operation losses.....	852,763.93
Amount indebtedness written off.....	178,667.20

Disbursement vouchers, calendar year 1923.....	64,312.39
Collection vouchers, calendar year 1923 (mainly power).....	43,002.85

Loss.....	21,309.54
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With this data before it the fact finding commission recommended the following:

"No. 55, Williston project: The history and prospects of this project do not justify its further operation by the Bureau of Reclamation. The committee recommends:

"The Williston project be appraised and sold and the losses incurred charged to the reclamation fund."

A report on this project, made by Andrew Weiss in October, 1924, contains the following:

"Continuance of operations by the Reclamation Bureau can only be done with the full knowledge and understanding that losses must be accumulated, because the cost per acre can hardly be expected to come to less amounts than five or six dollars per acre, and, judging from experiences on other projects where farmers are situated much more advantageously than here, such a charge would be prohibitive and could be borne only by those owners of suburban plots or near-by truck farmers who are operating under special conditions and do not follow a general or diversified system of farming.

"RECOMMENDATION"

"In view of the foregoing it would seem most desirable to effect a transfer of the works to the city by lease or sale with the proviso attached that service be furnished to those farmers who would choose to pay the cost of production of the necessary current to operate the pumping units needed for such purposes within the capacity of the plant. This plan will remove the present evils incident to mounting indebtedness of the project farmers, whose only hope for meeting them is by further appeals to Congress, and out of which usually develops a low regard for existing laws and obligations assumed thereunder, and a low estimate of, even a hostile attitude toward, the benefits so conferred."

ELWOOD MEAD, Commissioner.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, December 4, 1924.

Hon. LOUIS C. CRAMTON,
House of Representatives, United States,
Washington, D. C.

MY DEAR MR. CRAMTON: In the financial statement on the Williston project sent you, we gave the expenses and income as shown by vouchers for a calendar year, which was different from the fiscal year. I am sending you three statements with this letter. One shows the operating expenses and income for three fiscal years, 1922, 1923, and 1924. You will note that for these three years the actual loss has varied from nothing in 1922 to nearly \$50,000 in 1924, in each case with no recognition of losses from depreciation. This also

shows the appropriation made and the unexpended balances for each of these three years.

This table, No. 1, shows nothing but operating expenses and income. I am sending another table, No. 2, giving the voucher transactions for four years, which shows the total expenditures and collections, and that includes expenditures on construction and betterments.

Table 3 is an explanation of the item shown as operation and maintenance deficit written off. We are unable to find any definite agreement as to the writing off, but in the agreement of 1919, the deficit stated is ignored in the new contract, no provision being made for its payment.

Sincerely yours,

ELWOOD MEAD, Commissioner.

Williston project—Operating expenses and income

Item No.	Explanation	Commercial power	Irrigation	Total
1922				
1	Operation and maintenance costs.....	\$41,317.26	\$31,026.41	\$72,343.67
2	Operating income ¹	82,100.33	20,243.34	72,343.67
3	Balance.....	\$10,783.07	10,783.07	
1923				
1	Operation and maintenance costs.....	40,852.85	37,713.66	78,566.51
2	Operating income ¹	49,570.46	10,687.83	60,258.29
3	Balance.....	\$8,717.61	27,025.83	18,308.22
1924				
1	Operation and maintenance costs ¹	46,897.73	23,477.01	70,374.74
2	Operating income ¹	45,127.61	279.73	45,407.34
3	Balance.....	1,770.12	23,197.28	24,967.40

¹ On accrual basis.

² In addition to the operating costs, fiscal year 1924, \$27,944.18 was expended for construction of a land pumping station replacing the pumping barge, to be repaid as supplemental construction.

³ Gain.

APPROPRIATIONS

	1922	1923	1924
Appropriation act.....	\$115,000.00	\$115,000.00	\$100,000.00
Expended and obligated.....	70,070.95	75,879.78	98,908.78
Balance unencumbered.....	44,929.05	39,120.22	1,093.22

Project, Williston, N. Dak.

VOUCHER TRANSACTIONS¹

Fiscal year	Expenditures	Collections	Net investment ²
1924, Williston.....	\$99,116.36	\$45,526.59	\$53,589.77
1923, Williston.....	74,583.87	52,345.33	22,238.54
1922, North Dakota pumping.....	70,462.41	63,176.20	7,286.21
1921, North Dakota pumping.....	104,135.61	53,762.32	50,373.29
Total.....	348,298.25	214,810.44	133,487.81
Average, 4 years.....	87,074.56	53,702.61	33,371.95

¹ As printed in the annual reports.

² This figure is the amount the expenditures are in excess of collections.

NOTE.—These figures include all transactions for the respective fiscal years for irrigation, commercial power, for both construction and operation and maintenance.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, December 4, 1924.

MEMORANDUM

The item of \$178,667.20 shown as "Operation and maintenance deficit written off," Williston project, represents accumulated deficit to March 31, 1919, arrived at as follows:

Total operation and maintenance cost to Mar. 31, 1919.....	\$357,925.00
Less incidental operating revenues, such as rentals of buildings, temporary water rentals, etc.....	3,423.00
Net cost.....	354,502.00
Less:	
Operation and maintenance charges collected from water users to Mar. 31, 1919.....	\$10,965.00
Penalties on operation and maintenance charges collected to Mar. 31, 1919.....	46.00
Commercial power revenues to Mar. 31, 1919.....	164,823.80
Total income.....	175,834.80
Balance (deficit).....	178,667.20

By agreement of April 3, 1919, between the United States and the Williston irrigation district it was agreed that this district would pay to the United States the estimated construction cost of the project as announced by public notice of April 27, 1908, for the areas of irrigable lands shown upon farm-unit plats filed as part of such public notice and within the district boundaries, which amount was agreed to be \$290,803.74. The district also agreed to pay the full net cost of operating and maintaining the project from and after the date of execution of said contract of April 3, 1919. However, no provision is made for payment of the accumulated operation and maintenance deficit to that time. This deficit has therefore been considered a loss which eventually will have to be written off.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. Mr. Chairman, this is one of the matters on which we spent some time before the Committee on Irrigation and Reclamation. The fact finding commission claimed there is some \$30,000,000 to be charged off, but it was only estimated. There was nothing concrete before the committee that the Government would lose a dollar. They told the committee that if the legislation were passed for which they asked there would not be a dollar lost to the Government and these people would get an opportunity to pay.

There has hardly been anybody in the West during this year or the last two years that has been able to pay. Practically every project named here is asking an opportunity to have a further extension of time, and the Congress passed a law extending the time of payment. Some of them have had an extension of two years and the balance three years, and most of them are going to get from 50 to 100 years in which to pay back the money they owe the Government. Yet they come in now for the purpose of ruining a reclamation project. I am not discussing the gentlemen on the committee, but I say there seems to be a deliberate purpose to do that, and without giving the committee having charge of this matter an opportunity to go into the facts and to show that the reclamation project is a success. They are coming here now and trying to abandon one project, to sell it or lease it, and make it appear that these reclamation projects are a failure. You have already legislated to give an extension of time on all the other projects, and every project for which you are appropriating money in this bill to-day will have time running from 20 years to 120 years.

You can not dispute the facts, and I think the committee ought not to permit it until we have a full and fair opportunity to investigate all of the facts relating to these projects. They ought not to be permitted to sell or lease one of these reclamation projects when a firm or corporation can come in and buy it for practically nothing and then turn around, improve it, and make half a million dollars out of it. It is not fair and it is not right.

The gentleman representing the district in which this project is located comes here and says these people want it, and it is simply a method by which the rest of the reclamation projects are to be squeezed out of existence, and to show you can not make a success of them. I hope the committee will not permit this to be sold and that it will permit an appropriation to be made so that it can be continued, and then this new legislation, which the fact finding commission says is so good, will go into operation.

Mr. SINCLAIR. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. SINCLAIR. I will say to the gentleman that I am only asking for half as much as was expended on this project a year ago.

Mr. RAKER. Yes; and this would give your people a chance to live.

Mr. SINCLAIR. It would give them a chance to operate for a year, and perhaps find out what can be done.

The CHAIRMAN. The time of the gentleman from California has expired. The question is on the amendment offered by the gentleman from North Dakota [Mr. SINCLAIR].

The question was taken; and on a division (demanded by Mr. RAKER) there were—ayes 11, noes 17.

Mr. RAKER. Mr. Chairman, it is quite late, and I make a point of no quorum.

Mr. CRAMTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SANDERS of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 10020 had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SCHALL, indefinitely, on account of illness.

COMMITTEE VACANCY

Mr. LONGWORTH. Mr. Speaker, a vacancy exists on the Committee on the Merchant Marine and Fisheries due to the death of our former beloved colleague, Mr. Greene of Massachusetts. Mr. LEACH, of Massachusetts, has been elected to fill that vacancy in the House up to the 4th of March next, and I ask unanimous consent that he be assigned to fill the vacancy on the Committee on the Merchant Marine and Fisheries.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT

Mr. CRAMTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 21 minutes p. m.) the House adjourned until to-morrow, Saturday, December 6, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

692. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Mulberry Creek, Lancaster County, Va. (H. Doc. No. 482); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

693. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation, "that the Secretary of War be, and he is hereby, authorized and directed to transfer to the Treasury Department for quarantine purposes that portion of La Costa, Fla., occupied by the Treasury Department as a quarantine station under revocable license from the War Department dated January 27, 1903"; to the Committee on Public Buildings and Grounds.

694. A letter from the Secretary of the Navy, transmitting statement of 36 claims paid during the fiscal year ended June 30, 1924, for damage to or loss of privately owned property, for which damage or loss men in the naval service or Marine Corps have been found to be responsible; to the Committee on Expenditures in the Navy Department.

695. A letter from the chairman of the Federal Trade Commission, transmitting the annual report of the Federal Trade Commission for the fiscal year ended June 30, 1924; to the Committee on Interstate and Foreign Commerce.

696. A letter from the Attorney General, transmitting the annual report of the Department of Justice for the fiscal year ended June 30, 1924; to the Committee on the Judiciary.

697. A letter from the Acting Secretary of Commerce, transmitting statement of disbursements, contingent expenses, Department of Commerce, and general expenses, Bureau of Standards, for the years 1922 to 1925, inclusive, also statement of expenditures under all appropriations for the support of the Bureau of Fisheries during the fiscal year ended June 30, 1924, statement showing typewriters, adding machines, and similar labor-saving devices exchanged by the Department of Commerce during the fiscal year ended June 30, 1924, in part payment for new machines used for the same purpose, and statement showing in detail travel performed by officers and employees of the department who traveled on official business from Washington to points outside of the District of Columbia (other than special agents and other employees who in the discharge of their regular duties are required to travel) during the fiscal year ended June 30, 1924; to the Committee on Expenditures in the Department of Commerce.

698. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of the Rio Grande at El Paso, Tex.; to the Committee on Rivers and Harbors.

699. A letter from the chairman of the Federal Power Commission, transmitting report giving the aggregate number of publications issued by the commission during the fiscal year ended June 30, 1924, also statement in detail of travel taken by officers of the commission to points outside the District of Columbia during the fiscal year ended June 30, 1924, and statement showing typewriters, adding machines, and other similar labor-saving devices purchased during the fiscal year 1924; to the Committee on Appropriations.

700. A letter from the Secretary of War, transmitting annual report of inspection of National Home for Disabled Volunteer

Soldiers for the fiscal year ended June 30, 1924; to the Committee on Military Affairs.

701. A letter from the Secretary of War, transmitting reports of the Chief of Engineers, the Quartermaster General, the Chief Signal Officer, the Superintendent of the United States Military Academy, and the War Department Supply Division of typewriters, adding machines, and similar labor-saving devices exchanged during the fiscal year 1924 as part payment for new labor-saving devices purchased; to the Committee on Appropriations.

702. A letter from the Secretary of War, transmitting report of expenditures on account of appropriations "Contingent expenses, War Department," during the fiscal year ended June 30, 1924; to the Committee on Expenditures in the War Department.

703. A letter from the Secretary of War, transmitting a letter from the Chief of Ordnance, United States Army, with statement of the cost of manufacture for the fiscal year ended June 30, 1924, at the several arsenals and at the Springfield Armory, Springfield, Mass.; to the Committee on Expenditures in the War Department.

704. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, submitting abstracts of proposals received during the fiscal year ended June 30, 1924, for material and labor in connection with works under the Engineer Department; to the Committee on Expenditures in the War Department.

705. A letter from the Secretary of War, transmitting 481 reports of inspections of disbursements and transfers by officers of the Army, received in the office of the Inspector General during the fiscal year ended June 30, 1924; to the Committee on Expenditures in the War Department.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9715) granting an increase of pension to Louise W. Henderson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9867) granting an increase of pension to Blanche Bunker; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10047) granting an increase of pension to Mary E. Croshier; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10049) granting an increase of pension to Emma L. Jesser; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 6845) granting an increase of pension to William Coleman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. REED of West Virginia: A bill (H. R. 10348) authorizing the Chief of Engineers of the United States Army to accept a certain tract of land from Mrs. Anne Archbold donated to the United States for park purposes; to the Committee on the District of Columbia.

By Mr. KINDRED: A bill (H. R. 10349) to regulate the transmission in interstate commerce and through the mails of explosives of any description, or pistols, revolvers, or firearms of any description; to the Committee on Interstate and Foreign Commerce.

By Mr. REED of West Virginia: A bill (H. R. 10350) to provide for the completing, leasing, and operating the Muscle Shoals nitrate and power plant, and for the construction of such other power or coal reduction plants as may be required to supply the Army and Navy with explosives, to manufacture fertilizers for agricultural purposes, and to distribute electric power and fuel within a reasonable transmission radius of such plants, also to incorporate the Federal Power & Fuel Corporation, and for other purposes; to the Committee on Military Affairs.

By Mr. VESTAL: A bill (H. R. 10351) providing for copy-right registration of designs; to the Committee on Patents.

By Mr. WATSON: A bill (H. R. 10352) to extend the time for completing the construction of a bridge across the Delaware River; to the Committee on Interstate and Foreign Commerce.

By Mr. McDUFFIE: A bill (H. R. 10353) to amend section 200 of an act entitled "An act to consolidate, codify, revise, and reenact the laws affecting the establishment of the United States Veterans' Bureau and the administration of the war risk act, as amended, and the vocational rehabilitation act, as amended; to the Committee on World War Veterans' Legislation.

By Mr. LEA of California: A bill (H. R. 10354) placing first, second, and third class postmasters in the competitive classified service; to the Committee on the Civil Service.

By Mr. BRITTEN: A bill (H. R. 10355) amending the act of August 29, 1916, and repealing the third proviso of section 5 of the act approved June 4, 1920, for promoting efficiency in the line of the Navy; to the Committee on Naval Affairs.

By Mr. TAYLOR of West Virginia: A bill (H. R. 10356) granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a highway and street railway bridge across the Ohio River, between the city of Huntington, W. Va., and a point opposite in the State of Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. REECE: A bill (H. R. 10357) to provide for the national defense, for the production and manufacture of fixed nitrogen, commercial fertilizer, and other useful products, and for other purposes; to the Committee on Military Affairs.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 10358) to establish an intelligent guidance of production, of marketing, of distributing, and of selling the basic commodities of American agriculture; to the Committee on Agriculture.

By Mr. NEWTON of Missouri: A bill (H. R. 10359) to release custodianized property; to the Committee on Interstate and Foreign Commerce.

By Mr. CABLE: Joint resolution (H. J. Res. 301) for the creation of a commission to prepare a constitutional amendment providing for the election and terms of President, Vice President, Senators, and Representatives; to the Committee on the Judiciary.

By Mr. WILLIAM E. HULL: Joint resolution (H. J. Res. 302) authorizing the Secretary of War to loan cots, bedding, and camp equipment, not including tentage, for the use of the Modern Woodmen of America Foresters at their national encampment, to be held at Milwaukee, Wis., in June, 1925; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACK of New York: A bill (H. R. 10360) for the relief of William J. Finnerty; to the Committee on Claims.

Also, a bill (H. R. 10361) for the relief of the New York Canal & Great Lakes Corporation, owners of the steamer *Monroe* and barge 209; to the Committee on Claims.

By Mr. CLARKE of New York: A bill (H. R. 10362) granting permission to D. F. Wilber, a consul general of the United States of America, to accept a decoration from the Government of Italy; to the Committee on Foreign Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 10363) granting an increase of pension to Katherine W. Hauns; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 10364) granting a pension to Mary C. Simmons; to the Committee on Invalid Pensions. Also, a bill (H. R. 10365) granting a pension to Anne Donnelly; to the Committee on Pensions.

Also, a bill (H. R. 10366) granting an increase of pension to Harriet Vosburg; to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 10367) for the relief of John W. and Jesse L. Kennedy; to the Committee on Claims.

By Mr. CUMMINGS: A bill (H. R. 10368) granting a pension to Amy Creveling; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 10369) granting an increase of pension to Elizabeth Stedman; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 10370) to authorize the Postmaster General to place on the retirement rolls of the Post Office Department, to receive the benefit of any laws heretofore enacted for the retirement of postal employees, the name of Warren C. Fairry, of Rowesville, Orangeburg County, S. C.; to the Committee on the Civil Service.

Also, a bill (H. R. 10371) to authorize the Postmaster General to place on the retirement rolls of the Post Office Department, to receive the benefit of any laws heretofore enacted for the retirement of postal employees, the name of Jeremiah W.

Wise, of Sandy Run, Calhoun County, S. C.; to the Committee on the Civil Service.

By Mr. HICKEY: A bill (H. R. 10372) granting an increase of pension to Mary E. Sherbondy; to the Committee on Invalid Pensions.

By Mr. HILL of Washington: A bill (H. R. 10373) to reimburse James Doherty; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 10374) granting an increase of pension to Anne L. Fomolin; to the Committee on Invalid Pensions.

By Mr. KINDRED: A bill (H. R. 10375) to reimburse Henry Wolf, an inmate of the United States Veterans' Bureau Rehabilitation Center No. 2, Perry Point, Md., for losses sustained as a result of a fire in the barracks at that station on or about February 21, 1924; to the Committee on Claims.

By Mr. LEAVITT: A bill (H. R. 10376) for the relief of the heirs of Karl T. Larson, deceased; to the Committee on the Public Lands.

By Mr. LOZIER: A bill (H. R. 10377) granting a pension to Sarah E. McClaren; to the Committee on Invalid Pensions.

By Mr. McDUFFIE: A bill (H. R. 10378) for the relief of the owners of the tug *Bascobel*; to the Committee on Claims.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 10379) to provide for the retirement of Clarence W. Sessions, judge of the District Court for the Western District of Michigan; to the Committee on the Judiciary.

Also, a bill (H. R. 10380) granting an increase of pension to Lorinda R. Cooper; to the Committee on Invalid Pensions.

By Mr. MAGEE of New York: A bill (H. R. 10381) granting a pension to Mary E. Garrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10382) granting a pension to Mary C. Risley; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 10383) granting a pension to Elizabeth A. Norman; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 10384) for the relief of Mary Guth; to the Committee on Invalid Pensions.

By Mr. RAGON: A bill (H. R. 10385) for the relief of Margaret Richards; to the Committee on Claims.

By Mr. RATHBONE: A bill (H. R. 10386) to provide for the military status of the world flyers; to the Committee on Military Affairs.

By Mr. SANDERS of Indiana: A bill (H. R. 10387) granting a pension to George W. Wolf; to the Committee on Pensions.

By Mr. SEARS of Florida: A bill (H. R. 10388) granting a pension to Rose Key; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 10389) for the relief of John H. Moore; to the Committee on the Civil Service.

By Mr. STRONG of Pennsylvania: A bill (H. R. 10390) granting an increase of pension to Clara R. Wilson; to the Committee on Pensions.

By Mr. SWOOPE: A bill (H. R. 10391) granting an increase of pension to Amanda Jane Chesnutt; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 10392) granting an increase of pension to Jennie Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10393) granting an increase of pension to Hortense F. Thayer; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 10394) granting a pension to Josephine M. Buck; to the Committee on Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 10395) granting a pension to Amy Azelia Purdy; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 10396) granting an increase of pension to Frank Waters; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 10397) granting a pension to Erwen C. Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10398) granting a pension to Josephine E. Grant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10399) granting a pension to Arria S. Sargent; to the Committee on Pensions.

By Mr. WILLIAMSON: A bill (H. R. 10400) for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak.; to the Committee on Claims.

By Mr. ZIEHLMAN: A bill (H. R. 10401) granting a pension to Mary A. E. Howard; to the Committee on Pensions.

Also, a bill (H. R. 10402) granting a pension to Thomas Kirk; to the Committee on Pensions.

Also, a bill (H. R. 10403) granting a pension to James H. Osburn; to the Committee on Pensions.

By Mr. RATHBONE: Joint resolution (H. J. Res. 303) authorizing the award of a medal of honor and \$10,000 to each of the world flyers; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3094. By Mr. CLAGUE: Petition of residents of Sherburn, Minn., opposed to Senate bill 3218; to the Committee on the District of Columbia.

3095. Also, petition of rural mail carriers, Brown County, Minn., in favor of postal wage bill now pending in the Senate; to the Committee on the Post Office and Post Roads.

3096. By Mr. CULLEN: Petition of Board of Aldermen of the City of New York, urging favorable action on postal salary bill (S. 1898); to the Committee on the Post Office and Post Roads.

3097. By Mr. GOLDSBOROUGH: Papers to accompany House bill 10304, granting a pension to Lucy R. Robertson; to the Committee on Invalid Pensions.

3098. By Mr. KIESS: Evidence in support of House bill 3881, granting an honorable discharge to George P. Bailey; to the Committee on Military Affairs.

3099. By Mr. KINDRED: Petition of Board of Aldermen of the City of New York, favoring increase in the salary of postal employees (S. 1898); to the Committee on the Post Office and Post Roads.

3100. By Mr. O'CONNELL of New York: Petition of the Board of Aldermen of the City of New York, favoring the postal salary increase bill (S. 1898); to the Committee on the Post Office and Post Roads.

3101. By Mr. ROUSE: Petition of 300 citizens of Kenton County, Ky., against the passage of a compulsory Sunday observance bill (S. 3218) or the passage of any other religious legislation; to the Committee on the Judiciary.

3102. By Mr. TEMPLE: Testimony in support of House bill 10324, special bill in behalf of Mrs. Laura Crawford, widow of Samuel R. Crawford, Company D, Twenty-second Pennsylvania Cavalry; to the Committee on Invalid Pensions.

3103. By Mr. WEAVER: Petition of Asheville (N. C.) Chamber of Commerce, relating to appropriations for the Bureau of Fisheries; to the Committee on the Merchant Marine and Fisheries.

HOUSE OF REPRESENTATIVES

SATURDAY, December 6, 1924

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, do Thou give us vision that we may arise to the high privileges of our daily tasks. Let each new day challenge us to nobler and better effort. Allow nothing to lessen the dignity and the value of our labors. May we understand that to give happiness and to do good are the chief anchors of the finest character. When perplexity arises, give us patience and help us to put aside all useless and hurtful things. Bless all institutions of our land that succor the unfortunate and that train the youth; and more and more may the dreams of freedom and fraternity be realized. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHRISTMAS RECESS

Mr. LONGWORTH. Mr. Speaker, I offer the following concurrent resolution.

The Clerk read as follows:

House Concurrent Resolution 32

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn Saturday, December 20, 1924, they stand adjourned until 12 o'clock meridian, Monday, December 29, 1924.

Mr. LONGWORTH. Mr. Speaker, a few days ago I offered some observations on the adjournment which seemed to be advisable, and, if there is no objection, I move the adoption of the resolution.

The resolution was agreed to.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed the following resolutions:

Senate Resolution 274

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. EDWARD CAMPBELL LITTLE, late a Representative from the State of Kansas.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Senate Resolution 275

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. SYDNEY E. MUDD, late a Representative from the State of Maryland.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Senate Resolution 276

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. WILLIAM STEEDMAN GREENE, late a Representative from the State of Massachusetts.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

AGRICULTURAL APPROPRIATION BILL

Mr. MAGEE, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 10404, Rept. No. 1034) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes, which was read a first and second time and, with accompanying papers, referred to the Committee of the Whole House on the state of the Union.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve all points of order, and I would like to ask if this will be the next bill to be called up?

Mr. MAGEE. I understand that it will follow the Interior Department appropriation bill, which is now being considered. Next Monday being District day, it will be called up on the next day on which appropriation bills may be considered.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Interior Department appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SANDERS of Indiana in the chair.

The CHAIRMAN. The question recurs on the amendment, which the Clerk will again report.

The Clerk read as follows:

Page 73, line 2, after the words "North Dakota," strike out all the remainder of the paragraph and insert in lieu thereof the following: "For operation, maintenance, and incidental operations, \$50,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The question was taken; and on a division (demanded by Mr. SINCLAIR) there were—ayes 12, noes 26.

So the amendment was rejected.

Mr. RAKER. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. RAKER: Page 73, beginning line 1, strike out the paragraph down to and including line 10.

Mr. RAKER. Mr. Chairman, may the Clerk read the paragraph?

The CHAIRMAN. Without objection, the Clerk will again read the paragraph.

The Clerk read as follows:

Williston project (formerly North Dakota pumping project), North Dakota: The Director of Reclamation is authorized, during the fiscal year 1926, or thereafter, to appraise the buildings, machinery, equipment, and all other property of whatever nature or kind appertaining to this project and to lease or to sell the same at public or private sale, on such terms and in such manner as he may deem for the best

interests of the Government, reserving the right to reject any and all bids. The proceeds from such lease or sale shall be paid into the reclamation fund.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all debate on this paragraph and amendments close in 10 minutes. Is there objection?

Mr. CLARKE of New York. Reserving the right to object, what is the necessity of taking up 10 minutes of the time of the House on this matter when it is so busy?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, may I ask the gentleman from North Dakota a question? About what amount of money has been expended on this project?

Mr. SINCLAIR. In all about \$700,000.

Mr. RAKER. What would the gentleman estimate to be the value of the project?

Mr. SINCLAIR. Under normal conditions I think the project is really worth \$500,000 anyway.

Mr. RAKER. And there are about 200 farmers on the property.

Mr. SINCLAIR. One hundred and forty-four.

Mr. RAKER. I understand they can raise sugar beets there.

Mr. SINCLAIR. Yes.

Mr. RAKER. Now, this statement of the gentleman from North Dakota presents a case of exceptional importance.

Mr. SINCLAIR. Will the gentleman yield for me to read a telegram at this point?

Mr. RAKER. I will yield for the purpose, although my time is limited.

Mr. SINCLAIR. The project manager, I believe, is the best qualified man to determine the value of this project.

Mr. RAKER. I will ask the gentleman to put this in quickly, because I have so little time.

Mr. SINCLAIR. Then I shall put it into the Record.

Mr. RAKER. Oh, let the Clerk read it out of my time.

The CHAIRMAN. Without objection, the Clerk will read. The Clerk read as follows:

WILLISTON, N. DAK., December 5, 1924.

J. B. SINCLAIR,

House of Representatives, Washington, D. C.

Williston should be willing to pay cost of generating current plus 5 per cent for depreciation on portion of plant used and 6 per cent interest. This would mean rate of 5 to 5½ cents for energy delivered in Williston, or approximately actual generating cost for towns of similar size throughout North Dakota. State public utility commission could arbitrate rates. This would leave margin of eight to ten thousand dollars to apply on reduction to irrigation costs. If Washington overhead expenses were eliminated, per recommendations of fact finders, farmers must return about \$2.50 per year for every irrigable acre, which is not prohibitive on small intensively cultivated farms. Any plan for future should include immediate Government and railroad cooperation to place farmer settlers on excess lands; also on expenditure of about \$30,000 from appropriation in two years to reduce annual operation expenses about \$9,000. This is vitally essential, and if it can not be secured possibility of farmers paying out is very doubtful.

WM. S. ARTHUR.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, this property can be handled at a profit, even for electric energy. Do not abandon it at this time. Give it a chance for one year without appropriation. Strike out this provision and it leaves this project to stand for a year on its own feet. Those people will come back next year and be in a position to make some showing. You ought not to abandon one of these reclamation projects without an opportunity on the part of the people who are interested to be heard. The people want the project to remain. There is a showing that you can get a profit from electric energy. Do not authorize it to be sold or dismantled. Do not authorize it to be sold to some large concern that will come in there and buy it for fifty or sixty thousand dollars and open up a plant worth a million for raising sugar beets, but give these farmers an opportunity and let them stay in the same position that they are in now for the next year. The Government will be at no expense, and then after a year of development, after a year of opportunity, after a year of presenting the matter they can then come here and Congress will be in a position to determine what to do. I think you ought not to abandon it, and I hope you will not.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?
Mr. RAKER. Yes.

Mr. CHINDBLOM. Has the project gone up in value a half million dollars? Did not the gentleman from North Dakota say a moment ago that it was worth a half million dollars?

Mr. RAKER. We have spent \$700,000 on it in money. There is the water right and the land, with the opportunity of a wonderful development. They have found out lately that they can successfully produce sugar beets there, when the land is properly irrigated, and now we are asked to dismantle this plant without an opportunity upon the part of the people interested to be heard. Do not permit this to be done.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CRAMTON. Mr. Chairman, these are the facts. There are 1,160 acres being irrigated. If there are 150 farmers working the 1,160 acres, they ought to get out of it everything that there is in it. There has not been a year since the plant has been in operation that they have paid back the cost of operation and maintenance, to say nothing of construction charges.

Mr. SNELL. How many years has that been in operation?

Mr. CRAMTON. Ten years or more—15 years. The principal business there is furnishing electric light to the town of Williston. There has never been a year when there has not been a loss to the Treasury for furnishing water to those 1,160 acres. We come in here with this proposition, and they suddenly find, so the gentleman from California [Mr. RAKER] says, that they can run it next year without any help from the Treasury at all, and a telegram comes to the gentleman from North Dakota [Mr. SINCLAIR] from the farmers there saying that it is a good project and that it can be run successfully with no overhead in Washington. The town of Williston knows that it can be made a good project in furnishing electric power. The purpose of the paragraph is not to destroy it, it is not to let some great octopus get it but to let either those farmers have the plant who are sure that they can run it without any overhead charges in Washington, or to let the town of Williston have it, whichever thinks it is such a good thing, and to either sell or lease it to them on easy terms, and thus end this drain upon the Treasury of the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Belle Fourche project, South Dakota: For operation and maintenance, continuation of construction, and incidental operations, \$65,000: *Provided*, That the unexpended balance of \$100,000 allotted for drainage under this paragraph for the fiscal year 1923 is reappropriated and made available for such purpose for the fiscal year 1926.

PROOFS IN LAND MATTERS BEFORE UNITED STATES COMMISSIONERS

Mr. CRAMTON. Mr. Chairman, during the discussion on the land offices the other day some question was raised as to the jurisdiction of the commissioners to act in certain cases. I have here a brief memorandum from the General Land Office setting forth that matter very succinctly. I ask unanimous consent to extend my remarks in the Record by inserting it.

The CHAIRMAN. Is there objection?

There was no objection.

The memorandum referred to is as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, December 5, 1924.

Memorandum

Applications to enter public lands may be executed before any United States commissioner or the judge or clerk of any court of record, State or Federal. Final proofs and homestead and other land cases may be made before the same officials. As a matter of fact most of the applications are executed before United States commissioners and by them mailed to the land offices; likewise, most final proofs are made before United States commissioners. A large number of applications and final proofs are, however, made before clerks of courts of record. Applications and final proofs may not be executed before notaries public, but hearings in contest cases can be held before notaries public or any official authorized to administer oaths. It is estimated that from 70 to 75 per cent of the applications and final proofs are executed before officers other than the registers and receivers of district land offices. A large number of the United States commissioners have unofficial records, the data for which has been obtained by them or their agents, from the district land offices, and this is the reason that so large a number of public land claimants make their applications through these officers and depend upon them to attend to all details, including preparation of the application and transmittal of the appli-

cation and filing fees to the land office. Subject to the requirement that final proofs must be taken before the nearest accessible officer in the land district, if not submitted to the register and receiver personally, the official designated by the register to take homestead and other final proofs in any specific case is the person selected or suggested by the public land claimant. This matter is discussed very briefly on page 128 of the printed hearings.

The Clerk read as follows:

Salt Lake Basin project, Utah, first division: For construction of Echo Reservoir, and Weber-Provo Canal, and incidental operations, \$900,000: *Provided*, That any unexpended balance of any appropriation available for the Salt Lake Basin project for the fiscal year 1925 shall remain available during the fiscal year 1926: *Provided further*, That no part of this appropriation shall be used for construction purposes until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or with irrigation districts organized under State law, providing for payment by the district or districts as hereinafter provided. The Secretary of the Interior shall by public notice announce the date when water is available under the project, and the amount of the construction costs charged against each district shall be payable in annual installments, the first installment to be 5 per cent of the total charge and be due and payable on the 1st day of December of the year following the date of said public notice, the remainder of the construction charge, with interest on deferred amounts from date of said public notice at 4 per cent per annum, to be amortized by payment on each December 1 thereafter of 5 per cent of said remainder for 40 years, or until the obligation is paid in full: *Provided further*, That the operation and maintenance charges on account of land in this project shall be paid annually in advance not later than March 1, no charge being made for operation and maintenance for the first year after said public notice. It shall be the duty of the Secretary of the Interior to give such public notice when water is actually available for such lands.

Mr. RAKER and Mr. LEATHERWOOD rose.

Mr. RAKER. Mr. Chairman, I make the point of order against the proviso commencing at the end of line 11 on page 74, down to and including line 10 on page 75. I yield to the gentleman from Utah.

Mr. CRAMTON. Oh, let us dispose of the point of order.

Mr. RAKER. Mr. Chairman, I call the attention of the Chair to section 825 of the Manual and the decisions there noted, one particularly rendered by the present occupant of the chair, that the limitation is not to be coupled with legislation not directly instrumental in effecting that reduction—which is not this provision.

The CHAIRMAN. The decision to which the gentleman from California has referred was by Chairman Saunders, of Virginia, and not the present occupant of the chair.

Mr. RAKER. That is quite true—I beg the Chair's pardon. Again, this not only provides for an appropriation in this bill but for an appropriation provided for in the bill that passed.

It not only provides for this year but it is general legislation to carry on this project that may run for 100 years, and it not only directs the discretion of the Secretary of the Interior but directs him what he is to do under this legislation. It is a code of laws governing the handling of reclamation projects that will run not only until this appropriation has been disposed of of \$900,000 but until the Government has been repaid for all money that may have been advanced heretofore or will be advanced before the completion of the contract.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. CRAMTON. Mr. Chairman, the proviso is simply a limitation on the expenditure of the money. The appropriation is for the construction of a reservoir and canals for irrigation purposes. Under the reclamation laws that money is to be returned to the Treasury. The proviso is in regard to the appropriation. It is not legislation of a general character. It has no application to any other project except the one mentioned in this item and applies to this particular appropriation of \$900,000. It provides that the money shall not be spent until a contract is made between the Government and an irrigation district. It is not general legislation, and has no effect upon any other project in existence or hereafter created. It has to do only with the appropriation which this paragraph proposes to make, and in order to safeguard the return of that money to the Treasury this limitation is necessary. For instance, to show the safeguarding of it to the Treasury, the proviso requires the creation of an irrigation district. The effect of that is that the charges due the Gov-

erment from year to year will be assessed as taxes and will be collected as taxes and turned back to the Government, so that without that proviso the very uncertain matter of the return of the money to the Treasury under the proviso becomes as certain as the collection of taxes. It has been said there are only two things that are sure in this world—death and taxes—and we have adopted one of those methods to insure the return of this money to the Treasury. Furthermore, the proviso carries the provision for collection of interest upon these deferred charges. That charge would not be collectible otherwise. If this proviso does not go into the item and the appropriation should be made without this proviso this money is used for 20 or 40 years without interest; but the proviso, which the gentleman from California has called attention to, provides for a charge of interest of 4 per cent upon the deferred payments. It is in the interest of protecting the Treasury and a necessary limitation upon this particular item.

The CHAIRMAN. Can the gentleman from Michigan cite the Chair to any authority covering this question of limitation?

Mr. CRAMTON. It has not occurred to the Chairman that any question would be raised about it, and I have not consulted the precedents.

The CHAIRMAN. The Chair is inclined to think it is not a proper limitation upon the bill, but the Chair would be glad to hear the gentleman.

Mr. CRAMTON. It is, I take it, within the general precedents in reference to limitations.

The CHAIRMAN. The gentleman from California [Mr. RAKER] makes the point of order against the proviso commencing in line 11, page 74, which is as follows:

Provided further, That no part of this appropriation shall be used for construction purposes until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or with irrigation districts organized under State law, providing for payment by the district or districts as hereinafter provided. The Secretary of the Interior shall by public notice announce the date when water is available under the project, and the amount of the construction costs charged against each district shall be payable in annual installments, the first installment to be 5 per cent of the total charge and be due and payable on the 1st day of December of the year following the date of said public notice, the remainder of the construction charge, with interest on deferred amounts from date of said public notice at 4 per cent per annum, to be amortized by payment on each December 1 thereafter of 5 per cent of said remainder for 40 years, or until the obligation is paid in full: Provided further, That the operation and maintenance charges on account of land in this project shall be paid annually in advance not later than March 1, no charge being made for operation and maintenance for the first year after said public notice. It shall be the duty of the Secretary of the Interior to give such public notice when water is actually available for such lands.

It might be possible that that proviso might have been so worded as to make it a proper limitation, but it seems clear to the Chair the way it is drawn it is not a mere limitation upon this appropriation but it is a modification of existing law that goes on for many years, and the Chair will sustain the point of order against the proviso.

Mr. CRAMTON. Mr. Chairman, I move that the paragraph be stricken out.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 74, line 6, strike out the paragraph.

Mr. LEATHERWOOD. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Michigan yield?

Mr. CRAMTON. I will yield for the purpose of the gentleman offering an amendment.

Mr. LEATHERWOOD. Mr. Chairman, I desire to offer an amendment to the motion, or rather a substitute.

The CHAIRMAN. The gentleman from Utah offers an amendment as a substitute for the amendment of the gentleman from Michigan.

Mr. LEATHERWOOD. Beginning on page 74, line 6, I offer the following amendment as a substitute:

Salt Lake Basin project, Utah, first division: For construction of Echo Reservoir, Utah Lake Control, and Weber-Provo Canal, and incidental operations, \$900,000: *Provided*, That any unexpended balance of any appropriation available for the Salt Lake Basin project for the fiscal year 1925 shall remain available during the fiscal year 1926.

Mr. DENISON. Mr. Chairman, the amendment offered by the gentleman from Utah is the same as the language in the bill.

Mr. CRAMTON. Except three words are added.

The CHAIRMAN. The gentleman's amendment is not yet before the committee. The gentleman will send up his amendment and the Chair will then determine what sort of an amendment it is.

Mr. CRAMTON. Mr. Chairman, I shall be glad to proceed while the gentleman is preparing his amendment. I will speak on my amendment.

Mr. Chairman and gentlemen of the committee, the situation is this: The Salt Lake project relates entirely to land in private ownership. It relates entirely to land now in cultivation in areas of about 25 acres to a farm, as I understand. It is now under irrigation, but with insufficient water for its proper development. They have heretofore raised field crops, and they are desirous of turning to truck farming. They have water until early in July, and they can grow anything that can be grown up to that period. After that their water supply falls and they can not farm. So they desire a reservoir to be constructed, and a canal, to provide an additional water supply. With that additional water supply—and I am advised that as an engineering project it is feasible, and that the cost would be such as the project could bear—with that additional water supply they could work their crops through the whole season. It is therefore an additional facility for those farmers living in that region.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. COLTON. There will be a large acreage of new land brought under cultivation. It can be if this reservoir is constructed.

Mr. CRAMTON. Well, in the hearings the information given to me at that time was that there was no new area. But if so, it is land in private ownership, as I understand.

Mr. COLTON. Largely.

Mr. CRAMTON. This, then, is a proposition to eventually appropriate two or three million dollars to provide additional facilities for those farm lands in Utah. As I said the other day, if the farmers up in my district want to build a silo or provide permanent improvements on their farms they can go to the Government of the United States, its Farm Loan Board, and borrow money for that purpose. They borrow on terms amortized so that in 40 years the money borrowed is to be returned to the Government with interest at 4½ per cent.

Now, as this item now stands in the bill because of a point of order made by the gentleman from California [Mr. RAKER] it is proposed now, as the item stands, as a result of his action, to furnish these further facilities for those farmers in Utah, not as facilities would be furnished to farmers elsewhere throughout the country, through the Farm Loan Board, but to furnish them that money for a period that is uncertain, from 30 to 40 years, without interest.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Not now; but I shall be glad to yield after I finish, if the gentleman from California will have enough regard for the Treasury to withdraw his point of order and let us put this bill through in a logical way.

Now, this paragraph as it now stands in the bill proposes that we loan two and one-half million dollars or more to certain farmers in Utah for 30 or 40 years, without interest. What logic is there in that? I protest against that. Whatever may have been the policy of reclamation, it never was intended to reach lands in private ownership and under private cultivation. There would be no logic in it.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, may I have five additional minutes?

The CHAIRMAN. The gentleman from Michigan asks unanimous consent for five additional minutes. Is there objection?

Mr. BLANTON. Reserving the right to object—which I shall not do—would it not save time and money to give to the gentleman from California [Mr. RAKER] and to the gentleman from Washington [Mr. SUMMERS] everything they want, and then proceed with the consideration of the bill?

Mr. CRAMTON. I do not know of anything that has been denied to the gentleman from California, and I do not know of anything we could do to make him happy. The gentlemen from Utah are not objecting to the terms of the bill. I want to do them that justice. But if this language had not gone

out on the objection of the gentleman from California the committee would not have offered that provision.

Now, the language having been taken out which safeguards the Treasury, I have moved to strike out the item. That language stricken out requires an irrigation district to be created. We can do best with one district, the charges being then collected as taxes, instead of dealing with several thousand farmers; and further, there is the provision for paying interest on the loan and the provision for the payment of operation and maintenance charges in advance, so that we will know that we will get them. Without those safeguards we would not have recommended the appropriation. Now that the appropriation has been stripped of all the safeguards we placed about it, and which ought to surround it, we are obliged to ask you to take the appropriation out of the bill.

What will happen then? I assume that the language of the appropriation is likely to be restored in another body, perhaps with the safeguards, and perhaps not. At all events, we shall have an opportunity in conference to safeguard the appropriation.

I hope the committee will accept my amendment and take the item out of the bill.

Mr. COLTON. There is an amendment to be acted on.

The CHAIRMAN. The gentleman from Utah [Mr. LEATHERWOOD] offers a preferential amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEATHERWOOD: Page 74, line 6, insert: "Salt Lake Basin project, Utah, first division: For construction of Echo Reservoir, Utah Lake control, and Weber-Provo Canal, and incidental operations, \$900,000: *Provided*, That any unexpended balance of any appropriation available for the Salt Lake Basin project for the fiscal year 1925 shall remain available during the fiscal year 1926."

Mr. RAKER. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Utah has the floor, if he wishes to proceed.

Mr. LEATHERWOOD. I do not care to. I reserve my right to be heard later.

Mr. RAKER. I ask unanimous consent that I may proceed for 10 minutes. Then I shall get through.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. CRAMTON. Reserving the right to object, Mr. Chairman, is the gentleman going to be pretty good-natured during the remainder of the afternoon?

Mr. RAKER. I am always so.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. This is not an intended effort on my part, even if I could, to in anywise delay or hamstring or affect the present appropriation bill. So far as votes are concerned, of course the committee will have the votes. There is no doubt about that. But in order that the committee may understand the matter, I wish to say that as a member of the Committee on Irrigation and Reclamation for some 14 years, lacking one short period, I have attempted to give the best attention I could to that legislation. Last session we had before the committee what is in that second deficiency bill, as amendment numbered 58, on irrigation and reclamation projects. That has passed the Senate and is before the President for signature. In that bill these people got about what they wanted, and it will provide for just what is in this bill now.

I did my best to get legislation that was workable. I think some of the features in the bill are the most vicious that could be placed in a piece of legislation which has for its purpose the government of reclamation projects. It was stricken out of the bill as it came to the House and to the Senate and was put in the second deficiency bill without any debate or consideration. There was no time for consideration. And before the committee, which was unusual, only three of the members of the fact finding commission appeared. They were unable to present the facts or were unable to get the facts upon which they presented these recommendations.

We think we have had some experience with and some knowledge of reclamation projects, and we wanted to assist in making them workable, so that the men on the projects might be able to make a living and pay out, and at the same time the Government receive repayment of every dollar it has invested in these reclamation projects.

Notwithstanding the statements of the chairman of the subcommittee having charge of this bill, I believe I stand for economy just as strongly as he does. Economy means one

thing applied to one territory, and another to another, according to the view of some people. Money properly expended for developing and building up homes is not extravagance.

The matter in this bill is not what the gentleman claims it is. There is no doubt on earth about it. The fact that it is not in my district or in my State should make no difference, and another one follows in relation to Oregon or Washington. I do not want to interfere with the people who have projects in other places, but there ought to be general legislation.

Mr. COLTON. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. COLTON. Is it not a fact that general legislation has already been passed by the two Houses of Congress and is before the President for signature?

Mr. RAKER. Then, if that is true, and it is, why the statement of the gentleman from Michigan [Mr. CRAMTON], because that will be the law, and that will handle this \$900,000 if it is appropriated for this project. Is not that true?

Mr. COLTON. Yes. But if the gentleman will yield further—

Mr. RAKER. I yield for a question.

Mr. COLTON. This proviso is not inconsistent with that general legislation and, if the committee insists, will do no harm.

Mr. RAKER. Oh, dear, dear, dear; I ought to stand pat, but I am not a standpatter; that is the trouble. But the Appropriations Committee assumes jurisdiction over all legislation. Here is a committee made up of men who have given years of study to and the work upon reclamation projects, but you come right in, and you take up the whole question of legislation in regard to irrigation and irrigation projects and put it on an appropriation bill knowing—and you must have known at the time—that is not proper. Then you say, "Why, you are ruining this project; you want to squander the people's money because you do not agree with us." Now, there is nothing in that at all. It is not a personal matter with me but is a question of trying to represent a part of the United States or represent and do my duty as a committeeman as nearly as I can. But it does seem there is no opportunity at times to assist in legislation through the committees upon which you have been appointed, and after you have given from 12 to 14 years' study to a proposition certain men come in from the Appropriations Committee and place legislation on this bill; and then, because you object to it when it is not rounded out at all, they say you are squandering the people's money.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. TAYLOR of Colorado. How long has that committee been working on this project?

Mr. RAKER. They sent it up only about a month before we adjourned, and we had another matter, the Colorado River matter, on our hands. They brought in this matter with volumes of material and expected us to put it through during the last few days of the session.

Mr. TAYLOR of Colorado. Has not that committee been considering matters pertaining to reclamation projects and which would be applicable to this kind of a situation?

Mr. RAKER. No, not at all, when the matter was presented to us only a month before we adjourned. We could not do it because we did not have the time. Our time and attention had been given for months and months to the Colorado project, one of the greatest developments that could occur in the United States. This came on in the last days of the session and they expected us to put it through in a few moments.

Mr. TAYLOR of Colorado. As a matter of fact, that committee has been considering reclamation projects and the relief of reclamation projects for years and years.

Mr. RAKER. Yes. And I will say to the distinguished gentleman, who was formerly the distinguished chairman of that committee, that we passed during the last session two relief bills. And I say to you now, beyond all question, that if the department would enforce the law that is now on the statute books every project would be a success. But they will not do it; that is the trouble.

Now, Mr. Chairman, I am not going to be placed in the position of appearing to obstruct. I am willing to let these people work it out, because we will possibly get it before the committee again. However, it is wrong in principle. I am for economy and building up the country, but alone you can not do much. These people say they can accomplish it, and in order to give them that opportunity I ask unanimous consent—you see I am better than you think—that I may withdraw my point of order.

The CHAIRMAN. The gentleman from California asks unanimous consent to withdraw his point of order. Is there

objection? [After a pause.] The Chair hears none. Does the gentleman from Utah [Mr. LEATHERWOOD] desire to withdraw his amendment?

Mr. LEATHERWOOD. Mr. Chairman, in view of the fact that the gentleman from California [Mr. RAKER] has withdrawn his point of order I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Utah asks unanimous consent to withdraw his amendment. Is there objection? There was no objection.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to withdraw the motion I made to strike out the paragraph.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to withdraw the motion he made to strike out the paragraph. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHINDBLOM. Is the ruling of the Chair withdrawn?

The CHAIRMAN. Some gentleman should ask unanimous consent to restore the language to the bill.

Mr. COLTON. Mr. Chairman, I ask unanimous consent that the paragraph in the bill remain as reported by the committee.

The CHAIRMAN. The gentleman from Utah [Mr. COLTON] asks unanimous consent that the part of the paragraph which went out on a point of order may be restored. Is there objection?

There was no objection.

The CHAIRMAN. That leaves the paragraph intact without amendment.

Mr. LEATHERWOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Utah offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEATHERWOOD: Page 74, line 7, after the word "reservoir" insert the words "Utah Lake control."

Mr. LEATHERWOOD. Mr. Chairman, I desire to say a word with reference to the amendment, which makes the language of the paragraph more explicit.

In the bill the appropriation designates the first division of the Salt Lake Basin project. The Water Storage Commission of the State of Utah and the Reclamation Service have agreed that the first division consists of three things or three steps; one is the construction of a dam at Echo, the other is the construction of the Weber-Provo Canal, and third the control of Utah Lake.

The amendment does not affect the status of the Government at all and simply makes plain what the people have already agreed upon. I will say to the Chair and to the gentlemen of the committee that I have taken this matter up with Doctor Mead and there is no objection so far as the Reclamation Bureau is concerned, and it simply makes clear what we are referring to as the first division. I hope the committee will accept the amendment.

Mr. CRAMTON. Mr. Chairman, I am not particularly enthusiastic about the amendment. As I understand the situation, at the most nothing more would be done with reference to this branch of the project than something spent for investigation, and no increased appropriation is requested and no construction is to be undertaken. It is simply in the nature of an investigation and does not commit the Government to that branch of the project, and in view of this era of good feeling that has suddenly come upon us, I can not find it in my heart to obstruct the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. LEATHERWOOD].

The amendment was agreed to.

The Clerk read as follows:

Yakima project (Kittitas division), Washington: For construction of the Kittitas division and incidental operations, \$375,000: *Provided*, That no part of this appropriation shall be used for construction purposes until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or with irrigation districts organized under State law providing for payment by the district or districts as hereinafter provided. The Secretary of the Interior shall by public notice announce the date when water is available under the project, and the amount of the construction costs charged against each district shall be payable in annual installments, the first installment to be 5 per cent of the total charge and be due and payable on the 1st day of December of the third year following the date of said public notice, the remainder of the construction charge, with interest on deferred amounts from date of said public

notice at 4 per cent per annum, to be amortized by payment on each December 1 thereafter of 5 per cent of said remainder for 40 years, or until the obligation is paid in full: *Provided further*, That no part of the sum provided for herein shall be expended for construction on account of any lands in private ownership until an appropriate repayment contract in accordance with the terms of this act and in form approved by the Secretary of the Interior shall have been properly executed by a district organized under State law, embracing the lands in public or private ownership irrigable under the project, and the execution thereof shall have been confirmed by decree of a court of competent jurisdiction, which contract, among other things, shall contain an appraisal approved by the Secretary of the Interior showing the present actual bona fide value of all such irrigable lands, fixed without reference to the proposed construction of said Kittitas division, and shall provide that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall be valid unless and until the purchase price involved in such sale is approved by the Secretary of the Interior, and shall also provide that upon proof of fraudulent representation as to the true consideration involved in any such sale the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sale; and all public lands irrigable under the project shall be entered subject to the conditions of this section which shall be applicable thereto: *Provided further*, That no part of the sum hereby appropriated shall be expended for construction until a contract or contracts shall have been executed between the United States and the State of Washington pursuant to its land-settlement act embodied in chapter 188, Laws of 1919, as amended by chapter 90, Laws of 1921, and by chapters 34 and 112, laws of 1923, or additional enactments, if necessary, whereby the State shall assume the duty and responsibility of promoting the development and settlement of the project after completion, including the subdivision of lands held in private ownership by any individual in excess of 160 irrigable acres, the securing, selection, and financing of settlers to enable the purchase of the required livestock, equipment, and supplies, and the improvement of the lands to render them habitable and productive. The State shall provide the funds necessary for this purpose and shall conduct operations in a manner satisfactory to the Secretary of the Interior: *Provided further*, That the operation and maintenance charges on account of land in this project shall be paid annually in advance not later than March 1, no charge being made for operation and maintenance for the first year after said public notice. It shall be the duty of the Secretary of the Interior to give such public notice when water is actually available for such lands.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I shall not make any point of order, and the time has probably passed in which to make it. I just want to call the attention of the House to the fact that this is practically the same provision that was contained in a previous item.

It is unfortunate we are compelled to have legislation on an appropriation bill, and I hope we will be able to get through real, genuine reclamation legislation by the proper committee before the House adjourns, so we will be relieved from this anomalous method of legislating in regard to these various reclamation projects.

Mr. CRAMTON. Mr. Chairman, I agree heartily with the gentleman from California. There is an urgent need of general legislation on this subject. There absolutely must be such legislation. This committee did not want to put these limitations in the bill, but when the head of the Reclamation Service says that without further provisions the law is unworkable, we did not believe in starting construction of several projects without these provisions. The gentleman's committee owes it to the House to bring before us well-considered legislation that will give a complete program and do away with the necessity of action such as this by this committee.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Riverton project, Wyoming: For operation and maintenance, continuation of construction, and incidental operations, \$790,000.

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the last word.

I want to make some observations in regard to an item which we have just passed.

The work of the Kittitas unit of the Yakima project is partly completed in that a dam has already been constructed that makes storage water available. This is repayable under the old reclamation law.

The appropriation made two or three days ago in the deficiency bill is repayable on the basis of 5 per cent of gross returns from the farms. This bill has a provision for 40-year repayment with interest. Therefore if I should own 80 acres of land under the Kittitas unit, when it comes to repayment I would be operating under three separate contracts. I believe we all agree that that would not be a businesslike

procedure. However, this is not the time or the place to try to amend this bill in that important respect; but I do hope that before the bill is finally passed these inconsistencies may be taken into consideration and that a satisfactory, reasonable, and businesslike system of repayment may be worked out so that our people will know just what they are obligated to do.

I have no desire to offer an amendment at this time, because, as I say, this is not the time or the place; but it is a matter that certainly must have mature consideration and one that the two Houses must come to an agreement on before the legislation is finally passed. I am informed that the land law of Ireland gives 68 years for repayment with interest, and that after 20 years out of 400,000 purchasers there are only 350 delinquencies. Denmark gives 75 years for repayment with interest.

We may be coming to this, but America moves more speedily, and I do not believe public sentiment would indorse such a plan, nor do I believe the settler would require it. A thrifty American citizen is always looking to the day he can pay off the mortgage during his own lifetime and leave his property unincumbered.

The provisos attached to this appropriation of \$375,000 for the Kittitas unit carry no fewer than 10 new limitations as to construction and repayment contracts.

It may be wholly impossible for the district to comply with some of the provisions.

On further consideration probably no committee would require that a private land sale be approved by the Secretary of the Interior.

The provision for the payment of interest is wholly out of accord with the theory of our reclamation law, under which we have been operating for 22 years.

For economical construction instead of \$375,000 the bill should carry at least a million dollars. On that basis it will require 10 years to construct and settle the project.

I want every reasonable and proper safeguard thrown around these appropriations, so there may be not the slightest question as to repayment, but beyond that we should not hamper and restrict a legitimate land-development project.

The Clerk read as follows:

To enable the Secretary of the Interior to meet the requirements of Article VI of the treaty of January 11, 1909 (36 Stat. L. p. 2448), between the United States and Great Britain for gauging the streams and determining the water supply of the northern or eastern tributaries of Milk River, Mont., including personal services in the District of Columbia and elsewhere; the purchase, exchange, hire, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles, \$10,000, to be expended under and in accordance with the provisions of the act of June 17, 1902 (32 Stat. L. p. 388), and amendatory or supplementary acts.

Mr. CRAMTON. Mr. Chairman, in the last session the Congress passed a relief act with reference to reclamation, giving authority to the department to grant certain extensions. The immediate authority was a blanket authority, but beyond that a discretion was given the department, and I hold a memorandum, just given out by the department yesterday, outlining, in brief form, the rules obtaining in this matter, and I ask unanimous consent to extend my remarks by inserting this statement.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The matter referred to follows:

DEPARTMENT OF THE INTERIOR,
December 5, 1924.

Regulations designed to cover the deferment of dates on payments of charges, rentals, and penalties due from water users on Federal reclamation projects contained in the second section of the relief act passed by Congress May 9, 1924, were announced to-day by the Commissioner of Reclamation with the approval of the Secretary of the Interior. A summary of the regulations follows:

Every water user desiring an extension under section 2 must file a written application therefor in the office of the project chief clerk. The application must be filed on or before January 1, 1925, and must state:

- (a) The kind of charges due; that is, whether for construction, operation and maintenance, or water rental;
- (b) Whether extension has been granted or applied for under section 1;
- (c) That payment can not be made as required by section 1 (an affirmative showing to this effect is necessary under the act);
- (d) For what extension under section 2 application is made; that is, whether the charges are to be spread equally over the remaining

construction installments beginning with the year 1925 or one-fourth over the first half of the remaining installments and three-fourths over the second half of such installments; and

(e) Briefly, the conditions which make such extension necessary (data furnished in connection with former applications, reliable information in the project office or in possession of the bureau from other sources may be utilized).

The board of directors of the water users' association or irrigation district affected will be requested to take action on applications for relief. Following recommendations by such board the applications will be considered by the chief clerk in connection with such data as are available touching the general conditions of the unit in question and the division of the project involved, and thereupon will submit recommendations to the Commissioner of the Bureau of Reclamation through the office of the Director of Finance, whose recommendation will also be submitted with the transmittal of all papers to the commissioner. If the application is approved as submitted, the decision of the commissioner will be final. If application is rejected in whole or in part by the commissioner, an appeal will lie to the Secretary of the Interior.

Extension of time may likewise be granted to a legally organized group of water users, such as an irrigation district or a water users' association. This is construed as applicable either to districts or water users' associations having contracts with the United States for direct payment of water charges, which in turn are collected by the district or association from the individual water users, or those districts and associations having contracts with the United States executed in the preliminary stages for refund of project investments in general terms and with whose shareholders the United States has subsequently executed water-right applications or contracts now in force and upon which collections are made by the United States directly from such individuals. In such cases the necessity for relief to be granted in the aggregate may be made to appear by individual showings, made in manner and form satisfactory to the Secretary of the Interior, of the general financial and economic conditions in the area involved. Applications so made will be handled in the same manner as those by individuals, except as to the action thereon by the board of directors of the district or association, which in such cases will be unnecessary.

The act requires that applications under section 2 must be filed on or before January 1, 1925, and must be passed upon by the Secretary of the Interior on or before March 1, 1925. Applications made under this section should be passed upon promptly by the chief clerk, the association or irrigation district, and the Director of Finance, and all papers transmitted to the commissioner, whose action upon them will be taken in sufficient time to allow consideration by the Secretary of the Interior before March 1, 1925. (P. N. 8529.)

The Clerk read as follows:

For investigations as to the causes of mine explosions, methods of mining, especially in relation to the safety of miners, the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents, and other inquiries and technologic investigations pertinent to the mining industry, including all equipment, supplies, and expenses of travel and subsistence, \$400,000, of which amount not to exceed \$58,000 may be expended for personal services in the District of Columbia.

Mr. TAYLOR of West Virginia. Mr. Chairman and gentlemen of the committee, I move to strike out the last word.

When the Interior Department appropriation bill was before the House last January I offered an amendment to that part of the bill pertaining to the Bureau of Mines which would have given the bureau the sum of \$400,000 for the investigation of mine explosions and other mining accidents, looking to the safety of the many miners who are engaged in this very useful yet hazardous occupation throughout the country.

My amendment at that time was defeated by a small vote. I am pleased to note that the present bill carries an appropriation of \$400,000, which is an increase of \$40,232 over the appropriation of last year.

Loss of life among the men engaged in the bituminous mines of the country is appalling. Last year I called attention to the fact that in a series of eight mine explosions, embracing as many States where bituminous coal is produced, 362 brave men had met death through this one cause alone. Further investigation discloses the startling fact that for the year 1922 explosions in five States claimed the lives of 268 men. In the year 1923 a total of 286 miners were killed in a series of seven explosions embracing five bituminous coal producing States. Of those killed in 1923, 37 were in my State and 27 in my district.

Figures for the current year are available only to June 30, yet they show that for that short period 375 miners have been

killed in mine explosions, 119 being killed in one explosion in my State.

Investigation by the Bureau of Mines as to the cause of these mine explosions shows that of the 25 explosions occurring 21 were propagated by coal dust. A total of 2,403 men were at work in the mines affected, and 929 were killed and 119 were more or less seriously injured. During the same period of time 12 accidents due to the explosion of gas claimed 92 lives in the anthracite mines. In an effort to reduce to a minimum these frightful disasters, which take their toll of life and property, the bureau has issued a bulletin on "Stone dusting or rock dusting to prevent coal-dust explosions, as practiced in Great Britain and France." In behalf of the safety of the miners who work in my State I secured more than 400 of these bulletins and sent one to each coal company in my district and a few to other sections in hopes that something might be done to lessen the loss of life and the great destruction of mine property.

It must not be presumed that mine explosions are the sole cause of loss of life in our bituminous mines. During the year 1923 a total of 900 deaths were caused by falls of roof and coal, 1,350 by haulage accidents, 1,550 by explosives, as many by electricity, and several hundred in other ways. I feel that the Bureau of Mines is to be commended for its splendid research work and for the cooperation it gives to the Department of Mines in the various States in an effort to make this hazardous undertaking safer and better in every respect, and every dollar which is needed for this work should be cheerfully appropriated. I am more than glad that for this year a substantial increase is carried in the bill for this work, and this increase somewhat alleviates the feeling of regret that I experienced last January when my amendment for this very sum which is now appropriated was rejected.

Mr. CRAMTON. Mr. Chairman, I recall the interest of the gentleman from West Virginia in this item last year. I agree with him as to the importance of the work carried on. In my judgment it is one branch of the bill where some further increase in activity should come at an early date. It is a work of great importance, and I think there are further needs to be met. A year from now we should have some further increase.

The Clerk read as follows:

For inquiries and investigations and dissemination of information concerning the mining, preparation, treatment, and utilization of petroleum and natural gas, including economic conditions affecting the industry, with a view to economic development and conserving resources through the prevention of waste; for enforcement of the provisions of the act of February 25, 1920, relating to the operation of oil, oil shale, and gas leases on the public domain, for enforcement of laws relating to the operation of oil, oil shale, and gas leases on Indian and public lands and naval petroleum reserves; for the purchase of newspapers relating to the oil, gas, and allied industries: *Provided*, That section 192 of the Revised Statutes shall not apply to such purchase of newspapers from this appropriation; and for every other expense incident thereto, including supplies, equipment, expenses of travel and subsistence, purchase, exchange as part payment for, maintenance, and operation of motor-propelled passenger-carrying vehicles, and the construction, maintenance, and repair of necessary camp buildings and appurtenances thereto, \$456,000, of which amount not to exceed \$56,200 may be expended for personal services in the District of Columbia.

Mr. BLANTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 87, line 8, after the word "Columbia," strike out the semicolon and insert a colon and add the following: "*Provided further*, That no part of the appropriation herein provided shall be expended for motion-picture films or any other medium that advertises business or products of individuals or corporations."

Mr. BLANTON. Mr. Chairman, the preceding paragraph, that relates to ores and other minerals, says:

Provided, That no part thereof may be used for investigation in behalf of any private party.

Why did not the committee put that kind of a restriction on this clause, which permits the public money to be expended in disseminating information about petroleum and fuel oil? I have been wondering for a long time under what provision of law the Bureau of Mines has a right to expend large sums of money making motion-picture films that advertises the private businesses and products of corporations and individuals before the country and letting the public pay for the advertising. I would like for the chairman in his own time, not in mine, to explain to this committee and to the Congress and to the coun-

try why has the committee permitted the Bureau of Mines to thus expend the money without authority of law, and then put this unlimited paragraph in this bill furnishing them an excuse for continuing the practice.

I hold in my hand quite a large printed pamphlet, headed "Department of Interior, Bureau of Mines, Pittsburgh Experimental Station." Then the subject of it is, "List of motion-picture films and plan of distribution." It is dated February, 1924. It contains a tremendous list of motion-picture films that this Bureau of Mines has had made, partly at least, with the public money and which at public expense it has been distributing over the country. Do they advertise private businesses? Do they advertise products of individuals and corporations? Let us see if they do. Look in this bureau pamphlet at No. 77.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Look at No. 77, page 6, of this pamphlet. It says:

Mexico and its oil. Four reels. Shows early attempt to produce petroleum and present operation of the Sinclair consolidated oil in Mexico.

Is that advertising private business? What interest has the Sinclair Co. in the dissemination of this kind of literature before the public? This document shows that these films were partly paid for by the Sinclair Oil Corporation. Is that the only bunch they are interested in? Let us see. No. 98 in this Department of the Interior, Bureau of Mines, pamphlet, that they are mailing all over the country, shows "The world struggle for oil." There are seven reels. Now listen to what it says. This is from the Department of the Interior. "Made in cooperation with the Sinclair Consolidated Oil Corporation." It shows that the Bureau of Mines, under the Secretary of the Interior, is cooperating with the Sinclair Oil Corporation for the purpose of making motion-picture films with the money of the people of the United States and disseminating it abroad, printed for advertising purposes.

I wish you would get the little red list on the back of this pamphlet and read where they are attempting to use the universities of the land to disseminate these films and advertise private business. It mentions the universities throughout the country from the North to the South and shows just how many films they have furnished to those universities free of cost, saying that other people can get them on application.

Mr. HOWARD of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HOWARD of Oklahoma. Have they made any films of the Teapot Dome in connection with this?

Mr. BLANTON. The latest edition of the pamphlet that I have is February, 1924. I do not know how many additional ones they have issued since that date, but I want to say this to our distinguished friend from Michigan [Mr. CRAMTON], who is so ably in charge of this bill, that he owes this Congress a duty to safeguard this appropriation, to stop this Bureau of Mines from spending any of this money for advertising purposes, that may accrue to the benefit of individuals and corporations. If it is dissemination of proper information to the country, I have no objection to it. It is a means of educating the people in some instances where some motion-picture films are used. If it is proper, I am with the gentleman; but we ought to safeguard it. Is there any objection to the amendment that I offer? The limitation that I offer is the same kind of an amendment, the same kind of a proviso, that the gentleman himself and his committee has safeguarded the preceding paragraph with; but, concerning this oil paragraph, they saw fit to leave out all limitations. I am asking to have done for this oil paragraph what they saw fit to do for the other mineral paragraphs in the bill. I ask the gentlemen on my side of the aisle, the gentleman from Oklahoma [Mr. CARTER] and the gentleman from Colorado [Mr. TAYLOR], who so ably back up and support the chairman of the committee, if they do not owe it to the country to insist on safeguarding this item, and then we will back them up when they ask us to go along with the gentleman from Michigan.

Mr. CRAMTON. Mr. Chairman, I do not understand that the phraseology of the gentleman's amendment is a repetition of any language contained in any preceding paragraph. I agree with him, as we all agree with him, that no funds of the Government should be used for the purpose of advertising the

business of any individual; but it is an entirely different thing if the funds of an individual are used by the Government for the purpose of developing industry and making safer human life, and so forth. The Bureau of Mines, in its report for 1924, speaking of motion-picture films, say:

A lengthy series of striking educational motion-picture films, depicting the mining, preparation, and utilization of the various mineral materials, is made more readily available to the public by a new system of distribution through State or sectional centers.

The films relate to coal, petroleum, sulphur, iron, asbestos, zinc, marble, copper, natural gas, and other minerals. Such industrial processes as the manufacture of oxygen, the making of fire-clay refractories, the manufacture of automobiles, the methods of compressing air, and the quarrying of limestone are vividly shown. Other films illustrate dangerous and safe practices in mining, efficiency in the combustion of coal, the utilization of water power, and the operation of a gasoline motor. During the fiscal year about 100 additional copies of motion-picture films were added to the bureau's library. The bureau now has over 500 copies in circulation, valued at over \$1,000,000. These were produced at very small cost to the Government, the total expense of producing and making the copies being borne by the industries filmed. Copies of these films may be obtained for exhibition purposes from the Bureau of Mines, Pittsburgh, Pa., or from 30 State distributing centers.

There is nothing before us except that statement to the effect that for the purpose of showing safe and dangerous methods of mining and carrying on of industry these films are prepared solely for the purpose of safeguarding life. They have the cooperation of private interests. So, instead of an appropriation being used for the purpose of advertising individuals, individuals have furnished the money for the purpose of safeguarding life. The gentleman's amendment would not accomplish the purpose that he wants to accomplish, because it touches only one item in the bill, and there are many others, and out of this particular item I doubt if a penny would be used for the making of films. It is easy, of course, to get up here and talk about Sinclair and the Teapot Dome and things of that kind which a few months ago were thought to be advantageous politically, but which did not prove to be so advantageous as some thought; but we ought not to make up an appropriation bill guided by these appeals to prejudice in respect to a particular name. We want to look to the real purpose and result, and if the use of those films is to secure greater safety in industry, then I say that the individuals who contribute to make possible an activity that the Government does not finance should be given credit therefor rather than condemned.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. I suppose that if the Pierce Arrow Automobile Co.—

Mr. CRAMTON. Oh, why not make it a Ford? That is more popular in Michigan.

Mr. BLANTON. Or the Ford people—any of them—should see fit for advertising purposes to pay for the films—

Mr. CRAMTON. They would not get anywhere with the Bureau of Mines.

Mr. BLANTON. That the gentleman would be willing to have the Department of the Interior disseminate them over the United States?

Mr. CRAMTON. I fear it is hopeless to enlighten the gentleman on the subject.

Mr. BLANTON. Not on that subject in the way in which the gentleman is attempting to do it.

Mr. CRAMTON. I do not yield further. My statement is clear, that this should not be permitted, and is not permitted, I guarantee, for the purpose of advertising individuals, but it should be permitted, has been and would be, notwithstanding the gentleman's amendment, to use private funds to produce films to safeguard industry.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The question is on the amendment offered by the gentleman from Texas.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. I have enjoyed this colloquy between the gentleman from Texas [Mr. BLANTON] and the gentleman from Michigan [Mr. CRAMTON], the chairman of the subcommittee in charge of the bill. My judgment of the astuteness of the gentleman from Michigan was verified by the defense that he interposed. When my friend from Texas made his onslaught about the matter, I told, privately, one member of the committee that the only defense that the gentleman from Michigan could make would be the obvious one, namely, that he would plead

res adjudicata, and the gentleman has done that, and I think very properly. Evidently my friend from Texas has not heard from the election. The people have passed on all this. Why, the people said, "Certainly, go on and give Sinclair the oil reserves," and I am really surprised at the moderation of the committee. They should have inserted a provision in their bill that would require the Government to pay all of these expenses. It is an imposition upon private business to expect them to pay for these films, and I am somewhat surprised at both of the gentlemen. They ought to bring in a bill here that would be in keeping with the verdict of the people at the polls. I am an old-fashioned Democrat. I do not believe in the Government uselessly interfering with private business. I believe in the Government helping private business, and I am shocked at the position of both gentlemen. I really wish I had the time and the ingenuity and could prepare a proper amendment that would interpret the will of the people as expressed by the election, all through this bill, and require the Bureau of Mines and the Department of the Interior to turn over anything that may be left to these gentlemen with which to make moving pictures and do anything else, ad libitum, at Government expense.

Why, think of it, gentlemen! The chairman of this committee has disclosed that this hard-hearted Government has actually made Sinclair pay the expenses of making films, which is a damnable imposition upon private business, according to Republican view, and it ought not to be permitted by a righteous Congress. Oh, gentlemen, gentlemen, why quibble about these things. Seriously for a moment. I do not like the restriction in the preceding paragraph. We fail to appreciate the men of science who, unknown to fame in this country, dig and dig in these governmental departments and bring about great improvements. [Applause.] Improvements in the making of fertilizer, in safely appliances, in the oil industry, in the mining industry, and everything of the kind. The few paltry dollars which the taxpayers pay for these experiments bring many, many returns by way of health, happiness, and prosperity of the American people. [Applause.] I would be willing to spend more money on experimentations and throw the results open to the public. You want private business to have the benefit of the knowledge of public experiment in regard to improved methods, of methods in regard to mine safety, methods which will decrease the cost of production and bring about a higher and better state of civilization in this country, which is a legitimate expenditure. And so, why quibble about the difference between tweedledum and tweedledee. What is the cost of securing a film if it brings about a safer condition in the oil and mining industry and makes it safer for the men who toil?

Mr. CRAMTON. Will the gentleman yield?

Mr. WINGO. I will.

Mr. CRAMTON. I heartily indorse the last half—

Mr. WINGO. Indorse the first half, because I commended the gentleman in the first half.

Mr. CRAMTON. I desire the gentleman to understand that the limitation in the former paragraph prevents giving to all industries the result of their investigation. Its benefits of investigation do go to all industries without restriction. Of course, the line referred to does prevent their taking up an investigation which is for the personal benefit of one party.

Mr. WINGO. I want to call the attention of the gentleman to this, and I am not saying this now critically. I have had a little experience with one of the bureaus of this Government, the Bureau of Standards. I have been somewhat alarmed at the absolute waste as well as the jeopardizing of life in the flimsy construction in private residences and ordinary buildings. But in the course of my casual study of this question I ran into the hollow-brick proposition, and I called upon the Bureau of Standards in reference to their conduct of tests. Some time beginning in 1923, I think it was, or maybe a little earlier, I was told they had not completed those tests, but they would let me know. I waited to see how long it would take before they would let me know, and finally the department advised me that some time in 1923 the gentleman connected with this matter had delivered an address to a certain group and it could be found in a certain magazine under a certain date in 1923.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. I ask permission to speak for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. I could not get hold of the magazine in the Library, but wrote them commending their great speed in informing me about their work, which took nearly two years,

advising me to refer to a private address. First they said they had not released their report because they had not reached an agreement about the report on this ideal brick. I protested against that, but they came back with the response that was a very proper one to have been made, and that is that they had found that the tests were not fairly conducted, and they were proceeding to have another test; but the apparatus were not ready then but later on they would be. The point I want to make is this: They are doing a great work, and when the different bureaus of the Government, with their experts, do dig into these things that decrease the risks in the different industries of the country and will bring about improvements in construction of buildings, and in doing all of these different things, my only protest is that we do not give enough. My only protest is that they do not broadcast it enough; they do not help private business enough. Let us help the Government do something constructive, to build up and aid, and stop snooping around trying to restrict and hamstring everything that the people want to do.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the pro forma motion of the gentleman. I started out by stating that I have no objection whatever to the dissemination of proper information by the Government that is of value to the business world. I raised no question about that. My amendment seeks merely to prevent private business from using the funds of the people to advertise itself through the departments of the Government.

Now, I hold in my hand a copy of the CONGRESSIONAL RECORD for January 7, 1922. There, in another body, a distinguished official of the Government called attention to the fact that certain newspapers reported that the motion-picture world had offered a Cabinet officer, the Postmaster General, \$150,000 a year salary to take charge of their organization and conduct its policy; and he then predicated as an affair affecting the interests of the country that that great influence for which \$150,000 a year was to be paid might be powerful enough to come in and use certain bureaus of the Government for the benefit of private industry, for the benefit of private advertising, if you please, to the injury of the public.

Let me read just a line or two. He said:

Mr. President, one of the most powerful influences in America is the motion-picture industry. I do not know how many billions of dollars are now invested in it, but the sum is very large. Hundreds of thousands of men and women are employed on it. It touches every part of the United States and its influence is second only to the press. It has grown by leaps and bounds. Persons have entered into it, at first making only small salaries, who now receive, in some instances, hundreds of thousands of dollars a year. It is a popular industry. Old men and old women attend "the movies" in order that they may be inspired and amused. Young children go, so that they may not only be amused but educated in current events.

When, before that date, I will ask you, did the Bureau of Mines ever spend any of the money of the people making films that advertise the private businesses of corporations and individuals? The gentleman from Michigan [Mr. CRAMTON] can not tell of one. He will find throughout this bill that of this \$238,000,000 that is turned over to the Secretary of the Interior, private businesses are using many millions of it for conducting research work that they themselves ought to conduct. I have no objection to the Government making such researches as will benefit the whole people alike. I have no objection to the Government giving the results of its investigations to the public as general knowledge. But it has no business spending the people's money along selfish lines that benefit only one corporation or two, or that benefit only one individual or a few of them at best.

I want to say that this is a serious question that I have presented here in my amendment. The gentleman from Michigan [Mr. CRAMTON] can not pass it off with a wave of his hand. I know that his committee of 35 will back him up, and my amendment will be defeated, and the Secretary of the Interior will continue to spend this money as it has been spent in the last two or three years. I am trying to stop it. If my amendment had been presented in the committee by a committeeman and the committee had brought it out, it would pass. But because, forsooth, some other of the 400 Members of Congress who have not the privilege of sitting on that exclusive committee of 35 offers a good amendment from the floor it must be killed, because the committee did not think about it first. But I have done my duty in opposing it.

The CHAIRMAN (Mr. TINCER). Without objection, the pro forma amendment will be withdrawn. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. BLANTON. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 5, yeas 34. So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Glacier National Park, Mont.: For administration, protection, and maintenance, including necessary repairs to the roads from Glacier Park Station through the Blackfeet Indian Reservation to various points in the boundary line of the Glacier National Park and the international boundary, including not exceeding \$3,400 for the purchase, maintenance, operation, and repair of horse-drawn and motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$160,960; for construction of physical improvements, \$24,000, including not exceeding \$9,500 for the construction of buildings, of which not exceeding \$2,500 shall be available for a ranger station and \$4,000 for a garage and shop at Belton headquarters; in all, \$184,960.

Mr. McKEOWN rose.

Mr. OLDFIELD. Mr. Chairman, where is the Clerk reading?

The CHAIRMAN. Line 19, page 91.

Mr. OLDFIELD. Very well. I wanted to ask a question.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. McKEOWN. Mr. Chairman, I want to call the attention of this House to the appropriations under the Bureau of Mines. I am not going to talk about parks at this time. I want to give you my idea about this Bureau of Mines, the maintenance of the Bureau of Mines, and the expenditure of money for the conservation and preservation of the mineral resources of this country; and I want to tell you what I think is the proper method by which to secure the money to preserve and conserve the mineral wealth of this country without burdening the taxpayers by direct taxation.

We import into this country millions of barrels of crude oil. We ought to secure revenue on the importation of that oil, and set that sum aside as a sum to be used in the conservation of the oil, the gas, and the other mineral resources of the Nation.

Now, if what the oil experts of the country tell us is true in reference to our oil supplies, the United States will not have any oil beyond 12 years at the present rate of production, consumption, and exploitation of crude oil. If that is true, the United States will be in a very bad condition at the end of 12 years. I think we are wasting our mineral resources in this country, and I think that there should be levied upon oil that is imported into this country a tax of at least 25 cents a barrel, to be set aside and used exclusively by the Government in discovering methods of production and in teaching and educating the people of the United States upon the question of the preservation of our mineral resources. I want to tell you now that you could not spend money to better advantage than in conserving the oil, the gas, and the other mineral resources that are being wasted, and the best way to get the money is to get it on the importation of crude oil into this country, and then you will not have to lay taxes on the shoulders of the taxpayers, and you will have a large sum of money and a sufficient sum of money to conserve the oil and gas and other minerals of the Nation.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. McKEOWN. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McKEOWN. Now, gentlemen, this is an important matter. You may say that because I take this position I take a position inconsistent with the policies of the party with which I affiliate; but my position is not inconsistent with the position of my party, because I propose that we take this money and use it in saving to the people of this country the great natural resources that we have here.

It has been but a short time—it has not been 30 days—since one of the greatest oil authorities in this country made a speech—and I think he knows what he is talking about—in which he stated that at the present time and at the present rate of exploitation of the crude oil in this country we would be without oil in 12 years. Just think what that means to this country. There ought to be some method by which we

could regulate the exploitation of oil. There ought to be some method by which we could educate our people in the use of oil products so as to save thousands upon thousands of barrels of oil that go to waste. [Applause].

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

The Clerk read as follows:

Grand Canyon National Park, Ariz.: For administration, protection, and maintenance, including not exceeding \$1,500 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$100,860; for construction of physical improvements, \$91,500; including not exceeding \$10,300 for the construction of buildings, of which not exceeding \$3,000 shall be available for the construction of a ranger station on the north rim; not exceeding \$72,000 for the construction of a comprehensive sewage-disposal system at administrative headquarters on the south rim; in all, \$192,360.

Mr. OLDFIELD. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Michigan [Mr. CRAMTON] a question with regard to the Grand Canyon National Park in Arizona. I have in my hand the hearings held on this bill, and on page 613 of those hearings I find a very lengthy letter from Attorney General Stone to Mr. CRAMTON with regard to certain cases which have been filed in the Federal courts of Arizona instituted against RALPH H. CAMERON and others, with regard to some of the lands, trails, and so forth, in this park. It seems from the letter of the Attorney General that he has done everything in his power to get action on the matters pertaining to these suits. This letter is dated November 21 of this year, and almost the entire year is covered by the letter. I would like to know from the chairman of the subcommittee [Mr. CRAMTON] whether these cases have been terminated and settled and whether the lands, mining claims, and so forth, are in the possession of the Government, and whether CAMERON and his associates are out of this park. It appears from the letter that the caretaker under Mr. CAMERON prevented the Government, or tried to prevent this Government, from cleaning up the premises at Indian Gardens. The Government's experts found that the water was impure and that tourists were drinking this impure water, probably impregnated with typhoid germs. I also read in this letter where they discovered a distillery or something of that kind there, and I just want to know why it is the Government has had so much trouble in this matter. It seems that at one time the courts continued these cases time after time without consulting the district attorney. I am wondering whether the same district attorney who was handling this case back in April and August is the present district attorney, and what has been done with this case. It seems from the letter of the Attorney General—and I have no doubt he has done everything he can do, and I am not criticizing him at all—that somebody is entitled to just criticism with regard to this matter. I should like to have the gentleman from Michigan explain it to me.

Mr. CRAMTON. Mr. Chairman, the course of the Attorney General in connection with these matters amply demonstrates that the present Attorney General of the United States, when he has an official duty to perform, does not regard personal or political influence in any degree. He has handled these matters with great efficiency and without any fear whatever. There were several aspects of this Grand Canyon situation which were discussed in the House somewhat last session, and at the present time no further action by us is necessary.

The Grand Canyon is a great gash some 10 miles wide, the level at the rim being approximately a mile above the level of the river. Much of it is taken up with formations of steep rock—

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. OLDFIELD. Mr. Chairman, I ask unanimous consent that I may have five minutes more in order to get this information.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. There are here and there places where trails can be constructed so as to make it possible to descend from the rim into the canyon, and there are, more rarely, places where fresh water would be available and opportunities for comfort stations and other things necessary for the public use of the region as a park.

The matter brought to the attention of the House last session was the purchase of what is known as the Bright Angel Trail, leading from the rim near the hotel on the south rim,

a very precipitous trail, as steep as could be negotiated. That trail belongs to the county of Coconino, in which it is situated. It is a toll trail. One dollar is charged for each animal making use of the trail, and there is a net revenue of some \$4,000 or \$5,000 a year to the county. The county having manifested a desire to dispose of the trail to the Government and a sort of understanding having been agreed upon with the officials of the county, the board of supervisors, an appropriation was carried in this bill last year of \$100,000, in very broad terms, available for the building of roads and trails in the park, with the proviso that it could be used for the purchase of the Bright Angel Trail from the county on terms acceptable to the Secretary of the Interior, and further providing that it could also be used in the improvement of the approach road outside of the park, leading from the Santa Fe Trail to the canyon, about 60 miles. The present automobile road is almost impassable at seasons of the year, so that those who travel by autos desiring to visit the canyon have had great difficulty at times.

The preliminary understanding that had been arrived at with the board of supervisors was to the effect that Congress would appropriate \$100,000, to be spent upon the improvement of that approach road, when the county would deed that trail over to us, the county not having funds available for the improvement of the trail. It was something of an inducement to them to have a road in their county leading to this great park improved at Government expense, with the probability of other appropriations to follow. The appropriation was made in the terms I have stated. There was some discussion about it actively down in that region and because of influences which may be imagined, a referendum being taken, the people of that county voted against the sale and that verdict of the people having been rendered has been accepted by the department as disposing of that matter of sale of the trail, and the department is proceeding with the construction of a trail.

That is the only toll road or trail in any national park.

It is not the most desirable trail that can be constructed; a portion of it is for long periods out of the rays of the sun where it is likely to be slippery, even ice occasionally forming there. At Yaki Point orders have now been given and I think, perhaps, the work may be under way for the construction of a trail leading from Yaki Point down into the canyon on to Tonto plateau and finally down to the river and up on the north rim, all of which can be done for from \$50,000 to \$60,000 or \$75,000. This will make available a trail on which no toll will be charged and a safer trail to travel. That is the situation as to the trail.

There were three reasons why this arrangement with the county for the purchase of the trail was sought. First, to remove the necessity for paying toll to get down into the canyon.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. CRAMTON. I will ask, Mr. Chairman, unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. This, of course, will be met with the construction of this new trail, which will be used almost exclusively by the public.

The second was to keep on good terms with our neighbors and have an adjustment that would be satisfactory to the county. We met the county officials, and we made an agreement which we kept, but the people of the county have repudiated the agreement. We have gone as far as we can on that line, and we now go ahead with the view that this is a national park to be developed for the benefit of the Nation and not entirely restricted to the views of that county.

The third was to remove the ownership of that trail as a sort of prop under some badly wabbling claims of one RALPH CAMERON.

One RALPH CAMERON had filed a number of mining claims, covering most of the strategic points in the canyon where any trail would cross or where comfort stations could be erected; for instance, the spot known as Indian Gardens, possession of which by CAMERON was at times justified by the claim that the buildings there were on the trail and were permitted by lease from the county, claims not true in fact. This is a place where some pure springs of water rise, some cottonwood trees have grown, and is a delightful place for a stop and a little rest when you have made the descent from the rim. It is a good place to eat your lunch, and so forth. The gentleman from Oklahoma [Mr. CARTER] and I about a year and a half ago stopped there and drank the water from the stream below.

We were not permitted to go to the springs above because of possession being held by caretakers in the name of RALPH CAMERON. Since, it has developed the very water we drank at that time and the water that would be drunk by any visitors making the descent was filled with typhoid germs. We got by, but it has not impressed us as a desirable facility to give the public in a national park. These typhoid germs got into that water between the time it left the springs and the time it reached this point below Indian Gardens, as it passed some old corrals and various remnants of the Cameron occupation.

CAMERON had a number of mineral claims in the canyon that were passed upon adversely to him by the department, and the Supreme Court of the United States in a case wherein he was a party, in 1920, sustained the department and ruled that the claims were not valid and that he had no right in those claims and should vacate them. That was in the spring of 1920.

Mr. OLDFIELD. Right there, have the orders of the Supreme Court been complied with, and have they been fully obeyed?

Mr. CRAMTON. Yes; but not until Attorney General Stone's work this year.

When we took these matters up last year along the line of the appropriation I have mentioned we also called the whole matter to the attention of the Secretary of Interior and the Attorney General with a view to having the decree of 1920 carried out; Secretary Work and Attorney General Daugherty first and later Attorney General Stone have followed up that litigation. There are various angles to that.

As to the claims that were passed upon in 1920, the correspondence that the gentleman from Arkansas [Mr. OLDFIELD] refers to is very interesting and worthy the study of anyone who wants to see how far some men sometimes will seek to go in using official influence against the public welfare.

The CHAIRMAN (Mr. SANDERS of Indiana). The time of the gentleman from Michigan has again expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to speak for five additional minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. The Attorney General before Judge Jacobs received most extraordinary treatment, to say the least, but later Judge Sawtelle at Phoenix entertained contempt proceedings which resulted in Indian Gardens and the canyon being vacated by all outsiders, so that in September, for the first time in its history, the Grand Canyon National Park was exclusively in the control of the United States and its representatives.

Mr. OLDFIELD. And is now?

Mr. CRAMTON. Yes; and is now.

Of course, when those representatives went in and took an inventory of what they found at Indian Gardens, as set forth in the Attorney General's letter, they found raisin mash and other equipment that is more or less mysterious to me, but is said to have a meaning.

There were other claims of RALPH CAMERON and others, and in so far as the Department of Justice had any duty to perform, they are performing that duty and at an early date, no doubt, we will get a final disposition of those cases. There were some other claims that have not yet reached a point where the Attorney General can act. The platinum claims, filed in violation of the law creating the park, are pending before the General Land Office and are being expedited as much as the presence of appointees of a certain individual will permit them to be expedited. They have been pending in the land office and when there is a decision they will come to the department and we are anticipating a final decision very soon.

I will say that Governor Spry, head of the land office, and Secretary Work have taken great interest in bringing about a final disposition of the matter, and when finally disposed of the Cameron cases will have passed into history. With reference to the building of the roads, that is interesting and indicates how the Government has kept faith with the county. Not only was there appropriated \$100,000 but there was an estimate by the Interior Department of a second hundred thousand dollars which had been approved of by the Budget and would have been included in this bill, but they were awaiting the election to which I have referred and which came in September, and resulted as I have stated. The department was obliged to communicate the fact to the Budget, and the Budget struck that out. That accounts for there being no further appropriation for the improvement of that approach road.

I want to emphasize the great possibilities of development of this wonderful scenic region, hooking up the Grand Canyon with the Kaibab National Forest, the Zion National Park, and the Bryce Canyon, so that those who tour Arizona and Utah will find a continuation of scenic wonders that can not be excelled if equaled by any other region in the world.

Mr. OLDFIELD. The gentleman thinks that the Government has disposed of the Cameron claims, so that the Government can go ahead and beautify the canyon and have purer water?

Mr. CRAMTON. There is an appropriation in this bill of \$1,000 for cleaning up the Indian Gardens and making it accessible for the use of the public. As I say, the whole park is at the present time in the hands of the Government.

Mr. OLDFIELD. Is the district attorney who was mentioned still in office?

Mr. CRAMTON. He resigned a little while ago. The Attorney General several months ago appointed Mr. Baxter, of Phoenix, as special attorney general to handle all of these matters, and Mr. Baxter has done so very ably and efficiently.

Mr. OLDFIELD. I thank the gentleman for his explanation.

The Clerk read as follows:

Platt National Park, Okla.: For administration, protection, maintenance, and improvement, \$11,920.

Mr. SWANK. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 94, line 19, after the sum of \$16,920, insert a semicolon and the following: "For auto camps, including comfort stations, \$6,000; in all, \$17,920."

PLATT NATIONAL PARK, SULPHUR, MURRAY COUNTY, OKLA.

Mr. SWANK. Mr. Chairman and gentlemen of the committee, I am before you again asking for an additional appropriation for Platt National Park. Since coming to Congress I have appeared before the Subcommittee on Appropriations for the Interior Department, talked and argued with the National Park Service, presented the needs of the park to members of the committee, and have gone before officials of the Bureau of the Budget trying my best to obtain a suitable and proper appropriation for improvements in this park. For the fiscal year 1924 the subcommittee recommended an appropriation of \$10,000, which is an increase of \$2,500 over the preceding year, and for the next fiscal year the subcommittee recommends \$11,920 in the bill now under consideration. While I am glad to get an increase, this amount is wholly inadequate and too small for the expansion of the park to meet the purposes for which it was set aside. Last session I offered an amendment to increase the appropriation to \$25,000, which amendment was lost in the Committee of the Whole by nine votes. I prepared a like amendment to offer to this bill, and the chairman of the subcommittee, the gentleman from Michigan [Mr. CRAMTON], very kindly said that he would not object to an increase in the sum of \$6,000. This will bring the appropriation carried in this bill to the sum of \$17,920, which amount is unobjectionable to the National Park Service. I have therefore offered my amendment to increase the appropriation by \$6,000. A much larger appropriation is greatly needed to improve and prepare the park for the increased number of visitors who go there each year. A report by the superintendent of the park dated September 30, 1924, states that the city of Sulphur, on account of the great need of more money, spent between \$16,000 and \$17,000 on the park for community buildings, comfort stations, and extending the sewer and water lines. The progressive and enterprising people of Sulphur and Murray County should not be required to spend their own money on this park, but Congress should make sufficient appropriations for the proper maintenance of Platt and our other national parks. The citizens where the parks are located should not have to contribute to their upkeep, and this is the only park that I know of where the citizens must pay to assist in its maintenance.

The usefulness of our parks, the purpose they serve, and the number of visitors should be the chief consideration and the guiding purpose in making appropriations for their upkeep and improvement. Platt National Park was created by acts of Congress of July 1, 1902, and April 21, 1904. It contains 848.31 acres and is adjacent to the city of Sulphur, with its progressive, intelligent, Christian, law-abiding citizenship, unsurpassed by any other community in the country. These people always extend an honest, cordial welcome to visitors, and the hotel accommodations are good, with moderate and reasonable charges. Excellent and convenient locations are reserved for campers and no charges are made.

Mr. Cammerer, of the National Park Service, in his statement before the subcommittee, page 630 of the Hearings, said:

The park is located in southern Oklahoma and adjoins the city of Sulphur. It contains many medicinal springs, which are said to have high curative value. Physical improvements: Eleven miles of road, 1 stone office building, 6 cottages and outbuildings, 2 community buildings, 9 cement comfort stations, pavilions over 5 springs, 2 bridges, and 6 causeways, and public camp grounds having sewer and water systems and electricity for lights.

In the report of the National Park Service for 1922 the superintendent of this park stated:

During the past year the city of Sulphur, realizing the deplorable condition of the park and desiring to be a benefit to the many people coming here, built and paid for two fine community buildings, one at the Bromide camp grounds and one at the Cold Springs camp grounds. They dug sewer lines to each, installed three new comfort stations and repaired another, brought water to both these camp grounds in sufficient quantities for all purposes, and then, on top of this, they had electric wires put up that the campers might have lights. The city of Sulphur spent between \$13,000 and \$16,000 to help Platt National Park.

The report of the Director of the National Park Service for 1922, on page 66, states:

During the year the city of Sulphur, which adjoins Platt National Park, donated between \$13,000 and \$16,000 for park improvements. * * * This excellent cooperation on the part of the city of Sulphur was appreciated both by the visitors and this service. It is estimated that 246,998 visitors in all entered the park gates. As many of them undoubtedly repeated their visits from day to day, 70,000 individuals is considered a fair estimate of the travel. The park is a focal point for motor travel from all the Southern States west of the Mississippi. During the season the campers held several big meetings and community camp fires and organized a Platt Park Club with over 100 vice presidents in different States. The aim of the club is to tell others of the benefits to be derived from the health-giving waters of the park and to see that it has financial help to properly maintain it and for needed improvements. The wild animals maintained under fence in the park were added to—a fine bull elk from Yellowstone was received, four fawns were added to the deer herd, and a baby buffalo was born in the park. The park roads are especially in need of improvement, and adequate appropriations should be made to bring them up to a standard worthy of a national park.

On page 78 of the report of the Director of the National Park Service for 1923 is this statement:

During the year the city of Sulphur, which adjoins Platt National Park, continued its cooperation in every way possible in helping the park serve the thousands of visitors. Records show that 470,841 people entered the park gates, but, as many of them undoubtedly repeated their visits from day to day, 117,710 individuals is considered a fair estimate of the travel. The park is a focal point for motor travel from all the Southern States west of the Mississippi, and its popularity as a health and pleasure resort is increasing yearly. Little in the way of extensive improvements has been made, and to properly care for the increasing patronage there is needed larger annual appropriations for the extension of camp grounds, sewer, water, and light systems, and for general sanitation. The park roads were not constructed for automobile traffic; they are narrow and need to be widened and resurfaced.

The report of the Director of the National Park Service for 1923 and the hearings on this bill show the number of visitors in our leading parks, appropriations, and private automobiles entering the parks.

Visitors

Name of park	1920	1921	1922	1923	1924
Platt	28,000	60,000	70,000	117,710	134,874
Yellowstone	79,777	81,051	88,223	138,352	144,158
Yosemite	66,906	91,513	100,506	130,046	105,894
Mount Rainier	66,491	66,771	70,371	122,708	161,473
Rocky Mountain	240,998	278,737	219,164	218,080	236,311
Grand Canyon	67,315	67,485	84,700	102,166	108,256
Lafayette	66,500	68,836	73,779	64,200	71,758

Appropriations

Name of park	1921	1922	1923	1924	1925
Platt	\$9,000	\$7,500	\$7,500	\$10,000	\$10,000
Yellowstone	285,000	350,000	361,000	368,000	372,800
Yosemite	368,600	300,000	280,000	286,000	300,000
Mount Rainier	40,000	150,000	106,800	133,000	100,000
Rocky Mountain	40,000	65,000	73,900	74,280	93,000
Grand Canyon	60,000	100,000	75,000	125,400	216,000
Lafayette	20,000	25,000	25,000	30,000	34,700

Private automobiles entering the parks

Name of park	1922	1923
Platt	30,000	50,000
Yellowstone	18,253	27,350
Yosemite	19,885	27,233
Mount Rainier	17,149	27,655
Rocky Mountain	52,122	51,800
Grand Canyon	7,890	11,731
Lafayette	8,650	8,600

Visitors in other parks

Name of park	1920	1921	1922	1923	1924
Sequoia	31,508	28,263	27,514	30,158	34,468
Crater Lake	20,135	28,617	53,016	52,017	64,312
Mesa Verde	2,890	3,003	4,251	5,230	7,109
Glacier	22,449	19,736	23,935	33,988	33,382
General Grant	19,661	30,312	50,456	46,230	35,020
Zion	3,692	2,937	4,109	6,408	8,400

Appropriations for other parks

Name of park	1921	1922	1923	1924	1925
Sequoia	\$36,000	\$86,000	\$78,080	\$120,000	\$126,000
Crater Lake	25,300	26,300	32,000	35,000	30,700
Mesa Verde	14,000	16,400	43,000	35,000	42,500
Glacier	107,964	106,000	178,700	225,000	291,000
General Grant	8,360	6,000	6,500	60,000	14,176
Zion	8,885	10,000	10,000	13,750	15,190

In determining the value of a national park we must consider the number of its visitors. Figures taken from the report of the superintendent of Platt National Park show the following visitors and campers:

Visitors for past six years:

1919	107,918
1920	173,810
1921	216,022
1922	246,998
1923	470,841
1924	639,495

Campers for past six years:

1919	689
1920	2,981
1921	10,528
1922	23,170
1923	74,589
1924	95,277

These figures show the wonderful growth of this park and the great increase in the number of visitors for the past six years. The visitors have increased from 107,918 in 1919 to 639,495 in 1924. The campers in the park have increased from 689 in 1919 to 95,277 in 1924. I believe that there is no other park in the country that will show such an increase in visitors and campers. The report of the director for 1923 shows that 50,000 private automobiles entered the park that year, and that number was exceeded only by Rocky Mountain Park with 51,800 automobiles. This report shows 312 fewer automobiles entering Rocky Mountain Park in 1923 than in 1922, while the automobiles entering Platt National Park increased by 20,000 during the same time. The superintendent of the park in his report to the director shows 470,841 visitors in 1923 and 639,495 visitors in 1924. The National Park Service in the hearings fixes the number of visitors for these two years at 117,710 and 134,874, respectively. While it is true that visitors were sometimes counted more than once, it is also true that thousands of people who visited the park were never counted at all, as they did not visit Bromide Springs, where visitors are checked. If those who visited the park and were never checked at Bromide Springs were counted the report would show thousands more visitors.

The report of the Director of the National Park Service for 1923 says:

To properly care for the increased patronage there is needed larger annual appropriations for the extension of camp grounds, sewer, water, and light systems, and for general sanitation.

The report of the Secretary of the Interior for 1924 states:

Platt Park, which is open all year, was visited by 134,874 visitors last year, compared with 117,710 in 1923. On July 4 alone over 20,000 people visited the Bromide Springs and drank of the medicinal waters. The park is gaining in favor as a health and pleasure resort.

Mr. Chairman and gentlemen of the committee, this park, like our others, belongs to the Government of the United States, is a part of its property, and as such should be properly maintained by sufficient appropriations. The Legislature of Okla-

homa appropriated some \$269,000 for the erection of a hospital for soldiers of the World War, and after a thorough survey made by prominent physicians located this hospital at Sulphur, near this park. This location was made on account of the healthful surroundings, the environments, and the beneficial results to be derived by the soldiers. This hospital was erected in 1922 with 80 beds, and included in the appropriation are \$100,000 by the legislature of 1923 for the construction of additional buildings for these soldiers. These additional buildings are now occupied with 48 more beds. This hospital is in charge of competent physicians and surgeons, and is excellently equipped for treatment of the patients. I have visited the hospital on many occasions, and always found it clean, the officials courteous and kind, and everything in first-class condition. The superintendent under date of December 15, 1923, said the first building was completed August 26, 1922, and was filled to capacity March 1, 1923, with an average of six to eight patients refused each month thereafter. The superintendent states that the value of buildings and improvements is \$280,075.95, and the value of the equipment \$62,000. The people of Oklahoma, ever mindful for the welfare of our soldiers, wanted a hospital for their care where they could be properly treated, in a healthful location, where the scenery is beautiful, surrounded by Christian influences, and for the best location selected Platt National Park, and this selection was wisely made. Sulphur also has an excellent public-school system and has the State School for the Deaf.

Mr. Chairman, this park has more than 30 mineral springs, is one of the most important parks in the United States, and will become one of the most noted health resorts in the whole world. In the quality and character of water these springs are unequalled. There is water absolutely pure, bromide, medicine, and sulphur water of all shades and degrees. You can find any kind of water here that is needed for your health and the purification of your system. People in good health who want a fine outing at little expense will get what they want here, will leave greatly refreshed, and if they are sick they will be cured. I cordially invite the Members of this House to visit this park, take a few drinks of the water, swim in the pools, and be rejuvenated. The effects of the water in this park can not be exaggerated. There is no park with water of such wonderful properties. In and near the park are many artesian wells. From one of these wells 2,500 gallons of pure, clear sulphur water runs each minute, and Buffalo Springs produce 5,000,000 gallons per day. Four of these gigantic artesian wells flow into elegant bathing pools, where the young, old, well, decrepit, and the men, women, and children swim, drink, breathe the pure air, and enjoy themselves.

Almost all forms of nervousness, stomach and digestive troubles yield surely and quickly to the use of the bromide water, and a few drinks will cure any case of sleeplessness and the visitor can enjoy that needed rest so essential to good health. The report of the superintendent states that the sulphur water is an excellent remedy for rheumatism, while as a blood purifier and for the treatment of all forms of skin diseases it is unexcelled. If a visitor does not care for the medicinal waters, there is an abundance of pure water unsurpassed at any place.

All classes of people from every section of the country visit Platt National Park, but it is essentially a park for people with modest means. Many people can not afford to go to the more costly parks, and they will find everything they want here. The hotels and other service are reasonable, and more accommodating people can not be found. If visitors do not want to stay at the hotels, excellent camping grounds, most conveniently arranged, are here for their comfort. People who can not afford great expense for needed treatment in most cases can be cured at this park with little expense. It costs nothing to drink the water nor to camp in the park. It is there for the good of the people. The city of Sulphur has a large, elegant, well-equipped auditorium, a new county courthouse, churches of all denominations, private hospitals, bathhouses, first-class physicians and surgeons, and a hospitable, honest citizenship. Any person will be pleased with a visit to this park. The Ozark Trail and the Bankhead Highway pass through Sulphur; it is on the principal motor route through the State and is also on the Santa Fe and Frisco Railroads. The roads in the county are fine and are being improved each year. The Director of the National Park Service also states that he hopes during the next year or two to be able to put some \$42,000 additional into road improvements at the Platt National Park under their road system.

Mr. Chairman, this is one of the greatest parks in the country, with visitors increasing faster than in any other park,

and is growing greater from year to year. While its chief value is in restoring people to health, renewing the vigor of youth, and giving its visitors a new lease on life with more promising prospects for the future, it is also a place of great natural scenery and beauty, resting in the foothills of the Arbuckle Mountains, overlooking the famous Washita River.

Congress should make appropriations each year sufficient to properly maintain this park with its wonderful future, to improve the roads, for the extension of sewer and water lines, for the erection of Government bathhouses, where people at small cost can bathe and be healed, and for the many needed improvements. The Government can not spend money to a better advantage than to use it in restoring people to health. The amount recommended is greatly inadequate, and I trust that the committee will adopt my amendment for a small increase, which will be appreciated.

Mr. CRAMTON. Mr. Chairman, this park I have not had an opportunity to visit, but I know something of its condition. There has been a feeling on my part, and I think on the part of others heretofore, that its development should not proceed very rapidly, due to the fact that there has been a tendency to mix politics with the administration of the park. I do not think there is any branch of the Government service where there is a higher morale obtaining than among the rangers and the superintendents of the national parks. I have deplored any entering wedge of politics into that system. I understand that that situation is being cleared up with reference to the Platt Park, the only one where it has prevailed. Knowing something of the great increase of automobile campers in that park, the crowds that go there, the item the gentleman from Oklahoma has presented is necessary, and, with these changed conditions of administration of which we are assured, I am satisfied it would be properly expended, and I do not object to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Oklahoma.

The question was taken, and the amendment was agreed to. Mr. SUMMERS of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Yellowstone National Park, Wyo.: For administration, protection, and maintenance, including not exceeding \$5,100 for the purchase, maintenance, operation, and repair of horse-drawn and motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, not exceeding \$8,400 for maintenance of the road in the forest reserve leading out of the park from the east boundary, not exceeding \$7,500 for maintenance of the road in the forest reserve leading out of the park from the south boundary, and including feed for buffalo and other animals and salaries of buffalo keepers, \$364,503; for construction of physical improvements, \$31,497, including not exceeding \$20,297 for extension of sewers and sanitary systems and garbage-disposal facilities, not exceeding \$10,000 for auto camps, and not exceeding \$1,200 for the construction of buildings; in all, \$396,000.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee in regard to the safety of the roads in national parks. Several of us went through some of these parks a little over a year ago, and I think all were impressed with the unsafety of many of the roads in the national parks due to the fact that they were not double-track roads, and yet people were coming and going both ways. This was especially true in the road from Cody to the Yellowstone Park, a road that had a very heavy traffic and in many places was sufficiently wide for only one conveyance. I am wondering whether the appropriations are sufficient to widen these roads so that where people are invited to travel in the national parks they will find roads that are safe.

Mr. CRAMTON. Mr. Chairman, of course what is a safe road is a matter open to a difference of opinion. A man who for the first time travels on a mountain road where from the edge of the road there is a sheer drop of anywhere from one hundred to two or three thousand feet wants a road half a mile wide at least in which to feel safe, but there is force in what the gentleman has said as to the conditions of the roads. I do not know that they have been actually dangerous. They have been nerve racking to many people. The road in from Cody, some 50 or 60 miles, of course, is not in the park, and if I understand correctly the work on that has been done by the Forestry Service. I am not sure about that, but there is nothing carried here for that road. It is outside of the park. We have authorized a road-building program, which is carried

in a later item of the bill, which contemplates two and a half million dollars a year for road construction, and at the end of the three years' program that will mean an immense improvement in the roads in the national parks, both the widening of those most used now and constructing new ones as well.

Mr. HULL of Iowa. I presume that will take care of the situation. However, Mr. Chairman, it is not very difficult for a reasonable person to say when a road is unsafe. A two-way road that has room for only one vehicle is not safe, especially on a mountain trail, and that exists not only in one place but in several places in the national parks.

Mr. CRAMTON. I think that where that obtains in the national parks the gentleman will find there is a control system which prevents traffic both ways at the same time. For instance, the road from Nisqually Glacier up to Paradise Valley in the Rainier National Park, until the appropriation for the current year, was a one-way road and traffic went in one direction for an hour or two and then returned.

Mr. McKENZIE. Did I understand the gentleman to say that they have a sort of block system on those roads out there?

Mr. CRAMTON. Yes; B-L-O-C-K.

Mr. HULL of Iowa. I want to say that I think quite a number of Congressmen would bear me out in the statement that while we went over several hundred miles of these roads we did not find any block system, but we did find a great many roads where you could not pass safely a conveyance going in the opposite direction. That is the point I call to the attention of the committee. The roads where that will not be possible ought to be closed to the public or widened out.

Mr. CRAMTON. I agree entirely with the gentleman. We were building a road in the Sequoia National Park when I was out there with other members of the committee a year ago, which was 12 feet wide, with the certainty that very soon it would have to be widened. The cost of that widening later would be greater than it would be when the road was first constructed, and we then recommended the construction should be of a proper width in the beginning. With the two and a half million dollars a year for the next three years, that situation will be greatly improved.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

The Clerk read as follows:

National monuments: For administration, protection, maintenance, preservation, and improvement of the national monuments, including not exceeding \$400 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the custodians and employees in connection with general monument work, and including \$500 for the construction of buildings, \$21,980.

Mr. MORROW. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. MORROW: Page 97, line 12, after the comma strike out the word "and" and in line 13, page 97, after the comma insert "and \$20,000 for constructing a tunnel into Carlsbad Caves, N. Mex.," and change the figures "\$21,980" in line 13 to "\$41,980."

Mr. MORROW. Mr. Chairman, perhaps I am a little premature in offering this amendment because the department seems to be somewhat in conflict as to just what they want to do with these recently surveyed caves in New Mexico. We have there to-day perhaps the greatest caverns that have been discovered so far in the United States. They are wonderful decorations by nature, and we believe that these caves should be opened to the public of the United States, particularly for the tourist travel. Last year the Governor of the State of New Mexico and the Governor of the State of Texas met in these caverns with their staffs, and it was determined that they would unite and bring to Congress a proposal to open up these caves to the people of the United States. Both New Mexico State political conventions had a plank in each of their platforms declaring that the caverns should be opened up. The last Congress appropriated \$5,000 for a survey and exploration of them. They are something marvelous. The department at this time seems not prepared to present the matter as it should be presented to Congress, but I think we should continue the work which has been started. I am asking only \$20,000 for a tunnel into the caverns as a means of opening them for their educational value to the people. It has been said here in discussion, I believe, that education is the greatest factor in our American life. Nature presents here phenomena which the people ought to be permitted to see. The tourist travel is one of the great factors for development in the United States to-day. We have in these caves something

which the tourists want to see; \$20,000 is a small matter. At the present the only way in which you can go into these caves is by means of a bucket, let down by a small engine, 190 feet to the first landing. From there on the Government, through its explorations, has constructed steps in the earth, and you descend into these caverns a distance from the surface entrance of 1,000 feet to the lowest point. They are said to be the most wonderful in the way of caverns in the entire world.

The decorations there are something marvelous. The stalactites formed by the carbonate of lime and water dripping from the ceiling in some instances have formed stalactites 50 feet in length and wonderful to look upon. There is one wonderful room 500 feet in diameter and a quarter of a mile long. It is proposed to tunnel into this at this time and give the people some convenience to get into this part of the caves. It will only require \$20,000 to make this tunnel, according to the estimates of the Department of the Interior which I have obtained. I think we ought to go ahead and develop these caverns, not to the full extent at this time but to keep up the work the department has started. I ask permission to revise and extend my remarks by adding thereto an article written by Dana Johnson, the editor of the Santa Fe New Mexican. This article will give you valuable information concerning what these caverns really are.

The CHAIRMAN. The gentleman from New Mexico asks unanimous consent to extend his remarks as indicated. Is there objection? [After a pause.] The Chair hears none.

The article referred to is as follows:

A WORLD WONDER—THE CARLSBAD CAVERNS OF NEW MEXICO

A fairyland of elfin splendor; fit abode for spirits and pygmies and gnomes.

So enormous as to baffle conception; a city could be hidden there.

An immeasurable labyrinth; a chaos or bottomless chasms and illimitable upper spaces, where ceilings are hundreds of feet up in the void; barren of any living thing, a great catacomb remained in silence and darkness under southeastern New Mexico for thousands of years, until flying bats, which domiciled in the "attic" of this underground wonderland, never venturing into its unknown depths, led curious men into their habitat and finally resulted in the real discovery of what we now call the Carlsbad Caverns.

It is one of the most wonderful and unbelievable things in the world.

With a torch in your hand as you stand in the big room, its futile illumination shows little but emptiness and gloom, with ghostly gleams here and there in the farther darkness.

You light a bright flare, and on the instant leaps from the blackness a snowy, glittering, dazzling universe so fantastic and of such unearthly beauty that, try as you will, you can make it seem afterwards like nothing more than a dream.

It is like nothing of heaven or earth.

You can only think of Aladdin, albeit when you have rubbed your lamp not one jinn but thousands have sprung to your side.

Or you think of the fairy tales of Grimm and see before you that toward which his imagination was striving, but which was far beyond its reach.

The bells of fairyland are there; tap some of the millions of slender stalactites, and crystal notes peal softly; you can play a tune on these pearly icicles.

There are acres of frozen gardens, fantastic flowers in translucent marble; towering giant figures, brooding and sinister; slender minarets and spires; mushrooms 20 feet across. And always beyond is the black mystery of other gigantic, vaulted crypts and chambers. A thousand hidden doors in the forests of white coral lead you know not whither; all the artificial light that could be devised would still leave shadowy backgrounds beyond, would fail to enable your eye to measure this scene by any familiar standards. You can only guess at distances, dimensions, spaces.

It is not Dante's Inferno—there is nothing infernal about it; it is not of Doré, for behind the somberness is purest beauty; if you people it, it must be not with imps nor angels but with the elusive creatures of childhood's visions, of a midsummer night's dream.

All the known caverns of the world could be put into one of these rooms, or into the hugeness of the clefts, crevices, wells, and passages traversed before you reach the region of the stalactites and stalagmites.

The Carlsbad Cavern—whose total extent is still largely a matter of speculation—is a new-found, unsuspected treasure, which will mean more to the State of New Mexico than many gold mines. When the world learns of it nothing will prevent the world coming to see it. It rivals all the magnificent scenic places in America, and is utterly unlike any of them. It will make the little town of Carlsbad known on every continent. It will bring thousands upon increasing thousands of visitors to New Mexico in the coming years. Nothing has a greater lure than this old earth's underworld, and the Carlsbad Cavern will draw like a magnet. A visit to it will be remembered for a lifetime.

Its possibilities have already been called to the attention of Congress. But the Federal Government must be shown more fully, and a concerted and continuous effort made to secure the exploiting of the cavern on a big national scale. New Mexico can not handle it. It will take tens of thousands of dollars just to light the cave. The task will be like lighting a city, only a thousand times more difficult, owing to the nature of the terrain. Tunneling into the cavern, building trails, exploring it, protecting it from vandalism, advertising it to the world—all this will entail extremely heavy expense.

This cave bears the same relation to New Mexico as the Yellowstone to Wyoming and Yosemite to California. It is our greatest wonder and will bring people to see all the rest of our wonders. The people of the State should unite, regardless of location, in the task of securing its proper development by the Federal Government, for it will bring ultimately millions of dollars into New Mexico.

Mr. CRAMTON. Mr. Chairman, last year in a hurried manner an item of \$5,000 was put in for the construction of this tunnel, which we were given to understand at that time would accomplish the purpose. We made inquiry of Mr. Cammerer, and this is what he says:

Mr. CAMMERER. That cave at present is being entered through an old mining shaft. They mine guano in there. The company has taken thousands of tons of guano out, and you have to crawl over very precipitous inclines and around formations to get to the cave proper. The National Geographic Society has had its expert in there, and he says that cave surpasses anything there is in the world. That \$5,000 was to begin the boring of an entrance to the cave. Well, we used about \$1,000 of that for a survey. We wanted to find a place that was as close as possible to the outside, and we spent that \$1,000 for that, but we are not going to spend any more, because it will take, from our estimates now, \$18,000 to bore a tunnel.

The total estimate for fixing up the cave so that the public could come in would be something like \$80,000, and, with our experience in the Wind Cave, National Park, that seems fair, as we have to be very careful of the visitors' lives here in such underground areas.

I have recently made an inspection of some of the Virginia caves where indirect lighting is in and guard rails, and I would very much dislike to recommend to Director Mather that any cave be opened unless we have put ourselves in a position where we can give the tourist assurance that his life is safe in going in and where they can see it as conveniently as possible. That devolves on us.

Now, it seems to me the proper policy within the last few years, where economy is necessary and in connection with national forests, is to provide the absolutely necessary facilities for the parks that now exist, such as we did a moment ago in reference to the Platt and elsewhere in the bill, where thousands are coming in with automobiles and need places to camp, and we have to provide them with water, with sanitation, and so forth. Then as we can expand we will get to the point where we can open up new regions such as the gentleman from New Mexico proposes. But it seems to me now to provide a tunnel for people to get into a place where they would be unsafe and subject to accident after getting there would not seem wise, and until we are ready to go ahead with the program I hope the amendment of the gentleman will not prevail.

Mr. WATKINS. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. WATKINS. Is this appropriation of \$20,000 necessary for the park now?

Mr. CRAMTON. In order to get underground to the cave it is necessary to build a tunnel. The gentleman spoke about both platforms indorsing it. My mind has not associated the conventions and the national parks, except perhaps the "wind cave," but they seem to have found time at New York and Cleveland to indorse, as the gentleman says, these caverns. It is an underground cave and a tunnel is necessary to get into it and the time will come when it should be developed. But I think other needs are greater just now.

Mr. WATKINS. Why the \$500; is that for building?

Mr. CRAMTON. That applies to all national monuments.

Mr. WATKINS. And it has nothing to do with the tunnel?

Mr. CRAMTON. No. Some monument may need the construction of a \$500 building.

Mr. MORROW. The gentleman probably misunderstood me as to the conventions. It was the State convention of each party. I would like for the gentleman to understand with reference to these caverns that there is ample running water, pure water.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment of the gentleman from New Mexico.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Construction, etc., of roads and trails: For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior, \$1,500,000, being part of the sum authorized to be appropriated for the fiscal year 1925 by section 2 of the act approved April 9, 1924, of which amount not to exceed \$6,000 may be expended for personal services in the District of Columbia: *Provided*, That the Secretary of the Interior may also approve projects, incur obligations, and enter into contracts for additional work not exceeding a total of \$1,000,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and appropriations hereafter made for the purpose of carrying out the provisions of said act and acts amendatory thereof and supplemental thereto shall be considered available for the purpose of discharging the obligations so created.

Mr. SINNOTT. Mr. Chairman, I move to strike out the last word, and I do it for the purpose of interrogating the chairman. The act of April 9, 1924, authorized the appropriation of \$2,500,000 for the fiscal years ending June 30, 1924, 1925, 1926, and 1927. At this time I am particularly interested in expenditures prior to the fiscal year June 30, 1924, and this is my query: As I understand it, the \$2,500,000 has not been expended; now, will we lose that unexpended balance that we authorized to be appropriated for the fiscal year ending June 30, 1924?

Mr. CRAMTON. The fiscal year 1924 did not have two and a half million. The act provides two and a half million dollars for the fiscal years 1924 and 1925, and two and a half million for the fiscal year 1926, and two and a half million for the fiscal year 1927. Now, the fiscal year 1924 was about gone when that act passed, and the deficiency bill, expected to become a law last June, carried \$1,000,000 which was expected would be used during the past construction season. But the deficiency bill did not become a law until perhaps to-day, so that million dollars has not been used in that construction season.

The estimate was for one and one-half million dollars more in this bill, which would be added to the million dollars in the deficiency bill; and if this goes through as this bill provides, there will be a total of two and one-half million dollars available for the fiscal year 1926 in terms, but in fact available for the construction season of 1925. That two and one-half million dollars will be consumed in construction during this coming construction season.

I had up the matter with the park service, because not only the gentleman's committee but my committee was committed to the House to carry out the spirit of that act. I am advised by the Director of the National Park Service that the appropriation here proposed, in view of other assurances that I will refer to, is entirely satisfactory. In other words, an expenditure of two and one-half million dollars in this coming construction season will pretty well meet their program. I was able to state to the Director of the National Park Service that it was the feeling of our committee, and I thought such was the feeling of Congress, and I also had good reason to believe that it was the attitude of the Budget, that this two and one-half million dollars for this construction season would be followed by similar items for the next two construction seasons, so that in the calendar years 1925, 1926, and 1927 the seven and one-half million dollars would be expended with an even appropriation of two and one-half million dollars each year.

That carries the final expenditure and perhaps the final appropriation beyond the limit of time provided in the authorization, but that is absolutely immaterial. No authorization is necessary for an appropriation to build a road in a national park. Our committee has full jurisdiction as to the building of a road in a park. The act which the gentleman carried through the House successfully was important as to committing Congress to that program and as a command that our committee feel obliged to carry out.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes, so that I can take two or three minutes of it.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. In the report of the Appropriations Committee on this bill it is said:

It is the belief of the committee that the most effective and economical results will be secured by the use of that amount (\$2,500,000) in each of the construction seasons in the next three years.

That seems to be the program to which everyone is committed.

Mr. SINNOTT. The gentleman's view as to their authority coincides with mine. I have always believed that irrespective of the act of April 9, 1924, the gentleman's committee had authority to make appropriations for roads and trails in the national parks, and I am glad to hear him publicly state that on the floor, so that if the time limit expires and the fiscal year 1927 has passed by, then we may still expect appropriations for this purpose.

Mr. RAKER. Mr. Chairman, will the gentleman yield right there?

Mr. SINNOTT. Yes.

Mr. RAKER. It is also intended to carry out the views of the Director of the Park Service as to the places and use of this money that is appropriated. Is not that so?

Mr. CRAMTON. If the money is to be turned over to the Director of the National Park Service for use in this program I presume he will carry it out as he himself outlined it.

Mr. RAKER. As he outlined it before the Committee on the Public Lands?

Mr. CRAMTON. I do not know what he outlined before that committee, but there is no limitation here as to his authority.

Mr. RAKER. No limitation and no binding conditions as to how he shall use it?

Mr. CRAMTON. There is nothing here.

Mr. RAKER. I was taking it for granted that the Director of the National Park Service would carry out the program that was outlined.

Mr. CRAMTON. I do not happen to know what his program was then, but the program for development reaches all the parks, and this is a part of that program.

Mr. RAKER. I just wanted the Record to show.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. HUDSPETH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 98, line 15, after the figures "\$1,500,000" in line 15, add the following: "Provided, That \$20,000 of said sum shall be expended by the Secretary of the Interior or under his direction for the building of a first-class graded road from Van Horn, Tex., to Carlsbad Cave, in Eddy County, N. Mex."

Mr. CRAMTON. Mr. Chairman, I make a point of order against the amendment.

Mr. HUDSPETH. Will the gentleman reserve it?

Mr. CRAMTON. I will reserve it; yes.

The CHAIRMAN. The gentleman from Michigan reserves the point of order against the amendment.

Mr. HUDSPETH. I do not think a point of order would lie against the amendment, though, because it provides for the construction of roads.

Mr. CRAMTON. There is no doubt about its lying, but I will reserve it.

Mr. HUDSPETH. Mr. Chairman, the amendment seeks to take \$20,000 of the sum allotted the Secretary of the Interior for the building of a road from Van Horn, close to the New Mexico line, to the Carlsbad Cave that has been described by the gentleman from New Mexico [Mr. MORROW]. I have been told that this cave rivals in many ways and is far superior to the Mammoth Cave in Kentucky. During the last session of Congress, through the instrumentality of my good friend from Oklahoma [Mr. CARTER], whom I importuned, \$5,000 was provided, so that people could enter this cave. I do not know whether that provided easy access or not, but I want to say to you gentlemen that if you will adopt this amendment I do not care what you name this road. My colleague from Texas [Mr. BLANTON] yesterday seemed to be very much opposed to naming these roads for living men. He said there was a highway in Texas named for the present governor, Mr. Neff. Well, I did not support the present governor. I stumped the State for one of the greatest living Democrats that ever trod shoe leather on the other side, Mr. Bailey. But I have no objection to the road being named for Mr. Neff. I want to say to the gentleman from Texas that if he traverses the highways of Texas in the future he may see a sign up "Ma Ferguson Highway." [Laughter.] I would

have no objection to that, although I voted to impeach her husband when I was a member of the State senate. So it does not make any difference to me, if you will let me create this road, what you name it, but I will state to you gentlemen of the House that if it should be created you may call it the "Cramton Road" in honor of the chairman of this committee, and I would feel honored if you did, because they have named counties in Texas for Members of Congress, to which I have no objection.

Mr. CRAMTON. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. CRAMTON. The gentleman does not suggest that because it runs to the Wind Cave? [Laughter.]

Mr. HUDSPETH. No; I do not understand it is a windy cave. It is a great work of nature and should be taken over by this Government. But I do say, gentlemen, that Texas builds her own roads right up close to the line. The road for which I am asking \$20,000 of this sum is a branch from the Bankhead Highway, which traverses the great State of Texas from Texarkana to El Paso. We can not build roads in New Mexico, and I presume New Mexico is able to take care of her own roads. But I do ask that this amount be expended in the building of a national highway, so that tourists who traverse the Bankhead Highway through the town of Van Horn and from there to this cave may have a way of getting there, which they have not to-day.

I think the amendment should be adopted. We are for building good roads down there. It does not make any difference whether they name them for dead statesmen or living statesmen or for present governors or governors who may come in the future. I did not support all of the governors of Texas who have been elected, by any means, but I have no objection to naming roads for them. I do not see that it costs the State or the Government anything extra to put up a signboard there naming this road for "Ma" Ferguson, if they want to do so, or for Pat Neff. You have got to designate it by some name. I think this amendment should be adopted.

I want to state to the chairman of the subcommittee that we were given \$5,000 last session, and, as I understand it, it is intended that this cave shall be taken over by the National Park Commission. Is that a fact?

Mr. CRAMTON. It is my impression it has been created as a national monument.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for three additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. And it is under the administration of the National Park Service.

Mr. HUDSPETH. If you are going to take it over, and you have wisely expended \$5,000 on a cave which, I am told, far surpasses the wonders of the Mammoth Cave in Kentucky, I see no good reason for not spending the amount I ask in this amendment on the building of accessible roads. By the way, I wish to state that I saw in the current press a few days ago that some little whippersnapper who writes for some magazine claims he discovered this cave.

The history of this thing is that this cave was discovered by Maj. Richard Burgess, of El Paso. He is the man who came here and interceded before this committee for this \$5,000. I want that to go into the Record. He was one of the heroes of the World War. He organized a company in my home city, and it fought as red-blooded Americans, and especially Texans, always fight. He is the man who first brought to the notice of the public and Congress this cave—Major Burgess—and I want that to go into the Record. This little fellow never heard of this cave until Major Burgess had been here and told the committee about it, and we got \$5,000 for providing a way of getting into it.

Mr. RAKER. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. RAKER. I understand the gentleman has no objection to this road being called the "Ma" Ferguson road?

Mr. HUDSPETH. Not the slightest objection on earth, although I voted to displace her husband as governor when I was a member of the senate. She is a good woman.

Mr. RAKER. "Ma" is an abbreviation for mother.

Mr. HUDSPETH. Yes.

Mr. RAKER. Mother's road would be a delightful thing to travel, and if we had a road built by mother we would

not need* to have these roads which we have had to build to Fort Leavenworth, McNeill Island, and Atlanta, Ga., would we?

Mr. HUDSPETH. I take it that is correct.

Mr. RAKER. So if "Ma" Ferguson builds a mother's road, God speed her on her road.

Mr. HUDSPETH. I think she is a good woman and I knew she was after they put her on the Democratic ticket down in good old Texas. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CRAMTON. Of course, there are various ways of naming roads and we might give consideration, in connection with the others, to the Raker road and the Hudspeth highway, but for the present I am obliged to make a point of order against the amendment.

The CHAIRMAN. Is this within a national park reservation?

Mr. CRAMTON. I understand it is not within a national park or national monument, and there is no legislative authority for the construction of a road outside of a park or a monument.

Mr. HUDSPETH. I just understood the gentleman to state that a national monument had been created around this place.

Mr. CRAMTON. But I do not understand it includes the territory described by the gentleman in his proposed amendment.

Mr. HUDSPETH. I do not know how extensive it is.

Mr. CRAMTON. It does not take in all of New Mexico and Texas.

Mr. HUDSPETH. This does not take in all of Texas by any means; only a very small strip.

The CHAIRMAN. The Chair is of opinion this amendment would be an appropriation for something not authorized by law and would not be a continuing work under the rule, and therefore sustains the point of order.

The Clerk read as follows:

Insane of Alaska: For care and custody of persons legally adjudged insane in Alaska, including transportation, burial, and other expenses, \$157,757: *Provided*, That authority is granted to the Secretary of the Interior to pay from this appropriation to the Sanitarium Co. of Portland, Oreg., or to other contracting institution or institutions, not to exceed \$624 per capita per annum for the care and maintenance of Alaskan insane patients during the fiscal year 1926: *Provided further*, That so much of this sum as may be required shall be available for all necessary expenses in ascertaining the residence of inmates and in returning those who are not legal residents of Alaska to their legal residence or to their friends, and the Secretary of the Interior shall, so soon as practicable, return to their places of residence or to their friends all inmates not residents of Alaska at the time they became insane, and the commitment papers for any person hereafter adjudged insane shall include a statement by the committing authority as to the legal residence of such person.

Mr. SUTHERLAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alaska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SUTHERLAND: On page 104, line 13, after the word "person," insert: "*Provided further*, That the Secretary of the Interior is hereby authorized and instructed to conduct investigation and report to the Congress on the advisability of establishing an institution for the insane within the Territory of Alaska or in the United States, to present estimates of the cost of such institution, the maintenance of insane persons, and the utilization of any abandoned military post or other property of the United States for an asylum for the insane."

Mr. SUTHERLAND. Mr. Chairman, I do not think it is necessary for me to occupy any time of the committee in explaining this amendment.

The amendment provides that the Secretary of the Interior shall investigate and report on the advisability of caring for the insane of Alaska directly by representatives of the Government; that is, with a view to doing away with this antiquated system of boarding insane persons where there is an opportunity for profit and the consequent possibility of their treatment not being what it would be if they were taken care of in an institution provided for them by the Government.

Mr. CRAMTON. Mr. Chairman, the subcommittee for some time has felt that the element of profit ought not to be permitted to enter into the care of the insane. The amendment offered by the gentleman from Alaska, who is a member of the Committee on the Territories, I understand, is acceptable to the chairman of that committee, and would offer a basis

for legislation which that committee could consider with reference to a better situation, and this committee has no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska [Mr. SUTHERLAND].

The amendment was agreed to.

The Clerk read as follows:

The Alaska Railroad: For every expenditure requisite for and incident to the authorized work of the Alaska Railroad, including maintenance, operation, and improvements of railroads in Alaska; maintenance and operation of river steamers and other boats on the Yukon River and its tributaries in Alaska; stores for resale; payment of claims for losses and damages arising from operations; payment of amounts due connecting lines under traffic agreements; payment of compensation and expenses as authorized by section 42 of the injury compensation act, approved September 7, 1916, to be reimbursed as therein provided, \$1,700,000, in addition to all amounts received by the Alaska Railroad during the fiscal year 1926, which, with all balances in existing appropriations and funds for the maintenance and operation of railroads and river steamers in Alaska, shall be consolidated into the "Alaska railroad fund," to continue available until expended: *Provided*, That not to exceed \$6,000 of this fund shall be available for personal services in the District of Columbia during the fiscal year 1926: *Provided further*, That \$500,000 of such fund shall be available only for such capital expenditures as are chargeable to capital account under accounting regulations prescribed by the Interstate Commerce Commission, which amount shall be available immediately.

Mr. WATSON. Mr. Chairman, the recent report made by a special assistant to the Secretary of the Interior concerning the Alaska Railroad does not present a very favorable statement. He states that \$12,000,000 is required to complete the railroad, and even after it is completed it will probably be years and years before any industries are established to manufacture commodities to send out of Alaska. He reports that there are too many clerks employed. He also complains that the manager is too far away from advice, which only proves again that the Government can not control public utilities with any advantage. He also suggests that there should be a bureau of directors in order to advise the managers.

I want to inquire of the chairman of the committee, if he can give me the information, how much of the \$1,700,000 will be used for clerk hire. There is an item of \$6,000 to be spent here. What personnel does that include? Who are the persons in Washington that are receiving the \$6,000? Are they advisers to the manager who resides in Alaska?

Of course, I recognize that no private corporation would build a railroad in Alaska, and probably the Government is compelled to maintain the road, but that does not mean that the Government should be extravagant.

Mr. CRAMTON. The force in the District of Columbia, of course, with a limitation of \$6,000, is a very small force, composed of one or two persons. I can not at the moment state just how many are in the clerical force in Alaska, but this is the situation:

The Secretary of the Interior selected Mr. Noel Smith, an experienced railroad man from Pennsylvania, by the way, which I take it vouches for him completely, to go to Alaska and make a thorough investigation of the situation. This committee felt last year that the management of the railroad was not in satisfactory hands, and the Secretary of the Interior came to that conclusion and sent Mr. Smith to Alaska and he made a thorough investigation.

The Secretary of the Interior gave Mr. Smith full authority, and as a result of his investigation various reforms were brought about. The first was the resignation of the manager, and then a reorganization of the road was started. At the present time Mr. Smith is the head of the railroad. Whether he is to be continued I do not know. I have understood, although not directly, that the department desires to have him remain, but they are not sure they can induce him to do so. My contact with him has led me to feel that the road would be in safe hands under his direction. Of course, we do not begin to pay a man to run that railroad what private individuals would pay.

Mr. WATSON. He states here that the employees are paid more than on private railroads.

Mr. CRAMTON. That does not apply to the manager of the railroad.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WATSON. Mr. Chairman, I ask that my time may be extended three minutes.

The CHAIRMAN. Without objection, the time of the gentleman from Pennsylvania is extended three minutes.

There was no objection.

Mr. CRAMTON. As to the matter of clerks, and so forth, any reforms desired or necessary are within the authority of Mr. Smith himself, who has made those recommendations which the gentleman speaks about, and I have enough confidence in him to believe that he has already made those reforms.

Mr. WATSON. He objects to the hospital there giving service not only to the employees but to their families. He states that that is not done by other railroads, because the employees pay a certain amount every month for that service.

Mr. CRAMTON. I am not prepared to argue all the details of matters that would be under the authority of Mr. Smith if he should be connected permanently with the railroad, but we must remember that it is a different thing to run a railroad in the wilderness of Alaska than to run one through Pennsylvania.

Mr. WATSON. That is what I stated in my remarks. I do not think a private corporation could operate the road to an advantage, but the Government should operate it economically.

Mr. CRAMTON. We are operating the railroad because we deem it necessary for the development of Alaska. We could not have induced private individuals to build the road unless we turned Alaska over to them, and in that event they would have been glad to build the railroad. The railroad running up to the copper mines was built by private individuals, and, as I remember, they put in \$21,000,000 before they took out a penny's worth of copper from their mines. They took a chance on the development of the property, and the United States has built the railroad, taking a chance on the development of its property. Of course, we want it administered economically.

Mr. WATSON. That is the only point I am raising, that it is not managed economically now, and I wanted to know how the appropriations are divided.

Mr. CRAMTON. As to the clerks, if there is any extravagance and it is continuing, it has continued under Mr. Smith, who has the authority to stop it while he is in charge.

Mr. RAKER. Mr. Chairman, I would not do this except that the facts are within our knowledge. Speaking about the railroad, some 12 years ago there was a question whether or not all the coal lands would be turned over to two organizations. Legislation was passed to prevent it. We built the railroad. Now I want to call this to your attention.

Mr. CONNALLY of Texas. Will the gentleman from Pennsylvania [Mr. WATSON] give heed to the gentleman from California, and the gentleman from Pennsylvania will get some information?

Mr. RAKER. I am not hoping to give any information to the gentleman from Pennsylvania, but to the House generally. We built the railroad to develop Alaska. They said they had the greatest coal fields in the world. To-day we are importing coal into Alaska for use there except that on the railroad. Is not that right, I will ask the gentleman from Alaska?

Mr. SUTHERLAND. In the extreme southern section of Alaska they are importing some coal. The other portions use local coal.

Mr. RAKER. We have a railroad built by the Government, and yet we are shipping coal from the Eastern States through the canal to Alaska to use in a territory that has the greatest coal deposit in the world. I was told this by a gentleman within the last week. We made an appropriation to develop our coal mine, but within the last year you have stopped the development of the coal mine. So you are growling about Government ownership of the railroad, when you do not give it a chance to live. You will do everything on earth to prevent its succeeding without any criticism against the man appointed, a man who is familiar with eastern railroads but does not know how to handle western conditions.

Mr. CRAMTON. The only man who had to resign as a failure was a railroad man from California.

Mr. RAKER. He was never a railroad man, never had any experience as a railroad man; he had only been a worker in the railroad business. Now, think of having a railroad built by the Government into the greatest coal field in the world, with coal enough to supply the Navy and the Army and all other western and eastern cities, and yet we import coal around through the Panama Canal up to Alaska on privately owned ships and stop the development of our own coal fields in Alaska.

Mr. WATKINS. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. WATKINS. We still own the coal in Alaska and no Cabinet man has given it to Doheny.

Mr. RAKER. But we ought not to be taking money from the people in the meantime; we should be developing the coal fields and keeping the railroad going, making it a success so that they can not say that the Government can not successfully operate this railroad.

Mr. WATKINS. It could be worse, they could have given away the coal.

Mr. RAKER. That is true.

Mr. SUTHERLAND. Mr. Chairman, I want to correct the gentleman from California when he says that coal is shipped to Alaska from the eastern seaboard.

Mr. RAKER. How does it get there?

Mr. SUTHERLAND. No coal goes there. There is coal supplied from the Atlantic seaboard to San Francisco for use of the Navy. But we have in Alaska as good coal as the Pocahontas that they ship through the canal.

Mr. RAKER. Does not the gentleman admit—there is no criticism of him—that they are using coal in Alaska which is shipped into Alaska from the United States?

Mr. SUTHERLAND. No; from British Columbia only, and that is in southern Alaska.

Mr. RAKER. I am not questioning that.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SUTHERLAND. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SUTHERLAND. Mr. Chairman, as a matter of fact, when the Navy took out this coal at Chickaloon and tested it, while it showed a higher degree of efficiency in many respects than the Pocahontas coal from West Virginia, the Navy discovered that in one essential feature it lacked what is known as steaming radius, although it contained the amount of fixed carbon and the British thermal units and all of the features that enter into a superior coal in greater percentage than the eastern article. Yet the Navy abandoned the coal mine and closed it down, and we of Alaska do not know why. Of course, the intimation is made generally that there are interests in the United States that do not want that coal to come out, but we can submit no proof of anything of that kind, and we only know that the Navy abandoned the coal and is still using the Pocahontas coal on the Pacific coast.

Mr. RAKER. Will the gentleman advise the committee why it is that the Department of the Interior stopped the development of coal in Alaska?

Mr. SUTHERLAND. I do not know, nor do the people of Alaska know.

Mr. CONNALLY of Texas. Has the gentleman been over to the Department of the Interior? Is there not some way of finding out?

Mr. SUTHERLAND. The report is made that it costs more to produce the coal. They had a mine blocked out, they had a great many thousands of tons of coal blocked out, but they abandoned it. The head of the Bureau of Mines admitted to me that perhaps they had overlooked a bet in that respect, but the fact is that with hundreds of thousands of tons of coal blocked out and tunnels run they abandoned it and still ship the Pocahontas coal around to San Francisco for the use of the Navy.

Mr. WATSON. Mr. Chairman, will the gentleman from Alaska yield long enough to permit me to read a line or two from the report? The report says:

The only coal company at present operating on the Alaskan Railroad can produce sufficient coal that is suitable for locomotive fuel. This situation leads to the placing of almost the entire order for coal this year with this company at a price of \$5.80 per ton for run-of-mine coal.

Mr. SUTHERLAND. I will say that this is an entirely different coal. This is a subbituminous coal that they are speaking of, while the other is an anthracite or a subanthracite.

Mr. WATSON. This is used in the locomotives?

Mr. SUTHERLAND. This coal he speaks of for the railroads is there in immense quantities, and they are gradually developing it and putting it down to the coast.

The Clerk read as follows:

HOWARD UNIVERSITY

For maintenance, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, ice, and stationery, the balance of which shall be paid from donations and other sources, of which sum not less than \$2,200 shall be used for normal instruction, \$125,000.

Mr. BYRNES of South Carolina. Mr. Chairman, I make the point of order against the paragraph, that it is unauthorized by any law.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard upon the point of order?

Mr. CRAMTON. Mr. Chairman, simply to say that this expenditure is one which has been continued for 50 years, during which time the institution has been developed. I greatly regret that it should be even suggested that this aid be discontinued. This is not the entire maintenance of the university. It is simply a small contribution from the Federal Government toward the solution of one of our greatest Federal problems. I regret that it is proposed that this small contribution should be now discontinued. I regret also that there is no law to which I can call attention as support for the appropriation. The appropriation is one that is founded on custom rather than upon law, and I am obliged to admit that the paragraph is subject to the point of order, but I appeal to the gentleman from South Carolina not to insist upon the point of order, at least as to those matters of small contributions toward maintenance.

Mr. BYRNES of South Carolina. Mr. Chairman, the statement of the gentleman from Michigan is sufficient reason for insisting upon the point of order. If for 50 years we have been making an appropriation for a purpose not authorized by law, it is time that the Congress should have the courage to enact legislation or discontinue the appropriations. The Committee on Education can bring out a bill and if the Congress deems it wise it can enact a law authorizing an appropriation for this university. In the absence of it, it should not be permitted to remain in the bill. One of the things that the Committee on Appropriations promised the House when the Budget law was passed was that we would refrain from including appropriations for purposes not authorized by law, and from carrying legislation on appropriation bills, and yet in this bill we proceed to include item after item for this university for which there is no authority of law, and in the case of one item for which even the Budget Bureau submitted no estimate for the next fiscal year, we propose legislation.

Mr. CRAMTON. If the gentleman will yield, he is a member of the Committee on Appropriations. He may have made some such promise, but I do not recall that anybody else ever did.

Mr. BYRNES of South Carolina. Every member of the Committee on Appropriations who came in here advocating the new system, telling the other committees of the House that they would have something to do under the new system, assured the House that they would refrain from legislating on appropriation bills and leave that to the legislative committees.

Mr. CRAMTON. No one for a moment, experienced as is my learned friend from South Carolina, would say that this paragraph is legislation. It is an appropriation unauthorized by law, but it is not legislation.

Mr. BYRNES of South Carolina. But the gentleman from Michigan will agree that he has in the last item for the university attempted to enact legislation which was not even asked for by the Budget Bureau for the next fiscal year, and I have heard him lecture gentlemen on the floor in the last two days for advocating appropriations not estimated by the Budget.

Mr. CRAMTON. We will talk about that when we get to it.

Mr. BYRNES of South Carolina. Oh, I am talking about all of these items, and I make the point of order against the first one.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. BLANTON. Since so prominent a member of the Appropriations Committee as the gentleman from Michigan [Mr. CRAMTON] now repudiates the assurance which we common Members understood was given to the House that the Committee on Appropriations would not put on such items, does not the gentleman think it is time to reorganize that committee and change the program a little? If the committee has become so bold that they can repudiate their promises—

Mr. BYRNES of South Carolina. Oh, this is one of the few instances I know of where the committee has done that, and this is because of political expediency. I think my friend the gentleman from Michigan [Mr. CRAMTON] ought to ask the chairman of the national committee, who has a surplus of \$300,000, to donate it to this institution instead of asking the taxpayers to pay it.

Mr. CRAMTON. If the gentleman will yield, I will say it is quite fitting that the party that has done so much for that race should continue its good work.

Mr. BYRNES of South Carolina. I think the party for which these people have done so much should have the courage to enact legislation to provide for this university, instead of including appropriations for which there is no estimate submitted by the Budget Bureau.

Mr. CRAMTON. If the gentleman will yield for a further suggestion to my friend from South Carolina, this item before us is estimated for by the Budget. As to legislation, I introduced a bill in the last session proposing legislation to authorize such an appropriation, and if the gentleman does insist upon this going out, I hope I will have his enthusiastic cooperation in securing the passage of that legislation during this Congress.

Mr. BYRNES of South Carolina. No; the gentleman will not, because—

Mr. CRAMTON. I imagine not.

Mr. BYRNES of South Carolina. Because I do not believe the Federal Government should spend the money of the taxpayers for any one educational institution, and if the gentleman from Michigan wants to ask the enactment of legislation providing that one educational institution in preference to all others shall receive funds from the Federal Government, the gentleman ought to have the courage to advocate such legislation and have Congress enact it instead of coming in here and appropriating money without any authority of law at all. The Committee on Education could have reported a bill last session and could do so at this session if the party in power desires it.

Mr. CRAMTON. In this bill there is an appropriation for the Columbia Institution for the Deaf, a private institution. We appropriate \$6,000,000 for the education of the Indians, a national problem. This is another national problem. In addition, colleges in the gentleman's State get Federal funds for their maintenance, I will guarantee.

Mr. BYRNES of South Carolina. If they do get any—

Mr. CRAMTON. And those colleges will not admit negroes. Mr. BYRNES of South Carolina. The gentleman from Michigan is repeating what was told to him by a representative of this institution. There is quite a material difference. If any college in the State of South Carolina receives an appropriation from the Federal Government, it is under the Hughes educational bill, which law authorized an appropriation for certain specific purposes in cooperation with all educational institutions of the country complying with that law. That law is not restricted to colleges attended only by white students. There are negro universities in South Carolina as well as in other States. If they comply with the Federal aid law they will receive appropriations. But there is no law for this appropriation, and the gentleman knows it.

Mr. CRAMTON. And I ask the gentleman from South Carolina to cooperate with me in securing a law.

Mr. BYRNES of South Carolina. The gentleman from Michigan knows that under existing law the State of Michigan and the State of South Carolina and every other State in the Union having educational institutions, if they cooperate with the Federal Government, can receive funds, and it does not exclude Howard University. And I want it to stand on the same footing as all other institutions and not ask Congress to appropriate directly from the Treasury to maintain this one university when no other college receives such appropriations. If it is done solely because it is a negro institution, why not select Booker Washington's institution, Tuskegee, or the institution at Hampton, and why appropriate the money of the taxpayers of the entire country for one institution here when one-fourth of the students are from the city of Washington, which makes no contribution other than that made by the taxpayers of every section of the country? If the gentleman from Michigan is proposing a law on the subject, he ought to provide that the District of Columbia shall bear some portion of the expense of this institution. They get the benefit of it and should contribute to the expense. I know the gentleman from Michigan must have the same thought that I have on this subject.

Mr. WINGO. Will the gentleman yield?

Mr. BYRNES of South Carolina. I will.

Mr. WINGO. I hate to hear this dispute over the usurpation of power between two leading members of the Committee on Appropriations, and I fear one gentleman did not understand the other. I understood the gentleman from Michigan is willing to accept the suggested amendment of the gentleman from South Carolina providing that this be paid out of the surplus Republican campaign funds, and I think that disposes of the question and avoids this unseemly controversy between two of these gentlemen riding on white asses in this House.

The CHAIRMAN. The Chair is ready to rule. The gentleman from South Carolina [Mr. BYRNES] makes a point of order against the paragraph on the ground that it is an appropriation not authorized by law. Whenever a point of order has been made against an appropriation to this item the point of order has been sustained, and in this case the Chair is inclined to think that the point of order is well taken. The last time the point of order was decided was on January 29, 1924, by the gentleman from Connecticut [Mr. TILSON], who was in the chair, and he made the following ruling:

It is not the province of the Chair to pass upon the wisdom or the lack of wisdom of any proposed appropriation or to even consider its merits when a point of order is raised. If permitted to decide this question on its merits, the present occupant of the chair certainly would not be a party to striking down an appropriation for a work of this character. This, however, is not the question submitted to the Chair. The question is whether there is existing law or authorization to sustain this appropriation. The gentleman in charge of the bill admits that there is no law authorizing it.

The same point of order has been made in previous years, and whenever made it has been decided uniformly in the same way that the present occupant of the chair must decide it. If the appropriation is not authorized by law—and it is conceded that it is not—then it is clearly subject to a point of order. The Chair therefore sustains the point of order made by the gentleman from South Carolina [Mr. BYRNES].

The present occupant of the chair is in entire agreement with that position as to the merits and as to the point of order, and therefore the point of order is sustained. The Clerk will read.

The Clerk read as follows:

For tools, material, salaries of instructors, and other necessary expenses of the department of manual arts, of which amount not to exceed \$21,800 may be expended for personal services in the District of Columbia, \$34,000.

Mr. BYRNES of South Carolina. Mr. Chairman, I make the same point of order on this paragraph on the same grounds.

The CHAIRMAN. The point of order is sustained.

Mr. CRAMTON. The gentleman from Arkansas [Mr. WINGO] has referred to a suggestion that had been made as to the surplus of the Republican National Committee being used for this purpose. I understood that that surplus was going to be turned over to the Democrats to pay off the deficit of their national committee, inasmuch as they have been deemed to have been most helpful to the campaign made by the Republican National Committee. [Laughter.]

Mr. BYRNES of South Carolina. I understood you did not need those votes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Medical department: For part cost needed equipment, laboratory supplies, apparatus, and repair of laboratories and buildings, \$9,000.

Mr. BYRNES of South Carolina. Mr. Chairman, against that I make the same point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For material and apparatus for chemical, physical, biological, and natural-history studies and use in laboratories of the science hall, including cases and shelving, \$5,000.

Mr. BYRNES of South Carolina. Mr. Chairman, I make the same point of order on that.

The CHAIRMAN. On the same ground the Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For books, shelving, furniture, and fixtures for the libraries, \$3,000.

Mr. BYRNES of South Carolina. Mr. Chairman, I make the same point of order on that. It is not authorized by law.

The CHAIRMAN. On the same ground the Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For improvement of grounds and repairs of buildings, \$30,000.

Mr. BYRNES of South Carolina. Mr. Chairman, on that I make the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Fuel and light: For part payment for fuel and light, Freedmen's Hospital and Howard University, \$15,000.

Mr. BYRNES of South Carolina. Mr. Chairman, I make a point of order on that, on the ground that it is not authorized by law.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Toward the construction of a building for the medical department, within a limit of cost of \$370,000, which is hereby authorized, \$185,000: *Provided*, That no part of the sum hereby appropriated shall be available until there is filed with the Secretary of the Interior a guaranty by the trustees of the university that a suitable equipment for such building will be provided at a cost of not less than \$130,000 by subscription of alumni and other friends of the university.

Mr. BYRNES of South Carolina. Mr. Chairman, I make the point of order that the appropriation is not authorized by law and that the paragraph is legislation upon an appropriation bill. This is the paragraph I referred to where no estimate had been submitted by the Budget Bureau for an appropriation this year.

The CHAIRMAN. The point of order is sustained.

Mr. CRAMTON. Mr. Chairman, I offer an amendment to page 108, after line 19.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 108, after line 19, insert: "Toward the construction of a building for the Medical Department, within a limit of cost of \$370,000, which is hereby authorized, \$185,000, to be immediately available and available until June 30, 1925: *Provided*, That no part of the sum hereby appropriated shall be available until there is filed with the Secretary of the Interior a guaranty by the trustees of the university that a suitable equipment for such building will be provided at a cost of not less than \$130,000 by subscription of alumni and other friends of the university."

Mr. BYRNES of South Carolina. Mr. Chairman, I reserve a point of order on that. It is new legislation.

Mr. BLANTON. I make the further point of order, Mr. Chairman, that it is not germane either to the bill or to the paragraph.

Mr. CRAMTON. The decision of the Chair will be sufficient, without any help from the gentleman from Texas.

Mr. CONNALLY of Texas. Mr. Chairman, I make a point of order that the gentleman from Michigan is not in order in speaking otherwise than to the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. CONNALLY of Texas. The gentleman was speaking out of order.

The CHAIRMAN. The gentleman from South Carolina reserved the point of order and the gentleman from Texas made the point of order. The point of order is sustained.

Mr. CRAMTON. The gentleman from Texas [Mr. CONNALLY] has appeared here for the first time in two weeks and now—

Mr. CONNALLY of Texas. The gentleman is telling something that is not true. He has seen me here.

The CHAIRMAN. The committee will be in order. The gentleman from Michigan [Mr. CRAMTON] has the floor.

Mr. CRAMTON. Mr. Chairman, the gentleman from South Carolina [Mr. BYRNES] as one of his grounds of objection to the paragraph has urged that it was not submitted by the Budget. As a matter of fact, the amendment which I have offered restricts it to the fiscal year 1925. It is not available for the fiscal year 1926. It is restricted to the fiscal year 1925.

Now, the Budget for the fiscal year 1925 authorized an appropriation of \$500,000 for this specific purpose; therefore, in so far as there was any force in the gentleman's point of order, it derives none from that argument. However, I admit, Mr. Chairman, that whether or not it was in this body, whether it was estimated for in the Budget or not, it is immaterial. In another body it would be material. I hope the suggestion I have offered will be of use in that other body.

Mr. BYRNES of South Carolina. I said it was not estimated for by the Budget Bureau for the fiscal year 1926, for which this bill makes appropriations. Now, the gentleman offers an amendment providing for the use of this money during the fiscal year 1925, knowing that it is still subject to the point of order and solely in the hope that he will suggest a way to avoid a point of order in the Senate. But it does not change the situation, because the Committee on Appropriations has taken the position on the floor of the House that it is not reporting bills making appropriations for which the Budget Bureau has submitted no estimate. In this particular paragraph the gentleman from Michigan has done that.

It is bad practice, I submit to my genial friend from the State of Michigan, and I renew my point of order, that the amendment offered by the gentleman from Michigan is legislation on an appropriation bill.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Total, Howard University, \$406,000.

Mr. BYRNES of South Carolina. Mr. Chairman, I make the same point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

FREEDMEN'S HOSPITAL

For officers and employees and compensation for all other professional and other services that may be required and expressly approved by the Secretary of the Interior, \$89,000. A detailed statement of the expenditure of this sum shall be submitted to Congress.

Mr. BLANTON. Mr. Chairman, I make a point of order against the last paragraph as being legislation unauthorized. There is no authority for the general blanket provision that the Secretary of the Interior may appoint all other officers and employees in addition to the classification authorization to the extent of \$89,000, and to that extent it is unauthorized by law.

Mr. CRAMTON. Mr. Chairman, this is entirely distinct from the other proposition. Freedmen's Hospital is the property of the United States of America; it was created by statute and it is fully authorized by law.

Mr. BLANTON. Mr. Chairman, I did not understand—

Mr. CRAMTON. Mr. Chairman, I do not yield. The same point of order was made last year and was overruled. There is ample authority for the appropriation and the point of order is not valid.

Mr. BLANTON. If this refers to the Freedmen's Hospital, I withdraw my point of order. I did not understand it had reference to the Freedmen's Hospital.

Mr. CRAMTON. If the gentleman will give heed he will find that is the thing we are talking about.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk concluded the reading of the bill.

Mr. CRAMTON. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SANDERS of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 10020) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. CRAMTON. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

Mr. CRAMTON. Mr. Speaker, a parliamentary inquiry. As I understand, it would be in order to call this bill up on Tuesday, Monday being District of Columbia day?

The SPEAKER. It would be in order to call it up on either day.

Mr. GARRETT of Tennessee. On which day is it going to be called up?

Mr. CRAMTON. I have not had an opportunity to consult with the leader on this side, but my expectation was to call it up on Tuesday.

Mr. LONGWORTH. I think, perhaps, that would be the wise thing.

Mr. GARRETT of Tennessee. I suppose the gentleman is going to demand a separate vote on one or two amendments?

Mr. CRAMTON. Yes.

Mr. GARRETT of Tennessee. I think it is well to have an understanding as to which day it is going to be called up.

Mr. CRAMTON. I have heard what the gentleman from Ohio [Mr. LONGWORTH] has said as to Monday as District of Columbia day, and it is my expectation not to call it up until Tuesday.

Mr. GARRETT of Tennessee. I have no choice about it at all, but I think the House is entitled to know on which day it is expected to call it up.

Mr. CRAMTON. Tuesday.

Mr. CARTER. The gentleman from Michigan stated, I believe, that he did not expect to call it up until Tuesday?

Mr. CRAMTON. That is correct.

Mr. SANDERS of Indiana. Mr. Speaker, the previous question having been ordered, may I inquire whether it would not necessarily have to come up on Monday? Would it not be the unfinished business?

The SPEAKER. The Chair does not think it would necessarily come up, unless the gentleman calls it up.

Mr. GARRETT of Tennessee. Of course, the Speaker's judgment and recollection about that question is better than mine, but it seems to me, since the question has been raised, that probably, the previous question having been ordered, it would become the unfinished business, and except on Calendar Wednesday would come up on the following legislative day.

Mr. SANDERS of Indiana. That was my impression, Mr. Speaker.

Mr. CRAMTON. Mr. Speaker, in order to avoid any uncertainty about the matter, I ask unanimous consent that the final disposition of this bill and its amendments may be made the unfinished business, to be taken up the first thing on Tuesday next. I do not want to admit either way as to the rule in regard to the question.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the consideration of this bill be the unfinished business on Tuesday morning next. Is there objection?

There was no objection.

ADJOURNMENT

Mr. CRAMTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 50 minutes p. m.) the House adjourned until Monday, December 8, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

706. A letter from the Secretary of War, transmitting report relative to exchange of typewriters and adding machines in part payment for new machines for the same purpose as those exchanged, by the Panama Canal, for the period July 1, 1923, to June 30, 1924; to the Committee on Appropriations.

707. A letter from the Attorney General, transmitting statement of the expenditures under appropriations for the United States Court of Customs Appeals for the fiscal year ended June 30, 1924; to the Committee on Expenditures in the Department of Justice.

708. A letter from the chairman National Advisory Committee for Aeronautics, transmitting report of typewriters and labor-saving devices exchanged during the fiscal year 1924 and a report of the publications issued by the committee during the fiscal year 1924; to the Committee on Appropriations.

709. A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers, report on preliminary examination of Lewis River, Chincoteague Island, Accomac County, Va.; to the Committee on Rivers and Harbors.

710. A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers, report on preliminary examination of Herring Bay and Rockhole Creek, Md.; to the Committee on Rivers and Harbors.

711. A letter from the Secretary of the Interior, transmitting fourth annual report of the Board of Actuaries, submitted by the Commissioner of Pensions, with comments in regard to the pending legislation for amending the civil service retirement law (H. Doc. No. 483); to the Committee on Civil Service and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MAGEE of New York: Committee on Appropriations. H. R. 10404. A bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes; without amendment (Rept. No. 1034). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 10144. A bill to amend "An act to fix the salaries of officers and members of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia," approved May 27, 1924; without amendment (Rept. No. 1035). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9484) granting an increase of pension to Mary J. Hildreth; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10046) granting an increase of pension to Cora Hubbard; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10164) granting a pension to Mary A. Scobey; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10201) granting an increase of pension to Minnie V. Main; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10289) granting an increase of pension to Charles Ingle; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10290) granting a pension to Abraham Key; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MAGEE of New York: A bill (H. R. 10404) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. WATKINS: A bill (H. R. 10405) to provide for the conservation of helium gas, and to prohibit the exportation of helium gas from the United States; to the Committee on Military Affairs.

By Mr. ELLIOTT: A bill (H. R. 10406) to provide for the construction of certain public buildings in the District of Columbia and the several States, Territories, and dependencies of the United States; to the Committee on Public Buildings and Grounds.

By Mr. FITZGERALD (by request): A bill (H. R. 10407) to establish a station for the investigation of mentally handicapped children in the schools; to the Committee on Education.

By Mr. GIFFORD: A bill (H. R. 10408) to remit the duty on an addition to a carillon of bells imported for St. Stephens Church, Cohasset, Mass.; to the Committee on Ways and Means.

By Mr. LAGUARDIA: A bill (H. R. 10409) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. PARKS of Arkansas: A bill (H. R. 10410) to amend the first paragraph of section 24 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary"; to the Committee on the Judiciary.

By Mr. SINNOTT: A bill (H. R. 10411) granting desert-land entrymen an extension of time for making final proof; to the Committee on the Public Lands.

By Mr. MORTON D. HULL: A bill (H. R. 10412) granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co. to construct a bridge across the Little Calumet River; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY: A bill (H. R. 10413) granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Monongahela River, at or near the borough of Wilson, in the county of Allegheny, in the State of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMSON: A bill (H. R. 10414) making an appropriation for special research and accounting in matters relating to suits brought by Indian tribes against the United States; to the Committee on Appropriations.

By Mr. DRIVER: A bill (H. R. 10415) providing for the extension of the public building at Jonesboro, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. BOYLAN: Concurrent resolution (H. Con. Res. 33) authorizing the appointment of a joint committee of the House and the Senate to investigate the present conditions of the Naval Establishment, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 10416) granting an increase of pension to Edward Everett Harding; to the Committee on Pensions.

By Mr. AYRES: A bill (H. R. 10417) granting an increase of pension to Ann M. Barker; to the Committee on Pensions.

By Mr. BEEDY: A bill (H. R. 10418) granting a pension to Zilpha J. Rowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10419) granting a pension to Linna L. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10420) granting a pension to Susie Elgretta Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10421) granting a pension to Mary A. Horr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10422) granting an increase of pension to Anna E. Brewster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10423) granting a pension to Mary Callahan; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 10424) for the relief of William A. Bentley; to the Committee on Claims.

By Mr. CABLE: A bill (H. R. 10425) authorizing the appointment of Kenneth Little as an Infantry officer, United States Army; to the Committee on Military Affairs.

By Mr. CLANCY: A bill (H. R. 10426) for the relief of Roy A. Darling; to the Committee on Naval Affairs.

By Mr. CLEARY: A bill (H. R. 10427) granting a pension to Jennie C. Leydet; to the Committee on Pensions.

By Mr. COLE of Iowa: A bill (H. R. 10428) for the relief of John S. Stotts, deceased; to the Committee on Military Affairs.

By Mr. COOK: A bill (H. R. 10429) authorizing the payment of a claim to Toliver B. Clark; to the Committee on War Claims.

Also, a bill (H. R. 10430) to correct the military record of Robert B. Printy; to the Committee on Military Affairs.

By Mr. DENISON: A bill (H. R. 10431) for the relief of Thomas L. Harris; to the Committee on Military Affairs.

By Mr. FAIRFIELD: A bill (H. R. 10432) granting reinstatement of pension to Hester P. Hart; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 10433) granting an increase of pension to Alfred Schaefer; to the Committee on Pensions.

By Mr. GLATFELTER: A bill (H. R. 10434) granting an increase of pension to Catherine Markle; to the Committee on Invalid Pensions.

By Mr. MORTON D. HULL: A bill (H. R. 10435) for the relief of John Marks; to the Committee on Naval Affairs.

By Mr. JACOBSTEIN: A bill (H. R. 10436) granting an increase of pension to Susie K. McLeod; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10437) granting an increase of pension to Rosanna A. Moe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10438) granting an increase of pension to Susan B. Churchill; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 10439) granting a pension to Henry B. Schenck; to the Committee on Pensions.

By Mr. LAMPERT: A bill (H. R. 10440) granting an increase of pension to Michael Rau; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 10441) granting an increase of pension to Susanna Cntshaw; to the Committee on Invalid Pensions.

By Mr. MONTAGUE: A bill (H. R. 10442) granting a pension to Carl Olson; to the Committee on Pensions.

By Mr. MURPHY: A bill (H. R. 10443) granting an increase of pension to Louisa Whiteleather; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10444) granting a pension to Mary Sutton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10445) granting an increase of pension to Mary A. Danford; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 10446) granting an increase of pension to Reuben B. Hyder; to the Committee on Pensions.

By Mr. SCHAFER: A bill (H. R. 10447) granting a pension to Michael Bibus; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 10448) granting an increase of pension to Rufus W. Jones; to the Committee on Pensions.

By Mr. SMITH: A bill (H. R. 10449) granting an increase of pension to Daniel Strasburger; to the Committee on Pensions.

By Mr. SNYDER: A bill (H. R. 10450) granting an increase of pension to Julia B. Jones; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 10451) granting a pension to Nora B. Hardy; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 10452) granting a pension to Lottie Julia Heinzman; to the Committee on Invalid Pensions. Also, a bill (H. R. 10453) granting a pension to Addie Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10454) granting a pension to Sarah Louise Heinzman; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 10455) for the relief of the legal representatives of Lyman Randall, J. E. Sarrazin, and James Williams; to the Committee on War Claims.

By Mr. WATRES: A bill (H. R. 10456) granting an increase of pension to Mary A. Radney; to the Committee on Invalid Pensions.

By Mr. WELLER: A bill (H. R. 10457) granting an extension of patent to Marie B. Froehlich and Fannie B. Froehlich, heirs of the patentee, Helen B. Froehlich; to the Committee on Patents.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10458) granting an increase of pension to Lucinda Beck; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 10459) granting an increase of pension to Mary Elizabeth Carson; to the Committee on Pensions.

Also, a bill (H. R. 10460) for the relief of James A. Simpson; to the Committee on Military Affairs.

Also, a bill (H. R. 10461) for the relief of Odelon Ramos; to the Committee on Claims.

Also, a bill (H. R. 10462) for the relief of the estate of James H. Graham; to the Committee on Claims.

By Mr. WYANT: A bill (H. R. 10463) granting a pension to Nora Remaley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10464) granting an increase of pension to Ella M. Shaffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10465) granting an increase of pension to Polly A. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10466) granting an increase of pension to Christ Cribbs; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3104. By the SPEAKER (by request): Petition of Babbit Post, No. 15, Grand Army of the Republic, Bristol, R. I., asking for the repeal of the law authorizing the Director of the Mint to issue 5,000,000 memorial 50-cent pieces, which coins are to be turned over to the Stone Mountain Memorial Association, of Atlanta, Ga.; to the Committee on Coinage, Weights, and Measures.

3105. Also (by request), petition of citizens of California, protesting against Senate bill 3218, called the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3106. By Mr. GARBER: Petition of citizens of Okmulgee, Okla., favoring an increase of salaries for postal employees; to the Committee on the Post Office and Post Roads.

3107. Also, petition of residents of Roger Mills County, Okla., opposed to the passage of the Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3108. By Mr. SHREVE: Petition of Strong Vincent Post, No. 67, Grand Army of the Republic, Erie, Pa.; International Union Local, No. 859, Stationary Engineers, Erie, Pa.; Army and Navy Union, Charles V. Gridley Garrison, No. 4, Erie, Pa., for increase of Civil War pensions to \$72 per month, totally disabled to \$125, Civil War widows \$50, and said ratings include Indian war veterans and their widows; also that House bill 5934, for the relief of pensioners of the Spanish War, Philippine Insurrection, and China relief expedition be passed at an early date; to the Committee on Pensions.

3109. By Mr. VINCENT of Michigan: Protest of residents of St. Louis, Mich., Belding, Mich., and Corunna, Mich., against the passage of Senate bill 3218; to the Committee on the District of Columbia.

SENATE

MONDAY, December 8, 1924

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O God, our help in ages past,
Our hope for years to come,
Our shelter from the stormy blast,
And our eternal home—

We look unto Thee this morning, recognizing that as the weeks are multiplied into the months and years Thou remainest the

same, and art ever ready to communicate wisdom, to direct the steps of the trustful soul, and lead us all into the green pastures and beside the living waters. We humbly beseech Thee for Thy blessing this morning. Ever be near to us, helping us, amid the anxieties and the needs of these days. We ask in Jesus' name. Amen.

HIRAM W. JOHNSON, a Senator from the State of California, WILLIAM H. KING, a Senator from the State of Utah, IRVING L. LENROOT, a Senator from the State of Wisconsin, JOSEPH E. RANDELL, a Senator from the State of Louisiana, and JAMES A. REED, a Senator from the State of Missouri, appeared in their seats to-day.

THE JOURNAL

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday, December 3, 1924, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CREDENTIALS

The PRESIDENT pro tempore laid before the Senate a certificate of the secretary of state of the State of Idaho, certifying to the election of Hon. WILLIAM E. BOBAH as a Senator from that State for the term beginning on the 4th day of March, 1925, which was ordered to be filed.

He also laid before the Senate a certificate of the Governor of the State of Delaware, certifying to the election of Hon. COLEMAN DU PONT as a Senator from that State for the term commencing on the 4th day of March, 1925, which was ordered to be filed.

He also laid before the Senate a certificate of the Governor of the State of Minnesota, certifying to the election of Hon. THOMAS D. SCHALL as a Senator from that State for the term commencing on the 4th day of March, 1925, which was ordered to be filed.

He also laid before the Senate a certificate of the Governor of the State of Mississippi, certifying to the election of Hon. PAT HARRISON as a Senator from that State for the term beginning on the 4th day of March, 1925, which was ordered to be filed.

He also laid before the Senate a certificate of the State Board of Election Commissioners for the Commonwealth of Kentucky, certifying to the election on Tuesday, the 4th day of November, 1924, of Hon. FRED M. SACKETT as a Senator from the State of Kentucky for the term beginning March 4, 1925, which was ordered to be placed on file.

He also laid before the Senate a certificate of the Governor of the State of Louisiana, certifying to the election of Hon. JOSEPH E. RANDELL as a Senator from that State for the term beginning on the 4th day of March, 1925, which was ordered to be filed.

Mr. HALE. I present to the Senate the credentials of my colleague [Mr. FERNALD], which I ask may be read.

The PRESIDENT pro tempore. The certificate of election of the Senator from Maine [Mr. FERNALD], will be read and filed with the Secretary of the Senate.

The credentials were read, as follows:

STATE OF MAINE.

To all who shall see these presents, greeting:

Know ye that BERT M. FERNALD, of Poland, in the county of Androscoggin, on the 8th day of September, in the year of our Lord 1924, was chosen by the electors of this State a United States Senator to represent the State of Maine in the United States Senate for a term of six years, beginning on the 4th day of March, 1925.

In testimony whereof I have caused the seal of State to be hereunto affixed.

Given under my hand at Augusta the 15th day of November, in the year of our Lord 1924, and in the one hundred and forty-ninth year of the independence of the United States of America.

[SEAL]

FRANK W. BALL,
Secretary of State.

By the governor:

PERCIVAL D. BAXTER.

EXPENSES OF THE UNITED STATES COURT OF CUSTOMS APPEALS

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney General, transmitting, pursuant to law, a statement of the expenditures under appropriations for the United States Court of Customs Appeals, fiscal year 1924, which was referred to the Committee on the Judiciary.

REPORT OF BOARD OF ACTUARIES

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the fourth annual report of the Board of

Actuaries relative to the retirement of employees in the classified civil service, etc., which was referred to the Committee on Civil Service.

REPORTS OF THE FEDERAL POWER COMMISSION

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, chairman of the Federal Power Commission, transmitting, pursuant to law, a report giving the aggregate number of the various publications issued by that commission during the fiscal year 1924, etc., which was referred to the Committee on Printing.

He also laid before the Senate a communication from the Secretary of War, chairman of the Federal Power Commission, transmitting, pursuant to law, two statements for the fiscal year 1924, which were referred to the Committee on Appropriations, as follows:

A statement in detail of travel taken by officers of the Federal Power Commission to points outside the District of Columbia; and

A statement showing typewriters, adding machines, and other similar labor-saving devices purchased.

BICENTENNIAL OF THE BIRTHDAY OF GEORGE WASHINGTON

The PRESIDENT pro tempore. Under the authority of Senate Joint Resolution 85, to prepare for the observance of the two hundredth anniversary of the birth of George Washington, the Chair appoints on the part of the Senate as members of the commission therein provided for the Senator from Ohio, Mr. FESS; the Senator from Virginia, Mr. GLASS; the Senator from Missouri, Mr. SPENCER; and the Senator from Delaware, Mr. BAYARD.

MUSCLE SHOALS

The PRESIDENT pro tempore. The Chair feels that he ought to make at this point a statement. The Chair indicated a few mornings ago that under the unanimous-consent agreement under which we are operating the Muscle Shoals bill, in the event of adjournment, would not be laid before the Senate until 2 o'clock. On further reflection the Chair is convinced that the unanimous-consent agreement contemplates that the bill, in the event of an adjournment, shall be laid before the Senate immediately upon the conclusion of the routine morning business; and it will be so ordered, unless the Senate otherwise directs.

RECLASSIFICATION OF POSTAL SALARIES—VETO MESSAGE

Mr. EDGE. Mr. President, I do not care to interfere with the ordinary routine business, the introduction of bills and matters of that kind, which I understand under the ruling just made are in order, but I desire at the conclusion of the routine morning business to suggest a unanimous-consent agreement which, as I followed the Chair's statement, would be in order during the morning hour. I make the parliamentary inquiry if such a proposal can be received by unanimous consent.

The PRESIDENT pro tempore. Almost anything can be done by unanimous consent. Does the Senator wish to present a unanimous-consent proposal at this time?

Mr. EDGE. Mr. President, as all Senators know, we have had on the desk as unfinished business since the Senate convened a week ago the veto message of the President of the United States expressing his disapproval of Senate bill 1898, known as the postal salary readjustment bill. A week of the session has passed. I have tried to consult the convenience of Members on both sides of the Chamber, but as the sponsor of the measure I do feel that we should set a date and hour definitely to take up and dispose of the veto message and the bill. I have a unanimous-consent agreement prepared and I offer it for the consideration of the Senate.

The PRESIDENT pro tempore. The Senator from New Jersey presents a unanimous-consent agreement, which the Clerk will read.

The reading clerk read as follows:

It is agreed by unanimous consent that on the calendar day of Friday, December 12, 1924, at the hour of 1.30 p. m., the Senate will proceed to vote without debate upon the passage of the bill S. 1898, a bill to readjust the compensation of postmasters and reclassify and readjust the salaries and compensation of employees in the Postal Service, heretofore returned by the President of the United States without his approval.

The PRESIDENT pro tempore. Is there objection?

Mr. BORAH and Mr. STERLING addressed the Chair.

The PRESIDENT pro tempore. The Senator from Idaho.

Mr. BORAH. I yield to the Senator from South Dakota.

Mr. STERLING. I thank the Senator from Idaho. I would not object to the unanimous-consent agreement to vote upon

the question suggested by the Senator from New Jersey if one expression in the proposed unanimous-consent agreement be stricken out, and that is the words "without debate." I expected, in connection with the Senator's request for a unanimous-consent agreement, to give notice that when that matter was taken up I would move a reference of the message and the bill to the Committee on Post Offices and Post Roads, and I want to be heard upon that question at that time.

Mr. BORAH. Mr. President, I object to the unanimous-consent agreement.

The PRESIDENT pro tempore. Objection is made.

Mr. EDGE obtained the floor.

Mr. ROBINSON. Will the Senator yield to me?

Mr. EDGE. I yield to the Senator from Arkansas.

Mr. ROBINSON. Mr. President, the veto message has been pending before the Senate for a considerable time. The President's veto was made a short time before the adjournment of the last session and a vote on the passage of the bill thereafter was deferred until the present session. It does seem to me just and proper that some arrangement should be entered into for the final disposition of the measure. I do not know of anyone on this side of the Chamber who desires to control the time in which the Senate shall dispose of the postal employees' salary increase bill, but we do feel with practical unanimity that an arrangement should be entered into to conclude the subject in the early future. It is, of course, a privileged matter, and the Senator in charge of the bill can move, after the unanimous-consent agreement relating to Muscle Shoals has been exhausted, to proceed to the consideration of the President's message, and I trust that he will do so.

Mr. EDGE. Mr. President, I have prepared another unanimous-consent agreement, anticipating a possible objection to the one just offered, which provides for practically the thought expressed by the Senator from South Dakota; in other words, that on Friday, December 12, at 12.30, advancing the hour to 12.30, we shall proceed to consider the veto message of the President. That, of course, would in no way control debate.

I recognize, as the Senator from Arkansas has pointed out, that I can move and if this unanimous-consent agreement is not permitted I shall move at the first opportune time to take up the veto message, and it being, as I understand it, a highly privileged matter, I assume that such a motion will be in order. This agreement accomplishes the same thing as would a motion, excepting that it gives notice, which I think is only fair, to all the Members of the Senate that on the particular day designated the message will be laid before the Senate for whatever disposition the Senate sees proper to make.

I offer the unanimous-consent agreement.

The PRESIDENT pro tempore. The Senator from New Jersey presents a further offer for unanimous consent, which the Clerk will read.

The reading clerk read as follows:

It is agreed by unanimous consent that on the calendar day of Friday, December 12, 1924, at the hour of 12.30 p. m., the Presiding Officer of the Senate shall lay before the Senate the bill S. 1898, a bill to readjust the compensation of postmasters and reclassify and readjust the salaries and compensation of employees in the Postal Service, heretofore returned by the President of the United States without his approval.

Mr. EDGE. As will be seen, that is simply accomplishing what a motion would accomplish and it has the added advantage of setting the day. It does seem to me giving four days for the purpose is much fairer than any Senator taking advantage of an opportune time, which otherwise I shall be compelled to do, to move immediate consideration. Surely the message must be disposed of. I am suggesting it with the thought that it will meet the approval of both the proponents of and objectors to the bill.

Mr. STERLING. Assuming that it will not shut off debate, I have no objection to the unanimous-consent agreement now presented by the Senator from New Jersey.

Mr. BORAH. As has been suggested by the Senator from Arkansas and the Senator from New Jersey, this is a highly privileged matter, and if it were not for the unanimous-consent agreement under which we are now proceeding the Senator from New Jersey could move to take it up at this time. He can move to take it up just as soon as the pending unanimous-consent agreement is out of the way, and I think that is the better course to pursue. So I object to the proposed unanimous-consent agreement.

The PRESIDENT pro tempore. Objection is made.

Mr. EDGE. Mr. President, I give notice now that at the first opportune time I shall move that the Senate proceed to the consideration of the veto message.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haight, one of its clerks, announced that the House had adopted a concurrent resolution (H. Con. Res. 32) providing that when the two Houses adjourn on Saturday, December 20, 1924, they stand adjourned until 12 o'clock meridian, Monday, December 29, 1924.

HOLIDAY RECESS

The PRESIDENT pro tempore laid before the Senate a concurrent resolution from the House of Representatives (H. Con. Res. 32), which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn Saturday, December 20, 1924, they stand adjourned until 12 o'clock meridian, Monday, December 29, 1924.

Mr. CURTIS. I ask that the concurrent resolution be referred to the Committee on Appropriations.

There being no objection, the concurrent resolution was referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate memorials of sundry citizens of Los Angeles and vicinity, in the State of California, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. DILL presented a memorial of sundry citizens of Golden-dale, Wash., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. SWANSON. I present a resolution passed by the Virginia State Chamber of Commerce, and also a letter from the managing director of that organization, urging the purchase of the Cape Cod Canal by the Government. I ask that it may be printed in the Record and referred to the appropriate committee.

There being no objection, the resolution was ordered to be printed in the Record and referred to the Committee on Commerce, as follows:

VIRGINIA STATE CHAMBER OF COMMERCE,
Richmond, November 24, 1924.

HON. CLAUDE A. SWANSON,
United States Senate, Washington, D. C.

DEAR SENATOR SWANSON: I inclose herewith copy of resolution advocating the federalization of the Cape Cod Canal in Massachusetts, passed by the Virginia State Chamber of Commerce on November 24, 1924. It is hoped that we shall have the support of our Virginia Senators and Representatives in Congress in this undertaking, which will mean so much for coastwise shipping out of the Virginia ports.

The bulk of the more than 10,000,000 tons of coal shipped from Hampton Roads annually to New England goes into Boston Harbor, requiring our coal barges to run the risk of storms and fog going around Cape Cod. Again, the movement of Virginia perishable truck crops into Boston and the northern New England ports can be greatly facilitated by the use of the Cape Cod Canal, which would shorten the time in transit considerably.

The effort of the Virginia State Chamber of Commerce to develop a closer union with New England is fully set forth in the inclosed document, which I hope you will read carefully so that you may understand just why we are advocating the federalization of the Cape Cod Canal, among other things, that will help strengthen the New England-Virginia ties. I would like to hear from you in this regard.

With kind personal regards, I am,
Very cordially yours,

LEROY HODGES, Managing Director.

VIRGINIA STATE CHAMBER OF COMMERCE,
Richmond, November 24, 1924.

FEDERALIZATION OF THE CAPE COD CANAL

Resolved, That it is the sense of the Virginia State Chamber of Commerce that the federalization of the Cape Cod Canal, connecting Buzzards Bay and Cape Cod Bay, in Massachusetts, would help promote national commerce as well as the development of coastwise tonnage between the northern New England ports and Hampton Roads; therefore be it further

Resolved, That the Virginia State Chamber of Commerce invite all local commercial organizations throughout Virginia to unite with the State chamber in requesting the Virginia Senators and Representatives in Congress to support legislation authorizing the United States to acquire, on an equitable basis, the Cape Cod Canal and to operate it in the interest of the public.

Mr. GEORGE presented the following joint resolution of the Legislature of the State of Georgia, which was referred to the Committee on Commerce:

Joint resolution

Whereas ocean steam navigation had its beginning in the successful voyage of the steamship *Savannah* from Savannah, Ga., to Liverpool, England, in 1819; and

Whereas ocean steam navigation has revolutionized the trade of the world, has brought all nations closer together, and has rendered incalculable service to mankind in the spread of the English tongue and the communication to mankind of the ideals of the English-speaking people; and

Whereas a proper celebration of that event by the holding of an international exposition in Georgia would go far to the reestablishment of international friendly relations: Therefore be it

Resolved by the House of Representatives of the State of Georgia (the Senate concurring), That there shall be held in the State of Georgia in the year 1928, a world's fair and maritime exposition at Savannah and at Atlanta, lasting from May until December, and that during said period the entire State of Georgia shall be included within the exposition grounds.

Resolved, Second, that the Congress of the United States is hereby invited and urged to participate in said world's fair and maritime exposition, and that the Congress of the United States is hereby earnestly petitioned to extend to all foreign nations a cordial invitation to participate in said world's fair and maritime exposition, and to send their merchant ships and their exhibits to take part in said world's fair and maritime exposition, intended to commemorate the birth of the world's greatest civilizing agency, ocean steam navigation.

Resolved, Third, that a commission to be known as the Georgia World's Fair and Maritime Exposition Commission shall be and is hereby created, which commission shall be composed of the following persons, to wit: Mills B. Lane, Savannah, chairman; Clement S. Ucker, Savannah, vice chairman, ex officio; mayor of Savannah, ex officio; mayor of Atlanta; S. Y. Austin, LaGrange; W. D. Anderson, Macon; W. C. Bradley, Columbus; W. B. Baker, Atlanta; W. W. Banks, Atlanta; E. R. Black, Atlanta; Henry Blum, Savannah; J. E. Conwell, Lavonia; L. C. Council, Americus; J. T. Culpepper, Thomasville; H. A. Dean, Rome; Claude Eubanks, Eastman; Mrs. W. H. Felton, Cartersville; Hugo Frank, Savannah; J. H. Gilreath, Cartersville; T. K. Glenn, Atlanta; Robert Gregg, Atlanta; F. B. Gordon, Columbus; Robert W. Groves, Savannah; Mrs. J. E. Hays, Milledgeville; S. N. Harris, Savannah; C. B. Howard, Atlanta; D. A. Jewell, Chickamauga; Mrs. Lamar, Macon; H. T. McIntosh, Albany; R. A. McCranie, Savannah; A. W. Morehouse, Savannah; W. T. McArthur, sr., McGregor; Robert F. Maddox, Atlanta; J. K. Ottley, Atlanta; W. J. Oliver, Shellman; Sam Orr, Elberton; Mrs. J. K. Ottley, Atlanta; J. W. Oglesby, Quitman; Billups Phinixy, Athens; Jacob Phinixy, Augusta; T. S. Hawes, Bainbridge; W. B. Rice, Dublin; H. D. Reed, Waycross; H. R. Smith, Blundale; E. S. Trosdal, Savannah; H. Y. Tillman, Valdosta; Mrs. A. E. Thornton, Atlanta; Samuel Tate, Tate; W. C. Vereen, Moultrie; J. Pearce Wheeler, Savannah; William W. Williamson, Savannah; Mrs. Henry D. Weed, Savannah; C. A. Wickersham, Atlanta; W. A. Winburn, Savannah; M. R. Wilkinson, Atlanta.

Resolved, Fourth, that it shall be the duty of said Georgia World's Fair and Maritime Exposition Commission to present to the Congress of the United States a copy of this resolution, certified to by the secretary of state, as a formal invitation of the State of Georgia to the Congress of the United States, to participate in said Georgia World's Fair and Maritime Exposition, and as the formal petition of the State of Georgia to the said Congress of the United States to invite all foreign nations to participate.

Resolved further, That said Georgia World's Fair and Maritime Exposition Commission herein created shall have general charge of said exposition movement from date until the close of said exposition, and shall make all plans necessary and proper to the successful conduct of said exposition. Said commission shall have authority to invite, in the name of the State of Georgia, all commercial bodies of the world to take part in said exposition, to aid the city of Savannah and the city of Atlanta in whatever plans said cities may make, to report to the General Assembly of Georgia from time to time, and to suggest and recommend such legislation on the part of the State as may be needed, and also shall have the right to petition Congress to do and perform all such things as may be necessary and proper in order that the United States may creditably perform the office of host during the duration of said exposition, both on land and on water.

Approved August 21, 1922.

THOS. W. HARDWICK, Governor.

Mr. FESS presented resolutions adopted at the Thirtieth Annual Convention of the Ohio Valley Improvement Association, praying for the enactment of legislation providing adequate appropriations for the completion of the Ohio River improvement by 1929, which were referred to the Committee on Commerce.

Mr. CAPPER presented a petition of Local No. 231, Journeymen Barbers' International Union of America, of Pittsburg, Kans., praying for the passage of legislation to regulate Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Hutchinson, Iola, Chautauqua County, Lehigh, Newton, Great Bend, Hillsboro, Chanute, Neosho County, and Trego County, all in the State of Kansas, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented numerous petitions and telegrams in the nature of petitions of sundry citizens and organizations in the State of Kansas praying for the passage of the so-called postal wage bill providing increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. WILLIS presented a memorial of sundry citizens of Newark, Ohio, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials and letters and telegrams in the nature of memorials of sundry citizens of Cleveland and vicinity, Columbus, Centerburg, New Richmond, Maderia, Akron, and Avon, all in the State of Ohio, remonstrating against the ratification of the so-called Hay-Quesada treaty proposing to cede the Isle of Pines to Cuba, which were referred to the Committee on Foreign Relations.

Mr. JONES of Washington presented petitions, numerous signed, of sundry citizens of Yakima, Seattle, Arlington, Everson, Lowden, Sharon, Pullman, Walla Walla, Ferndale, Blaine, Odessa, Abneta, Grandview, Bickleton, Pasco, Winlock, Goldendale, Davenport, Harrington, Bow, Lynden, and Spokane, all in the State of Washington, praying for the passage of the so-called postal wage bill providing increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. FRAZIER presented a resolution adopted by the annual convention of the American Federation of Labor, at El Paso, Tex., favoring the passage of the so-called postal wage bill providing increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Unitarian Laymen's League at Niagara Falls, Canada, favoring arbitration of international disputes, which was referred to the Committee on Foreign Relations.

He also presented a telegram in the nature of a memorial of the North Dakota Pharmaceutical Association, at Fargo, N. Dak., remonstrating against the passage of House bill 6645, providing for the placing of Federal prohibition agents under civil service and for the reorganization of the prohibition enforcement department, which was referred to the Committee on the Judiciary.

He also presented petitions of the Citizens Committee of One Thousand, of New York, N. Y.; the New York Civic League, of Brooklyn, N. Y.; the Board of Temperance and Social Welfare, Church of Christ (Disciples), of Indianapolis, Ind.; and the Mount Pleasant Congregational Church, of Washington, D. C., praying for the passage of House bill 6645, providing for the placing of Federal prohibition agents under civil service and for the reorganization of the prohibition enforcement department, which were referred to the Committee on the Judiciary.

Mr. FERRIS presented a petition of sundry post-office employees of Ann Arbor, Mich., praying for the passage of the so-called postal wage bill providing increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials, numerous signed, of sundry citizens of Boyne City, Remus, Ludington, Mancelona, Bellaire, Alden, Belding, Lake City, Falmouth, Houghton Heights, Stittsville, Cutcheon, Harrisville, Lincoln, Mikado, Copemish, Berrien Springs, Hale, Wellston, Dublin, Bear Lake, Newaygo, Muskegon, St. Louis, and Spruce, all in the State of Michigan, protesting against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. McLEAN presented petitions, telegrams, and letters in the nature of petitions of the New Haven Trades Council; Goddess of Liberty Council No. 3, Sons and Daughters of Liberty; Washington Council, No. 7, Order of United Ameri-

can Men; Local Union No. 79, United Brotherhood of Carpenters and Joiners; Local No. 237, National Federation Post Office Clerks, and Lodge No. 224, Brotherhood of Railway Clerks; Branch No. 185, National Federation of Federal Employees, of New Haven; Second District Women's Republican Club of Bridgeport; Local Union, No. 282, Cigar Makers' International Union of America, of Bridgeport; employees of United States post office of Danbury; and Branch No. 419, National Association of Letter Carriers, of Wallingford, all in the State of Connecticut, praying for the passage of the so-called postal wage bill providing increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

EXTENSION OF AIR MAIL SERVICE

Mr. FLETCHER. Mr. President, it is usually in order during the morning hour to submit a request like this. I believe ordinarily it comes under the head of petitions.

I ask to have printed in the RECORD an article appearing in the New York Times of December 7 entitled, "United States aviation depends on air mail success," by Colonel Henderson, Assistant Postmaster General. I think it important to have that matter considered, with the idea that there may be some recommendations by Colonel Henderson for proper appropriations to extend this service, especially in view of the fact that hundreds of thousands of people from all parts of the country are going to Florida to spend the winter. I believe they will be interested in this extension and that it might prove proper.

I ask to have the article printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the New York Times, Sunday, December 7, 1924]

UNITED STATES AVIATION DEPENDS ON AIR MAIL'S SUCCESS—AMERICA THE ONLY LAND WHERE FLYING IS ASKED TO MAKE GOOD ECONOMICALLY, SAYS COLONEL HENDERSON—SERVICE IS PROVING ITS WORTH AND PATRONAGE GROWS

(By Col. Paul Henderson, Second Assistant Postmaster General)

(Colonel Henderson was a Chicago business man when he joined the Army at the outset of the war. As ordnance officer in France he studied the application of aircraft to military ends. On assuming charge of all postal transportation in 1921 he placed the Air Mail Service under scrutiny and determined either to demonstrate its economic worth or to end the experiment.)

The Air Mail Service of the Post Office Department was started as an experiment May 15, 1918, when we were at the height of the war with Germany. Postal officials felt that since a portion of the mails had always gone by the fastest means of transportation it would be well to learn what advantages were offered by aviation. The route chosen was Washington to New York, a distance of some 240 miles, and the equipment used consisted of obsolete planes lent by the Army Air Service.

The Washington-New York route had been in existence but a short time before the department came to two conclusions. The first was that a civil activity could be more advantageously handled by a civil department, and that the air mail, therefore, should be directed and operated entirely by civilians in the employ of the Post Office Department. The second was that the two terminals being each about one hour's distance from the center of the city, so much time was lost in getting to and from the fields that the advantages of air over rail for the comparatively short distance between the cities of 240 miles were negligible.

The department, having in mind the great distance separating the Atlantic and Pacific coasts, determined thereupon to test flying the mails, whenever practicable, from New York to San Francisco. Even at that early day, when the public mind was generally supposed to be obsessed with war problems, the department was put under pressure to extend the air mail.

One such extension, which was ahead of its time, was a north and south lateral connecting Minneapolis and St. Louis via Chicago. But this was abandoned and, link by link, an air route was thrown 2,640 miles across the continent, touching New York, Bellefonte, Pa.; Cleveland, Chicago, Omaha, Cheyenne, Salt Lake City, Reno, and San Francisco. By the time I assumed office as Second Assistant Postmaster General, this transcontinental air line had worked itself into daily operation, flying as a series of daylight hops from junction to junction, accelerating a considerable quantity of mail between these points, but carrying no through cargoes.

It happened that on the day I took the oath of office I was asked what my intentions were with regard to the air mail. I could only beg the question by asking in turn whether the air mail, as at that time operated, was performing a real economic service. The answer obviously was that it was not, and that the best that could be said

of it was that it was a laboratory for the development of that shadowy activity which we have heard about so much and of which we have seen so little—commercial aviation.

PRINCIPLES OF COMMERCIAL FLYING

There was a certain advantage in my approaching the subject of aviation without pride of opinion. Knowing something of transportation, I felt that the air mail, having functioned experimentally for practically three years, should be able to prove its worth to business. Even slight examination revealed what, to me, was the one great need. Any transportation enterprise that can not operate by night as well as by day, upon schedule, has no hope of financial success. And the air mail, unless it could fly by night as well as by day, arriving and departing at fixed hours, might as well be abandoned, so far as being a channel for the development of commercial aviation.

Here I think it is well to set forth certain principles affecting aviation which I have had opportunity to discern in the three years that it has been my privilege to direct the air mail:

1. Commercial aviation will never appear until business sees some practical way of making money out of it.
2. National defense in the air must be the outgrowth of commercial aviation; never can commercial aviation in an economic sense grow out of military flying.
3. Therefore, instead of persistently harping on the need for more appropriations, so that it can be profitable to manufacture aircraft, we must work out some national policy whereby the public will find it profitable to use aircraft. And having done this, we shall have solved our whole problem.

Military and naval aviation friends, on being consulted as to the practicability of asking the Post Office Department to undertake to operate its planes night and day, advised strongly against it. There had been military flying by night, but only under the necessities of war. To attempt a service upon schedule, and, more than all, to ask the public to pay extra for extra speed, was daring. But we in the department felt that we must either go ahead or quit.

The period between April 11, 1921, and August 21, 1923, was occupied with engineering preparation. I fancied—perhaps I flattered myself—that the department's task was somewhat analogous to the construction of the first transcontinental railroad. By air as well as by river and trail others had marked the way, leaving behind them a blaze of romance, but little else. Ours was the job of translating vision into reality. It required no research to show us that our hope of success lay in attacking the problem from its easiest approach.

Therefore our first night flying was designated to be in the plains and prairie region between Chicago and Cheyenne, a distance of 885 miles. What happened in the four days and nights of August 21–24, 1923, is history. Our planes clocked in and out on schedule. Ten beacons and flood lights of 500,000,000 candlepower each and 50 or more beacons and flood lights of 5,000,000 candlepower each, together with innumerable smaller lights, marked our course with a blaze of light. Thus light, which in military aviation is an enemy, in peace-time aviation is our best friend.

Watching these experiments with me on our field at Omaha were a few persons whose interest was highly significant. They represented a half dozen or so of the great railway systems, and their observations, instead of being critical or hostile, as some had predicted, were of the friendliest nature. This fact and others subsequently appearing lead to the conviction that our transportation leaders are alert to what flying offers in hitherto undreamed of speeds, and that at the right moment their interest will change from academic to practical.

SERVICE MAINTAINED

After these experimental night flights across the continent the Postmaster General authorized one month's continuous operation, and Congress appropriated \$2,750,000 for this purpose. We were not ready for this severer task until July 1, 1924, but on the morning of that day one plane left San Francisco at 6.30, and at 10 two left New York. Since then there has been no interruption.

Notwithstanding severe weather conditions in the night-flying division unparalleled within a generation, our schedule was maintained. There were delays, of course, but I have no hesitancy in stating that, so far as physical operation is concerned, the air mail has demonstrated its success. This brings us up to another phase, which, in my opinion, is equal in importance to the fact of merely demonstrating that we can fly by night winter and summer, storm and clear. This phase, in brief, is public patronage.

Here I would like to revert for a moment to the general topic of aviation policy. It is history that the American pioneers in heavier-than-air flying, failing to find purchasers in the United States, went abroad, where they found not only purchasers but sympathy as well. Americans did not regard aviation seriously back in 1903, because they saw no immediate way of making money out of it. Europe accepted the idea more readily, but primarily from military motives. The question of commercial aviation was secondary to that of its importance as an arm of offense and defense. And the first airplane for which a purchaser was actually found in this country, although it had been conceived as an economic utility, went into military hands.

Aviation in the United States between 1903, when the first world flights were made at Kitty Hawk, N. C., and 1917, when we entered the World War, was not seriously regarded either as a commercial asset or as a military adjunct. But in Europe it was early seized upon by those who saw in it a new and deadlier form of weapon, with the result that the art, while stagnating in America, the land of its birth, flourished abroad for destructive rather than constructive purposes. Then in 1917, when we declared war on Germany, the exigencies were such that we were thrown headlong into a military aviation program, and, to my mind, a great majority of the people to-day persist in thinking of the airplane as an implement of destruction, not a vehicle of peace as something extremely costly to construct and therefore to be regarded only as a war-time luxury instead of something for everyday use, and, perhaps what is most unfortunate, as exceedingly dangerous to operate and therefore to be avoided.

And Europe, behind a façade of heavily subsidized commercial lines, which by the very reason of their subsidy are not sound economically, still undoubtedly regards aviation primarily as a new element which has been added to the forms of warfare known in the past and to the phases of which the world has somehow or other grown more accustomed.

AIRCRAFT INDUSTRY STRUGGLING

Because if this fact, this recognition of the air as an ocean over land and sea, through the universal lanes of which can travel aircraft of both peace and war, the United States must wisely take such steps as will insure the protection of its peoples, its wealth, and its territories from possible attack.

Six years have passed since the armistice. For six years we have been telling ourselves that commercial aviation is imperative, that an aircraft industry is necessary to national security, and that if we do this and so we can achieve this end. And yet we have not achieved it. Postwar appropriations have not been especially niggardly. Our flying missions have penetrated into Arctic and tropical regions and have circumnavigated the globe. American planes and engines hold all the world's records worth speaking of. And yet the aircraft industry, out of which these brilliant examples of engineering and construction have come, still hovers on the verge of collapse.

The reason, as I see it, is that we must translate patriotic interest into practical patronage. We must, in brief, make it profitable for the public to utilize aircraft for economic purposes; we must put aircraft to work. And having done so, nothing in heaven or on earth can stop us from achieving complete commercial dominion as far as is humanly possible over time and space. And from this dominion will come this commercial reserve, will come our real security in the air.

And what has all this to do with the air mail? Simply this: When we started the day and night transcontinental air mail we imposed extra charge—8 cents an ounce or fraction thereof for each zone or part of zone traversed by air. The air zones were New York–Chicago, Chicago–Cheyenne, Cheyenne–San Francisco. Our first business was typical of the impression the public hitherto had had of aviation. There were thousands of souvenir post cards, candy, samples, flowers, live chicks, a suit of clothes that cost possibly \$15 and carried \$18 postage—in short, we carried a lot of publicity junk. In the succeeding days, up to about the middle of July, perhaps, our traffic fell off. One by one the curiosity and souvenir letters and cards faded away and the cargo dwindled.

It was then that a policy adopted by the department which has subsequently been proved wise from every standpoint began to make itself felt. We had the alternative of letting the public find out about the air mail itself or of deliberately, for national reasons, informing business men of the service that had been established and what it would do for them in the way of saving time. Little by little the traffic increased, and as it increased the proportion of personal or obviously freak mail diminished and that of business activities grew. To-day our planes, at the peak of the traffic load, which, curiously enough, falls in the exact center of the transcontinental night flying section, are between 75 and 80 per cent loaded, and the weight is steadily increasing.

BANKERS ARE PATRONS

Were I to take you to Hazelhurst Field, the New York air-mail terminus, and open the air-mail pouches for you, I believe you would be impressed with the contents. Banking mail predominates. The reason is apparent. To the banker, more than to any other business man, time is money. The Federal Reserve Bank in its various branches, and, without exception, all the larger financial institutions in New York, Cleveland, Chicago, Omaha, Cheyenne, Denver, Salt Lake City, Reno, Los Angeles, San Diego, and San Francisco are heavy users. Collections via air mail, whereby transportation time is cut from five days to two, means the saving of enormous sums in actual interest and the release of untold millions in "float," or money credits which are tied up in the mails, and which while tied up are practically nonexistent.

The banker is not afraid to use the air mail. Why should he be? He knows that in the last two years and ten months—or practically the period we have been endeavoring to put the air mail to real use—our planes have flown well over 6,000,000 miles; that they have carried in this time in excess of 2,050 tons of mail, and that out of these 2,050 tons only 125 pounds have been destroyed. Or, figuring

40 letters to the pound, out of probably 100,000 pieces of mail fewer than 5,000 have been lost. This truly remarkable record of efficiency and safety has impelled insurance companies, so the department is informed, to impose on air mail precisely the same rates as those placed on the older established surface means of transportation.

After the bankers in the line of patronage come the transportation and shipping people. We know that the Pennsylvania, the Baltimore & Ohio, the New York Central, the Burlington, the Union Pacific, and the Southern Pacific, to mention but a few railroads, are using the air mail. The great steamship companies have much correspondence passing between the ports of the Atlantic and Pacific coasts, and this correspondence, so many companies inform us, is traveling by air.

Import and export houses, manufacturing concerns doing a nationwide business, publishers, advertising agencies—any business, in fact, whose territory has a radius of 500 miles or more—are regular patrons of the air mail. I have seen shipping papers, manifests, bills of lading, etc., speeding from coast to coast. The New York and San Francisco post offices, aware of this important part of the traffic, coordinate their distribution with steamship sailings, and in this manner save many days, sometimes weeks.

Any person who takes an ordinary interest in either his business or his country's Government knows that apathy is a deadly foe. There may be some who will dispute my statement that aviation has been retarded by apathy. "Apathy!" they will exclaim. "Apathy! In the face of almost continual agitation for aviation!" Exactly so. The curse of aviation has been extravagant promise and barren fulfillment, when it comes to getting to work. And what might have proved the nemesis of aviation has been a patriotic cheer from the public, with rarely a cent of real money paid out for the services aircraft can perform.

If you could hear what bankers, manufacturers, transportation men, and others have said or written to the Post Office Department about the air mail there would be no lingering doubt as to what points the way for a national aviation policy. These men have the farthest vision. They are utilizing the air. As our service increases in efficiency, and as the economic concept of aviation broadens, the usefulness and scope of the air mail will increase. That much is certain.

Do not interpret me as envisioning a net work of air mail lines covering the country like a spider's web. The air mail will grow according to the degree that it is patronized. But I do regard the air mail as the gateway whereby aircraft are being put to work. There are countless tasks the airplane and the airship can perform to-day. I am not one of those who believe that the whole world is impatiently yearning for a chance to fly. I know that the way is to teach the public the safety of flying things, and having learned they will in due time see the safety of permitting themselves to fly. I do not foresee the skies darkened with clouds of flying "divers." But I do foresee aviation as an impressive element in swift, long-distance commerce, performing within its limitations, and with its peculiar advantages the service in the air that are now being approximated only by rail and steamer on land and sea.

I should like to close with one more reference to what we are trying to do in this country as contrasted with the effort abroad. In Algiers, Argentina, Australia, China, Colombia, Denmark, Egypt, France, Germany, Great Britain, Hungary, Italy, India, Japan, Mesopotamia, Mexico, Netherlands, Poland, Soviet Russia, Sweden, and Uruguay efforts have been made within the last few years to operate air-mail lines. But in practically every instance these efforts are primarily military—the postal service is incidental.

In the United States Post Office Department's Air Mail Service we have an effort conceived from the economic standpoint, and now willing to survive or fall according to public patronage. Our air mail operates not only the longest airway in the world—2,720 miles from beacon to beacon—but the only night-lighted airway in the world. It is not self-sustaining, but if patronage continues it will lead inevitably into a condition where volume of traffic, reduction in overhead, and increase in experience will point the way for all commercial aviation.

REPORT OF A COMMITTEE

Mr. SMITH, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3530) to amend the act entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton," reported it without amendment and submitted a report (No. 798) thereon.

MUSCLE SHOALS

Mr. NORRIS. Mr. President, the so-called Underwood bill, being an amendment in the nature of a substitute for the present unfinished business, was, in the regular routine of the Committee on Agriculture and Forestry, submitted to the Secretary of War for his comments. I have here the comments made by the Secretary of War, and I ask unanimous consent that his letter may be printed in the Record.

The PRESIDENT pro tempore. Is there objection?

Mr. ROBINSON. Just one moment, Mr. President. What is the paper which the Senator from Nebraska [Mr. Norris] asks shall be printed in the Record?

Mr. NORRIS. If the Senate will be in order, I will repeat what I have already stated, in order that Senators may hear me. The so-called Underwood bill, being a substitute for the unfinished business now before the Senate, was, in the regular routine of the work of the Committee on Agriculture and Forestry, submitted to the Secretary of War for his comments. I hold in my hand a copy of the statement by the Secretary of War, which I have asked may be printed in the Record.

Mr. ROBINSON. Why does not the Senator ask to have the letter read?

Mr. NORRIS. Very well. I am perfectly willing to do so.

Mr. ROBINSON. I do not mean to insist upon having the letter read, if there is any reason why it should not be read.

Mr. NORRIS. There is no reason why it should not be read.

Mr. ROBINSON. My understanding is that the letter has not been made public. I tried to get hold of a copy of it on yesterday.

Mr. NORRIS. Very well; then I ask that the letter may be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read the letter.

Mr. UNDERWOOD. I have no objection to the letter being read if the Senator from Arkansas desires to have it read. I will say, however, that there is no material question involved in the suggestions of the Secretary of War which can not be met.

Mr. NORRIS. I did not hear what the Senator from Alabama said, but I wish to say to him that what I have asked is not in any particular out of the ordinary procedure.

Mr. UNDERWOOD. I have no doubt as to that.

Mr. NORRIS. All bills in reference to this matter have been submitted to the Secretary of War for his comment.

Mr. UNDERWOOD. The Secretary of War very kindly furnished me a copy of his letter on last Saturday. I have read it, but, of course, I could not give it out. It is for the Senator from Nebraska himself to give the letter out, and consequently I have not done so.

Mr. NORRIS. I gave the letter out as soon as I received it. There is nothing secret about it.

Mr. UNDERWOOD. If the Senator desires to give the letter publicity, I have no objection.

Mr. NORRIS. I have presented the letter in the Senate in the ordinary course of routine business; that is all.

Mr. ROBINSON. Let the letter be read.

The PRESIDENT pro tempore. The Secretary will read the letter.

The reading clerk read as follows:

(Comment of the Secretary of War)

The bill provides in effect (a) for the dedication and use for national defense in time of war and for the production of fertilizer and other useful products in time of peace of nitrate plants 1 and 2, Waco Limestone Quarry, and Dam No. 2, all of which may be included under the term "Muscle Shoals project"; (b) for the taking over of the entire project whenever necessary in the national defense for the production of explosives or other war material; (c) for the production at all times of certain minimum quantities of nitrogen; (d) for the production of nitrogenous fertilizers when not required for national defense; (e) for leasing of the property under proper guarantees, including the electric power; (f) and in case a lease is not made for the formation of a corporation for the operation of the plant and providing in detail the powers of that corporation.

From the standpoint of carrying out the intention of Congress if the bill should become a law as it is now drafted, I have the following comments to make:

1. As to section 2, it is not clear who is to exercise the discretion necessary to determine when the project shall be taken over for the production of explosives and other war materials in the interests of national defense. Ordinarily such authority should be vested in the President.

2. As to section 3, which requires that minimum quantities of fixed nitrogen shall be produced annually beginning with 10,000 tons the first year and a minimum of 40,000 tons the fourth year, as shown by later discussions of the bill, it is not believed practicable for any operator to manufacture even a major portion of 10,000 tons of nitrogen within the first year after taking control of the plant; further, it is deemed unwise for any operator of the project to attempt to reach a maximum production annually of 40,000 tons of nitrogen within the four-year limit set by the bill.

3. My comments on section 4 are that it provides for the production and manufacture of nitrogenous fertilizers in amounts which might not

find a ready market. The question then arises what to do with the product in case the market does not absorb it, or whether it must be sold below the cost of production in order to market it. Another question is whether it is intended by this section that production should continue irrespective of marketing at a profit or loss. Furthermore, the United States is not authorized to operate under the hydrating and oiling patents of the Cyanamid Co. which covers the process of producing commercial cyanamide fertilizer. This particular material, however, would be of rather small importance in the sales program that would probably be evolved for the operation of this project as the restriction applies to this type only.

4. My comment on section 5 is: First, the Muscle Shoals project can not be operated by a lessee unless license is procured under the cyanamide patents covering the processes and a portion of the apparatus under which this plant was constructed to operate. These patents are owned and controlled by the American Cyanamid Co., and while the United States has a license under these patents under which it could operate the plant and has power to transfer such license to a purchaser of the Muscle Shoals project it has not the power to transfer the rights to a lessee. This criticism also equally applies to operations required under sections 3 and 4 of the bill; second, it is not clearly indicated in the provisions for lease who is to bear the cost of operation of the locks, also as to whether the rental to a lessee would be based on the cost of the dam including the cost of the locks, or exclusive thereof. Another element which is apparently not taken into consideration in the bill is that the present plans do not contemplate the installation of more than eight units in Dam No. 2. Therefore the question arises as to whether the contract is to contemplate the dam completed with eight units installed or not, and, furthermore, whether the rental charge shall begin when the eight units are completed or on the 1st of July, 1925.

5. My comment on section 6 is that the time limit in which the Secretary of War may lease the plant is so short that it is impracticable, if not impossible, to consummate such a lease.

6. My comment on section 7 is that no provision is made for the guaranty of bonds by the United States. Also, the requirement of the bill that the plant shall close down at the end of four years if the corporation is not successful in earning the required interest on the bonds would tend to make the bonds practically worthless. Other portions of the bill place such obligations upon the bondholders as to make the bonds of doubtful or no value unless guaranteed by the United States. Among these is requirement that the plant be operated for the perpetual production of nitrogen. The question also arises in my mind whether the limitations on the disposal of power are not such as to decrease the value of the income from that source. Another question which arises in my mind is what is meant in forming the corporation by the appointment of not more than two officers of the War Department. Does that mean officers of the Army or otherwise? It is not clearly understood what is the extent of the obligation under subparagraph (1) of section 7.

7. Under section 9 it is intended that if storage reservoirs, Dam No. 3, and other power dams, are later constructed in the upper Tennessee the lessee should pay a proportionate share of such construction costs in return for the increased primary power which he would obtain thereby?

To sum up, the bill may be said, in general terms, to provide two alternatives:

(a) The lease of the properties mentioned in the bill for operation by private industry.

(b) The operation of the properties by a corporation in which the United States is the legal owner of the stock, though in effect the corporation would be an independent legal entity and the owner of the property.

Under (a) above, as pointed out in my discussion of the various sections of the bill, a lessee would be without power to operate the plant under the cyanamide processes because of legal and equitable restraints which would undoubtedly be placed in his way by the owner of the patents, the American Cyanamid Co. It is unnecessary to further discuss this alternative.

Under alternative (b) the corporation would have the same power and rights to operate the Muscle Shoals project as the United States, except, as pointed out above, that it would not have power to appropriate a license under the hydrating and oiling patent owned by the American Cyanamid Co. which is necessary in the production of commercial fertilizer, and would therefore be subject to the legal and equitable restraints and other remedies which the American Cyanamid Co. would undoubtedly exercise. However, this patent is not of prime importance, as indicated in my discussion under section 4.

As pointed out in my discussion of the sections of the bill, these difficulties may be overcome only by legislative provision transferring the remedies against the lessee or company so as to permit suit against the United States in the Court of Claims or some other court of competent jurisdiction, which additional cost should be reflected in the selling price of the fertilizer.

The legal phases of the Underwood bill, which I have discussed above, relate largely to restrictions imposed by constitutional provisions and statutes on patents.

In conclusion, it is my opinion that the Underwood bill, without careful and thoughtful amendments along the lines that I have pointed out, is unworkable.

JOHN W. WEEKS,
Secretary of War.

Mr. UNDERWOOD. I merely wish to say that as to a number of the objections which the Secretary of War makes, such as those relating to time and to the guaranty of the bond, of course they are not particularly material. The serious question which he suggests is that involving patents. I think that can be obviated very easily by an amendment or in the contract itself. I will propose such amendments as will meet the objections when the bill comes before the Senate.

REPORT ON COOPERATION IN FOREIGN COUNTRIES (S. DOC. NO. 171)

Mr. NORRIS. From the Committee on Agriculture and Forestry I report back a resolution and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent for the present consideration of a resolution reported by him from the Committee on Agriculture and Forestry.

Mr. SMOOT and Mr. CURTIS asked that the resolution be read.

The PRESIDENT pro tempore. The Secretary will read the resolution for the information of the Senate.

The resolution (S. Res. 277) was read, as follows:

Resolved, That the report of the Federal Trade Commission on "Cooperation in foreign countries," transmitted to the Senate on December 2, 1924, be printed as a Senate document, and that as many additional copies be printed for the use of the Senate as can be printed within the limit of \$500.

Mr. SMOOT. Mr. President, if action is taken upon the resolution, will it be considered as routine morning business?

The PRESIDENT pro tempore. The Senator from Nebraska is asking unanimous consent for its present consideration.

Mr. ROBINSON. Pending that request, I should like to be informed as to how many copies may be printed under the limitation fixed in the resolution and why that limitation is fixed?

Mr. NORRIS. The Senator has propounded a very proper question. We had with us the clerk of the Committee on Printing, and the matter was taken up with the Government Printing Office and an estimate made.

Under the law, as I understand, we can not print anything that will amount to more than \$500 unless in pursuance of a joint or a concurrent resolution having the acquiescence of the House. Within the limit of \$500 we can print anything that we desire by action of the Senate only; and it was to keep it within that limit and get these copies printed as soon as possible that we put in the limitation. In the case of Senate documents the copies are divided up among the Senate and the House, and a good many given to libraries in different parts of the country, and so forth; so that if the copies were divided equally, and everybody got his entire quota, each Senator would have only about two copies. In addition to that, this resolution provides that as many copies shall be printed for the use of the Senate as can be printed within that limitation, and we are informed from the Government Printing Office that that will mean an additional number between 3,000 and 3,500.

Mr. ROBINSON. For the use of the Senate exclusively?

Mr. NORRIS. Yes.

Mr. ROBINSON. I have no objection.

Mr. FLETCHER. Mr. President, what is the cost?

Mr. NORRIS. The cost must be held within \$500.

Mr. FLETCHER. Is this a Senate resolution and not a joint resolution?

Mr. NORRIS. Yes; a Senate resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered by the Senate and agreed to.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RANDELL:

A bill (S. 3583) making appropriation for the construction and equipment of a light vessel for the Passes at the entrances to the Mississippi River, La.; to the Committee on Appropriations.

By Mr. EDGE:

A bill (S. 3584) to extend the time for completing the construction of a bridge across the Delaware River; to the Committee on Commerce.

By Mr. BROOKHART:

A bill (S. 3585) to extend the benefits of the employees' compensation act of September 7, 1916, to Minnie Schroeder (with accompanying papers); to the Committee on the Judiciary.

A bill (S. 3586) granting an increase of pension to Charles L. Woods (with accompanying papers); and

A bill (S. 3587) granting an increase of pension to Lewis H. Wallace (with accompanying papers); to the Committee on Pensions.

By Mr. BUTLER:

A bill (S. 3588) to remit the duty on a carillon of bells imported for the St. Stephens Church, Cohasset, Mass. (with accompanying papers); to the Committee on Finance.

By Mr. ODDIE:

A bill (S. 3589) for the relief of William E. Clark (with accompanying papers); to the Committee on Claims.

By Mr. NEELY:

A bill (S. 3590) for the relief of Willis B. Cross; to the Committee on Military Affairs.

A bill (S. 3591) granting an increase of pension to William G. Camp; and

A bill (S. 3592) granting an increase of pension to Andrew Shellingburg; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3593) for the relief of A. F. W. Macmanus; to the Committee on Military Affairs.

A bill (S. 3594) to amend paragraph 11, section 20, of the interstate commerce act; to the Committee on Interstate Commerce.

A bill (S. 3595) authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce; to the Committee on the Judiciary.

By Mr. FRAZIER:

A bill (S. 3596) granting a pension to Marcullas Red-Tomahawk; to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 3598) granting an increase of pension to Esther Shippe; to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 3599) granting a pension to Edward Murphy; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3600) granting a pension to Eliza Wray; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 3601) for the relief of Leonard W. Clark; to the Committee on Claims.

By Mr. BALL:

A bill (S. 3602) to amend the legislative, executive, and judicial appropriation act, approved February 26, 1907, as amended, and to amend the Judicial Code; to the Committee on the Judiciary.

A bill (S. 3603) for the relief of James M. E. Brown (with accompanying papers); to the Committee on Claims.

By Mr. BORAH:

A bill (S. 3604) granting an increase of pension to Phebe Spencer (with an accompanying paper); to the Committee on Pensions.

By Mr. KENDRICK:

A bill (S. 3605) to provide for aided and directed settlement on Government land in Federal irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. McKINLEY:

A bill (S. 3606) for the relief of Ray Wilson; to the Committee on Claims.

A bill (S. 3607) granting an increase of pension to Cordelia E. Maley; to the Committee on Pensions.

AMENDMENT OF NATIONAL BANKING ACT

Mr. DIAL. Mr. President, I introduce a bill which I ask to have referred to the Committee on Banking and Currency. I desire to say in this connection that during the last 12 months the country has been greatly disturbed about the number of bank failures in the United States. I have investigated the subject, and I find that it is apparently caused largely by the capitalization of small banks at \$25,000 and less. By this bill I ask to change that. The business of the country has been greatly disturbed about the number of failures, and I am inclined to believe that the disturbance has been greatly out of proportion to the actual facts.

From January 1, 1924, down to December 1, 1924, there have been 691 bank failures. Five hundred and ninety-nine, or nearly 87 per cent of these failures, were of banks having a capital of \$50,000 and less. Two hundred and eighty-one of these banks, or about 41 per cent, had a capital of less than \$25,000. So I hope the Committee on Banking and Currency will act on this matter, and that we will have less failures in the future.

I sympathize very much with small communities, but I feel that it is a great mistake to organize banks where there is not enough business to justify proper attention to their management. I feel that we have entirely too many banks in the country now. They ought to consolidate, thereby securing better business management, stronger capital, and making it safer for the depositors and all those who deal with them.

I ask to have the bill referred to the Committee on Banking and Currency, and that the statement be published in the RECORD.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

There have been 691 bank failures from January 1, 1924, down to December 1.

One hundred and forty-four banks, or about 21 per cent, were members of the system (118 national, or 17 per cent).

Two hundred and eighty-one, or about 41 per cent, with capital less than \$25,000.

Four hundred and fifty-three, or 65.5 per cent, had capital of \$25,000 and less.

Five hundred and seven, or nearly 74 per cent, with capital less than \$50,000.

Five hundred and ninety-nine, or nearly 87 per cent, with capital of \$50,000 and less.

The bill (S. 3597) to amend certain acts relative to the capital stock of national banks was read twice by its title and referred to the Committee on Banking and Currency.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. ODDIE submitted an amendment proposing to appropriate \$500,000 for continued investigations, commencement of construction, necessary expenses in connection therewith, and for operation, under the provisions of law, of the Spanish Springs extensions, Newlands project, Nevada, intended to be proposed by him to House bill 10020, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO MUSCLE SHOALS BILL

Mr. JONES of Washington submitted an amendment; Mr. BRUCE, Mr. McKELLAR, and Mr. COPELAND each submitted two amendments; Mr. HARRIS submitted four amendments; and Mr. HOWELL submitted sundry amendments intended to be proposed by them to House bill 513, the so-called Muscle Shoals bill, which were severally ordered to lie on the table and to be printed.

ISABELL EASE

Mr. CURTIS submitted the following resolution (S. Res. 279), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the contingent fund of the Senate to Isabell Ease, widow of William Ease, late an employee on the maintenance roll, Senate Office Building, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

MAY RONSAVILLE

Mr. SHORTRIDGE submitted the following resolution (S. Res. 280), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay out of the contingent fund of the Senate to May Ronsaville, daughter of Robert H. Maguire, late an employee of the Senate, under the Sergeant at Arms, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

HEARINGS BEFORE COMMITTEE ON THE LIBRARY

Mr. PEPPER submitted the following resolution (S. Res. 281), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Library or any subcommittee thereof is hereby authorized during the Sixty-eighth Congress

to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expense thereof to be paid out of the contingent fund of the Senate; and that the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate.

THE MEAT-PACKING INDUSTRY

Mr. NORRIS. I offer a Senate resolution and ask unanimous consent for its present consideration.

Mr. CURTIS. Let it be read.

The PRESIDENT pro tempore. The Senator from Nebraska submits a Senate resolution, for which he asks immediate consideration. The Secretary will read the resolution for information.

The resolution (S. Res. 278) was read, considered by unanimous consent, and agreed to, as follows:

Whereas questions of public policy, both as to the large meat packers and as to the wholesale grocers, are involved in any modification or in the annulment of the consent decree entered in the Supreme Court of the District of Columbia on February 27, 1920, in the case of United States v. Swift & Co. et al., commonly known as the packer consent decree; and

Whereas these questions should properly be considered by the Congress, since the said decree was before the Congress when it considered and passed the packers and stockyards act, 1921, and since the Congress relied on said decree, consented to by the packer defendants in a prosecution under the Sherman Antitrust Act, to cover the subjects contained in said decree; and

Whereas modification of said decree is now being sought in the courts on the alleged ground, in part, that it operates to relieve the wholesale grocers of the country of competition from the defendant meat packers who, theretofore largely engaged in the wholesale grocery trade, were by the consent decree prohibited from engaging therein, with the alleged result of creating a monopoly in favor of the wholesale grocery association; and

Whereas the entire annulment and vacating of the said decree, which covers such important subjects as the ownership of stockyards and the retailing of meats as well as the wholesale grocery matter, is being sought on divers alleged grounds by the defendant packers pursuant to a motion filed by them in said case on November 5, 1924, in the Supreme Court of the District of Columbia; and

Whereas the Federal Trade Commission at divers times has investigated the wholesale grocery trade and at divers times has taken action within its jurisdiction against certain associations of wholesale grocers for unfair methods of competition tending toward monopoly, and is on that account well informed on conditions in that trade; and

Whereas, moreover, the Federal Trade Commission is well informed on the meat-packing industry through its investigation and report on that subject, which report had great influence on the Congress in considering the packers and stockyards act, 1921, and on the Attorney General of the United States in the drawing of the terms of the said decree, to which he consented for the Government: Therefore be it

Resolved, That the Senate hereby requests the Federal Trade Commission to report concisely to it at the earliest possible time all information in its possession or readily securable concerning the history and present status of the said consent decree and of the hearings, litigation, and other action growing out of it, and concerning the respective effects that may be expected if the consent decree is enforced, is modified as proposed, or is annulled, together with its recommendations on the public policies involved.

Mr. NORRIS. Mr. President, for the information of the Senate on that subject I should like to read into the Record an extract from the opinion of the Court of Appeals of the District of Columbia.

As the resolution recites, the decree was a consent decree, consented to by the Government and the packers. An attempt has been made to modify it, and an attempt is being made to hold it null and void. The Wholesale Grocers' Association applied to intervene. They were permitted by the Supreme Court of the District of Columbia to intervene. The National Southern Wholesale Grocers' Association and the California Cooperative Canneries asked to intervene, and were by the Supreme Court of the District of Columbia denied the right. That question went to the court of appeals. The court of appeals reversed the lower court, and directed that the California Cooperative Canneries be permitted to intervene, but they made some comment. While the question of the legality of the decree was not directly before them, they made some comment on it that I think is quite important. With the permission of the Senate, I want to read an extract from that opinion. The court said:

The petitioner (California Cooperative Canneries) assails the decree as void for want of jurisdiction or power, apparent on the face of the record, and insists that its direct effect is to restrict and not to promote competition in the distribution of fruit commodities; that its whole effect is to create a monopoly in favor of the Wholesale Grocers' Association, particularly the Southern and National Wholesale Grocers' Association, and that the monopoly thus created is destructive of appellant's business, the business of farmers' organizations, the business of general stores, mail-order houses, cooperative buying by retailers, meat packers, and business houses conducting both wholesale and retail business.

Inasmuch as the validity of the consent decree was not questioned in the court below by any of the parties to the action, that question is not before us.

The only order appealed from, and the one to which our attention is limited, is the refusal to grant appellant leave to intervene. What effect our ruling upon that question may have later, in the event we are called upon to determine the validity of the consent decree, it is unnecessary to consider at this time.

It is not clear on just what theory the court below should permit the grocers' associations to intervene and deny the right of intervention to appellant, as the interests of these parties seem to be diametrically opposed to each other. If the charge of appellant (California Cooperative Canneries) is true, that the wholesale grocers are using the decree against the packers to strengthen and build up a giant monopoly in their various and varied lines of business, there would seem to be demand for a searching inquiry as to whether or not the court is being used as an agency to restrain one monopoly and thereby promote, strengthen, and build up another. Clearly it is not the policy of the antitrust act to accomplish this result. Nor will the decree of the court below declaring the packers' combination illegal under the antitrust act be sustained if its effect is to safeguard one public interest by the destruction of another. *United States v. Terminal Railroad Association, supra.*

Mr. KING. Will the Senator permit a question?

Mr. NORRIS. Certainly.

Mr. KING. Does the Senator's resolution, just agreed to, contemplate an inquiry as to whether or not the Grocers' Association is a monopoly, and whether it is using the decree of the court for the purpose of perpetuating the grocers' monopoly?

Mr. NORRIS. Yes; I think that would be included in the resolution. It directs the Federal Trade Commission to investigate the whole subject.

Mr. REED of Missouri. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. NORRIS. I yield.

Mr. REED of Missouri. I would like to get the Senator's views on this proposition, whether a court having before it a charge that the Federal antitrust laws are being violated has any other jurisdiction than to determine that question of fact, and impose the penalties or enter the decree provided by the law; that is, whether a court has the right to enter a decree and then reserve the right to change and modify that decree thereafter, on application of the parties or other people, as the court may see fit; whether, as a matter of fact, that does not amount to an undertaking by a court of administrative functions, and if it does not trench closely upon legislative powers?

Mr. NORRIS. Mr. President, I can not, thinking of this particular case, fully answer the interrogatory of the Senator from Missouri, because I have forgotten now a great deal that was involved in the so-called consent decree. I agree with the Senator that the court has no right, as a matter of law, to take upon itself legislative powers, but if the question was brought out by the Senator on account of the extract which I read from the opinion of the court of appeals, where they said that a searching inquiry ought to be made, I think it is fair to the court, although I have not read the entire opinion, to say that they meant by that that the searching inquiry should be made by the court below to ascertain whether, as a matter of fact, in the case before it one monopoly was trying to use the instrumentality of the court to kill some other monopoly with which they were in competition. I suppose that is what the reference to the searching inquiry there means.

Mr. REED of Missouri. Mr. President, I have no desire to criticize the court, but, as I understand the case to which the Senator from Nebraska calls our attention, an action was brought against the packers, and instead of going on and trying that case and determining its merits and entering a decree in accordance with its determination, the court permitted a

consent decree to be entered which undertook to regulate the future conduct of the defendant companies. Then the court retained jurisdiction thereafter to change or modify that decree as it might be advised.

Reduced to a concrete statement, that means that the courts are now to undertake the supervision of that business and to tell the proprietors of that business what they can do and what they can not do, not dealing with the case which was presented to the court and which alone the court had the right to decide, but undertaking to supervise and manage a business concern; and the case being thus in the hands of the courts the question would arise, What sort of regulation will they make? Will it be of that character which an administrative arm of the Government might make if a law had been passed authorizing such regulation; and if so, what branch of the Government would be so empowered? Or does it even go further than that in principle, if not in form, and amount to regulation by the judiciary of business concerns which legally can only be regulated by the statutes of the land?

I think this question is a very serious one. I think the policy of entering these consent decrees, with the right thereafter to change, alter, or modify them, is an anomaly in our law when it is applied in this particular manner. Of course, decrees of that kind have been entered heretofore when property was in the hands of a receiver and thus legitimately in the hands of the court.

I am glad the Senator has offered his resolution, but I think that when it comes before this body for discussion it will present a much broader question than possibly he has in mind.

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. There is nothing before the Senate, as the Chair understands it.

Mr. NORRIS. I understand that we are proceeding by unanimous consent. The Senator's remarks remind me that this consent decree was brought about at the time the Senate Committee on Agriculture and Forestry had before it the so-called packers' stockyards act. The Attorney General of the United States appeared before the committee and told us about the consent decree.

I agree with the Senator from Missouri that the courts should not permit themselves to be used as regulatory bodies, and I said at the time, when the matter came before the committee, that as far as I was concerned I thought we should go ahead and legislate without any reference whatever to that consent decree. But we did not. It was taken into consideration when the act was passed, and then, after the act was passed, come claims on one side that it is null and void and on the other side efforts to get it modified—in other words, as it seems to me, to accomplish through the courts what ought to be accomplished only by legislation.

REPORT OF THE NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS (S. DOC. 158)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Naval Affairs and ordered to be printed:

To the Congress of the United States:

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committee for Aeronautics, I submit herewith the tenth annual report of the committee for the fiscal year ended June 30, 1924.

The attention of the Congress is invited to Part V of the committee's report, presenting a summary of the present status of aviation with reference to the existing governmental organization, the agencies for coordination, and the relation of aeronautical research, the aircraft industry, and commercial aviation to the problems of national defense. I concur in the committee's general recommendations and agree that in the last analysis substantial progress in aviation is dependent upon the continuous prosecution of scientific research.

When the National Advisory Committee for Aeronautics was established by Congress in 1915, there was a deplorable lack of technical information on aeronautics in this country. In submitting this, the tenth annual report of the committee, I feel that it is appropriate to say a word of appreciation of the high-minded and patriotic services of the men who have faithfully served their country without compensation as members of this committee and of its subcommittees. Through this committee the talent of America has been marshaled in the scientific study of the problems of flight, with the result that to-day America occupies a position in the forefront of progressive nations in the technical development of aeronautics.

The status of the committee as an independent Government establishment has largely made possible its success.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1924.

REPORT OF THE UNITED STATES BUREAU OF EFFICIENCY

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Appropriations:

To the Congress of the United States:

As required by the acts of March 4, 1915, and February 28, 1916, I transmit herewith the report of the United States Bureau of Efficiency for the period from November 1, 1923, to October 31, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1924.

REPORT OF THE GOVERNOR OF THE PANAMA CANAL

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Inter-oceanic Canals:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1924.

REPORT OF THE PANAMA RAILROAD CO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Inter-oceanic Canals:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the seventy-fifth annual report of the board of directors of the Panama Railroad Co. for the fiscal year ended June 30, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1924.

ACTS OF THE TENTH LEGISLATURE OF PORTO RICO

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of certain acts and resolutions enacted by the Tenth Legislature of Porto Rico during its second special session (June 11 to June 21, 1924, inclusive).

These acts and resolutions have not previously been transmitted to Congress and none of them has been printed as a public document.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1924.

FRANCHISES GRANTED IN PORTO RICO

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 38 of the act approved March 2, 1917 (39 Stat. 951), entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of each of 16 franchises granted by the Public Service Commission of Porto Rico. The copies of the franchises inclosed are described in the accompanying letter from the Secretary of War transmitting them to me.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1924.

MUSCLE SHOALS

The PRESIDENT pro tempore. The routine morning business is closed, and the Chair lays before the Senate the unfinished business, which is House bill 518.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and

for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Mr. UNDERWOOD. Mr. President, I desire to offer the amendment that I had printed the other day in lieu of the substitute proposed by the Senator from Nebraska [Mr. Norris] as a committee amendment, in order that it may be pending and to give an opportunity to some of my colleagues to propose amendments to it which they desire to do.

I want to say to the Senate that in conformity with a conversation I have had with the Secretary of War this morning concerning some amendments which he desires, I have changed the date, lengthening the time in which he is permitted to make a contract. Personally, I felt that July 1, 1925, was sufficient time. The Secretary of War desires that the time be extended to the 1st day of September, 1925, and in introducing the amendment I have made that change, which differs from the printed copies of the amendment that Senators have on their desks.

The amendment as I introduced it provided that at least 10,000 tons of fixed nitrogen should be made the first year, 20,000 tons the second year, 30,000 tons the third year, and thereafter 40,000 tons annually. The Secretary of War thought that was too short a time. The same thought applies to fertilizer. I have no doubt in my own mind that the plant can make the first year 10,000 tons of fixed nitrogen in the shape of cyanamide, but I recognize on consideration that it could not be converted into fertilizer in that time, because a fertilizer plant has yet to be built. There is no fertilizer plant connected with the establishment; it is only a nitrogen plant. The fertilizer plant must be constructed. In the orderly course of construction it would probably take two years to complete it, and therefore I am willing to concede that, because of course we could not require of the lessee to do the impossible and convert the nitrogen into fertilizer until he had his time and chance to build the fertilizer plant. I have changed the amendment so that instead of requiring that of the fertilizer and nitrogen 10,000 tons shall be made the first year, it now reads 10,000 tons the third year, 20,000 tons the fourth year, and 30,000 tons the fifth year, extending the time because of the necessity for building a fertilizer plant.

Then the Secretary of War has recommended that the principal and interest of the bonds provided in the substitute shall be paid by the Government in the event of default by the corporation, and he gives a very good reason for it. He said of course this is Government property and in the end the Government would not allow the \$150,000,000 investment in the dam to be forfeited for the \$50,000,000, and would have to pay the principal and interest; but he said that would not help to sell the bonds. In any default that might be made we would have to pay anyhow, but he said he can sell the bonds at a very much better price if the guaranty is put in the bill. Therefore I have added to the amendment as it was printed a proviso on page 12, line 23, that reads as follows:

Provided, That the principal and interest of said bonds shall be paid by the Secretary of the Treasury out of funds in the Treasury not otherwise appropriated, upon default at any time in payment as herein provided by the corporation.

Mr. SMOOT. Does the Senator provide that the funds shall be tax exempt?

Mr. UNDERWOOD. I did not go that far, because I did not want to bring in that issue.

Mr. SMOOT. I do not wish the Senator to bring it in at all, but I wanted to be sure about it.

Mr. UNDERWOOD. I do not provide that. Of course, this provision would make the bonds sell at a premium. If the Senate desires to change it and provide for tax-exempt bonds, which would, of course, cut down the cost of operation of the plant, I personally should be very glad to agree to it, but I am not going to inject that issue into the bill.

Mr. SMOOT. I am very glad the Senator has not done so.

Mr. UNDERWOOD. There is one other suggestion that I have not worked out, and I may propose a further amendment to the substitute in lieu of the substitute offered by the Senator

from Nebraska, which covers all the points that are suggested by the Secretary of War, and that is the question as to whether the patents can be transferred to the lessee or not. The contract of the Cyanamid Co., who had the patents on the cyanamide plant, provides that the Government may have the use of their patents on paying the agreed royalty, and that a purchaser may have them. The Judge Advocate General of the War Department, when the Ford proposal was before the War Department, made the suggestion that there was no question about a purchaser having the right to the use of the patents nor about a Government corporation acting in lieu of the Government, but he challenged the question as to whether they could be used by a lessee. He did not say that they could not be, but said it was a question. I think I had better read into the Record just exactly what he did say. This was the opinion rendered by the Judge Advocate General and is found in House Report 143, Sixty-eighth Congress, first session, page 37. He said:

With reference to the question as to whether or not the United States may transfer the right, license, and privilege to use any or all patents, processes, methods, and designs which have been acquired by the United States under the license agreement with the American Cyanamid Co., my attention has been invited to the fact that said agreement provides that the United States may transfer to the purchaser of said plant the right to avail itself of the license granting the operation of the plant to purchase, subject, of course, to the conditions of use granted to the United States, but that it is extremely doubtful that the term "purchaser" as used in the contract could be construed to include the lessee of said plant.

That is the real question for the Senate to consider. I have been so long from the practice of the law that I do not announce it authoritatively, but it is my own opinion that where the owner of a patent builds a great plant for the Government and provides that the Government may have the use of the patents for its own operation, the Supreme Court of the United States would give a liberal construction to the contract rather than a narrow one, and would hold that the greater included the lesser, and that it was the intent of the Cyanamid Co. when it granted the right to the patents and said that a purchaser could have them to include a purchaser for a shorter term of years; in other words, a lease for 50 years would carry with it the same right as a purchase for all time. I think that would be the liberal construction of the contract, and I believe that would be agreed to by the court.

But, of course, I recognize that there is a legal question involved, and it goes to the very vitals of the proposition. If we sell this property, it goes beyond our control for national defense and beyond our control except under the terms of the contract for purchase. I think the policy of the Government should be as expressed in the amendment I have proposed, that the property should be dedicated forever to national defense and the making of fertilizer; but I prefer a lease to Government operation, if we can get it.

I believe the way out is for the Secretary of War, in making his contract, to make the lessee the agent of the United States Government for the operation of plant No. 2, providing that the lessee shall carry the burdens of operation. The memorandum sent here by the Secretary of War is one which the Secretary of War himself did not prepare. Of course, it was the officers in his department who did it. I understand it was prepared by the Judge Advocate General, the Chief of Engineers, and the Chief of Ordnance, and that the Secretary signed it. They criticize some of the powers in the bill to make the contract, but I do not think they visualized the bill. If we had said in our legislation when we passed it that the Secretary of War shall have the right to make a lease of this property for 50 years, nobody would question that he had a right to put anything in the lease that was within the property and the time limit. He would be unlimited in his right to make a lease. What we do is to give him under these terms the absolute power to make the lease with certain restrictions.

Those restrictions relate to the amount of nitrogen that must be made, the amount of fertilizer that he must compel the lessee to make, and that he shall not lease the property for less money than 4 per cent of the cost of the dam. Outside of that he can put anything in the lease contract that he desires.

I think it is better that the power be given to the Secretary of War subject to the approval of the President of the United States than it is to narrow the scope, because one lessee might want the contract developed along one line and another lessee along another line, and we are more likely to get a satisfactory lessee if we do not limit the scope of his action by too

much machinery put in the lease through the legislative enactment. The desire of Congress is first, 40,000 tons of nitrogen for national defense. Second is the desire that in time of peace the farmers of America may have the benefit of that nitrogen converted into fertilizer which will absorb 40,000 tons of nitrogen. That is our objective.

The only other limitation is a very low one, I admit, and is that he must not lease the property for less than 4 per cent of the cost of the dam. He can charge as much more as he wants to. I am not in favor of giving the property away, but if we can get fertilizer and national defense I am not in favor of burdening the property of the taxpayer unnecessarily. I think this condition can be met by the Secretary of War writing into the contract, if he finds a lessee, that in the operation of nitrate plant No. 2 the lessee shall become the agent of the United States Government for the operation of the plant. Of course, when we do that then there is no question about his right to use the patents.

Mr. FESS. Mr. President, will the Senator yield?

Mr. UNDERWOOD. Certainly.

Mr. FESS. Does the Senator now propose a time limit within which the Secretary of War must lease it, or otherwise he loses that authority?

Mr. UNDERWOOD. Probably the Senator came in after I began my statement. In the amendment which I offered I had a provision that the Secretary of War must make this lease by the 1st day of July.

Mr. FESS. Yes; I noticed that.

Mr. UNDERWOOD. I went over the whole question with the Secretary of War this morning. The Secretary of War indicated to me that he would be satisfied if the date were changed to September 1 instead of July 1.

Mr. FESS. Did he think that would be time enough?

Mr. UNDERWOOD. That was his indication. I had just stated that in introducing the amendment I had made that change and was calling the attention of the Senate to the change I have made so that no one may be misled by the printed amendment.

I am not sure that it is necessary to put an amendment in the bill to make the lessee the agent of the Government in the operation of plant No. 2 and avoid all legal contests about the use of the patents. I wish to give it more study before I propose an amendment along that line. I think the Secretary of War may, without any further authority than we have already given him, provide in the contract that the lessee shall be the agent of the Government, but it may be that before the amendment comes to a vote I shall meet that question.

Substantially the amendment meets all the questions that have been advanced in the memorandum that was sent here this morning by the Secretary of War and which was read at the desk.

I now desire to submit the amendment in lieu of the substitute offered by the Senator from Nebraska [Mr. NORRIS], which is the committee amendment, and to have it read at this time.

The PRESIDING OFFICER (Mr. STERLING in the chair). The Senator from Alabama may present his amendment at this time, but there is an amendment pending.

Mr. UNDERWOOD. I understand that, but I have also looked up the authorities and find that I have the right, under the rules of the Senate, to offer the amendment not as a substitute for the pending amendment but in lieu of the amendment offered by the Senator from Nebraska. Therefore it will be pending, and the vote will come on the proposal which I have made. If that shall be defeated, then the vote will come on the proposal of the Senator from Nebraska.

Mr. BRUCE. Mr. President—

Mr. NORRIS. Mr. President, I agree with the Senator from Alabama that it is perfectly proper for him now to offer his amendment to the committee amendment, which is of another bill. They are both subject to amendment, of course, before we vote on his substitute.

Mr. UNDERWOOD. Undoubtedly; and I intended to hold it back and offer it later.

Mr. NORRIS. I am glad the Senator has presented it at this time. I think it will clarify the situation.

Mr. UNDERWOOD. But, as I stated a while ago, I have presented it because some of my colleagues have stated that they wish to propose amendments to it, and I am putting it before the Senate in order that they may have the opportunity to do so.

Mr. NORRIS. I think the Senator has taken the right course.

Mr. BRUCE. Mr. President, I desire to call attention to the fact that I have offered an amendment to the substitute of the Senator from Nebraska which has not yet been disposed of.

Mr. NORRIS. Yes; and that takes precedence.

Mr. UNDERWOOD. The Senator is right, and that is not in conflict with the action which I propose. The Senator from Maryland is proposing an amendment to the text of the bill, while I am proposing an amendment in lieu of the substitute. Of course, the amendment of the Senator from Maryland will first be voted on; the original text has first to be perfected. After that shall have been done, then the proposal to offer a substitute in lieu of the committee substitute comes up.

Mr. BRUCE. Let me ask the Senator from Alabama if it is his expectation that amendments will be offered to his substitute at this stage of the proceeding, if there is no objection?

Mr. UNDERWOOD. I have proposed the amendment so that amendments could be offered to it.

Mr. BRUCE. Then, Mr. President, I should like to offer some amendments to the proposed substitute.

Mr. UNDERWOOD. I should like to have the amendment which I have proposed formally stated before we proceed.

Mr. NORRIS. Very well. Does the Senator desire that his amendment shall now be read?

Mr. UNDERWOOD. I should like to have it read. Then it will not be necessary to read it again when we come to vote upon it.

The PRESIDING OFFICER. The Secretary will read the amendment.

The PRINCIPAL LEGISLATIVE CLERK. In lieu of the amendment reported by the committee it is proposed to insert the following:

That the United States nitrate-filtration plants Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings used in connection therewith; all tools, machinery, equipment, accessories, and materials thereunto belonging; all laboratories and plants used as auxiliaries thereto; the Waco limestone quarry in Alabama, and any others used as auxiliaries of said pitrogen plants Nos. 1 and 2; also Dam No. 2, located in the Tennessee River at Muscle Shoals, its power house, its auxiliary steam plants, and all of its hydroelectric and operating appurtenances, together with all machines, lands, and buildings now owned or hereafter acquired in connection therewith, are hereby dedicated and set apart to be used for national defense in time of war and for the production of fertilizers and other useful products in time of peace.

SEC. 2. Whenever, in the national defense, the United States shall require all or any part of the operating facilities and properties or renewals and additions thereto, described and enumerated in the foregoing paragraph of this act, for the production of materials necessary in the manufacture of explosives or other war materials, then the United States shall have the immediate right, upon five days' notice to any person or persons, corporation or agent, in possession of, controlling or operating said property under any claim of title whatsoever, to take over and operate the same in whole or in part, together with the use of all patented processes which the United States may need in the operation of said property for national defense.

The foregoing clauses shall not be construed as modified, amended, or repealed by any of the subsequent sections or paragraphs of this act or by indirection of any other act.

SEC. 3. In order that the United States may have at all times an adequate supply of nitrogen for the manufacture of powder and other explosives, whether said property is operated and controlled directly by the Government or its agents, lessees, or assigns, under any and all circumstances at least 10,000 tons the third year, 20,000 tons the fourth year, 30,000 tons the fifth year, and thereafter 40,000 tons of fixed nitrogen must be produced annually on and with said property, and no lease, transfer, or assignment of said property shall be legal or binding on the United States unless such adequate annual production of fixed nitrogen is guaranteed in such lease, transfer, or assignment.

SEC. 4. Since the production and manufacture of commercial fertilizers is the largest consumer of fixed nitrogen in time of peace, and its manufacture, sale, and distribution to farmers and other users, at fair prices and without excessive profits, in large quantities throughout the country is only second in importance to the national defense in time of war, the production of fixed nitrogen as provided for in section 3 of this act shall be used, when not required for national defense, as far as it is practicable to do so, in the manufacture of commercial fertilizers. The United States, its agents or lessees or assigns, shall manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, according to demand, on the property hereinbefore enumerated, or at such other plant or plants near thereto as it may construct, using the most economic source of power available, with an annual production of these fertilizers that shall have a nitrogen content of at least 10,000 tons the third year,

20,000 tons the fourth year, 30,000 tons the fifth year, and thereafter 40,000 tons of fixed nitrogen. In order that the farmers and other users may be supplied with fertilizers at fair prices and without excess profits, the United States, its agents, lessees, or assigns, shall be limited to a maximum net profit which may be made not to exceed 8 per cent of the fair annual cost of the production thereof.

Sec. 5. That the Secretary of War, with the approval of the President, is hereby authorized and empowered to lease the properties enumerated under section 1 of this act, with proper guaranties for the performance of the terms of the lease, for a period not to exceed 50 years, the lessee being required and obligated to carry out in the production of nitrogen and the manufacture and sale of commercial fertilizer the purposes and terms enumerated in sections 1, 2, 3, and 4 of this act and such other terms not inconsistent therewith as may be agreed to in the lease contract. The lessee shall pay an annual rental for the use of said property an amount that shall not be less than 4 per cent on the total sum of money expended in the building and construction of Dam No. 2 at Muscle Shoals and the purchase and emplacement of all works and machinery built or installed in connection therewith for the production of hydroelectric power. The lease shall also provide the terms and conditions under which the lessee may sell and dispose of the surplus electric power created at said plants. The lease shall also provide for the protection of navigation at said Dam No. 2 and the operation of the locks connected therewith. The lease contemplated in this section shall be made with the understanding that the United States shall complete and have ready for operation Dam No. 2 and the locks connected therewith, together with the plants and machinery for the production of electric power, and that after the lease is entered into the lessee shall maintain the property covered by the lease in good repair and working condition for the term of the contract.

Sec. 6. In the event the Secretary of War is unable to make a lease under the terms of the power herein granted to him before the first day of September, 1925, then the United States shall maintain and operate said properties described in section 1, in compliance with the terms and conditions set forth in sections 1, 2, 3, and 4 of this act, and under the power and authority prescribed and granted in the following sections of this act.

Sec. 7. That the Secretary of War is hereby authorized and empowered to designate any five persons to act as an organization committee for the purpose of organizing a corporation under authority of, and for the purposes enumerated in, this act.

ORGANIZATION

The persons so designated shall, under their seals, make an organization certificate, which shall specifically state the name of the corporation to be organized, the place in which its principal office is to be located, the amount of capital stock, and the number of shares into which the same is divided, and the fact that the certificate is made to enable the corporation formed to avail itself of the advantages of this act. The name of the corporation shall be the Muscle Shoals Corporation.

The said organization certificate shall be acknowledged before a judge of some court of record or notary public, and shall be, together with acknowledgment thereof, authenticated by the seal of such notary or court, transmitted to the Secretary of War, who shall file, record, and carefully preserve the same in his office. Upon the filing of such certificate with the Secretary of War as aforesaid, the said corporation shall become a body corporate, and as such, and in the name Muscle Shoals Corporation, have power—

First, to adopt and use a corporate seal;

Second, to have succession for a period of 50 years from its organization, unless it is sooner dissolved by an act of Congress, or unless its franchise becomes forfeited by some violation of law;

Third, to make contracts, and no such contract shall extend beyond the period of the life of the corporation;

Fourth, to sue and be sued, complain, and defend in any court of law or equity;

Fifth, to appoint by its board of directors such officers and employees as are not otherwise provided for in this act; to define their duties, to fix their salaries, in its discretion to require bonds of any of them, and to fix the penalty thereof, and to dismiss at pleasure any of such officers or employees;

Sixth, to prescribe by its board of directors by-laws not inconsistent with law regulating the manner in which its general business may be conducted and the privileges granted to it by law may be exercised and enjoyed;

Seventh, to exercise by its board of directors or duly authorized officers or agents all powers specifically granted by the provisions of this act and such incidental powers as shall be necessary to carry on the business for which it is incorporated within the limitations prescribed by this act, but such corporation shall transact no business except such as is incidental and necessary preliminary to its organization until it has been authorized by the Secretary of War to commence business under the provisions of this act.

The corporation shall be conducted under the supervision and control of a board of directors, consisting of five members, to be selected by the President. The directors so appointed shall hold office at the pleasure of the President. The Secretary of War shall be ex officio chairman of the board, and shall have power to designate one of the directors as vice chairman. The vice chairman shall perform the duties of chairman in the absence of the Secretary of War. Not more than two of such directors shall be appointed from officers in the War Department.

The board of directors shall perform the duties usually appertaining to the office of directors of private corporations, and such other duties as are prescribed by law.

POWERS OF THE CORPORATION

The corporation shall have power—

(a) To purchase, acquire, operate, and develop in the manner prescribed by this act and subject to the limitations and restrictions thereof the following properties owned by the United States:

1. United States Nitrate Fixation Plants, Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with (a) all real estate used in connection therewith; (b) all tools, machinery, equipment, accessories, and materials thereunto belonging; (c) all laboratories and plants used as auxiliaries thereto, the Waco limestone quarry in Alabama, Dam No. 2 at Muscle Shoals, and the hydroelectric power plant connected therewith, together with the steam plants used as auxiliaries of the United States fixed nitrogen plants Nos. 1 and 2, together with all other property described in section 1 of this act.

2. To construct, purchase, maintain, and operate all such buildings, plants, and machinery as may be necessary for the production, manufacture, sale, and distribution of fixed nitrogen and other forms of commercial fertilizer.

3. Any other plants or parts of plant, equipment, accessories, or other properties belonging to the United States, which are under the direct control of the President or of the War Department, and which the President or the Secretary of War may deem it advisable to transfer, convey, or deliver to said corporation for use in connection with any of the purposes of this act, or for any purpose incidental thereto.

(b) To acquire, establish, maintain, and operate such other laboratories and experimental plants as may be deemed necessary or advisable to assist it in furnishing to the United States Government and others, at all times, nitrogen products for military or other purposes in the most economical manner and of the highest standard of efficiency.

(c) To sell to the United States such nitrogen products as may be manufactured by said corporation for military or other purposes.

(d) To sell any or all of its products not required by the United States to producers or users of fertilizers or to others: *Provided*, That in the sale of such products not required by the United States Government preference shall be given to those persons engaged in agriculture: *Provided further*, That if such products are sold to others than users of fertilizers the corporation shall require as a condition of such sale the consent of the purchaser to the regulation by the corporation of the prices to be charged users for the products so purchased or any product of which the products purchased from the corporation shall form an ingredient.

(e) The operation of the hydroelectric power plant and steam power plants at Muscle Shoals, and the use and sale of the electric power to be developed therefrom that is not required to carry out the terms imposed by sections 1, 2, 3, and 4 of this act.

(f) To enter into such agreements and reciprocal relations with others as may be deemed necessary or desirable to facilitate the production and sale of nitrogen products on the most scientific and economic basis.

(g) To purchase, lease, or otherwise acquire United States or foreign patents and processes or the right to use such patents or processes.

(h) To obtain from the United States or from foreign governments patents for discoveries or inventions of its officers or employees as a condition of their employment to enter into agreements with the company that the patents for all such discoveries or inventions shall be and become in whole or in part the property of the corporation.

(i) To assume any or all obligations of the United States entered into in connection with the construction, maintenance, and operation of the plants to be transferred to the corporation under the provisions of this act.

(j) To deposit its funds in any Federal reserve bank, or with any member bank of the Federal reserve system.

(k) To sell and export any of its surplus products not purchased by the United States or by persons, firms, or corporations within the United States.

(l) To invest any surplus of available funds not immediately used for the operation, construction, or maintenance of its plants or properties in United States bonds or other securities issued by the United States.

(m) To lease or purchase such buildings or properties as may be deemed necessary or advisable for the administration of the affairs of the corporation or for carrying out the purposes of this act; and

with the approval of the Secretary of War to lease to other persons, firms, or corporations, or to enter into agreements with others for the operation of such properties not used or needed for the purposes named herein. In the operation, maintenance, and development of the plants purchased or acquired under this act the corporation shall be free from the limitations or restrictions imposed by the act of June 3, 1916, and shall be subject only to the limitations and restrictions of this act.

CAPITAL STOCK AND BONDS

The capital stock of the corporation shall consist of 100 shares of common stock of no par value. The corporation shall also issue an amount of 20-year bonds bearing interest at the rate of 5 per cent per annum which shall be a first lien on the property of the corporation and in an amount not to exceed \$50,000,000, to be sold from time to time as needed to carry out the purpose of this act: *Provided*, That the principal and interest of said bonds shall be paid by the Secretary of the Treasury out of funds in the Treasury not otherwise appropriated upon default at any time in payment as herein provided by the corporation. The terms for the sale of said bonds shall be approved by the Secretary of War. If at the end of any fiscal year after the fourth year the corporation shall not have earned net sums sufficient to meet the interest on said bonds as evidenced by audits of the accounts of said corporation by the Secretary of War, the corporation shall forthwith cease operations and shall not resume until authorized so to do by the Congress.

In exchange for the properties purchased or acquired from the United States and from time to time transferred, conveyed, or delivered to the corporation by the President or the Secretary of War, and for all unexpended balances now under the control of the Secretary of War and applicable to the nitrate plants at or near Muscle Shoals, Ala., the corporation shall cause to be executed and delivered to the President a certificate for all of the common stock of the corporation. The certificate shall be evidence of the ownership by the United States of all stocks of the corporation.

In consideration of the issuance of such common stock to the President, the President and the Secretary of War are authorized and empowered to transfer, convey, and deliver to the corporation all of the real estate, buildings, tools, equipment, supplies, and other properties belonging to, used by, or appertaining to the plants and properties to be acquired by the corporation under the terms of this act, and to transfer, convey, and deliver as and when they may deem it advisable any other equipment, accessories, plants, or parts of plants, or other property referred to in this act, and which the corporation is authorized to acquire or purchase from the United States under its provisions.

DISTRIBUTION OF EARNINGS

All net earnings of the corporation not required for its organization, operation, and development shall be used—

- (a) To pay interest on the bonds and create a fund for their payment;
- (b) To develop and improve its plants and equipment;
- (c) To create a reserve or surplus fund until such fund amounts to \$2,500,000;
- (d) The remainder to be paid as dividends on the stock into the Treasury of the United States as miscellaneous receipts.

MISCELLANEOUS

The Federal reserve banks shall be authorized to receive deposits of the corporation. The corporation shall not have power to mortgage or pledge its assets, or to issue bonds secured by any of its properties, except as hereinbefore provided.

The United States shall not be liable for any debts, obligations, or other liabilities of the corporation.

The corporation and all of its assets shall be deemed and held to be instrumentalities of the United States and as such they and the income derived therefrom shall be exempt from Federal, State, and local taxation. The directors, officers, attorneys, experts, assistants, clerks, agents, and other employees of the corporation shall not be officers or employees of the United States within the meaning of any statutes of the United States, and the property and moneys belonging to said corporation, acquired from the United States or from others, shall not be deemed to be the property and moneys of the United States within the meaning of any statutes of the United States.

The accounts of the corporation shall be audited under the regulations to be prescribed by the Secretary of War, who shall include in his annual report to Congress a detailed statement of the fiscal operations of said corporation.

SEC. 8. That the Secretary of War is hereby authorized and directed to complete the construction of Dam No. 3 in the Tennessee River at or near Muscle Shoals, Ala., in accordance with report submitted in House Document 1262, Sixty-fourth Congress, first session: *Provided*, That the Secretary of War may in his discretion make such modifications in the plans presented in such report as he may deem advisable in the interest of power or navigation.

SEC. 9. That upon the completion of Dam No. 3 by the United States, the dam, power plants, machinery, and appurtenances thereto

shall be leased or operated in conjunction with Dam No. 2 as provided for in this act on such terms as Congress shall hereafter provide.

SEC. 10. The surplus power not required under the terms of this act for the manufacture of nitrogen or fertilizer when sold or used shall be subject to the laws, rules, and regulations relating to the sale and use of electric power in the several States in which said power is used.

SEC. 11. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

The right to amend, alter, or repeal this act is hereby expressly reserved.

MR. UNDERWOOD. Mr. President, as there are several changes in this amendment from the way it was originally printed, I ask that the amendment by way of substitute may be printed at once, so that Senators may have copies of it.

THE PRESIDING OFFICER. Without objection, it will be so ordered.

MR. HARRIS. Mr. President, I offer certain amendments to the amendment by way of substitute offered by the Senator from Alabama and ask that they be printed and pending.

THE PRESIDING OFFICER. The amendments will be printed and considered as pending. The question is on the amendment offered by the Senator from Maryland [Mr. BRUCE].

MR. NORRIS. Mr. President, at this time I desire to give notice that at the proper time I shall offer an amendment to the amendment offered by the Senator from Alabama [Mr. UNDERWOOD], if it prevails. In other words, if the Senator's amendment is agreed to in the Committee of the Whole when the bill gets into the Senate I shall offer an amendment to it by way of substitute, which I now want to give notice of; and in order that Senators may familiarize themselves with it I desire to have it printed.

Let me say just a word in reference to it.

The objections that have been made so far in the debate in the Senate to the committee bill have been, first, that it divided the responsibility; it put the water-power proposition under a governmental corporation and turned over the nitrate plants for the manufacture of fertilizer to the Secretary of Agriculture. Some objection to that has been made on the floor, and outside of that a great many Members have expressed the idea that they thought the responsibility ought not to be divided. Another objection that has appeared in the debate has been that there was a limitation on the manufacture of fertilizer and that it was made secondary to water power.

I do not agree with that; but, of course, I may be wrong and the Senators who believe that may be right. In order to meet that proposition, therefore, I desire to offer a modified form of the Senate bill, modified by provisions of the bill that I originally introduced. It will be remembered that the bill originally referred to the committee, introduced by me, did not limit the amount of power that could be used for experimental purposes and did not divide the responsibility, but had it all under one head.

In order that Senators may have notice, I want to say that if the committee bill is voted down and the Underwood bill is substituted in its place, I shall then offer this, when the bill reaches the Senate, as a substitute for the so-called Underwood bill.

I ask, therefore, first, that the amendment which I offer may be printed in the Record, and next, that it may be printed in bill form and lie on the table.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amendment intended to be proposed by Mr. Norris to the Underwood amendment to the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Alabama, with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Strike out all after the enacting clause and insert the following:

"That the Secretary of War is hereby authorized and directed to complete the construction of Dams Nos. 2 and 3 in the Tennessee

River, at Muscle Shoals, Ala., in accordance with report submitted in House Document 1262, Sixty-fourth Congress, first session: *Provided*, That the Secretary of War may in his discretion make such modifications in the plans presented in such report as he may deem advisable in the interest of power or navigation: *Provided further*, That funds for the prosecution of this work may be allotted from appropriations heretofore or hereafter made by Congress for the improvement, preservation, and maintenance of rivers and harbors; and in order to provide for a larger amount of primary power to be developed on the Tennessee River if a suitable site or sites can be found upon investigation, where practical storage reservoirs can be obtained at reasonable cost, the Secretary of War is directed to take the necessary steps to secure such sites and to build the necessary dams for the impounding of water therein. If the Secretary of War, under authority of this act, constructs one or more dams for the purpose of impounding the waters of said river, he shall give due consideration in the construction of such dams to the development of hydroelectric power, to the necessities of navigation, and flood control.

"Sec. 2. That in the construction of said Dam No. 3, or in the construction of other dams or other works provided for in this act, the Secretary of War is hereby authorized to use and to remove any of the temporary buildings now owned by the Government of the United States and erected anywhere in the vicinity of Muscle Shoals or nitrate plants Nos. 1 or 2, providing the removal of such buildings will not interfere with the operations of the Federal Chemical Corporation as hereinafter set forth.

"Sec. 3. That if the Secretary of War should find it advisable and practical to construct storage reservoirs on the Tennessee River or any of its tributaries as hereinbefore provided, and that by virtue thereof the flow of the Tennessee River is equalized and a larger amount of primary power thereby developed, he shall require of any private person, partnership, or corporation maintaining a dam on said river for the development of power, to contribute his or its proportionate share for the construction of said reservoirs, and he is hereby authorized to take the necessary action or actions in court for the purpose of compelling contribution to such development by any person, partnership, or corporation receiving the benefits therefrom; and if the right to dam said river for the purpose of developing hydroelectric power is hereafter given by virtue of any law of the United States, to any person, partnership, or corporation, one of the requirements of said grant shall be that the person, partnership, or corporation given the privilege to build any such dam, shall pay his or its proportionate share of the expenses of the construction of any such reservoir or reservoirs, either then constructed or thereafter constructed by virtue of this act.

"Sec. 4. That there is hereby incorporated and created a corporation by the name, style, and title of 'The Federal Chemical Corporation' (hereafter referred to as the corporation). Said corporation shall have perpetual succession and shall have power—

- "(1) To adopt, use, and alter a corporate seal;
- "(2) To sue and be sued and to complain and to defend in any court of law and equity within the United States;
- "(3) To make and enforce such contracts as may be necessary to carry out the provisions of this act;
- "(4) To appoint and fix the compensation of such employees, attorneys, and agents as are necessary for the transaction of the business of the corporation, to define their duties, require bonds of them, and fix the penalties thereof; but in no case shall any such employee receive a salary in excess of \$12,000 per annum;
- "(5) To prescribe, amend, and repeal by-laws not inconsistent with this act for the conduct of its business;
- "(6) In the name of the United States Government, to exercise the right of eminent domain, and in the purchase of any real estate or in the acquisition of real estate by condemnation proceedings the title to such real estate shall be taken in the name of the United States Government; and

"(7) To exercise all the rights, powers, and privileges conferred upon it by this act and such additional powers as may be necessary to carry out the provisions of this act.

"Sec. 5. That the business of said corporation shall be transacted by a board of directors (hereinafter called the board), consisting of three persons, to be appointed by the President of the United States, by and with the advice and consent of the Senate. Members of said board shall hold their offices during good behavior and shall receive a salary of \$10,000 per year, payable monthly: *Provided*, That any member of said board may be removed from office at any time by a concurrent resolution of the House of Representatives and the Senate. No member of said board shall during his continuance in office be engaged in any other business, but shall give his entire time to the business of said corporation. Said board shall select one of its members as president. It shall select a treasurer and as many assistant treasurers as it deems proper, and such treasurer and assistant treasurers may be corporations or banking institutions and shall give such security for the safe-keeping of the moneys of said corporations as the board may require.

"Sec. 6. In the appointment of officials and the selection of employees for said corporation and in the promotion of any such employees or officials no political test or qualifications shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency. The board shall keep a record of all requests, oral and written, made to any member thereof, coming from any source, asking for any favor in behalf of any person or the promotion of any employee, which record shall be open to the public inspection. Any member of said board who permits the use of political or partisan influence in the selection of any employee, or in the promotion of any such employee of said corporation, or who gives any consideration to political consideration in the official action of said board, or who, knowing that such political influence has been or is attempted, does not record the same in said record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding \$1,000 or be imprisoned not to exceed six months, or both such fine and imprisonment, and the conviction of any member of said board of the offense herein defined shall have the effect of removing such member from office.

"Sec. 7. That upon the completion of the organization of said corporation, the President and the Secretary of War shall turn over to said corporation United States nitrate plants Nos. 1 and 2, erected at Muscle Shoals, Ala., together with all real estate used in connection therewith; all machinery, tools, equipment, accessories, and materials thereunto belonging; all laboratories and plants used as auxiliaries thereto; the Waco Quarry in Franklin County, Ala.; the railroad, together with the engines, cars, tools, materials, machine shops, and all accessories used in the operation of said railroad at or near Muscle Shoals, Ala.; and all other power units and transmission lines of the United States used as auxiliaries of the United States nitrate plants Nos. 1 and 2: *Provided, however*, That the transfer of any of the property above described to said corporation shall be subject to such use of said property by the Secretary of War as he may elect; in the construction and development of the dams hereinbefore provided for.

"As soon as any of the dams herein provided to be constructed by the Secretary of War have been completed the President and the Secretary of War shall turn the same over to said corporation, together with all buildings and real estate owned by the United States used in connection therewith, and thereafter said property shall be in the control and under the management of said corporation. Said corporation shall also have the power and authority to acquire, establish, maintain, and operate such other laboratories and experimental plants as may be deemed necessary or advisable by said corporation to carry out the provisions of this act. It shall have power to establish agencies anywhere in the United States for the sale of its products, and in order to prevent a monopoly of the fertilizer business or the undue and unreasonable advance in the price of fertilizer it shall have power to manufacture a completed fertilizer ready for use, and, if necessary, to sell the same direct to farmers or to organizations of farmers, and in the sale of chemical parts of fertilizer to manufacturers thereof it shall have power to prescribe the price at which such manufacturer so purchasing any of the corporation's products shall sell the fertilizer to the farmer. It is hereby declared that one of the objects of this act is to regulate the sale of fertilizer to persons engaged in agriculture with a view to preventing the control of the price of such fertilizer by a monopoly or the sale thereof at unreasonable prices.

"It shall be the duty of said board, through the operation of its laboratories and experimental plants, to devise and install improvements in nitrate plants Nos. 1 and 2 as such experiments and developments may, in the judgment of the said board, be deemed advisable.

"Sec. 8. That in case all the power developed at Dams Nos. 2 and 3, or any other dam or dams constructed by the Secretary of War under the provisions of this act and turned over to said corporation, can not be used to practical advantage and is not necessary for the manufacture of fertilizer or explosives as herein provided, the board may, in its discretion, sell any such surplus power so developed to any State, municipality, district, corporation, partnership, or person, upon such terms and under such conditions as the board may deem just; and in making such sale the board shall give preference to States, counties, municipalities, and districts, and if the sale of such surplus power is made to private individuals, corporations, or partnerships for distribution or resale, the board may, as one of the conditions of such sale, provide in the contract therefor for the regulation of the price at which any such individual, partnership, or corporation shall charge the consumer in a resale of such power.

"In order to convert secondary power into primary power and thereby cheapen the hydroelectric power produced and increase the number of people to be benefited by such use, as well as to cheapen the price thereof to the consumer, the corporation is hereby authorized to enter into agreements with the owners of existing transmission lines, or with the owners of transmission lines hereafter constructed, to bring about the exchange of power whenever the same can be advantageously done. The corporation is authorized to construct transmission lines for the purpose of giving wider distribution to the use of the hydroelectricity

developed at any of said dams and to enter into contracts with persons, partnerships, corporations, municipalities, districts, or States for the joint construction and joint use of such transmission lines, having always in view that one of the objects of this act is to give as wide a distribution as possible at the smallest practicable cost the use of the electric current developed at any of the dams herein provided for.

"SEC. 9. The corporation is hereby authorized to complete the steam auxiliary plant at nitrate plant No. 2 in accordance with the original plan.

"It shall also have power to purchase or lease transmission lines owned by other parties or to purchase or lease an interest in the same for joint use.

"SEC. 10. There shall be turned over to said corporation by the Secretary of the Treasury the sum of \$3,472,487.25, received by the United States for the sale to the Alabama Power Co. of the Gorgas steam plant at Gorgas, Ala., and said sum is hereby appropriated out of any money in the Treasury not otherwise appropriated. The Secretary of War is directed to sell all surplus materials at Muscle Shoals not needed by said corporation in carrying out the provisions of this act and turn the proceeds thereof over to said corporation, which sums shall be considered the operating capital of the corporation. The corporation shall continue to increase said capital from its net earnings until the sum amounts to \$25,000,000; and thereafter all the income from said corporation not necessary for depreciation, management, and other legitimate expenses of said corporation shall be turned over to the Treasury of the United States.

"SEC. 11. The corporation shall supply to the Government of the United States free of charge a sufficient amount of power necessary to operate all the locks that are established in any of the dams herein provided for, for navigation purposes.

"SEC. 12. In time of war or at any other time when in the opinion of the President of the United States war is imminent the President may take full possession of all of the property herein described and use the same for the manufacture of explosives to be used by the Army and Navy; or in such case the President may, if he so elects, direct the board to cease either in part or wholly the manufacture of fertilizer and to utilize said property to such extent as he may direct in the operation of explosives. Until such war is ended, or in the opinion of the President the danger thereof has passed, the said board shall operate said property in accordance with the direction and under the instruction of the President of the United States.

"SEC. 13. That the board shall make a full, complete, and detailed report of its operation as soon after the close of each calendar year as possible to the Congress of the United States. In addition to the report so made the Secretary of War shall, at least once each year, make a complete audit of all the accounts and all the financial operations of said corporation, and shall include in his annual report to Congress a detailed statement thereof.

"The principal place of business of said corporation shall be established by the board at or near Muscle Shoals, Ala.

"SEC. 14. All laws relating to embezzlement, conversion, improper handling, redemption, use, or disposal of moneys of the United States shall apply to moneys of the corporation while in the custody of any officer, employee, or agent of the United States or of the corporation.

"SEC. 15. It is hereby declared to be the spirit and intention of Congress in passing this act—

"(a) Primarily to provide for the national defense by maintaining ready for immediate use for war purposes nitrate plant No. 2.

"(b) To promote agriculture by developing cheap fertilizers and other things of benefit to agriculture to the highest degree.

"(c) To assist in the development of electric power by the complete storage and utilization of the waters of our rivers and their tributary streams in conjunction with steam and other sources of fuel to the end that electrical energy may be carried to all citizens.

"(d) These objects shall be carried out as nearly as possible without interference with private enterprise."

Mr. COPELAND. Mr. President, I feel for myself that the discussion of this project has been illuminating. I confess I have been very bitterly disappointed to find that the Muscle Shoals project does not contain within itself the possibility of materially decreasing the cost of fertilizer; neither does it materially increase the quantity which the farmers can buy.

My disappointment is founded on a section of the address made by the Senator from Nebraska [Mr. Norris]. I find on page 116 of the Record that the Senator says:

The cost of the nitrogen in a ton of ordinary fertilizer of that grade is \$4.80. If the cost of nitrogen were reduced one-half, it would therefore only reduce the completed fertilizer \$2.40 per ton. And if the nitrogen cost absolutely nothing, the completed fertilizer would still be higher than it ought to be and much higher than I believe it will be within the next few years.

He goes on to say that the amount of fixed nitrogen used in the fertilizer is only 20 per cent of the completed article.

Therefore, for myself, as I have said, I have been very much disappointed.

As I see it now, the proper course to be pursued with the Muscle Shoals project is to utilize the plants in such a way, first, as to make use to the best possible advantage of the power which can be developed there; secondly, that the experiments of the Department of Agriculture may continue.

I have been much impressed by the statements made by the various experts. Doctor Cottrell and his associates have done much to push out the borders of knowledge and to make known to the scientific world how the cost of making fertilizer can be decreased, how the quality of the fertilizer can be improved, and how the quantity produced in this country may be materially increased.

So, from the standpoint of the country at large, the interest we have in the Muscle Shoals project is that we must make certain that the experimentation of the Department of Agriculture shall be continued and that we may continue to furnish to private concerns knowledge which will enable them to do as the operatives have done at the Syracuse plant, where, by the investment of private capital and the utilization of information gained by the experimentation at Muscle Shoals, it has been found possible to operate a plant at a profit and to turn out a reasonable amount of fertilizer.

Mr. HEFLIN. Mr. President—

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the gentleman from New York yield to the Senator from Alabama?

Mr. COPELAND. I yield.

Mr. HEFLIN. In the hearings before the Committee on Agriculture and Forestry Mr. Waldo, a very warm friend of the Ford offer, one of the best engineers in the country, said:

We do not claim that he [Mr. Ford] guarantees to cut the price of fertilizer in half. We say it is a reasonable expectation.

The CHAIRMAN. It is a reasonable expectation, no matter who gets it. I think it is fair to assume that we are going to cut the price of fertilizer in two in some way.

So we contend that we will be able to manufacture fertilizer at Muscle Shoals at half of the price at which it is selling to-day.

Mr. COPELAND. Mr. President, I trust that the vision of my friend the Senator from Alabama will be realized; but if I can read percentages at all, founded on what the Senator from Nebraska has said, the ordinary formula for fertilizer is expressed in the numerals 2-8-2—two parts of fixed nitrogen, eight parts of phosphorus, and two parts of potash—and that the total amount of fixed nitrogen in any given quantity of fertilizer is only 20 per cent of the whole. Therefore it must follow, as was said by the Senator from Nebraska, whose statement I quoted, that if you should add the nitrogen at no cost whatever, you would still reduce the cost of fertilizer to the ultimate consumer a matter of only two or three dollars a ton.

Mr. SMITH. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Carolina?

Mr. COPELAND. I yield.

Mr. SMITH. I think both the Senator from Nebraska and the Senator from New York have gotten their percentages, in their relation each to the other, a bit confused. The unit of nitrogen used is the most costly of all the ingredients in fertilizer. The sources of potash, if the Senator will allow me, are such that when brought from Germany to this country in the form of what we term "kainite," which is the lowest form of the salts bearing potash, they are brought over here in ballast. It is not a plant food in the proper sense. It is only indicated in certain forms of plant development.

Phosphoric acid is perhaps now the very cheapest form of fertilizer. A fertilizer containing 16 per cent acid sells at about one-fourth the selling price of a fertilizer containing 12 per cent nitrogen. If you had the 8-2-2 formula, as is indicated here, and if you got your nitrogenous content free, you would have to multiply your two parts by four times the amount by which you would multiply either the eight or the other two, as to the potash or the phosphoric acid content; so that everything that cheapens the nitrogen necessarily cheapens the fertilizer.

I just wanted to call the Senator's attention to that fact, for the reason that it is the most expensive element, the hardest to get, and yet the one that is indicated in all plant development as important beyond all others.

Mr. COPELAND. Mr. President, I concede all that the Senator from South Carolina says; but, even so, the expensive elements, so far as the primary cost is concerned, are elements

which make up only an infinitesimal part of the ultimate ton, because the ultimate ton of fertilizer contains a lot of filler, a substance which is shipped at high expense.

Mr. SMITH. I speak as a practical user of these forms of fertilizer, a greater amount of fertilizer being used in my State, I believe, than in any other State in the Union. All farmers do not use what is called the balanced fertilizer, the 8-2-2. The farmer who fertilizes his corn and his grain does not use any phosphorus or potash at all, as is indicated in grain production, but he does use an enormous amount of nitrate of soda from Chile, and that nitrate of soda from Chile has a 15 per cent nitrogen content, and it is now about \$50 a ton, including the chlorine, which is the other constituent of sodium.

According to Doctor Whitney, whose report I have, if you can produce the nitrogen at Muscle Shoals at 6 cents a pound as against 11 cents a pound, you practically cut in half the nitrogen available in the form of ammonium nitrate. You can get it in the form of concentrates at about one-half the cost at which you can get Chilean nitrates, according to the statements of the witnesses.

Mr. COPELAND. Mr. President, the remarks of my colleague go to prove the contention I have made—that we need more study of this great problem. I am interested in a practical way, I may say to the Senator, in the price of fertilizer. I had occasion last spring to order some for my own farm, and paid \$65 a ton for it. If it can be arranged so that I can get fertilizer for \$25 or \$35 a ton I will be personally gratified, as well as glad that all the farmers of America are to be benefited.

The point I want to bring out for my colleagues, however, is this: It is very apparent that we have much yet to learn about the making of fertilizer. There is much investigation which must be carried out, much experimentation which must be carried on, and so, as far as I am concerned, I am very solicitous that this great plant at Muscle Shoals may be used in such a way as to widen and push out the borders of knowledge, so that we may know from year to year how to improve the making of fertilizer and how to cheapen it.

There are one or two things in the amendment offered by the Senator from Nebraska which do not meet my approval certainly. My view is a matter of small consequence, but I feel it my duty to express it.

I think the provision made in his bill to authorize the Secretary of Agriculture to lease the nitrate plants, or to turn over to private persons or corporations the operation of these plants, is an unwise provision, because if the operation of these plants were turned over to a private individual or a private corporation, any research done by that private individual or private corporation would redound to the benefit of the private individual or private corporation.

We want the farmers of the country to be benefited by any research undertaken at Muscle Shoals in the improvement of the making and cheapening of fertilizer. Therefore, I oppose any plan which may give this benefit to private parties. In a moment I intend to present an amendment to strike from the bill the provision giving the Secretary of Agriculture the right to lease these plants. If adopted, this will give us time, too, to decide what shall be the ultimate disposition of the Muscle Shoals property. At this moment we are far from agreed as to what should be done.

I have been much impressed, as I said before, in reading the testimony, with the fact that practically every expert who has come before the committee has commended the work of our experts in the study of the fertilizer problem. That work of investigation must go on.

I suppose somebody will say that we are proposing to produce at Muscle Shoals simply a glorified laboratory. That is all right. I am willing to have it called that, because it is a laboratory where one of our greatest national problems will be worked out. I trust that the power at Muscle Shoals and the investment made there by the Government may be used for the benefit of all the people.

I have been much impressed with the argument set forth by my colleague from New York [Mr. WADSWORTH], and emphasized by the Senator from Alabama [Mr. UNDERWOOD], that there should be unified control, and I can see that the Senator from Nebraska sees the importance of that, too. But I am opposed to any sort of unified control which would take this property and this great power plant away from the Government and turn it over to private interests, either under lease or under purchase. In my judgment, this property should be used, as was originally intended, for the development of knowledge of fixation of nitrogen, the making of fertilizer, and then, if perchance unfortunately there should be

war, we will have a plant where can be developed the nitrogen necessary to make our explosives.

So for myself I want to say that I am in favor of the spirit of the bill presented by the Senator from Nebraska, and I am opposed to the first section of the bill presented by the Senator from Alabama, proposing to lease the property. I should be sorry if we did find somebody who was covetous enough of that great power on the Tennessee River to make use of it for private gain.

We set out upon a project which is worthy of the support and indorsement of the Senate. We set out upon a project to harness the power of the Tennessee River, and to utilize it for the benefit of the people in time of peace and for the benefit of the Nation in time of war. I do not think we should deviate from that course.

To that end, Mr. President, I offer two amendments to the amendment in the nature of a substitute offered by the Senator from Nebraska, and ask that they be printed, and in due time be given the consideration of the Senate.

The PRESIDING OFFICER. Without objection the amendments will be printed. The question now is on the amendment offered by the Senator from Maryland [Mr. BRUCE].

Mr. SMITH. Mr. President, I had intended to-day to introduce an amendment—not a bill as some of my colleagues had supposed—along the very lines that have been indicated by the Senator from New York [Mr. COPELAND]. In 1916, just before we entered the World War, on account of the necessity for great quantities of nitrogen for explosives, the price of nitrate of soda rose to \$90 and \$100 and more per ton. This entailed such an expense on the part of those who were compelled to use fertilizer in order to get a return for their efforts on the farm that I began to investigate to see whether or not there might not be some means by which the farmers of the country could be furnished this very essential ingredient at prices commensurate with the prices they receive for the things they produce.

It had been brought to the attention of Congress and of the public that there was at Niagara a plant which was in practical operation producing fixed nitrogen from the air.

I then prepared and introduced a bill which became and is to-day the act upon which the project at Muscle Shoals rests. The original terms of the bill as drawn by me and subsequently enacted into law provided that the Government should proceed to select a water-power site or sites where the fixation of nitrogen from the air might be carried on for the purpose of furnishing the country nitrate for munitions during time of war and nitrates for fertilizer during time of peace. Subsequently there was a greater amount appropriated than was provided in my original bill, which was \$20,000,000. That was added to until the expenditures at the site selected by the Government now approximate \$125,000,000.

Now, the object to which we are trying to devote this property during times of peace—I shall not discuss the war feature—is the development of and making practical the securing of nitrates and to combine them with the other elements necessary in a balanced fertilizer to meet the requirements of agriculture.

Mr. McLEAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Connecticut?

Mr. SMITH. I yield.

Mr. McLEAN. I know that the Senator from South Carolina is probably as well informed upon this subject as any Member of the Senate, and I trust that in the course of his remarks he will enlighten the Senate as to why a standard ton of fertilizer should cost the consumer anywhere from \$50 to \$65 at the present time.

Mr. SMITH. I want to show, not in theory but in actual results, the investigations of the Government as to what might be done right at Muscle Shoals now. It is not theory. I have here before me samples handed to me by Doctor Whitney, of the Bureau of Soils. In answer to the question propounded by the Senator from Connecticut I will say that anyone who has taken the trouble to read the hearings, any practical purchaser of what is known as balanced commercial fertilizer, will recognize that the element that is as costly, perhaps, when everything else is considered, as the chemical he is trying to buy is what is known as filler. Take the common formula of 8-2-2, which is cotton and tobacco fertilizer, the tobacco fertilizer generally running 8-3-3 rather than 8-2-2. That means that in 100 pounds we have 8 pounds of phosphoric acid, 3 pounds of nitrogen, and 3 pounds of potash. That is 14 pounds to the 100 pounds. Multiplying that by 10 gives 140 pounds to the thousand, and multiplying it by 20 gives 280 pounds to the 2,000 tons of ordinary mixed fertilizer. In

other words, we pay freight, we pay for the handling on the farm, and we pay for the loading and tonnage in the manufacturing plant on the weight and manipulation of 1,700 pounds of dead material that we would rather not have.

When we consider that we pay, from whatever source of origin to where we use it, on an 8-3-3 formula the freight on 1,700 pounds of what is just dirt or any kind of fine silt that will hold the fertilizer ingredients it is understandable at once that that constitutes one of the great elements of the cost.

Now, back of that is what? The fertilizer plant gets its phosphate rock principally from two of the Southern States, Tennessee and Florida. They haul that phosphate rock in the bulk. The rock generally does not exceed more than 15 or 16 per cent of phosphoric content. We can understand the enormous freight that is necessary to be paid to carry the raw material to the factory. The same is true when we attempt to get the potash that enters into the composition which we ultimately buy. The same is true of the nitrogen. These are elements of tremendous cost.

I have on my desk here samples of the very ingredients that we buy in a 2,000-pound bulk of 8-3-3 or 8-4-4 for the Connecticut tobacco farms. We ship over 1,500 pounds of filler, on which we have the expense for freight and handling, when we should have hauled only about 300 pounds of the real material. I have here before me, produced by the department of soils, samples of 8-4-4 that eliminate 75.91 per cent of the filler. In other words, when we buy 2,000 pounds of 8-4-4 in the form shown here we buy a ton of actual fertilizer ingredients and only pay freight on the thing that the plant actually consumes. The freight on a ton of fertilizer averages about \$3. We get out of that ton about 240 pounds of fertilizer, whereas when we get a ton of the product which I hold in my hand, the 8-4-4 product, we have as much real fertilizer as is contained in 6 tons of the filler and pay no more freight on a ton of the product—a sample of which I hold in my hand—than we do on a ton of the product which contains something over 1,700 pounds of filler. In other words, on 1 ton of the pure fertilizer, compared to 8 tons of filler, we would save something like \$24. Our saving on the ingredients alone, eliminating the filler in the payment of freight, would save practically half the cost of what we are paying per ton now for the mixture.

In addition to that I have a letter from Doctor Whitney, and I shall in a short time state the conditions at Muscle Shoals as he, the head of the Bureau of Soils, has stated them to me, so that we, in a popular way, without too much technicality or too many scientific phrases, may understand exactly the conditions that exist at Muscle Shoals.

The Senator from Connecticut asked me what about the cost of the nitrogen and why it should cost as much as it does. I have shown here how, everything else being equal, the elimination of the freight on the filler would materially reduce the cost per ton. But I go further than that. Doctor Whitney said, among other things:

You will see that, based on the prices quoted, the ammonia costs about 12 cents a pound in the present commercial product, and it is estimated to be produced at around 6 cents a pound at Muscle Shoals.

I want to go through the process of production at Muscle Shoals as given me by Doctor Whitney, who, in the laboratory, has produced the ingredients that I have before me. In the first place, we have had a good deal of talk here about what is the capacity of Muscle Shoals now. According to his testimony and the testimony of those who have manipulated that plant, plant No. 2 will produce 40,000 tons now of fixed nitrogen, but it will produce it in the form of cyanamide. Cyanamide is nitrogen with lime. We can not mix it with phosphoric acid and potash. I said a moment ago that it would be 40,000 tons of fixed nitrogen but that means 200,000 tons of cyanamide. The relation of the nitrogen to the lime is as 1 to 5, so that the 40,000 tons of fixed nitrogen is contained in 200,000 tons of cyanamide. That cyanamide can not even be mixed in the great commercial fertilizer-mixing plant until it in turn is treated. They take the cyanamide with the nitrogen content and put it in a furnace or treat it with steam and produce ammonia. The ammonia gas brought in the presence of phosphoric acid produces ammonia phosphate.

Doctor Whitney and his associates developed a process which is now revolutionizing the methods by which phosphoric acid is obtained. It will be interesting to the Members of the Senate to be informed that the phosphate beds of South Carolina were abandoned and that they were superseded by the phosphate beds of Florida and Tennessee, because the iron and lime that were present in the South Carolina rock made it impracti-

cable to treat the rock with sulphuric acid and extract the phosphoric acid, because the lime and iron in the rock absorbed the sulphuric acid and did not liberate the phosphate desired. The Bureau of Soils, however, developed a process by which they could take the lowest grade phosphate rock, containing the highest percentage of lime and iron, or of any other extraneous material that affected the sulphuric acid, and by means of a furnace, heated by a fuel, not electrically heated, they could recover at a low cost all of the phosphate which was contained in the lowest grade of our phosphate rock. I asked Doctor Davis this morning this question: "The production of nitrogen at Muscle Shoals is a fact?" "Yes." "Well, are there means at Muscle Shoals of getting phosphoric acid?"

Mr. McLEAN. Mr. President, if the Senator from South Carolina does not object to another interruption, I desire to ask him a question.

Mr. SMITH. I do not object.

Mr. McLEAN. I should like to call the Senator back to my question. Take a ton of standard fertilizer, which farmers buy at the present time. I presume there are but few farmers who mix their own fertilizer and that most of them must buy it of the dealers. The 2 per cent of nitrogen in fertilizer at the present time would cost how much?

Mr. SMITH. The cost of nitrogen in a unit of fertilizer could be ascertained, I think, directly.

Mr. McLEAN. About how much would it be?

Mr. SMOOT. The cost would be about \$4.80.

Mr. McLEAN. The Senator from Utah states that the cost would be about \$4.80.

Mr. SMITH. The Senator is referring to the cost per unit. It had better be reduced to a pound; and the cost would be about 11 or 12 cents a pound.

Mr. McLEAN. The cost would be around \$4 a ton.

Mr. NORRIS. Will the Senator permit an interruption there?

The PRESIDING OFFICER. Does the Senator from South Carolina yield; and if so, to whom?

Mr. SMITH. I have yielded to the Senator from Connecticut [Mr. McLEAN].

Mr. McLEAN. If any other Senator can answer my question, I shall be glad to have the answer.

Mr. SMITH. The cost of the nitrogen would be 11 cents a pound; or if the unit of a ton be taken, it would be about \$4.20.

Mr. McLEAN. How much would the phosphoric acid cost?

Mr. SMITH. Making merely a rough estimate, I should say that the phosphoric acid would cost about \$1.60.

Mr. McLEAN. A ton?

Mr. SMITH. Yes.

Mr. McLEAN. And that would be about \$6 for the nitrogen and phosphoric acid?

Mr. SMITH. Yes.

Mr. McLEAN. How much would the potash cost?

Mr. SMITH. The potash would cost about \$3.

Mr. McLEAN. That is \$9 for the essential ingredients in a ton of standard fertilizer, for which the farmer pays from \$50 to \$60; and the remainder of the contents of the ton is filler?

Mr. SMITH. Yes.

Mr. McLEAN. Does the Senator from South Carolina know of what that filling is composed?

Mr. SMITH. The filling is composed of silt or any kind of soil that will hold the ingredients together.

Mr. McLEAN. Can not filling be procured in large quantities near the places where this product is manufactured?

Mr. SMITH. Yes.

Mr. McLEAN. Does the Senator mean to say that the labor required to mix these fertilizers and the freight would cost from \$45 to \$50 a ton?

Mr. SMITH. I do not pretend to answer the Senator as to where that additional cost comes in. I was merely trying to show him that one of the additional items of cost was hauling 1,700 pounds of filler, because the scientific authorities have not found up to the time of conducting the present experiment any way of mixing those ingredients chemically in commercial quantities. So the manufacturers had to use the filler.

Mr. McLEAN. Then, a part of the cost is laboratory cost, the mixing cost?

Mr. SMITH. That is not laboratory work; it is mechanical. All that it is necessary to do is to calculate the chemical contents and weigh out so much nitrate of soda, so much potash, and so much phosphoric acid, and then mix them mechanically in the proportion of 8-2-2.

Mr. McLEAN. A reduction by scientific processes of the cost of mixing would tend greatly to reduce the price of fertilizer. If the fertilizing ingredient costs only eight or nine dollars a ton

there must be some way by which the price of standard fertilizers can be greatly reduced, reduced far more than we can expect from any results occurring from the development of Muscle Shoals. I am not saying that because I am opposed to using Muscle Shoals in certain ways; but the thing that is not clear to my mind is as to where the large cost of \$45 a ton comes in, and is it necessary as a permanent cost?

Mr. SMITH. The Senator, of course, is a business man and must recognize that a large percentage is placed on all fertilizer sales in order to absorb the losses for failures to pay for the fertilizer. Also there must be considered the wear and tear on the plant, because the acids rapidly deteriorate the machinery used. There are a dozen and one things that enter into the calculation; but to me, as it does to the Senator, the price seems out of all proportion to the real fertilizing ingredients in the compound.

The very thing that the Senator from Connecticut complains of, the enormous cost of the product which the farmer buys, has made it impossible for this country to develop, even within any reasonable limit, the possibilities of production per acre that our land is capable of if we had an abundance at a reasonable price of the ingredients for fertilizing the land.

What we desire above all else in embarking on this project is something more than the mere fixation of nitrogen. That has passed the empirical stage. We want to complete the process by which the nitrogen can be handled by the farmer direct from the plant, and we want to develop and complete the process by which in commercial quantities the mixed fertilizer, with or without the filler, can be produced. What we want down at Muscle Shoals is the production of a completed fertilizer in the form of nitrates which can be used if a farmer wants simple nitrates, or a balanced fertilizer in available form that he can use.

As I said a moment ago, the Agricultural Department has developed independently—and perhaps they were the pioneers; I believe they claim to be the pioneers—a new process of getting phosphoric acid from rock that otherwise is totally useless under the old process of extracting phosphoric acid. They have also discovered that by the same process by which they get phosphoric acid from the rock they can get potash in unlimited quantities from the low-grade potash ores that are found in this country. The actual samples which I have before me now show how they took the cyanamide, reduced the cyanamide to ammonia, took the ammonia, and in the presence of phosphoric acid, produced the salt of ammonium phosphate, and then by the same process secured potash which they had extracted by the same method. Thus they have gone far enough to produce a balanced fertilizer without a filler, which carries with it the very ingredients that the farmer needs, without the necessity of paying freight or handling charges on 200 pounds in weight in order to get 28 pounds of actual fertilizer ingredient.

Outside of obtaining the nitrogen, this process has not as yet been reduced at Muscle Shoals to a practical proposition. What they do know is they can get the nitrogen. They can get 40,000 tons of fixed nitrogen. They can, through a simple process, convert it into ammonia, and the ammonia into either nitrate of ammonia or phosphate of ammonia, or ammonium potassium, or mix the three ingredients.

The object here is to have the Senate decide whether or not the Government, committed to the interests of the people, is better prepared and qualified than are other agencies to do this work and to demonstrate its practicability for the use of the farmers of the country; whether it is our duty to hold this property until the new process of treating the phosphate rock and the new process of treating the potash rock and making a complete fertilizer available for agricultural purposes have been demonstrated on a commercial and practicable scale and are ready for use by the people; or whether right now, in the empirical stage, before any of these processes are standardized, we should lease it to private individuals, whose interest it is, of course, to make the greatest profit for themselves, regardless of what is the ultimate result for the benefit of agriculture.

I intend to propose, and have it on my desk, an amendment to either one of the two bills that are pending designed to provide that the Government shall not lease or otherwise dispose of the facilities at Muscle Shoals until such time as the processes which have produced these samples here have been standardized. I am not particularly enamored of the Government owning the plant and continuing this work, but I am unalterably opposed to the Government disposing of this opportunity to demonstrate what may be done in the interest of agriculture and furnishing the very thing

that the country needs beyond anything else, namely, this kind of fertilizer.

The question arose here to-day, and was discussed by both the Senator from Nebraska and the Senator from Alabama, as to the amount of power to be used under the bill of the Senator from Nebraska and the minimum amount to be produced under the Underwood bill.

Nitrate plant No. 1 is an experimental plant, and the scientists—Doctor Davis and Doctor Whitney—both tell me that they really have little doubt but that a new process may be developed which will be far cheaper than the present cyanamide process; in other words, that we may develop a modified Haber process by which one-fifth, or perhaps less, of the power now necessary to fix the nitrogen will be used.

Suppose that is true. Then as we reduce the amount of power needed we increase the possibilities of production at Muscle Shoals. Suppose we could produce 40,000 tons of fixed nitrogen with 10,000 horsepower where 100,000 is now required. Then we would produce, with the 100,000 horsepower, ten times as much nitrogen as could be produced with the old method. Therefore the amount of nitrogen being unlimited, so many million tons to every square mile of air, the amount of phosphate being unlimited, Tennessee, Florida, and the Carolinas being inexhaustible sources of phosphate rock, and the amount of potash being unlimited, if you perfect the principle by which you can extract and combine these three ingredients, there could then be produced at Muscle Shoals all the fertilizer that America now needs. This country uses 8,000,000 tons of the mixed ingredients annually, but 80 per cent of the mixture is a filler. Therefore about 2,000,000 or 1,500,000 tons of actual chemical is what the farmers of this country buy. That process would eliminate the six and a half million tons of filler and would give to the farmers the equivalent of 8,000,000 tons of pure chemicals.

What is our manifest duty in the premises? It is demonstrated that it can be done. The question now is, How cheaply can it be done? That question can be answered only as the process of experimentation goes on.

Up to within the last few years, as the Senator from Nebraska will bear me out, the only known process of obtaining acid phosphate was to wash and then treat the rock with sulphuric acid, and if there was lime, iron, or other mineral present in the rock it would absorb the sulphuric acid and give off no acid phosphate. Under a process discovered by the department here, however, they can heat the phosphate rock in a furnace, and by using common, ordinary sand, get silicic acid, the acid from the sand, they can produce a phosphoric acid equal to that produced by the sulphuric-acid process, without any loss on account of the presence of lime or any other content of the rock.

They reduced it to practice, and the chemist who collaborated with Doctor Whitney left the department and went into the employ of a fertilizer company, and they are now using that process commercially. Here is this plant already owned by the Government, built by the taxes of the people at a cost of \$125,000,000, under the terms of the bill of which I have the honor of being the author, the Muscle Shoals legislation. The intent of that bill is already being carried out. These are some of the advance results. Now, on the very eve of demonstrating that all that power can be used economically for the benefit of agriculture, why should we jeopardize the work that our department is doing by permitting it to go into the hands of private individuals until such time as the Government has demonstrated beyond a doubt the feasibility of giving these fertilizer ingredients to the farmer in commercial quantities? Then, if we see fit to lease the plant, we will have a basis upon which to calculate intelligently our lease. We will know what are the processes, what is the cost, and what benefit the farmers will derive from it.

I think it is the duty of the Senate to hold that property and all the power developed there, not with a view to the sale of the power, but with a view to the utilization of that power and the demonstration of the feasibility of this process that is destined to revolutionize artificial fertilization in this country. The use of this concentrated fertilizer, which is just as easily applicable to the land as the present form of fertilizer, is highly important. If one only wanted 20 pounds of these chemicals to the acre, one would use 20. At present, in order to get 20 pounds of the chemicals, one has to put on 400 pounds of filler compound. It is practical, and the object of this whole Muscle Shoals project is not merely to demonstrate that nitrogen can be fixed, but that a practical compound can be produced. We will experiment from time to time as to improving the process. It is very much like the manufac-

ture and development of the automobile—crude and imperfect at first, but the principle was there, manifesting itself and indicating its own improvement, until to-day it is a splendid vehicle that does work for organized society. Just so with fertilizer; this is the crude form, but the principle is expressing itself, and needs only additional work in the laboratory and by our experts to find its perfection in the process of manufacture. Indeed, the scientists who have talked to me have declared that the prospects are that by the processes already discovered and capable of use the cost per ton can be practically cut in two. I believe that was the testimony before our committee, even before the advanced stage at which it has arrived since then.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from South Carolina yield to the Senator from Arkansas?

Mr. SMITH. I shall be glad to yield to the Senator.

Mr. CARAWAY. First, what is the reason now for commercial fertilizer to have the filler about which the Senator is speaking—the 1,760 pounds to accompany the 240 pounds of actual fertilizer?

Mr. SMITH. There are two difficulties. One is that these salts that I have shown are a chemical mixture. The filler is a mechanical mixture.

Mr. CARAWAY. Would this produce the same effect as the commercial fertilizer, or would it be so strong that it would kill the plant?

Mr. SMITH. It would not affect the plant any more than nitrate of soda. You know nitrate of soda will kill the plant if you put it right adjoining the root, and so will commercial fertilizer if you put the seed in the actual fertilizer; but this will not affect the plant any more than commercial fertilizer to-day.

Mr. CARAWAY. There was one other question that I wished to ask. It is the Senator's view, is it, that the shoals should be dedicated as an experiment station?

Mr. SMITH. Until we have passed the experimental stage.

Mr. CARAWAY. The thing I wished to ask the Senator is this: Does he believe that the Government will be more active in developing a commercial fertilizer than would a private individual who would have the incentive of profit?

Mr. SMITH. I think so, for this reason: As the Senator from Connecticut a while ago pointed out, if private concerns can sell us now a sack or a ton of commercial fertilizer with the chemical ingredients in it costing such a small per cent of the total cost, and that gives them a fine profit, and they have simply mechanically mixed in the filler these chemical ingredients, why should they, if they have a practical monopoly of it, investigate with a view to bringing about a change, and at enormous expense, because this laboratory work is the pioneer work, is really the expensive part, because during the experimental stage there is nothing commercial made, and there is no asset secured to meet the liabilities incurred in experimenting?

Mr. CARAWAY. What appeals to me is this: If it were possible to develop a commercial fertilizer that would eliminate the necessity of paying freight on 1,700 pounds of filler to every 300 pounds of fertilizer, does not the Senator think some enterprising individual would be very greatly tempted to experiment along that line in order to do it? He would then evidently have a monopoly of the market until the other people followed his process.

Mr. SMITH. It does so appear, and it looks very much as if some one would have discovered the process of extracting phosphoric acid from low-grade rock; but they did not do it. The Government did it, and just as soon as it was demonstrated, of course, it was given to everybody. If the Senator will allow me to say so further, in answer to his question, I think that is one argument for having the Government proceed with this undertaking, because if a private concern were to discover a method by which these ingredients could be chemically combined it would immediately get a patent on the process, and then, until the life of that patent ran out, the public would be shut out from any benefit that might accrue to it, whereas if the Government discovers such a process it gives it out to everybody immediately, and everybody is the beneficiary.

Mr. CARAWAY. What I still have in my mind is this: The process of extracting nitrogen from the air never came from any governmental experimentation, did it?

Mr. SMITH. They claim here, I think, that one of the processes was theirs.

Mr. CARAWAY. Then why was the process permitted to be patented?

Mr. SMITH. The process that they are experimenting on now was not patented. The cyanamide process was.

Mr. CARAWAY. The Government has not yet developed any process that is commercially profitable?

Mr. SMITH. No.

Mr. CARAWAY. The thing that I have in mind and that I want to ask the Senator about, because he has given the matter so much thought, is this: Here is a plant that has cost quite a great deal of money, that for the first time promised to give the farmers some relief. There are those who, it seems to me, are overzealous to have the Government retain it for purely an experimental station. Instead of giving to the farmer any relief by reason of the discovered processes of extracting nitrogen from the air, notwithstanding the great expense to which the Government has gone in building Dam No. 2 and the two plants, it is now asked to tie the whole investment up into an experiment station, and it may be valuable 10 or 15 or 20 years from now.

Mr. SMITH. Oh, no; the Senator mistakes me. I said in the beginning of my speech that, as Doctor Whitney testifies and told me privately, there is a plant there already equipped and paid for that will produce 40,000 tons, a plant available now for the benefit of the farmer with just a little additional expenditure.

Mr. CARAWAY. Whenever the farmer has to wait until the Government manufactures something that will be valuable to him, he is going to grow gray waiting. The Government is one of the institutions that we have to have, but we never see it go into business with profit to anybody except the people who are on the pay roll, or at least I have never observed it doing it. Now, just when there is a possibility of getting some relief, shall we turn this project over to the Government to experiment with, tie it up, as the Senator from Maryland desires, with an amendment, so that nobody who can do anything except spell can ever work for the Government under it, and then just wait to see what will happen?

Mr. SMITH. I am sure the Senator misunderstood my whole proposition. Let the Government use plant No. 2, produce the cyanamide and reduce it to ammonia, and then, through the processes indicated here, which can be used right now, let them produce the 40,000 tons of nitrogen, or the 200,000 tons of cyanamide, and convert it into fertilizer and put it on the market now. In the meantime let them use plant No. 1 to develop what they believe they can develop, a process that will produce the 40,000 tons with one-fifth of the power that is now required. This plant is paid for; it is a going concern. Let the Government go ahead and manufacture this product now. The phosphate rock is there; the potash is there; and there is an unlimited amount of nitrogen in the air. Let them manufacture this now and refine the process, add to it, perfect it, until the process is cheapened, and when they have at last reached the limit then let us talk about a lease; but every year and every day let them be producing a finished product and giving it out to the public in order to demonstrate beyond a doubt what can be done and at what cost.

Mr. CARAWAY. The Senator has not offered his amendment yet, then, has he?

Mr. SMITH. No; I have not offered it yet.

Mr. CARAWAY. The Senator's amendment provides for the Government manufacturing and selling to the farmer at what price?

Mr. SMITH. Let them cover cost. It does not concern us who else is in the market. Let them do it in such a way that the general public need not be taxed. Let the price cover the cost of the work.

Mr. CARAWAY. Of the plant?

Mr. SMITH. Yes; I mean, let it be a percentage of the cost of the plant.

Mr. CARAWAY. Does not the Senator suppose the price will then be so high that all the farmer will do will be to go to the plant and look at it? I want to get the Senator's views on his amendment. If I am to vote on it, I want some light on it, and I want some light on what the cost is likely to be.

Mr. SMITH. According to the testimony, it will cost about one-half what it costs now. All I want the Government to do is to sell the fertilizer at cost. If it should be so costly that they could not sell it, then we should quit; but let it be sold at cost. If it is demonstrated that you can not produce fertilizer there which can be sold as cheaply as the private companies are selling it, it would be idle to go on, but if we can produce it at a lower cost and sell it at cost, then we will at least know what a reasonable profit to private individuals would be.

Mr. CARAWAY. I find myself in perfect accord with that statement, but I was peculiarly desirous that we do something practical with this great national resource. I know, and the Senator knows, that you can find a theorist, especially in a governmental department, who can sit down and spin a story all day long about what he is going to do some time in the future, not that he ever did anything, but he is just about to return a great profit upon the investment the Government has had in him for 20 or 30 or 40 years. I do not want merely to disparage the Government conduct of business, although I have never seen it succeed in doing business, but I just felt that we listened to the stories of theorists and kept on and kept on listening to them for the three or four years this plant has been here. It has been the subject of one experimental proposition after another. One fellow wants to do this with it and somebody else wants to do something else, and always there is some fellow coming in just at the last minute and saying, "If you had just let me have it, I could have done so much better with it than these other people did." I was afraid we were just fixing to do that again.

Mr. SMITH. The bald statement has been made, without any equivocation, that we can produce now 40,000 tons of this fixed nitrogen, contained in 200,000 tons of cyanamide.

Mr. CARAWAY. The Senator says the Government has already given this process to the manufacturers of commercial fertilizer?

Mr. SMITH. One step of it; that is, taking out the phosphoric acid.

Mr. CARAWAY. Why not give it to the public now? The Government should not withhold it from the public.

Mr. SMITH. The Government is not withholding it. Anybody can use the phosphoric acid process who wants to.

Mr. CARAWAY. But the whole process?

Mr. SMITH. They can use all of it.

Mr. CARAWAY. The manufacturers of commercial fertilizer, then, the Senator says, now are entitled to use this process which the Government has developed of manufacturing commercial fertilizer without the filler?

Mr. SMITH. Yes.

Mr. CARAWAY. Is any company so impressed with it that it is trying it?

Mr. SMITH. Yes. One of the curious questions is why the farmer insists on having the fertilizer in the diluted form.

Mr. CARAWAY. The Senator means that the farmer will not buy fertilizer that is condensed?

Mr. SMITH. For years and years the department has tried to get the farmers to buy muriate of potash, which is a condensed form of potash, and save the freight paid on the filler. They have tried to get them to buy the phosphoric acid and nitrate of soda, rather than the commercially mixed goods, but the farmer seems to prefer to have the fertilizer in the form to which he has been accustomed.

The department has insisted that this fertilizer, a sample of which I hold in my hand, can be still further developed in a commercial sense. It has not yet reached its highest development, and my idea was that if the Government, experimenting, as it does, at nitrate plant No. 1, is making progress; and if they did discover, as I am sure they did, because I have no reason to doubt their word, the process that is now being used to get the phosphoric acid; if they can improve the method of getting the potash; if they can, by their research and work, produce the fertilizer in a form that will invite the confidence of the farmer, so that he can get it in a concentrated form, so that at least, if everything else were equal, the cost of the filler would be eliminated and we could educate the farmer along that line, we will do a splendid work for the farmers of this country. Not only that, but if we can develop the process at Muscle Shoals by which the power required to extract these ingredients can be diminished, in just that proportion we will increase the volume that can be turned out.

The amount of fertilizer which can be made there, with the phosphate rock and the potash rock in this country, is unlimited. If a process can be perfected that will conserve power and increase the output, the prospects are that the water power of this country, harnessed at Muscle Shoals, and perhaps in smaller units throughout the country, can, with a minimum of expense and a perpetual source of power and raw material, solve the problem of adequate fertilization for the farmer.

While our Government is experimenting and searching for new processes, let them use what we have already bought and paid for. Let them use it in producing these ingredients and putting them in such form, if not in combination, at least in such a form that those who desire one ingredient may get it; let us hold on to that and let us develop into a practical commercial plant what we have already started so splendidly.

Mr. CARAWAY. Let me just say this: Suppose we had withheld from the genius of private industry all the processes of developing the things the farmer now uses, and had let the Government do it. Does not the Senator suppose the farmer would have been plowing with a stick yet?

Mr. SMITH. I am not disparaging private initiative or discovery, but if we have chemists in the Agricultural Department who have shown their competency to do these things, why should we not utilize them in a practical way, as Senators have contended?

Mr. CARAWAY. That is the point about it. What I am trying to find out is this: If they have gone through the process of experimentation, as the Senator has said, and have already developed this commercial fertilizer which can be used in a condensed form, why not let us put that on the market? Why should we keep that tied up?

Mr. SMITH. The Senator must not misunderstand me. Just a part of this is reduced to practical form; that is, the ammonium phosphate. The potash element they have every reason to believe, by their combination, can be as economically produced as the other.

Mr. CARAWAY. Where was this experiment carried on—where have they developed those things?

Mr. SMITH. They developed this right here at the Agricultural Department.

Mr. CARAWAY. Why not let them continue here in the experimentation, as they are doing now, and then give to the public the advantages they may derive from their discoveries? Why tie up the only plant that could do the farmers some good and turn it into an experiment station?

Mr. SMITH. I am not asking that it be turned into an experiment station. I want the Government to go on and produce just as rapidly as they make discoveries and improvements, applying them in their practical plants. We have two of them. We have two now. Plant No. 1 is experimenting. Plant No. 2 is a practical one. You can use everything you discover, as soon as it is discovered, in plant No. 2, until you are reasonably assured that you have exhausted the subject, and we should give the agricultural people of this country the benefit of that at cost.

Mr. CARAWAY. If they wait until the people who are on the pay rolls say they have exhausted the subject, the farmers will be older than Noah was when he built the ark.

Mr. SMITH. But we at least should have some reasonable ground upon which to know whether or not progress has been made. It will not take 12 months for us to demonstrate whether or not plant No. 2, with what accessories are necessary, can produce available for the farmers the very ingredients they now have to go to the fertilizer factories for, and I believe it is the part of wisdom and economy on the part of the Senate to utilize all the power down there to demonstrate what can be produced in a practical form, not experimentally altogether, although in a way experimental as precedent to the practical. Let them both go hand in hand there, and demonstrate the reasonable cost to the farmer of this process that is bound to revolutionize the whole matter of fertilizer manufacture.

Mr. COPELAND. Mr. President, what we are fighting about over in New York is to have the public-service commission treat us in the same way that the people of Nebraska or Missouri are treated. But I join with other Senators in bitter disappointment if out of this plan did not grow some working arrangement which would give the people of this country cheaper fertilizer.

Before enlarging upon this point, however, I must remark that certainly no one wants to belittle the research work and the discoveries which have come out of governmental laboratories. When I think about how diphtheria and typhoid fever have become negligible in their attacks upon the people, I thank Heaven that there have been research laboratories under Government control.

Mr. President, it would not be fair, I am sure, to let any false impression prevail as to what is intended by the Senator from Nebraska in the bill which he has presented. It is true that he does not do as the Senator from Alabama does in his bill—turn all the power into the making of fixed nitrogen, as I understand the bill. The provision of the Norris bill is that the corporation which is organized under the Secretary of War will sell any surplus power. The thing I do not like about the bill which the Senator from Nebraska presented was that he limited the amount of power which could be used in the manufacture of fertilizer. That was the reason for the presentation of my own amendment this morning. But the bill of the Senator from Nebraska provides for the sale of surplus

power. What is more important to the country at large is that it provides that plant No. 1, not alone plant No. 2, shall be used for the manufacture of fertilizer, as at present. It provides that plant No. 1 shall be developed. We find at the bottom of page 29 of the Norris bill that plant No. 1 shall be remodeled. The provision is that the Secretary of Agriculture—

Is hereby authorized to remodel nitrate plant No. 1 and to use the same in the manufacture of fertilizer or other products and in experimental work.

It is provided further that plant No. 2 shall not be cut down at all in its present output of 40,000 tons per year. It contemplates the sale of the fertilizers or products used in the making of fertilizer directly to farmers or to others who have a personal interest in their purchase.

So it would seem to me that from every standpoint, with certain safeguards, this bill will do exactly what the Senator from Arkansas wants, and what all the rest of us want; that it shall provide for the depleted farms of this country the fertilizer necessary to increase the crops and bring them up to the needs of the increasing population. For these reasons, with the amendments which are offered, it seems to me that we may safely proceed to pass this measure.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Maryland [Mr. BRUCE] to the substitute reported by the committee.

Mr. NORRIS. Mr. President, the Senator from Maryland was called out of the Chamber. He, of course, ought to be here when his amendment is voted on. Unless some other Senator wants to speak on the subject—

Mr. UNDERWOOD. Mr. President, I simply desire to suggest that if we are going to vote it might be well to call a quorum.

Mr. NORRIS. That is what I am going to do unless some Senator wants to speak. If no Senator wants to speak, I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Bayard	Fessenden	Kling	Robinson
Borah	Fletcher	Ladd	Sheppard
Brookhart	George	Lenroot	Shipstead
Broussard	Gerry	McKellar	Shortridge
Bruce	Glass	McKinley	Simmons
Butler	Gooding	McLean	Smith
Capper	Hale	McNary	Smoot
Caraway	Harris	Mansfield	Spencer
Copeland	Harrison	Means	Stanfield
Couzens	Hedlin	Metcalfe	Sterling
Cummins	Howell	Neville	Swanson
Curtis	Johnson, Calif.	Norris	Trammell
Dial	Johnson, Minn.	Overman	Underwood
Edwards	Jones, N. Mex.	Pepper	Wadsworth
Ernst	Jones, Wash.	Phelps	Warren
Fernald	Kendrick	Ralston	Wheeler
Ferris	Keyes	Ransdell	Whitt

The PRESIDENT pro tempore. Sixty-eight Senators having answered to the roll call, there is a quorum present. The question is upon agreeing to the amendment offered by the Senator from Maryland.

Mr. BRUCE. Mr. President, I desire to add a brief clause to the pending amendment, and I will ask the Secretary to take it down as I suggest it. After the terminal words "with respect thereto," I ask to have added the words "but all such employees shall be subject to dismissal by the board at its pleasure."

The PRESIDENT pro tempore. The Senator from Maryland modifies his proposed amendment by adding the words which the Secretary will report.

The READING CLERK. In the amendment proposed by the Senator from Maryland, after the words "with respect thereto," and before the period, he modifies the amendment by inserting the words "but all such employees shall be subject to dismissal by the board at its pleasure."

Mr. BRUCE. Mr. President, I desire to add just a sentence or so to what I said with respect to this amendment on Friday last.

The Senator from North Carolina [Mr. SIMMONS] asked me when I was presenting the merits of the amendment whether I thought that if it should become necessary to appoint a chemist in connection with the Muscle Shoals work that chemist should be selected in accordance with the Federal statutes and the rules and regulations relating to the Federal classified service. I said I did. Now I desire to call attention to the fact that great numbers of chemists are selected from time to time as the result of competitive examinations held under the auspices of the Civil Service Commission.

For illustration, I hold in my hand a Government circular headed "Occupational list of examinations held during 1916 and 1917," and on turning to the title "Chemist" in this circular what do I find? That during those years the United States Civil Service Commission held examinations for the purpose of securing for the Government the services of an alloy chemist, of an analytical chemist and mineralogist, of an assistant chemist, of an associate analytical chemist, of an engineering department chemist, and, most significantly of all in connection with the subject that is now under consideration, of an explosives chemist; also of a fuels chemist, a gas chemist, an inorganic chemistry chemist, a radioactivity chemist, a laboratory chemist, and so on. In other words, under this merit system of appointment numerous chemists, to say nothing of biologists, bacteriologists, and other special scientific experts, have been appointed agreeably with the provisions of the Federal laws and rules and regulations relating to the Federal classified service.

Then my friend the Senator from Arkansas [Mr. CARAWAY] a few moments ago said, "The Senator from Maryland would not have anybody engaged in connection with this work who did not know how to spell." I am sure that the Senator from Arkansas would consider the Senator from Maryland, or the Senator from Arkansas himself, very unfit to have a seat in this body if he did not know how to spell, and I imagine he would even consider anyone highly incompetent to fill the position of a clerk in one of the departments in this city, to say nothing of a chemist or of a bacteriologist or biologist, who did not know how to spell. Of course, the Senator from Arkansas not only knows how to spell, but he even knows how to work a rhetorical spell. We all know that. The fact is, of course, that individuals who do not know how to spell—that is to say, mere laborers—would not, under the civil service system, be subjected to competitive examination at all in connection with the Muscle Shoals enterprise.

The very worst misfortune of the civil service system is that it is incessantly misrepresented, though it seems to thrive and flourish, I am glad to say, on misrepresentation. One of the first misrepresentations to which it was ever subjected within my memory was on an occasion when the late Arthur P. Gorman, of Maryland, who was one of its bitter antagonists, said in the course of a public speech in Baltimore, "What a perfectly absurd thing this civil service is! Why, the other day a man who was being examined for the position of clerk in Washington was asked how far it was from the earth to the sun." Of course, the friends of the merit system of appointment were very desirous of running that extraordinary statement down, and as is quite often found in the case of statements of that kind by public men, while it was not wholly untrue it was only partially true. There had been an examination in the city of Washington, and one of the applicants for the position with reference to which that examination was held had been asked how far it was from the earth to the sun, but, unfortunately for Mr. Gorman, the question, as I was informed, was put to an applicant for the position of assistant astronomer at the Government Observatory. So it always goes.

As I said the other day, we have arrived at that stage in the history of this great reform when it includes practically all the subordinate positions under the Federal Government, outside of a few governmental domains, and when every President of the United States who is about to surrender the presidential office feels that he would be in some sense dishonored in the eyes of the American people if he did not give a further impulse of extension to the reform. And, now, here we have President Coolidge, in his recent message to this body, establishing another precedent of that sort by asking Congress to apply the merit system of appointment to the whole Prohibition Unit; nay, and doing more, asking that the existing incumbents of the offices associated with the Prohibition Unit be not covered into that unit by the legislation when enacted. Moreover, I was particularly delighted by the further suggestion of the President that the merit system of appointment as applied to first, second, and third class postmasters should be clinched by legislative enactment.

If the merit system of appointment is a good thing in connection with the direct exercise of governmental functions, why should it not be a good thing when the Government chooses, instead of directly exercising such functions, to exercise them through the agency of a corporation? The function is exactly the same in the one case as it is in the other; and, for one, I confess that I am beginning to suspect that one reason why these Federal corporations are created is for the purpose of evading the operation of the national civil service laws.

There is the Panama Canal service. That should be brought within the merit system of appointment. Since I have been in Washington I have been again and again subjected to pressure by mechanics, artisans, or other applicants of one grade or another who desired to secure positions in the Panama Canal service.

There is the Emergency Fleet Corporation service, too. Does not every man in this body know that a most decided improvement would have been operated in the service of that corporation and that its career might well not have been so unfortunate, not to say tragic, as it has been if the positions under the Emergency Fleet Corporation had been filled by the wise, salutary, beneficent plan of appointment peculiar to the Federal classified service? In point of fact, there are only a few provinces of the Government now outside of the scope of the national civil service laws, and they are provinces that mainly exist within the scope of the duties and functions that belong to Federal administrative corporations. These corporations quite exceptionally are allowed to run at large, so to speak, and to make appointments under the old detestable spoils or patronage system.

Now, I say, let us not make that mistake again. Here is a great work proposed to be conducted by a Government corporation under the Norris substitute and alternatively by such corporation under the Underwood substitute. This corporation, of course, would require laborers. These laborers would be of a character that would not fall within the scope of the national civil service law, or, if they did, only to the extent that they would be subject to a mere physical examination. Clerks and chemists and engineers, however, would have to be appointed, and unquestionably many other technical experts would have to be appointed also. Why should they not be appointed agreeably with the Federal statutes and regulations and rules relating to the national merit system of appointment, just as thousands of similar employees are now appointed in connection with the departmental work of the Government under those statutes, regulations, and rules? I trust that the amendment which I have offered will receive the cordial approval and support of every member of this body.

Mr. STERLING. Mr. President, I would like to ask the Senator a question before he takes his seat.

Mr. BRUCE. Certainly.

Mr. STERLING. The Senator has added the following phrase to his amendment as originally submitted:

But all such employees shall be subject to dismissal by the board at its pleasure.

Mr. BRUCE. Some members of the Senate who are in favor of my amendment had some little scruples about qualifying in any way the power of dismissal on the part of the board, the idea being that as the objects of the corporation would be industrial sometimes the board might be called upon to act so quickly in connection with changes in subordinate positions that it would be well to leave its power of dismissal unimpaired. As the author of the amendment, I feel that I could afford to make that concession.

Mr. STERLING. Let me say to the Senator that that makes a pretty sharp discrimination between those employees and the employees of the classified civil service generally who can only be dismissed upon notice and statement of cause for their dismissal. If I may, I will call the attention of the Senator to the statute. Section 6 of the act of August 24, 1912, provides:

That no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof and also be allowed a reasonable time for personally answering the same in writing.

It seems to me that the amendment of the Senator will be rendered in large part nugatory if he adds the clause which I understand he has added concerning a dismissal by the board at pleasure.

Mr. BRUCE. I am willing to waive that. I do not think so. There is very little motive to make a change in a subordinate position when the successor to the incumbent is to be selected under the national civil-service system. The head is not likely to make a change except for good cause when he knows that the successor to the man he dismisses will not be selected by him as a matter of personal or political favoritism, but will be selected for him by the same impersonal disinterested system that has selected the predecessor of the person removed. I grant that this is a departure from the full effect of the present national civil service laws, but the importance of that de-

parture has been stressed by some of the friends of my amendment who are honestly in favor of it and would like to see it adopted, and I am willing to make that concession to them.

Mr. STERLING. I would have been glad to support the original amendment in the language in which it was introduced by the Senator from Maryland, but I fear the consequences of the additional language. I fear the members of the board, if they could discharge at their pleasure, would be importuned to discharge this or that employee to make place for another, just the same as it might have been had there been no provision putting them in the classified service originally.

Mr. BRUCE. The Senator can offer a proposition of his own to that effect and see what favor it will receive at the hands of the Senate, but I am willing to allow my amendment to remain in the form in which it now is presented.

Mr. McKELLAR. Mr. President, I shall detain the Senate only a few moments. For a number of years I have served on the Committee on Civil Service in the Senate and I am a great believer in the merit system as applied to the selection of clerks and other officials in the employment of Government departments. I think it is a most wise and beneficial service and ought to be built up wherever it can and extended wherever it may be. But civil service in governmental departments is a different situation from that which we have here. If the bill is enacted into law the Government is going into a private business and we are putting that private business in the hands of a corporation. We expect to hold that corporation responsible for the success or failure of the business, and while we do that, if the amendment of the Senator from Maryland is adopted, we are asked to arrange it so that the corporation will have nothing whatsoever to do with the selection of its employees and nothing whatsoever to do with their discharge if it is necessary to discharge them. On the contrary we are providing by law that an entirely different and separate body, probably unacquainted with the business for which they are called to supply employees, shall undertake to employ all of the employees for this highly technical business corporation and discharge them if it sees fit to do so. How can we expect success under these circumstances? In my humble judgment a more unwise provision could not be inserted in the law. I think it is purely a business proposition that we are going into or that we propose to go into, and we ought to give the corporation to be created full power to select its own employees and power to discharge them. Otherwise we will have nothing but confusion and perhaps bedlam from the very beginning of the operations of the corporation. Therefore I am going to vote against the amendment.

I want to say further that in my judgment the amendment is not needed. I call the attention of the Senate to what seems to be a very wise provision in the language of the substitute submitted by the committee. I refer to section 6, as follows:

In the appointment of officials and the selection of employees for said corporation and in the promotion of any such employees or officials no political test or qualifications shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency.

I stop there long enough to ask those who believe in the merit system, in a system of efficiency in Government employees as I do, how we could tell for a moment that the Civil Service Commission stationed here in Washington would be better qualified to employ and discharge the employees of this corporation down at Muscle Shoals than the corporation itself on the actual ground will be? I do not believe it would be. I believe the merit system that is created by the bill for this particular business that we are creating will be far more efficient and effective and far more meritorious than a system of civil service conducted here at Washington. I proceed with the reading of section 6 of the Norris substitute:

The board shall keep a record of all requests, oral and written, made to any member thereof, coming from any source, asking for any favor in behalf of any person or the promotion of any employee, which record shall be open to the public inspection. Any member of said board who permits the use of political or partisan influence in the selection of any employee, or in the promotion of any such employee of said corporation, or who gives any consideration to political consideration in the official action of said board, or who, knowing that such political influence has been or is attempted, does not record the same in said record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding \$1,000 or be imprisoned not to exceed six months, or both such fine and imprisonment, and the conviction of any member of said board of the offense herein defined shall have the effect of removing such member from office.

I think that is as far as we should go. Certainly it is as far as we should go at this time. This is a new departure. This is a departure from the ordinary policies of the Government. We are putting the business in the hands of a corporation under the language of the bill. Surely we should give that corporation the power to select its own agents and representatives if we are going to hold them responsible, as, of course, we are going to do. In my judgment, it is very unwise to handicap the corporation in the very beginning by taking away from it the power to select its own employees or to discharge its own employees.

There is another thing about it. It is perfectly apparent that many of the gentlemen employed will be engineers, technicians of one kind or another—chemists, for instance—and men will be taken from many other professions as well. Surely under these circumstances the corporation which is to be placed in charge of the work, under such rules as are laid down in this very proper provision in section 6 as reported by the committee, should have the right to select its own employees in order that the work may be made a success.

For these reasons, Mr. President, I am going to vote against the amendment offered by the Senator from Maryland.

Mr. BRUCE. Mr. President, if I may be permitted to make an observation or two in reply to what the Senator from Tennessee has said, let me add that, though I have no desire to use aggressive language, I defy that Senator or any other Member of this body to draw any really substantial distinction between a function exercised directly by the Government within the scope of its powers and the same function when it is exercised by a Federal corporation. There is no difference in identity between the Government and such a corporation—not the least. The members of the board of directors of the corporation under consideration are all to be appointed by the President; all the stock of the corporation is to be held by the Government; all the objects and duties of the corporation would be public in their nature.

The Government under this bill, simply as a matter of convenience, chooses to clothe itself for the nonce with the character of a corporation; in other words, the idea is that the work at Muscle Shoals could more readily and easily, and perhaps more effectively, be conducted by a corporate instrumentality of the Government than by the direct action of the Government; that is all.

As I have intimated, if we are going to abandon the merit system of appointment or if we are going to allow it successfully to be encroached upon, I could not conceive of a more effective way of permitting that to be done than to permit the Government, whenever it has occasion to perform some great work of this description, to assume for the purposes of that work the character of a corporation and to provide that no official or employee of any sort whose services may be required in connection with the work shall be selected agreeably with the Federal statutes and rules and regulations relating to the Federal classified service.

Let us set a good example now; let us establish a valuable precedent now. There is no reason why the merit system of appointment should not be extended to the services of every Federal corporation of this kind. Let us extend it in the present instance. If we do, I feel sure that we shall all have a right to congratulate ourselves upon having performed an act of good judgment and public spirit.

Mr. HARRISON. Mr. President, will the Senator from Maryland yield for a question?

Mr. BRUCE. Yes.

Mr. HARRISON. I do not know; I desire some information on the subject; and I ask the Senator from Maryland, Was the civil service law invoked with respect to the construction of the Panama Canal?

Mr. BRUCE. No; it was not.

Mr. HARRISON. Was it invoked in the construction of the Alaskan Railway?

Mr. BRUCE. I can not speak about that; but I think it was perhaps. It is not, however, applied as to the Panama Canal; it is not applied as to the Emergency Fleet Corporation; but I propose before the present session comes to an end to make the effort, however vain it may prove to be, to bring both the Panama Canal service and the service of the Emergency Fleet Corporation within the scope of the national civil service laws.

The area of pressure for place has been so enormously diminished, as respects Members of Congress, that the principal part of all the importunity to which I have been subjected in relation to appointments to office since I have been here has been

by persons who have desired to obtain office in connection with the Panama Canal service or the Emergency Fleet Corporation.

Mr. McKELLAR. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Tennessee?

Mr. BRUCE. I yield.

Mr. McKELLAR. Is not the Senator importuned with just as much regularity, and probably with more frequency, to aid in securing promotions and appointments in the civil service?

Mr. BRUCE. No, sir; because whenever I am—and I speak with absolute verity—I turn over the leaves of the Federal Statutes and I say, "Look at this section; it absolutely forbids me, as a Member of the United States Senate, to make any recommendation of any kind, except as to character and residence, that relates to an office within the classified civil service. Some Members of the Senate do not seem to be cognizant of this section; but I filled the breast of one of them at least, I am certain, with a feeling of eternal gratitude some time ago when I called his attention to it; and afterwards I learned that he has since been in the habit of using that section for his own convenience and comfort."

Mr. DIAL. Mr. President, without expressing any opinion as to the merits or demerits of the civil-service system, I desire to say that certainly this is one activity to which it ought not to apply. We have a great property at Muscle Shoals, an asset of great value to the people of the United States, and it ought to be developed and used so that a success may be made of it. It ought not to be tied down with any incompetent employees or employees whom the management could not get rid of. As a general rule I am almost unalterably opposed to Government ownership and Government operation, but we already have this property and we ought to utilize it to the greatest advantage.

Civil-service rules would not apply well to a business proposition, and this is strictly a business proposition; indeed it is a peculiar kind of business. It is not like a business which operates only in the daytime; it will be operated by water power running 24 hours in the day six days of the week; and every minute it will be necessary to have employees there who are willing to work and to do their duty at all times. Possibly some parts of the plant might get out of order and some one employed under civil-service rules might be a little too careful about whether he should be called on to work after hours or on this or that portion of the project, or he might raise some question of priority. We ought not to start in here now to make this enterprise a failure before we fairly inaugurate it. We ought to hold the directors to the strictest account for their acts and the acts of their employees. In that way we will have in a few years a property that will be of inestimable benefit to the whole people of this country. I hope that the amendment of the Senator from Maryland will be voted down.

Mr. BRUCE. Mr. President, may I interrupt the Senator for just a moment?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. DIAL. With pleasure.

Mr. BRUCE. I observe that the opposition to my amendment so far has been limited almost entirely to Members of this body who represent constituencies in the vicinity of Muscle Shoals. I should like to ask the Senator whether that fact has any real significance? I am just a little disposed to suspect a disposition on the part of Senators in this body who represent constituencies within easy reach of Muscle Shoals to localize the patronage under this bill to some extent for the benefit of their own communities. I am not in favor of that. If there are any patronage benefits to arise under this bill I should like to see them distributed over the whole country.

The Senator from Tennessee [Mr. McKELLAR], the Senator from South Carolina [Mr. DIAL], the Senator from Mississippi [Mr. HARRISON], and the Senator from Alabama [Mr. UNDERWOOD], whose States are in or near the Muscle Shoals region of the country, seem to sustain a relationship of determined opposition to this amendment well calculated to excite some interesting surmises.

Mr. UNDERWOOD. Mr. President, so far as the Senator from Alabama is concerned, he has not opened his mouth on this amendment; but I am glad to inform the Senator from Maryland that I think of all the unwarranted business procedures that I ever heard of it is appointing a board of school-teachers to pick men who are capable of running a great industrial plant.

Mr. BRUCE. Mr. President, that sort of language is as old as the hills and as stale as a venerable piece of Limberger cheese. [Laughter.] It is but the kind of language which the friends of the merit system of appointment have had to confront in Congress ever since they have been trying completely to engraft that splendid system upon the operations of the Government.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. BRUCE. Certainly.

Mr. McKELLAR. I wish to assure the Senator, so far as I am concerned, that the first thought of such a thing as the Senator suggests that ever occurred to my mind was when the Senator made the suggestion. So far as I am concerned, I am quite sure that any corporation that may be formed under this bill, being entirely under Republican control, if it shall pass, would not give the slightest consideration to any person that I, as a Democratic Senator, might seek to have appointed; and I have not had the slightest notion of trying to have anyone appointed from my State. I merely wish the Senator to know that I think he is unduly suspicious and quite unfair and unjust in his suspicions; I know he is, so far as I myself am concerned, because such a thing never occurred to me until the Senator mentioned it.

Mr. BRUCE. I think the Senator from Tennessee is entirely too modest.

Mr. DIAL. Mr. President—

The PRESIDENT pro tempore. The Senator from South Carolina has the floor.

Mr. DIAL. Mr. President, I think it has about come my time to answer the suggestion of the Senator from Maryland. I wish to say that I want Muscle Shoals to be used for the purpose for which it was designed primarily, namely, to produce nitrates for the protection of the United States in time of war in case we need them, and next I want to use it for the production of fertilizer in every way that is practicable.

I have no hesitancy in saying, Mr. President, that I am strongly of the opinion that the surplus power ought to be transmitted where it will be of use to the greatest number of people so as to bring about the greatest benefit at the least possible cost.

I live in the second State from this power site, and I do hope that we will get some of the benefits of it in South Carolina. We have already reaped some of the benefits from the steam plant at Muscle Shoals, which transmits power for some 250 miles north of Columbia, S. C., which is the center of the State. It is only about 120 miles from Columbia to Charleston. Therefore that power could be transmitted there; in fact, the people in every town of my State may be able to get some benefit from this power, and I am glad of it. I hope that it will be transmitted around to the neighboring States; but I can not see how it will be transmitted so far north as the State of Maryland. I wish that were practicable. That is one reason why I feel kindly toward the bill of the Senator from Nebraska [Mr. NORRIS], namely, that it is a proposal to develop the entire property. I expect, however, to vote for the Underwood bill. I want the Muscle Shoals plant to be used to make nitrates for the Government first, and, secondly, to use those nitrates and other ingredients in order to make fertilizer for the farmers. Let that be made practicable; whatever surplus power there is let it be transmitted and used by as many people as possible, and let the Government get a return upon its investment. We have the property and should not give it away. In my opinion, the management of the enterprise ought to have absolute control and ought not to be tied up with some school-teacher or some fellow who prides himself upon knowing how to spell or something of that sort, but who has no practical common sense about getting out into the weather and looking after the pole line and all of the paraphernalia connected with a power plant. I hope the amendment of the Senator from Maryland will fail.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 36 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, December 9, 1924, at 12 o'clock m.

NOMINATIONS

Executive nominations received by the Senate December 8, 1924

MEMBER OF THE FEDERAL FARM LOAN BOARD

Albert Calvin Williams, of Fort Worth, Tex., to be a member of the Federal Farm Loan Board, to serve out the unexpired term of Merton L. Corey, resigned, expiring August 6, 1929.

MEMBERS OF THE INTERSTATE COMMERCE COMMISSION

Balthasar H. Meyer, of Wisconsin, to be a member of the Interstate Commerce Commission for the term of seven years from January 1, 1925 (reappointment).

J. B. Campbell, of Spokane, Wash., to be a member of the Interstate Commerce Commission for the term of seven years from January 1, 1925 (reappointment).

MEMBERS FEDERAL BOARD FOR VOCATIONAL EDUCATION

Harry L. Fidler, of Indiana, to be a member of the Federal Board for Vocational Education for a term of three years, to which office he was appointed during the recess of the Senate (reappointment).

Edward T. Franks, of Kentucky, to be a member of the Federal Board for Vocational Education for a term of three years, to which office he was appointed during the recess of the Senate (reappointment).

COLLECTOR OF CUSTOMS

Walter W. Wilde, of Milwaukee, Wis., to be collector of customs for customs collection district No. 27, with headquarters at Milwaukee, Wis., in place of Otto A. La Budde, whose term of office expired December 17, 1923.

PUBLIC HEALTH SERVICE

TO BE ASSISTANT SURGEONS, TO RANK AS SUCH FROM NOVEMBER 29, 1924

Albert E. Russell.

Alfred J. Aselmeyer.

These officers are now serving under temporary commissions issued during the recess of the Senate.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONEL

Lieut. Col. Joseph Kepner Partello, Infantry, from June 2, 1924.

TO BE LIEUTENANT COLONEL

Maj. George Percy Hawes, jr., Quartermaster Corps, from June 2, 1924.

TO BE MAJOR

Capt. Stafford LeRoy Irwin, Field Artillery, from June 2, 1924.

TO BE CAPTAINS

First Lieut. Reynold Ferdinand Melin, Ordnance Department, from May 28, 1924.

First Lieut. Robert Grier St. James, Infantry, from May 30, 1924.

First Lieut. Francis Irwin Maslin, Quartermaster Corps, from June 2, 1924.

TO BE FIRST LIEUTENANTS

Second Lieut. Horace Speed, jr., Coast Artillery Corps, from May 28, 1924.

Second Lieut. Fred William Makinney, jr., Cavalry, from May 30, 1924.

Second Lieut. William Benjamin Kean, jr., Infantry, from June 2, 1924.

APPOINTMENTS IN THE REGULAR ARMY

TO BE MAJOR GENERALS

Brig. Gen. Dennis Edward Nolan, Deputy Chief of Staff, from January 18, 1925, vice Maj. Gen. David C. Shanks, to be retired from active service January 17, 1925.

To be Chief of Cavalry for a period of four years from July 24, 1924, with rank from July 24, 1924

Brig. Gen. Malin Craig, United States Army, vice Maj. Gen. Willard A. Holbrook, Chief of Cavalry, retired from active service July 23, 1924.

TO BE BRIGADIER GENERAL, CAVALRY

Col. Frank Merrill Caldwell, Cavalry, from January 18, 1925, vice Brig. Gen. Dennis E. Nolan, nominated for appointment as major general.

TO BE PROFESSOR OF MODERN LANGUAGES AT THE UNITED STATES MILITARY ACADEMY

Maj. William Eric Morrison, Infantry, from February 27, 1925, vice Prof. Cornelius DeW. Willcox, to be retired from active service February 26, 1925.

APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY

THE ADJUTANT GENERAL'S DEPARTMENT

Maj. Franklin Langley Whitley, Infantry, with rank from July 1, 1920.

SIGNAL CORPS

First Lieut. Kenneth Seymour Stice, Coast Artillery Corps (detailed in Signal Corps), with rank from October 2, 1919.

FIELD ARTILLERY

Capt. Orva Earl Beezley, Finance Department, with rank as prescribed by the act of June 30, 1922.

Second Lieut. Charles Joseph Barrett, jr., Corps of Engineers, with rank from June 13, 1922.

AIR SERVICE

Capt. Ivan Benson Snell, Infantry (detailed in Air Service), with rank from July 1, 1920.

APPOINTMENTS IN THE OFFICERS' RESERVE CORPS OF THE ARMY

TO BE BRIGADIER GENERAL, MEDICAL SECTION

William Sydney Thayer, from August 20, 1924.

TO BE BRIGADIER GENERALS

Roy Hoffman, from October 2, 1924.

Cornelius Vanderbilt, from August 29, 1924.

Edward Vollrath, from August 5, 1924.

Claude Vivian Birkhead, brigadier general Texas National Guard, from November 29, 1924.

William Ormiston Richardson, brigadier general New York National Guard, from November 29, 1924.

Lloyd Donison Ross, brigadier general Iowa National Guard, from December 1, 1924.

George Ared White, brigadier general Oregon National Guard, from November 29, 1924.

PROMOTIONS AND APPOINTMENTS IN THE NAVY

MARINE CORPS

Lieut. Col. Frank E. Evans to be a colonel in the Marine Corps from the 24th day of June, 1924.

Maj. Gerard M. Kincade to be a lieutenant colonel in the Marine Corps from the 8th day of February, 1924.

Maj. Jesse F. Dyer to be a lieutenant colonel in the Marine Corps from the 3d day of June, 1924.

Maj. James J. Meade to be a lieutenant colonel in the Marine Corps from the 24th day of June, 1924.

Capt. George W. Martin to be a major in the Marine Corps from the 21st day of December, 1923.

Capt. David S. Barry, jr., to be a major in the Marine Corps from the 8th day of February, 1924.

Capt. David L. S. Brewster to be a major in the Marine Corps from the 3d day of June, 1924.

First Lieut. Gilbert D. Hatfield to be a captain in the Marine Corps from the 17th day of October, 1923.

First Lieut. Thomas E. Kendrick to be a captain in the Marine Corps from the 8th day of February, 1924.

First Lieut. Alfred W. Ogle to be a captain in the Marine Corps from the 7th day of March, 1924.

First Lieut. Donald J. Kendall to be a captain in the Marine Corps from the 11th day of May, 1924.

First Lieut. Lewis B. Reagan to be a captain in the Marine Corps from the 24th day of June, 1924.

First Lieut. Ralph D. Leach to be a first lieutenant in the Marine Corps from the 11th day of February, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. George W. McHenry to be a first lieutenant in the Marine Corps from the 2d day of March, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. William L. McKittrick to be a first lieutenant in the Marine Corps from the 2d day of March, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Charles W. Pohl to be a first lieutenant in the Marine Corps from the 9th day of March, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Bernard W. Pravitz to be a first lieutenant in the Marine Corps from the 4th day of April, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Stanley E. Ridderhof to be a first lieutenant in the Marine Corps from the 10th day of April, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Edward A. Robbins to be a first lieutenant in the Marine Corps from the 17th day of April, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Thomas McK. Schuler to be a first lieutenant in the Marine Corps from the 26th day of April, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Morris L. Shively to be a first lieutenant in the Marine Corps from the 3d day of June, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Max D. Smith to be a first lieutenant in the Marine Corps from the 3d day of July, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. David A. Stafford to be a first lieutenant in the Marine Corps from the 26th day of July, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. William J. Stamper to be a first lieutenant in the Marine Corps from the 28th day of July, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Jay D. Swartwout to be a first lieutenant in the Marine Corps from the 16th day of August, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. George H. Towner, jr., to be a first lieutenant in the Marine Corps from the 17th day of August, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Leslie H. Wellman to be a first lieutenant in the Marine Corps from the 23d day of August, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Walter A. Wensinger to be a first lieutenant in the Marine Corps from the 30th day of August, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Ervin R. Whitman to be a first lieutenant in the Marine Corps from the 12th day of September, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Marvin V. Yandle to be a first lieutenant in the Marine Corps from the 17th day of October, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Second Lieut. George L. Maynard to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Brady L. Vogt to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Harry P. Smith to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Chesley G. Stevens to be a first lieutenant in the Marine Corps from the 2d day of August, 1923.

Second Lieut. Lawson H. M. Sanderson to be a first lieutenant in the Marine Corps from the 31st day of October, 1923.

Second Lieut. Jacob F. Plachta to be a first lieutenant in the Marine Corps from the 20th day of November, 1923.

Second Lieut. Harold E. Rosecrans to be a first lieutenant in the Marine Corps from the 10th day of December, 1923.

Second Lieut. Louis F. Kuorr to be a first lieutenant in the Marine Corps from the 20th day of December, 1923.

Second Lieut. Leo Sullivan to be a first lieutenant in the Marine Corps from the 5th day of March, 1924.

Second Lieut. Hayne D. Boyden to be a first lieutenant in the Marine Corps from the 16th day of April, 1924.

Second Lieut. Franklin G. Cowie to be a first lieutenant in the Marine Corps from the 11th day of May, 1924.

Second Lieut. Christian F. Schilt to be a first lieutenant in the Marine Corps from the 29th day of May, 1924.

Second Lieut. Henry T. Nicholas to be a first lieutenant in the Marine Corps from the 3d day of June, 1924.

Second Lieut. Frederick S. Chappelle to be a first lieutenant in the Marine Corps from the 24th day of June, 1924.

The following-named citizens to be second lieutenants in the Marine Corps, for a probationary period of two years, from the 10th day of June, 1924:

Alexander W. Kreiser, jr., a citizen of Minnesota.

John L. Allen, a citizen of Ohio.

The following-named citizens to be second lieutenants in the Marine Corps, for a probationary period of two years, from the 21st day of June, 1924:

John Groves, a citizen of the District of Columbia.
 Arthur W. Ellis, a citizen of Colorado.
 Kenneth B. Chappell, a citizen of Maryland.
 William A. Hamilton, jr., a citizen of California.
 LePage Crommiller, jr., a citizen of Maryland.
 Leonard B. Cresswell, a citizen of Mississippi.
 Samuel K. Bird, a citizen of Oklahoma.
 Edwin C. Ferguson, a citizen of North Carolina.
 Walter I. Jordan, a citizen of Virginia.
 Tilghman H. Saunders, a citizen of Virginia.
 Thomas J. McQuade, a citizen of the District of Columbia.
 Thomas C. Perrin, a citizen of South Carolina.
 Robert B. Payne, a citizen of Virginia.
 St. Julien R. Marshall, a citizen of Virginia.
 Otto Lessing, a citizen of Massachusetts.
 Charles S. Forbell, jr., a citizen of New York, to be a second Lieutenant in the Marine Corps, for a probationary period of two years, from the 4th day of September, 1924.

POSTMASTERS

CALIFORNIA

Charles R. Fuller to be postmaster at Sunnyvale, Calif., in place of C. F. Fuller. Incumbent's commission expired August 15, 1923.

COLORADO

Nellie M. Mickey to be postmaster at Evergreen, Colo. Office became presidential January 1, 1921.
 Lewis W. Kennedy to be postmaster at Hot Sulphur Springs, Colo., in place of H. E. Thompson, resigned.
 Thomas N. Wayne to be postmaster at Edgewater, Colo., in place of Ethel Niquette, resigned.
 Robert C. Alexander to be postmaster at Brighton, Colo., in place of C. L. Hackley, resigned.
 Charles J. Funk to be postmaster at Sterling, Colo., in place of W. E. King. Incumbent's commission expired June 4, 1924.
 Fannie E. Arnett to be postmaster at Peetz, Colo., in place of H. A. Pike. Incumbent's commission expired February 18, 1924.

CONNECTICUT

George L. Rockwell to be postmaster at Ridgefield, Conn., in place of W. S. Gilbert. Incumbent's commission expired June 5, 1924.

DELAWARE

Victor E. Simpler to be postmaster at Selbyville, Del., in place of H. V. Tubbs. Incumbent's commission expired February 4, 1924.

GEORGIA

Maude D. Thompson to be postmaster at Ty Ty, Ga., in place of M. D. Thompson. Incumbent's commission expired February 4, 1924.
 Earnest E. Slack to be postmaster at Tifton, Ga., in place of Jason Scarborough. Incumbent's commission expired June 5, 1924.
 Ben H. McLarty to be postmaster at Soperton, Ga., in place of B. H. McLarty. Incumbent's commission expired February 20, 1924.
 Anna C. Williams to be postmaster at Lumpkin, Ga., in place of A. C. Williams. Incumbent's commission expired June 4, 1924.
 John H. Boone to be postmaster at Hazelhurst, Ga., in place of J. H. Boone. Incumbent's commission expired June 4, 1924.
 Henry M. Miller to be postmaster at Colquitt, Ga., in place of H. M. Miller. Incumbent's commission expired July 28, 1923.
 John B. Crawford to be postmaster at Cairo, Ga., in place of J. B. Crawford. Incumbent's commission expired June 4, 1924.
 Mazie Brett to be postmaster at Alamo, Ga., in place of Mazie Brett. Incumbent's commission expired February 4, 1924.
 George E. Youmans to be postmaster at Adrian, Ga., in place of G. E. Youmans. Incumbent's commission expired February 4, 1924.

ILLINOIS

Leah M. Le Marr to be postmaster at Modesto, Ill. Office became presidential October 1, 1924.
 Edwin R. Erickson to be postmaster at Media, Ill. Office became presidential October 1, 1924.
 John Hudson to be postmaster at Valier, Ill., in place of W. G. Lambert, resigned.
 David A. Howard to be postmaster at Glasford, Ill., in place of J. L. Saylor, deceased.
 Nora M. Aull to be postmaster at Kincaid, Ill., in place of N. M. Aull. Incumbent's commission expired June 5, 1924.

IOWA

Esther Y. Walster to be postmaster at Marble Rock, Iowa, in place of E. Y. Walster. Incumbent's commission expired August 5, 1923.

KENTUCKY

Mack M. Noel to be postmaster at Veterans Hospital, Ky. Office became presidential October 1, 1923.
 Wallace D. Jones to be postmaster at Mortons Gap, Ky. Office became presidential January 1, 1924.
 Eugene F. Stuart to be postmaster at Hardyville, Ky. Office became presidential October 1, 1923.
 Robert H. Middleton to be postmaster at Buffalo, Ky. Office became presidential January 1, 1924.
 Dewitt O. Burke to be postmaster at Bradfordsville, Ky. Office became presidential October 1, 1924.
 Mabelle Sharp to be postmaster at Sharpsburg, Ky., in place of Fannie Sharp, deceased.
 William E. Proctor to be postmaster at Morehead, Ky., in place of W. C. Swift, resigned.
 Squire P. Willis to be postmaster at Stamping Ground, Ky., in place of C. R. Murphy. Incumbent's commission expired February 14, 1924.
 John P. Graham to be postmaster at New Haven, Ky., in place of M. C. Hagan. Incumbent's commission expired February 4, 1924.
 Stace W. Poole to be postmaster at Sebree, Ky., in place of L. W. Springfield. Incumbent's commission expired August 20, 1923.
 Allen D. Thomson to be postmaster at Kuttawa, Ky., in place of Mary Molloy. Incumbent's commission expired May 28, 1924.
 Egbert V. Taylor to be postmaster at Greensburg, Ky., in place of J. W. Montgomery. Incumbent's commission expired June 4, 1924.
 Henry T. Short to be postmaster at Calhoun, Ky., in place of C. E. Beeler. Incumbent's commission expired August 20, 1923.
 George P. Ginn to be postmaster at Ashland, Ky., in place of C. M. Preston. Incumbent's commission expired June 4, 1924.

LOUISIANA

Charles W. Page to be postmaster at Shreveport, La., in place of Nathan Rateliff. Incumbent's commission expired April 5, 1924.

MASSACHUSETTS

Lester G. Lathrop to be postmaster at Orange, Mass., in place of T. F. Meehan. Incumbent's commission expired June 4, 1924.
 Fred A. Tower to be postmaster at Concord, Mass., in place of J. W. Byron. Incumbent's commission expired June 4, 1924.

MICHIGAN

Hattie G. Jones to be postmaster at Oxford, Mich., in place of Alva McCarty. Incumbent's commission expired June 4, 1924.

MINNESOTA

Sadie A. Lane to be postmaster at Sherburn, Minn., in place of S. A. Lane. Incumbent's commission expired June 5, 1924.

MISSOURI

Carl W. Hutchison to be postmaster at Leeds, Mo. Office became presidential April 1, 1924.
 John F. Burrell to be postmaster at Mountain View, Mo., in place of O. L. Garoutte, removed.
 Lizzie A. Rademaker to be postmaster at Parma, Mo., in place of W. T. Murphy. Incumbent's commission expired June 5, 1924.
 Albert L. Brady to be postmaster at Oran, Mo., in place of L. P. Driskill. Incumbent's commission expired June 5, 1924.
 William Vogel to be postmaster at De Soto, Mo., in place of William Vogel. Incumbent's commission expired June 5, 1924.

MONTANA

Roy D. Beagle to be postmaster at Savage, Mont. Office became presidential October 1, 1924.
 Curtis Burns to be postmaster at Coffee Creek, Mont. Office became presidential October 1, 1924.
 George B. Cameron to be postmaster at Whitetail, Mont., in place of E. H. Berger, resigned.
 Clarence C. Peterson to be postmaster at Ryegate, Mont., in place of J. A. Brown, resigned.
 J. Clarence Manix to be postmaster at Augusta, Mont., in place of W. D. Vaughn, resigned.
 Andrew K. Resner to be postmaster at Ronan, Mont., in place of J. A. Lemire. Incumbent's commission expired June 4, 1924.
 Graham B. Laird to be postmaster at Grassrange, Mont., in place of F. B. Hedge. Incumbent's commission expired June 4, 1924.

Charles E. June to be postmaster at Forsyth, Mont., in place of F. K. Hollenbeck. Incumbent's commission expired June 4, 1924.

NEBRASKA

Murry K. Holley to be postmaster at Waverly, Nebr. Office became presidential October 1, 1924.

Sara I. Barritt to be postmaster at Union, Nebr. Office became presidential October 1, 1924.

Margaret Bolan to be postmaster at St. Columbans, Nebr. Office became presidential October 1, 1923.

Earl J. Hughes to be postmaster at Concord, Nebr. Office became presidential April 1, 1924.

Lillian A. Elliott to be postmaster at Westpoint, Nebr., in place of J. C. Elliott, deceased.

Olaf H. Larson to be postmaster at Shickley, Nebr., in place of O. D. Larson, resigned.

Alexander E. Etting to be postmaster at David City, Nebr., in place of T. J. Hinds, deceased.

George H. Holdeman to be postmaster at York, Nebr., in place of C. F. Gilbert. Incumbent's commission expired June 4, 1924.

George E. Barto to be postmaster at Wakefield, Nebr., in place of G. E. Barto. Incumbent's commission expired May 11, 1924.

Mabel E. Bigelow to be postmaster at Ulysses, Nebr., in place of W. D. Day. Incumbent's commission expired June 4, 1924.

Etta H. Bartlett to be postmaster at Potter, Nebr., in place of E. H. Bartlett. Incumbent's commission expired May 11, 1924.

Walter I. Farnham to be postmaster at Merna, Nebr., in place of W. I. Farnham. Incumbent's commission expired April 9, 1924.

Laura M. Baird to be postmaster at Cairo, Nebr., in place of L. M. Baird. Incumbent's commission expired May 21, 1924.

Eugene V. Hickok to be postmaster at Atkinson, Nebr., in place of W. S. Morgan. Incumbent's commission expired June 4, 1924.

Arthur F. Jarman to be postmaster at Ashland, Nebr., in place of W. C. Rosecrane. Incumbent's commission expired June 4, 1924.

NEVADA

Erwin E. Frost to be postmaster at Golconda, Nev. Office became presidential October 1, 1924.

Charles W. Brown to be postmaster at Gardnerville, Nev., in place of C. W. Brown. Incumbent's commission expired June 5, 1924.

NEW HAMPSHIRE

John E. Horne to be postmaster at Milton Mills, N. H. Office became presidential October 1, 1924.

Josiah K. Rand to be postmaster at Fitzwilliam, N. H. Office became presidential October 1, 1924.

Fay H. Elliott to be postmaster at West Stewartstown, N. H., in place of L. P. Merrill, resigned.

Ralph E. Berry to be postmaster at Rye Beach, N. H., in place of E. M. P. Fraser, resigned.

Hugh C. Young to be postmaster at Sunapee, N. H., in place of E. S. Perkins. Incumbent's commission expired June 5, 1924.

NEW JERSEY

Gustav L. Meyn to be postmaster at Palisade, N. J., in place of B. A. Ulrich, resigned.

Ralph E. Liddle to be postmaster at Fords, N. J., in place of Leon Ferbel, removed.

Vivian O. Walters to be postmaster at Franklin, N. J., in place of M. A. Hyde. Incumbent's commission expired June 5, 1924.

Everett H. Kuebler to be postmaster at Englishtown, N. J., in place of H. H. VanDerveer. Incumbent's commission expired June 5, 1924.

Robert E. Torrance to be postmaster at Arlington, N. J., in place of J. J. McAviney. Incumbent's commission expired June 5, 1924.

NEW YORK

Edith L. Kent to be postmaster at Tuxedo Park, N. Y., in place of E. L. Kent. Incumbent's commission expired November 21, 1922.

NORTH CAROLINA

Thomas J. Henderson to be postmaster at Yanceyville, N. C. Office became presidential July 1, 1924.

Annie Deese to be postmaster at Willard, N. C. Office became presidential October 1, 1924.

Joe L. Kelly to be postmaster at Watha, N. C. Office became presidential October 1, 1923.

Guy C. Dixon to be postmaster at Walstonburg, N. C. Office became presidential April 1, 1924.

William E. Crisp to be postmaster at Pinetops, N. C. Office became presidential October 1, 1924.

Ferry M. Barber to be postmaster at Goldston, N. C. Office became presidential January 1, 1924.

Travis N. Harris to be postmaster at Troy, N. C., in place of C. M. Freeman, removed.

Sadie L. Burgy to be postmaster at Sunburst, N. C., in place of R. L. Burgh, resigned.

Albert P. Clayton to be postmaster at Roxboro, N. C., in place of H. J. Whitt, deceased.

Maxie M. McCurry to be postmaster at Forest City, N. C., in place of R. W. Carswell, resigned.

Russell Best to be postmaster at Calypso, N. C., in place of J. M. Byrd, resigned.

Ollie C. McGuire to be postmaster at Zebulon, N. C., in place of L. L. Massey. Incumbent's commission expired September 5, 1922.

Thomas L. Green to be postmaster at Waynesville, N. C., in place of F. W. Miller. Incumbent's commission expired June 4, 1924.

William H. Stewart to be postmaster at Matthews, N. C., in place of T. J. Orr. Incumbent's commission expired July 28, 1923.

Hilliard C. Rector to be postmaster at Marshall, N. C., in place of W. C. Pope. Incumbent's commission expired January 26, 1924.

John A. Chambers to be postmaster at Hayesville, N. C., in place of E. R. Crawford. Incumbent's commission expired June 4, 1924.

Preston P. Herman to be postmaster at Conover, N. C., in place of J. F. Hunsucker. Incumbent's commission expired June 4, 1924.

Charles L. Brown to be postmaster at Burnsville, N. C., in place of W. C. Gillespie. Incumbent's commission expired June 4, 1924.

Roscoe L. Nicholson to be postmaster at Brevard, N. C., in place of W. M. Henry. Incumbent's commission expired July 28, 1923.

NORTH DAKOTA

Naomi Prindiville to be postmaster at Rutland, N. Dak. Office became presidential October 1, 1924.

Katie H. Hanson to be postmaster at Munich, N. Dak. Office became presidential October 1, 1924.

OHIO

Robert L. Russell to be postmaster at Gates Mills, Ohio. Office became presidential April 1, 1924.

OKLAHOMA

William W. Whitman to be postmaster at Catoosa, Okla. Office became presidential October 1, 1923.

Jennie L. Timberlake to be postmaster at Terra, Okla., in place of J. M. Johnson, resigned.

Emmette R. Talley to be postmaster at Mangum, Okla., in place of Z. T. Pryse, deceased.

Jacob W. Fiscus to be postmaster at Kellyville, Okla., in place of Bruce Hueston, removed.

Samuel A. Penn to be postmaster at Calumet, Okla., in place of E. H. Moats, removed.

Ivy DeMasters to be postmaster at Avant, Okla., in place of Howard Blevans, removed.

William Carson to be postmaster at Lone Wolf, Okla., in place of E. R. Christopher. Incumbent's commission expired November 8, 1923.

Minnie A. Eaton to be postmaster at Inola, Okla., in place of E. B. Kersh. Incumbent's commission expired April 29, 1924.

Anna H. Figley to be postmaster at Hastings, Okla., in place of Minnie Davis. Incumbent's commission expired May 18, 1924.

John J. Gayman to be postmaster at Chandler, Okla., in place of J. A. McLaughlin. Incumbent's commission expired September 13, 1922.

Walter C. Campbell to be postmaster at Carnegie, Okla., in place of C. D. Hull. Incumbent's commission expired May 18, 1924.

Herbert L. McVay to be postmaster at Altus, Okla., in place of S. H. Starkey. Incumbent's commission expired October 28, 1923.

OREGON

Willis E. Everson to be postmaster at Waldport, Oreg., in place of Aria Head. Incumbent's commission expired February 11, 1924.

Gaylord G. Godfrey to be postmaster at Independence, Oreg., in place of H. S. Wood. Incumbent's commission expired June 4, 1924.

J. Clyde Martin to be postmaster at Grants Pass, Oreg., in place of W. P. Quinlan. Incumbent's commission expired June 4, 1924.

Frederick D. Gardner to be postmaster at Forest Grove, Oreg., in place of R. P. Wirtz. Incumbent's commission expired June 4, 1924.

Elbert Smith to be postmaster at Cottage Grove, Oreg., in place of K. B. Veatch. Incumbent's commission expired June 4, 1924.

Howard C. Getz to be postmaster at Coquille, Oreg., in place of J. W. Leneve. Incumbent's commission expired June 4, 1924.

PENNSYLVANIA

Walter D. Gibson to be postmaster at Renton, Pa. Office became presidential April 1, 1924.

Lincoln G. Nyce to be postmaster at Vernfield, Pa., in place of A. H. Nyce, deceased.

Herbert O. Hornbake to be postmaster at South Brownsville, Pa., in place of W. S. Saxon, resigned.

Alexander G. Dunlap to be postmaster at Delta, Pa., in place of A. J. Matson, resigned.

Harold C. Fry to be postmaster at Camp Hill, Pa., in place of S. H. Hughes, resigned.

Edes M. Boyer to be postmaster at Weissport, Pa., in place of G. D. Arner. Incumbent's commission expired June 5, 1924.

Norman H. Koch to be postmaster at Weatherly, Pa., in place of P. E. Faust. Incumbent's commission expired June 5, 1924.

David L. Bly to be postmaster at Watsonstown, Pa., in place of D. F. Barr. Incumbent's commission expired April 23, 1924.

El H. Shockey to be postmaster at Stoyestown, Pa., in place of J. H. Custer. Incumbent's commission expired June 5, 1924.

Enos A. Freed to be postmaster at Souderton, Pa., in place of A. E. Hildebeitel. Incumbent's commission expired May 28, 1924.

Claude S. Yeager to be postmaster at Orwigsburg, Pa., in place of A. F. Smith. Incumbent's commission expired February 14, 1924.

Judson C. Norris to be postmaster at New Castle, Pa., in place of H. W. Good. Incumbent's commission expired June 5, 1924.

William W. Robertson to be postmaster at Mount Carmel, Pa., in place of W. J. Burke. Incumbent's commission expired June 5, 1924.

Grant Umberger to be postmaster at Langhorne, Pa., in place of J. B. Candy, jr. Incumbent's commission expired June 5, 1924.

Ward P. Landis to be postmaster at Hummelstown, Pa., in place of J. L. Strickler. Incumbent's commission expired June 5, 1924.

John M. Kurtz to be postmaster at Honey Brook, Pa., in place of E. M. Ludwick. Incumbent's commission expired February 4, 1924.

Thomas M. Brown to be postmaster at Glen Rock, Pa., in place of H. A. Koller. Incumbent's commission expired June 5, 1924.

Erskine J. Miller to be postmaster at Franklin, Pa., in place of James Woodburn, jr. Incumbent's commission expired May 11, 1924.

Samuel Y. Wissler to be postmaster at Ephrata, Pa., in place of J. F. Shreck. Incumbent's commission expired February 11, 1924.

H. George Marburger to be postmaster at Denver, Pa., in place of H. M. Bard. Incumbent's commission expired June 5, 1924.

Charles L. McNett to be postmaster at Clarendon, Pa., in place of B. M. Driscoll. Incumbent's commission expired April 28, 1924.

Clarence G. Young to be postmaster at Bristol, Pa., in place of J. A. McGinley. Incumbent's commission expired June 5, 1924.

Sarah V. Patton to be postmaster at Aliquippa, Pa., in place of J. C. Wiegel. Incumbent's commission expired June 5, 1924.

RHODE ISLAND

Charles D. Carlin to be postmaster at Conimicut, R. I. Office became presidential April 1, 1924.

Harry A. Bartlett to be postmaster at North Scituate, R. I., in place of E. P. Shippee, resigned.

Alfred Lacaille to be postmaster at Anthony, R. I., in place of A. V. Wilson, resigned.

Louis G. Picard to be postmaster at Natick, R. I., in place of F. P. Lamb. Incumbent's commission expired June 4, 1924.

William F. Caswell to be postmaster at Jamestown, R. I., in place of S. W. Smith, jr. Incumbent's commission expired June 4, 1924.

SOUTH CAROLINA

Jasper E. Watson to be postmaster at Travellers Rest, S. C. Office became presidential July 1, 1924.

Lona Mae LeCroy to be postmaster at Langley, S. C. Office became presidential January 1, 1923.

Annie H. Goblet to be postmaster at Mount Pleasant, S. C., in place of H. E. Dawson, resigned.

Melvin L. Sipe to be postmaster at Fountain Inn, S. C., in place of E. L. Marlar, removed.

Benjamin T. Frierson to be postmaster at Conway, S. C., in place of M. C. Holmes, removed.

George H. Hart to be postmaster at York, S. C., in place of M. E. Nichols. Incumbent's commission expired June 4, 1924.

George R. Hudson to be postmaster at Williston, S. C., in place of M. C. Harley. Incumbent's commission expired June 4, 1924.

Paul G. Barnett to be postmaster at Westminster, S. C., in place of R. L. McNeely. Incumbent's commission expired May 6, 1924.

Albert H. Askins to be postmaster at Timminsville, S. C., in place of J. W. Conyers. Incumbent's commission expired May 4, 1924.

John C. Luke to be postmaster at Summerville, S. C., in place of G. I. Hutchinson. Incumbent's commission expired January 21, 1924.

Rebecca Wimberly to be postmaster at St. Matthews, S. C., in place of L. B. Smoak. Incumbent's commission expired January 21, 1924.

William H. Lott to be postmaster at St. George, S. C., in place of S. L. Johnston. Incumbent's commission expired September 19, 1922.

Andrew R. Barrett to be postmaster at Rock Hill, S. C., in place of E. E. Poag. Incumbent's commission expired February 20, 1924.

John Commins to be postmaster at Meggett, S. C., in place of E. L. Joyner. Incumbent's commission expired April 7, 1924.

John W. Willis to be postmaster at Lynchburg, S. C., in place of J. W. Willis. Incumbent's commission expired June 4, 1924.

Stanley W. Crews to be postmaster at Laurens, S. C., in place of J. H. Sullivan. Incumbent's commission expired January 21, 1924.

Emory L. Spears to be postmaster at Lamar, S. C., in place of M. J. Spears. Incumbent's commission expired June 4, 1924.

Lawrence D. Hagan to be postmaster at Due West, S. C., in place of C. A. Bonner. Incumbent's commission expired June 4, 1924.

Silas C. Arnold to be postmaster at Central, S. C., in place of C. G. Rowland. Incumbent's commission expired June 4, 1924.

SOUTH DAKOTA

Harry O. Starksen to be postmaster at Hitland, S. Dak. Office became presidential July 1, 1924.

Nellie M. Sullivan to be postmaster at Athol, S. Dak. Office became presidential April 1, 1924.

Matilda Peterson to be postmaster at Agar, S. Dak. Office became presidential April 1, 1924.

Joseph W. Gibson to be postmaster at Salem, S. Dak., in place of J. W. McMahon. Incumbent's commission expired June 4, 1924.

Fred Chesley to be postmaster at Platte, S. Dak., in place of E. E. Wilson. Incumbent's commission expired January 23, 1924.

Leland K. Stoddard to be postmaster at Parker, S. Dak., in place of Freden Riley. Incumbent's commission expired June 4, 1924.

Oscar D. Hansen to be postmaster at Irene, S. Dak., in place of O. D. Hansen. Incumbent's commission expired April 7, 1924.

Harry K. Sanborn to be postmaster at Hurley, S. Dak., in place of H. K. Sanborn. Incumbent's commission expired June 4, 1924.

Adam F. Glaser to be postmaster at Herrick, S. Dak., in place of J. S. Slaughter. Incumbent's commission expired June 4, 1924.

Robert H. Benner to be postmaster at Gary, S. Dak., in place of R. H. Benner. Incumbent's commission expired June 5, 1924.

Loretta M. Stromme to be postmaster at Garretson, S. Dak., in place of J. A. Stromme. Incumbent's commission expired June 4, 1924.

Ezra J. F. Lamkee to be postmaster at Avon, S. Dak., in place of L. H. Berndt. Incumbent's commission expired June 5, 1924.

Dana N. Bonesteel to be postmaster at Artesian, S. Dak., in place of D. N. Bonesteel. Incumbent's commission expired June 4, 1924.

TENNESSEE

May L. Hayes to be postmaster at Lynchburg, Tenn., in place of Etna McCormack. Incumbent's commission expired January 23, 1924.

TEXAS

Mary Erwin to be postmaster at Velasco, Tex. Office became presidential July 1, 1923.

Belle H. Stewart to be postmaster at Valentine, Tex. Office became presidential October 1, 1924.

Delmer B. Stone to be postmaster at Telephone, Tex. Office became presidential July 1, 1923.

George M. Sewell to be postmaster at Talpa, Tex. Office became presidential October 1, 1924.

Minnie L. E. Walton to be postmaster at Swenson, Tex. Office became presidential July 1, 1924.

A. Delta Sanders to be postmaster at Scurry, Tex. Office became presidential July 1, 1924.

Sallie J. Mock to be postmaster at Roganville, Tex. Office became presidential July 1, 1924.

Cletus Dunham to be postmaster at Quitaque, Tex. Office became presidential July 1, 1924.

Elena L. King to be postmaster at Presidio, Tex. Office became presidential July 1, 1924.

Edward H. Reinhard to be postmaster at Poth, Tex. Office became presidential July 1, 1924.

Lydia Teller to be postmaster at Orange Grove, Tex. Office became presidential January 1, 1924.

John R. Ware to be postmaster at Nederland, Tex. Office became presidential April 1, 1924.

Minnie Keuney to be postmaster at Nash, Tex. Office became presidential October 1, 1924.

Charles A. Reiter to be postmaster at Muenster, Tex. Office became presidential October 1, 1924.

Charles K. Langford to be postmaster at Mertens, Tex. Office became presidential October 1, 1924.

Mayme O. Able to be postmaster at Melvin, Tex. Office became presidential April 1, 1924.

Emma Thompson to be postmaster at May, Tex. Office became presidential October 1, 1924.

Robert M. Hazlewood to be postmaster at Leander, Tex. Office became presidential October 1, 1924.

Sislie Curtis to be postmaster at Larue, Tex. Office became presidential April 1, 1924.

Alex E. Jungmann to be postmaster at Lacoste, Tex. Office became presidential October 1, 1924.

Robert N. Porter to be postmaster at Gregory, Tex. Office became presidential October 1, 1924.

Emma Woody to be postmaster at Girard, Tex. Office became presidential April 1, 1924.

Harvey W. Bridges to be postmaster at Enloe, Tex. Office became presidential October 1, 1924.

Alphonse Boog to be postmaster at D'Hanis, Tex. Office became presidential October 1, 1924.

Lillian B. Washburn to be postmaster at Clint, Tex. Office became presidential October 1, 1924.

John W. Claiborne to be postmaster at Charlotte, Tex. Office became presidential April 1, 1924.

Samuel J. Hott to be postmaster at Channing, Tex. Office became presidential October 1, 1924.

Ralph B. Martin to be postmaster at Camden, Tex. Office became presidential April 1, 1924.

Nora Platt to be postmaster at Brownel, Tex. Office became presidential October 1, 1924.

Fay Richardson to be postmaster at Asherton, Tex. Office became presidential July 1, 1920.

Hugh F. Skelton to be postmaster at Wylie, Tex., in place of W. T. McDonald, jr., resigned.

Robert A. Foster to be postmaster at Sipe Springs, Tex., in place of M. M. Ashinhurst, deceased.

August E. Dumont to be postmaster at Paducah, Tex., in place of C. L. Loftis, resigned.

Edmund A. Schulze to be postmaster at New Ulm, Tex., in place of M. W. Krueger, removed.

John L. Vaughan to be postmaster at Lubbock, Tex., in place of H. C. Duerling, deceased.

Edmund A. Giese to be postmaster at Lagrange, Tex., in place of T. W. Lueders, resigned.

John F. Range to be postmaster at Justin, Tex., in place of Lee Hood, resigned.

William E. Barron to be postmaster at Iola, Tex., in place of Nannie Yeager, resigned.

John T. Wilson to be postmaster at Haskell, Tex., in place of R. C. Couch, resigned.

France H. Baker to be postmaster at Hamilton, Tex., in place of J. E. Williams, removed.

Dewitt T. Cook to be postmaster at Centerville, Tex., in place of D. E. Watson, removed.

Ira J. Gumm to be postmaster at Caddo, Tex., in place of J. S. Zweifel, removed.

Jessie C. Bohannon to be postmaster at Brownfield, Tex., in place of T. G. Price, resigned.

Paul A. Taylor to be postmaster at Winfield, Tex., in place of Lode Miller. Incumbent's commission expired September 5, 1922.

Aaron H. Russell to be postmaster at Willis, Tex., in place of A. H. Russell. Incumbent's commission expired June 4, 1924.

Charles F. Boettcher to be postmaster at Weimar, Tex., in place of W. H. Lowrey. Incumbent's commission expired June 4, 1924.

William R. Holton to be postmaster at Thornton, Tex., in place of V. T. Williams. Incumbent's commission expired June 4, 1924.

Mary M. Ferrel to be postmaster at Roby, Tex., in place of M. M. Ferrel. Incumbent's commission expired June 4, 1924.

Casimiro P. Alvarez to be postmaster at Biogrande, Tex., in place of Abundio Contreras. Incumbent's commission expired June 4, 1924.

Millard H. Edwards to be postmaster at Nixon, Tex., in place of O. G. Wilson. Incumbent's commission expired June 4, 1924.

Charles I. Snedecor to be postmaster at Needville, Tex., in place of W. F. Lehmann. Incumbent's commission expired January 31, 1924.

Marion Zercher to be postmaster at Mount Vernon, Tex., in place of E. R. Stripling. Incumbent's commission expired June 4, 1924.

Henry O. Wilson to be postmaster at Marshall, Tex., in place of H. C. Blalock. Incumbent's commission expired July 28, 1923.

William I. Witherspoon to be postmaster at McAllen, Tex., in place of C. J. January, jr. Incumbent's commission expired June 4, 1924.

Jim H. McFarlin to be postmaster at Liberty Hill, Tex., in place of W. B. Russell. Incumbent's commission expired June 4, 1924.

Sylvan C. McCarry to be postmaster at Joaquin, Tex., in place of S. S. McCarry. Incumbent's commission expired January 31, 1924.

John C. Ray to be postmaster at Hutto, Tex., in place of W. D. Holman. Incumbent's commission expired June 4, 1924.

Walter N. Ramsay to be postmaster at Eldorado, Tex., in place of W. N. Ramsay. Incumbent's commission expired June 4, 1924.

William R. Dickens to be postmaster at Eden, Tex., in place of W. R. Dickens. Incumbent's commission expired June 4, 1924.

William G. Shelton to be postmaster at East Bernard, Tex., in place of J. T. Wallace. Incumbent's commission expired April 9, 1924.

Stanley F. N. Dolch to be postmaster at Eagle Pass, Tex., in place of C. E. Kelly. Incumbent's commission expired January 31, 1924.

Phillip L. Swatzell to be postmaster at DeKalb, Tex., in place of C. S. Braswell. Incumbent's commission expired April 5, 1924.

John J. Crockett to be postmaster at Chapel Hill, Tex., in place of J. J. Crockett. Incumbent's commission expired January 31, 1924.

Josephine W. Earnest to be postmaster at Cotulla, Tex., in place of J. W. Earnest. Incumbent's commission expired April 5, 1924.

Jefferson F. House to be postmaster at Bridgeport, Tex., in place of D. F. Largent. Incumbent's commission expired February 24, 1924.

James M. Stratton to be postmaster at Blum, Tex., in place of Edwin Forrest, jr. Incumbent's commission expired July 28, 1923.

Edward P. Johnson to be postmaster at Bertram, Tex., in place of C. A. Taylor. Incumbent's commission expired July 28, 1923.

Thomas H. Castleton to be postmaster at Bay City, Tex., in place of A. S. Collins. Incumbent's commission expired September 5, 1922.

VIRGINIA

Fred S. Bock to be postmaster at Roxbury, Va. Office became presidential April 1, 1924.

William A. Coates to be postmaster at South Washington, Va., in place of W. A. Coates. Incumbent's commission expired June 4, 1924.

John W. Talliaferro to be postmaster at Mount Solon, Va. Office became presidential July 1, 1924.

Wilbert D. R. Proffitt to be postmaster at Highland Springs, Va. Office became presidential October 1, 1923.

James M. Denton to be postmaster at Big Island, Va., in place of J. M. Denton, resigned.

WEST VIRGINIA

Harry E. Ewing to be postmaster at War, W. Va., in place of W. G. Damron, deceased.

A. Ewell Riley to be postmaster at Thorpe, W. Va., in place of A. N. Harris, resigned.

Pearl L. Hughes to be postmaster at Keystone, W. Va., in place of S. A. Christie. Incumbent's commission expired June 4, 1924.

HOUSE OF REPRESENTATIVES

Monday, December 8, 1924

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who didst live on earth and is alive forever more, we bless Thee. May the sweet and loving silence of our hearts sing unto Thee our psalm of praise and gratitude. Meet us, O Lord, at the threshold of our daily tasks. May we not falter in our search for truth and never hesitate to follow in its way. Impress us, dear heavenly Father, that if we are to have an outer life of richness and power, it must spring from a rich inner life. Be near us when the stress is hard and the way is rugged; be near us as we wait and labor; be near us in all our mental processes; be near us in our decisions; O be near us all the way, even to the end of the last mile. In the name of Jesus, Amen.

The Journal of the proceedings of Saturday last was read and approved.

CELEBRATION OF WASHINGTON'S BIRTHDAY

The SPEAKER. Pursuant to law the Chair appoints Mr. HAWLEY, Mr. TILSON, Mr. GARNER of Texas, and Mr. BYRNS of Tennessee as members on the part of the House of the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington.

RESIGNATION FROM A COMMITTEE

The SPEAKER laid before the House the following communication:

WASHINGTON, D. C., December 6, 1924.

HON. FREDERICK H. GILLET,

Speaker, House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on the Judiciary to become effective at once.

Sincerely yours,

J. W. WISE.

WIDENING OF FOURTH STREET IN DISTRICT OF COLUMBIA

The SPEAKER. To-day is District of Columbia day.

Mr. REED of West Virginia. Mr. Speaker, I desire to call up the bill S. 1343, authorizing the widening of Fourth Street in the District of Columbia, on the Union Calendar. As there will not be any opposition to it I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. BLANTON. I think all these bills should be considered in Committee of the Whole, and I object.

Mr. REED of West Virginia. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1343) to authorize the widening of Fourth Street south of Cedar Street NW., in the District of Columbia, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CHINBLOM in the chair.

Mr. REED of West Virginia. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. REED of West Virginia. Mr. Chairman, I will yield one hour to the gentleman from Maryland, the ranking Member on the District Committee.

Mr. BLANTON. Will the gentleman yield?

Mr. ZIHLMAN. I yield.

Mr. BLANTON. I have no requests on this side for time, and I shall only occupy five or six minutes. There is no objection to the bill.

Mr. ZIHLMAN. I do not wish to use any time, and I will yield five minutes to the gentleman from Texas.

Mr. BLANTON. I will ask for recognition in my own right.

Mr. ZIHLMAN. Mr. Chairman, this is merely a bill to authorize the widening of Fourth Street, a needed improvement in the northwest section of the city. It has been approved of by the District Commissioners and has passed the Senate.

Mr. GARRETT of Texas. This has no reference to Fourteenth Street going through the hospital grounds?

Mr. ZIHLMAN. No. Mr. Chairman, I yield back the balance of my time.

Mr. BLANTON. Mr. Chairman, I shall take only about five minutes. I know of no opposition to this bill, but I want to call the attention of Members to a matter affecting all Congressmen who have offices in the House Office Building.

Until the past year the employees of the Geodetic Survey and State Department in the building just across the street from the House Office Building on New Jersey Avenue have never parked their cars around the House Office Building, because that space had been reserved for Members who had their offices in that building. But when there was being done some work on a street contiguous to the Government building within the last year, and at a time when Congress was not in session, some of these employees began to park their cars over next to the House Office Building. When Congress resumed its work many Members were not able to find parking space. They have to take their cars one or two blocks away from the House Office Building before they can find a parking space.

Now, you take any big business in Washington—take the hotels, for instance—and the space in front of them is reserved for their hotel business. You can not park your car in front of the Willard or the Raleigh except in specified areas. Take the space in front of the theaters—that is reserved for patrons of the business. Take the big office buildings of the town and in front of the mercantile establishments; you will find police signs there—"No parking; by order of the commissioners." That is for the benefit of the people whose business is there, so that they can get their delivery wagons in and have access to their own business.

The House Office Building was built for the benefit of Congressmen, who are transacting the business of the people, and they ought to have this space reserved by the commissioners and superintendent of police to place their cars there. This space around the building ought to be reserved for Members who have their offices in the building.

Mr. TREADWAY. Will the gentleman yield?

Mr. BLANTON. I will yield.

Mr. TREADWAY. Has the gentleman ever consulted with the head of the Coast and Geodetic Survey, Doctor Jones?

Mr. BLANTON. I have consulted with the architect's office, which has charge of the House Office Building, and also with the police office, that has charge of policing the sidewalks, and they say that they have notified Colonel Jones, who has charge of this Government building, and requested him to notify the employees not to put their cars around the House Office Building, and they have been informed that the employees have said virtually, "Away with Congressmen and their cars; we are going to park there as long as we please." That is the situation.

Mr. TREADWAY. May I inform the gentleman that I know from personal experience that Colonel Jones is in entire sympathy with the attitude of the gentleman and would be only too glad to cooperate at any time. It seems to me it would be perfectly in keeping to again call Colonel Jones's attention to the matter.

Mr. BLANTON. I think that if our Sergeant at Arms were to notify the commissioners of the situation, as well as the superintendent of police, and of the necessity for our having parking space for our cars there, that the superintendent of the police and the commissioners would place police signs around the building that that space is reserved for those only who have business in that House Office Building.

Mr. TREADWAY. Does not the gentleman know of very much more flagrant cases of abuse of the public, such as that at the Union Station?

Mr. BLANTON. Oh, yes.

Mr. TREADWAY. Where there is no chance to park anywhere. The police do not regulate that for us.

Mr. BLANTON. That is a situation concerning which we have no hope of any remedy at all.

Mr. TREADWAY. Oh, yes; we have lots of hope, but not much execution.

Mr. BLANTON. The gentleman from Massachusetts has been a very distinguished Member of this body for years. He has been in very close touch with the administration of affairs and the steering committee of the dominant party, and yet he continues to suffer under this restraint every day, whereby neither he nor any Senator nor an official of the Government, if you please, can drive in there except in a second or third avenue removed from the depot, and he has not been able to remedy the situation up to this good time, and he never will be able to remedy it because the corporation that runs those particular taxicabs has an inside there that we can not break up. I have tried to break it up through the District Committee and we can not do it, and the gentleman will not be able to do it; but we can have the little privilege of parking our cars, which we need every day for official business with the departments, at our office building, and if our Sergeant at Arms will take the matter up with the superintendent of the police and the Commissioners of the District, I am sure that they will put police signs there just as they have police signs in front of hotels and theaters and other business houses in the city.

I only wanted to take up sufficient time to bring this to the attention of the House, and unless somebody else wants time, I yield back my time.

Mr. ZIHLMAN. Mr. Chairman, I demand the reading of the bill for amendment.

The CHAIRMAN. The Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the widening of Fourth Street immediately south of Cedar Street NW. to its full width of 90 feet, upon such lines as the Commissioners of the District of Columbia may deem best for the public interest: Provided, however, That of the entire amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be condemned for said widening plus the costs and expenses of the proceedings hereunder, not less than one-half thereof shall be assessed by the jury as benefits.

With the following committee amendment:

Page 2, line 7, strike out the word "less" and insert the word "more."

Mr. SANDERS of Indiana. Mr. Chairman, I would like to have some one in charge of the bill explain what this provision means.

Mr. ZIHLMAN. Mr. Chairman, the particular improvement that is brought about by the widening of Fourth Street is an improvement in the heart of the Takoma Park district of the District of Columbia, and the property owners in that section have taken the position that this improvement is so beneficial to the community at large that not more than one-half of the benefits or damages assessed for the improvement should be assessed against the abutting property owners, and that the District as a whole should pay one-half of the cost of the improvement resulting from these condemnation proceedings.

Mr. SANDERS of Indiana. Mr. Chairman, the proviso reads as follows:

Provided, however, That of the entire amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be condemned for said widening plus the cost and expenses of the proceedings hereunder, not more than one-half thereof shall be assessed by the jury as benefits.

Does that mean that when a man's land is benefited \$1,000 and damaged \$1,000, that when the jury reached that conclusion, they are to give him \$500?

Mr. ZIHLMAN. My understanding of that language is that it provides that the cost of this improvement should be assessed one-half against the abutting property owners and

adjoining property owners and one-half against the general treasury of the District, this being a matter of public improvement that will benefit the entire community.

Mr. SANDERS of Indiana. That may be the purpose of the bill, but it seems to me that the language is not very appropriate to accomplish that object, and I think the language does do what I have indicated. The report says:

The bill as it came from the Senate provided in effect that the condemnation in the matter of Fourth Street could proceed, the jury of view could fix the damages to which property owners would be entitled, and after the amount of damages had been fixed that at least one-half of the amount should be assessed by the jury as benefits accruing to the property owner. Therefore, if the property of A had been condemned in widening Fourth Street, the jury of view might fix his damages at \$1,000.

The act then provided that not less than one-half of that amount should be assessed against Mr. A as benefits, leaving open the clear inference that the jury might completely obliterate the amount of damages by an assessment of benefits, which benefits were to be fixed at not less than one-half the amount of damages.

Under the amendment proposed by the House committee, if the damages are fixed for A at \$1,000, the jury of view can not assess benefits against Mr. A at more than \$500, namely, one-half the amount of damages; but if the benefits do not reach the sum of \$500 in the case of A, the jury can not assess benefits under that amount or under an amount fixed at one-half the amount of the damages.

That seems to me to be an entirely novel proceeding. Is there any precedent for such a proceeding, by which we specifically provide that when a man's benefits and damages are equal he may be paid for it in that way?

Mr. ZIHLMAN. Mr. Chairman, I do not so construe the language of the bill. This bill simply provides that of the amount found to be due and awarded in this proceeding as damages for and in respect to the land to be condemned for widening, plus the cost and expenses of the proceedings hereunder, not more than one-half thereof shall be assessed by the jury as benefit. It was the intention of the committee to provide that the general treasury of the District should pay the other half, as we felt the cost would be excessive upon the abutting property owners. This improvement is of such a nature that it benefits that entire community. It is a large building extending out into the middle of Fourth Street in the very heart of the Takoma Park section of the District of Columbia, and it is a dangerous thing, both for motorists and pedestrians; and in a matter of such wide importance, such widespread benefit, we feel that the general treasury should bear one-half of the cost, and it is so recommended by the commissioners.

Mr. SANDERS of Indiana. In the condemnation of property in the opening of a street it is possible to affect the property owner favorably, because of the value of a street adjoining his property.

If it affects him favorably, then he is assessed benefits. It is possible also, because you take his property, that it will affect him unfavorably; and, if so, there is assessed damages in his favor. Now, he may own property which is benefited, and then he may own property which is damaged; and, under the ordinary usual course of condemnation proceedings, when such situation as that exists they offset his benefits and his damages, and that leaves him receiving nothing for it, and that leaves him to pay nothing for it. Under this bill, if I read it right, if it means anything it means A owns property which is damaged to the extent of \$1,000, and if he owns property which is benefited to the extent of \$1,000 he gets \$500 benefit as a result of the proceedings. Of course, it is a matter which I would not undertake to correct on the floor, but it seems to me a novel procedure. If the gentlemen in charge of the bill have investigated and think it is the proper way to do, I shall make no objection.

Mr. ZIHLMAN. I think this is the proper language carried in bills where the District pays one-half of the damages.

The CHAIRMAN. The time of the gentleman has expired. The question is on the committee amendment.

The question was taken, and the Chair announced the yeas appeared to have it.

On a division (demanded by Mr. ZIHLMAN) there were—ayes 32, noes 1.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 2. That there is hereby appropriated out of the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant

hereto and for the amounts awarded as damages. The amounts assessed as benefits when collected shall be repaid to the District of Columbia and covered into the Treasury to the credit of the revenues of the District of Columbia.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendment with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill S. 1343, had directed him to report it back to the House with an amendment with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the bill H. R. 6297, now on the calendar, be laid on the table.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the bill H. R. 6297 be laid on the table. Is there objection? [After a pause.] The Chair hears none.

Mr. ZIHLMAN. I also make the same request in reference to H. R. 4805.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Sundry messages in writing were received from the President of the United States, by Mr. Latta, one of his secretaries; who also informed the House of Representatives that the President had approved bills of the following titles:

On December 5:

H. R. 9559. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1925, and for other purposes.

On December 6:

H. R. 9561. An act making additional appropriations for the fiscal year ending June 30, 1925, to enable the heads of the several departments and independent establishments to adjust the rates of compensation of civilian employees in certain of the field services; and

H. R. 3537. An act for the relief of L. A. Scott.

CHANGING NAME OF THIRD PLACE NE. TO ABBEY PLACE

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 8410) to change the name of Third Place NE. to Abbey Place.

The SPEAKER. The gentleman from Maryland calls up a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8410) to change the name of Third Place NE. to Abbey Place

Be it enacted, etc., That the name of the street not yet cut through, but now on record as Third Place NE., be, and the same is hereby, changed to Abbey Place, and the surveyor of the District of Columbia is hereby directed to enter such change on the records of his office.

Mr. ZIHLMAN. Mr. Speaker, I will say this bill has been approved by all the property owners on both sides of the street—that is, the change of name—and also by the District Commissioners. I will yield back the balance of the time unless somebody wants to ask me some question in reference to the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATING THE PRACTICE OF ARCHITECTURE, ETC.

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 933, a bill providing for the registration of architects in the District of Columbia.

The SPEAKER. The gentleman from Maryland moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report by title.

The Clerk read as follows:

A bill (S. 933) to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia.

Mr. ZIHLMAN. Mr. Speaker, pending that motion, I would like to see if we can not agree on time with the gentleman from Texas [Mr. BLANTON], the ranking member of the minority on the committee.

Mr. BLANTON. Mr. Speaker, unless some Member—

Mr. GILBERT. Mr. Speaker, I would like three minutes.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that debate on this bill be limited to 20 minutes, 10 minutes to be controlled by the gentleman from Texas and 10 minutes by myself.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the debate be limited to 20 minutes, 10 minutes to be controlled by himself and 10 minutes by the gentleman from Texas. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Maryland to go into the Committee of the Whole House on the state of the Union.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 933, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 933, which the Clerk will report.

The Clerk read as follows:

A bill (S. 933), an act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. ZIHLMAN. I will ask the gentleman from Texas [Mr. BLANTON] to use some of his time.

Mr. BLANTON. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. GILBERT].

The CHAIRMAN. The gentleman from Kentucky is recognized for 10 minutes.

Mr. GILBERT. Mr. Chairman and gentlemen, there is nothing vicious about this bill. I really have no objection to it, further than that it is unnecessary legislation, in my opinion.

The tendency of the day is to create boards and regulate business. Of course, in some things that is necessary. In questions of health and life, and to some extent in the practice of law, there should be boards to pass upon the qualifications of those that seek to practice, to protect the public. But I can see no reason for a great long system of red tape and regulations providing for the business of architecture. Any man who has means enough to erect a building requiring the services of an architect, of course, would not employ one without experience and without at least some qualifications and reputation. It is for the benefit of the architects and not for the benefit of the public. But while it does not seriously affect the interests of the public, I can see no reason whatever for loading down the now overloaded statute books with these additional regulations. For that reason, and that reason alone, I see no use in the passage of this bill.

I yield back the balance of my time.

Mr. ZIHLMAN. Does the gentleman from Texas yield back the balance of his time?

Mr. BLANTON. I do not care to use it, unless the gentleman from Maryland should raise some question requiring an answer.

Mr. ZIHLMAN. Mr. Chairman, I yield back my time and ask that the bill be read.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby created a board of examiners and registrars of architects, the members of which and their successors shall be appointed by the Commissioners of the District of Columbia, and said board, subject to the approval of said commissioners, shall

make rules for the examination and registration of applicants for the certificates provided for by this act.

SEC. 2. That the board shall be appointed within 90 days after the approval of this act and shall be composed of five architects who have been in active practice in the District of Columbia for not less than 10 years previous to their appointment. One member of said board shall be designated by the said commissioners as chairman pro tempore until such time as permanent organization is effected.

SEC. 3. That in making the first appointment under this act the said commissioners shall appoint one of the members of said board to hold office for a period of one year; one to hold office for a period of two years; one to hold office for a period of three years; one for four years; and one for five years; and thereafter all appointments shall be for a period of five years. In case a successor is not appointed at the expiration of the time of any member, such member shall hold office until the successor has been duly appointed and has qualified. In the event of any vacancy occurring in the membership of said board in any manner other than by expiration of time, the said commissioners shall fill said vacancy by an appointment for the unexpired term.

SEC. 4. That the members of said board of examiners shall, before entering upon the discharge of their duties, subscribe to and file with the secretary of the Board of Commissioners of the District of Columbia the constitutional oath of office.

SEC. 5. That the board of examiners and registrars of architects shall meet for organization within 30 days after its appointment and shall elect from its membership a president, a secretary, and a treasurer.

SEC. 6. That the said board shall adopt all necessary rules, regulations, and by-laws, not inconsistent with this act, to govern its times and places of meeting for organization and reorganization and the holding of examinations, the length of the terms of its officers, and all other matters requisite to the exercise of its powers, the performance of its duties, and the transaction of its business under the provisions of this act. At least two meetings shall be held each year for the purpose of examination for registration.

SEC. 7. That three members of the said board shall constitute a quorum, but no action at the meeting can be taken without at least three votes in accord.

SEC. 8. That the secretary of the said board shall keep a true record of all proceedings of the said board and may employ such clerical assistance as the said board may deem necessary.

SEC. 9. That the said board shall be charged with the duty of enforcing the provisions of this act and may incur such expenses as shall be necessary, all of which expenses shall be paid only out of the revenue arising from this act in the manner hereinafter mentioned and provided.

SEC. 10. That a roster showing the names and places of business and residences of all registered architects shall be prepared by the secretary of the board during the month of June of each year; such roster shall be printed out of the funds of the board as provided in section 11. On or before the 1st day of August each year the board shall submit to the Commissioners of the District of Columbia a report of its transactions for the preceding fiscal year, together with a complete statement of the receipts and expenditures of the board, certified by the chairman and the secretary, and a copy of the said roster of registered architects.

SEC. 11. That all fees provided for by this act shall be paid to and receipted for by the treasurer of the board of examiners and registrars of architects for the District of Columbia and shall not be used for any purpose other than the purposes of this act. The expenses of said board, subject to the approval of said board, shall be paid by him upon written order and warrant of the president and secretary of said board.

SEC. 12. That each member of the said board shall be entitled to such reasonable compensation for his services as may be approved by said board: *Provided*, That said compensation shall not exceed \$10 per diem: *And provided*, That the total amount of such compensation shall not exceed the unobligated balance remaining with the treasurer of the board on the 30th of June of each year.

SEC. 13. That the members of the said board shall be reimbursed the amount of actual expenses incurred in the performance of their duties under this act, subject to the approval of said board.

SEC. 14. That any person wishing to practice architecture in the District of Columbia under title of architect shall, before being entitled to be or be known as an architect, secure from such board a certificate of qualifications to practice under the title of architect, as provided by this act.

SEC. 15. That any person having a certificate pursuant to the requirements of this act may be styled or known as an architect or registered architect.

SEC. 16. That no person presumed to have the right to secure such certificate because of his or her use of the title architect prior to the time this act goes into effect shall assume any title indicating that he or she is an architect, or any words, letters, or figures to indicate that the person using them is an architect, unless he or she shall have qualified and obtained a certificate of registration as an architect, or unless

he or she shall have filed an affidavit establishing the fact that he or she was in practice as an architect previous to the passage of this act and has a legal right to practice without a certificate. Each member of a firm or corporation practicing architecture shall be registered before being entitled to be known as or to style themselves architects or registered architects.

SEC. 17. That nothing contained in this act shall prevent the draftsmen, students, clerks of work, superintendents, and other employees of those lawfully practicing as registered architects under the provisions of this act from acting under the instruction, control, or supervision of their employers, or to prevent the employment of superintendents of the construction, enlargement, or alteration of buildings or any appurtenance thereto, or prevent such superintendent from acting under the immediate personal supervision of the registered architect by whom the plans and specifications of any such building, enlargement, or alteration were prepared. Nor shall anything contained in this act prevent persons, engineers, mechanics, or builders from making plans, specifications for, or supervising the erection, enlargement, or alteration of buildings or any appurtenance thereto: *Provided*, That the plans and specifications for such construction are signed by the authors thereof with their true appellation, without the use in any form of the title "architect" or "architects."

SEC. 18. That a building, for the purposes of this act, is any structure consisting of foundation, floors, walls, columns, girders, and roof, or a combination of any number of these parts, with or without other parts or appurtenances.

SEC. 19. That any properly qualified person who shall have been actually engaged in the practice of architecture in the District of Columbia at the time this act takes effect may be granted a certificate of registration without examination on condition that the applicant shall submit satisfactory evidence to the said board that he is qualified to practice architecture and by payment to the board of fee for certificate of registration as prescribed in section 24 of this act: *Provided*, That nothing in this act shall prevent any person who was actually engaged in the practice of architecture under the title of architect prior to the time this act takes effect from continuing the practice of said profession without a certificate of registration and without the use in any form of the title "registered architect."

SEC. 20. That any citizen of the United States or any person who has declared his (or her) intention of becoming such citizen, being at least 20 years of age and of good moral character, may apply for a certificate of registration or for such examination as shall be requisite for such certification under this act.

SEC. 21. That the applicant shall satisfactorily pass an examination in such technical and professional subjects as shall be prescribed by the board of examiners and registrars of architects. The board may, in lieu of examination, accept satisfactory evidence of any one of the qualifications set forth under subdivisions (a) and (b) of this section.

(a) A diploma of graduation or satisfactory certificate from an architectural college or school that he or she has completed a technical course approved by the board, together with and subsequent thereto of at least three years satisfactory experience in the office or offices of a reputable architect or architects.

The board may require applicants under this subdivision to furnish satisfactory evidence of knowledge of professional practice.

(b) Registration or certification as an architect in another State or country, where the qualifications prescribed at the time of such registration or certification were equal to those prescribed in this District at date of application, and where such State, Territory, or foreign country accepts in like manner the registration of architects in the District of Columbia.

SEC. 22. That an architect who has lawfully practiced architecture for a period of more than 10 years outside of the District of Columbia shall, except as otherwise provided in subdivision (b) of section 22, be required to take only a practical examination, the nature of which shall be prescribed by the board of examiners and registrars of architects.

SEC. 23. That the fees to be paid to the treasurer of the board of examiners and registrars of architects shall be fixed by said board from time to time and shall not exceed in amount the several fees provided for in this section.

The fee to be paid by an applicant for a certificate of registration as a registered architect shall be \$10.

The fee to be paid by an applicant who has been granted a certificate of registration as a registered architect by the board shall be not in excess of \$12, such fee to be prorated on a monthly basis from time of granting of application to the 30th day of the following April.

The fee to be paid upon renewal of a certificate of registration shall be not in excess of \$15.

The fee to be paid for the restoration of an expired certificate of registration shall be not in excess of \$20.

SEC. 24. That all examination papers and other evidences of qualification submitted by each applicant shall be filed with the board

of examiners and registrars of architects, and said board shall keep a record of its proceeding relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration.

The record shall also contain the name, known place of business and residence, and the date and number of the certificate of registration of every registered architect entitled to practice his profession in the District of Columbia.

Every person granted such certificate shall have the same recorded with the Commissioners of the District of Columbia.

Sec. 25. That every registered architect in the District of Columbia, to continue the practice of his profession, shall annually, during the month of May, renew his certificate of registration and pay the renewal fee required by section 24 of this act.

A person who fails to renew his certificate of registration during the month of May in each year may not thereafter renew his certificate except upon payment of the fee required by section 24 of this act for the restoration of an expired certificate of registration.

Every renewal certificate shall expire on the 30th day of April following the issuance.

Sec. 26. Exemptions: That the following shall be exempted from the provisions of this act:

(1) Practice as an architect in the District of Columbia by any person not a resident of and having no established place of business in the District of Columbia, or any person resident in the District of Columbia but whose arrival in the District of Columbia is recent: *Provided, however*, That such person shall have filed an application for registration as an architect and shall have paid the fee provided for in section 24 of this act. Such exemption shall continue for only such reasonable time as the board requires in which to consider and grant or deny the said application for registration.

(2) Engaging in architectural work as an employee of a registered architect, or as an employee of an architect or an engineer authorized by paragraphs 1 and 2 of this section: *Provided*, That said work may not include responsible charge of design or supervision.

(3) Practice of architecture by any person not a resident of and having no established place of business in the District of Columbia as a consulting associate of an architect registered under the provisions of this act: *Provided*, That the nonresident is qualified for such professional service in his own State or country.

(4) Practice of architecture solely as an officer or as an employee of the United States.

(5) Practice of architecture solely as an officer or as an employee of the District of Columbia at the time this act becomes effective and thereafter only until the expiration of the then existing term of office of such employee.

Sec. 27. Revocation of certificates: That the board of examiners and registrars of architects may revoke any certificate after 30 days' notice, with grant of hearings to the holder hereof, if proof satisfactory to the board be presented in the following cases:

(a) In case it is shown that the certificate was obtained through fraud or misrepresentation.

(b) In case the holder of the certificate has been found guilty by said board or by a court of justice of any fraud or deceit in his professional practice or has been convicted of a felony by a court of justice.

(c) In case the holder of the certificate has been found guilty by said board of gross incompetency or of recklessness in the planning or construction of buildings.

Sec. 28. That proceedings for the annulment of registration (that is, the revocation of a certificate) shall be begun by filing written charges against the accused with the board of examiners and registrars of architects. A time and place for the hearing of the charges shall be fixed by the board. Where personal service or services through counsel can not be effected service may be made by publication. At the hearing the accused shall have the right to be represented by counsel, to introduce evidence, and to examine and cross-examine witnesses. The secretary of the board is hereby empowered to administer oath, and the board shall make a written report of its findings, which report shall be filed with the Commissioners of the District of Columbia, and which shall be conclusive.

Sec. 29. That every person who was making use of the title of architect in the District of Columbia before the going into effect of this act shall, within one year after the going into effect of this act, record his name with the proof of his use of such title with the board of examiners and registrars of architects, such recording not to be interpreted as evidence of competency or ability unless applicant applies for and is granted a certificate of registration. Failure to record within such period the prior use of such title shall bar the said person from thereafter claiming registration under the provisions of section 20 of this act.

Sec. 30. That on and after the passage of this act the use of the title architect or registered architect, or the use of any other word, any letters or figures indicated or intended to imply that the person using the same is an architect or registered architect, without compliance with the provisions of this act, the making of any willfully false oath or affirmation in any matter or proceeding where an oath or affirmation is

required by this act, shall be deemed a misdemeanor punishable with a fine of not more than \$200 or imprisonment for not more than one year, or both:

Sec. 31. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 32. That this act shall become effective immediately on its becoming a law.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it pass.

The CHAIRMAN. The gentleman from Maryland moves that the committee do now rise and report the bill back to the House with the recommendation that it pass. The question is on that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (S. 933) to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia, had directed him to report the same back to the House with the recommendation that it be passed.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DEPUTY CORONERS

Mr. ZIHLMAN. -Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 3220) to provide for the appointment of an additional deputy coroner.

The SPEAKER. The gentleman from Maryland moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3220, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 3220) to amend section 196 of the Code of Law for the District of Columbia.

Mr. BLANTON. Mr. Speaker, the gentleman from Maryland is going a little beyond his program. Members of the committee had presented to them the program for the day of business that the committee would call up. We have been prepared to meet those bills, either to help the committee pass them, or to pass some of them. This bill which the gentleman is seeking to call up is not on that program at all. I have no objection to the bill, but there may be other Members here who will object to it; I do not know.

Mr. ZIHLMAN. I will state to the gentleman that this is the only bill—

Mr. BLANTON. That you will go out of the program with?

Mr. ZIHLMAN. Yes; so far as I am able to report, because the Members who made reports on the other bills are not here.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Maryland.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois [Mr. CHINDBLOM] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 3220) to amend section 196 of the Code of Law for the District of Columbia, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 196 of the Code of Law for the District of Columbia be, and the same is hereby, amended by striking out said section and inserting in lieu thereof the following:

"Sec. 196. Deputy coroners: The Commissioners of said District shall have authority to appoint two deputy coroners, who shall assist the coroner in the performance of his duties aforesaid, and shall perform the same duties in case of the absence or disability of the coroner. The deputy coroners shall serve and receive pay only in case of the absence or disability of the coroner, and when serving, their duties shall be the same as the aforesaid duties of the coroner. The deputy coroners shall, while acting, receive compensation at a rate not exceeding \$5 per day, to be paid as other expenses of said District, and each shall give bond in the penalty of \$2,500, with security

to be approved by the said Supreme Court, conditioned for the due performance of his duties."

Mr. ZIHLMAN. Mr. Chairman, I will state for the information of the House that the existing law provides for a coroner at \$1,800 a year and one deputy coroner, who shall receive \$5 a day for such days as he is assigned to duty by the coroner.

This bill simply is to provide for the appointment of two deputy coroners. The coroner states that it is necessary for him to have two assistants. It will be no additional charge to the District treasury, and the committee feels that the coroner should be given the extra assistant asked for in this bill.

Mr. BANKHEAD. Mr. Chairman, as I heard the reading of the bill, it provides that the deputy coroner shall be qualified to act only in the absence of the coroner. That is the way the bill reads.

Mr. ZIHLMAN. This bill is a copy of the existing law, which provides for two deputy coroners instead of one assistant.

Mr. BANKHEAD. What was the necessity presented to the committee for the establishment of this position? You have only one deputy, and he can act only in the absence of the chief. Why need a second deputy?

Mr. ZIHLMAN. This is a quotation from the commissioners' letter to the committee:

That at times both he and the deputy coroner are unable to perform all of the duties required of them by law and that there is a necessity for the appointment of a second deputy coroner, as proposed by this bill.

He receives a salary of only \$5 a day when he is assigned to duty. I remember that last year, when they brought this matter to my attention, they said the deputy coroner was out of the city, and under the law the coroner was not authorized to appoint some one to serve.

Mr. BLANTON. Mr. Chairman, I ask recognition.

The CHAIRMAN. The gentleman is recognized for one hour.

Mr. ZIHLMAN. Mr. Chairman, I reserve the balance of my time.

Mr. BLANTON. Mr. Chairman, I shall not take up more than three minutes. There are two fundamental and underlying reasons for this bill, I want to state to the gentleman from Alabama [Mr. BANKHEAD]. The first is this: For a long while here in Washington in the various bureaus and departments the chief only was not expected to do any work and was not expected to be at his desk more than a very short time each day, his assistant being expected to do all the work. Time has gone along until the assistants think that some privileges, such as their chiefs enjoy, ought to be accorded them by Congress. They think they are not shown enough consideration; they think they ought to be able to be idle and away from their offices, just as their chiefs are, whenever they want to and have some one else do their work for them, and the practice has grown up in the bureaus and in the departments until now it is the second assistant who really does the work, the first assistant and the chief being absent a great deal of the time. If you do not think that practice has grown up, you just pick out some chief of bureau to-morrow morning and ring him up and see if you can find him. Ring him up about 11 o'clock or about 2 or 3 o'clock and see if you can find him. Then when he is reported out, ask for his first assistant, and it will be very strange indeed if you find him in. It is the second assistant who is there attending to business. Now, the coroner has found this out and his assistant has found it out, and they think the same consideration ought to be accorded them as Congress has accorded to the other bureaus and departments, so they now ask for a second assistant coroner to do their work when a man is killed. That is the first reason for the bill.

The second reason is that there are so many people being killed now on the streets of Washington by automobiles that if any investigation is to be made they need a second assistant coroner to do it, since it is beneath the dignity of a chief or a first assistant to perform any real labor.

At the request of certain citizens I spent some time this morning standing and watching along New Jersey Avenue at the junction of the streets from D Street, on down to Massachusetts Avenue. I spent some time watching those taxicabs go to the depot. You go down there as I did and watch for a few minutes and see the main danger that is on the streets of Washington every day and obstructing traffic. It is mainly the White and Black taxis, and the other taxis as well, but mostly the White and Black taxis. Stand there, as I did, and watch how they fail to observe the traffic laws. I saw a car this morning which, in order to prevent a taxicab from running over it—although it had the right of way—skid over that

wet pavement into the sidewalk and had its back bumper broken off because of the contact. If it had not thrown on the brakes, which caused it to skid, but had attempted to exercise its right of way and cross that street the taxicab would have demolished it. That ought to stop.

Because of the many accidents we may need another deputy coroner, so I did not raise any opposition to the bill, and I know of no opposition to it; so we will let him have another assistant if that will help stop these accidents.

Mr. BANKHEAD. Was the gentleman convinced, by the testimony presented to the committee, that this additional assistant coroner, under the new economy administration, is justified?

Mr. BLANTON. No; I was not; but it was just one office, and as there were bills to come up to-day that did not involve just one salary, but hundreds of thousands of dollars, I thought it best to use my time and my energy in fighting the big bills and letting these little bills pass. That is the reason I did not object to it.

Mr. DENISON. May I ask the gentleman a question?

Mr. BLANTON. Yes.

Mr. DENISON. This deputy coroner, or assistant, does not receive any pay, does he, unless he is on duty performing his work?

Mr. BLANTON. He does whenever he is designated by the coroner. The other one, the second one we are now providing, will receive pay at the rate of \$5 a day every time he is designated. He may be designated on one death and his investigation may last for several days, or a week, or several weeks, as the gentleman knows, and for every day he claims to be engaged on that work, of course, he will be paid at the rate of \$5 a day.

Mr. DENISON. The assistant deputy coroner will not gain anything by assigning the work to another man, because if he does that then he does not get any pay himself.

Mr. BLANTON. Both of them might be assigned to the same case and one of them do the work. They could be assigned to the same case and one do the work and the other play golf, or do something else.

The bill was read for amendment.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 3220 and had directed him to report the same back to the House with the recommendation that it do pass.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent at this time to substitute a similar Senate bill, S. 116.

The SPEAKER. The gentleman from Maryland asks unanimous consent that a similar Senate bill be substituted. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, the bill H. R. 3220 will be laid on the table.

There was no objection.

LINCOLN'S BIRTHDAY

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 20) to declare Lincoln's birthday a legal holiday.

The SPEAKER. The gentleman from Maryland calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20) to declare Lincoln's birthday a legal holiday; and, pending that motion, I would like to ask the gentleman from Texas [Mr. BLANTON] if we can agree upon some division of time.

Mr. BLANTON. I will state to the gentleman from Maryland that he is familiar with this bill and knows that the enacting clause was stricken out in the last Congress.

Mr. ZIHLMAN. Not in the last Congress.

Mr. BLANTON. In 1922 the enacting clause was stricken out at the instance of Mr. James R. Mann.

There is quite a lot of opposition on both sides of the aisle to this bill, and I have requests for a great deal of time, and I suggest to the gentleman that there be an hour and fifteen

minutes given to each side. I think we can get along quicker in that way than any other.

The SPEAKER. The gentleman from Maryland moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20) to declare Lincoln's birthday a legal holiday, and pending that asks unanimous consent that the time for general debate be limited to 2 hours and 30 minutes, 1 hour and 15 minutes to be controlled by himself and 1 hour and 15 minutes by the gentleman from Texas [Mr. BLANTON]. Is there objection?

There was no objection.

The motion of Mr. ZIHLMAN was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the 12th day of February in each year, being the anniversary of the birth of Abraham Lincoln, is hereby made a legal holiday within the District of Columbia, to be known as Lincoln day, and in its observance and effect it shall be subject to all the provisions of law applicable to holidays within said District.

The CHAIRMAN. By order of the House, debate is limited to 2 hours and 30 minutes, one-half to be controlled by the gentleman from Maryland [Mr. ZIHLMAN] and one-half by the gentleman from Texas [Mr. BLANTON]. The gentleman from Maryland is recognized for 1 hour and 15 minutes.

Mr. ZIHLMAN. Mr. Chairman, I wish the Chair would notify me when I have consumed 10 minutes.

Mr. Chairman and gentlemen of the committee, this bill has been reported by a majority of the membership of the District of Columbia Committee. The gentleman from Texas [Mr. BLANTON] has filed minority views on the bill.

This bill is offered here in pursuance of a resolution adopted by the Grand Army of the Republic at their fifty-seventh national encampment at Milwaukee, Wis., on the 7th day of September, 1923. I wish to insert the resolution adopted there without reading it.

The resolution is as follows:

Whereas the Department of the Potomac, Grand Army of the Republic, has on several occasions adopted resolutions requesting the Congress of the United States to declare Lincoln's birthday anniversary to be a legal holiday in the District of Columbia in the same manner as Washington's Birthday anniversary has been made a legal holiday in said District: Therefore

Resolved, That we, the members of the Fifty-seventh National Encampment of the Grand Army of the Republic, in regular session assembled, this 7th day of September, 1923, in the city of Milwaukee, Wis., believing that the time has arrived when the memory of Abraham Lincoln, the chief of the preservers of the Union of States, should be honored in the same exalted degree as the memory of Washington, the chief of the founders of that Union, earnestly and in full agreement, join with the Department of the Potomac in urging Congress to make the anniversary of the birth of Lincoln a legal holiday in the District of Columbia, where he rendered service of inestimable value to our country and the entire world, and died a blessed martyr to that righteous cause for which 512,000 of our comrades in arms during the Civil War "gave the last full measure of devotion."

Mr. ZIHLMAN. The legislatures of 28 States of the Union have passed laws making Lincoln's birthday a legal holiday in the respective States. Those States are California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Dakota, New Mexico, Ohio, Oregon, Pennsylvania, South Dakota, Utah, Washington, West Virginia, Wisconsin, and Wyoming. The population of those States is more than 70 per cent of the population of the Federal Union.

The only argument I have heard advanced as to why this bill should not become law is that there are enough holidays in the District of Columbia and that the employees of the Federal Government would simply be granted another day of rest or another holiday, and that there are enough holidays in the District of Columbia now.

Another argument that was advanced when the bill was considered in the Sixty-sixth Congress was that Lincoln's name, his fame, and his greatness, will live without making his birthday a legal holiday in the District of Columbia.

Mr. TINCHER. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. TINCHER. The gentleman says the only argument he has every heard against this bill has been the statement

that it provides for too many holidays. Did the gentleman hear the argument of the late Mr. Mann, a Member of this House, against the bill when it was up before?

Mr. ZIHLMAN. I heard, I think, a part of his address. I can not say I heard it all.

Mr. TINCHER. And did the gentleman hear the speech made by Uncle Joe Cannon, who served for some little time in this House, against the passage of this bill?

Mr. ZIHLMAN. I heard that address. I was coming to that point, I will say to the gentleman from Kansas. I have just stated the other argument. I was recounting the arguments as I remember them, and one of them was that Lincoln's greatness and his fame were so far above anything we could do to honor him that it was not necessary to pass a bill making this day a legal holiday.

Mr. TINCHER. Is there anything to this bill save and except to provide another legal holiday for the employees of the Government in the District of Columbia? In other words, it will not add anything to the fame of Lincoln to give them this holiday here in the District, will it?

Mr. ZIHLMAN. I do not agree with the gentleman or I would not be advocating the bill.

In the first place, I think it is very unfair to simply assume that this bill, which is presented here and which has been advocated by the Grand Army of the Republic for a number of years, is to be opposed solely on the ground that it will give deserving employees of the District of Columbia who are Federal employees another holiday.

Mr. TINCHER. That was the argument of Mr. Cannon and Mr. Mann—that it could not add anything to the fame of Lincoln, was it not?

Mr. ZIHLMAN. Yes.

Mr. TINCHER. And the only effect it would have would be to provide one more holiday in the District of Columbia. Mr. Mann even went to the extent of figuring the exact cost there would be on the Federal Government to provide this holiday here in the District.

Mr. ZIHLMAN. Yes; I remember that the late Mr. Mann made a very strong speech in opposition to the bill.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. ZIHLMAN. Certainly.

Mr. MOORE of Virginia. Is the gentleman able to tell us how many legal holidays now obtain in the District of Columbia?

Mr. ZIHLMAN. I can not tell the gentleman accurately. I admit that I should have had that information, but I relied on the gentleman who wrote the report and he is not present. Probably the gentleman from Texas will furnish that information.

Mr. BLANTON. I will give the facts.

Mr. ZIHLMAN. Mr. Chairman, while I agree with the position taken by some of my distinguished colleagues as to the greatness of Abraham Lincoln, whose name is like a benediction to the American people and whose memory is immortalized in this Republic, I still feel that here in the Capital of the Nation he served, in the city in which he was assassinated, the city in which he labored to preserve the Federal Union, the city in which he delivered his second inaugural address, almost his last public utterance, in the front of this very building, at a time when the dark clouds of war seemed to be passing away and the sun of peace was appearing above the horizon, when he made his plea for a just and lasting peace with ourselves and all nations—that we should in further honor of his life and services make his birthday a legal holiday in the District of Columbia. I fail to see how we could more honor him than by this fitting tribute in this Congress, in the last short session, than to make the day on which he was born a legal holiday.

Twenty-eight great States of the Nation have made his birthday a legal holiday. Here in Washington, the city in which he served, and gave his life to the Republic, I feel that we should follow the example set by those various States of the Nation and adopt and follow the purpose of the resolution adopted by the Grand Army of the Republic.

Mr. McKEOWN. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. McKEOWN. This would not be a legal holiday for Government employees outside the District of Columbia.

Mr. ZIHLMAN. Congress, as I understand it, can not legislate for States as to legal holidays.

Mr. McKEOWN. Does the gentleman think it is fair to other employees in various parts of the United States where this law would not prevail to give the employees in the District an additional holiday?

Mr. ZIEHLMAN. The majority of the States, representing 70 per cent of the population of the country, have already made Lincoln's birthday a legal holiday.

Mr. CLARKE of New York. If the gentleman will yield, how many holidays are there in the District of Columbia now?

Mr. ZIEHLMAN. The gentleman from Texas will no doubt give all that information. I will confess that I did not know that the gentleman who reported the bill was not to be here.

Mr. CLARKE of New York. As I understand, a majority of the committee reported the bill.

Mr. ZIEHLMAN. The majority of the committee have agreed to the report on the bill. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN (Mr. PURNELL). The gentleman has used 10 minutes.

Mr. BLANTON. Mr. Chairman, there are approximately 70,000 employees in the District of Columbia. Aside from giving them another idle day added to the great number they already enjoy each year by law, the passage of this bill would immediately require the Appropriations Committee and the legislative committees to place on the pay rolls of the Government at least 256 extra employees to do the work which is lost by reason of this additional idle day.

I am sorry that I can not agree with the committee favorably reporting this bill. It was thoroughly debated in the Sixty-seventh Congress, and on February 13, 1922, by a very decided vote the House struck out its enacting clause by a vote of 162 against the bill, while only 89 Members were in favor of the bill, and at the time such vote was taken there were 170 more Republican Members than Democrats. Hence there was nothing partisan in the vote.

Just as I said then in that debate I now repeat, that if the immortal Lincoln were present to-day he would state without hesitation that the greatest curse of this Nation at the present hour is idleness and a want of full production. It is a failure on the part of Americans to produce to the limit of their possibilities, and Lincoln would tell us that it is the duty of every American to produce to the maximum of his abilities and opportunities.

I will join my colleagues in every proper method consistent with the cardinal principles of his life to do all honor possible to the undying memory of this great man. But what can we do now to honor Lincoln? Provide another gala picnic day for carousal? Abolish all of the accustomed ceremonial exercises which for nearly half a century have been observed throughout this city in all the departments of Government? Abolish such accustomed exercises in all of our public schools where for the education of the rising generation opportunity is afforded for his many virtues to be extolled? Are we thus to honor him? Are we to honor him by closing down all these accustomed exercises and saying to the 437,000 people in Washington, go forth to the innumerable pleasure resorts on this momentous day and be gay in utter abandon. If this is the way we are to honor Lincoln, the uninformed rising generation will soon forget him.

The martyred Lincoln gave his life for his country on April 15, 1865. Our District Committee is asking the Congress to convict itself of continued dereliction of duty for the past 59 years, for if passing this bill would honor Lincoln the honor should have been conferred a half century ago, and every Congress for over 50 years has been recreant in its duty.

A measure to do honor to the memory of a man should be consistent with the character and life of the man, and all of us know that Lincoln was an indefatigable worker, a man who believed in effort, a man who believed in accomplishment, a man who hated idleness.

LIST OF NUMEROUS NONWORK DAYS STAGGERING NOW

Have you ever thought of just how many nonwork days out of the 365 there are already upon which our Government employees here in Washington do not work each year? With a few exceptions, they all have the 52 Sundays each year away from work; then they have 30 full workdays' vacation each year on full pay; that is, these 30 days' vacation does not count any Sunday or regular holiday in it, but must be 30 full workdays' vacation; then they are allowed 30 workdays' sick leave on doctor's certificate that they were unable to work, with no salary deduction for such absence; and section 1339 of the Code of Law for the District of Columbia provides the following special holidays: January 1, called New Year; February 22, which is Washington's Birthday; May 30, which is Decoration Day; September 1, which is Labor Day; and December 25, which is Christmas; then after 12 o'clock noon on every Saturday during the months of July, August, and September is allowed as a holiday; then each Thanksgiving Day;

then each Inauguration Day; then a half day before each Christmas; and all special occasions of celebration are observed by the departments turning out. And every holiday, or nonwork day, costs the Government quite a huge sum, for the loss of work of such day by its many thousands of employees must be made up, which necessitates the employing of a corresponding additional number of employees to make up the work to be lost by each holiday. In the history that is to follow of our great Republic, which is stable and permanent in its structure, we may expect many great men, none of whom would feel honored by the thought that we would revere their memory through a day of idleness devoted to pleasures and fancy. Under our law whenever any regular holiday comes on Sunday the succeeding day is observed, so that no holidays are ever lost. Our God, whom Lincoln worshiped, said, "Six days shalt thou labor," and that divine admonition meant maximum production during six days of each week of seven.

If by passing this bill it would cause the 437,000 people here to more reverently observe February 12 in some way that would do real honor to this great American, I would favor it. But its passage would merely shut down all business, close up all schools, and send 437,000 people hurrying off to various places of pleasure, to dissipate another joy day, soon forgetting in whose honor it was intended. There is more honor done Lincoln's memory by Members of Congress regularly assembling here in this House each year, listening to the earnest dissertations on his unselfish life and lovable character, than there would be in selfishly enjoying the pleasures of another idle day. Ah, the real reverence, after all, is within our breasts.

President Lincoln was a frugal man. He abhorred the useless. In our feeble efforts to do him honor many of his portraits adorn the walls of our public buildings. Many valuable busts have been set on pedestals. His likenesses have been preserved in bronze and marble, adding solemn and dignified attractiveness to many of our parks. Lincoln Park, with its descriptive monument, beautifies East Capitol Street, leading thence direct to the main steps of the Capitol itself, where Presidents are inaugurated. And the magnificent marble Lincoln Memorial, with its wonderful reflecting pools, the like of which has never before memorialized mortal man, comes nearer doing fitting honor to this great American. A bawdy, sordid, selfish, idle, pleasure-seeking, pleasure-absorbing holiday will tend merely to cheapen all that has been done to honor heretofore.

Some Members may imagine that to oppose this bill will cause criticism, or a charge against them of a want of appreciation of Lincoln. Such a choosing of the path of least resistance would evidence moral cowardice, something that Lincoln detested. Why, at a time when it appeared that I was the only man opposing this measure in the Sixty-seventh Congress, when it came up in the House for passage on February 13, 1922, our former distinguished colleague, the Hon. James R. Mann, of Illinois, who loved Lincoln, who loved his country, who was a statesman, and who for years worked indefatigably in the House of Representatives, dying in harness, came to my rescue, and prevented this bill from passing.

At the crucial moment the distinguished gentleman from Illinois, Mr. Mann, took the floor, and defeated the bill by an overwhelming vote. Let me quote from the Record just what he said:

Mr. MANN. Mr. Chairman, I was a young boy when Lincoln was President. My father was in the Army—had been. I remember us distinctly as though it were yesterday the man who came riding up fast on horseback to our farm to inform my father that Lincoln had been assassinated. I remember the grief and the tears and the sorrow of our family at that time. I come from the State which gave Lincoln to the country. I come from the city where Lincoln was first nominated for the Presidency. I have the utmost reverence for his memory and admiration for his character. I was largely instrumental in this House in securing provision for the erection of the Lincoln Memorial over here to the west, which I think is the most beautiful structure in all the world. I remember in discussing the question before the House, in urging the House to provide for a memorial in the District, instead of a roadway between here and Gettysburg, that I suggested to the House that I could see in my mind's eye in the not distant future the Capitol Building representing the country and just to the west the beautiful Grant Memorial, and farther on the Mall, until you came to the great Washington Monument, and beyond that I could see, I thought, a beautiful Lincoln Memorial structure, with its reflection in the water which would be there, and still on beyond I could see a bridge across the Potomac River which could connect us with the resting place of the Army and Navy, Arlington Cemetery. [Applause.] I said that I could go further. I said that I could see, I thought, a road going still farther and reaching

to Richmond, Va., and at the other end of that road I could see, if I lived, a statue of the beloved of the South, Jefferson Davis. In complete feeling of reconciliation between the North and the South. [Applause.] I was taken to task for making those remarks by some of the dear old Grand Army of the Republic men in my district, who did me the honor in the moment of resentment to withdraw my honorary membership in one of the posts. There is nothing they could do to me which would affect my love or veneration for them, and they are all my friends now, but that of itself showed that there was not yet a complete wiping out of the hatred of the Civil War. I am in favor of wiping out as fast as it is humanly possible all of the soreness and hatred caused by the Civil War.

But, Mr. Chairman, although I come from Lincoln's State, although I revere his memory and character, I can not believe that a bill like this before us will in the slightest degree enhance the value of the memory of Lincoln to anyone in America or elsewhere.

We have New Year's Day, generally observed; business places usually close. We have Memorial Day; business usually closed; people go to the ball games and elsewhere. We have the Fourth of July; business usually closed. We have Labor Day; business usually closed. We have Thanksgiving Day; business usually closed. We have Christmas Day; business usually closed. We have another holiday generally throughout the country in most of the States, February 12, when business is not closed. The banks close and the stock exchanges close. The Government offices may close in some places, but business is not closed. We have February 22; business is not closed on that day generally throughout the country. The banks close; they have to under the law. The stock exchanges close because the banks close. The people observe those days to a very large extent now, not because there is any legal holiday, and the only purpose that I can see for making a legal holiday of Lincoln's birthday in the District of Columbia is while business outside the District of Columbia on Lincoln's birthday does not close, generally in the District of Columbia all the public offices will close and the stores will keep open. That is the purpose of it, and to the reverence of Lincoln—not at all. We have a good many holidays. It is proposed by some gentlemen to make Armistice Day a holiday. It may be done. There are a great many men who have been distinguished enough in the country, if it becomes a habit, to make their birthdays holidays. It will not benefit them. It does not add anything to the reverence of the people. There is absolutely no occasion for it, except some gentlemen of the District of Columbia who would like to be let out of work another day in the year organized the propaganda to have another legal holiday. When they get that they will have another one they want. I think it is time to stop the misuse of the name of Lincoln to steal things out for private interest. [Applause.]

That was the language of the late lamented, able, distinguished James R. Mann, of Illinois, which I have read verbatim from the CONGRESSIONAL RECORD of February 13, 1922. Has anything happened since that date to change the situation? Are not the conditions now just the same as they were on February 13, 1922? When the debate upon this bill was concluded in the Committee of the Whole House on the state of the Union its enacting clause was stricken out by the committee, as is shown by the Record, and it was upon the motion of the Hon. James R. Mann, of Illinois, that the enacting clause was stricken out. I want to read now the names of the Members, including the names of the distinguished Republican Congressmen, who backed Mr. James R. Mann—men who loved Lincoln, embracing men who stand high in the councils of the Republican Party. The following Congressmen voted to strike the enacting clause out of the bill:

Anthony, Aswell, Bacharach, Beck, Begg, Bell, Black, Bland of Virginia, Blanton, Boles, Browne of Wisconsin, Bowling, Box, Brand, Briggs, Buchanan, Bulwinkle, Byrnes of South Carolina, Byrns of Tennessee, Burdick, Burtness, Cannon of Illinois, Christopherson, Clouse, Clague, Clark of Florida, Cole of Iowa, Collins, Connally of Texas, Connell, Cooper of Wisconsin, Copley, Coughlin, Cramton, Crisp, Cullen, Curry, Dale, Davis of Tennessee, Dempsey, Dickinson, Dominick, Doughton, Drane, Dunbar, Elliott, Ellis, Evans, Fairfield, Free, Freeman, French, Fulmer, Funk, Garner, Garrett of Tennessee, Gensman, Glynn, Graham of Illinois, Greene of Massachusetts, Hammer, Hardy of Colorado, Hardy of Texas, Hersey, Hicks, Hoch, Huddleston, Hudspeth, Jacoway, Jeffers of Alabama, Johnson of Mississippi, Johnson of Washington, Jones of Pennsylvania, Jones of Texas, Kincheloe, King, Kirkpatrick, Knutson, Latham, Larsen of Georgia, Layton, Lea of California, Lee of Georgia, Lehlbach, Lenthicum, Logan, Lowrey, Luce, Lushing, Lyon, McClintic, McCormick, McDuffie, McFadden, McPherson, MacGregor, Mann, Merritt, Michener, Moore of Virginia, Moores of Indiana, Mott, A. P. Nelson, Newton of Minnesota, Oldfield, Overstreet, Padgett, Park of Georgia, Parks of Arkansas, Pon, Pringley, Quin, Radcliffe, Raker, Ramseyer, Rankin, Rayburn, Reavis, Reece, Rogers, Rouse, Rucker, Sanders of Indiana, San-

ders of New York, Sanders of Texas, Sandlin, Scott of Michigan, Scott of Tennessee, Sears, Shelton, Shreve, Sisson, Snell, Steagall, Stedman, Stephens, Stevenson, Stoll, Strong of Kansas, Summers of Washington, Summers of Texas, Swank, Taylor of Arkansas, Temple, Tillman, Tincher, Tyson, Vestal, Volstead, Walsh, Ward of North Carolina, Wason, Weaver, Webster, White of Maine, Williamson, Wilson, Wingo, Wood of Indiana, Woodyard, and Wyant, making a total of 162 votes in favor of killing the bill.

And there were only 89 votes for the bill against striking out its enacting clause.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KING. I failed to note whether the gentleman's name was on that list.

Mr. BLANTON. Yes; my name is on the list of those who voted to strike out the enacting clause. I followed the distinguished James R. Mann many times on this floor in sound positions he took for the whole people, for he was a great leader. When he advocated sound measures I followed him, and I am a pretty good Democrat, having been so all my life, but that did not keep me from following him when he was right.

Mr. FAIRCHILD. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. FAIRCHILD. Did I understand the gentleman to say that he is reading the names of those who voted against making Lincoln's birthday a legal holiday?

Mr. BLANTON. Yes; the names of those who followed James R. Mann and Uncle Joe Cannon on the motion to strike out the enacting clause.

Mr. FAIRCHILD. And you read the name of FAIRCHILD?

Mr. BLANTON. I am reading what the RECORD shows.

Mr. FAIRCHILD. Read it again.

Mr. BLANTON. FAIRCHILD.

Mr. FAIRCHILD. Is the gentleman reading the nays?

Mr. BLANTON. No; the yeas, to strike out the enacting clause.

Mr. FAIRCHILD. The name of FAIRCHILD is not among the yeas. Read it again; it is FAIRFIELD.

Mr. BLANTON. Oh, I beg the gentleman's pardon; it is FAIRFIELD. I made a mistake in calling it FAIRCHILD. It is plainly FAIRFIELD.

Mr. FAIRCHILD. I wanted the gentleman to correct that, because FAIRCHILD was for the bill at that time as he is at this time.

Mr. BLANTON. I shall have to use my glasses, I see that, but the similarity of name caused the mistake. However, there is no other mistake as to the other names I have read. The enacting clause was thus stricken out by the House of Representatives on the 13th day of February, 1922, by a vote of 162 to kill the bill to only 89 for the bill. And the preceding day was Sunday, February 12, Lincoln's birthday. Yet the bill was thus killed by this big majority, right on the day following Lincoln's birthday, with all of the sentiment permeating the atmosphere of the House floor at that time.

Mr. FAIRCHILD. Mr. Chairman, will the gentleman yield again?

Mr. BLANTON. Yes.

Mr. FAIRCHILD. Of course, I have a personal interest in this just now, but will the gentleman please state that Mr. FAIRCHILD at that time voted in favor of making Lincoln's birthday a holiday?

Mr. BLANTON. Yes; Mr. FAIRCHILD was one of the "nays" who voted against striking out the enacting clause with the 89. As I have said, at that very time there were on the rolls of this House 302 Republican Members and only 132 Democrats, evidencing that there was no partisanship in the matter whatever. You find voting to kill the bill such strong, orthodox, life-long Republicans as Uncle Joe Cannon, Greene of Massachusetts, Hersey of Maine, Doctor Layton of Delaware, Doctor Temple of Pennsylvania, James R. Mann, Will Wood and Moores of Indiana, Graham of Illinois, Anthony, Hoch, Strong, and Tincher of Kansas, Sanders of Indiana, Vestal, the present Republican whip, Snell, the present chairman of the Committee on Rules, Luce and Joe Walsh of Massachusetts, Lehlbach of New Jersey, White of Maine, Rogers of Massachusetts, Jim Begg, of Ohio, Cooper of Wisconsin, Newton of Minnesota, and many others of equal prominence whose love, respect, and loyalty for Lincoln can not be questioned.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WINGO. Do I understand that the gentleman regards all of the names in the list he has just read as orthodox Republicans?

Mr. BLANTON. I do, until the Republican steering committee of this House takes some action which it has not as yet taken. There has been no reading out of the party over here. There may have been in another body, but they still have the same standing in the community in which they preside here in the House, so I think they are Republicans.

Mr. WINGO. The gentleman misunderstands me. I am somewhat puzzled to know when a Republican is a Republican. He is orthodox if he votes to pass a bill over the President's veto, for one thing, but he is not orthodox if he does it for another. Has the gentleman undertaken to get up any formula by which he can measure what a Republican is?

Mr. BLANTON. This is one occasion when there ought not to be any partisanship, and I hope and believe it is far from the purpose of the gentleman from Arkansas [Mr. WINGO] to show partisanship at this time. This is one occasion when there ought not to be any question of Republicans, or Democrats, or Socialists, or communists, or anybody else, but just American statesmen. This is a question that is going to do no honor to a great man, and if we pass this bill it will not do any honor to him. It will merely gratify some 70,000 Government employees and give them another idle day, when we all know that idleness was abhorred by this great American, Abraham Lincoln.

It is a question of statesmanship we are called upon to exhibit just now, and some other time when there is not this big question here I will help the gentleman from Arkansas to throw some party darts and see if we can not land some of them, but just now I desire to keep out of the debate all partisanship.

Mr. WINGO. If the gentleman will yield, I am not throwing darts now. You know I learned a little bit by experience and use a little molasses now to catch flies.

Mr. BLANTON. There has been so much molasses used in the last 60 days over the country that things will become insipid if we use any more just now.

Mr. WINGO. My friend from Illinois suggests we use a little oil, but I prefer to use molasses.

Mr. BLANTON. I am not going to take up further time, gentlemen. We are going to make a mistake if we pass this bill. I will not consider economy when it comes to honoring a great American like Lincoln. We passed bill after bill to do him honor and you will not find one word I have ever said against them. We have built this magnificent marble memorial. It is a fitting honor to the man. We built these beautiful reflecting pools there, a fitting honor to the man. There has been money spent here time and time again along lines that did him real honor. I have never raised my voice once against it, and I will not do so.

Mr. FAIRCHILD. If the gentleman will yield, will not that argument of the gentleman from Texas apply equally to Washington's birthday?

Mr. BLANTON. Oh, Washington's birthday from the beginning has been a national affair. It is observed in every State. When one bank closes up in the United States all close up from Alaska to Florida. This is not a bill to make a national holiday; it is a bill restricted to the District of Columbia. It is a bill not to give all of the 500,000 employees of the Federal Government another idle day all over the United States, but it is a bill merely to give the particular 70,000 who happen to be privileged to live in Washington, D. C., a holiday as against the other 400,000 who live elsewhere.

Mr. FAIRCHILD. Does not the argument of the gentleman from Texas regarding economy apply equally to Washington's Birthday?

Mr. BLANTON. So far as Washington's Birthday is concerned, I want to say this: It has never yet done Washington any honor and Mr. Mann realized it, and Uncle Joe Cannon realized it, for they mentioned the fact. I heard their strong speeches made from this floor once before on another occasion against this very proposition by these distinguished gentlemen, one of whom was once Speaker of this House, Uncle Joe Cannon, and I never heard a stronger argument in my life against a measure. He called attention to the fact that the people did not stop to do reverence to Washington on his birthday. They go to pleasure resorts; it is a day of abandon, a gala day of pleasure, and minimized the reverence we should have for the Father of our Country. If it would do reverence to the great American, Abraham Lincoln, then Congress should have passed it 50 years ago. Would you now convict this Congress of dereliction of duty in not passing this bill before? And if you pass it now, would you not say to the people that the Congress of the United States for 50 years has been negligent in its duty in not passing the bill before? If it is a good bill now it has been a good bill during the last 50 years.

It is not a good bill and Congress should put its stamp of disapproval upon it as did the leading statesmen of this House, James R. Mann and Uncle Joe Cannon, who fought against it, and I hope we will not take a backward step now.

Mr. Chairman, I reserve the balance of my time and yield the gentleman from Michigan [Mr. CRAMTON] five minutes.

Mr. CRAMTON. Mr. Chairman, in so far as there is occasion for governmental action to pay tribute to Lincoln, the Lincoln Memorial, which has been recently completed, is, of course, the finest tribute that has ever been paid to any one man. But the bill before us is not a bill to honor the memory of Lincoln. If it were there would be no division of sentiment here in reference to it. If it were, it would not have had the opposition of our former colleague, Mr. Mann, who was in every sense a patriot. The bill is most essentially to give an additional holiday to Government employees in the District of Columbia. It does not appeal to me that further holidays for those employees are necessary or in the present condition of governmental finance are desirable. There are something over 65,000 employed under civil service in the District, and when you add some others who are not in civil service you have approximately 70,000 employees who would be given one additional day of rest with pay, if this bill should become a law. Those 70,000 employees receive on an average better than \$5 per day. That alone is a matter of \$350,000. The matter of the disorganization of work in the departments goes further. For instance, when a holiday comes on Tuesday employees are tempted to go away Saturday and not return to work until some time Wednesday, and that, to a certain extent, creates a disorganization, so the money loss to the Treasury would be above \$350,000. If there were a humane occasion for giving those employees another holiday, then there might be some justification for the bill.

At the present time those employees work seven hours a day. That is the required time; seven hours per day, except in the summer months, when they are given a half holiday on Saturday afternoon, shortening their time that much. They receive 30 days' leave, annual vacation with pay, and, in addition, they are entitled to 30 days' leave with pay as sick leave. There is a possibility of their receiving as much as 60 days' vacation with pay in one year. That, joined with the seven-hour day and their holidays and half holidays, constitutes all that it seems to me we are called upon to do for them in the way of days of rest with pay.

I hope that the bill will not prevail.

The CHAIRMAN. The gentleman from Michigan yields back one minute.

Mr. ZIEHLMAN. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. KVALE].

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes.

Mr. KVALE. Mr. Chairman and gentlemen of the committee, I hear cries of "Vote!" and I shall not detain you long. I did not know until I came to the House this noon that such a bill would come before the House.

I am very much surprised to hear some of the arguments advanced against this bill; surprised to hear the roster of names read in a Congress past of those who voted against the enactment of the bill into law.

I asked for the floor when the gentleman from Texas [Mr. BLANTON] was speaking in order to make the same observation that was made by the gentleman from New York [Mr. FAIRCHILD], to inquire whether the same arguments would not hold good against the law establishing Washington's Birthday as a legal holiday, and I have not received a satisfactory answer from the gentleman from Texas.

It seems to me the same argument holds good; and if it does not add honor to the name of Lincoln and his memory to have his birthday celebrated as a legal holiday, neither does it add honor to the name of George Washington to have his birthday observed as a legal holiday.

I come from a State where the birthday of Lincoln is observed as a legal holiday, and our citizens embrace many people of foreign birth. Yet we think we are very good Americans there. We revere and honor the name of Lincoln. We almost worship his memory. We wonder if his memory is held in equal regard in the District of Columbia.

I agree with what the gentleman said, that you can not add fame to Lincoln's name by declaring his birthday a legal holiday. I know that you can not add luster to the sun in any way by any legislation, but you can shut out the heat and light of the sun from your own home by various measures. And so by refusing to declare this day a legal holiday in the District of Columbia we do detract from the memory of Abraham Lincoln,

and we do our part by offering this stand as an example to the several States.

In our schools in Minnesota every child is taught the reason for the legal holiday, and the children are given the names of the States where Lincoln's birthday is observed as a legal holiday. They find that the District of Columbia does not observe that day, and they wonder why, in the city where he spent a part—and so important a part—of his life, where he gave his life as a martyr to human liberty and freedom, this is permitted to continue. And so, psychologically, it does detract from his memory to have the children of Minnesota know that in this very city, the Capital of the Nation, the birthday of Abraham Lincoln is not considered as of enough importance to have it celebrated as a legal holiday. Therefore it reacts upon us. It seems to me it is the natural thing for me, as a citizen of Minnesota, to vote for the setting apart of this day in the District of Columbia as a legal holiday. [Applause.]

The CHAIRMAN. The gentleman from Minnesota has consumed four minutes.

Mr. ZILHMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. RATHBONE].

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. RATHBONE. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the Record.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. RATHBONE. Mr. Chairman, no one has more respect for high authority than I have. The list of names of those who have opposed this bill in times past carries great weight with me. For 18 years I lived in the second congressional district of Illinois and helped to send James R. Mann to Congress. I regard him as one of the greatest Congressmen we have ever had.

But, gentlemen, we are not here blindly to follow authority, either of living or dead. We are here to vote our convictions. We are here to vote our own honest thoughts on this and every other question that comes before this House.

I am astounded to hear in this body, the Congress of the United States, an assertion made which is nothing less than an aspersion on the entire American people. I repudiate and hurl back that aspersion. We have been told here by the gentleman from Texas [Mr. BLANTON] that if this Congress grants this legal holiday it would be used—and those were his words—for the purposes of carousal. We are told that it will be worse than a holiday. We are told that the employees of this Government and the people of this District are simply looking to have a good time, and care for nothing else.

That is not so. You take the State of Illinois, in which I live. You take the 28 States which have already adopted Lincoln's birthday as a holiday, and if you will go to those States on the 12th of February every year you will see men, women, and children by the thousands and thousands going forth to attend exercises in honor of this great American.

I know this people better than does the gentleman from Texas. I know that if you grant this holiday it will not be used in any such vile manner as that. These people who work for the Government, these thousands in the District of Columbia, desire that the opportunity be given them, instead of being made to stick to the grindstone on that great day, to go forth and honor the memory of Lincoln. They ought to have the opportunity of listening to addresses and attending celebrations in honor of that great man. I want to give them that chance.

The gentleman says that this is all propaganda gotten up by Government employees. I deny that assertion. Back of this movement is a set of men that you men from the South, as well as we from the North, honor—the Grand Army of the Republic of the United States. I deny there is any division between the North and the South to-day. We are one great, harmonious, united people. You can not raise that issue in this House. Gentlemen, we are going to show to-day, I hope, that that division is gone forevermore.

Mr. TINCHER. Will the gentleman yield?

Mr. RATHBONE. Yes.

Mr. TINCHER. Is the gentleman in favor of making Grant's birthday a holiday in the District of Columbia?

Mr. RATHBONE. No, sir.

Mr. TINCHER. Logan?

Mr. RATHBONE. No, sir.

Mr. TINCHER. Is this to be the last one?

Mr. RATHBONE. So far as I am concerned I am willing to make it the last one. But I do not think for one moment that this Nation's Capital of ours can say, facing the roll of

28 States, that they are all wrong; that they had no business to grant that holiday; can say that in the Nation's Capital, which saw the greatest achievements of Abraham Lincoln and saw him lay down his martyr's life, we are not willing to rise up and honor his memory. [Applause.]

They tell us that a monument can accomplish this purpose. They point to that glorious mausoleum and the other statues raised in his memory. Gentlemen, you can not honor a man's memory by monuments alone. Lincoln has raised a monument in the hearts and souls not only of this people but in the hearts and souls of all the human race that is more spotless and pure than the marble of that mausoleum. He has raised a statue that will endure longer than bronze, that will last to the end of time, and can we here afford to repudiate Abraham Lincoln? That is the construction which will be placed upon your action if it is against this bill to-day. It will be heralded all over the world that America is divided; that Democrats and southerners are not admirers of this great figure.

My friends of the South, and we are friends, you never had a better friend for your people, bar none, than Abraham Lincoln was. [Applause.] His great heart was overflowing with kindness and good will toward all the human race. He came here with that love in his heart. His first utterance was for friendship, his first endeavor to prevent the awful catastrophe of civil war. It was he who said to you men of the South:

We are not enemies, but friends; we must not be enemies; though passion may have strained, it must not break our bonds of affection. The mystic cords of memory, stretching from every battle field and patriot grave to every loving heart and hearthstone all over this wide land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

Let us show to the world that the Union for which Lincoln pleaded that day in his first great inaugural address is cemented without a breach, and that it stands to-day as the greatest, richest, strongest, happiest, and best land in all the world.

Talk of speeding up production; talk of its being necessary that our people should toil every minute of the time. We are the leader in production to-day, and your granting one holiday in this little District of Columbia in honor of this man is not going to stop your production. Do not let us be cheap, gentlemen of the Congress of the United States.

Mr. BLANTON. Will the gentleman yield?

Mr. RATHBONE. Yes. Are you so anxious about the paltry dollar that you can not honor the memory of Abraham Lincoln to-day?

Mr. BLANTON. Uncle Joe Cannon, whom the country loves—

Mr. RATHBONE. Is this a question or another speech?

Mr. BLANTON. Ably represented the State of Illinois for 46 years in this House. James R. Mann likewise represented Illinois ably for years. Does the gentleman pretend to know more about this bill than these two gentlemen knew about it?

Mr. RATHBONE. I pretend to one thing, and that is to vote what I think is right, no matter who has been on the other side. [Applause.] And I will say that just as patriotic and honorable men as the men the gentleman from Texas has named to-day have taken the other side. This is a question for individual conviction.

Oh, my fellow Congressmen, think of the story. Lincoln born in your Southland, in that humble cabin—Lincoln raised to the Presidency of the United States, through whom this Congress is a reality to-day. He came to Washington; he toiled and died for us here. If you can not honor him in Washington, in the name of Heaven where are you going to honor Lincoln? Are you going to lag behind all the world to-day?

At his bedside when he laid down his life stood Edwin M. Stanton, and he uttered the prophecy, "Now he belongs to the ages." That prophecy has now come true. Are you not willing to-day to do what men are doing across the sea? Read the utterances of British statesmen. There you find men quoting Lincoln's words and following his policies. They have crossed the ocean and made pilgrimages to the scenes of his life and death. Read the great memorial volume—and I have it in my library—"Tributes of the Nations to Abraham Lincoln." Every country in the world, civilized and uncivilized, has risen up to do him homage, and yet you can not do it in this place sacred to his memory. You can not afford to recognize him here. Against such callousness, such indifference to the example and services of that best-beloved of all Americans, we hear the voice of the American people raised in overwhelming protest. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BLANTON. Mr. Chairman, I yield 15 minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman and gentlemen of the Congress, my excuse for addressing this body at this time is that I am a son of the same State which gave Abraham Lincoln to the Nation and partly the references of the gentleman from Illinois [Mr. RATHBONE], who has just addressed you.

Kentucky lies to the north of the Southland and it lies to the south of the Northland. Her environment, her association, her loyalty, and her sympathy made hers a trying position. She, as a State, took no part in this great conflict. Had she heeded solely the dictates of her mind she would have aligned herself with the North; had she heeded solely the dictates of her heart she would have aligned herself with the South. It was not because she was afraid to fight. No. Perhaps Kentucky's fault lies in the other direction. Had she not sent her backwoods soldiers across the mountain forests even before she was a State to overcome the British at Kings Mountain and turn the tide of the Revolution? Had she not sent her soldiers across the frozen North and won the Battle of Tippecanoe, the only victory achieved on land by the Americans in the War of 1812? Had she not joined with the soldiers of Tennessee, who with their long rifles won the Battle of New Orleans shortly thereafter? Did she not furnish more soldiers to the war with Mexico than any other State in the Union? And in this sanguinary conflict, in proportion to population—though she sided with neither side—she furnished her sons and daughters impartially and unsparingly to both sides and furnished more soldiers than any other State in the Union. The soldiers of Pennsylvania fought side by side for the North; the soldiers of Georgia fought side by side for the South; the soldiers of Kentucky fought face to face, some for the North and some for the South. Here, indeed, brother faced brother and father faced son.

She gave to the Southland the leader of her destinies, her President, Jefferson Davis. She likewise gave to the Northland the leader of her destinies, her President, Abraham Lincoln.

Those dark days of discord, however, have passed, and Kentucky now weighs her heroes in a scale uninfluenced by passion.

Lincoln's statue stands to-day impressively alone in the rotunda of her capitol.

Monuments have been erected to Lincoln in every hamlet of the United States. Here in the Capital of the Union he preserved the most expensive, the most beautiful memorial in marble is erected to his memory. But above and beyond all these, his great monument is indelibly inscribed upon the hearts of his countrymen. Can we honor Lincoln now? No. His poverty, his misfortunes, his failures, accumulating to his grand and glorious achievements, have gone on and brightened in mellow splendor as the years roll by.

Man seldom is improved by his successes, but a true man makes his failures and misfortunes stepping stones to achievement of ultimate success. No great man ever suffered the misfortune and defeats of Lincoln. His poverty was like that of the lowly Nazarene, which reminds us that all the great teachers of men are born in manglers, suffer lives of privation, and are crucified at last for their pains.

As a business man, Lincoln was a failure. As a financier he referred to his indebtedness as the national debt. [Laughter.] As an aspirant for the hand of Ann Rutledge he suffered his most agonizing defeat, and there his greatness rose to sublimity. His defeat was so crushing that his mind for a while was despaired of. He could not bear to think of the rain falling upon her grave. In the lives of men nothing shows their greatness more than their love and respect for women.

First as a candidate for the Legislature of Illinois he was defeated. As an applicant for Commissioner of the Land Office he was defeated. As a candidate for the Senate of the United States he was defeated. As a candidate for Vice President of the United States he was defeated, he was Congressman for one term and was a failure, and yet above them all, defeats and failures that would have crushed the spirit of any ordinary man, he rose to immortality, and furnishes to-day the world's most inspiring example for those who would falter when they fall.

The proponents of this measure, sincere but misguided, would add substantially to the expense of the Government in this attempt to add further to his memory by declaring a day of idleness on February the 12th.

Mr. FAIRCHILD. Will the gentleman yield for a moment?

Mr. GILBERT. Yes.

Mr. FAIRCHILD. Will the gentleman not add to his statement of Kentucky's recognition of the memory of Lincoln, that Kentucky has made Lincoln's birthday a legal holiday in that State?

Mr. GILBERT. That is true.

Mr. RATHBONE. Will the gentleman yield further?

Mr. GILBERT. Yes.

Mr. RATHBONE. Do you hold Kentucky was wrong in doing that?

Mr. GILBERT. I do not. [Applause.] But I would vote to-day against making the birthday of Lee or Grant or Jefferson or Roosevelt or Washington a legal holiday for the District of Columbia.

Does the present method of observing Christmas, with its lavish expenditure of wasteful vanity, add anything to the life or character or honor of the lowly Nazarene, who had not where to lay his head.

Mr. CONNERY. Would the gentleman abolish Christmas?

Mr. GILBERT. No; but I would like to abolish the present method of its observance. And would a day set aside for idleness honor the memory of this son of toil, this rail splitter of Illinois? No. [Applause.] It is peculiarly unfitting to the life and thought of him whom they seek to honor. Would it add in any way to the purpose its sincere advocates intend, I would be first to welcome it; but as on a former occasion, this same resolution was opposed by a son of his adopted State—Illinois—so I feel it on this occasion my duty to oppose it as a son of the State of his birth—Kentucky. [Applause.]

Mr. ZIEHLMAN. Will the gentleman from Texas use up his time now? We only have one more address on this side.

Mr. BLANTON. Mr. Chairman, I yield five minutes to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Chairman, my recollection goes back to a very little time ago when I voted against a similar bill. I have seen nothing since that time to change my mind. I thought then that the passage of a bill providing a holiday for Lincoln in the District of Columbia would detract from his memory instead of adding to it.

Lincoln did not live in the District of Columbia, except temporarily, as every other President. He was not born here. His death here was the death of a martyr.

Mr. RATHBONE. Will the gentleman yield?

Mr. HERSEY. Yes.

Mr. RATHBONE. Was not the supreme achievement in his life, and by far his greatest work, performed right here in the District of Columbia, far surpassing everything else he did in life, and did he not die here in this very place?

Mr. HERSEY. I might say of our former colleague, James R. Mann, that the great work of his life was performed here on the floor of the House, and he was killed here by overwork, and we might say he died here. And yet we would not have a holiday for James R. Mann. Just think for a moment what you are doing.

Mr. WEFALD. Will the gentleman yield?

Mr. HERSEY. Yes.

Mr. WEFALD. I would like to know if the gentleman places James R. Mann and Abraham Lincoln in the same category, one as great as another.

Mr. HERSEY. I am not comparing Washington or Lincoln or McKinley or Wilson or any other men. I am simply stating that they were men of national character whom we all loved, and you are trying to make a holiday in the District of Columbia for Abraham Lincoln. Why, there would be more sense in trying to make it a national holiday instead of a holiday for the District of Columbia.

Mr. RATHBONE. We are going as far as we can toward making it a national holiday. In making it a holiday for the District of Columbia. We can not do any more than that.

Mr. TINCHER. We could make it a national holiday if we wanted to.

Mr. RATHBONE. No.

Mr. TINCHER. We could make it a holiday for all Government employees in the United States.

Mr. HERSEY. This is as far as we have the power to go. Here is the situation. Congress is doing this and nobody else. There is no vote of the District of Columbia for it, there is no evidence that they want it. It is the vote of Congress that is to control. What do we do for the memory of Abraham Lincoln? For many years, I think going back even to his martyrdom, Congress has on the 12th day of February set aside an hour or two in a session of Congress where some one

from his native State, or some other State, has eulogized his memory. We go further than that. We erected at the Capital of the Nation and Congress taxed the people of the Nation to pay for it, the most beautiful memorial in the world, and for its maintenance. Will we add anything to that great memorial by making his birthday a holiday? We would detract from all we have done in the past by simply saying that there shall be a holiday in the District of Columbia. Will it change the position of the House on the 12th of February? Will we not meet as in the past and eulogize him? Will it change us in our work, will we do him more honor because of that? No.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. BLANTON. Mr. Chairman, I yield the gentleman 5 minutes more.

Mr. CONNERY. Will the gentleman yield?

Mr. HERSEY. Yes.

Mr. CONNERY. If a child in one of these 28 States that has a holiday should ask the teacher how it is that we have a holiday and that Congress that sits in the District of Columbia has no holiday, what would the gentleman's answer be?

Mr. HERSEY. A little over a year ago we defeated a similar bill in the House. Notwithstanding the remarks of the gentleman from Illinois [Mr. RATHBONE] the newspapers did not find any fault about it, the people of the Nation found no fault about it, no Member that voted against it was criticized as far as I know for voting that way. There was no great uprising of the people against those who voted against it as the gentleman from Illinois claims will take place if we defeat this. The little children of the school will never know anything about it. Every State can legislate as it sees fit in regard to it, and the little children can celebrate the memory of Abraham Lincoln in all the schools of the nation without its being a holiday at all. [Applause.]

Mr. BLANTON. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK of Texas. Mr. Chairman, when this bill was before the House something like a year ago, I voted against it. I did not do that because of any lack of reverence for the memory of Abraham Lincoln. I think some of the gentlemen who have spoken to-day are rather begging the question in intimating that a vote against making the birthday of Lincoln a holiday in the District of Columbia is lacking in reverence of the memory of that great man. The hero of an hour will pass as quickly as he came. The flash light dazzles and blinds; we rub our eyes and the impressions are gone. Men are like impressions. There are more of the flash-light kind than there are fireflies on a summer's night. But some are carved along deep lines for great purposes, and Abraham Lincoln was a man of that kind. Nothing that we can do will add or detract anything from his great and honorable fame.

Thomas Jefferson, who wrote the Declaration of Independence, was also a great American. We have not found it necessary to make Jefferson's birthday a holiday in the District of Columbia. Prior to his death Jefferson wrote his own epitaph, and this is what it says: "Here lies the body of Thomas Jefferson, author of the Declaration of Independence, writer of the Virginia statute for religious liberty, and founder of the University of Virginia." These achievements of Mr. Jefferson are all that are needed to honor his name, and we would add nothing to the luster of his memory in going through the formality of making the day of his birth a legal holiday in the District of Columbia.

On a stone in St. Paul's Cathedral, in London, is written this inscription:

Beneath is laid the builder of this church and city, Christopher Wren, who lived more than 90 years, not for himself but for the good of the State. Reader, if thou ask for a monument, look around thee.

And look where you will in the city of London you will see the monuments to this marvelous man in the churches and halls which he builded. All that is needed to honor the memory of Lincoln is to recall the achievements that he wrought, not only for the United States but the world. We will add nothing to it by passing this bill, and I shall vote against it. [Applause.]

Mr. ZIHLMAN. Mr. Chairman, when his bill was called up the gentleman from Virginia [Mr. MOORE] and the gentleman from New York [Mr. CLARKE] asked a question as to the legal holidays now in force in the District of Columbia. For the information of the committee, which will in a few moments vote on this bill, I shall read from section 1389 of the Code of Law for the District of Columbia, which is an act of Congress. That provides that the following shall be holidays in the District of Columbia:

* * * The 1st day of January, commonly called New Year's Day; the 22d day of February, known as Washington's Birthday; the 4th day of July; the 30th day of May, commonly called Decoration Day; the first Monday in September, known as Labor's Holiday; the 25th day of December, commonly called Christmas Day; every Saturday after 12 o'clock noon; any day appointed or recommended by the President of the United States as a day of public fasting or thanksgiving; and the day of the inauguration of the President in every fourth year shall be a holiday in the District within the meaning of this section for all purposes.

That answers the argument made here that this is simply a bill intended to give another holiday to the employees of the Federal Government here in the District of Columbia. In view of the fact that to the best of my knowledge and belief not a single Federal employee has asked for the passage of this bill, by resolution, by letter, or by an appearance before the committee, I think it is unfair to draw such a conclusion.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. The gentleman is usually present, but he certainly will not forget that representatives of certain bodies of employees appeared before our committee.

Mr. ZIHLMAN. I was present at every meeting at which the bill was considered, although I was not present at the meetings of the subcommittee.

Mr. BLANTON. There was an appearance on the part of representatives of some of the employees wanting this holiday.

Mr. ZIHLMAN. This bill is not going to lay off a single Federal employee. Have we so little confidence in the executive officers of the Government that we are afraid to give them an additional day as a legal holiday for fear that they might declare that the Government departments shall be closed on that day? They could do that now on every Saturday afternoon, if the mere making of a day a legal holiday gives that right or authority to the Executive Officer of the Government. This bill was first advocated and presented by the Grand Army of the Republic. The Grand Army of the Republic wants to place Abraham Lincoln alongside of George Washington as the two great immortals in American history. Washington's birthday is a legal holiday in the District of Columbia. We want to do further honor to this great son of Kentucky and Illinois by making his natal day a legal holiday. No other human being except Washington has been so honored by Congress by having the day of his birth set aside as a legal holiday. We are asking that Lincoln be placed alongside of George Washington, as they are the two great American immortals, who seemed trained and equipped for the great task of preserving this Republic, one creating it and the other preserving it.

Washington was a Virginian, trained for the task of leading the American Colonies from the yoke of tyranny and oppression imposed by Great Britain. He was trained first in the wild, open life of a surveyor, as an officer in the Army upon the frontier, as a member of the House of Burgesses of Virginia, then as a planter upon the Potomac. When the American Colonies threw down the gantlet to the mother country it was Washington, trained and equipped for the task of leading his fellow citizens, who came forward to lead the Colonies through seven years of hardship to independence and the creation of a great Republic. Then a half century later when one half of the Union declared that slavery should be extended into the new States and Territories and the other half declared that it should not, it was Abraham Lincoln, whose life had been devoted to the study of the subject of slavery and the rights of the States and the limitations and authority of the States, who came forward and was honored by his fellow citizens by being put in command of the ship of state. That was in one of the most critical periods of American history. He had been trained for that task, he was ordained to carry on the work that Washington had begun. Lincoln came on the scene of action, a man in whom the people believed and trusted. I recall the words of Henry Ward Beecher, when he spoke of his administration as being four long, black, and purgatorial years, with dangers assailing him upon every side. The waves of dissension seemed about to throw the ship of state upon the rocks, but Abraham Lincoln was able to guide it safely through those troublesome years. When his work was done, when he had uttered his fervent appeal to the American people for a just and lasting peace he was assassinated in this city, the Capital of the Nation. We want to place Lincoln, the man of the people, alongside of Washington as the other great American immortal and to make his birthday a holiday in the District of Columbia. Not a single Federal employee will be given a day of recreation or of sport, such as has been referred to by the gentleman from Texas [Mr. BLANTON], because of the passage of this bill.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. SANDERS of Indiana. Upon what authority does the gentleman say that this law would not give anyone a holiday in the District of Columbia?

Mr. ZIHLMAN. Because there is no law, there can be no law, that will compel the executive departments to close on legal holidays. I stated the fact that Saturday after 12 o'clock noon is a legal holiday in the District of Columbia—every Saturday in the year.

Mr. SANDERS of Indiana. What does this mean, "and in its observance and effect it shall be subject to all the provisions of law applicable to holidays within this District"?

Mr. ZIHLMAN. The gentleman is a lawyer; I am not. That refers to negotiable instruments, notes, deeds. I will read the code to the gentleman—

Mr. SANDERS of Indiana. I heard the gentleman, and I had the code before me. What would the gentleman say about this law—

Cumulative supplement Barnes Federal Code: "Employees in the Postal Service shall be granted 15 days' leave of absence without pay exclusive of Sundays and holidays each fiscal year"?

Would the gentleman say that the word "holidays" would come in the provisions of this law which says that this particular day is subject in its observance and effect to all the provisions of law applicable to holidays in the District?

Mr. ZIHLMAN. I would not. We are legislating for the District here in the same manner the State legislature legislates in a State. We are not asking to pass this law beyond the confines of the District.

Mr. SANDERS of Indiana. What would the gentleman think of the applicability of this law?

Employees of the Navy Yard, Government Printing Office, Bureau of Engraving and Printing, and all other per diem employees of the District on duty in Washington or elsewhere in the United States shall be allowed the following holidays, to wit: The 1st day of January, the 22d day of February, the 4th day of July, the 25th day of December, and such days as may be designated by the President for national thanksgiving, and shall receive the same pay as other days?

What would the gentleman think of that law as being construed with this law which contains this language, "And in its observance and effect it shall be subject to all the provisions of law applicable to holidays within said District"?

Mr. ZIHLMAN. I would say it certainly would not apply. What the gentleman read is Federal law governing Federal employees, specifically stating the days they shall be granted leave with pay, and we are providing here for a holiday in the District of Columbia, and the reference the gentleman refers to simply refers to legal documents, promissory notes, deeds, and other instruments.

Mr. SANDERS of Indiana. Pardon me. The gentleman is in error. The code from which he read does apply only to negotiable instruments, but the provisions I read specifically apply to holidays and pay of Government employees in the District—

Mr. ZIHLMAN. And elsewhere.

Mr. SANDERS of Indiana. This is for this District, and this will be Federal law if it is passed, and this will authorize in its effect that all these other laws shall be applicable. Would the gentleman be willing to have an amendment that it would specifically exclude the applicability of this holiday to Government employees in the District?

Mr. ZIHLMAN. I see no objection to an amendment which would specify it was not the intention of Congress—

Mr. BLANTON. Will the gentleman yield there? The gentleman from Maryland knows that every employee of the Government in the District of Columbia gets 52 Sundays and holidays, besides the ones that have 15 days off mentioned by the gentleman from Indiana. There are over 50,000 in the District of Columbia who get 30 workdays a year, holidays, and Sundays and 30 workdays off, as a vacation, on full pay every year. Then they are entitled to 30 days on sick leave on a doctor's certificate, if he can file a certificate from a reputable doctor, that he can not work.

Mr. RATHBONE. Will the gentleman yield?

Mr. BLANTON. I have not the floor.

Mr. ZIHLMAN. I will yield.

Mr. RATHBONE. Does the gentleman, who is an eminent jurist, a very distinguished lawyer, think it is a proper legal

construction concerning holidays to include Sundays? Does the gentleman think that, as a matter of law?

Mr. BLANTON. I spoke of Sundays because, until the deficiency bill passed, which is to pay for Sundays, the 970 policemen in this District and 760 firemen of this District were not granted Sundays. They had to work Sundays the same as week days, but since that deficiency bill passed there has been money to carry out the intention of the legislative act which granted Sunday. Therefore, now every employee in the District of Columbia is granted 52 Sundays in addition to the holidays they have by law.

Mr. ZIHLMAN. Mr. Chairman, I just want to say this in closing: I do not think that any Member of the House could construe the section of the Federal Code read by the gentleman from Indiana as granting a holiday to anyone not specified in the paragraph of the law read.

Mr. STENGLE. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. Mr. Chairman, will the gentleman yield to me?

Mr. ZIHLMAN. I yield first to the gentleman from Kentucky, my colleague on the committee.

Mr. GILBERT. I just wanted to correct the statement of the gentleman that Lincoln was a son of Illinois. He was a citizen of Illinois but the son of Kentucky. [Applause.]

Mr. ZIHLMAN. It is always a good thing to come from Kentucky.

Mr. GILBERT. While I am on my feet I want to say—

Mr. ZIHLMAN. I will give the gentleman time in a moment if his colleague from Texas [Mr. BLANTON] agrees.

Mr. STENGLE. In view of the statements of our distinguished colleague from Indiana [Mr. SANDERS] and some others, suppose that every portion of the law as quoted by him be true; is it not a fact that we do not lose our citizenship and our rights as citizens when we enter the Federal service as employees? And, even if it did give the 65,000 employees of the Government an equal chance to respect and revere the memory of the late President Lincoln, would it not be giving them only that which is their right as citizens of the United States? [Applause.]

Mr. SANDERS of Indiana. I would like to inquire of the gentleman from New York what he thinks the law provides? Does it provide that these employees shall have a holiday or not? That is what I want to know.

Mr. STENGLE. My understanding is, if I can read English well enough to understand it, that this applies to every man, woman, and child residing in the District, as it ought to.

Mr. SANDERS of Indiana. And the employees will get the vacation?

Mr. STENGLE. If you are willing to concede that they are citizens, yes.

Mr. SANDERS of Indiana. The gentleman from Maryland says the employees will not get the time off. The gentleman from New York says they will. We want to know what we are doing when we vote for this bill.

Mr. ZIHLMAN. Mr. Chairman, I yield to the gentleman from Georgia [Mr. UPSHAW] to answer the question of the gentleman from New York [Mr. STENGLE].

Mr. UPSHAW. Mr. Chairman, I appreciate the courtesy of the gentleman from Maryland [Mr. ZIHLMAN], but I do not rise to answer the question of the gentleman from New York [Mr. STENGLE]. I simply do not want this debate to come to an end without going on record, not merely as the son of a Confederate soldier but I hope as an American, responsive to every inspiration that comes from the name of Abraham Lincoln, as being in favor of this measure to make his birthday a legal holiday in the Capital of this Nation. [Applause.]

I am not supremely concerned, much as I am interested in the employees of the Government—remembering that they have a holiday, I believe, on the birthday of Washington, and that they come pretty close together—I am not supremely concerned, I say, as to their having a holiday or no holiday, so as to be free from work on the 12th of February. The thing that appeals to me as an American citizen and as the son of a Confederate soldier, taught by my father to love the flag of our reunited country, is that it shall go out to the world that the Congress of this Nation, making laws for the Capital of our country, shall recognize the birthday of Abraham Lincoln, who carried in his veins the blood of the South and who carried in his marvelous life that rugged manhood and that stalwart Americanism that makes all Americans honor themselves as they are proud to do him honor. [Applause.]

Mr. ZIHLMAN. Mr. Chairman, I will ask for the reading of the bill.

Mr. BLANTON. I want to use a little more of my time since the gentleman from Georgia [Mr. UPSHAW] used some.

Mr. ZIHLMAN. I would like to make a parliamentary inquiry. Does the gentleman from Texas indicate that he has no further requests for time?

Mr. BLANTON. I understood the gentleman from Maryland had but one speech, and I reserved the balance of my time. But since the gentleman supplemented his speech by one from the gentleman from Georgia [Mr. UPSHAW], I want to answer, under the rules of the House.

The CHAIRMAN. The Chair recalls distinctly that the gentleman reserved his time. For the moment that seemed a little inconsistent. The gentleman had 13 minutes remaining.

Mr. BLANTON. Mr. Chairman, it is just a question of whether Mr. Speaker Cannon, of Illinois, who honored this House and the country with 46 years of service, and Mr. James R. Mann, of Illinois, whose able service here we are all familiar with, knew more about this question than do the gentleman from Maryland [Mr. ZIHLMAN] and our distinguished new orator from Illinois [Mr. RATHBONE].

Does the bill grant employees here another holiday? Does it turn out the departments for another day? Let us see what James R. Mann said about it. He knew more about legislation coming up on the floor of the House than any other man in the House. He says:

There is absolutely no occasion for it, except some gentlemen of the District of Columbia who would like to be let out of work another day in the year organized a propaganda to have another legal holiday.

That is what James R. Mann said about it. Listen, he said:

When they get that, they will have another one they want. I think it is time to stop the misuse of the name of Lincoln to steal things out for private interest.

Then he made a motion to strike out the enacting clause of this bill at a time when this House was overwhelmingly Republican, and orthodox Republicans all over this side of the House backed up Mr. James R. Mann and Speaker Cannon, and struck out the enacting clause.

I hope they will stand by the memory of Mr. Mann and Mr. Cannon now and do likewise. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the 12th day of February in each year, being the anniversary of the birth of Abraham Lincoln, is hereby made a legal holiday within the District of Columbia, to be known as Lincoln Day, and in its observance and effect it shall be subject to all the provisions of law applicable to holidays within said District.

Mr. BEGG and Mr. BLANTON rose.

Mr. BLANTON. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The gentleman from Texas will have recognition as a member of the committee.

Mr. BLANTON. I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Texas moves to strike out the enacting clause. The question is on agreeing to that motion.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ZIHLMAN. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded. Those in favor of the motion will rise and stand until counted. For the information of those rising the Chair would state that the vote is on striking out the enacting clause of the bill (H. R. 20) to make Lincoln's birthday a legal holiday.

The committee divided; and there were—ayes 80, noes 62.

So the motion was agreed to.

Mr. BLANTON. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 20) to declare Lincoln's birthday a legal holiday, had directed him to report the same back to the House with the recommendation that the enacting clause be stricken out.

Mr. BLANTON. Mr. Speaker, I move the previous question. The previous question was ordered.

The SPEAKER. The question is now on agreeing to the action of the committee.

Mr. ZIHLMAN. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 175, nays 143, not voting 114, as follows:

[Roll No. 2]

YEAS—175

Ackerman	Davis, Tenn.	Lea, Calif.	Sanders, Ind.
Allen	Denison	Leatherwood	Sanders, N. Y.
Allgood	Dickinson, Iowa	Lehbach	Sanders, Tex.
Almon	Doughton	Lilly	Sandlin
Anthony	Driver	Lozier	Scott
Aswell	Evans, Iowa	Luce	Sears, Fla.
Bankhead	Faust	McClintic	Sears, Nebr.
Barbour	Freeman	McDuffie	Shreve
Barkley	French	McKeown	Shummons
Beck	Fuller	McKynolds	Snell
Begg	Fulmer	MacLafferty	Snyder
Bell	Garber	Major, Ill.	Spearing
Bixler	Garner, Tex.	Mansfield	Sproul, Ill.
Black, Tex.	Garrett, Tenn.	Martin	Stegall
Bland	Gasque	Merritt	Stevenson
Blanton	Gilbert	Michener	Strong, Kans.
Boies	Green	Miligan	Summers, Wash.
Bowling	Hall	Moore, Ga.	Summers, Tex.
Box	Hardy	Moore, Ill.	Swank
Brand, Ga.	Hastings	Moore, Va.	Sweet
Brand, Ohio	Haugen	Moorea, Ind.	Taber
Briggs	Hawes	Nelson, Me.	Tague
Britten	Hawley	Newton, Minn.	Taylor, W. Va.
Browning	Hersey	Newton, Mo.	Thomas, Ky.
Buchanan	Hickey	Oldfield	Thomas, Okla.
Burdick	Hill, Ala.	Oliver, Ala.	Timberlake
Burtness	Hill, Wash.	Palge	Tincher
Burton	Hoch	Park, Ga.	Treadway
Busby	Holaday	Parker	Vincent, Mich.
Byrnes, S. C.	Hooker	Parks, Ark.	Vinson, Ga.
Byrns, Tenn.	Huddleston	Peery	Ward, N. Y.
Cann	Hudspeth	Purnell	Wason
Cannon	Humphreys	Ragon	White, Kans.
Carter	Johnson, Ky.	Raker	White, Me.
Chindblom	Johnson, Tex.	Ramsayer	Williams, Ill.
Christopherson	Johnson, Wash.	Rankin	Williamson
Clancy	Johnson, W. Va.	Rayburn	Wilson, La.
Cole, Ohio	Jones	Reece	Wingo
Collier	Jost	Reed, Ark.	Wood
Collins	Kincheloe	Robinson, Iowa	Woodrum
Connally, Tex.	Knutson	Rouse	Wright
Cooper, Ohio	Lanham	Rubey	Wurzbach
Cramton	Larsen, Ga.	Salmon	Wyant

NAYS—143

Aldrich	Fleetwood	Lindsay	Rosenbloom
Arnold	Foster	Lineberger	Sabath
Ayres	Frear	Linthicum	Schafer
Bacharach	Frithingham	Longworth	Schneider
Bacon	Fulbright	Lowrey	Seger
Heedy	Gardner, Ind.	Lyon	Shallenberger
Black, N. Y.	Gibson	McFadden	Sinclair
Bloom	Glatfelter	McLaughlin, Mich.	Sinnett
Boyce	Greenwood	McLeod	Sites
Browne, N. J.	Griest	McSweeney	Speaks
Browne, Wis.	Guyer	Magee, N. Y.	Stedman
Brumm	Hadley	Major, Mo.	Stengle
Bulwinkle	Hayden	Mapes	Stephens
Bulter	Howard, Okla.	Mead	Swing
Campbell	Hudson	Michaelson	Taylor, Tenn.
Casey	Hull, Morton D.	Miller, Wash.	Temple
Celler	Hull, Iowa	Minnahan	Thatcher
Cleary	Jacobstein	Mooney	Thompson
Cole, Iowa	James	Moore, Ohio	Underwood
Colton	Kearns	Morehead	Upshaw
Connery	Keller	Morgan	Vare
Cook	Kelly	Morris	Vestal
Cooper, Wis.	Kent	Nelson, Wis.	Vinson, Ky.
Crisp	Kerr	O'Connell, N. Y.	Voigt
Crosser	Ketcham	O'Connell, R. I.	Wainwright
Cullen	King	O'Connor, La.	Watkins
Darrow	Kopp		Watres
Dickinson, Mo.	Kunz		Watson
Dickstein	Kurtz		Weaver
Dowell	Kvale		Wefald
Dyer	Lampert		Wertz
Evans, Mont.	Lankford		Wilson, Ind.
Fairchild	Lazaro		Winter
Favrot	Leach		Woodruff
Fenn	Leavitt		Zihlman
Fisher	Lee, Ga.		

NOT VOTING—114

Abernethy	Dominick	Hill, Md.	Miller, Ill.
Anderson	Doyle	Howard, Nebr.	Mills
Andrew	Drane	Hull, William E.	Montague
Beers	Drewry	Hull, Tenn.	Morin
Berger	Eagan	Jeffers	Morrow
Boylan	Edmonds	Johnson, S. Dak.	Murphy
Buckley	Elliott	Kahn	Nolan
Cable	Fairfield	Kendall	O'Brien
Carew	Fish	Kless	O'Connor, N. Y.
Clague	Fitzgerald	Kindred	O'Sullivan
Clark, Fla.	Fredericks	LaGuardia	Oliver, N. Y.
Connolly, Pa.	Free	Langley	Perkins
Corning	Funk	Larson, Minn.	Perlmutter
Croll	Gallivan	Logan	Phillips
Crowther	Gambrell	McKenzie	Porter
Cummings	Geran	McLaughlin, Nebr.	Pou
Curry	Gifford	McNulty	Rainey
Dallinger	Goldsbrough	McSwain	Ransley
Davey	Graham	MacGregor	Roach
Davis, Minn.	Griffin	Madden	Rogers, Mass.
Deal	Hammer	Magee, Pa.	Rogers, N. H.
Dempsey	Harrison	Manlove	Romjue

Schall
Sherwood
Smith
Smithwick
Sproul, Kans.
Stalker
Strong, Pa.

Sullivan
Swoope
Taylor, Colo.
Tillman
Tilson
Tinkham
Tucker

Tydings
Underhill
Vaile
Ward, N. C.
Weller
Welsh
Williams, Mich.

Williams, Tex.
Wilson, Miss.
Winslow
Wolf
Yates

So the enacting clause was stricken out.
The Clerk announced the following pairs:
Until further notice:

Mr. Tilson with Mr. Hull of Tennessee
Mr. Kiess with Mr. Abernethy.
Mr. Morin with Mr. Drane.
Mr. Free with Mr. Tucker.
Mr. Rogers of Massachusetts with Mr. Weller.
Mr. Winslow with Mr. Carew.
Mr. Stalker with Mr. Croll.
Mr. Williams of Michigan with Mr. Poon.
Mr. Magee of Pennsylvania with Mr. Logan.
Mr. Davis of Minnesota with Mr. Cummings.
Mr. Madden with Mr. Kindred.
Mr. Graham with Mr. Tydings.
Mr. Ransley with Mr. Egan.
Mr. Mills with Mr. Montague.
Mr. Dailinger with Mr. Clark of Florida.
Mr. Connolly of Pennsylvania with Mr. Rainey.
Mr. Manlove with Mr. Boylan.
Mr. Strong of Pennsylvania with Mr. Deal.
Mr. Fitzgerald with Mr. Geran.
Mr. Funk with Mr. Morrow.
Mr. Johnson of South Dakota with Mr. Jeffers.
Mr. Perkins with Mr. Romgue.
Mr. Hill of Maryland with Mr. Taylor of Colorado.
Mr. Porter with Mr. O'Brien.
Mr. Elliott with Mr. Buckley.
Mr. Crowther with Mr. Oliver of New York.
Mr. Tinkham with Mr. McSwain.
Mr. Swoope with Mr. Dominick.
Mr. Beers with Mr. Gallivan.
Mr. McLaughlin of Nebraska with Mr. Tillman.
Mr. Curry with Mr. Griffin.
Mr. MacGregor with Mr. Corning.
Mr. Dempsey with Mr. Harrison.
Mr. Fairfield with Mr. Ward of North Carolina.
Mr. Perlman with Mr. McNulty.
Mr. Phillips with Mr. Davey.
Mr. Strong of Kansas with Mr. O'Sullivan.
Mr. Hull, William E., with Mr. Sherwood.
Mr. Gifford with Mr. Drewry.
Mr. Welsh with Mr. Smithwick.
Mr. Yates with Mr. Doyle.
Mr. Smith with Mr. Williams of Texas.
Mr. Gifford with Mr. Hammer.
Mr. Kahn with Mr. Gambrell.
Mr. Murphy with Mr. Howard of Nebraska.
Mr. Fish with Mr. Wilson of Mississippi.
Mr. Larson of Minnesota with Mr. Sullivan.
Mr. Cable with Mr. Goldsborough.
Mr. Anderson with Mr. Rogers of New Hampshire.
Mr. Kendall with Mr. Wolf.
Mr. LaGuardia with Mr. Berger.

On motion of Mr. BLANTON, a motion to reconsider the vote was laid on the table.

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 5327, a bill to provide for the payment to the retired members of the police and fire departments of the District of Columbia the balance of retirement pay past due to them but unpaid from January 1, 1911, to July 30, 1915.

Mr. BLANTON. Mr. Speaker, I make the point of order that the bill is not in accord with the rules of the House in that it provides for an appropriation of \$68,000, and that the Committee on the District of Columbia has no power or authority to appropriate.

The SPEAKER. The Chair sustains the point of order. Does the gentleman from Maryland desire to be heard?

Mr. ZIHLMAN. Mr. Speaker, I recognize that the District of Columbia has no power to make appropriations. They have power to authorize appropriations. The language to be carried in the bill should be to authorize an appropriation, and it was the intention of the acting chairman to move to strike out the language referred to at the proper time.

The SPEAKER. That does not make the bill in order.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the bill be recommitted to the Committee on the District of Columbia.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the bill be recommitted to the Committee on the District of Columbia. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—
Mr. CLARKE of New York, for four days, on account of important business.

Mr. JEFFERS (on request of Mr. OLIVER of Alabama) on account of official business connected with the Committee on World War Veterans' Legislation.

Mr. TILSON, for one week, on account of important business.

ADJOURNMENT

Mr. ZIHLMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 9, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

712. A letter from the Secretary of the Interior, transmitting Twenty-third Annual Report of the Bureau of Reclamation; to the Committee on Irrigation and Reclamation.

713. A letter from the Secretary of the Treasury, transmitting a letter calling the attention of the House of Representatives to a letter addressed to the Speaker of the House of Representatives on December 5, 1917, relative to accepting a correctionary deed to certain land in the city of New York for a post-office site; to the Committee on Public Buildings and Grounds.

714. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation transferring from the War Department to the Treasury Department for quarantine purposes that portion of Ship Island located off the coast of Mississippi, about 14 miles from Biloxi, Miss., now occupied by the Treasury Department and in use as a quarantine station; to the Committee on Military Affairs.

715. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation authorizing the Secretary of the Treasury to sell several parcels of land acquired for Federal building sites, which are no longer needed for the purposes of the Government; to the Committee on Public Buildings and Grounds.

716. A letter from the Secretary of War, transmitting report covering publications issued by the War Department during the fiscal year ended June 30, 1924; to the Committee on Printing.

717. A letter from the Comptroller General of the United States, transmitting the annual report of the General Accounting Office for the fiscal year 1924 (H. Doc. No. 484); to the Committee on the Judiciary.

718. A letter from the Secretary of the Interior, transmitting report of a copy of a letter from the superintendent of St. Elizabeths Hospital, dated December 4, 1924, containing the financial report; to the Committee on Expenditures in the Interior Department.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Pensions was discharged from the consideration of the bill (H. R. 9870) granting a pension to Lewis Corfman, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of West Virginia: A bill (H. R. 10467) granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a highway and street railway bridge across the Ohio River between the city of Huntington, W. Va., and a point opposite in the State of Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. DENISON: A bill (H. R. 10468) to authorize the construction of bridges over navigable waters; to the Committee on Interstate and Foreign Commerce.

By Mr. ASWELL: A bill (H. R. 10469) to provide for the registration of aliens, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. WINSLOW: A bill (H. R. 10470) to promote the unification or consolidation of carriers engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. SPROUL of Illinois: A bill (H. R. 10471) authorizing the Postmaster General to permit the use of precanceled stamped envelopes; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Washington: A bill (H. R. 10472) to provide for restoration of the old Fort Vancouver stockade; to the Committee on Military Affairs.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 10473) making appropriation for the construction and equipment of a light vessel for the Passes at entrances to the Mississippi River, La.; to the Committee on Appropriations.

By Mr. STRONG of Kansas: A bill (H. R. 10474), to authorize reimbursement of the Government of the Philippine Islands for maintaining alien crews prior to April 6, 1917; to the Committee on War Claims.

By Mr. FROTHINGHAM (by request): A bill (H. R. 10475) to amend an act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

By Mr. SEARS of Florida: Joint resolution (H. J. Res. 304) to provide for a review of the reports on Kissimmee River, Fla., by the district engineer, Board of Engineers, and Chief of Engineers; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 10476) granting a pension to Susan F. Rutherford; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 10477) granting an increase of pension to John Hester; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 10478) granting an increase of pension to Dicie C. Alexander; to the Committee on Invalid Pensions.

By Mr. GLATFELTER: A bill (H. R. 10479) granting a pension to Elizabeth C. Randle; to the Committee on Pensions.

Also, a bill (H. R. 10480) granting an increase of pension to Eliza C. Matthias; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10481) granting an increase of pension to Rebecca Hoke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10482) granting an increase of pension to Mary E. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10483) granting an increase of pension to Susannah Pearsall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10484) granting an increase of pension to Anna Maria Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10485) granting an increase of pension to Lydia Low; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10486) granting an increase of pension to Ellen A. McCleary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10487) granting an increase of pension to Ann Jane Barton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10488) granting an increase of pension to Mary A. Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10489) granting an increase of pension to Catherine B. Raffensperger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10490) granting an increase of pension to Ernestine W. Shetrone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10491) granting an increase of pension to Louisa Gruver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10492) granting an increase of pension to Susy A. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10493) granting an increase of pension to Mandilla Breighner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10494) granting an increase of pension to Joana S. Cline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10495) granting an increase of pension to Catherine E. Marquart; to the Committee on Invalid Pensions.

By Mr. GREENWOOD: A bill (H. R. 10496) granting an increase of pension to Eliza C. Clark; to the Committee on Invalid Pensions.

By Mr. KINDRED: A bill (H. R. 10497) granting a pension to Jennett E. Butterfield; to the Committee on Pensions.

By Mr. LOZIER: A bill (H. R. 10498) granting a pension to Eli Briggs; to the Committee on Pensions.

Also, a bill (H. R. 10499) granting an increase of pension to Jennie Runyan; to the Committee on Invalid Pensions.

By Mr. LYON: A bill (H. R. 10500) granting a pension to Ruth Shaw McLeod; to the Committee on Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 10501) granting a pension to Lon Carskaddon; to the Committee on Pensions.

By Mr. MAPES: A bill (H. R. 10502) granting a pension to Hannah McLaughlin; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 10503) granting a pension to Effie Overton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10504) granting a pension to Jane Prather; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 10505) granting a pension to Catharine Davis; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 10506) granting an increase of pension to John Smith; to the Committee on Pensions.

By Mr. PATTERSON: A bill (H. R. 10507) granting a pension to Mary A. Harper; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 10508) granting an increase of pension to Rebecca Scott; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 10509) granting an increase of pension to Virginia Griffith; to the Committee on Pensions.

Also, a bill (H. R. 10510) granting an increase of pension to Bridget O'Brien; to the Committee on Pensions.

Also, a bill (H. R. 10511) granting an increase of pension to Mary L. Minesinger; to the Committee on Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 10512) granting an increase of pension to Mary M. Oney; to the Committee on Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 10513) granting a pension to Abijah Eversole; to the Committee on Pensions.

Also, a bill (H. R. 10514) granting a pension to Mary E. Meade; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10515) granting a pension to G. R. Hale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10516) granting an increase of pension to Mary Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10517) granting an increase of pension to Frank M. Griffin; to the Committee on Pensions.

Also, a bill (H. R. 10518) granting an increase of pension to Mary F. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10519) granting an increase of pension to Elizabeth Mills; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 10520) granting a pension to Laura A. Moore; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 10521) granting a pension to Anastasia Elizabeth Smith; to the Committee on Invalid Pensions.

By Mr. LEACH: Resolution (H. Res. 373) to pay to William G. Beverly \$275 as clerk hire to the late Hon. William S. Greene; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3110. By Mr. AYRES: Petition of the citizens of Towanda, Kans., protesting against the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3111. By Mr. BULWINKLE: Petition of Hickory Chamber of Commerce, Hickory, N. C., praying for an increase in appropriation for the Bureau of Fisheries; to the Committee on the Merchant Marine and Fisheries.

3112. Also, petition of Lions' Club of Charlotte, N. C., protesting against the destruction of the U. S. S. *George Washington*; to the Committee on Naval Affairs.

3113. By Mr. DICKINSON of Missouri: Petition of W. B. Ochs et al., of Clinton Mo., protesting against the passage of Senate bill 3218; to the Committee on the District of Columbia.

3114. By Mr. KINDRED: Petition of employees of the Brooklyn postal service, urging the passage of Senate bill 1898; to the Committee on the Post Office and Post Roads.

3115. Also, petition of the annual conference of county agricultural agents, extension specialists, county and city home demonstration agents, institute workers, and county club agents, held at Cornell University, Ithaca, N. Y., 1924, expressing its appreciation for the special weather forecasts issued by the Ithaca weather bureau and requesting its resumption next year; to the Committee on Agriculture.

3116. By Mr. MAPES: Petition of the Guy V. Henry Camp, No. 3, Department of Michigan, United Spanish War Veterans, Grand Rapids, Mich., Arnold Claver, commander, and John J. Davison, adjutant, indorsing the so-called Knutson bill (H. R. 5934) with an amendment; to the Committee on Pensions.

3117. Also, petition of Mr. Robert E. McCormick and 51 other veterans and the wives and widows of veterans of the Spanish-American War, recommending the passage of the so-called Knutson bill (H. R. 5934); to the Committee on Pensions.

3118. By Mr. O'CONNELL of New York: Petition of the Chamber of Commerce of the State of New York, favoring the reduction of passport fees; to the Committee on Ways and Means.

3119. Also, petition of the Chamber of Commerce of the State of New York, opposing the child labor amendment to the Federal Constitution; to the Committee on the Judiciary.

SENATE

TUESDAY, December 9, 1924

(Legislative day of Monday, December 8, 1924)

The Senate met at 12 o'clock m., on the expiration of the recess.

PETER NORBECK, a Senator from the State of South Dakota, appeared in his seat to-day.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ball	Fess	King	Ransdell
Bayard	Fletcher	Ladd	Reed, Mo.
Borah	Fraser	McKellar	Robinson
Brookhart	George	McKinley	Sheppard
Broussard	Gerry	McLean	Shipstead
Bruce	Glass	McNary	Shortridge
Bursum	Gooding	Mayfield	Smith
Butler	Greene	Means	Smoot
Capper	Hale	Metcalf	Spencer
Copeland	Harrell	Moses	Stanfield
Couzens	Harris	Neely	Sterling
Cummins	Harrison	Norbeck	Swanson
Curtis	Heflin	Norris	Trammell
Dial	Howell	Oddie	Underwood
Dill	Johnson, Calif.	Overman	Wadsworth
Edge	Johnson, Minn.	Owen	Walsh, Mass.
Edwards	Jones, N. Mex.	Pepper	Warren
Ernst	Jones, Wash.	Phillips	Wheeler
Fernald	Kendrick	Pittman	Willis
Ferrie	Keyes	Ralston	

Mr. HARRISON. I wish to announce, and let the announcement stand for the day, that my colleague [Mr. STEPHENS] is unavoidably absent on account of illness.

The PRESIDENT pro tempore. Seventy-nine Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 116. An act to amend section 196 of the Code of Law for the District of Columbia; and

S. 933. An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia.

The message also announced that the House had passed a bill (H. R. 8410) to change the name of Third Place NE. to Abbey Place, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 1343) to authorize the widening of Fourth Street, south of Cedar Street NW., in the District of Columbia, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

REPORT OF THE GENERAL ACCOUNTING OFFICE

The PRESIDENT pro tempore laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report of the General Accounting Office for the fiscal year 1924, which was referred to the Committee on Appropriations.

SETTLEMENT OF SHIPPING BOARD CLAIMS

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the United States Shipping Board, transmitting, pursuant to law, a report of the arbitration awards or settlements of claims agreed to since the previous session of Congress by the United States Shipping Board and/or the United States Shipping Board Fleet Corporation, which was referred to the Committee on Appropriations.

REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Smithsonian Institution,

transmitting, pursuant to law, the twenty-seventh annual report of the National Society of the Daughters of the American Revolution covering the period from March 1, 1923, to March 1, 1924, which was referred to the Committee on Printing.

REPORT OF SUPERINTENDENT OF HOSPITAL FOR THE INSANE

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the Superintendent of the Government Hospital for the Insane showing in detail receipts and expenditures for all purposes connected with the hospital for the preceding fiscal year, which was referred to the Committee on the District of Columbia.

REPORT OF THE COMMISSIONER OF RECLAMATION

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Bureau of Reclamation for the fiscal year 1924, which was referred to the Committee on Irrigation and Reclamation.

WIDENING OF FOURTH STREET IN THE DISTRICT

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1343) to authorize the widening of Fourth Street, south of Cedar Street NW., in the District of Columbia, and for other purposes, which was, on page 2, line 5, to strike out the word "less" and to insert in lieu thereof the word "more."

Mr. BALL. I ask unanimous consent that the Senate concur in the amendment of the House.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senate concurs in the House amendment.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a communication from Santiago Iglesias, a senator of Porto Rico, containing an extract from the proceedings of the recent convention of the American Federation of Labor at El Paso, Tex., relative to political conditions in Porto Rico, which was referred to the Committee on Territories and Insular Possessions.

Mr. JONES of Washington presented numerous petitions of sundry citizens in the State of Washington, praying for the passage of legislation granting increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. CAPPER presented a resolution of the Kansas City (Kans.) Chamber of Commerce, favoring the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. WILLIS presented sundry memorials and letters and telegrams in the nature of memorials of citizens and organizations in the State of Ohio, remonstrating against the ratification of the so-called Hay-Quesada treaty proposing to cede the Isle of Pines to Cuba, which were referred to the Committee on Foreign Relations.

Mr. FESS presented memorials of sundry citizens of Cleveland, Madisonville, and Lorain, all in the State of Ohio, remonstrating against the ratification of the so-called Hay-Quesada treaty proposing to cede the Isle of Pines to Cuba, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Cincinnati and vicinity, all in the State of Ohio, praying that the law enacted in June, 1922, relative to the pay of commissioned chief and warrant officers of the Navy be amended so that the pay of these officers may remain the same as prior to June, 1922, which was referred to the Committee on Naval Affairs.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSES:

A bill (S. 3608) granting an increase of pension to Sarah C. Quinn (with accompanying papers); and

A bill (S. 3609) granting an increase of pension to Louise B. Fuller (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Missouri:

A bill (S. 3610) authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.; and

A bill (S. 3611) authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.; to the Committee on Commerce.

By Mr. HALE:

A bill (S. 3612) granting an increase of pension to Lydia A. Howe (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3613) to provide for retirement for disability in the Lighthouse Service; to the Committee on Commerce.

By Mr. HARRELD:

A bill (S. 3614) for the erection of a public building at Holdenville, Hughes County, Okla.; to the Committee on Public Buildings and Grounds.

A bill (S. 3615) for the relief of John O'Brien; to the Committee on Military Affairs.

A bill (S. 3616) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. BURSUM:

A bill (S. 3617) granting an increase of pension to David J. Leahy; to the Committee on Pensions.

A bill (S. 3618) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 3619) granting a pension to Ellen F. Marston; to the Committee on Pensions.

By Mr. PEPPER:

A bill (S. 3620) for the relief of the Atlantic Refining Co.; to the Committee on Claims.

By Mr. RANSDALL:

A bill (S. 3621) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Monroe, La.; and

A bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachery Ferry; to the Committee on Commerce.

CHANGE OF REFERENCE

On motion of Mr. BROOKHART, the Committee on the Judiciary was discharged from the further consideration of the bill (S. 3585) to extend the benefits of the employees' compensation act of September 7, 1916, to Minnie Schroeder, and it was referred to the Committee on Claims.

HOUSE BILL REFERRED

The bill (H. R. 8410) to change the name of Third Place NE, to Abbey Place was read twice by its title and referred to the Committee on the District of Columbia.

AMENDMENTS TO MUSCLE SHOALS BILL

Mr. McKELLAR and Mr. COPELAND each submitted an amendment; and Mr. HARRISON, Mr. SMITH, and Mr. HOWELL each submitted sundry amendments intended to be proposed by them to House bill 518, the so-called Muscle Shoals bill, which were severally ordered to lie on the table and to be printed.

GEORGEANNA GETCHELL

Mr. WALSH of Massachusetts submitted the following resolution (S. Res. 282), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay out of the contingent fund of the Senate to Georganna Getchell, widow of Edwin P. Getchell, late a messenger in the employ of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Maryland [Mr. BRUCE].

Mr. UNDERWOOD. I ask for the yeas and nays.

Mr. SMITH. Mr. President, a parliamentary inquiry. What is the matter now before the Senate on which we are asked to vote?

The PRESIDENT pro tempore. The Clerk will report the amendment proposed by the Senator from Maryland.

The READING CLERK. In the substitute reported by the committee, on page 23, line 11, after the word "efficiency," it is proposed to strike out the period and insert a semicolon and the words:

and in the selection of employees for said corporation and in the promotion of any such employees all selections shall be made in accordance with the provisions of the Federal Statutes relating to the Federal classified civil service and the powers and authority of the President and the United States Civil Service Commission with respect thereto, but all such employees shall be subject to dismissal by the board at its pleasure.

Mr. BRUCE. I ask for the yeas and nays on this question.

Mr. SMITH. They have been demanded. I merely wanted to have the amendment read as it is now presented by the Senator from Maryland. The last clause is the one in which I was interested.

The PRESIDENT pro tempore. The yeas and nays have been demanded.

The yeas and nays were ordered.

Mr. McKELLAR. Mr. President, on yesterday the Senator from Maryland [Mr. BRUCE], I think somewhat humorously, stated that perhaps the reason why some of the Senators from the States near by the shoals did not want the employees to go under civil service was because we might be interested in the appointments to be made by the corporation. As I stated yesterday, of course that did not apply to me because I had not thought of it. But upon looking up the record I find that the State of Maryland has a larger quota of employees under the civil service than any other State in the Union. It is entitled to 495 employees and it has 2,237 in the civil service.

I am quite sure the Senator from Maryland did not have it in mind at all that Maryland would probably profit more by having the employees of the proposed corporation under the civil service than it does now, according to the actual figures. I am sure he did not have it in mind, and I do not make any suggestion of that sort except to give the facts as they are. Maryland profits now more by the civil service than any other State in the Union.

Mr. BRUCE. Mr. President, I simply desire to return my thanks to the Senator from Tennessee for bringing to the attention of the Senate this particular illustration of the enterprise and superior qualifications of my constituents. If there is anything in the fact to which he refers, I think it is but fair to them to say that of course whatever distributive share of public offices they obtain, they obtain in the form of the quota fixed by law.

Mr. McKELLAR. Oh, no. The quota fixed by law provides that Maryland shall have 495, but it has 2,237.

Mr. BRUCE. That must have been due partly to lack of applications on the part of the citizens belonging to other constituencies.

Mr. McKELLAR. I think it was due to the extraordinary forwardness of the applicants of the State of Maryland, which is so near by the District of Columbia.

Mr. SMOOT. I will state to the Senator it was due to the fact that they were in the employment of the Government when covered under the civil service, and they are still in that service.

Mr. McKELLAR. Anyhow, Maryland is well cared for under the civil service.

Mr. BRUCE. The point I wish to make is that it is partly due to their proximity to the Capital, but far more to superiority of their qualifications for office.

Mr. DIAL. Mr. President, yesterday afternoon when we took a recess I was calling attention to the fact that this is a business enterprise. It is an exception from the ordinary governmental proposition and we ought not to bind it down by impractical visionary rules. We will have to operate the plant seven days in a week, 24 hours a day, and every day in the year, and we do not want people there raising questions about whether they should be worked or not, transferred from one department to another, and so forth. Furthermore, to put this business enterprise under civil service rules would possibly prevent us from getting a lessee at all. We should not bind down the authority and the power of the lessee in the management of the business. That would tend greatly to discourage people from bidding on the property in an effort to obtain the lease. I hope the amendment will be defeated.

Mr. NORRIS. Mr. President, I do not question the good faith of the Senator from Maryland [Mr. BRUCE] in offering the amendment. I think it is perfectly apparent why the State of Maryland has more persons in the employ of the Government under civil service and perhaps outside of the civil service than any other State. We all know that particularly during the war, when it was necessary to increase at a fabulous rate the number employed, it was very often absolutely necessary to take into the civil service those who were right here on the ground. Maryland, as we know, is right next door to the District of Columbia. So I do not regard that as anything extraordinary.

When the Senator from Maryland first offered his amendment I expressed myself as favorable to it; but after more carefully examining section 6 of the committee bill, to which the amendment is directed, I changed my mind in reference to the amendment, and, while I do not regard it as exceedingly important, I am of the opinion that it would detract from efficiency rather than help it, for if Senators will examine section 6 they will find that as framed it is already a civil service provision. I think it is more fully so than any provision that has ever been put into a statute which has been passed by Congress. It is a provision to which the committee gave a great deal of consideration, the object being to remove this governmental corporation entirely from the domain of party politics. We should welcome any amendment that would assist in effectuating that object in any degree.

Section 6, among other things, provides that this board shall keep a record of all recommendations from whatever source; that even if such recommendations are made orally, they shall be entered in the record, and that that record shall be open to public inspection. If this amendment were agreed to, I think its effect would be practically to nullify that provision of section 6; at least it would be of no value, as it seems to me; and as between the provisions which are in section 6, in which it is specifically stated that no political test, no partisan qualification, no recommendation of a political nature, shall ever be given any consideration in either the appointment or promotion of any of the officials subject to appointment or promotion by this board and the Senator's amendment, I prefer the language of section 6, according to which it is made a criminal offense for the board to permit partisan influences to control their official acts, and if found guilty of such an act it automatically removes the incumbents from office.

The amendment of the Senator from Maryland provides for a somewhat different form of civil service. It may be that it would be more effective than that provided by the language used by the committee. Personally, however, I do not think it would be. It seems to me the question involved is whether the provisions now in section 6 or the provisions of the amendment of the Senator from Maryland would go further toward the removal of the activities of the employees and of the board from politics, that being the object of the section. Personally, as I have stated, it seems to me that the provisions already in the bill are more effective than the provisions framed by the Senator from Maryland.

If the Senator from Maryland had offered this amendment to the Coolidge substitute for the committee bill, there could not be this objection offered to it, because that substitute provides that the members of the board shall hold their office at the pleasure of the President; that they shall be responsible to no one except the President. It would be eminently proper in such a case, it seems to me, in the absence of other provisions similar to or the effect of which would be similar to the one that the committee has already incorporated in section 6, to put these officials under civil service, because there is no civil-service provision in the Coolidge substitute from one end of it to the other. I think it throws the appointments at once into the partisan political arena and they would become the football of politics. Senators may not agree with that view, but at least there is no attempt made in the proposed statute to keep appointments out of politics. They would be kept out if the President always insisted on keeping them out and should direct the board when he appointed them that they should do that, and they probably always would do it. Be that as it may, the objection does not apply, it seems to me, to the committee bill.

I want to remove from partisan politics the activities of this corporation, no matter which bill may be finally enacted, as I should be glad to remove from partisan politics the appointments of all governmental employees; indeed, if we had the kind of provision in the general law that we have in section 6, I doubt very much whether there would be, at least to as great an extent as now exists, necessity for the Civil Service Com-

mission. It seems to me, therefore, that the amendment ought to be defeated as proposed to be applied to section 6.

Mr. BRUCE. Mr. President, I am very sorry, indeed, that the Senator from Nebraska, for whom I entertain such a profound respect, should have seen fit to withdraw from this amendment of mine the support that he has been giving to it. His temporary support of the amendment reminds me just a little bit of the simile in Burns's poem—

* * * Like the snow falls in the river,
A moment white—then melts forever.

Or, if I may lapse into somewhat cruder poetry, it reminds me of the abrupt conversion which is said to have taken place in the habits and character of a sinner who fell from his saddle and was redeemed by the mercy of God before he reached the ground. That old distich runs:

Between the stirrup and the ground,
He mercy sought, he mercy found.

It really does seem to me that the sudden transformation that has taken place in the views of the Senator from Nebraska in reference to my amendment justifies me in recalling that little distich. I was eager for his support because he is a tower of strength to any cause that he supports; but now I submit to this body that he has not assigned any reasons which really should work any change in his views with reference to my amendment. Section 6 of the Norris substitute as it stands is nothing but a string, if I may use such a strong expression without disrespect, of hollow moral platitudes; that is all. It merely says that in the selection of employees under this bill there is to be no political discrimination or favoritism. These provisions are not attended with any sanction of any kind; they are not attended with any penalty of any kind. They comprise simply a smooth-sounding declaration that politics are to be completely excluded from appointments under this proposed act.

Mr. NORRIS. May I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Nebraska?

Mr. BRUCE. I yield with pleasure.

Mr. NORRIS. I wish to call the attention of the Senator to this language in section 6:

Any member of said board who permits the use of political or partisan influence in the selection of any employee, or in the promotion of any such employee of said corporation, or who gives any consideration to political consideration in the official action of said board, or who, knowing that such political influence has been or is attempted, does not record the same in said record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding \$1,000 or be imprisoned not to exceed six months, or both such fine and imprisonment, and the conviction of any member of said board of the offense herein defined shall have the effect of removing such member from office.

Mr. BRUCE. I admit my error. That provision escaped my attention. However, I do not think that such a provision would be truly effective because of the difficulty of bringing home to anyone any offense of that description in any really substantial and thoroughly probative way. So far as I know, the purposes of no merit system of appointment that has ever been created by law have been compassed by a mere penalty of that sort. It is necessary to have some kind of an impersonal, disinterested system, completely aloof from the temptations of party motives and aims to secure the appointment of subordinates without reference to political considerations.

To show how utterly ineffective, as a rule, anything short of a true merit system of appointment is to accomplish the object that the Senator from Nebraska has in view and that I have in view, all that we have got to do is to refer to the present Federal statute, which says specifically that no recommendations except as to character and residence made by any Member of the Senate with reference to any office that falls within the scope of the Federal classified service shall be heeded by any official charged with the duty of making appointments. That statute is all but an absolute dead letter. There are doubtless not a few Members of the Senate who heed the prohibition. I myself can say I have faithfully tried to heed it, and I have no right certainly to arrogate to myself any superior degree of public virtue as contrasted with my colleagues in the Senate; but how many Members of the Senate are there that do not heed it.

Mr. NORRIS. May I interrupt the Senator again?

Mr. BRUCE. Yes, sir; with pleasure.

Mr. NORRIS. As I understand, the Senator has quoted the law making it illegal for any Senator to make a recom-

mendation for appointment in the classified civil service. Is that the law now?

Mr. BRUCE. That is the law, except as to recommendations relative to character and residence.

Mr. NORRIS. Yes. Now, suppose we added to that law a provision that the person to whom such a communication was directed should record it in a record that we provided should be kept and as a penalty stipulated that he should be removed from office if he did not do it. That would perhaps make it more effective.

Mr. BRUCE. That would strengthen the provision, but at the same time that would not secure what is the primary object of the merit system of appointment, which is to obtain a first-class set of employees, completely removed from all ordinary personal and political influences. The suggestions of the Senator, if carried into effect, might prevent some Senator from making a recommendation; they might even result in a conviction at the hands of the criminal law of some Senator who did make such a recommendation, but they would not subserve what, as I have said, is after all the chief, the leading purpose of any civil-service reform system, and that is to provide for the selection of subordinates and employees by some impartial, disinterested system over which personal and political influences have no substantial control.

Now, getting back to that statute, a short time ago a gentleman in Maryland wrote to me and asked me whether I would not recommend the appointment of a certain young man whose application fell within the scope of the Federal classified service. I wrote him that I did not feel at liberty to do so, and I called his attention to the statute. Just about the same time he wrote to another Member of this body, a Senator for whom I entertain a very high respect and who is doubtlessly influenced in his general conduct by motives quite as high as mine, and very promptly that Senator wrote to him, "Why, certainly; I will do everything in my power to promote your object, and I am writing a letter to one of the chief officials of the Government with regard to the matter." So, as I say, the statute is largely a dead letter. That was recognized by the Senator from Tennessee [Mr. McKELLAR] yesterday when he called my attention to the fact that every day of the world recommendations are made by Members of the United States Senate in connection with positions that fall within the scope of the Federal classified service.

I am brought right back to my thesis; that is to say, that nothing except something that completely cuts up by the roots the temptations to this sort of conduct, nothing but some fair, impartial, just, impersonal system of appointment based on the idea of competitive examination, can do away with the patronage or the spoils system of politics. I submit that the Senator from Nebraska has not urged any reason, in my judgment, for his abrupt volte-face, if I may use such an expression.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Nebraska?

Mr. BRUCE. Yes.

Mr. NORRIS. So that there may be no misunderstanding, Mr. President, I want to say to the Senator that I do not think this amendment is vicious, or bad, or anything of that kind.

Mr. BRUCE. Oh, no.

Mr. NORRIS. I would not feel badly if it were agreed to.

Mr. BRUCE. I know the Senator would not. The Senator is a friend of the merit system of appointment.

Mr. NORRIS. I may be wrong. I am not trying to control the vote of a single other Senator, even if I could, on the question; but I have expressed myself now as I did when the amendment was first introduced in the Senate, and I have talked to the Senators favorable to it.

Mr. BRUCE. The Senator's support is such a good and valuable thing that naturally I am very averse to parting with it.

I want to say in conclusion simply that I have offered this amendment also to the Underwood substitute, or, as the Senator from Nebraska calls it, the Coolidge substitute. It is a matter of personal indifference to me whether the substitute proceeds from the Senator from Alabama or whether it proceeds from the President of the United States, so far as that is concerned; but I have offered an amendment precisely similar to the pending amendment to the substitute of the Senator from Alabama, and I can truly say that while I favor the substitute of the Senator from Alabama as distinguished from the substitute of the Senator from Nebraska, because the substitute of the Senator from Alabama contemplates alternatively the leasing or Government operation of

this great plant, yet the provisions of his substitute relating to the selection of employees are considerably more objectionable to me than the provisions of section 6 of the substitute of the Senator from Nebraska, because they say in express terms that all the officials or employees appointed or selected under the substitute are not to be deemed officials or employees of the United States.

Now, just think of that! The board of directors of this governmental corporation is to be composed of persons appointed by the President. All the stock is to be held by the Government of the United States. All the property that the substitute directs to be turned over to the board is the property of the United States; and yet the substitute of the Senator from Alabama says that officials and employees of every description who shall be connected with the project are not to be deemed officials or employees of the United States—in other words, are not to be deemed as holding Federal office at all.

Why, what sort of substitute is that? What kind of monstrosity, what kind of enormity is that of which it is declared at one moment that it is to be a Federal instrumentality, that its stock is to be Federal, that its property is to be Federal, that it is to be absolutely free from taxation, and yet that none of its officials and employees are to be taken as being incumbents of Federal office at all. Now, in the name of Heaven, what are they? In the name of Heaven, I repeat, what are they? Certainly they are not the servants of a private concern. That idea is not tenable for a moment; and if they are servants of the Government, then what good reason can be assigned why they should not be appointed and selected as other appointees and employees of the Government are?

I never heard of such a proposition. The corporation is to be a Federal corporation in every essential particular, a mere corporated instrumentality of the Government, and yet—presto! change—its servants are to be treated exactly as if they were the agents and employees of some kind of private industrial concern. That was the thing that suggested to my mind the idea—probably a perfectly groundless one—that there was just a little disposition upon the part of the representatives of constituencies adjacent to Muscle Shoals to concentrate whatever patronage there may be under the Underwood substitute in the hands of a very small portion of the people of the United States.

The surmise may be utterly unwarranted, and certainly I do not know any gentleman who is less likely to be governed by indirect motives than the Senator from Alabama; but no matter what the intent is the tendency of the Underwood substitute will be to localize, more or less, all patronage under this bill, to mass it practically under the control of the purveyors of patronage in the States of Alabama and Mississippi and South Carolina and North Carolina.

I have nothing but good will for those States and I have a very great admiration for the Senator [Mr. UNDERWOOD] who sits near me, but if there is to be any patronage under this bill—and there will be a large amount of patronage under it—I say, let us have that patronage diffused over the whole face of the United States, under the provisions of the laws and rules and regulations relating to the Federal classified service.

I trust that my amendment will be adopted.

Mr. UNDERWOOD. Mr. President, I do not desire to detain the Senate longer than a moment; but after the statement just made by the Senator from Maryland [Mr. Bruce] it is necessary for me to say a word.

I have never dealt in the patronage line to any great extent, and I certainly want to divorce any Government corporation that I may help to organize from partisan politics and political appointments. I am going to vote against the amendment that is offered to the bill of the Senator from Nebraska [Mr. NORRIS], because I should vote against it if it were offered to my substitute. Of course, I am not so much concerned about the corporation organized by the Senator from Nebraska. He is better advised than I am as to how he wants it to operate; but I certainly should be very much opposed to the amendment if it were made a part of the bill that I prepared and offered, and my reason is this:

The Senator from Maryland [Mr. Bruce] thinks it is an anomaly that in providing for the organization of this Government corporation I should have put in a clause stating that these employees shall not be treated or considered as Government employees. My purpose is perfectly evident. I wanted it made clear that none of the rules, laws, or regulations affecting Government employees should affect the employees of this corporation, and it is perfectly apparent what I was driving at—that I do not believe a great industrial corporation can work under civil-service rules and regulations.

It has been said, time in and time out, that it is impossible for the Government of the United States to do business, that it can not successfully carry on a business enterprise, and to a large extent that is true. It is because of the red tape in Government procedure. It is because of the lack of efficiency in its employees. It is because of the fixed status of men in Government employment who are looking to themselves and not to the objective of success of the enterprise.

I hope, if this legislation passes, that a private lessee will make a satisfactory bid within the terms of this legislation, and take away from the Government the question of furnishing nitrogen for national defense and nitrogen in time of peace for fertilizer for the farmers, and run it as a private enterprise. If that can not be done, however, this great work must go on, and the only way it can go on is by the hand of the Government if no individual citizen will carry it on.

I wanted to try for once to write a bill that would establish a Government corporation on the same basis of operation as the great industrial corporations of America are run—the United States Steel Corporation in its efficiency, for instance. To accomplish that efficiency the captain of the team has to have absolute command. It is the only way in which efficiency can be obtained. The men down the line have to know that the man who takes command of an industrial plant selects men for their accomplishment and not because they can pass an examination. The question is whether or not they produce results. When they do not produce results they are fired, and a man who can produce results is put in their place.

I believe in the application of the civil-service tests in the appointment of employees in Government bureaus. I think to a certain extent we have extended the civil service laws entirely too far for the benefit of the Government, but as to Government clerks and other such employees in the departments, I am heartily in favor of the continuation of the present law. But for the operation of a great industrial corporation, an amendment of this kind would merely have the effect, in my opinion, of destroying efficiency, and bringing about a failure of production of nitrogen at a profitable rate and the production of fertilizers for the American farmer at a reduction of cost.

I shall therefore vote against the amendment offered by the Senator from Maryland to the substitute reported by the Senator from Nebraska, and I hope, if a similar amendment is offered hereafter to the proposal I have made, that in the interest of efficiency the Senate will defeat the amendment.

Mr. BRUCE. May I ask the Senator a question before he sits down?

Mr. UNDERWOOD. Certainly.

Mr. BRUCE. Does the Senator doubt for a moment that if this corporation should be established, Members of Congress would be subjected to precisely the same degree of political pressure for places in that corporation as they are in connection with other Government work?

Mr. UNDERWOOD. I think perhaps they would be; but I am not here holding a brief to defend my colleagues from annoyance. The whole working of this corporation, if it shall be established, will depend on the men the President of the United States shall select as the board of directors, and I hope he will select five business men who will disregard politics entirely and consecrate their service to the benefit of the people of the United States in national defense and for the production of fertilizer. If he selects that kind of men, they will say that they are not going to make political appointments.

I do not mean to say that the Senator from Maryland or myself may not be importuned for many appointments, and it may annoy us; but, as I have said, I am not holding a brief here to prevent annoyance to Senators. I am holding a brief to try to organize an efficient business corporation which will do business as every efficient corporation should do it, under the command of the man who stands on the bridge and captains the industry, and when you put that man on the bridge you should not interfere with his hand by theoretical laws and Government red tape.

As to the selection of employees, we have had that problem in connection with that work before. We spent \$60,000,000 down there, and most of the ordinary labor came from Alabama or Georgia or Tennessee, but practically all of the captains and superintendents came from the Northern States. There is no reason why, in connection with the real positions down there, we should expect that these five directors would choose the appointees from Alabama or Mississippi or Georgia or Tennessee. If they do their duty they will select men of efficiency and capacity, no matter where they come from, and if they do not do their duty, but are going to play politics with the machine, it is dead right now.

Mr. BRUCE. Mr. President—

The PRESIDENT pro tempore. Does the Senator desire to ask a question of the Senator from Alabama?

Mr. BRUCE. I wish to ask a question.

Mr. UNDERWOOD. I will be glad to answer any question.

Mr. BRUCE. I wish to say to the Senator that, so far as he contends that it would be preferable to lease this plant rather than to operate it through any Government agency, I go along with him completely. I do not hesitate to declare that if he were to strike out every word in his substitute relating to governmental operation of the plant, and leave nothing but the authority to the Secretary of War to lease, his substitute would be even more acceptable to me than it is now, because my observation has been that a certain class of greivous abuses are absolutely inseparable from the operations of all governmental corporations. But that is not the situation that is presented to us. The alternatives presented to us are whether this governmental corporation shall be left free to select its employees without any reference whatsoever to the Federal statutes and rules and regulations relating to the Federal classified service, or whether its employees shall be selected agreeably with those laws and rules and regulations. I say that if the latter are not made parts of the Underwood substitute the effect inevitably will be to let in all the grievances and scandals of the old patronage or spoils system of appointment. How hard it is to contend that there is any intrinsic reason why the merit system of appointment should not be applied to a governmental corporation is shown by the fact, as I understand it, though the Senator from Washington will correct me if I am wrong, that the appointments under the United States Shipping Board do fall within the Federal statutes and rules and regulations relating to the classified service.

I understood Doctor Doyle, of the United States Civil Service Commission to say as much to me. What reason can there be why all the employees of the United States Shipping Board and the Emergency Fleet Corporation should be selected under the provisions of law relating to the Federal classified service, and yet the employees of this proposed power corporation not be?

I may be wrong; it does not do to sniff the air for a taint too nicely, but I am beginning to suspect that a part of the influences that have led to the creation of these Federal corporations are the result of a desire to escape the trammels of the Federal merit system of appointment.

There are only two or three of these governmental agencies the employees of which are outside of the Federal classified service, as I understand it. There is the Emergency Fleet Corporation, and there is the Panama Railroad; that is all, I believe. So the choice is between a governmental corporation restrained by the provisions of the merit system of appointment and a governmental corporation not so restrained. We are not discussing the choice between a lease and a governmental corporation.

What right the Senator has to suppose that the application of the merit system of appointment to this Federal corporation would work any sort of paralysis of its energies I can not conceive. He says that system is not applicable to the Government when it is engaged in some sort of industrial enterprise. As I look at it, the Government should not engage in an industrial enterprise of any kind. I agree with the Senator from New York on that subject. But, at the same time, we know that the Government has been in the habit for years and years of exercising functions that are essentially business functions. Take the business of delivering letters alone. There must be a Postmaster General, and there must be assistant postmasters general. There must be a vast number of graded postal officials and servants of one sort or another. And yet the great body of the postal servants of the Government are selected under the merit system.

Mr. STERLING. Mr. President, reference has been made to the Emergency Fleet Corporation, as to whether the employees of that corporation are appointed under the civil-service rules. I can not say as to that. I do not remember the provisions of the statute creating the Emergency Fleet Corporation or providing for it; but under the Shipping Board the appointees must be selected from the list of eligibles, save these—a secretary, a clerk to each commissioner, the attorneys, naval architects, and such special experts and examiners as the board may from time to time find necessary. All the rest are appointed under civil-service rules.

Mr. BRUCE. That is just what I was endeavoring to point out.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment of the Senator from Maryland, and the yeas and nays have been ordered.

Mr. HARRISON. Mr. President, I desire to say just a word. It occurs to me that the Senator from Maryland is unduly alarmed about this situation. He looks at it differently from the way that we away from Washington would. He sees it through a colored lens. It is quite true that perhaps he has more applicants for governmental jobs than Senators from other States have, except, perhaps, Virginia. Maryland and Virginia are located right here, bordering the District of Columbia, and the constituents of those Senators no doubt appeal to them very often. The Senator is gun-shy.

Mr. SWANSON. Mr. President, if the Senator will permit me—

Mr. HARRISON. I know the Senator from Virginia is unlike the Senator from Maryland; he likes to have his constituents come and make their appeals to him.

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Virginia?

Mr. HARRISON. I yield.

Mr. SWANSON. If this amendment shall be adopted I do not suppose a man would ever be certified to one of these positions from Virginia, the District of Columbia, or Maryland under the civil-service rules, so many people come from other States. It is such an honor to be a Virginian that the people from that State classify themselves very quickly as Virginians, and our quota of applicants is filled up. As I said, if this amendment shall prevail, I doubt whether one man would be certified by the Civil Service Commission from Virginia, the District of Columbia, or Maryland for 10 years. So the Senator's criticism of the Senator from Maryland and myself is entirely uncalled for.

Mr. HARRISON. If the Senator will permit, I do not want to get into a controversy as between Maryland and Virginia, and I do not suppose that any of us know whether Virginia or Maryland has been able to get the most appointees, but all of us do know that the Senators from both States have striven hard to get all they could.

Mr. SWANSON. If the Senator will allow me, all the Government positions, except very few, are now under the civil service and are prorated among the States. The Civil Service Commission can not certify people from Virginia, the District of Columbia, or Maryland until the other 46 States have their pro rata. I do not suppose there has been a certification from either Maryland or Virginia or the District of Columbia for some time. So the Senator is entirely mistaken in thinking this would help the Senator from Maryland in getting any positions. I think it would prevent him from getting any of the positions.

Mr. HARRISON. Mr. President, these great plants and dams and locks have so far been erected and constructed without the application of the civil-service rules, and I doubt whether the Senator from Maryland, in all his experience as a private citizen or as a public official, ever had a request from anyone to assist them to get a job at Muscle Shoals.

I am sure I have never had a request from anyone desiring a position with the Alaskan Railway Co., and I have never had a request, and I am sure that few Senators have, from anyone wanting political influence brought to bear upon the Panama Railroad, which is operated by the Government free from any civil-service restrictions. Indeed, I have had no request from anyone for a position with the Emergency Fleet Corporation, which the Senator admits does not come under the civil-service system. If Senators will investigate, they will find, as the Senator has admitted, that all of the agencies of the Government which are really doing industrial work, as operating the ships, as operating railroads, or when the Panama Canal was constructed, are and were free from the restrictions of the civil-service rules.

Mr. McKELLAR. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Tennessee?

Mr. HARRISON. I yield.

Mr. McKELLAR. In order that we may see how the civil-service employees are selected, and from what States, especially in view of what the Senator from Virginia [Mr. Swanson] has said, I desire to give the facts as ascertained from the Civil Service Commission this morning.

The District of Columbia is entitled to 140 civil-service employees. It has 10,981. The State of Maryland is entitled to 495. It has 2,237. The State of Virginia is entitled to 789. It has 2,265. The State of Pennsylvania is entitled to 2,981, and it has 2,324. The State of New York is entitled to 3,551, and as a matter of fact it has only 2,482. The State of Tennessee is entitled to 790, and as a matter of fact it has only 562. That is the way the civil-service proposition is worked out.

Mr. GLASS. Perhaps the State of Tennessee ought to get a Senator who would get the other 237.

Mr. McKELLAR. Perhaps so.

Mr. SWANSON. Mr. President, if the Senator from Mississippi will permit me—

Mr. HARRISON. I yield to the Senator from Virginia.

Mr. SWANSON. The civil service law provides that except in the Government Printing Office and in the Bureau of Engraving and Printing the appointment of employees shall be divided among the States according to population. If Tennessee had an eligible list of applicants who had stood the examination, then nobody could be certified from Maryland, nobody could be certified from the District of Columbia, and nobody could be certified from the State of Virginia until Tennessee and the other 45 States had their pro rata exhausted. Consequently if there is no certification from Tennessee, it is not the fault of Virginia. Applicants must stand an examination. They must show themselves qualified and must express some desire to serve the Government.

As I said, if the amendment is agreed to, with Virginia having 2,240 employees and Maryland 2,240, and with the disposition of everybody that comes here from other States to belong either to the District of Columbia, Virginia, or Maryland and get a home there, then no person would be certified from either of those three jurisdictions until the lease on the Muscle Shoals property had in all probability expired or until the other States had demonstrated their disinclination to apply for the positions.

I do not know of anybody who has been certified from Virginia to the civil service unless it is some scientist or expert that the other States can not furnish, and they certainly should not complain in a case of that kind. Residents of Virginia have stopped standing the ordinary examinations under the civil service. If the amendment offered by the Senator from Maryland is agreed to, I doubt whether, except as to scientific men requiring special skill or expertness, which the rest of the States are unable to furnish, a man would ever be certified for an ordinary clerical position from either Virginia, Maryland, or the District of Columbia.

Mr. HARRISON. I agree thoroughly with the Senator from Virginia. I merely want to say that the agencies that are being operated now, like the Emergency Fleet Corporation and the Panama Railway and the Alaskan Railway, are not under the restrictions of the civil service.

Mr. BRUCE. Why does not the Senator cite the United States Shipping Board?

Mr. HARRISON. The United States Shipping Board does not operate the ships. The Emergency Fleet Corporation operates the ships.

Mr. BRUCE. The United States Shipping Board has a large number of employees all selected under the civil-service system, as the Senator knows.

Mr. HARRISON. Yes; but the agency operating the ships is not tied down by civil-service regulations and restrictions.

Mr. GLASS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Virginia?

Mr. HARRISON. I yield.

Mr. GLASS. Before we get away from the relative number of employees under civil service with respect to the various States, I want to make it perfectly plain that I spoke facetiously a while ago when I suggested that the State of Tennessee should get a Senator who could secure a greater number of appointments. To illustrate my own incompetency in this respect, I want to say that during the eight years of the last Democratic administration I suggested but one appointee to public office. I do not pretend to compete with my friend the Senator from Tennessee [Mr. McKELLAR] in matters of that kind.

Mr. McKELLAR. Will the Senator from Mississippi let me say in that connection that I think the list from Tennessee shows that the first criticism of the Senator from Virginia was entirely well taken; that if getting people here under the civil service is a part of the duties of a Senator, I have been woefully neglectful of that particular duty, because Tennessee has not anything like her quota. Of course, if that is remissness, I have been remiss in my duty.

Mr. HARRISON. Mr. President, it is an adroit, yet old policy, when some one is against a proposition to load it down with amendments. I might suggest to the Senator from Nebraska the old saying, "Beware the Greeks bearing gifts." The Senator from Maryland [Mr. Bruce] stated that he was against Government operation; that he was against that part of the Underwood bill providing for a corporation to carry on

the operation at Muscle Shoals. Of course, as the bill of the Senator from Nebraska provides for a governmental corporation to do the work, he is opposed to that proposition. It may be that this is one way of killing the whole plan to develop Muscle Shoals. Certainly the man of ordinary business acumen, it would seem to me, would conclude that when the operators of a great industrial plant such as that at Muscle Shoals are tied down with the red tape incident to civil service requirements and regulations we are going to be confronted with failure from the time the proposition is started.

I am opposed to the bill of the Senator from Nebraska, but I would like to have it rather than nothing. I want to see something done at Muscle Shoals, and whether the proposal of the Senator from Nebraska is accepted or whether we accept the proposal of the Senator from Alabama, let us make it so that we can at least have some hope of its success. When we start out upon the plan of bringing in a lot of employees under civil-service requirements whose qualifications are fixed and looked after by the Civil Service Commission here in Washington, of course we will get nowhere either in the manufacture of power for sale or for nitrate production in time of war or to make fertilizer therefrom in time of peace. Let us give the men who are going to operate Muscle Shoals a free hand and let them employ the men, and women if need be, who can do the work, to do it and make it a success.

Let us look at this proposition a moment. The Senator from Maryland said that he intends to offer a similar amendment to the Underwood proposal if the Norris proposal is defeated. The Underwood proposal offers first the opportunity for the Secretary of War to lease Muscle Shoals to private interests, so the Senator would have us say to those business interests that may come before the Secretary of War with their proposals that the Government is going to require that all the people who work in their plant shall be appointed under civil-service requirements and run by civil-service regulations.

Mr. BRUCE. Oh, Mr. President!

Mr. HARRISON. I thought that to state the proposition would show it to be so monstrous that the Senator would disclaim it.

Mr. BRUCE. Yes; but when the Senator states it, he should state it correctly. I never intended for one moment that if the property should be leased the Federal classified service should have anything to do with it whatsoever. Then, of course, the great work would be done by a private industrial concern, which, of course, would do it without the slightest reference to the fact whether the employees it hired were Democrats or Republicans.

Mr. HARRISON. I accept the Senator's explanation.

Mr. BRUCE. Then I have nothing further to say.

Mr. HARRISON. I am glad to have the Senator say that when he offers the amendment to the Underwood proposal he will only contemplate making it apply if the Government operates it; that then only it will apply, and not until then.

Mr. BRUCE. That is the idea.

Mr. HARRISON. But the Senator overlooks the fact that we are trying to get cheap fertilizer for the farmers of the country; that the Underwood proposal provides that if private individuals get the lease and do the work they shall not make over 8 per cent profit on the cost of production. The Government must follow very rigid requirements. Whenever we lay down this proposition with the requirement that they shall employ only civil-service employees, who may not have the ability or qualification to perform the particular work required according to the good judgment of the men who operate the plant, that moment we are going to make it cost so much that the fertilizer can not be sold at a low price to the farmers of the country.

The Underwood proposal provides that if the Government corporation shall not show a profit within four years it shall cease to function and the subject shall come back to Congress and a new lease on the power shall be considered. Of course, it will be a failure in that event. They will have to come back to Congress within the four years and the question will be again before the Congress of the United States. Mr. President, I think if the amendment should be tacked onto the Norris bill and it should become the law, or if it should be adopted on the Underwood proposal and it should become the law, the Muscle Shoals proposition is doomed to failure from that very day. The farmers will get no relief from it. I am against the proposition offered by the Senator from Maryland. Let us not shackle this development at the start. Let us at least give it a fair chance, unfettered and untied by civil-service restrictions.

Mr. STERLING. Mr. President, I was interested in the statement made by the Senator from Mississippi to the effect that the employees of the Panama Canal Zone were not under civil service. I had the idea that some of those employees were under the civil service.

Mr. HARRISON. I did not say the Panama Canal Zone. I said the Panama Railroad, which operates as a separate corporation. Of course, some of the employees on the Panama Canal Zone are under the civil service.

Mr. STERLING. Then I misunderstood the Senator. I thought he referred to all employees on the Canal Zone. On the Panama Canal Zone these employees, I think, are under the civil service: Clerks, stenographers, typewriters, bookkeepers, physicians, surgeons, and nurses. They are all under the service rules.

The PRESIDENT pro tempore. The yeas and nays have been ordered, and the roll will be called.

The reading clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. In his absence I withhold my vote. If I were permitted to vote, I would vote "yea."

Mr. HARRISON (when Mr. STEPHENS's name was called). My colleague [Mr. STEPHENS] has a pair on this question with the junior Senator from Vermont [Mr. DALE].

Mr. JONES of Washington (when Mr. WATSON's name was called). The Senator from Indiana [Mr. WATSON] is necessarily absent from the Senate.

The roll call was concluded.

Mr. HARRELD (after having voted in the negative). I wish to announce that I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], who, I understand, if present, would vote as I have voted. Therefore I have cast my vote.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. OWENS]; and

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY].

The result was announced—yeas 6, nays 65, as follows:

YEAS—6			
Bruce Copeland	Edge McCormick	Sterling	Wheeler
NAYS—65			
Ashurst	George	McKellar	Reed, Mo.
Ball	Glass	McKinley	Robinson
Brookhart	Gooding	McLean	Sheppard
Broussard	Greene	McNary	Shipstead
Bursum	Hale	Mayfield	Shortridge
Butler	Harreld	Means	Smith
Capper	Harris	Metcalf	Smoot
Couzens	Harrison	Moses	Spencer
Cummins	Hoffin	Neely	Swanson
Curtis	Howell	Norbeck	Trammell
Dial	Johnson, Calif.	Norris	Underwood
Dill	Johnson, Minn.	Oddie	Wadsworth
Edwards	Jones, Wash.	Overman	Walsh, Mass.
Ferris	Kendrick	Pepper	Willis
Foss	Keyes	Philpotts	
Fletcher	King	Ralston	
Frazier	Ladd	Ransdell	
NOT VOTING—24			
Bayard	Ernst	Owen	Stanley
Borah	Fernald	Pittman	Stephens
Cameron	Gerry	Reed, Pa.	Wash, Mont.
Caraway	Jones, N. Mex.	Shields	Warren
Dale	La Follette	Simmons	Watson
Elkins	Lenroot	Stanfield	Weller

So Mr. Bruce's amendment was rejected.

Mr. HARRISON. Mr. President, I desire at this time, in order that it may be printed, to offer an amendment to the so-called Underwood substitute. I do not desire to have the amendment read but merely desire to state that the object of the amendment is to make the four years during which this proposed corporation is to be given a try out 10 years, and at the same time to bring Dam No. 3 and Dam No. 2 within the proposal.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The amendment to the amendment will lie on the table, and be printed.

Mr. HARRIS. I offer the amendment to the Underwood substitute which I send to the desk.

The PRESIDING OFFICER. The Senator from Georgia presents an amendment, which the Secretary will read.

The READING CLERK. It is proposed to amend section 5 of the Underwood substitute by adding the following proviso:

Provided, That no lessee hereunder shall have any right to sell or transfer any lease or any interest therein which may be obtained or secured under this act.

Mr. HARRIS. Mr. President, the amendment explains itself. It is designed to prevent the Government from leasing properties to one corporation and permitting it to sublet them to another. I think all Senators will see the objection to that and the harm that might follow from it. I think there will be no objection on the part of the Senator from Alabama [Mr. Underwood] to the amendment which I have offered.

Mr. UNDERWOOD. May I inquire whether the amendment as proposed is offered to the bill of the Senator from Nebraska [Mr. Norris]?

The PRESIDING OFFICER. The Secretary informs the Chair that the amendment is proposed to the substitute of the Senator from Alabama.

Mr. HARRIS. That is true.

Mr. UNDERWOOD. I do not know whether or not the amendment is subject to discussion at this time; but if it is, I should like to have it read again.

The PRESIDING OFFICER. The Secretary will again state the amendment proposed by the Senator from Georgia.

The amendment to the amendment was again read.

Mr. UNDERWOOD. I should like to say a word in regard to the amendment, but I will wait until the Senator from Georgia shall have concluded.

Mr. HARRIS. I have nothing further to say.

Mr. UNDERWOOD. Mr. President, I am not sure that the Senator's amendment is very material one way or the other in regard to the bill except in this respect, that, as I understand the amendment as read, it proposes to prevent the lessee or the corporation, if this bill shall become a law, from making a sublease to do a part of the work.

Mr. HARRIS. That is all the amendment contemplates.

Mr. UNDERWOOD. I think there are times when a sublease will be absolutely necessary or may be essential. For instance, take the Waco quarry, which is the lime quarry that will furnish the lime to go in the ovens of the cyanamide plant. It might become more useful for that quarry to be operated by a sublessee or a subcontractor, and I see no reason why we should attempt to tie the hands of business men whom we want to be efficient. I do not see any great objection to the Senator's amendment, but it simply removes from the function of the operating concern, whether a lessee or the proposed corporation, one of the powers that usually are possessed by any ordinary business concern, to sublease any part of its work.

Mr. HARRIS. The Senator does not understand the amendment, because his entire argument has been against some provision which is not in the amendment. The amendment is not intended to prevent the lessee from doing just what the Senator is objecting to, but it does prevent the lessee from transferring the lease to some other corporation.

Mr. UNDERWOOD. Then, I understand the Senator to mean the main lease?

Mr. HARRIS. To prevent the lessee from transferring it.

Mr. UNDERWOOD. And to prevent him from selling out the whole enterprise to somebody else?

Mr. HARRIS. To prevent his disposing of it to some one else.

Mr. UNDERWOOD. Well, if that is all that is in the Senator's amendment, I have no objection to it.

Mr. HARRIS. That is all the amendment contemplates.

Mr. EDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Jersey?

Mr. HARRIS. I yield.

Mr. EDGE. It seems to me there is some question as to the effect of the amendment according to the language as I followed the reading. Why would it not meet the desire of the proponent if there were added to the amendment the words "without the consent of the Government," the Government being the lessor? In other words, every lease of a house or other property is subject to re-leasing or disposition if the owner is satisfied with the new arrangement. Why should any lessee be held in check so that if he found himself unable to administer the lease at a profit or satisfactorily, he could not dispose of it at all?

Mr. UNDERWOOD. Mr. President, I find the Senator's amendment does not carry out his suggestion. His amendment reads as follows:

Provided, That no lessee hereunder shall have any right to sell or transfer any lease—

Not the main lease which, as the Senator has suggested, is what he is aiming at, but "any lease," which would include any lease which he might make—
any lease or any interest therein.

So it is perfectly clear from the language the Senator uses that it is a sublease to which he is referring. That being the case, I think the amendment ought to be defeated, because I do not think that the hands of the lessee should be tied in his business operations. What we want is the accomplishment of a result, to wit, the making of so much nitrogen and so much fertilizer, and that is what we want to hold the lessee to. Outside of that, there is no reason why we should not give the lessee a free hand to accomplish that result in the way he deems best.

Mr. HARRIS. I do not agree with the Senator from Alabama, but I think the suggestion of the Senator from New Jersey is wise, and that it would be better to add the words "without the consent of the Government."

Mr. UNDERWOOD. I think the effect of the Senator's amendment will merely be unnecessarily to mix up the Government in the matter.

Mr. EDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Jersey?

Mr. HARRIS. I yield.

Mr. EDGE. I merely made that suggestion to try to improve the amendment. Even with that amendment incorporated, however, I agree with the Senator from Alabama that the amendment is hardly necessary; but without such a provision as I have suggested it would seem to me that the amendment would be most unfortunate.

The PRESIDING OFFICER. Does the Senator from Georgia desire to perfect his amendment?

Mr. HARRIS. I ask the privilege of perfecting it by adding the words "without the consent of the Secretary of War."

Mr. HARRISON. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state his parliamentary inquiry.

Mr. HARRISON. Mr. President, I wish to know just where we stand in connection with the various proposals before the Senate. I thought that the original Norris bill was before the Senate. That measure is a substitute for the bill based on the Ford offer which came from the House. I thought we had to act upon the Norris measure first. How can we offer amendments now to the Underwood proposal when it is not before the Senate?

The PRESIDING OFFICER. The Chair understands that the Underwood proposal has been submitted as a substitute for the amendment proposed by the Senator from Nebraska, and therefore they are both before the Senate for amendment and to be perfected until the vote is taken.

Mr. HARRISON. The Chair holds, then, that the Underwood amendment can be brought before the Senate as a substitute for the Norris proposal?

The PRESIDING OFFICER. The Chair understands that is before the Senate.

Mr. HARRISON. Then, amendments may now be offered to the Underwood substitute?

The PRESIDING OFFICER. They may be offered to either measure.

The Chair is advised that the amendment of the Senator from Georgia has now been perfected as he desires.

Mr. DIAL. Mr. President, it occurs to me that the amendment ought not to be adopted. It would discourage persons from bidding and from expending money to experiment and to develop. Conditions might arise under which it would be very desirable for a lessee to transfer his lease. I can not see why the enterprise should be tied down or hampered by these unnecessary restrictions, and I think they are altogether out of place. I regret to have to oppose my good friend from Georgia [Mr. Harris], in whose judgment I have so much confidence; but I feel that this amendment is entirely unnecessary, and that it would be injurious to the general enterprise.

Mr. HARRIS. Mr. President, I think the amendment is a very important one. I shall be perfectly frank about it. There are some of us in the Chamber who would not be willing to have the Government lease this property to certain corporations—for instance, the Alabama Power Co., which has been a Canadian corporation, a foreign corporation. I should oppose that. This amendment is simply to protect the Government and prevent one corporation from getting the lease and then selling it to some other corporation which would not be acceptable to our Government; and with the words suggested by the Senator from New Jersey, requiring the consent of the Secretary of War, it seems to me that it should not be objectionable.

Mr. HARRISON. Mr. President, may I ask the Senator a question before he takes his seat?

Mr. HARRIS. I yield, with pleasure.

Mr. HARRISON. If I understand the Senator, this amendment is striking at one particular corporation.

Mr. HARRIS. It is striking at a number of corporations, and I mentioned one.

Mr. HARRISON. If the amendment should be adopted, let us take this kind of a case: Suppose this plant should be leased for a term of 50 years to some organization to make 40,000 tons of fixed nitrogen annually, and they did not care to deal with the question of surplus power, and some surplus power should be developed there; and suppose that the Alabama Power Co., say, or some other power company that operates out of Georgia, had its lines already constructed up to Sheffield and that economically it could probably pay more for the power, and it covered a field that needed the distribution of power. If this amendment should be adopted, then that power company would not be able to deal with the original lessee, would it?

Mr. HARRIS. Mr. President, this amendment refers to the lease of the entire property. It does not prevent the lessee from doing what the Senator from Mississippi says.

Mr. HARRISON. It says "any lease or any interest therein."

Mr. HARRIS. Selling an interest in the lease does not prevent you from making a contract to sublet under the lease.

Mr. HARRISON. The idea of the Senator is, then, that the original lessee could sell power to a distributing power system that had built its lines up there?

Mr. HARRIS. This does not prevent that at all. It seems quite plain to me, and I am sorry it is not to others. It simply provides that without the consent of the Secretary of War this lease shall not be transferred.

Mr. ROBINSON. Mr. President, may I ask the Senator from Georgia a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Arkansas?

Mr. HARRIS. I yield with pleasure.

Mr. ROBINSON. The Senator from Georgia has frankly stated that the purpose of the amendment is to prevent the transfer of rights by the original lessee to certain corporations which are deemed obnoxious. Is there anything in the bill, or will there be anything in the bill after the Senator's amendment is agreed to, if it should be adopted, that would prevent the War Department, in the first instance, from making a lease to any corporation with which it chose to contract?

Mr. HARRIS. I do not think there is anything.

Mr. UNDERWOOD. No; nothing at all.

Mr. ROBINSON. Then, if the Senator wants to accomplish the purpose he has stated, I am curious to know how he expects an amendment of this nature to prevent the Alabama Power Co. or any other corporation from getting the lease in the first instance if it makes terms that are satisfactory to the War Department?

Mr. HARRIS. There is an amendment pending that will do just what the Senator from Arkansas refers to.

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to his colleague?

Mr. HARRIS. I yield.

Mr. GEORGE. I see the difficulty that the Senator from Alabama finds in this amendment as to its preventing the leasing of any interest that goes under the main lease. I suggest to my colleague that he might accomplish all that he seeks to accomplish by merely providing that this lease shall not be assignable except with the consent of the Secretary of War. That possibly would obviate the objection which the Senator from Alabama has.

Mr. UNDERWOOD. While I do not think it is clearly done by the Senator's amendment, I have no objection to an amendment that will provide that the original lease can not be assigned without the consent of the Secretary of War, because I do not think it could be done under the law anyhow. I do not think the Secretary of War could make a contract with anybody and give him power to assign the lease in an instance of this kind; but the Senator disclosed in his argument that what he was trying to do was to keep certain people or certain corporations from operating this property. I want to say to him candidly that I hold no commission from the Alabama Power Co. I have the greatest respect for the officers and agents of that company. I have no complaint to make of them, but for four long years I have been in combat with them when I was supporting Henry Ford's offer, and they had an offer of their own, and I have no commission to defend them.

Mr. HARRIS. If the Senator will allow me to interrupt him, would the Senator from Alabama agree to lease this plant to a foreign corporation?

Mr. UNDERWOOD. No.

Mr. HARRIS. Is not the Alabama Power Co. to-day a foreign corporation?

Mr. UNDERWOOD. I understand not.

Mr. HARRIS. Then it has been changed only recently.

Mr. UNDERWOOD. I understand that at one time the properties were owned and controlled by a foreign corporation.

Mr. HARRIS. It must have been changed within the past few weeks.

Mr. UNDERWOOD. I understand that the property is now owned by an American corporation and that 85 per cent of the stock is owned and controlled by American citizens.

Mr. HARRIS. Would the Senator be willing for the Government to allow the lessee of this plant to sublet it to any foreign corporation?

Mr. UNDERWOOD. No, I would not; and I do not think the Secretary of War for a minute would make a lease under those circumstances; but, as I say to the Senator, after the lease is made with the Government the lessee could not turn over his contract. He might sublease parts of it, but he could not assign his contract to somebody else; and the Senator is now attempting to prevent a reassignment of the contract when under the terms of the bill the Secretary of War might make the contract with anybody he saw fit.

I think I understand what the Senator wants, because his statement has made it clear, and I am not with him in that desire. I think, from his statement, it is clear that he does not want the Alabama Power Co. to get its hands on this property in any way. Now, I want to say this: As I say, I hold no brief for the Alabama Power Co. I have been fighting for Henry Ford's offer against the Alabama Power Co. for four years; but what I want to do is to produce nitrogen and fertilizer under the terms of this bill and sell surplus power and do it profitably, and it does not concern me who carries it out, provided they have money to give the necessary guarantees and can successfully operate the plant. I want to say this to the Senate, however, and it is a material proposition for the Senate, and especially for Senators in the immediate vicinity of Muscle Shoals, to consider:

If we had a vast amount of surplus power to sell, either the corporation indicated here or a lessee might well afford to build a transmission line of great length for the sale of that power; but the purpose of the bill, as I propose it, is primarily to make fertilizer and nitrogen. It is supposed that when those plants begin to operate a very large proportion of this power is going to be consumed in making nitrogen and fertilizer. There will be a surplus power. Now, I think that power ought to be sold to the best advantage, because the better it is sold the more profitably you can manufacture fertilizers and the cheaper you can manufacture them. I want to say, however, that there is not sufficient power there to guarantee the building of a great transmission line. If you built it you would have to put the cost of that transmission line in the end against the fertilizers that you want to sell cheaply to the farmer.

Now, take the Alabama Power Co. It has its line at the door of this plant, and it is the only line there. That line runs into the adjoining States. It goes into the State of the Senator from Georgia. If you put into this bill a provision that the Alabama Power Co. can not become a sublessee or can not buy this power from whoever the lessee is, or the corporation, if it wants to, it means in all probability that you never can have it transmitted to your State and it means that the sale of that power must be localized at Muscle Shoals.

If I were looking at the matter from a selfish standpoint, I should welcome the Senator's amendment, because it would concentrate the sale of that power in Alabama; but I am not. What I am trying to do is to make this corporation a successful one, and I want to leave it open to anybody who will come in here and bid to buy the power at the best rate for which it can be sold, in order that it may be reflected in the real unit of production that we are after, and that is cheaper fertilizer for the American farmer.

Mr. HARRIS. Mr. President, I do not think the Senator from Alabama is fair in his criticism. There is nothing in this amendment that would prevent the lessee from selling surplus power to the Alabama Power Co. or to any other power company—nothing whatever—and it seems to me perfectly clear. I have an amendment relating to that. The Senator has said that this amendment showed my views. Yes; I am opposed to the Alabama Power Co., or any other power company

that comes into competition with Muscle Shoals, leasing this property. I believe it would build up a power trust in our section of the country, and it is bad enough now. I am opposed to that, and I am trying to prevent it. I have two other amendments here which will prevent the leasing of the power by any other company that comes into competition with the Muscle Shoals power.

Mr. DIAL. Mr. President, I am not a spokesman for the Alabama Power Co. or for any other power company; but I have no ill will against the Alabama Power Co. or any other power company down there which has spent its money and helped develop our section of the country. I think it is unwise to try to legislate here as to details in this bill. Those matters should be left to the managers of the property.

It is perfectly natural that the Alabama Power Co., which has lines to this plant, should transmit the surplus power away from there cheaper, as the Senator from Alabama has said, than some other company could erect lines and do so. As to whether or not the Alabama Power Co. is a foreign corporation I do not know, and I do not care very much.

My understanding is that a large portion of the stock is now owned in Alabama and elsewhere in the South. At any rate, I do not feel that it is proper to criticize companies which have developed a section of the Nation and have risked their money to do so. Our people were glad to welcome them there to build dams and transmit power. There is no business in the world that I know of that is more hazardous than hydroelectric development. The owners have to contend with high water—

Mr. McKELLAR. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Tennessee?

Mr. DIAL. Yes; I yield.

Mr. McKELLAR. The Senator says he knows of no business that is more hazardous than the development of hydroelectric power. I think I saw in the morning paper where a Mr. Duke, of North Carolina, has just contributed some \$40,000,000 to charitable purposes down there; and he contributed it out of hydroelectric stock, as I recall the newspaper statement. It seems to me that it is quite profitable.

Mr. DIAL. I did not say it was not profitable. It may be or may not be. The companies sometimes fail; but Mr. Duke is to be commended and not criticized for his generosity to our section of the country. My understanding is that he has never taken a dollar out of his investments; but, on the other hand, that he has spent large sums of money in developing those powers; and now he is kind enough to contribute the money to such purposes as hospitals and colleges in the States out of which he made some money. His example should be followed.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina further yield to the Senator from Tennessee?

Mr. DIAL. Yes.

Mr. McKELLAR. I did not mean to criticize Mr. Duke at all. I do not know anything in the world about the particular transaction. I am merely calling the Senator's attention to the fact that, of course, Mr. Duke got grants from the State for the development of this hydroelectric power; he had to get permits from the State before he developed the power; and, after all, I think it is very commendable in Mr. Duke to return to the public a portion of that which came from the public.

Mr. DIAL. I do not disagree with that, Mr. President. What I meant to say in stating that it was hazardous to develop water power was that great risks are taken in building dams. Often the cofferdams are washed away, the machinery is damaged, and it is a very trying task indeed to get the power harnessed in the proper way.

If power companies can not transmit power, I do not know who would transmit it. Certainly the individuals could not do it, and I see no use trying to confiscate the investments of other companies by the Government going in and running parallel lines, which would be very expensive.

Then, too, it is not only a question of transmitting the power, but there is the question of having the control of it and customers for it. These power companies are already in existence, and they have a demand for possibly all the power they develop now and will develop in the future, and they can transmit it and retail it cheaper than the Government could by building separate lines. But if they should be unreasonable in their prices, I would be in favor of the Government building lines and distributing the surplus power. However, I feel it is a matter that does not concern Congress now; that the man-

agement of the organization can take charge of that; and that we ought not to be trying to legislate for or against any particular company.

Not only that, but the rates charged would come under the commissions of the States. I believe all those States have commissions to fix the rates at which power shall be retailed to individual customers. So it seems to me to be unwise, by this amendment or any other amendment, to try to go into the details of the management of the property. The management ought to be left entirely free to use the property to the very best advantage and to make a success out of it. I want the power to be used where it is generated for the purposes mentioned. Then, if there shall be any surplus, now or hereafter, I want it to be distributed to the people who can use it to the best advantage to build up that section of the country. It is immaterial to me whether it is done by the Southern Power Co., the Alabama Power Co., or the Tennessee Power Co., or any other of those surrounding companies. They are certainly better equipped than the Government is, or some new company which might come in. The new company would simply spend extra money and would try to confiscate what is already invested, and that is the wrong spirit in legislation. I hope the amendment will be defeated.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KING. Let the amendment to the amendment be reported.

The PRESIDING OFFICER. The Secretary will report the amendment to the amendment.

The PRINCIPAL LEGISLATIVE CLERK. On page 5, line 19, after the word "contract," insert:

Provided, That no lessee hereunder shall have any right to sell or transfer any lease or any interest therein which may be obtained or procured under this act without the consent of the Secretary of War.

Mr. KING. Mr. President, I have been in attendance upon committee meetings and do not know the reason for this amendment, if the Senator has assigned a reason, and with his indulgence I should be glad to inquire the purpose of the amendment. The obvious purpose of it, as I interpret it, is to prohibit any lessee, no matter what terms he may subscribe to, from assigning his contract or his lease, without the consent of the Government.

Mr. HARRIS. Without the consent of the Secretary of War.

Mr. KING. What objection has the Senator to a lessee making an assignment of his lease?

Mr. HARRIS. Mr. President, it has been understood that the Alabama Power Co., which, until a few weeks ago, was a foreign corporation, would probably try to get this lease. Suppose they should sell the stock back to the foreigners, and the company which leased this initial plant from the Government should be owned by Germany, or England, or Japan, or some other nation. Does the Senator think that would be wise? This amendment is intended to prevent that.

Mr. KING. It seems to me, if the Senator has that object in view, his amendment does not go far enough. He ought to provide that if any lessee, or his assignees, with the consent of the Secretary of War, shall make disposition of the lease to any foreign corporation, or to any corporation a majority of the stock of which is owned by aliens, then the lease shall be subject to forfeiture.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. KING. I am only propounding these questions to get the view of the Senator and to get the objects which he has in view.

Mr. McKELLAR. Mr. President, I have an amendment which I am going to offer in a few moments and which I shall ask the Senator from Alabama to accept. I imagine it will be accepted. It is on this very subject and is as follows:

Provided, That said lease shall be made only to an American citizen, or citizens, or to an American owned, officered, and controlled corporation and, if leased, in the event at any time the ownership in fact or the control of such corporation should directly or indirectly come into the hands of an alien or aliens, or into the hands of an alien owned or controlled corporation or organization, then said lease shall at once terminate and the properties be restored to the United States. The Attorney General of the United States is given full power and authority and it is hereby made his duty to proceed at once in the courts for cancellation of said lease in the event said properties are found to be alien owned or controlled and are not voluntarily restored.

Mr. UNDERWOOD. Mr. President, I will say to the Senator from Tennessee that I have no objection whatever to that amendment. This is a powder plant. Essentially it should not be under or controlled by a foreign corporation. Of course, I did not provide for that in my amendment, be-

cause I assumed that the Secretary of War would not make such a lease. But if the Senator desires it, I have no objection to that going in.

Mr. McKELLAR. In my opening statement I said that I knew the Senator from Alabama would not object to it.

Mr. UNDERWOOD. That is a very different proposition from the one the Senator from Georgia [Mr. HARRIS] is making. The Senator from Georgia says I do not understand this proposal. Perhaps I do not; but I can only take his language. It seems to me from his language that he is trying to put out some competitors who may come in to buy this power and distribute, and I want it wide open. I want the Government to get as much for it as it can.

As to the foreign corporations, of course I am in entire accord with what the Senator from Tennessee has to say, and if that is all the Senator from Georgia wants, I will accept the amendment of the Senator from Tennessee as far as I can accept it, and the purpose of the Senator from Georgia will be accomplished. But if he is trying to head off somebody in the South from becoming a bidder, or from distributing this power, for some reason of his own, I am not in favor of that. I think we ought to leave it wide open so that we can do the very best we can to make this proposition a success.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. HARRIS] to the amendment proposed by the Senator from Alabama [Mr. UNDERWOOD], on which the yeas and nays have been ordered, and the Secretary will call the roll.

The principal legislative clerk proceeded to call the roll.

Mr. NORRIS (when Mr. LA FOLLETTE's name was called). I have been requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is detained from the Senate by a slight illness, would if present vote "yea" on this question.

The roll call was concluded.

Mr. BAYARD. I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. In his absence I withhold my vote. If I were permitted to vote, I would vote "nay."

Mr. JONES of Washington (Mr. WILLIS in the chair). I again announce the necessary absence from the city of the senior Senator from Indiana [Mr. WATSON]. I ask that this announcement may stand for the rest of the day.

I also desire to announce that the senior Senator from West Virginia [Mr. ELKINS] is paired with the senior Senator from Oklahoma [Mr. OWEN].

Mr. HARRELD. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I do not know how he would vote if present, and in his absence I withhold my vote. If permitted to vote, I would vote "yea."

Mr. FLETCHER (after having voted in the affirmative). I have a general pair with the senior Senator from Delaware [Mr. BALL]. In his absence I transfer that pair to the senior Senator from Montana [Mr. WALSH], and allow my vote to stand.

The result was announced—yeas 29, nays 37, as follows:

YEAS—29

Ashurst	Frazier	McKellar	Sheppard
Brookhart	George	McKinley	Shipstead
Bruce	Harris	McNary	Smith
Capper	Hedlin	Mayfield	Walsh, Mass.
Copeland	Howell	Neely	Wheeler
Dill	Johnson, Calif.	Norris	
Ferris	Johnson, Minn.	Overman	
Fletcher	Jones, N. Mex.	Ralston	

NAYS—37

Broussard	Fess	Lenroot	Stanley
Bursum	Glass	McLean	Sterling
Butler	Greene	Means	Swanson
Caraway	Hale	Moses	Trammell
Curtis	Harrison	Oddie	Underwood
Dial	Jones, Wash.	Pepper	Wadsworth
Edge	Kendrick	Phipps	Willis
Edwards	Keyes	Robinson	
Ernst	King	Smoot	
Fernald	Ladd	Spencer	

NOT VOTING—29

Ball	Gerry	Pittman	Stephens
Bayard	Gooding	Ransdell	Walsh, Mont.
Borah	Harrell	Reed, Mo.	Warren
Cameron	La Follette	Reed, Pa.	Watson
Couzens	McCormick	Shields	Weller
Cummings	Metcalf	Shorridge	
Dale	Norbeck	Simmons	
Elkins	Owen	Stanfield	

So Mr. HARRIS's amendment to Mr. UNDERWOOD's amendment was rejected.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The question is on the amendment offered by the Senator from Alabama [Mr. UNDERWOOD].

Mr. HARRIS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. At the end of section 4 insert the following:

In order that such fertilizer products may be fairly distributed and economically purchased by farmers and other users thereof, the Secretary of Agriculture of the United States shall determine the fair and equitable territorial distribution of the same and may in his discretion make reasonable regulations for the sale of all or a portion of such products to farmers, their agencies, or organizations; the said Secretary of Agriculture shall also have the right to determine whether the profit being charged for said fertilizer products is in excess of 8 per cent of the fair annual cost of the production thereof by the lessee or corporation. In the sale of such fertilizers preference shall always be given to farmers in the purchase thereof.

Mr. HARRIS. Mr. President, this amendment is intended to accomplish two purposes: One is to prevent a profit in excess of 8 per cent being charged on the fertilizer by the lessee or corporation, and the other is to prevent them from selling all of the fertilizer manufactured to any one section or State. For instance, there will not be enough fertilizer manufactured to be distributed all over the country. Unless such an amendment is adopted, under the terms of the bill the fertilizer can all be sold to a certain section, or to one State, or to one section of a State. The amendment would allow the Secretary of Agriculture of the United States to see that it was distributed to different sections and not discriminate against the farmers in any of the territory to be supplied.

Mr. UNDERWOOD. Mr. President, I do not like to oppose amendments offered by my neighbor from Georgia, but I think this amendment would only tend to hamper the object of the bill instead of advancing it. Whether it is a lessee or whether it is a corporation, if we are going to accomplish the desired result of manufacturing nitrogen for defense in time of war and fertilizer for the farmers in time of peace, we had better let the management have a free hand to do the best it can without tying it up by machinery that it has not thought out and that we do not know about now.

So far as the particular amendment is concerned, we have placed the management of the corporation, if it becomes a corporation, in the hands of five men to be appointed by the President. Why should we pick out some other bureau or department to interfere with what they are to do? If it is a lessee, we all know that we should let him sell as much fertilizer and as profitably as can be done. The lessee or corporation, under the terms of the bill, is not going to make enough fertilizer to supply all the farmers of America.

The maximum production that we will probably get will be 2,000,000 tons of the lowest grade of fertilizer, 2-8-2. The annual consumption of fertilizer in the United States, according to the figures for last year, is something approximating 7,000,000 tons, so the output of this enterprise would be two-sevenths of the entire consumption. To say to the lessee or to the corporation, "You must comply with the orders of the Secretary of Agriculture in the distribution of your fertilizer and see that it goes to California and Maine as well as to Georgia and Alabama, and pay the freight rates in the distribution thereof," merely means that we are going to make it more difficult for the corporation or lessee to make money out of the sale of the product.

The way to serve the farmers of America and to accomplish the desired result is to get a lessee in charge of the enterprise who can not under the terms of the bill make over 8 per cent profit, and then let him go out and sell the fertilizer in the nearest market in which he can make a profit and demonstrate under this method that it can be made profitably. When that is done we will in that way invite men in the Rocky Mountain region and men in the southeastern territory and men in other parts of the country to go into the same business because it is profitable and serves the farmers of America without having high freight rates to pay. It is perfectly apparent that if the corporation could sell at a profit in Alabama, and then we compel it under orders of the Secretary of Agriculture to sell a portion of its product in California, that we have destroyed it. I will say to the Senator from Georgia, with reference to pig iron, because I am familiar with that, that we can sell pig iron from the Birmingham district in the South and East, but we can not carry it to California and sell it, because we can not pay the high freight rates. Fertilizer is a good deal like pig iron in that respect. The freight rate is a very material part of its cost.

Mr. REED of Missouri. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. UNDERWOOD. I yield.

Mr. REED of Missouri. Is it not perfectly obvious that if fertilizer is manufactured and sold in any part of the United States it has to be sold on the general price level, and that it furnishes that much of the supply, and in so far as it increases the supply it decreases the general price level everywhere.

Mr. UNDERWOOD. That is undoubtedly true. I do not like to differ with my friend from Georgia, but these efforts to sit here and tell a business man how he must run this business to make it successful by tying his hands with machinery I think are absolutely against the objective that we have in mind in trying to create cheaper fertilizer for the farmers of America through the lease or the corporation under the terms of the bill. I see no reason in the world why we should inject the Secretary of Agriculture into the matter.

So far as the Secretary of Agriculture finding out whether they are living up to the terms of the contract, the Senator from Georgia evidently has not read the bill, or if he has read it, he has not analyzed it, because the bill requires that an audit should be made of the accounts every year and that audit submitted to Congress. The Congress, when that audit is laid before it in detail, can determine for itself whether those people are living up to the terms of the contract or not.

Mr. KENDRICK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Wyoming?

Mr. UNDERWOOD. I yield.

Mr. KENDRICK. I want to ask the Senator about the question of interest payments or percentage payments on the Government property. I note at the bottom of page 4 that he requires that the lessee shall pay 4 per cent on the cost of Dam No. 2.

Mr. UNDERWOOD. Not less than that amount.

Mr. KENDRICK. Is it the Senator's idea that the lessee shall have the use of the incidental properties, the manufacturing plants, and the towns and villages and all the other property rent free?

Mr. UNDERWOOD. Yes; but allow me to explain. The Senator probably was not here the other day when I made my speech on the subject or did not hear that portion of it, because I explained it then, but I am very glad to explain it again. Dam No. 2 alone could be leased at 5 per cent of its actual cost, including money wasted and money that was not wasted. I can say that authoritatively, because I have had gentlemen say so who are interested in making the lease. I am saying that so the Senator may see what I have in mind. Five per cent would amortize the dam in 20 years, so it is 100 per cent security so far as that is concerned. But I am proposing that if a lessee shall make nitrogen for 100 years to sustain the arm of defense of this country in time of war and in time of peace convert that product into fertilizer for the benefit of the agricultural people of America we shall give him indirectly a bonus, and that bonus is that he can buy power 1 per cent cheaper on the investment than anybody else can and that he can have the nitrate plant without any money payment toward a lease. That is my viewpoint, but I do not fix it in that way positively. I say it shall not be leased for less than that amount, but the Secretary of War is to determine with the lessee what he shall pay. Of course, the Secretary of War when he goes to make the lease can charge whatever he wants to demand or whatever he can get, and he can raise the rate under the lease very much higher than 4 per cent on the cost of the dam if he sees fit to do so.

But the Senator will see that that has nothing to do with the legislation. So far as I am concerned, I am perfectly willing that this entire property shall be leased at 4 per cent on the dam, which would be about \$2,000,000 a year. I admit that it would be cheap power and a cheap lease, but I am willing to do that because I think it is worth while to have a private lessee keep us supplied with 40,000 tons of nitrogen every year for national defense; further, because I think it is worth while for the Government to make a real effort to cheapen the cost of fertilizer to the farmers of America; and I consider that the latter proposition of furnishing cheaper fertilizer, which adds to the food production of America, is second only to national defense in time of war.

Mr. KENDRICK. Mr. President, I fully agree with the statement made by the Senator from Alabama, and I wish to say here that I agree entirely with the plan and purpose of his bill. The only question is as to the method that we shall employ.

As I understand the Senator, it is his contention that the rent-free property granted to the lessee will be reflected in a cheaper fertilizer to the farmer?

Mr. UNDERWOOD. Necessarily so, because the lessee in his profit is limited to 8 per cent; and, of course, if he gets the power cheaper he will have less to pay or if he sells it he obtains more profit out of it.

Mr. KENDRICK. Does not the Senator believe that it should be written into the proposed law that account of that shall be taken in estimating the cost?

Mr. UNDERWOOD. It is in the proposed law, for it provides that his profit shall be 8 per cent on his cost, and that is the cost of the whole enterprise. Cost is cost, as the Senator knows.

Mr. KENDRICK. I understand that; but, according to the computation here, it would be an annual cost, and not a cost on the turnover, as it is called.

Mr. UNDERWOOD. The annual costs are always added in the turnover, as in the case of a great furnishing store which will turn over its business maybe two or three times a year; but at the same time it has its overhead and its office charges which run during the year and a proportionate amount is all added into the turnover charge. There is no question in bookkeeping, in my judgment, that the cost of the power is a part of the cost of the plant; and that is my purpose. I have no doubt the Secretary of War, if he writes the lease or the contract, will use such language as will make it perfectly plain if the bill does not do so now, but I think it does.

Mr. KENDRICK. The Senator will agree that there should be no doubt about it as the law shall be written?

Mr. UNDERWOOD. I do. I am trying to sell a very cheap power to a lessee, a power that is concededly cheap, in order to induce the lessee to come in and do something else which I desire shall be done.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia [Mr. HARRIS].

Mr. HARRIS. Mr. President, under the substitute as it is now drawn all of the fertilizer provided for could be sold in the State of Alabama or a section of that State. I am sure the Senator from Alabama is not opposed to the amendment on that ground, but for him to say that under the amendment the corporation would be compelled to send fertilizer to Maine or to California is exaggerating what the amendment is intended to do. If adopted, the amendment will protect every section which can pay the railroad freight and buy the fertilizer to be manufactured at Muscle Shoals, and unless some amendment like this is adopted under the proposed law, as at present drawn by the Senator, the power company or the corporation could sell all the fertilizer manufactured at Muscle Shoals to one corporation in one State or section. It might sell it to the fertilizer trust, if there should be one. This amendment is to require that the Secretary of Agriculture shall see that the fertilizer is distributed to farmers and give all the farmers the benefit of it. That is all there is to it. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. In his absence I withhold my vote. If I were allowed to vote, I should vote "nay."

The roll call was concluded.

Mr. OVERMAN. I have a general pair with the Senator from Wyoming [Mr. WARREN]. In his absence I withhold my vote.

The result was announced—yeas 18, nays 47, as follows:

YEAS—18			
Asbust	Harris	Neely	Sterling
Borah	Johnson, Minn.	Norris	Swanson
Brookhart	Lenroot	Sheppard	Trammell
Frazier	McKinley	Shipstead	
George	Mayfield	Smith	
NAYS—47			
Ball	Fernald	Keyes	Ralston
Broussard	Fess	King	Reed, Mo.
Bruce	Fletcher	Ladd	Robinson
Butler	Glass	McKellar	Shortridge
Capper	Greene	McLean	Smoot
Copeland	Hale	McNary	Spencer
Couzens	Harrison	Means	Stanley
Curtis	Heflin	Metcalf	Underwood
Dahl	Johnson, Calif.	Moses	Wadsworth
Dill	Jones, N. Mex.	Oddie	Walsh, Mass.
Edge	Jones, Wash.	Pepper	Willis
Ernst	Kendrick	Phipps	
NOT VOTING—30			
Bayard	Caraway	Edwards	Gerry
Bursum	Cummins	Elkins	Gooding
Cameron	Dale	Ferris	Harrell

Howell
La Follette
McCormick
Norbeck
Overman

Owen
Pittman
Randell
Reed, Pa.
Shields

Simmons
Standfield
Stephens
Walsh, Mont.
Warren

Watson
Weller
Wheeler

So Mr. HARRIS's amendment to Mr. UNDERWOOD's amendment was rejected.

Mr. GLASS. Mr. President, I send to the desk an amendment to the amendment, which I am assured the Senator from Alabama will accept. I ask that the amendment to the amendment may be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The PRINCIPAL LEGISLATIVE CLERK. In the amendment in the nature of a substitute offered by the Senator from Alabama it is proposed, on page 14, to strike out line 18 and line 19 down to the period in the following words:

The Federal reserve banks shall be authorized to receive deposits of the corporation.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia to the amendment of the Senator from Alabama.

Mr. UNDERWOOD. Mr. President, I wish to say only a word or two. I had inserted in my amendment a provision to the effect that deposits of the corporation should be made in the Federal reserve banks. I did so because there is a fund to be accumulated, and I thought that was a safe place for the deposit of that fund. I find, however, that the provision is objectionable to some of my colleagues in the Senate on the basis that the true functions of the Federal reserve banks do not contemplate such deposits, and I do not care to make a contest over that question in the bill. Therefore I have no objection to the provision being eliminated. It is merely a question where the funds shall be deposited.

Mr. McNARY. Mr. President—

The PRESIDING OFFICER. The Senator from Oregon.

Mr. McNARY. I do not wish to intrude my statement until the amendment proposed by the Senator from Virginia has been determined.

Mr. UNDERWOOD. That is all I have to say.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Virginia to the amendment of the Senator from Alabama [Mr. UNDERWOOD].

Mr. SMOOT. I ask that the amendment to the amendment be stated.

The PRESIDING OFFICER. The amendment to the amendment will again be stated for the information of the Senate.

The READING CLERK. On page 14 of the so-called Underwood amendment it is proposed to strike out line 18 and part of line 19, reading as follows:

The Federal reserve banks shall be authorized to receive deposits of the corporation.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Virginia to the amendment of the Senator from Alabama [Mr. UNDERWOOD].

The amendment to the amendment was agreed to.

Mr. McNARY. Mr. President, a few days ago I gave the usual notice to this body that at the proper time I would propose an amendment to the amendment offered by the Senator from Alabama [Mr. UNDERWOOD] as an amendment to House bill 518. At this time I offer the amendment to the amendment, and ask that it may be read.

The PRESIDING OFFICER. The amendment offered by the Senator from Oregon to the amendment of the Senator from Alabama will be read.

The READING CLERK. In the amendment proposed by the Senator from Alabama [Mr. UNDERWOOD], on page 4, line 25, after the word "contract," it is proposed to add the following:

The lease in so far as relating to Dam No. 2, its power house, machinery, and equipment, the steam plant at Sheffield, and all lands in connection therewith, shall be made subject to and in accordance with the provisions of the Federal water power act.

Also, in line 1, on page 5, for "said property" substitute the words "all property leased."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oregon to the amendment of the Senator from Alabama.

Mr. UNDERWOOD. Mr. President, unless the Senator from Oregon desires to address the Senate, I wish to say something about the amendment to the amendment before the vote is taken.

Mr. McNARY. I desire to speak very briefly on the amendment to the amendment unless the Senator from Alabama

desires to accept it. In that case I shall not detain the Senate.

Mr. UNDERWOOD. I can not accept the Senator's amendment. I think it is entirely contrary to the theory of the proposed substitute as drawn.

Mr. HARRISON. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. McNARY. I yield for a question only.

Mr. HARRISON. I have suggested that I am going to offer an amendment to the substitute proposing to put Dam No. 3 under the same restrictions and provisions as Dam No. 2. I notice the amendment of the Senator merely applies to Dam No. 2. Of course, if it should be adopted, I understand he would want it to apply also to Dam No. 3.

Mr. McNARY. If the Senator wants to offer that amendment at this time, and the parliamentary situation is such that it would be proper to do so, I shall be very glad to accept it.

Mr. HARRISON. I was going to offer it as soon as these other amendments are out of the way.

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Washington?

Mr. McNARY. I yield to the Senator.

Mr. JONES of Washington. I just heard the Senator's amendment read. Does the Senator's amendment place the charges for power developed at this dam under the water power act?

Mr. McNARY. It would, naturally, for the power that is distributed to consumers of hydroelectric energy.

Mr. JONES of Washington. I did not hear any reference to charges for power in the reading of the Senator's amendment, and I wanted to be sure whether or not the Senator intended to cover that.

Mr. McNARY. The Senator from Washington is so conversant with the water power act, which he fathered through the Senate, that he must recall the commission in that case can, for the purpose of fixing a rate, specify in the contract a charge which the lessee must observe.

Mr. JONES of Washington. Yes; I know it.

Mr. McNARY. I do not interfere with that provision at all.

Mr. JONES of Washington. I wanted to see if the Senator, by his amendment, brought the disposal of power under that provision of the water power act.

Mr. McNARY. I hope to; otherwise, the amendment would be nugatory.

Mr. JONES of Washington. I was rather inclined to think so, and yet I wondered if the language that the Senator uses would accomplish that purpose.

Mr. McNARY. If it can be better accomplished with other expressions, I shall be very happy to have them suggested.

Mr. JONES of Washington. I just heard it read, and I simply wanted to get the Senator's idea.

Mr. McNARY. I think we are quite in accord.

Mr. McKELLAR. Mr. President—

Mr. McNARY. I yield to the Senator from Tennessee.

Mr. McKELLAR. I thought the Senator was going to take his seat, and before he took his seat I wanted to ask him a question; but in what he is about to say he may speak of the very thing I want to ask him about.

Mr. McNARY. I again assure the Senator from Tennessee that I shall be brief. I want only a few moments.

Mr. President, it is not my purpose to shorten the arms of the Secretary of War with regard to the making of this lease or with regard to transferring the rights there to the licensee, or to impair in any way the administration of this legislation, if it should become such. I do not want the licensee at Muscle Shoals to have any special advantage over the licensees in other power developments on the public domain or on our navigable rivers. I recall, as a resident of a far-off Pacific State, that for very many years an effort was made through this country to establish a national plan for the development of our water-power resources. Indeed, a decade of debate raged in this body and in the House of Representatives regarding whether or not we should have a national policy. I want to adhere to the national policy that is written in the Federal water power act. If that is done, Mr. President, the licensee in this particular case would have no advantage over the licensees in other water-power developments.

Since the water power act was enacted on the 10th day of June, 1920, there have been 308 distinct permits, all of these licensees operating under and being regulated by the wise provisions of the water power act. In doing that we estab-

lished a national policy. You will all recall, those who were here, that in 1906 the first effort was made by this body and the House to adopt a national plan. You will recall that the tenure which these licensees would have held was so uncertain that no applications were made under the act of 1906, or very few indeed. A further effort was made by Congress in 1910 to strengthen the act of 1906, without success, because it did not give to the licensee a proper basis for the estimation of the value of his property at the time of the expiration of the contract.

During all these years of water-power development in this country the law was so uncertain in the matter of what should be the proper basis for rate fixing, the tenure, and all matters of control, including what the licensee should receive at the expiration of his contract, that those who had money to invest did not seek this field; and, Mr. President, they did not seek this field until the enactment of this law, under which I propose, if I shall have my way, that this contract shall be made.

This is the only great, big power that is being operated to-day that is not under the water power act. The great power developed by the Alabama Power Co., as I recall, as a matter of history, was erected under a special act of Congress passed in 1906. They came back in 1912 for certain rights on the Coosa River in Alabama. Congress passed a special act granting certain water rights to the Alabama Power Co. at that time, but President Taft vetoed the bill upon the theory that it did not protect the interests of the public. Later on, the great development on the Connecticut River and the large development at Niagara Falls came under the purview and operation of the water power act. So to-day, Mr. President, there is not a great water power operating on the navigable streams nor on the public domain that is not under the provisions of this act.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. McNARY. I yield to the Senator from Tennessee.

Mr. McKELLAR. I call the Senator's attention to the powers given to the Secretary of War on page 5, section 5, of the Underwood bill. I read:

The lease shall also provide the terms and conditions under which the lessee may sell and dispose of the surplus electric power created at said plants. The lease shall also provide for the protection of navigation—

And so forth. The Secretary of War is given the power to make the contract.

Mr. McNARY. Oh, yes.

Mr. McKELLAR. And unless those words are modified or stricken out, I am inclined to think that that would be in conflict with the amendment the Senator has offered, with which I am in considerable sympathy, and I hope it may be so that I can vote for it.

Mr. McNARY. I thank the Senator from Tennessee for his suggestion. The complaint I have about the language just read by the Senator from Tennessee, found in section 5 of the Underwood amendment, is that it is too general. It is not specific. It is not calculated to protect the interest of the public, the consumers, the men who furnish the money to start this great project.

I do not think, as the Senator from Tennessee evidently thinks, that section does come in conflict with the provisions of the water power act. There must be some latitude left to the Secretary of War with regard to making contracts covering the manufacture of nitrates. I am willing to give him wide discretion in that matter; but in power used for other purposes, for hydroelectric energy or chemicals or lifting water for purposes of irrigation, if such there be, that great power then would come in competition with all other powers in the country, and should be subjected to the same regulatory provisions.

Mr. President, when this Government enters upon a national policy or a plan which is the culmination of years of study and faithful consideration by Congress, I do not think we should abandon it lightly or at all. Take the great reclamation system in the West: Who would consider to-day the advisability of going back of that system, enacted in 1902, and voting money out of the Treasury of the United States for specific contracts upon an entirely different proposition? It has not been done for 22 years. It will not be done for 22 years more. We have defined a policy in the administration of our national forests. A great policy has been laid out and followed. In the improvement of our rivers and harbors a great policy has been laid out. We in the West, who face the Pacific Ocean, who have faith in our projects, put up 50 cents out of every dollar that is contributed for the improvement of our harbors in order that we may reach the markets of the world. That is a policy that has been adopted. I would not have the

courage to come before Congress and ask that 100 cents be appropriated out of the Treasury of the United States and no money out of the treasuries of the various States where these particular projects are to be improved.

Therefore, in this particular instance, having defined our policy regarding the development of our water-power resources on our public domain and on navigable rivers over which we have jurisdiction by virtue of the provisions of the Constitution with reference to the regulation of commerce, I think it would be singularly unfortunate if the Secretary of War might make a lease with a license freed from the provisions of the water power act. It would work infinite damage to those holding permits, 308 in number and others to follow, all subject to this great act of legislation. It would work perhaps an irreparable injury upon the consumers of power in the years to come. There must be some regulation. If the cost of operation decreases, if by the creation of reserves for the purpose of lessening the indebtedness a lower rate can be given to the consumer, he must have this advantage, such as is given by the water power act.

Mr. KENDRICK and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oregon yield; and if so, to whom?

Mr. McNARY. I yield first to the Senator from Wyoming, who was first on his feet.

Mr. KENDRICK. Mr. President, I did not hear the amendment read. I therefore wish to ask the Senator whether his amendment would apply in this case only to such power as would be sold for commercial purposes from this Muscle Shoals Dam? In other words, the Senator will note from the bill that the power at Muscle Shoals Dam No. 2 is dedicated to certain purposes. I assume, therefore, that the plan of his amendment is to have it apply to such power as will be sold in the regular way.

Mr. McNARY. I conceive that to be the manner in which the amendment would operate.

Mr. SMOOT. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. McNARY. Gladly.

Mr. SMOOT. In reading the Senator's amendment I take it for granted that if at any time there is any power created at Dam No. 2 and used for any purpose it would fall within the provisions of the Federal water power act; or, in other words, if in the future at any time—it may not happen, and it may—part of the power created at Dam No. 2 is used for the manufacture of fertilizer, it would have to pay the charges imposed by the Federal water power act?

Mr. McNARY. I am taking this view of that matter, and I do not know how it could be remedied by an amendment, because I will state to the Senator from Utah that there is no human agency existing now, or perhaps in the future, that can allocate the amount that should go into fertilizer or into water power for distribution purposes.

Mr. SMOOT. The amendment could specifically provide that. In other words, it could provide for taking the surplus power over and above that used for the purpose of manufacturing fertilizer.

Mr. McNARY. Probably so. That occurred to me in discussing the matter with the drafting bureau; but I assume that when the great purposes of this act are understood—namely, the manufacture of nitrates in time of war and fertilizers in time of peace—a latitude should be given the Secretary of War to use power for that purpose.

Mr. SMOOT. He could not do it under the water power act.

Mr. McNARY. I appreciate that.

Mr. SMOOT. The time may never come when that power will be used.

Mr. McNARY. Yes; but I assume that this act being a later act and covering a specific subject, whenever it came in conflict with the water power act the water power act would yield to this act, perhaps.

Mr. SMOOT. Not under this amendment.

Mr. McNARY. Further than that, I do not think the criticism would lie there, because I do not believe that power will be used.

Mr. SMOOT. That may be. I am only asking the question to clear my understanding of the amendment.

Mr. McNARY. I am trying to present to the Senator from Utah as best I can the various reasons for using the language in that form. I think, as was so well stated here a few days ago by the distinguished Senator from Nebraska [Mr. NORRIS], that there will ever be a diminishing demand for water power in the production of nitrates, and for that reason I do not believe that Dam No. 2 will ever be called upon for that pur-

pose. I think its great use will be for commercial and industrial development in the South, and when it gets into that field I can conceive of no reason why this power should be released from the obligations fastened upon all those licensed under the water power act. For that reason I have offered this amendment.

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER (Mr. Oddie in the chair). Does the Senator from Oregon yield to the Senator from Washington?

Mr. McNARY. I yield to the Senator.

Mr. JONES of Washington. I merely wish to suggest some addition to the amendment to make clear, I think, what both the Senator and I would like to see done. I am in hearty accord with the purpose of the Senator's amendment, but it seems to me that the language of the amendment does not cover the disposition of power at all. It provides:

The lease, in so far as relating to Dam No. 2, its powerhouse, machinery, and equipment, and the steam plant at Sheffield and all lands in connection therewith, shall be subject, etc.

There is no reference there to power at all. I suggest, after the word "therewith" at the end of line 4, to insert "and the disposition of surplus power." It seems to me that would make it perfectly clear.

Mr. McNARY. I thank the Senator for his courtesy and suggestion. I am very glad to accept it, because I appreciate that it makes the amendment very much clearer.

Mr. UNDERWOOD. Mr. President, I desire to say a few words with reference to the amendment, but if I may have the attention of the Senator from Oregon, I would like to ask him a question: Did I understand that his purpose in offering this amendment was to provide for the regulation of the sale of the power?

Mr. McNARY. That is only an incident to the water power act.

Mr. UNDERWOOD. Will the Senator tell me, if his purpose is not to provide for the regulation of the sale of the power, then what other provisions of the water power act does he wish to invoke?

Mr. McNARY. Under the water power act, at the termination of the 50-year period, the Government would have the right to acquire the property and transfer it to municipal or certain public uses or re-lease it for a given period of time to the lessee upon a valuation fixed and reported during the time of the existence of the lease. That is one of the provisions. I might get the water power act here and read the beneficial provisions—

Mr. UNDERWOOD. I have the water power act right before me.

Mr. McNARY. I suggest that the Senator consult the water power act.

Mr. UNDERWOOD. I want to get the Senator's reasons for suggesting this amendment. He says one reason is that he wants regulation. Another is that he wants the property returned in 50 years, so that the Government can dispose of it. Has the Senator any other reason?

Mr. McNARY. I want those who have the right by contract to operate this plant and sell the energy to be on the same footing as are those operating on the other navigable streams of the public domain throughout this country. I want common fairness between these people and all others who come within its provisions, and no special privileges to anyone.

Mr. UNDERWOOD. There is one other proposition the Senator has not mentioned, if that is all he has in mind. There is a small charge against the power used by a public corporation that has to go to a bureau here in Washington. Does the Senator want it for that reason?

Mr. McNARY. I hardly think that is a fair statement for the distinguished Senator from Alabama to make.

Mr. UNDERWOOD. I am trying to find out the basis of the Senator's amendment, so that I can make my argument.

Mr. McNARY. There is a provision in the water power act whereby after 20 years of operation the water power commission can create a reserve for the purpose of reducing the indebtedness or the capital investment, thereby lowering the rate of charge to the consumer. I will ask the Senator from Alabama if he has any objection to that wise provision of the water power act?

Mr. UNDERWOOD. I am sure the Senator has not analyzed my amendment or he would not make that suggestion. I was trying to find out, in addition to all the Senator has suggested, whether he had in mind a small fee—and it is not so small, either—which goes to a bureau chief here in Washington. Does the Senator think that is not material? Or does he want that to apply?

Mr. McNARY. I think I answered that in a general way a moment ago. The thing must occur to the Senator, and I know that it does occur to him, because I believe he understands this measure. I think he does know something about the provisions of the water power act, too. There are certain restrictions of advantage to the public which I want to see applied to all licensees that generate power on the navigable streams. I do not want your licensee down in Alabama, whoever it may be, working under a contract to the disadvantage of the one operating in California or any other place in the far West.

Mr. UNDERWOOD. The Senator is thoroughly right about that, if his assumption is true. If the amendment I have proposed would bring about a condition whereby the licensee under it could operate, and where it would be effective against another licensee, I would not complain when he expressed the desire to have them all put on an equal footing. But his legal assumption is not true, because he has not analyzed my amendment.

If the Senator and the Senate will allow me, I will say that I see no reason on earth why this amendment to my amendment should be adopted, unless it is to allow a bureau here in Washington to stick its nose into this business and get a fee for it. I know many of these bureaus want to have their hand in everything that Congress does. There is no machinery of government you can create to which they do not want their bureau attached and in connection with which they do not want to get a fee. I think that much would be accomplished if the Senator's amendment were adopted—that you would have a bureau chief interfering with this lessee. But we want to make fertilizer as cheaply as possible.

Mr. McNARY. Will the Senator yield for a question?

Mr. UNDERWOOD. Yes; I am glad to yield.

Mr. McNARY. I appreciate that the remarks the Senator is making contain more or less poison against bureaucracy. Beyond that they have no weight or application, in my opinion. But, to be fair, this fee does not ultimately go into the coffers of the licensee. The fee that is given there is for the purpose of amortization and for liquidating the indebtedness.

Mr. UNDERWOOD. I am sure the Senator does not understand my amendment, or he would not say that.

Mr. McNARY. The only fee possible would be that for administration, and that is nominal.

Mr. UNDERWOOD. I know, but the Senator has so far, and I am afraid the Senate may have, misunderstood this situation, and I want to get right down to it. I asked the Senator these questions because I wanted to bring out really what he had in mind, and I see that the Senator has not grasped the provisions of this amendment. The general water power act applies to a private citizen who goes to the Government and asks for a permit to dam a river for his own benefit, and it is a very useful and beneficial act under those circumstances. It provides the rules and regulations under which he can accomplish that result, the citizen dealing with the Government. Here we have a case entirely different from that. The Senator says it should be amortized.

Mr. McNARY. I would like to know wherein this lease, outside of the production of fertilizer, differs, when made by the Government with a private individual, from a lease made upon any other navigable stream.

Mr. UNDERWOOD. The Senator does not seem to realize that this power plant belongs to the Government of the United States now. Under the water power act, if the Government grants a 50-year lease to a citizen of the United States, it makes him amortize, so that the Government at the end of the 50 years gets the right of disposal of the property, the right to capture it away from the citizen who has gone to work and developed it. That is one of the provisions of the water power act. It is the Government taking control away from the citizen at the end of 50 years, the citizen to get back the money he put into it, giving an opportunity for the citizen to make a charge through the 50 years, so he gets paid back, and then turns the plant over to the Government. We are starting right now with the Government in possession, in ownership, and it is to continue to be in ownership.

Mr. McNARY. Will the Senator yield there?

Mr. UNDERWOOD. Certainly.

Mr. McNARY. That distinguishing feature does subsist between this proposal and any other only with regard to the property, and the turning of it back. That is only one of the very many elements embraced in the water power act.

Mr. UNDERWOOD. I am going to discuss the others. If the Senator has conceded that, I will go on to the next. Of course, the property belongs to the Government. Why does the Government want to set up a recapture fund against itself, or an amortization fund against itself? The lease in this bill

provided runs for only 50 years, the term of the Federal power act, and at the end of the 50 years it will expire whether a Government corporation has it or a lessee has it, and the property will be in the hands of the Government itself, just where the water power act would put it at considerable expense. That is that proposition, which does not apply.

The next proposition is that the Senator says that he thinks this property ought to be operated by the Government on the same terms under the water power act under which it would be operated in his part of the country or anywhere else. I am not so sure of that; but it is not necessary to go any further than that statement.

Of course, I would make a distinction, and I am trying to make a distinction, between the production of fertilizer for the benefit of the great American people and an ordinary business. As I have said repeatedly in this debate, I think next to the national defense cheap fertilizer is the greatest boon to the American people, and I am not disposed to do anything that will make the farmer's burden in that respect heavier or prevent a lessee or a Government corporation from making fertilizer cheap. But that does not apply.

I have the water power act in my hand, and sections 18 and 19 relate to the regulation of the sale of power by the Government, as the Senator will see if he will refer to them. I will not bore the Senate by reading to it all the terms of this regulation of power. I merely want to read the proviso at the end. After the water power act provides for the regulation of power by the Federal Government, at the end of section 19, on page 12, it says:

Provided, That the jurisdiction of the commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

In other words, that your entire regulation by this commission under this bill which you seek to inject as an amendment to the law falls as soon as there is State regulation. Is not that true?

Mr. McNARY. Yes; that is true.

Mr. UNDERWOOD. I know it is true of Alabama, and I am informed that every State where it would be possible to send its power over a wire and sell it has already State regulation for the sale and use of power. Of course, the terms of the bill would not apply, because under the proposal of section 19 the State regulation for the disposition and sale of power applies. But I can make that certain—

Mr. McNARY. Will the Senator permit me to ask him a question, and will he endeavor to answer it?

Mr. UNDERWOOD. Certainly.

Mr. McNARY. There is no question that the State has a separate right provided they have enacted legislation?

Mr. UNDERWOOD. They have. That is my information.

Mr. McNARY. Is it not true, however, that it has been held that Congress alone has the authority to fix the base upon which rate fixing shall be made, and that is on the actual net investment, and that is the basis which the State takes from the Government when operating through the regulatory channels? I think it is fair to say that.

Mr. UNDERWOOD. In the first place, I do not think they alone have the power, but in the next place, if the Senator will read the proviso, I think he will see that the power act itself abandons that provision because it says:

Provided, That the jurisdiction of this commission shall cease—

Can we get any stronger language than that to cut them out?—

and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission.

Mr. McNARY. It is true the Government has agreed to abandon regulation, provided regulation is on the State statute books, but what is the basis for State regulation upon the navigable streams? It is that which has heretofore been prescribed by the Congress of the United States.

Mr. UNDERWOOD. I understand, but there is not a word in the water power act that says the State shall take a Government valuation of anything. It merely says the commission shall get out when the State starts to regulate, and the States do regulate.

Mr. McNARY. I did not say there was any such thing in the act. I am speaking about the construction that has been placed upon the act and what is the legal aspect of the proposition.

Mr. UNDERWOOD. The Senator knows we can not, by construction, put something into an act that is not there. We can not put any construction upon the act if there is no fundamental term there upon which to base it. The minute there is regulation in the State the Federal power act ceases to apply.

But that is not why the Senator wants the Federal water power act injected into the pending legislation. I want to call attention to section 10 of the amendment which I have proposed, and which reads as follows:

The surplus power not required under the terms of this act for the manufacture of nitrogen or fertilizer when sold or used shall be subject to the laws, rules, and regulations relating to the sale and use of electric power in the several States in which said power is used.

Those are the identical terms of the Federal water power act relating to regulation and sale when the State commissions have been appointed as they have in these several States wherever the power could possibly reach. But there is a provision in the water power act, and I was very careful to ask the Senator about it. I am not saying this in criticism of the Senator from Oregon at all. The Senator awhile ago said he was not familiar with my bill, and I think he has proved by his subsequent statements that he is not familiar with what we are doing. He was not familiar with the fact that the lease ended in 50 years. He wanted to recapture the property at the end of 50 years.

Mr. McNARY. I know the Senator wants to be fair. I have been studying the subject for four or five years. I have read the Senator's bill. I do not think anyone understands it, and I am in that general category.

Mr. UNDERWOOD. The Senator certainly understands there is no lease, either by the corporation or the lessee, that will run over 50 years.

Mr. McNARY. That is about the only thing that is understandable in it.

Mr. UNDERWOOD. Perhaps the Senator will understand some other things if I call his attention to them. If the Government under the terms of this lease can not go further than 50 years, why does the Senator want to recapture the property? Why does he want to inject legislation providing to recapture it and require the Government to set up an amortization fund against itself for recapture when at the end of 50 years we are going to get it back anyhow?

I can not understand why, and I am sure the Senator does not understand my bill or he would not think it necessary to provide for recapture when the property all belongs to the Government, and it is under any circumstances coming back at the end of 50 years.

Mr. McNARY. Mr. President, will the Senator yield again?

Mr. UNDERWOOD. Certainly.

Mr. McNARY. I said in my introductory remarks that there are certain provisions of the water power act that are not consistent with the terms of this bill or the contracts to be made pursuant thereto. I appreciate the recapture clause is not pertinent here. I know there are certain phases embodied in the bill, and which must be incorporated in the contract that are not pertinent to the water power act. But there are provisions of the water power act which I think are very pertinent, and one of them is that which prevents discrimination, monopoly, and evasion of the law. Does the Senator want to do that? Let me read one thing while we are looking around for some of the good things in the act. This is one of many, and it is just a sample:

That combinations, agreements, arrangements, or understandings, express or implied, to limit the output of electrical energy, to restrain trade, or to fix, maintain, or increase prices for electrical energy or service are hereby prohibited.

Does the Senator object to that provision of the water power act when all others operating in the country are conforming to it? We will in some years to come have a great quantity of excess power over that which is used for the manufacture of nitrate, and I want to prevent the fixing of prices and discrimination. I suspect that is one provision to which the Senator from Alabama objects.

Mr. UNDERWOOD. No; I do not object for that reason, but because it is futile. A great many things go into law that are ancient and obsolete, and that is one of them. That is an effort to create competition in a regulated public service. They provide for regulation in that act and then say again that the Sherman antitrust law shall not be evaded. It is all set forth in the Sherman antitrust law, but the author of this particular water power act wanted it all put

in there again. He provides for regulation there by the Government or the State. If we have proper regulation, what do we care about competition?

As a matter of fact, I will say to the Senator from Oregon, the Congress of the United States has reversed its policy on that proposition. The President of the United States himself and almost everybody in authority have recognized that the theory the Senator is talking about in archaic and obsolete when we have proper regulation. We have enacted a law with reference to certain public-service corporations, the railroads, seeking combinations to facilitate the carrying of freight and public service, inviting combinations, and the distinguished President pro tempore of this body, who does not happen to be in the chair just now, wanted at one time to make it mandatory that they should combine in order to facilitate business, because when there is regulation in rates there ceases to be any necessity for competition; in fact, the necessity for competition is gone. In my State there is a most excellent law that absolutely regulates the rates and fixes the earning capacity of the investment, and the adjacent States all have laws for regulation. The law to which the Senator refers under the very terms of the water power act does not apply as soon as the State comes within those terms. It ceases then to apply.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I will in just a moment, if the Senator will allow me to proceed.

Mr. BROOKHART. Certainly.

Mr. UNDERWOOD. So it is not a question of regulation. I am not now talking about the Senator from Oregon. This proposal has come to me several times from the same source that resides here in Washington. I know that the ambitions of bureaucratic government are without limit, and as I said awhile ago they always want to tie onto the tail of everybody else's kite.

But the serious objection that I have to the suggestion is not so great. In section 17, if the Senator will read it, provision is made for a fee that must be charged for each kilowatt hour or horsepower and where it is on Indian lands a portion of it goes to the Indian tribe and the other part is absorbed by a bureau in Washington.

It is not so great, but for the use of this power in any other dam where there is a private citizen who develops the power, the small fee is taken out of the operator of the dam and ultimately a portion if not all of it lands in a bureau in Washington, and not in the Public Treasury, to enlarge the powers and magnitude and dignity of the Washington bureau. That is all there is in the Senator's proposal, and I challenge him to show that there is anything else; that there is one single thing in the water power act that is not taken care of under the terms of the bill before the Senate except the transmission of a small fee from Muscle Shoals, Ala., that must come out of the farmer in the price of the fertilizer—probably so small that he would not feel it, but that is where it would come from—that must be transmitted to an independent bureau of the Government at Washington.

I yield now to the Senator from Iowa.

Mr. BROOKHART. The Senator in his statement said the law of the State of Alabama regulated the return upon the investment of these enterprises. Does not his amendment change that rule and allow 8 per cent on the turnover?

Mr. UNDERWOOD. Oh, no. The Senator has not read the bill. The fertilizer is one thing and the power is another thing.

Mr. BROOKHART. Is there any regulation whatever as to the power?

Mr. UNDERWOOD. The regulation in reference to 8 per cent on the turnover of fertilizer is one thing. There may be some surplus power. What the Senator from Oregon was discussing was the sale of the surplus power to the citizens of the several States, and that is regulated under the laws of Alabama.

Mr. BROOKHART. Is it the Senator's claim that that is regulated?

Mr. UNDERWOOD. It is not only a claim, but it is a fact. If the Senator wants to verify it, he can send and get the statutes of Alabama and read them.

Mr. BROOKHART. Would the regulation in Alabama fix the amount of return they could earn on the investment in the corporation that leases Muscle Shoals?

Mr. UNDERWOOD. I do not make myself clear to the Senator apparently. I will try to make it perfectly clear to him. It has nothing to do with the corporation. It has nothing to do with the fertilizer. What I am talking about has nothing to do with the profits of the corporation.

Mr. BROOKHART. But, if the Senator will allow me—

Mr. UNDERWOOD. Just a moment. If the Senator wants me to explain it he should let me proceed. It has nothing to do with that, but there might be some surplus power and that surplus power will be sold to private enterprises throughout the States adjacent to Muscle Shoals. I say that in Alabama the sale of that surplus power and the rate at which it shall be sold and the regulations in reference to its consumption are controlled by the State of Alabama under its laws. That being the case, even if the water power act shall apply, under the terms of the water power act the Government regulation would cease and the Alabama regulation would apply, because the water power act provides that whenever the State regulates, the Government regulation shall cease.

Mr. BROOKHART. Under the Senator's bill, whether the property be operated by a Government corporation or by a lessee, there would be two sources of profit. One would be from the fertilizer, and the other from the sale of the surplus power.

Mr. UNDERWOOD. Yes.

Mr. BROOKHART. To my mind they can not be separated when we come to figure the return on the investment. The provision of this bill is not for an 8 per cent return on the investment, but it is for an 8 per cent return on the turnover, so far as it relates to nitrogen.

Mr. UNDERWOOD. Of course the only way that the law of Alabama could affect this situation would be that it would limit the profits at which the lessee or the corporation could sell the power; but if they are not willing to sell it in Alabama under its regulations they would have to sell it somewhere else in order to dispose of it. We have very good regulations there, and I think that power sells in Alabama at a lower rate than in most of the adjoining States. If the corporation or lessee should not be willing to sell it for as low a price as Alabama compels them to sell it, then they would not have to do so, but they could take it somewhere else and sell it.

Mr. BROOKHART. Some of this power would cross State lines; it would go into interstate commerce; and in that case it would not be covered by the Alabama regulations.

Mr. UNDERWOOD. Not until it is sold or used would regulations apply.

Mr. BROOKHART. Suppose it were sold in Tennessee.

Mr. UNDERWOOD. In Tennessee they have a public utilities commission to regulate such matters.

Mr. BROOKHART. If it were a company located in Alabama and it sold it in Tennessee it would not be subject to Alabama regulations.

Mr. UNDERWOOD. That does not make any difference. It is where the power is sold and used that the regulations apply. It does not make any difference where the power comes from; it is regulated where it is sold.

Mr. BROOKHART. It would hardly seem to me that the Tennessee Public Utilities Commission would have any power to regulate the return on the investment of a company in Alabama.

Mr. UNDERWOOD. The Senator lives in a State next to Minnesota; but if he carried a wagonload of potatoes to Minnesota and Minnesota regulated the price of potatoes he would understand that he would have to sell his potatoes under the terms which the Minnesota law allowed him to do or he would not sell them at all.

Mr. BROOKHART. Of course, Minnesota has no power to regulate the price of potatoes coming from Iowa.

Mr. UNDERWOOD. But if it did, then it could regulate the price of electricity which comes over the line just in the way that it could regulate the price of a wagonload of potatoes which would cross the line between Iowa and Minnesota.

Mr. HARRISON. Before the Senator proceeds I desire to say that before he was interrupted I understood him to say that a very small cost might be exacted and it would come out of the profits that might be made in the sale of fertilizer.

Mr. UNDERWOOD. Yes; it is not material, but nevertheless it is a holdup.

Mr. HARRISON. I want to take issue with the Senator that it is almost infinitesimal. As I read the law, the Federal Power Commission has the right to exact 25 cents a horsepower, and if they should exact that much and there should be a million horsepower developed down there, it might amount to a quarter of a million dollars a year; it might amount to a great deal, and would increase the price of fertilizer to the farmers of the country.

Mr. BROOKHART. I think that is not a matter of criticism of the bureau. This bureau has only the power which

Congress gave it, and if any criticism can be made it should fall upon Congress and not upon the bureau.

Mr. UNDERWOOD. The Senator is right about that. I do not say it is true in this case, but I suspect that the bureaus come around to Congress, knock on the outer door, and lobby for what they can get for themselves.

Mr. BROOKHART. But that does not excuse Congress for yielding.

Mr. UNDERWOOD. No; and it would be inexcusable if Congress adopted the amendment of the Senator from Oregon.

What the Senator from Mississippi says is true. I said that the amount was small because this power will certainly sell for \$15 a horsepower, and 25 cents a horsepower is small in comparison; but when we take the great volume of power it will amount to a considerable sum of money, and if it is going to anybody it should go to the national defense and to the consumers of fertilizer and not to a Washington bureau. I therefore hope that the amendment to the amendment will not be adopted.

Mr. SMITH. Mr. President, before the vote is taken I wish to say that I wish to offer an amendment to the substitute proposed by the Senator from Alabama. I notice that the draft I have had made refers to the Senate bill 3507. I believe that the bill that we now have under discussion is House bill 518. Is that correct?

Mr. UNDERWOOD. It is House bill 518. I do not know what the Senator's proposed amendment is.

Mr. SMITH. I propose to amend the text really of House bill 518, and I wanted to get the pages and lines to correspond. Upon investigation I find that they do correspond, in fact, and therefore I offer the amendment and ask that it may be printed and lie on the table.

Mr. UNDERWOOD. I will ask the Senator not to force us over until to-morrow for a consideration of the amendment if it is reached to-day.

Mr. SMITH. If it is reached, I think, perhaps, we might discuss it and vote upon it.

The PRESIDENT pro tempore. The amendment of the Senator from Oregon [Mr. McNARY] to the amendment is now pending.

Mr. SMITH. I wish to state that I do not care to press my amendment at this time. Of course, if it shall become necessary, I might ask for a vote on it this evening; but, in any event, I presume that it will be germane even when the bill goes into the Senate in case we do not reach it this afternoon. So I will ask that the amendment may be printed and lie on the table.

The PRESIDENT pro tempore. The amendment proposed to be offered by the Senator from South Carolina will be printed and lie on the table.

Mr. McKELLAR. Mr. President, I think the amendment proposed by the Senator from Oregon to the amendment of the Senator from Alabama covers entirely too much territory. I doubt if all the provisions set forth in the amendment to the amendment are applicable to the pending measure; but I do think that substantially the provisions of sections 19 and 20 of the water power act should be applied to the pending bill; certainly all of those which are applicable should be applied; that is, those giving to the States the right to regulate rates where the power is purely within a State and the Congress or some organization directed by Congress the right to regulate rates where the power is interstate. I think substantially that ought to be done. At this time I merely state my opposition to the amendment offered by the Senator from Oregon for the reasons indicated and say that I shall offer the substance of sections 19 and 20 of the water power act later as an amendment to the pending proposal.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Oregon to the amendment of the Senator from Alabama.

Mr. McNARY. On that I ask for the yeas and nays.

Mr. COPELAND. Mr. President, I inquire if it is in order to present an amendment to the Norris bill at this time?

The PRESIDENT pro tempore. The Chair is of the opinion that an amendment offered to the committee amendment is in order.

Mr. COPELAND. I desire to offer an amendment and have it printed.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. COPELAND. I should like to have the amendment stated.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The READING CLERK. On page 28, line 10, after the word "available," it is proposed to strike out the following:

and he shall not demand of the Federal Power Corporation for such purpose more than 100,000 horsepower, of which not more than 25,000 shall be primary power.

Mr. COPELAND. The purpose, of course, of the amendment is to eliminate from the bill what seems to some of us to be a weakness respecting the amount of power which may be used for the making of fertilizer. Therefore, I want the amendment pending so that we may act upon it at the proper time.

The PRESIDENT pro tempore. The yeas and nays are demanded on the amendment of the Senator from Oregon to the amendment of the Senator from Alabama.

The yeas and nays were ordered.

Mr. HEFLIN. Mr. President, the Senator from Oregon [Mr. McNARY] has made reference to a bill which passed Congress when Mr. Taft was President, which provided for the building of a dam—Lock 12 or 18—as he said, on the Coosa River. It seems to me that the Senator is unfortunate in citing that case in this debate. Mr. Taft's veto of that bill drove the American Cyanamid Co. out of the United States into Canada. That was the effect of his veto. The American Cyanamid Co. was going to set up business at Montgomery, Ala.; it was going to operate at the dam proposed in the bill vetoed by President Taft. When President Taft vetoed that measure which had passed the Senate by an overwhelming majority and the House by a clear majority he killed the project, and then what happened? Why, the American Cyanamid Co. left the United States and went to Canada. It has been my idea, Mr. President, that we ought to do everything fair and reasonable to build up industries in the United States; that we ought to encourage them instead of throwing restrictions and obstacles around them and in their way and driving them out of the country.

Mr. McNARY. Mr. President—

Mr. HEFLIN. I yield to the Senator from Oregon.

Mr. McNARY. Is it not true that the Alabama Power Co. were the applicants for a license and Congress by special act granted them certain rights on the Coosa River? That is correct, is it not?

Mr. HEFLIN. That is true to a certain extent.

Mr. McNARY. Is that the same company that went into Canada?

Mr. HEFLIN. No. The company I named is the American company as I understand it, that was going to do business at this lock on the Coosa River, in the congressional district that I represented at that time.

Mr. McNARY. Well, I wish to be historically accurate in the matter. Is the statement that I made one that the record will sustain, that the Alabama Power Co. attempted, in 1912, as I recall, to acquire the second dam site on the Coosa River, and a special bill was enacted by the Congress of the United States? President Taft vetoed that bill because it did not carefully protect the rights of the public. Nothing was done with that development by the Alabama Power Co. until the water power act was passed in 1920, and they to-day are developing that power under the provisions of the water power act. If that was running them out of the country, they came back.

Mr. HEFLIN. That is a different proposition altogether, Mr. President.

Mr. McNARY. Then I hope the Senator from Alabama will not criticize the Senator from Oregon by saying he is unfortunate in his allusion, when I have correctly recited the history of the particular transaction to which I made reference a little while ago.

Mr. HEFLIN. But the Senator is not correct, if my recollection is accurate, because it is a fact that the American Cyanamid Co. was going to do business at this lock on the Coosa River, and it was denied the privilege of doing so by the veto of President Taft. So it did not do business there. It went into Canada and is now doing business in Canada; and my point is that we have lost this industry to the United States when we had the opportunity to obtain it, and lost it by the veto of President Taft.

Mr. McNARY. Mr. President, will the Senator yield again?

The PRESIDENT pro tempore. Does the Senator from Alabama further yield to the Senator from Oregon?

Mr. HEFLIN. I am always glad to yield to my friend from Oregon.

Mr. McNARY. I appeal to the Senator to be more careful with his facts and history. It was the Alabama Power Co. that applied for these rights, and Congress granted that particular company these rights in the bill that was vetoed by Presi-

dent Taft. They came back—they never went away, in fact—and are now operating at this particular dam under the provisions of the water power act—not the cyanamide company at all.

Mr. HEFLIN. The Senator's recollection and mine are quite at variance. My contention still is, in spite of all the Senator has said, that it was the American Cyanamid Co. that went down there for the purpose of consuming the power to be produced at the dam named in the bill vetoed by President Taft. They had everything ready. We passed this bill. I led the fight for its passage in the House, and the President vetoed it. And I want to say again that President Taft's action drove the American Cyanamid Co. out of the United States into Canada.

I want to correct the Senator on another thing, too. I think he said that practically all of the industries of the country run by water are now being operated under the Federal water power act. I desire to call the Senator's attention to the fact that the aluminum industry owned by Mr. Mellon and operated on the Little Tennessee River in Tennessee, using several thousand horsepower and planning to use 475,000 horsepower, is not under the Federal water power act. Why is it that this trust—and it is a trust; it is a complete monopoly in the hands of Mr. Mellon—why is it, I say, not covered into the Federal water power act? If we want to be entirely fair and uniform in all these propositions, I suggest to the Senator from Oregon to include in his amendment this aluminum business of Mr. Mellon on the Little Tennessee.

Mr. McNARY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama further yield to the Senator from Oregon?

Mr. HEFLIN. Certainly.

Mr. McNARY. I have not the persuasive power to defend Mr. Mellon here; it is not a part of this controversy; but again the distinguished Senator is wrong in his history and his facts. All the power developed on the Little Tennessee River is now under the water power act. I do not know whether Mr. Mellon is operating there, or the Aluminum Co.; but the Niagara project, the Tennessee project, and the Coosa River project are all under the water power act. There are a few scattered licensees who have water powers of from 50 to 100 horsepower that were granted special privileges years ago that are now without the fold of the water power act; but none of these large ones are, as intimated by the Senator from Alabama.

Mr. HEFLIN. Mr. President, the Senator from Oregon is again mistaken. I do not know where my good friend the Senator from Oregon has gotten his data. The information the Senator has does not at all coincide with mine.

Let me say this: The Aluminum Co. of America has a large development on the Little Tennessee River, where they already have one large hydroelectric plant in operation and are planning a total installation of about 475,000 horsepower, all to be used for the manufacture of aluminum. The Federal Government has spent thousands of dollars in efforts to preserve the navigation of the Little Tennessee River, and it is just as much a navigable stream to-day as it ever was. The dams of the Aluminum Co. affect navigation, and the entire situation is wholly within our control; yet no one has suggested that Mr. Mellon's aluminum company should come under the Federal water power act and that the perpetual rights that he now enjoys there should be limited to 50 years.

He is not limited to 50 years, to 100 years, or any number of years. He is not operating under your Federal water power act. He practically has a free hand in a perpetual right.

Mr. President, the situation here is not agreeable to me. I am not satisfied with either one of these bills. I was wholeheartedly in favor of Mr. Ford's offer.

Mr. NORRIS. Mr. President—

Mr. HEFLIN. I yield to the Senator from Nebraska.

Mr. NORRIS. I was interrupted, and did not hear just what the Senator said; but in order to get the question right I should like to ask the Senator, for information, if these licensees—Mr. Mellon, for instance, or his cyanamide company—did not acquire their rights prior to the passage of the Federal water power act?

Mr. HEFLIN. They may have. I am not informed as to that.

Mr. NORRIS. I would agree with the Senator that they are wrong. I am not defending them by any means, and would not vote for any one of them under any consideration; but prior to the passage of the water power act there were several instances, and that may be one of them—I do not recall to mind any of them, but that perhaps is one—where perpetual rights have been given. It was one of the things that President Roosevelt always opposed, and President Taft did afterwards; and, while I am not familiar with the matter, perhaps that was

one of the reasons why he vetoed the bill the Senator has referred to—that the granting of perpetual rights to anybody, tying up the resources of the country, was wrong.

I think we all agree about that. Nobody defends it now, and, as far as I know, since the passage of the water power act nobody has ever succeeded in getting through Congress an act giving them the right to use the public streams except under the water power act. If I am wrong about that I shall be glad to be corrected, because I will go just as far as the Senator will to prevent any kind of giving away of that kind. That was one of the things that we had before us and discussed in the water power act, and Senators and Members of the House did not agree as to the time. I remember distinctly that I was opposed to making it even 50 years. I thought 40 years was long enough; but after a great deal of debate 50 years was fixed, and if I am not mistaken there never has been a grant made since, because to get one of any other kind would require, of course, as the Senator knows, a special act of Congress.

Mr. HEFLIN. Mr. President, I do not remember whether Mr. Mellon secured these rights before or since the water power act went into effect, but the point is that he has these rights and he is operating in this same section on a river that flows into the great Tennessee River, and if he did get these rights prior to the time the Federal water power act was enacted, why was it that that bill was not vetoed? If it was done to protect the water rights of the Government in the veto of Mr. Taft regarding the Coosa River, why not exercise it on the Little Tennessee River?

I understand that quite a number of these projects in the country are not operating under this Federal water power act, and, as my colleague [Mr. UNDERWOOD] has already pointed out, there will be a conflict of authority in this matter which in my judgment will seriously handicap the operation of this corporation, whoever it is, at Muscle Shoals, if his bill shall become a law or if the bill of the Senator from Nebraska shall become the law.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. HEFLIN. Certainly.

Mr. NORRIS. I so fully agree with the Senator about granting perpetual rights that I do not want any misunderstanding. We can easily determine, if the Senator does not have it there, by looking it up just when this right was given to Mr. Mellon.

Mr. HARRISON. Mr. President, I think I can give the Senator the information he desires.

Mr. NORRIS. Before the Senator does it, let me call attention to what I think is another exception. I may be wrong; I am speaking only from memory now, but I think the dam of the Mississippi River at Keokuk is a perpetual right. If I am wrong, I shall be glad to be corrected by any Senator who is familiar with it.

Mr. HEFLIN. I think the Senator is correct.

Mr. NORRIS. And I think that act was passed while President Roosevelt was in the White House.

Mr. SMOOT. That was a special act of Congress. I remember it very well.

Mr. NORRIS. It was a special act of Congress. While I never talked with President Roosevelt about that I have talked with other men who have talked with President Roosevelt about it. That act was passed near the beginning of his administration; and one of the people with whom I have talked, who is in the Chamber now, told me that he talked personally with President Roosevelt, and President Roosevelt told him that it was one of the regrets of his life that he had ever signed the Keokuk bill giving them a perpetual right. Since the passage of the water power act I do not believe there has been an exception to it. Certainly there ought to be none unless there are peculiar circumstances, some of which I admit are involved here. There ought to be no exception made. In other words, we ought to treat everybody in the same way if they are getting the right under the law. Whether the law is right or not, it is the law, and we ought to apply it to everybody wherever it is applicable.

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Utah?

Mr. HEFLIN. I do.

Mr. SMOOT. I am quite sure the Senator was a Member of the House at the time the discussion took place on the water-power situation. One of the objections to the passage of the water power act was that there had been numerous grants to institutions throughout the country with no tax whatever imposed upon them, and therefore we should not pass the law as we did. The Senator will remember that beginning, I think, in the year 1908, or about that time, we began to hold meetings. Shortly after that I became chairman of

the Public Lands Committee, and at different sessions of Congress numerous hearings were had before we finally got the bill enacted into law.

I think the Senator remembers that. Then, during the discussion, this Keokuk Dam power site was developed, and it was in pursuance of a special act of Congress, and I know that President Roosevelt hesitated some time before signing it. If it had not been passed by the Congress as it was, I do not believe that he would have ever signed it, because I know how he felt at that time; and I know another thing: That since the passage of the water power act there never has been a special grant given to any concern or individual in the United States.

Mr. HEFLIN. Did the Senator say that the Federal water power act was passed in 1908?

Mr. SMOOT. No; it was later than that.

Mr. McNARY. 1920.

Mr. SMOOT. Was it not 1919? It was either 1919 or 1920; I forget which.

Mr. McNARY. Here it is—June 10, 1920.

Mr. HEFLIN. Under President Wilson's administration.

Mr. SMOOT. Yes; he was President at the time. I was chairman of the Public Lands Committee, and I know that I took an interest in it all the time—during President Taft's administration, during President Roosevelt's administration, and during President Wilson's administration.

Mr. HEFLIN. Now, then, Mr. President, it is admitted that we have exceptions to the general rule or law. The Keokuk Dam instance, cited by the Senator from Utah and the Senator from Nebraska, is one, and I have cited one. The aluminum business of Mr. Mellon, Secretary of the Treasury, is another.

Here is an industry that we are seeking to operate in the interest of agriculture, and we are trying to make of this project at Muscle Shoals a serviceable agency for the Federal Government and a great instrumentality of aid to the farmers of America; and God knows they need it. I think that since we have so many exceptions to the water power act we ought to make an exception of this one. As has been pointed out by my colleague [Mr. UNDERWOOD] and by the able Senator from Mississippi [Mr. HARRISON], it will impose a burden upon the farmers, because they would have to pay for the operation under the amendment of the Senator from Oregon. It will tax the fertilizer that they must buy, and that is an additional burden that ought not to be imposed by this body. I do not believe that the Senator from Oregon intended to impose such a burden upon the farmers of America.

Mr. President, I simply rose at this time to call to the Senate's attention the things that I have just mentioned. I do not desire to say anything more. I am opposed to the amendment of the Senator from Oregon, and I trust that it will be defeated.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Oregon to the amendment proposed by the Senator from Alabama, on which the yeas and nays have been ordered.

The reading clerk proceeded to call the roll.

Mr. McKELLAR (when his name was called). I have a temporary pair with the senior Senator from Ohio [Mr. WILLIS]. In his absence, I transfer that pair to the senior Senator from Montana [Mr. WALSH] and vote "nay."

The roll call was concluded.

Mr. OVERMAN (after having voted in the negative). I have just been informed that my pair, the senior Senator from Wyoming [Mr. WARREN], is absent. I transfer my pair with that Senator to the senior Senator from Tennessee [Mr. SHIELDS], and allow my vote to stand.

Mr. JONES of Washington. I desire to announce the following general pairs:

The senior Senator from West Virginia [Mr. ELKINS] with the senior Senator from Oklahoma [Mr. OWEN]; and

The junior Senator from Pennsylvania [Mr. REED] with the junior Senator from Delaware [Mr. BAYARD].

The result was announced—yeas 29, nays 34, as follows:

YEAS—29

Borah	Hale	McNary	Shipstead
Brookhart	Howell	Means	Stanfield
Capper	Johnson, Calif.	Moses	Sterling
Copeland	Johnson, Minn.	Norris	Walsh, Mass.
Couzens	Jones, Wash.	Oddie	Wheeler
Cummings	Keyes	Phipps	
Dill	Leandro	Ransdell	
Gooding	McKinley	Sheppard	

NAYS—34

Broussard	Curtis	Fletcher	Harrison
Bruce	Dial	George	Healin
Butler	Edge	Gerry	Kendrick
Caraway	Fess	Harris	King

Ladd
McKellar
McLean
Mayfield
Metcalf

Neely
Overman
Pepper
Pittman
Ralston

Robinson
Smith
Smoot
Stanley
Swanson

Trammell
Underwood
Wadsworth

NOT VOTING—32

Ashurst
Ball
Bayard
Bursum
Cameron
Dale
Edwards
Elkins

Ernst
Fernald
Ferris
Frazier
Glass
Greene
Harrell
Jones, N. Mex.

La Follette
McCormick
Norbeck
Owen
Reed, Mo.
Reed, Pa.
Shields
Shortridge

Simmons
Spencer
Stephens
Walsh, Mont.
Warren
Watson
Weller
Willis

So Mr. McNARY's amendment to Mr. UNDERWOOD's amendment was rejected.

Mr. McKELLAR. Mr. President, I offer the amendment I mentioned a few moments ago, which the Senator from Alabama said he was willing to accept. I ask that it be read.

Mr. UNDERWOOD. I said I had no objection to it, so far as I was concerned.

Mr. McKELLAR. I do not think it will be objected to by any one.

The PRESIDENT pro tempore. The Secretary will report the amendment to the amendment.

The READING CLERK. On page 4 of the substitute, at the end of line 19, the Senator from Tennessee proposes to strike out the period and to insert a colon and the following proviso:

Provided, That said lease shall be made only to an American citizen, or citizens, or to an American owned, officered, and controlled corporation; and, if leased, in the event at any time the ownership in fact or the control of such corporation should directly or indirectly come into the hands of an alien or aliens, or into the hands of an alien owned or controlled corporation or organization, then said lease shall at once terminate and the properties be restored to the United States. The Attorney General of the United States is given full power and authority, and it is hereby made his duty, to proceed at once in the courts for cancellation of said lease in the event said properties are found to be alien owned or controlled and are not voluntarily restored.

Mr. McKELLAR. Mr. President, I take it that there will be no opposition to an amendment of this kind. Of course, the first purpose of this industry at Muscle Shoals is to make nitrogen for war purposes. It is our great war asset, and of course it would never do, under any circumstances, that this great asset, so useful in time of war, should come under the control of any alien. Therefore this amendment has been offered by me, and the Senator from Alabama has accepted it so far as he is able to accept it. I hope it will be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now is on agreeing to the amendment offered by the Senator from Alabama, as amended.

Mr. JONES of New Mexico. Mr. President, I would like to call to the attention of the Senator from Alabama the provision on page 12 of his amendment, under the heading of "Capital stock and bonds." This paragraph provides that—

the capital stock of the corporation shall consist of 100 shares of common stock of no par value.

That, of course, is a mere formality, to represent the ownership in the corporation.

The next provision strikes me to be a very important one. It is as follows:

The corporation shall also issue an amount of 20-year bonds bearing interest at the rate of 5 per cent per annum, which shall be a first lien on the property of the corporation and in an amount not to exceed \$50,000,000, to be sold from time to time as needed to carry out the purpose of this act. The terms for the sale of said bonds shall be approved by the Secretary of War. If at the end of any fiscal year after the fourth year the corporation shall not have earned net sums sufficient to meet the interest on said bonds as evidenced by audits of the accounts of said corporation by the Secretary of War, the corporation shall forthwith cease operations and shall not resume until authorized so to do by the Congress.

Mr. UNDERWOOD. I will say to the Senator, before he starts his argument, that he apparently has not had the last print. At the suggestion of the Secretary of War in the memorandum he sent down here, I amended the amendment, and there is a new print, from which I will read to the Senator, as I see he has not the last print in his hand. I added this proviso:

Provided, That the principal and interest of said bonds shall be paid by the Secretary of the Treasury out of funds in the Treasury not otherwise appropriated upon default at any time in payment as herein provided by the corporation.

The Secretary of War suggested that if there was a default on these bonds the Government would have to pay them anyhow, that they could not sacrifice the property, and therefore he suggested that it was wiser in the beginning to provide that the Government should pay the principal and interest in case of default, because, he said, we would sell the bonds on issue at a much better rate, and that we could practically get a Government rate in selling the bonds with that provision in there, which we could not if it were not in there; and in the last analysis that we would have to pay them anyhow. So I accepted his suggestion.

Mr. JONES of New Mexico. I am very glad, indeed, to know that the amendment has been made. It obviates some of the difficulties which I thought I saw in the original provision.

If, however, that is to be done, I should like to ask the Senator from Alabama why we should put the rate of interest at 5 per cent? If the Government is going to pay the interest and the amount of the bonds in case of default, why should we fix the interest at 5 per cent when other obligations of the Government are now being sold at 4 per cent?

Mr. UNDERWOOD. I will say this to the Senator: I did not think, when I originally wrote the amendment, that we could sell without the Government guaranty behind the proposition at less than 5 per cent. I doubt it now; but I am perfectly willing to accept an amendment, as far as I can accept it, providing that the bonds shall bear a rate of interest of not to exceed 5 per cent.

Mr. JONES of New Mexico. If the Government is going to pay the interest and principal upon default, why make those bonds a lien upon this property at all? The Government owns the stock of the corporation.

Mr. UNDERWOOD. I will tell the Senator why. My purpose was to make the men who are operating it not default and have to come back to Congress. I do not think that hurts it at all to have it in there, and it may be some incentive to the operators to try to make good. It does not hurt the proposition at all to have it in there.

Mr. JONES of New Mexico. It strikes me that there yet may be some danger that the provision may be used absolutely to dispose of the property under the bond issue.

Mr. UNDERWOOD. No; that can not be done.

Mr. JONES of New Mexico. If that can not be done, then what is the use of the lien?

Mr. UNDERWOOD. I will state the only reason. As I said, in my initial proposition I put in the lien to secure the bonds. I accepted the amendment suggested by the Secretary of War, and that is the way it got into its present shape. I can not see any objection in the world to it. When the bill itself says the Government shall pay the principal and interest out of the Treasury, it can not possibly be defaulted and be sold to anybody else.

Mr. JONES of New Mexico. As a practical proposition, is it not true that the lien is worthless, and if the lien is not worthless, what is the worth of it and what may grow out of it? May there not be a foreclosure of the lien?

Mr. UNDERWOOD. No; there can not be a foreclosure of the lien as the bill now reads. With those words in it it can not be foreclosed because the Secretary of the Treasury will pay the interest as soon as it falls due.

Mr. JONES of New Mexico. Then what is the use of having the lien?

Mr. UNDERWOOD. I do not think it hurts anything. I do not think it is very material. It might help sell the bonds at a better price. Why strike it out?

Mr. JONES of New Mexico. I should strike it out simply because if we have a lien there that is worth anything it can be foreclosed, and that would mean the ultimate sale of the property to pay the bonds. If it should turn out that the Treasurer should not pay the interest and if anything should happen at the time, the lien might be foreclosed, and if it could not be foreclosed, I ask the Senator what is the use of having it in there?

Mr. UNDERWOOD. I told the Senator how I happened to put it in there.

Mr. JONES of New Mexico. I understand how the Senator came to put it in.

Mr. UNDERWOOD. The lien can not be foreclosed unless the Government of the United States goes broke; and, of course, if it goes broke we all go broke. I can not see an objection to having the provision in the bill. It may add to the sale

value of the bonds. Certainly, with the Government of the United States behind the bonds, there is absolutely no danger of the property passing away from us.

Mr. JONES of New Mexico. I am inclined to think the Senator is correct about it, in view of the provision which he has finally added to that paragraph.

Mr. UNDERWOOD. The Senator had the first print of my proposed amendment before him when he began speaking, and not the new one, which probably misled him.

Mr. JONES of New Mexico. Of course, the objection to it in its old form was very much greater than in its present form, but even in its present form I would like to have some one explain what is the purpose of making the lien and what the lien adds to it. The Government owns all the stock of the corporation. The Government has the ownership of the property. It has the obligation to pay. As the Senator knows, upon that obligation of the Government to pay this and in case of default pay the principal of the bonds, it can get money at 4 per cent without pledging any of its specific property.

Mr. SMOOT. The Senator must remember that these are not tax-exempt bonds. The joint-stock land banks to-day are selling bonds at 4.25 which are tax exempt. The Federal Farm Loan Board is offering bonds at 4.25 which are tax exempt. These bonds are not tax exempt, and I doubt very much if over the length of time they are to run we could sell them at less than 5 per cent.

Mr. JONES of New Mexico. The Government is selling to-day its obligations which are not wholly tax exempt.

Mr. SMOOT. They are wholly tax exempt up to a certain amount of income that a man may have. There are three different issues of which a man may hold over \$150,000 worth that would be tax exempt.

Mr. JONES of New Mexico. The present obligations of the Government are not exempt in any considerable amount in the hands of an individual. They are exempt from all but normal taxes in the hands of a corporation, and inasmuch as the corporation has no normal tax they are absolutely exempt in the hands of the corporation. The Senator is quite correct about that. It may be there is no tax-exempt feature here at all.

Mr. SMOOT. None whatever. I asked the Senator from Alabama about that the other day.

Mr. JONES of New Mexico. I am not so much concerned about that. I assume if the bonds bear 5 per cent and are worth more than that they will be sold at par. I am not concerned so much about that as I am about the question of the lien. It is not so important since the Senator from Alabama has added the phraseology that he has to his amendment, but it strikes me that we should still eliminate the idea of a lien altogether. I wish the Senator from Alabama would consider that and strike out the words "which shall be a first lien on the property of the corporation."

Mr. UNDERWOOD. I will say to the Senator that it is not very material one way or another, but I am sure there is no clause of foreclosure. In one sense it helps to limit the bonds that the corporation can issue, because they will be a first lien on the property, and I would a little rather have the provision in than have it out. But since the Government of the United States is obliged to pay the principal and interest, I do not think it is very material now. Rather than delay the Senate, if the Senator insists, I would be willing to strike it out, but I would much prefer if the Senator would leave it as it is, because I think there may be some value to it in the sale of the bonds.

Mr. JONES of New Mexico. I believe I shall move to strike it out and let it go to conference.

Mr. UNDERWOOD. It will not go to conference if it is stricken out. If it is left in, it will go to conference.

Mr. JONES of New Mexico. I think it should be stricken out. I do not believe in the Government pledging its own property.

Mr. UNDERWOOD. I am not going to combat the Senator on a question of that sort if he insists.

Mr. JONES of New Mexico. All we have to do is to strike out line 20.

Mr. UNDERWOOD. However, I find that there is some opposition to my agreeing to strike it out. I will ask the Senator not to insist at this time.

Mr. JONES of New Mexico. Very well; I shall not press the matter at this time, then.

Mr. McKELLAR. Mr. President, I offer an amendment to the amendment, which I ask may be read at the desk.

The PRESIDENT pro tempore. The amendment offered by the Senator from Tennessee will be read.

The READING CLERK. Add a new section as follows:

Sec. — That as a condition of the lease, every lessee hereunder which is a public-service corporation, or a person, association, or corporation owning or operating any project and developing, transmitting, or distributing power for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged: *Provided*, That when said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such lessee or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such lessee, or by any person, corporation, or association purchasing power from such lessee for sale and distribution or use in public service shall be reasonable, nondiscriminatory, and just to the customer and all unreasonable discriminatory and unjust rates or services are hereby prohibited and declared to be unlawful, jurisdiction is hereby conferred upon the Secretary of War, upon complaint of any person aggrieved, upon the request of any State concerned, or upon its own initiative, to enforce the provisions of this section, to regulate and control so much of the services rendered, and of the rates and charges of payment therefor as constitute interstate or foreign commerce, and to regulate the issuance of securities by the parties included within this section, and securities issued by the lessee subject to such regulations shall be allowed only for the bona fide purpose of financing and conducting the business of such lessee.

The administration of the provisions of this section, so far as applicable, shall be according to the procedure and practice in fixing and regulating the rates, charges, and practices of railroad companies as provided in the act to regulate commerce, approved February 4, 1887, as amended, and that the parties subject to such regulation shall have the same rights of hearing, defense, and review as said companies in such cases.

Mr. McKELLAR. Mr. President, in explanation of the amendment I wish to say that in so far as the regulation of the rates charged for the power in Alabama is concerned, it is primarily left to the Public Utilities Commission of Alabama. But where that power goes into interstate commerce it is provided by my amendment that the rates to be charged therefor shall be regulated by the Secretary of War under the rules laid down for the regulation of interstate commerce.

Mr. President, my purpose in offering the amendment is manifest. Those of us who live in States adjoining the State of Alabama are vitally interested in the power that is to be created by this project. It might be said at first blush that my proposal is in some way an interference with State rights. That is not true at all. Interstate commerce under the Constitution is unquestionably within the purview of the Congress.

It is regulated by the Congress or by agencies established by the Congress. It is in no sense a violation of State rights, but, on the contrary, it is an exercise of the power granted by the Constitution that might be of enormous importance to the States adjoining the State of Alabama. So far as the State of Alabama is concerned, the commission in that State, as I said, has the right under the amendment to regulate its own rates, but when that power goes into interstate commerce then manifestly there ought to be some central organization which has the right to regulate the rates in so far as the power is transmitted into adjoining States; otherwise great injustice might be done to the adjoining States.

This is a matter of very great importance to adjoining States. My State, as the Senate knows, is very close to the Muscle Shoals plant. If the plant and rates are to be regulated solely by the State commission of Alabama, it might be that Tennessee or Georgia or Mississippi or any other of the near-by States would be put to a very serious disadvantage.

Mr. UNDERWOOD. Surely the Senator does not think that the provision in the bill providing for State regulation means only the State of Alabama? The provision in the bill now is that it shall be regulated by the several States and that the State in which the power is used shall regulate the rates. In other words, the minute the power crosses the line into Tennessee, under the provisions of the amendment which I have offered as it stands now, it is subject to the regulation of the public-service commission, by whatever name it is called, in the Senator's own State.

Mr. McKELLAR. It is so provided in my amendment, too, but that is not the thing. Here is a great project that is being created by the Government of the United States. This industry is being created by the Government of the United States. It is the money of the United States that goes into it. It is not only for the benefit of Alabama and not only for the benefit of Tennessee but of all the States, directly or indirectly. Mani-

festly the central Government under those circumstances ought to control and regulate the power when it is transmitted to the other States.

Mr. ROBINSON. Mr. President, will the Senator from Tennessee yield for a question?

Mr. McKELLAR. I yield to the Senator from Arkansas.

Mr. ROBINSON. Under section 10 of the bill each State would regulate for itself the price of power consumed in that State?

Mr. McKELLAR. Yes.

Mr. ROBINSON. There would, therefore, be as many different standards of regulation as there would be States in which power might be sold?

Mr. McKELLAR. That is true.

Mr. ROBINSON. The thought of the Senator is that, in order to require and effectuate uniformity in price and quality and to prevent discrimination, the regulatory power ought to be one and the same as to all States in which power is consumed?

Mr. McKELLAR. The Senator from Arkansas has stated most clearly, very much more clearly and very much more forcefully than I could possibly state it, just the proposition which I have embodied in the amendment.

Mr. ROBINSON. I think the suggestion is worthy of very serious consideration. This condition might arise: A contest might occur between the States to determine what communities might be able to secure power most cheaply, and great confusion and much litigation might result because of the varying standards of regulation. I do not know whether or not the Senator from Alabama [Mr. UNDERWOOD] has given thought to that aspect of the case.

Mr. McKELLAR. The Senator from Arkansas has put his finger right on the spot, and I thank him for his interruption.

Mr. DIAL. Mr. President—

Mr. McKELLAR. I yield to the Senator.

Mr. DIAL. Under the Senator's amendment there would be two commissions operating in a State. He would have a national commission and a State commission fixing the rates. Would not that cause conflict?

Mr. McKELLAR. Not at all; not any more so than under the present law governing interstate commerce. We are all familiar with the fact that we have State commissions in every State and we also have a Federal commission, just exactly as is proposed in this instance.

The Senator from South Carolina would not want to do away with either one of them. He would not want to vote to do away with his State commission, and I know he would not want to vote to do away with the Interstate Commerce Commission.

Mr. DIAL. I do not think the national commission would be necessary in this case, because when the power got into the State the State commission would regulate the matter.

Mr. McKELLAR. The trouble about that would be, as has already been pointed out by the Senator from Arkansas [Mr. ROBINSON]—and it could not be more forcibly stated than he has stated it—that we might have as many different rates as there are States in which the power is used. The objection could not be better stated than that. There would be Tennessee and Kentucky and Georgia and Mississippi and Louisiana and the various other States that will use this power. South Carolina is not too far off to use it, nor is North Carolina. Each of those States would be establishing its own rates for its own purposes to benefit its own people, and the United States Government, which furnished all the money for the project, might be absolutely powerless to bring about uniformity in the rates. I am sure that no Senator would feel that that would be either fair or just.

Mr. DIAL. But the Government would not be furnishing all the money, and it would only be furnishing a part of the power which goes into the States.

Mr. McKELLAR. The Government is furnishing the entire amount of money for this particular project.

Mr. DIAL. Of course it is furnishing the money for this project, but not for other projects.

Mr. McKELLAR. We are not dealing now with any other project.

Mr. DIAL. Very well; then there would be one rate for Muscle Shoals power in my State and there would be another rate for power which is generated in the State by other companies. If there were a higher rate for Muscle Shoals power consumers would not purchase it, but would patronize the local companies. So the Muscle Shoals rate would have to come down as low as the local rate. Thus there would arise great confusion and perhaps confiscation.

Mr. McKELLAR. Not at all. It is not so provided.

Mr. KING. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Utah?

Mr. McKELLAR. I yield to the Senator from Utah.

Mr. KING. It seems to me, then, that the position of the Senator from Tennessee, if he is logical, is this: This is the subject of interstate control, and the Federal Government, therefore, ought to fix the rates not only in Alabama but in every other State to which the power may be transmitted. The Senator's position, if I understand it, is that the local tribunal, the Public Utilities Commission of Alabama, may determine the rates there, but so soon as the power is taken beyond the boundaries of that State it shall then come under the cognizance of the Federal Government?

Mr. McKELLAR. No; the Senator does not understand the amendment. I have been very unfortunate in my explanation of the amendment, but I had hoped, even unfortunate as I might have been in expressing what I was trying to do, the very logical and terse statement of the Senator from Arkansas [Mr. ROBINSON] would certainly lead Senators to understand what is intended by the amendment. The object of the amendment is to establish precisely the same control over this subject that is now exercised over interstate commerce in the case of the railroads. Has the Senator from Utah a railroad commission in his own State?

Mr. KING. Yes.

Mr. McKELLAR. Of course, where there is interstate commerce going through the Senator's State or between his State and other States the powers of the Interstate Commerce Commission are supreme over that commerce, and therefore it should be so in this instance.

Mr. KING. In reference to the Senator's argument in favor of uniformity, may I call his attention to the fact that conditions in each State would be different? After the power shall have been transmitted from Alabama to South Carolina the method of distribution may be so different from the method of distribution in Tennessee as to call for higher rates, or vice versa. It seems to me that the question of uniformity is not important, and I think the bill as drawn sufficiently covers the situation. It provides that when the power shall be transmitted into the various States for use it shall then be subject to the jurisdiction of the various States and to the instrumentalities which may be there established. It seems to me that is fair; yet it is possible that there should be some supervisory power by the Federal Government; but until it shall be demonstrated that the States are dealing unfairly with this great project or are discriminating in their rates, it does seem to me that we ought not to confer upon the Secretary of War the power to determine the rates and make of him a judicial body. It is a power too great, it seems to me, to be conferred upon this officer of the Government.

Mr. McKELLAR. Mr. President, the trouble about the Senator's position is that if the Government leases this power to a private corporation under a contract without the regulation of rates, and if afterwards, within the period of 50 years, it should be determined by the Congress that it was vitally necessary to the people of this country that the rates should be regulated, the Congress would have already denuded itself of its power and would have no power over the subject. Now is the time to prevent any difficulty of that kind.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. McKELLAR. I will be delighted to yield.

Mr. NORRIS. I think there is much merit in what the Senator has said; I think it is a question that has two sides; but I want to submit this proposition to the Senator: Suppose the Underwood substitute should become a law and the Senator's amendment should be incorporated in it, then the provisions of the Senator's amendment would become effective. Suppose in the meantime some other company under the water power act should take out a license on the Tennessee River or some other river in that vicinity, and both the Muscle Shoals power and the power generated by the licensee under the Federal water power act should be transmitted into the same States, would not we be confronted with the proposition that one of them would be regulated by one body and the other would be regulated by another body?

Mr. McKELLAR. I am delighted that the Senator has brought up that question. I have copied verbatim from the water power act, leaving out certain provisions that do not apply, every word that is in my amendment. The only difference between the regulations provided for in the water power act and in the proposed amendment offered by me is that the regulations are put under the Secretary of War.

They are exactly the same. I want to point out very briefly why I propose that the Secretary of War should do it.

Mr. UNDERWOOD. Will the Senator from Tennessee allow me to interrupt him before he gets away from that question?

Mr. McKELLAR. I am glad to yield.

Mr. UNDERWOOD. The Senator says that he has copied the water power act exactly?

Mr. McKELLAR. I said that, so far as it was applicable, I had copied it. I merely copied, however, from sections 19 and 20 of the water power act.

Mr. UNDERWOOD. I agree with the Senator that he has copied the amendment from the water power act.

Mr. NORRIS. Mr. President, I was going to call attention to the same suggestion which I think is in the mind of the Senator from Alabama.

Mr. UNDERWOOD. The Senator from Tennessee has copied from the act so far as he goes, but he has not gone as far as the water power act, which provides that wherever there is State regulation the power of the Federal Government under the water power act shall cease. The Senator left that out, and therefore he is injecting into this matter Federal regulation to a greater extent than the water power act itself does.

Mr. McKELLAR. No. I think the Senator is mistaken about that.

Mr. UNDERWOOD. I have the water power act before me.

Mr. McKELLAR. I also have it before me, and I will read from it. Section 19 of that act provides:

That as a condition of the license, every licensee hereunder which is a public-service corporation, or a person, association, or corporation owning or operating any project and developing, transmitting, or distributing power for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged. That in case of the development, transmission, or distribution or use in public service of power by any licensee hereunder or by its customer engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the services to be rendered by such licensee or by its customer engaged in public service, or the rates and charges of payment therefor, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of such license that jurisdiction is hereby conferred upon the commission, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control.

That part of that act is left out of the amendment.

Mr. NORRIS. There is also a proviso in the law which the Senator from Tennessee has not incorporated in his amendment.

Mr. McKELLAR. I will read that proviso. It is as follows:

Provided, That the jurisdiction of the commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

That is also left out of the amendment.

Section 20 provides—

Mr. UNDERWOOD. The Senator leaves out the proviso in his amendment.

Mr. NORRIS. That, it seems to me, is what makes my comment applicable.

Mr. McKELLAR. No; because where a State has not a commission, it provides what shall be done, but where a commission is established in a State the first sentence of this paragraph of section 19 of course prevails. There were some States at the time the water power act was passed that did not have commissions, and that is the reason for the last two sentences of the section, but I understand that there are now no States which have not commissions, and there is no use of referring specifically to them.

Now, if the Senator will let me read section 20—

Mr. UNDERWOOD. Will the Senator allow me to interrupt him further?

Mr. McKELLAR. Yes.

Mr. UNDERWOOD. The Senator has just read a provision which proves my assertion that he has incorporated in his amendment the provision of the water power act granting regulating power to the Federal Government and left out the proviso.

Mr. McKELLAR. Oh, no.

Mr. UNDERWOOD. Where is the proviso in this amendment?

Mr. McKELLAR. I will read it to the Senator.

Mr. UNDERWOOD. I should like the Senator to take his amendment and read me the proviso.

Mr. McKELLAR. I will do it:

That as a condition of the lease, every lessee hereunder which is a public-service corporation, or a person, association, or corporation owning or operating any project and developing, transmitting, or distributing power for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged.

It is the very first part of the provision. It leaves it there.

Mr. UNDERWOOD. That is not a proviso.

Mr. McKELLAR. But the water power act provides in section 20 just as I also provide here. After allowing the State commissions to regulate the matter wholly within the States, I then provide, as provided by section 20 of the water power act:

That when said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such licensee, or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such licensee, or by any person, corporation, or association purchasing power from such licensee for sale and distribution or use in public service shall be reasonable, nondiscriminatory, and just to the customer and all unreasonable discriminatory and unjust rates or services are hereby prohibited and declared to be unlawful; and whenever any of the States directly concerned has not provided a commission or other authority to enforce the requirements of this section within such State or to regulate and control the amount and character of securities to be issued by any of such parties or such States are unable to agree through their properly constituted authorities on the services to be rendered or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, jurisdiction is hereby conferred upon the commission—

That is the power commission. I change that by putting it in the hands of the Secretary of War; and I think, this being a special bill, that it ought to be put in the hands of the Secretary of War.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Arkansas?

Mr. McKELLAR. Surely.

Mr. CARAWAY. If a private company were to organize in Tennessee, since Tennessee has a body to regulate the distribution of power, the water power act would give to the commission no power to regulate rates in Tennessee.

Mr. McKELLAR. It would if it should transmit that power to other States.

Mr. CARAWAY. But in Tennessee the regulation would be under the local body.

Mr. McKELLAR. And so it would be under this.

Mr. CARAWAY. Under the Senator's amendment, now, if any of this power went into Tennessee, its regulation would be subject to whatever provision the Secretary of War might make. In other words, you might have this company in Tennessee doing a thing that your local body would prohibit, and they would look to the Secretary of War for their authority, and you would have two companies in Tennessee, one controlled by local regulation and one controlled by the Secretary of War.

Mr. McKELLAR. No; quite the contrary. The only possible difference between the two, if the Senator will permit me to point it out, is that in the one case the national regulation is through the instrumentality of the Secretary of War and in the other case it is through the instrumentality of the Federal Power Commission.

Mr. CARAWAY. Will the Senator pardon me just a minute?

Mr. McKELLAR. Yes.

Mr. CARAWAY. Under the water power act the water power commission has no power to regulate the distribution of power in Tennessee, because you have a State regulatory body.

Mr. McKELLAR. Oh, no.

Mr. CARAWAY. Oh, yes. Read your proviso.

Mr. McKELLAR. I have just read it.

Mr. CARAWAY. But the proviso says that whenever the State shall have a regulatory control all provisions of this act cease.

Mr. McKELLAR. No.

Mr. CARAWAY. Oh, yes, it does.

Mr. McKELLAR. If the Senator will read section 20—

Mr. CARAWAY. But read your proviso. There is no power to regulate the distribution of power under the water power act in any State where that State has a commission or board to do that thing—I mean, under the water power act. Under the Senator's amendment, then, regardless of what the commission in Tennessee might say, the regulation of this particular company would be under the control of the Secretary of War, while all other companies doing business in Tennessee would be under the control of the State board for the control and distribution of power.

Mr. McKELLAR. No; if the Senator will just listen to the language he will see how impossible it is.

Mr. ROBINSON. Mr. President, will the Senator from Tennessee yield to me for a moment?

Mr. McKELLAR. I yield; yes.

Mr. ROBINSON. I attempted to point out some moments ago the inconvenience that might arise from having the power transmitted into various States regulated by the different commissions of those States. Let me suggest to the Senator from Alabama that a difficulty arises under his amendment in that particular. The Senator's amendment has the same difficulty that is found in the bill, and it appears to me at first glance to be even more unjust, if I may use that term, than section 10, because the Senator's amendment provides that as to all power consumed in Alabama the Alabama State commission shall fix the price, but that as to all power consumed in any other State the Secretary of War shall fix the price. That is a diversity of regulation worthy of note in itself.

Mr. McKELLAR. Yes; it is.

Mr. ROBINSON. Why should one authority regulate the price of power in Alabama, the situs of the corporation performing the service, and a different authority regulate the price of power in all other States? Would not this give rise in a very marked degree to the very same difficulties that the Senator by his amendment is seeking to correct; and would it not add some embarrassments to the situation that do not exist under the provisions of the bill proposed by the Senator from Alabama?

Mr. McKELLAR. Mr. President, the question of the Senator is very pertinent. However, I think he is just a little mistaken in his reading of the first paragraph of this amendment:

That as a condition of the lease, every lessee hereunder which is a public-service corporation, or a person, association, or corporation owning or operating any project and developing, transmitting, or distributing power for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged.

That does not apply alone to Alabama. Possibly the language I have quoted from the water power act may not provide just what was in my mind or what was in the Senator's mind, but here was the purpose: The manifest purpose was that the various State commissions, in so far as the local service was concerned in each State, should have a primary regulatory power, but that whenever it was deemed necessary—

Mr. ROBINSON. Now may I ask the Senator with respect to the practical application of the provision, which is what we are most concerned with, in what States it is expected, under the provisions of this legislation or any similar legislation, that the person, association, or corporation owning or operating any project and developing, transmitting, or distributing power for sale will be? How many States will be included in that designation?

Mr. McKELLAR. There would be Alabama, Tennessee, and all the surrounding States.

Mr. UNDERWOOD. Alabama would not be in the Senator's provision, because that is not interstate commerce. Alabama could regulate its own power under the Senator's amendment. Alabama is the State that has to go to the Secretary of War.

Mr. ROBINSON. The intentment of the amendment, then, is that if the project locates a subsidiary plant in any State, the laws of the State in which that subsidiary plant is located will be applicable to regulate it?

Mr. McKELLAR. They will be applicable; yes.

Mr. ROBINSON. In my judgment that would make the provision worse instead of improving it, because it would simply make that many more different regulating agencies.

Mr. McKELLAR. It puts it precisely in the position of the regulation of commerce generally by the Interstate Commerce Commission and all the other commissions. I am inclined to

think the Senator from Arkansas is probably right, that there ought to be one central body to regulate the rates, and I will give my reasons for it.

Suppose the Alabama Utilities Commission, or whatever its name is, should so regulate the rates that every particle of this power must perforce be used in the State of Alabama. That would defeat the purpose of this act. This is a national proposition. The people of Kentucky, the people of Tennessee, the people of South Carolina and North Carolina, and all adjoining States or near-by States ought to have the right to the use of a reasonable portion of it. For that reason I hope Senators will think it over during the night, because it is a matter of the utmost importance to all of us who live outside of the State of Alabama. I do not believe that the State commission of any one State should control the distribution of this power. It is a matter of most vital importance to my own State, which is near by. I am sure the Senator from Alabama would not want to be unjust or unfair to any sister State: but we are preparing a law here for 50 years and we ought to be exceedingly careful about it.

Mr. CURTIS. Mr. President—

Mr. McKELLAR. I yield to the Senator from Kansas.

Mr. CURTIS. I know that this matter can not be disposed of to-night, and I ask the Senator to yield in order that I may move that the Senate proceed to the consideration of executive business.

Mr. McKELLAR. I yield to the Senator for that purpose.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 10, 1924, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 9 (legislative day of December 8), 1924

UNITED STATES DISTRICT JUDGE

Guy H. Martin to be United States district judge for the Canal Zone.

UNITED STATES ATTORNEYS

Julien A. Hurley to be United States attorney, fourth division, district of Alaska.

George Stephan to be United States attorney, district of Colorado.

John Buckley to be United States attorney, district of Connecticut.

David J. Reinhardt to be United States attorney for the district of Delaware.

REGISTERS OF LAND OFFICE

William H. H. Heckman to be register of the land office at Eureka, Calif.

Charles E. Player to be register of the land office at Independence, Calif.

William H. Dickinson to be register of the land office at Lander, Wyo.

James J. Donegan to be register of the land office at Burns, Oreg.

John H. Peare to be register of the land office at La Grande, Oreg.

APPOINTMENTS IN THE REGULAR ARMY

TO BE SECOND LIEUTENANTS WITH RANK FROM JUNE 12, 1924

Corps of Engineers

Cadet Wallace Howard Hastings.

Cadet Emerson Leroy Cummings.

Cadet Fisher Shinholt Blinn.

Cadet Donald Charles Hill.

Cadet Reginald Langworthy Dean.

Cadet Merrow Egerton Sorley.

Cadet Philip Robison Garges.

Cadet John Ludden Mousseau Des Islets.

Cadet Gerald Joseph Sullivan.

Cadet Arthur Gilbert Trudeau.

Cadet Emerson Charles Itschner.

Cadet Howard Ker.

Cadet Herbert Davis Vogel.

Cadet Fremont Swift Thompson.

Cadet Emil John Peterson.

Cadet Gordon Edmund Textor.

Cadet Clinton Frederick Robinson.

Cadet Frederic Allison Henney.

Cadet Leonard Lawrence Bingham.

Signal Corps

Cadet John Henry Brewer.

Cadet Victor Allen Conrad.

Cadet Francis Elmer Kidwell.

Cadet Cary Judson King, jr.

Cadet Jesse Bernard Wells.

Cadet John Sewell Thompson.

Cadet James Stewart Willis.

Cadet Czar James Dyer.

Cadet Lawrence Wendall Adams.

Cadet Merton Goodfellow Wallington.

Cadet Emil Lenzner.

Cavalry

Cadet John Held Riepe.

Cadet Wendell Blanchard.

Cadet Charles George Meehan.

Cadet Harry Jordon Theis.

Cadet Lawrence Russell Dewey.

Cadet William Armstrong Bugher.

Cadet Wilbur Kincaid Noel.

Cadet Andrew Allison Frierson.

Cadet Carl William Albert Raguse.

Cadet Henry Sterling Jernigan.

Cadet Frank Jay Thompson.

Cadet Augustine Davis Dugan.

Cadet Clarence William Bennett.

Cadet Gordon Byrom Rogers.

Cadet George Curnow Claussen.

Cadet Murray Bradshaw Crandall.

Cadet William Joseph Reardon.

Cadet George William Busbey.

Cadet William Louis Howarth.

Cadet Cary Brown Hutchinson.

Cadet Clarence Keith Darling.

Cadet Joe L. Loutzenheiser.

Cadet Zachary Winfield Moores.

Cadet William Bellemere Wren.

Cadet Peter Conover Hains, 3d.

Cadet Harry Taylor Cavanaugh.

Cadet Bernard Warren Justice.

Cadet Frank Glover Trew.

Cadet Walter Louis Weinaug.

Cadet John Harry Stadler, jr.

Cadet Laurence Knight Ladue.

Field Artillery

Cadet George Dakin Crosby.

Cadet Ernest Orrin Lee.

Cadet Charles Day Palmer.

Cadet Samuel Vance Krauthoff.

Cadet George Arthur Duerr.

Cadet Raymond Thomas Beurket.

Cadet John Franklin Williams.

Cadet Amel Thomas Leonard.

Cadet Harry Van Wyk.

Cadet Glenn Bruce McConnell.

Cadet Raymond Hendley Coombs.

Cadet Wellington Alexander Samouce.

Cadet William Hubbard Barksdale, jr.

Cadet Robert Clement Lawes.

Cadet Oren Wilcox Rynearson.

Cadet James Thomas Looime.

Cadet Leslie Seekell Fletcher.

Cadet Thomas Edwin Blinford.

Cadet Marcus Butler Stokes, jr.

Cadet Francis Marion Day.

Cadet Bernard Francis Luebberrmann.

Cadet James Angus Watson, jr.

Cadet Russell Layton Mable.

Cadet William John Eyerly.

Cadet George Dunbar Pence.

Cadet Lester Joseph Tacy.

Cadet Charles Lanier Dasher, jr.

Cadet Perry William Brown.

Cadet Lindsay Patterson Caywood.

Cadet Vonna Fernleigh Burger.

Cadet Charles Dweile Daniel.

Cadet James Alexander Davidson, jr.

Cadet John Gilbert Moore.

Cadet Edward Lynn Andrews.

Cadet James Grafton Anding.

Cadet Joseph Rogers Burrill.

Cadet Francis Anthony Kreidel.
 Cadet Nathaniel Clay Cureton, jr.
 Cadet Howard Everett Kessinger.
 Cadet Walter Armin Linn.
 Cadet Walton Gracey Procter.
 Cadet Eleazar Parmly, 3d.
 Cadet Edward Orlando McConahay.
 Cadet William Joseph Cleary.
 Cadet Oliver Malcolm Barton.
 Cadet Bjarne Furuholm.
 Cadet Charles Pelot Summerall, jr.
 Cadet Thomas George McCulloch.
 Cadet Frederick Cruger Pyne.
 Cadet Louis Chadwick Friedersdorff.
 Cadet Walter Domenick Marinelli.
 Cadet Daniel Francis Healy, jr.
 Cadet George Hinkle Steel.
 Cadet John Philip Maher, jr.
 Cadet Frank Smith Kirkpatrick.
 Cadet George Walter Vaughn.
 Cadet Thomas Jefferson Holmes, jr.
 Cadet William Harry Bertsch, jr.
 Cadet William Reineman Forbes.
 Cadet Gerald Jay Reid.
 Cadet James William Clyburn.
 Cadet Roy Deck Reynolds.
 Cadet David Griffith Erskine.
 Cadet Albert Newton Stubblebine, jr.
 Cadet Robert Charles Cameron.
 Cadet William Leo Coughlin.
 Cadet William Thaddeus Sexton.
 Cadet Robert Augustus Ellsworth.
 Cadet George Edmund Wrockloff, jr.
 Cadet Carroll Riggs Griffin.
 Cadet Charles Edward Hart.
 Cadet Kenneth Negley Decker.
 Cadet Thomas Allen Jennings.
 Cadet Joseph Massaro.
 Cadet James Barry Kraft.
 Cadet Howard Jehn John.
 Cadet Charles Loomis Booth.

Coast Artillery Corps

Cadet Robert Vernon Lee.
 Cadet Benjamin Schultz Mesick, jr.
 Cadet Frank Lawrence Lazarus.
 Cadet Everett Chalmers Wallace.
 Cadet Vernaum Charles Stevens.
 Cadet Floyd Allen Mitchell.
 Cadet Joseph Peter Shumate.
 Cadet Robert Lee Miller.
 Cadet John Ismert Hincke.
 Cadet Elmer Ernest Count, jr.
 Cadet Robert Ward Berry.
 Cadet Harold Penbody Tasker.
 Cadet Claude Earl Moore.
 Cadet Grayson Schmidt.
 Cadet Leslie Earl Simon.
 Cadet Ralph Irvin Glasgow.
 Cadet James William Alexander McNary.
 Cadet Harold Phineas Gard.
 Cadet William Lloyd Richardson.
 Cadet Ovid Thomason Forman.
 Cadet George Wesley Palmer.
 Cadet Clark Cornelius Witman.
 Cadet Ernest August Merkle.
 Cadet Herbert Theodore Benz.
 Cadet Clarence Everett Rothgeb.
 Cadet George Bernard Finnegan, jr.
 Cadet Peter Wesley Shunk.
 Cadet Emil Pasoli, jr.
 Cadet Sanford Joseph Goodman.
 Cadet Gerald Goodwin Gibbs.
 Cadet Frank Satchwell Lyndall, jr.
 Cadet John Clair Smith.
 Cadet George Edmund Young.
 Cadet Albert Delmar Miller.
 Cadet James Edward McGraw.
 Cadet Darwin Denison Martin.
 Cadet George Avery Tucker.
 Cadet Clarence Sterling Raymond.
 Cadet John Alfred McComsey.
 Cadet Maxwell Wood Tracy.
 Cadet William Lewis Johnson.
 Cadet William Henry Kendall.

Infantry

Cadet Otis McCormick.
 Cadet Thomas Du Val Roberts.
 Cadet David Jerome Ellinger.
 Cadet Francis John Clark.
 Cadet Heyward Bradford Roberts.
 Cadet Bruce Woodward Bidwell.
 Cadet William Howard Arnold.
 Cadet Charles Trueman Lanham.
 Cadet Richard Warburton Stephens.
 Cadet John Henry Halle, jr.
 Cadet Richard Longworth Baughman.
 Cadet Edwin Henry Harrison.
 Cadet Cecil Ernest Henry.
 Cadet Craig Alderman.
 Cadet Charles Raeburne Landon.
 Cadet George Arthur Hadsell, jr.
 Cadet Earl Mattice.
 Cadet Charles Goldsmith Stevenson, jr.
 Cadet William Herbert Schaefer.
 Cadet Ewing Hill France.
 Cadet Edward Fearon Booth.
 Cadet William Hill Lamberton.
 Cadet Haydon Lemaire Boatner.
 Cadet David Marcus.
 Cadet James Edward Moore.
 Cadet Silas Woodson Hosea.
 Cadet Ellis Spurgeon Hopewell.
 Cadet Harold James Keeley.
 Cadet Richard Emmel Nugent.
 Cadet Walter Allen Buck.
 Cadet Cleland Charles Sibley.
 Cadet George Morgan Kernan.
 Cadet Francis Edwin Gillette.
 Cadet Albert Kellogg Stebbins, jr.
 Cadet Richard Givens Prather.
 Cadet Douglas Byron Smith.
 Cadet Robert Edward Cullen.
 Cadet Samuel Glenn Conley.
 Cadet Stephen Wilson Ackerman.
 Cadet Lewis Spencer Kirkpatrick.
 Cadet Charles Hunter Coates.
 Cadet Otto Lauren Nelson, jr.
 Cadet John Curtis LaFayette Adams.
 Cadet Robert Wells Harper.
 Cadet Augustus Jerome Regnier.
 Cadet Willard Koehler Liebel.
 Cadet John Archer Stewart.
 Cadet Lewis Curtis Barks.
 Cadet George Alvin Millener.
 Cadet Robert Harvey Thompson, jr.
 Cadet Russell Andrew Baker.
 Cadet Paul Cooper.
 Cadet Lee William Gilford.
 Cadet Ralph Pulsifer.
 Cadet Logan Carroll Berry.
 Cadet Onto Price Bragan.
 Cadet Gilbert Francis Baillie.
 Cadet Robert Joseph McBride.
 Cadet Charles Ward Van Way, jr.
 Cadet Harry Dillon McHugh.
 Cadet Armistead Davis Mead, jr.
 Cadet Charles Harold Royce.
 Cadet George Patrick O'Neill.
 Cadet Oswaldo de la Rosa.
 Cadet Henry Coates Burgess.
 Cadet James Edgar Macklin, 2d.
 Cadet Armand Joseph Salmon.
 Cadet Frederick Raymond Keeler.
 Cadet Edward Amedee Chazal.
 Cadet Reed Graves.
 Cadet Mark Edward Smith, jr.
 Cadet John Gillespie Hill.
 Cadet Wolcott Kent Dudley.
 Cadet Andrew Suter Gamble.
 Cadet Earl Lynwood Scott.
 Cadet Andrew Paul Foster, jr.
 Cadet John Jacob Outcalt.
 Cadet Melvin Eugene Meister.
 Cadet Hobart Amory Murphy.
 Cadet William Henry Maglin.
 Cadet Camille Henry Duval.
 Cadet William Samuel Triplet.
 Cadet George Winfred Smythe.
 Cadet Jesse Thomas Traywick, jr.

Cadet Leslie Ellis Griffith.
 Cadet Phillip McCaffrey Kernan.
 Cadet Howard Alexander Malin.
 Cadet James Earl Purcell.
 Cadet John Archer Elmore, jr.
 Cadet John Wesley Ramsey, jr.
 Cadet Francis John Graling.
 Cadet Nye Kirwin Elward.
 Cadet James Pierce Hulley.
 Cadet Samuel Wayne Smithers.
 Cadet Kenneth Rector Bailey.
 Cadet Lucien Francis Wells, jr.
 Cadet Richard Tonkin Mitchell.
 Cadet Samuel Henry Fisher.
 Cadet Dennis Milton Moore.
 Cadet Charles Roger Bonnett.
 Cadet Val Evans.
 Cadet Clark Norace Bailey.
 Cadet Victor Emmanuel Phasey.
 Cadet Clyde Davis Eddleman.
 Cadet Russell Leonard Moses.
 Cadet Sarratt Thaddeus Hames.
 Cadet Virgil Rasmuss Miller.
 Cadet James Somers Stowell.
 Cadet Bertel Eric Kuniholm.
 Cadet Michael Henry Cleary.
 Cadet Robert Cantrill Polsgrove.
 Cadet George Edwin Penton.
 Cadet Reeve Douglas Keller.
 Cadet George Emmert Elliott.
 Cadet William Wallace Cornog, jr.
 Cadet Demas Thurlow Craw.
 Cadet Henry Isaac Kiel.
 Cadet Daniel Harrison Hundley.
 Cadet William Walrath Lloyd.
 Cadet Jacob Robert Moon.
 Cadet Thomas Harrison Allen.
 Cadet Raymond Rodney Robins.
 Cadet Ralph Parker Eaton.
 Cadet Henry Dahnke.
 Cadet Clement Hypolite Dabiezies.
 Cadet George Harvey Doane.
 Cadet Walter Dewey Gillespie.
 Cadet Robert Carlyle Andrews.
 Cadet Herbert Frank McGuire Matthews.
 Cadet Buford Alexander Lynch, jr.
 Cadet William James Brunner.
 Cadet Albert John Dombrowsky.
 Cadet Jean Dorbant Scott.
 Cadet Robert Walter Stika.
 Cadet Ovid Oscar Wilson.
 Cadet Martin Frank Hass.
 Cadet Edward John Hirz.
 Cadet Clarence William Hoepfer.

Air Service

Cadet Albert Fox Glenn.
 Cadet Earle Everard Partridge.
 Cadet Fred Arley Ingalls.
 Cadet Herbert Theodore Schaefer.
 Cadet Robin Bernard Pape.
 Cadet Clyde Massey.
 Cadet Robert Lyle Brookings.
 Cadet Eugene Barber Ely.
 Cadet George Anthony Bicher.
 Cadet Leo Douglas Vichules.
 Cadet Uzal Girard Ent.
 Cadet Worth Harper.
 Cadet Donald Dean Rule.
 Cadet James Frederick Howell, jr.
 Cadet John Phillips Kirkendall.
 Cadet Joseph Aloysius Kietly.
 Cadet Robert Roy Selway, jr.
 Cadet Leslie Alfred Skinner.
 Cadet James Edwards Poore, jr.
 Cadet Washington Mackey Ives, jr.
 Cadet John Jacob Williams.
 Cadet Luther Stevens Smith.
 Cadet Warfield Richardson Wood.
 Cadet Howard McMath Turner.
 Cadet Leonard Henry Rodieck.
 Cadet Alexander George Greig.
 Cadet John Lyman Hitchings.
 Cadet Kenneth Crawford Strother.

Cadet Edward Higgins White.
 Cadet James Hewins, jr.
 Cadet Denis James Mulligan.
 Cadet Paul Albert Pickhardt.
 Cadet William Olmstead Eareckson.
 Cadet Francis Robert Stevens.
 Cadet Richard Weigand Gibson.
 Cadet George Almond Ford.
 Cadet Felix Marcinski.
 Cadet Rupert Davidson Graves.
 Cadet John Reynolds Hawkins.
 Cadet Ralph Emanuel Fisher.
 Cadet John Harold Claybrook, jr.
 Cadet Francis William Johnson.
 Cadet Ralph Arthur Koch.
 Cadet George Edward Lightcap, jr.
 Cadet George James Smith.
 Cadet John O'Day Murtaugh.
 Cadet Arthur LeRoy Bump, jr.
 Cadet William John Renn, jr.
 Cadet Irving Ballard Greene.
 Cadet Harold Currie King.
 Cadet Richard Gernant Herbine.
 Cadet Ralph Houston Lawter.
 Cadet Noah Mathew Brinson.
 Cadet Leighton Marion Clark.
 Cadet Cornelius Walter Cousland.

TO BE SECOND LIEUTENANTS WITH RANK FROM JUNE 14, 1924

Corpl. William Frederick Kellotat, Infantry.
 Staff Sergt. James Goodrich Megirt, Quartermaster Corps.
 Corpl. Floyd Fausett, Coast Artillery Corps.
 Staff Sergt. William Ewing Baker, Infantry.
 Staff Sergt. Raleigh Raymond Hendrix, Coast Artillery Corps.

Staff Sergt. Duane Grant Warner, Air Service.

TO BE SECOND LIEUTENANTS WITH RANK FROM JUNE 15, 1924

Howard Donald Criswell, Infantry.
 Edwin Harvey Auerbach, Ordnance Department.
 Robert Douglas McLeod, jr., Chemical Warfare Service.
 Glenn Newman, Coast Artillery Corps.
 William George Devens, Coast Artillery Corps.
 Charles Edward Shepherd, Coast Artillery Corps.
 Walker Wesley Holler, Coast Artillery Corps.
 Leon Clinton Hull, Coast Artillery Corps.
 Daniel Jerome Martin, Infantry.
 Malin Craig, jr., Field Artillery.
 Forrest James French, Coast Artillery Corps.
 Joseph Howard Gibbons, jr., Coast Artillery Corps.
 William Francis Bullis, Signal Corps.
 Henry Frederick Garcia, Field Artillery.
 Samuel Howard Morrow, Coast Artillery Corps.
 Norman Blakesley Simmonds, Coast Artillery Corps.
 Vern Walbridge, Coast Artillery Corps.
 Winfield Wayne Scott, Field Artillery.
 Sylvan Berliner, Coast Artillery Corps.
 Joris Bliss Rasbach, Field Artillery.
 John Berrington Stackhouse, Infantry.
 Herman Lester Darnstaedt, Infantry.
 Leonard Marion Johnson, Field Artillery.
 Henry Kipp Vreeland, Field Artillery.
 John England Catlin, Infantry.
 Chester Archibald Rowland, Corps of Engineers.
 John Sterling Taylor, jr., Infantry.
 Ernest Gaskins, Infantry.
 Louis Bernard Rutte, Infantry.
 Harold Jefferson Johnson, Air Service.
 Nunez Christian Pilet, Infantry.
 Arthur Willink, Ordnance Department.
 Stephen Smith Hamilton, Infantry.
 Farris Newton Latimer, Infantry.
 Carl Joseph Crane, Air Service.
 John Douglas Salmon, Infantry.
 James Peurifoy Hill, Infantry.
 William Arthur Cole, Infantry.
 Bryan Maxwell Jacobs, Air Service.
 Raymond Dishmann Palmer, Cavalry.
 Murray Eberhart McGowan, Infantry.
 George Francis Seyle, Infantry.
 Harrison Wells Davison, Cavalry.
 Thomas Clagett Wood, jr., Infantry.
 George Henry Decker, Infantry.
 Conrad Lewis Boyle, Cavalry.
 Edward Joseph O'Neill, Infantry.

Robert Reinhold Martin, Infantry.
 John Perry Willey, Cavalry.
 John Vogler Tower, Infantry.
 Harry Donald Eckert, Cavalry.
 George Edward Isaacs, Infantry.
 Harold Francis Chrisman, Infantry.
 Henry Landon McCord, Infantry.
 George Cooper Reinhardt, Corps of Engineers.
 William Crowell Saffarans, Infantry.
 William Joseph Bradley, Cavalry.
 Clark Louis Ruffner, Cavalry.
 Ridgely Galther, jr., Infantry.
 John Randolph Armstrong, Air Service.
 Earl William Aldrup, Quartermaster Corps.
 Conrad Gordon Follansbee, Field Artillery.
 John Henry Sampson, jr., Field Artillery.
 George August Zeller, Ordnance Department.
 August Edward Schanze, Infantry.
 Howard Eugene Engler, Cavalry.
 Thomas Adams Doxey, jr., Field Artillery.
 John Mason Reynolds, Infantry.
 William Donald Old, Air Service.
 Grovener Cecil Charles, Infantry.
 Andral Bratton, Field Artillery.
 Harold Mills Manderbach, Field Artillery.
 Lawrence Clifton Elliott, Air Service.
 Harry William Coon, Air Service.
 James Regan, jr., Field Artillery.
 George Laurence Holsinger, Field Artillery.
 Harold Witte Uhrbrock, Infantry.
 Elmer Theodore Rundquist, Air Service.
 Raymond Charles Lane, Infantry.
 David Marshall Ramsay, Air Service.
 Sheldon Perkins McNickle, Infantry.
 Will Knox Stennis, Field Artillery.
 Everitte Favor Arnold, Infantry.
 Harold George Peterson, Air Service.
 George Francis Schulgen, Air Service.
 Otto Paul Weyland, Air Service.
 Reginald Roan Gillespie, Air Service.
 Kirtley Jameson Gregg, Air Service.
 George Aldridge Whatley, Air Service.
 Frank Riley Loyd, Air Service.
 Harry William Miller, Air Service.
 Sheldon Brightwell Edwards, Air Service.
 Clarence Steven Thorpe, Air Service.
 Paul Ready Greenhalgh, Air Service.
 Howard Hunt Couch, Air Service.
 Wilfred Joseph Paul, Air Service.
 Glenn L. Davasher, Air Service.
 Charles Stowe Stodter, Signal Corps.

APPOINTMENT IN THE PHILIPPINE SCOUTS

Cadet Ricardo Poblete to be second lieutenant with rank from June 12, 1924.

POSTMASTERS

ALABAMA

John G. Bass, Birmingham.

ALASKA

Mark A. Winkler, Nome.

COLORADO

Dwight K. Foster, Paonia.

ILLINOIS

John H. Bayless, Colchester.

George E. Carlson, Moline.

IOWA

Bernard E. Fraley, Albion.

Della Douthitt, Braddyville.

Harriet Smith, Bucknell.

Earl E. Silver, Center Point.

Earl P. Patten, Danbury.

Perry E. Rose, Earlham.

Emil Kaloupek, Elberon.

Harry E. Blomgren, Fort Dodge.

George T. Stauffer, Garrison.

Estella Griffin, McIntire.

Mollie Daley, Parnell.

Arthur W. McIsaac, Rockwell City.

Frank E. Lundell, Stratford.

William Stevens, Templeton.

KANSAS

Enos F. Halbert, Chapman.

Emil Dolecek, Holyrood.

Maud Williams, Lenexa.
 Pearl M. Mickey, Zurich.

MICHIGAN

Edna M. Park, Alden.
 George W. Paton, Almont.
 June L. Oliver, Beaverton.
 Oscar Keckonen, Calumet.
 Euphemia Hunter, Cass City.
 Alpheus P. Decker, Deckerville.
 Willard A. Hilliker, Dryden.
 John W. Aldrich, Falmouth.
 Victor H. Sisson, Freeport.
 John Anderson, Gwinn.
 Edwin W. Klump, Harbor Beach.
 Herbert E. Gunn, Holt.
 Norman E. Weston, Kent City.
 Ernest L. Storbeck, Kinde.
 Gertrude Oyster, Maltby.
 Noel H. Allen, Maple Rapids.
 David J. Doherty, Marlette.
 Thomas H. Berryman, Mohawk.
 Clinton E. Aukerman, Montgomery.
 Harry W. Stockman, Oscoda.
 Ida M. Ludwick, Pewamo.
 M. Adele Zinger, Ruth.
 Fred Alford, sr., Vulcan.
 Willa A. Ruggles, Whitehall.

MINNESOTA

Fred E. Logelin, Belleplaine.
 Nelson S. Erb, Faribault.
 Carl A. Qvale, Farmington.
 Frank T. O'Gorman, Goodhue.
 Edward C. Ellertson, Gully.
 Elizabeth Doyle, Maple Lake.
 James H. Pelham, Menahga.
 Peter W. Gorrie, Morristown.
 Ernest E. Meyer, Norwood.
 Mary A. Mogren, Ortonville.
 Frank W. Hanson, Rush City.
 Lorenzo J. Gault, St. Peter.
 Emil Rasmussen, Sleepy Eye.
 Bennie H. Holte, Starbuck.
 Albert W. Knaak, Waterville.
 Carrie B. Quinn, Wells.
 Arnold C. Klug, Zumbrota.

NORTH CAROLINA

Ella N. Painter, Cullowhee.
 Frances K. Thagard, Pembroke.

OREGON

Charles O. Hendrix, Alsea.
 George C. Peterson, Bay City.
 Albert N. Johnson, Estacada.
 Edith Glover, Grand Ronde.
 Charles W. St. Dennis, Lakeside.
 Emma M. C. Brashears, Lexington.
 Sadie B. Jones, Oakridge.
 Erle N. Hurd, Seaside.
 Frederick C. Robison, Taft.
 Mary F. Schultz, West Linn.

PENNSYLVANIA

William C. Bubb, Dalmatia.
 James Matchette, Hokendauqua.
 Clarence E. Grim, Windsor.

SOUTH CAROLINA

Stanley W. Crews, Laurens.
 John W. Willis, Lynchburg.
 Albert H. Askins, Timminsville.

WASHINGTON

Joseph F. Fea, Dalkena.
 Thurston B. Stidham, Doty.
 Andrew J. Grant, Harrington.
 William C. Hubbard, Klickitat.
 Elizabeth M. White, Monitor.
 Ed V. Pressentin, Rockport.
 Bella C. Valentine, Satsop.
 Audley Butler, Sellick.

WYOMING

Burton R. Jones, Greybull.
 John G. Bruce, Lander.
 Maxwell L. Jourdan, Medicine Bow.

HOUSE OF REPRESENTATIVES

TUESDAY, December 9, 1924

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thy mercy, O Lord, is in the heavens and Thy majesty and power reach unto the ends of the earth. Turn unto us again and give Thy presence unto Thy children. May we not fail to hallow the gifts of life. Enable us to be strong in our judgments, rich in our charity, and just in our interpretation of one another. This day preserve us from intemperate speech, from harshness in our conduct, and from bitterness in our spirit. O help us to comprehend the grandeur of Thy law, the love of the Galilean Teacher, and to be aware of the exceeding sinfulness of sin. Bless us with deep thoughts, deep emotions, and high ideals that keep us in fellowship with things above. Sometime, our heavenly Father, lead us into a fuller knowledge of Thy compelling love that shall abound in purity and peace in our humble lives. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE PANAMA CANAL RAILROAD CO.

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the seventy-fifth annual report of the Board of Directors of the Panama Railroad Co. for the fiscal year ended June 30, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1924.

THE PANAMA CANAL

The SPEAKER also laid before the House the following message from the President of the United States, which, with accompanying papers, was referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1924.

PORTO RICO

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with accompanying papers, referred to the Committee on Insular Affairs:

To the Congress of the United States:

As required by section 23 of the act of Congress, approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of certain acts and resolutions enacted by the Tenth Legislature of Porto Rico during its second special session (June 11 to June 21, 1924, inclusive).

These acts and resolutions have not previously been transmitted to Congress and none of them has been printed as a public document.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1924.

BUREAU OF EFFICIENCY

The SPEAKER also laid before the House the following message from the President, which was read, and, with accompanying report, referred to the Committee on Appropriations:

To the Congress of the United States:

As required by the acts of March 4, 1915, and February 28, 1916, I transmit herewith the report of the United States Bureau of Efficiency for the period from November 1, 1923, to October 31, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1924.

REPORT OF NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with accompanying report, referred to the Committee on Appropriations:

To the Congress of the United States:

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committee for Aeronautics, I submit herewith the tenth annual report of the committee for the fiscal year ended June 30, 1924.

The attention of the Congress is invited to Part V of the committee's report, presenting a summary of the present status of aviation with reference to the existing governmental organization, the agencies for coordination, and the relation of aeronautical research, the aircraft industry, and commercial aviation to the problems of national defense. I concur in the committee's general recommendations and agree that in the last analysis substantial progress in aviation is dependent upon the continuous prosecution of scientific research.

When the National Advisory Committee for Aeronautics was established by Congress in 1915 there was a deplorable lack of technical information on aeronautics in this country. In submitting this, the tenth annual report of the committee, I feel that it is appropriate to say a word of appreciation of the high-minded and patriotic services of the men who have faithfully served their country without compensation as members of this committee and of its subcommittees. Through this committee the talent of America has been marshaled in the scientific study of the problems of flight, with the result that to-day America occupies a position in the forefront of progressive nations in the technical development of aeronautics. The status of the committee as an independent Government establishment has largely made possible its success.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1924.

PUBLIC SERVICE COMMISSION OF PORTO RICO

The SPEAKER also laid before the House the following message from the President, which was read, and, with accompanying papers, referred to the Committee on Insular Affairs:

To the Congress of the United States:

As required by section 38 of the act approved March 2, 1917 (39 Stat. 951), entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of each of 16 franchises granted by the Public Service Commission of Porto Rico. The copies of the franchises inclosed are described in the accompanying letter from the Secretary of War, transmitting them to me.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1924.

ELECTION OF A MEMBER TO THE JUDICIARY COMMITTEE

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

House Resolution 374

Resolved, That WILLIAM E. BOWLING, of Alabama, be, and he is hereby, elected a member of the standing Committee of the House on the Judiciary.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

THE JUDICIARY COMMITTEE

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may be permitted to sit Monday afternoon next during the session of the House.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the Committee on the Judiciary may sit next Monday afternoon during the session of the House. Is there objection?

There was no objection.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I call up the unfinished business, the bill H. R. 10020, making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes, and ask for a vote.

The SPEAKER. The gentleman from Michigan calls up the unfinished business, which is the Department of the Interior appropriation bill.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Obviously, there is not.

Mr. SANDERS of Indiana. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 3]

Abernethy	Gallivan	Miller, Ill.	Sears, Nebr.
Ayres	Geran	Mills	Sherwood
Buckley	Goldsbrough	Moore, Ill.	Smithwick
Burdick	Griffin	Morgan	Stalker
Cable	Hammer	Nelson, Wis.	Strong, Pa.
Carew	Howard, Nebr.	Newton, Mo.	Sullivan
Casey	Jeffers	O'Brien	Taylor, Colo.
Clark, Fla.	Johnson, S. Dak.	O'Connor, N. Y.	Tilson
Clarke, N. Y.	Kahn	Oliver, N. Y.	Tinkham
Connally, Tex.	Kearns	Parks, Ark.	Tydings
Connolly, Pa.	Kendall	Perkins	Underhill
Corning	Kless	Phillips	Ward, N. Y.
Davey	Kunz	Porter	Ward, N. C.
Dominick	Langley	Prall	Weller
Doyle	Larson, Minn.	Ransley	Williams, Mich.
Drewry	Linthicum	Reed, W. Va.	Williams, Tex.
Eagan	Logan	Roach	Winslow
Edmonds	McKenzie	Rogers, Mass.	Wolf
Fairchild	McSwain	Rogers, N. H.	Woodrum
Fitzgerald	Manlove	Romjue	Yates
Funk	Michaelson	Schall	Zihlman

The SPEAKER. Three hundred and forty-six Members have answered to their names, a quorum.

Mr. SANDERS of Indiana. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The previous question was ordered upon the appropriation bill for the Department of the Interior. Is a separate vote demanded upon any amendment?

Mr. CRAMTON. Mr. Speaker, I demand a separate vote upon the amendment with reference to the abolition of certain land offices, the amendment striking out the proviso on page 12 of the bill.

The SPEAKER. The gentleman from Michigan demands a separate vote upon the land-office provision.

Mr. SINNOTT. Mr. Speaker, I ask the gentleman from Michigan whether that is my amendment?

Mr. CRAMTON. Yes; it is the Sinnott amendment.

The SPEAKER. Is a separate vote demanded upon any other amendment? If not, the Chair will put the other amendments en grosse. The question is on agreeing to the other amendments.

The other amendments were agreed to.

The SPEAKER. The question now recurs upon agreeing to the amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, line 10, after the word "Wyoming," strike out all of the paragraph down to and including line 4 on page 13, the language stricken out being as follows: "Provided further, That the following land offices are hereby abolished, effective July 1, 1925: Harrison, Ark.; El Centro, Eureka, Independence, and Susanville, Calif.; Del Norte, Durango, Lamar, Leadville, and Sterling, Colo.; Blackfoot, Coeur d'Alene, and Hailey, Idaho; Topeka, Kans.; Crookston and Duluth, Minn.; Jackson, Miss.; Billings, Bozeman, Glasgow, Great Falls, Kalispell, and Lewistown, Mont.; Alliance, Nebr.; Elko, Nev.; Clayton and Fort Sumner, N. Mex.; Dickinson, N. Dak.; Burns and La Grande, Oreg.; Bellefourche, S. Dak.; Vernal, Utah; Vancouver, Walla Walla, Waterville, and Yakima, Wash.; Wausau, Wis.; Cheyenne and Newcastle, Wyo., and their necessary personnel, together with such records, furniture, and supplies as may be necessary, shall be transferred to such of the land offices enumerated above and not abolished by this act as the Secretary of the Interior may direct, except that the records of the Topeka, Kans.; Jackson, Miss.; and Wausau, Wis., land offices shall be disposed of in accordance with existing law."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. TILMAN) there were—ayes 122, noes 107.

Mr. CRAMTON. Mr. Speaker, on this vote I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 185, nays 162, not voting 85, as follows:

[Roll No. 4]

YEAS—185

Allen	Black, N. Y.	Bulwinkle	Collier
Allgood	Bland	Burness	Collins
Almon	Bloom	Busby	Colton
Aswell	Bowling	Cannfield	Connally, Tex.
Bankhead	Boylan	Carew	Cooper, Ohio
Barbour	Brand, Ga.	Celler	Cooper, Wis.
Beck	Briggs	Christopherson	Crisp
Bell	Browne, Wis.	Clague	Croll
Berger	Browning	Cleary	Crowther

Cullen	Johnson, Ky.	Moore, Va.	Sites
Cummings	Kearns	Moore, Ind.	Smith
Curry	Keller	Morehead	Spearing
Dickinson, Iowa	Kerr	Morgan	Stedman
Dickstein	Kindred	Morin	Stengle
Doughton	King	Morris	Stephens
Drane	Knulson	Morrow	Summers, Wash.
Driver	Kopp	Newton, Mo.	Swank
Evans, Mont.	Kurtz	Nolan	Sweet
Favrot	Kvale	O'Connell, N. Y.	Swing
Fisher	Lampert	O'Connor, La.	Tague
Frear	Lankford	Oldfield	Taylor, Colo.
Free	Larsen, Ga.	Park, Ga.	Taylor, Tenn.
French	Lazaro	Peavey	Taylor, W. Va.
Fulmer	Lea, Calif.	Pou	Thomas, Okla.
Garber	Leatherwood	Prall	Tillman
Gardner, Ind.	Leavitt	Quayle	Timberlake
Gasque	Lee, Ga.	Quin	Upshaw
Gifford	Lilly	Ragon	Vaile
Glatfelter	Lindsay	Rahney	Vinson, Ga.
Hooker	Lowrey	Raker	Voigt
Hall	Lyon	Rankin	Watkins
Hardy	McClintic	Rathbone	Weaver
Harrison	McDuffie	Reed, N. Y.	Wefald
Hastings	McFadden	Richards	Welsh
Hawley	McKeown	Robinson, Iowa	Wertz
Hayden	McNulty	Robison, Ky.	White, Kans.
Hickey	McReynolds	Rouse	Williamson
Hill, Ala.	McSwaney	Rube	Wilson, Ind.
Hill, Wash.	Major, Mo.	Sandlin	Wilson, La.
Hooker	Mansfield	Schafer	Wilson, Miss.
Howard, Okla.	Martin	Schneider	Wingo
Hudspeth	Meed	Sears, Fla.	Winter
Hull, Iowa	Merritt	Sears, Nebr.	Wright
Humphreys	Miller, Wash.	Shallenberger	Wurzbach
Jacobstun	Mooney	Simmons	
James	Moore, Ga.	Sinclair	
Johnson, Wash.	Moore, Ohio	Sinnot	

NAYS—162

Ackerman	Davis, Tenn.	Johnson, W. Va.	Sabath
Aldrich	Deal	Jones	Salmon
Anderson	Denison	Jost	Sanders, Ind.
Andrew	Dickinson, Mo.	Kelly	Sanders, N. Y.
Anthony	Dowell	Kent	Sanders, Tex.
Arnold	Dyer	Ketcham	Scott
Bacharach	Elliott	Kincheol	Seger
Bacon	Evans, Iowa	LaGuardia	Shreve
Barkley	Fairfield	Lanham	Snyder
Beers	Faust	Leach	Speaks
Begg	Fenn	Lehlbach	Sprout, Ill.
Bixler	Fish	Lozier	Sprout, Kans.
Black, Tex.	Fleetwood	Luce	Stegall
Blanton	Foster	McLaughlin, Mich.	Stevenson
Boles	Freeman	McLeod	Strong, Kans.
Box	Frthingham	MacGregor	Sumners, Tex.
Boyer	Fulbright	MacLafferty	Swoope
Brand, Ohio	Fuller	Magee, N. Y.	Taber
Britton	Funk	Magee, Pa.	Temple
Brown, N. J.	Gambrell	Major, Ill.	Thatcher
Brumm	Garner, Tex.	Mapes	Thomas, Ky.
Buchanan	Garrett, Tenn.	Michener	Thompson
Burton	Garrett, Tex.	Milligan	Tucker
Butler	Gibson	Minahan	Treadway
Byrnes, S. C.	Gilbert	Montague	Tucker
Byrnes, Tenn.	Graham	Moore, Ill.	Underwood
Campbell	Green	Murphy	Vare
Cannon	Greenwood	Nelson, Me.	Vestal
Carter	Griest	Newton, Minn.	Vincent, Mich.
Chindblom	Guyer	O'Connell, R. I.	Vinson, Ky.
Clancy	Haugen	O'Sullivan	Walwright
Cole, Iowa	Hawes	Paige	Ward, N. Y.
Cole, Ohio	Hersey	Parker	Wason
Connery	Hill, Md.	Patterson	Watres
Cook	Hoch	Peery	White, Me.
Cramton	Holaday	Perlman	Williams, Ill.
Crosser	Huddleston	Purnell	Wood
Dallinger	Hudson	Ramseyer	Woodruff
Darrow	Hull, Tenn.	Rayburn	Wyant
Davis, Minn.	Hull, M. D.	Reece	
	Johnson, Tex.	Reid, Ill.	

NOT VOTING—85

Abernethy	Goldsbrough	Michaelson	Smithwick
Ayres	Griffin	Miller, Ill.	Snell
Buckley	Hammer	Mills	Stalker
Burdick	Howard, Nebr.	Nelson, Wis.	Strong, Pa.
Cable	Hull, W. E.	O'Brien	Sullivan
Casey	Jeffers	O'Connor, N. Y.	Tinkham
Clark, Fla.	Johnson, S. Dak.	Oliver, Ala.	Tydings
Clarke, N. Y.	Kahn	Oliver, N. Y.	Underhill
Connolly, Pa.	Kendall	Parks, Ark.	Ward, N. C.
Corning	Kless	Phillips	Watson
Davey	Kunz	Porter	Weller
Dempsey	Langley	Ransley	Williams, Mich.
Dominick	Larson, Minn.	Reed, Ark.	Williams, Tex.
Doyle	Lineberger	Reed, W. Va.	Winslow
Drewry	Linthicum	Roach	Wolf
Eagan	Logan	Rogers, Mass.	Woodrum
Edmonds	Longworth	Rogers, N. H.	Yates
Fairchild	McKenzie	Romjue	Zihlman
Fitzgerald	McLaughlin, Nebr.	Rosenbloom	
Fredericks	McSwain	Schall	
Gallivan	Madden	Sherwood	
Geran	Manlove		

So the amendment was adopted.

The Clerk announced the following pairs:

On this vote:

Mr. Parks of Arkansas (for) with Mr. Kless (against).
Mr. McLaughlin of Nebraska (for) with Mr. Ayres (against).

General pairs:

Mr. Johnson of South Dakota with Mr. Jeffers.
 Mr. Longworth with Mr. Gallivan.
 Mr. Connolly of Pennsylvania with Mr. Sherwood.
 Mr. Kendall with Mr. Hammer.
 Mr. Madden with Mr. Griffin.
 Mr. Watson with Mr. Smithwick.
 Mr. Perkins with Mr. Abernethy.
 Mr. Winslow with Mr. Corning.
 Mr. Porter with Mr. Linthicum.
 Mr. Dempsey with Mr. Tydings.
 Mr. Larson of Minnesota with Mr. Geran.
 Mr. Michaelson with Mr. Oliver of New York.
 Mr. Tinkham with Mr. Howard of Nebraska.
 Mr. Strong of Pennsylvania with Mr. Doyle.
 Mr. Rogers of Massachusetts with Mr. Rogers of New Hampshire.
 Mr. William E. Hull with Mr. Drewry.
 Mr. Snell with Mr. O'Connor of New York.
 Mr. Zihlman with Mr. Kurtz.
 Mr. Mills with Mr. Dominick.
 Mr. Manlove with Mr. Weller.
 Mr. Fitzgerald with Mr. Sullivan.
 Mr. Ransley with Mr. Casey.
 Mr. Burdick with Mr. Romjue.
 Mr. Yates with Mr. Buckley.
 Mr. Stalker with Mr. Reed of Arkansas.
 Mr. Tibson with Mr. Davoy.
 Mr. Kahn with Mr. Wolf.
 Mr. Phillips with Mr. McSwain.
 Mr. Fairchild with Mr. Oliver of Alabama.
 Mr. Williams of Michigan with Mr. Woodrum.
 Mr. Underhill with Mr. Clark of Florida.
 Mr. Roach with Mr. Eagan.
 Mr. Miller of Illinois with Mr. Williams of Texas.
 Mr. Fredericks with Mr. Goldsborough.
 Mr. Nelson of Wisconsin with Mr. Logan.
 Mr. Schall with Mr. Ward of North Carolina.
 Mr. Clarke of New York with Mr. O'Brien.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CRAMTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting a letter from the Secretary of the Interior.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the Record by printing a letter from the Secretary of the Interior. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

THE SECRETARY OF THE INTERIOR,
 Washington, December 9, 1924.

Hon. LOUIS C. CRAMTON,
 House of Representatives.

MY DEAR MR. CRAMTON: I wish to call your attention to the recommendations of the Commissioner of the General Land Office made to the Subcommittee on Appropriations of the House in the pending Interior bill.

It was estimated that the changes he suggests would effect a saving in administration totaling \$617,010 annually, \$255,280 of this amount from consolidation and elimination of local land offices. In my opinion these reductions can be made without detriment to the service and are warranted in economy of administration.

The Government does not lose the fees that otherwise would be collected by these land offices, as they would be paid into the nearest remaining land office. The public will not be particularly inconvenienced because of increased distances to be traveled, as 75 per cent of all land claims filed or brought to patent are initiated independent of a local land office before United States commissioners, judges, or clerks of courts.

Under existing law the Secretary of the Interior may close 21 land offices because of decrease in the quantity of undisposed lands; also he may close 52 offices because of disproportionate cost of operation as compared with diminishing income.

Owing to the fact that both laws operate to close the same offices in many cases, the total number that may be consolidated or abolished by the Secretary of the Interior without further legislation is 57.

The estimates of the General Land Office for the pending appropriation bill provide for the abolition of 39 offices and the consolidation of the positions of register and receiver in the remaining 45 offices.

Inclosed are memoranda showing the offices which may be consolidated and those that may be abolished under the law just mentioned. Those included in the Interior appropriation bill are marked by an asterisk.

The question before the House is the request of the General Land Office for authority to merge the positions of register and receiver in 45 offices and to abolish 39 land offices entirely. This would leave one or more land offices in every State with three exceptions, namely, Mississippi, Kansas, and Wisconsin, where there is a negligible amount

of public land remaining, which may readily be handled through the Washington office.

This situation is recited here in order that Congress may be advised in connection with its consideration of the other changes recommended.

Very truly yours,

HUBERT WORK.

CLASS I

Section 2248, United States Revised Statutes, provides as follows: "Whenever the quantity of public land remaining unsold in any land district is reduced to a number of acres less than 100,000, it shall be the duty of the Secretary of the Interior to discontinue the land office of such district, and if any land in any such district remains unsold at the time of the discontinuance of a land office the same shall be subject to sale at some one of the existing land offices most convenient to the district in which the land office has been discontinued of which the Secretary of the Interior shall give notice."

Under this section the following land offices, which have an area less than 100,000 acres remaining unsold (July 1, 1924), could be closed and consolidated with other offices without further legislation:

Alabama: Montgomery.
 Arkansas: Harrison. (Among the 39 offices listed for closing by Interior Department appropriation bill.)
 California: Eureka. (Among the 39 offices listed for closing by Interior Department appropriation bill.)
 Colorado: Lamar, Sterling. (Among the 39 offices listed for closing by Interior Department appropriation bill.)
 Florida: Gainesville.
 Idaho: Lewiston.
 Kansas: Topeka. (Among the 39 offices listed for closing by Interior Department appropriation bill.)
 Louisiana: Baton Rouge.
 Michigan: Marquette.
 Minnesota: Duluth. (Among the 39 offices listed for closing by Interior Department appropriation bill.)
 Mississippi: Jackson. (Among the 39 offices listed for closing by Interior Department appropriation bill.)
 Montana: Kalispell. (Among the 39 offices listed for closing by Interior Department appropriation bill.)
 Nebraska: Alliance. (Among the 39 offices listed for closing by Interior Department appropriation bill), Lincoln.
 New Mexico: Clayton. (Among the 39 offices listed for closing by Interior Department appropriation bill.)
 North Dakota: Bismarck.
 Oklahoma: Guthrie.
 South Dakota: Bellefourche. (Among the 39 offices listed for closing by Interior Department appropriation bill), Pierre.
 Wisconsin: Wausau. (Among the 39 offices listed for closing by Interior Department appropriation bill.)

CLASS II

Section 2250, United States Revised Statutes, provides as follows: "Whenever the cost of collecting the revenue from the sales of the public lands in any land district is as much as one-third of the whole amount of revenue collected in such district it may be lawful for the President, if, in his opinion, not incompatible with the public interest, to discontinue the land office in such district and to annex the same to some other adjoining land district."

Under this section the following land offices, where the cost of operation exceeded one-third of the revenue (during the fiscal year ended June 30, 1924), may be discontinued without further legislation:

Arkansas: Harrison.¹
 California: El Centro,¹ Eureka,¹ Independence,¹ Sacramento, San Francisco, and Susanville.¹
 Colorado: Del Norte,¹ Durango,¹ Lamar,¹ Leadville,¹ and Sterling.¹
 Florida: Gainesville.
 Idaho: Blackfoot,¹ Boise, Coeur d'Alene,¹ Hailey,¹ and Lewiston.
 Kansas: Topeka.¹
 Louisiana: Baton Rouge.
 Michigan: Marquette.
 Minnesota: Cass Lake.
 Mississippi: Jackson.¹
 Montana: Bozeman,¹ Great Falls,¹ Havre, Helena, Kalispell,¹ and Missoula.
 Nebraska: Alliance¹ and Lincoln.
 Nevada: Carson City and Elko.¹
 New Mexico: Clayton,¹ Fort Sumner,¹ Las Cruces, Roswell, and Santa Fe.
 North Dakota: Dickinson.¹
 Oregon: Burns,¹ La Grande,¹ The Dalles, and Vale.
 South Dakota: Bellefourche¹ and Rapid City.
 Washington: Seattle, Vancouver,¹ Walla Walla,¹ and Yakima.¹
 Wisconsin: Wausau.¹
 Wyoming: Buffalo and Newcastle.¹
 Total, 52.

¹One of the 39 offices listed for closing by the Interior Department appropriation bill.

Interior Department appropriation bill, fiscal year 1926—A comparative statement of the appropriations for 1925, the Budget estimates for 1926, and the amounts recommended in the accompanying bill for 1926

Object	Appropriations for 1925, including amounts in pending deficiency and field classification bills	Budget estimates for 1926	Amount recommended in the bill for 1926	Increase (+) or decrease (-), bill compared with 1925 appropriation	Increase (+) or decrease (-), bill compared with 1926 Budget estimates
GENERAL LAND OFFICE					
Salaries.....	\$885,920.00	\$805,000.00	\$805,000.00	-\$80,920.00	-----
Inspection, expenses of.....	5,000.00	3,000.00	3,000.00	-2,000.00	-----
Maps:					
United States and other.....	18,000.00	15,000.00	15,000.00	-3,000.00	-----
State and Territorial.....	1,500.00	1,300.00	1,300.00	-200.00	-----
Filing appliances.....	3,000.00	-----	-----	-3,000.00	-----
Surveyors general.....	214,680.00	-----	-----	-214,680.00	-----
Surveying public lands.....	792,820.00	840,290.00	840,290.00	+47,470.00	-----
Reproducing plats of surveys.....	5,000.00	6,000.00	6,000.00	+1,000.00	-----
Registers and receivers.....	315,000.00	125,000.00	125,000.00	-190,000.00	-----
Contingent expenses of land offices.....	415,280.00	350,000.00	350,000.00	-65,280.00	-----
Protecting public lands, timber, etc.....	520,400.00	420,000.00	420,000.00	-100,400.00	-----
Hearings in land entries.....	15,000.00	15,000.00	15,000.00	-----	-----
Restoration of lands in forest reserves.....	2,000.00	2,000.00	2,000.00	-----	-----
Opening Indian reservations (reimbursable).....	1,000.00	1,000.00	1,000.00	-----	-----
Total, General Land Office.....	3,200,600.00	2,583,590.00	2,583,590.00	-617,010.00	-----

AGRICULTURAL APPROPRIATION BILL

Mr. MAGEE of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10404) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes, and, pending that, I would like to see if an arrangement can be made with the gentleman from Texas [Mr. BUCHANAN] in reference to the time for general debate.

Mr. BUCHANAN. I would say to the gentleman I have requests for two and a half hours on my side and any agreement that will give me that time will be satisfactory to me.

Mr. MAGEE of New York. I ask unanimous consent, Mr. Speaker, that the time for general debate be fixed at five hours, one-half of which time is to be controlled by the gentleman from Texas, and one-half by myself.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate be limited to five hours, half of which time to be controlled by himself and half by the gentleman from Texas. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on the motion of the gentleman that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Agricultural appropriation bill, with Mr. TREADWAY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10404, the Agricultural appropriation bill. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10404) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes.

Mr. MAGEE of New York. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MAGEE of New York. Mr. Chairman, I ask unanimous consent for leave to revise and extend my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. MAGEE of New York. Mr. Chairman and members of the committee, during the last session of the Congress the distinguished chairman of the subcommittee, Mr. ANDERSON, was ill. I was drafted to take charge of the bill which had been prepared by the subcommittee of which he is chairman. We very much desired that Mr. ANDERSON should take charge of this bill in the House, but he could not see his way clear to do so. However, he has kindly consented to sit with the subcommittee in the House during the consideration of this bill. I desire to express particularly my appreciation for his many acts of kindness and for the very valuable information which he has always been ready to give to me and the other members of the subcommittee in the preparation and drafting of this bill. I also wish to express my appreciation to my colleagues on the subcommittee for their effective work and cooperation in the preparation of this bill. Last but not least, I feel that I am voicing the sentiments of all my colleagues on the subcommittee in extending our very great appreciation to the efficient clerk of this committee, Mr. Barta, and his associates connected with the Committee on Appropriations of the House. Their preparatory work for the consideration of the subcommittee has been not only remarkably efficient but most thorough and complete.

I desire to state that the subcommittee has had the hearty cooperation of the Department of Agriculture in its work. We do not believe that it is wise to adopt a niggardly policy in making appropriations for agricultural purposes. We are an agricultural people and agriculture is our basic industry. There can be no continued prosperity of the country unless those engaged in agriculture are prosperous. Consequently in making appropriations for the Department of Agriculture we have endeavored to ascertain the needs of the department and to make appropriations reasonably sufficient for the department to function effectively.

In presenting the Agricultural appropriation bill for the fiscal year 1926 I shall not attempt a detailed review of all the items of appropriation carried in the bill, but rather shall endeavor to inform the committee of some of the more important features of the bill.

APPROPRIATIONS AND ESTIMATES

The detailed tabulation in the report gives the increase or decrease in the amounts recommended as compared with the appropriations for the current fiscal year and the estimates submitted by the President in the Budget for the fiscal year 1926. However, for the purpose of more clearly informing the membership of the committee the appropriations and estimates for the Department of Agriculture proper should be separated from the "cooperative construction of roads" items. With this in mind, I shall deal first with strictly departmental appropriations, and later will give the status of the funds relating to the cooperative construction of roads and trails and the Federal aid highway system.

For the fiscal year 1925 the total appropriations for the Department of Agriculture proper aggregated \$46,714,436, and the estimates submitted in the Budget for the fiscal year 1926 totaled \$44,002,000. It is recommended in the bill that appropriations of \$44,637,715 be made for 1926, which sum represents a decrease of \$2,712,436 under the appropriations for the current fiscal year, and which is an increase of \$635,715 over the Budget estimates. However, during the present fiscal year an appropriation of \$3,500,000 was made for the eradication of the foot-and-mouth disease, which sum for comparative purposes should not be included in the appropriations for 1925 inasmuch as it was made for a very special and urgent cause and does not occur annually. Therefore, deducting this sum from the total of the appropriations made for 1925, the actual amount available for activities of the Department of Agriculture proper amounted to \$43,214,436, and this sum, compared with the appropriations recommended aggregating \$44,637,715, shows that the bill under consideration is actually \$1,423,279 in excess of the appropriations available for the current fiscal year. This increase can be accounted for principally as follows:

Eradication of tuberculosis.....	\$200,000
Miscellaneous forest wages.....	84,050
Deciduous, forest, and truck-crop insects.....	50,000
Preventing spread of moths.....	149,840
Preventing spread of European corn borer.....	160,000
Japanese beetle control.....	38,930
Upper Mississippi River fish and game refuge.....	400,000
Cooperative forest-fire protection.....	258,100
Farm forestry and distribution of planting stock.....	100,000
Acquisition of additional forest lands.....	181,460

EXPENDITURES FOR PERSONAL SERVICES

There is contained in the bill a modified form of the average limitation clause inserted in all of the current appropriation bills, which restricts the average of all salaries paid under any grade under the classification act of 1923 to the average of the compensation rates for the grade. The principal differences between the average provision now in effect and that contained in the bill under consideration were made necessary by rulings of the Comptroller General of the United States, and in effect provide that the limitation shall specifically apply to those grades in which only one position is allocated, and do not require an employee passing from one grade to a higher grade to suffer a reduction in compensation because of such advance, and omits the words "or class thereof," which were deemed unnecessary in a ruling by the comptroller.

A further limitation upon the amount which might be expended for personal services in the District of Columbia was placed upon almost every paragraph of appropriation by the Bureau of the Budget. After very careful consideration of this matter, it was decided that these restrictions be removed, and that one limitation be carried at the end of each bureau, which limitation is the total of each of the restrictions for that particular bureau with an additional increase in those instances where the committee recommends an appropriation in excess of the Budget estimates. In this manner expenditures are restricted, but greater flexibility in administration is permitted.

BUREAU OF ANIMAL INDUSTRY

In explanation of the increases recommended for the eradication of tuberculosis in cattle, attention is called to the fact that State indemnity appropriations for 1924 amounted to \$6,112,500, and in those States where the legislatures convene in January it is fair to assume that even larger sums will be appropriated for this purpose. To show the increasing progress being made in this work in 1918, 204 herds, with a total of 134,143 cattle, were tested. In 1924 48,273 herds, with a total of 5,312,364 cattle, were tested. Of the total number of 13,708,599 cattle tested during the years 1918 to 1924, inclusive, 471,166 reactors were found, or 3.4 per cent. The amount of the Federal appropriations marks the speed with which this work will be carried on, and to reduce this sum at this time would be to prolong the eradication work for a number of years. The committee did not feel that the Government should take a backward step in its work of the eradication of tuberculosis in cattle.

BUREAU OF DAIRYING

I wish to call attention to a new bureau, which is being appropriated for for the first time in this bill. The Bureau of Dairying was established by the act of May 29, 1924, and the work of the dairy division of the Bureau of Animal Industry was transferred to this bureau. Creamery investigations, animal genetics, the maintenance of the Beltsville Farm, dairy cattle breeding, and other problems and investigations relating to the dairying industry of the United States are carried on by this bureau. For proper administration of the Bureau of Dairying an increase of \$10,000 over the Budget estimates was allowed by the committee.

BUREAU OF PLANT INDUSTRY

Increases in a number of items under the Bureau of Plant Industry were made by the committee, the largest being in the appropriation for the control of the white-pine blister rust, which it is recommended be used in the western United States. A small infestation of this disease has made its appearance in the State of Washington, and to prevent its spread into Idaho from this infestation and from the badly infested areas in Canada, but a short distance away, it is essential that sufficient funds be appropriated to cooperate with the States concerned in making a complete survey of the territory and in exterminating the host plants. The last great stands of western white-pine timber, valued at approximately \$550,000,000, are in great danger from this disease.

FOREST SERVICE

An increase of \$84,050 over the appropriation for the current fiscal year has been approved in the item for miscellaneous forest wages. Of this increase it is proposed that \$30,000 shall be used for strengthening the fire-control organization. Of the total of 157,503,000 acres in the national forests 86,000,000 acres carry a high fire hazard, and the present organization is called upon to protect an immense amount of territory, each man having approximately 50,000 acres, or an area of 80 square miles, to cover. An additional \$25,000 is to be used for the employment of scalers and timbermen to

handle the increasing sales of timber, which it is estimated will increase by 40,000,000 board feet during the year. The receipts covered into the Treasury from sales of timber for the fiscal year 1924 amounted to \$3,036,395. The remainder of the increase under this item—\$28,450—is to provide for the administration of land purchased under the Weeks Act. Since 1918 the area of the national forests purchased under this act has increased from 1,638,000 acres to 2,335,000 acres, and it is estimated that an additional 150,000 acres will be acquired during the present fiscal year, and for the proper administration of this immense amount of territory five new ranger districts must be organized.

Mr. LAZARO. Will the gentleman yield for a question before he leaves the subject of forests and the amount of land and tell the House if he knows where this forest land was purchased in the United States?

Mr. MAGEE of New York. The gentleman means under the Weeks Act?

Mr. LAZARO. Yes, sir.

Mr. MAGEE of New York. Well, I think a very material amount of land was purchased in New Hampshire and in the Appalachian chain.

Mr. LAZARO. Well, is it the policy of the Government to continue to purchase in different sections of the country where suitable land can be found?

Mr. MAGEE of New York. Yes, sir; I think it is fair to presume that in carrying out this act an appropriation of about \$1,000,000 will be made annually. We carry \$1,000,000 for that purpose in this bill. The bill for the present fiscal year carries \$800,000, and we put \$1,000,000 in this bill.

Mr. LAZARO. Well, I hope that the Government will follow out this policy.

Mr. MAGEE of New York. The idea of appropriating about \$1,000,000 a year, I will say to the distinguished gentleman from Louisiana, is that the organization created for that purpose should be kept intact, and it requires, I think, about \$1,000,000 a year to carry on the provisions of this act effectively.

BUREAU OF ENTOMOLOGY

Particularly in Washington County, Me., the people are dependent upon two industries—the canning of sardines and the canning of blueberries. In some years the catch of sardines is negligible, and the inhabitants must rely upon the blueberrying industry for their livelihood. Recently a destructive fly has made its appearance in these blueberry fields, and now threatens the industry, which affords employment to some 5,700 people and has an annual output valued at approximately \$2,000,000. To investigate and control this pest an increase of \$10,000 has been made. A like increase has also been made for studies of the codling moth, or worm of the peach, which in the Southern States is causing a damage of from 25 to 30 per cent in the mid-season varieties of peaches.

Increased amounts are recommended for studies of the cotton fly and the Arizona boll weevil, which for several seasons have caused serious injury to the cotton crop of the States in the Cotton Belt. To cooperate with the Western States in the control of the western bark beetles, which annually cause a loss of 5,000,000,000 board feet of mature timber, the accompanying bill carries an increase of \$10,000.

For the prevention of the spread of moths an increase of \$150,000 over the Budget estimate has been approved by the committee, of which amount \$100,000 shall be immediately available. This moth occurs in the New England States, and through cooperation with the States concerned has largely been confined to that area. However, to prevent its spread into the Adirondack and Catskill Mountains of New York, where control would be impossible, a barrier zone has been established in the western part of Vermont, Massachusetts, and Connecticut and the eastern section of New York. During the year 1923 the States contributed almost a million dollars for this purpose, and the increase recommended by your committee is to maintain this effective barrier until such time as natural parasites will be able to control this pest. Parasites have been introduced, and there is reason to believe that they will effectively control the moth infestation after sufficient numbers have been imported and acclimated.

Your committee also recommends that an increase of \$160,000 over the appropriation available for the current year be made in the item for the control and prevention of the spread of the European corn borer, which already is causing serious loss along the shores of Lake Erie and is extending up into Michigan. In Canada, across from the State of Ohio, in the counties of Essex and Kent, the increase in the number of these insects

has been in the neighborhood of 4,000 per cent, and in some sections the borer has completely ruined the crop. The purpose of the increase is to maintain the strict quarantine already in effect and to develop, if possible, natural enemies of the insect before it reaches the great corn-producing States of the Middle West.

To control the spread and maintain the quarantine on the Japanese beetle now operating in Pennsylvania and New Jersey, the committee recommends an increase of \$38,930 over the sum available for this purpose for the current year. This sum apparently is sufficient to prevent distant spread of the beetle, although the area is increasing each year, and until parasites are liberated in sufficient numbers to control the pest the quarantines will have to be enforced. In Japan where the insect occurs parasites are able to control it to such an extent that loss or damage therefrom is practically negligible.

BUREAU OF BIOLOGICAL SURVEY

A new paragraph of appropriation is recommended in this bill for the purpose of carrying out the act of June 7, 1924, establishing the Upper Mississippi River Wild Life and Fish Refuge. The purpose of the act is to prevent the drainage of areas vital to the maintenance of the fish, shellfish, and wild-fowl life of the Mississippi Valley. The act authorized an appropriation of \$1,500,000 for the purchase of lands along the river, and in the interest of economy, after careful consideration, the committee believes that \$400,000 should be provided for this purpose, of which \$100,000 should become immediately available for the purchase of lands and \$25,000 immediately available for administrative expenses. It is also provided in the paragraph that the Secretary of Agriculture may enter into contractual obligations on the part of the Government for the remainder of the sum authorized to be appropriated. It is contemplated that the purchase of land shall begin somewhere between the States of Missouri and Illinois and extend up the river some three or four hundred miles.

Mr. DOWELL. Will the gentleman yield?

Mr. MAGEE of New York. Yes.

Mr. DOWELL. How much has been expended of the amount that was authorized to be used last year? Has any yet been made available and used for that purpose, or is this the first appropriation?

Mr. MAGEE of New York. The act approved June 7, 1924, gave the authorization, and this is the first appropriation.

Mr. DOWELL. Can the gentleman tell the committee how much land it is contemplated to be purchased by this appropriation, and whether or not it is to be purchased or leased as provided under the general act?

Mr. MAGEE of New York. I can not tell the gentleman as to that. Those who are responsible for carrying out the act will have to determine that. It is also provided in the paragraph, I will say to the gentleman from Iowa, that the Secretary of Agriculture may enter into contractual obligations on the part of the Government for the remainder of the sum authorized to be appropriated.

MISCELLANEOUS FORESTRY ITEMS

For carrying out the provisions of the Clarke-McNary Act of June 7, 1924, an increase over the amount available for the current year is recommended in the appropriation for forest-fire cooperation. For the cooperative distribution of forest planting stock and cooperative farm forestry, appropriations of \$50,000 each are recommended. Failure to provide these funds would withhold from the owners of millions of acres of idle farm lands any Federal recognition, encouragement, and support in the reforestation of those lands, the effects of which would be particularly unfortunate in the States which now receive only indirect benefits from regular Forest Service appropriations.

FOREST ROADS AND TRAILS

For the cooperative construction of forest roads and trails Congress authorized appropriations aggregating \$13,000,000 in the Post Office appropriation act for 1923. Since that time appropriations amounting to \$9,000,000 have been made, and the estimate submitted in the Budget for the ensuing fiscal year was \$3,750,000. The committee was at a loss to understand why the remaining \$250,000 authorized for this work was not included in the estimate, and after carefully considering the matter decided that it would be best to wipe out all obligations authorized under the Post Office appropriation act, and consequently recommend in the bill an appropriation of \$4,000,000 for these purposes. Two statements showing the miles of roads and trails constructed in the various States, together with expenditures therefor, will be found on pages 624 and 625 of the hearings.

FEDERAL-AID HIGHWAY SYSTEM

For the cooperative construction of rural post roads Congress has authorized appropriations aggregating \$540,000,000, of which there has been appropriated to date a total of \$417,300,000. The remaining sum of \$122,700,000 is to be appropriated for during the fiscal years 1926 and 1927 as contractual obligations on the part of the Federal Government mature. Some misapprehension apparently has arisen in reference to the amount available for the cooperative construction of roads under the Federal-aid highway system. My attention has been called to statements "that the amount of money which Congress proposes to appropriate in order to hasten and stimulate road building by the States is about \$80,000,000, which is more than twice the amount Congress appropriated for this purpose last year." Such statements give an erroneous impression. The first thing to ascertain in arriving at the amount to be made available for any given purpose for the coming fiscal year is the estimated amount of unexpended balances which may be available and continued for that purpose. The estimated Federal-aid road balances available during this fiscal year amounted to approximately \$81,000,000. The Congress appropriated directly \$13,000,000 more, making a total available for the year 1925 of \$94,000,000, which amount is approximately \$14,000,000 in excess of the amount made available in the pending bill. It is estimated that expenditures for the current fiscal year will aggregate approximately \$90,000,000, which would leave available for expenditure during 1926 a balance of \$4,000,000 plus the appropriation carried in this bill of \$76,000,000, or a total of \$80,000,000. I wish to call attention, however, to the fact that only once since 1917 have the expenditures greatly exceeded \$80,000,000, and it would be difficult for the Bureau of Public Roads to estimate the exact amount necessary. A year ago it was estimated such expenditures for the fiscal year 1924 would amount to \$85,000,000, but there was actually expended a little over \$80,000,000. I do not believe that the expenditures for the year 1925 will amount to \$90,000,000, and in that event there will be a much larger balance available for expenditure in 1926.

Mr. DOWELL. Will the gentleman yield?

Mr. MAGEE of New York. In a moment. I think, perhaps, I may anticipate the gentleman's question. If not, then I will yield.

There is pending in the Senate the Dowell bill authorizing appropriations of \$75,000,000 per annum for two years, beginning July 1, 1925. Until that bill has become a law it is reasonable to believe that road building will not progress as rapidly as heretofore, again reducing actual expenditures. However, assuming that the expenditures for 1925 will aggregate \$90,000,000, leaving a balance of \$4,000,000, this latter sum, together with the recommended appropriation, will give the Bureau of Public Roads \$80,000,000 for the fiscal year 1926. This sum exceeds by \$5,000,000 the authorizations for any one year now carried in the Dowell bill, and I am inclined to believe that it is the intention of Congress that expenditures for road building should be near the authorization of \$75,000,000 per annum. It appears to me that the appropriations already made or authorized, aggregating \$540,000,000, have given liberal encouragement and aid to the States in the construction of the Federal-aid highway system, and that Congress should be looking forward to the day when these enormous appropriations and expenditures can be materially reduced. The status of the cooperative road funds, miles of road constructed, allotments to the States; and so forth, will be found in detail on pages 453 to 467, inclusive, of the hearings.

Now, I yield to the gentleman.

Mr. DOWELL. Now, may I inquire if the \$4,000,000 referred to by the gentleman from New York includes all of the surplus that is now in the Treasury or in the authorizations of former years?

Mr. MAGEE of New York. No. I understand there will remain \$46,700,000 to be appropriated.

Mr. DOWELL. Then where does this \$4,000,000 come from that is now in reserve?

Mr. MAGEE of New York. It is the estimated balance of the amount available at the close of the present fiscal year.

Mr. DOWELL. Then, one other question. Under the present system of appropriations, the amount drawn from the appropriation is from the amounts actually used in the various States? I understand that there are a number of States that have not kept up with the actual program and that there will be due to those States, out of the surplus, moneys that have already been appropriated?

Mr. MAGEE of New York. Yes. That is set out in the hearings.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. MAGEE of New York. Yes.

Mr. LAZARO. Does the gentleman know of any States that have met the requirements of the bureau here and have failed to get the funds?

Mr. MAGEE of New York. I do not; but I am only speaking of my own knowledge. All these facts are set out in detail in the statements contained in the hearings.

Mr. LAZARO. Is it the judgment of the head of the Bureau of Public Roads that this amount will be sufficient to meet the requirements of the next fiscal year?

Mr. MAGEE of New York. Well, I can not tell you what his information is. I can only give you my own judgment, based on such information as I have.

Mr. LAZARO. Has he appeared before the subcommittee?

Mr. MAGEE of New York. He appeared before the committee, and he made his estimate, as I recall, of something like \$84,000,000. That is an estimate.

Mr. LAZARO. Of course; but the estimate is larger than the amount the bill provided.

Mr. MAGEE of New York. His estimate for 1924 was \$85,000,000, and he expended about \$80,000,000. My idea is that the improvements in road building in the way of effecting economies are coming so rapidly that no man can reasonably state what amount may be needed for road construction in 1926.

Mr. LAZARO. At the same time the gentleman will admit that there ought to be a safe margin?

Mr. MAGEE of New York. I think that we have a sufficient appropriation for the purpose.

That finishes my general statement on the bill. During the debate under the five-minute rule I shall be glad to attempt to answer any question the Members may desire to ask.

Now, apart from agriculture, I want to take this opportunity to say a word in favor of the bill H. R. 5097, a bill to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; and in this connection I ask the Clerk to read in my time a short editorial which appeared in the Washington Post of yesterday.

The Clerk read as follows:

ARMY OFFICERS' PAY

In the list of 586 retired officers of the Army, who were on active duty during the World War, will be found the names of 150 colonels. All of these, except one, were discriminated against by the restrictive clause in section 1 of the pay act of June 10, 1922.

These officers came back to active duty during the emergency, because their services were needed, and they cheerfully gave their best to the Government. Many had passed their three score and ten years, and the extra tax on their failing health doubtless cut short the lives of a number of them.

Since the date of the passage of the pay act, 38 of these colonels have died and over 100 of all ranks in the Army and Navy adversely affected by the discrimination have passed away.

Why should there be two pay schedules? Why should veterans be denied 20 per cent of the monthly pay the Government promised them for their support in their old age, while younger officers of less rank and service receive full compensation? Can any one claim that officers of equal rank and service and equal merit should be treated differently, because one class retired before and the other after June 30, 1922?

The unreasonable and drastic effects of this discriminating clause in the pay act could not have been realized at the time of its passage, or it never would have found a place in the law.

Many Members of Congress have expressed a desire to correct this matter in the interests of justice and fair play. A bill for the repeal of this discriminating clause was favorably reported by the Military Committee during the last session of Congress and is now on the calendar ready for passage. It should be pushed through without delay.

Mr. MAGEE of New York. The report accompanying the bill submitted to the House by the distinguished gentleman from Iowa [Mr. HULL] mentions the restrictive clause in the pay bill affecting these officers, to wit:

Nothing contained in the first sentence of section 17 or in any other section of this act shall authorize an increase in the pay of officers or warrant officers on the retired list on June 30, 1922.

The report further states:

This limitation, while granting the benefits of the new pay legislation to all officers who retire after July 1, 1922, deprives all officers retired prior to that date of said benefits, thereby violating the basic law under which these officers gained their retirement rights.

RETIRED OFFICERS INJURED BY THIS LIMITATION

1. There are approximately 800 retired officers of the Army, 400 of the Navy, 150 of the Marine Corps, and 50 of the Coast Guard who are injured by this limitation. These officers, for the most part, are officers of long service, who have retired on account of disability in line of duty or after having reached the age limit. In the Army alone the list includes 34 veterans of the Civil War, 254 who served as volunteers in the Spanish-American War, while most of the remainder served in the war with Spain, the Philippine insurrection, and the World War. Seventy-two held commissions as general officers in the World War, 18 hold the congressional medal of honor, 13 the distinguished-service cross, and 51 the distinguished-service medal.

2. The discrimination against these officers in many instances amounts to as much as 20 per cent of their retired pay. For example, a colonel of 30 years' service, retired prior to July 1, 1922, draws \$62.60 per month less pay than a colonel of the same length of service retired after July 1, 1922, \$46.87 less monthly pay than a lieutenant colonel, and even \$15.62 less than a major of the same length of service retired after July 1, 1922.

I want to say to the Members of the House that I am glad to speak a word in behalf of these officers. If you ask for their monuments, I point you to their gallant records, their deeds of valor on the field of battle, every mother's son of them willing at any time, if needs be, to make the supreme sacrifice for his country.

I hope that this bill for their relief will be promptly considered and passed.

Mr. BLANTON. Mr. Chairman, will the gentleman from New York yield for a question?

Mr. MAGEE of New York. Yes.

Mr. BLANTON. What does the gentleman think of a retired captain who has been going from our offices in the House Office Building, from one to another, for the last two weeks urging the passage of a bill increasing his retirement pay, where the facts disclose that he is an able-bodied man now 60 years of age engaged in a lucrative business here in the District of Columbia—the insurance business—and he has been drawing \$312 a month for 10 years?

Mr. MAGEE of New York. I did not yield for a speech from the gentleman.

Mr. BLANTON. I am asking the gentleman that question. What does he think of a case like that? Does the gentleman favor that bill?

Mr. MAGEE of New York. These officers in their advancing years and their dependents have been knocking at the doors of Congress for a simple act of justice. [Applause.]

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. MAGEE of New York. Yes.

Mr. WILLIAMSON. On looking through the Agricultural bill I can not find that any provision has been made for the destruction of predatory animals. Has that been covered?

Mr. MAGEE of New York. Oh, yes.

The CHAIRMAN. The gentleman from New York has used 45 minutes.

Mr. BUCHANAN. Mr. Chairman, I yield one minute to the gentleman from Oklahoma [Mr. HOWARD].

Mr. HOWARD of Oklahoma. Mr. Chairman, an investigation of Indian affairs is being conducted in Oklahoma. I rise not to discuss the pending bill but matters pertaining to this investigation, and I ask unanimous consent to extend my remarks in the RECORD upon that subject.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD on the subject indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWARD of Oklahoma. Mr. Chairman, in my mail this morning I find the following letter and affidavit from the Hon. Hugh L. Murphy, former county judge of Okmulgee County, Okla., which, I believe, in view of the investigation now under way by order of this House, contains information on the subject which should be in possession of the Members of the House and the people of the United States, and for that reason I submit them without comment at this time:

OKMULGEE, OKLA., December 5, 1924.

Hon. E. B. HOWARD, M. C.,

Washington, D. C.

DEAR MR. HOWARD: Noticing from the inclosed clipping appearing in the Okmulgee Democrat of the 5th, that you are not disinclined to attack the Indian Bureau when it needs attacking, and thinking you might be interested in knowing some facts as to the administration, or maladministration as the case may be, of certain large Indian estates in Oklahoma by the present officials of the Indian Bu-

reuo, I am forwarding you under separate cover a statement of facts amounting to charges of maladministration against Commissioner of Indian Affairs, Mr. Charles H. Burke, in the administering of certain Indian estates, members of the Creek Tribe of Indians. The original of this sworn statement, with documentary evidence attached, has been filed with the Hon. HOMER P. SNYDER, chairman of the subcommittee investigating Indian affairs in Oklahoma, and a copy filed with the honorable Attorney General. I am handing you herewith copies of my letters to Mr. SNYDER and the Attorney General transmitting statement to them as these letters state the purpose for which I filed the statement. I have also furnished Hon. TOM D. McKEOWN with a copy of this statement. I trust that you will take the time to read this statement as it contains information which I feel the Congress should have, particularly in view of the fact that the Indian Bureau is attempting to have Congress pass a bill placing all Indian estates under the exclusive jurisdiction of the Indian Bureau.

Yours very truly,

HUGH MURPHY,

Former County Judge, Okmulgee County.

INDIAN AFFAIRS IN OKLAHOMA—A DOCUMENTARY RECITAL OF CONTINUED OUTRAGE, SUBMITTED UNDER ADVICE OF SUBCOMMITTEE ON INDIAN AFFAIRS, INVESTIGATING INDIAN AFFAIRS IN OKLAHOMA PURSUANT TO ACT OF CONGRESS

SYNOPSIS

1. That the commissioner permitted M. L. Mott to settle the Sabar Jackson case for \$50,000, which sum was \$250,000 less than he disapproved a settlement submitted by the attorneys for Sabar Jackson, involving the same litigation, thereby causing a loss of \$250,000 to Sabar Jackson's estate.

2. That the \$50,000 settlement was \$700,000 less than the commissioner, by his own admissions, was "convinced" Sabar Jackson was entitled to receive; yet, in the face of this fact, he permitted M. L. Mott to settle the case for \$50,000.

3. That he authorized settlement of the Martha Jackson case for \$308,000, which was approximately \$50,000 less than the attorneys for the guardian of Martha Jackson submitted a settlement for of the same litigation, which the commissioner disapproved.

4. That he authorized payment to the guardian and attorneys who appeared against Martha Jackson in the litigation in an effort to prevent the recovery of her just share of the Thlocco estate the sum of \$70,000 as fees.

5. That he authorized settlement of the Martha Jackson litigation for approximately \$430,000 less than by his own admissions he was "convinced" Martha Jackson should receive.

6. That his administrative acts have resulted in a scheme whereby it is proposed that approximately \$250,000 of the "restricted" funds of Martha Jackson now in the hands of the Interior Department are to be turned over to the jurisdiction of the probate court of Okfuskee County, the attorneys procuring the transfer of said restricted funds to be paid 10 per cent of the estate.

7. That in violation of law he consented to, aided, assisted in, and authorized the diverting from the estate of Jackson Barnett, a full blood, incompetent Indian, the sum of over \$1,000,000.

8. That the loss, diversion, or dissipation in the administering of these three estates is far in excess of the total cost of administering all Indian estates by the probate courts of Oklahoma since Statehood (1908) regardless of the statements and compiled figures of the Indian Department to the contrary.

OKMULGEE, OKLA., November 27, 1924.

Hon. HOMER P. SNYDER,

Chairman Committee on Indian Affairs,
Washington, D. C.

DEAR SIR: Taking advantage of the privilege extended me by you as chairman of the Subcommittee on Indian Affairs sitting at Muskogee, Okla., on November 14, 1924, by authority of H. Res. No. 348 of the Sixty-eighth Congress, dated June 4, 1924, the purview of which your committee informed me contemplated no exclusion of persons in authority over restricted Indians, and that there may be no misunderstanding or alleged prejudicial construction of said resolution, the same is here quoted in full:

House Resolution 348

IN THE HOUSE OF REPRESENTATIVES,

June —, 1924.

Mr. CARTER submitted the following resolution, which was agreed to.

Resolution

Resolved, That the Committee on Indian Affairs of the House of Representatives of the Sixty-eighth Congress, or a subcommittee thereof, consisting of not less than five Members, is hereby empowered and directed to inquire into and investigate the situation with reference to the administration of Indian Affairs in Oklahoma among the Five Civilized Tribes, the Osages, the Quapaws, or any other Indians in Oklahoma.

The said committee or the subcommittee is hereby empowered to sit and act at any place; to require the attendance of witnesses and production of papers by subpoena to be signed by the chairman of said committee or subcommittee. The chairman of said committee or any member thereof is hereby empowered to administer oaths. Said committee or subcommittee is empowered to take testimony under oath and in writing to obtain documents, papers, and other information necessary to the investigation; to employ a stenographer to take and make a record of all evidence received by the committee and to keep a record of these proceedings.

All hearings by said committee shall be open to the public. The committee shall report to this Congress all evidence taken and their findings and conclusions thereon at the earliest possible date, and its report may, in the discretion of the committee, be filed with the Clerk of the House during the recess of Congress.

The expenses of said inquiry, not in excess of \$5,000, shall be paid out of the contingent fund of the House upon vouchers approved by the chairman of said committee."

I am, therefore, submitting herewith a statement of facts amounting to charges of maladministration against Mr. Charles H. Burke, Commissioner of Indian Affairs, in the conduct of certain large Indian estates of members of the Five Civilized Tribes. As I understand the resolution and the statement of your committee as to its purport, it is broad enough to cover the acts of the Indian Department as well as the acts of the courts of Oklahoma in administering Indian estates, and inasmuch as your committee saw fit to limit its inquiry "solely to the acts of the courts of Oklahoma committed within the past two years," and that Congress may have an opportunity, when the report of your committee is before it, to make a fair comparison between the administration of Indian estates by the courts of Oklahoma and the Indian Department, headed by Mr. Burke; and particularly in view of the fact that your committee gave the courts of Oklahoma a "clean bill of health," I am confining this statement solely to the acts of the Indian Department and Mr. Burke in these matters.

The particular cases I desire to present for the consideration of your committee and the Congress are those of Martha Jackson, Sabar Jackson, Jackson Barnett, all full-blood Creek Indians, and Richmond Bruner, a restricted Creek Indian. I shall discuss these cases in the order given and attach such record testimony for the information of your committee and the Congress as I deem will be helpful in arriving at a proper conclusion of these matters.

THE MARTHA AND SABAR JACKSON CASES

Martha Jackson was the sole heir of Barney Thlocco, deceased, a full-blood Creek Indian, who died leaving valuable oil lands in Creek County, Okla. Sabar Jackson, the father of Martha—and whose interest I will discuss jointly with Martha's—also inherited a life estate in the allotment of Thlocco. Martha Jackson and Sabar Jackson each leased the allotment of Thlocco to the Black Panther Oil & Gas Co., each lease containing a covenant to pay both Martha and Sabar Jackson a full one-eighth royalty each, in consideration for which two leases the Black Panther Oil & Gas Co. agreed to "litigate all claimants to the Thlocco allotment at their own expense and place title in Martha and Sabar Jackson free of cost to them." Both of these leases and contracts to place title in the Jacksons were submitted to the Interior Department for approval, and were approved by the Secretary of the Interior.

Instead of placing title to this allotment in Martha and Sabar Jackson as it had agreed to do, "free of cost," and pay a one-fourth royalty to the Jacksons, the Black Panther Oil & Gas Co., its agents and officers, after the land became very valuable for oil and gas, caused the allotment to be sold by the guardian of Martha (who up to about that time was a director in the Black Panther Co.) to James Brazell, president of the Panther Co., for the sum of \$12,000 cash and \$12,000 to be paid under certain contingencies. The Indian department, headed by Hon. Cato Sells, considered this price too low and authorized a settlement for about \$111,000, but also authorized the Panther people to "buy the interest of Sabar Jackson," which it did for the sum of \$10,000 cash and \$10,000 to be paid under certain contingencies. At this time the interest of Martha and Sabar Jackson was worth more than a half million dollars in royalty due under the two leases above referred to, and the deeds taken from these Indians not only conveyed the land and all future royalties but also all "accumulated royalties then in the hands of the Federal court," amounting to approximately a half million dollars.

The probate court of Okfuskee County appointed a new guardian for Martha Jackson, and also appointed a guardian for Sabar Jackson (the same party acting as guardian for both Martha and Sabar Jackson), and this guardian employed George M. Swift, a lawyer of Okmulgee, Okla., to bring suit to cancel the deed from Martha Jackson's former guardian, the approval of her sale by the Indian Department, and also to bring suit to cancel all deeds given by Sabar Jackson.

These suits were bitterly contested for several years, and finally, on the 28th day of February, 1921, Mr. Swift entered into a stipulation of settlement of both the Martha and Sabar Jackson litigation.

tion (subject to the approval of the Secretary of the Interior), by the terms of which stipulations Martha Jackson was to be paid approximately \$370,000 and Saber Jackson \$300,000, making a total of \$670,000. A copy of the Martha Jackson stipulation is hereto attached, marked "Exhibit 1," and a copy of the Saber Jackson stipulation is hereto attached, marked "Exhibit 2."

These stipulations were submitted to Mr. Charles H. Burke, Commissioner of Indian Affairs, for his approval or disapproval, on May 6, 1921. On June 17, 1921, Mr. Burke notified Mr. Swift that the stipulations for settlement had been disapproved on the ground that the "terms were not satisfactory," and on August 5, 1921, Mr. E. B. Meritt, assistant commissioner, directed Mr. Swift to file the order of disapproval in the United States Circuit Court of Appeals, together with his letter transmitting same, so that the court might proceed to decide the cases on their merits. A copy of the order of disapproval, signed by Charles H. Burke and approved by F. M. Goodwin, Assistant Secretary, dated June 17, 1921, is hereto attached as Exhibit 3, and a copy of the letter from Mr. Meritt, assistant commissioner, directing Mr. Swift to file said order in Circuit Court of Appeals, is hereto attached as Exhibit 4.

Shortly after this order of Commissioner Burke and Assistant Secretary Goodwin, disapproving stipulations, was signed, C. Guy Cutlip, attorney for R. W. Parmenter, claiming to be the guardian of Martha Jackson, and McKinney, guardian of Saber Jackson, attempted to dismiss the appeals for these Indians then pending in the United States Circuit Court of Appeals. Had this been done, Martha Jackson would have received only about \$111,000, and Saber Jackson \$20,000, less \$14,000 already paid him for the Thlocco allotment, and all accumulated royalties.

When this attempt was made to dismiss these appeals, Mr. Swift had one of his associate counsel communicate with Commissioner of Indian Affairs, Mr. Burke, in an effort to have him intervene in these cases in the name of the Government to prevent the dismissals, but Mr. Burke declined to do so. A copy of telegram from J. F. McMurray to Chas. H. Burke, dated September 8, 1921, asking Mr. Burke to intervene to prevent the dismissals of these cases is hereto attached as Exhibit 5. However, Mr. Swift and associate counsel opposed such dismissals, prevented same, and continued to fight for Martha and Saber Jackson in the United States Circuit Court of Appeals, but, while these appeals were still pending with the knowledge and by the direction of the Indian Department as contained in letter from Assistant Commissioner Meritt (Exhibit 4), and on August 23, 1922, W. E. McKinney, guardian of Saber Jackson, entered into a stipulation of settlement of the Saber case (without the knowledge or consent of Mr. Swift) for the sum of \$50,000, a sum \$250,000 less than Swift had settled the same case for, which settlement the Commissioner disapproved. A copy of said stipulation is hereto attached as Exhibit 6.

On August 28, 1922, M. L. Mott, a close friend of Commissioner Burke, submitted this \$50,000 stipulation of settlement to Commissioner Burke, and in his letter to the commissioner Mr. Mott says:

"The stipulation is submitted for the purpose of securing an expression from the Interior Department with reference to it, either by way of approval or by indicating that the proposed settlement is not objectionable."

I may state here that I have been informed that at or about the time this letter was written by Mott to Mr. Burke, Mott advised the Black Panther Oil & Gas Co. that he could "arrange a settlement of the Saber case for \$50,000 in such a way there would be no objection raised by the Interior Department." But, be this as it may, on August 31, 1922, Mr. Burke replied to the letter from Mott dated August 28, in which he says:

"As the department is not a party to the proceedings referred to in the stipulation or agreement, and as the funds that are to be paid into the court for Saber Jackson as provided therein will not be restricted funds but will be paid to the guardian of Saber Jackson appointed by the county court of Okfuskee County, Okla., and as said guardian is entirely under the jurisdiction of said court, the Interior Department is in no way interested in the proposed settlement and therefore declines to approve or express any opinion concerning the same."

A copy of letter from Commissioner Burke to M. L. Mott, dated August 31, is hereto attached as Exhibit 7.

It will be noted that the commissioner says in his letter, "The funds to be paid to Saber Jackson are 'unrestricted funds.'" In this connection it is worthy of note that when Mr. Swift submitted his stipulation of settlement of \$300,000 the commissioner contended that all of the funds of Saber Jackson were "restricted funds" and required Mr. Swift to sign a stipulation that \$95,280 of the \$300,000 was restricted funds and should be paid to the department, the question of whether or not the balance of the \$300,000 was restricted funds to be left to the proper courts to decide. A copy of said stipulation is hereto attached as Exhibit 8, together with copy of letter from Swift to Commissioner Burke, dated Washington, D. C., May 18, 1921, transmitting same.

When the stipulation of McKinney, guardian, with the Panther Co., for \$50,000, above referred to, was filed in circuit court of appeals Mr. Swift opposed same and on September 6, 1922, had one of his associate counsel, Mr. Owen C. Becker, of Oneonta, N. Y., appeal to Commissioner Burke to aid in preventing the McKinney-Mott settlement from being made and the appeal dismissed. On September 11, 1922, Mr. Burke wrote Mr. Becker declining to intervene in the case or interfere with the McKinney-Mott \$50,000 settlement, giving practically the same reasons as he had previously given M. L. Mott. A copy of the letter from Commissioner Burke to Mr. Becker, dated September 11, 1922, is hereto attached as Exhibit 9.

Not being satisfied with this refusal by the commissioner to assist in protecting the interest of Saber Jackson, Mr. Swift again had Mr. Becker call upon Commissioner Burke to aid in preventing this robbery of Saber Jackson, and on October 2, 1923, Commissioner Burke wrote Mr. Becker again declining to lend his assistance, this time giving as his reason that:

"So far, the Government has in no way injected itself into any of the litigation in which Saber Jackson is interested. When the proceedings that are pending, to which he is a party, are finally disposed of, if we conclude that Saber Jackson has not received what he is entitled to, we will then take such action as the circumstances warrant, looking toward seeing that his interests are fully protected."

A copy of the letter from Commissioner Burke to Mr. Becker, dated October 2, 1922, is hereto attached as Exhibit 10.

More than two years have elapsed since that letter was written; the litigation was settled as per terms of the \$50,000 stipulation, and the case dismissed; the money was paid to McKinney, guardian of Saber Jackson, and in less than five months all of it was dissipated, and Saber Jackson is now penniless; and yet Commissioner Burke has taken no steps, as stated in his letter to Mr. Becker would be taken, "looking toward seeing that his interests are fully protected."

I now come to the close and the most damnable part of the whole Saber Jackson transaction. It will be recalled that Mr. Swift submitted a stipulation of settlement of this case in the sum of \$300,000, which the commissioner declined to approve on the ground that "the terms were not satisfactory"; in other words, the amount was not sufficient for Saber Jackson's interest; that later the commissioner permitted his friend, M. L. Mott, to settle the same case for \$50,000, which was \$250,000 less than Swift offered. That the commissioner was satisfied that the sum of \$300,000 was not sufficient for the interest of Saber Jackson in the Thlocco allotment is fully set out in a letter from Commissioner Burke to his friend, M. L. Mott, dated January 18, 1923, in which the commissioner says:

"MY DEAR MR. MOTT:

"In response to your inquiry as to the facts with reference to a certain stipulation having been disapproved in the matter of certain litigation in the Circuit Court of Appeals for the Eighth Circuit, in which the Black Panther Oil & Gas Co., Martha Jackson, and Saber Jackson were parties, by which there was to be paid to Martha and Saber Jackson \$308,000 and \$300,000, respectively, will say that I was called upon by Mr. J. F. McMurray, an attorney at law residing at McAlester, Okla., and he stated that he had been retained by the administrator or guardian of Saber Jackson and Martha Jackson, and that he was associated with George M. Swift, who had been representing the parties, or at least Saber Jackson, from the beginning of the litigation; that he, McMurray, was of the opinion that the stipulation which had been entered into by the parties to the litigation and which had been submitted to the department for approval ought not to be approved, because he believed that the said Saber Jackson and Martha Jackson were entitled to all of the accumulated royalties, then amounting to something more than a million and a half dollars. He made a plausible argument and one that caused me to go to the First Assistant Secretary of the Interior, and who, I believe, was Acting Secretary at the time, and call his attention to the question presented by Mr. McMurray.

"As a result of my conference with the Acting Secretary, he either disapproved or withheld his approval to the stipulation."

A copy of the letter from Commissioner Burke to M. L. Mott, dated January 18, 1923, is hereto attached as Exhibit 11.

Commissioner Burke says in his letter that McMurray made a plausible argument and one that caused me to go to the First Assistant Secretary of the Interior and call his attention to the questions presented by McMurray; as a result of my conference with the Acting Secretary he either disapproved or withheld his approval to the stipulation. The commissioner was "convinced" that Martha and Saber Jackson, full-blood Creek incompetent Indians, wards of the Government, were entitled to a million and a half dollars for their interest in the Thlocco allotment, but after being so convinced he permitted his friend M. L. Mott to settle the Saber Jackson case for \$50,000, which is \$250,000 less than the Swift stipulation which he disapproved because the amount was not sufficient, and \$700,000 less than the commissioner was "convinced" Saber Jackson was entitled

to when he disapproved the Swift stipulation, as Sabar Jackson was the owner of one-half of the million and a half referred to. (See letter from commissioner to Mott, Exhibit 11.)

The truth of the matter is, that both the Martha and Sabar Jackson stipulations submitted by Mr. Swift, giving these Indians approximately \$670,000, and not \$608,000, as the commissioner states, were recommended for approval by Commissioner Burke, and were actually approved by the First Assistant, or Acting Secretary, but as a result of the conference the commissioner refers to in his letter to Mr. Mott of January 18, 1923, the stipulations were sent back to the Commissioner of Indian Affairs and the letter of June 17, 1921, from Mr. Charles H. Burke, approved by F. M. Goodwin, Assistant Secretary, to George M. Swift (Exhibit 3), stating that said stipulation had been disapproved, was mailed out in lieu of the approved stipulations.

"In Commissioner Burke's letter to Mr. Owen C. Becker, dated October 2, 1922 (Exhibit 10), he says:

"So far the Government has in no way injected itself into any of the litigation in which Sabar Jackson is interested" * * *

In this statement the commissioner has either forgotten the record or misstated it, for the Government did intervene in the litigation over the Barney Thlocco allotment, both on behalf of Martha and Sabar Jackson, and the commissioner was advised of this fact on September 8, 1921, by Mr. J. F. McMurray in his telegram to Commissioner Burke (Exhibit 5), which reads as follows:

MCALISTER, OKLA., September 8, 1921.

CHARLES H. BURKE,

Commissioner of Indian Affairs, Washington, D. C.:

McKinney, guardian of Martha and Sabar Jackson, has given Swift notice that he has been dismissed as his attorney in United States Circuit Court of Appeals. McKinney now has filed motion in said court to dismiss the appeals of Martha and Sabar Jackson. Both moves at the suggestion and in the interest of Black Panther Oil & Gas Co. I think the interest of Martha and Sabar Jackson greatly jeopardized. The Government intervened in these suits in the lower court when McKinney threatened to take similar action there but did not join in the appeals. Allow me to suggest the wisdom of the department intervening in these suits in the court of appeals, so that the Government can see that no radical moves are made that will destroy the property rights of these Indians without notice to the Government. If you or the Secretary of the Interior desire, I will come to Washington immediately for conference.

J. F. McMURRAY.

This telegram was sent at the request of Mr. Swift in an effort to protect these Indians. The records in these cases in the Interior Department also show that the Government had intervened in these cases, and the commissioner is or should be familiar with the record. The facts are that Mr. Swift, in order to fully protect Martha and Sabar Jackson, requested Secretary of the Interior John Barton Payne to intervene in these cases and, at the request of Secretary Payne, the Attorney General directed the United States attorney at Muskogee, Okla., to intervene, and on June 4, 1920, Mr. Archibald Bond, United States attorney for the eastern district of Oklahoma, filed his intervention on behalf of Martha and Sabar Jackson, a copy of which is hereto attached as Exhibit 12. However, when Secretary Payne went out of office no further steps were taken by the Government to protect the interest of these Indians, although the intervention of the Government is still pending in the United States court at Muskogee.

Mr. Swift also requested Attorney General Daugherty to intervene in the litigation on behalf of Martha and Sabar Jackson, furnishing a complete history of the litigation, but he was advised by the Attorney General's office that "no steps could be taken unless requested by the Interior Department," and that upon inquiry at the Interior Department the Department of Justice was advised that "The Jackson litigation was a closed incident," and the report and record evidence was returned by the Department of Justice to Mr. Swift and is now in his possession.

THE MARTHA JACKSON CASE

As has been stated in discussing the Sabar Jackson case, Martha Jackson's case was settled by the Indian Department for \$308,000, plus \$12,000 paid her guardian, Parmenter, when she was a minor, whereas the stipulation of settlement presented by Mr. Swift and disapproved by Commissioner Burke would have given her approximately \$370,000 (Exhibit A), less the \$12,000 paid to her guardian, Parmenter, the actual amount she was to receive under the Swift stipulation being "the one-eighth royalty in the hands of the Federal receiver up to the date of the deed by her guardian, Parmenter, to the Black Panther interests," which would have amounted to approximately \$370,000, a small difference of approximately \$50,000.

In addition to this \$50,000, Commissioner Burke admitted to Secretary of the Interior Hubert Work, on March 24, 1924, that he had paid to R. C. Allen and C. Guy Cutlip, claiming to represent R. W. Parmenter, who claimed to be the guardian of Martha Jackson, as an incompetent, the sum of \$55,000, attorneys' fees, and had also

paid Parmenter \$15,000 as guardian fees, after Mr. Swift and his associate counsel had shown the Secretary that Allen, Cutlip, and Parmenter had all appeared both in the State and Federal courts and before the Indian Department in an effort to prevent Martha Jackson from receiving one dollar over and above what had been decreed her by the Federal court, to wit, \$111,000. So that in administering this estate the Commissioner of Indian Affairs settled the case for \$50,000 less than Swift's stipulation called for, and then paid the attorneys and guardians who appeared against and fought the interest of Martha Jackson the sum of \$70,000, making a total of \$120,000 actual loss to Martha Jackson, and in addition to this amount, according to the letter from Commissioner Burke to M. L. Mott (Exhibit 11), the commissioner settled the Martha Jackson case for \$442,000 less than he was "convinced" she should receive, the commissioner in his letter to Mott stating that he was convinced "Martha and Sabar were entitled to \$1,500,000," and for that reason he disapproved the Swift stipulation. So that, according to the commissioner's own statement, he settled the Martha Jackson case for \$442,000 less than he was convinced she should receive, and then paid the lawyers and guardian who opposed her recovering her just share of the estate \$70,000, which is over 62 per cent of the \$111,000 for which they sold her estate. No court in Oklahoma has ever allowed such an exorbitant fee in any Indian case.

To substantiate the charge that R. W. Parmenter, claiming to be the guardian of Martha Jackson, as an incompetent, and his attorney, C. Guy Cutlip, did everything in their power to prevent Martha Jackson from receiving her just share of the Thlocco estate, there is attached hereto, as Exhibit 13, copy of "Motion to dismiss by appellant" (which is a motion by Parmenter to dismiss the appeal of Martha Jackson taken by W. E. McKinney, the legal guardian of Martha, as an incompetent, filed in the United States Circuit Court of Appeals at Denver, Colo., just three months after Commissioner Burke had disapproved the Swift stipulation). Had this motion been granted, Martha would have received only \$111,000, instead of the \$308,000 she was finally paid. The Commissioner of Indian Affairs was requested to intervene to prevent this dismissal, but did not do so, and it was opposed by Mr. Swift and his associate counsel, and the dismissal prevented.

When the motion to intervene in the United States Court for the Eastern District of Oklahoma by W. E. McKinney, guardian of Martha, to cancel the deed given by Parmenter while acting as guardian of Martha Jackson, as a minor, and to prevent the settlement of her claim for \$111,000 (which had been approved by the Indian Department), Mr. Swift and his associate counsel were opposed by C. Guy Cutlip and R. C. Allen, representing Parmenter, joining in with the attorneys for the Black Panther Oil & Gas Co. The motion by McKinney, guardian, to intervene, was argued to Hon. Frank A. Youmans, sitting as judge of the United States Court for the Eastern District of Oklahoma, the motion being opposed by attorneys for the Black Panther Oil & Gas Co., and by R. C. Allen, representing Parmenter, who claimed to be the guardian of Martha. The motion was denied, and Swift and associates appealed to the Circuit Court of Appeals. When the Black Panther Co. filed its brief in the United States Circuit Court of Appeals, R. C. Allen, "Attorney for Parmenter," joined with them, in an effort to have the appeal dismissed. A copy of this brief will be furnished if required.

In addition to these facts, after Swift and associates had appealed from the order denying Martha Jackson leave to intervene to cancel the deed given by Parmenter, and to set aside the settlement of \$111,000, approved by the Indian Department (but not approved by the Secretary of the Interior, as the law required) the Black Panther Oil & Gas Co. made application to the Secretary of the Interior, the Hon. John Barton Payne, to have the settlement of \$111,000 made by the Indian Department, approved by the Secretary. At this hearing, R. C. Allen, representing Parmenter, and C. Guy Cutlip, also representing Parmenter, appeared with attorneys for the Panther Co. urging the approval of the \$111,000 settlement. Also appearing with attorneys for the Panther Co., urging such approval, was First Assistant Secretary of the Interior Hopkins, J. C. Davis, Creek national attorney, the superintendent of the Five Civilized Tribes, and Cato Sells, Commissioner of Indian Affairs. The approval was opposed by Mr. Swift and associate counsel, representing Martha Jackson. Secretary Payne refused to approve the \$111,000 settlement, and held:

"* * * It is ordered that the oil and gas lease executed by Sabar Jackson, as guardian of Martha Jackson, with J. Coody Johnson, under date of August 20, 1913, by and between J. Coody Johnson, party of the first part, and Sabar Jackson, as guardian of Martha Jackson, a minor, parties of the second part, and the oil and gas lease dated November 13, 1913, executed by Sabar Jackson individually, to J. Coody Johnson, together with the contract of employment between Sabar Jackson, individually, and J. Coody Johnson, dated November 13, 1913, be and the same are hereby approved. The said leases cover the Barney Thlocco allotment, to wit: The N.W. ¼ of sec. 9, T. 18

N. R. T. E. Creek County, Okla., and were made as the consideration for the said employment contracts. This controversy involves the interest of Martha Jackson, a minor, to the royalties in the hands of the receiver in the case of *United States of America v. Bessie Wildcat, et al.*, from the inception to the date on which the fee of the said real estate was conveyed by E. W. Parmenter, guardian, to Thomas Kelly, July 9, 1917, the validity of which conveyance is not involved in this proceeding and is not passed upon. The Secretary of the Interior is of opinion that in view of the said leases made to J. Coody Johnson in 1913, as aforesaid, the conduct of the parties subsequent thereto, including the contract of February 26, 1918, between the Black Panther Oil & Gas Co., James Brazell, O. O. Owens, and J. Coody Johnson, purporting to dispose of said royalties, that the said J. Coody Johnson, the Black Panther Oil & Gas Co., Sabar Jackson, and all parties claiming by, through, or under them, or any of them, are conclusively estopped from denying that the said Martha Jackson is entitled to receive less than the full one-eighth royalty mentioned in the lease so executed by her guardian, being one-half of the royalties accumulated prior to said conveyance and now in the hands of the receiver; and the Secretary finds, as a matter of fact, that she is entitled to receive said one-eighth, her interest amounting as of the date of the conveyance to Thomas Kelly, as aforesaid, to the sum of \$325,000, approximately."

A copy of said order, dated May 6, 1920, is hereto attached as Exhibit 14.

So incensed was Secretary Payne at those asking for the approval of the \$111,000 settlement, at the conclusion of the hearing he remarked:

"Those asking for the approval of this settlement (the \$111,000 stipulation) remind me of the thieves who crucified the Christ and then cast lots for his raiment;" and directed Mr. Swift to proceed with the litigation to cancel the deed from Parmenter to Kelly, mentioned in his order.

All of these facts were well known to Commissioner of Indian Affairs Burke when he disapproved the Swift stipulation and later approved one for \$308,000, and while the commissioner stated in his letter to M. L. Mott that he disapproved the Swift stipulation "because he was convinced Martha and Sabar Jackson were entitled to \$1,500,000," and later "proceeded to negotiate a new settlement," all that he did was to carry out, in part, the order of Secretary Payne above quoted, which had estopped all parties from denying that Martha was entitled to receive less than \$325,000, approximately, and the commissioner came within the "\$325,000, approximately," by allowing Panther Co. credit for the \$12,000 theretofore paid to Parmenter for a deed to the land.

The record shows that the commissioner's friend, M. L. Mott, figured in the Martha settlement as well as the Sabar crucifixion, for on April 4, 1921, Mott wrote Commissioner Burke as follows:

"Dillard, Allen & Dillard, attorneys for guardian of Martha Jackson, have employed me to assist in having their fees determined. I desire to be heard before action is taken by the department on approval of settlement of Martha Jackson interest involved in the Thlocco case. There is, in connection with this whole transaction, much information that you and the Secretary of the Interior should be in possession of before approval of any agreement between the parties by the department. I will be in Washington soon. If you desire the matter taken up, notify me and I will appear at once."

"P. S.: See Judge Allen's letter, which goes by the same mail."

This was on a hearing before Commissioner Burke on the stipulations submitted by Mr. Swift. Copy of letter from Mott to Commissioner Burke, dated April 4, 1921, is hereto attached as Exhibit 15.

And that is not all the part Mott played in the settlement of the Martha Jackson case and in securing fees for R. C. Allen. After the commissioner disapproved the Swift stipulation and "instituted proceedings looking to a new settlement," as he claims, he directed A. J. Ward, Creek national attorney, to make a report and recommendations in the Martha Jackson case. Ward and Mott were and are close friends. At the conclusion of his report (which is on file in the Indian Department) Mr. Ward made the following recommendation:

"The matter of attorneys' fees to be paid is not here discussed or considered, but will probably come up for consideration as soon as the above sum of money is set aside to Martha Jackson by proper court order in the event the contract (\$308,000) is approved. There are, as I understand it, only two claims for attorneys' fees that are entitled to consideration as against Martha Jackson, namely, the claim of C. Guy Cutlip and of Messrs. Dillard, Allen & Dillard."

And the recommendation was made by Ward, Creek national attorney, in face of the record, with which he was familiar; that both Cutlip and the firm of Dillard, Allen & Dillard, or, rather, Allen of that firm

had at all times and on all occasions done everything in their power to prevent Martha Jackson from receiving more than the \$111,000 allowed her by the trial court.

In Mr. Swift's report to the Attorney General on the Martha Jackson case he stated that he had been advised by Mr. F. W. Dillard, of the firm of Dillard, Allen & Dillard, that M. L. Mott either "wrote, dictated, or caused to be written" the clause above quoted from the report of A. J. Ward to Commissioner Burke, and that Mr. Dillard would swear to the fact.

THE FUNDS OF MARTHA JACKSON NOW IN THE HANDS OF THE INTERIOR DEPARTMENT TO BE TURNED OVER TO THE JURISDICTION OF THE PROBATE COURT OF OKFUSKEE COUNTY AS UNRESTRICTED FUNDS

I am informed and believe, and offer to furnish names of witnesses who will testify to the fact, that the Commissioner of Indian Affairs, Mr. Burke, not being satisfied with permitting his friend, M. L. Mott, to settle the Sabar Jackson case for \$50,000, the funds being paid into the county court of Okfuskee County as unrestricted funds, in violation of law, recently, and within the past three months, lent himself to a plan whereby the remaining funds of Martha Jackson (approximately \$250,000) were to be turned over to the jurisdiction of the probate court of Okfuskee County as unrestricted funds, the attorneys securing the consent of the commissioner for the transfer of the funds to be paid a fee of 10 per cent of the estate. In addition to this, so I am advised, the plan contemplates that as soon as the money is transferred, Martha Jackson, who is now under guardianship as an incompetent, is to be restored to competency and the estate turned over to her, for which service certain attorneys are to be paid one-half of the remainder of her estate and thus complete the legal, or illegal, rape of this incompetent full-blood Indian girl, ward of the Government. Learning of this scheme, Mr. W. W. Pryor, of Holdenville, wrote the Hon. Hubert Work, Secretary of the Interior, under date of September 20, 1924, as follows:

"Yesterday we learned that there are some agreements whereby certain favored attorneys are to receive 10 per cent of the funds in the hands of the department in case they can get the department to relinquish supervision over the funds of Martha Jackson. We also learned that certain favored attorneys have an understanding with the county judge of Okfuskee County, whereby they are to receive \$25,000 as a fee for the said services as soon as the money is placed under the supervision of the county court of Okfuskee County. And we also learned that Commissioner Burke has given his consent to a relinquishment of these funds."

Prior to Mr. Pryor's letter to Secretary Work, under date September 20, 1924, the district court of Seminole County held that Parmenter never was the legal guardian of Martha Jackson as an incompetent, and that W. E. McKinney was the legally appointed guardian, as Swift and associates had always claimed. Parmenter appealed to the Supreme Court of Oklahoma, but later dismissed his appeal, and the supreme court sent down its mandate, which was to the effect that McKinney was the legal guardian of Martha Jackson as an incompetent. This being a fact, the settlement made by Parmenter of \$308,000, approved by the commissioner and Assistant Secretary of the Interior, was illegal, as was also the payment of \$70,000 by Commissioner Burke to Parmenter and his lawyers out of the funds of Martha Jackson. When Mr. Pryor, of counsel for McKinney, guardian of Martha, called this matter to the attention of Secretary Work, the Indian Department instructed Mr. Dumbley D. Buell, probate attorney, Holdenville, Okla., to file a motion in the Supreme Court of Oklahoma to recall the mandate holding that Parmenter was not the legal guardian of Martha, which has been done, and also a motion to "substitute Mr. Buell for Parmenter" in the appeal. The only purpose of this move is to try to protect the Commissioner of Indian Affairs in the wrongful payment of \$70,000 of Martha's money and to bolster up the \$308,000 settlement made by Parmenter. These motions have not as yet been passed upon by the supreme court, and are still pending.

THE FUNDS OF MARTHA AND SABAR JACKSON ARE RESTRICTED FUNDS, UNDER THE DUAL SUPERVISION OF THE SECRETARY OF THE INTERIOR AND THE PROPER PROBATE COURT OF OKLAHOMA

For authority that the funds of Martha and Sabar Jackson are restricted funds, see act of Congress of May 27, 1908, *United States v. Hinkle*, 261 Fed. 518-22; *Parker v. Richards*, U. S. —, 83 L. ed. 954.

When the Government intervened in these cases (see Exhibit 12) it was upon the theory that the funds of both Martha and Sabar Jackson were restricted funds.

THE JACKSON BARNETT CASE

This is another case where, as in the cases of Martha and Sabar Jackson, M. L. Mott—friend of Commissioner Burke—appears on the scene and takes a more or less important part in the wrongful and illegal disposition of approximately \$1,100,000 of a full-blood, incompetent Creek Indian's estate by the Interior Department and the Indian Department thereof, during the incumbency of Albert B. Fall as Secretary of the Interior, and Charles H. Burke, Commissioner of Indian Affairs, without the consent or approval of the probate court

of Okmulgee County, where the guardianship of Jackson Barnett was and is pending, without the knowledge or consent of the guardian of Barnett, and in direct violation of law.

That your committee may know the first steps in the conspiracy to extract the \$1,100,000 from the estate of Jackson Barnett, above referred to, I quote from a petition of the guardian of Barnett recently filed with the Hon. Hubert Work, Secretary of the Interior, in an effort to recover this \$1,100,000 wrongfully and illegally paid out by the Interior Department under and by recommendation and approval of Charles H. Burke, Commissioner of Indian Affairs. That part of the petition referred to is as follows:

"* * * That the sole power and authority of the Secretary of the Interior to approve and make rules and regulations relating to the leasing and leases of restricted lands for oil and gas mining purposes, including the lands of said incompetent, is and was derived solely from and limited by said section 2 (the act of Cong., of May 27, 1908).

"That the Secretary of the Interior, assuming to act under the provision of said section 2, promulgated certain rules and regulations, among which are the following:

"(25) All royalties, rents, or payments accruing under any lease made for or in behalf of any minor or incompetent shall be deposited by the Indian agent or other Government officer to whom paid to the credit of the guardian or curator of said minor or incompetent in some national bank or banks designated by the Commissioner of Indian Affairs, and may be withdrawn therefrom by said guardian or curator, with the consent of the United States Indian agent, in sums not exceeding \$50 per month, unless otherwise ordered by the court. Sums in excess of \$50 per month may be withdrawn on order of the proper court and not otherwise. Such designated banks shall furnish satisfactory surety bonds, to be approved by the Secretary of the Interior, guaranteeing the safe care and custody of the funds deposited."

"That subsequent to the promulgation of the above rule the Secretary of the Interior assumed—and without power under the above statute and acts of Congress, which limits the Secretary's authority to that of prescribing rules and regulations relating to leases and leasing—to annex a provision to said rule 25 by which the Secretary of the Interior, without authority, attempts to empower the Superintendent for the Five Civilized Tribes to exercise an arbitrary discretion and withhold all funds arising from royalties from the benefit of minors and incompetents and from their respective guardians, which rules are and have been in effect, so far as consistent with the above statutes and treaties (and not otherwise) at all times mentioned in this complaint.

"* * * That from the time of the creation of the office of the Superintendent for the Five Civilized Tribes by virtue of said statute of August 1, 1914 (38 Stat. 598), it was, under the construction as applied and placed thereon by the Secretary of the Interior and the Interior Department, the invariable custom and practice for the Superintendent for the Five Civilized Tribes, and said cashier, to receive the royalties accruing from the leases of restricted minors, incompetents, and retain the custody thereof to the credit of such guardians and subject to the payment therefrom to the guardians for the benefit of their respective wards upon orders of the county court having jurisdiction of the guardianships.

"That the above custom and practice during all of such time, covering a period of more than eight years, and until about October, 1922, obtained as to the royalties and estate and guardianship of the said incompetent, Jackson Barnett.

"That during the latter part of the year 1922, the Secretary of the Interior and Commissioner of Indian Affairs, contrary to said laws and such of the rules and regulations consistent with the statute, and in departure from the said construction and interpretation at all times formerly applied thereto, assumed to dominate the affairs of the Superintendent for the Five Civilized Tribes, and the said cashier, in respect to the custody, control, and disbursement of said royalties received and in the hands of said cashier, including the royalties of said Jackson Barnett, to the extent of directing payments and disbursements therefrom without awaiting or requiring the order of the county court having jurisdiction of the respective estates of such ward, and that said superintendent and cashier have been and are indulging in the practice of carrying out said directions. That such unwarranted practice during the year 1922 has obtained as to the royalties and estate of Jackson Barnett.

"Your petitioner further respectfully represents that said Jackson Barnett, an adjudged incompetent, is in fact a mental incompetent, and by reason thereof has been for more than a half century, and now is mentally incompetent and incapable of taking care of himself and managing his property, and entirely unable to comprehend the value, condition, character, nature, and extent of his estate, or any part thereof, and is also without mental capacity to comprehend and understand, and without actual

comprehension or understanding of any written instrument, purported trusts, requests, and agreements hereinafter mentioned in this complaint. That said incompetent is, and for many years past has been (on account of an injury sustained in his early youth which permanently arrested his mental development), incapable of discerning or appreciating the motives and designs, evil or otherwise, of any person or persons with whom he comes or may come in contact.

"That during the month of February, 1920, defendant Anna Barnett, together with accomplices, none of whom had any previous acquaintance with said mental incompetent (excepting as disclosed by the report of the Secret Service agent referred to herein), enticed and forced the aged Indian into an automobile, transported him from his habitation, his accustomed environment, and the association of the members of his tribe, to the States of Kansas and Missouri, and in each State the said Anna Barnett entered into an alleged marriage relation with said decrepit mental incompetent.

"That at the time of the above 'matrimonial enterprise' the said spouse, to carry out her designs, engaged the services of legal counsel to bring about a situation whereby she and her accomplices might acquire and extract from the estate of said incompetent approximately \$550,000. That in consideration of such assistance the said counsel was (contingent upon success) to receive approximately \$150,000 of the funds to be so extracted from the aged Indian's estate.

"That in pursuance to the designs and arrangements above referred to, with the cooperation of other persons unknown to this complainant, the alleged incompetent has been continuously since said alleged marriage kept away from his former acquaintances, members of his tribe, and absented from his guardian, and at all times has been under the designing, dominating, immediate, and undue surveillance, duress, and restraint of the said spouse, her private counsel, and some of the associates.

"That during December, 1922, a letter was prepared by some person or persons other than Jackson Barnett, which letter purported to direct the negotiation and consummation of complex business transactions, involving the execution of various technical contracts and trust agreements, and designed to culminate in the disposition and distribution of more than a million dollars, approximately \$550,000 of which was to be given to said Anna Barnett; that said letter was written in the English language, which said incompetent could not read, and couched in terminology which is not susceptible of literal interpretation into Creek, the native language of said incompetent, and if interpreted in substance, involved transactions which were and are wholly foreign to and beyond the comprehension of said incompetent; that after said letter was so prepared, said incompetent in some manner unknown to this complainant was caused to impress his 'thumb print' as a purported signature.

"That the said Jackson Barnett at all times mentioned in this complaint, and at the time of so impressing his thumb print on said written instrument purporting to be his letter and pretending to contain his request and directions, was in fact a mental incompetent by reason of imbecility, such unfortunate mental condition being apparent to any person of average intelligence observing or attempting to converse with said ward, and his mind and memory are so impaired as to render him wholly incapable of understanding or comprehending the contents of said letter, or of giving the directions or of making or understanding the requests or the nature, character, and effect of the transactions and directions referred to and contained therein.

"That after said letter was so prepared and impressed with the thumb mark of said incompetent, it was forwarded or taken to the office of the Secretary of Interior, at Washington, D. C., together with the other papers and purported trust agreements, which the incompetent was likewise wholly incapable of understanding and did not understand.

"That the Assistant Secretary of the Interior, not so far as complainant is informed, being advised of the fraud practiced upon said incompetent and without actual knowledge of the mental incompetency and imbecility of said Jackson Barnett, although such incompetence and imbecility in fact had previously been reported to the department by the Secret Service, which report was then on file, was by reason of the contents of such letter induced to and did participate in and approve the carrying out of such purported directions, and without authority, without an order of the county court of Okmulgee County, Okla., and without the knowledge and consent of the guardian, delivered, in violation of law, unto Anna Barnett and her counsel, \$550,000 belonging to the estate of said incompetent. That of the \$550,000 so delivered, \$200,000 was by said donee with or by her direction delivered to and deposited in the Riggs National Bank, of Washington, D. C., and is now held by said bank as hereinafter alleged; and approximately \$100,000 paid, as a part of the transaction to the

private counsel of Anna Barnett as a gratuity for his services, as per the original agreement accompanying the matrimonial enterprise, to 'extract the half million or more from the aged Indian's estate.'

"That on or about April 28, 1920, the Secret Service or special agency of the Interior Department filed with the Commissioner of Indian Affairs, a report relating to an alleged kidnapping of Jackson Barnett. The above report relates a state, especially as contained in the concluding 12 pages, which, if true, disclose propensities so shockingly depraved and dangerous in their nature, as, and when considered with the imposition successfully practiced upon the department resulting in its apparent approval, and the extraction of the '\$550,000 or more' from the estate of the aged Indian, warrants this guardian, under order and advice of the probate court, in asking the official cooperation of your honorable Secretary in granting the assistance and relief prayed for in this petition.

"That on or about the year 1917, and prior to May, 1918, the exact date being unknown to this petitioner, the said cashier, without an order of the county court of Okmulgee County, Okla., invested the major portion of the proceeds of the royalty arising from said incompetent's allotment, in United States bonds, and without an order of said court and without the knowledge and consent of this guardian, forwarded and delivered said bonds, amounting to over a million dollars, to the Secretary of the Interior; that during February, 1923, the Secretary of the Interior, Albert Fall then incumbent, acting by and through F. M. Goodwin, Assistant Secretary of the Interior, assumed the control of said funds and power of disposing of the same upon what purported to be the written request of said incompetent; that on or about February 1, 1923, acting upon said request and without an order of said county court and without the knowledge or consent of the guardian of said ward, said Assistant Secretary of the Interior delivered to one Anna Laura Barnett and her private counsel said bonds or the proceeds thereof to the extent and value of \$550,000, as a gift, solely upon the authority and pursuant to said purported and pretended request of said mental incompetent.

"That contemporaneously with the delivery of said sum or bonds, or soon thereafter, the exact date being unknown to this petitioner, the said Anna Laura Barnett, or some official or employee of the Interior Department, delivered to the Riggs National Bank of Washington, D. C., said bonds or the proceeds thereof to the value of \$200,000; that contemporaneously with the delivery of said bonds, or the proceeds thereof, a purported trust agreement was entered into between the said Anna Laura Barnett and said bank, without any order or approval of said county court, and without any knowledge or consent of this guardian; that said agreement is in possession or control of said bank and the Interior Department, and that the contents thereof are unknown, but this complainant is informed and believes and avers that by the terms of said purported trust agreement said incompetent is wholly deprived of said \$200,000, and the same wrongfully diverted from his estate, except for a small amount to be handled by your honorable Secretary of the Interior (as per the terms of said trust agreement), not exceeding a 3 per cent annual income, provided by said agreement to be paid upon said \$200,000 to said incompetent during his lifetime.

"That at the time of the consummation of the original designs aforesaid and contemporaneously therewith, and with the apparent purpose of bolstering the entire enterprise with the color of philanthropy, there was likewise taken by the officials of the department, acting upon the purported written request of Jackson Barnett and induced by the impositions practiced upon them, the sum of \$550,000, which was delivered to the Equitable Trust Co. of New York in trust for certain purposes and objects disclosed by the records of the Interior Department, concerning which the said incompetent had no knowledge and was and is wholly incapable of understanding and comprehending; that said funds are still in the hands of said trust company (subject to process), and said company has been notified of the mental incapacity of the unwitting and incompetent donor.

"That your petitioner on the 5th day of June, 1923, was subjected to an order of the county court of Okmulgee County, Okla., a copy of which is exhibited herewith, directing this guardian to avail himself of such cooperation and assistance as the honorable Secretary of the Interior might render in seeking to recover that portion, aggregating over a million dollars of the aged Indian's estate, which has been erroneously and through misinterpretation of the law illegally diverted.

"That the United States Court for the Eastern District of Oklahoma, Justice Williams presiding, in a case instituted by this guardian to enjoin the Superintendent of the Five Civilized Tribes and the cashier from paying a \$50,000 voucher directly to said mental incompetent without order of the probate court, announced

as its decision in passing upon a motion then pending, 'That the officials of the Interior Department were and are without authority to make payments from the restricted funds of incompetent Indians, such as Jackson Barnett, except upon a concurring or joint order of the department and the probate court.' That said suit is still pending by which this guardian is seeking to preserve \$50,000 and prevent the certain waste and dissipation thereof, which would certainly result from its payment direct to said incompetent, as threatened, but thus far the progress of the guardian in said cause is being resisted by the Interior Department, acting by and through its representatives in said court.

"Your petitioner represents that as guardian of Jackson Barnett he is practically without funds, as disclosed in the said order of the probate court, exhibited herewith, and will be unable to pursue with promptness the necessary legal remedies unless the Superintendent of the Five Civilized Tribes and said cashier complies with the said directions of the probate court and concurs therein.

"That the alleged Mrs. Barnett, claiming to have the support of a number of the officers or attachés of the Interior Department, has left the territorial jurisdiction of the State and Federal courts of Oklahoma, and restrains the aged Indian from his old home friends and tribal members, as disclosed in the findings contained in the order of the probate court, and in this respect likewise, with the apparent support of some of the subofficers or employees of the department, this guardian is prevented from fully performing his duties with reference to the care and welfare of the incompetent, as contemplated by the statute, and the laws relating to guardianships. That, consistently with the tactics employed ever since said matrimonial adventure, said aged Indian is restrained in a foreign State (California) under surveillance, with the apparent purpose of preventing him from making his actual and true wishes known to his guardian, former neighbors, and immediate Indian relatives.

"That the attitude of the Interior Department, and especially the subofficers, in resisting instead of assisting in the progress of the legal proceeding pending and necessary to preserve and restore the estate of said aged incompetent is likewise an embarrassment and a handicap in delaying the guardian of said mental incompetent in performing what this guardian is by counsel and by the probate court advised, and in good faith believes to be, his duty and legal obligation in the premises."

There is attached hereto a complete copy of the "petition" and report of the guardian of Jackson Barnett (Carl J. O'Hornett) to the Hon. Hubert Work, Secretary of the Interior, from which the above quotations are taken, marked Exhibit 16. There is also attached as Exhibit 17, order of the probate court of Okmulgee County, with petition of Carl J. O'Hornett included in same, directing the guardian to proceed to recover the \$100,000 wrongfully paid out of the estate of his ward by the Interior Department and to prevent the payment of \$50,000 direct to Jackson Barnett. There is also attached, as Exhibit 18, brief of the law by counsel for O'Hornett, tending to show that the said \$100,000 was wrongfully and illegally paid, or given away, by and through a conspiracy to extract the amount from the estate of Jackson Barnett, which conspiracy was carried out by and with the aid and assistance of certain officials of the Interior or Indian Department.

The records of the probate court of Okmulgee County show that the guardian, O'Hornett, has resigned since the filing of the above petition with the Secretary of the Interior, and the facts are, that receiving no aid or assistance from the Interior Department in recovering and protecting the estate of his ward and being without funds to carry on the litigation, a fact well known to the Interior Department officials, he had nothing left to do but resign. In fact, it is reported on good and reliable authority that his resignation was brought about by Indian Department officials, and particularly Mr. Shude Wallen, superintendent of the Five Civilized Tribes, who requested the county court to appoint one of the field clerks working under him in the place of O'Hornett, which the county court refused to do. Just how and why this guardian was induced to resign and the fact that an attempt was made by Indian Department officials to have one of their own pets named in his place is worthy of investigation, even if the record did not disclose the sickening facts hereinbefore cited and referred to.

As stated in the outset of this Jackson Barnett statement, this same M. L. Mott who figured so conspicuously and so successfully for his client, the Black Panther Oil & Gas Co., in the Martha and Saber Jackson cases, also figured in this Barnett case, being paid a part of the \$100,000 alleged to have been paid to "counsel for Mrs. Barnett," or paid a fee for his services in the case from some other source. At any rate, he appeared in the case and was paid a fee, and I am reliably informed the said M. L. Mott now claims to be the personal attorney for Mrs. Anna Laura Barnett, which perhaps explains why she is able to keep Jackson Barnett secluded in California, away from his friends, members of his tribe, and blood relatives, and have every wish of the

said Mrs. Anna Laura Barnett gratified in so far as the Indian Department, headed by Charles H. Burke, is able to gratify them, as alleged in the petition of the guardian to the secretary.

While I was county judge of Okmulgee County, Okla., during the years of 1921 and 1922, the same or some other sinister influence was at work in this Barnett case, and Barnett was removed at midnight from his home in Okmulgee County and transported with his household belongings to Muskogee County, Okla., out of the jurisdiction of my court, where an attempt was made to establish his legal residence, and with him went his faithful spouse, Anna Laura Barnett.

An effort was made to buy an expensive home for Barnett in or near Muskogee, Okla., and in October, 1921, he, together with his faithful spouse, was transported to Washington, D. C., in company with Anna Laura Barnett's personal counsel and Edwin C. Motter, special assistant to the Attorney General, for the purpose of getting Commissioner of Indian Affairs Charles H. Burke to make an allowance of about \$300,000 for the purpose of buying or building a home in Muskogee, Okla., or near that city, on property claimed to be owned by the said Edwin C. Motter, special assistant to the Attorney General of the United States. Learning of this fact, I wired Mr. George M. Swift, who happened to be in Washington at that time, requesting that he protest the allowance of any sum for the purpose of building or buying a home for Jackson Barnett outside of Okmulgee County, stating that I was willing to approve an order for the building of a home in Okmulgee County. Mr. Swift, at my request, took the matter up with Mr. Motter and also with the Indian Department, protesting in my name against the allowance of the \$300,000. The \$300,000, I am reliably advised, had already been allowed; but after my protest the money was never turned over, although I am advised Mr. Motter, a special assistant to the Attorney General of the United States, was allowed and paid approximately \$800 out of the estate of Jackson Barnett by the Indian Department to cover his personal expenses for "taking Jackson Barnett and his faithful spouse to Washington" to get an order from the Indian Department allowing his faithful spouse \$300,000 to buy a house or tract of land owned by the said Edwin C. Motter, special assistant to the Attorney General of the United States, which property was not worth over \$15,000 to \$20,000 at best.

THE RICHMOND BRUNER CASE

This is a case that was handled while I was county judge of Okmulgee County. Richmond Bruner, a half-blood Creek Indian, died in Okmulgee County, leaving his restricted homestead allotment. He left surviving him a widow, Jane Bruner, and various collateral kindred. Suit to determine heirship was filed in my court. The widow, Jane Bruner, and all the collateral kin were unrestricted heirs, as shown by the rolls in the Interior Department. The collateral kin claimed that Jane Bruner was not the legal wife of Richmond Bruner, deceased; and that therefore they inherited the allotment, and also about \$108,000 in cash and Government bonds in the hands of the Interior Department. Pending a determination of the heirship of Richmond Bruner, I appointed Howard Keaton and George M. Swift of Okmulgee, special administrators of the estate, required them to give bond in the sum of \$100,000, which they gave in a reputable bonding company. I then directed them to collect the \$108,000 cash and Government bonds from the Interior Department, the same being "unrestricted funds." Proper demand was made upon the Superintendent of the Five Civilized Tribes for the cash and bonds, which the superintendent agreed to turn over as soon as furnished with evidence that the heirs of Richmond Bruner were in fact "unrestricted heirs." This information was furnished from the rolls in the superintendent's office, but still he refused to turn over the cash and bonds to the special administrators.

Later, and some time after the 1st of July, 1922, Mr. Howard Keaton, one of the special administrators appointed by me, was in Washington and called upon Mr. Charles H. Burke and again requested that said cash and bonds be turned over to the special administrators as ordered by the county court of Okmulgee County, which request was denied, and on July 19, 1922, Commissioner Burke wrote Mr. Keaton at the Raleigh Hotel, Washington, D. C., in part as follows:

"It would seem that you are in a position where there is no occasion for any particular anxiety with reference to the funds in the possession of the Interior Department, as you know they will be available eventually and that they will be intact. As soon as I can get the full record in the case and am apprised of all the facts, I will write you further."

A copy of the commissioner's letter is hereto attached as Exhibit 19. But the commissioner did not write Mr. Keaton further and did not turn over the estate of Bruner as ordered by the county court which had exclusive jurisdiction over this "unrestricted" estate.

However, after I had retired from the bench and my successor had taken up the duties of the office—about six months after the commissioner refused to turn over the estate to the special administrators—the incoming judge of the county court appointed the Guaranty Trust Co., of Muskogee, Okla., administrator of the estate of Richmond

Bruner, and the commissioner promptly ordered the estate turned over, although the Guaranty Trust Co. was at that time and is now practically bankrupt. The Guaranty Trust Co. as soon as it had gotten possession of the estate proceeded to dissipate it, and within about 60 days after getting possession of the cash and bonds the entire estate had been dissipated, and, in addition, the managing officer of that concern had acquired a deed from Jane Bruner, who had been declared by the court to be the sole heir of Richmond Bruner to the 40-acre homestead worth about \$25,000. Hon. W. A. Barnett, county judge of Okmulgee County, as soon as it was called to his attention that the estate was being dissipated ordered the trust company to file a report, which it refused to do, and it was promptly removed and ordered to file its final report, new administrators being appointed; on a hearing on final report showing disposition of the \$108,000 in cash and bonds Judge Barnett surcharged the trust company with \$92,000 of the \$108,000, and directed the guardians of Jane Bruner, who were also the new administrators of the estate of Richmond Bruner, to proceed against the trust company for the \$92,000, and also for cancellation of the deed to the 40 acres taken by the managing officer of that company. Mr. George M. Swift was employed by the guardians and administrators, and has been successful in recovering the 40-acre tract and about \$31,000 in cash for Jane Bruner, the trust company being bankrupt could not be made to restore the entire amount.

This case is mentioned for the purpose of showing with what wonderful skill and ability and with what zealousness the present Commissioner of Indian Affairs guards the interest of funds of Indians under his care. Had he turned over the estate of Richmond Bruner to the duly appointed special administrators as required by law, who were under \$100,000 bond, this estate would never have been squandered, but he refused to do so; but when application was made by a Muskogee concern, without investigating the responsibility of that concern, he promptly turned the estate over.

The Indian Department did, however, graciously permit the special administrators to indorse a check to T. Ed Williams, undertaker, Muskogee, Okla., in the sum of \$1,469, "funeral expenses of Richmond Bruner," which included, among other items, "flowers, \$50." More generous to Richmond in death than in life, as seems to be the general custom of the department.

During his life Richmond was under guardianship as an incompetent, and supposedly, under the law, his estate was under the dual supervision of the Indian Department and the probate court, but in this case, as in many others, the present Commissioner of Indian Affairs usurped the powers of the courts of Oklahoma and administered the estate to suit himself without any order of court and in direct violation of the act of Congress of May 27, 1908, and various other acts of Congress relating to the estates of minors and incompetents.

Respectfully submitted this 29th day of November, 1924.

HUGH MURPHY,

Former County Judge, Okmulgee County, Okla.

Names and addresses of witnesses who may be summoned who will testify as to the facts herein related:

Martha and Sabar Jackson cases; George M. Swift, attorney, Okmulgee, Okla.; W. W. Pryor, attorney, Holdenville, Okla.; Conrad H. Syme, attorney, Washington, D. C.; James W. Bellar, attorney, Washington, D. C.; Owen C. Becker, attorney, Oneonta, N. Y.; R. S. Cate, attorney, Muskogee, Okla.

Jackson Barnett case: Carl J. O'Hornett, guardian, Henryetta, Okla.; C. B. McCrory, attorney, Okmulgee, Okla.; W. A. Barnett, county judge, Okmulgee, Okla.; George M. Swift, attorney, Okmulgee, Okla.

Richmond Bruner case: George M. Swift, attorney, Okmulgee, Okla.; Howard Keaton, attorney, Okmulgee, Okla.; Ephram H. Foster, attorney, Okmulgee, Okla.

STATE OF OKLAHOMA,
Okmulgee County, ss:

Hugh Murphy, of lawful age, being first duly sworn, upon his oath states: That the matters and things herein above set out are true, except as to those stated upon information and belief, and that as to those he believes them to be true.

HUGH MURPHY.

Subscribed and sworn to before me this the 29th day of November, 1924.

[SEAL.]

ABLINE BOLT,
Notary Public.

My commission expires May 16, 1928.

Mr. BUCHANAN. Mr. Chairman, I yield 20 minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL of Washington. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to revise and extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL of Washington. Mr. Chairman, there was passed at the first session of the Sixty-eighth Congress the act of June 7, 1924. The act is as follows:

An act to authorize the payment of certain taxes to Stevens and Ferry Counties, in the State of Washington, and for other purposes

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Stevens and Ferry Counties, in the State of Washington, as taxes claimed by said counties under section 2 of the act of July 1, 1892, relating to the payment of local taxes on allotted Colville Indian lands, the following sums, to wit: To Stevens County, \$44,309.67; to Ferry County, \$71,458: *Provided*, That there may be deducted from said amounts by the Secretary of the Interior such sum or sums as he may find have been paid to said counties for Indian tuition; also the excess, if any, where the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable land.

Sec. 2. That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated \$115,767.67, or so much thereof as may be necessary, for the payment of said sums to said counties, as provided in the foregoing section.

This act was initiated by H. R. 1414 and is a mandate to the Secretary of the Interior to pay to the counties named the amounts of money therein designated, subject to deductions therefrom of such sums as he may find have been paid to said counties for Indian tuition and subject to deductions also for the excess, if any, where the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable lands. Furthermore, the act authorizes the appropriation, out of any money in the Treasury not otherwise appropriated, for the payment of said amounts to said counties.

In keeping with the provisions of the act in question, the Secretary of the Interior included said items in the estimates for 1926 for his department to the Director of the Budget, and said items were approved by said director, as appears on page 395 in the message of the President of the United States transmitting the Budget for the service of the fiscal year ending June 30, 1926.

However, the Subcommittee on Appropriations having in charge the framing and presenting of the appropriation bill for the Department of the Interior at the present session of Congress omitted the items from said bill and refused to include them therein for the reason stated as follows on page 3 of its report on said bill, to wit:

An item of \$115,767.67 estimated for payment of taxes to counties in the State of Washington is not recommended, as a precedent would be established by such payment that might hereafter be held to justify many millions in similar payments in many States.

Also, on page 83 of the CONGRESSIONAL RECORD of December 3, 1924, the chairman of said subcommittee, Mr. CRAMTON, in his remarks relative to the items in question, after quoting as the authority therefor the said act of June 7, 1924, said:

The report on that bill in the House carried this letter from the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, February 5, 1924.

Hon. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

DEAR MR. SNYDER: The receipt is acknowledged of your request dated January 9, 1924, for report on H. R. 1414, Sixty-eighth Congress, first session, entitled "A bill to authorize the payment of certain taxes to Stevens and Ferry Counties, in the State of Washington, and for other purposes."

The claims of Stevens and Ferry Counties are based upon section 2 of the act of July 1, 1892 (27 Stat. 62), and no objection will be made to the enactment of H. R. 1414 into law.

The provisions of the bill are identical with H. R. 5418, Sixty-seventh Congress, first session, a favorable report upon which was made to your committee on May 16, 1921, in which reference was made to a report dated December 6, 1920, to the President of the Senate on paragraph 22 of the Indian appropriation act approved February 14, 1920 (41 Stat. 408, 432). These reports contain in full the reasons for favorable action.

Very truly yours,

HUBERT WORK.

The statement of the department that the claims were based on the act of 1892 would naturally disarm opposition to the bill. But investigation in our hearings developed that the act of July 1, 1892, provided:

"Sec. 2. * * * set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated

may be subject to expenditure by the Secretary of the Interior from time to time, in such amounts as he shall deem best, in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians, as he shall think fit, so long as such allotted lands shall be held in trust and exempt from taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among said Indians."

That is to say, it authorized these payments in lieu of taxes from the tribal funds, if sufficient was available. The act of June 7, 1924, provides for payment from public funds.

In the first place, the act of 1924 provides for \$115,767.67 to be paid, less the amount that has been paid for tuition of Indian children in the public schools in those counties. After inquiry we learned that the tuition amounted to \$26,000 and more, and the payment to the counties would need to be reduced accordingly. Further, the act of 1924 required that it should be ascertained that the rate of taxation that would be applied on these Indian lands was not to be at a higher rate than on other lands.

But there have been no steps taken to bring about the ascertainment of the truth as to that, so that in any event we are not ready to act upon this particular item. In the hearings Mr. Meritt said:

"Referring to the inquiry about the report of the official who made the investigation regarding the claims of Stevens and Ferry Counties, in the State of Washington, you are advised that our records show that this report was transmitted to the Secretary of the Senate under date of December 6, 1920, and this report has not been returned to the files of this office. Careful investigation of the records of the Indian office show that there has been expended for tuition of Indian children in Ferry County \$18,263.37, and for tuition of Indian children in Stevens County \$6,083.93. We have no information about 'the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable land.' Any further information available from the files of this office desired by the committee will be gladly furnished."

But there is more involved in this than that. The act of 1892, as I have said, authorized the payment of these moneys in lieu of taxes out of the funds of the Indians received from their sale of the ceded portion of the reservation. But the act of 1924, which it was said was to carry into effect the act of 1892, concerns a payment out of the Treasury and not out of the funds of the Indians.

To make this appropriation of \$115,000, as authorized by the act of 1924, would be a precedent that if carried out logically would involve the Treasury in the expenditure of hundreds of millions of dollars, because there are probably a thousand counties in the West that are fully as much entitled to such recognition from the Treasury as are those two counties, as far as payment from public funds is concerned. And so the committee have eliminated that item from the bill.

On December 5, 1924, when the said appropriation bill was being considered in Committee of the Whole House, I offered an amendment thereto, in reference to which the following colloquy and proceedings occurred as shown on pages 197 and 198 of the CONGRESSIONAL RECORD of December 5, 1924:

Mr. HILL of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

"Amendment offered by Mr. HILL of Washington: On page 20, between lines 17 and 18, insert: 'For payment of certain local taxes to the counties of Stevens and Ferry, in the State of Washington, on allotted Colville Indian lands, as provided by the act of June 7, 1924, \$91,470.33.'"

Mr. CRAMTON. Mr. Chairman, I reserve a point of order against the amendment. I will say, in order to save time and dispose of the point of order, that I note the gentleman has cut the amount some \$25,000 or \$26,000 from what was estimated by the Budget. I would assume he is deducting the amount that has been paid as tuition for Indian children in the schools of those counties.

Mr. HILL of Washington. Will the gentleman yield?

Mr. CRAMTON. Yes. I am asking that of the gentleman.

Mr. HILL of Washington. Yes. I take from the chairman's speech on Wednesday of this week the figures included there, as given him by the Bureau of Indian Affairs, as being the amount of tuition paid to these counties, Ferry and Stevens, respectively, and I have deducted the total of those two items.

Mr. CRAMTON. Has the gentleman information as to whether the other condition precedent of the act of 1924 has also been complied with? Has it been determined that the rate of tax that would be accomplished by this payment to those counties is no higher than similar property in white ownership is now paying and has paid?

Mr. HILL of Washington. I will say to the gentleman that in the hearings before the subcommittee there were submitted unofficially made-up tax rolls to embrace the allotted lands in these two counties involved in that particular bill, employing the same rates as the offi-

dinal rates of tax levy for the years covered in the claims. This was made in the respective counties and based on valuations of lands in the same localities and of similar character to the allotted lands, and I want to refer the gentleman further to a statement included in the report of the inspector who made the investigation in the field and reported back the result of his investigation to the Secretary of the Interior in the following language:

"The sources of evidence used by me indicated that the amounts placed upon the Indian lands are just if the assessments against the white lands are just."

I will say to the gentleman that when the committee that heard this matter—the subcommittee of the Committee on Indian Affairs, at the last session of Congress, when the bill to authorize this payment was under consideration—was holding hearings thereon these documents were submitted to the subcommittee for inspection; that is, the official tax rates were taken and the values were placed on a parity with similar lands in the localities where the allotted lands were situated.

Mr. CRAMTON. Mr. Chairman, I will make the point of order in the interest of economy of time, and the point of order is this: There is no law authorizing the expenditure that is proposed in the amendment offered by the gentleman from Washington except the act of June 7, 1924. The act of June 7, 1924, provides:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to make certain payments: *Provided*, That there may be deducted from said amounts by the Secretary of the Interior such sum or sums as he may find have been paid to said counties for Indian tuition; also the excess, if any, after the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable lands."

The statute governing this matter does not authorize necessarily the appropriation of \$115,000. It contemplates a reduction of that amount by two items—first, the amount of Indian school tuition heretofore paid in those counties, and second, deduction of any excess involved in a higher rate of taxes being applied to these Indian lands than to similar white lands. The hearings disclose the fact that the Secretary of the Interior has not since June or since this law became effective made any examination of the question as to the tax rates. As to the matter of the payment of tuition, the records are in his office, and as I understand it is covered by the deduction that the gentleman from Washington has made, and I do not raise any question as to that; but as to the tax rates, an obligation is placed on the Secretary to make that investigation. The investigation has not been made by the Secretary under the statute. The only appropriation we are authorized to make is an appropriation subject to such reduction as the Secretary of the Interior would find necessary under that provision of the act of 1924, but the amendment before us proposes a flat appropriation of some \$90,000 and disregards that provision of the statute.

Mr. WINGO. Will the gentleman yield for a question?

Mr. CRAMTON. In a moment. I want to make this one suggestion first: If the gentleman desires to include authority to the Secretary to do as the act of 1924 authorized, then I do not think it would be subject to a point of order, and I would not desire to make a point of order.

Mr. HILL of Washington. I will be very glad to have that inserted; in fact, that was my understanding of the authority already given by the act of 1924.

Mr. CRAMTON. Yes; the authority is given by the act of 1924, but not preserved in the gentleman's amendment. The gentleman's amendment disposes of that matter. If the gentleman desires to add a proviso providing that the Secretary of the Interior shall deduct from such payment such excess, if any, as shall result from the rate based on the value of the Indian allotments above the rate based on taxable land, such an amendment would not be subject to a point of order, and I have no desire to be overtechnical or prevent the gentleman having a hearing.

Mr. HILL of Washington. I will be very glad to ask for a modification of the amendment in order to embrace that.

Mr. CRAMTON. Then, Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. Does the gentleman from Washington desire to modify his amendment?

Mr. HILL of Washington. Yes, Mr. Chairman, I desire to modify my amendment to embrace the proviso in the language suggested by the chairman of the committee.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to modify his amendment in the manner indicated, and without objection the amendment will be made and the Clerk will report the amendment as modified.

There was no objection.

Mr. WINGO. Will the gentleman from Michigan yield for a suggestion?

Mr. CRAMTON. Certainly.

Mr. WINGO. May I direct the gentleman's attention to the fact that the reference to the act in the amendment in question says "as pro-

vided by that act"? I suggest instead of having a proviso, if after the figures "91,000" there is inserted "or so much thereof as may be necessary," you will have your limitation beyond any question. The gentleman's amendment does not say "as authorized by," but "as provided by."

Mr. CRAMTON. I am not sure how it would be construed if the gentleman's amendment put that in as a reference to the authorization for the appropriation. I am not sure it would be construed to carry with it the restrictions of the original provision. I am sure that this would reach the matter.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

"Amendment offered by Mr. HILL of Washington: On page 20, between lines 17 and 18, insert:

"For payment of certain local taxes to the counties of Stevens and Ferry, in the State of Washington, on allotted Colville Indian lands, as provided by the act of June 7, 1924, \$91,470.33: *Provided*, That from such sums the Secretary of the Interior shall deduct an amount to equal the excess, if any, in the rate based on the value of Indian allotments as compared with the rate on taxable lands."

On a vote on the proposed amendment it was rejected, and as the said appropriation bill now stands it carries no provision for an appropriation for the payment of said items to said counties.

I feel very strongly that the omission to provide an appropriation for the payment of these claims to Stevens and Ferry Counties, in my State, is a grave injustice. I am convinced that the subcommittee having the said appropriation bill in charge reached an immature conclusion as to the merits of the claims in question and as to the legal and equitable obligations underlying them, even if it should be conceded that it is within the province of the committee to go into such matters. The act of June 7, 1924, directs the payment of said claims and authorizes an appropriation of public money for that purpose. Generally speaking, an appropriation committee does not assume the responsibility of disregarding the provisions of an act of Congress in determining whether or not an appropriation for a specific purpose therein authorized should be made. But the subcommittee in this instance departed from the usual course, and while recognizing the existence of the act of June 7, 1924, and not questioning its validity, wholly disregarded its mandate and its provisions and refused to operate under it for the reasons to which I have heretofore referred.

The reasons assigned by the subcommittee for its refusal to include in the Department of the Interior appropriation bill the items for the payment of the claims of Stevens and Ferry Counties are as follows:

1. That section 2 of the act of July 1, 1892, authorized payments in lieu of taxes from the tribal funds of the Colville Indians.

2. The act of June 7, 1924, provides for payment from public funds in the Treasury.

3. To make the appropriation as authorized by the act of June 7, 1924, would establish a precedent that might involve the Treasury in the expenditure of many millions of dollars for the payment of other similar claims.

There were at first two other objections urged by the chairman of the subcommittee against including in said appropriation bill the items in question, but they were overcome and eliminated by the form of the proposed amendment which I offered.

The position taken by the subcommittee in excluding the items in question from the said appropriation bill is not tenable, as I shall endeavor to show.

The Colville Indian Reservation is in the State of Washington and was established by Executive order in 1872. In 1890 an act of Congress was passed authorizing the President of the United States to appoint a commission to negotiate with the Colville Indians for the cession of such portion of said reservation as said Indians may be willing to dispose of that the same may be open to white settlement.

Such a commission was appointed by the President and it negotiated an agreement with the Colville Indians on May 9, 1891, whereby, in consideration of \$1,500,000 to be distributed to them per capita in five equal annual installments, the said Indians agreed to cede and relinquish to the United States all their right, title, and interest in and to what is usually called the north half of the Colville Indian Reservation, containing approximately one and one-half million acres of land, reserving to the Indians resident upon such ceded portion the right to select and hold individual 80-acre allotments therein, exempt, within the limitations prescribed by law, from taxation for any purpose. It was provided in said agreement that it should go into effect from and after it was approved by Congress.

On January 6, 1892, the President transmitted said agreement to Congress, but Congress took no action toward approving the agreement until June 21, 1906, 15 years afterwards.

However, by the act of July 1, 1892, Congress did take action with reference to the north half of the Colville Indian Reservation. In this connection I shall quote from Twenty-first Decisions of the Comptroller of the Treasury, page 765, as follows:

The record indicates that after holding the report six months Congress took by the said act of July 2, 1892, without consideration or compensation to the Indians, what a previous Congress had sought to secure by cession from the Indians through agreement, ignoring both the substance and fact of the agreement except in so far as it seemed expedient to copy in part, without credit, the dictum of the agreement in the statute enacted. The Fifty-ninth Congress appears to have taken a different view, and in the act of June 21, 1906, supra, ratified in part, or carried into effect in part, the said agreement by authorizing the setting aside of \$1,500,000 in the Treasury as compensation to the Indians in full for approximately 1,500,000 acres of land proposed by said agreement to be ceded to the United States by the Indians, but taken by the said act of July 1, 1892, and restored to the public domain without compensation to the Indians.

By the act of July 1, 1892 (27 Stat. L. 62), subject to reservations and allotment of lands to the individual members of the Colville Indians, the north half of the Colville Indian Reservation, containing approximately one and one-half million acres of land, was "vacated and restored to the public domain, notwithstanding any Executive order or other proceeding whereby the same was set apart as a reservation for any Indians or bands of Indians," and was made subject by proclamation of the President to settlement and entry under the general laws applicable to the disposition of public lands in the State of Washington.

Section 3 of said act provided that an entryman of said land under the homestead laws shall pay \$1.50 an acre for the land so taken in addition to the usual land-office fees.

Section 8 of the said act provides—

That nothing herein contained shall be construed as recognizing title or ownership of said Indians to any part of the said Colville Reservation, whether that hereby restored to the public domain or that still reserved by the Government for their use and occupancy.

Section 2 of said act is as follows:

That the net proceeds arising from the sale and disposition of the lands to be so opened to entry and settlement shall be set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior from time to time, in such amounts as he shall deem best, in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians, as he shall think fit, so long as such allotted lands shall be held in trust and exempt from taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among the Indians.

The claims of Stevens and Ferry Counties, in the State of Washington, are based on section 2 of the said act of 1892 and the act of June 7, 1924, directing the payment of said claims and authorizing an appropriation for that purpose is based on said section 2.

Section 2, analyzed, stands out as follows:

1. It directs that the net proceeds arising from the sale and disposition of the lands to be so opened to entry and settlement be set apart in the Treasury of the United States for the time being.

2. It makes such net proceeds subject to such future appropriation for public use as Congress may make.

3. Until so otherwise appropriated it makes such net proceeds subject to expenditure by the Secretary of the Interior, (a) in the building of schoolhouses, the maintenance of schools for such Indians, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among the Indians; and (b) for the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians, as he shall think fit, so long as such allotted lands shall be held in trust and exempt from taxation.

The language of said section 2 is plain and unambiguous and it unquestionably authorizes the payment of taxes on Indian allotments out of the said net proceeds set apart in the Treasury of the United States. This is an unusual provision. The act of July 1, 1892, stands alone in the matter of carrying such a provision—no other act of Congress provides for the

payment of taxes on lands allotted to Indians during the period within which such lands are exempt from taxation.

The query arises, why was such a provision embodied in the act of July 1, 1892, and also, whose money is to be used in paying such taxes? The allotted lands were exempt from taxation during the trust period. In fact, the authority to pay such taxes is limited to such allotted lands as are held in trust and exempt from taxation.

The Indians can not be compelled to pay taxes on tax-exempt lands, but if tribal or Indian funds are made available for paying taxes on tax-exempt lands of the Indians, the exemption provision is thereby nullified. The situation is the same whether the Indians are themselves forced to pay taxes on their tax-exempt lands or the Government pays such taxes for them out of the Indians' money.

The net proceeds of the sale and disposition of lands opened to entry and settlement in the north half of the Colville Reservation and out of which the payment of taxes on tax-exempt Indian allotments was authorized by section 2 of the act of July 1, 1892, to be paid was the money of the United States Government and was not tribal funds or money belonging to the Indians. Had it not been the Government's money Congress would have had no power to make other appropriations of it for public use.

By the act of 1892 Congress did not buy the north half of the Colville Indian Reservation or restore it to the public domain pursuant to agreement with the Indians, but by such act Congress vacated the Executive order establishing such reservation in so far as the north half thereof was concerned and by sheer force of its own edict took it and restored it to the public domain, affirmatively disclaiming recognition of any rights in the Indians either to the part of the reservation taken or the part "still reserved by the Government for their use and occupancy."

By the act of July 1, 1892, Congress did not authorize the payment of any money to the Indians per capita or otherwise; but from certain funds of the Government set apart in the Treasury it authorized the payment of money for the promotion of education, civilization, and self-support among them, and also for the payment of taxes on their tax-exempt lands.

The Indians did not come into the ownership of any money, tribal or otherwise, in consequence of the restoration to the public domain of the north half of the Colville Reservation until after the act of June 21, 1906, was passed authorizing the payment and distribution to them per capita of \$1,500,000 in full consideration of their rights in said lands so restored. This had no connection with the net proceeds arising from sales and disposition of lands set apart in the Treasury under the provisions of section 2 of the act of July 1, 1892, and should not be confused with it. The act of 1892 gave the Secretary of the Interior no authority to pay taxes on Indian lands out of the one and one-half million dollars authorized to be paid to the Indians by the act of June 21, 1906. That money belonged to the Indians and was paid to them. Stevens and Ferry Counties had no interest in that money and would not be entitled to have their claims paid out of it, even if it were all in the Treasury to the credit of the Indians. Congress authorized the payment of taxes on tax-exempt lands allotted to the Indians out of the moneys of the Government directed to be set apart in the Treasury under the provisions of section 2 of the act of July 1, 1892. Hence the contention of the chairman of the subcommittee [Mr. Cramton] that such taxes were payable out of tribal or Indian funds can not be sustained.

This disposes of the first objection of the subcommittee to the inclusion of the items for Stevens and Ferry Counties in the appropriation bill as proposed in my amendment.

The second objection urged against the amendment I offered to the appropriation bill was that the act of June 7, 1924, provides for payment from public funds in the Treasury.

I admit the statement of fact, but do not admit the conclusion that such fact constitutes a ground for rejecting my proposed amendment. Section 2 of the act of July 1, 1892, authorizes the payment of taxes on tax-exempt Indian allotments from public funds arising as the net proceeds of sales under the provisions of said act of 1892. These public funds were set apart in the Treasury under the provisions of section 2 of the act of July 1, 1892, and must remain "set apart" in the Treasury "subject to such future appropriation for public use as Congress may make." Congress has never made any appropriation of said funds for any other purpose, and hence in legal contemplation the fund is still "set apart" in the Treasury because it requires an act of Congress appropriating it to some other public use to change its legal status of "set apart." However, under a decision of the Comptroller of the Treasury,

entered April 27, 1915 (21 Comp. Dec. 758), I am advised that said fund is not now "set apart" on the books in the Treasury and credited to net proceeds arising from the sale and disposition of land in the north half of the Colville Indian Reservation, but that since some time in 1915 it has been credited in the Treasury as public funds under the heading, "Sale of public lands."

To ascertain the status and amount of this fund at this time I requested such information from the Commissioner of Indian Affairs and received from him the following letter:

MY DEAR MR. HILL: Referring to your informal inquiry this date regarding the amount of the special fund credited to the Colville Indians on account of the disposal of lands within the north half of the Colville Reservation in the State of Washington, prior to the act of June 21, 1906 (34 Stats. L. 377), and the disposition made thereof, the records of the office show a total receipt of \$122,034.37 carried under the title, "Proceeds of Colville Reservation, Wash."

From this amount there was expended for beneficial purposes, including purchase of cattle, \$63,795.43 reimbursed to the United States on account of the expenditures from reimbursable appropriations for surveying and allotting work on the Colville Reservation, \$54,518.91, and repaid to purchasers on account of the lands erroneously sold, \$2,422.72, or a total of \$120,737.06, leaving a balance in the Treasury this date of \$1,297.31.

Regarding your inquiry as to the receipts credited subsequent to the act of June 21, 1906, supra, and the disposal thereof, a report from the Commissioner of the General Land Office submitted August 27, 1915, shows that the aggregate receipts from June 21, 1906, to August 20, 1915, amounted to \$273,448.94. From this amount there was repaid to purchasers on account of lands erroneously sold the sum of \$7,858.07, and the balance, namely, \$265,590.87, credited in the Treasury of the United States as public funds under the heading "Sale of public lands." Reference thereto may be made by auditor's certificate No. 47412, dated December 29, 1915.

As you are probably aware, the records showing the sale of public lands are under control of the Commissioner of the General Land Office; consequently this office has no record of receipts other than as herein stated, to and including April 30, 1915.

Cordially yours,

CHAS. H. BURKE, Commissioner.

According to the information conveyed in the commissioner's letter there was in said fund on April 20, 1915, presumably about the time the account was discontinued as a separate fund, the total amount of \$266,888.18.

I make no distinction between the moneys accruing to the "net proceeds" fund under section 2 of the act of July 1, 1892, prior to June 21, 1906, and such accruals subsequent to said last-named date, because the law makes no such distinction. Consequently there is an ample portion of the public fund in the Treasury, derived exclusively from the said "net proceeds" fund of section 2 of the act of July 1, 1892, out of which the appropriation authorized by the act of June 7, 1924, to pay the Stevens and Ferry County claims can and should be made.

This disposes of the second objection to my proposed amendment to said appropriation bill.

The third and last objection raised by the chairman of the subcommittee to my proposed amendment is that to make the appropriation for the payment of the claims of Stevens and Ferry Counties would set a precedent that might lead to an expenditure of many millions of dollars in the payment of similar claims.

I have heretofore shown the impossibility of such result. No act in the legislative history of this Government other than that of July 1, 1892, contains a provision for payment by the Government of taxes on tax-exempt Indian lands. Hence there exists no basis upon which to found such claims or such fears.

Why was the provision for the payment of taxes on tax-exempt Indian lands embodied in the act of July 1, 1892?

Congress was no doubt advised of the rough, rugged, mountainous, and isolated character of the north half of the Colville Indian Reservation when it passed the act of July 1, 1892, restoring it to the public domain. It was evident that after the Indians had selected their allotments very little land suitable to agriculture would remain and that the situation would not present an attractive prospect to white settlers. The country was almost inaccessible except by trails; there were no roads, no bridges over the rapid and dangerous streams, no mail facilities, no schoolhouses, no neighbors except semi-civilized Indians, none of the advantages of civilization were present. There were no taxable lands and very little, if any, personal property to yield taxes for the support of the local government and for the building of roads, bridges, and schoolhouses, and for the maintenance of schools.

The agricultural lands were confined almost wholly to the narrow valleys of the mountain streams and these were occupied by the Indians, and in addition to the unattractive conditions just described entrymen of the said lands were required to pay \$1.50 an acre for the lands taken by them in addition to the usual land office fees, instead of having the right of free homesteads. It was not until 1903 that the lands in question were put in the class of free homesteads.

It was therefore necessary or at least advisable that some inducement out of the ordinary be held out to draw settlers to these inferior and isolated lands where the burdens of local government and the reclamation of the country from its wild and uncivilized state would bear heavily upon such settlers.

Hence the Government, as an inducement to white settlers to enter said lands, departed from its customary course in such matters and authorized the payment out of Government money of local taxes on tax-exempt Indian lands as an aid to the maintenance of the local government and the development of the country.

The Secretary of the Interior on May 16, 1921, in a report on the claims of Stevens and Ferry Counties, said:

The investigation made by the department revealed conditions in Stevens and Ferry Counties different from those surrounding any other Indian reservations or allotments, and it is believed that the facts justify a settlement of the claims.

In the same report the Secretary of the Interior said that by the terms of the act the Government encouraged settlement upon the ceded lands. And in a report by the Secretary of the Interior on December 6, 1920, referring to the provision for payment of taxes, it is said:

This departure from long-established custom, in view of the exemption from taxation of Indian allotments while held in trust by the United States, had the effect of encouraging entries upon the land opened to settlement.

Touching the question as to the reason for embodying in the act of July 1, 1892, the provision for payment out of Government moneys taxes on tax-exempt Indian lands, I desire to quote from the argument of Mr. James I. Parker, an attorney at law of Washington, D. C., before the subcommittee on Indian Affairs, at the hearings on these claims of Stevens and Ferry Counties, as follows:

There was a reason for that "departure." The topography of Stevens County is rugged and very broken; high rocky hills and mountains, deep canyons and gulches are the rule. Large areas are not suitable for any purpose. The good agricultural lands are along the larger and smaller streams. The Indian allotments in Stevens County are located in a triangle bounded by Canada, the Kettle and Columbia Rivers. The best lands of this section were allotted to the Indians, thus leaving those of less value and the waste lands open to homesteaders.

It is hard to conceive as rough a section as Ferry County inhabited by people. Seven-eighths of the entire area is mountainous, broken, and rugged. One-eighth is occupied by narrow valleys which run along the rivers and small streams. These valleys rarely have any great length, and it was in such localities that the Indians received their allotments in this county. The allotting commission had difficulty in securing sufficient agricultural land to satisfy the demands of the allottees. Extreme care, of course, was given to the selection of the allotments, and when this was completed the Indians had the cream of the surface.

About 200 of those allotments, averaging approximately 80 acres each, were in Stevens County and about 220 were in Ferry County. Congress was fully advised of the character and topography of those restored lands. Is it not reasonable to assume that, knowing that the choicest lands would be allotted to the Indians, Congress appreciated the fact that when the unallotted lands were opened to settlement and entry—which opening did not occur until October 10, 1900, more than eight years after the passage of the act of July 1, 1892, supra—they would not present a very attractive proposition to the prospective homesteaders; that in that sparsely settled country, so rugged in character, the settler would have to face difficulties, discouragements, and obstacles almost insuperable to establish a home and maintain himself and family; that under the conditions there existing it would be inequitable and unjust to put upon those homesteaders the entire burden of the local government, of building roads and bridges and schoolhouses and other public improvements from which the Indian allottees would derive as much benefit as the homesteader, and that therefore it departed from the usual rule in such cases and provided that the Indian allotments might bear their proportionate part of the burden of local taxation?

That was the situation and those the conditions which, it is believed, caused the "departure" which the Secretary of the Interior says had the effect of "encouraging entries" on the lands then opened to settlement.

The "encouragement" to settlers which that "departure" caused became stronger after the act of February 7, 1903 (32 Stat. 803). That act, in response to the free-homestead sentiment then sweeping over the public-land States, amended the act of July 1, 1892, supra, by eliminating the \$1.50 per acre which entrymen were required to pay for said lands and made them a free-homestead proposition, except where the entryman commuted his entry, in which event he was required to pay the \$1.50 per acre. Otherwise, the only payment required was the usual land-office fees. It will readily be seen that when coupled with a free-homestead proposition the "encouragement" to settlers which that "departure" caused was tremendously strengthened.

The favorable recommendation of the Secretary of the Interior on December 6, 1920, was largely based on "the fact that by the terms of the act" (July 1, 1892, supra) "the Government encouraged settlement upon the ceded lands."

That statement was quoted by the Secretary of the Interior in and made a part of his favorable report of May 16, 1921. That report of May 16, 1921, says, referring to the report of the Indian Inspector who made the field investigation of the claims:

"His report and recital of facts . . . indicated . . . that the provision in the act of 1892 with regard to payments was an inducement to settle on the lands."

These claims are just, equitable, and legal and should be paid, and provision for such payment should be made in said appropriation bill. My proposed amendment to said bill should have been adopted.

These claims have been thoroughly investigated by the Department of the Interior and have been approved by three different Secretaries of the Interior. They have been twice approved by the Senate Committee on Indian Affairs and twice passed by the Senate; they have been approved by the House Committee on Indian Affairs and passed by the House. An appropriation therefor was approved by the Director of the Budget and should be approved by this House.

I here refer to the reports of the Department of the Interior touching these claims, of date February 5, 1924, May 16, 1921, and December 6, 1920, respectively, and hereby incorporate them in my remarks:

DEPARTMENT OF THE INTERIOR,
Washington, February 5, 1924.

HON. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: The receipt is acknowledged of your request dated January 2, 1924, for report on H. R. 1414, Sixty-eighth Congress, first session, entitled "A bill to authorize the payment of certain taxes to Stevens and Ferry Counties, in the State of Washington, and for other purposes."

The claims of Stevens and Ferry Counties are based upon section 2 of the act of July 1, 1892 (27 Stat. L. 62), and no objection will be made to the enactment of H. R. 1414 into law.

The provisions of the bill are identical with H. R. 5418, Sixty-seventh Congress, first session, a favorable report upon which was made to your committee on May 16, 1921, in which reference was made to a report dated December 6, 1920, to the President of the Senate on paragraph 22 of the Indian appropriation act approved February 14, 1920 (41 Stat. L. 408, 432). These reports contain in full the reasons for favorable action.

Very truly yours,

HUBERT WORK.

The reports referred to in the Secretary's communication are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 16, 1921.

HON. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: I have the honor to refer further to your letter of April 27, 1921, inclosing and requesting a report on H. R. 5418, Sixty-seventh Congress, first session, entitled "A bill to authorize the payment of certain taxes to Stevens and Ferry Counties, in the State of Washington, and for other purposes." This bill is identical with S. 1168, introduced on the same date.

The claims of Stevens and Ferry Counties are based on the act of July 1, 1892 (27 Stat. L. 62), which act provided that the net proceeds arising from the sale of the north half of the Colville Reservation, in these counties, containing approximately 1,500,000 acres of land, ceded by the Indians and restored to the public domain, should be—

"Sec. 2. . . . set apart in the Treasury of the United States for the time being, but subject to such further appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior from time to time in such amounts as he shall deem best in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local taxation as may be properly applied to

the lands allotted to such Indians, as he shall think fit, so long as such allotted lands shall be held in trust and exempt from taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among said Indians."

The ceded land was opened to homestead entry on October 10, 1900, by presidential proclamation of April 10, 1900.

The act of 1892 provided that in addition to the fees required by law each homestead settler should pay \$1.50 per acre. This act was amended by the act of February 7, 1903 (32 Stat. L. 803), which provided that settlers under the homestead laws who resided upon the tracts entered in good faith for the period required by existing law should be entitled to patents without any payment other than the customary fees—

"Provided, That the right to commute any such entry and pay for said lands in the option of any such settler and in the time and at the prices now fixed by existing laws shall remain in full force and effect: Provided, however, That all sums of money so released which if not released would belong to any Indian tribe shall be paid to such Indian tribe by the United States, and that in the event that the proceeds of the annual sales of the public lands shall not be sufficient to meet the payments heretofore provided for agricultural colleges and experimental stations by an act of Congress approved August 30, 1890, for the more complete endowment and support of the colleges for the benefit of agricultural and mechanic arts established under the provisions of an act of Congress approved July 2, 1862, such deficiency shall be paid by the United States: And provided further, That no lands shall be herein included on which the United States Government had made valuable improvements, or lands that have been sold at public auction by said Government."

Payment for the land ceded was made under authority of the act of June 21, 1906 (34 Stat. L. 377), which provided that—

" . . . There shall be set aside and held in the Treasury of the United States for the use and benefit of said Indians, which shall at all times be subject to the appropriation of Congress and payment to said Indians, in full payment for 1,500,000 acres of land opened to settlement by the act of Congress 'To provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes,' approved July 1, 1892, the sum of \$1,500,000." . . .

Claims by Stevens and Ferry Counties were first filed in 1915, but were disallowed, without a decision on their merits, for the reason that the money had been appropriated and expended on behalf of the Indians.

In a report dated January 23, 1920, on S. 617, Sixty-sixth Congress, first session, authorizing and directing the Secretary of the Interior to determine what taxes, if any, were due, and making appropriation for payment, this department expressed the belief that he already had authority to make the investigation directed in section 1 of the bill, but had no objection to its enactment.

The Indian appropriation act of February 14, 1920 (Public 141, 66th Cong., 2d sess.), contained the following paragraph:

"The Secretary of the Interior is authorized and directed to investigate and report to Congress, on or before the first Monday of December, 1920, as to the right of Stevens and Ferry Counties, in the State of Washington, to the payment of taxes on allotted Indian lands under existing law, and to state the amount, if any, to which each of said counties is entitled."

In accordance with the above provision an Indian Office Inspector made a thorough investigation of conditions on the north half of the Colville Reservation, visiting all accessible parts of the same. His report and recital of facts in connection with improvements in roads, bridges, and schools indicated that expenditures were greater than these counties would have made except for the belief that the Secretary of the Interior would recognize their equitable rights to be paid money by the Government in lieu of taxes by individual allottees, and that the provision in the act of 1892 with regard to payment was an inducement to settlement on the lands.

A report was made on December 6, 1920, by the then Secretary of the Interior to both Houses of Congress and to the chairman of the Committee on Indian Affairs. With the letter to the chairman of the Senate committee was inclosed the report by the Indian Office Inspector, and the same has not yet been returned. The report to Congress required by the above-mentioned paragraph in the Indian appropriation bill of February 14, 1920, contained the following recommendation which has been included in S. 1168 and H. R. 5418:

"In view of the fact that by the terms of the act the Government encouraged settlement upon the ceded lands; that the Indians have shared in the benefits of the improvements made by the white people; that these improvements have also enhanced the value of the Indian holdings, and that the Government must necessarily use the roads and bridges in entering and returning from its own property in these two counties, the department recommends that an appropriation be made of the amounts claimed and that the same shall be paid to the respective counties, subject to any deductions that may be made on account of payments for Indian tuition and for any amounts where the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable lands."

In addition to the 1,500,000 acres ceded, the counties of Stevens and Ferry contain 1,535,840 acres, a total of 3,035,840 acres. Of these approximately 1,274,390 acres are taxed and 1,761,450, or more than 58 per cent, are not taxed. These nontaxable lands include Government and State as well as Indian lands. The assessed valuation (50 per cent) in 1919 was \$2,091,478. In both counties the most valuable lands were allotted to Indians.

The two counties are reported to have made 3,016 miles of roads at an expense of \$449,169.83, and many improvements have been made and labor expended by voluntary aid. The Government has expended little in construction of roads in the south half of Ferry County and nothing in the north half. Both counties have assisted the Government in the construction of roads through two forest reserves. Because of the topography of the country, road construction is costly, and the money is reported to have been well spent.

Stevens County has spent \$19,298 in erecting bridges. Ferry County has erected several steel bridges, but the cost has not been reported.

Many of the roads are adjacent to allotments, and the Indians use all roads and bridges, and these improvements increase the value of their holdings.

The schools are open to the Indian children. Tuition has been paid in some cases, but under the provisions of this bill the amount paid would be deducted.

The investigation made by the department reveals conditions in Stevens and Ferry Counties different from those surrounding any other Indian reservations or allotments, and it is believed that the facts justify a settlement of the claims.

The department has no objection to the enactment of H. R. 5418.

Respectfully,

E. C. FINNEY, *Acting Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, December 6, 1920.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: Paragraph 28 in the Indian appropriation bill approved February 14, 1920 (Public, 141, 66th Cong., 2d sess.), provides that—

"The Secretary of the Interior is authorized and directed to investigate and report to Congress, on or before the first Monday of December, 1920, as to the right of Stevens and Ferry Counties in the State of Washington to the payment of taxes on allotted Indian lands under existing law, and to state the amount, if any, to which each of said counties is entitled."

In pursuance of the foregoing I have the honor to submit the following report: This report is based on information contained in official records and from data procured by an official inspector assigned to duty for that purpose.

Claims have been presented by Stevens and Ferry Counties, Wash., aggregating \$44,309.67 and \$71,458, respectively. These claims are in lieu of taxes which would have been assessed against the allotments of Colville Indians in these counties from 1901 to 1920, inclusive, and are based on section 2 of the act of Congress of July 1, 1892 (27 Stats. L. 62-63), providing for the opening of a part of the Colville Reservation, which reads as follows:

"That the net proceeds arising from the sale and disposition of the lands to be so opened to entry and settlement shall be set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior from time to time, in such amounts as he shall deem best, in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians, as he shall think fit, so long as such allotted lands shall be held in trust and exempt from taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among said Indians."

This departure from long-established custom, in view of the exemption from taxation of Indian allotments while held in trust by the United States, had the effect of encouraging entries upon the lands then opened to settlement.

The first claim was submitted on October 20, 1915, by the county of Ferry. On November 22, 1915, the Board of Commissioners of Ferry County was advised that the provisions of the act of July 1, 1892, had been superseded by the act of June 21, 1906 (34 Stats. L. 325-377), under which appropriations aggregating \$1,500,000 were made by Congress for the said lands ceded to the Government by the Indians of the Colville Reservation; that the question as to what funds arising under the acts mentioned were available for expenditure for the benefit of the Indians had been submitted to the Comptroller of the Treasury, who, in a decision rendered April 27, 1915, held that all moneys arising from the sale of said ceded lands since June 21, 1906, belong to the United States, and not to the Indians of the Colville Reservation; that there did not appear to be any balance remaining to the credit of the Indians from sales made prior to June 21, 1906; and that there

seemed to be no way under existing law by which the claims submitted could be paid. A similar claim was filed later in the year by Stevens County, Wash., and the same reasons for nonpayment existed.

On February 8, 1918, the following bills were introduced in the Senate: S. 3788, entitled "A bill to pay certain taxes in the county of Stevens, State of Washington," and S. 3789, entitled "A bill to pay certain taxes in the county of Ferry, State of Washington."

In the report on Senate bill 3789 this department referred to and inclosed a copy of a letter of April 1, 1918, making an unfavorable report on Senate amendment to H. R. 8698 (then the pending Indian appropriation bill), the provisions of which amendment were identical with Senate 3789. In a report on the amendment the department stated that while the same should not receive favorable consideration, the claims against the Government might properly be heard and adjudicated by the department, and the draft of a bill was inclosed which was identical with Senate bill No. 617, Sixty-sixth Congress, first session, which provided for the payment of \$68,511.38, or so much thereof as might be necessary in settlement of the claims of both counties. The department stated that it has no objection to the enactment of Senate 617. None of the aforementioned bills was enacted, but the provision in paragraph 28 of the Indian appropriation bill approved February 14, 1920, directed an investigation and report to the Congress.

The total area of Stevens County is 1,595,840 acres. Of this area 1,081,890 acres are taxed and 513,950 acres not taxed. The nontaxable land is the Colville National Forest, State land, Indian reservation land, and other Government land. The Indian allotments are in the best section of the county, and those of less value and the waste land are open to homesteaders. This makes the cost of building roads and bridges and maintaining the same a great burden upon the taxpayers, and the benefits of the improvements are shared equally by the Indians. In that part where the Indians are located there are 145½ miles of road built wholly by the county at an initial expense of \$14,835.

The entire area of Ferry County is 1,440,000 acres. The total area assessed and taxed is 102,500 acres. The area included in Indian allotments, United States forest reserves, and State lands is 1,247,500 acres. The allotments in the ceded portion are the best lands in the county, 75 per cent of the allotments being agricultural and 25 per cent grazing or timber land. Ferry County expended from March, 1899, to January, 1920, the sum of \$352,412.73 for roads. A very small amount has been paid to the Indians for rights of way. Ferry County has built eight permanent steel bridges, four of which were in conjunction with Stevens County, across Kettle River.

Indian children are allowed to attend the public schools in both counties, although tuition has been paid by the Government for some; but if these two claims are allowed, the amounts paid as tuition should be deducted.

In view of the fact that by the terms of the act the Government encouraged settlement upon the ceded lands; that the Indians have shared in the benefits of the improvements made by the white people; that these improvements have also enhanced the value of the Indian holdings; and that the Government must necessarily use the roads and bridges in entering and returning from its own property in these two counties, the department recommends that an appropriation be made of the amounts claimed, and that the same shall be paid to the respective counties subject to any deductions that may be made on account of payments for Indian tuition and for any amounts where the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable lands.

A copy of schedules of claims by the counties of Ferry and Stevens, the reports of the auditors of these counties for the year 1919, and the report of the inspector are inclosed with the report to the Senate Committee on Indian Affairs for the convenience of the committee, and their return to this department is requested.

Cordially yours,

JOHN BARTON PAYNE, *Secretary.*

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. KELLY. Mr. Chairman and gentlemen of the committee, I asked for time, and was courteously granted it by the gentleman from New York [Mr. MAGEE], in order to discuss postal finances, a question which is of great interest and importance at this time.

You will remember that in the consideration of the postal pay bill there was involved the expected report of the cost ascertainment committee of the Post Office Department. This committee and the Joint Commission on Postal Affairs were granted appropriations of almost a million dollars by Congress for the purpose of determining the cost of carrying the various classes of mail matter and the expense of performing the various services for postal patrons.

Within the last week a partial report summarizing the findings of the committee has been put in the hands of members of

the Post Office Committee. With this summary was included an appendix containing 180 pages of statistical tables showing revenues and expenditures for each item and the method of apportioning costs.

These tables are extremely complicated and will require careful analysis in order to determine the trustworthiness of the calculations. One thing, however, is conclusively proved by the results of this study, and that is that postal salaries and postal rates are two entirely separate and distinct problems. In all the history of the Postal Service they never have been dealt with in the same measure and that procedure is founded on common sense and every proper consideration.

As to the postal salaries there is no difference of opinion anywhere in regard to the proper policy. Every right-thinking American and every Member of this Congress believes that the workers, who make the Postal Service possible, are justly entitled to a living wage. It is universally agreed also that a conservative definition of a living wage would be compensation equal in purchasing power to that received in 1913, before the World War chaos, to price levels.

Exactly that policy is formulated in the postal salaries bill passed by the practically unanimous vote of Congress. That measure, with the veto of the President, now awaits the action of the Senate, and, if reenacted there, the action of the House.

With that measure reenacted into law the problem of postal compensations will be settled permanently on a fundamentally just basis.

Mr. BLANTON. Will the gentleman yield?

Mr. KELLY. I would rather not yield at this time.

Mr. BLANTON. I would like to ask the gentleman a question at this time.

Mr. KELLY. I will yield for a question.

Mr. BLANTON. The gentleman took quite a part in helping to pass that bill and I followed him, because I thought it was a just bill. If it is so just and all Congressmen are in favor of it, then why is it being held up now and not passed into law?

Mr. KELLY. I certainly hope it will be reenacted at the earliest moment possible. It was a just and righteous measure in June and it is just and righteous in December.

But, Mr. Chairman, when it comes to the proper policy for securing necessary revenues for the Postal Service there are wide differences of opinion, honestly held by different individuals and groups.

The summary of the cost ascertainment committee only emphasizes the necessity of formulating a fundamental policy as to our Postal Service rates.

As given out by the Post Office Department, that summary is as follows:

Statement showing recapitulation of allocations and apportionments of revenues and expenditures for the fiscal year 1923, shown in Table A, according to the classes of mail matter and special services, and the loss or gain on each

Classes of mail matter and special services	Revenues	Expenditures	Loss	Gain
Paid first class	\$371,894,061.49	\$191,476,335.17		\$80,417,716.32
Second class	31,214,425.47	105,927,294.14	\$74,712,868.67	
Third class	43,844,940.77	60,136,516.25	16,291,575.48	
Fourth class	120,649,662.42	127,566,416.24	6,916,753.82	
Franked matter		357,819.45	357,819.45	
Penalty matter		6,214,131.44	6,214,131.44	
Free for blind		27,315.29	27,315.29	
Foreign	12,571,746.39			
Receipts foreign mail transit	115,419.03	17,591,003.59	4,603,838.17	
Money order	11,601,425.82	21,141,936.99	9,540,511.17	
Registry	8,005,579.20	18,578,565.01	10,572,985.81	
Postal savings	5,409,804.00	708,062.96		4,701,741.04
Special delivery	8,175,648.53	8,265,045.67	121,997.24	
Insurance	7,185,771.14	8,331,730.00	1,145,958.86	
Cash on delivery	4,079,143.35	6,904,580.74	1,825,437.39	
Treasury savings		221,809.28	221,809.28	
Total	\$23,047,317.41	\$72,282,230.81	\$32,354,930.77	\$5,119,127.37
Loss, excluding unassignable and unrelated items			47,234,903.40	
Less unassignable revenues	7,773,776.74		7,773,776.74	
Net loss, excluding unrelated			39,461,126.66	
Unrelated	1,592,077.63	1,930,653.15	344,575.52	
Grand total	\$34,413,171.78	\$74,218,873.96	\$39,805,702.18	

Now, Mr. Chairman, this report states that every class of mail matter except first class is handled at a loss. It indi-

cates that every service except postal savings likewise operates at a loss. Balancing gains against losses shows a total excess of expenditures over revenues amounting to over \$39,000,000.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. KELLY. Yes.

Mr. WILLIAMSON. Are the figures you are presenting here the figures which have been obtained by the investigation conducted by the Post Office Department?

Mr. KELLY. Yes; by the cost ascertainment committee of the Post Office Department. This is the official summary.

Mr. WILLIAMSON. This is not a congressional committee, as I understand it, but a committee organized in the Post Office Department?

Mr. KELLY. This is a Post Office Department committee for which Congress appropriated the funds necessary.

Now, of course, it is evident that all these results depend upon the methods used in apportioning expense.

For instance, it is almost inconceivable to me that the handling of fourth-class mail, which comprises 60 per cent of the volume and brings in only 20 per cent of the revenue, should show a loss of only \$6,000,000, or 5 per cent.

Mr. MAGEE of New York. Will the gentleman kindly state when that report was submitted by the cost ascertainment committee?

Mr. KELLY. The entire report has not yet been submitted. This summary and appendix were available on Tuesday of last week.

Mr. WILLIAMSON. Is the report yet in print?

Mr. KELLY. No; the complete report is not printed as yet, but is expected next week.

Mr. Chairman, the figures given compel a decision as to postage rates, but they do not involve the justice and the necessity of a living wage for postal workers.

Two courses of action are possible in fixing a policy for postage rates. First, make every class of mail matter and every special service pay its own way—that is, fix postage rates so that the revenues from each class and service shall balance the expenditures they make necessary.

Second, let certain classes and services pay excesses sufficient to equalize the loss on others, on which the public may benefit from low rates.

These two policies are radically different, and yet either one can easily be made to produce revenues to make the Postal Service self-sustaining.

If we adopt the first policy, it would involve the lopping off of postal facilities which do not pay for themselves. The Rural Free Delivery Service is a repudiation of the profits idea in the Postal Service, for it has been losing large sums since its establishment. This service meant a loss of \$40,000,000 in 1923, or the entire deficit shown by the cost-ascertainment report.

Franked and penalty matter also mean a complete loss in revenues, and will continue to do so as long as Government departments and officials are permitted to send mail matter without postage payment.

If first-class mail should pay its own way, the 2-cent postage rate could be cut to 1½ cents.

Under such a policy second-class rates would have to be raised an average of 250 per cent. Third-class rates would be advanced 40 per cent and fourth-class or parcel-post rates would be advanced 5 per cent.

The other special services would have to be advanced in due proportion to make them self-sustaining.

Now, of course, it is possible to formulate a bill on that basis and fix specific rates based on the findings of the cost ascertainment committee. Every student of postal affairs, however, knows that it is impossible to expect any revenue at all from rates which are higher than those of private means of transportation and distribution.

Then there is the second policy, that of having an excess in revenues from certain classes in order to cover losses from other classes. That compels a decision as to the classes which shall be favored and raises another question of policy.

I am calling these points to your minds in order to suggest the issue involved in postage rates and to prove that they are in no way related to the question of just postal salaries.

Then there is another consideration. The marvelous ability of the Postal Service to take on new business without proportionate increase in expenses makes it possible to fix postage rates at a lower point than these figures indicate.

On September 23, 1924, Postmaster General New made a speech at the postmasters' convention at Indianapolis, and made a statement which is eloquent, it seems to me, as to this feature of the Postal Service. He declared that the increase in postal

receipts for three years since July 1, 1921, was \$188,000,000. He further states that to bring in that \$188,000,000 additional revenue it required 1,459 railway mail clerks, 5,297 city carriers, and 9,479 post-office clerks.

When I saw that statement I was interested and went back to our postal records to 1907, when the entire revenues of the Postal Service amounted to only \$183,000,000, the total being less than the increase for the past three years. I discovered the number of employees necessary to handle \$183,000,000 of revenue in 1907. Here is what they were: There were 25,243 clerks, there were 24,577 letter carriers, there were 14,027 railway mail clerks in 1907, and all these combined only handled mail producing revenues of \$183,000,000. Take all the employees of 1907, paying them at the low salary they received, less than \$900 a year on an average, and the total wage cost was \$59,000,000. The additional employees to-day, handling an increase of \$188,000,000 and paid the \$300 increase provided for in the postal salary bill, would receive only \$84,000,000. So that even at the proposed increased scale of salary the result is an expenditure of a little over one-half of what it cost in 1907. That is one of the marvelous things about this greatest business in the world. The fixing of postage rates must take it into account.

Mr. MAGEE of New York. Will the gentleman yield?

Mr. KELLY. Yes.

Mr. MAGEE of New York. Is it the purpose of the committee to make a report soon?

Mr. KELLY. We propose to take action as soon as we get the report complete and when we know the revenues needed.

Mr. MAGEE of New York. I am very glad to hear it.

Mr. HUDSPETH. Will the gentleman yield?

Mr. KELLY. Yes.

Mr. HUDSPETH. I understand officially that the bill for raising the salary of postal employees will be brought up in the Senate next Thursday. If that should pass in the Senate over the President's veto, is it the purpose of the gentleman from Pennsylvania or his committee to immediately call it up in the House?

Mr. KELLY. I shall do everything in my power to have it considered at once in the House. I believe that justice demands its immediate reenactment into law.

Mr. LAZARO. Will the gentleman yield?

Mr. KELLY. I yield to the gentleman.

Mr. LAZARO. The gentleman recalls that when the postal employees' bill was up for consideration a report went to the country and was spread through the country newspapers saying that the increase in wages for the employees of the Postal Service would bring an increase of the parcel-post rates. Was not that propaganda to prejudice the people against the increase of salary bills?

Mr. KELLY. That and other propaganda was sent out wholesale in order to prejudice certain groups and interests against the proposed salary increase.

Mr. LAZARO. And the bill does not contain a single line increasing the rates on parcel post?

Mr. KELLY. Not a single line. I have had many letters from men who make the statement that the parcel-post rates would be increased 50 per cent in the postal salary bill. There is not a single word in the bill on rates, and there has never been a postal compensation bill linked up with a postal rate bill, and there never should be.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. KELLY. I yield to the gentleman from New York.

Mr. LAGUARDIA. While on the subject of parcel post and second-class matter, will the gentleman give the figures as to the cost of free-in-county delivery of second-class mail.

Mr. KELLY. I do not have that segregated in this summary at hand.

Mr. LAGUARDIA. That is quite an item, is it not?

Mr. KELLY. Not so great as one might think, although it does enter into the loss on second class.

Mr. LAGUARDIA. Is not this report which the gentleman has a full and complete answer to the objections that were raised to the increased salary bill?

Mr. KELLY. Well, we have the figures here and they will form the basis for action on postage rates. There never has been a well-founded objection to paying the faithful and efficient postal workers a living wage.

Now, Mr. Chairman, this is the first report of its kind which we have had in the Postal Service. The Penrose Commission of 1907 did get some figures. They were repeated by the Hughes Commission of 1911, but between 1911 and 1924 there has been no real inquiry as to the cost of carrying these classes of mail matter. This report is voluminous and exhaustive. It has figures based on 559 post offices out of 51,253

post offices. It is a weigh and a count tabulation for 90 days. There are many opportunities for errors as anyone can see, but the report will give us a basis, and we can undertake to go ahead and get an adjustment of postage rates which I hope will be based on the fundamental policy that the Postal Service is dedicated to the service of the American people.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. KELLY. I yield to the gentleman from Kentucky.

Mr. KINCHELOE. Mr. Chairman, is it not a fact that notwithstanding the propaganda that went through the country in favor of increasing the rates on parcel post to make up any deficiency that might occur, the recent statement of the Postmaster General shows that in the last fiscal year there has been a deficit of only \$6,000,000 on parcel post. It lacks only that much of paying its own way.

Mr. KELLY. Not in the Postmaster General's report, but in this report on cost ascertainment.

Mr. KINCHELOE. Well, it is from the Post Office Department.

Mr. KELLY. Yes. Six million dollars is given here as the loss on parcel post. However, on the 15th of August, the Post Office Department sent out in the Postal Bulletin to every post office in the country a draft of legislation for postage rates in which they undertake to raise \$30,000,000 on parcel post. That was the department's suggestion.

Mr. STENGLE. Mr. Chairman, will the gentleman yield?

Mr. KELLY. Yes.

Mr. STENGLE. A few minutes ago in the gentleman's earlier remarks he drew a comparison between 1907 and the present year, in respect to the volume of business done by the department. If I recall, he spoke of \$183,000,000 worth of mail that had been handled by a certain percentage of the employees.

Mr. KELLY. By all of the employees.

Mr. STENGLE. Is it possible for the gentleman to put into the Record at this time the number of postal employees, including clerks and rural carriers, who have been driven to death and disabled by overwork during that period.

Mr. KELLY. I am afraid that that would have to come from some other source. I could not make a table of that, although I will say that sometimes that speeding-up process has gone the limit, and without doubt it is partial explanation of how a comparatively few men could take care of \$188,000,000 of revenue, when the entire postal personnel in 1907 only took care of \$183,000,000. There have been the speeding-up process, and the so-called efficiency methods, which have added practically double burdens to every employee. But the employees are willing to do all that mortals may do in making the Postal Service efficient. They have carried every single increase of salary from 1907 to the present time. There has been scarcely a change in postage rates, because the only changes we have made in 40 years were those made on second-class matter. These employees have taken these expenditures for increased salaries and by that speeding up and increased efficiency they have absorbed every dollar of it. The deficit for the last year is about \$24,000,000. The deficit for 1920 was about that same amount, so that they have taken the entire reclassification act of 1920 and have absorbed it by increased effort and work and efficiency. More than that, they will do the same in the future.

Mr. BURTNESS. Has the gentleman analyzed the figures sufficiently so that he could give us the percentage of increase that would be required in the various classes of mail now showing a loss?

Mr. KELLY. Yes. I gave that a few moments ago. On second-class matter there would have to be an increase of 250 per cent, and on third class 40 per cent, and on the parcel post 5 per cent. That, of course, is based solely on the cost-ascertainment report.

Mr. Chairman, I believe that any Member of Congress who has had any experience with legislation during the short session will agree that it is impossible to analyze the cost-ascertainment report and adopt a general revision of postage rates before March 4.

We might be able to draft and enact a measure making temporary increases to cover a large part of the expenditures in the postal salaries bill and then in the next Congress formulate a schedule of permanent postage rates. In view of the fact that those rates affect every business in America the question is deserving of as careful consideration as has been given the postal pay bill.

Let us do one thing at a time. Let us adopt finally the policy in postal salaries which is embodied in the measure

now awaiting final consideration. Then we may at once proceed to such just and scientific revision of postage rates as shall meet the proper expenditures of the Postal Service.

What is the exact situation as to the postal salaries bill?

Early in the last session several postal reclassification bills were introduced. One sponsored by myself was introduced and referred to committee on December 20, 1923. The same bill was introduced in the Senate by Senator EDGE on January 10, 1924.

In February it was decided to hold hearings on all the measures before a joint subcommittee of the House and Senate Post Office Committees. These joint hearings were held March 3 to 10, inclusive, and more than 300 witnesses and representatives of the Post Office Department were heard.

The Post Office Department submitted a draft of provisions for postal salaries and postage rates on April 7.

The joint committee deliberated on all the measures and submitted their draft of legislation on April 30.

The House Committee on the Post Office and Post Roads went over every line of the proposed bill and made changes according to its best judgment. This revised bill was favorably reported by a vote of 20 to 1 in the committee.

The Senate passed the bill as reported on May 27 by a vote of 73 to 3. When brought before the House the bill was amended to conform with the House bill, and then was sent to conference.

The differences were compromised and the conference report passed the Senate on June 5 and the House on June 6 by a vote of 361 to 6. The measure was sent to the President and was returned with his veto on June 7.

Upon the final action will depend whether this question of postal salaries is to remain a vexing, unsolved problem for an indefinite period or be permanently settled on a basis of common business sense and self-respect.

Through the Postal Service the entire industrial and business world carries on its affairs. It is essential for the success of every business enterprise that postal employees be capable and efficient.

Every sensible person knows that anxiety and worry and discontent are foes of efficiency. Labor to a man suffering from such handicaps is sheer drudgery. When a worker is face to face with the fact that his wages will not cover necessary expenses it gives rise to a strained, tense, and abnormal state of both mind and body.

As Ordway Tead, of the Bureau of Industrial Research of New York City, has observed:

It goes without saying that unless wages are at the very least enough to provide a decent standard of living there can not be interest in the work.

Every American wants an efficient Postal Service and resents any action which will hamper and hinder that efficiency. By reenacting this law we can increase postal efficiency by providing that just treatment is assured to every worker who chooses this vital service as a life occupation.

Of course, for those who make and mold the Postal Service the decision of this question is of supreme importance. Their wages dictate their living conditions. Involved in this wage problem are hardships and unjust burdens on one hand and a fair livelihood for them and their families on the other.

The postal salaries measure provides only that the compensation of these faithful public workers should be brought back to the level of 1913. No legislation ever had more careful consideration by committees of Congress. It has been passed by a practically unanimous vote in both Houses.

The President exercised his constitutional right to negative any bill passed by Congress. His message raised no new question, and every objection contained in it had been given thorough consideration before the bill was passed originally.

What then is the duty of the legislative branch of the Government? President Coolidge has himself pointed it out in clear-cut fashion. In 1920 while a candidate for vice president, in an address delivered at Middleboro, Ky., he said:

Conscious of our great heritage, aware of our grave duties, determined to preserve our liberties, we insist that our duties shall hold fast to the provisions of our Constitution. Therein is our faith. We demand that it shall function as it was designed to function, its three coordinate branches moving within their respective orbits as defined by the Constitution, free from invasion by one into the power and authority of the other, and each and all responsible only to the people.

This situation could not be better stated—Congress is responsible only to the people. No one can doubt the result of a national referendum on the question of increase of salaries for postal employees. The people have shown by every method in

their power that they favor an increase in pay for these faithful workers. The simple statement of the facts during the past year has been convincing proof to all, that the postal worker is not receiving what he earns nor what he needs in order to support his family.

Mr. Chairman, let us review the opposing arguments which have been advanced during the entire consideration of the postal pay bill and in the veto message.

It is declared that three adjustments of postal salaries have been made since 1918 and that a large percentage of increase has been granted since 1907.

These statements would lead one to believe that postal employees had been granted all they could reasonably ask. They imply that postal pay has met the increased cost of living and now compares favorably with the compensation paid workers in other industries. As for using the year 1907, it might as well have been 1887, which would have shown even greater percentages of increase.

In his Labor Day speech September 1, 1924, President Coolidge said:

I find that the cost of living for the average family for the same standard of living has been falling since the high point was reached in 1920 and is now in terms of money 69 per cent above the level of 1913.

Stripped of all confusion then, the facts are that the maximum pay of postal clerks and letter carriers in 1913 was \$1,200 a year. To-day, after all the piecemeal legislation referred to, it is \$1,800 a year. That is an advance of 50 per cent, while to-day the cost of living is 69 per cent higher than in 1913. That leaves the postal employees in exactly the position they would have been had prices remained the same, while Congress reduced their salaries.

Postal pay has always been poor pay at best. Still, never since 1913 has the pay of postal employees been as great in purchasing power as it was in that year. That is the only just way to compute wages, and based on real value the postal worker who received \$1,200 a year in 1913 is to-day only receiving \$1,080.

Of course, that leaves all the deficits of past years to be met by the employees. We hear a great deal about deficits in the Post Office Department. It is worth while to think of the deficits borne for 10 years by these faithful workers. They must carry the debts contracted during these years because their pay would not provide the necessities of life for themselves and their families.

It is possible to figure just what the loss has been because we know the salaries paid and the percentage of increased costs in living.

Let us take the Railway Mail Service for illustration.

The maximum salary of a distributor in 1913 was \$1,500, and not a cent was added to it until the fiscal year 1919. During those years the cost of living mounted skyward. To keep the pay of these railway mail clerks, who form the backbone of the postal system, at exactly the same purchasing power as during 1913, would have required \$1,500 more than they received.

In other words, during those years to 1919 these employees actually lost \$1,500 in pay based on the scale of 1913.

During the fiscal year of 1919 they received an increase of \$200 a year while the cost of living jumped to a point 83 per cent higher than in 1913. Counting this makeshift increase, these employees were \$1,055 behind their 1913 pay for that single year.

For the year 1920 they received a salary of \$1,925, another of those laws of emergency. This did not cover the increase in the cost of living for that year alone, to say nothing of the previous years. In fact these workers for 1920 were \$1,156 behind their 1913 pay, judged by the purchasing power of their money.

Then in 1921 came the reclassification law which fixed the pay of these workers at \$2,150. They received it for 1921, 1922, 1923, and 1924, and it represented an increase of 43 per cent over their 1913 salary. The cost of living varied during those years from 83 per cent to 70 per cent higher than in 1913. There was an actual loss in purchasing power since the reclassification act went into force of \$1,766.

What do these facts mean? Simply that each one of this class of postal employees has lost \$5,568 in the purchasing power of his pay since 1913. He would have had to borrow and spend that sum of money in order to live on the same scale he did in 1913.

Many have borrowed and many more have stinted themselves and their families; they have taken outside jobs and have put other members of their families to work.

They have been forced to such un-American privations and sacrifices and it is the height of injustice to argue against a measure bringing their pay back to the 1913 level, on the ground that they have had three increases of pay.

It does not matter if they have had 50 increases. It is not a question of percentage of increase in 17 years. The only question is "Has their pay meant a living wage?" We know that the cost of living has decreased since 1920, but in that year the cost of living was 114 per cent above 1913 while the railway mail clerk received an increase of 43 per cent only.

Their pay was certainly not excessive in 1913. To-day it will buy \$400 less goods than it bought in that year. That situation demands remedy and the vetoed bill proposed to give it.

Then what has been the course of the compensation paid workers in private employment during the period of 1913-1924?

The Bureau of Labor Statistics states that the weekly wages of union workers in all industries are 99 per cent higher than in 1913 while the hourly rate is 118 per cent higher.

The railway mail clerk I have mentioned receives 43 per cent more than in 1913. The letter carrier and post-office clerk receive 50 per cent more than in 1913. If these latter classes received the same increase as the workers in private employ they would be getting \$2,600 a year. The vetoed bill gives them \$2,100.

Is there any good reason for grinding faithful public servants down to a level far below that attained by workers in private industry? Has not President Coolidge himself said:

Public business is transacted on a higher plane than private.

Should not Uncle Sam then, as an employer, set the example in paying a living wage, rather than lagging far behind private employers? Certainly if this Government can not pay a living wage to postal workers it has not the right to operate post offices.

Mr. Chairman, it is further argued that these increases have resulted in the expenditure of \$450,000,000, proving the generous treatment postal employees have received.

Since when have the wage increases in every industry in America, made necessary by the World War, become acts of generosity?

The anthracite coal miners in 1920 alone were given an increase of 65 per cent, more in one year than postal employees in 10 years, but I have never heard that act cited as proof of the generosity of the coal barons.

The wages of all workers in all building trades were 105 per cent higher in 1923 than in 1914, but the increases were not solely due to the generosity of the builders and contractors.

Judged on that basis the boot and shoe manufacturers are the greatest exponents of generosity in America. Their workers of all classes were getting 113 per cent higher wages in 1923 than in 1914. These workers did not depend on acts of Congress. The cost of living went skyward and their employers simply met the conditions, and as a matter of course raised wages to correspond with the prices of food, shelter, and clothing. No one dreams of calling such an attitude "generosity." It was simply common-sense methods of doing business.

Of course, a lump sum like \$450,000,000 by itself is calculated to shock any believer in economy and efficient administration. It is not so shocking, however, when one stops to remember that an increase of only \$1 a day to 300,000 workers would reach the sum given.

Who paid that great sum? Not the taxpayers of the United States, for the deficit they paid out of the General Treasury was wholly included in the advanced costs of railroad transportation, supplies, rentals, light, and fuel. Take these increases out of the postal budget and there would have been a surplus instead of a deficit.

These increases have been at a still more "generous" percentage than postal wages. Railroad transportation went up 67 per cent between 1914 and 1923. Rent, light, and fuel advanced 145 per cent between those years, and supplies were 88 per cent higher in 1923 than in 1914.

Who paid that \$450,000,000 to postal employees? Not the users of the mails in increased postage rates, for there have been no increases since 1914 save in second-class rates, and this makes up but a small part of postal revenue.

No, this entire amount was paid by the postal workers themselves through increased efficiency and speeding-up methods. Clerks and carriers and railway-mail clerks do to-day 50 per cent more work than they did in 1914. They are the ones who took this added wage cost upon their shoulders and carried every cent of it. If there is any generosity to be found in the transaction, it is the generous way in which postal employees undertook added labors in order to make the Postal Service the mightiest agency in America for the promo-

tion of common welfare at the cheapest postage rates in the world.

Mr. Chairman, it is further argued that the salaries of certain classes of clerks in the departments in Washington show a less average annual pay than postal employees.

This is a meaningless comparison. To arbitrarily pick out a group of Government employees and say that the average is less than that of postal employees is not illuminating, to say the least.

How many of the group selected are girls just out of school and how many are mature men supporting their own families? What has been the experience and training of those so selected for comparison? What kind of work do they perform for the Government? All these questions and more must be answered before there can be comparison of their pay with that received by the postal employees, who perform the most vital public service in America.

But let us put these essential differences aside. The fact is that these departmental employees receive higher daily and hourly rates of pay than do postal employees. For work actually done they are higher paid employees than postal workers.

The departmental clerks in Washington have a seven-hour day, while the postal employee works eight hours, either day or night.

The departmental clerk gets his half holiday, but this is not a boon of postal workers.

The departmental clerk has a 30-day vacation with 30 days' sick leave. The postal employee has a 15-day vacation and 10 days' sick leave.

The postal employee works at least 60 days of 8 hours longer each year than the employees cited. To say that he receives more money in a year is not a fair statement without also admitting that he works longer and at much more exacting tasks. The bill which was vetoed will not make postal pay higher than the departmental clerks referred to now receive, figured on hours of service actually performed.

Mr. Chairman, it is further argued that employees of a similar character in private business receive lower compensation than postal employees.

There is a wide difference between these statements and that of the special committee of the United States Chamber of Commerce, charged with the duty of making a study and report of postal affairs in March, 1924.

This committee said:

One of the principal causes of delay and irregularity in the handling of the mails is the wide disparity between compensation in the Postal Service and wages paid by private employers, resulting in a large turnover of labor, the taking on of less qualified employees, and consequently inferior service.

During the whole course of the passage of this measure through Congress it is noteworthy that chambers of commerce were just as emphatic in their indorsement as were labor organizations.

The fact is that you can not possibly compare the specialized postal employees with clerks, typists, etc., in other lines of business and no one has ever seriously demanded that—

the postal employees be paid a scale of wages somewhat higher than the scale paid to employees in the business world!

The postal employees have shown by their indorsement of this postal pay bill that they do not dream of becoming aristocrats of industry.

All that the vetoed bill did was to bring the pay of postal employees up to the level of 1913 in purchasing power.

The Post Office Department did make an effort to prove that postal salaries were high enough. There was no investigation but rather a determination, and those who sent in the reports were left in no doubt as to the results expected.

The fact is there is no business in America similar to the Postal Service. It is highly specialized and is a Government monopoly. The expert postal employee possessed of years of experience can not step out of the post office and sell his knowledge and services to a rival concern. There are no rival concerns.

But the employees of the classes cited by the department are routine clerks, freight handlers, typists, stenographers. They are not mature bonded employees such as the postal workers. They do not have the responsibilities nor do they perform the tasks of the postal employees.

I know the rosy pictures that are painted by some men, either selfishly interested or ignorant men, of the young man fresh from school, who begins work as a clerk or letter carrier at \$1,400 a year.

Why do they not consider the other side of that picture? Why do they not portray that postal worker, when 30 faith-

ful and efficient years of service have passed over his head, and his salary is \$1,800 a year?

He is a youngster no longer, but a veteran employee, with family cares and responsibilities. He has spent a lifetime of hard, painstaking labor, and he has rendered vitally important service, yet his pay is only \$400 more than when he began.

We need to remember that the average post-office clerk to-day is 36 years of age, with three dependents in his family, for whom he must provide a livelihood on less than \$1,800 a year.

The average city letter carrier is 38 years of age and he, too, has three dependents in his family whom he must support on less than \$1,800 a year.

The low-paid employees in private industry enter an occupation in which they believe there is unlimited opportunity for advancement. There are no laws to hold them to a limit of \$1,800 a year, such as now applies to clerks and letter carriers. They accept low pay at first in the hope of high pay at last.

Then, too, every year's experience fits them for higher pay under new employers. If one corporation is unwilling to pay a fair wage, there are others to whom to apply.

The postal employee is tied fast to his work and his wages. His training and experience are of no advantage in outside business. That is the main reason for the fact that the average postal employee sticks to his job in the face of unjust schedules of pay. If there was a place for them to turn and sell their experience and skill, the Postal Service would be in a state of collapse. But it is no reason that the Government, having the power to oppress should use it like an oppressor.

During the hearings on the bill pages were filled with citations of the wages paid skilled labor. They were official figures and showed conclusively that the highest-paid postal clerk or letter carrier, with his \$34.61 a week, is one of the lowest-paid workers in all industry. Even the hod carrier far outranks the mail carrier in wages received.

Then, Mr. Chairman, the argument is made that there are many applications for these positions at present pay schedules.

The logic of this statement is simply that as long as men apply for positions and are willing to accept them there should be no increase in compensation, the wage to be paid, regardless of service rendered, to depend upon the supply of labor. It is the law of supply and demand applied to human labor. By such a concept wage rates are fixed in the same fashion as the price of merchandise on the counter. But that theory was not used in the law of April 4, 1924, signed by the President, which increased the pay of Assistant Postmasters General by \$2,500 a year. There was never any scarcity of applicants for these places at the former salaries. If the law of supply and demand did not apply to their increase, why attempt to apply it to a \$300 increase for postal workers?

The Congress of the United States has written into law the declaration that labor is not a commodity, thus expressing what has been regarded as an American belief that the blood and brain and muscle of men and women are somewhat different from corn and cattle and cabbage.

The Post Office Department, under the guidance of an enlightened Postmaster General, also officially announced that doctrine at the beginning of this administration.

Postmaster General Hays, in his report for 1921, proclaimed an administrative policy which apparently has suffered reversal in a few short months. He said:

To treat a postal employee as a mere commodity in the labor market is not only wicked from a humanitarian standpoint, but it is foolish and shortsighted even from the standpoint of business. An employee who is conscious that he is regarded as a mere commodity will do enough to "get by" and keep his job until he finds another, and he will do no more. He contributes nothing to the morale of the organization.

The chances are, in fact, that there will be no morale to which to contribute. He grouches and passes on his grouch. Feeling that he is ill treated by his Government he does his work badly, with a consequence that soon everybody is growling at the mail service and at the Government. A postal employee, on the other hand, who is regarded as a human being, whose welfare is important to his fellows, high and low, in the national postal organization, is bound to do his work with a courage, a zest, and a thoroughness which no money alone can ever buy. The security which he feels he passes on to the men and women he serves. Instead of a distrust of his Government he radiates confidence in it.

The most important element in every service is the spirit of the men doing it. We are away in the post-office service from any idea of labor as a commodity. We have 326,000 employees in the Post Office Department; to-day we have 326,000 coworkers. When these

326,000 men and women start out determined to do this work better, nothing can stop the successful consummation of their efforts. Developments are proving this fact.

What are the possibilities of the influence of the postal workers for the spread of either good feeling or ill will? The figures I have already noted give a hint of them—326,000 coworkers serving daily 110,000,000 people. Is it worth while or not, making them feel that they are getting a square deal and seeing that they get it?

Mr. Chairman, I answer the questions of the former Postmaster General by saying that it is above all things else worth while to make postal workers feel that they are men, not machines, and that they are getting a square deal, and that is exactly what Congress earnestly endeavored to do when it passed the postal pay bill.

But even accepting the repugnant theory that postal labor is a commodity and that wages should only be increased when the supply of applicants fails, what is the situation?

The hearings on the measure before the committees of Congress brought out overwhelming evidence that lists of eligibles could not be secured in countless places. Weekly examinations were necessary in some cities, and still hundreds of temporary employees had to be drafted from the streets.

Detroit showed a turnover of more than 100 per cent in a year, showing that even those who passed the examination and accepted appointment could not and would not remain in the service on account of inadequate pay.

The Chicago Examiner of July 5, 1924, stated, "The help-wanted sign is out at the Chicago post office. One hundred and fifty letter carriers are needed." Where were the thronging applicants for postal jobs?

Two months after the veto message had been sent to Congress, the secretary of the third United States civil service district was sending a call for help to all members of local boards. In his letter he said:

Considerable difficulty is experienced and has been experienced in obtaining sufficient eligibles to meet the needs of the Post Office Department. It very frequently happens that as a result of the announcement of an examination but one or two competitors appear and when the register is established there are not sufficient names from which the postmaster may make selection to fill all vacancies which may exist in the post-office force.

The purpose of this communication is to request that you make every effort, in conjunction with the local secretary of the civil service board and the postmaster, to interest qualified persons to enter the examination. Get in touch with those people whom you think can pass the examination, and show them the advantages of employment in the Postal Service. You might obtain candidates who have reached their eighteenth birthday on the date of examination from among the high-school students.

The examinations themselves have been transformed from a real test of knowledge into a joke through lowered requirements.

The old employees have been overworked because of this situation. The service is undermanned. With the volume of mails doubled since 1913 the number of carriers who deliver it have increased but 24 per cent.

Since the Railway Mail Service is selected as an exhibit in this connection, let us delve into it a little further.

The railway-mail officials of the department inform me that out of that 25,000 applicants 3,249 were certified for appointment. Of this number 1,340 absolutely refused to accept appointment when they were offered positions, indicating that further inquiry into wages and conditions of labor had led a larger number of applicants to change their minds.

The department can give no data as to the number who remain in the service for six months. If the fifteenth division situation last year be taken as a criterion, there would be 26 per cent of those certified remaining at the expiration of six months—844 out of 3,249.

It is an enlightening fact that three out of four of those who are ambitious to enter the Railway Mail Service, and are offered the places they seek, refuse the appointment or resign within six months.

There is a vast difference between a civil-service eligible and a competent postal employee. It requires several years to make efficient, practical railway-mail clerks, post-office clerks, or city carriers such as are needed to handle the people's Postal Service. They are needed not in one division but in all divisions, not in one office but in every office, if this service is to be up to standard. The resignation of countless employees within six months of their appointment because of inadequate pay is a heavy drain and paid for out of postal revenues.

Mr. Chairman, it is further argued that there should be a wage differential favoring postal employees located in the large cities against those in the smaller cities and towns.

The vetoed bill does not ignore the cost of living in different localities. It provides that letter carriers in the village delivery service shall have a maximum rate of \$1,400 a year. For letter carriers in rural delivery service, on the standard 24-mile route, it provides a maximum of \$1,800 a year with an allowance of 4 cents a mile for the upkeep of their vehicles. That is, a part of the equipment and maintenance expense, made necessary solely because the rural carrier can not perform his duties without such expense, shall be paid by Uncle Sam. For city letter carriers it provides a maximum rate of \$2,100 a year.

It does not attempt to divide employees, doing exactly the same work, and with the same responsibilities, into subclasses based on the receipts of the office where they are employed. Such an arbitrary and unjust differential was considered and rejected by the committees.

It may be taken for granted that the President refers to the department's recommendation that \$100 increase be granted clerks and letter carriers in offices with receipts of less than \$600,000 a year and a \$200 increase to employees where receipts exceeded that figure.

To attempt any such arrangement would bring vastly more inequalities and injustices than those alleged to exist under the present system. If it is penny-wise it is assuredly pound-foolishness. In any case it was rejected after careful consideration by Congress. That should be accepted as a declaration of policy, for the Post Office Department has not yet been empowered to make the law as well as carry it out.

Seventy-five per cent of the clerks and city letter carriers live in cities of 25,000 and over and 90 per cent of the railway mail clerks live in cities. A large proportion of the remaining clerks, city carriers, and railway mail clerks live in small suburbs of great cities, where the costs of living are about the same as in the central city.

Food, clothing, house furnishings and coal are sold on a national market and cost about the same everywhere. The prices do not vary according to the size of the city.

The adoption of the \$600,000 dividing line would be the most deplorable blow to the morale of the service that could well be imagined. A letter carrier in the Swissvale Station of Pittsburgh, Pa., post office living in a Pennsylvania township farming community, would receive a \$200 increase. One foot over the line where his route ends is the route of a Braddock, Pa., post-office carrier. This man lives in the heart of the steel industrial district where living costs are as high as anywhere in the United States, but he would only receive \$100 advance because his office does not have receipts of \$600,000.

There are countless instances of similar kind. Is such a system as that to become our policy? Far rather to give a little added advantage to a few employees than to work a stinging injustice upon many. All just legislation is based upon the greatest good of the greatest number. But to refuse to give any employee a cost increase because \$300 would not go as far in New York City as in some other place is strange doctrine indeed.

If the \$600,000 line were drawn, there would not be a clerk or letter carrier get the \$200 increase in Arizona, Delaware, Idaho, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, South Carolina, South Dakota, Vermont, West Virginia, or Wyoming.

In Alabama the employees in one lone office, Birmingham, would get the \$200 increase.

In Arkansas only one office, Little Rock, would be in the preferred list.

In Colorado there would be Denver; in Georgia, Atlanta; and even in Illinois only Chicago, Springfield, and Peoria employees would get the \$200 increase. In Iowa there would be Des Moines and Sioux City; in Kansas, Topeka, and Wichita; in Kentucky, Louisville; in Louisiana, New Orleans; in Maine, Augusta and Portland; in Maryland, Baltimore; in Massachusetts, Boston, Springfield, and Worcester; in Michigan, Detroit and Grand Rapids; in Minnesota, Duluth, Minneapolis, and St. Paul; in Missouri, St. Louis, Kansas City, and St. Joseph; in Nebraska, Omaha; in New Jersey, Jersey City and Newark; in Oklahoma, Oklahoma City and Tulsa; in Rhode Island, Providence; in Utah, Salt Lake City.

That is enough to show the working of this so-called differential to anyone familiar with conditions in these States.

Within the States there would be grave injustices. For instance, Chicago employees would receive \$200 increase, while Chicago Heights employees, forced to live under the same costs of living, would receive \$100.

In Scranton, Pa., in the hard-coal region, the employees would receive \$200 increase. In Wilkes-Barre, in the same region, with exactly the same living conditions, the increase would be \$100.

The principle of equal pay for equal work forbids the discrimination. And not less does the principle of living cost prevent just lawmakers from setting up such an artificial dividing line between American communities.

Mr. Chairman, it is further argued that an organized effort by public employees to secure an indiscriminate increase in compensation should have the most searching scrutiny.

This might imply that there is something wrong in the association of postal employees for mutual benefit. If so, it is an undeserved thrust at one of the most hopeful things in the entire Postal Service—the spirit of team work and cooperation which has made this great public-service enterprise a very marvel of achievement. Pliable workers may be desired by one type of employer, but the history of modern industry is proof that efficiency comes only through capable workers inspired by the spirit of fraternity and organized cooperation. That fact was clearly demonstrated during the war when the War Labor Board urged consideration of workers on the single ground that it was essential in order to secure efficient production in a time of national crisis.

As to its importance in peace-time industry, I can do no better than quote William B. Dickson, vice president Midvale Steel & Ordnance Co. He says:

If the individual is debarr'd from association with his fellow workers, he is no longer a free man but a serf; and the serf has no place in the future of America.

Aside from this phase of the question, it is true that the only assurance of just treatment for postal workers is found in their organization. Without it they are utterly helpless to do the one thing we permit them to do—arouse public sentiment and respectfully ask relief from Congress. Individual workers can do nothing, and they selected representatives who conducted their cause in scrupulously honest style. They made only respectful requests and won support only by the righteousness of their aims. The Canadian postal workers went on strike to enforce their demands. The American postal employees, led by their own organization leaders, kept faithfully to their tasks. That kind of patriotic organization of Government workers deserves praise, not rebuke.

What does "indiscriminate increase in compensation" mean? Such a phrase can not be applied to the schedules of the vetoed bill, since the most careful classification of the employees was therein enacted. Each grade and each class was given its proper appraisal in the deliberate judgment of committees and Congress.

Nor was any measure ever given more searching scrutiny than the postal pay bill in the last session. It was introduced on December 20, 1923, and the final conference report adopted June 6, 1924. Between those dates there was continuous and painstaking study. Every line was scrutinized time and again by the committees of the House and Senate. There was no haste, but, rather, unprecedented deliberation. The final draft was the composite judgment of the Post Office Committees, responsible for such legislation.

Their finished task was approved by the public, by business organizations, and by a practically unanimous vote in both Houses of Congress. Whatever else the postal pay bill was or was not, it was not "indiscriminate," and it was not enacted without the most searching scrutiny.

Mr. Chairman, it is further argued that governmental extravagance must stop and that before additional obligations are created they should be proven essential to the best interests of the Nation.

In his Labor Day speech, September 1, 1924, at Washington, D. C., President Coolidge said:

If anything is to be done by the Government for the people who toil, for the cause of labor, which is the sum of all other causes, it will be by continuing its efforts to provide healthful surroundings, education, reasonable conditions of employment, fair wages for fair work.

The actual facts as to the privations borne by American toilers of the Postal Service—fathers of families—because of unfair wages for more than fair work, challenge immediate action. Call the long roll of those who can not provide healthful surroundings for their families. Review those who are forced to rob their children of education in order to raise the family income to subsistence level. Count the number of those who are forced to take an extra job at night and thus forego any reasonable conditions of employment. That pitiful procession will prove that the Government, through

past neglect and the failure of this vetoed bill is responsible for a denial of all these rights of labor; the sum of all other causes. The final defeat of this measure means a blow against the children who must grow up under scant provision that inadequate pay makes necessary. Ninety per cent of the trained and specialized employees of the great United States Postal Service receive less than \$2,000 a year, and 82 per cent receive less than \$1,800 a year. That one statement portrays the present situation better than volumes could do.

There is nothing so essential to the best interest of the Nation than that its workers who render faithful service shall have just reward for their service. That reward must not be less than a living wage.

If there is any other problem which can better demand solution on the plans of urgent necessity, I do not know what it is.

To say that an honest attempt by a practically unanimous Congress of peoples' Representatives is extravagance and that its negative by presidential veto is economy is the use of words in a fashion not understood by the American people. In every way possible they have shown that they know that justice is not extravagance, and injustice is not economy. Unwise economy is the real extravagance. A man is not necessarily a true economist who believes in spending the least money. One of the leading automobile experts of this country has said:

In the effort to get too many miles to the gallon of gas, too many miles of service from tires, and too many miles of service per dollar invested in repairs and adjustment, car owners are paying the piper to the tune of millions of dollars annually.

He declares that more fines are paid for exceeding the economy limit than are collected by all the police courts in the country.

Exactly the same logic can be applied to the Postal Service. There has been wonderful service given by the employees, and it has been unusually economical, but it is a fallacy to assume that it should therefore be entirely neglected until a break down occurs. Putting compensation on a just basis now will forestall a tremendous bill for the repair of a great service which is certain to be demoralized by the continuance of salary schedules which are lower than those of 1913.

The unprecedented approval of the American people for readjustment of these salaries is proof that they believe that justice in postal pay is economy and injustice is extravagance.

Mr. Chairman, it is further argued that the postal salaries bill makes no provision for increasing postal revenues to meet the expenditure.

This suggests a new departure in postal policy—that postal wages must depend on postal revenues. If there is to be no adjustment of postal pay because of the effect on postal profits, we must transform the postal system into an enterprise for profit rather than service. Political platforms have often demanded adequate wages for postal employees, but I have yet to read the plank which made postage rates the determining factor. Here is the plank of the Republican platform of 1920, upon which this administration came into power:

The United States Postal Service should be operated for service rather than profit. There is no true economy in destroying the efficiency of the Post Office Department by curtailment of the service it has hitherto performed or by failure to properly compensate employees whose expert knowledge is essential to the proper conduct of the affairs of the postal system.

In all the history of the Postal Service there has never been a salary bill coupled with a postage rate bill. Never before has fair treatment been refused postal employees on the basis that inadequate postage rates are insufficient to create a money surplus. It has always been believed that the question of just wages for employees was to be settled on its own merits, since the postal system was operated for service, not for profit.

As to the bill which was vetoed, the Postmaster General urged that no postage provision be carried, because, as he said:

No readjustment of postage rates or special fees can be made intelligently until the cost ascertainment has been made.

The committees agreed with the Postmaster General and also believed that the only sensible way to adjust income and outgo is to fix production costs. We believed that an increase in pay is justly due the employees.

We proposed to fix those schedules and then, when the amount needed to make the service approximately self-sustaining had been determined, to fix postage rates based on that experience.

The question of postage rates is important, and since they are still at pre-war levels in spite of great advances in every-

thing which enters into Postal Service, it is self-evident that changes should be made.

Numerous bills were before the committees providing for adjustment of postage rates.

No action was taken on these, expressly at the request of the Postmaster General. His suggestion to await the findings of the cost ascertainment commission was accepted. The committee is ready and eager to proceed to the question of postage rates. However, we have always maintained that the first question is, Shall postal workers have a living wage? The postal deficit is not more important than the deficit in the household budget of postal employees forced by the present pay.

In fact, all wage increases for postal employees in the past have been carried by the increased efficiency of the workers themselves. Postal labor costs are relatively lower to-day than in 1913. The production per unit is greater than ever before. The employees have speeded up their work, have taken on extra loads. They will do the same with a large part of the \$65,000,000 additional cost under this bill. The present rate of increase of revenue over expenses shows that the sum can be largely absorbed by the postal workers.

Of course, if the Postal Service is to be run for profit, there must be a complete change in administration. Every activity which does not show a profit should be lopped off.

If that is to be the policy, then the postal employees, in all fairness, should have a voice in fixing postage rates and in eliminating all postal activities which do not pay their way. If their wages are to be dependent on profits they must have a chance to help make profits.

Surely that is not to be the policy of the Postal Service. The American people are proudest of their postal system because it is the most efficient instrument of democracy in the Nation. They have never protested because revenues have fallen behind expenditures in any year. They believe that the service should be approximately self-supporting, but they know that the small amounts required to balance accounts is the best expenditure made by the Government.

I am in favor of reducing taxation to the very lowest point possible consistent with national obligations. I count the first and foremost national obligation the duty of paying a living wage to faithful servants of the Government. Let us reduce the income of the Government, but let us pay the honest debt first.

The post office employs more people than the combined forces of the Army and Navy. It serves more people than all the other departments combined. Last year the Army and Navy cost \$670,000,000, while the post office received from the General Treasury the sum of \$32,000,000. With its universal service to 110,000,000 Americans, the post office, because of the deficit, got 98 cents out of each \$100 spent by Uncle Sam.

The salary increases provided in the bill were dated from July 1, 1924. It would require about \$32,500,000 to meet these advances to January 1, 1925, and this would be paid from Treasury receipts of 1924. It was announced shortly after Congress adjourned that the United States Treasury showed a surplus of \$300,000,000 for the fiscal year 1924. Surely America does not mean to take as her motto "Millions for surplus, but not one cent for underpaid public servants." Paying those increases will simply mean the expenditure of \$1 out of every \$100 spent by Uncle Sam, and it will not mean an additional cent in taxation. The United States can not afford to pay its faithful servants starvation wages.

Mr. Chairman, it is further argued that although the Postmaster General has authority to increase parcel-post rates without legislation, such increases would bear heaviest upon the farmers, who are the largest users of parcel post.

That the farmer is the largest user of parcel post is a popular error. Instead of the farmer being the largest user of parcel post, he is the smallest. Sears, Roebuck & Co., mail-order house of Chicago, send out more parcel-post packages in a year than all the farmers in America send in a year.

The only figures ever taken on the volume of parcel post to and from farmers and dwellers in rural communities were collected by the Post Office Department for July, 1920. That month there were 8,534,643 pieces of parcel-post matter delivered to patrons of rural routes, and 1,292,837 pieces collected from them, a total of 9,827,480. Extended for the year it would mean that 117,929,760 pieces of parcel-post mail matter were received and sent by the patrons of all these rural routes.

From these figures all the dwellers on all the rural routes sent out in a year 15,513,014 parcel-post packages. The manager of Sears, Roebuck & Co. informed me, under date of October 1, 1924, that his company sends out more than 30,000,000 parcel-post packages in a year.

The Postmaster General's report for 1920 states that—

The total number of pieces of parcel-post mail handled during the past fiscal year is estimated to have exceeded 2,250,000,000.

Based on these figures, the only ones available, the farmers of this country receive and send 5 per cent of the number of parcel-post packages handled in the United States mails.

In July, 1920, the total postage received by the Post Office Department from parcel-post mail delivered on rural free-delivery routes was \$905,110.02. The postage from parcels collected was \$122,135.35, a total of \$1,027,245.96. Extended for the year that would mean annual revenue from this source amounting to \$12,326,951.52. The Postmaster General's report for 1920 estimates the total postage from parcel post at \$150,000,000.

Based on these figures, the only ones available, all the patrons of all the rural free-delivery routes paid 8 per cent of the postage received from parcel-post matter.

The total postage received from all classes of mail collected and delivered, on all rural free-delivery routes in July, 1920, was \$4,291,860.93, which makes for a year \$51,502,231.16. The appropriation by Congress for the rural free-delivery routes alone for the fiscal year 1920 was \$68,800,000. Crediting all the postage on all mail sent to these patrons as well as all postage on all mail sent by them and there remains a deficit of more than \$17,000,000. Surely it is evident that a slight increase in parcel-post rates would not require the contribution of a large sum from farmers to postal employees.

The parcel-post rate is to-day lower than the pre-war rates. It is apparent to any fair-minded observer that an increase here is justified and will not injure the service.

But above all, the supreme fact remains; postal salaries should be fixed at a fair rate; then postage rates can be adjusted to make the postal system practically self-sustaining and give the maximum service at the minimum cost to postal patrons.

I have reviewed every argument and objection made during the entire course of the consideration of the postal salaries bill, and I appeal to your judgment as to whether or not they are so compelling as to lead you to reverse the decision you made in June.

There is added force now for every argument made by the proponents of this measure in June. The trend of prices for the necessities of life is sweeping upward. Wages in other lines are being increased, and all indications point to a business advance which always means a rising scale of prices. If we refuse or neglect to act, the result will be a reduction in pay, based on purchasing power, for every employee in the great Postal Service.

Mr. BUCHANAN. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. MANSFIELD].

Mr. MANSFIELD. Mr. Chairman and gentlemen of the House, a Washington paper, in its issue of the day before yesterday, contained an article in regard to the pending river and harbor bill, which, with the headlines it adopted, has attempted to create a very erroneous impression. I have clipped the article, and I ask the Clerk to read it in my time.

The CHAIRMAN. Without objection, the Clerk will read. The Clerk read as follows:

PORK BARREL BILL SPEEDED IN HOUSE—RIVERS AND HARBORS MEASURE CARRIES \$53,565,650; RIGHT OF WAY URGED

After 10 lean years Members of Congress indicated they had a keen appetite for "pork" yesterday when a move was made in the House to speed action on the river and harbor bill, carrying \$53,565,650 for 34 new projects.

Urged on by Members from States that will benefit, Representative DEMPSEY, of New York, chairman of the Rivers and Harbors Committee, resubmitted the report on the measure, so as to give it a privileged status.

DEMPSEY and the Republican members of the committee will appear before the Republican steering committee to-day to urge that the bill be given right of way soon. DEMPSEY believes the bill may pass at this session, and Senators are understood to be just as hungry for "pork" as the Representatives.

Although Congress revolted against the economy program and succeeded in getting through a rivers and harbors bill in 1922, the old-fashioned "pork barrel" bills all but disappeared early in the Wilson administration.

Mr. O'CONNOR of Louisiana. Will the gentleman yield? Mr. MANSFIELD. I yield.

Mr. O'CONNOR of Louisiana. Is the gentleman quite sure this article in reference to pork-barrel legislation was from a Washington newspaper?

Mr. MANSFIELD. Yes, sir; it was in a Washington newspaper I am sorry to say. Mr. Chairman, I thought that the

method of procedure in securing river and harbor legislation had become so well known that no man of intelligence would attempt to make a charge of pork barrel against a river and harbor bill as they are enacted at this time, and for the purpose of getting more clearly before you and before the country the method of procedure I have here, from the Record, a statement made by the late James R. Mann, for many years the very able leader of the Republican Party in this House, a man who as a statesman had few equals, and as a parliamentarian had no superior. I ask the Clerk to read that statement from Mr. Mann.

The CHAIRMAN. Without objection, the Clerk will read. The Clerk read as follows:

Whatever men may think about the merits of particular propositions in a bill, there is no legislation which comes before Congress which is so critically scanned by experts as are the river and harbor bills before they reach the House. . . . There are more processes involved, and far more expert men, wholly disinterested, unbiased, uncontrolled by politics, in reference to a river and harbor item than for any other legislation provided by any legislative assembly in the world.

Here are the steps through which any river or harbor project must pass before any work is authorized to be done on it:

1. Authorization by Congress for a preliminary examination and survey. In effect, this authorizes the Chief of Engineers to direct the district engineer in whose district the proposed improvement lies to make a preliminary examination and to report to him whether there appears to be sufficient merit in the proposal to justify a thorough examination and survey.

2. The district engineer makes this preliminary examination, and his report, which deals largely with present and prospective commerce and the benefits to commerce which the proposed improvements would afford, is sent to the division engineer.

3. The division engineer, who is a senior officer, with years of experience on river and harbor work, and has supervision over several districts, examines the report of the district engineer and makes his comments on it, and any recommendations he may see fit and sends it on to Washington.

4. It is then turned over to the Board of Engineers for Rivers and Harbors, which is a body specially created by law to review all river and harbor projects in an impartial way and from a strictly national point of view. This board reviews the report of the district engineer and the comments of the division engineer, and reports the whole matter to the Chief of Engineers with its views and recommendations.

5. The Chief of Engineers then examines the report of the district engineer and the comments and recommendations of the division engineer and the Board of Engineers for Rivers and Harbors in order to determine whether a thorough examination and survey are justified by the present and prospective commerce and the benefits to commerce which the proposed improvement would afford. If his decision is unfavorable (5a) the Chief of Engineers so reports to Congress. Congress may let the matter drop there, and the matter is ended. If, however, they think that any facts or considerations have been overlooked or not given sufficient weight they may (5b) authorize a further examination of the proposed improvement and a subsequent report to Congress.

If in step 5 the decision of the Chief of Engineers is favorable, or if Congress has authorized further examination, as in step 5b, then—

6. The Chief of Engineers directs the district engineer, or such other officer or board as he may designate, to make a thorough examination and survey of the proposed improvement and to make recommendations as to exactly what work should be done and an estimate of how much it will cost and the rate at which the work should be prosecuted. This report also completes, as far as possible, commercial statistics and gives consideration to such subjects as the adequacy of terminal facilities, the possibility of water-power development, etc.

7. This report is transmitted through the division engineer, who again makes his comments and recommendations and forwards it to Washington.

8. The report, with the comments of the division engineer, goes to the Board of Engineers for Rivers and Harbors, which reviews the whole question and makes its report and recommendations to the Chief of Engineers.

9. The Chief of Engineers examines the report of the district engineer or other officer or board and the comments and recommendations of the division engineer and the Board of Engineers for Rivers and Harbors.

10. The Chief of Engineers sends to Congress his report and recommendations on the proposed improvement, either transmitting in full or summarizing for the benefit of Congress the views and opinions of the district engineer, the division engineer, and the Board of Engineers for Rivers and Harbors.

11. This report is referred to the proper committees of Congress—the Committee on Rivers and Harbors in the House of Representatives and the Committee on Commerce in the Senate.

12. Hearings are held by these committees, at which all interested parties are given an opportunity to be heard, and at which the Chief of Engineers and his assistants may be asked for further information. If the decision of the committee is favorable, then—

13. The committee includes an item for the proposed improvement in a bill which it reports to its House of the Congress with the recommendation that it pass.

14. The bill must pass both Houses of the Congress and be approved by the President. The proposed improvement then is an adopted project, and work is authorized upon it when Congress shall have provided the necessary funds.

Mr. MANSFIELD. Mr. Chairman, it occurs to me that the statement by the late Mr. Mann is a complete answer to any charge of pork barrel that might be brought against a river and harbor bill. It is not my purpose at this time to discuss in detail the pending river and harbor bill, but will refer to a few of the major projects. This newspaper does not pretend to point out any item in the bill which it claims to be pork. Every item in the bill was brought about and prepared just in the manner as stated by Mr. Mann, and I take it for granted every Member of this body knows that such a thing as "pork" getting into a bill under the present method of procedure is an absolute impossibility.

Mr. GREEN. Will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Iowa.

Mr. GREEN. My district has no interest in the pending bill and it has not had any as far back as I can remember. But as described by Mr. Mann the fact is that all of these projects must be gone over by these engineers very carefully in detail and report; and these men, if I understand the gentleman correctly, and every Member of the House knows about it, have no interest whatever in a project except to do what is best for the country nationally. I am speaking about the engineers of the War Department.

Mr. MANSFIELD. Yes, sir.

Mr. GREEN. Now, as I understand it, if they have not reported favorably there is practically no chance of the bill getting favorable consideration from the Congress.

Mr. MANSFIELD. I consider it impossible.

Mr. GREEN. Yes; I might have gone further, it is practically impossible. If they do report favorably, the bill has even then a long, weary road to travel before it is adopted.

Mr. MANSFIELD. The gentleman is entirely correct.

Mr. BLANTON. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. May I ask my colleague to yield one additional minute?

Mr. MAGEE of New York. I will yield 10 minutes' additional time to the gentleman from Texas.

Mr. BLANTON. My colleague has referred, of course, to the present situation with regard to such bills, but he does not mean to carry the intimation that there has not been pork in some such bills in the past, does he?

Mr. MANSFIELD. I will say to the gentleman that that was possibly true at one time in the history of this country.

Mr. BLANTON. Because the gentleman knows, concerning the Trinity River in our State, there has been spent over \$2,000,000, a stream that could hardly be called a very large river.

Mr. MANSFIELD. I will state to the gentleman that the Trinity River has long since been abandoned by the engineers and by the Congress.

Mr. BLANTON. But it should have been abandoned long before the \$2,000,000 was spent.

Mr. MANSFIELD. Well, the engineers are not infallible, of course, and it is possible even for them to make mistakes sometimes. I do not say they did make a mistake as to the Trinity, but it seems they recognized the fact that navigation on the upper portion of the river was impracticable without the expenditure of a greater amount of money than at first estimated, and that the demands of the commerce were not sufficient to justify it. They recommended its abandonment, and Congress very promptly suspended the work. I will state, however, that they have made very few mistakes, as the record will show. Since the year 1824 slightly more than \$1,000,000,000 have been spent for improvement and maintenance of rivers and harbors, and the annual report of the Chief of Engineers shows that only \$20,000,000 has gone upon projects that have been abandoned. This record of a century is without a parallel in any other line of expenditure. The annual report of the Chief of Engineers also shows that our waterways last year bore a traffic of more than 442,000,000 tons, having a valuation of more than \$19,000,000,000. This tonnage of one year justified the expenditures of a century.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. MANSFIELD. I will yield to my friend from Colorado.

Mr. TAYLOR of Colorado. I want to ask the gentleman when an appropriation is pork? Does it not depend entirely on the opinion of a great many people as to where it is located? [Applause.]

Mr. MANSFIELD. The gentleman is correct, and the man who wants pork himself is generally accusing somebody else of pork.

Mr. TAYLOR of Colorado. The spending of millions of dollars in the city of Washington is wise, but spending any outside of Washington is pork. [Applause.]

Mr. MANSFIELD. Yes, sir; that is the way some of our Washington newspapers seem to regard it. I will state, with reference to the bill, that in so far as I am capable of understanding it, and I think I understand it fairly well, it does not contain a solitary item that is not of more than local benefit.

Nearly every item in it and at least every major item is of national consequence. Take the three or four major projects, including that of the Hudson River, for instance. It provides for a \$10,000,000 project on the Hudson River. That is not for the sole benefit of the people who live along the banks of the Hudson River. It is a national proposition. It is of vastly more benefit to the wheat growers of the Northwest than to those who live along the river.

Mr. GREEN. It does those on the Hudson practically no good.

Mr. MANSFIELD. It does them comparatively little good. They are not the ones who are contending for it. Among others the wheat growers of the West are contending for it. One of the largest items of shipment over that stream is wheat, and this will be greatly increased if this project is put through. There were 11,000,000 tons of wheat carried last year over the Great Lakes from the northern wheat districts of the United States.

When this wheat comes a thousand miles or more over the Great Lakes at the lowest freight rate known to the world, with the exception of a few of the streams in Europe, much of it is then exported. Some of it is diverted down through the Welland Canal and the St. Lawrence River, through British waters, and is exported on British ships. Some of it comes over the New York Barge Canal and is exported and carried abroad in American ships. The improvement of this stream as proposed will make a ship channel of the Hudson River as far as Albany and Troy and within a few miles of the connection with the barge canal, which is owned and operated by the State of New York. This improvement of the Hudson will be of vast benefit to the bread consumers of New York and of all sections of the East. It will be of vast concern to the State of New York, which receives the benefit of the toll charge for conveying the additional freights. It will be of vast benefit to the wheat growers of the great Northwest, who will have an additional outlet at reduced rates for disposing of their surplus products. It will be of benefit to the United States generally by having those products exported in American bottoms and in ships owned by the United States Government.

It is a very narrow view for anyone in judging of these propositions to consider them solely from the standpoint of some person immediately upon the ground. The Committee on Rivers and Harbors had a very different view from that expressed in the Washington newspaper concerning this bill. They have very carefully gone into every item in it. They have conducted hearings for months and months, and everything upon which there was the slightest doubt as to its great importance to the people of this country was completely eliminated before the bill was reported to the House.

I can see why railroads might want to befuddle the minds of the people where water transportation competes with them. They are quitting it to some extent, but in some instances they are keeping it up. But I am unable to understand why a great newspaper published here in the National Capital should attempt to do anything of that kind.

There is another thing that this article attempted to do. It attempted to create the impression that it is the Republican Party that is doing the "pork barrel" business. It says pork was eliminated under the administration of Woodrow Wilson, but that the Republican members of the Committee on Rivers and Harbors are now attempting to restate it.

There is not a word of truth in that. The Republican members of that committee, like the Democratic members, would stand as a unit against any project which did not have the favorable recommendation of the Chief of Engineers and which was not further shown conclusively by the investigations to have been in response to the urgent demands of commerce.

Neither did President Wilson, so far as I am informed, do anything to eliminate "pork" from river and harbor bills, because at the time of his administration it was not possible for "pork" to have been embraced in such measures. President Wilson was a great man, it is true, a great friend of waterway improvements, and would have done anything possible to discourage or eliminate such procedure if it had existed, but it did not exist in Congress at that time.

The Republicans, in fact, have done one thing that perhaps goes further to eliminate the possibilities of "pork" from river and harbor expenditures than anything else that has ever been done on either side of the aisle. It was a Republican Congress that adopted the plan of lump-sum appropriations, taking it out of the hands of Congress altogether and placing it in the hands of the engineers, where it is supposed that the money would be expended scientifically and by those who have no special interest involved in any particular project. Even if it had been possible for "pork" to have crept into the legislation, this would have eliminated it in the administration.

Mr. LAZARO. Mr. Chairman, will the gentleman yield for a question?

Mr. MANSFIELD. I yield to the gentleman from Louisiana.

Mr. LAZARO. Will the gentleman explain to the House a provision of the bill under which, when a project is started, it must be completed within five years in order to protect the Government?

Mr. MANSFIELD. In reply to the gentleman from Louisiana I will say the bill provides that all projects heretofore adopted must be completed within five years from the passage of the act, and all subsequent projects must be completed within five years from their adoption. If it is found physically impossible to complete any of them within that time, the Chief of Engineers must clearly set forth the reasons in his annual report.

That is one of the wisest provisions ever placed in a river and harbor bill. Our great inland waterways, like the Mississippi, Missouri, and Ohio Rivers, have had a tortuous road to travel. Largely due to the opposition of the railroads, and with a hostile press to deal with, the country has been falsely led to believe that the most meritorious projects are but grafting schemes to get money out of the Treasury. As a consequence the appropriations have been held down until they were insufficient in some instances to even salvage the work until another dribble could be obtained. Projects that ought to have been completed in a few years are still uncompleted after more than a quarter of a century. Much of the money has consequently gone to absolute waste and the commerce of the country has suffered.

What we ought to do is to put up the money and let all of these projects be completed as soon as it is physically possible to do so, just as Roosevelt dug the Panama Canal. If he and Goethals had fooled along with that job like the Ohio, Mississippi, and Missouri Rivers have been permitted to lag it would not have been completed within a century. It is now thoroughly demonstrated that navigation on these rivers is entirely feasible, and that the completion of the improvements is an urgent necessity. Though the improvements are but partially completed on the Mississippi, enough wheat was conveyed to New Orleans by the Government barge line last year to result in a saving of more than \$4,000,000 to the farmers who produced it. Other lines of shipments produced similar results.

The Intracoastal Canal of Louisiana and Texas is the largest project in the bill, the estimated cost of which is \$10,000,000. This is not a new project, but the enlargement of an existing waterway. It now has a depth of 5 feet and bottom width of 40 feet, which is not of sufficient capacity to handle the commerce. The proposal is to make it 9 feet deep and 100 feet wide, the work to extend through a period of four years, the appropriations authorized not to exceed \$4,000,000 in any one year. This depth of 9 feet will be uniform with that of the Mississippi system, with which it will connect, and permit of through transportation without change of equipment or transfer of cargo.

The bill contains a provision with reference to this project that is entirely new to waterway legislation in this country and one that will be an absolute guarantee that the canal will be used for navigation. It provides that the work is not to be commenced until the Secretary of War has satisfactory assurances that local interests will provide the necessary equipment for the economic handling of 1,200,000 tons of commerce annually. This will involve a local investment estimated at \$5,000,000.

This waterway, while greatly beneficial to 6,000,000 people in Louisiana and Texas, will be of almost equal benefit to more

than 30,000,000 residing in other States. The enormous production that has recently developed along the line of the canal, consisting largely of sugar, rice, cotton, salt, sulphur, oil, asphalt, and gasoline, must necessarily go abroad or to the interior for consumption. The wheat, corn, steel and iron products, cement, coal, farm implements, and automobiles consumed in that section and in Mexico must necessarily come in whole or in large part from the interior States.

The nature of nearly all of these commodities is such as not to profitably permit of their entering into commerce involving long hauls by rail. Some cheaper method of transportation must therefore be provided or else both producer and consumer at both ends of the line will become the victims of loss or deprivation.

With its eastern connection this waterway will be the equivalent of an extension of the Ohio-Mississippi-Warrior system, 600 miles to the southwest, through a territory that has recently become remarkable for the products of the soil, mine, and factory. Its western terminus will be in close communication by rail over several lines and at short hauls with the Mexican border and with the United States military headquarters of the southwest at San Antonio.

It is also the nearest point for water transportation with the recently discovered potash deposits of west Texas, underlying many square miles, and which the tests so far made indicate will be of sufficient capacity to provide that necessary ingredient to fertilize all of the farm lands of the United States for a century if not for all time.

The canal will intersect and form one of the principal feeders for the ports of New Orleans, Morgan City, Lake Charles, Orange, Beaumont, Port Arthur, Texas City, Houston, Galveston, Freeport, and Corpus Christi. The commerce of these ports for the year 1923 aggregated 41,307,129 tons, with a valuation of \$2,007,187,211.

This tonnage consisted largely of sulphur, oil, and cotton, embracing approximately one-half the entire cotton crop of the United States. By way of illustration, it would be sufficient to load a freight train long enough to extend four times across the continent from New York to San Francisco, and a very large proportion of the commerce for these ports will necessarily be over this waterway when completed.

Col. George M. Hoffman, division engineer, in his report on this project, says:

Probably nowhere in the world are conditions so favorable for the economical construction and the efficient use of an inland waterway of the first class as in the case here presented.

The waterway, with its connections via the Mississippi and tributaries, the Intracoastal route to Mobile, and the Warrior system, reaches many States of diverse needs and production. In the general case freight rates are high, and analysis thereof would have made an impressive showing, but the intricacies of the question and the magnitude of the work involved rendered any comprehensive investigation impracticable within a reasonable period. Lands traversed are fertile and capable of high agricultural development. Mining and manufacturing possibilities are tremendous. Grazing lands abound. Fisheries are unequaled. Large areas of hard and soft woods are still uncut. Climate is salubrious, many coast resorts being popular the year around.

Both for a connection between great producing and distributing centers, and as a much-needed local main thoroughfare, the proposed waterway gives excellent promise of furnishing a much-needed transportation and development agency.

This language of Colonel Hoffman is pertinent and expressive, and the canal is destined to be equally beneficial for both the local and interstate traffic. When in operation in connection with the Mississippi system, Pittsburgh, St. Louis, Mobile, and Birmingham, as well as all intermediate points, will be brought in direct water communication with all points on the line of this canal. When the Mississippi projects are completed, Chicago, Minneapolis, and Kansas City will be included.

This will have the effect of an approximate 50 per cent reduction in rates on coal, structural steel, iron pipe, barbed wire, nails, farming implements, wagons, automobiles, and accessories consumed in western Louisiana and Texas, while the rates on wheat, flour, and corn will be very materially reduced. At the same time the northern consumers will get the benefit of reduced rates on sugar, rice, salt, sulphur, oil, and gasoline.

The canal, extending so near the Mexican border, will open an additional market in that country for the products of the northern farms, the mines, and the mills. The Jones & Laughlin Co. and the Carnegie Steel Co., of Pittsburgh, have each expended several million dollars on tows and barges for operation on the Ohio and Mississippi. This shows their faith in the proposition. They assure us they will be very glad to extend their operations to the intracoastal canal and have a great distributing point in Texas.

These companies also consume about 42,000 tons of sulphur annually in the production of steel. This, to a certain extent, will afford return cargoes for their own use. The sulphur they are now consuming is carried in the coastwise trade to Baltimore, thence by rail to Pittsburgh.

Gen. George W. Goethals, who by reason of his great success in the construction of the Panama Canal is regarded as one of the world's greatest engineering authorities, was employed by interested parties to make a commercial survey of this waterway. He tells us he entered upon the task with skepticism but wound up as an enthusiast. He conducted hearings in nearly every town on the line of the canal. His report shows in detail the kind, character, and probable amount of freight that will be handled, giving the points of embarkation and of debarkation. It shows a potentiality of 12,315,953 tons, but he estimates that the present tonnage, conservatively stated, will be between 5,000,000 and 7,000,000 tons annually.

The salt mines of Louisiana, or islands, as they are called, are in operation close by the side of the canal, turning out thousands of tons of pure rock salt. By reference to the statement of General Beach in the hearings it will be seen that the test borings show conclusively that the capacity of one of these islands alone is sufficient for the entire world consumption for a period of 10,000 years.

The saw and planing mills of western Louisiana and eastern Texas are located directly on the canal and on navigable bays and channels connecting with it. These mills are annually turning out many millions of feet of lumber and constitute the principal source of building material for more than one-twelfth of the population of the United States.

The sulphur mines of western Louisiana and at Freeport and Gulf, Tex., likewise on the line of the canal, are producing and shipping more than 2,000,000 tons of sulphur annually. There are three of these great sulphur mines in operation, of about equal production. The entire output of one of them will necessarily have to pass over this waterway. The other two, on account of their location near the ports, and having their own rails and port facilities, may use the canal for the interior trade only.

At Port Arthur, on the canal, are located the oil refineries of the Gulf and Texas companies, in which 13,000 men are employed. These refineries are connected by pipe lines with practically all of the oil fields of Louisiana, Texas, and Oklahoma. One of these refineries is the largest of its kind in the world, while the other is a close second. These companies have given the assurance that they will use the canal for the interior trade. Gasoline is selling in Texas at 4 cents per gallon less than in Washington. With the cheaper water rate on the canal and its connecting waterways, the price of gasoline should be materially reduced to consumers in nearly all northern and eastern sections of the United States.

The canal, in its course, will pierce the heart of the sugar belt, the rice belt, the salt belt, the lumber belt, the oil belt, and the sulphur belt of the great Southwest. It also penetrates a country unsurpassed in the production of cotton and of cattle. The great sugar refineries, rice mills, cotton compresses, and cotton-oil mills are located on its line, in both States. In Louisiana it intersects a dozen or more canals and bayous on which more than 1,200 power boats are now engaged in the handling of commerce. In both States the fish and oyster industry has assumed enormous proportions, for which the canal will be used, at least locally.

The canal touches 12 counties in Texas, some of which have more than 100,000 head of cattle, as shown by the records of the Federal and State authorities engaged in the work of tick eradication. This is the section of the State so largely devoted to the breeding of the famous Brahman, or sacred cattle, originally imported from India, as shown by a recent farm bulletin of the Department of Agriculture. These cattle, on account of their enormous size, quick growth, and ability to resist insect pests are rapidly supplanting other breeds of beef cattle. There are now many thousands of them in this section.

In Nueces County, in which the canal has its western terminus, 92,250 bales of cotton were ginned in the year 1923, as shown by the Bureau of the Census. Many other near-by counties are large producers of cotton. Later, should occasion permit, I shall attempt to tell of the commercial resources of the territory contiguous to this waterway.

Mr. BUCHANAN. Mr. Chairman, I yield half a minute to the gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent to extend my remarks on the Interior Department bill.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks on the Interior Department bill. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Chairman, as a member of the subcommittee of the Appropriations Committee in charge of the Interior Department appropriation bill I have attended the hearings of our committee on that bill very diligently, and the printed volume of 1,004 pages of those hearings will show that we have made an exhaustive investigation of all the needs of that department and its 15 various bureaus, and I am thoroughly in accord with the policy of this administration and the House in desiring to practice economy in every possible direction, and this bill conclusively shows that our committee has pared the estimates upon all of the thousands of items covered as far as a sound policy will permit us.

But there is one instance in which I have felt all along that the committee has gone further than is justified. I have reference to the item in the bill abolishing a large number of United States land offices. There is no doubt but what some two dozen land offices throughout the United States could well be and should be abolished. And I understand the Members of the House representing those districts would not seriously object to the reduction of land offices to that extent. But this bill goes much further and abolishes land offices that would work a very great hardship upon many thousands of people throughout the West; and I feel that that hardship is not at all warranted by the small amount of saving that would be accomplished thereby. But as all of those land offices are in one item in the bill, and the amendment is to strike out the entire item, so that all must be retained or none, I feel constrained to vote to retain all of them rather than abolish some 25 or 30 that ought not to be abolished.

I have no authority to speak for my colleagues from Colorado, but I feel reasonably confident that neither Mr. TIMBERLAKE nor Mr. HARDY would object to the abolishing of the land offices at Lamar and Sterling, Colo. But in the case of Durango and Leadville, Colo., the facts do not at all warrant their discontinuance at this time.

The official report of the Interior Department for the fiscal year ending June 30, 1924, shows that in the Durango land office there were at that time unappropriated and unreserved public lands, 403,063 acres, and there were unperfected entries covering 495,348 acres, and there were 189 applications for entries, and that there were original entries on 20,777 acres, and final proofs made on 21,963 acres, and 66,842 acres were patented during that fiscal year; that there were cash receipts during that year amounting to \$13,102.31, and the total expenses of running the office were \$5,886.39; that is, the total expense of running the office in relation to the revenues received was 44.92 per cent.

While in the Leadville land office there are now 159,704 acres of unreserved and unappropriated lands and unperfected entries on 243,440 acres, and that during the past fiscal year there have been 219 applications and entries covering 35,393 acres and 35,144 acres upon which final proof has been made, and that 40,738 acres have been patented during the past year, while the total receipts of the office have been \$5,884.56 and the total expenditures have been \$4,337.15. In other words, the total expenses of running the office have been 73.70 per cent of the receipts.

But there are a great many other reasons for the maintenance of many of these land offices, including the two just mentioned, aside from the financial showing that is made by them. I have some specific statements from prominent citizens and business men's organizations appealing to Congress for the continuance of these two land offices which I think should be inserted in the Record to show the sentiment of the people in the communities affected by this contemplated action, and in pursuance of the permission to extend my remarks I herewith insert the following telegram from the Durango exchange and a statement following that from the business men of the city of Durango:

DURANGO, COLO., December 3, 1924.

HON. EDWARD T. TAYLOR, M. C.,

Washington, D. C.:

We earnestly protest proposed abandonment Durango land office. This office has nearly half million acres vacant land, about same amount appropriated with final proof yet to be made, together with similar acreage of mineral permits, leases, and applications. District covers area 60 by 130 miles and has nearly 2,000 present and prospective homesteaders, who will be seriously inconvenienced through abandonment. Large oil development now taking place here requires that office data be easily available. Durango office turned back nearly

\$4,000 last year after all expenses paid. By reason of extreme isolation this district we urge you to fight to retain office here. Our people unanimous on this question.

THE DURANGO EXCHANGE,
CHARLES E. HALL, Secretary.

Petition from the business men of Durango, Colo., protesting against the abolition of the land office in that city

Hon. EDWARD T. TAYLOR,

House of Representatives, Washington, D. C.:

We, the undersigned citizens residing within the Durango, Colo., United States land district, having been informed of the proposed abolishment of the United States land office at Durango, Colo., would hereby respectfully represent that it is our sincere belief that such action would work a real hardship on about 900 homesteaders who have unperfected entries, upon a large number of persons who have been granted leases, prospecting permits, and mineral rights under the different mineral acts, and upon the prospective entrymen for approximately 400,000 acres of vacant lands within the district.

The district served by the Durango office is hemmed in by the high and rugged San Juan, La Plata, and San Miguel Mountains on the east and north, and is extremely inaccessible to any other place to which said office could be removed. Distances are great, traveling is expensive and laborious by railway or other highways. The passable State roads through these barriers are very few and open to travel only about six months each year. The financial status of the average homesteader prohibits his traveling out of the area to a more distant land office in connection with his entry. We believe that few entries can be perfected without at least one or more visits to the local land office for the purpose of inspecting the records or for personal interview. The proposed action would have a disastrous effect upon the future development of the remaining vacant lands within this area.

We are reasonably sure that the office will continue to pay the operating expenses; that the cost of maintaining it is insignificant when compared with the value of the services rendered, and we contend that it is a genuine public need; that the district is entitled to the continuance of the office.

We therefore earnestly request that you, as our Representative, use your best efforts to prevent the removal of the Durango district land office.

L. M. Perkins, Durango, Colo.; J. E. Locke, Durango, Colo.; Fields J. Morris, Fred Cappall, Griffith, Colo.; Dr. C. P. Hillman, Durango; Mrs. F. W. Cunningham, McPhee; M. J. Brennan, Durango, Colo.; Mrs. J. H. McNeill, Durango; A. R. Mollette, Durango, Colo.; Miss Marguerite E. Shields, Durango, Colo.; Mr. and Mrs. H. Johnson, Durango, Colo.; Miss Cleona Parker, Durango, Colo.; H. G. Turner, Durango, Colo.; O. G. Balles, Durango, Colo.; J. J. Hixkey; Virginia Vaganner, Durango, Colo.; Hotel Savoy, Durango, Colo.; Chas. Fleck, Durango, Colo.; Maggie Fleck, Durango, Colo.; John Fleck, Durango, Colo.; Chas. Langshom, Durango, Colo.; R. B. Hollandsworth; E. D. Hollandsworth; Mrs. R. B. Hollandsworth; W. Bruce Jacobson; Pollard T. Morris; Ernest F. Fritz; W. S. Cummins; M. R. Cummins; Louis Boolo; H. J. Schake; L. Hindelang; W. C. Rogers; L. A. Pryor; Geo. W. Grice; R. W. Turner; Wallace Y. Mollette; J. A. Clay, general manager the Western Colorado Power Co.; P. F. Parkinson, assistant treasurer the Western Colorado Power Co.; John L. McNeill, president Durango Trust Co.; Randolph Williamson; George F. Hutz, secretary the Durango Trust Co.; C. J. Anspiger; M. L. Harrington; R. M. Brown; A. P. Root, jr., for Root & Norton; Joe Greenfield; J. B. Shaffer, Durango, Colo.; E. A. Barker, Durango, Colo.; Wm. Hays, Durango, Colo.; W. D. Murphy, Bloom, Colo.; V. L. Caulson, Durango, Colo.; J. Wirmer, Durango, Colo.; Loretto Conway, Durango, Colo.; James Stimson, jr., Redmesa, Colo.; Frank H. Day, Durango, Colo.; R. F. D. No. 1; John Clarke, Durango, Colo.; Ida M. Goodman; Goodman Paint Co.; Ray Goodman; Fred A. Thomass; Hughes' Racket Store, Durango, Colo.; F. R. Graham Hardware Store, Durango, Colo.; L. R. Graham; Rowe N. Pingrey; White Grocery Co.; Edward S. Rawlins; J. A. Pearce; Philip McCormick; David Johnson; A. J. Weinig, Durango, Colo.; Stewart's Pharmacy; M. C. Ford; Richard C. Maccomb; W. C. Rudesdorf, jr., Durango, Colo.; Geo. A. Frank; The Briggs Construction Co., by Frank T. Briggs, Durango, Colo.; Sol Thayer; James A. Sleeth, Durango, Colo.; W. E. Fleetwood; E. B. Ellis; Ross D. McCannell, Durango, Colo.; R. B. Durham; J. S. Barnholt; Parsons Drug Co., G. E. Daniels; J. G. McNass;

Durango Lodge, No. 507, Benevolent and Protective Order of Elks, by Garry J. Thompson, exalted ruler; L. K. Wells; W. M. Foley; C. O. Haffey; James B. Deering; W. S. Brithimer; F. J. Hapfinger; Max G. Bohllick; A. L. Kaufman; P. A. Young; Geo. H. Birger; W. H. Wicklove; Louis Werker; M. Scott Starr; Eugene Andrews; A. L. Kroeger; A. R. Reeder; Jas. F. Gamby; J. D. Hollberg; C. A. Roessler; R. E. Hutchinson; H. C. Strobel; W. E. Buchanan; A. J. Chitwood; Durango Democrat, by Rod S. Day; Geo. V. Day; James R. Noland, associate editor Democrat; Thos. H. Talley, formerly principal clerk United States Senate, 1913-1919; James M. Noland; D. E. Maynard, M. D.; Yellow Cab Co.; F. W. Pinkerton; The Strater Hotel Co.; H. L. Edwards; L. C. Myers; Grace L. Byrnes; Lela Timmon; George Smith; Perry & Co., by John Perry, jr.

I also insert herewith a telegram from the civic and mining organizations of Leadville, and a statement from a committee of prominent business men of that city, which are self-explanatory:

LEADVILLE, COLO., December 2, 1924.

Hon. EDWARD T. TAYLOR,

Representative from Colorado, Washington, D. C.

DEAR SIR: We respectfully request that you give earnest consideration to our protest against the contemplated steps to abolish the Leadville land office. In making this protest we speak on behalf of the people of this entire mining area of central Colorado, as well as the various civic bodies and mining groups. The Leadville land district embraces all of the important mining districts of central Colorado, and the location of the land office at Leadville is not only at the geographical center of this district but is also the railroad and business center of the area served. The business of the land office for this district has been for 40 years preponderantly mining, and the sales of land have been largely on mineral entries, not only in the unreserved areas but also very extensively in the much larger areas within the forest reserve. There still remains a very great area of unsold and unappropriated public land, especially within the forest reserves, and much of this area is mineral land suitable for preemption for mining purposes. While the business of the land office at Leadville has dwindled very markedly during the last three years, coincident with the slump in mining activities, that condition is only temporary and the business of the office will undoubtedly resume its former magnitude following in the wake of the present increase in mining activities.

The office always has been, and now is, more than self-sustaining.

There are 7,100 plats of mineral entries on file in this land office which form an invaluable source of information for the mining men of this district and are in daily use.

The principal occupation of the people of this district is mining, as is shown by the production of more than six hundred million from mining, and the land office supplies the only competent and complete record of the property rights on which this industry is based.

The removal of this office would not only be a severe hardship on the mining industry of this district but would seriously impair the completeness and usability of these records.

At present the land office is comfortably housed in the Federal Building and the records of the office are safely and conveniently arranged so that they can be readily referred to.

There is no other requirement for the space now occupied by the land office, and it would probably stand vacant if the land office were removed.

We consider that the trifling economy that might be effected by the removal of the land office would be dearly paid for by the hardship this removal would work on the people of this entire district.

Respectfully,

CIVIC AND MINING ORGANIZATIONS OF LEADVILLE.

LEADVILLE, COLO., December 3, 1924.

Hon. EDWARD T. TAYLOR,

Representative from Colorado, Washington, D. C.

DEAR SIR: We respectfully request that you give earnest consideration to our protest against the contemplated steps to abolish the Leadville land office. In making this protest we speak on behalf of the people of this entire mining area of central Colorado, as well as the various civic bodies and mining groups.

The Leadville land district embraces all of the important mining districts of central Colorado, and the location of the land office at Leadville is not only the geographical center of this district but is also the railroad and business center of the area served.

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still remains a very great area of unsold and unappropriated public land, especially within the forest reserves, and much of this area is mineral land suitable for preemption for mining purposes.

While the business of the land office at Leadville has dwindled very markedly during the last three years, coincident with the slump in mining activities, that condition is only temporary, and the business of the office will undoubtedly resume its former magnitude following in the wake of the present increase in mining activities. The office always has been and now is more than self-sustaining.

There are seventy-one hundred plats of mineral entries on file in this land office, which form an invaluable source of information for the mining men of this district and are in daily use. The principal business of the people of this district is mining, as is shown by the production of more than six hundred million from mining, and the land office supplies the only competent and complete record of the property rights on which this industry is based. The removal of this office would not only be a severe hardship on the mining industry of this district but would seriously impair the completeness and usability of these records.

At present the land office is comfortably housed in the Federal Building and the records of the office are safely and conveniently arranged so that they can be readily referred to. There is no other requirement for the space now occupied by the land office, and it would probably stand vacant if the land office were removed.

We consider that the trifling economy that might be effected by the removal of the land office would be dearly paid for by the hardship this removal would work on the people of this entire district.

Respectfully,

JESSE F. McDONALD,
FRED J. MCNAIR,
M. A. NICHOLSON,
J. M. KLEFF,
WM. M. HARVEY,
A. G. THOMSON,

W. A. S. PARKER,
WILLIAM McCALLUM,
JOHN CORTELLINI,
GEORGE O. ARGALL,
S. P. McDONALD,
H. G. McCLAIN,

Committee.

Mr. TAYLOR of Colorado. I yield back the balance of my time.

Mr. BUCHANAN. Mr. Chairman, I yield 40 minutes to the gentleman from Missouri [Mr. JOST].

The CHAIRMAN. The gentleman from Missouri is recognized for 40 minutes.

Mr. JOST. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. JOST. Mr. Chairman and gentlemen, I desire to call your attention to, and say a word in behalf of, H. R. 5417, a bill which, if passed, will direct the Secretary of War to investigate the feasibility and ascertain and report the probable cost of establishing a national military park in Kansas City, Mo., or its environs, commemorative of the Battle of Westport.

That battle was fought in the Civil War, in 1864, on the 21st, 22d, and 23d days of October. This bill has the unanimous favorable report of the Committee on Military Affairs, and was put upon the Unanimous Consent Calendar by the gentleman from Tennessee [Mr. REECE] in charge of it. On June 4 it was stricken from that calendar on objection of the gentleman from Ohio [Mr. BEGG]. I am sure that the gentleman from Ohio would not have objected had he understood the purpose and scope of the bill. I was not present at the call. The gentleman from Ohio was not informed concerning the purpose and object of the bill, and it was natural and not surprising that, in the performance of his assigned duty as the watchdog of that calendar, he, lacking information, should object to its consideration.

It is on the Consent Calendar again. I am satisfied that with a full understanding there can not be any possible objection to it.

The bill does no more than direct an inquiry into the merits of the matter and a report to Congress by the Secretary of War. There is no authority within its four corners to acquire any property, and it carries no appropriation. The commission to be appointed by the Secretary of War, which is to act as advisory to him, must serve without compensation. The expense of making the investigation, so far as the War Department is concerned, will be comparatively trifling and will be borne from the contingent expense of the Army.

The form of the bill is in accordance with the suggestions of Assistant Secretary of War, Colonel Davis, and the phraseology is borrowed from a like measure passed by Congress providing for a preliminary study of a proposed park commemorative of the Revolutionary engagement at Yorktown.

Just a word about this Battle of Westport. Of course, there were many battles fought in the Civil War, but this one has a

singular meaning and significance to the people of that part of the country. It was a most important chapter in that vital epoch of American history. It continued for three days. The battle line ranged from the city of Independence, about the middle of Jackson County, west to the Kansas State line. The decisive engagement occurred south of what was then the village of Westport, now a part of Kansas City, Mo. The Stars and Stripes were sustained by 20,000 troops, drawn from the United States Regular Army and from six States—Illinois, Iowa, Colorado, Kansas, Wisconsin, and Missouri. The Confederate colors were backed by 9,000 of the best blood from Arkansas, Texas, and Missouri. The commanders on both sides had already achieved fame on other fields of valor. Curtis and Pleasanton directed the northern forces, while the southern army was commanded by Marmaduke, Sterling Price, and that spectacular cavalry leader, Joe Shelby. Note you that only Missouri contributed soldiers to both sides of the battle line. There were 24 Missouri units that wore the gray and 26 Missouri units that wore the blue.

For three days they were in deadly grip, first one side having the advantage and then the other, until finally, at the close of the third day, the northern sabers pushed the remnant of that heroic southern army back into a dignified retreat that marked the final supremacy of Old Glory in that section of the country and knitted Missouri and that borderland to the Union forever and forever. Of the hundreds and hundreds of maimed and dead left on the field, by far the greater number were Missouri's own boys.

In that State martyrs for the lost cause and champions of the national integrity came from the same neighborhoods; aye, oftentimes from the same fireside. The Civil War in that section of the country was a vastly different thing from what it was in the ultra Northern and Southern States. In Massachusetts and in South Carolina it was a sectional conflict; but out in Missouri it was truly and really a civil war, an internecine strife, a domestic quarrel, that divided and disrupted neighborhoods, friends, and families.

It was a tremendously serious thing there. It was the culminating event of a decade of border warfare along the Kansas and Missouri line that provoked the most extreme bitterness and hatred. It was a day of final settlement. It was the most gripping and momentous factor in the infancy of Kansas as a Territory and Commonwealth and in the regeneration of the political thought of Missouri. There was not a household up and down that border of any note but what had one or more of its men folk in that Westport fight.

"Jim" Lane, who helped shape the early history of Kansas and afterwards became a United States Senator from that State, was there commanding a unit of the Kansas troops. John J. Ingalls, Preston B. Plumb, and Edmund Ross, all of whom afterwards served Kansas with distinction in the United States Senate, were in that battle, as also was Samuel Crawford, who became Governor of Kansas, and whose daughter is the wife of United States Senator CAPPER. A thousand other names which later found places on the pages of the history of this Nation and of Missouri and Kansas were on that battle roster.

That event touches intimately and sentimentally every family which had to do with the starting and prospering of those two States. It goes to the very core of our community life. It means a lot to us. When our State capitol building was recently completed there were a half dozen outstanding events in Missouri's history which were deemed worthy of the artist's brush for its mural decorations. Of these, two paintings depict two scenes of the Battle of Westport. It is the subject of poetry and song.

Clara Virginia Townsend, in her inimitable poem entitled "The Battle of Westport," gives the word picture thus:

With neighing steeds and struggling ranks, and cannons' deadly roar,
The Gettysburg of this, the West, was fought 'mid wild uproar.
All day the carnival of death. At eve, when closed the day,
A thousand lay in huddled heaps—still heaps of blue and gray.

Awake, O Kansas City! Make this hallowed spot your own;
Immortalize our hero dead in bronze and sculptured stone.
Save from commercial use this land, and let not profit sway
Your hearts from honor to the dead, our dead, the blue, the gray.

Fifty-nine years after the battle another young poet, Guy Blue, paid tribute to "Westport's Heroes" in verse deemed worthy of publication by the Kansas City Star:

Full fifty-nine years now have fled
Since Westport's battle fray;
And the chieftains hold a conference
In the glory world to-day,

Where Sterling Price and Pleasanton

Smile at the earnest way

Joe Shelby clings to Curtis,

While comradely they say:

"There's Moonlight now a coming,

And Phillips on the way,

And Marmaduke with Crittenden,

They'll all be here to-day,

Along with nearly all our boys

Who wore the blue or gray."

Full fifty-nine years now have fled

Since Westport's battle fray;

And the troopers with the living

Are few and old and gray.

For they who fought at Byrums Ford

Or charged that bloody day

Have answered to the last roll call

Or await the reveille,

And they were men of valor,

Who could fight and who could pray;

They furled the flags of battle

And marched with peace away.

They lived and died as heroes,

Who wore the blue or gray.

Col. T. T. Crittenden, who commanded one of the Union regiments of Missouri Cavalry and was wounded, became Governor of Missouri 20 years later, and was followed into that same office by General Marmaduke, against whom he fought. Hon. John F. Phillips, who commanded a Union brigade, later became judge of the State supreme court and Federal judge of our district. While he was Federal judge Gen. Joe Shelby, whose cavalry had directly opposed him in that battle, became the United States marshal of his court under an appointment from President Cleveland. It is a singular thing that in Missouri and Kansas, where the pre-war rancor and hatred was more intense than in any of the Northern or Southern States, enmities and animosities subsided and died out quickly with the ending of the war, and within the lifetime of those who had engaged in it erstwhile enemies had become friends, and love had triumphed over hate. The tragedy of Westport is a soft memory now. The brave lives that were ended there were so many sacrifices on the altar of the Republic. No better quality of courage and valor has ever been displayed on any field. We earnestly feel that the Government should help us pay a proper and lasting tribute. National parks of the character we seek are not only evidences of the Government's respect for those who made the supreme sacrifice in its service, but in an instance of this kind there is also included a note of forgiveness for those who erred. Moreover, such national recognition in different parts of the country binds the States together more strongly by the silken cord of a common sympathy and makes us a stronger and better people.

The project to which I have directed your attention has long been a hope and dream of the Missouri Valley Historical Society. That large organization, composed of Missouri's representative men and women, has been untiring in its effort to make that hope and dream a reality. The United Daughters of the Confederacy, the Women's Relief Corps of the Grand Army of the Republic, and organizations of Confederate veterans and Grand Army of the Republic posts are equally enthusiastic. Such patriotic organizations as the Sons and Daughters of the American Revolution have an aggressive interest. The chamber of commerce and all civic organizations of Kansas City are supporting the movement energetically. The Missouri societies in this and all large cities of the country are cooperating.

Again and again have the newspapers of the State and our city given strong indorsements. I quote from the Kansas City Journal-Post of November 5, 1923, in part its editorial of the day, entitled "Westport Battle Memorial," being copied by it from the St. Louis Globe-Democrat:

A movement to convert a part of the field of the Battle of Westport into a national park and to erect a monument to the Union and Confederate soldiers who died in that engagement is said to have aroused interest in Kansas City. It is being furthered by the Missouri Valley Historical Association of that city, and a committee has been appointed to take up the matter at Washington.

Near the little village of Westport the army of Gen. Sterling Price was defeated by that of General Curtis, and the last great raid of the Confederate general was brought to an end. The battle is called by some "the Gettysburg of the West." * * *

* * * The names of those who engaged in the Battle of Westport and who have fame elsewhere in the history of Missouri are not a few,

and not only in Kansas City but in all parts of the State there will be sympathy for the movement to set aside a space to the memory of those who did not survive.

The Kansas City Star on May 4, 1924, contained the following editorial, which I read:

There is reasonable hope the Jost bill for a survey with reference to the later establishing of a national memorial park somewhere in the field of the Battle of Westport may be passed in this session of Congress. The bill already has the approval of the House Military Affairs Committee and is said to be sure of friendly and earnest promotion in the Senate.

The bill does not provide for the selection of a site for such a park, nor does it include an appropriation for the purchase of the land necessary. Even the commission that would be authorized to make an investigation and submit a report to Congress would serve without pay. Therefore, it would seem that no reasonable objection could be offered to its passage.

As to the merits of the project itself, they, too, seem obvious. The Battle of Westport was an important engagement of the Civil War. It marked the farthest-west engagement of that conflict. It was the turning point in the westward movement of the Confederate forces. The battle itself had its unique and very dramatic features.

Suitable sites could be found to set aside for permanent memorial purposes—sites on which actual fighting took place. The most interesting, of course, is that of the country club, which, unless utilized in some way for permanent park purposes, will be cut up into residence lots in a few years. And that would be a pity. It would be the loss of one of the most attractive spots in Kansas City and in a section in which a permanent park would be especially desirable.

Mr. Chairman, at the last session of this body the District Committee, of which I have the honor to be a member, commissioned me to pass upon and report to this House a measure incorporating the Grand Army of the Republic. That bill was in the nature of a legal obsequy on the passing of a grand old order. It is calculated to preserve the property of that institution and, with the departure of the last survivor, work an application of its assets through a trust to the establishment of some appropriate testimonial to the history and service of that splendid organization. You passed the bill. My mind then dwelt seriously, as it does now, on the stupendous importance and the far-reaching consequences of the Civil War.

It was an inevitable thing in the history and development of this country, or, as Horace Greeley has very aptly entitled his splendid work on the subject, "An Irrepressible Conflict." It was unavoidable. The seeds of the trouble were planted in the very inception of the Government. The very cause of it was written in the United States Constitution. The eloquence of Webster and of Hayne availed nothing; mere words could not settle that issue, however eloquent they might be; it took blood and tears to do that. But that blood and those tears made us a Nation, and what a Nation! Since that day surely we have been an instrument in God's hand for the promotion of the welfare of mankind. In 1898 we stayed the hand of the Spanish butcher on our doorstep, and 20 years later became the deciding factor in the world-wide conflict which ran the rivers and drenched the soil of Europe afresh with blood. And yet when we finished that work we sought no reward.

We asked for nothing save the peace of the world and the welfare of humanity. [Applause.] Yet we lacked unity, national unity; we were weak, we did not amount to anything as a world factor until Appomattox, when the greatest general that the world ever saw or ever will see delivered his sword under compulsion and attested the enduring unity of this Republic. [Applause.]

It has been 60 years since that conflict ended. The bitterness of it has passed. The survivors are very few, but whether they wore the gray or whether they wore the blue we love them now dearly and appreciate the work they did, because it was essential to the very territorial and political existence of this Nation.

We have two of those old, grizzled warriors in this House, the gentleman from Ohio, General SHAWWOOD, of the Union forces, and the gentleman from North Carolina, Major STEWMAN, of the Confederate Army. Both of them wear the white lace of age upon their brow, and they wear it with distinction and honor. [Applause.]

Sixty years ago they were contending against each other, full of animosity, striving to maintain the right of their respective causes. But to-day they fraternize in this House and in their daily life, going forward in a mutual desire to serve this land and push the prestige and dignity of the Stars and Stripes to the highest possible pinnacle of influence for good in the family of nations. [Applause.] And they but typify that feeling and fraternity which exists all over the country among

those who are left of the contenders in the strife of the sixties. It has been a singular honor and a high privilege accorded to me, one that I value beyond expression, to have been the official companion of those two splendid gentlemen in this House. Each by his courtliness and chivalry has charmed his way into the very center of my heart, and I know into the hearts of all of you. God bless them both and give them many days to come. [Applause.]

Give me this bill when it is reached. It does not cost anything. Let us find out if this proposition is meritorious. You can trust the Secretary of War to make an impartial report about it and you can determine on his report whether you want to do the thing that we in our section hope and pray you may conclude to do. Give us this national recognition and help.

Does all the poetry of the national life cling to Plymouth Rock and Yorktown and those places up and down the Atlantic coast? Have we not something in the West—the Middle West—comparable in hardships and in struggles and in sacrifices that have gone to make and build up that splendid section of the Union and made it a part of the vitality of this Republic? We have done our part, not so early, it is true, and in another and different way, but the heartaches and the tears of our mothers and the blood of our sons have helped write American history. [Applause.] Give us this as a memorial to that which is the very essence of our community life. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman from Missouri yields back 18 minutes.

Mr. BUCHANAN. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. McKEOWN].

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, I want to call the attention of this House to something that has grown out of the work of the Agricultural Department of this Nation. Just a few days ago in the great city of Chicago there was held an international livestock exposition, which was a great show.

At this exposition a boy from my district named Ford Mercer, of Wellston, Lincoln County, Okla., was decided to be the champion boy of the boys' clubs of the world. I am proud that a boy who is the champion of 700,000 club members, growing out of the work of the Department of Agriculture in the United States, should be found in my district in Oklahoma—Ford Mercer, of Wellston, Okla. [Applause.]

This is a wonderful work and is doing a great amount of good for the agricultural interests of the country. To illustrate what it did in this case, the boy's mother and father, so I am told, were not favorable to the club, and when this boy joined the club, which the county agent organized in his community, his parents were not pleased at the time. Out of it all now comes this boy who wins the highest prize from all the boy clubs, having a membership of 700,000 throughout this country.

This illustrates that one of the things America needs in her agriculture industry is education and training. If you will train the farmers and give them a better opportunity they will learn the scientific methods of farming. The United States has been so well taken care of by nature that we have not given very much attention to the scientific side of agriculture. We have had such fertile lands and such fine natural resources that a farmer would just hitch up his horse and go out and plow in a happy-go-lucky manner, and if the season is all right he makes a crop, without giving any attention to the kind of soil he has or whether the seed he uses is the proper kind for that soil or whether the soil needs fertilizer, and if so, what kind. If the Department of Agriculture of this Government will continue this work, having 700,000 boys and girls enlisted in these clubs throughout the country, the results in this country are going to be most satisfactory. The results will be felt in the production of wealth, because I have always contended that agriculture is the foundation of our national wealth, and we will all eventually have to look to agriculture, and when we go out and educate the boys and girls of this country along the lines that are being pursued now, we are going to build up a better class of citizens and a very much better class of young farmers and agriculturalists, who will get the taste for more knowledge from these clubs and from this work that is now going on. I just thought that this House would like to know something of the work that is being done by the Department of Agriculture in the way of educating the young and rising generation along the lines of agriculture. [Applause.]

Mr. BUCHANAN. Mr. Chairman, I yield 20 minutes to my colleague from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, the gentleman from Ohio [Mr. BURTON] a few days ago in this Chamber delivered a very interesting address, a very philosophical address, in which he undertook to draw a number of important, satisfying, and comforting lessons that were to be deduced from the recent presidential election. Anything that the gentleman from Ohio may have to say is always heard with sincere interest wherever his reputation for ability, travel, and experience is known. It was quite natural that the gentleman from Ohio should be able, better than any other member of this body or of the body at the other end of the Capitol, to analyze and take apart, as it were, the motives and the actuating forces that brought about the tremendous Republican victory in November. That is true, because the gentleman from Ohio was the temporary chairman of the Republican convention that met in Cleveland, and in that capacity it was his function to deliver the keynote address. Naturally, like a great general, like a great strategist, since he there laid out the plans of the campaign, since he there emblazoned on the banners which his host was to carry forward the watchwords and the battle cry, it is very comforting and satisfying now, after the victory has been attained, for him to come before this Chamber, with a great deal of modesty, I am sure, and yet with pardonable pride, and point out to the country the result of his mighty handiwork.

As a member of the Democratic Party and only as a private individual of that party, I want to say that we come not in this Chamber or elsewhere to offer any alibis as to the recent contest in which we were so overwhelmingly defeated. That is not our policy nor shall we undertake to complain or whine at the election or at the action of the American people.

It is one of the glories of democratic institutions, it is one of the glories of a republican government, that the people have the right to set up that form or fashion of government which may suit their taste or meets the dictates of their judgment, irrespective of whether that form meets with the favor or approbation of any political party or not. It is one of the glories of the people in their sovereign capacity that they have the right, if it is their pleasure to will it, to embrace any sort of political policy they may see fit to embrace. They have a perfect right if they desire to do so to flitter away their best opportunity and embrace that policy which will not conduce to their highest happiness and well-being. They have the right to have that form of government and that kind of administration which they desire. Believing in these political principles, the Democratic Party is the last party in this land to gainsay their right or to complain of its exercise.

Now, the gentleman from Ohio [Mr. BURTON] made a rather significant statement when he said that in the recent campaign the people did not seem to be disposed to pay much attention to charges against public officials. I do not want to misquote the gentleman from Ohio, so I have brought with me a copy of his remarks. The gentleman is absolutely correct in that statement. Here is what he says:

The voters were not disposed to give much attention to the numerous charges against public officials as the real issues of the campaign.

There is no quarrel between those of us who sit on this side of the Chamber and the gentleman from Ohio. We realize that the people of the United States did not seem to attach any importance to the charges that were made in the campaign. But I can not agree with the implied if not expressed conclusion of the gentleman from Ohio that that state of public mind is to be accepted with satisfaction. [Applause.] We realize that it was true; we realize that the voters did not seem to attach much importance to such charges. But instead of drawing "a lesson" from that fact many of us on both sides of this Chamber must regret that such is the fact.

We must here rededicate ourselves to an endeavor to revitalize the public conscience in order to repel the conclusion that we look upon such things with satisfaction. It is more important, gentlemen—and I am speaking to both sides of the Chamber—it is more important to those of us in public life that that kind of attitude of public mind be corrected than to any other class of our citizenship. For our own reputation, for the safety and security of the Republic, and for the maintenance of high ideals of public service, this Chamber and the other Chamber should be more concerned than any other class of citizenship in seeing to it that the public may look to us and realize that if elsewhere there may be wrongdoing, if elsewhere there may be disregard of high ideals of citizenship, that in this Chamber and in the other Chamber, under this splendid dome, there should always reside the highest and purest ideals of civic virtue and civic courage. [Ap-

plause.] While I agree with the statement of fact of the gentleman from Ohio [Mr. BURTON], I rather regret that a gentleman of such distinguished service, covering such a long period of years, should seem to find comfort in the fact that the people of the United States in the great campaign seemed to be indifferent to such charges because of a general belief that many of them were made for "political capital." I do not mean to revive those charges; I do not mean to complain of the result of the election; but I do mean to complain that, regardless of whether we are Democrats or Republicans, regardless of whether the charges are true or false, the real issue before the American people ought always to be, when charges are made, a trial of the issue. Indifference never. If guilt be found, then the people should bring to bear condign punishment, and if the charges are baseless, they should be rejected. That is the point I wish to make. My complaint is not that they ratified innocence. My complaint is that they seemed, in the language of the gentleman from Ohio, to be indifferent as to whether the accused were innocent or were guilty. That is what I am preaching against here to-day.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. CHINDBLOM. Of course, I do not dissent from the views expressed by the gentleman from Texas—

Mr. CONNALLY of Texas. I did not assume that the gentleman would.

Mr. CHINDBLOM. But I ask him whether a further reading of the remarks of the gentleman from Ohio [Mr. BURTON] would not bring out that he entertained exactly the same views as does the gentleman from Texas. I call attention to this sentence in the remarks of the gentleman from Ohio, as delivered on the 4th day of this month:

This was not due to any lack of insistence upon honesty or absence of interest in the punishment of the guilty. It must be especially emphasized that dishonesty or failure of duty on the part of those in the public service, whether their station be high or low, must be relentlessly prosecuted and severely punished.

Mr. CONNALLY of Texas. That is true. Does the gentleman desire to ask a question?

Mr. CHINDBLOM. Does not the gentleman think some of this criticism is met by those words?

Mr. CONNALLY of Texas. I shall answer the gentleman. I could not conveniently quote all that the gentleman from Ohio said. What the gentleman from Illinois has quoted is a part of the language of the gentleman from Ohio. Of course, I do not believe that the gentleman from Ohio [Mr. BURTON] believes in condoning those things, but what I complain of is his statement that the public seemed to be indifferent to them, and he seemed at least by inference to draw some satisfaction from the fact that this was one of the lessons to be drawn from the recent election. Of course, the gentleman from Ohio knows that these things were wrong. Of course, he does not condone them. Of course, he condemns them, but I am talking about this attitude of the public mind. However, we shall pass on from that.

The real attitude of the public mind ought to be to try such charges, and if a man be guilty punish him, whether he be a Democrat or a Republican. If he be innocent, then vindicate him. The attitude of indifference as to whether he is guilty or innocent is one that if persisted in will destroy the structure of our institutions.

The gentleman from Ohio draws a great deal of satisfaction from the fact that the recent election vindicated the sanctity of the Supreme Court and the Constitution. If the gentleman from Ohio would but consult the history of his country, he would find that in making that kind of a decision there was no rejection of Democratic doctrine. The Democratic Party came into being in this Union proclaiming a passionate attachment to the Constitution, and first came into power through fighting the invasion of the Constitution by the Congress itself in enacting the alien and sedition laws. The followers of the Democratic Party have always been sticklers for the Constitution. The Democratic Party believes the Constitution was made to protect man and to guarantee his rights. It is true that the recent election did reject the policy of vetoing judicial decisions, but that theory did not come from the Democratic side of this Chamber or from the Democratic Party. That doctrine came from the Republican side. It came from gentlemen who have been consorting in this Chamber with the gentleman from Ohio [Mr. BURTON] and his colleagues on the Republican side. It came from the La Follette or so-called progressive republican party. Of course, the gentleman from Ohio would now reply: "It is true that we have been consorting with these gentlemen in the past, but now the Re-

publican Party is going to read them out of the party and throw them into outer darkness where there shall be gnashing of teeth and snatching out of hair." Of course, throw them out.

I believe they ought to be thrown out of the Republican Party. Has not the Republican Party got sufficient votes in the next Congress to elect a Speaker and a floor leader without the cooperation of the gentlemen from the Northwest who entertain such political heresies, who hold such dreadful views? Throw them out, of course. There will not be any vote in the present Congress where their votes will be needed, and in the next Congress the Republican conference will have sufficient votes to control the destinies of Congress without the honorable gentleman from Wisconsin [Mr. NELSON] and his militant little band of freethinkers. Throw them out! Why, the gentleman from Ohio [Mr. LONGWORTH] can be elected Speaker without their votes. Say to them that you do not need them. I do not blame you very much about that. It is true that in this present Congress you did need them, but circumstances alter cases. In the last session of this Congress it is true that the gentleman from Wisconsin and his little band were eating cake. They were sitting right up in the front row. He was a member of the Rules Committee. They were petted and pampered, and no doubt cajoled and entertained by their Republican colleagues, but their votes were needed then for the election of a Republican Speaker. They were promised the McNary-Haugen bill in the last session. Of course, you will never hear any more of that bill. Why? Because the election is over. It ought to be called the "hogging bill," because that is what the Republicans were trying to do. They were trying to hog the farmer vote, and they seem to have succeeded and have hogged the northwestern farmer vote and put it away down in their ballot box. [Laughter.] You will never hear any more of the Haugen bill. Why? Economically, if the Haugen bill was sound last June it is sound now. If it was sound last spring, it will be sound next spring. If it was sound last spring, it will be sound next winter when the next Congress convenes.

Gentlemen on the Republican side, and some of them hard-boiled Republicans, stood here with political tears running down their faces and fervently declared that they had to do something for agriculture and that there was nothing in sight but the Haugen bill. They said that it was sound and that it was right and that it was just; but the poor old Haugen bill sleeps out yonder on some silent hillside, with not a stone even to mark its last resting place. I helped put it there because it was unsound, but I thought some of the Republicans would resurrect it; I thought some of them really wanted it to revive; I thought they would bring it back here; but after the election I knew it was good-by to the Haugen bill. It has served its purpose; it has run its race. Peace be to its ashes!

May I have 10 minutes more?

Mr. BUCHANAN. I yield to the gentleman 10 minutes more.

Mr. CONNALLY of Texas. Now, gentlemen, what else do we find? The gentleman from Ohio [Mr. BURTON], the former Senator, made a most excellent speech in some regards. On the floor of this House he repelled the charge that the Government or any of its institutions had fallen under the influence of big business or what is known as the "interests"; and I know of no other man better qualified to make that statement on the floor of the House than the gentleman from Ohio, because he knows big business and he knows every branch of the Government, and he says they are not influenced by big business. And so he proceeds to cite a number of legislative enactments which, he says, proves that the Government is not influenced by those great interests and that in those respects it is really serving the American public.

I am glad that he did. What does he cite in justification for that statement? Why, he points with a great deal of pride to the interstate commerce act of 1887.

Gentlemen, I would like to remind the gentleman from Ohio that this old Democratic Party, which so many are ready to inter after each of its defeats—I would like to remind him that it was this old Democratic Party of ours which in a Democratic administration, the first administration of President Cleveland, put on the statute books the interstate commerce act, which pioneered that great field of Government regulation and fixed a policy that has governed this country ever since. [Applause.]

And I am glad to hear the gentleman from Ohio say on this floor—although his commendation is rather belated—I am glad to see him come here and admit that one of those Democratic acts is responsible for a policy he approves, a policy that has been followed by the Government unto this day.

And again, the gentleman from Ohio points to the Federal Trade Commission—though not in specific terms, at least impliedly he seems to approve of the establishment of that organization—and I again remind the gentleman from Ohio that it was a Democratic administration, under President Wilson—a Democratic administration of only a few years ago—that enacted that really constructive piece of legislation and thereby adopted a policy which I hope our Republican friends, now in possession of all the branches of the Government, will not assail and will not destroy. But as I turn my eyes and see the Chairman who sits now before you, the gentleman from Massachusetts [Mr. TREADWAY], that language does not seem to sit with equanimity on his soul, because I saw him stand in this Chamber and heard him inveigh against the Federal Trade Commission and seek to limit its appropriation and seek to paralyze the activities of that governmental agency. So that when the gentleman from Ohio comes to take credit for those things he should remember that the Democratic Party, while it may not be in power now, has served the country in the past and will in the future, even if we serve it in the ranks, and without office and without places of power. [Applause.]

Oh, the gentleman from Ohio cites some other legislation. He says that the income-tax legislation is one of the great evidences of the fact that the Congress and the Government are not influenced by the great interests and are really serving the American people. When was the voice of the gentleman from Ohio raised heretofore in this Chamber in behalf of the income tax as it stands to-day on the statute books? I must refer that gentleman, who is so learned in history, that gentleman who is able to quote the Greek classics and to go with Herodotus in his wanderings over the Greek isles, and to travel, perhaps, with Xenophon and his Ten Thousand in the Anabasis, in their wanderings in the Orient—I must remind him that he must have encountered among his more recent rambles some fresher history, and urge him to recall the fact that it was a Democratic Congress that placed the first income tax on the statute books; and long before we placed it on the statute books Democratic Members of Congress, cooperating with a few of Republican persuasion from the West, were able to submit an amendment of the Constitution permitting the levying of that tax. After the Supreme Court had held it was unconstitutional, Democratic platforms year in and year out demanded that the income-tax system be established, until when we came into power we made good our platform and wrote it into law. [Applause.]

I am glad the gentleman from Ohio finds satisfaction in the income tax law. It is true that in detail the gentleman does not approve of that proposition. In detail he does not agree with the present high surtaxes. But I do not criticize him for that. He has the same right that the country has; he has the same right to exercise poor judgment and fritter away his opportunities of service, just as the country has done when it adopts a political platform and supports a political party that will not give it the highest degree of service.

What does the gentleman from Ohio finally conclude? The gentleman from Ohio says that \$4,000,000 is not a large campaign fund; that it is not political parties or candidates that are really responsible for political campaign funds being raised, but it is owing to the fact that—

It is not a political party or the candidate for office who is chiefly responsible; it is rather that inactive mass of voters who only go to the polls when urged and whose study of the problems of the time is so superficial that their conclusions are likely to be erroneous.

Now, if that is true, if the inactive mass is so large and their understanding so poor, when you remember that the Republicans had \$4,000,000 and the Democrats had less than \$1,000,000, the conclusion irresistibly follows that they were able to induce four times as many as we were able to influence to get them to the polls, and they were able to enlighten and make understand four times as many as we were able to induce and enlighten. [Laughter.] I am surprised at the gentleman from Ohio. He is not in agreement with the President in this, although he was elected on a platform of following and agreeing with the President. The President in referring to the election says:

I can only express my simple thanks to all those who have contributed to this result and plainly acknowledge that it has been brought to pass through the work of a Divine Providence, of which I am but one instrument.

And here is the gentleman from Ohio passively admitting that it was \$4,000,000 that got inactive fellows to the polls and enlightened them after it got them there. [Laughter and applause.] May I have five minutes more?

Mr. BUCHANAN. I am sorry, but I can not yield the gentleman more time.

Mr. CONNALLY of Texas. Then I must hurry along. Now, gentlemen of the House, I can not conclude my remarks, but listen: The Democratic Party is not dead. [Applause.] It has been defeated many times in the past. The Democratic Party is defeated, but it is not dejected.

Mr. BUCHANAN. One of the gentleman's colleagues from Texas intended to use some time, but he has said he is willing to give it to the gentleman, so the gentleman may have 10 minutes more if he wants it.

Mr. CONNALLY of Texas. I thank you. The Democratic Party is beaten, but it is not dishonored. It is going to live to fight another day. But office and distributing patronage, according to its creed, is not the chief of all political ends. It is ready to serve its country and its people, though it has to go down and serve in the ranks, in the rear ranks, if necessary.

Gentlemen, if this situation continues—if the great interests of monopoly as against the man, if the great trend of combination as against the individual—if this trend goes on in its mad rush, crushing out small business and individual enterprise, the Democratic Party will stand, as it has stood in the past and as it now stands, for the rights of the individual and for the rights of the citizen. [Applause.]

This seems to be a day of reaction. Why, did you know that recently in Great Britain the Tory Party, the Conservative Party, was returned to power by the greatest majority held by any party for many, many years? The great Liberal Party, the party of Gladstone and other famous Britishers, has almost disintegrated. Great Britain, repudiating the great leader that led it through the war, has gone back to extreme reaction.

Why, in Italy Mussolini, a dictator, a tyrant, has seized upon the reins of government and is reigning like an autocrat, suppressing the press and adopting other repressive measures, while in Spain, hard by, a military dictator dissolved the Cortes, the Parliament of Spain, and rules like a sceptered king. So this great period of reaction and of autocracy seems to be circling the whole globe. But the Democratic Party is not dismayed. We are not here to apologize; we are not here to render alibis; we are here simply to say that when the time comes—and it will come, and will come soon—when the people realize that the Democratic Party is needed, as well as when some great crisis faces the Republic, the American people will turn to it, and when they turn they will find the Democratic Party, as they have found it in the past, ready to serve, not for pelf but ready to serve because it loves to serve more than it loves spoils, and because it loves its country more than it loves office. [Applause.]

Why, this is a day of consolidations; this is a day of mergers. Every day greater and larger and stronger mergers of capital and of wealth and of power and of industry are taking place. The President in the White House sends us word to consolidate the great transportation lines of the country. Big and bigger and yet bigger business is in the saddle. If this trend toward mergers, toward consolidations, and toward combinations goes crushing its way down through the years it will grow ever more reckless and ever more ruthless, and finally the time will come, if it is not halted, when it will meet another great mass, when it will meet great hosts of socialism that shall rise up to oppose it. Then will come a time when there will beat against it a red sea of communism, a sea as red as the sea that engulfed Pharaoh's army.

Can you not hear in Russia now the wild waves of such a sea beating against that unhappy land? Denunciation and repression will not calm such a storm-tossed sea. There was an old Persian king who once commanded his servants and his soldiers to lash and beat the sea in order to stay its fury. The Russians tried that; the Czar and the privileged classes tried that; but the knout and the snows of Siberia did not stay the waves of such a sea. But, my friends, when that time comes God save the Democratic Party for that hour. [Applause.] The Democratic Party then will stand, as it now stands and has stood in the past, between these extremes. It will stand against great, selfish, favored, and preferred interests, on the one hand seeking to exploit the people, and against the maddened mob that has been aroused and infuriated by its wrongs. It will stand then, as it stands now, side by side with the Constitution of its country. It will stand then, as it stands now, by the side of honest and lawful wealth against the depredations of the marauder; and it will stand then, as it stands now, by the side of the citizen, by the side of the man, by the side of the individual man, against the aggression and the oppression of the organized interests which have received the favoritism of government. It will stand against these interests, just as it stood against tyranny in the days of old. Just as it opposes the tyranny of one man over other men, whether that man be a king or a prince or a potentate or a military dictator—just as

the Democratic Party stands against that kind of tyranny, so it stands against the tyranny over some men by corporations, by combinations, by mergers, the creatures and the agents of other men; and it will stand in that day and time for the individual man not because it hates wealth and not because it hates property but because it loves mankind more. [Applause.]

Now, my friends, when that time comes the Republic is going to need the Democratic Party. You gentlemen on the Republican side who now prate about the Constitution and talk about the sanctity of property will need the Democratic Party then to protect that property. Men who claim that their rights will be outraged will need the Democratic Party then, and the Republic will need the Democratic Party in such an hour, because it will stand as firmly against the mob as it will stand against the embattled interests of those who have sought to exploit the people in the past. And so, my good Republicans, do not bewail the fate of the Democratic Party.

The Democratic Party has a past that is glorious and a future in which we shall undertake to maintain the best traditions of that past. Excluding the administration of Washington, in the period down to 1924, the Democratic Party has held the Presidency 68 years and the Republican Party an equal period of 68 years.

In addition to the legislation already referred to, we call the attention of the country and the Congress to the Federal reserve act, which a Republican administration dare not repeal and which enabled the United States to finance the greatest struggle that has ever shaken the modern world. The Federal farm loan system was established and fixed a policy that the Republican Party will never dare to abandon. The Budget system, of which so much is now heard, was recommended and urged upon the Congress by a Democratic President and sponsored by Democratic chairmen of the Appropriations Committee—Sherley, of Kentucky, and Fitzgerald, of New York. The Department of Agriculture was established during the first administration of President Cleveland, and scores of other acts of far-reaching importance, which have come to be commended and approved by the public generally, and which the Republicans will not repeal, were enacted under Democratic sponsorship.

Excluding the territory of the original thirteen colonies, all territory thereafter added to the United States and out of which States have been carved was brought into the Union by Democratic administrations. Through the farseeing vision of that great Democrat, Jefferson, the Louisiana Purchase was brought from under a foreign flag and placed under the Stars and Stripes. In 1819 a foreign standard was hauled down in Florida and the colors of the Union were unfurled under a Democratic administration. During the administration of President Polk the Republic of Texas joined the sisterhood of States, and in the Mexican war following, that splendid domain out of which California and many of the great States of the West were established was ceded to the United States by Mexico. Again, in 1853, by the Gadsden purchase another strip of territory was added to the Union. Alaska, the Philippines, and Hawaii were secured during Republican administrations, but all of them remain Territories.

In foreign affairs, as well as in domestic, its record is a proud one. The War of 1812, waged to maintain our rights at sea and protect our citizens abroad, was fought under a Democratic administration. The war with Mexico was won under Democratic leadership. In 1917 and 1918 a great Democratic President and a Democratic Congress piloted the country through the mightiest war of this or any other age. Under such leadership our gallant armies cut through forests and trenches and ravines and bristling lines of the enemy a path to new victories and set our flag so high that our enemies can never fail to see it, and seeing it will never fail to respect it. And then when victory was ours the same great leader led the world from misery and blood and tears into the ways of peace, and by his splendid idealism thrilled and exalted the spiritual life of a world. A party with such a past must not die. America will not let it die.

It will live; it will live in the future, and it will live to serve. Undazzled by wealth and unabashed by power, unashamed of the past, and unafraid of the future, it will serve its country. It will serve its people even though it be rejected and its fortunes cast down.

Standing between the two great conflicting forces, either one of which, if successful, will destroy the very foundations of the Government, standing between these forces the Democratic Party, with its face turned full and fair to the morrow, will go on serving the American people and the Republic. With neither resentment at past defeat, nor with despair for the

future, democracy will serve because she loves to serve, and not because she craves or cringes for the spoils. [Applause.]

Mr. MAGEE of New York. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL of Maryland. Mr. Chairman, in the 1925 War Department appropriations act we provided that the Secretary of War submit at this session a comprehensive plan for necessary permanent construction at military posts. We also provided that this plan should be based on using funds already received from the sale of surplus War Department real estate, and from the sale of such property now owned by the War Department as, in the opinion of the Secretary of War, is no longer needed for military purposes.

In accordance with this direction on November 26 the Secretary of War submitted to the Speaker of the House of Representatives a report which I shall incorporate in my remarks. As a supplement to this report, he submitted a program for housing the Army in the United States, Hawaii, and Panama in permanent shelter. The Secretary of War recommended the passage of certain specific legislation in his letter to the Speaker. The Secretary's letter was referred by the Speaker to the Military Affairs Committee, and I was authorized by the acting chairman of the Military Affairs Committee of the House, Mr. McKENZIE, this morning to introduce the bill recommended by the Secretary of War, which is similar to the bill introduced in the Senate a few days ago by the chairman of the Senate Military Affairs Committee, Senator WADSWORTH.

The bill which Senator WADSWORTH and I have introduced at the request of the Secretary of War is the first step in the realization of a program which is basic to the national defense and upon which many of us have been working for years.

In 1916 I called attention to the report of the General Staff of the Army made on August 12, 1912, on "The reorganization of the land forces of the United States." This document contained the broad outlines of a comprehensive military policy. In commenting on this report I said that some of the reforms proposed could be carried out by Executive action, but that the greater part of these reforms must be provided by Congress, and that—

the existence of isolated and small frontier posts and reservations throughout the United States has repeatedly been the subject of criticism by the Executive, but so far Congressmen have been very loath to consent to the removal of any body of troops from cities in their districts which profited by the presence of such troops.

I am making these remarks to-day in connection with the bill which I introduced this morning, because I feel that the time has come when my implied criticism of eight years ago of Congressmen should be withdrawn. I feel that at the present time the broad policy of national defense has become so clearly fixed in the minds of all of us Representatives that there is no longer any strong desire to retain Army posts which should be abandoned.

For example, the proposed legislation permits the sale of Fort Howard, in Maryland, with an estimated sales value of \$231,000; Fort Washington, in Maryland, with an estimated sales value of \$519,600; and Fort Armistead, in Maryland, with an estimated sales value of \$22,979, making a total of \$863,579. At the present time both Fort Armistead and Fort Howard are required for the shelter of troops until permanent shelter elsewhere is provided, but as part of the comprehensive plan of the Secretary of War the permanent development, for example, of Camp Meade, in Maryland, is contemplated. I am very confident that no Representative of Maryland will in any way oppose the sale of Fort Howard, Fort Washington, and Fort Armistead; but, on the contrary, will do all possible to assist in this consummation of a long-desired scheme of national defense.

You will note that the proceeds of the sales of the posts which are to be abandoned are to be deposited in the Treasury to the credit of a fund to be known as the military post construction fund. The proposed legislation also provides that this fund shall be expended for the permanent construction at military posts in such amounts as may be authorized from time to time by the Congress. It is to be noted, however, that we are not asked for any legislation for any expenditures of this fund during this short session, but that the bill specifically provides that the War Department's permanent plan of construction shall be submitted annually to Congress in the Budget. We are asked only, at the present time, to dispose of useless posts in the interests of proper disposal and consolidation of posts, but the Congress will expressly have the

opportunity of passing on all general plans of expenditures for permanent posts.

There are nine corps areas in the United States, and the Secretary of War has submitted a very careful estimate of the cost of construction and development in the future in various selected posts in these various corps areas. This plan contemplates the development of certain posts as special training and mobilization posts. For example, in the Third Corps Area the logical post for development is Camp Meade, Md. Two years ago I took up with the commanding general of the Third Corps Area, General Muir, the permanent development of Camp Meade, and we discussed with the Secretary of War the detailed proposals for its development. During each of the previous three summers I have made special inspections of Camp Meade as a member of the Military Affairs Committee of the House, and I have recently taken up the matter with the new corps area commander, General Sturgis.

The need of a coordination of posts to correspond to the nine corps areas, and the needs of training and defense under the national defense act are obvious. The first step in this program is the proposed legislation contained in the letter from the Secretary of War to the Speaker of the House, in accordance with your direction made last year. I think that every Member of the House will be interested in this report of the Secretary, and I therefore shall include it in my remarks at this point:

NOVEMBER 26, 1924.

THE SPEAKER HOUSE OF REPRESENTATIVES.

SIR: I am pleased to inform you that, in accordance with that portion of the 1925 War Department appropriation act which states:

" * * * The Secretary of War is hereby authorized and directed to submit to the Congress at its next session a comprehensive plan for necessary permanent construction at military posts, including Camp Lewis, in the State of Washington, based on using funds received from the sale of surplus War Department real estate, and for the sale of such property now owned by the War Department as, in the opinion of the Secretary of War, is no longer needed for military purposes," a careful and thorough study of the matter has been made by the War Department, and, as a result thereof, I submit herewith the following:

(a) A comprehensive housing program consisting of a series of charts showing the new construction required at military posts in the United States, Hawaii, and Panama.

(b) Lists of surplus military reservations classified as follows:

A. Surplus reservations authorized by Congress to be sold but which have not yet been disposed of:

Posts and estimated sales value

1. Narrows Island, Me.	\$135.00
2. Sagamore Reservation, Portsmouth, N. H.	5,000.00
3. Gloucester, Mass., gun house	560.00
4. Fort Phoenix, Mass.	750.00
5. Salisbury Beach, Mass.	100.00
6. Springfield Armory, two tracts	5,000.00
7. Fort Green, R. I.	1,200.00
8. Fort Mansfield, R. I.	91,788.00
9. Hion Rifle Plant, N. Y.	4,500.00
10. Long Island air reserve depot, N. Y.	2,750,000.00
11. Fort Montgomery, N. Y.	7,500.00
12. Sag Harbor, N. Y.	500.00
13. Watervliet Arsenal, N. Y. (portion only)	200,000.00
14. Amatol Arsenal, N. J.	66,000.00
15. Fort Newark, N. J.	6,000,000.00
16. Pittsburgh quartermaster intermediate depot, Pa.	1,654,280.00
17. Tullytown Arsenal, Pa.	550,000.00
18. Fort Armistead, Md.	22,979.00
19. Fort Foote, Md.	2,438.00
20. Norfolk Army supply base (portion)	306,000.00
21. Camp Humphreys, Va. (portion) 2,000 A.	72,700.00
22. Fort Monroe Pumping Station Reservation, Va.	1,500.00
23. Willoughby Spit Reservation, Va.	108,840.00
24. Beacon Island, N. C.	2,500.00
25. Fort Caswell, N. C.	74,800.00
26. Bay Point, S. C.	1,260.00
27. Fort Fremont, S. C.	5,000.00
28. Hilton Head, S. C.	8,000.00
29. Point Peter, Ga.	18,000.00
30. Southern Field, Ga.	58,007.00
31. Chapman Field, Fla.	150,000.00
32. Fort Clinch, Fla. (portion)	4,200.00
33. Gasparilla Island, Fla.	33,200.00
34. St. Johns Bluff, Fla.	4,708.00
35. Fort Gaines, Ala.	60,300.00
36. Park Field, Tenn.	594,185.00
37. Fort Livingston, La.	10,000.00
38. Fort St. Philip, La.	25,200.00
39. Camp Knox, Ky. (portion)	27,080.00
40. Camp Pike, Ark. (Booster pumping station) (7)	1,200.00
41. St. Paul Army Building, Minn.	85,000.00
42. Lagoon Point, Wash.	1,545.00
43. Nodule Point, Wash.	2,282.25
44. Fort Madison, Wash.	17,625.00
45. Montreal munitions plant, Canada:	
Motor Trucks (Ltd.)	171,500.00
Peter Lyall & Sons Construction Co. (Ltd.)	975,000.00

Total for real estate for which sale is authorized. 44,182,362.25

B. Reservations that have been declared surplus, but which under the act of July 5, 1884 (23 Stat. 103), would revert to the Department of the Interior:

Posts and estimated sales value

1. Anastasia Island, Fla.	\$700
2. Boca Grande Military Reservation, Fla. (portion)	11,700
3. Fort Clinch, Fla. (portion)	2,500
4. Moreno Point, Fla.	60,000
5. Perdido Bay Military Reservation, Fla.	1,100
6. St. Andrews Sound Military Reservation, Fla.	10,000
7. St. Josephs Bay Military Reservation, Fla.	40,000
8. Mobile Bay (Island in), Ala.	500
9. Perdido Bay Military Reservation, Ala. (west and north of Bay La Launch)	11,000
10. Perdido Bay Military Reservation, Ala. (west side entrance)	3,000
11. Ship Island, Miss. (portion)	13,500
12. Battery Bienvenue, La.	10,000
13. Fort Jackson, La.	10,000
14. Fort Macomb, La.	10,000
15. Fort Pike, La.	6,500
16. Fort Townsend, Wash.	12,300

Total. 208,860

These estimated sale values are made on the assumption that the act of July 5, 1884, will be voided and the War Department will be allowed to sell this property rather than turn same over to the Department of the Interior.

C. Reservations not being utilized by the War Department and no longer needed for military purposes which are recommended for disposal:

Posts or stations and estimated sales value

1. Fort Andrew, Mass.	\$2,000
2. New Cumberland General Reservation Depot, Pa. (portion)	25,800
3. Fort Smallwood, Md.	52,200
4. Fort Hunt, Va.	178,300
5. Newport News warehouses, Va.	580,000
6. Chickamauga and Chattanooga National Military Park, Tenn. (lots)	1,750
7. Fort Morgan, Ala. (portion)	200,300
8. Nitrate Plant No. 1, Muscle Shoals, Ala.	600,000
9. Waco Quarry, Ala.	357,000
10. Fort Dade, Fla.	75,000
11. Fort De Soto, Fla.	50,000
12. San Diego Barracks, Calif.	86,700

Total. 2,189,050

D. Reservations still in use, but which are to be declared surplus when no longer required by the War Department:

Posts and Estimated Sales Value

1. Fort Schuyler, N. Y. (required for shelter of troops until permanent shelter elsewhere is provided)	\$150,000
2. Fort Howard, Md. (required for shelter of troops until permanent shelter elsewhere is provided)	321,000
3. Fort Washington, Md. (required for shelter of troops until permanent shelter elsewhere is provided)	519,600
4. Fort Norfolk, Va.	360,000
5. Fort Screven, Ga. (required for shelter of troops until permanent shelter elsewhere is provided)	1,465,700
6. Jackson Barracks, La.	150,000
7. Fort Wingate, N. Mex.	348,000

Total. 3,334,300

(c) A draft of the necessary legislation which reads:

"An act authorizing the use for permanent construction at military posts of the proceeds from the sales of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes.

"Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell or cause to be sold either in whole or in two or more parts, as he may deem best for the interests of the United States, the several tracts or parcels of real property hereinafter designated or any interest therein or appurtenant thereto when said tracts or parcels are no longer needed for military purposes, and to deliver in the name of the United States and in its behalf any and all contracts, conveyances or other instruments necessary to effectuate such sale.

"Fort Schuyler, N. Y.; Fort Howard, Md.; Fort Smallwood, Md.; Fort Washington, Md.; Fort Hunt, Va.; Fort Norfolk, Va.; Fort Dade, Fla.; Fort De Soto, Fla.; Fort Morgan, Ala.; Ft. Screven, Ga.; Jackson Barracks, La.; Fort Wingate, N. Mex.

"Anastasia Island, Fla.; Boca Grande Military Reservation, Fla.; Fort Clinch (portion), Fla.; Moreno Point, Fla.; Perdido Bay Military Reservation, Fla.; St. Andrews Sound Military Reservation, Fla.; St. Josephs Bay Military Reservation, Fla.; Mobile Bay (Island in), Ala.; Perdido Bay Military Reservation, Ala. (west and north of Bay La Launch); Perdido Bay Military Reservation, Ala. (west side entrance); Ship Island, Miss.; Battery Bienvenue, La.; Fort Jackson, La.; Fort Macomb, La.; Fort Pike, La.; Fort Townsend, Wash.

"New Cumberland General Reserve Depot, Pa. (part); nitrate plant No. 1, Muscle Shoals, Ala.; Waco Quarry, Ala.; Fort Andrews, Mass.; Newport News Warehouse, Va.; Chickamauga & Chattanooga National Military Park, Tenn. (lots); San Diego Barracks, Calif.

"Sec. 2. That the net proceeds of the sales of the surplus War Department real property hereinbefore designated and the net proceeds of the sales of the surplus War Department real property heretofore authorized and not heretofore deposited in the Treasury shall be deposited in the Treasury to the credit of a fund to be known as the military post construction fund, to be and remain available until ex-

pending for permanent construction at military posts in such amounts as may be authorized from time to time by the Congress. Estimates of the moneys to be expended from this fund, including a statement of the specific construction projects embraced in such estimates, shall be submitted annually to Congress in the Budget.

"SEC. 3. In the disposal of the aforesaid property the Secretary of War shall in each and every case cause the same to be appraised, either as a whole or in two or more parts, by an appraiser or appraisers to be chosen by him for each tract, and in the making of such appraisal due regard shall be given to the value of any improvements thereon and to the historic interest of any part of said land.

"SEC. 4. In the event that any other department of the Government shall require the permanent use of all or any part of any of the reservations herein authorized to be sold the head of the department requiring the same shall within 90 days after the approval of this act make application to the Secretary of War for the transfer thereof.

"SEC. 5. After 90 days from the date of the approval of this act, and after the appraisal of the lands hereinbefore mentioned shall have been made and approved by the Secretary of War, notification of the fact of such appraisal shall be given by the Secretary of War to the governor of the State in which each such tract is located as to such lands not to be turned over to other departments; and such State or county or municipality in which such land is located shall, in the order named, have the option at any time within six months after such notification to acquire the same or any part thereof which shall have been separately appraised upon payment within such period of six months of the appraised value thereof.

"SEC. 6. Six months after the date of notification of said appraisal, if the option given in section 5 hereof shall not have been completely exercised, the Secretary of War shall sell or cause to be sold each of said properties at public sale, at not less than the appraised value thereof, after advertisement in such manner as he may direct.

"SEC. 7. A full report of all transfers and sales made under the provisions of this act shall be submitted to Congress by the Secretary of War upon the consummation thereof.

"SEC. 8. The expenses of appraisal, survey, advertising, and all expenses incident to the sale of the reservations hereinbefore authorized for disposition shall in each case be paid from the proceeds of the sale.

"SEC. 9. Hereafter if any real property acquired for military purposes becomes useless for such purposes, the Secretary of War is directed to report such fact to Congress in order that authorization for its disposition in accordance with the provisions of this act may be granted.

"SEC. 10. The authority granted by this act repeals all prior legislative authority granted to the Secretary of War to sell or otherwise dispose of the reservations hereinbefore designated."

With the Army at its modified peace strength we have in the continental United States alone about 40,000 men quartered in buildings constructed for war-time purposes, the maintenance of which is rapidly becoming prohibitive in cost.

Because of these conditions a careful and thorough study of the requirements for the future as to the distribution of the Army has been made and considered in connection with the housing program.

We are guided in our military policies by the national defense act of 1916, as amended. Regardless of handicaps imposed by the necessity for reduced appropriations there are certain major missions assigned the Regular Army which must be fulfilled. These missions stated briefly are as follows:

(a) To provide adequate and efficient personnel for giving the utmost assistance in the training and development of the National Guard, Organized Reserves, Reserve Officers' Training Corps, and Citizens' Military Training Camps, and for furnishing a trained stiffening component for the organization of the higher units of the first two for battle service.

(b) To provide the necessary personnel for the overhead of the Army of the United States, wherein the duties are of a continuing nature.

(c) To provide an adequate organized, balanced, and effective domestic force, which shall be available for emergencies within the continental limits of the United States or elsewhere and which will serve as a model for the organization, discipline, and training of the National Guard and the Organized Reserves.

(d) To provide adequate peace garrisons for the coast defenses within the continental limits of the United States.

(e) To provide adequate garrisons in peace and war for our overseas possessions.

The objective of the War Department is constantly before it in the language of sections 2 and 3 of the national defense act as amended, wherein is provided the composition of the Regular Army, with the further statement that the organized peace establishment, including the Regular Army, the National Guard, and the Organized Reserves, shall include all of these divisions and other military organizations necessary to form a basis for a complete and immediate mobilization for the national defense in the event of a national emergency declared by Congress.

Having in view the above requirements, provision has been made for the distribution of the mobile Army at its present authorized strength whereby one Infantry division has been allotted to each of the Second, Eighth, and Ninth Corps Areas and a reinforced Infantry brigade to each of the other six corps areas. In addition to the above, a Cavalry division has been allotted to the Eighth Corps Area. The most economical distribution has been made of Coast Artillery troops. The number allotted to overseas garrisons has been reduced to the minimum consistent with the mission involved.

In the development of the program for sheltering the Army distribution was subordinate to the necessity for strict economy and the most efficient utilization of existing permanent buildings and utilities consistent with the effective employment of our Regular Army as tactical units.

The program permits of ready rearrangement to meet conditions that may exist when any of the construction projects included therein are brought up for consideration by Congress. Furthermore, it will permit of an orderly utilization of such funds as may be made available from time to time and will also cause an avoidance of other waste which is always incident to an uncertain policy.

In view of the imperative necessity for providing shelter for our troops in the immediate future, I recommend that Congress now take cognizance of this problem.

Should the committee to which this matter may be referred decide to give the War Department a hearing on this subject, I shall be pleased to appear before it in person and also to place at the committee's disposal the officers who worked up the program, in order to explain any of the details in connection therewith that the committee might desire.

This project has been taken up with the Director of the Bureau of the Budget, and he states that it is not in conflict with the financial program of the President.

Respectfully,

JOHN W. WEEKS,
Secretary of War.

It is especially to be noted that the Secretary states that this project has been taken up with the Director of the Bureau of the Budget, and that it is not in conflict with the financial program of the President. It is also to be noted that there is an imperative necessity for providing shelter for our troops in the immediate future, and that immediate action should be taken upon the proposed legislation. Joint hearings in a few days will be instituted by the Senate and House Military Affairs Committees, and it is hoped that this legislation will be passed in this session, thus permitting a comprehensive plan of permanent construction to be submitted through the Director of the Budget as soon as possible. Under the provisions of the proposed legislation, the properties to be sold are expected to realize the total of \$19,914,572.25, which will make a very excellent start for the military posts construction fund.

Mr. Chairman, I ask unanimous consent to extend my remarks by including a letter from the Secretary of War to the Speaker.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. BUCHANAN. Mr. Chairman, I yield to the gentleman from Georgia [Mr. UPSHAW].

Mr. UPSHAW. Mr. Chairman, I ask unanimous consent to extend my remarks by publishing in the RECORD a short speech delivered by me at Richmond on the promulgation of the Monroe doctrine.

Mr. HILL of Maryland. Mr. Chairman, reserving the right to object, I would like to ask if the speech has any reference to the rights of the American farmers?

Mr. UPSHAW. It does not touch that matter.

Mr. HILL of Maryland. I do not object.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. UPSHAW. Mr. Chairman, under the leave granted to extend my remarks in the RECORD, I insert an address made by myself at Richmond, Va., December 2, 1923, which is as follows:

IN MEMORIAM—ADDRESS OF CONGRESSMAN WILLIAM D. UPSHAW, DECEMBER 2, 1923, AT CENTENNIAL OF PROMULGATION OF MONROE DOCTRINE UNDER AUSPICES OF SOUTHERN COMMERCIAL CONGRESS, RICHMOND, VA.

Mr. Chairman, Governor Trinkle, and fellow Americans—

"There are moments, I think, when the spirit receives
Whole volumes of thought on its unwritten leaves;
There are hours that hold in their compass of thought
The measureless triumph of a century wrought."

This solemn pilgrimage of Virginia's youth and beauty, her chivalry and her patriotism, from the historic capitol of the Old Dominion to the grave of the author of the Monroe doctrine, typifies at once not only the centennial tribute of a grateful continent but that inspiring human crown which lofty virtue wears. Perhaps the chiefest lesson for these patriotic Americans who have marched—citizens actual and embryonic—from the gray-haired defenders of our firesides and the sturdy citizen legionnaires to the smiling thousands of boys and girls who refresh us and thrill us with the kindling glories of their youth, is found not only in the international triumph of the deathless doctrine which Monroe proclaimed but in the security and the purity of that vibrant and inspiring American atmosphere where individualism in citizenship finds its loftiest coronation. We see again James Monroe, the modest purposeful youth of 15 on the playground of that humble schoolhouse at historic Fredericksburg, lighting the torch of his early ambitions by the pioneer camp fires of colonial development; we see him a thoughtful student at William and Mary College throwing down his books to answer the battle cry for colonial freedom; we see him enduring with heroic fortitude the privations of the Revolutionary soldier, and "knighted" on the field of battle for conspicuous bravery at the hands of the immortal Washington; we see him again practicing law in Fredericksburg, and so poor in this world's goods that a generous kinsman buys for him a town lot in order that the community council might have the benefit of his wisdom and his constructive fellowship. Ah—

"So nigh is grandeur to our dust,
So near is God to man;
When conscience whispers low 'I must,'
The youth replies 'I can.'"

And under this sublime impulsion we see the young Virginia statesman leap forward to halls of State and National legislation; then three times to the governorship of his State on the very spot where he had read law with the father of the Declaration of Independence.

Now, we see James Monroe illustrating the citizenship and the ideals of the lusty young Nation of the Western Hemisphere as a poised and accomplished diplomat at the proudest courts of Europe, while gilded monarchs look with wonder akin to awe at the manner of master-men produced by the newborn Republic; and now—thank God for "the era of good feeling," which his great leadership brought in—we see this many-sided statesman become the fifth President of the United States. Verily, he "came to the kingdom for such an hour as this"—rather, I should say, to the helm of state—for the clear vision and stalwart hand of James Monroe shattered the schemes and dreams of European despots concerning the continents of the Americas.

It was the hour and power and kingcraft. The Holy Alliance proved itself very unholy by its frightened frenzy at the march of democracy. Indeed, it was formed to crush out the free spirit of democratic individualism. The War of the Revolution had not only freed our American Colonies from the autocracy of the German-speaking George III, King of England, but, according to David Lloyd-George, it saved king-driven England from herself. Democracy in England was coming into flower; and the mother country, walking in the liberating radiance of such noble spirits as Pitt and Burke and Canning, and really proud of the achievements and prospects of the new American Republic, proposed a joint declaration that would warn European despots against further designs upon the Americas.

EMANCIPATION OF THE AMERICAS

Monroe's hour had come—the hour for the independent, dynamic initiative which not only meant the full and final emancipation of all Republics in both Americas but gave an electric thrill of hope and purpose to that spirit of free democracy that was fighting upward throughout the world.

Just 100 years ago to-day President Monroe gave his epoch-making declaration to Congress that all American soil must be kept forever inviolate from European aggression. It was the essence and the triumph of greatness in leadership that America preferred to stand grandly alone as she flung this startling dynamic of democracy into the faces of the wondering despots of Europe. Whatever of peril that mild defiance might bring, the young Nation stood ready to face and endure; whatever of glory that ringing declaration of American sufficiency might win, it should be concentrated in one resplendent crown on the brow of the young international pioneer. Thus the United States of America—a daring pathfinder on an "uncharted sea," stood alone and yet not alone, in the blended poverty and power of a "revised and enlarged edition" of American independence—an independence that laughed at "the breath of kings," while it rejoiced in the well-earned increment of a new neighborly gratitude and the supporting enrichment of a new American fellowship. In one marvelous and mighty hour the new American Republic leaped from the wilderness of national uncertainty and the valley of speculation and experiment to the commanding height of serene consciousness and decisive power among the nations of earth.

"Like some tall cliff that lifts its awful form,
Swells from the vale and midway leaves the storm,
While round its feet the lowering clouds are spread,
Eternal sunshine settles on its head."

And toward that sun-crowned mountain peak the eager eyes of the oppressed, liberty-loving peoples of earth began to look, and their tired feet began to move—for they thought of America evermore as—

The land of the free and the home of the brave.

SUBJECTIVE FAITH AND OBJECTIVE POWER

It has been said that "the ideal citizen is one who thinks what others only dream, who says what others only think, who does what others only say, and who glories in what others dare but do."

With this ideal true in the individual citizen, surely it is doubly true of such a leader of men and nations as James Monroe proved himself to be. This inspiring subjective consciousness brought with it the inevitable resultant of objective power. It warmed and purified and energized the heart of the new-born nation like "a second work of grace" that follows the miracle of regeneration in the heart of the individual, and comes with a new sense of intelligent dedication to the cause of God and humanity.

The immediate aftermath of the promulgation of the Monroe doctrine constituted a sense of national revival in ethical ideals and spiritual values, it brought a new baptism of inward peace and passion and a new and radiant horizon for the redeemed national soul. And it was not long until the restless ambitious nations of Europe began to calm their fevered pulse beneath the steady light, pure as crystal, that gleamed from the American lighthouse across the sea. While the lessons learned by the lesser American Republics and the watching nations of Europe were not, of course, instantaneous and universal, they have become increasingly stable and pacific.

The blood of our American neighbors to the south of us, heated by its proximity to the Equator, has occasionally broken out into a fight before breakfast, but before the sun went down the fiery protagonists would look up into the peaceful, disapproving face of their big brother, "Uncle Sam," and then lay down their arms, ashamed of themselves, and go back with the rising of another sun to the constructive pursuits of peace, happiness, and national prosperity.

JAMES MONROE AND WOODROW WILSON

And, ladies and gentlemen, let me, without equivocation in this high and ardent hour, put into shining italics the great world lesson of the Monroe doctrine; even as this spiritual compact of understanding and fellowship among the Americas has largely held in leash the forces of destructive war on these two continents and absolutely stopped European aggressions upon American soil, so it was the spirit of vision of the Versailles treaty to make a great international handclasp the bulwark against international conflicts forevermore. The very fact that the understanding impulsion of the Monroe doctrine has made the resort to arms unnecessary in the prevention of European aggression cries aloud to the makers and the breakers of the Versailles treaty that if all the allied nations that fought to overthrow military autocracy had clasped hands in peace to keep that autocracy overthrown all autocratic belligerents would have been awed forever into a stammering hush. This could have been done without pulling down the American flag 1 inch before any foreign power. The main thing I liked about that great World War, ladies and gentlemen, was its geographical position. It was 3,000 miles away from your American home and mine, and we rejoice in the blended wisdom and heroism of statesman, soldier, and sailor that united to keep that terrible war 3,000 miles away from American shores. And whether it shall be the dream and the prayer of that stainless Christian statesman—the Gladstone of America—William J. Bryan, who did so much to bind the world together in pacts of enduring peace; or whether it shall be the dream and the plan of that great President and now Chief Justice of the United States, William Howard Taft, who stood long and valiantly at the helm of the League to Enforce Peace; or whether it shall be the crystallization of the dream and the plan of that brilliant seer and world citizen, Woodrow Wilson, who fell on the firing line and almost gave his wonderful life that he might give constructive, enduring peace to a staggering world; or whether it shall be the dream and the plan of our late lamented and beloved President, Warren G. Harding, who sought the same great end through a World Court and an association of nations, you know and I know and God knows that whether it be a 4-power pact or a 44-power pact, the famished, sorrowing heart of a war-torn world is anxious—prayerfully and desperately anxious—that something shall be done in consonance with the ideals of the Prince of Peace that will make it unnecessary for a great pacific Nation like the United States of America to spend more than 90 cents out of every dollar of the people's money to provide for the ravages of war, past, present, and to come. No truer, wiser words ever fell from human lips of a friend of peace than that immortal utterance of President Harding at the opening of the disarmament parliament:

"There is something fundamentally wrong in any scheme of civilization that spends the major part of its means and its energies on the scientific destruction of human life."

As we stand by that new-made grave at Marion, as we gather in annual pilgrimage before that mecca of international peace on E Street in Washington, as we stand to-day in reverent centennial tribute before the "vocal dust" of the author of the Monroe doctrine, let us resolve all differences incident to the limitations of human wisdom and partisan bias as we approach the supreme objective in our Christian civilization—peace, constructive peace and happiness and progress for all the peoples of all the world.

And as a patriotic, God-fearing American citizen, I confess that I am jealous—righteously, loyally jealous—to see my country, preserving both her independence and her unselfish spirit of international benevolence, take her indispensable place in international leadership toward universal righteousness and everlasting peace.

The Monroe doctrine, in its last and best analysis, is not provincial. Its unerring, stalwart stand for American integrity and American development constitutes its highest possible contribution to the peace and prosperity of other nations.

"And beholding the man which was healed standing with them, they could say nothing against it."

This convincing declaration concerning the healing of the man who as a cripple had lain long at the beautiful gate of the temple is America's own answer and inspiration to all nations impoverished by the cruel carnage and the desolating waste of war.

"Look at the heights serene on which I stand." Thus saith America to the restless, disheartened nations of earth. "Look at the incontestable fact that my flag has never led my people into a selfish war, and therefore, thanks to the god of nations, I have never known defeat. Peace has been my passion and war my painful protest. Look at my unexampled prosperity that has crowned my program of peace, and come up—higher—come up higher above the deadly miasma of national hate and the fog and fury and the death and dearth of war." Humbly, proudly, triumphantly before the God of nations and the sons and daughters of men—this is the meaning and the message of this centennial—this is America's national and international evangel.

FROM PRESIDENT TO JUSTICE OF PEACE—CALLING AMERICAN YOUTH TO UNSELFISH SERVICE

I must be pardoned—if pardon is needed—for bringing my first and final message to Virginia's youth—America's youth, strikingly called by Jacob Riis "the to-morrow of the Republic." If, as Reynold E. Blight has declared, "next to the glorious Declaration of Independence and the Constitution of the United States the Monroe doctrine is America's most important and significant contribution to the well-being and progress of humanity," then surely the youth of America must hear a new and clarion call to the glory of service for the sake of service in the almost startling disclosure of history that James Monroe, the far-famed author of this immortal doctrine, rich in the highest honors which two continents could bestow upon him, chose to crown life's beautiful evening by serving his community in the thoroughly honorable position of justice of the peace. He believed in the glory of service—humble, faithful service, rather than the empty glory of self-centered renown. This great God-fearing builder of a nation's grandeur believed in the uplifting doctrine that would "sweep a street to the glory of God." If he could speak to-day to the thousands who, in the beauty of their plastic youth, have made this pilgrimage to his tomb and to the millions of students in the schools and colleges of America who are sharing in the grateful thought of this centennial tribute, he would declare with Tom F. McBeath:

"God gems thy path with opportunities,
Thick as the summer dewdrops on the grass,
Rich with His promises;
But, manna-like, they must be gathered
Ere the sun be risen."
And used upon the instant—
Else they breed within the heart
A never-dying brood of worms,
Armed with stings of vain regret,
And to a loathsome hell of torment
Turn the Paradise of memory.

It is because this brave, purposeful American youth went into America's teeming harvest fields and "came not back with empty hands" that he built a pyramid of truth and light that will pierce the ages as they over it roll. It is verily the crown that American knighthood wears—

"The crown that shall new luster boast
When victor's wreath and monarch's gems
Shall blend in common dust."

Mr. BUCHANAN. Mr. Chairman, I yield 20 minutes to the gentleman from Arkansas [Mr. RAGON].

Mr. RAGON. Mr. Chairman, I want to call the attention of the committee in my remarks to-day to a provision in the Agricultural bill on page 36, which has to do with our national for-

ests. It provides "for the construction of sanitary facilities and for fire-preventive measures on public-camp grounds within the national forests when necessary for the protection of the public health or the prevention of forest fires, \$25,000." I feel that this amount is wholly inadequate to even properly introduce a program for the establishment of recreational camps in our national forests.

One of the greatest problems facing the American people to-day is that of forestry. Due, perhaps, to the lack of information upon the part of the public, and to lack of sympathetic interest upon the part of Congress, our forestry problems have never received the emphasis they should.

The country is slowly awakening to its importance. There was a time when we looked to the theorist, national forester, and sportsmen, to whom forest preservation was a mere incident, for manifestations of the only interest in national forests. The public in general looked upon them as alarmists and entirely impractical. Conditions existing to-day and in the future will combine to give the pioneers of our national forest program that place in the history of the development of the country second to none in importance.

Warning after warning these pioneers gave us; but, with the same persistence with which they warned, we continued to ignore until to-day we depend for high-grade lumber upon the South and far West, which have a considerable area of rapidly diminishing virgin lumber.

According to the report of William B. Greeley, National Forester, to the Secretary of Agriculture, on October 24, 1923, the condition of our lumber and wood supply is most appalling. Prices of high-grade lumber are steadily and rapidly rising. There are only 14 States, in the South and extreme West, which have a surplus of production in lumber over consumption. In several of these 14 States the amount of production over consumption is small. In the remaining States of the Union the consumption of lumber is greater than the production. The States of North and South Dakota, Minnesota, Iowa, Nebraska, Kansas, and Missouri import 77 per cent of the lumber they consume. Similarly, the principal manufacturing region comprising the States of Illinois, Ohio, New York, Pennsylvania, New Jersey, Indiana, and the New England States produces only 32 per cent of the total lumber consumed. Mr. Greeley makes the statement that we are draining our forests East and West of a total of 25,000,000,000 cubic feet of wood annually while this is replaced by the growth of only 6,000,000,000 cubic feet. For every 4 cubic feet of wood we are taking annually from our forests we are seeking to serve the future by replenishing with only 1. All this, too, is in the face of an annual increase in the demand for timber products and increasing prices therefor. The Greeley report says:

The present annual growth could be increased to about 14,000,000,000 feet, or a little over half our present requirements, if all our forests were given adequate protection against fire and elementary practices of forestry were introduced. By intensive forest management, comparable to the best European practices, our total area of forest land could be made to grow 27,000,000,000 cubic feet annually, or enough to take care of our present consumption and afford a little surplus.

Within recent years we have taken some great strides in the forestry problem. The reforestation act of last session was a great stride in the right direction, but like any other great program of national conservation we can never reach the desired end so long as the interest in our forest development is confined merely to those employed in this departmental work. The public must be made to know that it has a part to play in this program.

If the careless camper, the vicious firebrand, the indifferent hunter, and the indiscreet smoker can continue to be the costly perils of our forest development without calling down upon themselves the just condemnation of an indignant public, then any program of forestry must continue to be ineffective in meeting our needs. The public must awaken to the fact that every year it costs our Government over a million dollars in loss of timber value and in money spent combating these enemies of our timber resources. To be exact, in 1922, the latest figures I have, the total damage on national forest lands burned over was \$494,000 and the Government spent \$607,200 in fighting these fires. The public must be, by some means, quickly educated to the impending crisis in our timber and lumber supply and the means by which these evils can be remedied.

The public in general does not seem to realize the purpose for which our national forests have been established. It does not seem to observe any difference, in many instances, between our national forests and national parks. Our national parks are practically unremunerative and represent the expenditure of millions of dollars each year from the Government Treasury for their support and maintenance.

Our country has the greatest system of national parks in the world. Our parks are "natural museums, within which are preserved some great natural, scientific, scenic, or historical attractions of surpassing and outstanding superiority in their class." Thanks to the department which has had supervision of the establishment and maintenance of our national parks, they have steadfastly held to this high standard. Recreational and playground developments in connection with our national parks have been merely incidental.

On the other hand, our national forest reserves are not unremunerative, but, on the other hand, to all practical purposes are self-sustaining, and, it is safe to estimate that in the immediate future, will be not only self-supporting but will be a source of revenue to our National Government. Many of our national forests, while abounding in timber and grazing resources, have as other productive features playground and recreational possibilities.

Mr. James B. Wilson, in the early days of forestry in this country, said that our forests must be managed with an eye single "to the greatest good of the greatest number in the long run." This utterance was made when the automobile industry was in its infancy and modes of communication were crude as compared to today, but he evidently saw the future of our national forest reserves utilized not only as a source of revenue and as an example to private and State-owned forests but also for health and recreational purposes.

Through many of these forests, which have great recreational possibilities, the departments have constructed some splendid roads. They have also established in some game and fish reserves, as well as camp grounds. While we boast of the great number of people who see our national parks, yet it is safe to say that two persons visited our national forests during the year 1924 where one visited a national park. During the year 1924, 10,000,000 people visited our national forest reserves. This great host of people were led to our forests in search of sport, recreation, and health.

This enormous number of visitors is the Government's opportunity of giving the much-needed education upon forestry to the public. When that time comes that each person who visits our forests becomes acquainted with the modes and methods of their preservation and the necessity therefor, he will go forth as a missionary to convert all with whom he comes in contact to the importance of our forestry program.

Notwithstanding the Government spent millions of dollars last year and will continue to spend for the proper maintenance of our national parks, which have only an educational value, with an incidental recreational value, yet we spent the small sum of \$15,000 for development of the recreational features of our national forests, which not only carry with them an educational, recreational, and a health value but also carry a monetary value to our Government.

It is for a proper recognition of the recreational features of our national forests that I plead to-day.

When we think of the wonderful possibilities in development of this feature of our national forests and then consider that this great Government only spent \$15,000 last year for their development it approaches an almost unpardonable indifference upon the part of the representatives of the legislative branch of our Government.

To develop this feature of our forest reserves does not necessarily mean a great outlay of money in expensive buildings or the construction of high-class roads. The program of the Forestry Bureau is to throw open the national forests to the motorist, the farm wagon with its load of children, the hikers, campers, hunters, and fishermen, the amateur photographers, naturalists, and mountaineers; to bid them come and follow their respective bents without let or hindrance, and to teach them how to use their own woods as good citizens should. The next step in their outline is to make such provision as is possible for the convenience and well-being of the various groups of the various recreation seekers.

For the hikers and hunters and mountaineers who scorn the beaten paths and seek the real freedom of the hills this means maps and trails and signboards and an occasional rough-hewn shelter cabin in the high country. For the throngs of tourists and transient campers who stick to the main roads, but crave the joys of the open air none the less, it means selected camp grounds, chosen with an eye to natural beauty, cleared of undergrowth and inflammable debris, and equipped with simple sanitary conveniences and rough stone fireplaces.

There are over 1,500 commonly used camping spots along the highways in these national parks. To this time the Bureau of Forestry has not been provided with sufficient funds to meet the urgent needs for the simplest and roughest equipment required by decency itself at practically all of these camps.

The Agricultural bill this year provides that this appropriation shall be \$25,000, whereas the Government could well afford, for its own protection, to make the appropriation a half million.

On page 37 of Mr. Greeley's report he gives a statement of something of the requirements of these recreational forests. In 1922 a study was made of 960 specific camp grounds, which were used by 1,355,000 people. For a proper protection and development of the facilities of these 960 camps he estimates it would cost \$122,259, which would amount to approximately 2 cents for each person using the camp grounds in a single year. In 1922 there were 6,000,000 people who visited our national forests. If our Government would spend 5 cents for each of the 10,000,000 persons now using the forests annually for recreational purposes it would permit the installation of practically all of the most necessary facilities. Considering the 10,000,000 persons who would benefit by an expenditure of 5 cents each in the probable improvement to the public health and reduction in fire loss, it would be a distinct economy to make an appropriation of one-half million dollars for this purpose.

Mr. O'CONNELL of New York. Will the gentleman yield for a question?

Mr. RAGON. Yes, sir.

Mr. O'CONNELL of New York. And it is intended to be a helpful one. Of course, these figures are accurate—

Mr. RAGON. I take them from the report of the Forester.

Mr. O'CONNELL of New York. And for the purpose of his speech I would like the gentleman to give the authority for them.

Mr. RAGON. I thought I stated that. This is taken from the report of the Forester, Mr. Greeley.

Mr. O'CONNELL of New York. Thank you.

Mr. RAGON. If our 147 national forest reserves, with a combined acreage of 157,000,000 acres, which brought in to the Federal Government in 1923 a revenue of \$5,335,818.13, are to be developed so as to function to their highest degree of efficiency, the Government must at once give heed to the recreational features of our national forests. It is interesting to note that the Government spent for protection and administration of the national forests in 1923, \$5,133,382. While this shows a profit from a monetary standpoint, our national forests abound in recreational assets more valuable than their economic resources. Yet the Government never appropriated any moneys for this purpose until 1923, when an appropriation of \$10,000 was made. In 1924 another appropriation of \$15,000 was made, and this represents all the moneys ever appropriated by the Government for the development of the recreational features of our national forests.

The educational features might well be illustrated by conditions existing in my own State. Arkansas ranks near the top among the States that produce a surplus of lumber which supplies the country. Too few of our people realize that our virgin timber is being rapidly diminished. Surrounded by plenty in this particular industry we are unmindful that the day is close in front of us, if some check is not made, when we shall be face to face with conditions such as exist at this time in the North and East. Situated in the State of Arkansas are two national forest reserves, which are greater in acreage than those of any other State in the South and East. In the national forests of Arkansas will be found some of the greatest opportunities for the development of recreational camps anywhere in the country. As recently as 10 years ago I do not believe there were a hundred people each year, outside of Government employees and the natives, who went through these forests. The Forest Service has within recent years constructed splendid dirt roads through parts of these forests, and tourists are now flocking through them by the thousands each year. As they go through them they find prominently displayed instructions about forest protection. This slight information they gather as they go hurriedly through the forests.

If these forests were supplied with recreational facilities, the tourist would spend part of their time in them. This would mean that he would learn first hand the importance of our forests and how to protect them, and as he went forth would naturally scatter this information, which would redound to the benefit of the forests in Arkansas. But this national forest in Arkansas is not alone an Arkansas problem in which only Arkansas people are interested. The New Yorker or the New Englander, with his forests denuded, who builds a home in which lumber is used takes into consideration the Arkansas forests. He is interested or should be in the \$494,965 which our Government lost in damage to our national forest land in 1922 and the \$607,200 which it cost the Government to fight the fires in the same year. Therefore, every section of the country is

interested in any plan which will protect and preserve the forests in any of the States of the Union. The recreational camps in the national forests of Arkansas are of the greatest educational value in protecting the forests outside of its boundaries.

The rest and recreational values of our national forests have been recognized by the communities within easy reach of them. Cities and towns have established recreational camps. Indeed, it is a sad commentary upon our National Government that more money has been spent by civic organizations for the development of the recreational features of our forests than has been spent by the Government. The Government should at least keep step with these organizations and abandon its "pinch-penny" policy in developing this feature of our reserve.

These forests abound in great mountains with their high altitudes, pure air, and good water, all of which make them attractive to the seeker of health.

Therefore, from the standpoint of their educational, monetary, recreational, and health producing values we should loosen the purse strings to this forestry enterprise. It is the task of no particular department, branch of Government, nor State, but the combined efforts of everyone to awaken the public interest in our national forests. Let us have economy in government by all means, but never that false economy which hoards our wealth while our natural resources are being destroyed.

Mr. RUCHANAN. Mr. Chairman, we have no further speakers on this side.

Mr. MAGEE of New York. I ask that the Clerk read the bill.

The Clerk read as follows:

For salaries and compensation of necessary employees in the mechanical shops and power plant of the Department of Agriculture, \$93,000.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this bill recommends for appropriation \$124,637,715, and of this amount \$44,637,715 is for agriculture and \$80,000,000 is for roads. I am intensely interested in both.

The subject of agriculture requires and should receive the patient, thoughtful, and intensive study of Congress. There has been greater depression among the farmers during the past three years than any other class of our people. The corn and cotton crops in the South and the wheat crops in the West and Northwest and the better prices received during the present year have greatly relieved the situation. The farmers need some additional financial legislation. Cooperative marketing should be encouraged in every possible way. There are many other questions that affect the farmers that deserve our best thought and attention, including reduction of freight rates, reduction of the present tariff duties on necessities consumed, diversification of crops, cheaper fertilizer to increase crop production, and additional assistance in educating the farmers in a practical way to better methods in farming, so as to insure the maximum of production, and how to care for and conserve their crops to the best advantage. All of these questions are of great interest and should have our best attention.

I want to emphasize upon this occasion the importance of favorable action upon a bill which I have introduced, H. R. 7692, and which is pending before the Banking and Currency Committee, amending the Federal farm loan act of 1916 by authorizing the appointment of agents at convenient localities, giving the agent about the same authority now exercised by the secretary-treasurer of the local loan associations formed in each county.

I think that the farm loan act approved July 17, 1916, is a great piece of constructive legislation. The Banking and Currency Committee, of which I was a member at the time the act was passed, gave much thoughtful consideration to the provisions of the same. I emphasized to the committee then that the greatest difficulty with administering the law would be found in the compulsory organization of local loan associations. I tried to get the committee to act favorably upon an amendment providing for the appointment of local representatives of the farm land banks throughout the country, through whom applications could be made for loans under the act. I presented such an amendment to the House when it was in the Committee of the Whole considering the original farm loan act, but it was not adopted. I have again submitted such an amendment and hope that the Banking and Currency Committee will, at an early date, give earnest and favorable consideration to the matter. If enacted, it will do away with the necessity of the organization of local loan associations and

permit local agents or representatives to be appointed, authorized to receive and forward all applications for loans. If this were done it would greatly popularize the act and would make it as it was originally intended, one of the greatest pieces of progressive and constructive legislation ever enacted by Congress.

Before the passage of the act I pointed out, as I do now:

First. That the organization of local loan associations is unnecessary and that the appointment of a local agent to perform functions similar to the work to be done by the secretary-treasurer of the local loan associations in advising farmers how to apply for loans, how to prepare their papers, and how to do all necessary preliminary things with reference to making an application, would better serve the interests of the farmers desiring to borrow money.

Second. The appointment of local agents would do away with the interminable delays now experienced.

Delay in securing favorable action upon loans is the chief drawback of this splendid law. If local agents were appointed who are familiar with the law and familiar with the requirements of the farm land banks served by them, they could expedite action very much upon all applications for loans. When an application for a loan is presented to an agent he would see that it was made out in the proper form; that the note, mortgage, and all accompanying papers met the requirements of the farm land bank, and that an abstract accompanied the papers. If anything were omitted, he would be able to satisfactorily explain the matter to the applicant, so that when the application was forwarded everything would be complete and in correct form. In my judgment, the disappointment experienced in administering this law is due to a failure to adopt this or a similar amendment. The local loan associations serve no useful or helpful purpose. In many counties throughout the United States there are no local loan associations, hence an applicant has no opportunity to apply for a loan. True, the farm loan act provides for the appointment of a local agent, but that agent must be a bank, trust company, mortgage company, or savings institution, and must indorse the paper and thereby secure and become liable for the loan, and, of course, the shareholders of no conservative bank or company would permit it to become obligated in such large amounts.

When a number of farmers get together to organize an association they are not familiar with the necessary details as to how the organization should be perfected, which necessitates much correspondence and many meetings by them. All of this results in long delays. No one who wants to buy a farm or who wants to secure a loan can afford to wait in a state of uncertainty for an indefinite length of time. The owner of a farm and a prospective purchaser meet and agree upon a price. The prospective purchaser explains to the owner of the farm that he purposes getting a part of the money through the farm land bank, but the owner of the land, knowing how uncertain it is about getting the money and the delays encountered, declines to enter into a contract. The purchaser, rather than lose the trade, pays from 2 to 3 per cent additional interest to a local loan agent or a mortgage company.

If this farm loan act is to be made a success, and it should and can be, all unnecessary causes of delay must be eliminated. Intelligent agents should be appointed, who in a few minutes of time could look over the papers, would forward them to the farm loan banks of the respective districts, have the abstracts examined in a day or two after their receipt, and notify the local appraisers so that the farmers making the applications could be advised within a week or 10 days whether or not favorable action had been taken upon their applications for loans.

A PLEA FOR TENANT FARMERS

The farmers constitute one of the greatest producing classes in the United States. I want to emphasize that every one of them ought to be encouraged to own his own land. It is the ambition of every tenant farmer to purchase a tract of land. This should be encouraged in every possible way. If this legislation were perfected it would enable every honest, hard-working farmer to acquire a home. It can be done by borrowing 50 per cent of the appraised value of the land and 20 per cent of the appraised value of the permanent insured improvements. Any farmer with a reputation of being economical, honest, and hard working should be able, by means of this act, to acquire a home by making a first mortgage to the farm land bank and giving the money to the owner of the land, and by making a second mortgage to secure the balance of the purchase price. Hundreds of thousands of tenant farmers could secure homes in this way and be able to pay for them. The first mortgage would be of long time, and the loan could be repaid on easy payments. Every payment would reduce the principal and

make both mortgages better security. I want to plead as earnestly as I can for the tenant farmer.

There are approximately 6,500,000 farmers in the United States. According to the last census we have 191,988 farms in my State of Oklahoma, of which 50 per cent are owned by those who cultivate them and 50 per cent rented to tenants. The average size of each farm is 166 acres.

If every one owned his own land he would have better improvements and his place would be beautified and enhanced in value. He would see that every foot of land is placed in cultivation and cultivated in crops best adapted to that particular soil. The improvements would be kept in good repair. He would raise more stock and poultry. His land would be kept up by a rotation of crops and by the use of fertilizer making his farm more productive and greatly increasing the quantity of grain and other things produced.

The farmers would be able to live better and easier and a home would make him a happier and more contented citizen. The man who owns his own home is deeply interested in churches, schools, good roads, and stands for law enforcement. He usually convicts when he is serving on a jury where the evidence shows the defendant guilty. The ideal would be approached if not attained if every farmer owned and cultivated his own land.

PRINCIPAL AND INTEREST PAID TOGETHER

I want to see this act popularized in every possible way. Its advantages have not been appreciated in my State. Everyone knows that it is to the interest of the farmer to borrow money upon long terms, payable in amortized payments, rather than to secure it upon short-time loans and pay a larger rate of interest. By securing a loan under this act the farmers pay the principal along with the interest in such small sums that they really do not know they are repaying the principal. Under this act 1 per cent is added to the interest which is payable semiannually and is applied to the reduction of the principal. There is little or no chance for the Government to lose if the law is intelligently and honestly administered. With an intelligent agent, an expert in the examination of titles, and an honest and intelligent appraiser, there is no chance of loss to the Government. The Government loans only 50 per cent of the appraised value of the land and 20 per cent of the appraised value of the permanent insured improvements, and each year the security is greater as the loan is reduced. In addition, it must be remembered that every farmer who owns his own land, by taking proper care of it, fertilizing it, and rotating the crops, makes the land more valuable and the security better. There is no chance for the Government to lose. All the Government has to do under this law is to permit the farm land bank to extend its credit. In return we have in prospect a very much larger number of farmers throughout the country owning their lands. We see beautiful houses, well-kept yards, gardens filled with vegetables, plenty of stock and poultry, and the farmers cultivating the crops best adapted to that particular soil. We see a happy, contented, and prosperous people. We see production greatly increased throughout the country, as all tillable soil will be cultivated.

ADDS TO PROSPERITY OF ALL CLASSES

All this must add to the prosperity of the people everywhere. As the farming class of people are made more prosperous bank deposits will be added to, the farmers will trade more with the merchants, and give more employment to labor. They will raise more and better stock. This condition of prosperity can be brought about by an amendment to this act that will provide for the appointment of local agents to serve the farm land banks and which will avoid delays in securing loans.

LOCAL ASSOCIATIONS NOT ACTIVE

I recently made inquiry of the farm land bank serving my district and found that local associations have not been organized, except in four of the eight counties. I might add that none of these are active. Loans are only made to the members of these associations. After the farmers who originally formed the loan association secure their loans they take but little interest in the association, do not make an effort to secure additional members, and are indifferent toward having additional loans made. The appointment of a local agent would be made to take the place of the secretary-treasurer of the local loan association, who would be paid a nominal sum sufficient to compensate him for making a preliminary examination of all the necessary papers, keep the books, and make the necessary reports from time to time. Applications would be grouped and forwarded to the farm land banks, and appraisers would be sent to that particular locality to view the lands, so that the expense would be prorated among the applicants and be thereby greatly reduced.

I was reared in the Indian Territory, now a part of Oklahoma, where the people have experienced many delays in administering the affairs of the Indians. They are unwilling to have these delays occur when they are making applications for loans.

HAS REDUCED INTEREST RATES

The enactment of the farm loan act has been of great advantage to the farmers throughout the country in securing reduced rates of interest. Since the passage of the act they have been able to get more liberal terms from companies loaning money. I think I am safe in saying that the interest on such loans in my State has been reduced from 2 to 3 per cent. The farmers have been given the option of paying the loan off in whole or in part on any interest-bearing period. The law should be so amended and administered as to enable the farmers to secure favorable action on applications for loans with the least possible delay so as to give every tenant farmer a chance to own his own home.

LOANS FOR PRODUCTIVE PURPOSES

Loans are made under the farm loan act to farmers for productive purposes: To purchase land, to pay off existing mortgages, to buy more and better livestock, to make improvements, to buy fertilizer, and, in fact, for all purposes that would make the land more productive.

WILL INCREASE PROSPERITY

If this act is amended, it will increase the prosperity of the country and greatly develop it as well as strengthen our citizenship. It will give employment to untold thousands. The farm land banks can lend money at a lower rate of interest than any private company because of the exemption from taxation privileges extended to the bonds. Their bonds are as safe as Government bonds. They are well secured and carry a greater tax exemption than Government bonds. The land banks, therefore, can secure an unlimited amount of money to supply the needs of the farmers. Under the provisions of the bill the farmers do not have to pay any greater interest than the interest which the farm-land banks pay on their tax-exempt bonds, plus the cost of administration, and to this is added 1 per cent additional, which is applied to the reduction of the principal. It is found that 1 per cent compounded for 36 years will pay off the principal. At present the Government is funding its indebtedness by 4 per cent bonds and a farm land bank bond should sell upon as favorable terms. Assuming that these bonds can be sold at 4 per cent, the borrower would pay 4 per cent plus 1 per cent as cost of administration, or a total of 5 per cent as interest, and, in addition, the 1 per cent which would be paid, applied semiannually to the reduction of the principal. The payment therefore of 6 per cent for 36 years would not only pay the interest but would repay the principal as well. The present rate is 4½ per cent, plus 1 per cent for administration, plus 1 per cent applied to reduction of principal, but the money market is easier and the bonds should sell for 4 per cent.

Surely no more constructive measure in the interest of the farmers has ever passed Congress.

If an amendment such as I have suggested were adopted and local agents appointed and the delays in securing loans are avoided, I assure the House and the country that it would popularize the farm loan act such as nothing else could do.

FARMERS URGED TO TAKE ADVANTAGE OF PRESENT LAW

Pending favorable action on the amendment I have introduced, I want to urge the farmers to study and take advantage of the provisions of the present law.

Loans aggregating \$1,019,444,148 have been made to 332,907 borrowers through the farm-loan banks, and of this amount \$18,347,400 has been loaned to 6,800 borrowers in the State of Oklahoma.

No associations have been formed in Adair, Sequoyah, McIntosh, or Okmulgee Counties, although a few loans have been made to residents of Adair County, attached to Cherokee County for the purpose of making loans. The persons desiring to own their own homes or to pay off mortgages should take advantage of the present law and either make application through a loan association, if there is one already formed, and if not organize one so as to be able to borrow money upon long terms at low rates of interest, payable upon the amortization plan.

NEEDS OF FARMERS DISCUSSED

When the Agricultural appropriation bill was up for consideration during the last session of Congress I made an extended speech on the needs of the farmers, inviting attention, among other things, that transportation charges are excessive and that they should be reduced. Of course, everybody

appreciates that when a farmer sells his products in the local market that the price is governed by the price of the central market, less the transportation charges. In other words, the farmer pays the freight. In times of great general depression I think the loss should be prorated and not all borne by the farmers. The farmer needs more practical assistance in an educational and financial way in the marketing of his farm products. He should not only be able to receive the cost of production but should have a fair return for his labor, the interest on his investment, the upkeep of his farm improvements, and the depreciation of his livestock and farm machinery. In my judgment cooperation in marketing his farm products would greatly aid him, and the cooperative societies should be encouraged, both in an educational and a financial way.

THE WAREHOUSE AMENDMENT

I supported the warehouse amendment enacted in 1916, which enables the farmer to store his nonperishable farm products and take receipts for them acceptable as collateral at the Federal reserve banks. This enables the farmers to borrow money at low rates, pay off local obligations, and not be compelled to sell their farm products upon a depressed market.

DIVERSIFICATION OF CROPS

Diversification of crops has been urged as being very important to the farmers. This is quite true. Every farmer, in so far as is possible, should raise his own family supplies and the feed for his livestock. We must, however, take into consideration that certain soils are only adapted to the raising of certain crops, and that the diversification of crops is limited to that extent. We can not raise cotton in the North and certain crops can not be raised successfully in the South.

PROTECTIVE TARIFF NO BENEFIT TO FARMER OR CONSUMER

Neither is the protective tariff of any advantage to the farmer of the West and South. When the farmer was in the most depressed condition Congress enacted the emergency tariff act in the spring of 1921 in the hope that conditions would improve so that it could be claimed that credit was due to that act.

Every farmer knows that by reason of the high tariff duties he must pay a largely increased price for almost every article he purchases, including the clothes worn by his family, and that it greatly decreases the purchasing power of the money received for his farm products. I can not follow the reasoning of anyone who urges upon the farmer, the laborer, or the consumer, who is not a manufacturer, that paying a higher price for everything he buys adds to his prosperity. Tariff on wheat does not increase the price of wheat in Oklahoma, because the price of wheat in the United States is governed by the price at Liverpool. The tariff on Canadian wheat may help the wheat farmer at times because of a shortage locally immediately south of the Canadian line, but it does not help the wheat farmer in Oklahoma. Transportation charges are prohibitive and prevent competition. The same is true with reference to cotton.

NO TARIFF ON COTTON

There is no tariff on cotton, although such a statement was made during the past campaign and urgently and repeatedly insisted upon. There never was any tariff on the kind of cotton grown in Oklahoma. A few years ago there was a tariff on long-staple or sea-island cotton, none of which is or was ever grown in Oklahoma, but that provision was repealed by the act of 1922. Every farmer knows that during the active selling season the daily cotton-market quotations refer to either weaker or stronger cables from Liverpool and that all local markets fluctuate accordingly.

I have repeatedly urged and I want to invite attention again, in order to emphasize it, that I favor those appropriations which are for productive purposes, and I include among them the appropriations included in the Agricultural appropriation bill, for the various activities of the Department of Agriculture, for roads, for rural mail routes, and we should exercise the severest economy upon large expenditures which bring no return and which do not add to the happiness, contentment, or prosperity of all the people of the Nation. [Applause.]

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The Clerk read as follows:

For conducting such investigations of the nature and means of communication of the disease of citrus trees known as citrus canker, and for applying such methods of eradication or control of the disease as in the judgment of the Secretary of Agriculture may be necessary, including the payment of such expenses and the employment of such persons and means, in the city of Washington and elsewhere, and cooperation with such authorities of the States concerned, organizations of growers, or individuals, as he may deem necessary to accomplish such purposes, \$48,630; and, in the discretion of the Secretary of Agriculture, no expenditures shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities, or by individuals or organizations, for the accomplishment of such purposes: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of trees or other property injured or destroyed.

Mr. BLANTON. Mr. Chairman, on page 23, line 7, I move to strike out "\$48,630."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. BLANTON. It is merely pro forma, Mr. Chairman.

I notice in the afternoon paper that certain officials of one of the departments are to give a banquet to-night for the superintendent of the Yellowstone National Park, and they are to serve him a roasted buffalo from the Yellowstone National Park. I wondered if that roasted buffalo cost as much as the two buffalo calves which this department, with apparent kindness, donated to a zoo park in my home city. Last spring they proposed to donate two buffalo calves if those interested in having a zoo in my home city would pay the transportation expenses. My home citizens very readily agreed to do that, not imagining it would run into the hundreds of dollars.

When these two buffalo calves arrived at Abilene, Tex., the express bill and expenses was between five and six hundred dollars—I think nearer six hundred than five hundred. Citizens at home do not expect bills of that kind. I should think that when this department—superintendent of the Yellowstone Park—advises the public that he will furnish such animals for zoos if they will pay the cost of transportation, he should give the people some idea of what the charges are going to be, because very few public-spirited people at home are willing to dig up that enormous amount of money to pay for animals.

Mr. O'CONNELL of New York. Especially for calves.

Mr. BLANTON. Yes. Of course, they are going to grow into buffaloes if they do not die in the meantime. But I was wondering how much this roast buffalo was going to cost at the banquet to-night, coming also from the Yellowstone National Park. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For biophysical investigations in connection with the various lines of work herein authorized, \$33,952.

Mr. LOZIER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen, while the present short session of Congress automatically ends March 4, in that limited time much can be done to restore the balance between agriculture and the other gainful occupations. Farmers are not prosperous, politicians, the President, periodicals, and metropolitan press to the contrary notwithstanding.

Some Senators and Representatives who were quite active in the last session in supporting farm relief legislation now seem to have lost interest in the subject and declare that the emergency has passed. The emergency to which they refer, and which before the election so grievously troubled their esthetic and sensitive souls, must have related to their candidacy for reelection, for most certainly the agricultural emergency, which for four years has held this Nation in its baneful grip, has not passed, but still exists, although some Senators and Representatives, with beautifully engraved election certificates in their pockets, may not now be able to visualize the emergency that still stares the farmer in the face and blocks the path to profitable agricultural activities.

Before the election the deplorable state of agriculture was quite apparent to these Senators and Representatives, who were seemingly very much concerned and exceedingly anxious to enact legislative relief measures, but now, inasmuch as the elections and the fortunes of politics have given them a new lease of official life, I am wondering if their success at the polls has dimmed their vision or dulled their comprehension of existing economic conditions. Curiosity prompts me to inquire if Senators and Representatives will be as loyal to agriculture

and as aggressive in promoting its rehabilitation after the election as they were before the election.

I am anxious to know whether or not President Coolidge and his advisers will exert themselves as diligently to improve agricultural conditions as they do to enlarge the already enormous profits, augment the existing unconscionable bounties, magnify the present grossly liberal gratuities, and otherwise, by special privilege and legislative favoritism, improve the economic conditions of the commercial and manufacturing classes and those who own the great transportation agencies of the Nation. With Uncle Sam acting as a wet nurse, other occupational groups have been artificially and intensively stimulated, but for agriculture the administration has had nothing but words, words, words. Moreover, when the President speaks of agricultural relief measures, he offers no definite remedy and proposes no concrete policy. He merely deals in glittering and commonplace generalities, waves his hand at the distant horizon, and utters a few faint dentilingual and dentilabial words—words formed between the teeth and tongue and articulated between the teeth and lips—colorless, bloodless, meaningless, spineless, banal, and fanciful promises that open the eyes of expectation, but disappoint hope and perish with their utterance.

I say this sorrowfully, for nothing would please me better than to see President Coolidge use the great power of his high and exalted office along entirely proper constitutional lines, to bring to the agricultural classes the social and economic justice that has been so long denied them.

Surely the underlying causes of this nation-wide agricultural distress have not been removed or materially neutralized. The farmers are still laboring under an economic handicap that has brought them, as a class, dangerously close to bankruptcy. It is folly to claim that the farmers are prosperous or that the agrarian crisis has passed. Fundamentally, agriculture is not on a safe, sane, sound, or profitable basis. Farmers, as a class, have not been able to balance their budgets or show a substantial income in excess of necessary outlays. When overhead expense, cost of supplies, interest on and depreciation of capital investment, and value of labor are considered, there is still a staggering balance on the wrong side of the farmer's ledger.

The increase in the price of a few farm products has not been sufficient to restore prosperity to the agricultural classes, nor to enable them to recoup the tremendous losses they sustained in the last four years. Indeed, the apparent advantage of higher prices fades away in the face of relatively poor crops, reduced production, increased overhead expense, high interest rates, confiscatory freight rates, and an unreasonable and ever-increasing spread between the price at which the farmer sells his commodities and the price he pays for his supplies. This temporary increase in the market price of some farm commodities, confessedly the result of ever-changing world-wide conditions, has not, will not, and can not solve the agricultural problem, or pull the American farmer out of the economic slough of despondency. This sporadic advance in the market value of a few farm products, for which no one claims the administration is responsible, has had a palliative effect only, and while in a very limited way it has temporarily reduced the severity of the agricultural distress in some localities and mitigated the intensity of the farmer's burdens, still it has not removed the causes that have brought about these acute, painful, and alarming agricultural conditions.

It is idle for the administration, the politicians, the periodicals, or the public press to assert that the agricultural crisis has passed, or that the agricultural classes are on the road to prosperity. Farmers know that this is not true. The disease that has so long and so completely devitalized agriculture is too deep seated and malignant to be cured by a temporary or even permanent advance in the price of a few farm commodities, especially in view of the indisputable fact that, notwithstanding such advance, the farmer is still compelled to sell his commodities at prices far below the cost of production.

Next year will probably see more enforced liquidation of farm loans, more sacrifice of farm homes, more foreclosure of farm mortgages, and more bankruptcy proceedings involving farmers than any other one year in the present generation. For four years an economic hurricane of unusual violence has ravaged agriculture. No one familiar with the facts will claim that this storm has spent its fury or its force. With unabated power it will yet ruthlessly take toll of millions of farmers, who will be compelled to give up the fight, after battling desperately for four years against adverse conditions and after the reserve earnings and accumulations of former years shall have been absorbed or dissipated.

All farmers and others familiar with agricultural conditions know what is the matter with the farmer. The trouble may be summed up in a few short sentences: Inability for four years to sell his products at prices that would return the cost of production, much less afford a substantial profit; the greatly reduced purchasing power of the farmer's dollar; the amazing, inexcusable, and ever-increasing spread between the price at which the farmer sells his commodities and the price at which he buys his supplies; high taxes and high interest rates; the necessity of selling his products in the open, unprotected, and competitive foreign markets, and of buying his supplies in a monopolistic, highly protected, artificially stimulated, and noncompetitive home market; to which may be added a multitude of economic burdens imposed on the farmer by special privilege legislation, governmental bounty, and perversion and maladministration of the economic forces of the Nation.

Analogous to the dream of one of the ancient Pharaohs, the four ill-favored, lean-fleshed, blasted, and withered agricultural years of the Harding-Coolidge administration have swallowed up and devoured the agricultural earnings and accumulations of the eight prosperous, fat-fleshed, well-favored years of the Wilson administration.

In the equation of genuine national prosperity agriculture is, or at least should be, a prime factor. Its efficient functioning is essential to well-balanced economic progress. There can be no normal, nation-wide, or permanent prosperity while agriculture languishes. The much-advertised prosperity we now have in the United States is an abnormal, artificially stimulated, morbid, sectional, lop-sided, and jug-handled prosperity, in which some vocational groups greedily participate to the exclusion of the agricultural classes.

In the manufacturing, transportation, and commercial sections of our economic anatomy the business pulse is, as a physician would say, beating strongly and rhythmically at the rate of 200 per minute, while in the agricultural extremities the feeble and fluttering pulse beats fall below 60, indicative of irreparable economic decay and prophetic of ultimate vocational disaster.

In dealing with the specially favored classes the Government and those who direct our economic life give "good measure, pressed down, and shaken together, and running over," but to the farmer they give scant measure, and trick him with wicked economic balances and bags of deceitful legislative and economic weights that, according to the Prophet Micah, are abominable.

The President tells the farmers how the tariff has protected and enriched them, but from a bitter and not soon to be forgotten experience the farmer knows, so far as he is concerned, that the tariff is a delusion and a snare—an apple of Sodom, sun-kissed and lovely to look upon, but within full of bitter ashes, a whitened sepulcher which, indeed, appears beautiful outward but within, is full of dead men's bones and uncleanness.

Tradition tells us that one of the princes of the illustrious but unfortunate family of Barmecides invited a starving beggar to a dinner and set only empty dishes before him. The Republican Party biennially invites the farmers of this Nation to a tariff feast, but always sets before them empty dishes, serves an imaginary banquet, and showers them with imaginary favors. The tariff is as disappointing to the farmer as a kiss or a remittance of money by radio.

It has long since been conclusively demonstrated that the tariff on farm products, of which we produce a surplus, is an economic ignis fatuus—a will-o'-the-wisp that fascinates with a delusion that distance creates but contiguity destroys. The pot of gold that the tariff offers the farmer is buried at the end of the rainbow. The farmer can never reach the spot where his pot of prosperity is buried.

There was once a widely accepted belief that scrofula, commonly called "the king's evil," could be cured, and only be cured, by the touch of a king. For more than a generation the Republican Party has loudly proclaimed that the touch of King Tariff would quickly and permanently cure all the farmers' economic ills. But after having been long deceived by this specious but fallacious system the farmer is now compelled to look elsewhere for relief.

According to an ancient fable the crocodile weeps as it eats its victims. The beneficiaries of special privilege and class legislation are shedding crocodile tears over the farmers' economic plight, while they continue to exploit him, press down the economic thumb screws, sap his substance by buying his commodities below the cost of production on an artificially manipulated market, and confiscate his meager earnings by artificially and unreasonably increasing the cost of his supplies.

Agriculture is the oldest and most important basic industry, and the mother of all other vocations. When it should be enjoying an equal degree of prosperity with other callings, it has been thrown out of the temple of equal opportunity and denied a place in the list of profitable occupations. Its pathetic condition and acute distress do not awaken the interest, much less the pity, of the favored occupational groups, who dwell in the magic zone of perpetual and perennial special privilege. The agrarian classes are being rapidly reduced to a state of economic servitude. Unless agriculture can be speedily rehabilitated, it will soon cease to be a prime factor in the economic life of the Nation, and will become the bond servant or handmaiden of the other occupational groups, who dominate our economic life, and whose welfare seems to be the chief concern of our Government.

The farmer does not demand a bounty or gratuity of the Government, but he does ask equal opportunity in the age-long struggle for gain; that his economic handicaps and legislative burdens be removed, or at least materially reduced; that other vocations be no longer favored at his expense, that discrimination against him cease; and that he be permitted to share in the increase of our national wealth. Agriculture does not seek to dominate other occupations, but it protests against being reduced to a state of economic vassalage. It modestly asks what it has a right to demand—equal rights, equal consideration, and equal opportunity.

Agriculture says to the Government and to the forces that have wrongfully manipulated our national economic life:

Turn me loose; strike from my arms and ankles the manacles that special privilege and class legislation have riveted thereon; take from my back the heavy load I am carrying, and have for years carried for the benefit of other groups; do not deny to me a living price for my products; vouchsafe to me the God-given privilege of a square deal and equal opportunity; admit me to a place at the council table around which the business and economic activities of the Nation are determined.

On the other hand, behold the beneficiaries of special privilege: Recipients of unmerited bounties enriched by undeserved increment, greedy for unearned gain, entrenched in a strategic position and wielding an embezzled power, dominating the press and other agencies that control public opinion and dull the public conscience, striving for economic sovereignty and seeking to destroy the principle of equal rights and equal opportunities. These recipients of legislative favoritism have insidiously inoculated the agricultural classes with economic sleeping sickness, and while the farmer is under the lethal or enervating influence of this incapacitating infection he approves legislation and sanctions economic policies that render his calling unprofitable.

It seems to me that there is a disposition now that the election is over to postpone legislation for the improvement of agricultural conditions. I hope there may be no such postponement. Delay of justice to agriculture is a denial of justice to agriculture. We should be as loyal to agriculture after the election as we were before. If we delay grappling with this important problem we invite and justify the charge that we were not sincere in what we said and tried to do before the election. We can not afford to assume this unenviable attitude, and I for one will not assume it.

I assert the necessity for remedial farm legislation is as great now as it was during the last session of Congress, as imperative now as before the election. I shall keep faith with my constituents and my conscience.

I appeal to the Representatives and Senators from the great agricultural States to stand together, without regard to party affiliation, and work for some worth-while legislation that will correct some of the abuses to which agriculture is subjected, right some of the wrongs agriculture has suffered, restore or aid in restoring the purchasing power of the farmer's dollar, enlarge the market for farm commodities, enhance the market value of farm products, substantially reduce the spread between the price the farmer gets for his commodities and the price he pays for his supplies, and otherwise lighten the economic handicap under which the farmer labors.

All this can be accomplished without doing violence to sound business principles or running counter to well-established economic laws. I ask no action that can not be taken along safe, sane, and rational lines; I advocate no policy that is not conformable to reason. I plead for justice to the American farmer; for a square deal for agriculture; for a restoration of natural conditions by withdrawing and withholding artificial influence and special privilege.

I appeal to my Democratic colleagues to make the rehabilitation of agriculture the one outstanding issue in this session of Congress. I appeal to my Republican colleagues, who have a majority in both branches of Congress and who can insure the enactment of remedial farm legislation, to cooperate with the Democratic membership of this House in an earnest effort to undo the grievous economic wrongs to which agriculture has been subjected. I appeal to President Coolidge to be as aggressively solicitous for the welfare of the agricultural classes as he is for the well-being of those engaged in manufacturing, commerce, and transportation. I make no partisan appeal. The farmer's problems and the farmer's distress are not partisan matters. I would have all parties, classes, and groups join in an immediate, sympathetic, and wholehearted drive for the relief of agriculture, so that this great basic industry may come into its own as an equal with other occupations in the creation and division of our national wealth and as a partner in whatever prosperity may come to our people. I warn you it will be a fatal mistake to deny or delay justice to the agricultural classes.

The farmers of America constitute the most stable, dependable, and conservative element of our population. They have been the victims of economic injustice. They took their losses manfully. Though sorely stricken, hope urged them on and told them that to-morrow would be better. There was an earnest and honest hope that exalts courage and stimulates patience. They did not and will not turn Bolshevik, but in the zero hour of economic disaster they exemplified the highest ideals and most exalted traditions of American citizenship. If the manufacturing, commercial, and capitalistic classes had suffered the social injustice and economic wrongs to which the farmers have been subjected, chaos would have been let loose, and these groups would have filled the earth with their bolshevistic ravings and precipitated social unrest and industrial disorder. Give the farmer justice and a square deal.

The message of the President makes it quite clear that he does not favor and will not push any farm-relief legislation during the present session of Congress, or at least until there is a report from the commission appointed by him to inquire into the agricultural situation. In all good faith I hope the President may reconsider his decision and use his influence on his party in Congress to secure their cooperation with Democrats in the immediate enactment of some constructive legislation for the improvement of agricultural conditions. I do not question the motive of the President in appointing this commission, but I do assert that when something important needs to be done and those in authority want to evade the issue or sidestep or postpone action it has become quite common to appoint a commission or committee to investigate.

The appointment of this commission can only result in delay and it may ultimately defeat the enactment of all farm-relief legislation. The President is not committed in advance to the recommendations this commission may make. No matter how diligently and how honestly the commission may labor, it is not probable that it will develop any facts in relation to the agricultural situation that are not already known.

Every intelligent farmer and every other well-informed person knows what is the matter with agriculture. Every thoughtful student of present-day affairs is familiar with the causes and conditions that have brought agriculture to the verge of insolvency. For four years these matters have been uppermost in the minds of the agricultural classes and they have been examined, investigated, and analyzed from every conceivable standpoint. The daily and weekly papers, the metropolitan press, the political, economic, and business periodicals, the farm organizations, agricultural colleges, political economists, and the most expert agricultural diagnosticians have uncovered every phase and detail of the agricultural problem.

It will not be seriously contended that the Coolidge commission will make any new discoveries or suggest any new plan of relief. The agricultural situation has been discussed with an infinity of detail in and out of Congress. The time for investigation has passed and the time for affirmative action has come.

Why postpone until the next Congress what can and should be done during the present session? Let us finish the job.

Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Total, Bureau of Plant Industry, \$8,834,638, of which amount not to exceed \$1,467,154 may be expended for personal services in the District of Columbia.

Mr. MAGEE of New York. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10404, the agricultural appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WILLIAMS of Michigan (at the request of Mr. MAPES), indefinitely, on account of illness.

To Mr. PARKS of Arkansas (at the request of Mr. DRIVER), on account of illness.

To Mr. BLACK of Texas, for one week, on account of the death of his sister.

ADJOURNMENT

Mr. MAGEE of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Wednesday, December 10, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXVI, executive communications were taken from the Speaker's table and referred as follows:

719. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation, to authorize the transfer of a portion of the Brewerton Channel Range Rear Lighthouse Reservation, Md., from the Department of Commerce to the Treasury Department; to the Committee on Interstate and Foreign Commerce.

720. A letter from the chairman of the United States Shipping Board, transmitting a report of arbitration awards and settlements of claims agreed to since the previous session of Congress by the United States Shipping Board; to the Committee on Merchant Marine and Fisheries.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9937) for the relief of Maurice J. Keegan; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 10286) granting an increase of pension to Amelia Viets; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WINSLOW: A bill (H. R. 10522) to create a bureau of civil air navigation in the Department of Commerce, encourage and regulate the navigation of civil aircraft, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SUMMERS of Washington: A bill (H. R. 10523) authorizing the appointment of certain Army officers to an advanced grade on the retired list, and for other purposes; to the Committee on Military Affairs.

By Mr. MAJOR of Missouri: A bill (H. R. 10524) authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON of Iowa: A bill (H. R. 10525) to amend the War Finance Corporation act; to the Committee on Banking and Currency.

By Mr. REECE: A bill (H. R. 10526) to extend the limitations of time upon the issuance of medals of honor, distinguished-service crosses, and distinguished-service medals to persons who served in the Army of the United States during the World War; to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 10527) to amend the legislative, executive, and judicial appropriation act, approved February 26, 1907, as amended, and to amend the Judicial Code; to the Committee on the Judiciary.

By Mr. JOHNSON of Kentucky: A bill (H. R. 10528) to refund taxes paid on distilled spirits in certain cases; to the Committee on Ways and Means.

By Mr. HILL of Maryland: A bill (H. R. 10529) authorizing the use for permanent construction at military posts of the proceeds from the sales of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes; to the Committee on Military Affairs.

By Mr. FISH: A bill (H. R. 10530) to amend the World War adjusted compensation act; to the Committee on World War Veterans' Legislation.

By Mr. CANNON: A bill (H. R. 10531) authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. HILL of Washington: A bill (H. R. 10532) granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10533) granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River near Chelan Falls, Wash.; to the Committee on Interstate and Foreign Commerce.

By Mr. SNYDER: A bill (H. R. 10534) to improve the efficiency of the medical service of the United States Veterans' Bureau; to the Committee on World War Veterans' Legislation.

By Mr. HILL of Maryland: A bill (H. R. 10535) authorizing the Secretary of War to convey to the Federal Land Bank of Baltimore, Md., the tract of land situated in the city of San Juan, island of Porto Rico; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 10536) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. HILL of Alabama: Joint resolution (H. J. Res. 305) relieving posts of the American Legion from liability on account of loss or destruction of obsolete rifles loaned by the War Department; to the Committee on Military Affairs.

By Mr. BEGG: Concurrent resolution (H. Con. Res. 34) to print as a House document "The peril of narcotic drugs, a pamphlet for the use of teachers and parents"; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 10537) to remove the charge of desertion from the record of Henry Benjamin; to the Committee on Military Affairs.

By Mr. ASWELL: A bill (H. R. 10538) granting a pension to Loreziar Walton; to the Committee on Pensions.

By Mr. BEGG: A bill (H. R. 10539) granting an increase of pension to Barbara Apple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10540) granting an increase of pension to Elizabeth Stowe; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 10541) granting an increase of pension to Lois L. Andrews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10542) granting an increase of pension to Emily J. McGee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10543) granting a pension to Elizabeth T. Douglass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10544) granting a pension to Martha W. Y. Joslin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10545) granting an increase of pension to Anna M. Lohnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10546) granting an increase of pension to Mary A. Pemberton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10547) granting a pension to Fannie Nier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10548) granting an increase of pension to Jane A. Shelton; to the Committee on Invalid Pensions.

By Mr. CABLE: A bill (H. R. 10549) granting a pension to William Arthur Crampton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10550) granting an increase of pension to Phoebe S. Beardourff; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 10551) granting a pension to Amanda Mason; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 10552) granting an increase of pension to Melvina D. Story; to the Committee on Invalid Pensions.

By Mr. COLE of Ohio: A bill (H. R. 10553) granting a pension to Charles M. Brown; to the Committee on Invalid Pensions.

By Mr. DEAL: A bill (H. R. 10554) authorizing the appointment of Herbert L. Lee as Artillery officer, United States Army; to the Committee on Military Affairs.

By Mr. FITZGERALD: A bill (H. R. 10555) granting a pension to Stanley Caplinger; to the Committee on Pensions.

By Mr. FUNK: A bill (H. R. 10556) to provide for compensation to Ona Harrington for injuries received in airplane accident; to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 10557) granting an increase of pension to Lucinda M. Irish; to the Committee on Invalid Pensions.

By Mr. GLATFELTER: A bill (H. R. 10558) granting an increase of pension to Kate J. Bamforth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10559) granting an increase of pension to Mary E. Brady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10560) granting an increase of pension to Louisa Yeagy; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 10561) granting a pension to Louise Eisele; to the Committee on Invalid Pensions.

By Mr. HILL of Maryland: A bill (H. R. 10562) to recognize and reward the accomplishments of the world fliers; to the Committee on Military Affairs.

By Mr. HOCH: A bill (H. R. 10563) granting an increase of pension to Adaline E. Robbins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10564) granting an increase of pension to Elizabeth R. Noll; to the Committee on Invalid Pensions.

By Mr. JEFFERS: A bill (H. R. 10565) for the relief of George Howard Gandy; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 10566) granting an increase of pension to Mary J. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10567) granting an increase of pension to Margaret E. Haviland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10568) granting an increase of pension to Edwina B. Kemp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10569) granting an increase of pension to Hester R. Michael; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 10570) granting a pension to Augusta A. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10571) granting a pension to Henry A. Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10572) granting an increase of pension to Annie Vandegrift; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 10573) granting an increase of pension to Belle Mifflin; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 10574) for the relief of Charles Edward Bailey; to the Committee on War Claims.

By Mr. QUAYLE: A bill (H. R. 10575) for the relief of Annie O'Neill; to the Committee on Claims.

By Mr. SITES: A bill (H. R. 10576) granting an increase of pension to Kate E. Bowers; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 10577) granting a pension to Benjamin F. Doxtater; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 10578) granting an increase of pension to Josephine Miller; to the Committee on Pensions.

By Mr. SPROUL of Kansas: A bill (H. R. 10579) granting an increase of pension to Frank L. West; to the Committee on Invalid Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 10580) granting an increase of pension to Mary L. Reither; to the Committee on Invalid Pensions.

By Mr. SWANK: A bill (H. R. 10581) granting an increase of pension to Jacob Amberg; to the Committee on Pensions.

By Mr. TINCHER: A bill (H. R. 10582) for the relief of Thomas G. House; to the Committee on Military Affairs.

Also, a bill (H. R. 10583) granting a pension to Theodora E. Eisenbart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10584) granting a pension to Thomas G. House; to the Committee on Invalid Pensions.

By Mr. WILSON of Indiana: A bill (H. R. 10585) granting an increase of pension to Matilda A. Jackson; to the Committee on Invalid Pensions.

By Mr. WOLFF: A bill (H. R. 10586) for the relief of the Renter Milling Co.; to the Committee on Claims.

By Mr. QUAYLE: Resolution (H. Res. 375) to pay salary of Harry Howard Dale, Jr., late secretary to John F. Quayle; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 2 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3120. By the SPEAKER (by request): Petition of citizens of California, protesting against the enactment into law of Senate bill 3128, called the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3121. By Mr. BRIGGS: Petition of Mr. Francis M. Savage, president Northwest Savings Bank, Washington, D. C., relative to branch banking; to the Committee on Banking and Currency.

3122. By Mr. BURNESSE: Petition of 56 residents of Divide Township, Dickey County, N. Dak., petitioning Congress not to concur in the passage of the compulsory Sunday observance bill (S. 3218) nor to pass any other religious legislation which may be pending; to the Committee on the District of Columbia.

3123. Also, petition of 42 residents of Bowesmont, N. Dak., petitioning Congress not to concur in the passage of the compulsory Sunday observance bill (S. 3218) nor to pass any other religious legislation which may be pending; to the Committee on the District of Columbia.

3124. By Mr. FULLER: Petition of the American Federation of Labor, favoring the enactment of the bill (S. 1898) to increase salaries of post-office employees; to the Committee on the Post Office and Post Roads.

3125. Also, petition of the city council of the city of Peru, Ill., opposing any legislation to permit the discharge of sewage into the Illinois River from the Sanitary District of Chicago or elsewhere, and opposing any legislation taking the control of the water of Lake Michigan out of the hands of the War Department; to the Committee on Rivers and Harbors.

3126. By Mr. O'CONNELL of New York: Petition of the Democratic county committee, county of New York, favoring the postal salary increase bill (S. 1898); to the Committee on the Post Office and Post Roads.

3127. By Mr. PORTER: Petition of John Braden Post, No. 488, Grand Army of the Republic, North East, Pa., favoring legislation to increase the pensions of Civil and Spanish War veterans and their widows; to the Committee on Pensions.

3128. By Mr. REECE: Petition of Admiral Robert E. Peary Ship Post, No. 427, urging passage of naval omnibus bill (H. R. 2688); to the Committee on Naval Affairs.

3129. By Mr. SPEAKS: Papers to accompany House bill 10117, granting an increase of pension to Margaret A. Hankins; to the Committee on Invalid Pensions.

3130. Also, papers to accompany House bill 10116, granting an increase of pension to Hannah Marble; to the Committee on Invalid Pensions.

3131. Also, papers to accompany House bill 10115, granting an increase of pension to Edith C. Peck; to the Committee on Invalid Pensions.

3132. By Mr. STRONG of Kansas: Petition of A. D. Jellison, E. W. Rolfs, E. L. Knostman, Franklin Shane, W. A. Bingham, C. W. Flower, Charles A. Brown, L. W. Sargent, E. H. Shane, W. F. Durbin, H. C. Pritchard, Fred J. Phillips, Charles Shane, A. A. and M. J. Flower, P. O. Volz, Y. Y. Young, Philip Hay, Philip H. Olson, W. C. Dumm, C. A. Clewell, C. C. Arthur, F. B. Murray, H. M. Pierce, G. A. Lancaster, John N. Tritle, G. B. Stiers, Frank J. Metz, George B. Smith, A. K. Yates, Robert R. Mass, Roy M. Sheldon, Jess Knowlton, John F. Harbes, Dr. J. F. Northrup, W. G. Behrend, H. O. Bowles, F. A. Durand, J. R. Durbin, I. M. Platt, Henry Thiele, R. O. Thomen, W. G. Glick, Dr. James Lehane, James P. Coleman, Dr. A. L. Young, Albert Moore, J. C. Padgett, J. Scott Davis, T. W. Dorn, F. M. Hart, De Luxe Candy Co., J. W. Scott, P. K. Kachavos, G. E. Muenzenmayer, W. F. Muenzenmayer, H. G. J. Seitz, Irving Miller, C. W. Brakensiek, Steve Maduros, B. D. Adam, Edith Kregar, William F. Miller, J. F. Roswurm, R. J. Lasselle, C. A. Bellinger, L. E. Darrow, W. L. Baker, Lee Baker, Pete Curtis, Harry Roediger, Adolph Boehler, and W. P. Gully, all of Junction City, Kans., favoring the passage of the postal salary increase bill; to the Committee on the Post Office and Post Roads.

3133. By Mr. SWING: Petition of citizens of Orange County, Calif., protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3134. By Mr. TAYLOR of West Virginia: Petition of C. F. Washburn et al., of Kanawha County, W. Va., protesting against the passage of Senate bill 3218; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, December 10, 1924

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Heavenly Father, we bless Thee for every mercy vouchsafed unto us and for the continuance of blessings that are multiplied constantly in our experiences. And at this season of the year, when gladness and hope are supposed to be operative, we beseech of Thee to direct our ways with cheer, so that others may share with us in the benefactions of Thy providence and all spiritual good vouchsafed to us, through Christ our Lord. We ask in His name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, December 8, 1924, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REPORT OF UNITED STATES SHIPPING BOARD

The PRESIDENT pro tempore laid before the Senate a communication from the assistant to the Director of the United States Shipping Board, transmitting a corrected copy of the Eighth Annual Report of the United States Shipping Board for the fiscal year 1924, which was referred to the Committee on Commerce.

CREDENTIALS

The PRESIDENT pro tempore laid before the Senate a certificate of the Governor of the State of South Carolina certifying to the election of COLE L. BLEASE as a Senator from that State for the term beginning March 4, 1925, which was read and ordered to be filed, as follows:

STATE OF SOUTH CAROLINA,
Secretary of State, Columbia.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November, 1924, Hon. COLE L. BLEASE was duly chosen by the qualified electors of the State of South Carolina a Senator from said State, to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1925.

Witness:

His excellency our governor, THOS. G. McLEOD, and our seal hereto affixed at Columbia this 29th day of November, in the year of our Lord 1924.

[SEAL.]

By the governor:

THOS. G. McLEOD, Governor.

W. P. BLACKWELL,
Secretary of State.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, announced that the House had passed a bill (H. R. 10020) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS

Mr. McNARY presented memorials of sundry citizens of Grand Ronde, McMinnville, and vicinity, in the State of Oregon, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. CURTIS presented a memorial of sundry citizens of Towanda, Kans., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. PHIPPS presented memorials of sundry citizens of Denver, Erie, and Golden, all in the State of Colorado, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. FRAZIER presented the memorials of Christian Juhl and other citizens of Bowesmont and of Mrs. Emily Rosenquist and other citizens of Oakes, all in the State of North Dakota, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. ROBINSON presented petitions of sundry citizens of Arkansas, praying for the passage of the so-called postal salary

bill providing an equipment allowance for rural carriers at the rate of 4 cents per mile, which were referred to the Committee on Post Offices and Post Roads.

Mr. CAPPER presented a telegram in the nature of a petition from rural carriers of the Wichita (Kans.) post office, praying for the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Bazine, Kans., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WILLIS presented a resolution of the council of the city of Cleveland, Ohio, favoring the passage of legislation to regulate or control the interstate traffic in deadly weapons, which was referred to the Committee on Interstate Commerce.

He also presented a resolution of the council of the city of Cleveland, Ohio, favoring the passage of the so-called postal salary bill providing increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

FEDERAL AID FOR ROAD CONSTRUCTION

Mr. STERLING, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, reported it with an amendment and submitted a report (No. 799) thereon.

HOLIDAY RECESS

Mr. WARREN. From the Committee on Appropriations I report back favorably without amendment House Concurrent Resolution 32, relative to adjournment for the holidays, and I ask for the adoption of the resolution.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn Saturday, December 20, 1924, they stand adjourned until 12 o'clock meridian, Monday, December 29, 1924.

Mr. ROBINSON. Mr. President, I suggest to the Senator from Kansas [Mr. CURTIS] that the resolution ought to be modified so as to provide for adjournment over January 1. Under the custom of the Senate we have never held a session on the 1st day of January. Senators who make arrangements to leave the city for the holidays would hardly feel warranted in returning for December 29, when probably only a single session after that date would be had during that week. Very little business, if any, can be transacted, and it would seem to me proper to take an adjournment for two weeks. That has been the custom of the two Houses.

Mr. WARREN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Wyoming?

Mr. ROBINSON. I yield.

Mr. WARREN. I realize that what the Senator has said is true, but I ask him to consider that under the present mode of doing business and the intention of passing all of the supply bills during the short session, it becomes necessary to work on and report appropriation bills during the holidays. The concurrent resolution comes from the House, and with the arguments that they make for using those days to work with the appropriation bills it seemed necessary to take the shorter recess. I assume that it would be understood, and if necessary, there could be some gentlemen's agreement or understanding, though I do not propose it, that so many of those Senators as could not return within the time fixed might remain away until after the 1st of January.

Mr. ROBINSON. That may meet the requirements of the situation.

Mr. CURTIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Kansas?

Mr. ROBINSON. I yield.

Mr. CURTIS. I talked this matter over with Members of the House, and they desire the concurrent resolution passed in its present form, so their Committee on Appropriations may come back before New Year's Day and work on appropriation bills with the idea that as soon as the House meets on the 29th they will adjourn over just as long as they are permitted to adjourn under the Constitution. We are per-

fectly willing to do the same thing, and we had that idea in mind when we agreed in the committee to the concurrent resolution. I hope the Senator will not object, because I am satisfied no Senators except those interested in the legislation will want to work here during the holidays, and therefore they need not come back until the 2d of January.

Mr. ROBINSON. Of course, the committees of either House may meet without the House or Senate being in session. If it is the purpose of the Senator that an agreement is to be had, or if it is to be expected that no business will be transacted by the Senate, I shall make no objection to the concurrent resolution and shall not offer an amendment to it.

Mr. CURTIS. I will state to the Senator that it is my purpose when we meet on the 29th to ask for an adjournment after that day so long as we may adjourn under the Constitution. We might have to adjourn until the 31st. I have not looked up the dates, but when we meet on the 29th I expect to ask for an adjournment, and there will be an adjournment which will carry us to the 2d of January.

Mr. ROBINSON. With that statement of the Senator from Kansas in the Record and knowing that it will be carried out, there is no objection to the concurrent resolution.

Mr. CURTIS. It will be carried out so far as I can carry it out.

The PRESIDENT pro tempore. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

ISLE OF PINES TREATY

Mr. CURTIS. Mr. President, a parliamentary inquiry.

I find upon the calendar that there are two unanimous-consent agreements, one in regard to Muscle Shoals, which was entered into on June 4 last, which has been read a number of times and which there is no need to read again, and the other adopted June 3 in reference to the Isle of Pines treaty, reading as follows:

Ordered, by unanimous consent, that on Wednesday, December 10, 1924, immediately after the conclusion of the routine morning business, the Senate, as in open executive session, proceed to the consideration of the treaty with Cuba relating to the adjustment of the title to the Isle of Pines.

I wish to ask, if under Rule X, second paragraph, there being two special orders, the one in regard to the Isle of Pines treaty does not as a matter of fact follow the one in reference to Muscle Shoals?

Mr. UNDERWOOD. Mr. President, may I say just a word with reference to the inquiry? My late general pair and colleague, Senator Lodge, and I had an understanding, which I will state, but which of course did not bind the Senate. At the time of the adoption of the order in regard to Muscle Shoals the order relating to the Isle of Pines treaty had been adopted the day before. I stated at that time, and he concurred in the presence of the Senate, that there was no conflict between the two orders, because one was to be carried out in open legislative session and the other in executive session. The Senator from Kansas himself has moved several times, since the Muscle Shoals bill has been before the Senate, to go into executive session, and we have gone into executive session and attended to executive business without displacing the order in regard to Muscle Shoals.

I believe that the same situation prevails in regard to the Isle of Pines treaty as that in regard to the confirmation of appointments in executive session. I think it does not displace the Muscle Shoals measure at all to move to go into either closed or open executive session for the consideration of the treaty. I would suggest, however, if the Senators in charge of the treaty desire to go into executive session to move its consideration, that there would be no objection to that course of procedure, but I would ask that when that is done we shall come back into legislative session and dispose of the Muscle Shoals measure first before we go into any debate on the Isle of Pines treaty, if that is agreeable.

Mr. CURTIS. I think the Isle of Pines subject will be debated for some time, but first before we proceed to executive business I want the question settled whether we want an executive session at all. I think under the rules the Chair could decide that the Muscle Shoals measure has precedence and that the Isle of Pines treaty will follow immediately thereafter.

Mr. UNDERWOOD. I think that is true, but I have repeated the statement made by the late Senator Lodge at the time I asked for the order. I think it fair to state to the Senate what occurred at that time. I see no real conflict. So far as I am concerned I would be perfectly willing that

we should go into executive session, take up the treaty and lay it before the Senate in executive session, and then return to legislative session and finish the pending legislative business.

Mr. ROBINSON. Mr. President, I think the interpretation of the Senator from Alabama on the application of the rules to the two agreements is accurate and in every respect correct. I further think that in order to conform to the agreement the Senate should proceed to the consideration of the treaty in open executive session. I shall make no objection, then, to returning to legislative session. I believe both the agreements can be carried out, and ought to be carried out. I do not know how it could be held that a matter to be considered in open executive session on a certain day should, under the rules, automatically follow a legislative measure which may not be disposed of for 30 days.

Mr. CURTIS. Mr. President, I made that statement because of the peculiar wording of the unanimous-consent agreement in regard to Muscle Shoals, which was adopted after the unanimous-consent agreement had been entered into in regard to the Isle of Pines treaty. The Muscle Shoals unanimous-consent agreement provides:

That this order shall not be set aside except by unanimous consent.

I do not care what the Chair holds. I merely wish to get an understanding; that is all.

Mr. ROBINSON. Mr. President, I agree with what I understand to be the position of the Senator from Alabama, that it does not constitute in law a laying aside of the Muscle Shoals measure to proceed to the consideration of a matter in open executive session any more than it does to proceed to the consideration of a matter in closed executive session. If it would constitute a violation of the unanimous-consent order in reference to the Muscle Shoals bill to proceed to the consideration of a matter in open executive session, we have violated the order in reference to the Muscle Shoals measure almost every day since that matter has been under consideration, and without a single exception or objection having been made by a Senator. That shows that the Senate construes the order to mean that the Muscle Shoals measure shall be considered in legislative session to the exclusion of other matters, but that it does not preclude the Senate from proceeding to the consideration of subjects in executive session, either closed or open.

Mr. NORRIS. Mr. President, I do not desire that the Senate shall take any action which by any possibility may result in the displacement of the Muscle Shoals question for the consideration of any other subject. I believe that the unanimous-consent agreement entered into in regard to the Muscle Shoals bill precludes that. I believe that a point of order against the motion to take up the Isle of Pines treaty in open executive session or in closed executive session ought to be sustained, and, in order to get the question before the Senate, I intend to make that point of order, if such a motion shall be made.

I have no objection, Mr. President, if we can reach such an agreement, to going into open executive session to consider the Isle of Pines treaty, if it is understood that we shall simply take that treaty up and then resume the consideration of the Muscle Shoals legislation.

Mr. CURTIS. Mr. President—

Mr. NORRIS. Just one moment. Let me conclude my statement.

The fact that we have on several occasions gone into executive session, as the Senator from Arkansas [Mr. ROBINSON] has stated, without a single objection having been made, does not constitute a violation of the Muscle Shoals unanimous-consent agreement, because by unanimous consent we could do that, if no point of order was made against such a motion or if no objection were made. That question has not been presented to the Chair for a decision. If the unanimous-consent agreement shall be made and the Muscle Shoals bill shall not be laid aside, except by unanimous consent, it may be that the natural result would be to preclude, upon objection, our going into executive session. I certainly would object to going into executive session if I did not know that in such executive session nothing but ordinary routine business would come up and that the executive session would last but a few moments. I have no objection to doing that as to the Isle of Pines treaty. Of course, if I am wrong, and the Senate shall so hold, I shall feel that I have done my duty; but I do not believe that under the Muscle Shoals unanimous-consent agreement it is in order against objection to take up any other subject.

Mr. BORAH. Mr. President, the treaty as to the Isle of Pines has, in some form or other, been before the Senate for the last 20 years, and undoubtedly we ought to dispose of it. I am very anxious that it shall be disposed of, but I do not desire that we shall take up the Isle of Pines treaty and debate

it for an hour or two and then go back and consider the Muscle Shoals matter for a day or two. I am willing to proceed in such a way as that the Isle of Pines treaty shall be taken up immediately after the Muscle Shoals measure shall have been disposed of; in other words, I should like to take up the Isle of Pines treaty at a time when we can dispose of it. I do not desire that it shall be disposed of by piecemeal, for we have been trying to do that for 20 years.

Mr. SWANSON. Will the Senator from Idaho yield to me?

Mr. BORAH. Yes.

Mr. SWANSON. I suggest that we enter into a unanimous-consent agreement that following the disposition of the Muscle Shoals measure we shall proceed with and conclude the consideration of the Isle of Pines treaty.

Mr. BORAH. I will agree that immediately upon the disposition of the Muscle Shoals bill we shall take up the Isle of Pines treaty, just as we have agreed to do.

Mr. EDGE. Mr. President, will the Senator from Idaho yield to me?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. BORAH. I yield.

Mr. EDGE. Mr. President, I wish to propound a further parliamentary inquiry, so that when the Chair answers the inquiry already presented he may include an opinion on the one I am about to suggest.

Presuming the suggestion of the Senator from Idaho is carried out—that the Isle of Pines treaty shall be taken up after the Muscle Shoals bill shall have been disposed of—my inquiry is this: The unanimous-consent agreement, as I read it, relating to the Isle of Pines treaty being quite different from the one relating to the Muscle Shoals bill in that it does not in any way provide that it shall not be laid aside until it is finally disposed of, I assume, if we enter into the unanimous-consent agreement to consider the Isle of Pines treaty following the disposal of the Muscle Shoals bill, that a motion to displace the Isle of Pines treaty would be received at any time. I make that inquiry of the Chair.

The PRESIDENT pro tempore. The Chair does not desire to answer more than one parliamentary inquiry at a time. The Senator from Kansas has presented a parliamentary inquiry to which the Chair will reply when Senators have finished the discussion; but the question now propounded presents an entirely different phase of the matter, to which the Chair has given no consideration.

Mr. EDGE. Well, Mr. President, following the ruling of the Chair on the parliamentary inquiry already propounded, then I will renew my inquiry as to the Chair's analysis of the second unanimous-consent agreement. So far as I can interpret it, it simply provides that the Isle of Pines treaty shall be brought before the Senate. I can not construe it to mean that a motion, a majority prevailing, to lay it aside and take up other business would not be in order.

Mr. SWANSON. Mr. President, if the Senator from New Jersey will permit me, the order in reference to the Isle of Pines provides for an executive session. The unanimous-consent agreement proposed by the Senator from Idaho would in effect merely provide that immediately after the conclusion of the Muscle Shoals bill now pending the Senate shall go into open executive session when the Isle of Pines treaty will be laid before the Senate in open executive session. That will make it the unfinished business in executive session until disposed of. It will be perfectly possible at any time to make a motion to resume legislative session, and it will be in order then for the Senate to consider any matter pending on the calendar of legislative business. The request of the Senator from Idaho is merely to make operative the order in regard to the Isle of Pines treaty at a time following the disposition of the Muscle Shoals bill instead of right now.

It seems to me if we want to dispose of the Muscle Shoals bill—and I presume that no Senator here wants that measure to be interfered with by any other legislation—that the unanimous consent requested by the Senator from Idaho that the order in reference to the Isle of Pines treaty be made operative immediately following the disposition of the Muscle Shoals bill should be granted. If that request is acceded to, the effect will be this: The moment the Muscle Shoals bill shall be disposed of the Presiding Officer will say, "The Senate is in open executive session, and the Isle of Pines treaty is laid before the Senate." It will then become the unfinished business in executive session, and one hour afterwards or immediately afterwards a motion could be made to resume the consideration of legislative business, and then we could take up the legislative calendar.

Mr. McCORMICK. Mr. President, will the Senator yield to me for a moment?

Mr. SWANSON. Certainly.

Mr. McCORMICK. If the view of the Senator from Virginia be sound, what becomes of the suggestion of the Senator from Idaho; that he does not want the Isle of Pines treaty to be considered piecemeal and to be determined in a piecemeal fashion.

Mr. SWANSON. When the Senate goes into executive session—whether in open executive session or secret session makes no difference—it is for the Senate to determine in executive session the disposition to be made of the Isle of Pines treaty. Senators can dispose of it when they please; they can keep it before the Senate until it is disposed of, or otherwise. The entire matter is left to the pleasure of the Senate in executive session as to what disposition shall be made of it.

Mr. BORAH. Mr. President, in order to bring this matter to some conclusion I ask unanimous consent that the operation of the second unanimous-consent agreement upon the calendar be made to take effect upon the disposal of the Muscle Shoals bill.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent that the previous unanimous-consent agreement entered into on the 3d day of June, 1924—

Mr. UNDERWOOD. That is the order relating to the Isle of Pines treaty, as I understand.

The PRESIDENT pro tempore. The Senator is correct—shall be modified so that the treaty relating to the Isle of Pines shall be laid before the Senate in open executive session upon the final disposition of Calendar No. 734. Is there objection?

Mr. WARREN. Mr. President, I wish to address a question to the Senator from Idaho before the Chair puts the question on the request for unanimous consent. If necessary, I will raise an objection at this point for the moment, until I shall have addressed myself to the Senator who has presented the request.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Wyoming.

Mr. WARREN. Mr. President, of course, I have no objection, and can not have, to any unanimous-consent agreement which has been made, but I desire to ask that there shall be an exception as to appropriation bills in any new agreement which may be entered into.

Mr. BORAH. The request I have made would not interfere with the appropriation bills. It would simply result in laying the Isle of Pines treaty before the Senate in open executive session on the conclusion of the Muscle Shoals matter. The appropriation bills could come along notwithstanding that fact.

Mr. WARREN. Then I wish to say—

The PRESIDENT pro tempore. It may help the Senate to come to a conclusion about this question if the Chair states that he will rule in exact accordance with the unanimous-consent agreement asked for by the Senator from Idaho.

Mr. WARREN. Very well. I wish to say at this time that if I am on the floor I shall certainly object to any new agreement being entered into that does not except the consideration at any time of the appropriation bills. I do not believe that the peculiar situation—I call it "peculiar"—in regard to this particular question before the Senate will cut out the consideration of appropriation bills, but I take this opportunity of having an understanding with the Senator in charge of the matter.

Mr. EDGE. Mr. President, I should like to ask the Senator from Idaho if his understanding of the parliamentary situation, provided the unanimous consent is granted, is practically as stated by the Senator from Virginia, which is, in effect, that open executive session or closed executive session could be discontinued by a majority vote and the consideration of legislative business be resumed?

Mr. BORAH. Mr. President, my opinion on a question of parliamentary law is not worth very much—

Mr. EDGE. I have great regard for it.

Mr. BORAH. But in my judgment that would be true.

Mr. CURTIS. Mr. President, I hope the unanimous-consent agreement requested by the Senator from Idaho will be entered into by the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Idaho?

Mr. OVERMAN. Mr. President, I should like to have the proposed agreement read. I was called out of the Chamber when it was presented.

The PRESIDENT pro tempore. The Secretary will read the request for unanimous consent as now reduced to writing.

The reading clerk read as follows:

It is agreed by unanimous consent that immediately following the final disposition of H. R. 518, an act relating to the disposal of Muscle Shoals, etc., the Senate, as in open executive session, shall proceed to the consideration of the treaty with Cuba relating to the adjustment of the title to the Isle of Pines.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the former unanimous-consent agreement is modified accordingly.

GESTON P. HUNT

Mr. RALSTON. Mr. President, I ask unanimous consent that House bill 7052, Order of Business 825, be taken from the calendar and placed upon its passage. It is a bill authorizing and directing the Postmaster General to credit the account of one Geston P. Hunt, formerly postmaster at Rushville, Ind.—the home of the senior Senator from Indiana [Mr. WATSON]—with \$10,026.64 which was stolen from the post office while he was in charge thereof. The Committee on Claims has reported this bill without amendment. It seems to be a very meritorious bill, and I should like to have the Senate pass it.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that the Senate proceed to the consideration of House bill 7052, being Order of Business No. 825. Is there objection?

Mr. UNDERWOOD. I understand that that will not displace the unfinished business?

The PRESIDENT pro tempore. It is the opinion of the Chair that it will not.

Mr. UNDERWOOD. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Geston P. Hunt, formerly postmaster at Rushville, Ind., in the sum of \$10,026.64, due to the United States on account of postage stamps and war-tax revenue stamps which were lost as the result of burglary on March 9, 1921.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE NOMINATIONS

Mr. McLEAN. Mr. President, as in executive session, I ask unanimous consent to report from the Committee on Banking and Currency, for the calendar, certain nominations.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent, as in open executive session, to report certain nominations from the Committee on Banking and Currency. Is there objection? The Chair hears none, and the report will be received.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GEORGE:

A bill (S. 3623) for the relief of the Georgia Cotton Co.; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 3624) granting permission to D. F. Wilber, a consul general of the United States of America, to accept a decoration from the Government of Italy; to the Committee on Foreign Relations.

By Mr. ROBINSON:

A bill (S. 3625) granting a pension to Laura I. Robinson; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3626) granting a pension to Elva E. Brooks; to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 3627) granting an increase of pension to Emeline Hinds; to the Committee on Pensions.

A bill (S. 3628) to provide for the construction of a military road at the United States cemetery at Fort Gibson, Okla., and providing appropriation therefor; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 3629) for the relief of the New York Canal & Great Lakes Corporation, owners of the steamer *Monroe* and barge 209; to the Committee on Claims.

By Mr. REED of Pennsylvania:

A bill (S. 3630) authorizing the Secretary of War to convey to the Federal Land Bank, of Baltimore, certain land in the city of San Juan, P. R.; to the Committee on Military Affairs.

By Mr. DILL:

A bill (S. 3631) for the relief of Augustus Sipple; to the Committee on Military Affairs.

By Mr. FLETCHER:

A bill (S. 3632) to amend the Federal farm loan act and the agricultural credits act of 1923; to the Committee on Banking and Currency.

By Mr. MOSES:

A bill (S. 3633) to amend the printing act approved January 12, 1895, by discontinuing the printing of certain Government publications, and for other purposes; to the Committee on Printing.

By Mr. PEPPER:

A joint resolution (S. J. Res. 152) to accept the gift of Elizabeth Sprague Coolidge for the construction of an auditorium in connection with the Library of Congress, and to provide for the erection thereof; to the Committee on the Library.

AMENDMENTS TO MUSCLE SHOALS BILL

Mr. COPELAND submitted two amendments and Mr. HOWELL submitted four amendments intended to be proposed by them to House bill 518, the so-called Muscle Shoals bill, which were severally ordered to lie on the table and to be printed.

HOUSE BILL REFERRED

The bill (H. R. 10020) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1 at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

The PRESIDENT pro tempore. The question before the Senate is upon the amendment offered by the Senator from Tennessee [Mr. McKELLAR] to the substitute proposed by the Senator from Alabama [Mr. UNDERWOOD].

Mr. CURTIS. Mr. President, as the Senator from Tennessee is not present, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fletcher	McCormick	Robinson
Bayard	Frazier	McKellar	Sheppard
Borah	George	McKinley	Shipstead
Brookhart	Gerry	McLean	Shortridge
Broussard	Glass	McNary	Simmons
Bruce	Gooding	Mayfield	Smith
Bursum	Greene	Means	Smoot
Butler	Hale	Metcalf	Spencer
Capper	Harreld	Moses	Stanfield
Caraway	Harris	Neely	Stanley
Copeland	Harrison	Norbeck	Sterling
Cousens	Heflin	Norris	Swanson
Cummins	Howell	Oddie	Trammell
Curtis	Johnson, Calif.	Overman	Underwood
Dial	Johnson, Minn.	Owen	Wadsworth
Dill	Jones, N. Mex.	Pepper	Walsh, Mass.
Edge	Jones, Wash.	Philips	Warren
Edwards	Kendrick	Pittman	Weller
Ernst	Keyes	Ralston	Willis
Fernald	King	Ransdell	
Ferris	Ladd	Reed, Mo.	
Fess	Lenroot	Reed, Pa.	

The PRESIDENT pro tempore. Eighty-five Senators have answered to the roll call. There is a quorum present. The question is upon agreeing to the amendment proposed by the Senator from Tennessee [Mr. McKELLAR] to the substitute proposed by the Senator from Alabama [Mr. UNDERWOOD].

The amendment to the substitute was rejected.

Mr. NORRIS. Mr. President, I am going to offer an amendment to the so-called Underwood substitute. I offer it for the purpose of clarifying what I believe to be the doubtful meaning of some of the language of that amendment. I ask Senators

now to give me their careful attention for a few moments while I lay before the Senate a matter which I think is of considerable importance.

It is generally understood, I think, by the Senate and by the country, that the substitute bill proposed by the Senator from Alabama provides for the compulsory manufacture of 40,000 tons of nitrates annually after the lapse of the preliminary period, regardless of whether the plant is leased under the provisions of that substitute or whether it is operated by the corporation set up by the substitute, and regardless of whether such nitrates, after being produced, must be sold at a loss or not sold at all. My amendment strikes out a few words in section 4 of the substitute. I wish Senators would get the substitute before them and mark the words that I want to strike out and then listen to me for a few moments on the question.

I want to say in the first place, Mr. President, that while I am very much opposed to the enactment into law of this substitute, if it is to be enacted I want to see the matter perfectly clear. Personally, I do not intend to vote for any amendment to it which in my judgment would make it worse than I think it is now, but I would vote for any amendment that I thought would improve it. I want to be frank with the Senate, and particularly with the Senator from Alabama, when I say that I do not believe any lessee of the Government getting this property, or the Government itself, ought to manufacture fertilizer at a loss.

I agree with all that Senators have said upon the importance of the fertilizer question. I am willing, if it can be done without a loss, to subject all of the power not only of Dams Nos. 2 and 3 but of every other dam that the committee bill provides shall be built on the Tennessee River to the manufacture of fertilizer. I am willing, moreover, to have money appropriated out of the Treasury to almost any extent for the purpose of experimenting, either through governmental officials or through private parties, if the Senate thinks that is best, for investigations with a view of improving and cheapening the manufacture of fertilizer. I am willing to accept any amendment to anything I propose which will fairly and honestly carry out that view.

The Senate and the country ought to know whether, if the Underwood substitute is enacted into law, it will require either the lessee or the Government to manufacture fertilizer at a loss. It may be that the Senate and the Congress will want to enact a law that will provide for that.

Personally I shall not vote for that; but if the Congress thinks that we are justified in doing that, of course I would cheerfully abide by the decision. I admit the importance of the subject; and while I am willing to go any length in any way that the majority of this body thinks best for the purpose of cheapening the cost of fertilizer, using public money for it, personally I am not convinced that we ought to manufacture fertilizer at a loss, unless we manufacture enough fertilizer at a loss to supply all the farmers of the United States and not just those in a small locality.

I think that the Underwood substitute is susceptible of great doubt. My motion is as follows: On page 3 of the substitute, in line 22, beginning after the word "defense," to strike out down to and including the word "so" in line 23, the language stricken out being "as far as it is practicable to do so"; and on page 4, in the same section, line 1, after the word "filler," to strike out the words "according to demand."

This substitute provides, and reference is made to it in other sections, that if a lease is made the lessee must carry out the provisions in sections 1, 2, 3, and 4 with reference to fertilizer. They are the only sections in the bill that provide for any guaranty of any kind as to the amount of fertilizer or nitrates that must be produced either by the lessee or by the Government.

Mr. HARRISON. Mr. President, will not the Senator state the amendment again or have it read at the Secretary's desk?

Mr. NORRIS. My amendment is to strike out, in lines 22 and 23, page 3, as follows: "as far as it is practicable to do so"; and on page 4, lines 1 and 2, to strike out the words "according to demand."

Let me take up sections 1, 2, 3, and 4. Senators will notice that later on in the bill where any reference is made to the amount of fertilizer that shall be produced the Government or the lessee, if the property is leased, shall agree to comply with sections 1, 2, 3, and 4 with regard to the manufacture of fertilizer. Let us see just what is in those sections.

If Senators will read section 1, they will find that it is a dedication of the entire plant, everything down there, to the

national defense and to the production of fertilizer. I have no objection to that. The committee bill, in different language, I think, has fully dedicated the plant to those purposes. There is nothing said there about the amount of nitrates or fertilizer that shall be produced.

Section 2 of the substitute provides that the Government can take the property over, if it is leased, or if this corporation has it, on five days' notice. There is nothing else in section 2. I have no objection to that. The committee bill has also provided that it can be taken over by the President not on five days' notice but on five minutes' notice. So there is no confusion so far, and so far we have not found anything in the bill about the amount of fertilizer that shall be produced.

Now we come to section 3. That is quite definite as to the amount of fertilizer that shall be produced, and I am going to read it. It is as follows:

In order that the United States may have at all times an adequate supply of nitrogen for the manufacture of powder and other explosives, whether said property is operated and controlled directly by the Government or its agents, lessees, or assigns, under any and all circumstances at least 10,000 tons the third year, 20,000 tons the fourth year, 30,000 tons the fifth year, and thereafter 40,000 tons of fixed nitrogen must be produced annually on and with said property, and no lease, transfer, or assignment of said property shall be legal or binding on the United States unless such adequate annual production of fixed nitrogen is guaranteed in such lease, transfer, or assignment.

I think that is definite. I think, unmodified, that would make it compulsory upon a lessee or this governmental corporation set up in the substitute to manufacture, after six years, 40,000 tons of nitrates every year. I want to be frank. I do not believe we ought to require that unless it can be done without a financial loss. Later in this debate I shall analyze the substitute more fully than I shall do now, because I am now going to confine my remarks to this one proposition. I do not believe we are justified in requiring a lessee or a governmental corporation to make 40,000 tons of fertilizer unless they can sell it without a loss. As I said before, we may do that. I think we will be wrong if we do it, but if we want to do that, let us do it with our eyes open. That has been what everybody, so far as I have heard, in and out of the Senate, thinks this substitute will require. If it can be done without a loss, it ought to be done, and I am for it. I do not believe it can be. The committee does not believe it can be.

Be that as it may, let us not have any misunderstanding. If section 3 stands without any modification by a subsequent section of the bill, that is what will be required. In my opinion, without any doubt. I do not believe any lawyer will contradict that. Any lawyer would say that either the Government or its lessee must make 40,000 tons of nitrate; loss or no loss, profit or no profit, it must make that much every year. If that is modified subsequently in the bill, then they would not be required to carry it out. In other words, we could say in section 3, "You must make 40,000 tons of nitrates every year," but we could say in another section, "You will not be required to make 40,000 tons as provided in section 3 unless you can do it without losing money on it," or "unless you can do it," putting in any other condition we want to put in.

As I look at it, section 4 is just that kind of a modification of section 3. Either we ought to let it be understood that that is what we mean or we ought to adopt the amendment which I have suggested and clear the subject of any doubt. Now, let me take up section 4 and see if it is not such a modification. It is as follows:

SEC. 4. Since the production and manufacture of commercial fertilizers is the largest consumer of fixed nitrogen in time of peace, and its manufacture, sale, and distribution to farmers and other users, at fair prices and without excessive profits, in large quantities throughout the country is only second in importance to the national defense in time of war, the production of fixed nitrogen as provided for in section 3 of this act shall be used, when not required for national defense—

Then comes the language I propose to strike out—
as far as it is practicable to do so—

And then follow the words—
in the manufacture of commercial fertilizers.

Suppose it could be demonstrated by a lessee, for instance, that it was not practicable to do so because it could not be done without a loss; would that be a defense? If we want to provide that that much shall be produced, whether at a loss or not, then we ought to strike that language out, it seems to me. If we do not want to compel the lessee, or this corporation, to do

it, loss or no loss, then we ought to say that in clear, unequivocal terms. Let me read on:

The United States, its agents or lessees or assigns, shall manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, according to demand, on the property heretofore enumerated, or at such other plant or plants—

And so forth.

Then follows the same language that is found in section 3, so many tons the first, the second, the third year, and so on, and after the sixth year 40,000 tons.

Suppose that is enacted as it stands, and the lessee, or this governmental corporation, manufactures a lot of fertilizer, and they say, "Here is the fertilizer. We will sell it at \$40 a ton. We can not sell it at any less. It costs us \$40 a ton to make it." Assume, then, that in the commercial world manufacturers of fertilizers are selling fertilizer at \$38 a ton. Will there be any demand for the \$40-a-ton fertilizer? Are we going to compel them to sell the fertilizer at a loss? Can not the lessee say, in defense of his refusal to carry out that provision, "There is no demand for our fertilizer. At \$40 a ton nobody wants to buy it. We can not make it any cheaper." Therefore these words "upon demand" ought to be stricken out if we are going to compel them to do that.

I do not believe we ought to attempt to require an impossibility, because if we attempt to compel the lessee, for instance, if this is leased, to make the fertilizer at a loss, no one will become a lessee, knowing that unless he can get somewhere else a sufficient profit not only to recoup his loss but to make a profit on the whole transaction. That is not only natural, it is not only good business, but it is absolutely fair. You could not expect anybody to do anything else. The same thing could be said of this governmental corporation. You can not expect them, unless you are going to give them an opportunity to recoup their loss somewhere else, to do that; and if you do, what is the result? What follows? The amount of fertilizer that they make they will sell at a loss, and those who can buy it will get some benefit out of it. The taxpayers of the United States will make up the deficiency, either through the lack of what they would otherwise get out of the lease or the loss that they would suffer out of the sale of the power, or through a direct appropriation by Congress. You can not get away from that proposition.

If a lessee decides, "I can not get enough money out of the other provisions of the lease to make up my loss and get a profit," and he sells the product at a loss, who gets the fertilizer? Within a radius of a comparatively few miles of Muscle Shoals agriculturists will get the cheaper fertilizer. That will follow because the lessee will be selling at a loss; but agriculturists generally, farmers over the country generally, will pay their share of the taxes to make up that loss, and I submit, Senators, it seems to me that no one who wants to be fair in this matter can say, "We are going to make fertilizer for a few farmers in a certain locality where the use of Government instrumentalities will not make a profit either for a lessee or a Government corporation, but we will give them a profit in some other way to make up their loss at the expense of all the farmers of the United States except a favored few."

I do not believe the farmers in the vicinity want such a thing. It is illogical. In the end it brings no good to agriculture as a general proposition. It is in effect giving a subsidy to the few people who will be able to buy the limited amount of fertilizer, which, it is admitted, will not supply the country by any means, at the expense of the balance of the country.

Mr. JONES of New Mexico. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I am listening with a great deal of interest to what the Senator has to say and I think I agree with him in his discussion of the terms of the bill. The last thought presented by the Senator, however, I am inclined to think might be questioned.

Mr. NORRIS. To which thought does the Senator refer?

Mr. JONES of New Mexico. That the few users of this particular fertilizer would have a special benefit or that it would result in a practical subsidy for the benefit of a few users. It seems to me that would not necessarily follow, because the people handling the fertilizer would sell it at the cost of fertilizer generally throughout the country, the cost of transportation being considered, so that it seems to me that being able to supply local demands would simply result in the producer of the fertilizer getting perhaps more

than the producer of other fertilizer which would have to be shipped into the particular locality. Inasmuch as the amount to be supplied here is small compared with the total production, I can not quite understand how the user of it would get it any cheaper than it could be had in the general market.

Mr. NORRIS. I want to take this occasion to thank the Senator. I think his argument is sound, and yet I do not believe it completely refutes what I have said. If what he has said is sound, and I am inclined to think it is as a matter of business, it only adds to my argument. It makes it that much more overwhelming. It makes it that much more convincing. They will have to sell their fertilizer at a loss, however, if they can not make it as cheap at least as other people make it. That must follow or they will not sell it. They will sell it at just as small a loss as they possibly can. That is true. Just as the Senator said, they will reduce it to just as small an amount as will be necessary to make it sell on the market, which for them will be a loss and as to which even to the local farmer in the vicinity of Muscle Shoals there will not be any gain. The Senator's argument fits in very nicely, it seems to me, with the fundamental proposition that I have laid down.

Mr. WADSWORTH. Mr. President, will the Senator yield at this point?

Mr. NORRIS. Certainly.

Mr. WADSWORTH. I am not sure of my own recollection, but perhaps the Senator can remember the testimony before the committee in which a witness stated the percentage of fertilizer nationally needed which might be produced at Muscle Shoals?

Mr. NORRIS. There is a discrepancy as to how much is nationally needed. The fertilizer experts have convinced me that to begin with the amount of fertilizer used in the United States is not half what ought to be used.

Mr. WADSWORTH. Not anywhere near half; but that is theory.

Mr. NORRIS. The amount needed is different from the amount actually used.

Mr. WADSWORTH. What I meant was the actual national demand.

Mr. NORRIS. The demand, of course, is fixed a great deal by the price. I think the amount used, giving it from recollection and stating it in round figures, is somewhere in the neighborhood of 8,000,000 tons annually in the United States. There will be about one-third of that, in round numbers that could be produced at Muscle Shoals.

Mr. WADSWORTH. Eight million tons?

Mr. NORRIS. Eight million tons in the United States. One-third of 8,000,000 tons could be produced at Muscle Shoals if 40,000 tons of nitrate were converted into fertilizer.

Mr. WADSWORTH. Forty thousand tons of nitrate would only make 200,000 tons of fertilizer, which is nowhere near one-third of 8,000,000 tons.

Mr. UNDERWOOD. The Senator is wrong about that. Forty thousand tons of fixed nitrogen is equal to 250,000 tons of Chilean saltpeter, and that would equal 2,000,000 tons of 2-8-2, a low grade of fertilizer. That is the usual measure. I think the figures of the Senator from Nebraska were a little high on the amount of fertilizer used last year. I think it was slightly under 7,000,000 tons.

Mr. NORRIS. I have heard those figures a good many times. The Senator from Mississippi [Mr. HARRISON] gave them to the Senate the other day.

Mr. UNDERWOOD. I think the total fertilizer consumed in 1923, if I recollect right, was slightly under 7,000,000 tons.

Mr. NORRIS. Let me ask the Senator from Mississippi if he can give offhand the amount of fertilizer used in the United States last year?

Mr. HARRISON. No, I can not; but I have a chart in my desk that will show it.

Mr. NORRIS. I have it in various places and have heard it many times.

Mr. UNDERWOOD. It is not very material.

Mr. NORRIS. No; it is only comparatively material. It is conceded that they can not make fertilizer enough with 40,000 tons of nitrates to anywhere near half supply the demand for fertilizer in the United States. It is conceded also that a mixed fertilizer has as one of its greatest items of cost the freight that is necessarily charged, so that the manufacturer of fertilizer anywhere in any locality is circumscribed to a great extent by the freight that has to be paid by his customers.

Mr. CARAWAY. Mr. President, I wish to ask the Senator a question.

The PRESIDING OFFICER (Mr. DEAL in the chair). Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. NORRIS. I yield.

Mr. CARAWAY. Conceding that the amount which may be manufactured out of fixed nitrogen, as proposed in the bill, is wholly inadequate to supply the needs of the American farmer, yet would it not reduce the cost of the whole by the addition of that much more on the market?

Mr. NORRIS. That, again, as an abstract proposition is true, but, as I said, the question of freight enters into it to such a very great extent that the territory in any locality is circumscribed to a great extent on account of that item.

Mr. CARAWAY. But I was coming to this point: The Senator was opposing a governmental plant or agency being used to cheapen fertilizer. As I gathered from his statement, it was unfair to the people to have this investment used to compel the lessee to manufacture something and sell it at a loss because the taxpayer would have to make it up. I wonder if all our expenditures have not been made on the theory that what helps production helps everybody. We carry every year a large appropriation to aid agriculture because if there is an increased production the city man finds it on his table. He must eat and he must wear, and therefore he can not complain that some appropriation has been used to increase production, because he certainly gets his full share of the benefit by reason of that increased production.

If the Senator will pardon me just a moment further, I have been opposed ordinarily, and am opposed now, to the Government engaging in a business that can be as well or better done by an individual. I think it is unsound economically for the Government to tax the people to get capital to engage in business to compete with the men who paid the taxes. It seems to me to need no demonstration. But we have this plant on our hands and want to lease it for some purpose. I hope we will make the lease so attractive that some individual will engage in the operation of it. For what purpose could it be used that would less conflict with private industry and more nearly contribute to national wealth than to compel them to make fixed nitrogen that could be used in the manufacture of fertilizer?

Mr. NORRIS. As I said in the beginning, if the Government of the United States wants to go into the question and can not find any way of cheapening it, and we decide that the question is of sufficient importance that we are going governmentally to make fertilizer for the American farmer, then we must treat all the American farmers alike.

Mr. CARAWAY. May I ask the Senator another question?

Mr. NORRIS. Certainly.

Mr. CARAWAY. Is it not the fact that if A buys this particular brand of fertilizer and B buys another, it discriminates against B, because we realize that if it increases the volume and lessens the price, then every man shares alike? The Senator will know that I am not trying to be personal, but I remember that the Senator was the advocate of a measure to export wheat. It was not the expectation that every farmer would have his wheat exported, but that if we took away the surplus all the producers of wheat would profit by it and that there would be a general rise in price. On the same theory, if there is an increased output of the commodity called fertilizer, necessarily fertilizer would become cheaper and all would share in the reduction.

Mr. NORRIS. Let me call my friend's attention to what, to my mind, takes away his comparison or any effect from it. In the question of wheat there was a surplus. If we could take away the surplus, we would increase the price of wheat to the other producers. In the matter of fertilizer there is no question of any surplus, but we have not nearly enough. We have not anywhere near half the amount that ought to be used on the American farms. In my opinion, if it could be cheapened sufficiently there would be twice as much fertilizer used. It would be better for the consumer, as the Senator said, as well as the producer if we could cheapen it. The Senator does not quite state my wheat proposition in the bill I advocated, because it was not alone the surplus that I wanted to handle and that I provided in that bill should be handled, but it was the elimination of the profits that are accumulated and added to wheat and its products from the time it leaves the producer until it reaches the consumer, ordinarily known as the middleman's profit.

Mr. CARAWAY. I recognize that.

Mr. NORRIS. Here we are with the fertilizer proposition, where we do not want to increase the cost of fertilizer but we want to decrease it. Instead of getting rid of a surplus we would like to get one if we could.

Mr. CARAWAY. May I suggest to the Senator, if a surplus of wheat might break the price of wheat why will not a surplus amount of fertilizer break the price of fertilizer? That is the thing I am trying to say. The Senator said that if we leave the wheat in the country the surplus will pull down the price of wheat, and I think everybody concedes that. It is the last bushel that breaks the price. If a surplus of wheat will break the price of wheat, why will not an increased amount of fertilized tend to lessen the price of fertilizer?

Mr. NORRIS. As an abstract proposition I agree with the Senator entirely; but he must realize that if we made fertilizer at Muscle Shoals to the full capacity and got every pound that anybody says we could get there, it would not reduce the price of fertilizer in the State of Oregon, and I do not think it would reduce it in the State of Texas or in North Carolina or in Mississippi. I do not believe it would reduce it all over Alabama even, but it would reduce it in a certain locality if they sold it low enough. But we are so far from having enough that it would be like the Senator from New Mexico [Mr. JONES] said—they probably will not sell it one cent less than the commercial fertilizer, but will sell it for the same price and lose just as little as they can on the product.

Mr. CARAWAY. The best evidence that it would tend to lower the price is the hostility of what some people have been pleased to call the fertilizer trust. They apprehend that it is going to lessen their profits or else they would not oppose it. I am inclined to imagine that people who are engaged in the business have a more accurate knowledge of what the market will absorb without breaking than have I, and when I find those people who are engaged in exacting the last pound from the American farmer apprehensive that this is going to hurt their business I am inclined to imagine there must be something in it.

Mr. NORRIS. While the Senator's questions are very proper and all that, he gets away from what I said in the beginning was my real purpose; that is, to make plain what the bill is going to try to accomplish. Does the Senator believe if the Underwood bill shall be enacted that a lessee or a governmental corporation set up at Muscle Shoals could make fertilizer, unless some new and improved method be discovered, and sell it on the market without a loss in competition with the present fertilizer manufacturers?

Mr. CARAWAY. Let me answer the Senator's question in two ways. I think the Senator's amendment to clarify the language ought to be supported; there ought to be no difference of opinion about what an act of Congress means.

Mr. NORRIS. That is all I am trying to accomplish by my amendment.

Mr. CARAWAY. But I was trying to interrogate the Senator upon the theory which the Senator was just presenting. I wish first, however, to answer the Senator's question as to whether the lessee or corporation at Muscle Shoals could make fertilizer and sell it cheaper than the prevailing prices. I do not know. I have heard people who are authorities upon that question say that it could be done, and I have heard people, on the other hand, assert that it could not be done.

But the curious thing about it is that the people who assert that it can not be done are the very people who are opposing our doing it. They are the people who are engaged in the manufacture of fertilizer and putting it on the market. If it can not hurt their market why are they opposed to it? Therefore, I am inclined to imagine that the statement that fertilizer can not be put upon the market more cheaply than or as cheaply as they are putting it on the market now lacks convincing power.

Mr. NORRIS. I wish to say to the Senator that no man in the United States will be more delighted or happier than I if some one can produce fertilizer at a cheaper rate and make a profit.

Mr. CARAWAY. I concede that.

Mr. NORRIS. If I believed that that could be done, I would without any limitation require all this power, where it could be done to advantage and at a profit, to be used in the manufacture of fertilizer.

Mr. CARAWAY. Let me ask the Senator a question there.

Mr. NORRIS. The Senator may believe one way and I another; he may be right and I be wrong; but I am so well satisfied on the question that in my mind I have no doubt in reference to it. I realize, however, that men who are certain are sometimes mistaken when they are the most certain; and I do not set myself up as being that kind of an authority. I am no authority on the subject; I get my information from other people.

I have heard the statement made by some that fertilizer can be made at Muscle Shoals, with the knowledge that we now have, and sold at a less price than at present. If the Senate believes that, then it ought to have no hesitancy in striking out the words I have proposed to strike out.

Mr. CARAWAY. I think the Senate ought to strike the words out; but—and I wish to apologize to the Senator for taking up his time—I merely wish to suggest to him this additional idea.

I wish, in the first place, to acquit the Senator of any selfish motives. If the farmers have had an unselfish and constant friend upon the floor of the Senate it has been the Senator from Nebraska; no one questions that; but this is what I wish to suggest: Unless fertilizer can be manufactured and sold, we shall find no lessee for the plant, and we shall have a governmental corporation doing a thing for the benefit of all the people. If the Senator believes so ardently in the Government engaging in certain businesses in order to prevent monopolies, he ought to be willing to accept the Underwood bill, because, if he is correct that no private lessee can operate this plant and make a profit, then no private lessee would take it, and we will then have a governmentally controlled institution where all of the experiments which the Senator from South Carolina [Mr. SMITH] wants the Government to carry on can be conducted, and where all the theories as to the Government doing things better and cheaper than the private individual can be demonstrated in a fair field.

Mr. NORRIS. Mr. President, I do not want at this time to be led into a full analysis or discussion of the Underwood substitute. I wish to confine my remarks entirely to this one proposition, which to me seems to be so plain. Later on I am going to discuss the Underwood substitute at more length. As to this particular amendment, however, I am glad to have the approval of the Senator from Arkansas. It seems to me the amendment ought to have the approval of everybody.

Mr. CARAWAY. I think there ought to be no question about stating exactly what we are intending to do.

Mr. NORRIS. No; and that is all I am trying to do now.

Mr. CARAWAY. I see the certainty of a dispute arising. I do not think anybody is going to oppose the Senator's amendment. It ought to be accepted, because it makes everybody know exactly what will be the terms under the lease. There ought to be no opportunity for anybody to come back here and say, "We were misled by the language of the law."

Mr. NORRIS. Now, Mr. President, let me read the last modifying clause. Some of the other clauses ought to be stricken out so as to make the meaning perfectly clear. Reading from section 4, it provides:

The United States, its agents or lessees or assigns, shall manufacture nitrogen and other commercial fertilizers—

Suppose we strike out the words "mixed or unmixed." It continues:

according to demand, on the property—

And so forth. Can there be any doubt in anybody's mind that if they can not manufacture a fertilizer for which there is a demand they would be excused by any court on earth from making any fertilizer? Section 3, it is true, makes it positive; but section 4, from which I am reading, is the section designed to carry out the command of section 3, and it says, in effect, "You do not have to make it unless there is a demand for what you make; you do not have to make it except in so far as it is practicable to do so." Would a court say it was practicable if it could be shown that they could not make it without losing money? Would a court, in view of the words "according to demand," say that they would have to make it when there might be no demand for the fertilizer that they might make? Is not the price of fertilizer one of the factors that create the demand? If I made fertilizer that I could not sell for less than \$100 a ton I would not be able to sell it unless I sold it at a loss, and I could say at once, "There is no demand for this fertilizer," and any court, it seems to me—certainly I think I would so hold if I were the judge, and the case came before me—might well say, "Notwithstanding section 3, although that section 3 says you must do it, section 4 tells you how you must do it, and is the exception."

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. KING. But the Senator must construe the section which he is now reading in connection with an anterior one.

Mr. NORRIS. That is section 3; that is what I am doing.

Mr. KING. That section compels the manufacture the first year of 10,000 tons of nitrogen and an increased number of tons each year. It seems to me that the last section to which the Senator has called attention is not a modification so far as the requirement to manufacture a given number of tons annually of nitrates is concerned.

Mr. NORRIS. If it is not a modification, what is it? If it is not a modification, then it is in exact contradiction of section 3, and there are two conflicting sections following each other. What I am trying to do by this amendment is to make it plain.

Mr. KING. If the Senator will pardon me, I do not think there would be any conflict, for the reason that the two sections may be differentiated. The first section requires the manufacture of nitrogen for explosive purposes, though the Government might not need it, whereas the latter section, which the Senator is now discussing, compels the manufacture of fertilizers. If we declare in one section that there must be manufactured a large tonnage of nitrogen annually, to be held in storage for the Government, that declaration is not in conflict with the subsequent provision.

Mr. NORRIS. Now, let me take the Senator's construction while it is fresh in the minds of Senators. Here is the construction of one of the leading lawyers of the United States on the floor of the Senate, who says, "Here is what it means: They would have to make nitrogen for explosive purposes provided for in section 3, but they would not have to make a pound of fertilizer provided for in section 4." That is what it means; that is the logical result of the Senator's construction. It is section 4 that says they shall make fertilizer, and that is what the farmer is interested in. You fellows who are backing up the Underwood substitute are trying to make the country believe that the farmer is going to get cheaper fertilizer, and here is one of the great lawyers who admits on the floor of the Senate that, while they would make nitrogen for explosive purposes, they could leave it piled up there, and would not have to make a pound of fertilizer unless they could make it at a profit; and I agree with him.

Mr. KING. Will the Senator yield further?

Mr. NORRIS. Yes.

Mr. KING. I do not want the Senator to class me with the "fellows," to use his expression—

Mr. NORRIS. I apologize for that.

Mr. KING. Who are supporting the Underwood bill, because I am opposed to it.

Mr. NORRIS. I apologize again to the Senator, but I will not apologize, particularly now, for what I have said about the Senator being a great lawyer. [Laughter.]

Mr. RALSTON. Mr. President—

Mr. HARRISON. I should like to ask the Senator from Nebraska a question, but the Senator from Indiana rose first.

Mr. NORRIS. I yield to the Senator from Indiana.

Mr. RALSTON. As I understand, the possibilities of power at Muscle Shoals far exceed the amount that will be required to make 40,000 tons of fixed nitrogen annually. That being true, I should like to ask the Senator what significance he attaches to this phrase in section 4, found in line 4, on page 4:

Using the most economic source of power available.

Mr. NORRIS. I will say to the Senator that personally I have no objection to that language, because I think it contemplates that there may be discovered a cheaper method of manufacturing fertilizer, which will require very little power, perhaps steam power or secondary power, or something of that kind. I have no objection to their using just as cheap power as they can get, no matter the source from which they get it, if they will make the fertilizer.

Mr. RALSTON. It will have no tendency, the Senator thinks, to limit the production of power?

Mr. NORRIS. They will, of course, want to use all the power they can in commercial enterprises and for sale; there is no doubt about that. I do not want to take that power away from them if it does not detract from the manufacture of fertilizer.

Now, I wish to say further to the Senator from Indiana that if they undertake to make nitrates at nitrate plant No. 2, which is in existence now and can be started up to-morrow, and which has a capacity of 40,000 tons annually, it will require practically all of the primary power of Dam No. 2, which in round numbers is about 100,000 horsepower. So if they use that power there will be nothing much left of the power from Dam No. 2 except secondary power.

When Dam No. 3 is completed a large amount of secondary power and about 40,000 primary power will be added to it. Some of the secondary power will be very valuable. If the

committee's bill should be enacted into law, it is our theory and belief that eventually more than half of the secondary power at Dams Nos. 2 and 3 can be converted into primary power; so that instead of having 100,000 primary power at Dam No. 2 we would perhaps in the end, when we develop the Tennessee River properly, have 500,000 primary horsepower. That is where the great profit would come in; that is where the great development should take place by the conversion of this vast amount of secondary power at Dam No. 2 into primary power, because we have at times at Dam No. 2 1,000,000 horsepower, all of which except about 100,000 horsepower is secondary. It can not be used all the year, and therefore some of the 1,000,000 horsepower is not very valuable. For only about 7 or 7½ per cent of the time is there 1,000,000 horsepower at that dam. In between 1,000,000 horsepower and the lesser amount, however, there is any amount of secondary power, some of which is good for 11 months in the year; and by the use of the auxiliary plant to help out, or the building of a storage dam farther up to help out, that can be converted at very little expense into primary power.

When the Senator from Arkansas was propounding his questions to me I forgot to refer to something else that he asked me about, and that was, in substance, that we could not get a lessee to take this property unless he could make a profit out of the manufacture of fertilizer.

I do not agree with that statement. I do not profess to say whether, if the Underwood bill is passed, there will be a lessee who will take the plant or not. I am not going to prophesy on that question, but I will say that a lessee might take that plant knowing that he was going to lose money on every pound of fertilizer that he made and that he would make it up upon the sale of power that would be his; and if I were going to bid, or any other business man were going to bid, I think this question would be presented:

"In the first place, I stand this chance: If somebody improves and cheapens the cost of fertilizer, I may make a profit out of that." If that is done, if it is cheapened—as in time I think it will be—we will get cheaper fertilizer. "But that is a gamble," he would say. "I will take it as it is now." He would figure out how much he was going to lose on it, and he would figure out how much he could make on the balance of the lease, consisting of water-power disposal, which would be profitable, everybody concedes; and if he could make enough on that to recoup his losses on the fertilizer and also make a profit in the end on the whole transaction, he would probably bid and become a lessee. I do not know how that is going to terminate. That would be the same as the governmental corporation which the substitute sets up.

I wish Senators would remember that what I am trying to do with this amendment is only to make clear what Congress wants to do. Let us say in so many words: "You will not have to make fertilizer unless you can make it at a profit," or let us make it certain that they will have to make fertilizer and that the governmental corporation will have to make fertilizer, whether it is made at a profit or at a loss. If these words are stricken out, then there can not be any doubt about what is meant.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER (Mr. COPELAND in the chair). Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield.

Mr. McKELLAR. The Senator's amendment is to strike out, on page 3, line 22, "as far as it is practicable to do so"?

Mr. NORRIS. Yes, sir.

Mr. McKELLAR. And on the next page, to strike out "according to demand"?

Mr. NORRIS. Yes, sir.

Mr. McKELLAR. Those are the two changes?

Mr. NORRIS. Yes, sir.

Mr. McKELLAR. And the Senator is of the opinion that while under section 3 the lessee would be required to manufacture the specified amount of nitrate for war purposes, under section 4 the lessee would not necessarily be required to manufacture it for the farmer?

Mr. NORRIS. That is the construction placed on it by the Senator from Utah [Mr. KING]. That was not my construction.

Mr. McKELLAR. The Senator wants to make it absolutely sure by striking out those words?

Mr. NORRIS. Yes, sir.

Mr. McKELLAR. I think that it ought to be equally fixed and determined that the lessee or the Government should

manufacture in times of peace the specified amount of nitrates for fertilizer purposes.

Mr. NORRIS. Regardless of cost?

Mr. McKELLAR. Regardless of cost.

Mr. NORRIS. Then the Senator will vote for this amendment.

Mr. McKELLAR. Therefore, I shall certainly vote for the Senator's amendment, because I think it is in that line. I think it would be a monstrous thing to utilize this plant or to lease this plant and not actually require the production of fertilizer. I believe the farmers of this country would rise up almost en masse and destroy everybody connected with it if it was not used for that purpose in time of peace.

Mr. NORRIS. Let me ask the Senator a question: Does the Senator think that the farmers of the country are demanding that fertilizer be made and sold to them at a loss?

Mr. McKELLAR. No; but I believe unquestionably that if it is required to be manufactured it can be manufactured at a profit and not at a loss.

Mr. NORRIS. I hope that may be the result. The Senator believes that. He may be right. From all my investigation—and I wanted to reach the other conclusion: I was just as anxious as the Senator was to reach the other conclusion—as far as I went with the facts and the evidence that came to us, I reached the opposite conclusion.

Mr. McKELLAR. I disagree with the Senator entirely as to that.

Mr. NORRIS. If the Senator believes that, and if that be true, nobody is hurt by striking out these words and compelling them to make 40,000 tons of nitrate annually. If they are going to make it at a profit, even if we put in language saying that they would not be required to make it unless they did make it at a profit, the Senator would not have any doubt but that they would have to make it, because he thinks it will be profitable anyway.

Mr. McKELLAR. Yes; I am in favor of forcing the lessee to make fertilizer for the farmer, and I have not any doubt in my own mind that it can be made at a profit. It is being done in other countries, especially in Europe, and I see no reason why it should not be done here.

Mr. REED of Missouri and Mr. RANSDELL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. I yield first to the Senator from Missouri, who addressed the Chair first.

Mr. REED of Missouri. I desire to ask the Senator from Tennessee a question.

Mr. McKELLAR. The Senator from Nebraska has the floor.

Mr. NORRIS. I yield for that purpose.

Mr. REED of Missouri. The Senator states that he believes fertilizer can be made at a profit, and therefore he is in favor of forcing the making of it. Does the Senator know of anything that can be made at a profit where you have to force anybody to enter that business by a statute or by a contract?

Mr. McKELLAR. Oh, I did not mean it in the sense in which the Senator takes it. Here will be a prospective lessee coming forward to lease this property. It may be that he will not make any actual profit on his fertilizer business at all, but that he will make an enormous profit on the excess of power that he will have.

Mr. NORRIS. Let us just take that question, then. Where does he get that power? How is he enabled to have it?

Mr. McKELLAR. If the Senator will excuse me just a minute, when we are going into this proposition we ought to make the best deal we can for the people of this country; and confessedly the two prime objects of this legislation are, first, to have an adequate supply of nitrates in time of war, and, second, to add to our supply of nitrates in time of peace for fertilizer purposes.

Mr. NORRIS. I think the Senator's answer to the question almost demonstrates that the Senator himself does not believe that with the present knowledge of the fertilizer business it can be made at a profit at Muscle Shoals unless the method of making it is cheapened, because he says that even if the lessees lose money on the fertilizer business they can make it up out of the profits on the water power. If we want to do that, that means in effect that we are paying for the loss on the fertilizer out of the Treasury of the United States. It may become so important some time, if no improvement is ever made, that we will go that far. I am not willing to do it yet. In other words, the Senator says, "Here is another property owned by the Government. We will lease that to

you on such favorable terms that instead of taking the money out of the Treasury we will just let you take it out of this other property by a cheap lease to recoup your losses on the fertilizer proposition." Do the farmers of America want that? Then, as I said a while ago, when that is accomplished it means that the benefit of that reduction—in effect, a reduction made possible by a subsidy from the Treasury of the United States—is paid for by the other farmers who are not within reasonable distance of the place where this fertilizer is manufactured, because the freight rate on fertilizer, unless some new method of mixing it is discovered, will preclude the shipping of fertilizer from one factory for any very great distance to compete with fertilizer made at another locality. Then, third, as the Senator from New Mexico so logically reminded the Senate, this lessee when he is making this fertilizer will, of course, sell it for just as much as he can get for it. Nobody will blame him for doing that. He goes into it for profit, and all he will do will be to sell it low enough to put it on the market and make it sell; so that even the local farmer is not going to get very much benefit out of it, and the general farmer will get none and will have to contribute his share to make up the loss.

Mr. McKELLAR. Mr. President—

Mr. NORRIS. I yield.

Mr. McKELLAR. The Senator will recall that the bill provides that the lessee can not make more than 8 per cent profit.

Mr. NORRIS. Yes.

Mr. McKELLAR. And of course he would be limited in that way.

Mr. NORRIS. I want the Senator to get his statement correct—8 per cent profit on the fertilizer.

Mr. McKELLAR. Yes.

Mr. NORRIS. There is no limitation in the Underwood bill upon the amount of profit he can make on the water power.

Mr. McKELLAR. That is true. It is on the fertilizer.

Mr. NORRIS. I do not think he will make any profit, but I hope the cost will be reduced so that he can.

Mr. McKELLAR. I thought that was exactly what I said.

Mr. NORRIS. No. On the whole transaction he may make any kind of profit, because there is not any limitation in the bill except on the fertilizer that is manufactured.

Mr. McKELLAR. The limitation is, "not to exceed 8 per centum of the fair annual cost of the production" of the fertilizer.

Mr. NORRIS. Yes.

Mr. McKELLAR. Now I want to say this to the Senator, if he will pardon me just a moment: I have not determined how I am going to vote on this bill. There are many doubts in my mind both as to the Senator's bill and as to the substitute that has been proposed; but it does seem to me that we ought to be very careful to effectuate two results: First, the manufacture of nitrates in time of war; second, the manufacture of nitrates for farmers in times of peace. I am rather inclined to think that the Senator from Utah was exactly right a while ago when he said that under section 4 of the substitute the company could not be required to manufacture any nitrogen for fertilizer purposes unless there was a demand for it. I think that is a fair interpretation of this language.

Mr. NORRIS. Unless there was a demand at a price for which they could make it at a profit.

Mr. McKELLAR. Yes; because the words "as far as it is practicable to do so" would raise that whole question, and I am inclined to think the Senator is right. I think that should this property be turned over to a lessee he ought to be required to do it, because I believe that the lessee can make this fertilizer at a profit, or at least not at a loss.

On yesterday, as I recall, the Senator from Alabama, in discussing the question of compensation—which, as I understand, is the very small sum of 4 per cent on about \$45,000,000—said that one of the reasons why it was made small was because we were requiring the production of 40,000 tons of fixed nitrogen a year after the initial years had passed. There is where a consideration is being offered to a proposed lessee—a consideration in the way of a reduction of rent to the proposed lessee in order to secure the production of nitrogen year by year. If section 4 does not require that, then we certainly should raise the rental.

Mr. UNDERWOOD. Mr. President, I will say to the Senator from Tennessee, if my friend will allow me for a moment, that the Senator from Nebraska and I have already discussed this question, and I have already agreed that the annual production should be 40,000 tons; but I want to say to the Senator from Tennessee, who may not have heard me several days ago, that of course we are making a concession to the lessee in

cheap power to try to get him to make 40,000 tons of nitrate annually, and I believe he should be made to produce it; and when the Senator has finished, if the Senator will give me the opportunity to say so to him, I will give him the reasons why I think this clause applies.

I want to call the Senator's attention to one thing before we get away from it—the words "subject to demand" as used in this paragraph. This is, as I said the other day, a copy of the Ford proposal. Section 4 is the same language as that used in the Ford contract, and I put it bodily in the substitute, so I am not directly responsible for the language. It was accepted by those who were favorable to the manufacture of fertilizer. But "subject to demand" does not mean subject to demand of the market. If Senators will read it carefully, they will see that it means subject to the demand for that kind of fertilizer, 2-8-2, or some other kind that the market wants to absorb.

Mr. McKELLAR. It would clarify it very much if the Senator would accept the amendments offered by the Senator from Nebraska, and I hope the Senator from Alabama will do so.

Mr. UNDERWOOD. I will say to the Senator from Nebraska that when he gets through I want to answer him, because I do not want his statement concerning this substitute to go into the Record without reply; but I want to say to him, as I said the other day when this discussion was opened, that I am in favor of compelling the lessee of this property to make 40,000 tons of nitrogen, and the requisite amount of fertilizer to consume it, regardless of whether he makes a profit or not; and the Senator can not make my substitute too certain in that regard.

Mr. NORRIS. I thank the Senator for his very frank statement.

Mr. UNDERWOOD. I said that when I opened the discussion the other day.

Mr. NORRIS. I realize that, and I have no other object in view than to make it certain. I think these two clauses which I undertake to strike out are two loopholes which, if they were not stricken out, would permit the lessee or this governmental corporation to crawl out, and they would not have to make any fertilizer if they could demonstrate, which I think they would be able to do, that they could not make it except at a loss. I am glad to have the Senator's statement. It gets everybody straight on the record. We will vote on this proposition with a clear understanding, and I think that if the Senator means that he ought to accept my amendments,

Mr. UNDERWOOD. I may; but I want to tell the Senator first why his amendments are not necessary.

Mr. RANSDELL. Mr. President—

Mr. NORRIS. Before the Senator from Louisiana interrupts me, let me take up one question which the Senator from Alabama has raised.

First, he says that this language was taken bodily out of the Ford proposition. Of course I knew that, and I think we all knew it. That was one of the loopholes I always thought existed in the Ford proposal which would relieve him from the manufacture of the amount of nitrates stipulated, to wit, 40,000 tons; and if the Ford proposition had remained before us I would have gone into some detail and spoken at some length to discuss that legal proposition, because it is a legal proposition entirely.

I know that the best of lawyers disagree. I am glad, however, to have the approval of so eminent a legal authority as the Senator from Utah [Mr. KING] of my construction. I myself can not see any other way out of it. I want to read this clause again, since the Senator from Alabama has interrupted me. I shall leave out some of the modifying clauses, but first I will read it just as it is here:

The United States, its agents or lessees or assigns, shall manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, according to demand.

I anticipated that some one would say that this phrase, "according to demand," means whether it shall be mixed or unmixed, whether it shall be with filler or without filler. They are just modifying clauses. The principal part of the clause is "shall manufacture"; and how shall they manufacture? Let us leave out the modifying clauses. They shall manufacture "nitrogen and other commercial fertilizers * * * according to demand."

It is true they have to manufacture the fertilizers mixed or they have to manufacture them unmixed, because the demand may come either way. A farmer or a dealer may come along and say, "I want unmixed fertilizer." Under this substitute as it stands now they would have to manufacture it unmixed. The next man who came along might say, "I want

my fertilizer mixed." They would have to manufacture it mixed, for that would be the demand. However, in the vicinity where the fertilizer is made the price may be \$38 a ton, let us say for illustration, and our lessee, or the governmental corporation, would have no \$38-a-ton fertilizer, and they would not have to make any, because there would be no demand for the \$40-a-ton fertilizer. The price is part of the thing that enters into the demand.

Even if that is all wrong, even if there is no loophole there, why be uncertain about it? Do not take my judgment about it. I do not profess to set myself up as the criterion. Take the judgment of the Senator from Utah [Mr. KING], who agrees with me in the construction of section 4. The Senator from Tennessee [Mr. McKELLAR] practically agrees with me, and the Senator from Arkansas [Mr. CARAWAY] agrees with me in that construction. If there is a reasonable doubt in any man's mind, let us make the matter clear.

We all may be wrong, and nobody may be right except a few fellows who say that has not anything to do with it. But we are entitled to our opinion. We hold it honestly. How do we know, when we get out and test this case in the courts, if the property is ever leased and the matter is tested, that there will not be some judge sitting on the bench who does not know any more than we do, who is not any wiser than is the Senator from Utah? The question may come before such a judge. Notwithstanding all your wisdom you would lose out. You are likely to run up against just such judges on the Federal bench. Some of them are very able; some of them perhaps are not so able. Those judges are going to pass on the question if it gets into court, as it probably will if we pass the substitute.

Let us shear it of all that doubt. Let us make it certain. The author of the Underwood amendment, the Senator from Alabama himself, says, "I am in favor of compelling the manufacture of this much nitrogen." Then let us do it. Let us not leave a loophole for them to crawl through. Let us make it certain that it has to be done, and pay the money out of water-power profits, or make an appropriation from the Treasury of the United States and pay the deficit, if there is one.

Mr. RANDELL. Mr. President—

The PRESIDING OFFICER (Mr. BAYARD in the chair). Does the Senator from Nebraska yield to the Senator from Louisiana?

Mr. NORRIS. I yield.

Mr. RANDELL. I want to say that I agree with the construction which the Senator from Nebraska places upon sections 3 and 4, if they are to be adopted, and I believe it is essential to have the two amendments to section 4 which he has suggested. But I did not intend to ask him about that.

In his discussion with the Senator from Arkansas [Mr. CARAWAY] and the Senator from Tennessee [Mr. McKELLAR], the Senator from Nebraska spoke about the possibility of recouping losses made in the manufacture of fertilizer by the sale of the power. We seem to have forgotten that very important feature of the bill. Many of us have not even discussed it. I know the Senator from Nebraska has not. I want to ask him now if there is anything in the Underwood substitute requiring the sale of the surplus power. I confess the only thing I see in the bill on that subject is in one of the closing sections.

Mr. NORRIS. Section 10.

Mr. RANDELL. That is right, it is in section 10, and this is the way it reads:

The surplus power not required under the terms of this act for the manufacture of nitrogen or fertilizer, when sold or used shall be subject to the laws, rules, and regulations relating to the sale and use of electric power in the several States in which said power is used.

The Senator, arguendo, at any rate, seemed to concede that the lessee, if there be one, would have to sell this power, and that he might be able to sell it at a pretty good profit, which would recoup him for losses perhaps incurred by him in the manufacture of fertilizer under the terms of sections 3 and 4. But I want to say very frankly to the Senator from Nebraska and to other Senators that one of the great objections I had to the Ford offer was that Mr. Ford would not sell any power, but would probably consume every ounce of it in great manufacturing plants.

One objection I have to the Underwood substitute, as I construe it, is that if we find a lessee under the terms of that measure, he may do exactly the same thing which some of us at least thought Mr. Ford would do—not sell that power to consumers throughout the surrounding States—but, so far as this substitute goes, would use it in his own manufacturing

establishment if he desired so to do. I wish to ask the Senator if there is anything in the substitute, so far as he understands it, that would prevent such use of the surplus power?

Mr. NORRIS. Mr. President, the Senator has read section 10, which provides for that. I would like to say to the Senator, however, as he came in after I started, that I offered this amendment, and I said quite a number of times that later on, before the substitute is voted on, I intend to more completely analyze in detail the substitute itself. But the object I had in mind this morning was only to make clear to the Senate just what those who favor the Underwood substitute wanted, and I offer these amendments with the view of at least getting an absolute clarification of what is meant in the manufacture of nitrogen or fertilizer provided in section 4.

Although I do not want to discuss the question, I will say in passing that I agree with the Senator that it should be required that this surplus power be distributed as the committee bill, I think, provides it shall be distributed, to as many consumers as possible, taking into consideration the amount of power and the various distances. I agree with the Senator fully, as he knows I do, because of the various discussions we have had in the Committee on Agriculture and Forestry, of which he is an honored member.

Mr. RANDELL. I wish merely to add that I have heard all the Senator's argument, and I understood that he intended to go into this more fully later. The only purpose of my question was to elucidate a portion of his argument which he probably overlooked, which seemed to concede that under the terms of this substitute it would be necessary to sell the surplus power. I do not consider it so at all. I hope I may hear the Senator's able discussion of it, and I hope I will be able to make some remarks myself, and if my voice permits I shall certainly do so. I am heartily in accord with the Senator's amendments to these two sections.

Mr. UNDERWOOD. Mr. President, I have made an argument on this subject several times. The language in section 4, as I have said, is taken from the Ford offer. I adopted that language because it was known throughout the country, and approved by the farmers of the United States as a satisfactory proposition to them for the manufacture of fertilizer, at least by that class of farmers who approved the Ford bill.

We have had a great deal of discussion here about things which it seems to me are perfectly clear from a business standpoint. I said the other day, when I made my first address on this subject, and I said it as clearly as it could be said, that I wanted this legislation to compel the production of 40,000 tons of nitrogen, after the period of time specified had elapsed—which is now six years, though I made it four originally—and the manufacture of fertilizer that would consume that much nitrogen. I have not a doubt, so far as the lessee is concerned, on that subject as the language stands.

I have no serious desire to oppose the amendment offered by the Senator. I realize that he does not offer the amendment to try to perfect my bill, but he wants to raise the question that we should not compel anybody to make fertilizer. I realize his purpose in offering the amendment.

Mr. NORRIS. Mr. President, may I interrupt the Senator there?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. UNDERWOOD. Certainly.

Mr. NORRIS. The Senator has not quite correctly stated my purpose. I want to say very frankly to the Senator, as I tried before to make plain, that the object I have is to make clear to the Senate just what is intended. If the Senator himself said that he did not want it; for instance, if the Senator said, "I do not want to compel them to make fertilizer unless they can make it at a profit," I would withdraw my amendment. I am not trying to play with the Senator or his amendment.

Mr. UNDERWOOD. I know, but the Senator has said enough on the floor to justify me in saying that he is going to oppose the proposal because it might compel somebody to make nitrogen or fertilizer at a loss. There is the difference. The Senator is in favor of a power proposition. I do not criticize his bill from the standpoint of the development of great powers in that neighborhood. That is the Senator's objective. The fertilizer and nitrogen parts of his bill are merely experimental, and I think we agreed on that the other day. I am not for a power proposition. I am out for national defense and fertilizer. There is the critical line of difference between the bill proposed by the Senator from Nebraska and the substitute proposed by myself. It is a perfectly clearly drawn line between an effort to develop great power for the use of manufacturing plants to be sold in that

community, and the development of nitrogen for national defense in time of war and fertilizer in time of peace. We did not differ the other day, and we do not differ now; but I want to say without any long argument that the bill as it stands does require the manufacture of 40,000 tons of fertilizer, and I will tell the Senator why, even with the doubt he has thrown on the language which he read.

The Senator a moment ago said that section 3 required the production of 40,000 tons of nitrogen annually, and he did not doubt it.

Mr. NORRIS. Oh, no; I said section 3 was perfectly positive on that, and, standing alone, I had no doubt could require it if it were not modified by section 4.

Mr. UNDERWOOD. If the Senator will bear with me a moment, section 3 compels the lessee to make 40,000 tons of nitrogen. If he does not make it into fertilizer, what is he going to do with it? Is he going to throw it into the river? He can not go into refrigeration because that territory is occupied by a cheaper nitrogen, a nitrogen with which he can not compete, a nitrogen which comes from a by-product plant in the form of by-product ammonia. It is impossible for him to enter that field because that is a by-product and it will always undersell him.

I admit there is a small amount of nitrogen used for explosives and blasting powder in time of peace and some in experimental stations, but the amount is not 1 per cent of the production of this plant. When we compel the lessee to make 40,000 tons of nitrogen he has but one way to sell it, and that is to convert it into fertilizer to be sold to the farmer. There is no other market. He can either do that or throw it into the river.

Taking section 3 in connection with section 4, it is perfectly clear to my mind, and I think to any other man's mind, that section 4 does compel the lessee to make 40,000 tons of nitrogen every year whether he makes it at a loss or a profit. There is nothing unusual in that. Suppose I made a contract with a lessee to duplicate the Capitol for \$40,000,000. The lessee would not enter into the contract unless he thought he was going to make a profit. If he failed to make a profit the loss would be his. There is nothing unusual in that. We talk about this contract with the lessee as if there were something unusual involved.

Mr. CARAWAY. Mr. President, may I interrupt the Senator at that point?

Mr. UNDERWOOD. Certainly.

Mr. CARAWAY. In line 22, on page 3, the Senator has the words "as far as it is practicable to do so in the manufacture of commercial fertilizers."

Mr. UNDERWOOD. That is language that I lifted bodily out of the Ford offer and put in my amendment.

Mr. CARAWAY. And that was one of the very objections some of us had against the Ford offer—that he might not find it practicable to do so. It does not mean anything unless it is qualified, and therefore it ought to go out, ought it not?

Mr. UNDERWOOD. I think so, if there is any objection to it. I left it in because I wanted to put the Ford offer in my amendment and because I thought everybody would understand it. If there is any question about it, it does not affect it.

Mr. CARAWAY. If it does not give some grounds for doubt, there would be no use for it there. I imagine that it might be the thing upon which a controversy might be hinged after a while with some lessee.

Mr. UNDERWOOD. I have no serious objection to that language going out.

On the other question of the words the Senator from Nebraska wants to go out—"according to demand"—my interpretation of those words and the interpretation of everybody else that I have talked to has been according to the demand of the particular kind of fertilizer, but I admit the phrase does not mean much in there. I have no particular desire to retain it. If the Senator from Nebraska wants to go to the Senate on the issue that I have a substitute here that is going to make the lessee live up to his contract whether he makes money or not, I am perfectly willing to face the Senate and the country on that issue.

I want to say to the Senate, and we might as well understand it, that there are some Senators in the Chamber who are talking about fertilizer for the benefit of the farmer—I am not referring to the Senator from Nebraska in charge of the bill, even though I am looking at him—who say they want to help the farmer to get fertilizer in time of peace, and yet they are more desirous of getting a production of electrical power for the development of mills in their own local communities than they are of getting cheap fertilizer for the farmers of

the United States. That is all there is to the proposition. If we want fertilizer let us compel somebody to make it. If we want power, why not be as candid as is the Senator from Nebraska? He said that this can not be done, that this is not the time to do it, that he is willing to experiment, but he is not willing to go further than experimentation; that he believes in developing the power and selling it for the benefit of the industrial plants of America, especially in the South.

There are two angles to the situation. I admit that with this power there could be a great development of the mill interests in the States surrounding Alabama and in Alabama itself, but I say we are pledged first to national defense in the project, and next to a suitable production of fertilizer for the farmer. There is the line, and if we make a contract with the lessee I have written in the bill an offer to sell him some very cheap power if the Secretary of War agrees and does not raise the price. The terms of the bill would let him take over the plants practically without a lease, unless the Secretary of War raises the price when he comes to make a contract. Why do I suggest that? It is because I want to be sure that 40,000 tons of nitrogen are going to be made every year, and that in time of peace the 40,000 tons of nitrogen shall go into fertilizer, which, at 2-8-2, would mean 2,000,000 tons of fertilizer that would go to the farmers of America. There is the line drawn. If we go out and say that we are going to compel the lessee to sell his power to somebody and not at the best advantage, we may drive the lessee out of the market. The bill permits the lessee to use the surplus power as he thinks best. He is not compelled to sell it, because I am proposing to offer it to him as a bid to go in there and take his chance on making 40,000 tons of nitrogen and 2,000,000 tons of fertilizer for the American people.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I yield.

Mr. McKELLAR. Then, as I understand the Senator, he is offering a reduced rental as a consideration to the lessee to compensate him for any loss he might have on the nitrogen.

Mr. UNDERWOOD. Undoubtedly. Somebody suggested a while ago that perhaps the bill did not reflect into the cost of the fertilizer the cheapness of the power. I should be very glad to accept an amendment that would reflect the cheapness of the power into the cost of the fertilizer if my amendment does not already do it.

Mr. McKELLAR. I do not know that I catch just the point the Senator is making.

Mr. UNDERWOOD. I am not sure that it was the Senator from Tennessee who suggested that. In the debate here it was suggested, and I think the Senator himself suggested, that the lessee was compelled to sell the fertilizer at a profit of not more than 8 per cent. He said the cheapness of the power was not included in that estimate. I am not sure that my amendment does not include it, but I am perfectly willing to accept an amendment that will reflect it. In other words, my objective is powder to defend the Government in time of war, and cheap fertilizer, if we can get it, for the farmers of America in time of peace. Outside of that I am not going to tie the hands of the lessee and tell him how to sell the power. I want him to dispose of it in the most profitable manner he can and reflect that profit in the cost of the fertilizer.

Mr. KENDRICK. Mr. President—

Mr. UNDERWOOD. I yield to the Senator from Wyoming.

Mr. KENDRICK. The Senator will remember that in connection with this very question yesterday I called attention to the fact that the enormous investment of the Government under the measure was to be given to the lessee free of any cost of rental.

Mr. UNDERWOOD. No; not entirely free of cost.

Mr. KENDRICK. I mean to say the incidental properties.

Mr. UNDERWOOD. The nitrogen plant?

Mr. KENDRICK. Yes; the manufacturing plant.

Mr. UNDERWOOD. I will say to the Senator that so far as my amendment is concerned it would authorize that if the Secretary of War wants to do it. There is a minimum fixed, and he can raise it if he wants to do so.

Mr. KENDRICK. I want to ask the Senator if he does not believe in the interest of good business that there ought to be a provision in his substitute requiring the lessee to maintain the property.

Mr. UNDERWOOD. There is already in it a provision for maintenance.

Mr. McKELLAR. There is a provision for maintenance, but none for replacement, and it might cost the Government a great deal more than the amount of the rentals to replace the property, in addition to the maintenance. I have an amend-

ment which I hope the Senator will accept, which provides for replacement as well as maintenance.

Mr. UNDERWOOD. If the Senator from Tennessee will pardon me, I want to answer him later on replacement, but I do not want to be impolite to my friend from Wyoming, and I desire to answer him first.

Mr. KENDRICK. I agree with the Senator from Alabama that it is perhaps sufficient to require that the property be maintained, because if there is not some such provision in the bill it would be neglected in a most shameless manner or could be so neglected.

Mr. UNDERWOOD. My amendment provides for maintenance, but it does not provide for replacement, and I will tell the Senator why. I do not provide in the amendment that any particular method shall be used in the production of nitrogen. Of course, if the lessee takes the plant for 50 years, it is a foregone conclusion that before the 50 years shall have ended he will have to rebuild the plant, because it will wear out before that time. He may have to replace it more than once. When it is provided in the measure that the lessee has got to make 40,000 tons of nitrogen and a commensurate amount of fertilizer he will have to replace the plant or he can not make it. I put the burden of replacement on the lessee. Of course, so far as the present plants are concerned, maintenance will keep them in proper condition.

Mr. McKELLAR. Then, if the Senator thinks that the lessee has got to replace the plant, why not put it in the bill that he has got to replace it? I am like the Senator from Nebraska [Mr. NORRIS] in one respect; I like to have things specific, so that they can not possibly be misunderstood. I agree with the Senator from Alabama that unquestionably the existing machinery will have to be replaced. I have no doubt that the steam plant will have to be replaced, and perhaps replaced twice between now and the end of the 50 years. Then, if it is proposed that the company or the lessee shall replace it, let us so provide in the bill, in order that there may not be any doubt about it and that the lessee will not be coming to Congress to get money with which to replace it.

Mr. UNDERWOOD. I will say to the Senator that of course he must bear in mind what a great many gentlemen who have casually read the bill do not seem to understand; that is, that I propose to authorize the Secretary of War, with the approval of the President, to make the lease. If I provided nothing more than that, there would be no question that that would be the lease. All I am attempting to do in the authority which is given to the Secretary of War, with the approval of the President, is to fix certain conditions which must go into the lease. A may want to make one kind of a lease; B may want to make another kind of a lease; and I prefer to leave it to the discretion of the Secretary of War, provided that the lease calls for the production of 40,000 tons of nitrogen and a commensurate amount of fertilizer. I think we are more apt to get a lease if we leave a large discretion, outside of the cardinal points which we desire to attain, to the Secretary of War.

Mr. McKELLAR. Let us see about the lease and just what we propose. Only on yesterday there was an amendment offered by the Senator from Georgia [Mr. HARRIS] providing that the lease should not be transferred.

Mr. UNDERWOOD. Mr. President, the Senator from Nebraska [Mr. NORRIS] desires to leave the Chamber for a moment, and the request I desire to make will not take long. If the Senator from Tennessee will excuse me for a moment. The Senator from Nebraska desires to know what is going to be the disposition of two amendments. I do not think the amendments are material to the purpose I have in mind or to the bill, but I do not care to have any controversy about the matter. He suggested the amendments for the reasons he has stated. The Senator from Nebraska proposes first, on page 3, line 22, to strike out the words:

As far as it is practicable to do so.

I ask unanimous consent that those words may be stricken out.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that on page 3, line 22, the words "as far as it is practicable to do so" may be stricken out. Is there objection? The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. Now, Mr. President, the Senator from Nebraska states that he has doubt about the insertion on page 4, line 1, of the words "according to demand." I do not think they help the bill any by being there, and it is immaterial to me whether they shall remain. I therefore ask unanimous consent that those words may also be stricken out.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that on page 4, line 1, the words "according to demand" be stricken out. Is there objection? The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. Now, Mr. President—

Mr. NORRIS. Mr. President, before the Senator proceeds I desire to withdraw the motion which I have pending to strike out.

Mr. UNDERWOOD. The reason I asked unanimous consent that the words be stricken out was that I did not want to agree to that being done if any Senator objected to it without a vote. Now, there can be no question in any Senator's mind that if the lease be made the lessee must contract for the production of 40,000 tons of nitrogen and a commensurate amount of fertilizer, whether he makes a profit or whether he loses money.

Mr. McKELLAR. I think the bill has been very greatly improved in that regard, I will say to the Senator, but I wish to ask him a question about this proposed lease. The Senator has stated that the provisions of the lease should be left to the Secretary of War.

Mr. UNDERWOOD. I stated that some of those provisions should be left to him.

Mr. McKELLAR. Yes; that some of those provisions should be left to the Secretary of War. Just a day or two ago an amendment was offered by the Senator from Georgia [Mr. HARRIS] providing that before the lease should be assigned it should be submitted to the Secretary of War. I suppose there is hardly one Senator in this body who has not real estate which he leases out, and I presume there is no Senator in this body who would think of leasing his property to another person without having a provision in the lease that before the lease should be assigned the question of such assignment should be submitted either to him or to his agent for approval. Yet this body has gone on record as voting down a simple amendment, offered by the Senator from Georgia, which provided that before this lease should be assigned such assignment of the lease should have the approval of the Secretary of War or the President. I can not remember the exact wording of the amendment, but that was the substance of it.

It seems to me that some person or some concern might lease this property and, not being satisfied with the outcome, might turn it over to some wholly irresponsible company, and the Government would be powerless. I think it would be a great mistake to lodge in the Secretary of War the power to make the lease without instructions from Congress.

Mr. UNDERWOOD. Mr. President, of course the question to which the Senator from Tennessee has just referred was determined by the Senate on yesterday.

Mr. McKELLAR. I know that, but it may be reconsidered and ought again to be submitted to the Senate before the bill shall be passed.

Mr. UNDERWOOD. If it is brought up for redetermination I shall be glad to have it discussed then, but I do not agree with the Senator about the proposition, and I should like to finish my statement with regard to the matter which was brought up by the Senator from Nebraska [Mr. NORRIS].

Mr. HARRIS rose.

Mr. UNDERWOOD. I yield to the Senator from Georgia if he desires to interrupt me.

Mr. HARRIS. If the Senator from Alabama will be kind enough to allow me, I desire to say that when the bill comes into the Senate I shall again offer the same amendment.

Mr. UNDERWOOD. Mr. President, it may be asked, Why should we be so anxious to compel the production of 40,000 tons of nitrogen? The answer is that it is our only means of national defense so far as nitrogen is concerned. I wish to put in the Record some data which I have gathered very carefully in reference to the production of nitrogen in this country outside of the plant at Muscle Shoals, and I will take this occasion to do it.

The only real production in this country of nitrogen in any quantities outside of what may be produced by this plant comes from the by-products of coke; the balance comes from Chilean nitrates. In regard to this by-product, when coke is made from coal in a by-product coke oven, nitrogen gas is found in the gas which escapes from the oven. This nitrogen exists in combination with hydrogen gas, forming ammonia gas, which is the form in which it escapes from the oven. This ammonia gas is separated from the remainder of the coke-oven gases and is passed into sulphuric acid (a liquid); the reaction between the liquid sulphuric acid and the ammonia gas results in the formation of solid crystals, which are separated out and dried. The crystals are called ammonium sulphate (or sulphate

of ammonia). They contain about 25 per cent ammonia or a little less than 21 per cent of pure nitrogen.

In 1923 the American Fertilizer Hand Book reported a domestic production of sulphate of ammonia of 619,000 tons, but this includes other ammonia products which would have been sufficient to have made this amount of sulphate if they had been converted into sulphate, but they were not so converted. The United States Geological Survey also made an estimate of the sulphate of ammonia production which came from by-product coke ovens and they found that the amount actually produced as sulphate of ammonia was about 458,000 tons.

This amount of sulphate would contain about 95,300 tons of pure nitrogen.

Since the capacity of nitrate plant No. 2 is 40,000 tons of pure nitrogen—fixed in commercial form so as it can be used—this 40,000 tons represent about 42 per cent of the 95,300 tons of pure nitrogen that was fixed by the by-product coke ovens in the form of sulphate of ammonia.

Looked at in another way this 40,000 tons of pure nitrogen, if it had been fixed in the form of sulphate of ammonia, would have produced about 192,000 tons of sulphate of ammonia, and 192,000 tons is about 42 per cent of the actual production of 458,000 tons of sulphate of ammonia produced by the by-product coke ovens in 1923.

Commercial sulphate of ammonia in addition to carrying about 20.8 per cent of pure nitrogen also contains sulphuric acid and hydrogen, sulphur, and oxygen in chemical combination, in addition to which there is always a certain percentage of water. These chemicals are not commercial plant foods but instead are detrimental to the soil when applied year after year, as they cause the soil to become acid.

Sulphate of ammonia can not be regarded as one of the desirable highly concentrated fertilizer materials that the farmers wish to secure.

Mr. HOWELL. Mr. President—

Mr. UNDERWOOD. I will yield to the Senator in a moment. As I have said, a larger portion of this by-product ammonia is used in refrigeration and to conserve the food supply of America. In time of war it can not be recalled from refrigeration purposes, nor can it be recalled from refrigeration purposes in order to supply the farmer with fertilizer. So practically the larger proportion of this production of nitrogen is conserved to the food supply of the Nation, and we come back then practically to the proposition of basing our national defense either on the nitrogen we haul here from Chile or on our successful operation of this plant. As I said the other day, I am willing to vote to operate it at a loss, as I vote to operate a battleship at a loss, rather than lack national defense in the hour of trouble.

I now yield to the Senator from Nebraska.

Mr. HOWELL. Mr. President, is it not a fact that last year 100,000 tons of the sulphate of ammonia that was produced by by-product coke ovens was exported?

Mr. UNDERWOOD. No. There was an export of sulphate of ammonia. As to whether that sulphate of ammonia came from by-product sources or whether it was the product of the chemical industry and produced from Chilean nitrate I am not informed. It does not make any difference, though. It happened for that year that there was an overproduction of sulphate of ammonia that the farmers would not consume, and somebody shipped it out, but there was no indication in any record I have ever found that it was by-product ammonia. Some people have claimed that that was the case. I have seen the matter used in arguments, but I have never seen it attributed to that source, because by far the larger proportion of by-product ammonia goes to refrigeration, and it certainly is cheaper than Chilean saltpeter, because it is just as cheap as it has to be. It is a by-product, and the maker of it is going to sell it on the market for whatever the market is.

Mr. HOWELL. But the fact is that by-product coke ovens are increasing in number.

Mr. UNDERWOOD. No; I do not think so.

Mr. HOWELL. As a matter of fact they will continue to increase in number, because the gas plants that are using water gas in this country will be compelled ultimately to come to the production of gas with coke as a by-product, and that will mean the production of sulphate of ammonia. The export of sulphate of ammonia has been increasing from year to year. For the first eight months of this year it was about 100,000 tons. In other words, last year we exported 32,000 tons of fixed ammonia, because there was no market for it in this country in the form of sulphate of ammonia.

Mr. UNDERWOOD. It went over the Canadian border probably at a more successful venture, but it did not go to

Europe or any real foreign market. The Senator overlooks the fact that when you come down to making gas, gas originally was made from coke. Water gas was a later invention. There is a small increase in the gas supply; but practically every city of five or ten thousand people to-day has a gas supply already, and it is only the gradual growth of the inhabitants that will build up the supply of coke from gas, even if they should go back to the old method.

So far as the production of by-product coke is concerned, it is limited by the production of pig metal. There is no necessity for by-product coke if you are not going to make pig iron. Our maximum production in the war was 41,000,000 tons. I know what I am talking about in this matter, because it is nearer my business than any other business I have except attempting to be a Senator of the United States. There is a fairly good normal industrial market for pig to-day. It amounts to about 2,000,000 tons a month, or 24,000,000 tons a year. These old furnaces that came in during the war will never convert themselves into by-product coke ovens. There will be some increase, but a very little. Senators may try to fool themselves, but there is no question that if the line of communication between this country and Chile is ever severed, and we are not prepared to make nitrogen out of the air, we will surrender our flag in disgrace to the enemy. There is no question about that, and that is why I am willing to compel the lessee to manufacture. Of course, the lessee is not going to make the contract unless he thinks he can manufacture at a profit.

The Senator from Nebraska sings day in and day out that you can not profitably work one of these cyanamide plants, and yet there is a cyanamide plant of a similar nature in Canada. Its product is brought to New Jersey; it is there manufactured largely into commercial fertilizer and other products and sold at a profit, and the company operating there is paying dividends on its stock. I did not get that information second hand. I got it within the last two weeks from the president of the company operating the plant, and the same company built plant No. 2 at Muscle Shoals. So to say that we can not operate the plant at a profit is simply barring what is being done. If, however, we can not operate it at a profit for the purposes of national defense, I am prepared to operate it anyhow, and it would not cost any more than the operation of a battleship; and I think it is absurd to go on building a great Navy and maintaining an Army and then hesitate to supply sufficient nitrogen to give us a powder supply to fire our guns in time of war.

Mr. President, the amendment that brought on this discussion has already been attended to. I have a suggestion from the Chief of Engineers in regard to this bill. I have had some other suggestions coming from that quarter; and I wish to offer two amendments in regard to section 8, page 15, to comply with his suggestion. It is in reference to the completion of this work. He suggests that after the figure "3," on line 19, page 15, there should be added the words "and the necessary approaches to the locks in Dam No. 2." I offer that amendment.

Mr. McNARY. Mr. President, the chairman of the committee, who is most familiar with the provisions of the Norris bill and who also has made a thorough study of the bill of the Senator from Alabama, is temporarily absent from the Chamber. For that reason I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Bayard	George	McLean	Robinson
Borah	Gerry	McNary	Sheppard
Brookhart	Hale	Mayfield	Shipstead
Broussard	Harrell	Means	Shortridge
Bruce	Harris	Metcalf	Simmons
Butler	Harrison	Moses	Smith
Capper	Heflin	Neely	Smoot
Caraway	Howell	Norris	Spencer
Copeland	Johnson, Minn.	Oddie	Stanfield
Curtis	Jones, N. Mex.	Overman	Stanley
Dial	Jones, Wash.	Owen	Sterling
Dill	Kendrick	Pepper	Trammell
Edwards	Keyes	Phelps	Underwood
Fernald	King	Pittman	Wadsworth
Ferris	Ladd	Ralston	Walsh, Mass.
Fess	McCormick	Ransdell	Wills
Fletcher	McKellar	Reed, Mo.	
Frazier	McKinley	Reed, Pa.	

The PRESIDING OFFICER (Mr. COPELAND in the chair). Seventy Senators have answered to the roll call. A quorum is present.

Mr. UNDERWOOD. Mr. President, as I stated before the roll was called, and as I will state again, because Senators have come into the Chamber since I made the statement, this morning I received a suggestion from the Chief of Engineers in reference to the language in section 8, page 15, line 19. He

suggests that the words "and the necessary approaches to Dam No. 2" be added after the numeral 3 in line 19.

Those familiar with the project know that Dam No. 2 does not reach down to the river. It takes a lift of a great number of feet, and the Secretary of War says that he can complete this work with a very much smaller expenditure if he is authorized to go ahead with it now, when he has the machinery and the men on the ground. Therefore, he desires this authorization, at the same time that we are making the authorization for Dam No. 3, as provided in the substitute. So I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. UNDERWOOD. The Chief of Engineers also makes a further suggestion, at the end of the same paragraph, line 25, page 15, to add the words:

Provided further, That the funds for the prosecution of this work may be allotted from appropriations heretofore or hereafter made by Congress for the improvement, preservation, and maintenance of rivers and harbors.

I move the adoption of that amendment to the amendment.

Mr. WADSWORTH. May it be reported again?

The PRESIDING OFFICER. The Secretary will report the amendment to the amendment.

The READING CLERK. On page 15, line 25, after the word "navigation" and before the period, insert a colon and the following proviso:

Provided further, That the funds for the prosecution of this work may be allotted from appropriations heretofore or hereafter made by Congress for the improvement, preservation, and maintenance of rivers and harbors.

Mr. WADSWORTH. May I ask the Senator from Alabama whether the fund referred to in the amendment contemplates the fund for work at Muscle Shoals other than on the river?

Mr. UNDERWOOD. No; it means the prosecution of the work on the dam, and I will tell the Senator what the purpose of the suggestion is, as I understand it: If a river and harbor bill goes through providing for a particular project, it will provide for this additional work. If it goes through with a blanket appropriation, then there could be no allotment to this proposed work without this language in the law.

Mr. WADSWORTH. Would it not be well for the Congress to know in advance how much money was to be spent on Muscle Shoals out of a river and harbor appropriation?

Mr. UNDERWOOD. Yes; I think it would.

Mr. WADSWORTH. We would have no means of knowing if it were left to the board of engineers.

Mr. UNDERWOOD. As I understand the secondary work at Dam No. 1, we may call it—it is the approach to Dam No. 3—would cost \$1,600,000 if the engineer is allowed to go ahead with it and do it now. If he dismisses his force, he says it would probably cost him \$600,000 more.

Mr. WADSWORTH. There will be passed at this session of Congress a War Department appropriation bill. Contained in that bill will be the old river and harbor bill, appropriating a lump sum for construction and maintenance of approved projects. Instead of putting this provision in this proposed statute and making it permanent law, would it not be wiser, from the standpoint of the Congress itself, to amend the War Department appropriation bill in its river and harbor item, and provide in effect something like this: That not more or not less than a certain sum of this river and harbor appropriation may be expended for this Muscle Shoals work?

Mr. UNDERWOOD. In a blanket appropriation, of course, as the Senator knows, that is never done. It is left to the discretion of the Chief of Engineers as to how he will expend it. Of course, if it is not a blanket appropriation, then each item is designated. The only purpose of the suggestion is, as I understand it, that this work has to be done—

Mr. WADSWORTH. Oh, yes.

Mr. UNDERWOOD. There is no question about that.

Mr. WADSWORTH. I am not contending against the work being done.

Mr. UNDERWOOD. It has to be finished. Dam No. 2, as far as the dam itself is concerned, will be finished on the 1st day of July, approximately.

Mr. WADSWORTH. I understand that.

Mr. UNDERWOOD. The Chief of Engineers has his workmen, his machinery, and his tools right there. This approach is within a mile of the foot of the dam; it may be less. If he can convert that machinery and those men without moving them or dismissing them, right over to the other place, he says he

can complete the work \$600,000 cheaper than if he dismisses them and has to reorganize his force.

Mr. WADSWORTH. I understand that; but my proposal would not interfere with that scheme at all. My proposal is that the appropriations to be made in the future for the completion of the works at Muscle Shoals shall be made in the way they have been made in the past, in the War Department appropriation bill, with an item setting forth the purpose and the amount, so that in each instance, year after year, the Congress will know exactly how much is to be spent on Muscle Shoals. This will only be the first year when appropriations will be asked; they will be asked for many years to come. If this provision is inserted in the permanent statute respecting the entire disposition and management of Muscle Shoals, as I read it, then no Congress of the future will ever have submitted before it in legislative form an appropriation item for Muscle Shoals. It will be included in a lump-sum item for rivers and harbors work, in which, to my judgment, it does not properly belong.

Mr. UNDERWOOD. I will say to the Senator that that would not apply to Muscle Shoals generally, if the Senator means the work of carrying on the operation of the plant. It merely applies to finishing the construction.

Mr. WADSWORTH. I understand, but I can not understand why any different method for the future is now requested. The plan we have followed has worked perfectly in the past. We have carried this item of \$10,000,000 a year for the last three years, if I am correct; and the Senator from Nebraska can correct me if I am wrong. We have known just what we were doing. We have never hesitated to do the right thing, and I see no reason for changing the policy of legislating in the matter of appropriations for the project.

Mr. UNDERWOOD. This proposition was not initiated by me. It comes from the Government. I approve the suggestion of the Government or I would not have offered it. The purpose of the suggestion is this: That if there should be a failure of a river and harbor bill this year, which I hope there will not be, then out of the funds on hand the Chief of Engineers can finish these approaches, and he says \$600,000 cheaper than he can if this language is not in the law. Of course, if a river and harbor bill shall be passed between now and the 4th of March, I have no doubt, as the Senator suggests, that the matter will be taken care of. I would come to the Senator and ask him to have it taken care of.

Mr. WADSWORTH. As far as I am concerned, I would vote for it right away; but I would like to maintain a situation in which the Congress each year would know just what it was being asked to appropriate for the continuance of this project.

Mr. UNDERWOOD. I hope the Senator will let this go through, because I think it will save money in the happening of a contingency. I am not going to press it if the Senators here think it ought not to be pressed, because I realize that it should be considered otherwise; but here is a vast number of men and the machinery for making concrete. They are all in place, practically adjacent to this work, and if the river and harbor bill goes through, very well. Of course, Congress is going to make this appropriation. It has to finish this job. I understand it will probably cost \$1,600,000 if finished now, and \$600,000 more if the force is dismantled.

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Washington?

Mr. UNDERWOOD. I yield.

Mr. JONES of Washington. I take it that this is an approved project.

Mr. UNDERWOOD. Oh, yes.

Mr. JONES of Washington. There is no doubt but that an appropriation will be made to carry on approved projects. That will come in the military appropriation bill. I understand the Budget has sent down an estimate of about fifty-odd million dollars. There will no doubt be some definite sum appropriated in the military appropriation bill. There is another bill, which may be termed a river and harbor bill, providing for the approval of new projects, but there is no doubt in my mind that an appropriation of some sum will be made to carry on existing projects. So I agree with the Senator from New York. I think this should be left out of the pending measure.

Mr. UNDERWOOD. As I said, the suggestion is not mine.

Mr. JONES of Washington. I appreciate that.

Mr. UNDERWOOD. It came to me from the Government, and if there is objection I will not press it. I withdraw the amendment to the amendment for the present.

Mr. NORRIS. Mr. President, I hope the Senator will permit the amendment to the amendment to remain before the Senate. I am not pressing for a vote on it, but we will not get through with the amendments to-day, and let Senators who think it should not be agreed to think about it until tomorrow. In the meantime, I would like to say to them that I understand that what the Senator from Alabama has offered is a proposition which in effect provides for the building of Dam No. 1.

Mr. UNDERWOOD. Yes.

Mr. NORRIS. Many Senators perhaps do not understand about the difference between these various dams, so that it might be well to make that matter plain. We have all been referring in this debate to Dam No. 2, which is now about completed, and Dam No. 3, which is included in both the substitute and the committee bill, and nothing much has been said about Dam No. 1. Many Senators have privately said, What is Dam No. 1? Dam No. 1 is a few miles below Dam No. 2. It is entirely and solely a navigation proposition. It cost about a million five hundred thousand dollars, as I understand it, and it is just below Dam No. 2.

Dam No. 2, to be finished on the 1st of July, will make the Tennessee River navigable clear up to Dam No. 3, with the exception of the shoals still found a few miles below Dam No. 2, where they propose to build this Dam No. 1, so that we will not be able as a matter of commerce to utilize the stream as a navigable stream above Dam No. 2, or any other dam above that, until we have built Dam No. 1. It has nothing to do with power. It is a very little thing. It is a dam to be constructed across the river right where the railroad bridge and the wagon bridge south of Florence cross the Tennessee River. It has only one lock in it. There are some shoals there, and it is for the purpose of making the Tennessee River navigable, and it would be perfectly useless to think of having navigation farther up the river unless we complete that dam.

It ought to be authorized, if it has not been authorized. If it is not an approved project, it ought to go into any bill that passes the Senate, it seems to me, because the Secretary of War has this force there. True, he could take them up to Dam No. 3, the bill providing for the construction of Dam No. 3. He could move them up and do that first, but he would be 10 or 12 miles farther from Dam No. 1 than he is now with his force, and while he has his men and machinery and material there it would be a matter of economy to build Dam No. 1, because the Tennessee River can never be navigable and we will never get the benefit of these two big dams we have provided for, in a navigation sense, unless we construct Dam No. 1.

Mr. FESS. Mr. President, I notice the language of the amendment is "from funds allotted heretofore or hereafter."

Mr. NORRIS. I think we have similar language in the committee bill.

Mr. FESS. Has not all the appropriation heretofore allotted been accounted for?

Mr. NORRIS. I do not know. I can not say whether it all has been accounted for or not.

Mr. UNDERWOOD. I myself do not know, but it is undoubtedly the correct language, because it was sent here from the office of the Chief of Engineers.

Mr. NORRIS. The Committee on Agriculture and Forestry put somewhat similar language in the committee bill. I do not know whether it is exactly the same, because I have not compared them, but whatever bill passes ought to have that language in. It is all right to put it in the substitute, because if that is passed it ought to go in.

Mr. FESS. As I recall, we always have difficulty with our appropriations for rivers and harbors. A river and harbor bill is one of the hardest-fought pieces of legislation.

Mr. NORRIS. We used to have.

Mr. FESS. We do yet.

Mr. NORRIS. Do we?

Mr. FESS. Yes; we do. What I can not understand is why the appropriation already made has not been allotted, and how we are going to use any of it for this work without taking it from a fund that is already applied to something else.

Mr. NORRIS. We can not do that, as I understand it. If the fund is already applied to something else, we can not allot it to this use. The thing ought to be settled and ought to be in legislation in some form at some time. I sympathize with what the Senator from New York said.

Mr. PITTMAN. Mr. President—

Mr. NORRIS. I yield to the Senator from Nevada.

Mr. PITTMAN. I simply want to ask the Senator if the prime purpose of all this work is to improve navigation?

Mr. NORRIS. Yes.

Mr. PITTMAN. It is really the excuse for all this work?

Mr. NORRIS. For the other work?

Mr. PITTMAN. Yes.

Mr. NORRIS. It may be the legal peg on which it is hung, but I do not think it is the excuse or the purpose. Navigation is one of the things involved in it.

Mr. PITTMAN. I was only thinking of the constitutional right of Congress to appropriate money.

Mr. NORRIS. It may be it is the only constitutional peg upon which we could hang the appropriation, but at least Dam No. 1 is purely a navigation proposition.

Mr. PITTMAN. Therefore I think it is absolutely necessary to have in the bill a provision for Dam No. 1.

Mr. NORRIS. I think so. We ought not to delay providing for Dam No. 1, because, so far as navigation is concerned, we can not utilize the water above No. 2 and No. 3 unless No. 1 is built. The point made is that while the Secretary of War has his force and his machinery, his cars, and his engines, power facilities and everything else there, he ought to do it now as a matter of economy.

Mr. JONES of Washington. Mr. President, what the Senator from Nebraska has said makes me feel more strongly that the item should not go in the pending bill, but should be in the general river and harbor appropriations, for it is clearly a river and harbor improvement. We appropriate definitely for river and harbor improvements a certain amount of money carried in the appropriation for the War Department for projects that have been approved. There is no reason in the world why the engineers of the War Department can not use part of the money for this purpose if it is desirable. I have no doubt that the War Department appropriation bill will become a law before the Muscle Shoals bill becomes a law and the money there appropriated will be available if the engineers think it ought to be used for the purpose.

It is not uncommon for some of the bureaus and departments of the Government to use different measures for accomplishing certain purposes they may desire. We have known in the past of instances where some branch of the Government came down to Congress to secure an appropriation and not getting it in one bill where it ought to go went to some other committee where another bill was being considered and got the item in that bill. The river and harbor appropriations are carried in a certain way and in a certain bill, and this being clearly a river and harbor item, I think it should be dealt with just the same as any other river and harbor item.

I appreciate the economy that would probably be served by having money available so as not to have to take away the workmen and machinery, and yet that same argument might apply to a great many projects throughout the country, where they do not have enough money to complete them. But there is no reason why the proposition can not be taken care of if it is necessary, because there is no doubt that we will appropriate a lump sum of money for carrying on river and harbor projects that have been approved and that bill will become a law before the 4th of March. There will be no limitation upon the use of the money by the engineers of the department, except that it shall be used upon approved projects, and if this project is so desirable, as I have no doubt it is, there is no question that part of that money can be used for the purpose.

Mr. UNDERWOOD. Mr. President, I want to have it understood that the last amendment to the amendment which I offered is withdrawn.

The PRESIDENT pro tempore. The amendment offered by the Senator from Alabama to the amendment in the nature of a substitute submitted by him has been withdrawn.

Mr. McKELLAR. Mr. President, I desire to call the attention of the Senate at this time to the proposal—

Mr. HARRISON. If there is nothing pending, will the Senator from Tennessee allow me to offer some amendments and he can then talk to the amendments?

Mr. McKELLAR. Very well.

Mr. HARRISON. I offer the amendments to the pending amendment which I send to the desk.

Mr. McKELLAR. I want to call the attention of Senators at this time to a proposal made on January 15, 1924—

Mr. NORRIS. Will the Senator permit the amendments to be read?

Mr. McKELLAR. An amendment to the amendment has been submitted by the Senator from Mississippi.

Mr. NORRIS. I know it, and I would like to hear it read. I have not heard it. May we have the amendment reported that has been offered by the Senator from Mississippi?

The PRESIDENT pro tempore. The clerk will report the amendments offered by the Senator from Mississippi to the amendment.

The principal legislative clerk proceeded to read Mr. HARRISON'S amendments to the amendment, which were:

On page 2 strike out lines 3 to 5, inclusive, and insert in lieu thereof "also Dams Nos. 2 and 3, located in the Tennessee River at Muscle Shoals, power plants, auxiliary steam plants, all hydroelectric and operating appurtenances."

On page 4, after line 14, transpose section 8 of the substitute.

On page 4, line 20, strike out "being," and insert in lieu thereof "shall be."

On page 4 strike out line 25, and through the period in line 8 on page 5, and insert in lieu thereof "The lessee shall pay as the annual rental for use of such properties an amount not less than 4 per cent of the total amount expended by the United States in acquisition, construction, and completion of Dams Nos. 2 and 3, and the purchase and emplacement of all machinery, gates, or other metal parts or material used in the construction of locks, dams, and power houses."

On page 5, line 10, strike out "said Dam No. 2 and" and insert in lieu thereof "Dams Nos. 2 and 3 and for."

On page 5, line 14, strike out "Dam No. 2" and insert in lieu thereof "as soon as practicable Dams Nos. 2 and 3."

On page 5, line 17, after "into," strike out through "lease," in line 18, and insert "and such property is turned over to the lessee in accordance with the terms of the lease, the lessee shall maintain such property."

On page 9, line 7, strike out "Dam No. 2" and insert in lieu thereof "Dams Nos. 2 and 3."

On page 9, line 8, strike out "plant" and insert in lieu thereof "plants."

On page 12, line 10, strike out all after the period through the period in line 14.

Before the reading was concluded,

Mr. McKELLAR. I am afraid the Senator from Nebraska is not listening to the reading of the amendment.

The PRESIDENT pro tempore. Will the Senator from Tennessee suspend for a moment until the reading of the amendments is completed?

Mr. McKELLAR. I am calling attention to the fact that the Senator from Nebraska wanted to have them read and is not listening.

Mr. NORRIS. I wanted to have them read because I wanted to find out what they were. When the clerk started to read it did not mean much, but I found out what they were by consultation, so I do not care whether the balance of the amendments are read. I know what they are.

Mr. McKELLAR. I ask unanimous consent that the further reading be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McKELLAR. Mr. President, I want to call the attention of Senators to an offer made for the property by the Alabama Power Co. and others on January 15, 1924, that is so far superior to the offer proposed in the bill or that is to be found in the bill that there is no real comparison. The amount of rental offered and the conditions proposed are all so much more favorable to the Government that I think Senators ought to bear in mind in considering the bill this offer of the Alabama Power Co. and others. I am going to read it for the information of Senators. I want them to hear it, because it is a much better proposal than is incorporated in the bill.

Mr. NORRIS. In which bill?

Mr. McKELLAR. In the bill of the Senator from Alabama. I want it understood that I am not urging the acceptance of this offer. My purpose in reading it is to show that the offer of the Alabama Power Co., made last January for this property, when there was a competitor making an offer that was being seriously considered, was infinitely better for the American people, both as to the manufacture of fertilizer and in every other respect, than the offer which is proposed in the bill to lease the property. I read:

The SECRETARY OF WAR:

The undersigned submit the following proposal in connection with the Muscle Shoals projects of the Government:

1. For the purpose of carrying out this proposal, the undersigned, together with other companies engaged in serving the public with lighting and power in the Southeastern States, will form a corporation herein called the "power company," which will make all contracts necessary to carry out this proposal, and will provide \$10,000,000 of capital therefor, or such portion of that amount as upon the acceptance of this proposal may be determined to be necessary.

2. Upon the completion of Dam No. 2 and its power house, the power company will lease the same for a term of 50 years, under the terms of the Federal water power act—

All of which have been excluded by voting down amendments to the bill—

and will lease the Government steam plant at Sheffield, Ala., for a term of 20 years, and will agree to pay an annual rental therefor to the United States of \$2,000,000. This is interest at 4 per cent on \$50,000,000, which includes the \$45,500,000 of estimated expenditures on the hydroelectric project to the time of its completion with eight generating units of 240,000 horsepower total capacity and \$4,500,000 representing the value of the Government's steam plant at Muscle Shoals. Said sum of \$50,000,000 also includes the \$17,000,000 expended on the project during and just after the war. After the expiration of the lease on the steam plant, or if the steam plant should be sold to the power company as hereinafter provided, such annual rental shall be reduced by 4 per cent on \$4,500,000.

The lease with respect to the project at Dam No. 2 will include the hydroelectric and operating equipment and spillway gates, together with such lands and buildings owned or to be acquired by the United States in connection with the power project as may be desired by the power company, but will exclude the locks and other navigation facilities.

If they are excluded in the pending bill, they are excluded by implication because the bill carries the locks and navigation facilities as well.

The lease will begin from the date when hydroelectric structures and equipment (including the necessary high-tension substations) of the capacity of 100,000 horsepower are installed and made ready for service, additional equipment of approximately 140,000 horsepower to be installed by the United States and made ready for service by January 1, 1926. Work on the high-tension substation shall be commenced by the power company at its own expense as soon as this offer is accepted.

Such annual rental will be payable at the end of each calendar year, except that for the first years of the lease period the rental shall be as follows: Three hundred thousand dollars at the end of the calendar year during which 100,000 hydroelectric horsepower is installed and made ready for service, or the proportionate part thereof if such 100,000 horsepower is not made ready for service the whole of the first calendar year; and thereafter \$300,000 annually at the end of each year for six years; for the next four years \$1,500,000 annually, increasing in the following year to the maximum rental.

The power company will, if desired by the United States, install at its own expense additional units beyond the eight units now provided for to meet the market demands for power.

There is nothing like that in the pending bill.

If not installed by the power company, such additional units will be installed by the United States to meet market demands for power, and the annual rental will then be increased by 4 per cent on the cost of such additional units.

I ask Senators to listen to this. I especially ask the junior Senator from Nebraska [Mr. HOWELL], who has already referred to the matter, to see what the Alabama Power Co. proposes under section 3 of its offer.

3. The power company will, at its own expense, throughout the lease period, operate and make all necessary renewals and repairs incident to efficient maintenance of the spillway gates, the power house, and substructures, superstructures, machinery, and appliances appurtenant to the power house, and will maintain the same in efficient operating condition, all in accordance with the Federal water power act; it being understood that all necessary repairs and maintenances of Dam No. 2 and the locks shall be under the direction, care, and responsibility of the United States and at its expense during the said 50-year lease period.

How different from the proposal of the pending bill!

4. At all times during the period of the lease the power company will furnish to the United States, free of charge, the necessary power to operate the locks and other navigation facilities at Dam No. 2.

How different that is from the pending proposition, which perhaps will convey under its terms the locks and their facilities; while this proposal of the Alabama Power Co., made less than a year ago, provides that the company will, at its own expense, furnish the power to operate the locks and other navigation facilities.

5. The lease of the steam plant shall provide for successive renewals—

That is just what we were talking about to-day—

at the same rent at the option of the power company, each for 10 years, but to expire in any event upon the expiration of the lease of

No. 2 project, and it shall require the power company to make all renewals and replacements necessary to maintain the plant in good operating condition and for the insurance of the plant—

There is not a word about that in the pending proposal—up to its full insurable value. The power company shall have the right to install additional units and other equipment therein which the United States may recapture in accordance with the provisions of the Federal water power act.

6. The power company will begin the construction of Dam No. 3, its locks and power house, whenever requested by the United States after the completion of Dam No. 2 and will construct same at the expense of the United States and without profit to the power company, in the shortest possible time consistent with good workmanship and economy, in accordance with plans and specifications prepared by the power company and approved as provided by the Federal water power act. The power company will, for this purpose, be permitted to make use of the construction plant at Dam No. 2. The power house will have a total installation of 250,000 horsepower with equipment which includes the high-tension substation.

7. In case the United States so proceeds with such construction, the power company will lease from the United States under the terms of the Federal water power act for a period of 50 years the power house at Dam No. 3 and all of its hydroelectric and operating appurtenances, spillway gates, and high-tension substation, together with such lands and buildings owned or to be acquired by the United States in connection with the project as may be desired by the power company, but excluding the locks and other navigation facilities.

And they are not excluded in the pending bill.

Such lease shall begin from the date when structures and equipment of a capacity of 80,000 horsepower are installed and made ready for delivery of power to the power company, and the power company will pay to the United States as annual rental therefor 4 per cent of the actual cost up to a rental of \$1,200,000 per annum, payable annually at the end of each lease year, except that for the first years of the lease period the rentals shall be as follows: Two hundred thousand dollars at the end of the calendar year during which 80,000 horsepower is installed and made ready for service or the proportion thereof, if such 80,000 horsepower is not made ready for service the whole of the first calendar year; and \$200,000 annually at the end of each year for three years, increasing with the following year to the maximum rental. The Alabama Power Co., being the owner of the site of Dam No. 3 and of certain flowage lands acquired in connection with the project, agrees to donate the same to the United States—

The company, as the owner of the site of Dam No. 3, agrees to donate it free of charge to the United States—

In the event the project is constructed under this proposal for and at the expense of the United States. The power company will, if desired by the United States, install at its own expense all generating units when required to meet market demands for power.

8. If the United States so proceeds with such construction, the power company will, at its own expense throughout the lease period, operate and make all necessary renewals and repairs incident to efficient maintenance of the spillway gates, high-tension substation, the power house and substructures, superstructures, machinery, and appliances appurtenant to the power house, and will maintain the same in efficient operating condition, all in accordance with the Federal water power act, it being understood that all necessary repairs, maintenance, and operation of Dam No. 3 and the locks shall be under the direction, care, and responsibility of the United States and at its expense during the said 50-year lease period. If Dam No. 3 is constructed and operated under license from the Federal Power Commission as hereinafter provided, the provision of said act relating to repairs and maintenance and operation shall apply.

9. If the United States does not proceed with such construction on the plan proposed, then the power company may at any time build and operate said dam under the terms of the Federal water power act and shall be granted a license therefor on application, one-third of the cost of the project to be borne by the United States as the value of the navigation improvements in the Muscle Shoals section of the river.

And I call especial attention to these paragraphs:

10. At all times during the period of the lease the power company will furnish to the United States, free of charge, the necessary power to operate the locks and other navigation facilities at Dam No. 3.

11. The power company also agrees to purchase from the United States, at the option of the United States, to be exercised upon the execution of the contract to carry out this offer, the 60,000-kilowatt steam plant owned by it at Muscle Shoals in connection with nitrate plant No. 2, together with the necessary rights of way, lands, and housing facilities, and to pay therefor \$4,500,000 on terms satisfactory to the Government.

12. The projects covered by the licenses, including generating units and other additions made by the power company, shall be subject to recapture by the Government at any time during the license period or at the end of the period of 50 years under the terms of the Federal water power act.

13. Whenever the power company is directly benefited by the construction of a licensee of the United States or by the United States itself of a storage reservoir or other headwater improvement, the power company shall, in accordance with the Federal water power act, reimburse the owner of such reservoir or other improvement for such part of the annual charges for interest, maintenance, and depreciation thereon as the Federal Power Commission shall determine to be equitable; and whenever such reservoir or other improvement is constructed by the United States, the power company shall pay to the United States similar charges similarly determined.

14. The license shall provide that whenever the safety of the United States demands the United States shall have the right, in accordance with the Federal water power act, to take over and operate the projects covered by the licenses for the purpose of manufacturing nitrates, explosives, or munitions of war, or for any other purpose involving the safety of the United States, for such length of time as should appear to the President necessary for such purposes; and the United States shall also have the right to take over and operate said Sheffield steam plant in the same manner whenever the safety of the United States demands.

15. Upon the completion of No. 2 project the power company will furnish and deliver for 50 years, at any point within 5 miles of Dam No. 2, at such voltage as may be desired, and at actual cost to the power company, up to 60,000 horsepower, to be used solely in the manufacture of fertilizers.

Upon the completion of No. 3 project the power company will furnish and deliver for 50 years, at any point within 5 miles of Dam No. 2, at such voltage as may be desired and at actual cost to power company, 40,000 additional horsepower for use solely in fertilizer manufacture.

To the extent that the fertilizer company does not use power for such purpose the power may be used by the power companies in public-utility service.

I am sorry the senior Senator from Nebraska [Mr. Norris] is not now present in order that he might see how much better protected the Government and the people of the United States would be if this offer were accepted. I do not propose that it shall be accepted; I am merely reading it to show the vast difference between the proposed bill of the Senator from Alabama and the proposal made by the Alabama Power Co. just a year ago.

16. The power company also agrees to create and cause to be paid to the directors described below a fund of \$1,000,000, which, with the accretions mentioned below, shall be used in electrochemical research in the interest of agriculture and the national defense. The expenditure and administration of such fund, both principal and interest, shall be under the control of five directors, one of whom may be from time to time designated and removed by the Secretary of Agriculture, one by the Secretary of War, one by the Secretary of Commerce, one by any corporation engaged in the manufacture of fertilizers at Muscle Shoals under contract with the Government, and all not so designated may be from time to time designated and removed by the power company. The directors may increase their number from time to time to any multiple of 5, the additional directors to be appointed and to be removable in like manner as the original directors. Action of the directors shall be by majority vote.

The following language relates to the compensation and duties of the directors, which I need not read, but which I ask permission to have published in the Record.

The PRESIDENT pro tempore. In the absence of objection it will be so ordered.

The matter referred to is as follows:

The compensation of the respective directors shall be fixed from time to time by the joint action of the Secretary of Agriculture, the Secretary of War, and the Secretary of Commerce. The directors may employ such technical and other services as they shall deem desirable, and the course of investigations made with the use of said fund (which may include investigations made elsewhere than in the laboratories of said fund), the persons, bodies, and institutions to make such investigations (which may include any bureau or agency of the Government or of any State or any college, corporation, or scientific body), the disposition of any results obtained, in whole or in part, from the use of such fund, and the terms of such disposal shall be subject to the direction of said board of directors, and any royalties or other proceeds shall be added to and become a part of such fund.

Said directors shall make and publish annually reports of their proceedings and of the research and investigation made with the use of

the fund, and shall account annually to the agencies which appointed the directors for the receipts, disbursements, and financial commitments from said funds. Said directors may at any time vest said fund in a corporation which shall hold the same subject to the provisions hereof and the Congress of the United States may at any time direct that such fund or any portion thereof then remaining shall thereafter be devoted to any use not herein provided for.

Mr. McKELLAR. The proposal continues:

The \$1,000,000 mentioned above shall be paid to such fund in 10 annual installments, except that any subscriber thereto may at any time anticipate his subscription in whole or in part.

17. In addition to any other remedies that may be possessed by the United States, the power company agrees that the Attorney General may on request of the Federal Power Commission or of the Secretary of War institute proceedings as provided in the Federal water power act for the purpose of remedying or correcting by injunction, mandamus, or other process any act of commission or omission in violation of any of the terms of the contract or of any provisions of the Federal water power act applicable hereto or of any lawful regulation or order promulgated thereunder, and in case of the failure of the power company to comply with any final decree entered in any such proceeding the Attorney General may, on request of the Federal Power Commission or of the Secretary of War, institute proceedings as provided in said Federal water power act for the purpose of revoking any license issued thereunder.

Respectfully,

THE TENNESSEE ELECTRIC POWER CO.,
By C. M. CLARK, *Chairman*.
MEMPHIS POWER & LIGHT CO.,
By E. W. HILL, *Vice President*.
ALABAMA POWER CO.,
By THOS. W. MARTIN, *President*.

Mr. President, a short time after that offer was made, to wit, on January 24, 1924, an amended offer was made. It will be seen that the provision for the manufacture of fertilizer was not strong enough, and the power companies came back on the 24th of January with a proposition for the manufacture of fertilizer which it seems to me is just as strong as the one that we have in this bill. It is not long and I will read it.

THE SECRETARY OF WAR:

To provide for the manufacture of nitrogen and fertilizers at or near Muscle Shoals, Ala.—

Senators will notice that it says "at or near." In the proposal of the Senator from Alabama it is provided that it is to be manufactured there or near there—

and the sale and distribution thereof, the undersigned submit the following proposal:

These are the same people, now, who submitted the other proposal.

1. We agree to organize a corporation for such purposes with an initial capital of \$5,000,000 and the right to use one or more processes which have been commercially developed for the fixation of atmospheric nitrogen and for the manufacture of phosphoric acid.

2. The lessee under the proposal to the Secretary of War dated January 15, 1924, made by the Tennessee Electric Power Co., Memphis Power & Light Co., and Alabama Power Co. shall guarantee to the United States that the provisions of this proposal will be duly complied with, and shall contract for 50 years to deliver to the company on the lands mentioned below at cost the 100,000 horsepower of electrical energy for the manufacture of fertilizer provided for by said proposal of January 15, 1924, and on reasonable notice up to an additional 40,000 horsepower for similar use at rates and on terms prescribed by the Federal Power Commission.

It is supposed that 100,000 horsepower will be ample to make the 40,000 tons of fixed nitrogen, and here it is proposed to give it to the Government.

I continue the reading:

Upon receipt of any such notice the power company will be required to notify its customers of the amount of power thus required for fertilizer purposes, and such power shall thereupon be withdrawn from any service in which it at the time may be used and shall be made available for the fertilizer company. Said lessee may enter upon the plants and properties mentioned below for the purpose of carrying out the terms of this proposal in pursuance of said guaranty, and its obligations hereunder, including the provision of the capital mentioned above, shall be deemed expenses of its operation.

3. The United States shall lease to the company for 50 years all the property constituting nitrate plant No. 1, as officially known and designated, at a rental to be fixed by authority of Congress and included in the cost of the manufacture of fertilizers under this offer,

such lease to include the rights, licenses, and privileges to use any and all patents, processes, methods, and designs which have been acquired by the United States and may be transferred with said plant. The lessee company shall agree to maintain nitrate plant No. 2 in its present state of readiness so long as the Government may desire for immediate operation in the manufacture of materials necessary in time of war for the production of explosives, the expense thereof to be either included in the cost of the manufacture of fertilizer under this offer or deducted from the rent payable under said proposal of January 15, 1924, as may be determined under authority of Congress; this obligation to cease when said plant No. 2 is operated for or under authority of the Government. The lessee shall be entitled to make alterations in said plant No. 1 for the purpose of carrying out this proposal.

And I call especial attention to this:

4. The company shall construct and install on some of said lands the necessary plant and equipment to produce, and it will produce, annually fertilizers which contain 50,000 tons of fixed nitrogen—

Ten thousand tons more than is proposed in this bill—

as rapidly as there may be a commercial demand therefor at the price herein provided for; such fertilizers to be in the form of ammonium phosphate, ammonium sulphate, or other concentrated nitrogenous fertilizers. As soon as this proposal is accepted by the United States, the company will commence the construction of the first unit of the plant sufficient to produce annually fertilizers which contain at least 5,000 tons of nitrogen, and will complete and place the same in operation as soon as possible after the power for the operation thereof is available from Dam No. 2.

5. The company will agree to offer the products of said plant for sale to farmers and other actual consumers of fertilizer, including associations of such farmers and consumers, and will so fix the price thereof that the maximum net profit which it shall make in such manufacture and sale of fertilizer products shall not exceed 8 per cent of the fair, actual annual cost of production and sale thereof.

Just see what powers of supervision are given the Government, practically none of which are given in the pending bill:

6. The Secretary of Agriculture may from time to time prescribe regulations for distributing the products of said plant in accordance with this offer.

An amendment like that was voted down a day or two ago.

He may from time to time appoint and remove boards consisting of one or more representatives of his department, one or more farmers or representatives of farmers' associations, and a nominee of the company to supervise the enforcement of such regulations and to advise with the company from time to time as to the price to be charged farmers and other actual consumers and users of said products. The company may also, under authority and regulations prescribed by the Secretary of Agriculture, use part of said power in the manufacture of calcium arsenate or other insecticides for use by farmers and others.

I call attention to the difference between this and the proposal of the bill:

7. The corporation shall agree to file annually with the Secretary of Agriculture statements showing the cost and profits of the corporation from the operations under this offer, to permit the audit and verification of such statements by said official, and if during the year covered by any such statement the corporation shall have made profits in excess of those permitted by this offer, such excess profits shall be deducted from the cost of the produce sold during the calendar year in which such statement is settled.

8. The United States shall have the right, upon five days' notice, to take over and operate the company's plant hereunder, whenever necessary in the national defense, but in such case the United States shall reasonably compensate the company for the use thereof and shall protect the company from losses occasioned by such use (other than profits which the company might have made during such use), and shall return the property in as good condition as when received.

9. In addition to any other remedies that may be possessed by the United States, the company agrees that the Attorney General may on request of the Secretary of Agriculture institute proceedings as provided in the Federal water power act for the purpose of remedying or correcting by injunction, mandamus, or other process any act of commission or omission in violation of any of the terms of the contract resulting from the acceptance of this proposal or of the lease hereinbefore provided for, and in case of the failure of the company to comply with any final decree entered in any such proceeding, the Attorney General may, on request of the Secretary of Agriculture, institute proceedings as provided in said Federal water power act for the purpose of revoking said lease or this contract.

10. The undersigned may in discharge of their obligation hereunder organize a corporation with the right and capital provided for above, and cause it to contract with the United States to carry out the terms of this offer.

Respectfully,

THE TENNESSEE ELECTRIC POWER CO.,
By W. M. FLOOK, *President*,
THEODORE SWANN,
MEMPHIS POWER & LIGHT CO.,
By E. W. HILL, *Vice President*,
LOUIS C. JONES,
ALABAMA POWER CO.,
By THOS. W. MARTIN, *President*,
RAYMOND F. BACON.

Mr. President, I ask that for the convenience of Senators there may be printed in to-morrow's RECORD these two proposals of the Alabama Power Co. and others, and, in a parallel column, the proposal of the Senator from Alabama in regard to leasing this property, as contained in the first five sections of his bill ordered printed on December 8, 1924, so that Senators can see just exactly the differences that exist.

This offer never has been withdrawn. Of course, the Alabama Power Co. and those who are associated with it would be delighted, they would tumble over themselves to get the opportunity to accept a bill such as has been proposed by the Senator from Alabama; and at the same time they have before the Secretary of War an infinitely better offer for the American people and the Government of the United States, both in war and in peace.

It seems to me, Mr. President, that if we are going to pass a bill which in substance and effect turns over this great property to the Alabama Power Co. and its associates, it would be infinitely better for the Government that we represent and for the people that we represent, especially the farmers of the country, to pass a resolution here directing the Secretary of War to accept outright, just as it is, the offer of the Alabama Power Co. that has been made here. Why give it a better proposal than it makes to us? Why not accept that which is best for the people and for the Government? Why all this debate and delay when we already have a better proposal from the very company that no doubt will get this property if it is done?

Mr. President, as everybody knows, I was very much in favor of transferring this property to Henry Ford. I do not believe that the Government ought to be put in business if it is possible to avoid it. I believe that the Ford offer was infinitely better than the Alabama Power Co.'s offer. I regretted that Mr. Ford withdrew his offer. I think it was a great injury to our State and to our country when he did withdraw his offer; but he has withdrawn it. The question that arises in my mind is, what am I as a conscientious legislator to do about this proposal that will unquestionably turn over this plant to the Alabama Power Co. and its associates? I have nothing against that company or any other company; but when this great plant is turned over to any individual or any corporation I want to see two things guaranteed—a production of nitrates sufficient for our country in time of war, and a production of nitrates for farmers in time of peace—and then we should get the very best proposal possible. We should make the terms as good as it is possible for business men to make them.

I do not want to be hard on these people, but surely it is not necessary for us just to give this property away. How are we going to defend ourselves if we do that? Whether rightly or wrongly, I do not know—no man knows—the farmers of this country are expecting that when Congress takes action with reference to the power generated at Muscle Shoals they are going to be benefited in the way of cheaper fertilizer. How can we defend ourselves if we do not bring that about, especially those of us who are near the Shoals?

It is a burning question down our way. Because of the great publicity that has attended Muscle Shoals, almost every man, woman, and child in Tennessee is interested in what is done with it. It is a burning question there, and I have no doubt that it is in all the neighboring States. It is in every State that I have gone into. If we turn over this property under the terms of this bill to the Alabama Power Co. and its associates, and the farmers do not get cheaper fertilizer, what is going to happen to those of us who vote for it? That is a very serious question with me. Instead of passing this bill, I should say absolutely that it would be infinitely better for us to accept, just as it is, the offer of the Alabama Power Co.

Mr. HEFLIN. Mr. President—

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Tennessee yield to the Senator from Alabama?

Mr. McKELLAR. I yield.

Mr. HEFLIN. I want to ask my friend from Tennessee a question. Since my colleague [Mr. UNDERWOOD] has accepted the amendment suggested by the Senator from Nebraska [Mr. NORRIS], does not the Senator think that whatever company gets this property we will have the fertilizer manufactured as we intended it should be under the Ford offer?

Mr. McKELLAR. I hope that will be so; but I want to say this to the Senator in all frankness, and I say it without any malevolent spirit toward any person or organization or corporation in the world:

If the Secretary of War, under our authority, turns over this property to the Alabama Power Co. and its associates, and the price of fertilizer does not come down, and the price of electrical energy does not come down—and I do not believe it will come down—I conscientiously believe we will make a great mistake. Judging from the past performances of the Alabama Power Co., I do not believe that it has any real intention of reducing the rate on electrical energy. Perhaps I am not warranted in saying so, but I do not believe it intends eventually to reduce the price of fertilizer to the farmer. That is just my judgment. Of course, I am not a prophet; but after reading this proposal again I have no more doubt that if this bill passes the Alabama Power Co. is going to become the lessee of this property for 50 years under the terms of the bill than that I am standing here talking this afternoon.

We all know it. If the Alabama Power Co. is willing to take this property under the proposal it made last January, why would it not just fall over itself to take it under the delightful, easy, economic terms offered in this substitute?

Mr. HARRISON. Will the Senator yield?

Mr. McKELLAR. I yield.

Mr. HARRISON. The Senator says that the power company could get these rights at a smaller price under this substitute than under the prior proposal. Is the Senator familiar with the fact that the interest they would pay on the building of Dam No. 2 under the Alabama Power Co.'s second proposal, which was their last proposal, would amount to but 3½ per cent, and that under this substitute they would have to pay 4 per cent?

Mr. McKELLAR. It is 4 per cent under this. I have just read it.

Mr. HARRISON. If the Senator will permit me—

Mr. McKELLAR. I want to correct the Senator's mistake, because I have just read the proposals to the Senate, and in each one of them it proposes to rent the property at 4 per cent.

Mr. HARRISON. That is where the Senator is mistaken.

Mr. McKELLAR. I have just read it.

Mr. HARRISON. The Senator has not analyzed the first Alabama Power Co. bid. If he will figure it out he will find they offered to pay so much the first 3 years on No. 3, and then so much for the next 4 years, and then so much after that; and if he will figure the amount for 50 years, he will find that it comes to about 3½ per cent, not 4 per cent. If he will figure the amount the Alabama Power Co. offered in their last bid, which he has just read, he will find that it would figure 3½ per cent on Dam No. 3; and under the Underwood proposal they would be compelled to pay at least 4 per cent.

Mr. McKELLAR. Oh, no.

Mr. HARRISON. It is not less than 4 per cent.

Mr. McKELLAR. I call the attention of the Senator to what the Underwood proposal says. Let us get it correct.

Mr. HARRISON. The Underwood proposal does not include Dam No. 3, but the amendment which I have just offered does include Dam No. 3, and requires not less than 4 per cent.

Mr. McKELLAR. It is Dam No. 3 which the company offers to build without profit to itself for the United States Government, and it agrees to pay 4 per cent. The Senator's amendment is just in line with the bid of the Alabama Power Co.

As I have said, there is no animus of any kind in my position on this matter. I just feel this way, that this is the greatest asset in time of war, and I believe the greatest asset in time of peace, that this Government has, and we are asked just to barter it away for practically nothing.

If this substitute goes through without a provision for replacement—and the Alabama Power Co. offer to replace it—I have no doubt that in the next 50 years the United States Government will be called upon to replace enough of it to take up every dollar of the rental that is proposed to be paid, which is less than \$2,000,000. Why should we take the very best asset the Government has and turn it over to a private corporation on terms less than that corporation is willing to

pay, and in the end neither the Government nor the American people receive any real consideration for it?

I think the substitute of the Senator from Alabama has been slightly improved by the provision to force the company to manufacture 40,000 tons of fixed nitrogen a year. I think that is probably true. But I do not think it is any stronger put than this offer already made to the United States to manufacture 50,000 tons of nitrogen, and right now the Alabama Power Co. would be willing to go a great deal further in order to get this great power plant, the greatest power possibility in the country, perhaps, with the exception of Niagara Falls: a power plant which means the upbuilding or the lack of prosperity, perhaps, of a very large section of our country; a plant in which everyone in my State is interested and in which the people of Alabama and Georgia and Mississippi and the surrounding States and the farmers throughout the United States are interested. All I want is to get the very best possible terms from the lessee if we lease it.

I am opposed to municipal operation or governmental operation. I would dislike to see that plant go into the hands of the Government for operation, because I do not know what would happen to it. If we can make a proper contract with a lessee, not that he should get it for a song, I think I would prefer that it should go that way. I can not bring myself, with my rearing and education along political lines, to believe that governmental operation of the plant can be as successful as private operation; but, Senators, I would prefer that to our passing this substitute, which is virtually just giving the plant away to a corporation, and I do not know and you do not know whether it is an American owned and controlled corporation or an alien owned and controlled corporation. It is true that an amendment has been accepted by the splendid Senator from Alabama which gives the Congress the right to inquire into that question, but Senators know how those matters can be arranged. No doubt they figure that they will organize a new American corporation to take the plant over, but the actual ownership will be still abroad. We should not permit this. As much as I dislike Government operation I am almost tempted, Senators, to cast my vote in favor of governmental operation rather than virtually give this property away, and perhaps give it away to foreign interests.

I feel that way about it. I have no other interest to subserve than the interest of the people whom I represent, and all the people of this country. I think it will be a step which all of us in the future will regret if we turn the property over to any private corporation under the terms of the Underwood substitute.

I ask unanimous consent to have the two proposals of the Alabama Power Co. printed at the conclusion of my remarks in parallel columns with the proposal contained in the first five sections of the substitute offered by the Senator from Alabama, which is the only part of the substitute which refers to the matter.

There being no objection, the matter referred to was ordered to be printed in the Record, as follows:

FIRST FIVE SECTIONS OF SUBSTITUTE OFFERED BY MR. UNDERWOOD, AS MODIFIED

That the United States nitrate fixation plants Nos. 1 and 2, located respectively at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings used in connection therewith; all tools, machinery, equipment, accessories, and materials thereunto belonging; all laboratories and plants used as auxiliaries thereto, the Waco limestone quarry in Alabama, and any others used as auxiliaries of said nitrogen plants Nos. 1 and 2; also Dam No. 2 located in the Tennessee River at Muscle Shoals, its power house, its auxiliary steam plants, and all of its hydroelectric and operating appurtenances, together with all machines, lands, and buildings now owned or hereafter acquired in connection therewith, are hereby dedicated and set apart to be used for national defense in time of war and for the production of fertilizers and other useful products in time of peace.

OFFER OF THE TENNESSEE ELECTRIC POWER CO. OF JANUARY 15, 1924

THE TENNESSEE ELECTRIC POWER CO.,
Chattanooga, Tenn.,
January 15, 1924.

THE SECRETARY OF WAR:

The undersigned submit the following proposal in connection with the Muscle Shoals projects of the Government:

1. For the purpose of carrying out this proposal, the undersigned, together with other companies engaged in serving the public with lighting and power in the Southeastern States, will form a corporation herein called the "power company," which will make all contracts necessary to carry out this proposal, and will provide \$10,000,000 of capital therefor, or such portion of that amount as upon the acceptance of this proposal may be determined to be necessary.

2. Upon the completion of Dam No. 2 and its power house, the power company will lease the same for a term of 50 years, under the terms of the Federal water power

act. Whenever, in the national defense, the United States shall require all or any part of the operating facilities and properties or renewals and additions thereto, described and enumerated in the foregoing paragraph of this act, for the production of materials necessary in the manufacture of explosives or other war materials, then the United States shall have the immediate right, upon five days' notice to any person or persons, corporation or agent, in possession of, controlling or operating said property under any claim of title whatsoever, to take over and operate the same in whole or in part, together with the use of all patented processes which the United States may need in the operation of said property for national defense.

The foregoing clauses shall not be construed as modified, amended, or repealed by any of the subsequent sections or paragraphs of this act, or by indirection of any other act.

SEC. 3. In order that the United States may have at all times an adequate supply of nitrogen for the manufacture of powder and other explosives, whether said property is operated and controlled directly by the Government or its agents, lessees, or assigns, under any and all circumstances at least 10,000 tons the third year, 20,000 tons the fourth year, 30,000 tons the fifth year, and thereafter 40,000 tons of fixed nitrogen must be produced annually on and with said property, and no lease, transfer, or assignment of said property shall be legal or binding on the United States unless such adequate annual production of fixed nitrogen is guaranteed in such lease, transfer, or assignment.

SEC. 4. Since the production and manufacture of commercial fertilizers is the largest consumer of fixed nitrogen in time of peace, and its manufacture, sale, and distribution to farmers and other users, at fair prices and without excessive profits, in large quantities throughout the country is only second in importance to the national defense in time of war, the production of fixed nitrogen as provided for in section 3 of this act shall be used, when not required for national defense, in the manufacture of commercial fertilizers. The United States, its agents or lessees or assigns, shall manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, on the property hereinbefore enumerated, or at such other plant or plants near thereto as it may construct, using the most economic source of power available, with an annual production of these fertilizers that shall have a nitrogen content of at least 10,000 tons the third year, 20,000 tons the fourth year, 30,000 tons the fifth year, and thereafter 40,000 tons of fixed nitrogen. In order that the farmers and other users may be supplied with fertilizers at fair prices

act, and will lease the Government steam plant at Sheffield, Ala., for a term of 20 years, and will agree to pay an annual rental therefor to the United States of \$2,000,000. This is interest at 4 per cent on \$50,000,000, which includes the \$45,500,000 of estimated expenditures on the hydroelectric project to the time of its completion with eight generating units of 240,000 horsepower total capacity and \$4,500,000 representing the value of the Government's steam plant at Muscle Shoals. Said sum of \$50,000,000 also includes the \$17,000,000 expended on the project during and just after the war. After the expiration of the lease on the steam plant, or if the steam plant should be sold to the power company as hereinafter provided, such annual rental shall be reduced by 4 per cent on \$4,500,000.

The lease with respect to the project at Dam No. 2 will include the hydroelectric and operating equipment and spillway gates, together with such lands and buildings owned or to be acquired by the United States in connection with the power project as may be desired by the power company, but will exclude the locks and other navigation facilities. The lease will begin from the date when hydroelectric structures and equipment (including the necessary high-tension substations) of the capacity of 100,000 horsepower are installed and made ready for service, additional equipment of approximately 140,000 horsepower to be installed by the United States and made ready for service by January 1, 1926. Work on the high-tension substation shall be commenced by the power company at its own expense as soon as this offer is accepted.

Such annual rental will be payable at the end of each calendar year, except that for the first years of the lease period the rental shall be as follows: Three hundred thousand dollars at the end of the calendar year during which 100,000 hydroelectric horsepower is installed and made ready for service, or the proportionate part thereof if such 100,000 horsepower is not made ready for service the whole of the first calendar year; and thereafter \$300,000 annually at the end of each year for six years; for the next four years \$1,500,000 annually, increasing in the following year to the maximum rental.

The power company will, if desired by the United States, install at its own expense additional units beyond the eight units now provided for to meet the market demands for power. If not installed by the power company, such additional units will be installed by the United States to meet market demands for power, and the annual rental will then be increased by 4 per cent on the cost of such additional units.

3. The power company will, at its own expense, throughout the lease period, operate and make all

and without excess profits, the United States, its agents, lessees or assigns, shall be limited to a maximum net profit which may be made not to exceed 8 per cent of the fair annual cost of the production thereof.

SEC. 5. That the Secretary of War, with the approval of the President, is hereby authorized and empowered to lease the properties enumerated under section 1 of this act, with proper guaranties for the performance of the terms of the lease, for a period not to exceed 50 years: "Provided, That said lease shall be made only to an American citizen, or citizens, or to an American owned, officered, and controlled corporation; and, if leased, in the event at any time the ownership in fact or the control of such corporation should directly or indirectly come into the hands of an alien or aliens, or into the hands of an alien owned or controlled corporation or organization, then said lease shall at once terminate and the properties be restored to the United States. The Attorney General of the United States is given full power and authority and it is hereby made his duty to proceed at once in the courts for cancellation of said lease in the event said properties are found to be alien owned or controlled and are not voluntarily restored." The lessee being required and obligated to carry out in the production of nitrogen and the manufacture and sale of commercial fertilizer the purposes and terms enumerated in sections 1, 2, 3, and 4 of this act, and such other terms not inconsistent therewith as may be agreed to in the lease contract. The lessee shall pay an annual rental for the use of said property an amount that shall not be less than 4 per cent on the total sum of money expended in the building and construction of Dam No. 2 at Muscle Shoals and the purchase and emplacement of all works and machinery built or installed in connection therewith for the production of hydroelectric power. The lease shall also provide the terms and conditions under which the lessee may sell and dispose of the surplus electric power created at said plants. The lease shall also provide for the protection of navigation at said Dam No. 2 and the operation of the locks connected therewith. The lease contemplated in this section shall be made with the understanding that the United States shall complete and have ready for operation Dam No. 2 and the locks connected therewith, together with the plants and machinery for the production of electric power, and that after the lease is entered into the lessee shall maintain the property covered by the lease in good repair and working condition for the term of the contract.

necessary renewals and repairs incident to efficient maintenance of the spillway gates, the power house and substructures, superstructures, machinery, and appliances appurtenant to the power house, and will maintain the same in efficient operating condition, all in accordance with the Federal water power act, it being understood that all necessary repairs and maintenances of Dam No. 2 and the locks shall be under the direction, care, and responsibility of the United States and at its expense during the said 50-year lease period.

4. At all times during the period of the lease the power company will furnish to the United States, free of charge, the necessary power to operate the locks and other navigation facilities at Dam No. 2.

5. The lease of the steam plant shall provide for successive renewals at the same rent at the option of the power company, each for 10 years, but to expire in any event upon the expiration of the lease of No. 2 project, and it shall require the power company to make all renewals and replacements necessary to maintain the plant in good operating condition and for the insurance of the plant up to its full insurable value. The power company shall have the right to install additional units and other equipment therein which the United States may recapture in accordance with the provisions of the Federal water power act.

6. The power company will begin the construction of Dam No. 3, its locks and power house, whenever requested by the United States after the completion of Dam No. 2, and will construct same at the expense of the United States and without profit to the power company, in the shortest possible time consistent with good workmanship and economy, in accordance with plans and specifications prepared by the power company and approved as provided by the Federal water power act. The power company will for this purpose be permitted to make use of the construction plant at Dam No. 2. The power house will have a total installation of 250,000 horsepower with equipment, which includes the high-tension substation.

7. In case the United States so proceeds with such construction, the power company will lease from the United States under the terms of the Federal water power act for a period of 50 years the power house at Dam No. 3 and all of its hydroelectric and operating appurtenances, spillway gates, and high-tension substation, together with such lands and buildings owned or to be acquired by the United States in connection with the project as may be desired by the power company, but excluding the locks and other navigation facilities. Such lease shall begin from the date when structures and equipment of a capacity of 80,000

horsepower are installed and made ready for delivery of power to the power company, and the power company will pay to the United States as annual rental therefor 4 per cent of the actual cost up to a rental of \$1,200,000 per annum, payable annually at the end of each lease year, except that for the first years of the lease period the rentals shall be as follows: Two hundred thousand dollars at the end of the calendar year during which 80,000 horsepower is installed and made ready for service or the proportion thereof, if such 80,000 horsepower is not made ready for service the whole of the first calendar year; and \$200,000 annually at the end of each year for three years, increasing with the following year to the maximum rental. The Alabama Power Co., being the owner of the site of Dam No. 3 and of certain flowage lands acquired in connection with the project, agrees to donate the same to the United States in the event the project is constructed under this proposal for and at the expense of the United States. The power company will, if desired by the United States, install at its own expense all generating units when required to meet market demands for power.

8. If the United States so proceeds with such construction, the power company will, at its own expense, throughout the lease period, operate and make all necessary renewals and repairs incident to efficient maintenance of the spillway gates, high-tension substation, the power house and substructures, superstructures, machinery, and appliances appurtenant to the power house, and will maintain the same in efficient operating condition, all in accordance with the Federal water power act, it being understood that all necessary repairs, maintenance, and operation of Dam No. 3 and the locks shall be under the direction, care, and responsibility of the United States and at its expense during the said 50-year lease period. If Dam No. 3 is constructed and operated under license from the Federal Power Commission, as hereinafter provided, the provision of said act relating to repairs and maintenance and operation shall apply.

9. If the United States does not proceed with such construction on the plan proposed, then the power company may at any time build and operate said dam under the terms of the Federal water power act, and shall be granted a license therefor on application; one-third of the cost of the project to be borne by the United States as the value of the navigation improvements in the Muscle Shoals section of the river.

10. At all times during the period of the lease the power company will furnish to the United States, free of charge, the necessary power to operate the locks and other navigation facilities at Dam No. 3.

11. The power company also agrees to purchase from the United States, at the option of the United States to be exercised upon the execution of the contract to carry out this offer, the 60,000 kilowatt steam plant owned by it at Muscle Shoals in connection with nitrate plant No. 2, together with the necessary rights of way, lands, and housing facilities, and to pay therefor \$4,500,000 on terms satisfactory to the Government.

12. The projects covered by the licenses, including generating units and other additions made by the power company, shall be subject to recapture by the Government at any time during the license period or at the end of the period of 50 years under the terms of the Federal water power act.

13. Whenever the power company is directly benefited by the construction of a licensee of the United States or by the United States itself of a storage reservoir or other headwater improvement, the power company shall, in accordance with the Federal water power act, reimburse the owner of such reservoir or other improvement for such part of the annual charges for interest, maintenance, and depreciation thereon as the Federal Power Commission shall determine to be equitable; and whenever such reservoir or other improvement is constructed by the United States, the power company shall pay to the United States similar charges similarly determined.

14. The license shall provide that whenever the safety of the United States demands the United States shall have the right, in accordance with the Federal water power act, to take over and operate the projects covered by the licenses for the purpose of manufacturing nitrates, explosives, or munitions of war, or for any other purpose involving the safety of the United States, for such length of time as should appear to the President necessary for such purposes; and the United States shall also have the right to take over and operate said Sheffield steam plant, in the same manner, whenever the safety of the United States demands.

15. Upon the completion of No. 2 project, the power company will furnish and deliver for 50 years at any point within 5 miles of Dam No. 2 at such voltage as may be desired and at actual cost to the power company up to 60,000 horsepower to be used solely in the manufacture of fertilizers.

Upon the completion of No. 3 project, the power company will furnish and deliver for 50 years at any point within 5 miles of Dam No. 2 at such voltage as may be desired and at actual cost to power company 40,000 additional horsepower for use solely in fertilizer manufacture.

To the extent that the fertilizer company does not use power for such purpose, the power may

be used by the power companies in public utility service.

16. The power company also agrees to create and cause to be paid to the directors described below a fund of \$1,000,000 which, with the accretions mentioned below, shall be used in electrochemical research in the interest of agriculture and the national defense. The expenditure and administration of such fund, both principal and interest, shall be under the control of five directors, one of whom may be from time to time designated and removed by the Secretary of Agriculture, one by the Secretary of War, one by the Secretary of Commerce, one by any corporation engaged in the manufacture of fertilizers at Muscle Shoals under contract with the Government, and all not so designated may be from time to time designated and removed by the power company. The directors may increase their number from time to time to any multiple of 5, the additional directors to be appointed and to be removable in like manner as the original directors. Action of the directors shall be by majority vote.

The compensation of the respective directors shall be fixed from time to time by the joint action of the Secretary of Agriculture, the Secretary of War, and the Secretary of Commerce. The directors may employ such technical and other services as they shall deem desirable, and the course of investigations made with the use of said fund (which may include investigations made elsewhere than in the laboratories of said fund), the persons, bodies, and institutions to make such investigations (which may include any bureau or agency of the Government or of any State or any college, corporation, or scientific body), the disposition of any results obtained, in whole or in part, from the use of such fund, and the terms of such disposal shall be subject to the direction of said board of directors, and any royalties or other proceeds shall be added to and become a part of such fund.

Said directors shall make and publish annually reports of their proceedings and of the research and investigation made with the use of the fund, and shall account annually to the agencies which appointed the directors for the receipts, disbursements, and financial commitments from said funds. Said directors may at any time vest said fund in a corporation which shall hold the same subject to the provisions hereof and the Congress of the United States may at any time direct that such fund or any portion thereof then remaining shall thereafter be devoted to any use not herein provided for.

The \$1,000,000 mentioned above shall be paid to such fund in 10 annual installments, except that

any subscriber thereto may at any time anticipate his subscription in whole or in part.

17. In addition to any other remedies that may be possessed by the United States, the power company agrees that the Attorney General may on request of the Federal Power Commission or of the Secretary of War institute proceedings as provided in the Federal water power act for the purpose of remedying or correcting by injunction, mandamus, or other process any act of commission or omission in violation of any of the terms of the contract or of any provisions of the Federal water power act applicable hereto or of any lawful regulation or order promulgated thereunder, and in case of the failure of the power company to comply with any final decree entered in any such proceeding the Attorney General may, on request of the Federal Power Commission or of the Secretary of War, institute proceedings as provided in said Federal water power act for the purpose of revoking any license issued thereunder.

Respectfully,

THE TENNESSEE

ELECTRIC POWER CO.,

By C. M. CLARK, *Chairman*,

MEMPHIS POWER & LIGHT CO.,

By E. W. HALL, *Vice President*,

ALABAMA POWER CO.,

By THOS. W. MARTIN, *President*.

ADDITIONAL OFFER BY THE TENNESSEE ELECTRIC POWER CO. OF JANUARY 24, 1924

THE TENNESSEE

ELECTRIC POWER CO.,

Chattanooga, Tenn.,

January 24, 1924.

THE SECRETARY OF WAR:

To provide for the manufacture of nitrogen and fertilizers at or near Muscle Shoals, Ala., and the sale and distribution thereof, the undersigned submit the following proposal:

1. We agree to organize a corporation for such purposes with an initial capital of \$5,000,000 and the right to use one or more processes which have been commercially developed for the fixation of atmospheric nitrogen and for the manufacture of phosphoric acid.

2. The lessee under the proposal to the Secretary of War dated January 15, 1924, made by the Tennessee Electric Power Co., Memphis Power & Light Co., and Alabama Power Co. shall guarantee to the United States that the provisions of this proposal will be duly complied with, and shall contract for 50 years to deliver to the company on the lands mentioned below at cost the 100,000 horsepower of electrical energy for the manufacture of fertilizer provided for by said proposal of January 15, 1924, and on reasonable notice up to an additional 40,000 horsepower for similar use at rates and on terms prescribed by the Federal Power Commission. Upon receipt of any such notice the power company will be required to

notify its customers of the amount of power thus required for fertilizer purposes, and such power shall thereupon be withdrawn from any service in which it at the time may be used and shall be made available for the fertilizer company. Said lessee may enter upon the plants and properties mentioned below for the purpose of carrying out the terms of this proposal in pursuance of said guaranty and its obligations hereunder, including the provision of the capital mentioned above, shall be deemed expenses of its operation.

3. The United States shall lease to the company for 50 years all the property constituting nitrate plant No. 1, as officially known and designated, at a rental to be fixed by authority of Congress and included in the cost of the manufacture of fertilizers under this offer, such lease to include the rights, licenses, and privileges to use any and all patents, processes, methods, and designs which have been acquired by the United States and may be transferred with said plant. The lessee company shall agree to maintain nitrate plant No. 2 in its present state of readiness so long as the Government may desire for immediate operation in the manufacture of materials necessary in time of war for the production of explosives, the expense thereof to be either included in the cost of the manufacture of fertilizer under this offer or deducted from the rent payable under said proposal of January 15, 1924, as may be determined under authority of Congress; this obligation to cease when said plant No. 2 is operated for or under authority of the Government. The lessee shall be entitled to make alterations in said plant No. 1 for the purpose of carrying out this proposal.

4. The company shall construct and install on some of said lands the necessary plant and equipment to produce, and it will produce annually fertilizers which contain 50,000 tons of fixed nitrogen as rapidly as there may be a commercial demand therefor at the price herein provided for; such fertilizers to be in the form of ammonium phosphate, ammonium sulphate, or other concentrated nitrogenous fertilizers. As soon as this proposal is accepted by the United States, the company will commence the construction of the first unit of the plant sufficient to produce annually fertilizers which contain at least 5,000 tons of nitrogen, and will complete and place the same in operation as soon as possible after the power for the operation thereof is available for Dam No. 2.

5. The company will agree to offer the products of said plant for sale to farmers and other actual consumers of fertilizer, including associations of such farmers and consumers, and will so fix the price thereof that the maximum net profit which it shall

make in such manufacture and sale of fertilizer products shall not exceed 8 per cent of the fair, actual annual cost of production and sale thereof.

6. The Secretary of Agriculture may from time to time prescribe regulations for distributing the products of said plant in accordance with this offer. He may from time to time appoint and remove boards consisting of one or more representatives of his department, one or more farmers or representatives of farmers' associations, and a nominee of the company to supervise the enforcement of such regulations and to advise with the company from time to time as to the price to be charged farmers and other actual consumers and users of said products. The company may also, under authority and regulations prescribed by the Secretary of Agriculture, use part of said power in the manufacture of calcium arsenate or other insecticides for use by farmers and others.

7. The corporation shall agree to file annually with the Secretary of Agriculture statements showing the cost and profits of the corporation from the operations under this offer, to permit the audit and verification of such statements by said official, and if during the year covered by any such statement the corporation shall have made profits in excess of those permitted by this offer, such excess profits shall be deducted from the cost of the produce sold during the calendar year in which such statement is settled.

8. The United States shall have the right, upon five days' notice, to take over and operate the company's plant hereunder whenever necessary in the national defense, but in such case the United States shall reasonably compensate the company for the use thereof and shall protect the company from losses occasioned by such use (other than profits which the company might have made during such use), and shall return the property in as good condition as when received.

9. In addition to any other remedies that may be possessed by the United States, the company agrees that the Attorney General may, on request of the Secretary of Agriculture, institute proceedings as provided in the Federal water power act for the purpose of remedying or correcting by injunctions, mandamus, or other process any act of commission or omission in violation of any of the terms of the contract resulting from the acceptance of this proposal or of the lease hereinbefore provided for, and in case of the failure of the company to comply with any final decree entered in any such proceeding the Attorney General may, on request of the Secretary of Agriculture, institute proceedings as provided in said Federal water power act for the purpose of revoking said lease or this contract.

10. The undersigned may, in discharge of their obligation hereunder, organize a corporation with the right and capital provided for above and cause it to contract with the United States to carry out the terms of this offer.

Respectfully,

THE TENNESSEE ELECTRIC
POWER CO.,
By W. M. FLOOK, *President*,
THEODORE SWANN,
MEMPHIS POWER & LIGHT
CO.,

By E. W. HILL,
Vice President,
LOUIS C. JONES,
ALABAMA POWER CO.,
By THOS. W. MARTIN,
President,
RAYMOND F. BACON.

Mr. UNDERWOOD. Mr. President, I have listened with much interest to the speech of the Senator from Tennessee, and he has built up a ghost and dreamed a dream. I did not interrupt the Senator from Tennessee, because I wanted him to get out of his system all he had in it on this matter.

I want to say that the bill which I have introduced was written and prepared without any consultation with or consideration of the Alabama Power Co. whatever.

Mr. McKELLAR. Mr. President, I hope the Senator will not think I made any such intimation, because I did not.

Mr. UNDERWOOD. The Senator implied that this legislation was being passed for their benefit. After the bill was prepared and written the gentlemen who are officers of that corporation talked to me about it, and I did explain to them in detail what the bill provided, and they stated that they did not expect to make a bid.

I challenge the Senator's statement. He has made a statement which does not affect me and about which I do not care anything. In fact, I have for the last few years been opposing the Alabama Power Co. in the bid the Senator read, because I was supporting Henry Ford's offer, which I thought was a better offer than theirs; and I had no connection with helping them, and would have been supporting Henry Ford's offer at this hour if he had not withdrawn it. But I want to say to the Senator from Tennessee that I am not critical of the Alabama Power Co. I did not desire that they should have this power, but I think they have developed power on the Coosa River and at other places in Alabama and made a great development for Alabama, and if I am correctly informed they are selling power in Alabama to the citizens of Alabama, under our public service commission, at less cost than the citizens of his State and the other adjoining States pay for their power.

I do not want the Senate to be misled, however, by this ghost the Senator from Tennessee has built. If he had not made his remarks, I would not say another word. The Senator has intimated that the passage of the legislation would turn this property over to the Alabama Power Co. I challenge that statement. He can theorize all he wants to; but let him bring the proof.

Mr. McKELLAR. They have already bid on it.

Mr. UNDERWOOD. Oh, no.

Mr. McKELLAR. Here is an offer made for it infinitely better than the proposal of the Senator, and I take it for granted that if they wanted it so badly last January as to make such a splendid bid on it, they probably would accept the very easy and gracious terms of the Senator's substitute.

Mr. UNDERWOOD. Now, we have all there is in the Senator's remarks. The Senator for three-quarters of an hour has condemned the pending legislation because we were going to turn these powers over to the Alabama Power Co., and the only basis of his argument has been a theory of his that because on yesterday, or the day before, the Alabama Power Co. made an offer which he conceives to be better than the proposals of this substitute, the substitute is drawn in their interest. I am glad he has explained the only substance he has had in a speech of three-quarters of an hour on this subject.

I want to say to the Senator that when Mr. Ford's offer failed by his withdrawing it, there was no offer pending, and there was no legislation proposed, except the plan of the Senator from Nebraska, which is a power plan primarily. I want a powder and fertilizer plant. Neither the Senator from Tennessee nor anybody else had proposed a plan along the line

of the Ford offer. It was power that was covered in the Ford offer, and there is no difference between the Senator from Nebraska and myself about the distinctions between our bills. His is a superpower plan, and this is for powder and fertilizer.

The Senator criticizes the bill I have introduced because it has not in it all the terms found in an offer made by the Alabama Power Co. I could say to the Senator that it has not in it all the terms that were made in the offer of the Union Carbide Co., or in the Hooker-Atterbury offer, or a number of other offers that are pending before the Congress. Why has it not those terms in it? Because I am not asking the Senate of the United States or the Congress of the United States to write the contract.

Mr. McKELLAR. Will the Senator yield there?

Mr. UNDERWOOD. I yield.

Mr. McKELLAR. One of the offers made by the Alabama and associated power companies was that it should be held under the terms and regulations of the water power act. The Senator recalls that on yesterday the Senator from Oregon [Mr. McNary] offered the same proposal, but the Senator from Alabama argued against it and it was defeated. Does the Senator think that the Secretary of War would be justified in putting into the lease a provision that this property should be regulated under the terms of the Federal water power act, when the Senate had already voted that it should not be so regulated?

Mr. UNDERWOOD. I do not think he would, and he should not. I think the Senator from Tennessee in the original vote against the McNary proposition voted as I did.

Mr. McKELLAR. I did.

Mr. UNDERWOOD. So he agrees with me.

Mr. McKELLAR. I would not want to mix up the two matters.

Mr. UNDERWOOD. He agreed with me at that time that it should not go into the contract. The reason why I did not agree that it should go into the contract was that I prefer for the power that is going to be sold in my State to be regulated and controlled by the Public Service Corporation of the State of Alabama. I not only think that is good Democratic doctrine, but I think it is sound business sense. I am inclined to think the people of Tennessee and Georgia and Mississippi, adjoining States where the surplus power will be sold, would prefer to have it regulated by their local commissions rather than by the Secretary of War or by a utility commission in Washington. That is the reason why I proposed it.

But the Senator interrupted me. I am not going to detain the Senate much longer. The Senator is criticizing the proposal because the terms of the contract are not in it. I have said a good many times, and it is difficult for me to make some of my brother Senators understand, that my proposal is not the writing of a contract. I have authorized the Secretary of War, with the approval of the President, to make the contract. If I had said nothing more about that point, nobody would question that the entire contract would be made down at the War Department on such terms as they wanted, but I provide that the Secretary of War and the President shall make the contract with the lessee with certain provisos. One of those provisos is that the lessee shall agree for 50 years to produce 40,000 tons of nitrogen a year after the first few years which we allow to enable the lessee to reach the maximum. I provide further that the nitrogen so made shall be converted into such amount of fertilizer as will consume the nitrogen; in other words, at 2-8-2 it would amount to about 2,000,000 tons of fertilizer. I provide further that the dam shall not be leased for less than 4 per cent of its cost.

With those provisos, which I think are the essential things that we want to attain, namely, nitrogen for defense and fertilizer for peace, I am willing for the Secretary of War and the President to put all the other terms into the contract. I think that the other minor terms can better be written into the contract by the Secretary of War and the President than we could write them in through legislation.

The Secretary of War and the President can put into the contract, if it comes down to that, all of the items that the Senator from Tennessee has read to the Senate. They can put in any other items that they think may protect the public interests. The reason why I left that broader discretion to the President and the Secretary of War rather than to attempt to write the terms into the bill is that I want to get the best contract I can with the best lessee available, and I know that if we make all of the terms of the contract hard and fast to begin with that we will probably limit our bidders to one concern. One lessee bidding for the lease may want it one way

in the matter of minor terms and another bidder another way, and if we try to fix permanently the terms of the contract as the Senator from Tennessee seems to approve of them, as offered by the Alabama Power Co., probably then we could not get any other bidder than the Alabama Power Co.

Mr. McKELLAR. Mr. President—

Mr. UNDERWOOD. I am leaving it open for the Secretary of War and the President to write the terms that will be satisfactory to the most available lessee, provided it produces the nitrogen and the fertilizer that we have been struggling for. I yield to the Senator from Tennessee.

Mr. McKELLAR. The Alabama Power Co. last January made this proposal to the Secretary of War, and the Secretary of War has transmitted the proposal to the Congress. It has not been acted upon. It has not been withdrawn. Does not the Senator from Alabama concede that it would be infinitely better for the Government and infinitely better for the manufacture of nitrogen, both for war and peace, to accept that proposal rather than to go into the vague arrangement that is proposed in his substitute?

Mr. UNDERWOOD. No. I am not sure the Senator is not for the Alabama Power Co. offer. I never have been and am not now, but the Senator evidently is.

Mr. McKELLAR. Oh no; I have never approved it. I stated that when I first spoke. The Senator can not say that. All I am saying is, if the Senator will permit me, that I considered the Alabama Power Co. offer at the time was not worthy of acceptance, but I say further that the offer of the Alabama Power Co., unworthy of acceptance as it is, is infinitely better for the Government and the people of America than is the proposal contained in the Senator's amendment.

Mr. UNDERWOOD. I understand that. The Senator has said that several times.

Mr. McKELLAR. I reiterate it.

Mr. UNDERWOOD. I have not been able to find out yet what the Senator from Tennessee is for. He is not for the proposal of the Senator from Nebraska for a superpower system. He is not for the proposal that the President of the United States and the Secretary of War shall have power to make a contract within the terms of my substitute, putting in anything else they want to. They can put in any terms as full and complete as the Alabama Power Co. has offered. The Senator now says he is not for the Alabama Power Co. offer, and I do not know what the Senator from Tennessee is for; but I am not criticising him on that score, because if he does not want to be for anything, that is his privilege.

Mr. McKELLAR. I think the chances are 3 to 1 that I shall vote against all the proposals that have been made—

Mr. UNDERWOOD. Yes; that is what I said.

Mr. McKELLAR. Because I do not think the Government is receiving a square deal in the proposals that have been made, so I am going to exercise my privilege as a Senator of the United States, not believing that the proposals are for the best interest of the people, and vote against them.

Mr. UNDERWOOD. That was my idea about the Senator's position exactly. I am sorry he will not give my proposal his support. I would like very much to have his support. As I understand it now, he is not for anything that is offered, and has not offered anything himself, and therefore under his position the whole thing would fail; the water would run over the Muscle Shoals Dam No. 2 and nobody would get the benefit of it.

Mr. McKELLAR. Oh, no; it would be promptly leased by the Secretary of War, just as part of it is being leased now to the Alabama Power Co. The Alabama Power Co. has a lease right now on the steam plant that is there, and, of course, if nothing is done, it will have a temporary lease on the whole matter. There is no doubt in the world about that. We all know it.

Mr. UNDERWOOD. Now the Senator comes back and is for the Alabama Power Co. He is right out for it.

Mr. McKELLAR. If the Senator from Alabama can not understand language any better than that, I am sorry for him.

Mr. UNDERWOOD. Not at all. The Senator is against everybody else's proposal, he has no proposal of his own, and he says that when they all fail then we will go back to the proposition where it is now; that the Secretary of War, and not the Congress, not myself, not the Senator from Tennessee, is leasing some of this power to the Alabama Power Co., and there is where he is going to put it again by not being for anybody else's proposition and not proposing anything himself.

Mr. McKELLAR. Oh, no.

Mr. UNDERWOOD. That is all I see in the Senator's position.

Mr. McKELLAR. That would not happen at all. Temporarily the Secretary of War would have the right to lease it. No one but the Congress of the United States can lease the property permanently, and it would not be leased. I think we ought to be very slow about leasing it. This great property ought not to be leased after a few hours' debate such as we have had here, and especially under the terms of the proposals that have been made. As I said before, it would be infinitely better to let the Government try its hand, much as I disbelieve in that, than to turn it over to a private corporation without consideration to the American people.

Mr. UNDERWOOD. I want to call the Senator's attention to the fact that many of my friends on the other side of the Chamber do not think we can get a lessee under the terms of the bill. My friend from Tennessee thinks some others are going to fall over themselves to gobble up the lease. I have not any understanding or agreement or anything else with the Alabama Power Co. The only thing I have heard from them was that they did not expect to put in a bid under this measure. I did hear that officially from one of their officers. If the Senator from Tennessee has any better information than that, I would be glad to have him produce it authentically and not theoretically.

Mr. CARAWAY. If the Alabama Power Co. wants to bid, they can do so through the Secretary of War?

Mr. UNDERWOOD. Certainly.

Mr. CARAWAY. The Secretary of War is a man of some business acumen, is he not?

Mr. UNDERWOOD. Certainly.

Mr. CARAWAY. And if it is such a good thing, he ought to be able to get a reasonable form of contract.

Mr. UNDERWOOD. If their offer is so good and they have made it once, and come back to bid again, he will ask that the bid be put in under the terms of the bill, of course.

Mr. CARAWAY. Under the provisions of the bill they could put in any offer that they have heretofore made.

Mr. UNDERWOOD. Certainly. There are two ways by which the property may be leased. One is for the Congress to write every detail of the contract into legislation and say that the bidder must come up and do those things. That would make it very difficult to get a bidder. The other way is to authorize officers of the Government to make a lease for us. I have selected as those officers of the Government the head of the War Department, the head of the national defense system of the Government, and the Chief Executive of the United States—the President. I really believe, after listening to the debate and considering the legislation that has dragged through the Congress for the last four years on this subject, that we are so far apart in our opinions as to what is the right thing to do and how to do it that a far more effective remedy to accomplish a purpose beneficial to the United States is to do just what I am proposing to do rather than what the Senator from Tennessee suggests.

My proposal is to allow the President of the United States, through his Secretary of War and with his approval, to agree on the terms of a contract if he can find a lessee, rather than for us to sit here and try to write the terms of the contract into law. I think that is the practical way to do it and the better way to do it. I am willing to do that so long as I capture the objective for which some of us in Congress have fought for 10 years, and that is to get national defense and a better supply of fertilizer for the American farmers.

Of course, it could be done the other way. We could write into law every detail that we want. If the Alabama Power Co. will carry out the terms of the contract, I have no objection to their submitting a bid and making the contract. I will say to the Senator from Tennessee that they told me they did not expect to bid. I can say that authoritatively, but if the Senator from Tennessee finds that they have changed their minds I shall be glad to know it. They told me that only two or three days ago.

Mr. McKELLAR. What they propose is simply in connection with their companies to organize a separate corporation which will bid. That is what they propose. It is perfectly plain what they expect to do. The method which they use is immaterial. They are going to get the property before this matter is over.

Mr. UNDERWOOD. Of course, the Senator says that without producing his proof. I have no information on the subject, but I will be perfectly candid and say that if the Alabama Power Co. makes the right kind of lease with the Government, I shall have no objection to their getting it. If they will make 40,000 tons of nitrogen and convert it into the requisite amount of fertilizer, which would be nearly 2,000,000 tons, will pay the interest under the contract, and comply with the other

terms which the President will require, it will be no concern of mine whether they do secure it or whether somebody else secures it. I merely want it to go to the bidder offering the most favorable terms. There is the distinction that my friend from Tennessee [Mr. McKELLAR] does not seem to realize, that I am passing the making of the contract to the Chief Executive, the President of the United States, instead of to the Congress.

Mr. CARAWAY. I desire to ask the Senator a question. If we really wanted to legislate in behalf of the Alabama Power Co. would it not be better, then, to accept their proposal?

Mr. UNDERWOOD. Certainly; that can be substituted for the Ford offer; there is no doubt about that; but I prefer to leave it open, as I have done, to every bidder, if the substitute is adopted, to come before the Secretary of War and the President of the United States and submit a bid. Then the President of the United States and the Secretary of War may accept the best of the bids and make the terms.

Mr. NORRIS. Mr. President, I wish to ask the Senator from Alabama a question before he sits down.

Mr. UNDERWOOD. Very well.

Mr. NORRIS. Assuming the Senator's substitute becomes the law and the property is leased under it, I wish to get the Senator's judgment as to whether or not the lessee would sell the surplus electric power or whether he would keep it all, as he could do under the Senator's substitute if it should be enacted.

Mr. UNDERWOOD. Of course I should have to be advised who the lessee would be. I have talked with a great many gentlemen who have been interested in this matter. Some of them, I think, are more interested in power and the sale of power than they are in manufacturing, and they would make nitrogen merely because they wanted to get the use of the power. There are others who are interested in manufacturing. For instance, under the Hooker-Atterbury offer, I think that Mr. Hooker's idea would be to use the surplus power for other manufactures.

Mr. CARAWAY. That was Ford's idea.

Mr. UNDERWOOD. I think that was also Ford's idea.

Mr. NORRIS. I do not suppose that anybody could state definitely as to that.

Mr. UNDERWOOD. I can not predict and do not care to predict as to the surplus power; I am perfectly candid with my friend from Nebraska. Under my amendment I am offering the surplus power at Dam No. 2, as the substitute now stands, as a bonus in order to get somebody to come in there and produce the nitrogen and the fertilizer. I am not trying to tie the hands of the lessee, and I hope the Senate will not try to tie his hands. I think we shall get a better bid if we let the lessee dispose of the surplus power as he best can in his own interest.

Mr. NORRIS. Again assuming that the Senator's substitute is enacted into law and that someone becomes the lessee who wants to sell the power and does not want to go into manufacturing, or assuming that no one submits a bid and then the governmental corporation undertakes the operation of the plant, as provided in the Senator's substitute, there is no power given to construct a single mile of transmission line.

Mr. UNDERWOOD. The Senator is mistaken about their not having the power to construct transmission lines.

Mr. NORRIS. I have not been able to find a provision to that effect.

Mr. UNDERWOOD. I do not directly provide for the construction of transmission lines, but I give them the power to do anything which is incident to carrying on their business. I authorize them to sell the power.

Mr. NORRIS. Yes; they are authorized to sell the power; I understand that; but I can not find anything in the Senator's amendment which seems to me to give them the power to construct a transmission line. I do not believe such power is contained in the amendment. If the Senator desires to bestow such power, it seems to me he ought to do it explicitly.

Mr. UNDERWOOD. I have no desire to put such a provision in the bill because—

Mr. NORRIS. Then, if it is not in—and my question is predicated on that theory, though I may be wrong—

Mr. UNDERWOOD. I have no desire to put it in because I know that under the powers granted the proposed corporation they will have all the power that any ordinary corporation would have to carry out the purposes for which they are established, and one of those powers is to sell power.

Mr. NORRIS. I wish the Senator would read the language which he thinks gives them the power to build transmission lines.

Mr. UNDERWOOD. I think it is a general incident to the organization of the corporation. There is no specific language conferring such power, but if a corporation were organized for the manufacture of flour, though nothing were said about its right to hire teams to haul the flour around to the grocery stores so that it could sell it, would the Senator from Nebraska think that it would require special language to authorize it, after it had manufactured the flour, to hire a team of horses or to buy one to haul the flour around?

Mr. NORRIS. No.

Mr. OVERMAN. Mr. President—

Mr. NORRIS. Will the Senator from North Carolina let me answer the question, as the Senator from Alabama has propounded one to me?

Mr. OVERMAN. Before the Senator from Nebraska does that, I should like to ask the question whether if the power is given to this corporation to build transmission lines it can also condemn property? Property can not be condemned without some authority to do so.

Mr. UNDERWOOD. The corporation would have the same authority that any other corporation would have.

Mr. NORRIS. Let me answer the question which the Senator from Alabama has propounded to me. The Senator has asked if a corporation is organized for the purpose of manufacturing flour, will they not have the power incident to such purpose of using means to haul the flour around to dealers? I say, yes, they would; but if we authorize a corporation to manufacture flour, it does not follow that they will have the right to build a railroad to carry their flour in interstate commerce, which would require the power of eminent domain. Neither would the proposed corporation have the power to transmit electricity on an overhead trolley; neither would they have the power to build a telephone line and go into the telephone business; neither would they have the power to build a transmission line; for, in order to build a transmission line to carry out such a power, they must have the right of eminent domain, the same as a railroad has. So I wish to say to the Senator from Alabama that, in my humble judgment, poor though it may be, his substitute does not give the power to the governmental corporation to build a single foot of transmission line. If he thinks they should have such a power, I want to suggest that he insert it in his substitute.

Mr. UNDERWOOD. I want to say to the Senator that I think the general powers of this corporation will be sufficient. If the Senator does not think so and thinks it is better to incorporate an explicit provision, I have no objection to an amendment, if he desires to offer one to give them that additional power if he thinks it is necessary, but I do not think it is necessary.

Mr. NORRIS. The questions I have asked were brought to my mind by some questions asked by the Senator from Tennessee [Mr. McKellar], who, I am sorry to say, is not now here, because I was asking them partially on his account. If no private individual or company should bid and secure this power, and the governmental corporation were set up under the Senator's substitute, they would not have any power to build a transmission line although the right is expressly given to sell surplus power. Under the circumstances there is only one bidder on earth that is prepared to take Muscle Shoals and that is the Alabama Power Co., because it is the only probable bidder that has a transmission line anywhere near. So it seems to me that they would have the advantage at least of any other company which would first have to build a transmission line.

Mr. CARAWAY. May I suggest that there are other power companies there. The Mississippi Power Co., within 80 miles of the plant, stands ready to build a transmission line.

Mr. UNDERWOOD. And the Tennessee corporation is only a short distance across the river and within a very few miles of it. It could operate a transmission line if it wanted to do so. As an actual fact to-day, the only wire that goes into Sheffield happens to be an Alabama wire, but if they wanted to sell the power under terms that were satisfactory there would be no difficulty about doing it.

As the bill stands, I have not regarded the sale of power as of very much moment. The Senator has repeatedly said in his speeches that if we operated nitrate plant No. 2 and used the power process for the manufacture of phosphorus, most of the power there would be consumed.

Mr. NORRIS. Most of the primary power of Dam No. 2 would be consumed; I think that is true; but, of course, the Senator must see, in fact he has frankly admitted, that he is giving to this bidder in a certain way a bonus so that the bidder will be able, under the provisions of his amendment, which are now made explicit since my amendments were agreed to, to

manufacture nitrates and be able to recoup what he loses on nitrates by the sale of power. Therefore the sale of power, even though it be mostly secondary—although before the full six years shall have elapsed probably Dam No. 3 will be completed and there will be some primary power to sell—the power, after all, even under the Senator's own proposition, is the thing that is going to make it go, if it shall go.

Mr. UNDERWOOD. I do not admit that that is the only thing, because, as I said after the Senator went to lunch to-day, the Cyanamid Co. is operating a similar plant in Canada and sending its product to the United States to be made into fertilizer and is doing a successful business.

Mr. NORRIS. But, if the Senator will permit me, the Cyanamid Co. in Canada is making a vast number of other things; they do not make fertilizer. They sell small quantities of cyanamide to manufacturers. It is a sort of by-product. They are not in the business as a fertilizer proposition. They could not now take—and they would say so to you if you would ask them—nitrate plant No. 2 and make a fertilizer plant of it and pay expenses. They would admit that frankly.

Mr. UNDERWOOD. No; the Senator is wrong about that, because I asked them that question. I have talked to Mr. Bell, the president of the company. I do not think Mr. Bell would be likely to take a contract to make 40,000 tons of nitrogen; but, if it were not for the amount, I think he would be very glad to consider the proposition. He talked to me in a very friendly way, but he talked in just the opposite way from what the Senator has stated, and indicated that from a cyanamide plant fertilizer may profitably be manufactured.

Mr. NORRIS. I will say to the Senator that, to my mind, the testimony shows without contradiction that nobody could take nitrate plant No. 2 to-day and, even if supplied with power absolutely free, use it to make fertilizer and compete with commercial fertilizer at the present market price. That statement has been made frankly and emphatically by an expert whom the committee had before it, Major Burns, who has been in the business ever since we started to build any of the nitrate plants down there and who is familiar with every detail.

Mr. UNDERWOOD. I read most of the testimony before the Senate committee, and I know there is testimony along that line, but it was not given by men who were in the business. What I was calling to the Senator's attention was the fact that the Cyanamid Co. of Canada is selling some of its cyanamide directly as fertilizer and is converting another portion of it in New Jersey into sulphate of ammonia, and is doing a successful business. But that is neither here nor there.

Mr. NORRIS. The Cyanamid Co. is doing a successful business; I do not dispute that; but, Mr. President, if the Senator will permit me, its business is not primarily the manufacture of fertilizer. It is not in the fertilizer business. It is selling some cyanamide, and there is a small quantity of it used in some fertilizers, and the company is selling it to some people who manufacture fertilizers and put in the cyanamide.

Mr. UNDERWOOD. If the Senator will allow me, I am perfectly willing for him to have his own opinion, but from the statements to me I say that the company is selling a large portion of it for the raw material in fertilizer; but, Mr. President, it does not make any difference. Until it is tried out, the Senator and I never will agree whether this plant can run profitably or not. I say, as I have said from the beginning, that as a matter of national defense it should run whether it runs profitably or not. Of course, no lessee is going to bid on it unless he thinks he can run it profitably. We will agree that far. If we get a lessee, he will go in there because he thinks he can make a profit, and we will hold him to his contract, and we ought to hold him to his contract.

Mr. NORRIS. Surely.

Mr. UNDERWOOD. So, on that part of it, we can dismiss the lessee. If we come to the Government, that is a different matter; but I say that the Government should operate the plant as it would operate a battleship. If it loses money on it, it ought to operate it anyhow for national defense; and if it makes the nitrate product for national defense it is cheaper to make it into fertilizer and sell it below cost than it would be to throw the product into the river, because it would get some return on its product.

Mr. NORRIS. Assuming that it is going to make it, the Senator compels it to make it when there is no use for it, and says: "Now, since you have made it, you make it into fertilizer and sell it below cost."

Mr. UNDERWOOD. The Senator can not say to me that there is no use for it. He said to-day that there was a consumption of 8,000,000 tons of fertilizer in this country annually.

Mr. NORRIS. Oh, yes; but if you made a fertilizer and tried to sell it for a thousand dollars a ton you would have it

on your hands unless you changed the price and sold it at a loss.

Mr. UNDERWOOD. Of course; nobody disputes the fact that you have to sell it cheaply enough for the people to buy it; and that means that you have to sell it just as cheaply as anybody else is selling it, if not cheaper, but certainly as cheaply. There is no dispute about that. I say it would be cheaper for the Government corporation to convert its nitrogen into fertilizer and sell it below cost than to throw the nitrogen into the river.

Mr. NORRIS. Nobody wants it to throw the nitrogen into the river.

Mr. UNDERWOOD. Then there is no dispute.

Mr. NORRIS. The difference is that some of us say: "Unless you can make it and make fertilizer of it at a cost that the farmer can afford to buy it for, and thus cheapen the product, then do not make it."

Mr. STANLEY. Mr. President—

Mr. UNDERWOOD. I contend that we should make it for national defense.

Mr. NORRIS. I understand that.

Mr. UNDERWOOD. That is the difference. If the Congress says that we ought not to make it until we are absolutely convinced that it can be done at a profit—and we can not be convinced of that except by an operation of this plant and a trial—if the Congress has made up its mind that it will not make it until it has been convinced of that, then that merely means that we abandon this project except as a power proposition.

Mr. NORRIS. No; not by any means. We say that as a matter of national defense, for explosive purposes, the cost of the product is an absolutely secondary consideration; but the Senator says, "Make it as a matter of national defense when we do not need it as a matter of national defense." If we need it as a matter of national defense, then why make it into fertilizer?

Here is your nitrate, and you say: "We are making this for national defense." All right, let us have it for national defense, as much of it as we think we ought to have. When we get that much, if any more is made, then you propose to put it into fertilizer. Why not stop?

Mr. UNDERWOOD. Of course, the whole proposition—

Mr. NORRIS. Why not do the same as you do with the battleship?

Mr. UNDERWOOD. If the Senator will allow me, I very rarely interrupt other Senators, and I should like to finish the sentence. I am always glad to yield.

Mr. NORRIS. I beg the Senator's pardon.

Mr. UNDERWOOD. If you build a battleship, as I said before, you do not anchor it in a harbor without any men on it or anybody to take care of it, or without its being equipped for action. You put it in exactly the same condition in which you would operate it in time of war, and you sail it out to sea and keep it moving, so that if war breaks out it is prepared to go, from the captain down to the crew. Now, why should you say that you are going to let a powder plant, a nitrogen plant, lie obsolescent, and you do not know whether you will run it or not?

I was astonished to see a report come in here the other day saying that they did not know whether or not they could make 5,000 tons of nitrogen a year at this plant, which six years ago was guaranteed to make 40,000 tons. I think there was a mistake about it. The president of the Cyanamid Co., which built the plant—not the man who actually built it, but the president of the company that built it—told me within two weeks that that plant could make 40,000 tons unless something has happened to it.

Mr. NORRIS. I think that is true if you are making explosives, but some additional machinery will have to be put in before you can make fertilizer there.

Mr. UNDERWOOD. If the Senator will allow me to conclude, I want to sit down in a moment. Of course, in order to make fertilizer you have to build a fertilizer plant, and that is why we carry some bonds in this bill to do it; but I am talking about the nitrogen. Unless that plant is going to become obsolescent it will have to be operated, and what I am fighting for is to have it operated and give the farmers of this country the benefit of the fertilizer.

That is my theory, and that is the theory of some Senators who are voting with me. I realize that there are other people who say that this can not be done and ought not to be done; that if you want to experiment on this subject of making nitrogen fertilizer you can experiment, but that this great plant should be used for power purposes.

I am not on that side of the question. That is the side of the Senator from Nebraska. If the majority of Congress agrees with him, then we will abandon national defense and fertilizers, in the main, and develop this great property for a power proposition, and it can be done successfully and profitably. I do not question the Senator's position on that point. It has been demonstrated that it can be made a successful and profitable business by carrying out the plan of the Senator from Nebraska for a superpower proposition, and when we strip ourselves of our clothes and come down and show our naked souls to the public we are really divided on two plans. One is the plan for a great water-power development, which the Senator from Nebraska advocates, and the other is a plan for national defense, powder, and fertilizer, which I am trying to write into this bill.

Mr. NORRIS. Mr. President, I want to say just one word for fear that my silence may be considered as an admission.

I do not admit that the committee abandoned national defense. I do not admit that it abandoned fertilizer. I claim and I believe, and I think I shall be able to demonstrate, that its proposition is the only practical proposition before the Senate which in a businesslike way solves or attempts to solve the question of national defense or the question of fertilizer.

Mr. STANLEY. Mr. President, I have understood the Senator from Nebraska [Mr. Norris] to state that some authority stated before the Agricultural Committee that this plant could not make commercial fertilizer below the market price of such fertilizer. I may be in error, but when this question was up before I made quite a study of the proposition—in advocacy, by the way, of the Government's operation of the plant at that time—and my impression is that there was a great difference of opinion among the experts as to the actual cost of producing commercial fertilizer and that quite a number of men learned in the business—experts, persons who had practical knowledge of the operation of these plants, especially plants of the character of the plant at Muscle Shoals—maintained that commercial fertilizer could be produced at a profit at the then market price.

Mr. HARRISON. Mr. President, I would not at this hour detain the Senate before it goes into executive session if it were not for the fact that the distinguished Senator from Tennessee [Mr. McKellar] made an argument to-day which no doubt will go on the winds and be published and be given great import; and I desire to answer, just briefly, one or two suggestions that he made. He is a Senator of great influence, and his utterances have great weight in my particular section of the country. The people there will read and some of them will relish what he has said about the bill to which I have given my allegiance and for which I shall cast my vote.

The Senator says he is against this bill, and he compares the Underwood bill to the proposal of the Alabama Power Co., and says that the proposal of the Alabama Power Co. is better for the people; that the country would get bigger results and the farmers would get more benefits from it, as I understand him, than under the provisions of the Underwood bill.

I deny both of those propositions. I sat in the committee considering this question. I never was for the Alabama Power Co.'s proposal. I do not know of a single member of the Agricultural Committee of the Senate who voted for it. I do not know of anybody in the Senate who is for it now. The Alabama Power Co.'s proposal in some respects was fair, but in others it seemed to me that it was not fair.

The Senator says that so far as the consideration is concerned, the Alabama Power Co.'s proposal would bring bigger results and returns to the Government than this bill. The Senator has not read or has not studied or has not estimated the proposal of the Alabama Power Co. If he will look at it he will see that in its bid the Alabama Power Co. proposed to pay \$300,000 a year for six years on Dam No. 2 and \$1,500,000 per year for the next four years, and thereafter \$2,000,000 per year. That was on Dam No. 2. Figuring it up, it is 3½ per cent interest on the cost of Dam No. 2.

Now, let us take Dam No. 3, which is proposed to be constructed under my amendment. The Alabama Power Co.'s proposal is \$200,000 per year for the first three years, and thereafter 4 per cent on the actual cost, a rental not exceeding \$1,200,000 per year. Then they have a proviso there that in no case can it be over 4 per cent on the cost of \$30,000,000.

The estimate is that it will cost about \$32,000,000. If you figure the amount of the Alabama Power Co.'s proposal for the construction of Dam No. 3, it figures 3½ per cent on the cost of that dam. The Underwood proposal insures to the Government not less than 4 per cent on the cost of Dam No. 2.

and Dam No. 3 if my amendment should be adopted; and so the Government, in dollars and cents, will at least get one-half of 1 per cent more under this bill than it is possible for it to get under the Alabama Power Co.'s proposal.

Now let us see as to the other proposition. The Senator says that the Alabama Power Co.'s proposal is better than that of the Senator from Alabama. The Alabama Power Co., under its proposal, could make sulphate of ammonia and nothing else. The wording of the proposal says that it will make fertilizer to the extent of the commercial demand therefor at the price therein provided for. The price provided in the Alabama Power Co.'s proposal is based on the cost of production and sale. The Underwood proposal is to sell the product for the cost of production and not over 8 per cent on the cost of production. If you would put it at 8 per cent on the cost of production and sale, it might be 16 per cent on the cost of production alone; and certainly the Alabama Power Co.'s proposal is not as fair in that respect as is the provision in the Underwood proposal.

Let us go further. They are to make fertilizer according to commercial demand. The Underwood proposal says they have to make 40,000 tons of fixed nitrogen a year, after a certain number of years. There is no discretion lodged there. There is discretion lodged in the Alabama Power Co.'s proposal.

What else? The Underwood substitute provides that they have to make 40,000 tons of fixed nitrogen or fertilizers of every kind, mixed and unmixed, and he added "according to demand." I am sorry that was stricken from the measure. I think the striking out of that phrase weakened the substitute.

I do not think the argument of the Senator from Nebraska had any weight. I think the provision meant that 40,000 tons of fixed nitrogen must be made every year, and it was to be made according to the wishes and demands of the farmers of the country.

If a farmer had wanted a certain kind of fertilizer, they would have had to produce it within the 40,000 tons of fixed nitrogen. If a farmer had wanted another kind, they would have had to make that kind. But that has been stricken from the bill under the eloquence of my friend from Nebraska. The Alabama Power Co., however, wrote and said, "We will make, according to commercial demand, ammonium phosphate, ammonium sulphate, or other nitrogenous phosphates." They have it within their power under their proposal to make ammonium sulphate, and ammonium sulphate alone, of which we have a great excess now, and which would be no good to the farmers of the country.

Therefore I submit that when you analyze the Underwood proposal and analyze the Alabama Power Co. proposal, there is no comparison between the two propositions. If the Senator should vote for the Alabama Power Co. proposal, he would do the farmers of this country little good, and he would take from the taxpayers of America a half of 1 per cent at least on the cost of this proposition.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and the Senate (at 4 o'clock and 52 minutes p. m.) took a recess until to-morrow, Thursday, December 11, 1924, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 10, 1924

POSTMASTERS

CALIFORNIA

John F. Conner to be postmaster at Del Mar, Calif. Office became presidential October 1, 1924.

Marilyn M. Thomas to be postmaster at Stanford University, Calif., in place of G. E. Meekins, resigned.

Gladys B. Evans to be postmaster at Grafton, Calif., in place of F. R. Evans, resigned.

Mamie L. Royce to be postmaster at Pittsburg, Calif., in place of M. L. Royce. Incumbent's commission expired February 11, 1924.

COLORADO

Ira R. Wood to be postmaster at Ramah, Colo. Office became presidential October 1, 1924.

Beulah J. Wright to be postmaster at Estes Park, Colo., in place of H. S. Carruthers. Incumbent's commission expired April 23, 1924.

CONNECTICUT

Mary A. Tracy to be postmaster at Central Village, Conn., in place of Frank La Favre, appointee declined.

George E. Dickinson to be postmaster at Rockville, Conn., in place of George Forster. Incumbent's commission expired June 5, 1924.

John J. O'Neill to be postmaster at Killingly, Conn., in place of Patrick Riley. Incumbent's commission expired February 4, 1924.

GEORGIA

Julien V. Frederick to be postmaster at Marshallville, Ga., in place of J. V. Frederick. Incumbent's commission expired July 28, 1923.

ILLINOIS

William D. Garriss to be postmaster at Dowell, Ill. Office became presidential July 1, 1924.

INDIANA

Harley Secor to be postmaster at Akron, Ind., in place of A. L. Adamson, deceased.

Louis W. Otto to be postmaster at Crawfordsville, Ind., in place of W. H. Johnston. Incumbent's commission expired June 5, 1924.

Lewis Debolt to be postmaster at Claypool, Ind., in place of O. A. Minear. Incumbent's commission expired June 5, 1924.

Lawrence E. Hoffman to be postmaster at Argos, Ind., in place of J. M. Wickizer. Incumbent's commission expired June 5, 1924.

IOWA

Edward M. Bratton to be postmaster at Shellsburg, Iowa, in place of E. M. Bratton. Incumbent's commission expired June 5, 1924.

Gilbert Jones to be postmaster at Hawkeye, Iowa, in place of A. B. Peters. Incumbent's commission expired June 5, 1924.

William C. Moon to be postmaster at Greene, Iowa, in place of Amos Ingalls. Incumbent's commission expired June 5, 1924.

Elizabeth Summers to be postmaster at Fort Atkinson, Iowa, in place of A. J. Schrelber. Incumbent's commission expired June 5, 1924.

Charles A. Norris to be postmaster at Eldora, Iowa, in place of E. S. Thompson. Incumbent's commission expired June 5, 1924.

KANSAS

M. Blanche Perry to be postmaster at Culver, Kans. Office became presidential October 1, 1924.

Robert W. Cyr to be postmaster at Aurora, Kans. Office became presidential October 1, 1924.

LOUISIANA

Rena F. Eckart to be postmaster at Natalbany, La. Office became presidential October 1, 1924.

Cyrus E. Roberts to be postmaster at Merryville, La., in place of C. E. Roberts. Incumbent's commission expired February 24, 1924.

Milton E. Kidd to be postmaster at Choudrant, La., in place of M. E. Kidd. Incumbent's commission expired February 11, 1924.

Emile Aubert to be postmaster at Abita Springs, La., in place of Emile Aubert. Incumbent's commission expired June 4, 1924.

MAINE

Louis S. Isbell to be postmaster at North Anson, Me., in place of I. H. Ellis. Incumbent's commission expired June 5, 1924.

MASSACHUSETTS

Patrick H. McIntyre to be postmaster at Clinton, Mass., in place of J. F. Murrman. Incumbent's commission expired June 4, 1924.

MICHIGAN

Edmund R. Vincent to be postmaster at Corunna, Mich., in place of J. A. Richardson, resigned.

Jesse G. Wilbur to be postmaster at Belding, Mich., in place of E. E. Fales, deceased.

Moses O. Champney to be postmaster at Traverse City, Mich., in place of Emanuel Wilhelm. Incumbent's commission expired June 4, 1924.

Mary M. Smith to be postmaster at Thompsonville, Mich., in place of C. L. Bennett. Incumbent's commission expired June 4, 1924.

Curtis Van Prentice to be postmaster at South Haven, Mich., in place of E. S. Dyckman. Incumbent's commission expired June 4, 1924.

Merrill F. Fitch to be postmaster at Mattawan, Mich., in place of A. H. Campbell. Incumbent's commission expired June 4, 1924.

G. Leslie Runner to be postmaster at Shelby, Mich., in place of H. M. Royal. Incumbent's commission expired June 4, 1924.

Ralph C. Hubbard to be postmaster at Hartford, Mich., in place of W. H. Blasfield. Incumbent's commission expired June 4, 1924.

Beryl Mitchell to be postmaster at Edmore, Mich., in place of A. F. Skarritt. Incumbent's commission expired June 4, 1924.

Jacob M. Paul to be postmaster at Eau Claire, Mich., in place of W. L. Ferry. Incumbent's commission expired June 4, 1924.

Charles Plowman to be postmaster at Copemish, Mich., in place of T. T. Fralick. Incumbent's commission expired June 4, 1924.

Gordon E. Stowell to be postmaster at Byron, Mich., in place of M. B. Gallagher. Incumbent's commission expired June 4, 1924.

Thomas Watson to be postmaster at Birch Run, Mich., in place of M. J. Hadsall. Incumbent's commission expired June 4, 1924.

Leon D. Corwin to be postmaster at Ashley, Mich., in place of E. S. Reist. Incumbent's commission expired June 4, 1924.

MINNESOTA

A. Wilbert Anderson to be postmaster at Proctor, Minn., in place of Patrick McCabe. Incumbent's commission expired July 28, 1923.

Arthur M. Enger to be postmaster at Lanesboro, Minn., in place of James Lynch. Incumbent's commission expired June 5, 1924.

John V. Barstow to be postmaster at Brownsdale, Minn., in place of L. M. Clark, appointee declined.

Anna Slindee to be postmaster at Adams, Minn., in place of E. L. Slindee, deceased.

John L. Christianson to be postmaster at Harmony, Minn., in place of F. A. Achatz. Incumbent's commission expired June 5, 1924.

MISSOURI

Kenneth C. Dixon to be postmaster at Creighton, Mo. Office became presidential October 1, 1924.

Joseph A. Davis to be postmaster at Waynesville, Mo., in place of A. L. Wilson. Incumbent's commission expired June 4, 1924.

George R. Hendricks to be postmaster at Rutledge, Mo., in place of D. J. Buford. Incumbent's commission expired June 5, 1924.

Charles E. Traylor to be postmaster at Richmond, Mo., in place of J. K. Joiner. Incumbent's commission expired June 5, 1924.

Luther C. Brower to be postmaster at Queen City, Mo., in place of A. C. Jones. Incumbent's commission expired June 4, 1924.

Clyde S. Jones to be postmaster at Polo, Mo., in place of W. M. Brown. Incumbent's commission expired June 5, 1924.

J. Frank Wilson to be postmaster at Palmyra, Mo., in place of C. J. Johnson. Incumbent's commission expired June 5, 1924.

Amos E. Jennings to be postmaster at Miami, Mo., in place of Z. T. Casebolt. Incumbent's commission expired June 5, 1924.

Stephen C. Accola to be postmaster at La Grange, Mo., in place of T. E. Heatherly. Incumbent's commission expired June 5, 1924.

Mattie A. Campbell to be postmaster at King City, Mo., in place of Essie Ward. Incumbent's commission expired June 4, 1924.

John A. Mills to be postmaster at Jonesburg, Mo., in place of Fleety Palmer. Incumbent's commission expired June 5, 1924.

Delphia Johnson to be postmaster at Jerico Springs, Mo., in place of V. V. Sliton. Incumbent's commission expired June 5, 1924.

Irene Shibley to be postmaster at Gorfn, Mo., in place of A. C. Walters. Incumbent's commission expired January 23, 1924.

Delph C. Simons to be postmaster at Grant City, Mo., in place of W. P. Spillman. Incumbent's commission expired June 5, 1924.

Bertha D. Marling to be postmaster at Elsberry, Mo., in place of W. B. Ellis. Incumbent's commission expired June 5, 1924.

Hobart Lewis to be postmaster at Downing, Mo., in place of C. E. McCandless. Incumbent's commission expired June 5, 1924.

Ira E. Knight to be postmaster at Conway, Mo., in place of J. E. Harris. Incumbent's commission expired June 5, 1924.

Ida A. Sack to be postmaster at Bosworth, Mo., in place of S. T. Breckenridge. Incumbent's commission expired August 12, 1923.

Thomas M. Fowler to be postmaster at Nelson, Mo., in place of Joe Ritchey, removed.

MONTANA

Joseph C. Fallor to be postmaster at Dillon, Mont., in place of W. V. Grimes. Incumbent's commission expired February 20, 1924.

Nora M. Henley to be postmaster at Geyser, Mont., in place of F. D. Worcester, resigned.

NEVADA

Julia G. Pangburn to be postmaster at Jarbridge, Nev. Office became presidential October 1, 1924.

NEW HAMPSHIRE

Silas C. Newell to be postmaster at Newport, N. H., in place of E. J. Mailey. Incumbent's commission expired February 20, 1924.

Lillian B. Sargent to be postmaster at Canaan, N. H., in place of E. M. Allen, deceased.

NEW JERSEY

Berta Brown to be postmaster at Leonardo, N. J. Office became presidential October 1, 1924.

Harry W. Mutchler to be postmaster at Rockaway, N. J., in place of William Gerard. Incumbent's commission expired June 5, 1924.

Le Roy Duckworth to be postmaster at Clinton, N. J., in place of J. Y. Bellis. Incumbent's commission expired June 5, 1924.

Louis Meretta to be postmaster at Zarephath, N. J., in place of F. W. Borough, resigned.

Edwin Condit to be postmaster at Essex Fells, N. J., in place of D. H. Miller, resigned.

David Tumen to be postmaster at Atlantic Highlands, N. J., in place of C. R. Grover, resigned.

NEW YORK

George C. Myer to be postmaster at Highland Falls, N. Y., in place of J. L. Hicks. Incumbent's commission expired November 21, 1922.

Leslie E. Daniels to be postmaster at Chaumont, N. Y., in place of George Diefendorf. Incumbent's commission expired May 6, 1924.

Harmon A. Ranous to be postmaster at Minetto, N. Y., in place of A. G. Tucker, resigned.

Edward J. Murphy to be postmaster at Forestport, N. Y., in place of A. M. Tracy, resigned.

NORTH CAROLINA

Alfred A. McDonald to be postmaster at Parkton, N. C. Office became presidential October 1, 1924.

Joseph K. Taylor to be postmaster at Morven, N. C. Office became presidential April 1, 1920.

NORTH DAKOTA

John E. Nelson to be postmaster at Litchville, N. Dak., in place of J. E. Nelson. Incumbent's commission expired April 23, 1924.

OHIO

Clarence S. Frazer to be postmaster at Xenia, Ohio, in place of H. E. Rice. Incumbent's commission expired June 4, 1924.

Frances Dunham to be postmaster at Fayetteville, Ohio, in place of F. F. Dunham, deceased.

OKLAHOMA

John R. O'Connell to be postmaster at Willow, Okla. Office became presidential October 1, 1924.

Helen Whitlock to be postmaster at Maramee, Okla. Office became presidential October 1, 1924.

OREGON

William R. Anderson to be postmaster at Milton, Oreg., in place of Elmer Hopkins, resigned.

PENNSYLVANIA

H. Oscar Young to be postmaster at Plymouth Meeting, Pa. Office became presidential October 1, 1924.

Charles M. Wilkins to be postmaster at Wayne, Pa., in place of M. J. Porter. Incumbent's commission expired August 5, 1923.

Samuel S. Ulerich to be postmaster at New Florence, Pa., in place of H. F. Bush. Incumbent's commission expired September 25, 1923.

Grace S. Albright to be postmaster at Hyndman, Pa., in place of J. C. Luman. Incumbent's commission expired June 5, 1924.

Edwin H. Cliff to be postmaster at Glen Olden, Pa., in place of C. E. W. Curry. Incumbent's commission expired June 5, 1924.

Albert R. Morgan to be postmaster at Nemacolin, Pa., in place of H. O. Marquis, resigned.

Laura E. Rich to be postmaster at Enola, Pa., in place of R. M. Rahn, removed.

SOUTH CAROLINA

Gilbert G. Hiers to be postmaster at Ehrhardt, S. C., in place of E. D. Grant, resigned.

SOUTH DAKOTA

Bernard P. Corrigan to be postmaster at Cavour, S. Dak. Office became presidential October 1, 1924.

Raymond B. Breed to be postmaster at Brookings, S. Dak., in place of R. B. Breed. Incumbent's commission expired June 4, 1924.

TEXAS

Elizabeth Ingenhuet to be postmaster at Comfort, Tex., in place of Rudolph Flach, jr. Incumbent's commission expired June 4, 1924.

Alvin O. Fricke to be postmaster at Kingsbury, Tex., in place of Nora Wagner, deceased.

UTAH

David T. Lewis to be postmaster at Spanish Fork, Utah, in place of W. A. Jones. Incumbent's commission expired June 4, 1924.

Paul G. Johnson to be postmaster at Grantsville, Utah, in place of Robert D. Halladay. Incumbent's commission expired June 4, 1924.

WASHINGTON

Albert Maurer to be postmaster at Kelso, Wash., in place of J. L. Harris, resigned.

WEST VIRGINIA

Roy C. Glick to be postmaster at Pemberton, W. Va. Office became presidential October 1, 1924.

John B. Taft to be postmaster at Nutter Fort, W. Va. Office became presidential April 1, 1924.

Earle Reger to be postmaster at Weston, W. Va., in place of Earle Reger. Incumbent's commission expired June 5, 1924.

Benjamin E. McGinnis to be postmaster at Pennsboro, W. Va., in place of J. A. Wooddell. Incumbent's commission expired June 5, 1924.

Mary B. Carman to be postmaster at Bethany, W. Va., in place of S. I. Wells. Incumbent's commission expired March 23, 1924.

WYOMING

Louis E. Eaton to be postmaster at Torrington, Wyo., in place of J. L. Masters. Incumbent's commission expired June 5, 1924.

John H. Mantle to be postmaster at Kemmerer, Wyo., in place of J. T. Platt, resigned.

Frank A. Beard to be postmaster at Chugwater, Wyo., in place of Florence Hullett, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 10, 1924

MEMBERS OF INTERSTATE COMMERCE COMMISSION

Balthasar H. Meyer to be member of the Interstate Commerce Commission for term of seven years from January 1, 1925. (Reappointment.)

J. B. Campbell to be member of the Interstate Commerce Commission for term of seven years from January 1, 1925. (Reappointment.)

PROMOTIONS IN THE ARMY

Mallin Craig to be Chief of Cavalry, with the rank of major general.

Joseph Kepner Partello to be colonel, Infantry.

George Percy Hawes, jr., to be lieutenant colonel, Quartermaster Corps.

Stafford LeRoy Irwin to be major, Field Artillery.

Reynold Ferdinand Melin to be captain, Ordnance Department.

Robert Grier St. James to be captain, Infantry.

Francis Irwin Maslin to be captain, Quartermaster Corps.
Horace Speed, jr., to be first lieutenant, Coast Artillery Corps.
Fred William Makinney, jr., to be first lieutenant, Cavalry.
William Benjamin Kean, jr., to be first lieutenant, Infantry.
Franklin Langley Whitley to be major, Adjutant General's Department.

Kenneth Seymour Stice to be first lieutenant, Signal Corps.

Orva Earl Beezley to be captain, Field Artillery.

Charles Joseph Barrett, jr., to be second lieutenant, Field Artillery.

Ivan Benson Snell to be captain, Air Service.

Leon LaGrange Roach to be colonel, Infantry.

Horace Potts Hobbs to be colonel, Infantry.

Louis Joseph Van Schaick to be colonel, Infantry.

Edgar Albert Myer to be colonel, Infantry.

Arthur Morson Shipp to be colonel, Infantry.

Joseph William Beacham, jr., to be colonel, Infantry.

Guy Stevens Norvell to be colonel, Cavalry.

Robert Hayes Wescott to be colonel, Infantry.

Allen Parker to be colonel, Infantry.

Allen Smith, jr., to be colonel, Infantry.

Frank Burson Hawkins to be colonel, Infantry.

Paul Trapier Hayne to be colonel, Adjutant General's Department.

Fred Erskine Buchan to be colonel, Cavalry.

Edward Albert Sturges to be colonel, Finance Department.

William Luke Luhn to be colonel, Cavalry.

Hu Blakemore Myers to be colonel, Cavalry.

Henry Russell Richmond to be colonel, Cavalry.

Charles Evans Kilbourne to be colonel, Coast Artillery Corps.

Osmun Latrobe to be colonel, Cavalry.

Orval Pool Townshend to be colonel, Infantry.

Richard Irving McKenney to be lieutenant colonel, Coast Artillery Corps.

Charles Albert Clark to be lieutenant colonel, Quartermaster Corps.

Robert Louis Moseley to be lieutenant colonel, Infantry.

Aristides Moreno to be lieutenant colonel, Infantry.

William Lay Patterson to be lieutenant colonel, Infantry.

Charles Edward Wheatley to be lieutenant colonel, Coast Artillery Corps.

Earl Biscoe to be lieutenant colonel, Coast Artillery Corps.

William Scott Wood to be lieutenant colonel, Field Artillery.

James Howard Stansfield to be lieutenant colonel, Judge Advocate General's Department.

Francis Bradford Wheaton to be lieutenant colonel, Quartermaster Corps.

James Merrill Hutchinson to be lieutenant colonel, Quartermaster Corps.

George Morgan Newell to be lieutenant colonel, Finance Department.

Sidney Smith Underwood to be lieutenant colonel, Ordnance Department.

Thomas Egbert Jansen to be lieutenant colonel, Finance Department.

Felix Edward Blackburn to be lieutenant colonel, Judge Advocate General's Department.

Charles Almon Hunt to be lieutenant colonel, Infantry.

Warren Thomas Hannum to be lieutenant colonel, Corps of Engineers.

Robert Ross Ralston to be lieutenant colonel, Corps of Engineers.

Mark Brooke to be lieutenant colonel, Corps of Engineers.

Laurence Verner Frazier to be lieutenant colonel, Corps of Engineers.

James Franklin Bell to be lieutenant colonel, Corps of Engineers.

Gilbert Henry Stewart to be lieutenant colonel, Ordnance Department.

Joseph Taggart McNarney to be major, Air Service.

Pearson Menoher to be major, Cavalry.

Albert Henry Warren to be major, Coast Artillery Corps.

Omar Nelson Bradley to be major, Infantry.

Paul John Mueller to be major, Infantry.

Leland Stanford Hobbs to be major, Infantry.

John Frederick Kahle to be major, Coast Artillery Corps.

Edwin Bowman Lyon to be major, Air Service.

Reinold Melberg to be major, Coast Artillery Corps.

Clarence Brewster Lindner to be major, Coast Artillery Corps.

John Henry Cochran to be major, Coast Artillery Corps.

Carl Conrad Bank to be major, Field Artillery.

Charles Calvert Benedict to be major, Air Service.

Vernon Evans to be major, Infantry.

Roscoe Barnett Woodruff to be major, Infantry.

Joseph Jesse Teter to be major, Coast Artillery Corps.
 Lewis Clarke Davidson to be major, Infantry.
 Dwight David Eisenhower to be major, Infantry.
 Harold William James to be major, Infantry.
 George Hume Peabody to be major, Air Service.
 Martin John O'Brien to be major, Coast Artillery Corps.
 Joseph Cumming Haw to be major, Coast Artillery Corps.
 James Basevi Ord to be major, Infantry.
 Earl Larue Naiden to be major, Air Service.
 Henry McElderry Pendleton to be major, Cavalry.
 Iverson Brooks Summers, jr., to be major, Adjutant General's Department.
 Edmund deTreville Ellis to be major, Quartermaster Corps.
 Robert William Strong to be major, Cavalry.
 Clifford Randall Jones to be major, Coast Artillery Corps.
 John Bengnot Wogan to be major, Field Artillery.
 Clesen Henry Tenney to be major, Coast Artillery Corps.
 Clifford Barrington King to be major, Field Artillery.
 Frank Edwin Emery, jr., to be major, Coast Artillery Corps.
 Edward Caswell Wallington to be major, Chemical Warfare Service.
 Carl Ernest Hocker to be major, Coast Artillery Corps.
 John William Leonard to be major, Infantry.
 Richmond Trumbull Gibson to be major, Coast Artillery Corps.
 Edward Campbell McGuire to be major, Cavalry.
 Wilbur Joseph Fox to be captain, Infantry.
 Frank Eckel Taylor to be captain, Judge Advocate General's Department.
 Charles Palmer Clark to be captain, Air Service.
 William Vincent Witeher, jr., to be captain, Infantry.
 Leo Leftwich Partlow to be captain, Field Artillery.
 Joseph Francis Stiley to be captain, Coast Artillery Corps.
 Edward Henry Dignowity to be captain, Corps of Engineers.
 John William Elkins, jr., to be captain, Infantry.
 Phillip Doddridge to be captain, Infantry.
 Chilion Farrar Wheeler to be captain, Air Service.
 Henry Thomas Kent to be captain, Infantry.
 James Arthur Boyers to be captain, Infantry.
 Evan Kirkpatrick Meredith to be captain, Infantry.
 Howard John Liston to be captain, Infantry.
 Charles Marion Thirkield to be captain, Field Artillery.
 William Robert Carlson to be captain, Coast Artillery Corps.
 Ernest Thomas Jones to be captain, Infantry.
 Harry Wormersley Ostrander to be captain, Coast Artillery Corps.
 Melville Stratton Creusere to be captain, Field Artillery.
 Clarence Flagg Murray to be captain, Field Artillery.
 Perry Cole Ragan to be captain, Infantry.
 James Cave Crockett to be captain, Infantry.
 Philip Dunbar Terry to be captain, Coast Artillery Corps.
 Charles Carroll Knight, jr., to be captain, Field Artillery.
 Joseph Vincent Thebaud to be captain, Infantry.
 George Willis Morris to be captain, Signal Corps.
 Ira Augustus Hunt to be captain, Infantry.
 Paul Parker Logan to be captain, Infantry.
 Jesse James France to be captain, Field Artillery.
 Armand Sherman Miller to be captain, Field Artillery.
 Thomas Henry to be captain, Infantry.
 Earl Hamlin DeFord to be captain, Air Service.
 Peter Powell Rodes to be captain, Field Artillery.
 Frank Martin Smith to be captain, Infantry.
 John Carl Cook to be captain, Field Artillery.
 Herbert William Garrison to be captain, Infantry.
 Burdette Shields Wright to be captain, Air Service.
 Arthur Kay Chambers to be captain, Coast Artillery Corps.
 Paul Thomas Hogge to be captain, Infantry.
 Dale Clarence Hall to be captain, Ordnance Department.
 Charles Summers Miller to be captain, Cavalry.
 Eugene Edwin Hagan to be captain, Quartermaster Corps.
 Joseph Edward Schillo to be captain, Quartermaster Corps.
 John Moody Tuther to be captain, Quartermaster Corps.
 Joseph Henry Burghelm to be captain, Infantry.
 John Palmer Harris to be captain, Ordnance Department.
 Fred Thomson Bass to be captain, Corps of Engineers.
 Andrew Jackson Patterson to be captain, Infantry.
 Rufus Alexander Byers to be captain, Infantry.
 George Edwin Adamson to be captain, Quartermaster Corps.
 Charles A. Morrow to be captain, Quartermaster Corps.
 Edward Oscar Schafner to be captain, Quartermaster Corps.
 Charley Muller to be captain, Infantry.
 Alfred Henry Thieszen to be captain, Signal Corps.
 Claude Evan Gray to be captain, Finance Department.
 Horace Nevil Heisen to be captain, Air Service.
 Aubrey Irl Eagle to be captain, Air Service.

Jacob J. Van Patten, jr., to be captain, Finance Department.
 Harvey Weir Cook to be captain, Air Service.
 Charles Summer Reed to be captain, Ordnance Department.
 Raymond Clair Hildreth to be captain, Signal Corps.
 David Emery Washburn to be captain, Signal Corps.
 Bernard Edward McKeever to be captain, Quartermaster Corps.
 Michael James Byrne to be captain, Infantry.
 William George Muller to be captain, Infantry.
 Harold Robert Emery to be first lieutenant, Infantry.
 David Sanderson McLean to be first lieutenant, Infantry.
 William Joseph Moroney to be first lieutenant, Infantry.
 Russell Lowell Williamson to be first lieutenant, Air Service.
 Howard Dohla Johnston to be first lieutenant, Infantry.
 Franklin Leroy Rash to be first lieutenant, Infantry.
 Edgar Harvey Snodgrass to be first lieutenant, Infantry.
 Claude Birkett Ferenbaugh, to be first lieutenant, Infantry.
 Adna Chaffee Hamilton to be first lieutenant, Infantry.
 Harold Stuart Ruth to be first lieutenant, Infantry.
 Sterling Eugene Whitesides to be first lieutenant, Infantry.
 Lewis Stone Sorley, jr., to be first lieutenant, Infantry.
 Albert Coady Wedemeyer to be first lieutenant, Infantry.
 David Best Latimer to be first lieutenant, Coast Artillery Corps.
 Roswell Boyle Hart to be first lieutenant, Infantry.
 Halvor Hegland Myrah to be first lieutenant, Coast Artillery Corps.
 Herbert Joseph Riess to be first lieutenant, Infantry.
 Henry Ignatius Szymanski to be first lieutenant, Infantry.
 Frederick Brenton Porter to be first lieutenant, Field Artillery.
 Bryan Sewall Halter to be first lieutenant, Infantry.
 Charles Raymond Gross to be first lieutenant, Infantry.
 Charles Hardy Hart, jr., to be first lieutenant, Infantry.
 Adolphus Rankin McConnell to be first lieutenant, Air Service.
 George De Vere Barnes to be first lieutenant, Quartermaster Corps.
 Paul Robert Menzies Miller to be first lieutenant, Field Artillery.
 Albert Smith Rice to be first lieutenant, Infantry.
 Charles Linton Williams to be first lieutenant, Air Service.
 Charles Ream Jackson to be first lieutenant, Coast Artillery Corps.
 Charles Leslie Keerans, jr., to be first lieutenant, Infantry.
 Fred Cleveland Fishback to be first lieutenant, Air Service.
 George Oliver Roberson to be first lieutenant, Air Service.
 Kenneth Newton Walker to be first lieutenant, Air Service.
 John Lawrence Hanley to be first lieutenant, Coast Artillery Corps.
 Stanley Hunsicker Hunsicker to be first lieutenant, Quartermaster Corps.
 Neal Henry McKay to be first lieutenant, Quartermaster Corps.
 Stanleigh Megargee to be first lieutenant, Quartermaster Corps.
 Oscar Leslie Rogers to be first lieutenant, Air Service.
 Roger Frederic O'Leary to be first lieutenant, Quartermaster Corps.
 Samuel Perham Mills to be first lieutenant, Air Service.
 Edgar Theodore Selzer to be first lieutenant, Air Service.
 Albert Joseph Lubbe to be first lieutenant, Signal Corps.
 George Raymond Ensminger to be first lieutenant, Ordnance Department.
 John Bicknell Luscombe to be first lieutenant, Quartermaster Corps.
 Charles Harold Howard to be first lieutenant, Air Service.
 Edward Alton Hillery to be first lieutenant, Air Service.
 Hugh Sydney Harpole to be first lieutenant, Quartermaster Corps.
 Homer William Jones to be first lieutenant, Quartermaster Corps.
 Everett Sanford Davis to be first lieutenant, Air Service.
 Frank Egerton Powell to be first lieutenant, Quartermaster Corps.
 Bradford Nelson Headley to be first lieutenant, Quartermaster Corps.
 Frederick Irving Patrick to be first lieutenant, Air Service.
 Donald Reuben Goodrich to be first lieutenant, Air Service.
 Carl Henry Barrett to be first lieutenant, Air Service.
 Francis Hill Kuhn to be first lieutenant, Quartermaster Corps.
 John Daniel O'Connell to be first lieutenant, Quartermaster Corps.
 Harold Brand to be first lieutenant, Air Service.

Edward Watson Kelley to be first lieutenant, Infantry.
 Claud Thomas Gunn to be first lieutenant, Coast Artillery Corps.
 Herbert Benjamin Wilcox to be first lieutenant, Infantry.
 Robert Milton Elchelsdoerfer to be first lieutenant, Cavalry.
 Otto Max Jank to be first lieutenant, Coast Artillery Corps.
 Paul Evert to be first lieutenant, Air Service.
 Paul Americus Harris to be first lieutenant, Coast Artillery Corps.
 Jefferson Cleveland Campbell to be first lieutenant, Field Artillery.
 Hugh Franklin Conrey to be first lieutenant, Field Artillery.
 Edwin Clark Maling to be first lieutenant, Infantry.
 Richard Head Trippe to be first lieutenant, Infantry.
 O. D. Wells to be first lieutenant, Infantry.
 Frank Celestine Meade to be first lieutenant, Coast Artillery Corps.
 Paul Wallace Cole to be first lieutenant, Coast Artillery Corps.
 Everett Samuel Prouty to be first lieutenant, Infantry.
 Charles Speir Lawrence to be first lieutenant, Infantry.
 John Corwin Shaw to be first lieutenant, Infantry.
 William Cadwalader Price to be first lieutenant, Field Artillery.
 Clarence Matthew Tomlinson to be first lieutenant, Infantry.
 Eugene Reedy Guild to be first lieutenant, Coast Artillery Corps.
 Julian Buckner Haddon to be first lieutenant, Air Service.
 Claude Delorum Collins to be first lieutenant, Infantry.
 William Hugh Burns to be first lieutenant, Coast Artillery Corps.
 William Eldridge Moore to be first lieutenant, Quartermaster Corps.
 Clem Oliver Gunn to be first lieutenant, Coast Artillery Corps.
 Wilber Russell Ellis to be first lieutenant, Coast Artillery Corps.
 Donald Weldon Brann to be first lieutenant, Infantry.
 George Bernhard Anderson to be first lieutenant, Coast Artillery.
 Walter John Wolfe to be first lieutenant, Coast Artillery.
 Roswell Emory Round to be first lieutenant, Infantry.
 Clyde Harrison Lamb to be first lieutenant, Infantry.
 Fred Ross Cowan to be first lieutenant, Quartermaster Corps.
 Lester Frank Watson to be first lieutenant, Quartermaster Corps.
 William Edwin Vecqueray to be first lieutenant, Quartermaster Corps.
 Robert Lawrence Eichelberger to be major, Adjutant General's Department.
 Joseph Nicholas Dalton to be captain, Adjutant General's Department.
 Kenneth Burman Bush to be captain, Adjutant General's Department.
 Adam Richmond to be captain, Judge Advocate General's Department.
 William Jones Kendrick to be lieutenant colonel, Finance Department.
 Cherubusco Newton, jr., to be major, Finance Department.
 Edward Dworak to be major, Finance Department.
 Theodore Morrison Clarence Osborne to be second lieutenant, Corps of Engineers.
 Ralph Arnold Tudor to be second lieutenant, Corps of Engineers.
 Herbert Davidson to be second lieutenant, Corps of Engineers.
 Edward Aloysius Murphy to be captain, Ordnance Department.
 Leo Joseph Dillon to be captain, Ordnance Department.
 Grosvenor Liebenau Workins to be first lieutenant, Ordnance Department.
 Galen Magnus Taylor to be first lieutenant, Ordnance Department.
 Myron Leedy to be second lieutenant, Ordnance Department.
 Joseph James Grace to be major, Signal Corps.
 Laurence Watts to be major, Signal Corps.
 Lester Joslyn Harris to be captain, Signal Corps.
 Benjamin Stern to be second lieutenant, Signal Corps.
 Maurice Benjamin Willett to be major, Chemical Warfare Service.
 Maurice Eugene Barker to be captain, Chemical Warfare Service.
 Norman Drysdale Gillet to be first lieutenant, Chemical Warfare Service.
 Joseph Sutherland Herron to be colonel, Field Artillery.
 Arthur Dryhurst Budd to be major, Field Artillery.

Claude Alfred White to be captain, Field Artillery.
 David Loring, jr., to be captain, Field Artillery.
 Garth Bly Haddock to be captain, Field Artillery.
 Mark Milton Potter to be first lieutenant, Field Artillery.
 Auston Monroe Wilson, jr., to be first lieutenant, Field Artillery.
 Charles Aloysius Hennessey to be second lieutenant, Field Artillery.
 George Phillips Privett to be second lieutenant, Field Artillery.
 Stephen Stanley Koszewski to be second lieutenant, Field Artillery.
 Peter Sather, jr., to be second lieutenant, Field Artillery.
 Frank Faron Carpenter, jr., to be second lieutenant, Field Artillery.
 Adolphe St. Armand Fairbanks to be captain, Coast Artillery Corps.
 John Sanderson to be first lieutenant, Coast Artillery Corps.
 Charles Wesley Gettys to be second lieutenant, Coast Artillery Corps.
 Morris Kelly Voedisch to be second lieutenant, Coast Artillery Corps.
 Guy Haines Stubbs to be second lieutenant, Coast Artillery Corps.
 Ben Early Cordell to be second lieutenant, Coast Artillery Corps.
 Russell Creamer Langdon to be colonel, Infantry.
 Norman Daniel Cota to be captain, Infantry.
 Richard Garner Thomas, jr., to be second lieutenant, Infantry.
 Willis Henry Hale to be captain, Air Service.
 Howard Houghton Bailly to be lieutenant colonel, Medical Corps.
 Paul Lamar Freeman to be lieutenant colonel, Medical Corps.
 Kenneth Earl Buffin to be captain, Veterinary Corps.
 Robert Payne McComb to be captain, Veterinary Corps.
 William Roy Wolfe to be captain, Veterinary Corps.
 Chauncey Edmund Cook to be captain, Veterinary Corps.
 Robert Patrick Kunnecke to be captain, Veterinary Corps.
 Clifford Eugene Pickering to be captain, Veterinary Corps.
 Stanley Clifford Smock to be captain, Veterinary Corps.
 Howard Newell Beeman to be captain, Veterinary Corps.
 Howard Mayo Savage to be captain, Veterinary Corps.
 Burlin Chase Bridges to be captain, Veterinary Corps.
 Mott Ramsey to be captain, Veterinary Corps.
 Josiah Wistar Worthington to be captain, Veterinary Corps.
 Fred Chester Waters to be captain, Veterinary Corps.
 Homer Johnson to be captain, Veterinary Corps.
 Joseph Fenton Crosby to be captain, Veterinary Corps.
 Raymond Irvin Lovell to be captain, Veterinary Corps.
 Ralph Brown Stewart to be captain, Veterinary Corps.
 George Jacob Rife to be captain, Veterinary Corps.
 Maximilian Siereweld, jr., to be captain, Veterinary Corps.
 Charles Mausur Cowherd to be captain, Veterinary Corps.
 John Knox McConeghy to be captain, Veterinary Corps.
 Sawyer Adelbert Grover to be captain, Veterinary Corps.
 Charles Sears Williams to be captain, Veterinary Corps.
 Oness Harry Dixon, jr., to be captain, Veterinary Corps.
 John Wesley Miner to be captain, Veterinary Corps.
 Seth C. Dildine to be captain, Veterinary Corps.
 Fred W. Shinn to be captain, Veterinary Corps.
 Philip Henry Riedel to be captain, Veterinary Corps.
 Irby Rheuel Pollard to be captain, Veterinary Corps.
 Frank Benjamin Steinkolk to be captain, Veterinary Corps.
 Francois Hue Karl Reynolds to be captain, Veterinary Corps.
 Raymond Randall to be captain, Veterinary Corps.
 Frank Caldwell Hershberger to be captain, Veterinary Corps.
 Gerald Woodward Fitzgerald to be captain, Veterinary Corps.
 Charles Brenton Dunphy to be captain, Veterinary Corps.
 Harry Edward Van Tuyl to be captain, Veterinary Corps.
 Louis Lathrop Shook to be captain, Veterinary Corps.
 Daniel Henry Mallan to be captain, Veterinary Corps.
 Louis Goldman Weisman to be captain, Veterinary Corps.
 Everett Cooper Conant to be captain, Veterinary Corps.
 James Alexander McCallam to be captain, Veterinary Corps.
 Harry John Juzek to be captain, Veterinary Corps.
 William Henry Dean to be captain, Veterinary Corps.
 Solon B. Renshaw to be captain, Veterinary Corps.
 Frank H. Woodruff to be captain, Veterinary Corps.
 Will Charles Griffin to be captain, Veterinary Corps.
 Lloyd Clifford Ewen to be captain, Veterinary Corps.
 Charles Oliver Grace to be captain, Veterinary Corps.
 Edward Michael Curley to be captain, Veterinary Corps.
 James Russell Sperry to be captain, Veterinary Corps.
 Floyd Chauncey Sager to be captain, Veterinary Corps.

Henry Emil Hess to be captain, Veterinary Corps.
 Vincent Brown Wright to be captain, Veterinary Corps.
 Paul Roberts King to be captain, Veterinary Corps.
 Forest Lee Holycross to be captain, Veterinary Corps.
 Daniel Sommer Robertson to be captain, Veterinary Corps.
 Earl Floyd Long to be captain, Veterinary Corps.
 Joseph Hiram Dornblaser to be captain, Veterinary Corps.
 George Leslie Caldwell to be captain, Veterinary Corps.
 Jacob Landes Hartman to be captain, Veterinary Corps.
 John Harold Kintner to be captain, Veterinary Corps.
 Arthur Dunlap Martin to be captain, Veterinary Corps.
 Samuel George Kleismeier to be captain, Veterinary Corps.
 Peter Thomas Carpenter to be captain, Veterinary Corps.
 Stanley Alling Clark to be first lieutenant, Medical Administrative Corps.
 Francis Moore to be first lieutenant, Medical Administrative Corps.
 Max Verne Talbot to be first lieutenant, Medical Administrative Corps.
 Alexander Joseph Doray to be first lieutenant, Medical Administrative Corps.
 Harvey Israel Rice to be first lieutenant, Medical Administrative Corps.
 Joseph Gail Garrison to be chaplain with the rank of captain.
 Faye Arnold Moon to be chaplain with the rank of captain.
 Ivan Loveridge Bennett to be chaplain with the rank of captain.
 Monroe Starkey Caver to be chaplain with the rank of captain.
 John Knox Bodel to be chaplain with the rank of captain.
 William Roy Bradley to be chaplain with the rank of captain.
 James Lloyd McBride to be chaplain with the rank of captain.
 Thomas Lawrence McKenna to be chaplain with the rank of captain.
 Mylon Dickinson Merchant to be chaplain with the rank of captain.
 Maurice William Reynolds to be chaplain with the rank of captain.
 Henry Russell Westcott, Jr., to be chaplain with the rank of captain.
 Albert Floyd Vaughan to be chaplain with the rank of captain.
 Edgar Nathaniel Thorn to be chaplain with the rank of captain.
 Jodie Gibson Stewart to be chaplain with the rank of captain.
 Gynther Storaasli to be chaplain with the rank of captain.
 Commodore Robert Watkins to be chaplain with the rank of captain.
 Ivan Gochnauer Martin to be chaplain with the rank of captain.
 Leon Lloyd Gardner to be first lieutenant, Medical Officers' Reserve Corps.
 Henry Fremont Lueking to be first lieutenant, Medical Officers' Reserve Corps.
 Prentice Lauri Moore to be first lieutenant, Medical Officers' Reserve Corps.
 John Marshall Gaines to be first lieutenant, Medical Officers' Reserve Corps.
 William Charles Furr to be first lieutenant, Medical Officers' Reserve Corps.
 Ray Hamilton Skaggs to be first lieutenant, Medical Officers' Reserve Corps.
 Herbert Morris Cox to be second lieutenant, Veterinary Officers' Reserve Corps.
 Laurence Robert Bower to be second lieutenant, Veterinary Officers' Reserve Corps.
 John Harold McCann to be chaplain with the rank of first lieutenant.
 Edward Freeman to be first lieutenant, Philippine Scouts.
 James William Smith to be first lieutenant, Philippine Scouts.
 Charles White Berry to be major general, Officers' Reserve Corps.
 Milton Joseph Foreman to be major general, Officers' Reserve Corps.
 Quincy Adams Gillmore to be major general, Officers' Reserve Corps.
 Benson Walker Hough to be major general, Officers' Reserve Corps.

John Augustus Hulen to be major general, Officers' Reserve Corps.
 Baird Hockett Markham to be major general, Officers' Reserve Corps.
 Mathew Adrian Tinley to be major general, Officers' Reserve Corps.
 Robert Henry Tyndall to be major general, Officers' Reserve Corps.
 Clarence Brettun Blethen to be brigadier general, Officers' Reserve Corps.
 Ellerbe Winn Carter to be brigadier general, Officers' Reserve Corps.
 Abel Davis to be brigadier general, Officers' Reserve Corps.
 William Graham Everson to be brigadier general, Officers' Reserve Corps.
 Alfred Franklin Foote to be brigadier general, Officers' Reserve Corps.
 Frank David Henderson to be brigadier general, Officers' Reserve Corps.
 Henry Hutchings to be brigadier general, Officers' Reserve Corps.
 Robert Bruce McCoy to be brigadier general, Officers' Reserve Corps.
 Charles E. McPherrren to be brigadier general, Officers' Reserve Corps.
 John Rea McQuigg to be brigadier general, Officers' Reserve Corps.
 Edward Martin to be brigadier general, Officers' Reserve Corps.
 Churchill Brown Mehard to be brigadier general, Officers' Reserve Corps.
 Paul Lincoln Mitchell to be brigadier general, Officers' Reserve Corps.
 Alva Joseph Niles to be brigadier general, Officers' Reserve Corps.
 Morris Benham Payne to be brigadier general, Officers' Reserve Corps.
 Winfield Scott Price to be brigadier general, Officers' Reserve Corps.
 George Perry Rains to be brigadier general, Officers' Reserve Corps.
 William August Raupp to be brigadier general, Officers' Reserve Corps.
 Willie McDaniel Rowan to be brigadier general, Officers' Reserve Corps.
 Louis Arthur Toombs to be brigadier general, Officers' Reserve Corps.
 Robert Jesse Travis to be brigadier general, Officers' Reserve Corps.
 John Penman Wood to be brigadier general, Officers' Reserve Corps.
 George Herbert Harries to be major general, Auxiliary Section.
 John Miller Turpin Finney to be brigadier general, Medical Section.
 John Taliaferro Thompson to be brigadier general, Ordnance Section.

POSTMASTERS

CONNECTICUT

George W. Fairgrieve, Bantam.
 Frank S. Merrill, Bristol.
 William J. Beehler, Brookfield.
 Robert DeF. Bristol, Gullford.
 George L. Rockwell, Ridgefield.

DELAWARE

Victor E. Simpler, Selbyville.

GEORGIA

George E. Youmans, Adrian.
 Mazie Brett, Alamo.
 John B. Crawford, Cairo.
 Henry M. Miller, Colquitt.
 John H. Boone, Hazelhurst.
 Anna C. Williams, Lumpkin.
 Ben H. McLarty, Soperton.
 Earnest E. Slack, Tifton.
 Maude D. Thompson, Ty Ty.

IDAHO

William R. Ogle, Glens Ferry.
 Flossie G. Hill, Gooding.
 Leonard B. Wehr, Star.

Albert T. Moulton, Victor.
 Marie E. Roos, Weippe.
 Arthur N. MacQuivey, Wendell.

ILLINOIS

Herman H. Schultz, Bartlett.
 Rufus D. Benton, Carthage.
 Mary H. Hrdlicka, Cary Station.
 Charles D. Ragsdale, De Soto.
 Laurence E. Brookfelt, Dolton.
 Frederick Rugen, Glenview.
 John S. Redshaw, Granville.
 Ida I. Shrader, Humboldt.
 Charles Jackson, Joy.
 John Gukelsen, Kenilworth.
 Homer W. Witter, Kingston.
 Rex C. Bliss, La Fayette.
 Eugenie Culley, McClure.
 William H. Weathers, Magnolia.
 Harry R. Smith, Manlius.
 Harry C. Smith, New Windsor.
 William E. Kitch, Niantic.
 William McKinley, Ogden.
 Alice Murray, Oneida.
 Oscar B. Harrauff, Princeton.
 John C. Harned, Secor.
 Chester O. Burgess, Sigel.
 Oral Beck, Stewardson.
 Fred Frazier, Viola.
 Vera M. Carlson, Woodhull.

IOWA

Esther Y. Walster, Marble Rock.

MAINE

Charles W. Abbott, Albion.
 George H. Williams, Alfred.

MASSACHUSETTS

Edmund Daly, Hingham.
 Ella M. Harrington, Jefferson.
 William J. O'Brien, Kingston.

MISSOURI

Henry L. Windler, Barnett.
 Ada C. Luna, Gainesville.
 James R. Murray, Harviell.
 Joseph Snider, Ludlow.
 Elizabeth E. Letton, Mindenmines.
 William H. Reynolds, Smithton.
 Dana Gerster, Stella.
 Charles C. Stobaugh, Triplett.
 Horace L. Johnson, Winston.

NEW HAMPSHIRE

Josiah K. Rand, Fitzwilliam.
 John E. Horne, Milton Mills.
 Ralph E. Berry, Rye Beach.
 Hugh C. Young, Sunapee.
 Fay H. Elliott, West Stewartstown.

OHIO

Maurice M. Murray, Bluffton.
 John W. Keel, Bolivar.
 William H. Fellmeth, Canal Fulton.
 Millard F. Cunard, Edison.
 Jennie Fickes, Empire.
 Frank J. Patterson, Glencoe.
 Blanche M. Lauer, Lower Salem.
 Ethel Shoemaker, Mount Blanchard.
 Albert A. Stickel, Newtown.
 Glenn B. Rodgers, Washington Court House.

OKLAHOMA

Henry A. Ravia, Bessie.
 Earl Leeper, Denoya.
 Madge Morris, Lyman.
 Charles F. Ritcheson, Maysville.
 Katherine Anderson, Ninnakah.

PENNSYLVANIA

Sarah A. Conrath, Dixonville.

PORTO RICO

Leonor G. Lucca, Guayanilla.
 Arturo G. Molina, Juncos.
 Teodoro M. Lopez, Vega Baja.

SOUTH CAROLINA

Melvin L. Sipe, Fountain Inn.
 Mark D. Batchelder, Frogmore.
 Emory L. Spears, Lamar.
 Annie H. Goblet, Mount Pleasant.
 Jasper E. Watson, Travellers Rest.
 James J. Vernon, jr., Wellford.

TEXAS

Fay Richardson, Asherton.
 Thomas H. Castleton, Bay City.
 Edward P. Johnson, Bertram.
 James M. Stratton, Blum.
 Jefferson F. House, Bridgeport.
 Nora Platt, Brownell.
 Jessie C. Bohannon, Brownfield.
 Ira J. Gumm, Caddo.
 Ralph B. Martin, Camden.
 Dewitt T. Cook, Centerville.
 Samuel J. Hoff, Channing.
 John J. Crockett, Chapel Hill.
 John W. Claiborne, Charlotte.
 Lillian B. Washburn, Clint.
 Josephine W. Earnest, Cotulla.
 Phillip L. Swartzell, DeKalb.
 Alphonse Boog, D'Hanis.
 Stanley F. N. Dolch, Eagle Pass.
 William G. Shelton, East Bernard.
 William R. Dickens, Eden.
 Walter N. Ramsay, Eldorado.
 Harvey W. Bridges, Enloe.
 Emma Woody, Girard.
 Robert N. Porter, Gregory.
 France H. Baker, Hamilton.
 John T. Wilson, Haskell.
 John C. Ray, Hutto.
 William E. Barron, Iola.
 Sylvan S. McCrary, Joaquin.
 John F. Range, Justin.
 Alex E. Jungmann, Lacoste.
 Edmund A. Giese, Lagrange.
 Sisile Curtis, Larue.
 Robert M. Hazlewood, Leander.
 Jim H. McFarlin, Liberty Hill.
 John L. Vaughan, Lubbock.
 William L. Witherspoon, McAllen.
 Henry O. Wilson, Marshall.
 Emma Thompson, May.
 Mayme O. Able, Melvin.
 Charles K. Langford, Mertens.
 Marion Zercher, Mount Vernon.
 Charles A. Reiter, Muenster.
 Minnie Kenney, Nash.
 John R. Ware, Nederland.
 Charles I. Snedecor, Needville.
 Edmund A. Schulze, New Ulm.
 Millard H. Edwards, Nixon.
 Lydia Teller, Orange Grove.
 August E. Dumont, Paducah.
 Edward H. Reinhard, Poth.
 Elena L. King, Presidio.
 Cletus Dunham, Quitaque.
 Casimiro P. Alvarez, Riogrande.
 Mary M. Ferrel, Roby.
 Sallie J. Mock, Roganville.
 Robert G. Mobley, Santa Anna.
 A. Delta Sanders, Scurry.
 Robert A. Foster, Sipe Springs.
 Minnie L. E. Walton, Swenson.
 Lewis Kiser, Sylrester.
 George M. Sewell, Talpa.
 Delmer B. Stone, Telephone.
 William R. Holton, Thornton.
 Belle H. Stewart, Valentine.
 Mary Erwin, Velasco.
 Charles F. Boettcher, Weimar.
 Pearl B. Monke, Weinert.
 Aaron H. Russell, Willis.
 Paul A. Taylor, Winfield.
 Hugh F. Skelton, Wylle.

HOUSE OF REPRESENTATIVES

WEDNESDAY, December 10, 1924

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou eternal God, blessed is everyone who feareth Thee and walketh in Thy ways. May we offer Thee the most acceptable gift, which is a humble and a thankful heart. Thou alone art the source and inspiration of our highest hopes, our purest longings, and our best aspirations. Enrich our minds with knowledge and clear understanding and bless our hearts with grace divine. Thus we shall be prepared to pursue with the worthiest diligence the duties that are calling us. Thou hast bestowed upon us a marvelous dignity by creating us in Thy image. The Lord help us and direct us that we may never bring any reproach upon our birth-gift. By faithful service, by wholesome example, by purity of heart and clearness of mind may we hallow Thy name to-day. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1343) entitled "An act to authorize the widening of Fourth Street south of Cedar Street NW., in the District of Columbia, and for other purposes."

The message also announced that the President pro tempore of the Senate, pursuant to the provisions of Senate Joint Resolution No. 85, had appointed the following Senators as members on the part of the Senate of the commission to arrange for the celebration of the two hundredth anniversary of the birth of George Washington: Mr. FESS, Mr. GLASS, Mr. SPENCER, and Mr. BAYARD.

The message also announced that the Senate had concurred in the following concurrent resolution:

House Concurrent Resolution 32

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 20, 1924, they stand adjourned until 12 o'clock meridian Monday, December 29, 1924.

DECLARATORY JUDGMENTS

Mr. MOORES of Indiana. Mr. Speaker, I hold in my hand a letter from Everett P. Wheeler, one of the most eminent lawyers in the country, a distinguished statesman at one time appointed to the Supreme Court, submitting an argument in favor of H. R. 5199, the Graham bill for declaratory judgments, one of the most important measures before the House, and I ask unanimous consent to extend my remarks in the Record by including therein this argument from the letter of Mr. Wheeler.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. MOORES of Indiana. Mr. Speaker, under leave granted to extend my remarks I insert an argument on legislation on declaratory judgments, as follows:

(H. R. 5194)

STATE LEGISLATION ON DECLARATORY JUDGMENTS

(By Prof. Edwin M. Borchard, Yale University School of Law)

Since the adoption in 1922 by the commissioners on uniform State laws of the uniform declaratory judgments act, this particular reform in the administration of justice has made rapid progress. The declaratory judgment, it will be recalled, enables parties who are uncertain of their legal rights and are peculiarly or otherwise prejudiced by actual or potential adverse claims by others to invoke the aid of the courts for the determination of their rights before an injury has been done. The adverse claimant is cited and the issue is determined if the court believes that such adjudication performs a useful, practical function in the settlement of an actual or potential controversy. As an instrument of preventive justice the declaratory judgment thus differs in theory from the curative remedial judgment of the courts of common law which were deemed incapable of acting until an injury had occurred; and while courts of equity have had power by injunction to prevent an immediately threatened injury and other measures of equitable relief in specific types of cases have been possible, there has been no method heretofore of having a contract or other instrument, for example, construed before breach and before damage has accrued by one party or the other acting on his own interpretation. The social advantage of

deciding differences of legal opinion and removing uncertainty and insecurity from legal relations before they have ripened into a full-grown hostile litigation will be readily appreciated. (Sunderland, A modern evolution in remedial rights, 16 Mich. L. Rev. 60 (1917); Borchard, The declaratory judgment—a needed procedural reform, 28 Yale L. Jour. 1, 105 (1918); Kerr, Declaration of rights without consequential relief, 53 Amer. L. Rev. 161 (1919); Vinje, Declaratory relief, 4 Marquette L. Rev. 106 (1920); Schoonmaker, Declaratory judgments, 5 Minn. L. Rev. 32 (1920); Dodd, Progress of preventive justice, 6 Amer. Bar Assn. Jour. 151 (1920); Gates, Declaratory relief, 1920 proceedings of Tennessee Bar Association, 41; Cooper, Locking the stable door before the horse is stolen, 16 Ill. L. Rev. 436 (1922); Gordon, The law of declaratory judgments and its progress, 9 Va. L. Rev. 169 (1923); Torrey, The declaratory judgment, 8 Iowa Law Bulletin, 81 (1923).) The important social service thus obtainable from the courts has recently induced the legislatures of several of the States to confer upon the courts power to render declaratory judgments.

Although the practice has been known in England since 1852, and on the European Continent and in Scotland for hundreds of years prior thereto, it was not until 1915 that our States began to take any serious interest in this procedural reform. (A few traces of conscious adoption of this form of relief may be found in the California practice act, section 527, of 1850, enabling adverse claims to money or property to be determined. (See King v. Hall, 1885, 5 Cal. 83, and in Rhode Island Acts of 1876, ch. 563, sec. 17, enabling declarations of right to be made by the courts.) But when this was construed to require the existence of a possibility of obtaining coercive relief (Hanley v. Wetmore, 1886, 15 R. I. 386; 6 Atl. 777), it practically nullified the declaratory relief. Courts of equity in some States have also had statutory power to construe wills; and in various cases, such as the removal of clouds from title, courts of equity had unwittingly, in a restricted class of cases, been rendering declaratory judgments. The class of cases under the new statutes is made practically unlimited.) In 1915 New Jersey, in its practice act (ch. 116, sec. 7) adopted a provision enabling the courts, upon the request of an interested party, to construe "a deed, will, or other written instrument" and declare the rights of the parties thereunder. (The principal cases that have arisen under this act are In re Ungaro's Will (1917), 88 N. J. Eq. 25, 102 Atl. 244; Renwick v. Hay (1919), 90 N. J. Eq. 148, 106 Atl. 547; Town of Kearny v. Mayor of Bayonne (1919), 90 N. J. Eq. 499, 108 Atl. 121, 29 Yale L. Jour. 545.) This gave only a limited scope to the power to render declaratory judgments in accordance with the English Rules of Court, Order LIV a. of 1893. In this restricted form the declaratory relief was adopted by Florida in 1919. (Florida, Laws 1919, ch. 7857 (No. 75). See 20 Columbia L. Rev. 106.)

In Connecticut there has been since 1915 a statute enabling parties claiming adverse interests in real or personal property to have the title tried and settled. (Conn., Public Acts 1915, ch. 174, sec. 1, 2 Gen. Stat. 1918, sec. 5113. Ackerman v. Union & New Haven Trust Co. (1915), 90 Conn. 63, 96 Atl. 149 (1917); 91 Conn. 500, 506, 100 Atl. 22.) There was therefore some justification for believing that a widening of the power to render declaratory judgments would be favorably entertained.

In 1919, after several writers in periodical articles and committees of State bar associations had advocated the reform, the movement acquired vigor and momentum. In that year, in addition to Florida, Michigan (Michigan, Pub. Acts 1919, No. 150, p. 278), and Wisconsin (Wisconsin, Laws 1919, ch. 242, sec. 2087 m. p. 253. See Mr. Justice Vinje in 4 Marquette L. Nov. 106), empowered their courts to render declaratory judgments without limitation as to types of cases. But in Michigan and Wisconsin the statutes have met an unhappy and undesired fate. The Michigan Supreme Court, in a decision which, it is believed, has been uniformly condemned by every reviewer of the case, held the Michigan act unconstitutional on the alleged ground that it conferred on the courts nonjudicial power. (Anway v. Grand Rapids Ry. Co. (1920), 211 Mich. 592; 179 NW. 350; 12 A. L. R. 20, 62. See comments in 19 Mich. L. Rev. 86; 30 Yale L. Jour. 161; 21 Columbia L. Rev. 168; 4 Illinois L. Quar. 126; 6 Amer. Bar Assn. J. 145; 7 Ibid. 141; 7 Cornell L. Q. 255; and the following articles: Rice in 28 West Va., West Va. L. Quar. 1, and Schoonmaker in 5 Minn. L. Rev. 172.) As so often happens, the facts of the first case are almost vital to the issue of constitutionality of a statute, and the facts in the Anway case were most unfortunate. A statute in Michigan provided that no public-service company should require any employee to work for it more than six days a week. The plaintiff, an employee, brought an action for a declaration against the street railway company to the effect that under the statute he had the privilege to work more than six days a week, if he chose. Both parties had the same interest, and there was no controversy, a sufficient reason for declining, in the admitted discretion of the court, to render a declaratory judgment, but no reason for holding such power itself unconstitutional. A labor union intervened. The majority of the court, on its own initiative, confusing the declaratory judgment with an advisory opinion and a moot case, from which it

differs fundamentally, and invoking other irrelevant prejudices, held the act unconstitutional, against a dissenting opinion which clearly pointed out the majority's error. The decision, however erroneous, seems for the present to have effectually blocked the movement in Michigan.

But perhaps equally surprising is the recent action of Wisconsin (Wis., acts 1923, ch. 440; (1924) 2 Wis. L. Rev. 376. In one interesting case in Wisconsin the constitutionality of the act seems to have been assumed, the court holding that members of a fraternal society who under an existing policy would obtain a certain pension at the age of 70 had no such vested interest as could not be modified by a change in the by-laws. *United Order of Foresters v. Miller* (1922) 178 Wis. 299, 190 N. W. 198. The Wisconsin Supreme Court expressed no doubt on the question of constitutionality. Judge Rodenbeck in *New York, Board of Education v. Van Zandt* (1921), 119 Misc. 124, said that the constitutionality of "such a procedure is not open to question." The same conclusion has been reached by the Connecticut Supreme Court, *Braman v. Babcock* (1923), 98 Conn. 549, 120 Atl. 150, and by the California Supreme Court, *Blakeslee v. Wilson* (1923), 213 Pac. 495 in repealing its statute of 1919, on the asserted initiative of the Attorney General, on the alleged ground that he feared the act, in view of the Michigan decision of 1920, to be unconstitutional, and on the further supposed ground that the act gave too much power to the courts. It is hard to give serious consideration to such a misconceived objection.

In 1920 New York adopted the provision for declaratory judgments as section 473 of its new civil practice act. It is a short form, giving the highest court of original jurisdiction the broadest power, without limitation as to subject matter. It was felt that experience, as in England, would work out such limitations as might be necessary. The section, which is an adaptation of the broad English Order XXV of 1888, reads:

"The Supreme Court shall have power in any action or proceeding to declare rights and other legal relations on request for such declaration, whether or not further relief is or could be claimed, and such declaration shall have the force of a final judgment. Such provisions shall be made by rules as may be necessary and proper to carry into effect the provisions of this section."

Rules 210 to 214 were then drafted, by virtue of which the practice is assimilated to that prevailing in other actions, the form of prayer for relief is indicated, the court's duty to issue the declaration as well as the assessment of costs is made discretionary, and submission of disputed facts to a jury is provided for. Under the New York act several important cases have been brought. (Declaration sought that a "news reel" was not subject to the censorship of the ordinary exhibition; held, that it was. *Pathé Exchange v. Cobb* (1922), 202 App. Div. 450, 236 N. Y. 37. Action for a declaration by the board of education against the board of estimate of Rochester that the tax limit of 2 per cent on assessed valuation for "city purposes" was exclusive and not inclusive of school funds; held, for defendant. *Board of Education v. Van Zandt* (1922), 119 Misc. 124, 204 App. Div. 856, aff. 234 N. Y. 644, 23 Columbia L. Rev. 69. Action for a declaration by a street-railway company against the city of New York that the plaintiff's construction of a franchise contract was correct; so held. The action was brought just before expiration of the renewal period, whereby breach and irreparable damage was avoided. *Manhattan Bridge Three Cent Line v. City of New York* (1922), 204 App. Div. 89, 236 N. Y. 57. Action for a declaration that under a contract of sale of a newspaper having political advertising patronage, reserving bills payable to the plaintiff seller and assigning political patronage to the buyer, an accrued bill for past advertising in hands of State comptroller was "bills payable" and not "political patronage"; so held. *Durant v. Whedon* (1922), 201 App. Div. 196. Action by Comptroller Craig against sinking-fund commissioners of New York City asking for a declaration that a city ordinance and the city charter disabled the commissioners from passing any binding resolution (in this case for the sale of city buildings to provide land for schools) without the comptroller's presence; so held. (Appellate Division, 1st Dept., January, 1924; *New York Law Journal*, February 23, 1924.) The court in this case said: "It would be difficult to find a more appropriate case for the application of the law permitting declaratory judgments.")

In the sessions of the 1921 legislatures three States and Hawaii adopted the wide form of declaratory judgment procedure, namely, Connecticut, Kansas, and California. (Connecticut, Acts 1921, ch. 258, Rules of Practice, 62-66; Kansas, Acts 1921, ch. 168; California, Stat. 1921, ch. 463, Code of Civil Procedure, sec. 1062; Hawaii, Laws 1921, ch. 102.) In the meantime the Commissioners on Uniform State Laws had begun to study a draft of a uniform act, which they finally approved in 1922.

The Connecticut act closely follows the New York short form and gives to the courts supplementary rule-making power. The Connecticut Supreme Court, already accustomed to a limited type of declaratory action, has unanimously and with strong approval sus-

tained the more extensive power conferred by the 1921 act in several interesting actions for declarations. (*Braman v. Babcock* (1923) 98 Conn. 549, 120 Atl. 150, in which plaintiff asked for a declaration that he was the person mentioned as legatee in a certain will; while sustaining their general power to issue declarations, the court declined in this case because the land affected was located in Rhode Island. *Joy Co. v. New Amsterdam Casualty Co.* (1923), 98 Conn. 794, 120 Atl. 684, in which plaintiff, a contractor, whose rights against a surety company had to be invoked within a limited time and depended upon the liability of his subcontractor to certain lenders, sought a declaration as to the amount due the lenders; the declaration was issued. *Lehmaler v. Bedford* (1923), 99 Conn. 468, 121 Atl. 816, in which a certain life director of a hospital association brought an action against the elected directors for a construction of the articles of association and a declaration that the life directors were privileged to vote in all matters; so held.)

The Kansas act of 1921 closely follows the Michigan act of 1919, as does the act of Hawaii. Its major difference lies in the introduction of the words "in cases of actual controversy," the absence of which seemed to be relied upon by the Michigan court in the *Anway* case to justify their holding the Michigan act unconstitutional. As already observed, such a conclusion was entirely unnecessary, for nobody thought of conferring upon the courts power to decide imaginary, academic, or moot cases, and it was gratuitous to assume that the Michigan act required the court to do so. Under their discretion, as have courts of equity from time immemorial, they would and should have refused to decide such cases without drawing the altogether unfounded inference that the Michigan act imposed any such alleged duty upon them. Nevertheless, to make assurance doubly sure, the Kansas act sought to avoid any such pitfall, though invented for the occasion and fathered by the prejudice of the Michigan court, and inserted the words "in cases of actual controversy." Relying in part upon these words, though actually discrediting the Michigan decision, the Kansas Supreme Court has held the Kansas act constitutional. (*State ex rel. Hopkins v. Grove* (1921), 100 Kans. 619, 201 Pac. 83, 10 A. L. B. 1124, in which the plaintiff, the State, sought a declaration that the defendant, employed by the Missouri Pacific Railroad, was not eligible to the office of city commissioner, under a State statute, because his employer held a franchise from the city; so held. *State v. Wooster* (1922), 111 Kans. 830, 208 Pac. 656 (declaring the powers of a State board of education); *State v. Kansas City* (1922), 110 Kans. 603, 204 Pac. 690, 20 Mich. L. Rev. 775, declaring the power of a city to issue bonds of a certain type. See the tribute to the declaratory judgment rendered in this case by Burch J.) It is believed that the words "in cases of actual controversy" are surplusage and unnecessary, yet by the fact that an issue has been raised upon them, it may induce certain courts, possibly hostile to the new procedure to give too narrow an interpretation to the word "actual," and thereby deny relief in many cases of removal of clouds from rights and other legal relations, where it should be granted. The issue thus raised persuaded the American Bar Association Committee on Jurisprudence to insert the words in question in the proposed Federal act, now pending before the House and Senate Committees on the Judiciary, for which action they claim to derive additional support from the case of *Muskat v. United States* (1911), 219 U. S. 346. The precaution is not believed to be necessary except to discount possible prejudices.

The California act does not follow closely either the short act of New York or the Kansas act, but constitutes an intermediate form, not essentially different in substance from the Kansas act. (California legislation of 1921, providing for declaratory relief, by Maurice W. Harrison (1921), 9 California L. Rev. 359.) Though first held unconstitutional in an inferior court in Los Angeles; which relied upon the Michigan decision and seemed unaware of the then decided *Grove* case in Kansas (*Newberry v. Newberry*, Los Angeles Superior Court, commented upon adversely in 10 California L. Rev. 158), the Supreme Court of California in a convincing decision has recently held the act unconstitutional. (*Blakeslee v. Wilson* (1923), 190 Calif. 479, 213 Pac. 495, 4 Iowa Law Bull. 272, declaring the plaintiff's rights under a contract of employment as attorney of defendant.)

In 1922 the uniform declaratory judgments act was finally adopted by the commissioners on uniform State laws. That action gave considerable impetus to the new movement. The act contains 16 sections, of which 6 are procedural in character. This is due to the fact that many of our States do not yet confer upon their courts any rule-making authority; hence the necessity of incorporating procedural rules in the body of the legislation. The first section confers on the courts the broad powers of the English Order XXV, 1888, and the New York act, and the second section the power to construe written instruments, including statutes, etc., following the English Order LIV a, 1803, and the New Jersey and Florida restricted statutes. Sections 3 and 4 prescribe further details of types of cases in which declarations may issue, but section 5 points out that the enumeration is not exclusive. By section 6 and following, the court's power is expressly made discretionary, the power of review is

preserved, supplemental relief is provided for, a jury trial of issues of fact is reserved, and costs and parties to the action, and certain questions of statutory construction are dealt with. The uniform act omits the phrase "in cases of actual controversy." Where procedure differs so greatly from State to State it was not easy to draft a procedural statute which could accommodate itself to the divergent practice of the different States.

In 1922 Kentucky and Virginia and South Carolina were added to the States which have made provision for declaratory judgments. (Kentucky, Acts 1922, ch. 83; Virginia, Acts 1922, ch. 517; South Carolina, Statutes at Large 1922, ch. 542. In *Proctor v. Avondale Heights Co.* (1923 Ky.; 255 S. W. 81) the Kentucky court construed the act in an action by a land company, asserting their power and privilege to convey to a water company certain lots reserved among others for parks.) Kentucky, using the uniform act and the Kansas act as models, redrafted a statute of its own, and Virginia, with the addition of two sections relating to local venue, adopted practically the Kansas act.

In 1923 the effect of the proposal of a uniform act became apparent. Five States in their 1923 sessions adopted the uniform act—Pennsylvania, Tennessee, Colorado, Wyoming, and North Dakota. (Pennsylvania, Laws 1923, ch. 321; Tennessee, Acts 1923, ch. 29; Colorado, Acts 1923, ch. 98; Wyoming, Acts 1923, ch. 50; North Dakota, Acts 1923, ch. 237.) The act has recently been held constitutional in a unanimous and convincing opinion of the Tennessee Supreme Court. (*Miller v. Miller* (1923 Tenn.; 261 S. W. 965). See (1924) 34 Yale Law Journal, 109.) Bills providing for the declaratory judgments have passed one house of the legislature in several States and have been introduced in many more. It is hoped that the Federal bill, which was first introduced in Congress in 1919, and which with minor changes has since received the active support of the American Bar Association, will soon be enacted by Congress. It is believed that with the issue of constitutionality probably finally removed from doubt and with the continued use of this relief in the States which have already made provision therefor that statutes will soon be enacted in most of the other jurisdictions of the country and that the public may look forward hopefully to a more simple and efficient method of adjusting many conflicting interests and to an enlarged social service from its courts.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

THE NAVAL SERVICE

Mr. BUTLER (when the Committee on Naval Affairs was called). Mr. Speaker, by direction of the Committee on Naval Affairs, I call up the bill H. R. 2688, providing for sundry matters affecting the Naval Service, and for other purposes.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 2688. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Ohio [Mr. BEGG] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2688, with Mr. BEGG in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, which the Clerk will report.

The Clerk reported the title of the bill.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. BLANTON. I shall not object, with the understanding that there shall be given liberality of debate on certain items to which there is serious objection.

Mr. BUTLER. Yes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. We will have no trouble about agreeing with my friend on that. The rule provides that there may be one hour of debate upon either side. There is no request upon our side for any discussion, and I ask my colleague from Georgia whether there is any on his?

Mr. VINSON of Georgia. Mr. Chairman, there is no request over here for any time that I know of. In any event, I am in favor of the bill, and I would not be entitled to control the time.

Mr. WINGO. If there is an hour going to waste anywhere, I shall be glad to take it.

Mr. BLANTON. Mr. Chairman, there are two items in this bill to which I have serious objection, and I want a little time on them. Of course, if the gentleman from Arkansas desires to control the time he outranks me and would be entitled to it.

Mr. WINGO. Oh, I may be pretty rank, but I am not as rank as the gentleman from Texas.

Mr. BLANTON. I would ask for recognition if there is no member of the committee who is opposed to the bill, in case the gentleman from Arkansas does not want recognition.

Mr. VINSON of Georgia. I submit the gentleman is not entitled to recognition unless he is against the bill in its entirety.

Mr. BLANTON. I am against the bill, and if it remains in the same shape it is in now I shall vote against it.

The CHAIRMAN. Under the rules of the House the gentleman from Pennsylvania [Mr. BUTLER] is recognized for one hour and then if there is no gentleman on the committee opposed to the bill, and there is some other gentleman who is opposed to the bill, that gentleman will be recognized for one hour.

Mr. BUTLER. Mr. Chairman, inasmuch as this House practically without division has passed this bill just as it is, and in order that we can submit it quickly I reserve the remainder of my time.

Mr. VINSON of Georgia. Mr. Chairman, I ask for recognition after the gentleman from Pennsylvania has consumed his hour.

Mr. WINGO. He has reserved his time.

Mr. VINSON of Georgia. I reserve the hour.

Mr. BLANTON. I yield my claim for recognition to the gentleman from Georgia [Mr. VINSON].

The CHAIRMAN. Is there any gentleman opposed to the bill demanding recognition; if not, the Chair will recognize the gentleman from Georgia to control the time in opposition to the bill.

Mr. VINSON of Georgia. Mr. Chairman, I reserve my time and yield to the gentleman from Texas [Mr. BLANTON] 20 minutes.

Mr. BLANTON. Mr. Chairman and gentlemen, I realize that this bill in its present form substantially has been heretofore passed by the House, but that does not keep me from continuing the fight I have made against it heretofore in some particulars. There are several provisions in this bill that are unobjectionable, I guess, practically to all the Members, and should be passed into law, but because of that fact is no reason why there should be objectionable features incorporated in this blanket bill, and passed along with the good provisions.

There is a provision in this bill which takes away from the Congress the right to pass upon claims against the Government that could involve huge sums of money, running up into the hundreds of thousands of dollars, and even into the millions. I am not yet ready to assign to others the duty which the law has placed upon me as one of the 435 Members of this House to pass upon claims that draw so heavily upon the people's Treasury when the money is to come out of the pockets of the taxpayers.

Mr. BRITTEN. Will the gentleman yield? Does the gentleman object to yielding at this time?

Mr. BLANTON. Certainly not; however, the gentleman had a whole hour at his disposal and did not make use of any of it to explain the bill.

Mr. BRITTEN. I would like to call my friend's attention—

Mr. BLANTON. Whenever the gentleman wants me to do something, knowing a great deal about the gentleman, I never oppose him either in the gymnasium or elsewhere. I yield.

Mr. BRITTEN. We have always been very good friends. My friend was referring to the contractors' relief bill which in its present form has been twice passed by the House which merely authorizes the Secretary of the Navy to make investigation and report to Congress through the Bureau of the Budget, the estimate of loss or damage, nothing else.

Mr. BLANTON. I know, but to that extent it is assuming the function of Congress. The gentleman from Illinois is a well-posted and prominent Member of this House and he knows that whenever a department of Government makes a recommendation to Congress and the Bureau of the Budget backs them up and makes an estimate and makes a recommendation for appropriation, Congress allows the claim and passes the appropriation, without any serious objection, and we are not often given the right even to discuss it on the floor.

Mr. BRITTEN. Just at that point, if the gentleman pleases, the gentleman can get more time—

Mr. BLANTON. I had hoped not to consume the time I have.

Mr. BRITTEN. If the Government owes a contractor \$100,000—

Mr. BLANTON. Or \$100,000,000.

Mr. BRITTEN. Or \$100,000,000, and the claim is thoroughly and honestly investigated and goes to the Bureau of the Budget and then recommended to the Committee on Appropriations, and again is investigated by that committee and found just and equitable, does not the gentleman think that in all fairness the Government should pay that debt?

Mr. BLANTON. I will answer the gentleman. If it is a just claim, yes.

Mr. BRITTEN. That is all the bill contemplates.

Mr. BLANTON. But either a court or Congress should determine its justness. If the contractor should not be able to get his claim of a million dollars or more, and which in many cases is a fictitious claim, allowed under all the laws we have already passed for the benefit of war contractors, and we should now pass for him a blanket provision first for the Secretary of the Navy to pass on his claim—

Mr. BRITTEN. To investigate his claim and make report.

Mr. BLANTON. I said pass on his claim. And that means investigate his claim, and the Secretary of the Navy, when he goes to pass on it discovers that the claimant is a very particular friend of the Secretary of the Navy, or that he is a very particular friend of the President, or a very particular friend of some other Cabinet officer, or has been very close to the administration, it might happen that the investigation would not be as intense as it otherwise might be, for that is a condition that arises sometimes in governmental affairs. It has not been so very long since another body, not a partisan body, because there were Republican votes there, passed a resolution asking the President to remove a Secretary of the Navy. Remove him for what? For something that he should not have done, something that was violative of the interests of the people of the United States. Well, that has been such a recent event in history that I am a little careful about giving my vote to a resolution or a bill that will place in some other Secretary the authority and the power to put before Congress an adjudicated claim which as a matter of fact has not been adjudicated, but merely passed upon superficially by the department with a recommendation that Congress allow the money. It ought not to be done.

Mr. BRITTEN. Just at that point, will my friend yield to me for a moment?

Mr. BLANTON. Certainly.

Mr. BRITTEN. The Committee on Naval Affairs is in accord with the gentleman in his desire. You will notice that at the bottom of page 11 we have this language:

But such findings so communicated shall not be construed as imposing any obligation upon the Government or releasing any claim or rights of the Government.

Mr. BLANTON. I know that language is there, but it is without value, because whenever the Secretary makes us a recommendation the Appropriation Committee allows it and pays the claim.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. McKEOWN. What effect does that have on the right of the claimant to go to the Court of Claims? Why not have him go to the Court of Claims?

Mr. BLANTON. That is as far as we ought to go in any case. I have objected to many private bills on the calendar—my colleagues know that—not to give offense to any of them; but I know that I have made them feel angry toward me many times when I objected to private bills. I did it from a sense of duty. But I have never objected yet to a bill which merely gave a man a right to go to the courts. Whenever you introduce a bill here to give your friend a right to go to court and have his case adjudicated by the legal officials of the Government I am for it. I am willing to do that. That is as far as a contractor who has a claim mounting up to millions of dollars against this Government ought to ask of Congress.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. VINSON of Georgia. A great many contractors have followed that line of reasoning and have gone to the Court of Claims, and the Government has filed a demurrer and claimed that the Court of Claims has not jurisdiction. That is the reason why they come to Congress and ask for a day in court.

Mr. BLANTON. Then let us confer jurisdiction on the Court of Claims. The Secretary of the Navy is not a judicial officer. He can not make a judicial determination of matters that may involve hundreds of millions of dollars.

Let me say this to my friend from Illinois [Mr. BRITTEN]: If he is sued to-morrow, not for a million dollars but for \$5,000 in a courthouse, he would not have a nonjudicial officer

to pass upon his rights as against the rights of somebody else. He would have a court. He would want a court. He would want a judicial officer. He would fight that case just as strongly as he would if it embraced a claim of \$500,000. But when it comes to a claim against the Government, we are in the habit of frittering away the right of the Government to have a judicial ascertainment. The Secretary of the Navy is not in a position to have a judicial ascertainment of these matters. He is not a judicial officer.

Mr. LEHLBACH. Is the Comptroller General a judicial officer?

Mr. BLANTON. We have created him and made him a quasi judicial officer. If the gentleman would investigate the number of highly paid high-class lawyers connected with the office of the Comptroller General who help him, he would think he was a judicial officer, because he has access to much judicial knowledge paid for by the people.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. McKEOWN. What objection would these contractors have to going into a forum where they could submit their claims and have them passed upon?

Mr. BLANTON. I will say this to the distinguished former jurist from Oklahoma: They do not want the law, and they do not want equity; they do not want judicial or equitable principles applied to their claims. They do not want some of their claims scrutinized properly. They ask equity when they do not want to do equity. One of the cardinal principles in a court of equity is that he who seeks equity must come into a court of equity with clean hands. These claimants do not want to do that part of it. They are after something for nothing, some of them. That is why they are seeking to have a nonjudicial officer at this time pass upon their claims involving sometimes several millions of dollars.

The war is over. Let us forget about it. Let us forget about these fictitious war claims, as many of them are, where claimants are clamoring, not before the courts but before the departments of the Government, for favoritism. I am against favoritism, and I am in favor of giving every man a square deal under the law. Let him go to the courts, where every case can be adjudicated on its merits.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BRITTEN. It is shown that the contractors have no status in any court. They must come to Congress for relief.

Mr. BLANTON. Let us pass upon the claims, then. Let us not pass the buck to somebody else. When we vote to take tax money out of the people's Treasury I want to be responsible to the people for a mistake, if there is one. I do not want to pass it on to somebody else and let them make a mistake and then be responsible to the people for it.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. McKEOWN. What is the matter with the claims where the courts hold that the claimants have no claims against the Government? Are they so flimsy?

Mr. BLANTON. Yes; in many cases. They are not legal claims and are subject to a demurrer. Their equitable standing is not such as would bring them within the jurisdiction of the Court of Claims, but we could confer jurisdiction by an amendment.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LEHLBACH. The gentleman says if this is within the jurisdiction of Congress and not in the jurisdiction of the Court of Claims, Congress should pass upon them. That is merely what this bill does. This bill merely says that when a claim is presented to the Secretary of the Navy he shall thoroughly examine it and report to Congress his findings for information, so that we will not be flimflammed when we examine the evidence before us.

Mr. BLANTON. These claims are old. How many years has it been since the war closed?

Mr. BUTLER. I will say to the gentleman that we have been at this since 1919.

Mr. BLANTON. I know, for I have been fighting against this bill almost that long.

Mr. BUTLER. And the bills have been passed back and forth.

Mr. BLANTON. But has never yet been enacted into law. I will tell you what is the matter with the situation. Everybody in this House loves the chairman of this committee, and he loves everybody else. He has a heart in his breast as big as a barrel; he is just sympathy from the top of his head to the

soles of his feet, and these contractors come here and take advantage of that situation. [Laughter.]

Mr. BUTLER. I will say to the gentleman that I will pay the claims myself if he does not take back that language. [Laughter.]

Mr. BLANTON. Here is what will happen if we pass this bill and it becomes law: The Secretary will not pass on these claims himself; he will have some underling in his department pass upon them. These claimants will find out all about this underling who is to pass on their claims—just exactly who his friends are, what his inclinations are, what his habits are, and what will bring influence to bear upon him, not improper influence but proper influence to bear upon him in order to make him look favorably upon their claims. Then, if they convert him, he will make a recommendation that a certain claim is good and will ask Congress to pay it. The recommendation will be signed by the Secretary of the Navy. The Budget Committee will approve it. When they come in with that information do we take up these claims serialim and pass on them? No. They are all put into an appropriation bill and promptly passed, or put into special bills, and then about two days before the adjournment of Congress the Members who are especially interested in them and who have these contractors in their districts will get up here with these bills, and just one bill after another will be read and passed with no debate and with no time for consideration; they will be passed just like clockwork, lots of times without any reading at all. You know that happened just before we adjourned here not long ago, and that is what will happen as to these bills. There will not be proper consideration by Members of Congress, as you and I know.

I would like to vote for any bill which the gentleman from Pennsylvania [Mr. BUTLER] brings in, but this provision ought to come out of this bill.

Mr. BUTLER. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. BUTLER. I want to say to my friend that there will be nothing done in a rush here.

Mr. CROSSER. Will the gentleman from Texas yield?

Mr. BLANTON. Yes.

Mr. CROSSER. Do I understand the gentleman to say that these men have no right to go into the Court of Claims with their claims?

Mr. BLANTON. Not without jurisdiction being conferred. Some of them are so foreign to law and equity that I will say they have no right.

Mr. CROSSER. They have the right to go in and file their claims and have them litigated, have they not? [Cries of "No!" "No!"]

Mr. BLANTON. In most instances now the Court of Claims has no jurisdiction.

Mr. CROSSER. If that is so, does not the gentleman think we ought to give them an opportunity to go to the Court of Claims and litigate their claims?

Mr. BLANTON. That is what I have been suggesting to the gentleman from Illinois [Mr. BRITEN], and I shall offer an amendment authorizing it. Where they have meritorious claims let them go either to the Court of Claims or to our Claims Committee. We have splendid work being done in our Claims Committee now. I want to say that.

I can mention two of our colleagues especially, the gentleman from North Carolina [Mr. BULWINKLE] and the gentleman from Texas [Mr. BOX]. They are looking into those claims carefully, and there are other Members I could mention. Let the group of contractors affected by this bill, whose claims are found by the Secretary to be meritorious, submit their claims to the Court of Claims, with jurisdiction conferred, and then let all others bring their meritorious cases before the Claims Committee, and if they have any merit in them at all that committee will bring in a bill conferring jurisdiction on the Court of Claims. That will permit them all to try their claims before that court, and there would not be a vote on the floor of the House against such action, because I have never heard Members vote against giving a man his day in court. But we should not have this kind of a non-judicial investigation in connection with the determination of claims involving millions of dollars of the people's money. I hope the gentlemen will not urge this provision in the bill.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. GARRETT of Tennessee. Except as it may affect the jurisdiction of a committee in the House, I confess I am unable to see, from a hasty reading of the section which the gentleman is discussing, where it changes the present practice. If a bill were introduced for the relief of a contractor now

and that bill were sent to the Committee on Claims, under the prevailing practice it would be referred to the Navy Department, would it not? That is the prevailing practice of the Committee on Claims; at least it was when I was a member of that committee.

Mr. BLANTON. I recognize what is in the mind of the minority leader. I want to say this: That when the Claims Committee passes on these matters they make them separate legislative items when they find them to be meritorious, but where we submit such matters to a department for investigation and that department finds that a certain claim is meritorious and should be paid, the Budget committee then comes in and makes an estimate.

The Committee on Appropriations follows that up by bringing in a blanket appropriation bill providing money to pay off every one of these so-called adjudicated claims, and this membership has not any right then to come in here and demand recognition and take the time of the House to fight them. They come in under a blanket bill and not as individual matters.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Chairman, we all appreciate the energy and watchful care of the gentleman from Texas [Mr. BLANTON], but I am sure there is one thought that has occurred to some of the Members as it has to me. We should be genuinely glad if, along with our appreciation of his diligence, we could also have an appreciation of the fact that he could and would make a distinction between a legitimate, cautious vigilance in protecting the Public Treasury and a continuing presumption of suspicion of integrity of public officials. That is one of the things from which the House suffers—the very charge that he brings against the officers of the Navy.

There is too much of encouraging the applied presumption in the public mind that Members of Congress are either inefficient or, to be charitable, negligent of the public interest, and the gentleman brings that charge against the Navy Department.

Gentlemen, no one is exasperated more often than I am by the natural defects in the temperament of members of the Army and the Navy; defects that are natural and grow out of their special training; but let us be fair to these officers. They do not deserve the imputation that the gentleman from Texas throws at them, that because, forsooth, some contractor may be their friend they will be any more negligent of their official duty or will disregard their oath any more than would some man on the bench. The claims of personal friendship appeal to the judge on the bench just like they do a Member of Congress, no more and no less; and while we do have graft and fraud exposed in the departments at times, I think we are safe in assuming, until there is proof to the contrary, that the average official who comes to a position of responsibility in either the Navy or any other department, nine times out of ten, is not only intelligent but has just about as much regard for his public duty as has a Member of Congress. Let us be fair with them. [Applause.]

Now, my friend meets himself coming back on this proposition. Just what do we propose to do? Do we propose to do for these Navy contractors what we did for the War Department contractors? No. Do we propose to do for them what we did for the war minerals contractors? No. What do we propose to do? They have been knocking at the door of the only court that has jurisdiction—the legislative branch of the Government—ever since the war has closed.

The gentleman from Texas asked how long it has been since the war closed. If you were one of these contractors and you felt you had an honest claim against your Government, would you not be asking how long it has been since you suffered this loss, if Congress through jealousy or through a desire of one branch to lug something onto a bill of the other branch which it refused to accept, had denied you a day in court, but when would justice be done?

The gentleman should know that the Court of Claims has not jurisdiction over these claims. The Navy Department has not any jurisdiction now to settle them. They can not issue a warrant on the Treasury of the United States even though they find that the claim is absolutely just and should be paid.

Even with the diligence of the Claims Committee of this House, they have not had an opportunity to have their claims adjudicated and paid. Why? The gentleman answered himself and gave a good argument why we should approve this feature of the bill, because he said little attention would be given to them in the House in the rush of a closing session and we would put over a lot of things that are not right. I do not think we will do that unless we change the habit of the last 12 years, because we generally consider those things on the Unanimous Consent Calendar and scrutinize each claim closely.

The assumption is that when a man says, "I dealt with my Government and my Government has defrauded me," that that Government to maintain its self-respect ought at least to set up some kind of machinery by which that claim can be heard, and what is the machinery proposed here? We say to the Secretary of the Navy, "You go and have a hearing of these facts and you present a comprehensive statement of these facts to the Congress, but do not you pay them." We do not allow them to pay them even though they may not be over \$50 or \$500. Why, some departments can settle claims up to \$1,000 without authority of Congress now, but under the proposed law the Secretary of the Navy may find one of these claims to be only \$50 or \$100 and he has not the authority to pay them anything. But we say, "Mr. Secretary, after you have heard them, give Congress a comprehensive statement of the facts." Then these claimants must go before this able Committee on Claims to which the gentleman pays a deserved tribute, and they must satisfy that committee, and it will be an aid to the Committee on Claims and to this House that one department of the Government has gathered a comprehensive statement of the facts with reference to the claims. Then when these bills do come up the gentleman from Texas and all the rest of us can refer to a statement of facts that has back of it the authority of a department of the Government. It will be something more than the ordinary recommendation that we insist shall come from one of these departments. The gentleman from Texas and myself can then pass upon whether or not we believe these claimants have gathered such facts and presented them as to not only be able to satisfy the department, not only to be able to satisfy the Committee on Claims, but whether they are sufficient to satisfy our conscience in voting the money to pay their claim.

Is not that the fact as to the machinery set up by this bill? Is there anything wrong about that? If there is anyone who has a right to complain, it is these contractors.

If I represented them I would come to Congress and say, "You gave the War Department claimants the right to have an adjudication down in the War Department. You gave the war-mineral claimants the right to have an adjudication with the Secretary of the Interior, but you have kept me out of court. You have played fast and loose with me between the two Houses for years and will not even give me a chance to present my claim and have a comprehensive statement made so that you can pass upon it. Now, I demand justice without further delay." That is what I would demand.

Gentlemen, from the standpoint of economy let me make this observation. The Civil War has been over for 60 years, the Spanish-American War is over, and yet the files of Congress are cluttered with claims growing out of those wars. I venture the assertion that any man who has looked into it knows that the further away from a particular event you place the adjudication of these claims the more will be obtained from the Treasury of the United States. It is economy to settle a Government claim while it is fresh, and when the Government agents can protect the Government's interest, than to wait 10 or 20 years until some influential Member of Congress gets behind the claim and presents it to the Claims Committee where the other side can not be presented, and the Claims Committee has to do the best it can, and pay more than you can settle for now. I want these war claims settled now while the facts are fresh and the Government can be protected. I would rather be liberal now than to have the Treasury robbed by an omnibus claims bill that will pile up after 10 or 20 years. You will pay less now while the facts are fresh than if you wait for a few years. This proposal puts a duty on the Navy Department to present the facts so that the committee can intelligently pass on the claim. I will not vote a dollar on the statement of the Secretary of the Navy, unless I am convinced from the facts presented that the claim is a just one.

The point I want to make is, let us assume that the Navy Department is going to be honest in handling this matter, and let us assume that it will be some aid to us; and then, for economy's sake let us get hold of these claims as soon as we can and protect the Federal Treasury by adjudicating them while the facts are fresh and the Government can get them so that they can present them and nothing fraudulent will be put over.

I want to protect the Treasury, and the way to protect it is to have an early adjudication and get these claims out of the way. [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES. Mr. Chairman and gentlemen, many millionaires were made by the World War. Many others were made rich. The morning after the war was declared the munition makers and those engaged in making the essentials of war were much better off financially than they were the night before. The values of their stock and properties had been greatly enhanced by that declaration. On every side men made money out of contracts with the Government. This was inevitable. The Government could not stop to haggle over prices. The securing of the supplies in that momentous time was far more important than the price. Sad to say, many men took advantage of this situation.

But, when the Government wanted men for the military and naval service it simply listed the young manhood of the Nation and called it into service on its own terms. They had no voice in the matter. That was the right and proper thing to do. It was the efficient, businesslike thing to do. The young men served heroically. That was one of the obligations of citizenship.

Now why should not the same method have been used with reference to the property and plants of those engaged in the manufacture of all of the supplies essential to the waging of that war? [Applause.] If the Government had simply contracted with the men who served in a military way during the war, allowing the matter of pay to be determined by contract, there is no estimating what the cost might have been. Are property rights any more sacred than human rights?

More than six years ago on the floor of this House I advocated the mobilization of every resource of the Nation—of men, or supplies, of everything that constitutes the Nation's resources. A law should be enacted now, to be made automatically operative upon the declaration of war, whereby, when young men are drafted, the essential industries, munition plants and all factories engaged in manufacturing the supplies of war, shall also be subject to draft on the Nation's own terms, just like the manhood of the country. [Applause.]

Much has been said in recent years about various plans to promote world peace. Numerous plans have been suggested, nearly all of them having something of merit and all of them evidencing a desire to lessen the chance of war. But do you know what I think would do more than any or all of these plans? Simply take the profits out of war.

In the centuries that are gone nearly all of the wars have been commercial wars. A few have been wars of liberty, but even in the wars of liberty one side has been fighting for commerce, because they did not want to give up the business advantage incident to controlling the people who were seeking their freedom.

In all countries there are men who are not particularly averse to war for it means fortunes for them. This occasions much of the propaganda put out in favor of such a declaration. But if notice were now given that in the next war, should we be so unfortunate as to become involved, no man would have opportunity to make these enormous profits, there would only be a war when it was necessary; and if all the nations of the earth could be induced to adopt the same policies along this line, the chance for any such catastrophe would be greatly reduced.

What legitimate objection can any man offer to such a law? True, every citizen owes the obligation to serve in the military forces in time of war should those services be needed. But is it any more necessary, from a patriotic standpoint, that the mothers of America should bid their sons goodbye as they march away to the grand, wild music of war, and that those boys should undergo the tremendous sacrifices thus made necessary, than that those who have accumulated wealth in this free and fruitful land should also make a similar offer of their wealth? [Applause.]

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. BLANTON. The gentleman very patriotically left his seat in this House and donned the uniform. If the Government had the power and authority to send the gentleman to the front line trenches, to give his life, why should not it have the same authority to order me into a shipyard to nail rivets into a ship?

Mr. JONES. Mr. Chairman, I think most certainly it should have authority to order that work done, or any other kind of service that the Government finds necessary in the successful prosecution of the war. However, I do not think the Government should order you to work for some one else and then

permit that other party for whom you work to make an enormous profit out of it.

Since the beginning of organized government, this old earth has witnessed the grapple of contending armies, and mankind has engaged in almost continuous warfare somewhere on the globe. Nearly all the great issues on which nations have hitherto differed have been settled in the flaming battle line amid the smoke of conflict. War has cost seas of blood, broken hearts, and billions of treasure. But this strife will not last forever. There is no royal road to peace along which great armies may march in regal splendor to the tunes of martial music. It can not be based on force. The contests of the future should be creative and constructive instead of destructive. They should be settled in the fine competition of peaceful rivalry. The old ocean and the great continents should be the battle ground of this warfare of peace. The white-winged messengers of commerce should weave their magic way to the ports of the world, and the great black draft horses of civilization should carry the products of the genius and labor of free peoples everywhere in friendly exchange. Take the profit out of war. Then in the democracy of equality and opportunity, and in the splendid development of a just and fair course of dealing, will be found the final glory of nations and the ultimate peace of the world. [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. I believe one of the troubles in the personal dealings between men is the disposition that we all have to think more about our rights than about our duties, more about getting what the other fellow owes us than about giving the other fellow what we owe him; and I am not sure but there is a similar danger in our administration of public affairs. I appreciate the spirit of our friend, the gentleman from Texas [Mr. BLANTON] in his ardor to protect the Treasury; but along with that we want to be just as careful to protect the citizen. About the safest protection that any government has is the loyalty of its citizenship and the confidence of the citizens in the government. We call our Army and Navy our department of defense, but the best defense that any nation can have is a loyal and satisfied and confident citizenship. The word I want to suggest is this: I am not sure but that I have seen more danger to the Government since the war in a lack of confidence on the part of a good many citizens in the justice of their Government than I have seen in the disposition of the citizen to get things that are not due him from the Government. I have heard much here and there of the delays that have come and the inconveniences, and, in cases, the actual disaster that men have suffered because of the long delay, and, as it is called so often, the red tape in the affairs of government. Men just find it impossible year after year to get the things that their Government actually owes them, to get actual justice from the Congress and the Federal departments. Therefore I disagree with my friend from Texas in this discussion over this item in the bill, because I believe that it is as important for us to give justice and to speed the rights of individual citizens as it is to protect the Government. I think it would be better for the Government to give to a citizen something that is not due him than to do that citizen the injustice of withholding from him what is due, and therefore leave the citizen just cause to feel that his Government does not give him a square deal, and if it does not actually defraud him at least brings him years of trouble and disaster by its failure to hear speedily and adjust promptly his reasonable claims. [Applause.]

As the lawmakers of our great country and the Representatives of our people we have a high responsibility in the matter of reestablishing confidence in the powers at Washington. I say "reestablishing" because we must all recognize the fact that in this postwar period this confidence has suffered.

Of course, we must protect the Treasury against raids from the unscrupulous. But our failings should "lean to virtue's side," and the Government would better give a citizen more than is due him than to leave him cause to feel that he can not depend on just treatment at his country's hands.

Mr. BUTLER. I yield one minute to the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Chairman, I rise merely to say to the House that the claims affected by this bill are only those claims for loss or damage where the Government itself was entirely responsible for the loss. Where a contractor has lost money on a job in a general way this bill does not cover his claim; but where the Government itself is responsible for that loss, then that claim and no other is affected by this bill.

Mr. MOORE of Virginia. Of course the gentleman means this, that the order of the Government which affected the contract was not in force at the time the contract was made?

Mr. BRITTEN. That is true.

Mr. McKEOWN. Why do not these men come in and ask to go to the Court of Claims and submit the matter to that court?

Mr. BRITTEN. They have done that, and the Court of Claims has said substantially that it has no jurisdiction.

Mr. McKEOWN. Why not bring a bill to give them jurisdiction?

Mr. BRITTEN. This bill does not give the Court of Claims jurisdiction.

Mr. McKEOWN. Why not do that?

Mr. BRITTEN. Because the committee has thought it best to do otherwise.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to transfer to the Treasury Department, for the use of the Coast Guard, such vessel or vessels of the Navy, not exceeding three in number, with their outfits and armaments, as can be spared by the Navy and as are adapted to the use of the Coast Guard.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent to strike out the first section of the bill, which has just been read, because it has already been provided for in another bill, Congress having already authorized the transfer of a number of these boats. Therefore we ask to have this stricken from the bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to strike out section 1 of the bill. Is there objection?

There was no objection.

The Clerk read as follows:

CHARGE OF DESERTION

SEC. 3. That in all cases where it shall be made to appear to the satisfaction of the President that a commissioned or warrant officer or an enlisted man with the charge of desertion now standing against him on the rolls and records of the Army, Navy, or Marine Corps has since such charge was entered served honorably in the war with the German Government, either in the military or naval forces of the Allies or in the Army, Navy, or Marine Corps or in other branches of the military service of the United States prior to November 11, 1918, the President is hereby authorized, in his discretion, to cause an entry to be made on said rolls and records of the Army, Navy, or Marine Corps, relieving said officer or enlisted man of all the disabilities which he had heretofore or would hereafter suffer by virtue of said charge of desertion thus appearing against him; and upon such action being taken by the President such officer or enlisted man shall be regarded as having been honorably discharged on the date the charge of desertion was entered against him: *Provided*, That nothing contained in this section shall operate to entitle any officer or enlisted man to back pay or allowances of any kind.

Mr. CONNALLY of Texas. Mr. Chairman, I move to strike out the last word in order to ask the gentleman a question.

Mr. BUTLER. Permit me to say we divided these sections up in our committee so we might all have something to do, so I am going to ask the gentleman to interrogate the gentleman who had this section in charge.

Mr. CONNALLY of Texas. Whoever the expert is on this section I would like to ask him. It is a very simple question which any man on the Committee on Naval Affairs ought to be able to answer.

Mr. BUTLER. I do not see our colleague [Mr. WOODRUFF] here, so I will endeavor to answer the gentleman's question.

Mr. CONNALLY of Texas. I see in line 23 the bill refers to the war, and you say, "War with the German Government." That is language that is never used ordinarily in any of the bills. We usually refer to it as the "War with the Imperial German Government," or "the World War," and I think it ought to be the same in all legislative acts. As a matter of fact, the World War was also a war with Austria. It seems to me that the language ought to be harmonious.

Mr. BUTLER. Now, the gentleman has me in trouble. I do not know why that language was used. I appreciate what the gentleman says, we ought to have absolute accord. We had a war with Austria, but we generally spoke of it as the war with Germany. I never considered the war with Austria very much or amounted to a whole lot.

Mr. CONNALLY of Texas. We do not refer to it in this language in legislation. I think we passed a law here last session in reference to the war of 1917 and officially named it the World War.

Mr. BUTLER. I do not see the slightest objection to changing the language, if the gentleman desires.

Mr. BRITTEN. "Who served honorably in the World War."

Mr. BUTLER. If agreeable to the committee, we will strike out the words "war with the German Government" and insert "World War." Mr. Chairman, I move to strike out, in line 22, page 4, after the word "the," the words "war with the German Government" and insert in lieu thereof the words "World War."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amendment by Mr. BUTLER: Page 4, line 23, after the word "the," strike out the words "War with the German Government" and insert in lieu thereof the words "World War."

The question was taken, and the amendment was agreed to.

Mr. HUDDLESTON. Mr. Chairman, I desire to offer an amendment. Page 4, line 21, after the word "has," insert "or before."

Mr. BUTLER. No; we can not do that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. HUDDLESTON: Page 4, line 21, after the word "has," insert the words "or before."

Mr. HUDDLESTON. Mr. Chairman, the purpose of my amendment is to make eligible to compensation under the compensation acts those who served honorably during the World War and who were honorably discharged and subsequently reenlisted and deserted. My feeling is that the soldiers of that class who served in time of peace after the World War was over and after having received an honorable discharge from World War service are just as meritorious as soldiers who enlisted before the World War and deserted and subsequently reenlisted for service in the World War. I want to put all such former veterans upon a plane of equality. In my judgment a man who served through the World War and received an honorable discharge by that fact fixed his status and his right to recognition by his country for such service and that no subsequent act ought to deprive him of the right which was given him by his honorable service.

As the law now stands, a soldier who served through the World War and was honorably discharged and who was injured in the line of duty, or suffered any other permanent disability in defense of his country and who subsequently reenlisted and did not serve out the subsequent enlistment loses the right for compensation for the injury suffered in the defense of his country in the period of service for which he received honorable discharge.

Mr. MCKENZIE. I would like to ask the gentleman from Alabama if he thinks it would be possible for a man to reenlist who had been permanently disabled.

Mr. HUDDLESTON. I will say to the gentleman from Illinois that I have had brought to my attention quite a considerable number of such instances in which men were actually wounded in battle; other cases in which they suffered from disability. Take, for illustration, the disability of tuberculosis. A soldier who served in the World War subsequently reenlisted in the service and deserted. He developed tuberculosis shortly afterwards, but because of the fact of his subsequent enlistment and failure to get an honorable discharge he had no status either to get treatment for his disability or compensation on account of it. Yet, if that soldier had not subsequently reenlisted he would have had a status which would enable him to get treatment and compensation.

Because they did something subsequently, we are penalizing men whose status and right to compensation were fixed by their honorable discharge after the World War. We are penalizing them for one class of offense only, to wit, desertion from the Army or Navy. A man after he was honorably discharged may have committed any kind of crime whatsoever, even murder or highway robbery, and may be actually in prison as a convicted felon, and still he is entitled to compensation if he has a service disability. Yet, if he has committed this one offense of desertion in time of peace, at a time when he was not needed, perhaps; if he has committed that particular offense, he has touched the Ark of the Covenant and has fallen dead.

I ask is there anything more sacred about the Army and Navy than the remainder of our institutions? Is an offense against the Army more serious than any other offense against the Government or against the State? Is a man who deserted in time of peace a worse man than a man who has murdered somebody in time of peace or has committed a crime of some

other kind? Then why fix upon him this drastic penalty for one class of offense alone? There is no reason for it. It merely grows out of the disposition to regard the Army and Navy as something sacrosanct and an offense against them as a cardinal sin.

Mr. MCKENZIE. I hope the gentleman does not misunderstand my position. The gentleman from Alabama has been a soldier, and a good one, too, in the Spanish-American War.

Mr. HUDDLESTON. I was a soldier, but I will not say a good one.

Mr. MCKENZIE. The gentleman knows that a man to be a soldier in the Army or a sailor in the Navy must have passed a physical examination and must have been found to be physically fit. If that is true, then you are building up a case that will not stand.

Mr. HUDDLESTON. That is not correct. As I just tried to explain to the gentleman, there are many cases—and many of them have been brought to my personal attention, and I have personally investigated them—where soldiers were really disabled as the result of their war service, and yet they were permitted to reenlist. That is a fact. I hope the gentleman will recognize that fact and do justice to these men.

Mr. O'CONNELL of New York. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. O'CONNELL of New York. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. O'CONNELL of New York. Is the gentleman from Alabama defending desertion?

Mr. HUDDLESTON. I am defending men who served their country in time of war. I am not trying to make desertion in time of peace a more serious offense than any other which a man can commit. I am defending men in their rights gained in the service of their country. I would not take away from them those rights because of any weakness or fault of which they were guilty at some later time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] is recognized in opposition to the amendment pending.

Mr. SWING. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. SWING. Would not this be the effect of the gentleman's amendment, that as to a man who served honorably in the World War and continued in the Army in peace times, the fact of service in the World War would wipe out any act committed by him when the war was over?

Mr. BUTLER. The gentleman is entirely correct.

Mr. Chairman and gentlemen, when this Great War broke out upon us it found many men in the service who formerly had deserted from the service. They had immediately reenlisted. I can not recall how many of them did it, but a great many of them did reenlist. They did perform very valuable and heroic service.

Now, it was recommended by the last administration and by this administration that a man who performed that good service in the World War should be forgiven of the charge of desertion committed prior to the war, but it has never been asked that we excuse men of desertion when the desertion happened during the war. I could not agree with my friend from Alabama that for all time to come we should excuse these military men of the charge of desertion because they happened to have military service. We thought this Congress would be generous with these men by taking this blemish from their records. But I have never heard it suggested that for all time in the future men who commit desertion may be forgiven automatically without the intervention of the authority of Congress, simply because of the fact that they had service in the World War.

Mr. HUDDLESTON. Does the gentleman consider that in time of peace desertion is a more serious offense than murder or robbery?

Mr. BUTLER. No. But if I entered the military service for four years I would stay in it regardless of its cost. I do not know whether my friend ever went down to the department to coax the Government authorities there to let the boys go, when they run away and thoughtlessly enlist; but I have done it. I am willing to go that far; but for desertion, never, in behalf of national defense.

Mr. Chairman, I will ask the committee not to adopt the amendment of my friend. It is new to me. But if I thought about it for a week I do not think I could agree to adopt an

amendment that for all time to come would excuse the offense of desertion. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HUDDLESTON. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama asks for a division.

The committee divided; and there were—ayes 5, noes 58.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TO CREDIT CERTAIN OFFICERS WITH ACTIVE DUTY PERFORMED SINCE
RETIREMENT

SEC. 4. That all retired commissioned and warrant officers of the United States Navy and Marine Corps who served on active duty in the Navy and Marine Corps of the United States during the war with Germany shall be credited with all active duty performed since retirement during the period from April 6, 1917, to March 3, 1921, in the computation of their longevity pay.

Mr. MCCLINTIC. Mr. Chairman, I rise to offer an amendment to make this section conform to section 3, striking out the words "war with Germany," and inserting "the World War."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

Amendment offered by Mr. MCCLINTIC: Page 5, line 18, strike out the words "war with Germany," and insert in lieu thereof the words "World War."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MARINE CORPS PERSONNEL

SEC. 8. That no officer of the Marine Corps below the grade or rank of colonel shall be promoted or advanced in grade or rank on the active list unless the examining board provided for in the act approved July 28, 1892, entitled "An act to provide for the examination of certain officers of the Marine Corps, and to regulate promotions therein" (27 Stats. p. 321), shall, in addition to making such certificate of qualification for promotion or advancement as may be prescribed by the Secretary of the Navy, certify that there is sufficient evidence before the board to satisfy the board that the officer is fully qualified professionally for the higher grade or rank.

That when the said examining board shall consist of seven or more officers of the Marine Corps, any officer whose case is before it may be found not professionally qualified without the right to be present or to challenge members of said board.

That any officer of the Marine Corps who fails to qualify professionally upon examination for promotion or advancement shall be reexamined as soon as may be expedient after the expiration of one year if he in the meantime again becomes due for promotion, and if he does not in the meantime again become due for promotion he shall be reexamined at such time anterior to again becoming due for promotion as may be for the best interests of the service: *Provided*, That if any such officer of less than 10 years' total active service, exclusive of service as midshipman or cadet at the United States Naval Academy or the United States Military Academy, fails to qualify professionally upon reexamination he shall be honorably discharged from the Marine Corps with one year's pay: *Provided further*, That if any such officer of more than 10 years' total active service, exclusive of service as midshipman or cadet at the United States Naval Academy or the United States Military Academy, fails to qualify professionally upon reexamination, he shall not be discharged from the Marine Corps on account of such failure but shall thereafter be ineligible for promotion or advancement; and any such officer shall be retired with a percentage of the pay received by him at the date of retirement equal to 2½ per cent for each year of total active service, to be computed in accordance with the provisions of section 1 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, not to exceed 75 per cent, upon attaining, or if they have previously attained, the ages in the various grades and ranks, as follows: Lieutenant colonel, 50 years; major and other company officers, 45 years.

That brigadier generals of the line shall, subject to physical examination, be appointed from colonels of the line whose names are borne on the eligible list prepared annually by a board of not less than five general officers of the Marine Corps and approved by the President.

That hereafter, as vacancies occur, the heads of staff departments shall be appointed for terms of four years from officers holding permanent appointments in the departments in which the vacancies occur whose names appear on eligible lists prepared annually by a board of not less than five officers of the Marine Corps above the grade or rank of colonel, including the major general commandant and the heads of the staff departments, and approved by the President, but no head of a staff department appointed for a term of four years shall sit as a member of the board during consideration of names for the eligible list for his department: *Provided*, That in case there be no officer holding a permanent appointment in a staff department whose name is borne on the eligible list for appointment as head of that department the appointment shall be made from officers of field rank of the Marine Corps whose names are borne on the aforesaid eligible list for that department.

That any officer of the grade or rank of colonel whose name is not borne on one of the current eligible lists for appointment as brigadier general or head of a staff department shall, if more than 50 years of age, be retired with a percentage of the pay received by him at the date of retirement equal to 2½ per cent, to be computed in accordance with the provisions of section 1 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, not to exceed 75 per cent.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. The last paragraph in the section just read requires the retirement automatically of certain colonels who reach the age of 56 years. Fifty-six years is almost the prime of life.

Mr. BUTLER. These are men who did not grow.

Mr. BLANTON. They were not certified as eligible to become brigadier generals. Just because they are not to be appointed brigadier generals they are to get something else. They are to be retired on pay at 50 years of age, after which, although drawing pay, they are to render no service to the Government.

Mr. BUTLER. Let me give my friend the explanation. The Marine Corps is a very old institution and in it we have had the unfortunate condition of promotion by seniority alone. The Navy abandoned it when I first came here 28 years ago, adopting the plucking board, and the Army has abandoned it. Now the Marine Corps is trying to get rid of it.

Mr. BLANTON. Will my good friend from Pennsylvania permit me to ask him a question?

Mr. BUTLER. Yes.

Mr. BLANTON. I would like to ask the gentleman from Pennsylvania whether he is in favor of continually retiring men in the prime of life and letting them engage in private business at big salaries, working for private corporations.

Mr. BUTLER. I will say to the gentleman from Texas that this has become absolutely necessary for the discipline of this corps and for its good. We are now beginning in this corps to retire men compulsorily, and this is what is known as the retirement provision of the law relating to the Marine Corps. These men have come up by promotion.

Mr. BLANTON. Let my good friend take time to answer that in his own time.

Mr. BUTLER. I will see that the gentleman gets more time.

Mr. BLANTON. Then I yield.

Mr. BUTLER. I want to tell my friend what my impression was and see whether he will not agree with me that it was about right. These men have come up for examination by three officers, and the gentleman knows the old way of doing it. This corps has never gone from it and these men have come right up. Some of them have now reached the grade of colonel, some have reached the grade of major, and some have reached the grade of lieutenant colonel. The time has come when they should no longer command troops, and the only way of doing it is by taking them out, but not promoting them.

Mr. BLANTON. I want to bring this before the committee. Do you know what we are doing in this bill? We are providing that majors shall automatically be retired when they reach the age of 45 years, certain majors; we are also providing that certain lieutenants colonel who are not certified for promotion shall be retired automatically when they reach the age of 50 years, and we are providing that those colonels who are not certified as eligible for promotion to be brigadiers general shall automatically retire at 56 years of age. Now, I want to say just what I said yesterday in answer to the gentleman

from New York [Mr. MAGEE], who was insisting on increasing the retirement pay. He quit his discussion of the Agricultural appropriation bill to take up the subject of giving increased pay to retired officers. I had a retired captain come to my office the other day insisting that I support his bill for increased pay of retired officers. He looked like a young man. I said, "Captain, how long have you been retired?" He said, "I have been retired 10 years." I said, "How old are you now?" He said, "I am 60." I said, "Then you have been retired ever since you were 50 years of age?" He said, "Yes." I said, "How much do you get now?" He said, "Three hundred and twelve dollars a month, and I have received it ever since I was retired 10 years ago."

Three hundred and twelve dollars a month for doing nothing, and he is engaged right now in a lucrative insurance business here in the city of Washington; he is devoting all of his time, attention, and ability to his private insurance business, and for 10 years as a retired captain he has been drawing \$312 a month from the people's Treasury.

Mr. BUTLER. How much a month?

Mr. BLANTON. Three hundred and twelve dollars a month, he told me.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I ask for five minutes more.

Mr. BUTLER. As I interrupted the gentleman several times, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Texas may proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BUTLER. How much a month did the gentleman say?

Mr. BLANTON. He told me he was getting \$312 a month.

Mr. BUTLER. As a captain?

Mr. BLANTON. Yes.

Mr. BUTLER. He must have told you something that was awfully rosy, because according to the pay act they can not get over \$2,800 or \$3,000 for full pay.

Mr. BLANTON. The gentleman probably has in mind the pay of a captain in the Army, while this is probably a retired captain in the Navy, and the gentleman must know the one I am referring to, I believe, because he has been going from office to office, and I do not suppose he told me his pay was greater than it was when he was seeking an increase, and he told me the pay and allowances granted him by this Government amount to \$312 a month; that he has been receiving that amount for the last 10 years, and he is now just 60 years of age.

There are too many generals, still competent men, big-brained men, if you please, and able to transact the business of the Government, retired on big general's pay and working for big corporations like the Radio Corporation of America on tremendously big salaries. The Government has educated them; the Government has given them good salaries for years; their abilities are largely due to the training paid for by the Government, and we ought to quit retiring them when they reach the very prime of life; we ought to keep them on in the service.

Look at the great ability of our former colleague from Illinois, Uncle Joe Cannon, who served the people here in this House until, I believe, he was 89 years of age. He served 46 years in this House very ably. Look at General Sherwood, of Ohio, ably serving his people in the House, reading his speeches on the floor without glasses and able to stand up and meet anyone in open and running debate, and then tell me we ought to continue retiring men at 45 years of age, at 50 years of age, and 56 years of age, and then let them draw big salaries from the Treasury and at the same time conduct private businesses. I do not know where it is going to end. I want to tell you one thing, though. You talk about bolshevism in the country. The system we have of letting men get something for nothing is conducive to bolshevism more than anything else combined. We ought to stop it. There ought to be a reorganization of this retirement law, and all of us ought to look into it. I dare say there are not 20 men in this House who understand fully the provisions of the various retirement acts. We ought to know just exactly how much these men are being paid at this time and the emoluments they are receiving. There ought to be an entire reorganization of the retirement laws, and the age ought to be sliding upward instead of downward.

Mr. McKENZIE rose.

Mr. BLANTON. I will yield to my friend from Illinois.

Mr. McKENZIE. I want to take the floor.

Mr. BLANTON. Let me ask the gentleman whether he is in favor of retiring a man at the age of 45 years?

Mr. McKENZIE. Only for physical disability.

Mr. BLANTON. If he is able to conduct a big private business, and is able to keep coming to Congress year after year in order to get his retirement pay increased, he ought to be able to serve the Government properly.

Mr. BRITTEN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BRITTEN. May I suggest that the Committee on Naval Affairs is now about to give consideration to a bill that will retire men at 30 years of age?

Mr. BLANTON. They ought not to have been taken in at all then. I will never vote for such a bill.

Mr. BRITTEN. No; you can not tell a man's adaptability for a certain service until he has been tried out, and after he has been tried out he should not be kept on the pay roll unless he has some adaptability for such service.

Mr. BLANTON. Not at all. But you should discharge and not retire him. I honestly believe, just as my colleague from Texas [Mr. BLACK] said some time ago, if we keep on passing these bills, the first thing we know we will find that half of the people of this Nation are on the pay roll of the Government and the other half of the people are working to pay their salaries. We must stop it. There ought to be a change in such a system. I know this committee will push this bill through. I know you are going to retire on pay these majors at 45 years, and I can not stop it. You are going to retire on pay these lieutenant colonels at 50 years, and I can not stop it. You are going to retire on pay these colonels who failed to get brigadier generalships at 56 years, and I can not stop it. You are going to pay these war contractors, and I can not stop it. But the time is coming, if it keeps on, when the people are going to stop it. The people are not willing for this to go on. They do not like it back home, and I know it.

Mr. BUTLER. Mr. Chairman, if the gentleman will allow me to have one word with him, this provision of law affects largely wounded men in the Marine Corps. They were promoted from warrant officers and from enlisted men, and some of them during the war were very conspicuous. Some of these men were at Belleau Wood and survived. They were given their war rank and Congress was glad to give that to them. They have now reached places in their grade where they do not themselves feel able to be promoted on account of their physical and mental condition, and this bill within the next four or five years will take care of many of those men. There are between 550 and 600 of these men. Most of them have been wounded, and are the most distinguished men in the Marine Corps. This bill will provide for them. I will say to my friend from Texas I am not in favor of a big retired list. I am in favor of taking men from the retired list, who come from the academies, after they have served three or four or five or six years, if they do not show any capability for the Military Service.

This bill is particularly for the class of men to whom I have called your attention, and as a Member of this House I am expressly devoted to them. They have earned this. They can not work any more at big wages. As I have said to you, these men form a good part of the 2,200 men out of 8,600 that escaped at Belleau Wood, and I would ask my friend from Texas to interpose no objection to allowing this feature of the bill to go through.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. BUTLER. With pleasure.

Mr. BYRNES of South Carolina. If these heroes of the World War remain in the service, they will be eligible to promotion to a higher rank?

Mr. BUTLER. They will be by seniority, and they do not want to go.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman and gentlemen of the committee, the very thought suggested by my friend from Pennsylvania [Mr. BUTLER] has impressed me in the consideration of this section.

The men who served at Belleau Wood came in many instances from the ranks—the noncommissioned officers. When the fate of the Nation was at stake their services were in demand, and they were commissioned as officers. They now hold commissions. By seniority under the existing law they would be promoted to a higher rank, but some people may think that their lack of attainments is such that they would not serve with efficiency in a higher rank. Therefore some

plan must be devised by which they can be properly taken care of other than by giving them the increased rank to which their seniority would entitle them.

As I read this section of the bill, by its provisions the Marine Corps departs from the system which it has heretofore followed, and under which system the Marine Corps has deservedly won the confidence of this country and has become, in my opinion, the most popular of our military services, and a board will be established, which board will, without giving an opportunity to a hero of Belleau Wood to appear and make any defense of his cause, determine whether or not he shall be placed on the eligible list for promotion to a higher rank. If that board determines not to promote him but to promote some man who was graduated from Annapolis and who is not in line for promotion by reason of seniority, but whose educational attainments are such that, in the opinion of the board, he would make a better colonel or officer of higher rank, that man will be promoted over the head and in preference to the hero of Belleau Wood, whose cause appeals to me, as I know it appeals to this House. In doing this the gentleman from Annapolis or West Point or some other military college whom it is desired to promote will be promoted and our hero of Belleau Wood will be put on the retired list.

So far as I am concerned, I am opposed to it, because I doubt whether my good friend from Pennsylvania is correctly informed that all of these men want to get out of the service. I believe they would welcome the opportunity that now comes to them to be promoted by reason of seniority, and I believe that if a man who, when the fate of the country was at stake, was called upon to render service and rendered it as efficiently as did the marine officers is competent in time of peace to be promoted to a higher rank in the service. I believe the Marine Corps should not depart from the existing system and follow a system of selection for promotion which inevitably is going to result in favoritism and in heartburnings, which will tend to destroy the morale of this corps, for every time a man is passed over and some officer who has served four or five or six years less is promoted in preference to the man who served at Belleau Wood and had long previous service, down in his heart the man who is passed over is going to have less love for the service for which he risked his life. I do not believe in it. I think it is a mistake. I understood my good friend to say that this is a policy now followed in the Army.

Mr. BUTLER. No.

Mr. BYRNES of South Carolina. I do not think it is followed in the Army and I hope it will not be adopted in the Marine Corps.

Mr. BUTLER. We got this information from the highest authority, from an official whose word will never be doubted because he always kept his word and never misled us. That man is General Lejeune. Now, these men have asked for this, and they ask for it because it will give them the right to retire at their own grade, whereas if you adopt the rule of seniority they may be crossed out by the board under existing law.

Mr. BYRNES of South Carolina. Most of these men, by reason of their long service, will retire before many years have passed and will retire at three-quarters pay which they receive at the time of retirement.

Mr. BUTLER. Yes; but how are we going to amend this? We have to turn it over to the board of seven, at least.

Mr. BYRNES of South Carolina. Heretofore I understand that my friend from Pennsylvania has not been in favor of promotion by selection.

Mr. BUTLER. Yes; the gentleman from South Carolina and I do not disagree on some of these things.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BUTLER. I ask that the gentleman from South Carolina have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. My friend from South Carolina remembers who these men are and that the House gave them a grade, and now comes the time for promotion and they feel much safer in the hands of the board, of the men who reported in their favor to this Congress. If they can show the qualifications to the board they will be promoted, but if they should ask that they should be continued in their own grade until they reached the age of 45 or 53 they will be happy over it.

Mr. BYRNES of South Carolina. The gentleman from Pennsylvania and I differ only in the fact that he says they are asking for this, and my information is that some want to stay in the service and stand on their right as officers of the Marine

Corps, receive promotion by reason of their long service which they will not receive under this policy of selection, if the board is authorized to go down the line and pick out a man who served half as long, but because the board thinks he is better qualified, select him in preference to the man who served in the World War and proved himself a good officer.

Mr. CONNALLY of Texas. Mr. Chairman, I rise to oppose the amendment. I thoroughly agree with the gentleman from South Carolina [Mr. BYRNES]. I am sorry that the gentleman is voluntarily leaving the House. The gentleman has shown a grasp of naval affairs equal to his grasp on financial matters in connection with appropriation bills.

I want to call attention to a certain provision in this section of the bill:

That any officer of the grade or rank of colonel whose name is not borne on one of the current eligible lists for appointment as brigadier general or head of a staff department shall, if more than 50 years of age, be retired—

And so forth.

Now, gentlemen, I am opposed to that kind of an amendment. The Marine Corps has been advertised—I do not think it advertised itself—by somebody at least as being the service that selects its men. When they come into the Marine Corps they are supposed to be picked men; no doubt there are some colonels, for they fill the colonels' positions up as fast as they occur. They are supposed to be good colonels. Now, when a colonel gets to be 56 years of age, if he has not been certified by the board of brigadier generals that he is qualified to become a brigadier general, out of the service he goes with a very large retirement allowance. He is all right as a colonel, a good colonel; he knows enough to be a colonel, but he is not eligible for promotion to be a brigadier general in the service of the Government.

Now, where is the economy in that? I do not mean in dollars and cents; but where is the economy in efficiency. Here is a man who has been in the Marine Corps all his life, is a good officer, a good colonel, because they would not have made him a colonel if he had not been qualified, but, forsooth, because he can not become a brigadier general they kick him out and give him a large retirement allowance. Why? Because somebody else down the line just below him, as suggested by the gentleman from South Carolina, wants to be a brigadier general, and if they do not promote this colonel to be a brigadier general the fellow down below can not get to be a brigadier general. So the thing to do is to get rid of this old "guy." He is a good colonel; he is worth the money as a colonel; he knows how to perform his duty; but because some board of brigadier generals does not want to associate with him as a brigadier general they have to get rid of him so as to promote the other fellow down the line.

Mr. BYRNES of South Carolina. Will the gentleman allow a suggestion?

Mr. CONNALLY of Texas. Yes.

Mr. BYRNES of South Carolina. The major generals are selected from the brigadier generals, and so the brigadier generals will select the officer who will become a competitor with them for major general. Of course, they are going to pick out the strongest competitor. What effect does the gentleman think such a policy would have in the House of Representatives in the selection of chairmen of committees?

If instead of taking the gentleman from Pennsylvania [Mr. BUTLER], who by reason of his seniority is the chairman, we should have a selection board authorized to go down the line—

Mr. BUTLER. Oh, I am perfectly willing.

Mr. BYRNES of South Carolina. I know the gentleman would be willing, but it would not be in the interest of the Government.

Mr. BUTLER. Oh, yes; it would be, because I am not much stuck on myself. I am not owing Congress anything. My constituency with its 50,000 majority is what I am thinking of.

Mr. CONNALLY of Texas. I say to the gentleman that if that system existed here in the House, there would not be any real big chairmen, because they would all be Oslerized at 56 years of age.

Mr. BRITTEN. There is very little difference between existing law and this section of which the gentleman complains.

Mr. CONNALLY of Texas. There is just enough difference so that the gentleman wants to change it.

Mr. BRITTEN. The Marine Corps desires this change.

Mr. CONNALLY of Texas. Of course they do.

Mr. BRITTEN. And it is in the interest of its own efficiency.

Mr. CONNALLY of Texas. In the interest of its own efficiency for its own promotion?

Mr. BRITTEN. Its own efficiency. Men came out of the ranks during the war—

Mr. CONNALLY of Texas. Oh, I can not yield to have the gentleman make a speech. Ask a question if he wants me to yield.

Mr. BRITTEN. I will get the gentleman five minutes more. The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I have been guaranteed five minutes more by the gentleman from Illinois.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. BRITTEN. The difference between existing law and this provision is that this provision substitutes selection up for seniority. We have selection up in the Navy, and the human element, of course, enters into the selection there just as it did in selecting out; we can not do away with it. It has improved the efficiency of the Navy. General Lefebvre and the best experts in the Marine Corps say that this will improve its efficiency. They desire it; and one of the reasons is that because men have come out of the ranks at an advanced age, having been promoted rapidly during the war, they must either be retired or selected up. They are not necessarily qualified to lead men in battle or to train men in time of peace. They should be put on the retired list so as to make room for the more efficient fellow down below.

Mr. BYRNES of South Carolina. And I will ask the gentleman if, being a very able member of the Committee on Naval Affairs, he has not been indulging in some criticism of the action of the selection boards of the Navy?

Mr. BRITTEN. Yes; that is true. Helpful criticism, I hope.

Mr. CONNALLY of Texas. The gentleman says that the only difference between the present law and this is that they have now the rule of seniority, and they want to have this as selection, and that the highest ranking officers of the Marine Corps say that the process of selection would make for their efficiency. Of course they are going to say that. Any bunch of fellows who are to have the power to make selection of course are going to say that their method of selection is going to be more efficient than any other kind of selection on earth. The Naval Committee thinks that its method of handling this legislation is the best that any committee in this House can furnish, and I do not gainsay that in this particular instance, and if you will turn over to a bunch of brigadier generals the process of selection of other brigadier generals, you are going to get an admission from that body that their method is the most efficient and will do the most for the service.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. But I am not yet through answering the gentleman's other questions.

Mr. BRITTEN. Oh, yes, the gentleman is. Does the gentleman seriously contend that a brigadier general would select an inferior man rather than an efficient one?

Mr. CONNALLY of Texas. No; but I do say this, that there are some colonels there and the Marine Corps selected these colonels. They are colonels and you say, that they are qualified to be colonels. They can perform the duties of colonels, but because a board of brigadiers do not believe that they would make good brigadiers, you are going to fire them—not as brigadiers but you are going to fire the colonels because they do not make good brigadiers. The gentleman from Illinois [Mr. BRITTEN] is a splendid member of the Committee on Naval Affairs, but simply because he would not make a good member of the Committee on Alcoholic Liquor Traffic is no reason why he should be turned out of Congress. [Applause and laughter.] The fact that he is doing his duty where he is, and is a valuable man where he is, is no reason for canning him, and when you have a good colonel, there is no reason for canning him simply because he is not going to make a good brigadier general. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out section 8 of the bill.

The CHAIRMAN. The gentleman from South Carolina offers an amendment which the clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BYRNES of South Carolina: Strike out all of section 8.

Mr. VINSON of Georgia. Mr. Chairman, I rise in opposition to the amendment. I feel satisfied that if the gentleman from

South Carolina [Mr. BYRNES] understood this section, instead of moving to strike it out he would be in hearty accord with it. Under the law to-day the very men that he seeks to protect will be thrown out of the service if this section does not become a law. The method of selection and promotion in the Marine Corps is based on the act of 1892, which still adheres to the system of examination. That is the method by which they are selected to-day. You have but two alternatives under the present law—to promote or to dismiss from the service. This section which is being criticized by the gentleman from South Carolina provides that there shall be an alternative given in addition to the right to dismiss or promote, and that is to retire. If an officer was promoted during the war from the rank, we will say, of sergeant to that of second lieutenant, and has served 10 years with the Marine Corps, when he comes up for examination, if he is unable to pass the professional examination on two different occasions, instead of throwing out this officer this section will permit him to stand exactly where he is. He is merely passed by in promotions, but holds the rank he has until he reaches the age of 45, at which time he is retired.

I will ask my friend from South Carolina, do I understand him to be in favor of putting out these officers who to-day can not pass the professional examination after they rendered such heroic service during the war?

Mr. BYRNES of South Carolina. I will answer the gentleman by saying I first want my friend to show the law by which he will be dismissed.

Mr. VINSON of Georgia. He will be dismissed because the act of 1892 provides that every officer must come up for examination during a certain time, and if that officer can not qualify the Marine Corps has but one of two things to do—either promote or dismiss. I say it would be a hardship to do this to these officers who won their spurs upon the field of battle.

Mr. BYRNES of South Carolina. My friend knows under existing law that he is examined. If he has demonstrated his capacity on the battle field he will be able to stand a fair examination, and if he makes the required percentage—even if he is not promoted because some officer with longer service gets the promotion—he stays in the same grade until he serves his time. But the gentleman assumes these men will fail in their examinations. I do not. But I know that, even though they pass the examination, under this selection system they will not be promoted.

Mr. VINSON of Georgia. But the gentleman proposes by letting the law stand as it is to-day to put him out of the service.

Mr. BYRNES of South Carolina. No; he stays in the service.

Mr. VINSON of Georgia. No; under existing law he has to go out.

Mr. BYRNES of South Carolina. If he stands the examination he stays in the service.

Mr. MCKENZIE. Will the gentleman yield?

Mr. VINSON of Georgia. Yes, sir.

Mr. MCKENZIE. If I understand this situation, I would like to have the gentleman from Georgia answer one question, and that is why you do not apply the same rule to the officers in the Marine Corps whom you retire because they are not competent to pass the examination of the next higher grade in the same way they retire class B officers in the Army by giving them 2 per cent of their pay, I think it is.

Mr. VINSON of Georgia. They give them the same pay, based entirely upon the retirement, in the Army and in the Navy. I trust if there is a friend to the boy who was promoted and who served faithfully and who wants that boy to continue to hold the rank that he won upon the battle field that he will vote against the motion of the gentleman from South Carolina, so he may have an opportunity to stay in the Marine Corps instead of being dismissed.

Mr. BUTLER. Mr. Chairman, I want to say before you vote that the opportunity has come for the House to do what it has heretofore done. It has twice voted this measure through without criticism. This is asked by a department of the Government which has made itself good and has rendered valuable service to the country. If you strike out this provision we leave these people without any reason or method by which they might make promotions under the old line of seniority which is not abolished. And my friend, our colleague upon this committee, stated it properly, that if you strike out this section under the present law these men can be put out of the service and not be permitted to be promoted. Under this law they can be promoted, and I earnestly hope that you will sustain the committee.

Mr. BYRNES of South Carolina. If the gentleman will yield, the gentleman does not say that a colonel, who comes up for examination, has a chance to appear and be examined and stands the examination, can be kicked out of the service?

Mr. BUTLER. He can at the age of 55.

Mr. BYRNES of South Carolina. I mean under the existing law.

Mr. BUTLER. My friend, he has to come up because of his age. The gentleman says because of promotion for efficiency or because of my age—

Mr. BYRNES of South Carolina. It proves the efficiency of the system.

Mr. BUTLER. I do not ask anybody for anything. Of course he can come up. I am in favor of merit in the service, whether it be civil or military, and this does encourage merit in the Navy and Marine Corps. I ask the committee not to strike this item out.

Mr. CROSSER. Mr. Chairman and gentlemen of the House, section 8 of H. R. 2688 proposes to change the law relating to the promotion of Marine Corps officers to fill vacancies occurring in ranks below and including the rank of colonel. It also changes the law relating to the appointment of brigadier generals in the Marine Corps.

The present law provides that those who are due for examination for promotion may appear before the board, challenge for cause any of its members, be informed of all the evidence to be considered in their cases, have the right to present evidence in refutation of any adverse evidence which may have been introduced against them, and also supply any evidence in their own behalf which, for any reason, may have been withheld or omitted. The present law authorizes the President, when vacancies occur, to appoint general officers of the line from the whole list of officers of the line not below the grade of colonel and likewise in the case of the three staff departments of the Marine Corps.

The present law also provides that any officer who finally fails to qualify when due for promotion shall be discharged with one year's pay.

Section 8 of the pending bill provides that any officer of the Marine Corps below the rank of colonel who may be considered for promotion by the examining board may be found not qualified without the right to be present or to challenge the members of said board.

The bill also requires the President to appoint brigadier generals of the line from colonels of the line whose names are included in a list prepared by a board of not less than five general officers of the Marine Corps.

The bill also provides that any officer of more than 10 years' service who fails upon reexamination to qualify for promotion shall be retired with a maximum pay equal to 75 per cent of the pay received by him at the date of his retirement, or less according to the length of his service.

The difference between the present law and the proposed law is fundamental. All officers below the rank of colonel who may have occasion to appear before a board would, by this bill, be deprived of the right to object to and prevent from serving on such board a man who could be shown to be prejudiced or hostile to the officer appearing before the board. It would also deprive him of the right, which he now enjoys, of producing proper evidence to disprove any charges of misconduct, incompetency, disability, or inefficiency which might be brought against him. The bill, if it should become law, would also circumscribe the President so that he would be compelled to appoint as brigadier generals the men specified by the board, thus changing the existing policy which enables the President to use his discretion in making such appointments.

The bill also enables those in control of the Marine Corps to avoid serious competition from energetic and ambitious men by retiring such men as they approach the higher ranks with, in most cases, pay equal to 75 per cent of the pay received in active service.

A moment's consideration of the proposed changes to which I have just referred must convince any fair-minded man that their purpose is to establish a self-perpetuating bureaucracy.

Now, Mr. Chairman, the mere statement of the facts should be enough to convince serious-minded men of the disastrous effect this measure would have upon the efficiency and democracy of the Marine Corps.

It was just such legally established ring control which in years past has eaten the vitals out of the military establishments of many of the European governments.

Instead of developing in the rising officer initiative, ambition, and the spirit of enterprise, as does the assurance that his progress will be determined according to merit and the principles of justice, the effect of the scheme embodied in this bill would be to put a premium upon timidity and fawning.

Behold the rising officer imbued with the feeling that he should do everything possible to develop his military skill and eager to do his work well! See his predicament if this bill becomes law. His every brilliant effort is then, to those in control of his professional destiny, a sign of a dangerous rival. His work too thoroughly done puts them ill at ease. Instead of it being advantageous for the subordinate officer to be alert and to discover and apply new ideas, a premium is put upon the handshaking, palavering, sycophantish game.

This means, of course, the loss of mutual respect and confidence for each other by subordinate and superior, a confidence and respect which is absolutely essential to harmony, efficiency, and the spirit of cooperation.

It is the feeling by men, whether soldiers or not, that real merit will be rewarded, that makes them exert themselves to the utmost. How eager and active they are if they are sure that merit will have its reward and without unfair delay. How dull and indifferent are men if they feel that it has been made to the selfish interest of those who have the power to bestow or withhold the reward to deny their worth in order to prevent the too close approach of the subordinate and the inevitable comparison unfavorable to those in the position of power.

Unless there is mutual trust and the spirit of cooperation on the part of all concerned there will be lack of efficiency whether it be in the case of the Marine Corps or a private enterprise.

The passing of years over men's heads does not always assure wisdom or ability, nor does the lack of gray hairs indicate the want of ability. The greatest executives and foremost military commanders have been those who could appoint subordinates upon the basis of merit regardless of age or the years they may have spent in service.

If it had been impossible for him to utilize this principle, President McKinley could not have appointed Funston and Capt. J. Franklin Bell as brigadier generals. If President Roosevelt could not have exercised like discretion, he could not have appointed Captain Pershing and Maj. Tasker H. Bliss as brigadier generals.

It would seem entirely unnecessary to discuss the fallacy of the plan proposed by this bill for the selection and promotion of officers. The inevitably disastrous results must be self-evident. We might ask, however, by way of illustration, what would be the decision of any Member of Congress here if he were given the authority to choose his opponent at an election for Congress. Conceivably we might find a Congressman, at some time, manifesting such Godlike attributes as would cause him to select as his opponent the most capable and conscientious man in the country, but that is not likely. Acting like the ordinary human being, he would surely select as an opponent the man he could most easily defeat, and that man would be far from the most able and conscientious man available.

So it will be with the members of the board provided for in this bill. They will not promote to the rank from which major generals are to be appointed men who because of ability and capacity would be their strongest rivals for appointment to higher rank, and we must remember that some of the men promoted will ultimately be in the eligible list with those making the promotions, and the President would be required to appoint officers from this eligible list to higher ranks. Ask yourselves whether or not the members of the board, these selectors, are likely to select those who would be their most formidable competitors when occasion required the President to appoint to higher rank an officer from this eligible list consisting of those selecting and those selected.

I wish also to call attention to the fact that the contention that this plan would destroy the spirit of cooperation and create distrust and dissatisfaction does not need to rest only on the basis of reason or argument.

That condition already exists because of the mere prospect of this section of the bill becoming law.

The report of the Naval Committee on this bill states that the sentiment of the officers of the corps has been found to be very preponderantly against similar plans in the Army and Navy. A little investigation will satisfy anyone that the same feeling exists on the part of the Marine Corps officers as to the plan provided in this bill.

In regard to the method of operation of this kind of system let me quote a man who is regarded by the House as an authority on this very subject. I refer to the gentleman from Illinois [Mr. BRITTON], a member of the Committee on Naval Affairs. On June 19 of the present year, in a letter to the President in regard to a similar system now in force in the Navy, Mr. BRITTON said:

Some nine years ago, . . . it—

Referring to Congress—

* * * substituted for existing law a provision for "selection up" in the Navy.

It was the thought of Congress that promotion by seniority was wrong in principle, and that selection would provide an incentive for advancement, which, in turn, would promote ambition, thrift, constancy, and efficiency in the Navy.

In other words, an opportunity for promotion ahead of his class was to be given the ambitious, progressive, superior-minded young officer.

I think that the Navy generally has already indicated its disappointment in some of the selections for promotions, and that it feels that "real" selection up does not prevail.

Selection boards are too often composed of the same members who sat in preceding boards, and this fact may work against the best interests of a selective system.

For the past five years it has been quite evident to me that a select ring of Washington line officers have thoroughly dominated the Navy and have assigned to themselves—and to their friends—all of the military and social plums.

BUTTERFLY SET RULES

The Naval Academy, London and Paris embassies, command of the fleets, special European assignments, Mediterranean cruises, and top-side Washington appointments have been jealously parceled out to those in the butterfly set, and to none others, and I might say that this condition is not too happily received by the officer aboard ship who is on the outside looking in.

If merit and capacity are not to be rewarded by promotion, then Congress should repeal the "selection up" provisions of the law, so that young officers may not longer be deceived by the delusion that their personal advancement rests largely with themselves.

Mr. Chairman, I believe in selection; but not in the kind of selection which would be natural for the members of these boards who are to select the men who are to be their own competitors for promotion to higher positions.

I do not believe in selection by men who are likely to feel that their own professional advancement is jeopardized by the success of those whom they may promote. That is the kind of thing that has created cliques and then caused inefficiency in the military forces of many European nations. I am opposed to selection by boards, the responsibility of the members of which is covered up by their joint action, the composite action of the board members, and are thus able to crucify those who are regarded as formidable rivals.

I believe in selection by the President of the United States just as did the framers of our Constitution when they inserted in section 2, Article II, of the Constitution, the following language:

* * * he shall nominate and, by and with the consent of the Senate, shall appoint ambassadors and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law.

He has no professional military career at stake, no higher military rank for himself to be considered when appointing men who may be aspirants and competitors with the selectors for the same prize.

The chief concern the President would have in making appointments would be to have the quality of such appointments reflect credit upon himself.

If the President desires to have advice in making his appointments in the Marine Corps, let him be free to consult the civilian head of the Navy Department who, under the President, commands the Marine Corps. Not only so but as the constitutional selector let him by all means consult the responsible chief of the Marine Corps, who should be individually responsible for his recommendations, but let us not by any means transfer the responsibility for recommendations to boards who can conceal their individual responsibility behind the action of a board in secret session.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. BYRNES].

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. BYRNES of South Carolina. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina demands a division.

The committee divided; and there were—ayes 18, yeas 75. So the amendment was rejected.

The Clerk read as follows:

RELIEF OF CONTRACTORS

SEC. 9. That the Secretary of the Navy be, and he is hereby, authorized and directed to make thorough investigation of the merits of the

claims (including claims for release from Government claims for liquidated damages, but excluding claims in cases where a full, final, qualified, or unqualified release has been given the United States), which may be submitted to him in writing within six months after the passage of this act, and verified under oath, for any loss alleged to have been caused to any of such claimants in the performance of any fixed price (including fixed unit price) contract with the United States through the Secretary of the Navy, or the Navy Department, from April 6, 1917, to November 11, 1918, inclusive, or in the performance of that portion of any such contract previously entered into which remained uncompleted on April 6, 1917, which loss was occasioned by the action of any Government agency by reason of priority orders for material, transportation, commandeering of property, or other order of Government authority not authorized by the contract on or between the dates above mentioned.

The Secretary of the Navy shall submit estimates of appropriations required to satisfy such of the claims as he may investigate under this authority as may be found to possess merit, accompanied by a comprehensive presentation of the facts in each case, but such findings so communicated shall not be construed as imposing any obligation upon the Government or releasing any claim or rights of the Government.

No claim shall be considered under this authorization for alleged losses on account of increases in wages until a claimant shall have established proof to the satisfaction of the Secretary of the Navy that he actually paid his employees the award ordered by the Navy Board or other Government boards and that his entire volume of business with the Government during the period covered by the claim did not yield a net profit.

In the performance of the duties imposed by this section the Secretary of the Navy is authorized to summon witnesses and examine them under oath, to require claimants to exhibit their books and papers, and to have access to and the right to examine pertinent income-tax returns and other financial reports of such claimants as may be in the custody of the Secretary of the Treasury.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 11, line 17, after the word "submit," strike out the words "estimates of appropriations required to satisfy," and insert in lieu thereof the following: "to the Court of Claims," and in line 24, after the word "Government," strike out the period, insert a semicolon and the following: "Provided, That jurisdiction be, and the same is hereby, conferred upon the Court of Claims to hear and determine all of such cases so submitted to it by the Secretary of the Navy," so that as amended the paragraph will then read "The Secretary of the Navy shall submit to the Court of Claims such of the claims as he may investigate under this authority as may be found to possess merit, accompanied by a comprehensive presentation of the facts in each case, but such findings so communicated shall not be construed as imposing any obligation upon the Government or releasing any claim or rights of the Government: *Provided, That jurisdiction be, and the same is hereby, conferred upon the Court of Claims to hear and determine all of such cases so submitted to it by the Secretary of the Navy.*"

Mr. BRITTEN. Mr. Chairman, I reserve a point of order against the amendment.

Mr. BLANTON. Mr. Chairman, the committee says that all it wants to do is to pay just obligations which are equitably due by the Government. I will go with them on that proposition. I want to do the same thing. They say this bill is necessary because the Court of Claims has not jurisdiction to hear and determine these matters. I am proposing to give the Court of Claims jurisdiction by this amendment. If this amendment is passed the Secretary of the Navy will go ahead and determine the merits of these controversies, so far as he is able to do so, in a nonjudicial way, and those which he thinks have merit in them he will submit to the Court of Claims, and this amendment of mine confers jurisdiction on the Court of Claims to hear and determine those very cases.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GARRETT of Tennessee. Does the gentleman mean by his amendment to give the Court of Claims authority to render a judgment?

Mr. BLANTON. Yes. I am willing to stand by a judgment of the Court of Claims. I happen to be acquainted with the personnel of the Court of Claims and am familiar with the character of the judges who sit in that court. There are no finer men in any group, so far as honor, ability, and integrity are concerned.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CHINDBLOM. Under what rules does the gentleman contemplate the Court of Claims would act—under the general rules pertaining to their hearing of cases or would they get carte blanche jurisdiction to hear these cases upon general principles of equity?

Mr. BLANTON. Upon principles of equity, within the limitations prescribed by this bill. That is exactly what we are conferring on them by my proposed amendment. The Court of Claims could not hear them if we did not grant this jurisdiction.

Mr. CHINDBLOM. Does the gentleman think the language of his amendment will confer that authority?

Mr. BLANTON. Certainly it does.

Mr. CHINDBLOM. I do not think so.

Mr. BLANTON. It grants them jurisdiction to hear and determine, and we map out the limitations and restrictions in the other sections of the bill.

Mr. CHINDBLOM. Will the gentleman yield further?

Mr. BLANTON. Certainly.

Mr. CHINDBLOM. I think the gentleman's language grants jurisdiction only of the subject matter but does not prescribe the rules which will govern in the determination of the cases.

Mr. BLANTON. The preceding paragraph of the bill outlines that.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. VINSON of Georgia. Does not the gentleman think his amendment is a great deal broader in the scope of the consideration of these claims than the proposed bill?

Mr. BLANTON. No; because I am not afraid of a judgment rendered on the facts by a court.

Mr. VINSON of Georgia. We read in the proposed measure that if there is any profit made by a contractor then he can not file his claim, and if he has not complied with the rules and regulations he can not file his claim—

Mr. BLANTON. Will not the gentleman answer me in his own time if he wants to make a speech, because I have just two or three minutes left?

Mr. GARRETT of Tennessee. I wish the gentleman would yield further, because this is a very important matter. I do not know anything about these contracts and I do not know any of the contractors, but it is a very important matter as regards procedure. Now, under the gentleman's amendment what record would be before the court? Anything, except the findings of the Secretary of the Navy, or could a claimant present testimony?

Mr. BLANTON. The filing of the record by the Secretary of the Navy would be merely placing that case in the category of a group of cases which the Court of Claims would have jurisdiction to hear and determine. Then the attorneys for the parties would present their cases, the attorneys for the claimants would present their pleadings and their evidence and their application of the law, and the attorneys for the Government their side of it, on the equitable features of their claim, and then the court would hear and determine it and would be authorized, under this transfer of jurisdiction from Congress, to grant a final judgment which, when granted, would be an authorization for the Appropriations Committee to bring in an appropriation to cover it.

Mr. GARRETT of Tennessee. There could not be any claims submitted under the gentleman's amendment, however, except those that the Secretary of the Navy himself thought possessed merit.

Mr. BLANTON. No; only such claims and none other, but they are the only ones that are now under consideration—the ones that the Secretary will approve of as having merit in them.

Mr. GARRETT of Tennessee. Whatever a claimant might think, if the Secretary of the Navy did not think the claim possessed merit he could not go to the Court of Claims.

Mr. BLANTON. No; but under the bill if the Secretary of the Navy thinks there is no merit in it he would not make any recommendation to Congress concerning it and there would not be any such claim before Congress. Only such cases will come before the Congress, under the bill itself, which the Secretary of the Navy determines have merit in them.

Mr. GARRETT of Tennessee. That is, under the terms of this bill?

Mr. BLANTON. Yes; and those same cases, by my amendment, would be presented to the Court of Claims instead of Congress.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. VINSON of Georgia. Will the gentleman yield now for a question?

Mr. BLANTON. For a question; yes.

Mr. VINSON of Georgia. The gentleman's amendment is a great deal broader than the language of the bill, is it not?

Mr. BLANTON. No; but if it is, then why object to it?

Mr. VINSON of Georgia. For the simple reason that if these contractors have made large profits they are not entitled to continue to mulct the Government.

Mr. BLANTON. I am not afraid of the Court of Claims mulcting the Government in any instance, and that is the reason I want these cases to go to them. What is the proper tribunal to pass on these matters, in the last analysis? Are the Members of Congress the proper tribunal, when we are not judicial officers and do not consider them from the standpoint of equity or law but just pass them pell-mell, or is the proper tribunal a court which can hear the evidence and apply the principles of equity?

Mr. MONTAGUE. Will the gentleman permit me to ask him a question?

Mr. BLANTON. Yes; certainly.

Mr. MONTAGUE. Can this court that sits to apply equity undertake to exercise that jurisdiction unless the Secretary of the Navy requests it to do so? Should a court entertain jurisdiction at the instance of one party to a controversy and deny jurisdiction to the other party? Rather poor administration of justice, it would seem to me.

Mr. BLANTON. That would be true if the case could get before them without this special act of Congress; but within the proposals of this bill only those cases which the Secretary finds merit in will he send back to us for settlement, and under my amendment just as many cases as he finds merit in he will transfer to the Court of Claims.

I take it that whenever anyone is afraid to submit a claim to the Court of Claims upon an equitable standpoint under such an amendment as this then such person is in the attitude of being afraid to submit his case for equity to be applied to it. I do not see how any Member could object to the amendment if he is really seeking equity for these contractors. It gives the Court of Claims absolute authority to take a case which the Secretary of the Navy sends to it and adjudicate it from an equitable standpoint and to grant equity from the Government if any equity is due. What more could be asked?

Mr. McKEOWN. Mr. Chairman, I offer an amendment as a substitute for the amendment just offered.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment as a substitute for the pending amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN as a substitute for the amendment offered by Mr. BLANTON: On page 10, line 22, strike out section 9 and insert in lieu thereof the following:

"That jurisdiction be, and is hereby, conferred upon the Court of Claims notwithstanding lapse of time or statutes of limitation to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising out of any contract with the United States through the Secretary of the Navy or the Navy Department from April 6, 1917, to November 11, 1918, inclusive, or in the performance of any portion of such contracts entered into which remained uncompleted on April 6, 1917, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or by any department authorized to settle said claims. That from the decision of the Court of Claims in any suit prosecuted under the authority of this act, an appeal may be taken by either party as in other cases to the Supreme Court of the United States. Any and all claims against the United States within the purview of this section shall be forever barred unless suit be instituted or petition filed in the Court of claims within three years from the 5th day of March, 1925."

The CHAIRMAN. The Chair wishes to ascertain from the gentleman from Illinois [Mr. BRITTEN] whether or not he intends to press his point of order?

Mr. BRITTEN. Mr. Chairman, I will continue to reserve my point of order on the amendment.

The CHAIRMAN. The gentleman from Oklahoma can only speak by unanimous consent and his amendment can only be read for information as long as the point of order is undisposed of.

Mr. VINSON of Georgia. Mr. Chairman, I ask unanimous consent that the gentleman from Oklahoma may proceed for five minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the gentleman from Oklahoma may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McKEOWN. Gentlemen, the President of the United States in his message to Congress said a very forceful thing when he said that the United States ought to settle its debts. I have been one who for many years has contended that these citizens of the United States who have just claims against the Government ought to have an opportunity to present their claims, and if the United States Government owes them anything we ought to pay them in their lifetime. It is not fair to the citizens of this country to have the Government use money that ought to be paid to them, and perhaps it affects them greatly in a financial way.

The proposed amendment protects the Government and protects the contractor. Gentlemen, why entail the labor upon the Navy Department to go to work and investigate these claims? Why not send them to the tribunal where they properly belong, the Court of Claims, where the Government and where the claimants can have a fair and impartial trial?

Mr. TINCHER. Will the gentleman yield?

Mr. McKEOWN. I yield to the gentleman from Kansas.

Mr. TINCHER. I notice you remove the bar of any statute of limitation with reference to any of these claims. Do you think that is best, or ought you to fix a certain time?

Mr. McKEOWN. I remove the bar of the statute of limitations so that any contractor whom the Government owes, or who has an equitable claim, can go in there and not be confronted with some technical objection because he did not file his claim in time. I bar him if he does not file his claim within three years, but I do not want any man who has an honest claim against the Government to be confronted at the threshold of the Court of Claims with a mere technicality and the plea that he has not filed his claim in time. If his contract was made between the dates mentioned in the bill, then he ought to have an opportunity to be heard in the courts, and we ought to get rid of these claims, because there is no use having them continuously coming up here.

The Congress of the United States owes it to itself and to the country to send these matters to the Court of Claims where they can be judicially determined. The Congress ought not to be required to take the responsibility of settling claims when you have a court provided by law for that very purpose. Why should the Congress take up its time with these matters and run the chance of paying claims that are not just? We ought to send them over to the Court of Claims.

My amendment is fair to the contractor and is fair to the Government.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. McKEOWN. I yield to the gentleman.

Mr. WILLIAMSON. Would not the gentleman's amendment open up the court to all claimants whose claims have been rejected and give them an opportunity to go to the Court of Claims a second time?

Mr. McKEOWN. My amendment simply says that every claim that has not been settled either in the courts or by some department authorized to settle the claim may have a chance to come before the Court of Claims if the claim has any legal or equitable standing, and the claimant may there present his facts as to the claim.

Mr. HOCH and Mr. CHINDBLOM rose.

Mr. McKEOWN. I yield first to the gentleman from Kansas [Mr. Hoch].

Mr. HOCH. Would the gentleman's amendment permit any claim to go before the Court of Claims which would not go before the Secretary of the Navy under this bill?

Mr. McKEOWN. It would not; the language of my amendment confines the claims to that class of claims mentioned by section 9.

Mr. CHINDBLOM. Would a disallowance of a claim be considered as a settlement?

Mr. McKEOWN. It would not be a settlement where the claimant had no claim. If a man can put up a case so that he could go into the Court of Claims, he would have a chance to go.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. McKEOWN. I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McKEOWN. In other words, if he has had a hearing on his case and it has been settled, then, of course, it is a final settlement. If the Government has said that it would not pay him anything, that is a final settlement—he has had his hearing and it has been disposed of.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McKEOWN. Certainly.

Mr. LAGUARDIA. Would not the gentleman's amendment cover claims 40 or 50 years back?

Mr. McKEOWN. No; these are claims entirely arising out of the World War, between April 6, 1917, and the 11th of November, 1918.

Mr. CHINDBLOM. And only in the Department of the Navy?

Mr. McKEOWN. And only in the Navy Department. It will take from the department the necessity of making these investigations and relieve Congress from being continually bothered with these claims.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. McKEOWN. I will.

Mr. JACOBSTEIN. In the proposed bill you will find a restrictive clause in relation to these claims. Your amendment makes it wider and broader than the bill.

Mr. McKEOWN. If the claimant has not a legal and equitable claim—and that is a question for the attorney of the Government to go into to show as a matter of defense.

Mr. JACOBSTEIN. But where the man has made a net profit that case can not be adjudicated by the Secretary of the Navy.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? There was no objection.

Mr. BRITTEN. Mr. Chairman, I desire to call the attention of the House, before making my point of order to the Blanton amendment, to the fact that the substitute just offered throws the gate wide open for any contractor who may have made millions during the war and who may have a claim against the Government for some governmental action which promoted loss or damage, and yet, notwithstanding the fact that he has made a million dollars or more, under the substitute amendment he can go to the Court of Claims and get a judgment for the additional amount. The amendment is much broader and wider than the language of the bill. I have no doubt the contractors of the country would like that amendment. On two previous occasions the House objected to that very thing when they passed the section that is now before the House. They did not want the matter thrown wide open. They wanted Congress to determine how much the claimant should get when he was damaged by governmental action.

Mr. HOCH. Will the gentleman yield?

Mr. BRITTEN. Certainly.

Mr. HOCH. What objection would the gentleman have to sending the claims to the Court of Claims for decision under the language of section 9? I mean limited in the jurisdiction of the Court of Claims to precisely these claims mentioned in section 9.

Mr. BRITTEN. Well, I suppose the entire section would have to be rewritten. I am saying that I think the House desires to hold the purse strings in cases of that kind. There has been too much money given contractors in the past for claims made against the Government on war contracts. Every group of contractors who did work for the United States has been settled with with the exception of this small group.

I have said that I would wash my hands of this section and would not fight any more. When you mention relief for a contractor it is just like a red flag to a bull in this House. Certain gentlemen want to get a whack at them. The truth of the matter is they fight all such claims even where the Government has occasioned the loss to the contractor.

Mr. BUTLER. Will the gentleman state the facts of the Idaho?

Mr. BRITTEN. They were building the Idaho in the New York Ship Building Co. yard. The Secretary of the Navy, Josephus Daniels, notified the company by letter and telegram to work three shifts on the vessel to get the ship completed ready for war. The company did complete the vessel, and they sent in their bill. Nobody will question the honesty of Josephus Daniels. It never has been questioned. The voucher was issued by the Navy Department. There was no dispute between the Navy Department and the contractor; they agreed substantially on the amount.

Mr. BUTLER. And there was not a dollar of profit in it?

Mr. BRITTEN. Not a dollar of profit. The voucher was issued, but the comptroller decided that the Secretary of the Navy had no authority; that he had gone beyond the limit of his authority and he would not pay the company. For six or eight years they have been without their pay, which amounts to some \$1,400,000. It is a sin and a shame, and if the company had not had good credit and good banking facilities it

would have wiped them out of existence, because they had no redress in the Court of Claims. They are coming for settlement to the House, and as far as I am concerned I would rather have these claims settled by the Committee on Appropriations than in the Court of Claims.

Mr. BLANTON. Does not my amendment embrace every safeguard that the bill does?

Mr. BRITTEN. No; the gentleman's amendment practically makes the Secretary of the Navy the attorney for the claimant.

Mr. BLANTON. But it embraces every safeguard for the Government that the bill does.

Mr. BRITTEN. It can not and do the other thing.

Mr. BLANTON. It does not strike out any of the safeguards.

Mr. BRITTEN. Mr. Chairman, I want to make my point of order upon the Blanton amendment.

Mr. BUTLER. Mr. Chairman, before the gentleman from Illinois addresses himself to the point of order I wish he would permit me to interrupt him for a moment.

Mr. BRITTEN. Certainly.

Mr. BUTLER. Like my friend from Illinois [Mr. BRITTEN], I am ready to abandon this. For years the Naval Affairs Committee of the House has endeavored to see justice done these people. We are not interested in any of them—they are not our constituents. This House discussed this measure and amended it and this is what resulted in the House. We have brought it back to the House just as the House prepared it, and in my judgment it ought to pass on. Like the gentleman from Illinois, I am through if the House does not want to help the Government keep its obligations and do it in a way so that we keep control of it.

Mr. BLANTON. Mr. Chairman, what is the gentleman's point of order?

Mr. BRITTEN. I am willing to proceed on to a vote, as certain Members are calling for a vote.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. BRITTEN. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 1, noes 85.

So the amendment was rejected.

Mr. McKEOWN. Mr. Chairman, I offer now my amendment, which is at the Clerk's desk, and ask for a vote upon it.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN: Page 10, line 22, strike out section 9 and insert in lieu thereof the following:

"That jurisdiction be, and is hereby, conferred upon the Court of Claims, notwithstanding lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under any contract with the United States through the Secretary of the Navy or the Navy Department from April 6, 1917, to November 11, 1918, inclusive, or in the performance of any portion of such contracts entered into which remained uncompleted on April 6, 1917, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims, or by any department authorized to settle said claims.

"That from the decision of the Court of Claims in any suit prosecuted under the authority of this act, an appeal may be taken by either party as in other cases to the Supreme Court of the United States.

"Any and all claims against the United States within the purview of this section shall be forever barred, unless suit be instituted or petition filed in the Court of Claims within three years from the 5th day of March, 1925."

Mr. LEHLBACH. Mr. Chairman, I make the point of order against the amendment. Section 9 provides that with respect to a certain class of claims the Secretary of the Navy is authorized and directed to ascertain facts and report the same to Congress. We must take cognizance of the law of the land, and hence we know that the Congress is the only body at the present time having jurisdiction over the disposition of these claims. All the section does is to provide for the ascertainment of facts for the use of Congress. The amendment proposed strips Congress of its sole and exclusive jurisdiction over these claims and vests it in the Court of Claims and prescribes to a certain extent the procedure to be followed in bringing these cases before the Court of Claims and the adjudication of them there, which obviously has nothing whatever to do with the proposition to ascertain facts and report them back to Congress.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. GARRETT of Tennessee. I am inclined to agree with the gentleman as a matter of parliamentary law that this is subject to a point of order. I do not think the amendment offered by the gentleman from Texas [Mr. BLANTON] was; but let me ask the gentleman as a matter of policy whether he does not think it would be well for him to withdraw the point of order and let the House in Committee of the Whole express itself upon the question. If this be settled upon a point of order, it will be said that it is a technicality, and we are liable to be confronted with claim after claim in the future about these matters with the insistence that there has been no settlement by any vote of the House.

Mr. LEHLBACH. Mr. Chairman, I withdraw the point of order at the suggestion of the gentleman from Tennessee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. WILLIAMSON) there were—ayes 1, noes 85.

So the amendment was rejected.

The Clerk read as follows:

REPEAL OF SO MUCH OF SECTION 3 OF THE ACT OF JUNE 4, 1920, AS AUTHORIZES TRANSFERS AND APPOINTMENTS IN THE REGULAR NAVY

Sec. 10. That hereafter no officer of the United States Naval Reserve Force shall be transferred to or appointed in the Regular Navy under the provisions of section 3 of the act of June 4, 1920, and so much of said section 3 of the act of June 4, 1920, as authorizes such transfers and appointments is hereby repealed.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman to explain this section.

Mr. BUTLER. Mr. Chairman, this is a repealing act. There was authority through act of Congress for the transfer of men from one service to the other. Those transfers affected about 1,200 men that came out of the Navy, and they had to be transferred one way or the other to settle the matter right after the war was over. The purpose of the act has been accomplished, and, therefore, they have asked to have that section taken from the statute books.

Mr. BRITTEN. This merely makes law of existing practice.

Mr. LAGUARDIA. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

DISCHARGES FOR THE GOOD OF THE SERVICE

Sec. 11. That hereafter persons discharged from the naval service by dishonorable discharge, bad-conduct discharge, or any other discharge for the good of the service, may, upon discharge, be paid a sum not to exceed \$25: *Provided*, That the said sum shall be fixed by, and in the discretion of, the Secretary of the Navy, and shall be paid only in cases where the person so discharged would otherwise be without funds to meet his immediate needs: *Provided further*, That hereafter the appropriation, "Maintenance, Quartermaster's Department, Marine Corps," shall be available for the purchase of civilian outer clothing, not to exceed \$15 per man, to be issued when necessary to marines discharged for bad conduct, undesirability, unfitness, or inaptitude.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. The House has overwhelmingly voted upon this question of claims. I call the attention of the House to the attitude in which you place the Congress on this matter. Whenever any claim comes up from any Indian tribe or nation against the United States Government the Congress compels them to go into a Court of Claims, there to adjudicate the matter, but contractors with the Navy Department can come directly to Congress and receive their pay and their losses without being compelled to present claims in the Court of Claims. When the war was on and at its height the Food Administrator of the Nation sent out to the farmers of the country and urged them to raise wheat, hogs, cattle, food for the soldiers at the front, and on the announcement of the armistice he immediately withdrew the standardized price from hogs and cattle and let those who had a right to rely upon the Government take their losses.

You never gave them any hearing; you never gave them any opportunity to recover the millions they lost throughout the country. Yet you come here and are not willing to send the contractors even to the Court of Claims to present their claims, but propose to permit them to come in here to be paid out of the Treasury of the United States on some small investigation to be made by the department which made the contracts, whether they were wrong or not. I will say to you that this Congress is inconsistent in its action in this matter and turn-

ing over to the Navy Department the right to fix the claims. Every farmer in this country who relied upon the stabilizing of the price fixed by the Food Administrator during the war had the right to assume that he would have the right to dispose of his high-priced food, high-priced cattle, of his high-priced hogs that he had raised at the request of the Government, and his claim for damages by reason of the armistice is just as meritorious as some of the claims you propose to pay without referring them to the Court of Claims.

I have no right to scold because you exercise your judgment, you have had your say about it, but I want to call your attention to the fact that now you go out and say to this department, "You can pass on the merits and we will pay them." If you are going to leave it to a department, you can well leave it to the Navy. When the war broke out here you could not find men in the Army or Navy to make contracts. The business men just had to go up and down Washington streets and out to camps and back to find somebody to make a contract. When the war was over you could not haul all the contracts that were made in a wheelbarrow. You passed legislation to pay them when the war was over, and here you come again and say this department shall go down here and pass upon these claims that they themselves made; that the department is to say whether it is a just claim—

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. McKEOWN. Yes; I will yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. The gentleman, my good friend from Oklahoma, evidently overlooks certain language that is in this provision. The Secretary of the Navy will make investigations of claims; there will be a certification by him to the Budget. The Budget will then certify it to the Congress, and that certification will go to the Appropriations Committee. The Appropriations Committee will investigate, presumably, and then the House itself in the Committee of the Whole House on the state of the Union will have all of its opportunity to pass upon the provisions contained in an appropriation. Now if this had been a matter of turning over to the Secretary of the Navy the determining of it I doubt if it could have mustered a vote in this House. But I call the attention of the gentleman to this express declaration:

But such findings by the Secretary of the Navy so communicated shall not be construed as imposing any obligation upon the Government or releasing any claim or rights of the Government.

So the gentleman would not want to say that it rests wholly in the discretion of the Secretary of the Navy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKEOWN. I ask for five additional minutes.

Mr. BRITTEN. May I suggest to my good friend from Oklahoma that the Committee on Naval Affairs has two other important bills, one the Reserve Corps bill in which the gentleman himself is seriously interested, and we would like to bring up that bill to-night, but if the gentleman continues to talk I will say to him I am afraid that this bill, which will save \$400,000 annually to the Treasury for the same number of men in the Reserve Corps, will not be reached to-day, and consequently will not be reached during the present session of Congress.

The CHAIRMAN. Is there objection?

Mr. MacLAFFERTY. Mr. Chairman, I object.

Mr. GARRETT of Tennessee. I hope the gentleman will not object. I called the attention of the gentleman to a matter and I think he ought to have a minute or two.

Mr. MacLAFFERTY. I withdraw the objection.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. McKEOWN. The gentleman from Tennessee calls my attention to this provision. The gentleman from Tennessee is correct, but, my friends, when they go to the Court of Claims the same power to control the appropriation still rests in the Congress.

Mr. CARTER. Will the gentleman yield?

Mr. McKEOWN. I will.

Mr. CARTER. Can the gentleman recall during his service of a judgment of the Court of Claims having been refused to be appropriated for by the Congress?

Mr. McKEOWN. I will say this to the gentleman: That I have not heard of any claim being rejected by the Congress approved by the Navy Department either. They have to go through the same process as if they go to the Court of Claims. A claim goes to the Court of Claims and that court passes upon it, and it comes back here and goes to the Budget Committee and goes through the same process. There is no difference between the process except this, that instead of being

recommended by the Navy Department and passed by the Budget it will be made upon a judgment of the Court of Claims sent to the Budget Committee; if it is approved by the Budget Committee the appropriation will be made. That is all the difference. It is just a different process.

Mr. CARTER. I call the gentleman's attention to the fact that several things have been recommended before we had the Budget; several claims that I have knowledge of were presented by the department; claims which were turned down by the Congress.

Mr. McKEOWN. The proposition is this: You have turned over to the departments the right to investigate and report on certain claims. Now you propose to take those claims without a judicial determination and have the department which incurred the claim pass upon its own contract and the equity existing under its own contract. I say it is not fair to the Government of the United States and it is not fair to the taxpayers.

It may be asked, why not let every other claim go to the departments? There are claims here time after time from the West, approved by the Secretary of the Interior, determined by him and recommended by him for payment, and they have lain here on the table for 20 long years, and you can not get consent out of the Congress to settle honest, just claims.

Now I am complaining, and I have a right to complain, at the treatment you give to one class of citizens in favor of another class. There have been claims in this Congress that have been reported out favorably and they have been heard and commissions have been appointed to determine them, and you will not let them go to the Court of Claims. I say you are not consistent. This very action here now will come back to haunt you in the future when you consider the matter of claims. You will have to meet the same problem some time in the future, because if every claimant who had a claim during the war can go to the department that he made the contract with where is the protection given to the people who pay the taxes of this country?

Gentlemen, it is not my business here to criticize you. I simply call your attention to your action in this regard and your treatment of other claims against the United States Government. There are hundreds of claimants who have claims just as honest and meritorious and equitable as those that arose out of the war, and they can not be heard.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MARINE BAND

SEC. 12. That the band of the United States Marine Corps shall consist of 1 leader, whose pay and allowances shall be those of a captain in the Marine Corps; 1 second leader, whose pay shall be \$200 per month, and who shall have the allowances of a sergeant major; 10 principal musicians, whose pay shall be \$150 per month; 25 first-class musicians, whose pay shall be \$125 per month; 20 second-class musicians, whose pay shall be \$100 per month; and 10 third-class musicians, whose pay shall be \$85 per month; such musicians of the band to have the allowances of a sergeant: *Provided*, That the second leader and musicians of the band shall receive the same increases for length of service and the same enlistment allowance or gratuity for reenlisting as is now or may hereafter be provided for other enlisted men of the Marine Corps: *Provided further*, That the pay authorized herein for the second leader and the musicians of the band shall be effective from July 1, 1922, and shall apply in computing the pay of former members of the band now on the retired list and who have been retired since June 30, 1922: *Provided further*, That in the event of promotion of the second leader, or a musician of the band to leader of the band, all service as such second leader, or as such musician of the band, or both, shall be counted in computing longevity increase in pay: *And provided further*, That hereafter during concert tours approved by the President, members of the Marine Band shall suffer no loss of allowances.

Mr. LaGUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. LaGUARDIA. Mr. Chairman, I ask unanimous consent to extend my remarks on the Marine Band.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks on the Marine Band. Is there objection?

There was no objection.

Mr. LaGUARDIA. Mr. Chairman, I want to congratulate the committee in giving the House an opportunity to do something for the Marine Band. While the provisions made in the bill may seem to some to be substantial, I personally do not believe that we are doing enough for the splendid men, yes, art-

ists, who make up this great musical organization. Every one of these men could go out in civil life and make as much in one week as we are here granting them for a month. My purpose to-day is that the House should express its appreciation for the high artistic standard which the Marine Band has achieved, and to express our congratulations to the musicians and the leader of this splendid organization.

Capt. William H. Santelmann, known throughout the United States as Professor Santelmann, is, indeed, to be congratulated in what he has been able to accomplish. The Marine Band, with its nation-wide fame, has become an American institution. It is the last word in perfection as a military band, and of late has developed an orchestra of which the Nation may well be proud—an orchestra which compares favorably with the best symphony orchestras of the country.

I want to call the attention of my colleagues that every Wednesday night the Marine Band Orchestra gives a concert of classical music at the Marine Barracks in this city. To attend these concerts is not only an enjoyment, but instructive. To my colleagues who are lovers of music, or have in their families those who appreciate good music or who are studying the art, I commend these Wednesday night concerts. For—

Music hath charms to soothe a savage breast,
To soften rocks, or bend a knotted oak.
I've read that things inanimate have moved,
And, as with living souls, have been inform'd
By magic numbers and persuasive sound.

And—

Music's force can tame the furious beast:
Can make the wolf or foaming boar restrain
His rage; the lion drop his crested mane
Attentive to the song.

Professor Santelmann has labored for years to bring this band to its high state of perfection. As a military band I dare say that it is about the best in the whole world. The labor which Professor Santelmann and his musicians have given to perfect the orchestra is above and beyond the ordinary call of duty and may be considered by us their contribution to the United States Government.

The band first came to its prominence under the leadership of the famous March King, John Philip Sousa. He was succeeded by Professor Fanciulli, who in turn was succeeded by the present leader, Capt. William H. Santelmann. To Professor Santelmann is due the credit of having first organized the Marine Band Orchestra about 25 years ago.

I want to take this opportunity to read a brief history of the United States Marine Band which was written by Maj. Edwin North McClellan, historian of the corps:

Shortly after November 10, 1775, when the Continental Congress said, "Let there be marines!" Benjamin Franklin, in Philadelphia, saw on the drums of the marines recruiting the regiment authorized a rattlesnake, and under it the motto, "Don't tread on me!" That motto survives to-day on the drums of our Marine Corps, and those drummers and their fifers were the forerunners of the famous Marine Band.

Pipes and drums were the only musical instruments used by our military in the Revolution. A group of 10 or more of them was called a "band," and those gallant marines possessed as fine a "band" as any other military organization of the period. With the end of the Revolution came the end of everything military in our country, and it is not until 1797 that we again find marines and "musics"—those that served on the frigates of the new Navy which Congress authorized in 1794.

In 1798 Congress decided that the country could no longer get along without an organization of marines, and on July 11 of that year John Adams approved a bill that brought the new Marine Corps into being. This act of Congress authorized a drum major, a fife major, and 32 "drums and fifes."

Some of these "musics" were sent out on recruiting duty, some fell in battle on board our warships from 1798 to 1801 in the French naval war, while a sufficient number were retained in Philadelphia, and under Drum Major William Farr a fife and drum corps was formed.

When the Capital moved to Washington in 1800 the marines, including Drum Major Farr's fife and drum corps, went along, and in July camped on a "beautiful hill overlooking the Potomac," the same hill on which to-day stands the Naval Hospital.

The Federal City is described as a "barren desert" in 1800, and William Ward Burrows, the first commandant, decided to organize a real military band to dispel the monotony. Encouraged by President John Adams, by Vice President Thomas Jefferson, and by Benjamin Stoddert, the first Secretary of the Navy, Colonel Burrows soon developed the embryo band started in Philadelphia into a military band

of wind instruments. After the arrival of Thomas Jefferson in Washington late in November, he and Colonel Burrows frequently were seen riding along the wooded bridle paths tracing the romantic Rock Creek, discussing, among other things, the new Marine Band.

The first recorded open-air concert by the Marine Band in the Capitol City was an informal one on August 21, 1800, when Washingtonians thronged the marine camp "on the hill" to hear the band led by William Farr, its first leader. There is no record of what instruments were played by the band on this date, but by December they consisted of two oboes, two clarinets, two French horns, a bassoon, and a drum. Efforts to secure a bass drum were not successful for several months.

The Marine Band is the most ancient of American military bands, and it was the only band of a public nature in Washington up to some time later than 1830.

After holding informal concerts at their camp and playing dance music for balls of the Washington assembly—the first of which was held at Stelle's Hotel late in 1800—the band was prepared to make its official debut when President Adams received at the White House on New Year's Day, 1801. This was the first of a long line of New Year's Days, from the time of John Adams to that of Calvin Coolidge, on which the band has played at the White House receptions. Since Jefferson's day it has played at every inauguration when that ceremony called for the presence of a band. During its history every President has called upon it to play for functions at the White House, and all have praised its efforts; but of its many friends the "Lady of the White House" has always been its warmest admirer and most helpful patron.

Scarlet coats faced with blue, white-cloth pantaloons with black garters up to the calf of the leg, high-crowned hats without brims, "brass eagle," blue hatband with red-plush plume, and a blue, yellow, and red cord with tassel formed the uniform of the band at its formal debut.

From 1800 to 1924 there have been 15 leaders of the Marine Band—William Farr, Charles S. Ashworth, John Powley, Venerando Pulizzi, John B. Cuvillier, Joseph Cuvillier, Francis Schenig, Raphael R. Triay, Antonio Pons, Joseph Luchesi, Francis Scala, Henry Fries, Louis Schneider, John Philip Sousa, Francisco Fanciulli, and the present leader, William H. Santelmann.

There exists a false tradition which claims that the origin of the Marine Band lay in a group of kidnaped Italians. This tale has, in a small degree, withheld from the Marine Band a fair share of its glory as an American musical organization. "The music of a nation expresses its soul"; it "interprets its history, its religion, its patriotism, and its social customs as do few single mediums." In America the Marine Band has most aptly illustrated this. And there is no American musical organization that has achieved more in this direction than our Marine Band. There is probably no organization that has exercised a more potent Americanizing influence than this band. Let it be said right here that the foundation of the Marine Band is American and not transplanted Italian, as the false tradition has it. It is an American growth in root as well as in branch.

Thomas Jefferson, "the godfather" of the Marine Band, called for its presence frequently during his two administrations. It played for James Madison when he became President on March 4, 1809, and on the evening of that date, at Long's Hotel, its stirring strains ushered in the first inaugural ball ever held. The ball opened at 7 o'clock when Thomas Jefferson entered, the Marine Band playing Jefferson's March. As President Madison, with "sweet Dolly" on his arm, entered the band struck up Madison's March. The band has been a familiar sight at practically every inaugural ball held since.

During the second war with Great Britain the Marine bandmen not only helped to maintain national morale in the Capital with their national airs and martial strains, but some fought at the Battle of Bladensburg, while others assisted in saving the early records of the corps when the British burned the city.

The band was unusually prominent during the administrations of James Monroe and John Quincy Adams. It played at the White House several times for Lafayette in 1824 and the following year, and accompanied the "Nation's guest" to Mount Vernon and Yorktown. On September 6, 1825 (the birthday of Lafayette), President Adams rose and proposed the first toast ever drunk at a dinner in the President's house—"The 22d of February and the 6th of September." The toast was drunk standing to The Marseillaise, by the Marine Band, which also played an appropriate air to Lafayette's response—"The 4th of July, the birthday of liberty in both hemispheres."

When General Henderson, the commandant of the corps, received Lafayette at his residence, the present home of General Lejeune, the Marine Band rendered appropriate honors.

Often did the band play for President Jackson his favorite air—Auld Lang Syne—and it also played in the presence of Jackson's 1,400-pound "mammoth cheese" in 1829, as in 1802 it had for the 750-pound "great cheese" of President Jefferson.

It played for President Polk and the Nation throughout the Mexican War and buoyed national spirit, while it also assisted in recruiting.

The band had a very beneficial effect on public morale during the war of the Confederacy. President Lincoln insisted that it continue its outdoor concerts and frequently called upon it to play at the White House. It also was present when Abraham Lincoln made his historic Gettysburg speech.

Abraham Lincoln and Andrew Johnson were sworn into office on March 4, 1865. Immediately after the conclusion of the address the Marine Band played the national air, God Save Our President, the music of which had been specially arranged for the band. What a remarkable coincidence that such a prayer should be carried to high heaven one month and 10 days before he was stricken down by an assassin!

Shortly after he assumed office President Johnson reviewed General Hancock's Veteran Corps, prior to its disbandment. Being short on music, General Hancock borrowed the Marine Band for the occasion. It marched about two miles at the head of the column, formed in front of the President, and played while the entire corps passed. General Hancock was so pleased that he shook hands with the leader of the band and invited the bandmen to have luncheon with the President of the United States at two long tables prepared under canvas.

The band played at the first egg rolling on the White House grounds and for the first White House children's party when Andrew Johnson was President.

It has played at all the important weddings in the White House, including those of Nellie Grant and Alice Roosevelt.

It has visited, in its annual concert tours, practically every State in the Union. The band never has toured abroad, but the world has come to America to hear it play. Thousands of prominent diplomats and other noted foreigners have heard it. When President Buchanan entertained the Prince of Wales (Edward VII) for a week at the White House, the band virtually lived at the President's.

Not only on gala days has the band performed for the President "and his lady," but also on days of national bereavement. The band led the 2-mile-long funeral procession that mourned for William Henry Harrison, and General Henderson with nine marines guarded his body to North Bend. The band played the funeral dirge for Zachary Taylor, for Abraham Lincoln, and accompanied the body of James A. Garfield to Cleveland. At the funeral of William McKinley the band played the hymns that were always dear to his heart—Lead Kindly Light and Nearer My God to Thee. In life the band played for Warren G. Harding his favorite air, Perfect Day, and in his death it played the hymn he liked above all others, Lead, Kindly Light.

Every President of the United States, except George Washington, has heard the music of the Marine Band, and all of them have encouraged its improvement. George Washington, no doubt, listened to the old fife and drum corps in Philadelphia; John Adams was the first President who heard the band play at the White House; President Jefferson was its sponsor and greatest friend; President Van Buren instituted the formal outdoor concerts at the Capitol Grounds, and President Tyler those at the White House grounds; President Pierce in 1856 approved legislation according the band extra emolument for playing on the grounds of the President and the Capitol (after it had so played gratuitously for over 18 years); President Abraham Lincoln on July 25, 1861, signed an act of Congress which gave the band the full official status that it deserved; on March 3, 1899—25 years ago—President McKinley signed an act that doubled the strength of the band, authorized that the leader should have the pay and allowances of a first lieutenant, and provided a second leader. The legislation was brought about by the earnest recommendation of Brig. Gen. Commandant Charles Heywood.

William H. Santelmann, the present leader, was the first to occupy this office with the pay and allowances of first lieutenant in the Marine Corps.

The band was further increased in 1916 during the administration of Maj. Gen. George Barnett. On the 29th of August of that year President Wilson by his signature made a law which established the strength of the band at 65 musicians and provided that the leader should have the pay and allowances of a captain in the Marine Corps.

In November, 1918, the Marine Band, which theretofore had been attached to the Washington Marine Barracks, was ordered to be attached to headquarters and Lieut. Col. John W. Wadleigh, commanding officer of the barracks, received orders as its commanding officer. Colonel Wadleigh was succeeded in turn by Maj. Clayton B. Vogel and Col. James C. Breckinridge, the present commanding officer of the barracks and of the band.

Prior to March 3, 1899, the Marine Band was a magnificent organization with a history interwoven with that of the Presidents and the White House. Its leaders were splendid musicians and many of them composers. In 1813 Leader Ashworth wrote a book on military music which was adopted by the Army, Navy, and the Militia. Meritorious works were prepared by other leaders. Led by John Philip Sousa, the famous March King, the band rose to heights never before reached by an American military band.

Presidents Hayes, Garfield, Arthur, Cleveland, and Harrison not only very frequently expressed their high admiration of the performances of the Marine Band at the White House, but were warm personal friends of John Philip Sousa. The incidents occurring at the White House described by Sousa in his charmingly written books and articles form an intimate part of the White House history.

While as early as 1801 it was accepted as the National band and as the band of the President, and while it gradually added to its fame throughout the long years of our Nation's history, nevertheless it was not until 1890 that Congress afforded it an opportunity to reach its full development as a military band and as a symphonic organization. When, in that year, the band was increased from 30 to 60 members, Mr. Santelmann thought it an appropriate time to organize a symphony orchestra within the band. With this end in view he required that every member of the band double on a string instrument unless he be a soloist. Being himself a violinist of note and thoroughly experienced in symphony work he was very successful in this new venture. Mr. Santelmann after about four years of intelligent preparation declared in 1902 that the orchestra was ready for use at the White House and since that year the Marine Band has played there at all its indoor functions as a symphony orchestra.

It has taken 25 years to gradually evolve the Marine Band from a remarkable military band of wind instruments to its present status. It has taken unusual patience, endurance, and ability on the part of the leader to bring this result about.

During his quarter of a century as leader of the Marine Band Mr. Santelmann has led it in many important engagements of national and international importance. He is a composer of notable talent and ability. The band, under Mr. Santelmann, has played for Presidents McKinley, Roosevelt, Taft, Wilson, Harding, and Coolidge. Under his direction the band has furnished music on many occasions, when visiting royalties and other high dignitaries were present, and at ceremonies of great historic importance. In recognition of his valuable services to the public he has received a number of diplomas and decorations, among which are diplomas from the Trans-Mississippi Exposition in Omaha, the Buffalo Exposition, and the Louisiana Purchase Exposition in St. Louis. He has also received a degree of doctor of music from the George Washington University.

Besides the various official engagements Mr. Santelmann has taken the band on many successful concert tours throughout the country, covering practically every State of the Union.

With such a proud history it is no wonder that our Marine Band has always occupied such a warm position in the affections of not only the many Presidents, their families, and official Washington, but in the hearts of all Americans.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

REIMBURSEMENT TO CERTAIN FIRMS, ASSOCIATIONS, AND CORPORATIONS FOR MONEY ADVANCED

SEC. 14. That the Paymaster General of the Navy is hereby authorized, in his discretion, to make reimbursement to any individual, firm, association, company, or corporation for money advanced on behalf of the Government during the late war to any officer or enlisted man of the naval service on account of pay if upon presentation of evidence satisfactory to himself it is established that such individual, firm, association, company, or corporation has not heretofore received reimbursement in any way for the money so advanced: *Provided*, That the total amount for the purpose of reimbursement shall not exceed the sum of \$35,000: *Provided further*, That any amounts thus allowed shall be payable from the appropriation for pay of the Navy current at the time of settlement.

Mr. McCLINTIC. Mr. Chairman, I move to strike out the last word for the purpose of directing a question to the chairman.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. McCLINTIC. On line 10 of page 15, referring to the Paymaster General of the Navy, after the word "Navy," would it not be better to have that read, "with the approval of the Secretary of the Navy"?

Mr. BUTLER. Is that the matter that the gentleman spoke of the other day in the committee?

Mr. McCLINTIC. Yes. After the word "Navy," in line 10, I offer an amendment, to insert "with the approval of the Secretary of the Navy."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC: Page 15, line 10, after the word "Navy," insert the words "with the approval of the Secretary of the Navy."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Oklahoma.

The amendment was agreed to.

Mr. O'CONNELL of New York. Mr. Chairman, I move to strike out the last word. I offer an amendment on line 14, after the word "the": Strike out "late war" and insert "World War."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. O'CONNELL of New York: Page 15, line 14, strike out the words "late war" and insert in lieu thereof the words "World War."

Mr. BUTLER. Mr. Chairman, I accept that.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TRAINING DUTY, NAVAL RESERVE FORCE

SEC. 15. That officers and men of the Naval Reserve who may, upon their own application, under such regulations as the Secretary of the Navy may prescribe, perform training duty for periods of less than 15 days each may be furnished subsistence in kind or commutation therefor at the rate fixed by law.

That enrolled men of the Naval Reserve may hereafter, in the discretion of the Secretary of the Navy, be confirmed in the lowest enlisted ratings of the naval service without first performing the minimum amount of active service required in the act approved August 29, 1916, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes."

That on and after July 1, 1922, the retainer pay of all men who were on that day transferred members of the Fleet Naval Reserve or the Fleet Marine Corps Reserve shall be computed on the rates of pay authorized for enlisted men of the naval service by the act approved June 10, 1922: *Provided*, That the retainer pay of said reservists shall be not less than that to which they were entitled on June 30, 1922, under decisions of the Comptroller of the Treasury in force on that date.

Mr. BUTLER. Mr. Chairman, paragraph 3 under that section we will ask to be stricken out. It is already provided for in the law now existing. It begins on line 15 of page 16 and continues on down to line 23.

Mr. CHINDBLOM. Is the law that has been enacted of exactly the same force and effect as this paragraph?

Mr. BUTLER. Yes. That has already been provided for by Congress.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. BUTLER: Page 16, beginning with line 15, strike out all down to and including line 23 on the same page.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MARINE CORPS SUPPLY DEPOT, SAN FRANCISCO, CALIF.

SEC. 17. That the Secretary of the Navy is authorized to take the necessary steps to construct a building for use as a supply depot for the Marine Corps, San Francisco, Calif., the cost, including the grading of the site, not to exceed \$335,000, and to submit an estimate for the necessary funds to the Director of the Bureau of the Budget for inclusion in the Budget for the service for the fiscal year ending June 30, 1925: *Provided*, That the Secretary of the Treasury is hereby authorized to transfer to the Navy Department a tract of land situated in the city of San Francisco, Calif., consisting of four 50-vara lots fronting 275 feet on the north side of Harrison Street and extending back, bounded by Spear and Main Streets, 275 feet, for use as a site for the building herein authorized.

Mr. BUTLER. Mr. Chairman, I move to strike out the whole section. It has already been provided for. Since we first introduced this bill and asked the House to consider it that has been taken care of by other legislation on an appropriation bill.

Mr. MACLAFFERTY. Was that during the last session that it was provided for?

Mr. BUTLER. Yes. It came in on an appropriation bill from the Senate.

Mr. VINSON of Georgia. It was taken care of on the 28th of May.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. BUTLER offers the following amendment: Page 17, beginning on line 10, strike out all of section 17 down to and including line 2 on page 18.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The Clerk read as follows:

COMMANDER CHARLES O. MAAS

SEC. 18. That the Secretary of the Navy is authorized to supplement the military record of the late Lieut. Commander Charles O. Maas, Naval Reserve Force, to show the voluntary service performed by said Lieutenant Commander Maas, and accepted by the Navy Department subsequent to the date upon which he was placed on inactive duty, and that such acceptance may be treated as a recall to active service: *Provided*, That no back pay or allowances of any kind shall accrue as a result of the passage of this section.

Mr. GARRETT of Tennessee. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. GARRETT of Tennessee. I desire to ask a question of the chairman of the committee. This bill, I believe, has passed the House heretofore?

Mr. BUTLER. Yes.

Mr. GARRETT of Tennessee. Is that the case in which the officer was out of the service for a little while?

Mr. BUTLER. Yes. I will say to my friend that this is purely an effort on the part of the Naval Affairs Committee to satisfy the sentimental feeling which the widow of this officer had for her husband, who died in service but while he was temporarily out of it. He had been detailed for some civil service, and she desires it to appear that when he did die, he died in the service. Mind you, he was not out of the service, but he was detailed for some civil duty.

Mr. GARRETT of Tennessee. It is merely a correction of the record?

Mr. BUTLER. That is all. And, furthermore, it costs not one penny.

The Clerk read as follows:

UNITED STATES NAVY BAND

SEC. 19. That hereafter the band now stationed at the navy yard, Washington, D. C., and known as the Navy Yard Band, shall be designated as the United States Navy Band, and the leader of this band shall receive the pay and allowances of a Lieutenant in the Navy: *Provided*, That all service as an enlisted man in the naval service shall be counted in computing longevity increases for pay of this leader: *Provided further*, That no back pay or allowances shall be allowed to this leader by reason of the passage of this act: *And provided further*, That hereafter during concert tours approved by the President members of the United States Navy Band shall suffer no loss of allowances.

Mr. LINTHICUM. Mr. Chairman, I desire to offer an amendment.

Mr. BUTLER. Will the gentleman from Maryland, before he offers his amendment, permit me to make an explanation?

Mr. LINTHICUM. Yes.

Mr. BUTLER. I am going to suggest that this is all provided for in existing law except for the leader himself. This has all been provided for in other paragraphs of other bills, except the provision that fixes the leader's salary. Of course, he is a great musician.

Mr. LINTHICUM. My amendment has nothing to do with that.

Mr. BUTLER. Very good.

Mr. BRITTEN. And I want to suggest that this changes the name of the band from the Navy Yard Band to the United States Navy Band.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: Page 19, after section 19, insert a new section to read as follows:

"That the pay and allowances of the members of the Naval Academy band shall be based upon the provisions of section 10 of the rates of pay provided in the act of June 10, 1922: *Provided*, That nothing in this act shall operate to reduce the pay any member of the Naval Academy band was in receipt of on June 30, 1922."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane to the bill.

The CHAIRMAN. Does the gentleman from Maryland wish to be heard on the point of order?

Mr. LINTHICUM. Mr. Chairman, I can not see why it is not germane to the bill. We are providing for the Marine Band in this bill and also for the United States Navy Band. We are not only providing for that band, but we are changing the name of it, and we are taking up various other matters. If anything is germane to this bill, I do not see why this is not.

The CHAIRMAN. Will the gentleman from Maryland indulge the Chair one question?

Mr. LINTHICUM. Yes.

The CHAIRMAN. Is there anything in this bill anywhere which relates to the Naval Academy?

Mr. LINTHICUM. No; there is nothing that relates to the Naval Academy.

Mr. GARRETT of Tennessee. Mr. Chairman, in so far as the title might in any way be controlling as affecting the point of order, if the gentleman from Maryland will yield—

Mr. LINTHICUM. Certainly.

Mr. GARRETT of Tennessee. The title of the bill is a very peculiar title, "Providing for sundry matters affecting the naval service, and for other purposes." Certainly the Naval Academy has something to do with the naval service.

Mr. BLANTON. Mr. Chairman, since the chairman of the committee does not see fit to make a point of order against this amendment, I will withdraw it, although the point of order is good, in my judgment. [Laughter.]

Mr. LINTHICUM. Mr. Chairman, I want to say that the Naval Academy is mentioned on page 8 of the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The amendment was agreed to.

The Clerk read as follows:

ENLISTMENTS IN THE NAVY

SEC. 20. That hereafter enlistments in the Navy may be for terms of two, three, four, or six years, and all laws now applicable to four-year enlistments shall apply, under such regulations as may be prescribed by the Secretary of the Navy, to enlistments for a shorter or longer period with proportionate benefits upon discharge and reenlistment.

Mr. JONES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Mr. JONES offers the following amendment: Page 19, line 9, after the word "reenlistment," insert the following: "Provided, That hereafter, upon the presentation of satisfactory evidence as to his age, and upon application for discharge by his parent or guardian, presented to the Secretary within one year after the date of his enlistment, any man enlisted after July 1, 1924, in the naval service or Marine Corps under 21 years of age, who was enlisted without the written consent of his parent or guardian, if any, shall be discharged for his own convenience."

Mr. JONES. Mr. Chairman, I think the chairman should accept that amendment. It is worded exactly as the amendment was worded when it was placed upon the naval appropriation bill of last year except for one change. The amendment of last year was originally offered by my colleague from Texas [Mr. CONNALLY], was inserted in the appropriation bill of last year, and later made permanent law. The only change in the amendment which I have suggested is to give the parent or guardian one year in which to file application for discharge with the Secretary of the Navy instead of 60 days, and to write the change into the permanent law. I will state that since this amendment has been in effect on July 1, 1924, I have had two instances of boys under 21 years who were enlisted and whose parents got around to the proper method of making applications for discharge after 60 days from the time of enlistment and they were thus barred. They ought not to be barred within 60 days. They frequently write to the commanding officer, and before the proper channel is found the 60 days has elapsed.

Mr. BUTLER. What was the action of the House on the question of enlistment?

Mr. JONES. My amendment is in the exact words of the one adopted last year except that it makes the limit one year instead of 60 days for the filing of the application.

Mr. VINSON of Georgia. Under the law to-day such an application must be filed within 60 days, while under the gentleman's amendment it could be filed within one year.

Mr. BLANTON. It gives them one year instead of 60 days.

Mr. JONES. I have heard a number of Members complain that the present 60-day limit bars many applications, and as the House has taken action on this question there ought not to be any opposition to my amendment.

Mr. BUTLER. As it is late in the afternoon let us make a bit of a compromise and make it six months, because they tell us in the Navy they would not like to have the period extended to one year.

Mr. JONES. I think that would be quite enough. I ask unanimous consent that I may amend my amendment in that way and make it six months instead of one year.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment by changing "one year" to "six months." Is there objection?

There was no objection.

The amendment was agreed to.

The Clerk read as follows:

SEC. 21. That any officer of the Marine Corps now in the service shall be credited for all purposes with the actual time served prior to the passage of this act as chief clerk of the Commandant of the Marine Corps previous to being commissioned: *Provided*, That no back pay or allowances of any kind shall be allowed as a result of the passage of this section.

Mr. CONNALLY of Texas. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. CONNALLY of Texas. I move to strike out the last word. I want to ask the gentleman from Pennsylvania the name of the gentleman in the Marine Corps that this section is intended to benefit.

Mr. BUTLER. Mr. Chairman, evidently my friend was present when this was discussed a year ago—

Mr. CONNALLY of Texas. No; I never heard of it in my life before.

Mr. BUTLER. I will be delighted to tell the gentleman about it.

Mr. CONNALLY of Texas. But I know from the way this language is drawn that it is intended to do a favor for some individual, and I want to know who it is.

Mr. BUTLER. I am not going to mislead this House on anything.

Mr. CONNALLY of Texas. I know the gentleman will not, and that is why I am asking him about it.

Mr. BUTLER. I thank the gentleman for the compliment. It refers to General McCawley.

Mr. CONNALLY of Texas. I did not know who he was, but I knew it referred to some individual.

Mr. BUTLER. It refers to General McCawley, who is one of the most efficient quartermasters the Marine Corps ever had, and we are all willing to testify to this man's great economy and great service which he has rendered this corps. He is permanently appointed under an old law. He can not retire, because he has not had 30 years of service. He can not be removed, because under an old law he is entitled to remain where he is. He is within two years or two years and a half of the retiring period. He had rendered most excellent service as a military man, as a soldier in the Spanish-American War, and has been decorated for his bravery. There are precedents where civilians—

Mr. CONNALLY of Texas. Why do you want to retire him? That is what I am getting at. What has he done?

Mr. BUTLER. I will be delighted to answer that. I suppose perhaps the Record ought not to contain my answer, but the gentleman from Texas wishes it, and this is it. While I am living I would like to see the man who, in my judgment, is the best administrative officer in the entire service, either the Army or the Navy, promoted—Colonel Radford, of Philadelphia, the only man in this country who hands back money to the Government every year. General McCawley is perfectly willing to retire if Congress will give him the benefit of two and a half years of service. I want to see Colonel Radford, of Kentucky, who runs this great depot in Philadelphia not only to the advantage of his corps but to the advantage of the whole Government, promoted. He is the only officer that hands back money to the Government every year out of his appropriation; and I would ask that this might be done. There is a precedent for it. It would not be fair to General McCawley to say that it was for the good of the service, but in my judgment a most excellent administrative officer would be promoted. He is an officer who rendered fine service during the war and accomplished great economies, and I hoped the House would be willing, as the House has done on two other occasions, to allow this measure to go through.

Mr. CONNALLY of Texas. I will say to the gentleman that the House will do this all right, and will do it because the gentleman wants it done. It will do it because the gentleman's committee wants it done, but it is wrong. It is wrong

to bring in legislation of this kind. It is wrong for the Naval Affairs Committee, a great committee, to single out some individual, and in order to benefit that individual come into this House and ask the Congress of the United States to take a man by law out of his rank and lift him up over all the great mass of officers in the Marine Corps and, in order to confer a special benefit and a special favor upon one individual, change the whole law of the Marine Corps in order that some man whom the gentleman from Pennsylvania likes—

Mr. BUTLER. I admire him very greatly.

Mr. CONNALLY of Texas. Or some man whom the gentleman from Illinois likes—

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask that I may have two additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. It is wrong, gentlemen. When a man goes into the Army or into the Marine Corps or into the Navy he ought to stand upon the same basis as every other man, and that is the basis of merit and the basis provided by law. And, forsooth, because somebody in the Navy or in the Marine Corps will not be able to be promoted unless they get General McCawley out of the way, and he will not become anything more than a colonel in his day and time they reach down and give General McCawley a promotion in the manner proposed here. I do not know General McCawley. I have nothing against him, but when I read this language, although I had never heard of the matter before, I knew there was some individual to be benefited and that this language was drawn so that it would fit that man and would not fit anybody else.

Mr. BUTLER. I do not suppose, Mr. Chairman—

Mr. CONNALLY of Texas. Will the gentleman please not interrupt me just now? I shall yield all the time the gentleman wants later. But let me conclude this sentence. What does this mean, "any officer of the Marine Corps now in the service who was chief clerk of the Commandant of the Marine Corps prior to becoming a commissioned officer"? In other words, there is no other officer in the Marine Corps that that description will fit except General McCawley. Why do you not name him? Why do you not have the courage to come out and say that General McCawley shall have artificially added to his service two and a half years—two and one-half imaginary years? You have not the courage to do that.

Mr. BUTLER. Oh, yes.

Mr. CONNALLY of Texas. But you come in here through this legislative legerdemain, this legislative deception, and you bring in a general description, "any officer," when you do not mean "any" officer—you mean "one" officer. You did not mean "any" officer when you said that any officer of the Marine Corps—

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask for three minutes more.

Mr. BUTLER. I ask that the gentleman may have additional time. I want to ask him one question.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. I love the gentleman from Pennsylvania, but I am talking about the principle that should govern the departments. We stand before the world saying we are all on a plane of equality; that this is the land with no special privileges. We believe in every citizen having the same rights, and yet, if you get into the Marine Corps or the Army or the Navy and you have influential friends on Capitol Hill or on one of these committees—the Naval Committee or the Military Committee—what do you do? This provision is general in its terms. "Any officer"—you would think there was a whole flock who had been chief clerks for the commandants, a whole regiment of them. "Any officer"—but when you come to investigate you find that you have described only one man. He is 6 feet 3 inches tall, he weighs 223 pounds, he is so many years old, so that there is only one man whom it describes, and no mistake about it. You make it as certain as the story of the one-eyed man in the poker game who had been cheating and stealing. One of the players went on to say, "I am not mentioning any names; I am laying down a general rule of conduct, but if that fellow who has been stealing

don't quit cheating I am going to shoot his other eye out." [Laughter.]

It is wrong; we are making the Marine Corps and the Navy and the Army a privileged class. You are making it a privileged class not only from civilians but you are making it a privileged class among the Navy and the Marine Corps. You are establishing a class, a cabal, a little military order within the services themselves. You are picking out a man by name and giving him the privilege of retirement, when other men of equal merit are denied that privilege.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEHLBACH. Will the gentleman yield?

Mr. CONNALLY of Texas. Now, I want to yield to the gentleman from New Jersey in a moment. Now, this is not right. Why did you give General McCawley two years, or whatever it may be, credit that he may retire? You say he is more efficient than any other man in the Marine Corps and, therefore, you want to retire him, get rid of him, kick him out, give him additional time.

Mr. BUTLER. Has not the gentleman lashed me sufficiently?

Mr. CONNALLY of Texas. Oh, no; that is not the reason. The reason is that until they get rid of General McCawley they could not get some other fellow on the roll up another notch and put a star on his shoulders.

Mr. LEHLBACH. Will the gentleman yield?

Mr. CONNALLY of Texas. I will.

Mr. LEHLBACH. I want to say to the gentleman that this bill like all other bills is accompanied by a printed report available to all Members of the House.

Mr. CONNALLY of Texas. I thank the gentleman for the information.

Mr. LEHLBACH. I want to ask the gentleman from Texas whether he thinks he is treating the committee fairly when he says that they have been deceiving the House by this language in the bill, because on page 35 of the report it is distinctly stated that this is in favor of General McCawley.

Mr. CONNALLY of Texas. Oh, I did not mean that. No one would undertake to deceive the gentleman from New Jersey. What I meant was that so far as this language in the bill is concerned, it does not show upon its face in whose favor it was. I was not talking about the report. This language did not deceive anybody.

Mr. LEHLBACH. Then, why did the gentleman from Texas ask the gentleman from Pennsylvania to whom it referred, when he could have read it in the report?

Mr. CONNALLY of Texas. Well, it was easier for the gentleman from Pennsylvania to state it, and I knew he would tell the truth about it. If I had seen the gentleman from New Jersey sitting over there with the report in his hand I should have asked him.

Mr. BUTLER. Now, I will state to the gentleman from Texas that this is rather an exceptional provision. I am willing to admit to my friend that it is a bit of selfishness, but it is the only one in the bill. Now, will not my friend, after he has lambasted me as he has, vote for the provision?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BUTLER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. CARTER. Mr. Chairman, I want to call the attention of the gentleman from Pennsylvania to the fact that the numbers of the sections ought to be changed.

Mr. BUTLER. I think that may be done in the House.

The CHAIRMAN. Without objection, the Clerk will make the necessary changes in the numbering of the paragraphs.

There was no objection.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania.

Mr. CONNALLY of Texas. Mr. Chairman, I was on my feet offering an amendment to the bill. I move to strike out section 21.

The CHAIRMAN. The Chair thinks that the gentleman was too late, but the Chair will recognize the gentleman for that purpose.

Mr. CONNALLY of Texas. I offer the following amendment.

The Clerk read as follows:

Page 19, strike out all of lines 10 to 19, inclusive.

The CHAIRMAN. The question is on the motion of the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. CONNALLY of Texas) there were 38 ayes and 82 noes.

So the amendment was rejected.

The motion of Mr. BUTLER was then agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEGG, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 2688) providing for sundry matters affecting the naval service, and for other purposes, and had directed him to report the same back with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BUTLER. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BLANTON. Mr. Speaker, I offer the following motion to recommit.

Mr. CONNALLY of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is either gentleman a member of the Committee on Naval Affairs?

Mr. CONNALLY of Texas. I am not.

Mr. BLANTON. I am not.

Mr. CONNALLY of Texas. But I am against the bill, Mr. Speaker.

The SPEAKER. Is the gentleman from Texas [Mr. BLANTON] against the bill?

Mr. BLANTON. I am.

The SPEAKER. The Chair will recognize the gentleman from Texas [Mr. CONNALLY] to offer his motion to recommit.

Mr. CONNALLY of Texas. Mr. Speaker, I offer the following motion to recommit to strike out section 21.

The SPEAKER. The gentleman from Texas offers the motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. CONNALLY of Texas moves to recommit the bill to the Committee on Naval Affairs with instructions to report the bill back forthwith with the following amendment: "Strike out all of section 21, page 19 of the bill."

Mr. BLANTON. Mr. Speaker, I offer the following substitute for the motion to recommit, which I send to the desk and ask to have read.

The Clerk read as follows:

Substitute motion to recommit by Mr. BLANTON.

Mr. BLANTON. Mr. Speaker, I move to recommit this bill to the Committee on Naval Affairs with instructions to report the same back to the House forthwith with the following amendments, to wit: On page 9, line 9, strike out "fifty" and insert in lieu thereof "sixty," and in the same line strike out "forty-five" and insert in lieu thereof "sixty"; and on page 10, in line 12, strike out "fifty-six" and insert in lieu thereof "sixty"; and on page 11, in line 17, strike out all of lines 17 to 21, inclusive, and insert in lieu thereof the following:

The Secretary of the Navy shall submit to the Court of Claims such of the claims as he may investigate under this authority as may be found to possess merit, accompanied by a comprehensive presentation of the facts in each case, but such findings so communicated shall not be construed as imposing any obligation upon the Government or releasing any claim or rights of the Government: *Provided*, That jurisdiction be, and the same is hereby, conferred upon the Court of Claims to hear and determine all of such cases so submitted to it by the Secretary of the Navy.

Mr. BEGG. Mr. Speaker, I make the point of order against the motion to recommit.

The SPEAKER. The gentleman will state his point of order.

Mr. BEGG. It is not germane to the bill.

The SPEAKER. Does the gentleman mean to the amendment or to the bill?

Mr. CHINDBLOM. It is certainly not germane to the amendment.

Mr. BEGG. It is not germane to the bill as a substitute amendment, and it is not germane to the Connally amendment. If it is not germane to the bill, of course the point of order would lie to the fact that it is not germane to the Connally amendment.

Mr. BLANTON. Mr. Speaker, it provides along the very line of the bill for an adjudication of claims. The only difference is that instead of referring the report of the Secretary of the Navy back to Congress the Secretary of the Navy sends it to the Court of Claims. It is clearly germane.

The SPEAKER. What does the gentleman say about its being germane to the motion of the gentleman from Texas [Mr. CONNALLY]?

Mr. BLANTON. Oh, that was the suggestion made by the gentleman from Illinois [Mr. CHINDBLOM].

The SPEAKER. The gentleman from Ohio also made the point of order, though perhaps at the suggestion of the gentleman from Illinois.

Mr. BLANTON. A substitute does not have to be germane to the amendment which it seeks to amend.

The SPEAKER. The Chair sustains the point of order.

Mr. GARRETT of Tennessee. Mr. Speaker, I move the previous question on the motion of the gentleman from Texas.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Texas to recommit the bill.

The question was taken; and on a division (demanded by Mr. CONNALLY of Texas) there were—ayes 45, noes 83.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill. The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were—ayes 111, noes 15.

Mr. HUDDLESTON. Mr. Speaker, I make the point of order that there is no quorum present, and I object to the vote upon that ground.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. It is clear that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. The question is on the passage of the bill.

The question was taken; and there were—ayes 283, noes 34, and not voting 115, as follows:

(Roll No. 5)
YEAS—283

Abernethy	Curry	Jacobstein	Murphy
Ackerman	Dallinger	James	Nelson, Me.
Aldrich	Darrow	Johnson, Wash.	Newton, Minn.
Allen	Davis, Minn.	Jost	Newton, Mo.
Allgood	Deal	Kearns	Nolan
Andrew	Dempsey	Kelly	O'Connell, N. Y.
Arnold	Dickinson, Iowa	Kendall	O'Connell, R. I.
Aswell	Dickinson, Mo.	Kerr	O'Connor, La.
Ayres	Dickstein	Ketchum	O'Connor, N. Y.
Bacharach	Doughton	Kless	O'Sullivan
Bacon	Dowell	Kindred	Oldfield
Barbour	Drane	King	Oliver, Ala.
Beers	Driver	Knutson	Oliver, N. Y.
Begg	Dyer	Kopp	Paige
Bell	Elliott	Kurtz	Patterson
Bixler	Evans, Iowa	Kvale	Peery
Black, N. Y.	Evans, Mont.	LaGuardia	Perkins
Bland	Fairfield	Lampert	Perlman
Bloom	Faust	Larsen, Ga.	Prall
Boies	Favrot	Lazaro	Purnell
Boyce	Fisher	Lea, Calif.	Quayle
Boylan	Fleetwood	Leach	Ragon
Brand, Ga.	Foster	Leatherwood	Rainey
Brand, Ohio	Frear	Leavitt	Raker
Briggs	Free	Lehibach	Ramseyer
Britten	Freeman	Lindsay	Ransley
Browne, N. J.	French	Lineberger	Rathbone
Browne, Wis.	Frothingham	Lathicum	Rayburn
Browning	Fulbright	Longworth	Reece
Brumm	Fuller	Lozier	Reed, N. Y.
Buchanan	Funk	Luce	Reid, Ill.
Bulwinkle	Garrett, Tenn.	Lyon	Richards
Burtness	Gasque	McClintic	Robinson, Iowa
Burton	Gibson	McDuffie	Robalon, Ky.
Butler	Gifford	McFadden	Romjue
Byrnes, S. C.	Glatfelter	McLaughlin, Mich.	Rubey
Byrnes, Tenn.	Goldsbrough	McLaughlin, Nebr.	Salmon
Campbell	Graham	McReynolds	Sanders, N. Y.
Cannon	Green	MacGregor	Sanders, Tex.
Carew	Griest	MacLafferty	Sandlin
Carter	Guyer	Magee, N. Y.	Scott
Casey	Hadley	Magee, Pa.	Sears, Nebr.
Celler	Hall	Major, Ill.	Sears, Fla.
Chinblom	Hardy	Major, Mo.	Seger
Christopherson	Harrison	Mape	Shreve
Clague	Hastings	Mead	Simmons
Clancy	Hawes	Michener	Sinclair
Cleary	Hawley	Miller, Wash.	Sinnott
Cole, Iowa	Hayden	Milligan	Sites
Coiler	Hersey	Minahan	Smith
Colton	Hickey	Montague	Snell
Connolly	Hill, Ala.	Mooney	Speaks
Connolly, Pa.	Hill, Md.	Moore, Ga.	Spearing
Cooper, Ohio	Hill, Wash.	Moore, Ohio	Sproul, Ill.
Cramton	Hoch	Moore, Va.	Stedman
Crisp	Holiday	Moore, Ind.	Stengle
Croll	Hooker	Morgan	Stephens
Cullen	Hudson	Morris	Strong, Kans.
Cummings	Hudspeth	Morrow	

Strong, Pa.
Summers, Wash.
Swank
Sweet
Swing
Taber
Tague
Taylor, Tenn.
Taylor, W. Va.
Temple
Thatcher
Thomas, Okla.

Tillman
Timberlake
Treadway
Tucker
Tydings
Underhill
Underwood
Valle
Vare
Vincent, Mich.
Vinson, Ga.
Vinson, Ky.

Voigt
Walwright
Ward, N. Y.
Wason
Watkins
Watres
Weaver
Wefald
Welsh
Wertz
White, Kans.
Williams, Ill.

Williamson
Wilson, La.
Wingo
Winter
Wolf
Wood
Woodruff
Woodrum
Wurzbach
Yates
Zihlman

NAYS—34

Beck
Blanton
Bowling
Box
Busby
Canfield
Collins
Connally, Tex.
Cooper, Wis.

Crosser
Davis, Tenn.
Fulmer
Gardner, Ind.
Garner, Tex.
Huddleston
Johnson, Tex.
Jones
Kincheloe

Lanham
Lankford
Lowrey
McKeown
McSweeney
Park, Ga.
Peavey
Quin
Rouse

Schafer
Shallenberger
Steagall
Stevenson
Summers, Tex.
Williams, Tex.
Wilson, Miss.

NOT VOTING—115

Almon
Anderson
Anthony
Bankhead
Barkley
Beedy
Berger
Black, Tex.
Buckley
Burdick
Cable
Clark, Fla.
Clarke, N. Y.
Cole, Ohio
Cook
Corning
Crowther
Davey
Denison
Dominick
Doyle
Drewry
Eagan
Edmonds
Fairchild
Fenn
Fish
Fitzgerald
Fredericks

Gallivan
Gambrell
Garber
Garrett, Tex.
Geran
Gilbert
Greenwood
Griffin
Hammer
Haugen
Howard, Nebr.
Howard, Okla.
Hull, M. D.
Hull, W. E.
Hull, Iowa
Hull, Tenn.
Humphreys
Jeffers
Johnson, Ky.
Johnson, S. Dak.
Johnson, W. Va.
Kahn
Keller
Kent
Kunz
Langley
Larson, Minn.
Lee, Ga.
Lilly

Logan
McKenzie
McLeod
McNulty
McSwain
Madden
Manlove
Mansfield
Merritt
Michaelson
Miller, Ill.
Mills
Moore, Ill.
Morehead
Morin
Nelson, Wis.
O'Brien
Parker
Parks, Ark.
Phillips
Porter
Pou
Rankin
Reed, Ark.
Reed, W. Va.
Roach
Rogers, Mass.
Rogers, N. H.

Rosenbloom
Sabath
Sanders, Ind.
Schall
Schneider
Sherwood
Smithwick
Snyder
Stalker
Sullivan
Swoope
Taylor, Colo.
Thomas, Ky.
Thompson
Tilson
Tinch
Tinkham
Upshaw
Vestal
Ward, N. C.
Watson
Weller
White, Me.
Williams, Mich.
Wilson, Ind.
Winslow
Wright
Wyant

So the bill was passed.

The Clerk announced the following pairs:

General pairs:

Mr. Johnson of South Dakota with Mr. Jeffers.
Mr. Rogers of Massachusetts with Mr. Rogers of New Hampshire.
Mr. Fenn with Mr. Garrett of Texas.
Mr. McLeod with Mr. Corning.
Mr. Watson with Mr. Clark of Florida.
Mr. Anthony with Mr. Sherwood.
Mr. Fredericks with Mr. Kunz.
Mr. Denison with Mr. Mansfield.
Mr. Mills with Mr. Bankhead.
Mr. Snyder with Mr. Morehead.
Mr. Porter with Mr. Johnson of Kentucky.
Mr. Madden with Mr. Gallivan.
Mr. Winslow with Mr. Doyle.
Mr. Fairchild with Mr. Parks of Arkansas.
Mr. Tinch with Mr. Barkley.
Mr. Swoope with Mr. Ward of North Carolina.
Mr. Parker with Mr. Gambrell.
Mr. Clarke of New York with Mr. McNulty.
Mr. Manlove with Mr. Weller.
Mr. Morton D. Hull with Mr. Drewry.
Mr. McKenzie with Mr. Gilbert.
Mr. Vestal with Mr. Wilson of Indiana.
Mr. Morin with Mr. Black of Texas.
Mr. White of Maine with Mr. Almon.
Mr. Michaelson with Mr. Lilly.
Mr. Hull of Iowa with Mr. O'Brien.
Mr. Thompson with Mr. Geran.
Mr. Sanders of Indiana with Mr. Davey.
Mr. Moore of Illinois with Mr. Kent.
Mr. Stalker with Mr. Buckley.
Mr. Keller with Mr. Johnson of West Virginia.
Mr. William E. Hull with Mr. Cook.
Mr. Reed of West Virginia with Mr. McSwain.
Mr. Wyant with Mr. Dominick.
Mr. Williams of Michigan with Mr. Lee of Georgia.
Mr. Anderson with Mr. Eagan.
Mr. Merritt with Mr. Rankin.
Mr. Beedy with Mr. Logan.
Mr. Crowther with Mr. Greenwood.
Mr. Edmonds with Mr. Howard of Nebraska.
Mr. Miller of Illinois with Mr. Upshaw.
Mr. Cable with Mr. Hull of Tennessee.
Mr. Fish with Mr. Martin.
Mr. Phillips with Mr. Howard of Oklahoma.
Mr. Roach with Mr. Pou.
Mr. Fitzgerald with Mr. Hammer.
Mr. Garber with Mr. Thomas of Kentucky.
Mr. Schall with Mr. Sabath.
Mr. Kahn with Mr. Wright.
Mr. Larson of Minnesota with Mr. Humphreys.
Mr. Tinkham with Mr. Smithwick.
Mr. Haugen with Mr. Griffin.

Mr. Rosenbloom with Mr. Sullivan.
Mr. Cole of Ohio with Mr. Taylor of Colorado.
Mr. Schneider with Mr. Reed of Arkansas.
Mr. Nelson of Wisconsin with Mr. Berger.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. BUTLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

PRIVILEGES OF THE HOUSE

Mr. CONNALLY of Texas. Mr. Speaker, I rise to a question affecting the privileges of the House.

The SPEAKER. The gentleman from Texas will state it.

Mr. CONNALLY of Texas. I have just been informed that this afternoon in the course of the deliberation on this bill the Naval Committee has had an admiral of the Navy here on the floor of the House advising, helping, and directing this legislation, and I want to inquire if that is true if the rules do not—

The SPEAKER. The Chair is responsible for it. The Naval Committee asked the Chair if they could bring—the Chair did not know it was an officer of the Navy, but a civilian—somebody familiar with the bill on the floor. The Chair said they could. The Chair thinks it is the custom of a committee to bring somebody who is familiar—

Mr. CONNALLY of Texas. I was not talking about a civilian, but an admiral of the Navy, and my understanding is the Judge Advocate of the Navy has been here this afternoon.

The SPEAKER. The Chair does not know—

Mr. CONNALLY of Texas. I am asking—

Mr. BRITTEN. By direction of the committee on yesterday I asked the Speaker of the House if that committee might have the services of a civilian employee of the Navy Department to help us in the consideration and passage of the reserve bill, which is a very complicated bill, and the Speaker said that if we did not have a clerk on the floor we were entitled to bring in a Government employee.

Mr. CONNALLY of Texas. I ask the gentleman if he knows whether or not Admiral Latimer has not been here on the floor during the progress of this naval bill this afternoon?

Mr. BRITTEN. He has not.

Mr. CONNALLY of Texas. He was in the cloakroom?

Mr. BRITTEN. Yes; he was called up twice on my account.

Mr. CONNALLY of Texas. That is part of the floor of the House.

Mr. BRITTEN. A gentleman on that side asked if an amendment he had prepared would be acceptable to me. I said I thought the language of the bill was best but that I would ask the Judge Advocate General of the Navy, Admiral Latimer.

Mr. CONNALLY of Texas. He is not a civilian?

Mr. BRITTEN. No.

Mr. CONNALLY of Texas. That is not the man to whom the Speaker referred. I am not objecting to a civilian, but I am talking about admirals being on the floor of the House. My information is that one of the employees of this House said he saw on the floor and in the cloakroom—

Mr. BRITTEN. He was in the cloakroom, but not on the floor or the aisles of the floor.

Mr. CONNALLY of Texas. The cloakroom is generally recognized as part of the Chamber.

Mr. GARRETT of Tennessee. Mr. Speaker, of course it was a violation of the rules of the House for anyone to be in the cloakroom as much as to be upon the floor, because the rule applies to the cloakroom just as it applies to the floor of the House.

Mr. BRITTEN. If that is so, I am very sorry and am entirely responsible for the infringement, but I thought I was doing something to help along the consideration of the bill.

Mr. GARRETT of Tennessee. Section 2, Rule XXIII, says:

There shall be excluded at all times from the Hall of the House of Representatives and the cloakrooms all persons not entitled to the privilege of the floor during the session, except that until 15 minutes of the hour of the meeting of the House persons employed in its service, accredited members of the press entitled to admission to the press gallery, and other persons on request of Members, by card or in writing, may be admitted.

That is, 15 minutes before the hour of meeting.

Mr. BRITTEN. If the gentleman from Tennessee will yield, my good friend from Tennessee knows that rule is being violated practically every day by Members on both sides. They have children around here, grown children.

Mr. GARRETT of Tennessee. Well, I did not know of that. I have seen young children come upon the floor of the House occasionally, and, of course, I have seen on public days, upon some extraordinary occasion, people push their way in who are not entitled to the privileges of the floor; but certainly when a legislative proposition is brought up, I say this with all possible respect, it is particularly—well, I think the rule ought to be enforced. I will not be stronger than that. Now, Mr. Speaker, I do not wish to embarrass the committee or the Speaker touching the gentleman who is on the floor now, a civilian employee of the Navy, but I think that only the clerk of the committee having legislation is entitled to the privileges of the floor—I think that is what the rule says—and without any desire to embarrass the committee or to embarrass the Speaker, I think—

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman.

Mr. KING. I want to ask the gentleman if that practice was not established in the days of former Postmaster General Burleson, who occupied the Democratic cloakroom most of the time?

Mr. GARRETT of Tennessee. The Postmaster General as an ex-Member was entitled to the privileges of the floor, and as a member of the Cabinet he was entitled to the privileges of the floor.

Mr. KING. He was here as a lobbyist, as the whip for the Democratic administration.

Mr. JOHNSON of Washington. Does not the gentleman from Tennessee think that his suggestion respecting the rule as to admissions to the floor, that it be limited to clerks, should be broadened so as to admit those who serve on the Legislative Drafting Committee and who help the clerks and committees in the preparation of certain legislation?

Mr. GARRETT of Tennessee. That is a question that might be taken into consideration in connection with the next revision of the rules. Perhaps it ought to be broadened; I do not know. There is no rule that is made more ironclad than the rule as to the admissions to the floor. It even goes so far as to say, and that provision was made in order to protect the Chair from embarrassment; it was adopted, I think, first in the days of Speaker Reed—it goes so far as to say that it is not in order to ask unanimous consent that any person be admitted to the floor who is not entitled to the privilege.

The SPEAKER. The Chair was asked yesterday by one of the members of the committee if they could have on the floor a civilian employee of the Navy who had aided them in drafting the bill. The Chair, not remembering that that was contrary to the rules and knowing that it had often been done, said it could be done here. But hereafter, if it is the desire of the House, the Chair will undertake to enforce that rule strictly.

Mr. CONNALLY of Texas. My question and objection do not concern so much the social qualities of the admiral, but we are at this time considering legislation in which the admiral was probably interested; at least he was here as a part of the naval force, and I think if he wants to advise the committee or if they want to advise with him they can advise with him out in the hall. It is not necessary for him to sit in the cloakroom. They ought at least to get along for a few minutes without consulting their naval authorities.

Mr. BRITTEN. Mr. Speaker, may I say to the gentleman that the distinguished gentleman from Virginia [Mr. MOORE] had submitted to me an amendment which he proposed to offer to the bill. I was looking for Admiral Latimer, and I told one of the boys in the cloakroom to find him. My purpose was to consult the admiral.

Mr. CONNALLY of Texas. That accentuates my suggestion. The gentleman did not know whether he was for or against the amendment. He felt he must consult the admiral. [Laughter.]

Mr. BRITTEN. That is a funny way to put it. The proposed amendment merely clarified the section.

MATTERS AFFECTING THE NAVAL SERVICE

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PATTERSON. Mr. Speaker and gentlemen of the committee, millions of dollars, probably billions, were wasted by the United States Government in the prosecution of the World War. A great amount of this money was lost because we were not prepared as a Nation for war and in the hurry and confusion of getting ready unscrupulous contractors took advantage

of the situation and made huge profits at the expense of the taxpayers. They got theirs while the getting was good. But it is not my purpose to attempt to rake up any of the scandals connected with the saturnalia of extravagance that was so prevalent during the duration of the great conflict. That is past and gone and it is probably best to let the dead past bury its dead and not attempt to revive unpleasant memories.

It is rather my purpose to call the attention of Congress to the fact that in the hurry and excitement of the war period in some instances injustice was done to some contractors by the Government, and a conspicuous instance of this is the case of the New York Shipbuilding Co., of Camden, N. J., in connection with the construction of battleship No. 42, now in the service of the country under the name of the *Idaho*. This vessel is one of the newest and best ships of our fleet, and at present represents a loss to the contractors of approximately \$2,000,000. For five years now the New York Shipbuilding Co. has been endeavoring to secure an adjustment of a portion of this loss, which was caused directly by the orders of Government officials to speed up work on the vessel during the war, but so far their efforts have not met with any success. Under the terms of section 9 of the pending omnibus naval bill it may be possible to adjust the claim of this contractor, but in my opinion this is very doubtful and in consequence I have introduced at this session H. R. 9969 for the relief of the New York Shipbuilding Co. in connection with the losses sustained by that contractor in the construction of the battleship *Idaho*. The claim, in my judgment, is a perfectly proper one and has been indorsed by Secretary of the Navy Josephus Daniels and his successor Secretary of the Navy Edwin Denby and other high officials of the Navy Department.

The battleship *Idaho* has met every test and requirement of the Government and is the same type of vessel as the battleship *Washington*, so recently destroyed in accordance with the terms of the disarmament conference. You are all familiar with the difficulty that was encountered in sinking the unprotected *Washington*. She was so staunchly constructed that it seemed almost impossible to destroy her, and if the test should ever come the enemy would find that the *Idaho* was equally as well built as the *Washington*, and when manned by an American crew would never succumb to the shell fire of a hostile fleet. I am merely comparing the staunchness of the *Idaho* and the *Washington* as concrete evidence of the sort of work turned out by the New York Shipbuilding Co. This corporation has been established for a quarter of a century in my home city and has built many of the best vessels in the American Navy. It is not a fly-by-night contractor but a responsible corporation headed by patriotic men of ability and integrity, and when they make a claim for reimbursement against the Government the public may rest convinced that the claim is an honest one and possesses merit that can be backed up with the facts. The builders of the *Idaho* are not asking for any profit on their work. They are merely asking the Government to reimburse them for the losses that they sustained by reason of being made to pay increased wages and overtime when ordered to hasten the completion of the *Idaho* so that she might be made available for service in the World War.

The contract for the *Idaho* was not a cost-plus contract but a flat, fixed-price contract made November 9, 1914—over 10 years ago—with the New York Shipbuilding Corporation. Delivery of this ship was made on time on March 24, 1919, the three-year delivery date originally fixed by the contract having been extended by the Navy Department because of contingencies beyond the control of the builders. The contract price was \$7,250,000 flat and was based on estimates made in accordance with labor and material conditions then prevailing. Between the contract date, November 9, 1914, and the delivery date, March 24, 1919, many things happened to upset and dislocate the contractor's estimates under which the \$7,250,000 bid had been made.

At the outset it is important to note that this bill does not afford relief to the contractor for the many increased costs during this period, the risk of which is always inherent in any business transaction and which amounted of themselves to over \$700,000. This bill seeks to give the contractor relief only for such increased costs as were due to the two factors of cost which the Government itself set in operation and to which the contractor had no choice except to submit, namely:

First. Increased wages paid to workmen on this fixed-price contract. These increases do not grow out of any contract between the men and the contractor but were imposed upon the contractor by the so-called Macy Board, an emergency agency of the war, created by a contract between governmental department officials and labor unions to control and stabilize the wages of men engaged in Government work in shipyards

so as to insure continuous work on Government contracts. (See Official Bulletin of August 25, 1917.) The Macy Board not only increased the wages of these men but even directed that the increases should be retroactive for months prior to the dates of the awards. These increases did not prejudice contractors on the great majority of strictly war contracts placed on a cost-plus basis or for a fixed price that called for adjustments in accordance with changing labor rates but did work havoc with nonwar-time flat, fixed-price contracts in yards which were concurrently engaged in governmental war work.

Second. Overtime wages paid to workmen by direction of the Government in order to expedite this contract. The Government adopted at the outset of the war a policy of expediting the construction of destroyers, battleships, and merchandise vessels, leaving cruisers, scout ships, and so forth, for later deliveries. To secure this expedition "overtime" was directed on this class of work. Back in 1914 "overtime" was not permitted under the provisions of the *Idaho* contract, in line with all previous peace-time contracts. The contractor was then expressly forbidden by the Government contracts to permit any laborer to work more than eight hours per day. With the severe pressure of war coming on in 1917, however, eight-hour construction work was done away with by proclamation of the President, and contractors were directed to employ overtime on all work which the Government desired expedited. This caused no grievance to a contractor on a cost-plus basis; but to a contractor who, prior to the war, had made a flat fixed-price contract with no thought of overtime—rather being forbidden to employ overtime—the use of overtime work meant that he was paying time and a half for his labor without any increase in the contract price of the ship unless the Government, as any other shipowner would direct his builder, directed him to use overtime work with the promise of later adjustment. This was the fact in connection with the New York Shipbuilding Corporation contract—that is, there was an implied contract arising under the facts to repay the contractor the amount of any such increased cost.

The difficulty now is that such directions for "overtime," given in the excitement and pressure of war, while in no way indefinite, did not have all the formality of statutory authorized transactions.

Therefore, when the contract was completed, owing to statutes affecting Government work, administrative difficulties arose in the settlement of the accounts, which the officials have held did not permit them to pay the New York Shipbuilding Corporation anything in excess of the fixed price of the ship and such additions as are so-called "changes" expressly provided for in the contract, although the officials acknowledge the inherent justice of the claim. This bill is to correct such injustice created by administrative limitations forced by the deficiencies of present statutes.

WAGE INCREASES

In August, 1917, the "Shipbuilding Labor Adjustment Board," popularly called the Macy Board, was organized under an agreement concluded between representatives of the Navy Department, the Emergency Fleet Corporation, and the American Federation of Labor, for the purpose of adjusting disputes arising during the war in the shipyards of the country where Government work was being performed.

This board made an award on February 14, 1918, as to wages and hours of work in the shipyards of the Delaware River district, which included the yard of the New York Shipbuilding Corporation. This award not only made a substantial increase in the rate of wages, but also made this increase retroactive to November 2, 1917.

Upon receiving notice of this award, the New York Shipbuilding Corporation telegraphed to the Secretary of the Navy, as follows:

Do you authorize us to pay our men on Navy work according to findings of Shipbuilding Wage Adjustment Board. We have been ordered by Emergency Corporation to make increases awarded and can not discriminate.

The Secretary of the Navy replied:

Referring to your message of February 19, the department expects to reimburse contractors for unavoidable increases of cost due to adoption of wage adjustment board scale, these matters to be treated as changes on the fixed-price contracts. Submit increases to department for approval.

Acting on this assurance of the Navy Department that it would be reimbursed for the increase in cost caused thereby, the New York Shipbuilding Corporation adopted the new scale of wages and also paid the retroactive increases fixed by the board from November 2, 1917, to February 25, 1918, the retro-

active increases due to this one award alone amounting to about \$125,000.

Wages were again increased by the Macy Board on November 16, 1918, and these increases, which were made retroactive to October 7, 1918, were also paid by the New York Shipbuilding Corporation.

The increase in cost due to these awards was submitted by the New York Shipbuilding Corporation to the Navy Department from time to time, and at the end of the contract an audit was made by the Navy Department fixing the amount of increased cost due to wage increases allowed by the Macy Board at \$992,322.50. In a case which the Navy Department considered similar the Comptroller of the Treasury had ruled that he could not authorize additional compensation due to increase in labor cost which was not provided for under the terms of the contract. In consequence, the Comptroller ruled that the New York Shipbuilding Corporation could be paid only \$120,513.55 of the amount claimed, and the latter amount was allowed as "changes" and payable as such as an authorized cost under the contract. For the balance of \$871,808.95 (of the total \$993,333.50), audited increase, the New York Shipbuilding Corporation has not yet been reimbursed in accordance with the agreement of the Navy Department because of the ruling of the Comptroller of the Treasury, and it can not be reimbursed by the Navy until there is a statute enacted authorizing such payment.

The increases in wages which are the subject of this controversy do not include any increases that were granted by reason of agreements between employer and employee, of which increases there were a substantial amount, but only those which were due solely to the express war-time emergency directions of the Government, under the control which the Government assumed in August, 1917, over shipyard labor.

In the last two sessions of Congress this matter has been before the House Committee on Naval Affairs in connection with a bill for the relief of contractors generally (H. R. 2688), and in its report on this bill the committee referred to the claim of the New York Shipbuilding Corporation as a notable example of the cases meriting relief on account of the injustice occasioned by the ruling which the Comptroller of the Treasury felt obliged to make in limiting payments to amounts covered by the original contracts.

OVERTIME

The claim also provides for reimbursement to the New York Shipbuilding Corporation for payments made by it to employees in excess of regular-time rates for overtime work on the battleship *Idaho*, employed at the direction or with the authorization and approval of the officers of the Government.

Immediately prior to and after the entry of this country into the war every effort was made by the Navy Department to expedite work on this battleship, and the contractor was urged by telegrams from the Navy Department and by verbal instructions from the officers in the yard to expedite the work in every possible way, and in a telegram of March 21, 1917, the department suggested that the "question of change of cost be settled as a change under the contract." Therefore the contractor began to employ and continued to employ "overtime" on this contract whenever possible to meet the demands of the Navy Department, with its full knowledge, acquiescence, and approval. The contractor submitted bills for the increased cost of this work from time to time to the department in the belief that the increased cost occasioned thereby would be paid. The "overtime" employed on this contract by the contractor, at the insistence of the department, for speed in the construction of the battleship, and with the approval of the department, was not with a view of enabling the contractor to deliver the ship "on time"—March 24, 1919. This date, as a matter of fact, was determined upon long after the ship was actually delivered and independently of and in no way connected with the claim of New York Shipbuilding Corporation for increased cost due to the overtime work directed by the department, nor was the extension of the original delivery date to the actual delivery date in any way conditioned upon a waiver by the contractor of such claim. The contractor was not employing this "overtime" to meet a then known date of delivery. It was using overtime work because the Government desired it in the interest of the Navy. The contractor still had in reserve many grounds for extending the delivery date, even beyond March 24, 1919, had it been necessary to fall back upon them.

The increased cost of governmental sanction of overtime work has been calculated by the New York Shipbuilding Corporation at upward of \$315,000. As already indicated, the original contract figures were based on the denial of any

overtime whatsoever, at anybody's request, or in anybody's interest. The New York Shipbuilding Corporation has requested the Navy Department to audit such amount, and it is reasonable to expect an early fixing by audit of the amount of this claim.

The increased cost of this battleship, by reason of wage increases and "overtime" alone, caused a loss to the contractor on this contract of over \$1,300,000. From other causes, "business risks," the contractor lost about \$700,000. This \$1,300,000 loss the Government has either expressly or impliedly agreed to repay to the contractor, and it constitutes both a moral and a legal obligation of the Government. Only the peculiar technical requirements surrounding Government contracts prevent a present payment, which in ordinary business would be honored at once.

Under the stress of war conditions, orders and instructions of the Government were at once carried out in good faith and without question by the New York Shipbuilding Corporation, without insisting on a formal written agreement, and without awaiting further formal legislative sanction, which the Comptroller now finds necessary. Through the expedited construction of this naval work the Nation had both a material and moral advantage and benefit, and such construction gave confidence to the Nation and was a threat to the enemy. The contractor, however, has not yet been reimbursed for the loss it sustained at the direction of the Government in making this result possible. The loss caused to the contractor by its reliance on such governmental direction should be paid by the Government, and it is for that purpose that this bill is urged for passage.

NAVAL RESERVE AND MARINE CORPS RESERVE

Mr. BRITTEN. Mr. Speaker, by direction of the Committee on Naval Affairs I desire to call up the bill H. R. 9634, No. 385 on the Union Calendar.

The SPEAKER. The gentleman from Illinois calls up the bill H. R. 9634, on the Union Calendar, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9634) to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve.

The SPEAKER. This bill is on the Union Calendar. The gentleman from New Jersey [Mr. LEHLBACH] will please take the chair.

Thereupon the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9634) to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9634, which the Clerk will report.

The Clerk again read the title of the bill.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. BRITTEN. Mr. Chairman, I would like to ask unanimous consent that we dispense with the usual time of debate for and against the bill, and for this reason: Unless the bill is passed this afternoon, it will not become a law for two years to come. This is our last day on the floor. We had one day during the first session of Congress. If this reserve corps bill is not finished to-day, it will not be passed and enacted into law during this session of Congress, because we will not have another opportunity to present it to the House. Because of that fact, Mr. Chairman, I move that the usual debate on the bill be dispensed with.

Mr. BLANTON. That is not in order.

The CHAIRMAN. The motion can not be made. Does the gentleman desire to reserve his time?

Mr. BRITTEN. Yes.

The CHAIRMAN. Is there anyone desiring to speak in opposition to the bill? If not, the Clerk will read the bill for amendment.

Mr. BRITTEN. Mr. Chairman, for the benefit of the record, I want to say just a few words as to the necessity for a trained body of citizen-sailors who may be called upon in time of emergency to augment the personnel of the regular naval establishment.

Once upon a time, in the history of civilization, there was a period when wars between contending powers were carried on almost entirely by professional military men, both ashore and afloat, and the results of conflict were largely decided by the numbers and efficiency of these specialists on the one side or the other. It thus came about that the sizes of the various military establishments, maintained permanently and ostensibly for the national defense, increased until in the course of time a limit was reached in the burden they imposed upon the people; greater permanent establishments could not thereafter be maintained and the people continue to thrive. Then, at that point, greater strength in conflict was gained by the citizens themselves becoming warriors temporarily; until now the actual waging of wars is in no sense confined to the professional warriors, but is engaged in by the entire populations of contending nations, in one form or another.

To-day, no great nation can afford to maintain an army or a navy of sufficient size to meet its war-time needs, nor indeed to meet its probable needs during even the first shock of war. Leaving out of consideration the dangerous militaristic tendencies in the policies of the nation such a great permanent armed force might entail, such a force is impossible for any nation through the sheer force of economic necessity. All the great nations therefore find themselves obliged to maintain reserves of officers and men especially trained and immediately available in case of sudden emergency, but who derive their means of sustenance from other lines of endeavor, who are producers rather than consumers so far as the wealth of the nation is concerned. So that to-day we find England and Japan and all the great powers maintaining reserves for their armies and navies, immediately available in case of necessity and especially trained during short intensive periods of annual training, but who are engaged in useful pursuits during the balance of the year.

This bill relates entirely to the reserve forces required for the United States Navy. The reserve forces for the United States Army were provided for in the national defense act of 1916 under the provisions of which our National Guard and the Organized Reserves of the Army are maintained. The national defense act, as later modified from time to time, was used as a model in drafting this bill to a very large extent and so far as the provisions of that act are applicable to training for service in the Navy.

All great wars during the past 50 years have come about with terrible suddenness; the tendency of aggressor nations is to strike before the intended victim has time to mobilize her defenses. If we should unhappily become engaged in war with any of the great powers of the world, from which I devoutly pray the providence of God may ever deliver us, the first blow must be struck on the ocean, the first great effort must be for the mastery of the seas, for without that the transportation of men and munitions overseas will be practically impossible. Immediately war becomes imminent, there are certain things we must do at once in order to bring our forces afloat up to the greatest possible strength.

(a) We must increase the number of officers and men on our battleships, cruisers, destroyers, and so forth up to their war-time complements.

(b) We must place the fighting vessels—cruisers, destroyers, and so forth—now out of commission and laid up at the various navy yards into commission, officer and man them, and join them up with the fleet to meet the enemy.

(c) We must man and commission the auxiliary vessels now out of commission.

(d) We must open up training camps and shore stations where additional men obtained by draft or otherwise may be trained for duties afloat as the war progresses, and we must provide the instructors and officers for these institutions.

(e) We must furnish officers and men for such miscellaneous activities as inspectors of ordnance and engineering and other material on shore, personnel administration on shore, radio activities, intelligence service, and many other technical duties.

As stated, the officers and men for these positions can not be maintained in the regular Naval Establishment; they must come from the civilian population, and in order to be effective, they must be at least partially trained in the duties they will be expected to perform. Under our present ideals of personal liberty this training and preparation must be voluntary on the part of those taking it; it must therefore not only be effective but also to a certain degree attractive.

In the act of August 29, 1916, Congress provided for a Naval Reserve Force, and this act as modified by the act of July 1, 1918, and certain subsequent acts is still in effect. The Naval Reserve Force created by the act of August 29,

1916, did not have time to function as a peace-time organization before our entry into the war, and during the course of the war it grew to tremendous size; at the conclusion of the war there were 21,985 officers and 273,694 men on the rolls of the Naval Reserve Force. As these men were released from active service an attempt was made to form them into various drilling organizations, but due to lack of facilities such as armories, and so forth, and lack of funds for securing these facilities, and also due to the fact that attendance at drills was not made a prerequisite for the payment of retainer pay until the act of 1920, and also due to the fact that following their demobilization most of these reservists were in a measure satiated with martial affairs, satisfactory results were not obtained.

Then in efforts to remedy this situation certain additional enactments were made from year to year, but while these enactments did help very materially they also lead to varying interpretations as to their real meaning when taken in conjunction with laws already in existence, with consequent adverse comptroller's decisions and general dissatisfaction.

In September of 1921 the Navy Department, finding it impossible to carry on the Naval Reserve Force then in existence in the manner prescribed by law and with the amount appropriated for that purpose for the fiscal year 1922, disenrolled the entire Naval Reserve Force, excepting that small class comprising ex officers and men of the regular Navy, known as class 1, and those of the other classes who voluntarily transferred to the inactive class, known as the volunteer class, where they were not required to drill or train and obligate funds. A board of experienced naval officers, comprising 3 rear admirals, 2 captains, and 1 lieutenant commander, was called to make a thorough study of the entire Naval Reserve situation and to make recommendations as to remedial measures; this board met over a period of several weeks, and its deliberations were participated in by Naval Reserve officers of experience in Naval Reserve and Naval Militia affairs. The bill which we are now considering is based on the very complete findings and recommendations of that board; it was prepared by the department and then carefully considered, in the years following the report of the board, by both representatives of the Navy Department and representatives of the Naval Reserve Force until it finally reached its present form, which, so far as I am able to ascertain, is satisfactory to the department and to the Naval Reserve Force; and, I may add, is also entirely satisfactory to the Committee on Naval Affairs, which urges its enactment.

After the submission of report by this board just referred to, and pending the enactment of remedial legislation, it was desired to carry on the reserve as a going organization so far as possible, utilizing those members who remained in the reserve by transfer to the inactive class and with such recruits as could be obtained. Sufficient money was appropriated for the fiscal year 1923 to resume activities on a small scale, and the amounts appropriated for the succeeding years permitted continuing Naval Reserve activities and training in a modest way; and these have been going forward with increasing intensity and satisfaction until we now have 107 drilling organizations scattered through the country, but mostly on the seaboard, carrying 1,963 officers and 13,642 men on their rolls, and with a total reserve force of 4,014 officers and 16,990 men, exclusive of those transferred men of the Fleet Naval Reserve of 16 and 20 years' service.

These various organizations are provided with armories and with arms and equipment; armory drills are held at least once each week. The drill period of one and a half hours is devoted to Infantry, Artillery, great guns, and so forth, and to instruction by classes in seamanship, ordnance, navigation, engineering, electricity, radio, signaling, and so forth. Officers of the regular Navy, such as recruiting officers and hydrographic officers, who are performing shore duty in the vicinity of drilling organizations, are given additional duty as instructors-inspectors of those organizations.

A total of 56 vessels, mostly Eagle boats and gunboats, have been assigned to the exclusive use of these organizations. These are utilized for instructional purposes while alongside dock, and also for short week-end cruises, and the annual period of 15 days' active training duty afloat is generally performed on board these vessels. These 15-day cruises are carried on up and down the coasts and on the Great Lakes all summer long. Aviation training is given to qualified aviators at the regular aviation stations and on shipboard. Three Naval Reserve aviation training stations have been established for the purpose of training new blood, officer material, to become aviation officers in the reserve. These stations are located at Boston, Brooklyn, N. Y., and Chicago. The training

given at these stations involves a course of ground instruction, 10 hours' dual flight with instructor, and 30 hours' solo flight, including formation flying, stunting, and so forth, after which the student aviator is given an additional course of instruction lasting about 45 days at a regular aviation station, when he is ready for commissioning as ensign aviator in the Naval Reserve Force.

Naval militia organizations were being maintained in some 22 States and Territories and the District of Columbia in August, 1916, when the present Naval Reserve Force was born. These organizations were simply naval battalions attached to the volunteer militias of the various States. The act of February 16, 1914, prescribed certain standards that these organizations should conform to in order to obtain Federal assistance in the way of loans of equipment, and so forth. The act of August 29, 1916, federalized these naval militia organizations by bringing them into the Naval Reserve Force as a distinct class, called the National Naval Volunteers. The act of July 1, 1918, abolished the National Naval Volunteers and transferred all the members thereof to class 2 of the Naval Reserve Force. In the years immediately following the war, when it was so hard to carry on Naval Reserve activities, several of the States returned to their pre-war naval militia organizations; these organizations again received Federal recognition in the appropriation bill for the year 1921-22, wherein it was provided that these organizations should form a part of the Naval Reserve Force, and the Secretary of the Navy was authorized to provide for their wants in the way of loans of equipment, and so forth, provided the members of these organizations were also members of the Naval Reserve Force. This provision, enacted on a year-to-year basis, has been contained in each of the regular appropriation bills since that time.

In section 28 of this bill we are proposing to continue this arrangement indefinitely. Members of these organizations are also naval reservists; they receive nothing from the Federal Government that they would not be entitled to receive solely as naval reservists. They receive certain appropriations from their States for administrative and armory expenses, and the Federal Government is relieved to that extent; they receive nothing from the States for personal remuneration for drill attendance or active duty. These charges are met by the Federal Government under their status as naval reservists. The individual States benefit by having these naval militia organizations available for State militia duty, and the Federal Government benefits by having them available in case of war and is relieved of part of their expense of maintenance.

These Naval Reserve activities are going forward in the face of discouraging conditions, due principally to defects in existing law. The fundamental law under which this force now operates was enacted immediately preceding our entrance into the World War. During the war certain faults in the original law developed and attempt was made to remedy them by the act of July 1, 1918. Since the war certain other faults have developed and attempts have been made to correct them by additional legislation, generally carried in appropriation measures, and there are certain other faults which are now being complained of by the Navy Department and by the naval reservists themselves—until we now have a hodgepodge of laws, subject to various interpretations which lead to loss of interest, morale, and efficiency on the part of the Naval Reserve Force. The principal objectionable features in the present law it is necessary to remedy are as follows:

(A) Existing law requires performance of three months' active duty before a reservist can be paid for drill attendance. Money is appropriated on the basis of giving each reservist 15 days active duty for training per year, and 15 days per year is generally the limit of vacation given reservists by their employers in civil life, during which they can take active duty for training. On this basis it would take a recruit coming into the Naval Reserve Force six years to get what is now given a National Guardsman the moment he starts drilling; and it is, therefore, impossible to attract and utilize the very ones it is imperative to have if the organization is to remain in existence; that is, young men, new blood. In order to correct this it is necessary to give drill pay, as is done in the National Guard, for drill attendance, without regard to previous service.

(B) Existing laws require active training afloat before pay can be given for drill attendance. It is desired to require active duty afloat, but not to make the penalty for failure to take such training afloat forfeiture of drill pay, which tends to discourage any further training whatever, but to make it discretionary with the Secretary of the Navy, allowing him to use his judgment as to whether the delinquent may have failed to train for good and sufficient reasons beyond his own con-

trol, or whether the delinquent might better be transferred to the inactive class of the Naval Reserve or disenrolled altogether.

(C) The pay of naval reservists for drill attendance is unduly high for those in the higher grades and of long service as compared with the National Guard. It is desired to place their drill pay on a parity with the National Guard.

(D) Existing laws do not allow subsistence to reservists while performing volunteer duty afloat without pay, thereby discouraging such duty; it is desired to remedy this by giving them what the National Guard receive for similar duty, such as duty on target range.

(E) Existing laws do not allow "military leave" to naval reservists who are Government employees; it is desired to place them on a parity in this respect with the National Guard.

(F) Existing laws are subject to various interpretations due to their multiplicity and varying provisions. It is desired to repeal all and make a fresh start, so that it may be known exactly where we stand.

In short, in properly and economically building up a Naval Reserve Force new legislation is required, and of such an extensive nature that it seems well to reorganize the whole Naval Reserve Force rather than to attempt to correct existing legislation.

The following are the high points of this bill:

It takes away no privileges now enjoyed by any classes of the Naval Reserve Force, except it provides that instead of retainer pay there shall be pay for service; this will result in somewhat less pay for officers in the higher grades.

It establishes a Marine Corps Reserve absolutely on a parity with the Naval Reserve.

It repeals all old laws which have been so difficult of interpretation.

It establishes in the Naval Reserve the same grades, ranks, and ratings as exist in the regular Navy.

Officers are commissioned at the pleasure of the President, as are officers of the regular Navy, and enlistments of men are established for the same period as enlistments in the regular Navy.

It provides that no officer or man shall be discharged except for full and sufficient cause.

Officers and men are placed under the same laws in time of war or national emergency as are officers and men of the regular Navy.

It permits commissioned grades up to commodore.

It authorizes the appointment of a certain number of midshipmen to the Naval Academy from the Naval Reserve.

It provides for promotion in time of war up to the grade of lieutenant commander with running mates of the line, and by selection for ranks above that of lieutenant commander.

It places naval reservists injured in line of duty while performing active duty under orders, on a parity with civil service employees suffering similar injuries.

It provides for pay for drills, training, and active duty, based on the pay allowed the National Guard.

It does away with confirmation in grade and provides that drill training or active duty pay shall begin upon appointment or enlistment.

It provides for a liberal uniform allowance.

It provides for an honorary retired list without pay upon reaching the age of 64.

It provides that men enlisting in the Naval Reserve within four months after their discharge from the regular Navy lose none of the benefits of continuous service.

It safeguards the interests of enlisted men of the regular Navy who have been transferred to the Fleet Naval Reserve after 16 and 20 years' service, and provides the same privileges for men at present in the Navy.

It provides subsistence for volunteer duty afloat without pay.

It provides a means for absorbing into the Naval Reserve men discharged from the Navy after one 4-year enlistment.

In addition to the Fleet Reserve, it establishes a Merchant Marine Naval Reserve and a Volunteer Naval Reserve.

It gives reservists who are employees of the United States the same leave of absence for training duty that is now granted the National Guard.

It provides for the continuance of the Naval Militia of the various States as a part of the Naval Reserve.

These various provisions are embodied in the 39 sections of this bill. With this general statement as to the aims of the bill and the remembrance that the first three sections wipe out of existence the present Naval Reserve Force and transfer it bodily over into the new reserve herein created, and also wipe out all existing laws relating to the Naval Reserve Force,

the necessity and reasons for the many provisions contained in the various sections will not require much further elucidation.

The Clerk read the bill.

Mr. WILLIAMSON (when the Clerk had concluded reading the bill). Mr. Chairman, I move to strike out the last paragraph. Yesterday, under leave to extend, the gentleman from Oklahoma [Mr. HOWARD] inserted in the Record a letter written him by one Hugh Murphy, grossly maligning the Hon. Charles H. Burke, Commissioner of Indian Affairs. There follows a long statement purporting to have been made by this man Murphy.

The Committee on Indian Affairs has been authorized to investigate the administration of Indian affairs in Oklahoma among the Five Civilized Tribes. My judgment is that when this investigation is completed you will find that the crooks in connection with the matter referred to in the statement will be found outside of the Indian Office and not within it.

Mr. Chairman, I would like to ask the Clerk to read a very short letter.

The Clerk read as follows:

DECEMBER 10, 1924.

Hon. HOMER P. SNYDER,

Chairman Committee on Indian Affairs,

House of Representatives, Washington, D. C.

MY DEAR MR. SNYDER: I notice in the CONGRESSIONAL RECORD of yesterday that this office is charged, through a Member of the House of Representatives, with maladministration of Indian affairs in Oklahoma. Having been warned that we would be attacked if we continued to insist upon the enactment of legislation, now pending, with a view of stopping graft by dishonest attorneys and others who have defrauded Indians, and in many instances Indian children, I assume that these charges are carrying out the threat.

There should be an immediate investigation, and as your committee is clothed with full authority to investigate, I most respectfully and earnestly request not only an investigation of these charges but of every phase of the conduct and administration of this office during my incumbency as commissioner. Fortunately, sufficient authority is given your committee, under the resolution adopted by the House of Representatives on June 4, 1924, to make the investigation that I urge you to make. I ask that the one purporting to be the author of the charges filed, and the witnesses he names, be immediately called before the committee.

Very respectfully,

CHAS. H. BURKE, *Commissioner.*

Mr. WILLIAMSON. I withdraw my amendment, Mr. Chairman.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. BRITTEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 9634) to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve, had directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. BRITTEN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BRITTEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SPEAKING for 25 days from December 13, 1924, on account of important business elsewhere.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, Thursday, December 11, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

721. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Essington Channel, Pa.; to the Committee on Rivers and Harbors.

722. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Manasquan Inlet, N. J.; to the Committee on Rivers and Harbors.

723. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Suwanee River, Fla.; to the Committee on Rivers and Harbors.

724. A letter from the Secretary of War, transmitting a recommendation that the House of Representatives pass S. 2848, Sixty-eighth Congress, first session, "An act to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co."; to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 10352. A bill to extend the time for completing the construction of a bridge across the Delaware River; without amendment (Rept. No. 1036). Referred to the House Calendar.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10509) granting an increase of pension to Virginia Griffith; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10510) granting an increase of pension to Bridget O'Brien; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10511) granting an increase of pension to Mary L. Minesinger; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10512) granting an increase of pension to Mary M. Oney; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 10587) to amend the seventieth article of war; to the Committee on Military Affairs.

Also, a bill (H. R. 10588) to authorize the sale of a certain portion of Lookout Mountain battle field, Chickamauga and Chattanooga National Military Park; to the Committee on Military Affairs.

By Mr. MacGREGOR: A bill (H. R. 10589) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on the Civil Service.

By Mr. THOMAS of Oklahoma: A bill (H. R. 10590) authorizing the Secretary of the Interior to sell certain land to provide funds to be used in the purchase of a suitable tract of land to be used for cemetery purposes for the use and benefit of members of the Kiowa, Comanche, and Apache Tribes of Indians; to the Committee on the Public Lands.

By Mr. HAWES: A bill (H. R. 10591) to amend an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMSON: A bill (H. R. 10592) to amend an act entitled, "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.," to the Committee on the Public Lands.

By Mr. WILLIAMS of Michigan: A bill (H. R. 10593) creating a Federal marketing board to encourage and aid in the formation of cooperative marketing associations, cooperative clearing-house associations, and terminal market associations, handling agricultural products; to correlate the activities of

such associations; to develop efficient and economical methods of distributing and marketing such products, and for other purposes; to the Committee on Agriculture.

By Mr. LaGUARDIA: A bill (H. R. 10594) to place Reserve and National Guard flyers on an identical status to that of flyers of the Regular Establishment in case of accident in line of duty, and amend sections 37a, 47b, and 112 of the national defense act as amended; to the Committee on Military Affairs.

By Mr. DICKSTEIN: A bill (H. R. 10595) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. BURTNESS: A bill (H. R. 10596) to extend the time for commencing and completing the construction of a dam across the Red River of the North; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY: A bill (H. R. 10597) providing for the purchase of a site and the erection thereon of a public building at Carrollton, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10598) providing for the purchase of a site and the erection thereon of a public building at Toronto, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10599) providing for the purchase of a site and the erection thereon of a public building at Cadiz, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10600) providing for the purchase of a site and the erection thereon of a public building at Wells-ville, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10601) providing for the purchase of a site and the erection thereon of a public building at East Palestine, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10602) providing for the purchase of a site and the erection thereon of a public building at Barnesville, in the State of Ohio; to the Committee on Public Buildings and Grounds.

By Mr. ACKERMAN: A bill (H. R. 10603) to remit the duty on a carillon of bells imported for St. Peter's Church, Morristown, N. J.; to the Committee on Ways and Means.

By Mr. CRAMTON: A bill (H. R. 10604) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1887; to the Committee on Education.

By Mr. LYON: A bill (H. R. 10605) to authorize the establishment of a Coast Guard station on the coast of North Carolina at or in the vicinity of Wrightsville Beach; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: A bill (H. R. 10606) to provide for the punishment of deported aliens who return to the United States; to the Committee on Immigration and Naturalization.

By Mr. BURTON: A bill (H. R. 10607) to authorize the settlement of the indebtedness of the Republic of Lithuania to the United States of America; to the Committee on Ways and Means.

By Mr. ZILMAN: Joint resolution (H. J. Res. 306) for survey of public-school needs in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DALLINGER: Resolution (H. Res. 376) authorizing the sum of \$250 to be paid to Edward F. Jenifer; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREW: A bill (H. R. 10608) granting an increase of pension to William P. Knowlton; to the Committee on Pensions.

By Mr. AYRES: A bill (H. R. 10609) for the relief of George W. Ogan; to the Committee on Military Affairs.

Also, a bill (H. R. 10610) granting an increase of pension to Abbie Osborn; to the Committee on Pensions.

By Mr. COOK: A bill (H. R. 10611) to correct the military record of Estle David; to the Committee on Military Affairs.

By Mr. CROLL: A bill (H. R. 10612) granting a pension to Annie M. Heckaman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10613) granting a pension to Florence M. Lineaweaver; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 10614) granting an increase of pension to William C. Pelster; to the Committee on Pensions.

Also, a bill (H. R. 10615) granting an increase of pension to James H. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 10616) granting an increase of pension to Christina Mullen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10617) granting an increase of pension to Mary J. Smith; to the Committee on Invalid Pensions.

By Mr. EVANS of Iowa: A bill (H. R. 10618) granting a pension to Harrison R. Crecelius; to the Committee on Pensions.

Also, a bill (H. R. 10619) granting a pension to Agnes Rayburn; to the Committee on Pensions.

Also, a bill (H. R. 10620) granting a pension to Maggie Brown; to the Committee on Pensions.

By Mr. FISH: A bill (H. R. 10621) for the relief of the New Jersey Shipbuilding & Dredging Co., of Bayonne, N. J.; to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 10622) granting an increase of pension to Martha A. Howe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10623) granting an increase of pension to Elmira H. Streeter; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 10624) to enlarge the powers of the Washington Hospital for Foundlings, and to enable it to accept the devise and bequest contained in the will of Randolph T. Warwick; to the Committee on the District of Columbia.

By Mr. HAYDEN: A bill (H. R. 10625) for the relief of Leon E. Adle; to the Committee on Claims.

By Mr. MacLAFFERTY: A bill (H. R. 10626) granting an increase of pension to John E. Markley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10627) granting a pension to Elizabeth Lancaster; to the Committee on Invalid Pensions.

By Mr. MOORE of Illinois: A bill (H. R. 10628) granting an increase of pension to James Holley; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 10629) granting an increase of pension to Margaret Y. Teters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10630) for the relief of Washington County, S. C. Kile estate, and Martha Frye estate; to the Committee on Claims.

By Mr. PATTERSON: A bill (H. R. 10631) for the relief of Harold G. Billings; to the Committee on Naval Affairs.

By Mr. ROGERS of Massachusetts: A bill (H. R. 10632) granting a pension to Mary J. Hodgkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10633) granting a pension to Adaline R. Springer; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 10634) granting a pension to Gertie Riley; to the Committee on Invalid Pensions.

By Mr. RUBEN: A bill (H. R. 10635) granting a pension to Mary J. Alton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10636) granting a pension to Lucy J. Wright Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10637) granting an increase of pension to Lucinda E. Spillman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10638) granting a pension to Stella May Wagner; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 10639) granting an increase of pension to Thomas W. Botkin; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 10640) granting an increase of pension to Mary E. Wakefield; to the Committee on Invalid Pensions.

By Mr. TUCKER: A bill (H. R. 10641) for the relief of Johanna B. Weinberg; to the Committee on Claims.

By Mr. VAILE: A bill (H. R. 10642) granting an increase of pension to Harriett L. Steele; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 10643) granting an increase of pension to Edmund P. Miller; to the Committee on Pensions.

By Mr. ZIEHLMAN: Resolution (H. Res. 377) to pay E. V. Wilmer and Claude Warren one month's salary; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3135. By the SPEAKER (by request): Petition of Army and Navy Union, U. S. A., Boston, Mass., favoring proposed legislation increasing pensions of Civil and Spanish War veterans and their widows and children; to the Committee on Pensions.

3136. By Mr. CONNERY: Petition of L'Union St. Jean-Baptiste D'Amerique, protesting against the passage of any legislation tending to establish a Federal bureau of education; to the Committee on Education.

3137. Also, petition of Kearsarge Association of Naval Veterans, urging the construction of a cruiser for the United States Navy to be named the *Kearsarge*; to the Committee on Naval Affairs.

3138. By Mr. CULLEN: Petition of Democratic County Committee of New York County, heartily approving of the postal salary bill (S. 1898) and urging its passage by Congress at the present session; to the Committee on the Post Office and Post Roads.

3139. By Mr. DICKINSON of Missouri: Petition of Opal G. Cochran, Mrs. Ida Remer, W. P. Ellis, Miss Florence Bishop, L. J. Cassidy, Mrs. Nancy J. Cochran, et al., 67 names in all, of Eldorado Springs, Mo., for keeping separate church and State, but against the passage of the compulsory Sunday observance bill (S. 3218) or any other religious legislation now pending; to the Committee on the District of Columbia.

3140. By Mr. GUYER: Petition of various citizens of Miami County, Kans., urging the enactment of legislation increasing widows' pensions to \$50 per month, and for pioneer and homeless widows of the veterans of the Civil War to \$72 per month; to the Committee on Invalid Pensions.

3141. Also, petition of various citizens of Iola, Kans., protesting the passage of the compulsory Sunday observance bill (S. 3218), or any other religious legislation; to the Committee on the Judiciary.

3142. By Mr. LYON: Petition of certain citizens of Wilmington, N. C., opposing the passage of the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3143. By Mr. MacGREGOR: Petition of Democratic County Committee, county of New York, urging the enactment into law of Senate bill 1898; to the Committee on the Post Office and Post Roads.

3144. By Mr. MOONEY: Petition of Cleveland City Council, Cleveland, Ohio, urging Congress to enact into law Senate bill 1898; to the Committee on the Post Office and Post Roads.

3145. By Mr. O'CONNELL of New York: Petition of the Lions Club of Jamaica, Long Island, N. Y., favoring the postal salary increase bill; to the Committee on the Post Office and Post Roads.

3146. By Mr. SINNOTT: Petition of residents of Gresham, Oreg., and residents of Multnomah County, Oreg., protesting against the passage of Senate bill 3218; also residents of Pleasant Home, Oreg., protesting against the passage of Senate bill 3218; to the Committee on the District of Columbia.

3147. By Mr. SITES: Affidavits accompanying House bill 10576, granting an increase of pension to certain persons; to the Committee on Invalid Pensions.

3148. By Mr. STRONG of Pennsylvania: Petition of citizens of Indiana County, Pa., opposed to the compulsory Sunday observance bill and any other national religious legislation; to the Committee on the District of Columbia.

3149. By Mr. TAGUE: Petition of officers and members of the Kearsarge Association of Naval Veterans, Boston, Mass., urging Congress to construct a cruiser for the United States Navy to be named the *Kearsarge*; to the Committee on Naval Affairs.

3150. Also, petition of Army and Navy Union, Boston, Mass., favoring proposed legislation to increase the pensions of Civil and Spanish War veterans and their widows and children; to the Committee on Pensions.

SENATE

THURSDAY, December 11, 1924

(Legislative day of Wednesday, December 10, 1924)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

SENATOR FROM IOWA

The PRESIDENT pro tempore. The Chair lays before the Senate the certificate of election of Mr. SMITH W. BROOKHART for the term of six years beginning the 4th day of March, 1925.

It is necessary to make an observation in respect to this matter. Some days ago I laid before the Senate a certificate of election of Mr. BROOKHART supposing it to be addressed to the President of the Senate. I find that the certificate formerly laid before the Senate is a certificate addressed to Mr. BROOKHART individually. So this certificate will be printed in the Record and filed with the Secretary of the Senate, and the junior Senator from Iowa [Mr. BROOKHART] is at liberty, if he chooses to do so, to withdraw from the files of the Senate the former certificate.

The credentials were ordered to be filed and to be printed in the RECORD, as follows:

STATE OF IOWA,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November, 1924, Hon. SMITH W. BROOKHART was duly chosen by the qualified electors of the State of Iowa a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1925.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Iowa.

Done at Des Moines this 5th day of December, 1924.

[SEAL.]

N. E. KENDALL,
Governor of Iowa.

By the Governor:

W. C. RAMSAY,
Secretary of State.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 2688. An act providing for sundry matters affecting the naval service, and for other purposes; and

H. R. 9634. An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve.

PETITIONS AND MEMORIALS

Mr. SIMMONS presented memorials of sundry citizens of Wilmington, N. C., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. McLEAN presented the petition of Local Union No. 175, Journeymen Barbers' International Union of America, of Danbury, Conn., praying for the passage of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution of Enfield Grange, No. 151, of Hazardville, Conn., favoring the passage of the so-called Norris bill, providing for development of the Muscle Shoals project and for the production of fertilizers from air nitrates, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of the Woman's Christian Temperance Union of Pawcatuck, Conn., praying for the passage of the bill (H. R. 6645) to amend the national prohibition act, to provide for a bureau of prohibition in the Treasury Department, and to define its powers and duties, which was referred to the Committee on the Judiciary.

He also presented letters and telegrams in the nature of petitions from employees of the United States post office of New London; post-office clerks of Stamford; National Federation of Post Office Clerks, of Ansonia; post-office clerks of Willimantic; Connecticut National Federation of Post Office Clerks, of Middletown; Elm City Stationary Engineers' Association, No. 10, of Connecticut; National Association of Stationary Engineers; and Edgewood Lodge, No. 11, Knights of Pythias, of New Haven, all in the State of Connecticut, praying for the passage of legislation granting increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Willimantic, Norwich, South Coventry, Eagleville, North Windham, South Windham, Jewett City, Lebanon, and Warrenville, all in the State of Connecticut, remonstrating against the passage of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

REPORTS OF THE COMMERCE COMMITTEE

Mr. JONES of Washington, from the Committee on Commerce, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

S. 3613. An act to provide for retirement for disability in the Lighthouse Service (Rept. No. 800); and

S. J. Res. 118. Joint resolution to authorize the United States Shipping Board to adjust the claim of the Near East Relief (Rept. No. 801).

REPORT OF TREATIES FROM COMMITTEE ON FOREIGN RELATIONS

Mr. BORAH, as in executive session, reported from the Committee on Foreign Relations treaties between the United States and Canada, the United States and Panama, the United States and France, and the United States and the Netherlands, to aid in the suppression of the smuggling of intoxicating liquors, which were ordered to be placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKINLEY:

A bill (S. 3634) granting an increase of pension to Myra L. Moore; to the Committee on Pensions.

A bill (S. 3635) for the relief of Walter D. Mattice;

A bill (S. 3636) for the relief of Edward Burg; and

A bill (S. 3637) for the relief of Charles E. Dern; to the Committee on Military Affairs.

By Mr. McLEAN:

A bill (S. 3638) granting a pension to Helena E. Clark (with accompanying papers); to the Committee on Pensions.

By Mr. PEPPER:

A bill (S. 3639) granting the consent of Congress to the Harrisburg Bridge Co. and its successors to reconstruct its bridge across the Susquehanna River at a point opposite Market Street, Harrisburg, Pa.; to the Committee on Commerce.

By Mr. JONES of Washington:

A bill (S. 3640) granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River south of Chelan Falls, Wash.;

A bill (S. 3641) granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River at Vantage Ferry, Wash.; and

A bill (S. 3642) granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River at Kettle Falls, Wash.; to the Committee on Commerce.

By Mr. REED of Pennsylvania:

A bill (S. 3643) authorizing the construction of a bridge across the Ohio River between the municipalities of Ambridge and Woodlawn, Beaver County, Pa.; to the Committee on Commerce.

AMENDMENTS TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. McNARY submitted the following amendments, intended to be proposed by him to House bill 10020, the Interior Department appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed:

That all unexpended balances of all sums provided for this purpose by H. R. 9559, Sixty-eighth Congress, first session, be, and the same are, hereby reappropriated and made available for the fiscal year 1926, Owyhee project, Oregon: For investigation, commencement of construction, and incidental operations, the unexpended balance of this appropriation contained in H. R. 9559 and the amendments thereto for the above purposes for the year of 1925 is hereby reappropriated and made available for 1926.

To be inserted at the proper places in the bill.

HOUSE BILLS REFERRED

The following bills were each read twice by title and referred to the Committee on Naval Affairs:

H. R. 2688. An act providing for sundry matters affecting the naval service, and for other purposes; and

H. R. 9634. An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve.

NAVAL CONSTRUCTION

Mr. HALE. Mr. President, I have a unanimous-consent request which I would like to present to the Senate, and which I hope very much Senators will allow.

Mr. UNDERWOOD. Will the Senator explain what it is?

Mr. HALE. I will explain very briefly what it is. At the close of the last session the bill (H. R. 8687) to authorize alterations to certain naval vessels and to provide for the construction of additional vessels was introduced in the House. The bill provided an authorization for the conversion of certain battleships from coal to oil burners and for putting deck and under-water protection on those battleships. It also provided an authorization for the construction of six gunboats for use upon the Yangtze River in China and for the construction of eight light cruisers with a draft of 10,000 tons. It was simply an authorization. It was not an appropriation bill.

The bill passed the House of Representatives and came to the Senate. It passed the Senate and was finally held up on a motion by the junior Senator from Utah [Mr. KING] to reconsider the vote by which it was passed. I tried to get action on the motion to reconsider during the last days of the session, but owing to the pressure of work before the Senate I was unable to do so. The condition of the bill, therefore, is now that it is on the table with the motion by the junior Senator from Utah to reconsider pending. Until the bill passes, it is impossible to take up with the Appropriations Committee the matter of the appropriations that will carry out the purposes of the bill. The Budget Bureau can not make its estimates until the authorization is allowed by the Congress. I hope very much that the Senate will agree to let me take up the matter now. I do not think it will take very much of the time of the Senate.

Mr. UNDERWOOD. As I understand the proposition of the Senator, he desires to dispose of the motion to reconsider.

Mr. HALE. That is all.

Mr. UNDERWOOD. When that is disposed of the bill will go through?

Mr. HALE. Yes; when that motion is disposed of the bill will go through.

Mr. UNDERWOOD. If it is laid before the Senate, is the Senator willing to immediately move to lay on the table the motion to reconsider?

Mr. HALE. I would be willing to do so; but I do not believe that would be fair to the Senator from Utah in case he has anything to say on the bill.

Mr. UNDERWOOD. I do not want to stand in the way of the Senator disposing of a meritorious bill, but I certainly do not want to have the bill in regard to Muscle Shoals delayed in its passage. I suppose the Senator having the whip handle can move to lay on the table the motion to reconsider, and by virtue of that fact can come to terms with the Senator from Utah about how long he will speak. I would like to have that done before I consent to take up the motion.

Mr. HALE. While a motion to lay on the table is not debatable, the motion to take up the motion to reconsider is debatable. I hope very much that the Senator from Utah will make his fight, if he has a fight to make on the matter, when it comes before the Appropriations Committee. This is purely an authorization, and until the authorization is made the Budget's hands are tied, and we can not take it up in connection with the Navy Department appropriation bill, which is shortly coming before the Senate.

I hope very much that the Senate will grant my unanimous-consent request. If I find that the matter leads to protracted debate, I shall withdraw it.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the Senate proceed to the consideration of House bill 8687. Is there objection?

Mr. UNDERWOOD. Of course, that is with the understanding that it does not displace the unfinished business.

The PRESIDENT pro tempore. It will not displace the unfinished business except for the time that the Senate may take in consideration of the bill called up by the Senator from Maine.

Mr. UNDERWOOD. I would like to have the Senator from Utah [Mr. KING] state how much time he expects to take if the matter comes up, because if it does come up and we can not get an understanding as to the time to be taken, I shall move to lay the motion on the table, though I am willing to yield any reasonable amount of time.

Mr. KING. Mr. President, I appreciate the fact that, in the language of the Senator from Alabama, he and the Senator from Maine have the whip handle, and a motion to lay the motion to reconsider on the table would be in order and would cut off debate. I shall consume, however, I can assure the Senator from Maine and the Senator from Alabama, only a very short time in presenting a few remarks in regard to the matter.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine?

Mr. UNDERWOOD. I understand from the Senator from Utah that the debate will not be extended, and, of course, I take his word for it.

Mr. DILL. That does not preclude other Senators from speaking on the matter if they care to do so, of course.

Mr. UNDERWOOD. Not at all. If there is any extended debate, however, I shall object and move to lay the motion to reconsider on the table.

Mr. DILL. Is the Senator going to object to another Senator speaking on the matter?

Mr. UNDERWOOD. Not at all. What I mean is that if it is the understanding of the Senator that there is not going to be extended debate I am willing to let it have such time as is necessary, but if it does require extended debate, of course it has not a place here this morning. Does the Senator from Washington desire to speak at any length?

Mr. DILL. I do not want to be precluded by the statement that if other Senators are going to take any amount of time the Senator is going to object. I think that is hardly a fair proposition. If the matter comes before the Senate, it will be here until it is disposed of one way or the other.

Mr. HALE. It can be disposed of in a very short time. The bill went through the Senate without an objection. I do not think the Senator from Utah desires to occupy very much time.

Mr. UNDERWOOD. I do not intend to preclude the Senator from Washington at all, but if he intends to make an extended address I do not want the bill to come up.

Mr. DILL. I do not intend to do so, but if the Senator from Utah makes his address I think other Senators should not be precluded from speaking.

The PRESIDENT pro tempore. The Chair hears no objection, and lays before the Senate the bill to which reference has been made. The question is upon the motion of the Senator from Utah [Mr. KING] to reconsider the vote by which the bill passed the Senate. The Senator from Utah is recognized.

Mr. KING. Mr. President, I appreciate that the parliamentary status of the bill under consideration precludes an extended discussion, and it is not my intention to discuss the various questions directly or indirectly related to the measure upon which action is demanded.

This bill was presented to the Senate in the closing hours of the last Congress; and, as I now recall, the Navy Department brought it to the attention of the House a few days before it passed that body. It would seem that the department did not consider the bill sufficiently important to ask for its passage, when Congress convened, nor to seek to have it made a part of the general naval bill. The Senate Committee on Naval Affairs gave but slight attention to the bill, the hearings being perfunctory and lasting but a short time. I was not advised of the fact that the bill was presented to the committee or would be considered by the committee until a few minutes before the committee met. Without having an opportunity to read the bill or to learn the facts attending its presentation, I was compelled to vote in the committee on it. I voted in the negative, because I felt that no proper consideration had been given the measure and because I believed that the situation of the Navy called for an investigation of various problems, and the drafting of a comprehensive bill that would deal with the wants and needs of the Navy in a proper and complete manner.

The bill was rushed through the Senate without opportunity being afforded the opponents of the bill to present their objections. As soon as I learned that the bill had passed the Senate, I interposed a motion to reconsider. The Senate adjourned, with the motion pending, and the Senator from Maine now seeks to have the motion disposed of.

Mr. President, my fundamental opposition to the bill essentially rested upon the ground that it was piecemeal legislation. I believed that it was unwise to enter upon the construction of new war vessels until Congress was fully advised as to the needs of the Navy. Congress was not in possession of that full and complete information essential to intelligent action respecting naval development. In my opinion, Congress often makes the mistake of legislating upon vital and important matters in a desultory and incomplete way. It projects measures without full knowledge of the facts or an exhaustive inquiry as to the problems and difficulties to be encountered. As a result there is much patchwork legislation; subjects are dealt with in a wholly inadequate and imperfect manner. Appropriations are squandered or at least in part dissipated in the execution of imperfect and unsatisfactory policies. Wisdom dictates that before appropriations are made, the subject calling for the same, should be thoroughly examined and all problems related thereto fully investigated.

It has been known since the lessons of the war were brought to our attention that the situation in the Navy called for drastic reforms. Needed reforms were opposed by reactionary forces powerful in naval circles. There was a fanatical and determined effort made by some persons in the Navy Department and outside its limits to push through a program which had been prepared before the war and which therefore did not take into account material and important modifications which the experiences of the war showed to be neces-

sary. There was an incomprehensible attitude toward needed reforms and toward the construction of instrumentalities essential in a modern navy. Efforts to limit the number of capital ships and to devote a part of the costs that would be incurred in their construction to the building of submarines, aircraft, and aircraft carriers were resisted.

For a number of years I have insisted that greater attention be given to the construction of naval craft which the recent war demonstrated were imperatively required. We have been spending hundreds of millions of dollars annually since the war without getting adequate results. In my opinion millions have been wasted in overhead and in unnecessary activities. Money which should have been devoted to the construction of needed submarines, aircraft, swift cruisers, and other naval vessels was expended in avenues which have contributed but little to the efficiency or development of the Navy. I have insisted that a proper naval program be adopted—one that would bring our Navy to a high degree of efficiency and make it in every respect a modern and up-to-date fighting machine.

I have felt that the policies of the Navy have brought discouragements to its personnel and have resulted in a loss of morale among both the officers and the enlisted men. This has been demonstrated in the large number of resignations upon the part of officers and a great number of desertions among the enlisted personnel.

I believe the situation of the Navy is such as to call for a comprehensive investigation—an investigation not to tear down but to build up, and to obtain facts which should be the bases of legislation that will bring the Navy to that high standard of perfection and efficiency desired by the fine officers and men found in the Navy, as well as by the great majority of the American people.

I have upon a number of occasions challenged attention to what I believed to be needed reforms in the Navy, and have criticized certain policies which I believed were obstacles to the creation of a suitable Navy. I have had no friends to reward or enemies to punish, and have been guided only by a sense of public duty and a desire to improve our Navy and to utilize the large appropriations made to the best advantage.

I have felt during the past few years that the Navy Department has not measured up to the responsibilities resting upon it or to the reasonable demands of informed and patriotic citizens.

In May of this year I offered a resolution which was referred to the Committee on Naval Affairs. I hoped that the resolution would be promptly adopted so that the investigation called for might be speedily entered upon and concluded at the earliest possible moment, in order that Congress might have sufficient facts to enable it to intelligently deal with the problems and questions connected with our naval policies and the Navy Department. The resolution in part is as follows:

Resolved, That joint committee to consist of four Representatives, members of the Naval Affairs Committee of the House, to be appointed by the Speaker, and four Senators, members of the Naval Affairs Committee of the Senate, to be appointed by the President of the Senate, is authorized and directed to investigate the present condition of the Naval Establishment, and particularly to inquire into and report to Congress whether or not the so-called capital ships ratio of 5-5-3, as agreed on by the Washington Disarmament Conference, is being maintained on the part of the United States, or is being exceeded by the other powers to the agreement; the actual number of cruisers, destroyers, submarines, dirigibles, airplanes, and other auxiliary naval craft in the naval establishments of the other powers signatory to such agreement but not subject to such ratio; the number, class, and description of such auxiliary craft as may be regarded as adequate and necessary to the defense of the country; whether adequate attention has been given by the Navy Department to the construction of submarines, airplanes, and other auxiliary craft; the reasons for delay in completing the V boats now under construction; why no fleet submarines have been constructed; whether the submarines constructed have been efficient; why more airplanes have not been constructed, and whether those constructed are effective and of types comparable to those employed by naval powers; whether the General Board of the Navy is committed to archaic naval plans and archaic types of vessels and is preventing the proper development and perfection of such submarine, airplanes, and auxiliary craft as may be required for the defense of the country; whether a change should be made in the manner of appointing the General Board of the Navy; whether the administration of the Navy Department has tended to the bureaucratic domination of the expert technical officers of the Navy or has prevented the development of officers of such expert qualifications as are required for the technical work of the Navy; whether the recent accidents to naval vessels off the coast of California,

and recent casualties to submarines, have been due to deficient official and other personnel, or to lack of adequate sea training in the navigation of submarines and auxiliary craft; the number of navy yards, naval bases, and shore stations which should be maintained; the organization of the Navy Department, including the functions of the separate bureaus in the department, their interrelations, and their relations to the office of the Secretary of the Navy; whether the Navy Department is effectively and prudently expending the moneys appropriated for the Naval Establishment to the advantage of the Government and the potential defense of the country; and whether or not the acts of Congress respecting the organization of the Navy Department should be amended or supplemented by new legislation to secure a more effective expenditure of naval appropriations and to promote the orderly coordination and functioning of the department—and to make recommendations to Congress concerning the questions in the premises set forth.

The concluding paragraphs of the resolution contain the usual provisions for hearings, subpoenaing witnesses, and so forth. Briefly, I wish to call attention to that part of the resolution which directs the committee to investigate the present condition of our Navy and particularly to ascertain whether the capital ships' ratio of 5-5-3, agreed upon in the so-called disarmament conference, has been maintained on the part of the United States or has been departed from by the other parties to the treaty.

Many American citizens have felt that the so-called limitation of armaments conference did not deal fairly with our country. I opposed the treaty and voted against it because I believed that it would not be productive of good and did not deal with the questions involved in a proper or satisfactory manner. The United States was the only power participating in the conference that was superior in capital ships. In cruisers, submarines, airplanes, and other naval craft and instrumentalities the United States was surpassed by other powers. In the first place the conference did not invite all nations to participate, or many nations which were deeply interested in the question of limiting naval armaments. I felt that it was a mistake to restrict the conference to the participating powers, and it was my opinion that the United States surrendered the advantage which it had in the field of capital ships without getting any adequate results by such surrender.

The participating nations were left, after the treaty was signed, to devote their energies to the construction of submarines, aircraft, floating mines, and the development of other instrumentalities and forces to be employed in naval contests. The financial resources of either Great Britain, France, Italy, or Japan would not permit as large sums of money for naval construction as that which the United States, because of its superior wealth, might appropriate.

Modern capital ships called for tens of millions of dollars. We aided the other parties to the treaty by relieving them of the heavy burdens of constructing capital ships, but we left them free to build submarines, airplanes, mine layers, and other deadly naval craft. We relinquished by the treaty the field in which we were superior and left the other nations predominant in other fields of naval craft; and this was done though the lessons of the war revealed the weakness of battleships and the vital importance of submarines, airplane carriers, mine layers, and other forms of naval craft. Moreover, by the treaty we compelled the United States, when it reached the limit of capital-ship tonnage permitted by the treaty, to retain a number of capital ships such as the *Delaware*, *North Dakota*, and *Florida*, which were, if not obsolete, obsolescent, or at least so old and imperfect as to require millions of dollars to put them into shape for service.

The bill before us supports this last statement because it calls for alterations to the battleships *New York*, *Texas*, *Arkansas*, *Wyoming*, *Florida*, and *Utah*, costing approximately \$18,000,000. These vessels require protection against submarine attacks and the installation of protective appliances against air attacks, provisions for their conversion into oil-burning ships, and in some instances the installation of new fire-control devices. It is also a fact that the boilers of some of these capital ships, which were retained under the limitation of arms treaty, are so old and defective as to put the ships out of commission. It would seem as if the treaty required us to retain as a part of our capital-ship fleet a number of vessels that were fit only for the scrap heap. At any rate, under the treaty we are required to scrap capital ships and at the same time appropriate millions to put old and obsolescent ships into such condition that they can with safety be taken to sea.

The deplorable condition of our Navy has occasioned much criticism and has led naval officers, as well as naval experts, to affirm that even in the line of capital ships the United States

does not preserve the ratio of 5-5-3 but has dropped to a ratio of 5-3-3. Indeed, there are some who contend that our Navy, measured by the effectiveness of all of its units, sustains the relation or ratio of 5-1-3. This situation I have felt calls for an investigation, and when it is realized that we have appropriated hundreds of millions of dollars annually since the war and do not have a single fleet submarine except the V-1, which has just been constructed, and no suitable airships or airplane carriers or mine layers, and but a limited number of cruisers, then the necessity of a thorough and exhaustive investigation of our naval plans and policies and program and present condition of the Navy seems to me to be imperatively demanded. In the resolution calling for an investigation, a portion of which I have just read, numerous matters are mentioned, and I submit that to deal with them in a proper way information is required and a full knowledge of the facts must be had by Congress.

Senators are aware of the fact that there has been much criticism of the manner of selection of officers, and it has been charged that the method employed has resulted in controversy and resentment among the officers. It is a matter of common knowledge that numerous "accidents," so called, have occurred in naval operations in the past year. It will be recalled that recently an explosion occurred on the battleship *Mississippi* and that 44 officers and enlisted men were killed. My information is that this accident was due to negligence and official inefficiency. Certainly there was not sufficient care taken to provide suitable air pressure and proper agencies to be employed to clean the guns after firing huge projectiles. And a few days ago 8 or 10 men were killed on the *Trenton*, one of the new cruisers. Information has come to me as to the cause of this disaster. If my information is correct, there was negligence and inefficiency upon the part of the personnel in certain branches of the naval service. But a few months ago 8 or 10 of our warcraft were lost upon the coast of California; and this morning we read of the death of a number of officers and enlisted men and the destruction of the airplane in which they were flying. And quite recently we were advised of a submarine that submerged and failed to rise.

If I had time, I could refer to other disasters which would seem to indicate fault somewhere in the Navy. There should be an investigation of these disasters.

It is known that we have appropriated \$150,000,000 for submarines and yet have but one that can accompany the fleet. In a resolution that was offered for me by the Senator from New Mexico [Mr. Jones] on the 4th of this month attention is directed to this fact and to the fact that 124 submarines of various types have been constructed, many of which are unsatisfactory. This resolution directs attention to other matters and asks that an investigation be conducted by the Senate Naval Affairs Committee.

Mr. President, I repeat that the naval problem is one of such great importance as to require further information before Congress is in a position to determine what policy it should adopt or what appropriations should be made.

Senators will recall that Admiral Coontz and Secretary Wilbur some time ago gave rather glowing reports as to the efficiency of the Navy and the high standard which it had obtained in all departments. The report submitted by Admiral Coontz with respect to the maneuvers of the ships under his control in 1924 conclusively demonstrates that our Navy is not in a satisfactory condition; indeed, that its condition is such as to require most drastic treatment. And more recent statements of Secretary Wilbur materially modify his earlier glowing reports.

The bill before us does not purport to reach the situation or to deal with the defects and imperfections that must be dealt with, and dealt with soon, if we are to have a suitable Navy. I have characterized the bill before us as piecemeal legislation. It is scarcely that. It is a system of patchwork legislation. I insist that if we are to have a Navy it should be an up-to-date and modern Navy, one that is efficient mechanically—if I am permitted to use that expression—as well as in the spirit, efficiency, and fine service of the officers and enlisted men. We must have a Navy which is not only an honor to our Nation but one which in all hours of danger will prove an invincible arm of defense. It must be a Navy in which the officers and enlisted men will have profound pride and to the development of which they will earnestly and joyously dedicate their lives.

Mr. President, I am only asking for the facts, for all the information that can be obtained, not only from the General Board but from officers and enlisted men, as well as from every other available source. I want to know what our policy is to be, what we are to do with the Philippines, what course we are to pursue with respect to Guam and Hawaii, what

plans are to be adopted with respect to naval bases—whether we are to construct submarines and aircraft, whether there is to be a limitation upon these forms of naval craft, as well as upon a multitude of other questions which are inseparably connected with our naval policy and with our naval operations. Only by a comprehensive investigation where we can obtain the views of experts as well as practical persons and get all the facts bearing upon these questions will we be in a position to legislate intelligently and properly.

The bill before us only authorizes the construction of gunboats to be used to terrify the Chinese and eight light cruisers and the repair of some of our old capital ships. It does not appropriate a single dollar.

I believe that the American people will not be satisfied until we know the facts. Some of the leading papers in the United States, as I am advised, take the position that the naval question is so important as to call for a thorough investigation. In this morning's Washington Post, one of the leading papers of the United States, appears an editorial which is worthy of consideration. I ask that it may be incorporated in my remarks without reading.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

The editorial is as follows:

[From the Washington Post, Thursday, December 11, 1924]

A NAVAL INQUIRY NEEDED

There is much confusion in the public mind as to the exact state of the United States Navy, but there is no doubt whatever that cruisers are needed and that several battleships are practically worthless on account of defective boilers. It is also evident that several gunboats are needed for the protection of the Americans in the interior of China. Therefore it is well that Congress should pass without delay the bill approved by the House at the last session providing for several cruisers, the reconditioning of battleships, and for four gunboats.

But this legislation does not meet the situation. The question of aviation is left unsettled, and no provision is made for bringing the aircraft carriers *Lexington* and *Saratoga* up to date. No additional submarines are provided for, and yet submarines are a necessity. Secretary Wilbur points out that the relative strength of the world's fleets depends upon their position. The American fleet is strong in American waters, but would be weak in Asiatic waters. Battleships dare not cross the seas nowadays, with submarines lurking in their path, destroyers to intercept them with torpedoes, and airplanes to bomb them. Unless a fleet is equipped with submarines, destroyers, and aircraft, it must stay at home or risk destruction. Yet the vital interests of the United States may require the fleet to take the high seas.

There is only one fleet submarine under the American flag, and that one is not yet fitted for diving. It is a good boat and will be tested for diving in good time. The United States should have submarines capable of traveling with the Battle Fleet.

An inquiry should be made by Congress covering the present state of the Navy and its needs for the immediate future. The expenditure of large sums should not be made until Congress knows where the money should go, whether for submarines, airplanes, naval bases, or cruisers, or all of these.

Capable naval officers are at the disposition of Congress, ready to give full and accurate information upon which Congress can safely act. Let them be summoned. They can not speak until they are required to speak. The information they possess is useless unless it is passed along to Congress. Congress is sure to make a mistake if it appropriates money without possessing proper information. The modernization of the Navy to make it an effective arm of national defense is a step that should not be delayed. The lessons taught by the late war should be applied. The General Board and the Secretary of the Navy can not apply them. Only Congress can do that, and it can not do it without first learning the present condition of the Navy and what is needed to bring it up to date.

Mr. KING. Mr. President, I hoped that the chairman of the Committee on Naval Affairs would feel the necessity of favorable action upon my resolutions. He has exhibited interest in the Navy; but I think his interest would have been emphasized if he had joined in demanding the investigation called for.

At a later date, Mr. President, I shall address the Senate upon our naval policy and call attention to many matters which I think the Senate should know. If the resolutions which I offered are adopted and hearings are had upon them, the facts will then be elicited, and, when legislation based upon the information obtained is presented, the entire subject can be properly canvassed and the Senate and the country advised as to the condition of our Navy and its imperative needs.

Mr. HALE. Mr. President, I can promise the Senator from Utah that his resolution of the last session and the resolution which he has recently introduced, which I understand has not

yet been referred to the Naval Affairs Committee, will both receive every consideration when they come before the committee for action. If the committee determines that a general investigation of the Navy is proper and is necessary I can promise the Senator from Utah that he will have it. On the other hand, as to certain allegations which are made in his resolution, if he can show that there is ground to believe that they are actual facts, I can promise him that he will have an investigation of those allegations and that he will have fair treatment in every way.

Now, Mr. President, I move to lay on the table the motion of the Senator from Utah to reconsider the vote by which House bill 8687 was passed.

The PRESIDENT pro tempore. The Senator from Maine moves to lay on the table the motion to reconsider the vote whereby the bill which he has named was passed.

Mr. REED of Missouri. Mr. President—

The PRESIDENT pro tempore. Those in favor of the motion will vote "aye"; those opposed will vote "no." The ayes have it, and the motion is laid on the table.

Mr. REED of Missouri. Mr. President, I rose and addressed the Chair before the question was put, but the President pro tempore did not hear me.

This may be the way to shut off debate in the Senate. It may be that this is the course we are entering on, for some Senator to get on the floor and say all that he has to say and then deprive other Senators of an opportunity to say anything in reply by making a motion to lay on the table a motion which has been made to reconsider. That, however, has not been the general practice of the Senate.

A motion to reconsider is an important one and debate on it should not be shut off in this manner. I have had no opportunity to study the question myself, but I was listening here with a great deal of interest to the statement of the Senator from Utah, who has given the subject consideration, and then I listened to the reply, and I heard the Senator from Maine say in reply that if his committee saw fit to report favorably on the resolution they would so report, and if they saw fit to report otherwise they would so report. That was a very convincing and enlightening statement to all of us, I am sure, because we now know exactly what the committee is going to do.

Mr. HALE. Does the Senator think that I could answer for the committee?

Mr. REED of Missouri. Very well. The Senator undertook to answer in some way and to give some assurance, and his assurance was that if the committee saw fit to report favorably they would do so and if they saw fit to report unfavorably they would do so, whereupon he moved to lay the motion on the table. That is a legislative syllogism which is somewhat unique.

Mr. HALE. I think, Mr. President, if the Senator listened to what I said he would recall that I said we would give the Senator from Utah every chance to put his case before the committee and would hear him.

Mr. REED of Missouri. Mr. President, I am coming to that. Then the Senator said that there were certain questions of fact which the resolution asks to have investigated, and here he took very high ground. It was that if the Senator from Utah would appear in advance and prove the allegations, then the committee would proceed to investigate whether they were true or not; in other words, the Senator from Utah is required to possess the information in advance and the evidence in advance which it is his very purpose under the resolution to ask the committee to ascertain. Of course, if the Senator from Utah had the evidence in advance he would not need any investigation; he would not need any committee to ascertain whether the evidence existed or not because he would already have it, and if he had the evidence it would be quite as effective as though it had been ascertained by a committee.

Mr. President, the motion to lay on the table was adopted without any proper consideration, and I suppose that is a finality to this bill. I undertook to address the Chair, but was unsuccessful in attracting the attention of the President of the Senate. I protest against this sort of proceeding in the Senate—a Senator rising to make a speech and saying all he has to say, and then moving immediately to cut off everybody else from the opportunity of saying a word.

Mr. HALE. Mr. President, the Senator from Missouri knows that the Senator from Alabama told me he would not object to my request for unanimous consent, provided I could get action within a reasonably short time.

Mr. REED of Missouri. But that does not mean that the Senator should foreclose the matter if the debate was taking more than a reasonable time.

Mr. HALE. This is not an ordinary bill, Mr. President. This is a bill that has already been acted upon by the Senate.

Mr. REED of Missouri. And a motion was made in the closing days of the last session to reconsider, and that motion came over to this session. If the Senator felt that he was bound not to interfere with the Senator from Alabama in the progress of the measure in which that Senator is so much interested if the debate took longer than would be fair to the Senator from Alabama, all that was necessary to do was to lay this question over until to-morrow, and not to make a motion which would foreclose all debate and future consideration. The excuse of the Senator is just as lame as the logic he employed in defending his action.

Mr. HALE. I have already explained to the Senator that we are trying to get action on the matter as soon as possible in order that the Budget may make the supplemental estimate and present it to the Appropriations Committee, so that we may take the matter up in the naval appropriation bill which will shortly be considered.

Mr. REED of Missouri. Well, we have the entire session before us. We will not gain any time by this sort of method—not a bit of it.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Mr. REED of Missouri. Mr. President, may I inquire what is the parliamentary situation?

The PRESIDING OFFICER (Mr. STERLING in the chair). House bill 518 is before the Senate, and the pending question is on the amendment of the Senator from Mississippi [Mr. HARRISON] to the substitute proposed by the Senator from Alabama [Mr. UNDERWOOD].

DEBTS OF THE ALLIED NATIONS

Mr. REED of Missouri. Mr. President, because it may have escaped the notice of Senators, I desire to call the attention of the Senate to what I regard as a very serious question. I hope it will receive thoughtful attention, particularly from the members of the Committee on Foreign Relations. It ought also to receive the thoughtful attention of every commission and every person endeavoring to collect our foreign debts.

I read in the Washington Post of this morning these headlines:

Britain to demand creditors pay her in reimbursing United States—Proportionate payments to be asked, Churchill tells Commons—Surprise in Capital over announcement—Difficulties are foreseen in trying to effect refunding of remaining debts.

The article which follows is, in part, as I shall read:

Winston Churchill, Chancellor of the Exchequer, alluding in the House of Commons to-day to the Franco-American war debt conversations, said the Government would consider it essential that any payments made by Great Britain's debtors in Europe to their creditors in the United States should be accompanied simultaneously by proportionate payments to Great Britain.

In examining what is printed—and I have no doubt correctly—as the text of Mr. Churchill's address, it appears that he discussed the sacrifices that England had made, the burdens the English taxpayer had undergone, and referred to the fact that England had settled with the United States. I do not want to misconstrue his words, but I think it fair to say he at least expressed doubt as to Great Britain's wisdom in making that settlement. He included in his statement these remarks:

Having met all our liabilities as prescribed, having rigorously discharged every contract into which we have entered, we are entitled to rest ourselves with confidence upon the position of freedom and independence which we have regained. We have regained it not without great sacrifice, but it is ours and it is ours forever. [Cheers.] We can look everyone in the face.

This debt settlement was unquestionably the indispensable forerunner of the consolidation and increasing establishment of our credit

throughout the world, on which our world-wide trade depends, and it is the essential foundation in all improvement in exchange between this country and the United States and the maintenance of exchange, which is a vital factor in the whole of our national and international finance.

What is the second great factor in the problem, so far as we in this country are concerned? It is the Balfour note. That note was drawn up three years ago. Associated as it is with the name of a statesman revered throughout Europe, it must in British eyes play a most important part in our future discussions on this subject.

The Balfour note was published before the settlement of the American debt was effected, but we had already been invited by the United States to enter into negotiations for funding of the debt.

What was the principle of Balfour's note? It was that we would obliterate and delete all debts owing to us if we were similarly treated by others in respect of debts owing to them, but it also said that if that was impossible we should ask as much, and no more, from Europe than the United States might find it necessary to require from us. That was the principle expressed in the Balfour note at that date.

Now, a word of comment:

The principle of Balfour's note * * * was that we would obliterate and delete all debts owing to us if we were similarly treated by others.

That is to say, England would forgive France her debts if France would forgive her debtors and if we would forgive England her debt to us. In other words, it was a method of payment every dollar of which came out of the Treasury of the United States. If England owed us four or five billion dollars and we forgave England, of course England could forgive four or five billion dollars of other debts and not be out a cent. In turn every other nation along the line could forgive its debtors and not be out a cent. But how about the United States? We would be the great paymaster then, as we have been in the past. We would cancel the ultimate debt. We would pay all of the debt ourselves.

That was the Balfour note. That is the spirit of it, as repeated here by Mr. Churchill. It is still sticking in the craw of English statesmen and of other European statesmen.

We thought we had eliminated that notion when we made a contract with England which was not the contract England made with us during the war. Her contract with us then plainly stated that upon the receipt of the moneys of this Government she would issue to this Government bonds in terms of interest and in terms of payment exactly similar to the bonds we were obliged to issue when we borrowed these moneys from our people. Subsequently, without authority of law, the Secretary of the Treasury turned over this money to European countries without demanding and receiving their bonds, because it was alleged that the exigencies of the case were so great that time could not be taken to carry out formally the terms of the statute, which directed the Secretary of the Treasury to pay out the money only upon receipt of the bonds. Accordingly, when the money was turned over in lieu of the bonds, he took a solemn written obligation by which each of the European powers obtaining money—including, of course, Great Britain—was, upon demand, to issue to us the kind and character of bonds required by our statute; and at that time an agreement was made for the payment of 5 per cent interest. The Senator from Utah [Mr. SMOOT] will set me right if I am in error about that.

Mr. SMOOT: Five per cent was the rate.

Mr. REED of Missouri. But whether that 5 per cent was meant to be a temporary interest until the bonds were issued, or whether it was to run for the entire term of the bonds and was a modification of that clause of our statute which provided that the bonds to be given to us should bear the same rate of interest as our bonds, this much is true, that the language of the contract expressly bound Great Britain to give us bonds at least of the same kind and character as the bonds we had issued to our people. The whole thought when we passed the statute and when the contract was made was that the English obligation to us should take care of our obligation to the American people who had bought these bonds, so that we never would be obliged to levy a dollar of tax to pay either the interest or the principal of those bonds. We would receive that money from Great Britain and the other powers in time to meet these obligations.

We borrowed this money at an expense of probably 4½ per cent initially. It may well be said that our loans cost us 4½ per cent. Nevertheless, when we came to settle with Great Britain, she did not settle with us on the terms written in the contract she had given us. She held off. She made it difficult, and finally, in order to get a settlement, a committee rep-

resenting this Government agreed with her to fix the time of the payment of her loan, not according to the time our bonds matured but extended the time for ultimate payment to 62 years. Moreover, we gave her the money for a period of years at 3 per cent. I will ask the Senator from Utah for how many years that was.

Mr. SMOOT: For 10 years.

Mr. REED of Missouri. For 10 years, at 3 per cent. During those 10 years we are paying 4 and 4½ per cent for the same money we loaned to Great Britain. That is substantially a correct statement; there may be a variation of a quarter of a per cent. After the 10 years the interest she pays is equivalent to what rate? I will again inquire of the Senator from Utah.

Mr. SMOOT: Three and a half per cent for 52 years.

Mr. REED of Missouri. Three and a half per cent for 52 years; and yet our obligations, as long as they run, compel us to pay 4 and 4½ per cent. The difference between the rate of interest which we are now paying and the rate of interest which Great Britain pays us, compounded for the 62 years, is about \$22,000,000. It runs to that astounding figure when the interest is compounded, and it is proper to compound the interest, for we are laying out the interest money, and if we collected it we could loan it out at interest.

That is the way Great Britain met her obligations. At the time the settlement was proposed I opposed it upon this floor because I thought it unfair to the United States. Yet I am free to say that in view of the attitude of Great Britain, as manifested by Mr. Churchill in this debate of yesterday, it occurs to me that perhaps the committee were fortunate in getting a settlement at all. I desire, however, to say nothing harsh on this question. I simply wish to call attention to the cold facts.

During the war, Mr. President, upon the floor of the Senate a committee representing the British Government was received, and I heard one of her great men say to the Senate, "If you are coming, come quickly." That was a tremendous thing for a Briton to say. A Briton does not call for help until he needs it, for I pay the British nation the compliment of saying that it is the gamest nation there is in the world, always, we hope, excepting ourselves. An Englishman never calls for help until he needs it, and needs it very badly. This was the cry, the Macedonian cry, "Come over and help us, and come quickly with your men and your money."

So Great Britain, and so these other nations, not only called for men, but they called for money, and, while I do not wish to criticize him at all, the Secretary of our Treasury technically violated the mandate of the statute when he gave them that money before he received the bonds. If he had received the bonds, they would have been in the Treasury of the United States to-day, or in circulation, and this controversy would not be before us. Yet I do not speak of that to criticize the Secretary of the Treasury, because we were in a war, and we were doing many things in an irregular way.

So we called upon our people to buy those bonds, to buy until it hurt, to bleed themselves white; and they did buy until it hurt, and we gave that money to France and to England and to other countries in the hour of their dire distress, and we gave it upon their faith and credit as honorable nations. They had been in the war before we were. The war was not of our seeking or our making. It was because of the depredations which occurred in that war that we were compelled finally to enter in order to protect our commerce. There was not, in my judgment, a minute from the time the United States entered that war until its close that Germany would not have made peace with us separately and agreed to any reasonable conditions we would have named. I do not claim that correspondence or contemporary records manifest this, but it was the logic of the situation. We entered that war and stepped into the ranks alongside these European countries. We entered it for a less cause than they had, who were fighting for their lives, while we were merely vindicating our honor. We said to them, "We will stay with you until a peace is made that is satisfactory to you. We will not make a separate peace." And we did stay with them. Without detracting one iota from the gallantry of their soldiers, from the valor of their people, from the magnificent fight they put up, it is a matter history will record that if the United States had not entered that war in all human probability the peace would have been signed in Paris. It would have been a German peace, and not a French and English and Belgian peace.

We gave this money; we gave these men. We gave our own men for our own efforts. We equipped our own men. That war cost America not less than \$50,000,000,000 all told. But

of the money we raised, we raised something like \$11,000,000,000 not for ourselves but for them. When we come to ask for the payment we are meeting with continued opposition.

France and England and Belgium had been copartners in that war. Every dollar we loaned to Belgium aided England. Every dollar we loaned to France aided Belgium. Every dollar we loaned to England aided all of her allies. So we loaned to each of them in proportion to their wants. But it was this influx of money and the material it bought that stiffened their lines. It was the shortening of their lines by filling in the spaces thus left with American soldiers which made it possible to win the war. Otherwise, no matter how the war might have ultimately ended, certain it is that the damage that would have been done to England and to France if it had continued without our intervention would have been so horrible that the amount of money we loaned them would be a mere bagatelle compared with the financial loss.

Now, we have asked England for her settlement and obtained it. We went then to our separate creditor, France, and have asked for a settlement there. We have gone to these various countries. We have said to them, "We do not propose to be hard on you. We do not propose to play the game of the Shylock who demands the pound of flesh and whatever blood comes with it. We simply want you to agree to pay us sometime, and if you need extensions we will carry the loan. We will manage some way or other to tax our own people enough to keep up the interest upon the bonds and to finally meet them if you are unable at that time to pay your interest, and as the bonds mature to pay the principal. If you need more time, we will give it to you, and we will tax our people in order to do it. But as honest nations, as honorable nations, at least give us your promise to pay sometime."

When we go to France to ask for that money, a great English statesman, Mr. Churchill, after making the remark to which I have just adverted, after intimating, at least, that the Balfour scheme of cancellation of debts is still in mind and that America ought to be the final paymaster—for that is the logic of the situation—adds:

There is one new aspect which has been brought into prominence lately. I mean the negotiations which we read in the newspapers have taken place between France and the United States for adjustment of Franco-American debts.

As far as His Majesty's Government understand, there are no formal negotiations in progress, but there have been tentative inquiries and conversations. The matter has not advanced farther than that at the present time, so far as we know. There is, therefore, no necessity for any formal declaration on our part in regard to this matter at this moment.

Speaking generally, I would venture to say that we do not wish to hinder any arrangement for mutual benefit which may be entered into between two friendly nations allied and associated with us in the Great War.

We consider it essential, however, that any payments made by our debtors in Europe to their creditors in the United States should be accompanied simultaneously and *pari passu* by proportionate payments to Britain. [Cheers.]

That indicates the general scope and outline of the policy which His Majesty's Government will endeavor to pursue in regard to interallied debts in the months and, I trust, in the years which lie immediately before us; and I also say that in pursuing that policy we shall be animated by a spirit of warmest comradeship toward our friends and allies in the war, and we shall sedulously avoid the use of any language or indulgence of any mood which would possibly be the cause of offense or lead to disturbance of the harmony which has existed.

Soft words at the end, soft words at the beginning of this paragraph, but the meat of it is that when we go to France and ask France to pay us, Great Britain proposes to interpose her powerful influence and say, "You must not pay America unless you pay us at the same time. We will insist upon that." And thus they interfere with us in making an independent bargain for the collection of our debt from that debtor who stood beside England in the war, by that debtor who was aided by these funds—for every dollar thus yielded to that debtor benefited Great Britain and helped her maintain the struggle.

Now, Mr. President, in my humble judgment it is the high duty of this Government to maintain friendly and cordial relations with all the nations of the world. It is our duty to go to the extreme limit in order that we may produce good feeling for America in every court and every country of the world. But I assert that any interference on the part of Great Britain, directly or indirectly, with the business of this country and France in the settlement of our particular claims against that particular country is a thing that can not be tolerated for a moment. When I undertake to collect my just debts from my

debtor and another man insists that that debtor shall not pay me unless at the same time he pays to him a given sum of money, that is an interference with my right of collection; it is an interference in my business.

This great Nation can not afford to tolerate any such interference by Great Britain or by any other country on earth. It is our business to proceed as we see fit. If England has a claim against France, as she undoubtedly has, let her proceed in her own way to make her own bargain. We will not interfere with France in paying Great Britain. We have never sought to do that; and so we can not tolerate any interference by Great Britain with France if France shall desire to pay us. Such interference, such attempted overlordship of the world, is as intolerable as was the act of the Kaiser when he told the American Nation that it could sail its vessels in certain lanes provided we repainted them in certain colors.

I have felt that this matter ought to be called to the attention of the Senate. I repeat that it would be well for Great Britain, if she desires to retain the good will of this country, that her statesmen should understand that if they have business with France they should proceed to transact that business with France and we will not interfere, but that in so far as we have business with France we will proceed to its transactions and we will tolerate no interference by any power of earth.

Mr. SMOOT. Mr. President, I think it, perhaps, a proper occasion to notify the Senate and the people of the country that the Foreign War Debt Funding Commission have no intention, and never has had any intention or even inclination, to agree to cancel any debt owing to the United States by any country in all the world.

Mr. OVERMAN. Would the commission have any power to cancel any debt?

Mr. SMOOT. Of course, they would not without the action of Congress, and they have no intention of ever asking Congress to do it.

Another thing, Mr. President. I notice by clippings from the English press that the statement has been made that there was an agreement, not in writing but a verbal agreement between the representatives of the British Empire and the members of the United States Debt Funding Commission, that if there were any more liberal terms granted to any other country in the settlement of the obligations owing by that country to the United States, the same terms of settlement would be granted later to England. I want to say, Mr. President, that there was never such an agreement or understanding. On the contrary, that proposition was discussed by the representatives of England with the Debt Commission and the request was made of the commission to incorporate it in the terms that would be recommended to Congress for ratification, but it never was agreed to.

Not a member of the commission ever even intimated that such an agreement would be acceptable to the commission or to Congress or to the American people. In the settlement made with England there are no strings attached. Every understanding is included in the agreement itself, and the terms of the settlement are published just as they are, and there is no understanding other than is in the written word.

Mr. REED of Missouri. Mr. President, will the Senator pardon me at that point?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. Certainly.

Mr. REED of Missouri. In order that it may appear in the RECORD, if the commission had undertaken to do anything of that kind it would have been absolutely void unless it was written in the instrument, because in the last analysis the Congress acts only on the written proposal brought to it and has no knowledge of anything outside of that proposal.

Mr. SMOOT. The Senator has made the statement correctly. Not only that, but I want to say there was no understanding that any such proposal in the future should be made other than contained in the terms of the settlement as set forth in the written contract.

Mr. SWANSON. Mr. President, the Senator from Missouri asked the question which I rose to ask, but he made it stronger. As I understand the situation it is that the commission had no authority to make the settlement which was subsequently made with Great Britain by an act of Congress.

Mr. SMOOT. All the authority they had was to recommend an agreement reached to the Congress of the United States for ratification, and that was done.

Mr. SWANSON. And all that is contained in any settlement or understanding made with Great Britain or the British

Government was submitted to the Congress and ratified by a vote of the Congress.

Mr. SMOOT. Every item. There is no contract or agreement between the two countries other than is contained in the settlement that was ratified by Congress and signed by the President of the United States.

Mr. REED of Missouri. I am glad the Senator made the statement, not because it is necessary from anything that I said, but I am glad to have it put in the Record at this time, so that at least the American people and such of the British people as pay us the compliment of following our proceedings may be advised of the declaration and of the facts.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Mr. COPELAND. Mr. President, as tending to show the attitude of the country toward the pending measure, there is a powerful and informative editorial in the New York World of this morning which I wish to read into the Record. The title of the editorial is "Protect Muscle Shoals," and it reads as follows:

PROTECT MUSCLE SHOALS

If the Underwood Muscle Shoals bill comes to a vote in its present form, the World hopes that the Senate will vote it down.

If the bill passes and goes to the House, the World hopes that the House will amend it. This bill is wrong.

It is wrong because its authors insist upon treating the Shoals as a nitrate plant rather than a power source and thereafter fail to protect the public interest in that power. Muscle Shoals will never give the farmers of this country cheap fertilizer. It will never give the farmers cheap fertilizer—

First, because even the Underwood bill plans to produce only one-thirtieth of the nitrogen we annually import from Chile.

Second, because nitrogen itself is not a fertilizer—at best it is only 10 per cent of a fertilizer—it must be mixed with other chemicals.

Third, nothing that the Shoals can do with nitrogen—even if it produces 40,000,000 tons a year instead of 40,000—can affect in any way the prices of those other chemicals. The idea that the Shoals, producing one-thirtieth of one product which in itself is one-tenth of a fertilizer, can do anything miraculous for the farmers is mere nonsense.

The Shoals is not primarily a nitrate plant. The Shoals is a power station. Those three dams which have cost the country millions can be made to furnish 850,000 horsepower annually, the greatest single power resource in the United States capable of immediate development. This power the Underwood bill ignores, making no provision for its future use whatever. Not only that: On Tuesday Mr. UNDERWOOD persuaded the Senate to vote down an amendment of Senator McNARY's proposing that power development at the Shoals strictly conform with the regulation of the Federal water power act.

This is dangerous business. Muscle Shoals may easily become the central reservoir of electric power of all States east of the Mississippi and many west of it. It is inviting another Teapot Dome to leave that reservoir without every protection which intelligent law can throw around it, every protection carried in the water power act for control of rates, expropriation of excessive profits, minimum guarantee of power to be furnished, and penalties for licensees who do not market their developed energy on fair terms to the consumer.

The World does not believe that Senator UNDERWOOD and his colleagues wished to write a bill as dangerous as this one. It is a more likely explanation that as delegates of Southern States which consume more than half of the commercial fertilizer used in the country they have been swept along a little heedlessly by their interest in nitrates and their reverence for the farm propaganda put out in the magic name of Mr. Ford.

This is a better bill than Mr. Ford's. But it is a bill which puts the cart before the horse and then forgets the horse. Too much is at stake for that bill ever to be made a law.

Mr. HARRISON. Mr. President, this is quite an illuminating editorial that has been read by the Senator from New

York [Mr. COPELAND]. Of course, on a great newspaper like the New York World they have all kinds and sorts of editorial writers. Really I am sorry that the person who wrote the very illuminating editorial did not attach his name to it, because without it reflection is cast upon those splendid editorial writers on the New York World who have made that newspaper one of the greatest in the country. Then he should have had his name attached to the editorial for the reason that it might show to the people just how ignorant some persons are who attempt to educate the public on a question which they know little or nothing about.

Of course, we are glad that the great New York World through this unknown editorial writer admits that the Underwood substitute is better than the Ford proposal. It places some of us in a very good position, because many of us favored the Ford offer; and if the pending proposition is better than the Ford proposal it is gratifying to us. So the substitute is really better than we thought it was when the proposition was first made by the Senator from Alabama.

Now, let us see what this great editorial writer, who is unknown except to the persons in the editorial rooms of that wonderful newspaper, says about this measure. When one attempts to educate the people and to give facts they ought to be real facts. Let us see.

Of course, the distinguished Senator from New York [Mr. COPELAND] did not indorse this editorial and does not vouch for the alleged statement of facts. He has read the editorial, and rightfully so, because it appears in the editorial columns of a great newspaper of this country, a newspaper which has few equals in its influence upon American readers and the American public. So the Senator from New York has read the editorial merely for the information of the Senate. However, it reflects upon a great newspaper, discredits a real newspaper, and my good friend Herbert Swope ought to summon into his private office the editorial writer who wrote this piece of misinformation and "call him down" for writing on a subject about which he knows nothing, for if the New York World has done one thing above everything else it has been to try to speak the truth and to give the real facts about any controversy with which it was dealing in its editorial columns. So I look for Mr. Swope to summon before him the particular editorial novice who wrote this article and to give him a "panning" for writing on a subject about which he knows nothing.

I do not know where this writer got his information. He may have read the speeches of my friend the Senator from Nebraska [Mr. NORRIS], or he may have been reading from the speeches of my friend from Tennessee [Mr. McKELLAR], but certainly he has not been studying the record as it appears in the hearings before the Senate Committee on Agriculture and Forestry or the House Committee on Agriculture. If he had read the illuminating articles which have been written and published in the Saturday Evening Post and the reports which have been filed in this Chamber by my friend the Senator from North Dakota [Mr. LADD], who knows as much about this subject as does any man who graces the Senate Chamber, he would never have written such an editorial as this. He would at least have been straight on his facts. Now, let us see. This writer states that the Underwood bill should not pass, and he further states—

It is wrong because its authors insist upon treating the shoals as a nitrate plant rather than a power source, and thereafter fail to protect the public interest in that power.

If this unknown editorial writer had gone back to the original act which was passed in May, 1916, which sought to locate the dams and to erect the power plants, he would have found that the intention of the American Congress was and that the idea of the Democratic administration at that time was to construct those dams and erect those plants first, to develop power to make nitrogen for war purposes, and second, in times of peace to make nitrogen for fertilizer purposes. In my feeble way I tried some days ago, following a discussion of the subject by my friend the Senator from Alabama [Mr. UNDERWOOD], to read from that statute, enacted in 1916, which expressly provides that this development shall be undertaken in order to make fertilizer for the agricultural interests of the country. If this unknown editorial novice had read the message of the distinguished President of the United States, he would have seen that the intention of this administration is not to change the policy adopted by the prior administration or the intent of Congress at that time to do something for the great agricultural interests of the country.

There is no authorization, so far as the present law is concerned, to develop Muscle Shoals for the sale of power and

power alone, but it must be incident to the manufacture of nitrates for war purposes and nitrates for fertilizer purposes. So, in the very beginning of this remarkable editorial, we find that the editorial writer is flying in the face of the law when he states that the Underwood substitute is all wrong because it seeks to develop this plant for fertilizer purposes while it should be developed for the sale of power.

Let us go further into this remarkable editorial. The writer says:

It will never give the farmer cheap fertilizer.

Why? The writer says:

First, because even the Underwood bill plans to produce only one-thirtieth of the nitrogen we annually import from Chile.

That is a remarkable statement for one who graces the editorial sanctum sanctorum of a great newspaper, that the plant developed at Muscle Shoals can not produce over one-thirtieth of the nitrogen imported annually from Chile. If he had studied the record and knew anything about the facts he would know that the development at Muscle Shoals will produce annually anywhere from one-fifth to one-sixth of the amount of nitrogen that is imported from Chile every year, and not one-thirtieth. I do not know where he got his facts. He was not reading the speeches of my friend from Tennessee [Mr. McKellar] or the speeches of my friend from Nebraska [Mr. Norris], because in the wildest flights of their imagination they never went so far as to say that there could only be manufactured at Muscle Shoals one-thirtieth of the amount of nitrates that we import annually from Chile.

According to my figures—and if I am incorrect I will ask my friend from Alabama to correct me—we import annually from Chile about 900,000 tons of Chilean nitrates. The 40,000 tons of fixed nitrogen that will be produced at Muscle Shoals will be equivalent to 250,000 tons of the Chilean nitrates which come in. Figuring that out, it shows that we will produce at Muscle Shoals when we reach the maximum 40,000 tons of fixed nitrogen, or about one-fifth or one-sixth of the amount that is imported from Chile every year. Yet this great newspaper, through its editorial columns, in an editorial written by a novice who is supposed to be there to educate and lead the people along right lines, is wrong to a very great extent in that first proposition which he lays down.

Mr. UNDERWOOD. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER (Mr. Moses in the chair). Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. HARRISON. I yield gladly.

Mr. UNDERWOOD. So that the Senator may accurately educate the gentleman about whom he is talking I should be very glad to put the actual facts into the Record at this point.

Mr. HARRISON. I will be glad to have the Senator do so.

Mr. UNDERWOOD. Of Chilean nitrates in the year 1923 there were imported into this country 894,529 tons. That amount of importations was equal to 144,000 tons of pure fixed nitrogen. The production of coke-oven ammonia amounted to 458,000 tons, or 95,300 tons of pure nitrogen. The two added together make a total of 239,300 tons of pure nitrogen.

The plant at Muscle Shoals is to produce 40,000 tons of nitrogen, which is one-sixth instead of being one-thirtieth, of the importations. In fact, if the importations of Chilean nitrates were thirty times more than the capacity of the plant at Muscle Shoals, they would amount to one-half of all the nitrates we have imported from Chile since we began such importations in 1831. Down to the year 1923 the total importations from Chile were only 16,370,258 tons, whereas if the ideas of this gentleman were carried out and the importations were thirty times greater than the quantity of nitrogen to be produced at Muscle Shoals we would be importing over 7,500,000 tons a year from Chile. Of course, as my friend the Senator from Mississippi says, the figures are simply absurd in their enormity.

Mr. HARRISON. Then, too, on every ton of the nitrates imported from Chile, amounting to nearly 900,000 tons annually, the farmers of America have to pay \$12.53 a ton export duty to the Chilean Government. That is what that Government exacts on nitrates that are exported to the United States. That is an enormous figure, indeed, and yet this editorial writer says that the enactment of the pending proposal can not affect the prices of fertilizer to the American farmer.

Let us see further what the editorial says:

Second, because nitrogen itself is not a fertilizer—at best it is only 10 per cent of a fertilizer—it must be mixed with other chemicals.

I suppose if we wanted to find an expert on fertilizers or on nitrogen we would not particularly go to the great metropolis of New York; but certainly I presume if that city were searched with a fine-tooth comb there could not be found in it one so ignorant as to say that nitrogen is not a particular kind of fertilizer. Certain kinds of soil demand nitrogen just the same as other kinds of soil may demand potash or phosphoric acid. So, if this unknown editorial writer has done nothing more he has certainly shown his ignorance with respect to the fertilizers that are required and are produced in this country.

Let us see further. He says, in this editorial:

Third, nothing that the Shoals can do with nitrogen—even if it produces 40,000,000 tons a year instead of 40,000—can affect in any way the prices of those other chemicals.

A remarkable statement! The less the nitrogen costs, the more the farmer can pay for the other ingredients that go into the fertilizer; and yet this unknown editorial writer says it could not affect the prices of the other ingredients that go into the different kinds of fertilizer!

Let us go further:

The Shoals is not primarily a nitrate plant. The Shoals is a power station.

Evidently this unknown editorial writer wants to create a great power station, so that power and power alone, and not fertilizer, can be sold to that section of the country. He says:

Those three dams which have cost the country millions can be made to furnish 850,000 horsepower annually.

Why, there is now completed but one dam—Dam No. 1. That develops no power at all. It was not constructed for power purposes. Dam No. 2 will not be completed until July of next year. As shown by the map there, after the completion of Dam No. 3—which has not yet been authorized by the law, and which no one thinks can be completed for at least five years, although this remarkable editorial writer, whose name is unknown, writes as though it had been completed—I say, this chart shows that even from Dam No. 2 and Dam No. 3 they can only develop, of primary horsepower, 241,000 annually. That is based on the acquisition of 120,000 steam power. Yet this editorial writer says that they are developing, from these three dams that cost millions, 850,000 horsepower; and then he says:

Of course that will gobble up all the power in that section, and none will be left.

Why, Mr. President, judging from the surveys that have been made and the evidence that appeared before the Agricultural Committee, in the section of country south of the Ohio and east of the Mississippi there is susceptible of being developed 8,000,000 installed horsepower. At Muscle Shoals the total of primary and secondary horsepower is only about 850,000—only about one-eighth or one-tenth that that great section is susceptible of developing. So I hope that the particular writer of this great newspaper—and I apologize to its management for even having to take issue with an editorial—will be called in and called down for trying to mislead the American people by certain statements that are not substantiated by the facts, and that they will print another editorial based on facts. The New York World has never tried to mislead. It is a great newspaper, and I am sorry to see that editorial appearing in its columns.

Mr. UNDERWOOD. Mr. President, my friend from Mississippi [Mr. Harrison] has so clearly and forcefully answered the statement, or alleged statement, or attempted statement in the editorial of the New York World that it is not necessary for me to say anything, except that I regret, when an effort is being made here to secure a nitrate supply for the defense of the country, that a great paper in the great metropolis of the Nation—the point where attack from an enemy might and probably would come first—entirely ignores the fact that we are without a powder supply unless this plant is developed.

My friend from New York introduced this editorial merely, as he said, to show the sentiment of the country. I have here a letter that also shows the sentiment of the country westward from New York, and I ask to have it read at the desk.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., December 9, 1924.

HON. OSCAR W. UNDERWOOD,
United States Senate, Washington, D. C.

MY DEAR SENATOR: For five years the American Farm Bureau Federation has sought a solution to the question presented in the operation of the nitrate plant and water-power development at Muscle Shoals, Ala. If the air-nitrogen industry is to be established in the United States, this question must be settled.

Our position is that this property can best serve the public if maintained in operating condition for the production of explosives in time of war and used in the service of agriculture for the production of nitrogen and other fertilizer materials, these to be combined into high-grade compounds. To secure this result we have advocated private operation and earnestly supported the acceptance of the proposal made by Mr. Henry Ford to take over this property. This offer has now been withdrawn, due to the failure of the United States Senate to accept it.

In order that a decision may be reached as promptly as possible, we have considered the various solutions presented by the bills before the Senate, and believe that the principles outlined in the Underwood bill would form a basis upon which a settlement can be reached. It is our purpose to support private operation if a proposal embodying the main principles of the Ford offer can be secured. If not, we will support the alternative presented in the Underwood bill—that is, Government operation.

With this statement of the position of the American Farm Bureau Federation, we ask that you give your support to the Underwood bill to secure its early passage.

Very truly yours,

AMERICAN FARM BUREAU FEDERATION,
E. B. REID,
Acting Washington Representative.

Mr. HEFLIN and Mr. COPELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, in line with what has been said by my friend the able Senator from Mississippi [Mr. HARRISON], I desire to submit a few remarks to the Senate.

This mysterious expert from New York who has written the editorial to which reference has been made, knows about as much about fertilizer as did the farm demonstration agent from New York who was sent down by the Agricultural Department into the Southern States to report on conditions in the cotton crop. Those who are familiar with the cotton plant know that when the blossom first appears it is snow white, and that in two or three days it is rosy red, and then finally fades and falls, having done its work in producing the little boll which appears when the blossom falls. This expert, who knew as much about cotton as this writer in the New York World knew about the making of fertilizer at Muscle Shoals, was sent down into the State of Oklahoma to report on cotton prospects in that section. He came back and, when asked what he thought of the situation, said that he believed the red-blossom variety of cotton was better adapted to Oklahoma than the white-blossom variety, and I think he was promoted for his knowledge upon the subject. [Laughter.] So this gentleman who wrote this editorial that has been read to us knows nearly as much about fertilizer as this field agent knew about cotton blossoms in the land of Dixie.

Mr. President, it may be that this writer represents the same interests that rejoiced when Ford withdrew his offer. I want to read to the Senate a statement from the Wall Street Journal:

[From the Wall Street Journal, October 22, 1924]

CHILEAN NITRATE OUTLOOK—FORD'S WITHDRAWAL OF MUSCLE SHOALS OFFER RESULTS IN BOOM TO CHILEAN INDUSTRY

SANTIAGO, CHILE.—Henry Ford's withdrawal of his offer to take over the Muscle Shoals project has resulted in a considerable boom in the Chilean nitrate industry. Chile is the greatest nitrate producer in the world, and the United States is her principal customer. With Ford in control of Muscle Shoals on an announced program of making vast quantities of nitrate from the air, Chilean producers saw ruin ahead of them. Nitrate shares in London rose from two to three points as soon as news of withdrawal of the Ford offer was received.

Mr. President, the Chilean people of course rejoiced when Henry Ford withdrew his offer. They knew that he would reduce the price of fertilizer about half. They knew that the supply of Chilean nitrates coming into the United States would be cut in two. They feared the acceptance of the Ford offer; and the interests that were working with Chile right here in the United States rejoiced with Chile when Mr. Ford withdrew his offer. This statement tells the tale.

Why, the stocks in the Chilean nitrate industry went up immediately when Ford withdrew his offer. The pendency of the Ford offer had a depressing effect upon the Chilean industry. Those who owned and operated it were disturbed. Why? Because in the United States the Government was about to establish a nitrate plant that would be in strong competition with Chile; and yet we have heard in this Chamber from day to day, from men some of whom are nearly as well informed as the editorial writer in the World, that it is a matter of doubt as to whether nitrates can be produced at a profit at Muscle Shoals.

Mr. President, that position is utterly ridiculous. Why, the testimony throughout the hearings we had before the Agricultural Committee sustained the contention I have made from the outset in this body, that we can make it for about half the price for which it now sells. I want to read a statement from Mr. Callan, one of the expert witnesses before our committee. He said:

At Muscle Shoals, if our process were installed, with horsepower at what is supposed to be cost, you could produce ammonia in the neighborhood of 5 cents per pound, or perhaps less, by this process and by making the hydrogen by the use of power or in an electrolytic cell plant.

I asked him:

A little while ago you stated that this fertilizer ingredient that you sold for 12 cents and as high as 30 cents could be made for less than 10 cents. Is that right?

Mr. CALLAN. Anhydrous ammonia can be made for less than 10 cents per pound, synthetically, when you have no cost for hydrogen.

Then I asked:

What do you figure this could be made at Muscle Shoals for?

Mr. CALLAN. Fertilizer ammonia can be made at Muscle Shoals by this process for something in the neighborhood of 5 cents per pound for the ammonia.

At what price is it selling now? The testimony before the committee was that the selling price was about 30 cents. Yet some Senators seem to doubt that fertilizers can be made at a profit at Muscle Shoals. I do not know how they get their impression, in the face of this testimony.

Then I said:

Mr. Mayo, who represents Mr. Ford, in the hearings here several years ago—two years, probably, since we have been having these hearings on the Muscle Shoals matter—said they thought they could produce fertilizer down there at about half the cost of the price it was selling for. Do you agree to that?

Mr. CALLAN. I agree that you can produce ammonia at Muscle Shoals at perhaps half the cost of its selling price at present, as ammonia is selling, for example, in sulphate of ammonia.

Mr. Callan agreed that you can produce ammonia at Muscle Shoals at perhaps half the price at which it is selling now.

Mr. President, we know that there are quite a number of fertilizer companies in the United States. We also know, according to the report of the Federal Trade Commission, that seven of the big fertilizer companies fix the price. They constitute a trust. We have a Fertilizer Trust in the United States, and this plant established at Muscle Shoals will do more to educate the people upon the cost of the manufacture of fertilizer than anything that we can do. If you can teach the people by the operation of this plant at Muscle Shoals that fertilizer can be produced there at a very much lower figure than the price at which it is being sold for to-day by the companies in the various States, they are going to ask for a reduction in price, and the amount of 40,000 tons of fixed nitrogen, mixed into commercial fertilizer, will have a tremendous effect in bringing down the price. There is no doubt about that.

The other day I read to the Senate what I want to refer to again in this connection. Mr. Waldo, testifying before our committee, said:

We do not claim that he [Mr. Ford] guarantees to cut the price of fertilizer in half. We say it is a reasonable expectation.

Then the chairman of the committee, the Senator from Nebraska [Mr. NORRIS], said:

It is a reasonable expectation, no matter who gets it. I think it is fair to assume that we are going to cut the price of fertilizer in two in some way.

Mr. President, the chairman of that committee was evidently convinced at that time that this was what was going to happen down at Muscle Shoals.

Mr. SMITH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. HEFLIN. Certainly.

Mr. SMITH. If the Senator from Alabama will allow me, as he is discussing at this time the probable cost, just the other day there was in my office Doctor Whitney, the Chief of the Bureau of Soils, who has to do with the practical application of chemistry to the soil, and has perhaps taken as great an interest in this matter as any man in the employ of the Government, and if the Senator will allow me, I will just read a letter right at this point which he has written me.

Mr. HEFLIN. I shall be glad to have the Senator do that.

Mr. SMITH. The letter is as follows:

MY DEAR SENATOR SMITH: In compliance with your request for information regarding the cost of nitrogen in the present commercial forms and the estimated cost under the proposed nitrogen-fixation methods I beg to state that you will find this discussed in the Muscle Shoals hearings before the Committee on Agriculture and Forestry, United States Senate, Sixty-eighth Congress, first session, part 3, on pages 1357 and 1359, and also regarding potash on page 1354. You will see that, based on the prices quoted, the ammonia costs about 12 cents a pound in the present commercial products, and it is estimated to be produced at around 6 cents a pound at Muscle Shoals. My testimony before this committee I think you will find covers very much the subject as we discussed it to-day.

Mr. HEFLIN. That bears out what I have been saying about reducing the price of fertilizers at Muscle Shoals. Mr. President, that goes to show why all these companies which are fighting the operation of a plant established at Muscle Shoals for the purpose of making fertilizer are afraid of this proposition. Why are they afraid of it? They do not want the truth known as to how cheaply fertilizer can be produced in the United States. The farmers of America are being literally held up by the Fertilizer Trust. They ought to be delivered from its clutches. This Muscle Shoals proposition will do it. Yet we are met on every hand with misinformation to the effect that it is very doubtful whether fertilizer can be made at Muscle Shoals. The fact that there is opposition by the Fertilizer Trust to this movement is proof positive that it can be done. They know it can be done, and they do not want it done. This New York editorial writer seems to have let the cat out of the bag when he said that the Muscle Shoals project ought to be used for power purposes. Of course that is what the Fertilizer Trust would like to have it used for. But we want to use it to make fertilizer, to make nitrates for military purposes in time of war and for fertilizers in time of peace.

I want to bring this thought to the attention of the Senate. As the Senator from Mississippi [Mr. HARRISON] said, we are paying millions every year for nitrates to Chile. It amounts to about \$12,000,000 per year, and every 11 years we pay to Chile the whole cost of the Muscle Shoals project—power plant, locks, dams, and all. Just multiply that amount by 11 and you have what we pay to Chile every 11 years, which is more than the entire cost of all that we have done at Muscle Shoals. That is what you are giving away to a foreign Government, and you are leaving this Government helpless in the hands of a foreign country in time of war. If a foreign enemy should seek to invade our country and we should cry out to Chile to let us have the nitrates needed in a hurry, Chile might say, "Why, we are going to be neutral in this matter."

"We are not going to let you have nitrates. It would be considered an unfriendly or hostile act by our friend, your enemy, and therefore we can not supply you." Shall we be caught napping in the face of such a contingency? Here we would be up in the air, then, with no operating nitrate plant of our own, and then Senators who have opposed this project would wake up and say, "We were wrong in our position in that matter."

Mr. President, Mr. Hooker, of New York, one of those who put in a bid for the Muscle Shoals project, testified that fertilizer could be made at about half the price for which it is selling at present, and my recollection is that every expert witness before the committee, or practically every one, representing these companies on the outside testified that they could do what Mr. Ford said he could do. That was not true in the outset, I will say to the Senate. In the outset we were showing that Ford was going to do this remarkable thing, that he was going to make fertilizer at half price at Muscle Shoals, and they all said then that it could not be done. But later on, when they saw that it looked as if Ford were going to get Muscle Shoals and they knew he would make good and produce fertilizer at half price, they came in and said, "We will just make a clean breast of it all. Of course it can be made at half price, using the water power at Muscle Shoals."

So now we have brought them to that point, and nobody except some Senator here denies that fertilizer can be made and sold at a profit at Muscle Shoals, and I am glad my colleague accepted the amendment of the Senator from Nebraska which compels the making of fertilizer, not leaving in the phrases "if practicable" and "upon demand." Of course there will be demand. In his speech the other day the Senator from Nebraska said, "We have not half enough fertilizer in the United States now," and I agree with him. He said, "If we had twice as much, and the price were reduced, there would be a great deal more used," and I agree with him again.

Why not do something here now which will bring down the price of fertilizer to the farmers of the United States? We can do it. Here is a step in that direction at least, and why not take that step?

I was wholeheartedly, as all Senators here know, for the Ford offer. I did everything in my power to have it accepted. I exceedingly regretted his action when he withdrew his offer. With the Senator from Tennessee [Mr. McKELLAR], my good and able friend, I wired Mr. Ford and begged him to reenter the field, asked him to renew his offer, but he did not do so. He is out of our consideration. We are not responsible for the parliamentary status in which we find ourselves. Mr. Ford left us in this situation. When Congress adjourned his bid was pending. So was the bill introduced by the Senator from Nebraska. Those bills had been reported to the Senate and both of them were on the calendar. When Congress reconvened Mr. Ford's offer had been withdrawn. There was nothing for us to do but to offer a substitute for the Ford offer, and my colleague has done that.

Mr. DILL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Washington?

Mr. HEFLIN. I yield.

Mr. DILL. I would like to ask the Senator this question: If no legislation is enacted by Congress before the 4th of March, when we will adjourn, what will be the development at Muscle Shoals?

Mr. HEFLIN. I do not know. I am trying to do something to prevent what I fear would be the situation.

Mr. DILL. Will the Secretary of War have the power to dispose of it?

Mr. HEFLIN. The Secretary of War would in all probability do something with it. I understand that he thinks he has that right. I hardly think he has, but I understand he feels that he has.

Mr. DILL. Does the Senator think that the Secretary of War will assume the power to dispose of it if Congress does not do something?

Mr. HEFLIN. I do. That is the way I feel about it.

Mr. DIAL. Mr. President—

Mr. HEFLIN. I yield.

Mr. DIAL. The Secretary of War would not dispose of it except temporarily, and that would be very expensive, for companies would not bid for it. They could not afford to develop it by installing transformers, building transmission lines, and so forth, because Congress might act then and force a different disposition. The delay would be very unfortunate.

Mr. HEFLIN. Of course, it would be unfortunate, and as I was just going to remark, we find ourselves in a situation here for which we are not responsible. Mr. Ford withdrew his offer, and, as I have said, we had to do something other than consider his offer. Those of us who supported his offer naturally felt that we would like to embody in a bill the principal provisions of his offer, and we have done that. I am not entirely satisfied with either one of the pending bills, but I am going to vote for the bill of my colleague [Mr. UNDERWOOD] because it has in it the Ford provision for making fertilizer.

I think I find myself somewhat in the predicament that Congressman Cushman, of the State of Washington, said he was in when he and I were Members of the House. There were two measures before the House, and he favored some of the provisions of both bills and was opposed to some of the provisions of both, but the proponents of each plan failed to get together, so he was not entirely satisfied with either. He said that his predicament reminded him of the fellow who had stolen a horse out in Washington. Out there they usually hanged the horse thief upon the roadside, with a placard on his back saying, "Profit by his example." They caught one fellow who had stolen a horse and took him out into the woods on a moonlight night. While they had a plow line tied to his wrists and were discussing what disposition they would make of him, some of the citizens who had gathered in the mob suggested that they hang him. Others said it would be preferable to shoot him. Still others expressed the desire to hang

him, while others insisted that he should be shot. Finally one tender-hearted gentleman, who had some consideration for the feelings of the prisoner, turned and said, "Gentlemen, let us consult him, and get his 'rathers' about it." They asked him which plan he would prefer—shooting or hanging? And he said, "I am more interested than any of you in the outcome of this thing, but to tell you the truth, I can't enthuse over any one of the plans you have suggested." [Laughter.]

So, Mr. President, it is not a matter of enthusing over and going into ecstasies over the propositions before us. It is a matter of getting the best legislation possible out of the situation that confronts us.

Mr. McKELLAR. Mr. President—

Mr. HEFLIN. Congress is going to adjourn in less than three months and we will be in vacation probably until next December, and nothing will have been done by Congress with Muscle Shoals; the dam will be completed and the power going to waste, and the Secretary of War will no doubt dispose of it himself during the adjournment of Congress.

I yield to my friend from Tennessee.

Mr. McKELLAR. Suppose the Senator from Nebraska were willing to accept as an amendment to his bill the proposal for the Government corporation to manufacture nitrogen as provided in the Underwood amendment, would not that appeal to the Senator from Alabama now addressing the Senate as being consonant with the views he just expressed? In other words, would it not take the good features of both bills and make a bill that those who believe as the Senator does and as I do and as many others do could get behind?

Mr. HEFLIN. The bill of the Senator from Nebraska proposes Government operation. His bill proposes a limited amount of horsepower to be used for making fertilizer. The whole thing is in confusion and in doubt and uncertainty. I am opposed to putting the Government into any sort of business in opposition to private enterprise. Wherever private enterprise can be controlled I believe in encouraging it and controlling it in the interest of justice and fair play. I do not believe any business ought ever to be permitted to get bigger than the Government. Whenever they get so big we can not control them and they become so powerful and meddlesome politically that they become a menace and a danger, that presents quite another question as to what should be done. But I am in favor, so far as it can be done, of keeping the Government out of competition with the citizens of the Government and I am opposed to the bill of the Senator from Nebraska on that ground. I like some of the features in his bill. I like the flood-control features of his bill, and there are some other improvements on the Tennessee River that I hope to bring about later on unless they are put in some legislation at this session.

But as I was about to say, it is up to the Congress to act at this short session. I repeat, we are not responsible for the parliamentary situation in which we find ourselves. Mr. Ford, having withdrawn his offer, left us in this situation. The other bids before the committee are not before the Congress. There is no way to consider those bids now. We have to act on either one of these propositions, either that of my colleague, the senior Senator from Alabama, or that of the Senator from Nebraska.

We have amended the bill until it seems to me it is a workable measure. I am in favor of placing some more amendments upon it. I have voted for amendments that have been placed upon it, and I have voted for some that were not adopted. I will support some other amendments, but I do not know whether they will be adopted or not. I am not responsible for that. Let me say in a spirit of good humor to my friend from Tennessee that we are dealing with this subject in a Republican Congress. We have a Republican House, a Republican Senate, and a Republican President, and I want to say to him that under these circumstances I shall feel very thankful to get anything of value for the farmers out of this deplorable and unfortunate situation.

I am reminded of the old nigger parson who was preaching around the country and making his way by taking up collections wherever he preached. One night after he finished his sermon he asked one of the brethren sitting in the front seat to pass his hat through the congregation. He passed it all around and no one contributed anything. Not a cent was deposited in the hat. When the empty hat was handed back to the parson he felt in it to be sure if any contribution had been made, and then said with considerable feeling: "Well, there is always something to be thankful for, and I am indeed thankful to get my hat back out of this congregation." [Laughter.]

Mr. McKELLAR. Does the Senator think, then, that about all the Government will get out of it, if under this administration it is turned over to the Alabama Power Co., will be its hat back?

Mr. HEFLIN. Let me again remind my friend from Tennessee that we are operating under a Republican administration, and I do not know who is going to get this Muscle Shoals project. The Senator from Tennessee said yesterday that we all know the Alabama Power Co. is going to get it. That is not so, so far as I am concerned. I do not know anything of the sort, and the senior Senator from Alabama [Mr. UNDERWOOD] says that situation is not true—that the Alabama Power Co. said they were not even going to bid for it. I want to say to the Senator from Tennessee that the Alabama Power Co. is doing business in my State, and so long as it conducts itself as it should and conforms to the law, I wish it well in all its operations in my State; and that statement applies to any other industry that may hereafter come into my State. I want to say to the Senator from Tennessee that if the Alabama Power Co. does get it, or if the Tennessee Power Co. gets it, or any other power company gets it, I want to fix the law so that they will have to make fertilizer, just as Ford agreed to make it. I am not responsible for what the President or the Secretary of War will do in the matter of selecting a company to operate the project at Muscle Shoals. I do not know whose bid will be accepted; but it is up to me to help fix the law so that the farmers of the country shall have legislation that will benefit them in the way of compelling the manufacture of fertilizers at Muscle Shoals.

I want to say, moreover, to my friend from Tennessee in the friendliest spirit that his suggestion reminds me of the fellow who is sick and nigh unto death, and they have had one doctor with him who has been physicking him. They have sent for another doctor, and he urges an operation. While one says, "Continue to give him medicine," and the other says, "Only an operation will save him," they call in Doctor McKELLAR, and he says, "I am against giving him any more medicine and I am opposed to an operation." "Well," they say, "what do you suggest, Doctor?" "Nothing." [Laughter.] That would not be very comforting to the patient. The situation here calls for constructive action. Again I want to say that if I had my choice I would turn this property over to Henry Ford. I would bring him back at this minute and urge the acceptance of his offer. But Henry Ford is out and gone. I am now dealing with questions that are before me, and I am trying to get the very best out of this legislative situation that I can for the great agricultural army of America.

I am going to continue to fight for them. I want to say to my friend from Tennessee, who is the true and tried friend of the farmer, that whoever gets the Muscle Shoals project, I will be here as he will and if they do not track the law, if they do not manufacture fertilizer as we direct them to do, I will be here and he will be here urging that the law be carried out. I will be here as he will undertaking to make them comply with the law or cancel their contract.

Mr. DILL. Mr. President—

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Alabama yield to the Senator from Washington?

Mr. HEFLIN. With pleasure.

Mr. DILL. I would like to ask the Senator how much more advantageous Mr. Ford's offer was than the plan proposed by the senior Senator from Alabama [Mr. UNDERWOOD]?

Mr. HEFLIN. Well, it is different in some particulars, but the Underwood bill contains the same provision on fertilizer that the Ford offer contained, and that is the main reason why I am supporting it.

Mr. DILL. It has not the provision that would give the money back to the Government, has it?

Mr. HEFLIN. I can not inform the Senator as to that.

Mr. UNDERWOOD. Mr. President, if my colleague will permit me—

Mr. HEFLIN. Certainly.

Mr. UNDERWOOD. I will say that of course the Ford provision about returning the value of the dams to the Government and the dams themselves at the end of 50 years represented that much money out of the farmers of America, because the fertilizer had to pay it. In the proposed provision in the bill the rental of the property to the lessee is to be higher than Mr. Ford intended to pay. The fertilizer proposition was identical with Mr. Ford's proposition until yesterday, when some words were struck out which Senators thought left some doubt about the manufacture of 40,000 tons of nitrogen.

Mr. HEFLIN. That amendment, in my judgment, makes it stronger, because it says they shall make the amount of fertilizer named in the Ford offer.

To come back to the suggestion submitted by my good friend from Tennessee—and I want to say candidly that there is not a more faithful friend of the people in this body than

he—if he ever makes a mistake and goes wrong, as I think he has in this instance, it is an error of the head and not of the heart. We are up against a condition and not a theory. We have got to act or show ourselves incompetent to act, and I am not ready to make a confession of that character, so far as I am concerned. If permitted to do so at this minute I would vote for the Ford offer.

Mr. CARAWAY. Those people who are in favor of the Ford offer could perhaps persuade him, if they insisted, to make even a better offer than this or at least to come in and bid under the provisions of this bill.

Mr. HEFLIN. Precisely.

Mr. CARAWAY. There is no provision against that. Even the Senator from Tennessee has not offered an amendment to prevent Ford bidding again.

Mr. HEFLIN. I suppose Ford could do that, and I would like to see him come in and bid under the terms of this bill.

Mr. President, this is a grave situation with which we have to deal. If we vote down the Underwood bill and vote down the Norris bill, Congress will adjourn on the 4th of March with nothing done for the utilization of Muscle Shoals. The dam will soon be completed, and that power will be lost to the Government and lost to the people of the United States unless something is done, unless the Secretary of War should go ahead and dispose of it. Suppose he should do that? I want to say in reply to the suggestion, which I thank my friend [Mr. DILL] from Washington for making, suppose the Secretary of War were to say: "You had an opportunity to act, but you did not act. You left it to me. Power was going to waste and I decided to utilize it to the best interests of the country. I have done so, and in order to do it I had to tell these people that I thought the lease would be made permanent. They have gone there and gone to work, and I feel that we ought not to disturb the contract that I have made with them." Then we would perhaps have the power of the administration backing Mr. Weeks, the Secretary of War, and then the Senate would have thrown away its right to act. That is the serious situation that might arise.

In conclusion, Mr. President, the farmers of the United States have a right to look, and they are looking, for some action to be taken upon this matter at this session of Congress. I think they have a right to expect that action will be taken. I want to say for the benefit of my friend from Tennessee that I have not had a single protest from anybody in our section of the State against the bill presented by my colleague. So far as I know, the people who supported the Ford offer in my section, believing that the Underwood bill carries its provisions regarding fertilizer, are supporting his measure. Why should I not support that proposition when it seems to me that it is more in accord with the Ford proposition than anything else that is before me?

Why was I for the Ford offer? It was because I thought he made it certain that the farmers would get fertilizers and get them at half price. As Mr. Mayo in his testimony said to us, he thought they could produce it at half price, and Mr. Waldo said he thought they could produce it at half price, and other witnesses representing companies having bids for Muscle Shoals stated it could be produced at half price. I want to call to the attention of the Senate what Mr. Mayo said. He said they thought they had a new process for making fertilizer, and thought they could make cheaper fertilizer. Mr. Mayo, Mr. Ford's chief man, said before our committee in response to a question that I asked him, that they thought they had a new process and could make fertilizers at half price. There will be new processes discovered until the manufacture of fertilizers will be brought down in price and the farmers will not have to pay such exorbitant prices for Chilean nitrates.

I saw a one-horse farmer pulling a ton of fertilizer through my town this year, and I asked, "What did you pay for that?" I believe he said the price was \$70 per ton. Was not that the price it was bringing, I will ask my friend from South Carolina [Mr. SMITH]?

Mr. SMITH. That was the price during the World War, but the price now is about \$55 per ton.

Mr. HEFLIN. So this Chilean nitrate is now about \$55 a ton, as stated by my friend the Senator from South Carolina, but farmers have paid in the past \$60 and \$70 a ton for it. We are told that there can be made at Muscle Shoals for 5 cents a pound the ingredients that go into fertilizer for which the farmer is now paying 25 cents more per pound, making the price to him 30 cents per pound. We will produce these ingredients, we are assured, for 5 cents a pound and they now cost the farmer 30 cents a pound.

Senators, I do not think it is too much to ask that this Muscle Shoals project be devoted to the fertilizer interests

of our farmers in time of peace. We now have the Keokuk Dam devoted to other interests, with perpetual rights; we have got the aluminum factory of Mr. Mellon, on the Little Tennessee River, with perpetual rights.

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Iowa?

Mr. HEFLIN. I yield to the Senator from Iowa.

Mr. BROOKHART. The Senator from Alabama has truly stated that we have the Keokuk Dam dedicated to private interests of some kind; and his proposition here is to dedicate the Muscle Shoals plant in the same way. I, of course, know that the power from the Keokuk Dam has done the farmers of Iowa and of Illinois and of Missouri no good, for it went right on past them, and the same thing will happen in this situation as to nearly all of the power at Muscle Shoals if it is turned over to private interests; I do not care whether to Ford or to the Alabama Power Co., or who it may be. They all go the same road.

Mr. HEFLIN. I recall that the Senator from Iowa was bitterly opposed to the Ford offer. With all the persuasive power that we could bring to bear upon him in order to get him to vote with us to turn that project over to Ford to benefit the farmers of the country we could not change him; he stood steadfast against us to the last.

Mr. BROOKHART. I was ready to vote and I am now ready to vote for any kind of a nitrate plant, but I am not ready to vote it to Ford or the Alabama Power Co. or to any other private interest. I can not understand the Senator's position when he picks out Ford as something divine in the way of a private interest and then wants to stamp on everybody else who represents a private interest. No; the Government has put nearly \$150,000,000 into this project, or it will have done so by the time it shall have been completed.

Whether it ought to have done so or not, it has done it; the money is there; it is the money of the people of the United States. It seems to me it would be the part of merely ordinary good sense that we find out what that great plant will do before we turn it over to any private interest on any terms. The Senator from Alabama does not know what it is worth in a lease; the Secretary of War does not know what it is worth in a lease; nobody at this stage knows what it is worth in a lease; and yet the Senator proposes that we jump in the dark and lease the property on some 4 per cent terms or other, which may do the greatest of injustice to the farmers of the United States after all.

The other proposition is that we hold it, that we develop it fully until we find out what it is worth, and then, after that shall have been done, that we dispose of it by lease, if that shall be decided to be the best thing to do.

Mr. HEFLIN. I have just undertaken to point out to the Senator that unless this Congress acts the plant will be disposed of by the Secretary of War in some way.

Mr. BROOKHART. The Secretary of War claims no authority to sell it or to dispose of it in any way, although he does claim authority to sell the power under laws that now exist. I think that is true.

Mr. HEFLIN. If that is true, Mr. President—and it is—suppose the Secretary of War sells the power when Congress is not in session, and we come back here and propose some disposition of it, and we are confronted with a contract such as I referred to a moment ago. Somebody else has the property; they have gone to work in good faith and gone to work because the Congress failed to act. What would we say, then, those of us who opposed action at this session of Congress?

As I said before, if I were permitted to write this bill outright I would have a different situation, but that is not the situation which confronts me. I have sought to get the best I can out of the existing legislative situation. So when we have a distinct provision in the Underwood substitute for the Ford bill, to the effect that any company—I do not know what company it may be since Ford has withdrawn his offer—shall make fertilizer, as Ford agreed to make it, what more can I do? Such a company would have to comply with the law; and if it did not comply with the law it could not operate and we would endeavor to take the property from them. In that way we shall protect the interests of the farmer.

Mr. BROOKHART. Even at that, there is no assurance that the price of fertilizer will be any less than it now is. The private lessee can join with the present Fertilizer Trust and go ahead selling fertilizer at the same old price and as a part of the same combination. This proposed law will not control that in any way. It is proposed to provide an 8 per cent profit limit on the turnover, not on the investment in the enterprise or anything of that kind.

Here will come a lessee, perhaps with a small amount of capital invested, who will get 8 per cent profit on his turnover, which may be 100 or 1,000 per cent profit on his actual investment.

I see no cheap fertilizer in this proposition in any way.

Mr. HEFLIN. The Senator was not in the Chamber when I was discussing that situation. I cited the testimony before our committee of all the competent witnesses that fertilizer could be made at Muscle Shoals for half the present price.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New York?

Mr. HEFLIN. I yield.

Mr. COPELAND. If I understood the Senator correctly, I think he said that if he could write a bill it would not be exactly like the bill now before us. May I ask what sort of a bill would the Senator propose if he could have his way?

Mr. HEFLIN. Mr. President, I have not the time to go into the details as to what I would write into a bill. I would provide several things in that situation. I would make arrangements for the disposition of the power that would not be used for the production of fertilizer; but I am not going to take up the time of the Senate to go into that now. There is no use for me to do so, because it will not help the situation here. I am going to act as best I can with the light that is before me under the peculiar parliamentary situation that binds me. I repeat that I had nothing to do with bringing that situation about. I want the Senate to act wisely and in the interest of the Government and the farmers of the country.

I wish to say to my friend from Iowa, who comes from a great farming State, that I am willing to take a chance as to whether or not the proposal now before us will benefit the farmers. I have seen one measure after another go through Congress to benefit other interests in this country, and I am getting weary of having objection made when we are seeking to accomplish something that will benefit the farmers of the country. Let us try it, and if it fails we can say, some of us, that we made an honest effort in their behalf.

What can we do if the lessees fail to comply with the law? In that event we can upset the contract and oust the lessees. The bill is so written now that I am convinced the lessees will have to make fertilizer and we will have a way of knowing whether they make it cheaply or not after we let them make 8 per cent profit and no more.

The farmers of my section were in favor of the Ford offer. Those who favored the Ford offer from that section are in favor of this bill, mainly, because it contains the provision that the Ford offer contained regarding the production of fertilizer. I wish to say, Mr. President, that I would rather take my stand in support of a measure that has written in it such a provision as that to which I have referred than to support various impossible theories suggested by Senators that go into the CONGRESSIONAL RECORD, but that can not get into the bill which is going to be passed by this body.

I know that one of these measures is going to be passed, and, in my judgment, it will be the Underwood bill. Let us improve it and perfect it as nearly as we can. If it is not in the proper form, let us put it in the proper form, and then pass it on to the House and get final action on this subject. Let the Congress express its judgment on it and not leave it up to the Secretary of War and the President, because they must finally act in the matter.

Mr. SMITH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. HEFLIN. I yield to my friend from South Carolina.

Mr. SMITH. Mr. President, I wish to follow up the idea suggested by the Senator from Iowa. I do not say it as just a mere formal expression but I say it sincerely, that the Senator from Alabama, I believe, is as zealous and earnest in his desire to help the farmers of this country as is any man in this body.

Now, the situation that confronts us is an alternative between the two plans incorporated in the bill to which the Senator has referred; namely, that there shall be an effort made to secure a lessee, and, failing that, then there is provision made and the terms are set forth, for a Government corporation which is to proceed with the development and operation of this plant. Both the Government and the private lessee are to be under identically the same prohibitions and restrictions. Does not the Senator believe that it would infinitely strengthen this proposition if at this stage of the development at Muscle Shoals we would strike from this bill all provisions looking toward a lease and provide merely for the Government corporation as it is now contemplated by the bill, until such time

at least as that corporation, which will be absolutely under our control, with the terms of its operation subject to modification and change by Congress at any time we see fit, may develop and perfect the production of the thing to which the project was consecrated in the first bill that was introduced here and which I myself had the honor of introducing; namely, fertilizer for the farmers during times of peace and munitions during time of war?

We have now a plant there, and, under the contract, although the Government does not own the patents, nevertheless the Government may use them. That plant is not a theory, but it is a fact. It will produce 40,000 tons of fixed nitrogen beginning to-morrow, if the testimony of those who have had it in charge amount to anything. Along with it is nitrate plant No. 1, which the Government is continuously using for experimental purposes to see if they can not cheapen the process.

Mr. BROOKHART. Mr. President, in connection with that is it not true that the Government can not assign the right to use the patents to a lessee?

Mr. SMITH. I think that is true; and that question was discussed here the other day on the floor; but, taking the situation as it stands, the Government has the right to use the patents and it has a plant there which will produce 40,000 tons of nitrogen to be available for the farmers of the State of the Senator from Alabama and of my State and of all the other farmers of the country. The process, however, has not yet reached that stage of development which the airplane, the submarine, the steam engine, and the automobile have reached. The principle is there; we know that nitrogen can be produced from the air. When Wright first made his little tentative flight science knew that it was possible for man to navigate the air, but there was a vast difference between the plane used in that initial attempt and the present perfected airplane.

Does not the Senator from Alabama believe that Congress, appointing its own agent and that agent acting under its direction, can go there and determine what can or can not be done, and then when that fact has been demonstrated would we not be in a better position to know what we were turning over, if we desired to turn it over, than to give it up now in the very inception of what I believe to be the revolutionizing of all fertilizer production in this country?

Mr. HEFLIN. Mr. President, I think it is for the best interest of the farmers of the country to enact a law now which has the Ford provision in it for making fertilizer at Muscle Shoals, and the quicker we can get that production started the better it will be for hundreds of thousands of the farmers of the country. We are already providing in this bill that time shall be given before they shall be required to reach the maximum, but, as I recall, the production of 40,000 tons of fixed nitrogen will be required in the fourth year. I fear that any kind of delay will postpone the day when I believe we can deliver the farmers of America from the Fertilizer Trust. I want to hasten, as I know my friend from South Carolina does, the day of their deliverance. We have got to act on one of these bills before us; and if we fail to take decisive action, I think action will be taken by the War Department during the adjournment of Congress. So far as I am concerned, I want to see some action taken by Congress before we adjourn.

The Senator from Iowa [Mr. BROOKHART] said that we have spent about \$150,000,000 at Muscle Shoals. Let me say to him that we are paying to Chile for nitrates just about \$150,000,000 every 12 years. Four times 12 is 48. We are giving to Chile four times one hundred and fifty millions in the 50 years that we would lease this plant to somebody that would make fertilizer to help bring down the price of nitrates to the farmers of the country, and I do not think that is asking so very much. With the Keokuk Dam in Iowa, the Senator's own State, with perpetual rights to a company up there, and with the dams in other places with perpetual rights, I do not think we are going too far to permit this great project to be used in the interest of the Government in time of war and in the interest of the farmers in time of peace.

Mr. COPELAND. Mr. President, if I were in my home city of New York I should not have to say what I want to say now, and that is, that I hold no brief for the New York World. While I feel a degree of thankfulness for the support it gave me during my campaign to come to this honorable body, we frequently differ on questions of policy. I should like to say to the Senator from Mississippi, however—I am sorry he is not here—that there are no "editorial novices" on that paper.

It is true that there are some technical errors in the editorial printed in the World this morning, but the spirit of this

editorial—what is known in the newspaper world as the "lead" of the editorial—is entirely correct.

I want to review, just a little, what the editorial says:

If the Underwood Muscle Shoals bill comes to a vote in its present form, the World hopes that the Senate will vote it down.

If the bill passes and goes to the House, the World hopes that the House will amend it. This bill is wrong.

It is wrong because its authors insist upon treating the Shoals as a nitrate plant rather than a power source and thereafter fail to protect the public interest in that power.

No one can read the Underwood bill without recognizing the correctness of the statement of the New York World. On page 4 of the bill, where the price is fixed upon fertilizer, in line 12, it is distinctly stated that the price "shall be limited to a maximum net profit which may be made not to exceed 8 per cent of the fair annual cost of the production thereof"; but when it comes to the sale of surplus electric power, as provided for on the next page of the bill, there is no provision for fixing the profit on the power sale.

Mr. UNDERWOOD. Mr. President, if the Senator will allow me to interrupt him, I challenge his statement.

Mr. COPELAND. I shall be very happy if the Senator from Alabama will point out at this time, if he so prefers, where such essential protection is given. To this end I have introduced an amendment, which I hope to have adopted—

Mr. UNDERWOOD. I do not know whether the sale of power is regulated in New York State or not. I know they do regulate the price that you shall pay to ride on a street car or a railroad, and I suppose they regulate the sale of power. In Alabama and Mississippi and Georgia and Tennessee, the adjacent States where this power is likely to be sold, there is regulation of power and prices of power by State commissions in the interests of their people, and this bill very distinctly provides, in section 10, that—

The surplus power not required under the terms of this act for the manufacture of nitrogen or fertilizer, when sold or used shall be subject to the laws, rules, and regulations relating to the sale and use of electric power in the several States in which said power is used.

Of course, I belong to the Jeffersonian school. If the Senator prefers to join the Hamiltonian school and have the regulation of power in Washington instead of in the several States that is another matter. This bill does not regulate it from Washington, but it could not be more clearly expressed than it is in the bill that the States in which the power is used under their State laws shall regulate its sale, and they do regulate its sale; and I must say that in the State of Alabama we have very reasonable power, the sale of which and the price of which is regulated by the Public Service Commission of Alabama.

Mr. BRUCE. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from New York yield to the Senator from Maryland?

Mr. COPELAND. I yield.

Mr. BRUCE. Does the power of the Public Service Commission of Alabama apply to power originating outside of the State and simply distributed within the State, or only to power originating in the State?

Mr. UNDERWOOD. It applies to any power used in the State; but, of course, so far as this particular bill is concerned the power would originate in the State.

Mr. BRUCE. Yes; I know it would. I am just asking for illumination. Now, how about Tennessee?

Mr. UNDERWOOD. My understanding of the law is that it applies to all power used and sold; but, so far as my knowledge goes, there is no power used or sold in Alabama that is not created in the State.

Mr. BRUCE. Precisely. There is usually, of course, a provision in connection with these public-service commissions giving the commission power to regulate rates for power originating outside of the State and distributed in the State as well as power originating in and distributed in the State.

Mr. UNDERWOOD. Undoubtedly.

Mr. BRUCE. I suppose that is true of Tennessee, and probably of Mississippi.

Mr. UNDERWOOD. But if there is any State where there is additional regulation needed it is within the power of the State to do it within the terms of this bill. So I say that I challenge the statement that the Senator from New York commends in the World editorial that the sale of this power is not protected. It is protected if you believe that people in the States have a right to protect themselves. Of course, if the New York World, which is generally conceded to be a Democratic paper, has gone to the other school and thinks that we

should regulate these matters from Washington and not from New York or Alabama then I yield and say that the bill does not regulate them from Washington, but that there is ample provision to protect the people of the several States in which this power shall be used—there is not any question about it—if they want to use it in that way.

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Georgia?

Mr. COPELAND. I yield.

Mr. GEORGE. At this point I should like to make this statement to the Senator from New York, and also in the hearing of the Senator from Alabama:

I propose to offer—I do not know, of course, what fate the amendment will meet with—I propose to offer an amendment to this bill, at appropriate places in the bill, providing for the distribution of the surplus power, and to commend that statement to the Senator in connection with what the Senator from Alabama has said—

Mr. COPELAND. Will the Senator repeat what his amendment will be?

Mr. GEORGE. I propose to offer an amendment at the appropriate places in this bill—one at least, possibly two places—dealing with the surplus electric power in language that shall require the distribution of the surplus electric power. I have no disposition, of course, to interfere at all with the use of the power for the primary purposes set out in this bill; and that, in connection with the statement made by the Senator from Alabama, would bring about this situation:

There would be a regulation as to the surplus power. The manner of its disposition would be indicated in the bill—at least the general policy would be fixed—as well as the bodies in the several States that would have jurisdiction over fixing the prices of this power. I myself regard it as vital that there shall be a distribution of the surplus power, and that it shall be distributed by the lessee or sold for distribution; and I myself would have no objection to a further provision that in its sale preference should be given to States, counties, municipalities, or other political subdivisions, to the end that the people themselves might have the full benefit of this Muscle Shoals development. But at least I shall offer the amendment providing for the distribution of the surplus electric energy or power, and that this distribution shall be made by the lessee, or he must sell for the purpose of distribution; and then I think the Senator from Alabama has very correctly said that that power thus disposed of does become subject to the rules of the utilities commissions in the several States where sold or used, and it therefore could not be correctly said that no protection is given to the public.

Mr. COPELAND. Mr. President, I thank the Senators for their comments and questions. I think perhaps the Senator from Alabama and I have both wandered from the Jeffersonian school when we provide for any sort of governmental ownership; but the bill of the Senator from Alabama in its second section strikes me as a very strong Hamiltonian document. I may be mistaken about that.

Mr. UNDERWOOD. I call the attention of the Senator from New York to the fact that Mr. Jefferson himself favored and proposed a national militia for the defense of the country and repeatedly in his public documents sustained a national militia for the defense of the country, and I take it that guns and powder go with a national militia. So I thoroughly agree with the Senator. I never have been a public-ownership man. My record is against it, except when it becomes a problem where the national defense is involved; and I have even gone so far in this bill—which is objected to by some of my colleagues for that reason—as to try to get a lessee first and have this matter of national defense in the hands of a private citizen of the United States rather than the Government; and under this bill I only go to Government operation in order that there may be powder to keep a foreign fleet from blowing the city of New York off the map. In that event, as the last resort, I am willing to try to save the Senator's own constituency from that disastrous result by allowing the Government to make the nitrogen.

Mr. COPELAND. Mr. President, I desire, in the name of my constituents, to thank the Senator from Alabama for the consideration he has for the great group living in the city of New York. But I suppose after all it does not matter much what Hamilton or Jefferson might have thought of a plan of this sort. The question is, What can the Congress do under these immediate circumstances?

If we possibly could avoid Government operation of a great utility I should certainly vote in harmony with the Senator from Alabama on that particular matter, because on general

principles I oppose Government ownership and operation. If we were considering this matter de novo I doubt exceedingly if at this time the Senate would vote large sums of money like \$150,000,000 to develop a plant if a private operator could be found to do that very thing. However, we have the property, and it has been very clearly pointed out, I think by the chairman of the Committee on Agriculture and Forestry, that there would be a tremendous amount of surplus power, even after the 40,000 tons of fixed nitrogen had been developed. There is no question about that, is there? There is no question that there will be this surplus power which must be disposed of.

It would seem a very wise thing to me, regardless of whether it is Jeffersonian doctrine or Hamiltonian, to make clear that in the sale of that surplus power there would not be the possibility of excessive profits. I have offered two amendments, which will be brought up in due time, to limit the profit from the sale of this surplus power to 8 per cent, just the same as the Senator from Alabama, in preparing his substitute, limited the profit on the fertilizer to that amount. But perhaps this is a matter which can be disposed of when the amendments come before us.

It is my judgment there is no difference of opinion in this chamber as to the desirability and the necessity of making use of the power at Muscle Shoals for the development of nitrates in time of war, and of fertilizer in time of peace. There is no doubt that we all want to accomplish that end; but the question is, what is the wise thing to do at this moment?

If I have learned anything from this debate, I have learned that all those who would bid for this property, all those who have any personal interest in its acquisition, have consulted with Doctor Cottrell and the other experts of the Agriculture Department about the progress of the science of chemistry as it relates to the making of fertilizer. Our Government has applied scientific knowledge to the determination of the best method of making fertilizer, and if I am rightly advised, the methods which are now used are largely American; at least, the modifications which have been made to make the fertilizer cheaper and better have been the result of American genius.

Is it not a wise thing to continue that work of experimentation? It is certainly important to the farmers of the country, because the fertilizer must be developed at some lower price. But is it not important to the farmers of the country that this experimentation should go along, in order that we may find better ways and cheaper ways of making fertilizers?

Mr. UNDERWOOD. Mr. President, the Senator does not think there is anything in this substitute that interferes with Doctor Cottrell's bureau and his experimentation, does he?

Mr. COPELAND. I think this, Mr. President—

Mr. UNDERWOOD. I know of nothing in the substitute that affects his bureau at all.

Mr. COPELAND. I want to say this, that as compared with the Norris bill I would say the Underwood substitute is very weak on that subject. The Norris bill specifically provides that the Department of Agriculture shall take over plants Nos. 1 and 2 and continue their work of the development of the science of fertilizer production, and at the same time it makes certain that the needs of the Government as regards national defense are served. Distinct provision is made that the amount made at plant No. 2 must not be less than 40,000 tons per year. Am I right in that?

Mr. NORRIS. No; the committee bill does not provide for the making of any specific amount. It does provide, just as the Senator has said, that nitrate plant No. 1 shall be used on a larger scale than they are able in their laboratories to carry out their laboratory tests, and if they will work out, to work them out until the articles can be produced in commercial quantities.

Mr. COPELAND. Is there not a provision, too, that plant No. 2 must not be dismantled or changed until some better method is developed?

Mr. NORRIS. Yes.

Mr. COPELAND. In other words, then, under the Norris bill there would be some certainty of the production of 40,000 tons.

Mr. UNDERWOOD. Not at all. There is nothing in the bill of my friend from Nebraska that requires the operation of either of these plants. It is true that he does say that this experimental bureau in Washington can run plant No. 1. He turns it over to it. But, according to the terms of his bill, he leaves plant No. 2 without an appropriation, lying obsolescent, but provides that it must not be disturbed. My substitute provides for its operation and the production of nitrogen. Up to this time, as the bill stands now, there is no direction or compulsion for the manufacture of fertilizer for commercial use.

Mr. NORRIS. If the Senator from New York will permit—
Mr. COPELAND. I yield to the Senator.

Mr. NORRIS. It turns over both the nitrate plants to the department. They can both be operated. But it is not assumed that they will operate nitrate plant No. 2 and make nitrates at a loss. It is not assumed that they are going to make a lot of nitrates, except it be in time of war, unless they can make them at a price which will cheapen the commercial price of fertilizer. In other words, the bill goes on the theory that it would mean only a loss of power and a loss of money to operate nitrate plant No. 2 now to its capacity, when there would be no opportunity to sell the product unless we sold it at a loss. The Underwood substitute provides that it must be operated, and that it must produce, even if at a loss. We think that is not economically sound, and that it will not redound to the benefit of anybody.

As the Senator who is now addressing the Senate knows better than the rest of us, a laboratory test may show some operation to be perfect, as far as the laboratory test is concerned, but when it is tried on a commercial scale it may be a failure, and it is often more difficult, after the laboratory test is made, to put it on a commercial basis than it was to make the discovery in the laboratory. That is well known to scientific men.

Our idea was to turn over nitrate plant No. 2 as an experimental plant. It is sufficiently large for that. It will be the largest of that kind in the world used for that purpose. Then, when the laboratory test had been worked out, the idea was to give it a practical application in nitrate plant No. 1, and if the product were cheapened, let the entire world use it; and they could use it also in nitrate plant No. 2. But until the process shall have been cheapened, as a matter of national defense, the bill provides that nitrate plant No. 2 must not be disturbed, the idea being that if, in the meantime, we got into a war, we would need nitrate plant No. 2 to produce explosives, regardless of the cost. It can produce now 40,000 tons a year, but at a price that would not justify them in making a commercial fertilizer out of it.

Mr. COPELAND. Mr. President, I thank the Senator for his comments. I do think that there is one very weak point in the Norris bill, which I think the author himself admits. I do not like the limitation to 100,000 horsepower, of which not more than 25,000 should be primary power. It seems to me that in the development of this experimental work and of the manufacture of fertilizer at these plants, the Secretary of Agriculture should be free to call upon the War Department for just as much power as is necessary. We are all agreed here that in the last analysis the purpose of this enterprise is the development of fixed nitrogen, and it might well happen that in this experimentation a very much larger quantity of power would be required than would be given by 25,000 primary horsepower out of a total of 100,000.

Mr. SMITH. With the permission of the Senator from New York, I would like to ask the chairman of the committee a question. He said a moment ago that in the form in which the fixed nitrogen was obtained at plant No. 1 it was not now produced at such a price as to be available for use in the ordinary commercial fertilizer. Has the Senator official figures to sustain that?

Mr. NORRIS. Oh, yes, Mr. President, if the Senator from New York will permit. I want to say that, as far as I know, without any exception, all of those familiar with the operation say that is true. Major Burns says that you could not do it if you were not charged a cent for your power. If you got it operated for absolutely nothing you still could not make fertilizer cheap enough at the nitrate plant now to lower the price of commercial fertilizer on the market.

Mr. SMITH. I did not go into the particulars with the scientists here; but my impression, from both of our scientific men at the head of this department, was to the effect that it was commercially available. I think the cyanamide plant at Niagara is making a profit.

Mr. NORRIS. Yes; but it is not making fertilizer as a chief product. That is simply a by-product.

Mr. SMITH. But it is making an ingredient that the fertilizer manufacturers readily avail themselves of as one of the sources of nitrogen. It comes in competition with Chilean nitrate, with ammonium sulphate, with blood and tankage and the other forms, from whatever derivative the ammonium, which is another form of nitrogen, is obtained. Doctor Whitney told me that they put the cyanamide, which contains the nitrogen, in a matrix of lime and treat it with steam, and they get, of course, ammonium gas, which is readily converted into the sulphate of ammonia by another process which

the fertilizer people have. It may not be directly available for the farmer in the present form. It would be if he wanted to put it on as a top dressing, where the soil was not all alkali, because the lime would alkali the soil. But it is available, and, my information is, available in competition with other sources of nitrogen. However, I am not in a position to state that officially, but I will be before this debate is over.

Mr. NORRIS. Mr. President, if the Senator will permit another interruption—

Mr. COPELAND. I yield to the Senator.

Mr. NORRIS. I am well satisfied, and I think even the Senator from Alabama is also well satisfied, that nitrate plant No. 2, with the knowledge we have now of the cyanamide process, is not a commercial proposition in the manufacture of fertilizer, and I have no doubt whatever about that. The scientific men all, with unanimity, I think, agree to that. With the Cyanamid Co. of Canada, which is making and selling cyanamide, the fertilizer proposition is a secondary consideration. I understand they make no fertilizer. They make other products, various kinds of things that are used in various kinds of industries—in medicines, and so forth—and they have a by-product, the cyanamide, that is sold and used in small quantities by manufacturers of fertilizer. It is just an incident to their business, as I understand it.

But I rose to make a statement to the Senator from New York as to his criticism of the committee bill in its limitation of power. I want to tell the Senator how that came in. Of course, the committee had the bill before it was reported by me. This is one of the committee modifications. That limit was put in after the committee had put in an amendment which gave to the Secretary of Agriculture the power to lease nitrate plants No. 1 and No. 2 and all the scientific operations there if he could improve agriculture, in his judgment, in that way.

It was not in my bill originally, but when the committee put that provision in it became evident at once that it might happen that somebody, some power interest, or some subsidiary of a power company might obtain that lease, not so much for the purpose of cheapening the manufacture of fertilizer as to interfere with the distribution and sale of power. They would be willing to lose something in one way if they could keep that power out of competition with the power companies which are now operating there. So it was said that if that kind of a corporation gets in here they will demand that the Government corporation have control of all of the power when they do not need it.

We assumed that if the Secretary of Agriculture was doing it, being a Government officer, of course he could not ask for any more than he needed. We were informed by our experts that in all their experimentations and in the operation of plant No. 1 for the purpose of trying out their laboratory tests they never would need as much as 25,000 horsepower. In fact, we all became convinced from the statements of chemists who have testified that the tendency of improvement now and for years in the cheapening of fertilizer has been to use less and less power. The cyanamide process down there to operate that plant for explosives will take between 80,000 and 100,000 horsepower. The same work could probably be done by modification of the Haber process with 25,000 horsepower. But we thought that in the limitation we were very liberal.

If the Senate wants to take out of the committee bill the leasing proposition, giving the Secretary of Agriculture the power to lease, then I think we ought to take that matter all out of the bill. If they want to leave the leasing power in there, then there is danger if we take it out, as I think the Senator can see, that some sinister motive may be brought about by some interested parties if they should succeed in getting such a lease that might cripple the power end of it.

Mr. COPELAND. I think the explanation is entirely satisfactory. It explains, of course, why the limitation was placed there.

Mr. SMITH. Mr. President—

Mr. COPELAND. I will yield to the Senator from South Carolina in just a moment. Personally, I am opposed to the leasing because that ties up the project, and so I would hitch to the provision to strike out the limitation on the amount of power the removal of the clause permitting the leasing, and then we would be entirely agreed, I am sure.

Mr. NORRIS. If the Senator will permit me to interrupt him again, I hope the Senator will proceed by the other route and let the Senate settle whether we are going to lease or not. If we do, it will follow that the other will be stricken out, I think, as a matter of form. Personally I agree with the Sen-

ator on the leasing proposition. The committee thought otherwise, and it was put in. I might say that at a subsequent meeting during this session of Congress for an hour or an hour and a half the question was discussed. We took no action. The committee members were not all there, but there was a good attendance. So far as any opinion was expressed at that meeting, every member expressed the opinion that he thought we ought to take out the leasing provision and also the limitation of power. So I am inclined to think a majority of the committee, after listening to the debate, are rather convinced upon that subject.

Mr. EDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from New Jersey?

Mr. COPELAND. I will yield to the Senator from New Jersey in just a moment. I promised the Senator from South Carolina to yield to him in order that he might answer a question, and I will then gladly yield to the Senator from New Jersey.

Mr. SMITH. I did not care to assume, with the knowledge I had of this matter, to contend with the Senator about plant No. 2, at Muscle Shoals, now ready for full capacity of the plant, so I went into the telephone booth and called up the Bureau of Soils. I am loath always to repeat both my question and the answer over the telephone. I would rather prefer to have submitted my question in writing and had the answer in writing, but I am sure the officer there understood what my question meant.

I said, "A question has arisen on the floor of the Senate as to whether the nitrogen produced in cyanamide form at Muscle Shoals as a source of nitrogen for commercial purposes to be mixed in our ordinary commercial plant is on a competitive basis with other sources of nitrogen." He said, "Yes; more than competitive. It is cheaper than other sources of nitrogen." I think he will repeat that over his signature.

Mr. NORRIS. But that does not demonstrate still that we could make it cheaper than anybody could make fertilizer.

Mr. SMITH. They use it to make fertilizer, of course.

Mr. NORRIS. There are many other sources of nitrogen that are conceded to be much more expensive.

Mr. SMITH. Let me say this, if the Senator from New York will allow me, and then I am through. There are comparatively few sources of nitrogen available for fertilizer purposes or any other purpose. I asked if the 40,000 tons of fixed nitrogen that could be produced right now at plant No. 2 was in a form that could compete with other sources of nitrogen. He said, "Yes; more than compete. It is cheaper than any other source." That is from the department itself.

Mr. EDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from New Jersey?

Mr. COPELAND. I am glad to yield to the Senator from New Jersey.

RECLASSIFICATION OF POSTAL SALARIES—VETO MESSAGE

Mr. EDGE. May I ask the Senator from New York if he will permit me to present a unanimous-consent agreement in relation to a vote upon the veto on the postal salary bill? In order to do so, it will be necessary to call for a quorum in the usual way, but I am going to make an effort to secure unanimous consent. I have a proposition to make, and if the Senator will indulge me so that the roll may be called, I will take advantage of that opportunity.

Mr. COPELAND. The matter is so important that I certainly should not want to interfere with it at all. I yield to the Senator from New Jersey for that purpose.

Mr. EDGE. Mr. President, I suggest the absence of a quorum.

Mr. CURTIS. I suggest that the unanimous consent be presented first.

The PRESIDENT pro tempore. If the Clerk calls the roll first, it may be it will require another roll call in order to decide on the unanimous-consent request.

Mr. ROBINSON. I suggest that the proposal be read and then it will not be necessary to call the roll a second time.

Mr. EDGE. Following the suggestion of the President pro tempore I will present the unanimous-consent request, which I ask may be read at the desk.

The PRESIDENT pro tempore. Does the Senator from New York yield for that purpose?

Mr. COPELAND. I do.

The PRESIDENT pro tempore. The unanimous-consent request presented by the Senator from New Jersey will be read.

The reading clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

It is agreed by unanimous consent that at the conclusion of the routine morning business on the calendar day of February 2, 1925, the Senate will proceed to the reconsideration and final disposition of the bill (S. 1898) reclassifying salaries of postmasters and employees of the Postal Service and readjusting their salaries and compensation on an equitable basis, and for other purposes, heretofore returned by the President of the United States without his approval; that no Senator shall speak longer than one hour on the bill, and that, if the bill is not finally disposed of on that calendar day, thereafter no Senator shall speak more than once or longer than 10 minutes upon the bill.

The PRESIDENT pro tempore. The Clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ball	Ferris	McKinley	Sheppard
Bayard	Foss	McNary	Shipstead
Borah	Frazier	Mayfield	Simmons
Brookhart	George	Means	Smith
Broussard	Glass	Metcalf	Smoot
Bruce	Hale	Moses	Stanfield
Bursum	Harrell	Neely	Sterling
Butler	Harris	Norbeck	Swanson
Capper	Harrison	Norris	Trammell
Caraway	Hedlin	Oddie	Underwood
Copeland	Howell	Overman	Wadsworth
Couzens	Johnson, Calh.	Pepper	Walsh, Mont.
Cummings	Jones, N. Mex.	Phillips	Watson
Curtis	Kendrick	Randall	Weller
Dial	Keyes	Reed, Mo.	Willis
Dill	Ladd	Reed, Pa.	
Edge	McKellar	Robinson	
Fernald			

The PRESIDENT pro tempore. Sixty-nine Senators have answered to the roll call. There is a quorum present. The Secretary will again read the proposed unanimous-consent agreement.

The reading clerk read as follows:

It is agreed by unanimous consent that at the conclusion of the routine morning business on the calendar day of February 2, 1925, the Senate will proceed to the reconsideration and final disposition of the bill (S. 1898) reclassifying salaries of postmasters and employees of the Postal Service and readjusting their salaries and compensation on an equitable basis, and for other purposes, heretofore returned by the President of the United States without his approval; that no Senator shall speak longer than one hour on the bill, and that, if the bill is not finally disposed of on that day, thereafter no Senator shall speak more than once or longer than 10 minutes upon the bill.

Mr. EDGE. Mr. President, the object of the proposed unanimous-consent agreement is, I am sure, obvious. Since the present session of Congress convened we have received a report on the ascertainment of the costs of handling the various classes of mail matter. That cost ascertainment has disclosed rather astonishing facts. The Post Office Department reports a loss of \$132,000,000 in the handling of various classes of mail matter as against a profit in the handling of first-class mail matter of \$80,000,000, with other items, making a net loss of \$39,000,000 in handling the various classes of mail matter. That presents to Congress, in my judgment, a problem which should be given careful consideration.

I am firmly of the opinion, and have expressed it on many occasions, that the salary bill which passed almost unanimously at the last session of Congress is an entirely fair and justified measure and should become a law; but in view of the fact of this additional information demonstrating, in my judgment, that the revenues should be increased, it seems to me it is our duty to make every effort to try to meet that situation.

I have suggested in the proposed unanimous-consent agreement a vote on February 2, for the purpose of giving Congress somewhat over a month, in order to try to give consideration at least to the subject of increasing the revenue of the Post Office Department.

Mr. McKELLAR. Mr. President—

Mr. EDGE. I shall be glad to yield in just a moment if the Senator will permit me to conclude my observations.

It will not in any way prejudice the salary bill should Congress vote February 2. The measure is retroactive in its terms; the salaries are payable, going back to July 1, if the bill becomes a law, and if this agreement is entered into it simply gives Congress the additional opportunity of considering this very important problem of increasing revenues in the Postal Service. It is further perfectly obvious if this bill remains the unfinished business, which it will do under the unanimous-consent agreement if entered into, and be taken up and finally disposed of on the date mentioned, it will in the meantime have some helpful effect on the enactment of revenue-

increasing legislation. In my judgment salary-increasing legislation and revenue-increasing legislation as well are accomplishments much to be desired.

Mr. DILL. Mr. President—

Mr. SWANSON. Mr. President, will the Senator from New Jersey yield to me?

Mr. EDGE. I yield first to the Senator from Washington [Mr. DILL], who first addressed the Chair.

Mr. DILL. I yield to the Senator from Virginia.

Mr. SWANSON. How can the Senator from New Jersey expect to get this bill through if he delays its consideration until the 2d of February and it shall on that date be merely the unfinished business? Any appropriation bill can then displace it, and when it shall have been displaced the Senator will have accomplished nothing except a delay until the 2d of February, and then a further delay from day to day.

Mr. EDGE. But this is a highly privileged matter, as the Senator from Virginia well knows, and nothing could displace it under the unanimous-consent agreement. It must be disposed of, so far as the Senate is concerned, under any ordinary estimate, in two days.

Mr. SWANSON. No; the proposed unanimous-consent agreement does not say the bill must be disposed of in two days. It seems to me that should the Senate consent to the unanimous-consent agreement it will be invited into a situation where we shall not secure a vote on the bill.

Mr. EDGE. I am not in the slightest degree worried about that. If the Senator from Virginia will review the history of the Senate under such agreements, he will find that a limitation of debate to 10 minutes for each Senator and permitting a Senator to speak but once on the subject has always resulted in a final disposition of a measure within a reasonable time.

Mr. SWANSON. But, as the Senator will note, the proposed unanimous-consent agreement, to which he has apparently consented, does not prevent a Senator from speaking on other matters. If this bill shall be laid aside, and an appropriation bill shall be taken up, it will lose its position as the unfinished business.

Senators can talk for hours and hours on an appropriation bill. If the Senator should insert a provision that at the end of three days the bill shall be disposed of, it would be effective, but it seems to me that all we should get under this proposed unanimous-consent agreement would be a delay in action on the bill until the 2d of February.

The proposed unanimous-consent agreement contains a limitation of debate on the bill which it is designed to cover, but not upon other matters.

Mr. EDGE. I have not the slightest objection to putting in a limitation of three days, but I can not agree at all with the construction of the Senator from Virginia as to the result of the unanimous-consent agreement as it now reads. If the measure can not command the vote of a majority of the Senate in order to keep it from being displaced, it is perfectly obvious it can not command a two-thirds vote of the Senate to pass it over a veto. Once under consideration as the business of the Senate, as is provided in the proposed unanimous-consent agreement, the limitation of speeches is clearly set forth, and I can not conceive why there should be any question as to there being a final vote upon the measure in two days at the outside. I do not want the bill to be put in such a position that any possible question, however remote, could be raised. I am perfectly ready to add a limitation of three days.

Mr. SWANSON. The Senator from New Jersey has charge of the bill and it is a measure for the passage of which he seems to have taken the responsibility; but under this proposed unanimous-consent agreement as it will finally operate on the 2d of February, with all the legislation then pending, and no agreement to keep the bill before the Senate until disposed of, I am simply going to prophesy—and I hope he has assurances on the other side of the Chamber that the prophecy will not be realized—that he will not secure the enactment of this bill into legislation before Congress adjourns on the 4th of March next.

Mr. EDGE. Then, how does the Senator construe the words "final disposition"?

Mr. ROBINSON. Mr. President, will the Senator from New Jersey yield to me?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Arkansas?

Mr. EDGE. I yield.

Mr. ROBINSON. I do not think the proposal of the Senator from New Jersey is open to the criticism that it will not provide with practical certainty for a vote on the bill at this session. The provision of the proposed unanimous-consent agreement is that during the first day, which is the 2d of February, on which the bill is considered, debate is limited; that is, that no Senator

shall speak longer than one hour; and at the end of that day another limitation goes into effect, to wit, that no Senator shall speak longer than 10 minutes. It is distinctly provided in the proposed agreement that the bill shall be finally disposed of.

If it is not disposed of by the end of the 2d day of February, on the 3d day of February or on any day thereafter that it may be considered no Senator shall speak longer than 10 minutes nor more than once. The total length of time to be consumed in debate, if every Senator availed himself of the privilege of debate provided for in the unanimous-consent agreement, would be 10 minutes each for 96 Senators, if every seat in the Senate were filled. So I believe the unanimous-consent agreement, if entered into, will make it certain that the bill will be voted on and finally disposed of. If it has virtue, that is the virtue of the proposal.

Mr. REED of Missouri. Mr. President—

Mr. ROBINSON. I yield to the Senator from Missouri, if the Senator from New Jersey will permit me.

Mr. EDGE. I yield.

Mr. REED of Missouri. The Senator has a copy of the agreement before him. I will ask does it say calendar day or legislative day? It should say calendar day, because there might be no legislative day of February 2.

Mr. ROBINSON. It says on the calendar day—

Mr. REED of Missouri. Very well.

Mr. ROBINSON. Which makes certain that no legislative fiction can prevent the bill from being proceeded with on the second day of February.

Under this agreement, which is just as specific, I think, as an agreement could be made, on the second day of February the bill will be taken up; any Senator who can get the floor may speak an hour on it, but no longer; and at the end of that day, which would mean midnight on the second day of February, if debate should be continued and the bill is not disposed of by that time, the limitation of 10 minutes goes into effect, and no Senator may speak more than once.

Mr. SWANSON. Mr. President, I should like to ask the Senator for his view of such a situation as this which might arise: Suppose a motion is made to proceed to the consideration of some other measure, which, if agreed to, would displace this bill as the unfinished business. Is there any limitation of debate on such a motion?

Mr. EDGE. Mr. President, I have already suggested that if a majority of the Senate is prepared to consider other business at any time there will be no use of proceeding further with the measure. So far as I know a unanimous-consent agreement couched in similar language has never operated to prevent debate on any subject in the world that Senators see fit to debate.

Mr. SWANSON. So the Senator is in this attitude if this agreement shall be entered into, that when the debate is commenced under the 10-minute rule a motion may be made to proceed to the consideration of any other measure, for filibustering purposes or otherwise, and there will be no limitation on the debate on the second motion which, if agreed to, would displace this measure as the order of business.

Mr. EDGE. Will the Senator from Virginia point out any previous unanimous-consent agreement that has prevented a Senator from speaking on any subject upon which he desired to speak?

Mr. SWANSON. The only way to make it effective is to provide that at 3 o'clock on a certain day the Senate shall proceed to vote and that the roll shall be called. Then there can be no filibustering. Senators can talk up to that time, and then the Chair will order the roll to be called. There is no such provision included in this proposed agreement.

Mr. EDGE. As I have indicated several times, I thought this proposed unanimous-consent agreement was double-barreled. It says "until final disposition" in one place and "until finally disposed of" in another.

Now, if there can be any successful question raised, I do not want that question to exist. I am giving two days' opportunity for debate, or more, using the word "thereafter." I am entirely satisfied to have the unanimous-consent agreement perfected by stating that a vote shall be taken not later than February 4 at 12 o'clock.

Mr. ROBINSON. I make no objection to that modification. The difficulty, if it is regarded as a difficulty, suggested by the Senator from Virginia, can be obviated by providing that the bill shall be kept before the Senate until finally disposed of.

Mr. EDGE. The simpler the language the better.

Mr. DILL. Mr. President, I want to know whether this unanimous-consent agreement as drawn shuts out a motion to refer this bill back to the committee, such as the Senator from South Dakota is said to have intended to make.

Mr. EDGE. My impression is that there are no unanimous-consent agreements that would shut out a motion to do almost anything.

Mr. DILL. Why does the Senator postpone this matter until the 2d of February, which is within a month of the date of adjournment? Why could it not be advanced to the 2d of January? I raised the question here on Wednesday, before the Muscle Shoals matter came before the Senate, about getting a vote on this question, and I was assured that we would have a chance to vote. A few days ago the Senator tried to get a unanimous-consent agreement for a vote to-day, I think, or to-morrow, and that was denied, and he announced that he would move to take up the question at the earliest opportunity. Now he comes here with a proposition for unanimous consent to postpone it until 30 days before the end of the session.

Mr. EDGE. Mr. President, I make that proposition in the interest of the final success of the bill. I might say that in considering this unanimous-consent agreement I have gone to the trouble—very properly so, I think—of consulting many men who are interested in this legislation.

Mr. ROBINSON. Mr. President, may I ask the Senator a question?

Mr. EDGE. The Senator may.

Mr. ROBINSON. It would be interesting to know whether the legislative representatives of the postal employees who are here are in sympathy with the proposal which the Senator submits.

Mr. EDGE. So far as I have been able to ascertain—and I think I know most of them—they are unanimously in sympathy with the proposition. I do not want any thought or inference to exist that if this unanimous-consent agreement is denied, so far as I am concerned, there will be any unavoidable delay in calling for a vote. Just as I said a few days ago, I shall call for a vote as soon as the rules of the Senate will permit; but in the interest of the legislation, in the interest of trying to solve two big problems, in the interest of trying to meet a situation which I recognize should be met, I believe that this unanimous-consent agreement serves a double purpose, and serves it well.

Mr. DILL. What assurance can the Senator give us that legislation to raise this revenue will be passed to remove the objection?

Mr. CURTIS. Mr. President—

Mr. EDGE. I yield to the Senator.

Mr. CURTIS. The bill is now being prepared and will be introduced no later than day after to-morrow, and we hope it will be introduced to-morrow.

Mr. SWANSON. Introduced where?

Mr. CURTIS. Here in the Senate.

Mr. SWANSON. A bill raising revenue can not originate in the Senate. It must originate in the House.

Mr. CURTIS. If the bill is so worded that it can not originate here, arrangements will be made for its introduction in the House of Representatives.

Mr. SWANSON. The Senator knows full well that there is a constitutional inhibition against a bill to provide revenue originating in the Senate. Then you are arranging this matter under the idea that something will occur in the House and the bill will come over here?

Mr. CURTIS. The Senator from Kansas is well aware of the fact that revenue bills must originate in the House; but the Senator has said that if the bill is so worded that it can not originate in the Senate it will be introduced in the House and every effort will be made to get it through before the 2d day of February.

Mr. ROBINSON. Mr. President, I think I ought to say, with the permission of the Senator who has the floor, that the subject matter of the legislation which has just been mentioned by the Senator from Kansas, and to which the Senator from New Jersey referred, is a very large one; and I have not the slightest idea that such a measure can be considered and disposed of by either or both Houses of Congress prior to the date upon which it is proposed that this final vote shall be taken. In all justice to every interest and issue involved in this matter it can not be expected that legislation revising the postal rates on second-class mail matter—a subject bitterly controverted and occasioning intense dispute—can be acted upon between now and the 2d of February.

Mr. EDGE. But, Mr. President, at least we can make the effort, and practically, I think, we will have just a little more stimulus in making the effort by adopting this course.

Mr. ROBINSON. May I ask the Senator, then, this question? If on the 2d of February it appears that little or no progress has been made with the bill to which he has referred,

providing for revision of the rates on second-class mail matter, what effect would that have on the vote on the postal employees' salary bill?

Mr. EDGE. Mr. President, of course, I can not answer the question of the Senator from Arkansas, so far as effect is concerned, but under the unanimous-consent agreement the vote on the salary bill must be taken.

Mr. ROBINSON. May I ask the Senator another question?

Mr. EDGE. The Senator may.

Mr. ROBINSON. In the Senator's opinion and the opinion of others interested in the final disposition of this veto message and the bill involved in it, is it true that the fate of the bill is intimately associated with the enactment of additional legislation prior to the passage of the postal employees' salary bill?

Mr. EDGE. I would not put it just that way, because I do not know. I am not prepared to answer the question directly. I can only repeat what I have said before, that the two are so intimately related that I assume, and I am sure the Senator would assume, that some Senators and some Members of the House—many, perhaps—would feel better satisfied if the revenue was produced with which to meet this additional salary or at least an effort made to produce it.

Mr. ROBINSON. Does not the Senator agree with me that it is practically certain that the bill to which he has referred as raising additional revenue in the Postal Service will not be passed by the 2d of February?

Mr. EDGE. I feel very doubtful as to whether it will be passed or not; but if the effort has been made, we will be certainly moving in the direction of trying to solve that problem. I, of course, can not tell whether it will be passed or not.

Mr. ROBINSON. It may be suggested as worthy of consideration that if the bill is to be postponed in order to give an opportunity to pass other legislation, and that legislation is not passed, its failure may be urged as a reason for the final defeat of the legislation. I make that suggestion.

Mr. DILL. Mr. President, if the motion is made to take up the bill for consideration at the earliest opportunity and the bill is passed over the President's veto there will be an added incentive to pass the bill to raise revenue. Is not that a fact?

Mr. EDGE. Does the Senator want to assume the responsibility of having a vote at an early date?

Mr. DILL. The Senator, if he had his way, would have had a vote on the second day of this session. The Senator is not in favor of postponing this thing until the administration can line up enough men against it to defeat it.

Mr. EDGE. The Senator, who as the sponsor of the bill has been given the mistaken title of assuming charge of the bill, wants to see the bill a law, and he believes that this method is the surest way of reaching that result.

I hope the unanimous-consent agreement will receive the approval of the Senate.

Mr. McKELLAR. Mr. President, will the Senator yield for a question before he takes his seat? The Senator from New Jersey and the Senator from Kansas have both said that a bill was going to be introduced, either here or in the House, to increase the revenue, based upon a report recently received from the department. As we all know, that means second-class mail matter. Are the Senator from New Jersey and the Senator from Kansas going to advocate an increase in the rates on second-class mail matter?

Mr. CURTIS. Mr. President, the Senator from Kansas will pass upon the measure when it is presented.

Mr. McKELLAR. I did not think the Senator would say that, and I do not believe either Senator is going to vote in favor of increasing the rates on second-class mail matter; so we are doing a useless thing in postponing the matter.

Mr. EDGE. I might observe that however the Senator from Kansas or the Senator from New Jersey may vote, it does not in the slightest degree change the status of this veto message. The vote through this agreement is definitely provided for, and the Senators will have an opportunity to vote for or against it. As it is to-day, it is not definitely provided for. I can make my motion and will make my motion, and what will happen to the motion I, of course, do not know.

Mr. CARAWAY. Mr. President, may I ask the Senator from New Jersey a question?

Mr. EDGE. The Senator may.

Mr. CARAWAY. I think the Senator is perfectly within his rights in refusing to commit himself on what he will do when certain legislation comes before the Senate; but I want to ask the Senator if the legislation contemplates increasing the rate on newspapers? Is that the bill that is in contemplation?

Mr. EDGE. I have not seen a copy of the contemplated bill, and have not the slightest knowledge of its provisions. I can answer the Senator only from general recollection of the recommendations made to our committee last spring, when we were considering this general subject. At that time there was, as I recall, provision made for a gradual increase in practically all of the classes provided for, except first class.

Mr. CARAWAY. May I just add that I certainly hope the Senator will be in charge of the legislation. I presume he will be.

Mr. EDGE. No; the Senator will not be in charge of the legislation. He has retired from the Post Office Committee and is busy in other directions.

Mr. CARAWAY. I am expressing the hope that there will be no attempt to make it impossible for people who happen to live a bit remote from the places of publication of newspapers to have an opportunity to read them. I hope there will be no contemplation of trying to make it more expensive to get daily papers. They have become not a luxury but a necessity.

Mr. EDGE. I might point out to the Senator from Arkansas, in connection with his observation in regard to the rates, that the Post Office Department reports a profit of over \$80,000,000 in handling first-class matter; so that can be given careful consideration by the committee in considering revenue-increasing measures.

Mr. COUZENS and Mr. REED of Missouri addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from New Jersey yield; and if so, to whom?

Mr. EDGE. I yield to the Senator from Michigan.

Mr. COUZENS. Mr. President, I want to say to the Senator that I think this matter may as well be disposed of now, because I shall object to this unanimous-consent agreement until I know something about how the revenue is proposed to be raised. I am heartily in favor of the revenue being raised from the increase in rates on second-class matter before agreeing to postpone the consideration of this bill until February 2, and I shall object.

Mr. DILL. We have no assurance that there will be any legislation.

The PRESIDENT pro tempore. Objection is made to the proposed unanimous-consent agreement. There is nothing before the Senate. The Senator from New York is entitled to the floor.

Mr. REED of Missouri. Mr. President—

Mr. COPELAND. I yield to the Senator from Missouri.

Mr. REED of Missouri. Mr. President, with the indulgence of the Senator from New York, as the matter just under discussion may come up again, I should like to say just a word about it. I think it is not hard to see through it.

To-day, if we are called on to vote, we will vote on the plain question whether the veto shall be sustained or not sustained. If you postpone it 30 days and hook it up with a proposition to raise the rates of postage upon second-class matter, when the veto message comes before us with that other bill not yet disposed of you will have every, or nearly every, newspaper in the country here fighting the proposition, because it will be proposed to make them pay, by increased postage, for the increases in the salary. Now, if I wanted to sustain the President's veto, the first thing I would do would be to get with me in that fight a lot of men who would be financially interested and who would be put in the position of saying, "In order to raise this revenue you are going to tax us unjustly," and inject into the question the whole problem of whether the rates on second-class matter ought to be raised, and debate that question. It is perfectly plain to me that this is a very fine way to get a great force at work to sustain the President's veto.

Mr. STERLING. Mr. President, if the Senator will permit, I do not quite understand the argument in that regard.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Dakota?

Mr. COPELAND. I yield.

Mr. STERLING. It would seem to follow logically that if we propose an increase of rates on certain classes of mail matter for the purpose of raising revenue then these very interests of which the Senator speaks would be in favor of passing the bill over the veto so that there would be no necessity for increasing the rates in order to raise the revenue.

Mr. REED of Missouri. If we raise the wages of these men by the bill which has been vetoed, we must have more revenue, so it is stated. Now it is proposed that we shall postpone action upon the veto until the bill has been introduced to raise the revenue; it will not have been passed by the 2d day of

February. When you will have that situation, every man who is opposed to paying the increased revenue for hauling his papers or his magazines will want to see the veto of the President sustained, so that there will be no necessity for him to pay an additional rate. I think that ought to be plain enough to be understood. Under those circumstances the friends of this measure ask to have a consent of this kind granted.

Moreover, while my friend the Senator from Kansas [Mr. CURTIS] very properly says that he will not commit himself upon a bill until he has seen it, he is nevertheless asking us to commit ourselves on this bill in consideration of the fact that a bill which he says he does not know whether he will support or not is going to be introduced and passed; when it will not be passed in the Senate by the 2d of February, with the opposition of the Senator from Kansas, who is the leader on the other side of the Chamber.

Mr. EDGE. Will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from New Jersey?

Mr. COPELAND. I am still yielding.

Mr. REED of Missouri. I will be through in a moment.

Mr. EDGE. How does the Senator from Missouri figure out that there would be less of a vote to override the veto on February 2 if the suggested revenue bill fails? How could it in the slightest degree, according to his logic—

Mr. REED of Missouri. It is not going to fail; it is going to be pending right here.

Mr. EDGE. Assuming that it fails, or that it shall not have passed, how would it change the mind of a Senator who felt that the salary increase was justified and had so recorded himself at the last session of Congress? How would it in the slightest degree influence him to vote against the veto? He would vote against it to-day, would he not, just as much as he would February 2? Conditions are the same to-day as they would be then, according to the Senator's statement.

Mr. REED of Missouri. If he votes on it to-day, he votes to increase the salaries, and the money will have to be obtained from some place, if it is not already available here. I strongly suspect it is already available. I strongly suspect this is a mere subterfuge somebody got up for the purpose of killing this measure. But we can vote on the measure now on its merits. Then we can fight out the question hereafter of where the money is to come from. But I will answer the Senator's question in this way; the moment you say that we are going to take it out of the publisher of second-class matter, that moment the second-class matter publisher will be here. He is going to see Senators, and he is going to say, "You propose to penalize the press of this country for the purpose of paying this increase and we protest against it," and the result of it will be that the newspaper man will have his friends and his influence here. If you leave him out of the question by voting on this thing now, he will not be here, in all probability.

Mr. EDGE. Where does the Senator propose to secure the income?

Mr. REED of Missouri. I propose to pass on that question when we get to it. Here we have this singular situation. We are blandly asked to put this proposition over in order that a bill may be introduced here, and introduced in the House if necessary, and then the Senator from Kansas, the distinguished leader on the Republican side, tells us that he does not know whether he is going to support it or not. That is not the kind of an assurance on which I propose to submit to the delay in voting upon this bill.

More than that, I have been in the Senate long enough to know what presidential influence means, when you can have about 30 days in which to work on the sensibilities of Members, and we must not forget that we have had a recent example of disciplinary methods being employed for Members of the Senate who have had the temerity to differ from an administration. It can not be forgotten that for failure to support the President in the election two or three very distinguished Republicans have been led by the ear to the door and incontinently kicked out of the Republican holy of holies.

So I am wondering now what is going to be the fate of the distinguished Senator from New Jersey. I believe he was one of the leaders in the expulsion movement of these men. Because they voted against the President in the election, they are excommunicated and can sit no longer with the brothers. Yet here is my friend from New Jersey, who voted for that action and supported it, so I am informed, who proposes to tell us now that he is strong enough to stand steadfast for 30 days in his purpose to vote against his President upon a veto here in the Senate. I am astounded at his courage and temerity.

Mr. DILL. Does not the Senator think there is a twilight zone into which some of these Senators might be placed, instead of being cast into outer darkness?

Mr. EDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from New Jersey?

Mr. COPELAND. I think I will continue my short speech.

The PRESIDENT pro tempore. The Senator from New York declines to yield.

Mr. EDGE. If I may have the indulgence of the Senator—

The PRESIDENT pro tempore. The Senator from New York declines to yield.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Mr. COPELAND. Mr. President, my speech really has not amounted to much this afternoon, but at least my possession of the floor, and my yielding spirit, have made it possible for my colleagues to carry on considerable debate. I am disposed now to finish my remarks relating to Muscle Shoals. I think that was the subject under consideration when we broke off to take up the debate on other matters.

The discussion of the chemistry involved in the making of fertilizer, and the interruptions of various Senators to express opinions on this particular subject, indicate to me more than ever the fact that we need more time to consider this great project.

I think it would be most unfortunate, Mr. President, simply because we do not know what else to do with Muscle Shoals, to lease it for 50 years. It is possible that out of that plant there might grow some development of the fertilizer project, that out of that plant might grow a guaranty of sufficient fixed nitrogen to make explosives. But if this property were to go into private hands any research carried on for the cheapening of fertilizer would be the property of some private corporation. It would not belong to the Government.

So, Mr. President, I hope that out of this discussion may come some agreement in the Senate, not necessarily to adopt the bill presented by the chairman of the committee but either to accept that bill, with such provisos as are necessary to make it a workable bill from every standpoint, or else to strike from the substitute offered by the Senator from Alabama the section which provides for leasing the property.

We have made progress in the development of the fertilizer business and we will continue to make progress. The country needs cheap fertilizer. Everybody agrees that it can be made at Muscle Shoals. Both the bills provide for the making of it there, but I think we ought to proceed under some plan which will make certain that all the progress which is made, all the inventions which grow out of the operation of this property, shall be owned by the citizens of our country. It is necessary for the development of the farm lands that we shall have this cheap fertilizer. We do not want to put this in private hands so that ultimately there may be some question as to the price which may be charged for it.

Mr. McKELLAR. Mr. President—

Mr. COPELAND. I yield.

Mr. McKELLAR. Suppose the Underwood substitute shall be agreed to and the public utilities commission of the State of Alabama should fix a rate which would make it profitable for the Alabama Power Co. to use all of the power in the State of Alabama, assuming the Alabama Power Co. should get the plant. How much power to regulate would the State utilities commission of any other State have? In other words, if the amendment is agreed to as it is now the only public utilities commission in the Union with power to regulate prices would be the Alabama State utilities commission, of course. It could not be regulated by other commissions until the power actually got into other States. So what we would be doing would be to take this great national asset and turn it over to

the State of Alabama, and then, if the company ever wanted to use it outside of Alabama, the other State commissions would have some power over it, but until it was used out of the State of Alabama no other commission would have any power to regulate, of course. That would follow, certainly. So that what we would be doing by this amendment, if we agreed to it, would be to turn over this great national project to the State of Alabama first, and if all of the power were used in that State no other State would have any right to it at all.

Mr. COPELAND. In reply to the Senator from Tennessee I can only speak for myself. I am here to say that so far as I am concerned I shall never vote for the bill until there is inserted in it a proviso that the rates shall be fixed, no matter whether the power is used in Alabama or somewhere else, and at present we have no such assurance.

Mr. McKELLAR. The Senator means by the United States Government?

Mr. COPELAND. Yes; and written into the bill.

Mr. McKELLAR. Why, of course.

Mr. COPELAND. These questions all indicate what I have referred to time and time again, that the Senate has not determined, has not crystallized its thought, is not ready to settle the question. So I say, let us go ahead, let the War Department finish the property, finish the dam and develop these plants. Let the Agricultural Department go on with its experimentations, and then two or three years from now or five years from now we will not be tied up with a lease running for 50 years, taking out of the hands of our people the benefits to be derived from the operation of the plant, and will be free then to make suitable disposition of the property. I hope that the Senate will exercise wisdom in dealing with the project. Let it be completed by the Government, for the time being let it be operated by the Government, and in that way we will be guaranteed a supply of power, we will be guaranteed a supply of fertilizer, we will be guaranteed a supply of nitrogen for the purpose of making explosives. The Government and the people will be protected. We will not be tied up with a lease which we may regret six months after the contract is entered into. For my part I beg the Senate not to take any hasty action which would result in a lease for a long period of time to private interests and the deprivation on the part of the people of their rights in the matter of this great project at Muscle Shoals.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Mississippi.

Mr. WADSWORTH. May we have the amendments stated again?

The PRESIDENT pro tempore. The Clerk will state the amendments proposed by the Senator from Mississippi.

The reading clerk read as follows:

On page 2 strike out lines 3 to 5, inclusive, and insert in lieu thereof "also Dams Nos. 2 and 3, located in the Tennessee River at Muscle Shoals, power plants, auxiliary steam plants, all hydroelectric and operating appurtenances."

On page 4, after line 14, transpose section 8 of the substitute.

On page 4, line 20, strike out "being" and insert in lieu thereof "shall be."

On page 4 strike out line 25, and through the period in line 6 on page 5, and insert in lieu thereof "The lessee shall pay as the annual rental for use of such properties an amount not less than 4 per cent of the total amount expended by the United States in acquisition, construction, and completion of Dams Nos. 2 and 3, and the purchase and emplacement of all machinery, gates, or other metal parts or material used in the construction of locks, dams, and power houses."

On page 5, line 10, strike out "said Dam No. 2 and," and insert in lieu thereof "Dams Nos. 2 and 3 and for."

On page 5, line 14, strike out "Dam No. 2" and insert in lieu thereof "as soon as practicable Dams Nos. 2 and 3."

On page 5, line 17, after "into," strike out through "lease," in line 18, and insert "and such property is turned over to the lessee in accordance with the terms of the lease, the lessee shall maintain such property."

On page 9, line 7, strike out "Dam No. 2" and insert in lieu thereof "Dams Nos. 2 and 3."

On page 9, line 8, strike out "plant" and insert in lieu thereof "plants."

On page 12, line 10, strike out all after the period through the period in line 14.

Mr. HARRISON. Mr. President, I merely desire to say that the amendments were drawn in collaboration with the draftsmen and are merely for the purpose of adding Dam No. 3 to the scheme. The 4 per cent interest is not to be figured on Dam No. 3 until Dam No. 3 is delivered to the lessee. I have sub-

mitted the amendments to the Senator from Alabama [Mr. UNDERWOOD], and I think they meet his approval.

Mr. UNDERWOOD. I will say that I understand the Senator's main amendment; he merely transposes my provision in reference to Dam No. 3 from the latter part of the bill to page 4 of the bill. There is one amendment I want to ask him about, however. I do not think there is any question that the provision just referred to where it stands relates to the lessee just as well as it does to the corporation, but some Senators have raised the question that if it is in the latter part of the bill it may relate only to the corporation and not to the lessee. I do not care to have any doubt about that proposition. I intend that it should relate both to the lessee and to the corporation, and therefore I have no objection to that amendment. That is merely a technical proposition.

The real proposition is that, although I provide for the authorization and not the appropriation for the building of Dam No. 3, I did not provide for its cooperation with Dam No. 2, because if it was not built I merely provided that Congress should hereafter provide the necessary legislation. The Senator from Mississippi in his amendment seeks to provide that when completed it shall cooperate with the same work, whether lessee or corporation, on Dam No. 2. Personally I have no objection to that. I did not put it in my amendment because I did not want to overload the bill. I thought it might create some objection, but if the Senate wants it in there is no objection on my part at all. I have never had any objection to that provision. It is merely a question as to whether we shall act now or later on, and I am perfectly willing to act now.

The question I desire to propound is as to the amendment proposed on page 5. The balance of the amendments are merely changing where it reads "Dam No. 2" to read "Dams Nos. 2 and 3" throughout the bill, to make the main amendment of the Senator conform to the language of the bill. However, on page 5, line 17, it now reads:

That after the lease is entered into the lessee shall maintain the property covered by lease in good repair and working condition for the term of the contract.

I do not exactly understand what change the Senator desires to make at that point.

Mr. HARRISON. It strikes out after the word "into" down to the word "lease," in line 18, which would be striking out the words "the lessee shall maintain the property covered by the lease," and inserts the words "and such property is turned over to the lessee in accordance with the terms of the lease, the lessee shall maintain such property."

Mr. UNDERWOOD. Without saying anything about "in good repair and working condition"?

Mr. HARRISON. It leaves that language in. That is left just as it is now. I put in the words "and such property is turned over to the lessee in accordance with the terms of the lease," and so forth. I have not omitted the part the Senator wanted in there.

Mr. UNDERWOOD. That is all right, then.

Mr. SMOOT. The Senator simply adds the words "in accordance with the terms of the lease."

Mr. HARRISON. That is all.

Mr. HOWELL. Mr. President, the proviso that is added on page 2 of the amendment offered by the Senator from Mississippi, having reference to page 4 of the amendment offered by the Senator from Alabama [Mr. UNDERWOOD], would strike out line 25 thereof, and so forth. Then it will be noticed that, beginning with line 18 of the amendment offered by the Senator from Mississippi, there are certain lines stricken out and this language substituted therefor:

Provided, That the rental for said dams, or either of them, hereinbefore provided for shall become operative upon their delivery to the lessee ready for operation.

Mr. HARRISON. If the Senator will permit me, I have modified my amendment, and the words "ready for operation" are stricken out. I did it in the hope that it might remove the objection the Senator has. It now reads:

Provided, That the rental for said dams, or either of them, heretofore provided for shall become operative upon their delivery to the lessee.

Mr. HOWELL. But the question is, What is the condition of the dams to be when turned over? Let us consider Dam No. 2. There is a provision in the design for 18 penstocks, with turbines and the electrical generators in connection therewith. Only eight power units are being installed. However, the eight that are being provided will generate 200,000 hydroelectric horsepower. Remember, that the primary power of this dam

is only 100,000 horsepower. It might occur that the lessee would not want to accept Dam No. 2 until it was entirely completed, with each of the 18 penstocks provided with turbines and electrical machinery. I can see very plainly how the contract might be so drawn that the lessees could refuse to accept the property until such a time, and would not be responsible for the rental until then.

I think it ought to be made very clear that what we are turning over to the lessee is what Congress has thus far made provision for; that is, a combined water power and steam plant capable of producing 200,000 primary horsepower. The Muscle Shoals enterprise has cost about \$150,000,000 and I feel, inasmuch as we are to turn over this much property at the outset to the lessee, there ought to be nothing in the lease contract that would bind the United States to put another dollar into the property unless Congress should subsequently see fit to do so. We ought not now to tie the hands of Congress in any contract to construct Dam No. 3 and equip Dam No. 2 with the additional 10 power units until we see what the lessee will proceed to do with the dam equipped for the development of 260,000 horsepower.

This is a mere business proposition. Congress can not justify itself in handling the matter any differently from the way in which any Member of the Senate would handle it if he as owner were dealing with a prospective lessee. Under the amended amendment as now proposed by the Senator from Alabama [Mr. UNDERWOOD] it is provided that no fertilizer need be made for two years. In the third year 10,000 tons of fixed nitrogen must be made; in the fourth year 20,000 tons of fixed nitrogen; in the fifth year 30,000 tons; and in the sixth year and annually thereafter 40,000 tons. If we turn over this property that has cost \$150,000,000, with 200,000 primary horsepower, sufficient time will elapse before more power is needed for fertilizer purposes to enable Congress to determine whether the lessee is carrying out the contract in the spirit in which Congress expects it to be carried out. I am sure that if any one of the Senators here present owned this great plant and was about to lease it, he would not put a provision into the contract that bound him to expend \$40,000,000 or \$50,000,000 more when he did not know exactly what would be necessary, and could not know until after the contractor had the plant in operation for four or five years.

To meet this situation I have provided an amendment as follows:

That nothing in this contract shall bind the United States Government to construct Dam No. 3.

We ought to have our hands free. The contractor ought not to be in a position to stand back and say to us, irrespective of how he fulfills his contract, "You must build Dam No. 3."

Do the Senators realize that this proposal does not provide under what conditions the proposed lease would be forfeited or terminated? If the contractor fails to carry out the terms of the lease, what is the remedy of the United States Government? A suit at law for damages under the provisions of the contract as stipulated in the substitute offered by the Senator from Alabama. The Senator from Alabama, nor I, would not make such a contract as that for ourselves.

Mr. UNDERWOOD. If the Senator will allow me to interrupt him for just a moment, I will say that there is no provision in regard to the forfeiture of the lease in my substitute, except that the lease is to be forfeited if, under the terms of the contract, the contractor does not make the nitrogen and fertilizer. I take it that when the Secretary of War and the President make the lease they will provide the proper terms for its forfeiture.

Mr. HOWELL. Mr. President, I remember that Congress passed an amendment to an act that made a grave impression upon my mind when first I came upon the floor of the Senate last session, and that was for the lease of the naval oil reserves. Senators here admitted, when they reread that amendment, that proper safeguards had not been inserted; that the Secretary of the Navy probably had the authority to lease those oil reserves as he did; and criticism of the Senate was expressed by Members of this body because of the fact that such a loosely drawn law had been enacted. Should the Senate of the United States after so short a period forget that lesson?

We are nothing but a board of directors, and when we lay down premises respecting a lease to be made, and limit those premises, what can we expect that an administrative officer will understand? That we intended that the lease should be on such terms, if he could do no better? If we should turn this matter over to the President with power to act, and not limit

him as to how he should act, then the responsibility would lie wholly on the President. He would then be on his guard to make such a lease as could not be criticized. We are dividing responsibility in partially indicating how this lease should be drawn. If we prescribe any provisions whatever, we should incorporate all that are vital and which can be introduced in this measure without the slightest trouble or complication.

Mr. UNDERWOOD. Mr. President, will the Senator yield to me?

Mr. HOWELL. I will.

Mr. UNDERWOOD. As the substitute is now written, as I stated a while ago, there is an authorization for the building of Dam No. 3, but it is not in any way whatever tied up with this lease. If the Senator will observe the provision in reference to it it is a mere authorization. Probably, in order to make it entirely clear, I had myself better read the paragraph to the Senator. It is on page 15, and reads:

SEC. 8. That the Secretary of War is hereby authorized and directed to complete the construction of Dam No. 3 in the Tennessee River at or near Muscle Shoals, Ala., in accordance with report submitted in House Document 1242, Sixty-fourth Congress, first session: *Provided*, That the Secretary of War may in his discretion make such modifications in the plans presented in such report as he may deem advisable in the interest of power or navigation.

SEC. 9. That upon the completion of Dam No. 3 by the United States, the dam, power plants, machinery, and appurtenances thereto shall be leased or operated in conjunction with Dam No. 2 as provided for in this act on such terms as Congress shall hereafter provide.

So that there is no power, as the substitute now stands, for the President to include Dam No. 3 in the contract which he is authorized to make.

Mr. HOWELL. Mr. President—

Mr. UNDERWOOD. Just a moment. The proposal of the Senator from Mississippi [Mr. HARRISON] is to put Dam No. 3 in the contract. The measure as it stands has that question guarded, because it is still in the power of the Congress.

Mr. HOWELL. I am speaking of the amendment of the Senator from Mississippi.

Mr. UNDERWOOD. Of course, if we should put Dam No. 3 in, then it would come within the terms of the contract; there is no doubt about that.

Mr. HOWELL. I should like to ask the Senator from Alabama if he would be willing to accept an amendment as follows. On page 16, line 5, after the word "provide" to insert the following:

But no contract herein provided for shall bind the United States to construct said Dam No. 3.

Would the Senator from Alabama be willing to accept this amendment?

Mr. UNDERWOOD. I should very much prefer not to have the amendment of the Senator from Mississippi go in on those terms, because those terms are not necessary as the substitute now stands. I think it would leave the whole matter in so nebulous a state that a contractor would not under those circumstances know as to whether or not he was going to get Dam No. 3, and he could not, therefore, make a bid; in other words, he might make a bid that was not commensurate with the value of Dam No. 3. That would leave the situation open where the lessee would be entirely at sea as to what he was bidding for, because it would be left for the future action of Congress.

Mr. HOWELL. Then, as I understand, if the amendment of the Senator from Mississippi is not adopted in the form offered, the amendment of the Senator from Alabama would not bind the United States Government to construct Dam No. 3?

Mr. UNDERWOOD. No; I do not mean that; but in my amendment Dam No. 3 has nothing to do with the contract; there is a mere authorization looking to the future. In other words, the contract which is provided for in the substitute has nothing to do with Dam No. 3.

Mr. HOWELL. Would the Senator from Alabama object to putting in the words:

But no contract herein provided for shall bind the United States to construct Dam No. 3?

Mr. UNDERWOOD. Of course, I am trying to put in an authorization which will require the coming back here to get the money. Then, if the money is provided and Dam No. 3 is completed, I provide that it shall be put in operation with Dam No. 2 only on such terms as Congress shall hereafter provide. If my substitute stands as it is, there will be no necessity whatever for the language which the Senator seeks to have inserted.

Mr. HOWELL. Assuming there is no necessity, would it do any harm?

Mr. UNDERWOOD. If the Senator wants to provide, if the substitute stands as it is, that Dam No. 3 is not to be within the terms of the contract, it would make no difference, but I see no reason for it, because when the substitute provides "on such terms as Congress hereafter shall provide," it makes it perfectly clear that nothing can be done, not with its building, but with its operation, until Congress shall so provide. The language the Senator would use would negative the question of authorization.

Mr. HOWELL. I beg pardon; not at all. All that I propose by my amendment is that no contractor can come forward and urge that he understood that under the terms of this statute when enacted he was also to have Dam No. 3; in other words, that he could call upon Congress to construct Dam No. 3. I believe that we ought not to bind ourselves in any way to do it. We can later go ahead and do it if we want to.

Mr. UNDERWOOD. The Senator means as far as the contractor is concerned?

Mr. HOWELL. As far as the contractor is concerned.

Mr. UNDERWOOD. There is nothing in my bill as it stands now that would authorize a contract to be made with anybody about Dam No. 3. Of course, if the Senator's provision is adopted, then there would be authority. That is the reason why he is putting it in—because mine does not. My provisions do not authorize the consideration of Dam No. 3 in the contract. The Senator from Mississippi [Mr. HARRISON] is proposing to put it in, so that it will come within the terms of the contract; but if it does come within the terms of the contract I do not think you would get a contract if you said to the lessee, "You may make a contract about this, but you do not know whether you are going to get Dam No. 3 or not." I do not think that could be done effectively.

Mr. HOWELL. But the Senator's bill provides that if Dam No. 3 is constructed the contractor shall have Dam No. 3.

Mr. UNDERWOOD. No; it does not; and if there is any doubt in the Senator's mind in regard to section 9 I should very much prefer to have him move to strike out section 9 and just let the authorization stand, which does not dispose of it at all, rather than to put in language which may be confusing.

That upon the completion of Dam No. 3 by the United States the dam, power plants, machinery, and appurtenances thereto shall be leased—

Not now, but after their completion; it contemplates a future lease.

Mr. HOWELL. But it is to the same contractor.

Mr. UNDERWOOD. It provides that they—

shall be leased or operated in conjunction with Dam No. 2 as provided for in this act on such terms as Congress shall hereafter provide.

The contractor can not get anything out of that or can not contract in reference to it until Congress hereafter passes a law.

Mr. HOWELL. I understand that; but suppose Congress built the dam and the contractor said, "We will not agree with the provisions that you make." Are you going to let the dam stand idle and do nothing with it?

Mr. UNDERWOOD. No; then Congress could provide for its sale or operation in some other manner.

Mr. HOWELL. The contractor might go into court and say, "Under this contract I understood that I was to have Dam No. 3, and now Congress makes the terms so onerous that I can not take it over."

Mr. UNDERWOOD. I will say to the Senator that I am not wedded to section 9. If the amendment of the Senator from Mississippi [Mr. HARRISON] goes through, then, of course, I think his amendment would destroy what the Senator is trying to do.

If it does not go through and the Senator is desirous of having section 9 stricken out, I do not object to it. I only want the authorization. If he thinks that stands in the way, I should prefer to strike it out than to put in the language that he has.

Mr. HOWELL. As this particular feature is not before the Senate now I should like to have an opportunity to consider this matter and take it up later.

Mr. President, it seems to me that the Senate ought to consider particularly what this property is, its present condition, and the arrangements that have been made for its completion, so that there may be nothing in this measure that could in any way bind the United States to install the 10 additional power units in connection with Dam No. 2, because the units already provided for can develop 240,000 horsepower. Therefore we should be extremely careful about adopting an amendment of this kind, offered by the Senator from Mississippi

[Mr. HARRISON], which might defer the time when a lessee would begin to pay for the use of this property on the ground that these additional 10 power units had not been installed.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Mississippi [Mr. HARRISON] to the substitute offered by the Senator from Alabama [Mr. UNDERWOOD].

Mr. HARRISON obtained the floor.

Mr. McKINLEY. Mr. President—

Mr. HARRISON. I yield to the Senator from Illinois.

Mr. McKINLEY. I ask the Senator from Mississippi if he will accept and add to his amendment the words which I send to the desk.

Mr. HARRISON. Let the language be read.

The PRESIDENT pro tempore. The Secretary will read the matter referred to.

The READING CLERK. It is proposed to insert a new section, as section 6, to read as follows:

In order to provide for a larger amount of primary power to be developed on the Tennessee River, if a suitable site or sites can be found upon investigation where practical storage reservoirs can be obtained at reasonable cost, the Secretary of War is directed to take the necessary steps to secure such sites and to build the necessary dams for the impounding of water therein. If the Secretary of War, under authority of this act, constructs one or more dams for the purpose of impounding the waters of said river, he shall give due consideration in the construction of such dams to the development of hydroelectric power, to the necessities of navigation, and flood control.

The PRESIDENT pro tempore. Does the Senator from Mississippi modify his amendment as suggested?

Mr. HARRISON. Mr. President, I am so vitally interested in the other amendment that I am perfectly willing to accept this proposition. I believe it is carrying out a general scheme that should be carried out; but if there are some objections to it, and if it should complicate my amendment, I should not want to modify my amendment to that effect.

Mr. WADSWORTH. Mr. President, I think the Senator had better disagree to the suggestion. I think we ought to have some limit to this thing.

Mr. HARRISON. If there is objection, very well.

Now, Mr. President, I should like to take just a few moments upon my amendment.

I thought the objection of the Senator from Nebraska was to the wording of the proviso with respect to turning over these dams to the lessee; but I find that his objection goes to the root of the proposition, and what he is objecting to is incorporating Dam No. 3 with Dam No. 2 in making the lease. So I differ absolutely with the Senator on that proposition, and therefore I was a little surprised at what he said. Now let us see about this proposition.

Every bid that has been made to the Secretary of War to carry on this development, except that of the Union Carbide people, has incorporated Dam No. 2 and Dam No. 3. Ford, the Alabama Power Co., the Hooker and Atterbury people, all the bidders except the Union Carbide Co. have incorporated Dam No. 2 with Dam No. 3. I think the Senator from Nebraska [Mr. NORRIS] would agree that the two propositions should be incorporated.

May I say that if you are going to obligate a lessee, according to the Underwood proposal, to manufacture 40,000 tons of fixed nitrogen annually, and you do not place Dam No. 3 in this contract, it will be absolutely impossible for them to carry out the terms of the proposition. They can not mix the nitrogen and the phosphoric acid on the amount of power that would be developed from Dam No. 2 alone.

Mr. HOWELL. Mr. President—

Mr. HARRISON. If the Senator will just let me proceed for a few minutes to make myself clear, I shall appreciate it.

There is the map, drawn by the experts and not contradicted, showing that in order to develop 241,000 primary horsepower at Dam No. 2 and Dam No. 3 you must employ at least two steam plants—the steam plant that was located at the Gorgas plant, which has now been sold, and the steam plant at nitrate plant No. 2. Indeed, there is 120,000 horsepower that is developed from steam power; and if you take Dam No. 2 and Dam No. 3 together, excluding the steam power developed, you get only 121,000 primary horsepower. The experts say that in order to make 40,000 tons of fixed nitrogen annually, fertilizers of every kind, mixing it with the phosphoric acid and the various other elements according to the Underwood proposal—because it says you have to furnish fertilizers, mixed and unmixed, of every kind—it will take 257,000 primary horsepower. If you do not incorporate in this proposition Dam No. 3, it will be impossible for a person who bids upon the proposition to carry out the

terms of the proposal. So I submit that whatever is done in this legislation, Dam No. 3 should be incorporated in it.

I do not change the wording of this proposal one iota from the provisions that are embodied in Dam No. 2 by incorporating Dam No. 3. The rentals of 4 per cent annually are not to apply until the dam is delivered to the particular lessee, if a lease shall be made. So I submit, Mr. President, that this amendment should be adopted if we want to make this thing a success at all.

Mr. JONES of Washington obtained the floor.

Mr. HOWELL. Mr. President—

Mr. JONES of Washington. I yield to the Senator from Nebraska. I understand that he desires to ask unanimous consent for a reprint.

Mr. HOWELL. I do desire to ask for a reprint of the amendment of the Senator from Mississippi [Mr. HARRISON]; and, in addition, I should like to ask a question of the Senator from Mississippi. Does the Senator understand that under the terms of the amendment of the Senator from Alabama [Mr. UNDERWOOD] it will be incumbent upon the lessee to manufacture phosphoric acid?

Mr. HARRISON. Yes; fertilizers of every kind, mixed and unmixed.

Mr. HOWELL. I am talking about phosphoric acid.

Mr. HARRISON. If the Senator will just permit me, I have no doubt in the world that if we had left in the wording which was stricken out yesterday, "according to demand," it would have incorporated phosphoric acid, because the words were put in there at the instance of the Committee on Agriculture of the House on request of Mr. Ford to meet that very situation—that whatever the farmers demanded in fertilizer up to that which might be made out of 40,000 tons of fixed nitrogen, whether it was phosphoric acid or sulphate of ammonia or what not, it should be made—and I think yet that the words "according to demand" should be reincorporated in this bill, and then there would be no question in the world about it. I do not think there is any question about it now, and I know you will not have any phosphoric acid if Dam No. 3 is not incorporated.

Mr. SMITH. Mr. President, I think that if the word "demand" had been transposed and made to refer to what the Senator from Mississippi has just said—that on demand of the farmers for certain kinds, it should be furnished—it would be all right; but where it was placed it left doubt as to what was meant.

Mr. HARRISON. It may be that the language was ambiguous.

Mr. SMITH. Yes.

Mr. HARRISON. But the idea, the intention of it, was that it should meet the demands of the farmers for the kind of fertilizer that they demanded and required.

Mr. SMITH. Yes; but the word was unfortunately placed in the sentence, and I think it ought to be restored at the proper place, so as to carry out the idea that it should be on demand of the farmer.

Mr. HOWELL. Mr. President, I would like further to ask the Senator from Mississippi respecting phosphoric acid. Unless compelled to make phosphoric acid a lessee will not require the amount of horsepower which the Senator has just suggested.

Mr. HARRISON. That is quite true. The figures I gave—257,000 primary horsepower—included the question of producing phosphoric acid.

Mr. HOWELL. The Senator thinks they ought to make phosphoric acid?

Mr. HARRISON. I do.

Mr. HOWELL. I intend to offer an amendment, and would like to have the Senator's support. I propose to offer an amendment providing that phosphoric acid shall be produced equal to at least two and one-half times the tonnage of fixed nitrogen provided for. That would provide merely for 3-8-3 fertilizer.

Mr. HARRISON. I would want to look into that proposition, because that might not be enough phosphoric acid.

Mr. HOWELL. I am willing to increase the amount of phosphoric acid. Of course, if it were 2-8-2, it would have to be 4 tons of phosphoric acid to 1 ton of fixed nitrogen.

Mr. HARRISON. The Senator and myself are driving toward the same goal.

Mr. HOWELL. We certainly are; but I do not think this substitute, as now worded, requires the lessee to make phosphoric acid.

Mr. HARRISON. Will the Senator wait and hold that question, and allow this amendment to be adopted? Then

we can fight out that question, and I for one shall certainly join with him in the proposition. I want to see phosphoric acid made there, and if the words "according to demand" had not been stricken out, I have no doubt in the world that it would have been.

Mr. HOWELL. I would agree with the Senator respecting Dam No. 3 if it were not for this fact: The manager of the Alabama Power Co. has testified that when the Muscle Shoals project is completed, and ready to deliver 200,000 primary horsepower, steam-electric and hydroelectric, that this development on the Tennessee River combined with the development on the Tallapoosa River, each supplementing the other, that the primary horsepower of Muscle Shoals will be increased 150,000 horsepower; furthermore, that the primary horsepower on the Tallapoosa River will be increased 64,000 horsepower.

It must be very apparent that it is not necessary to build Dam No. 3 in order to get 257,000 horsepower, because the plant on the Tallapoosa River is to be finished in 1926. With the primary power now provided for at Muscle Shoals, and the 75 per cent increase due to the combination of this development with the Tallapoosa project, the primary power at Muscle Shoals would be increased from 200,000 to 350,000 horsepower. That is why I do not think it is necessary for Congress to bind itself at this time in this contract to build Dam No. 3, until we find out what the lessee will do with this 350,000 horsepower that will be available in the next two years.

Mr. HARRISON. Will not the Senator allow us to take a vote on my amendment to-night?

Mr. HOWELL. I have asked that my amendment be printed.

Mr. JONES of Washington. Let me say to the Senator from Mississippi that the Senator from Tennessee [Mr. McKellar] stated that he desired to speak at some length on the amendment. So it is evident that the Senate can not dispose of this amendment to-night. Has the order for a reprint of the amendment, asked for by the Senator from Nebraska, been made?

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JONES of Washington. I ask unanimous consent that when the Senate concludes its business to-day, it take a recess until 12 o'clock to-morrow.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate, under the order previously made, took a recess until to-morrow, Friday, December 12, 1924, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 11 (legislative day of December 10), 1924

GOVERNOR OF THE PANAMA CANAL

Col. Meriwether L. Walker to be Governor of the Panama Canal.

MEMBER OF THE FEDERAL FARM LOAN BOARD

Albert Calvin Williams to be a member of the Federal Farm Loan Board.

POSTMASTERS

LOUISIANA

Estelle S. Keller, Collinston.
Edna Byrd, Glenmora.
William C. Reynolds, Ida.
Edith E. Steckler, Jeanerette.
Octave H. Deshotels, Kaplan.
Albert A. Thoman, Monroe.
Ophelia L. Willis, Pearl River.
Frank G. Rieger, Scotlandville.
Lillie Schexnaider, Sellers.
Charles W. Page, Shreveport.
George M. Tannehill, Urdania.
Thomas C. Reagan, sr., Winnsboro.

MISSOURI

William Vogel, De Soto.
Carl W. Hutchison, Leeds.

John F. Burrell, Mountain View.
Albert L. Brady, Oran.
Lizzie A. Rademaker, Parma.

NEBRASKA

Arthur F. Jarman, Ashland.
Eugene V. Hickok, Atkinson.
Laura M. Baird, Cairo.
Earl J. Hughes, Concord.
Alexander E. Etting, David City.
Henry L. Nichols, Lebanon.
William Mankin, Lisco.
Mamie Mathews, Marsland.
George W. Whitehead, Mason City.
Walter I. Farnham, Merna.
Henry D. Grady, O'Neill.
Etta H. Bartlett, Potter.
Margaret Bolan, St. Columbans.
Olaf H. Larson, Shickley.
Mabel E. Bigelow, Ulysses.
Sara I. Barritt, Union.
George E. Barto, Wakefield.
Murry K. Holley, Waverly.
Lillian A. Elliott, Westpoint.
George H. Holdeman, York.

NEW YORK

Richard J. Higgins, East Rockaway.
Clarence J. Weyant, Fort Montgomery.
Roy M. Hackett, Hornell.
Edwin W. Cushman, Kenka Park.
James Agnew, Lake Ronkonkoma.
Edith L. Kent, Tuxedo Park.
Anna M. Smith, West Albany.
Loie C. Husted, Woodhull.

SOUTH DAKOTA

Matilda Peterson, Agar.
Dana N. Bonesteel, Artesian.
Nellie M. Sullivan, Athol.
Ezra J. F. Lamkee, Avon.
Loretta M. Stromme, Garretson.
Robert H. Benner, Gary.
Adam F. Glaser, Herrick.
Harry O. Starksen, Hetland.
Harry K. Sanborn, Hurley.
Oscar D. Hansen, Irene.
Leland K. Stoddard, Parker.
Fred Chesley, Platte.
Joseph W. Gibson, Salem.

VERMONT

Hiram E. Rowe, Barnet.
William H. C. Whitcomb, Forest Dale.
Ethel E. Churchill, Quechee.
Irwin Mattison, South Shaftsbury.
Otis B. Dauchy, Townshend.
Kenneth A. Foster, Wolcott.

HOUSE OF REPRESENTATIVES

THURSDAY, December 11, 1924

The House met at 12 o'clock noon.
The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God of wisdom, God of love, Thou art the way, the truth, the life. Do Thou unite us in knowledge and in purpose that our service to our country may be full of thoughtful consideration. Always keep us in sympathetic touch with human relationships and human needs. Meet us in the way of duty and make it plain and sure. In all the best demands of life may we take our pledge to live and to labor for the good. May we pass through these days with hearts of gladness and with spirits that serve, and thus may we lift some burden, lighten some load, and brighten some way. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 7052. An act for the relief of Geston P. Hunt; and
H. R. 8687. An act to authorize alterations to certain naval vessels and to provide for the construction of additional vessels.

AGRICULTURAL APPROPRIATION BILL

Mr. MAGEE of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10404) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10404, with Mr. TREADWAY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill. When the committee rose on Tuesday it had completed the reading of the bill down to and including page 30. The Clerk will resume the reading at page 31.

The Clerk read as follows:

FOREST SERVICE

SALARIES

For the Chief Forester and other personal services in the District of Columbia in accordance with the classification act of 1923, and for personal services in the field, \$3,825,003.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that I may proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed out of order for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON. Mr. Chairman, I rise to say what I had intended to say during the general debate. I was unavoidably absent on Tuesday.

As most of the Members of the House know, March 4 will end my public service and this will probably be the last time I shall have the privilege of cooperating in the passage of an Agricultural appropriation bill. I do not want to let this occasion pass without expressing my appreciation of the generous and kindly cooperation which I have received at all times from the members of the subcommittee, the members of the Committee on Appropriations, and the Members of the House in general on both sides of the aisle. I particularly want to express my appreciation to the gentleman from New York [Mr. MAGEE], who has taken charge of this bill last year and this year. I appreciate the fact that he has done this under rather difficult circumstances, especially last year, because he had no opportunity for prior preparation, which is so desirable, if not necessary, in conducting a bill through this body.

I should deprive myself of a very great pleasure and my colleagues of a tribute which is due them if I did not say that my contacts and associations with the Members of the committee and the House have been of the most kindly and cordial character. I can not say I leave public life entirely without regrets. I have enjoyed my public service beyond measure, but my chief regret will be in severing the ties and the relationships which I have had with the Members of the committee and the House, and the memory of these relationships and friendships will be among the most treasured memories of my life as I leave this place on March 4. [Applause.]

Mr. BUCHANAN. I ask unanimous consent to proceed out of order for three minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed out of order for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BUCHANAN. Mr. Chairman and gentlemen, it is with profound regret that I contemplate the loss to the public service of the invaluable services of the gentleman from Minnesota [Mr. ANDERSON]. It has been my pleasure to have been associated with him in subcommittee work on this bill, and it has been my observation that on every measure he considered only the merits of that measure and the good to result to the country at large from any appropriation made to carry it into effect. In his deliberations upon the committee I can truthfully say that he regarded not sections, he regarded not party, but responded to the impulse of what he conceived to be his duty to act for the best interests of the Nation. The agricultural interests of this country suffer a great loss by reason of his retirement from this House. [Applause.]

Mr. WASON. Mr. Chairman, I ask unanimous consent to proceed out of order for three minutes.

The CHAIRMAN. The gentleman from New Hampshire asks unanimous consent to proceed out of order for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WASON. Mr. Chairman, it was my good fortune during the early days of my membership in this body to be assigned to a committee of which my friend and colleague SYDNEY ANDERSON was a member. From that time until this date circumstances have kept us close together in committee work.

I rise at this time to emphasize every word of praise that has been spoken by Mr. MAGEE of New York and Mr. BUCHANAN of Texas, in behalf of the public service of Mr. ANDERSON. As a member of the committees where I have served with him and under him, I have always found him a genial, courteous, and capable advocate of the best interests of the agricultural development of this country.

He possessed a clear mind, a keen intellect, and it is rarely discovered that any Member of this body understands more clearly the pressing needs and demands of agricultural development than the gentleman from Minnesota [Mr. ANDERSON].

I personally am sorry that he is to leave us. I regret to think of the day when my friend will not go with us further in helping legislation and providing appropriations in the interests of agricultural development. In his new vocation I know we all wish him the marked success that he has enjoyed during his service in this House and hope that his new activities may be as pleasant and successful as his service here. God speed him in his new work. He leaves with our sincere regrets and our highest esteem and appreciation. [Applause.]

The Clerk read as follows:

GENERAL EXPENSES, FOREST SERVICE

To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building purchased, erected, or as improved shall not exceed \$1,500; to pay all expenses necessary to protect, administer, and improve the national forests, including tree planting in the forest reserves to prevent erosion, drift, surface wash, and soil waste, and the formation of floods, and including the payment of rewards under regulations of the Secretary of Agriculture for information leading to the arrest and conviction for violation of the laws and regulations relating to fires in or near national forests, or for the unlawful taking of, or injury to, Government property; to ascertain the natural conditions upon and utilize the national forests, and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests to be exported from the State or Territory in which said forests are respectively situated; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests in the city of Washington and elsewhere; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase necessary supplies, apparatus, office fixtures, law books, and technical books and technical journals for officers of the Forest Service stationed outside of Washington, and for medical supplies and services and other assistance necessary for the immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest Service; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, and washing towels, and official travelling, and other necessary expenses, including traveling expenses for legal and fiscal officers while performing Forest Service work; and for rent outside of the District of Columbia, as follows:

Mr. FISHER. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to extend my remarks, and also to insert a brief article by Doctor Coville on experiments in rododendron culture, which I think is very interesting and relates to the blueberry culture.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD and insert an article by Doctor Coville. Is there objection?

There was no objection.

Mr. FISHER. Mr. Chairman, in the hearings before the committee there is some discussion relative to the blueberry industry. It is shown that in one State the value of the crop from the blueberry fields where they grow wild is over \$2,000,000. There is the same situation in other States where the

profuse fruiting of the bushes brings about an interesting and paying industry. There is probably no other wild fruit in our country which grows so freely and produces so abundantly such a delicious fruit. Throughout the South there is the huckleberry, while not of the same plant family is close kin and the fruit is much alike.

It is a matter of serious consideration if a pest has been found which if let alone would destroy this source of food. The hearings before the committee show that a fly is attacking the fruit of the blueberry in certain sections of Maine. It is gratifying to know that the committee has responded to the call of the Department of Agriculture and inserted a provision under which an investigation will be made as well as efforts to destroy this attack.

The blueberry industry, which extends into a great many sections, has been investigated by the Department of Agriculture, and for many years they have experimented with both the blueberry and huckleberry. The results have been most successful. The bulletins published by the Department of Agriculture give details of the series of experiments with blueberry seedlings brought about by hybridization. It will be seen that in the early efforts of experimentation back in 1906, in the limited quarters, there was evidence of great improvement. There were made discoveries of the soil requirements. It was proven that a much larger and more attractive berry could be produced. The work in Washington in the restricted quarters demonstrated there was a promising field for development. The Government expanded the work by leasing a field in New Jersey where, with outdoor space of many acres and favorable soil conditions, there was an opportunity for great development. Different varieties of hybrids were grown and larger berries produced. A group of varieties was produced with favorable bearing qualities. The berries had been increased to a much larger size which can be appreciated when it is stated that they are about the same size as the familiar Concord grape. This was a great accomplishment.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for three minutes. This is the most eloquent speech I ever heard on the subject of blueberries. [Applause.]

Mr. FISHER. From a wild, fruit-bearing bush our Government experts produced a beautiful, luscious fruit, which will mean much to our markets. Commercial growers are planting orchards to fill a demand which will await them. There is one farm in New Jersey where 50 acres are under cultivation, and a good part of this is producing large quantities of berries which are quickly sold to markets in neighboring cities.

This would indicate the development of a big, paying industry. These experiments resulting in so fine an accomplishment were conducted by Dr. Frederick Coville, of the Bureau of Plant Industry, together with colleagues from other branches of the department, particularly of the Bureau of Soils.

Important and interesting as this valuable contribution is, produced by rare skill in hybridization, it means much to the development of all plant industry, for there was also discovered much knowledge relating to soil requirements. These experiments produced facts which extend to many other interesting plants. For instance, it was found that the blueberry and huckleberry require an acid soil, and that other valuable plants, much prized in the field of horticulture, have the same requirements. In sections of our country where the soil is either neutral or alkali in reaction, the many efforts by gardeners to grow such plants as azaleas, rhododendrons, and kalmia latifolia or mountain laurel have failed. That is a familiar condition in many parts of our country, and the efforts to raise these attractive shrubs have been abandoned.

THE DIFFERENCE BETWEEN A HALF-ROTTED AND A FULL-ROTTED OAK LEAF

Many of these unfortunate experiments are personally known to me, both in my garden as well as my neighbors'. This problem of how to make blueberry, huckleberry, azaleas, and other such plants grow in a soil which is apparently hostile seems to have been solved through these experiments. If acid soil can not be obtained to substitute for the soil with the alkali reaction, then there is recommended the removal of the soil and the substitution of a mixture partly of half-rotted oak leaves (the red oak preferred) with sand at given proportions with the native soil; also other things are suggested to continue and increase the amount of acidity in the soil. These plants when planted according to the directions and well cared for seem to thrive, where theretofore they withered and died. There are also experiments being made

in the use of a chemical. The processes and methods of use are clearly presented in a number of articles written by Dr. Edgar T. Wherry, of the Bureau of Soils, who has been a party to the investigations of the soil needs of the blueberry.

And the most interesting feature of the findings was the discovery that the red oak leaf is a source of help in keeping a naturally nonacid soil in a more nearly acid condition. Everybody is familiar with the red oak. The good fortune is mine to live in a neighborhood where there are many grand red oak trees—in my own yard there is a wonderful twin red oak. The leaf of this tree in the fall is large, brown, and has a leathery look. It is slower to rot than other leaves, and through the process of degenerating, which takes from one to two years, unless aided by different methods, it retains an acid condition which is transmitted to the soil where it is rotting. When the rotting leaf reaches a stage called leaf mold it has somehow changed to an alkali reaction and no longer would it be of value to the plants described, unless mixed with leaves at an earlier stage of decomposition, which is accomplished by adding new leaves from time to time. It is to be understood that there are many beautiful plants which would revel in a supply of any kind of leaf mold and do not require a special soil. All of this adds great interest to those who would welcome a new and attractive fruit and the knowledge given in the findings as to methods of overcoming soil difficulties which have hitherto been almost a bar to the cultivation of many plants in different sections of our country. [Applause.]

Under the leave to extend I insert the following article by Doctor Coville:

EXPERIMENTS IN RHODODENDRON CULTURE
(By Frederick V. Coville, March 20, 1923)

In the course of a series of experiments with blueberry seedlings, 1906 to 1910, it was found that these plants require an acid soil. (Experiments in blueberry culture, 1910, published as Bulletin 193, Bureau of Plant Industry, United States Department of Agriculture, 100 pages of text, 18 plates, 31 text figures. Now out of print.) The experiments have since been extended to many other plants and it has been shown conclusively that a very large number of species in ornamental horticulture have the same requirement. Lack of success is due to failure to provide them with the acid soil they demand. This is true especially of rhododendrons and nearly all other plants of the heather family, such as azalea, mountain laurel (*Kalmia latifolia*), trailing arbutus (*Epigaea repens*), and heather (*Calluna vulgaris*).

In nature acid nourishment is provided by the accumulation on the surface of the ground of a layer of half-rotted leaves, twigs, and rootlets. Such an accumulation, when it occurs in a sphagnum bog, is called bog peat, or simply peat. On well-drained sandy or gravelly soils it is called upland peat. Under good conditions upland peat is laced into a tenacious mat, a few inches in thickness, by the roots of the ericaceous plants that accompany it, and this mat persists year after year, continually renewing itself through each year's leaf fall and the penetration of new roots into the decaying mass. Upland peat is normally brown, but is often blackened by ground fires.

On limestone soils or on soils which for any reason have an alkaline chemical reaction upland peat does not form. The lime and other alkaline substances in the soil greatly hasten the decomposition of the leaves. Each year's leaf fall is decomposed, much of it passing in liquid form into the underlying soil prior to the leaf fall of the following year. Fully decomposed leaves form a true leaf mold, black in color and neutral or alkaline in reaction, in which rhododendrons and other acid-soil plants will not grow.

The continuation of acidity in upland peat is due to the arrest of decomposition before it has progressed to the alkaline stage, and the chief factor in the arrest is the lack of lime in the soil that underlies the leaves. When an upland peat mat is once established its own acidity is fatal to the life of the organisms that as agents of rapid decay would soon destroy its acidity.

In soils derived from granite, sandstone, sand, and gravel acid conditions are usually maintained with little difficulty by the addition of upland peat, half-rotted oak leaves, or decayed wood or bark.

Sawdust and spent tanbark are acid materials useful as mulch for acid-soil plants. They should be applied experimentally at first, however, to test the safety and suitability of the particular kind that is available. Some kinds of sawdust, notably red cedar and pitch pine, contain, when fresh, substances that are directly injurious. Other kinds, such as basswood, maple, and birch, are free from these substances. In general it is best to use sawdust that is weathered and somewhat decayed.

When an attempt is to be made to grow rhododendrons or other acid-soil plants in a place in which the soil is neutral or alkaline, such as a limestone soil, the bottom land of a river valley, the ordinary fer-

tile garden, or a prairie or arid-region soil, it is necessary to prepare holes or trenches and make up a special soil mixture. This should consist of one part of clean sand to one or two, or even four, parts of upland peat or its equivalent. To keep earthworms from bringing up the underlying soil the bottom of the hole should be lined with a 2-inch layer of soft-coal cinders. The depth of the peat and sand mixture need not be more than 8 to 12 inches. A permanent mulch of oak leaves will help maintain a proper degree of moisture, and by decomposition will add to the peat supply. If the materials for the mixture are available in quantity, a bed may be laid down over the whole surface of the ground.

A sharp distinction should be made between half-rotted oak leaves and the ordinary compost of leaves with manure, garden soil, and garden trash. Such a compost is neutral or alkaline in reaction and should not be used on acid-soil plants. Sugar maple, elm, and linden leaves rot rapidly and so soon reach the alkaline stage that they also are not desirable for application to an acid-soil planting. Oak leaves, especially red-oak leaves, rot slowly, and in two or three years, if the pile is turned over several times, make a good substitute for upland peat. (For a more extended discussion of the decay of leaves and its relation to acid soils see "The formation of leaf mold," Smithsonian Report for 1913, pp. 323 to 343.)

No manure, lime, or wood ashes should be applied to rhododendrons or other plants that require an acid soil, for all these substances tend to neutralize the necessary acidity. Cottonseed meal, ground soy beans, and spent malt, all of which contain a large amount of nitrogen in organic and acid form, are excellent fertilizers for acid-soil plants. In very sandy soils for which so little peat is available that the plants suffer for nourishment the following special acid fertilizer devised for blueberries and cranberries would probably do well for rhododendrons, applied at the rate of an eighth to a fourth of a pound per square yard. (From p. 20 of "Directions for blueberry culture, 1921," Bulletin 974, United States Department of Agriculture, 24 pp. and 29 pls.)

	Pounds
Nitrate of soda	17
Dried blood	23
Steamed bone	34
Phosphate rock	34
Potash	17

A series of greenhouse experiments in the last two years has shown that an ordinary fertile garden or greenhouse soil well suited to roses but fatal to rhododendrons can be acidified by the application of crude aluminum sulphate, and will then nourish rhododendron seedlings almost as well as peat and sand. (For a detailed account of these experiments see "The effect of aluminum sulphate on rhododendron seedlings," 1923, Bulletin 1, American Horticultural Society, 6 pages and 5 plates.)

Those experiments will be extended during the coming season to larger rhododendron and other acid-soil plants in the deeper soil of outdoor plantings. For such situations, it is believed, amounts of aluminum sulphate up to half a pound per square yard may be applied advantageously and safely if the soil is of the ordinary fertile type, the application being repeated if the soil is not made acid by the first application.

Outdoor experiments with aluminum sulphate should not be tried in mixed plantings unless it is known that all the plants are suited to a strongly acid soil, because the ordinary plants of horticulture, which thrive best in a neutral or alkaline situation, are likely to be severely injured or killed by the aluminum sulphate.

For the present the aluminum-sulphate treatment should be regarded as experimental. Those desiring to try it on sickly rhododendrons should apply it to only a portion of a planting, always leaving another portion untreated for comparison.

Limestone water, which is alkaline in reaction, will ultimately injure an acid-soil planting. Rain water or some other water that is neutral or even acid in reaction should be used if practicable. If only alkaline water is available for sprinkling purposes, it can be made neutral or slightly acid by dissolving in it a suitable amount of aluminum sulphate. The proper amount can be determined by adding to a teaspoonful of the treated water in a white dish a fraction of a drop of the dye known as bromthymol blue. If the amount of aluminum sulphate added to the water was just sufficient to make it neutral, its color under this test will be green; if it has become acid, yellow; if it is still alkaline, blue. (For an account of the method of determining the degree of soil acidity see Edgar T. Wherry, 1922, "Soil acidity—its nature, measurement, and relation to plant distribution," Smithsonian Report for 1920, pages 247 to 268, with 1 plate and 1 color chart.)

Ornamental plants vary in the degree of soil acidity or alkalinity to which they are best adapted. The preparation of authentic lists of species on this basis will necessarily be a slow procedure, the outcome of careful experimentation, but fortunately a general though not infallible guide to the need of soil acidity for a particular species is already in existence in such well-known works on gardening as Nicholson's Illustrated Dictionary of Gardening and Bailey's Standard Cyclopedia of Horticulture. European gardeners have learned from long and cumulative experience that certain plants thrive best when

supplied with peat, and this knowledge has been handed down to us in garden literature and in garden practice when conducted intelligently, but never apparently with any suggestion that the essential quality of the peat was its acidity. The statement in any reliable work on gardening that a particular species requires peat may be taken as good evidence that this species is an acid-soil plant. In very many cases, however, especially in American works, even this evidence is lacking.

Mr. CRAMTON. Mr. Chairman, I move to strike out the last word. A year ago on the way to the north rim of the Grand Canyon, traveling through the Kaibab National Forest in a late afternoon, we were treated with the sight of some hundreds of wild deer that had come down into the open spaces or parks to graze. That is one of the great attractions to the public. Those who visit the national park seem to be more interested in the wild life than they are in the spectacles of inanimate nature. Dave Rust has provided a camp in V. T. or Demott Park, one of the open spaces in the Kaibab where people are accommodated over night who desire to watch the deer that come down in the open spaces and after many years of protection from the hunter have become so tame.

The Department of Agriculture has been agitating the question of the destruction of a large number of these deer in the Kaibab Forest, alleging that the number had become so great that there was not forage enough for them. Of course, nature has been taking care of a problem like that in the wilds for a good many centuries, but the department feels that it is necessary to permit men with guns to go in and kill off the surplus of those deer. There has been some question about the working out of the plan. I have a letter from the Acting Secretary of Agriculture, under the date of December 10, dealing with the situation which I shall ask to put in the Record:

DEPARTMENT OF AGRICULTURE,
Washington, December 10, 1924.

Hon. LOUIS C. CRAMTON,
House of Representatives.

DEAR MR. CRAMTON: The department is in receipt of your letter of November 29.

It is assumed from your question that you are familiar with the efforts which have been made in the last two months to remove from this area some 15,000 surplus deer. Several plans for accomplishing this have been worked out. For your information there is inclosed a copy of the special report to the department by the committee of experts who examined the area.

There have been several news dispatches from Flagstaff, Ariz., relative to the killing of the surplus deer on the Grand Canyon National Game Preserve. The first was to the effect that hunters were being allowed to kill not to exceed three head of deer each under a cooperative permit issued by authority of the late Secretary Wallace, who approved the plan prior to his death. This plan for removing surplus animals by hunting was put into effect only after we were satisfied that the first plan, namely, the giving away of the surplus deer, was a failure.

Despite the fact that a news item offering these deer free to any one who would pay the cost of crating and hauling to the railroad was published in almost every paper in the United States, we received orders for less than 300 deer, coming from about 50 separate individuals. About November 15 heavy snows over the Kaibab region made it impossible to continue the trapping and shipment of the animals, rendering it necessary to abandon that plan for the rest of the winter.

Under the Secretary's authority, the district forester at Ogden, Utah, was authorized to open the area to hunting, as stated. This went into effect early in November and continued for several days until stopped through the action of the sheriff of Coconino County, Ariz., who, under orders from the Governor of the State of Arizona, arrested three hunters from the neighboring State of Utah for having in their possession deer meat in violation of State law. This, of course, put an end to the issuance of further permits, as hunters naturally would not apply for permit with a prospect of being arrested. During the few days hunting was carried on approximately 388 deer were killed by 151 hunters. None of the deer were fat or even in fair condition. A five-point buck, called the "monarch of the herd," weighed, dressed, 153 pounds, showing the state of flesh of most of these animals.

In the meantime on application from the State game warden a permit was issued to the Governor of Arizona by the Secretary of Agriculture, early in November, for driving a large number of the deer ranging on the east side of the Kaibab Mountain but north of the canyon across the canyon and out on the south side. It should be understood that this drive necessitates the rounding up and driving of the deer—the contract calling for not more than 5,000 head—down a steep side canyon several miles in length, along and down one of the lower branches of the canyon for about 10 miles, swimming the river, and then climbing out over a 10 to 12 mile trail to the plateau on the south side of the canyon. The department has been doubtful whether

this plan is a practicable one, feeling that with the deer in a half-starved condition the drive would be very hard on them and would result in many losses through exhaustion, drowning, etc. It would also leave those that might reach the south plateau in poor condition to take care of themselves in a strange range during the coming winter. The plan was approved, however, in the hope that it would be more successful than we anticipated, and also to a certain extent being a direct but rather drastic means of reducing the surplus numbers in the herd.

Owing to complications in financing this drive, it has not yet been put in operation, although the permit was issued by wire on November 8.

In order to expedite matters and clear up several rather complicated situations the district forester in charge of this rather intricate problem of the distribution of the surplus deer proceeded to Phoenix, where he met in conferences Governor Hunt and the State game warden of Arizona. The result of these discussions was that the governor receded apparently from his position in arresting the Utah hunters for violation of State game laws and approved the continuation of hunting under the cooperative permit plan during a season from December 1 to January 5. This decision was also announced in Associated Press dispatches within the last few days and may be the one to which you refer.

We have not as yet received full information as to the result of the district forester's conferences with the Governor of Arizona. Apparently an understanding has been reached with the State authorities which will allow the department to continue to carry out its plans for reducing this herd of deer as rapidly as is possible. We are sincerely hoping the proposed drive will be carried out successfully. Everything which the department can do has been done and will continue to be done to assist the governor and the men in charge of the drive in putting it through.

I may say further that under this cooperative plan of hunting each cooperator contributes on the basis of \$5 for each deer killed, with a maximum of three deer to each hunter. One-fourth of the amount goes to the State and three-fourths to the Federal Government to cover the cost of supervising the hunting, the State not being put to any expense whatever in handling this matter.

Sincerely yours,

C. F. MARVIN,
Acting Secretary.

Mr. CRAMTON. I have also the following letter from the department, giving data as to cattle grazing in the Kaibab:

(Fish and game, deer herd, cattle grazing)

KAIBAB, November 14, 1924.

Hon. LOUIS C. CRAMTON,
House of Representatives.

DEAR MR. CRAMTON: The department has received your letter of November 7.

I am very glad indeed to furnish you the following information regarding the grazing of livestock on the Kaibab National Forest in Arizona, together with the receipts from grazing fees for the five-year period 1919 to 1923, inclusive. The table given here shows the grazing receipts for the period covered:

Year	Cattle and horses	Sheep and goats	Total
1919.....	\$7,325.32	\$659.37	\$8,984.69
1920.....	7,361.64	524.53	8,086.17
1921.....	7,054.67	647.68	7,702.35
1922.....	3,228.97	214.24	3,443.21
1923.....	5,375.91	457.40	5,833.31
Total.....	30,745.91	2,503.22	33,249.13

The following tabulation shows the number of stock grazed from and including the year 1912 to 1923, and also the estimated number of deer using the range with the livestock:

Year	Cattle and horses	Sheep and goats	Deer
1912.....	14,000	5,000	9,000
1913.....	13,000	5,000	12,000
1914.....	12,500	5,000	(1)
1915.....	15,000	5,000	(1)
1916.....	8,947	5,000	10,000
1917.....	8,364	5,000	15,000
1918.....	9,099	5,000	15,000
1919.....	6,200	5,000	15,000
1920.....	6,260	5,000	15,000
1921.....	7,464	4,225	20,000
1922.....	7,008	2,664	20,000
1923.....	5,085	3,060	25,000

¹ No estimate.

For the grazing season of 1924, just closed, the number of stock grazed was 3,339 cattle and 3,508 head of sheep, of which 1,000 were grazed for a short period due to drought emergency. These figures cover the stock grazed by a number of near-by settlers who are absolutely dependent upon the range within the Kaibab National Forest for grazing the stock on which they depend for a livelihood. There has never been but one large company operating on the Kaibab Forest, namely, the Grand Canyon Cattle Co., a California corporation, which purchased prior rights from old established settlers who used the range many years ago before either the game preserve or the national forest was created.

When the question of competition between the deer and the livestock became acute, reductions in the numbers grazed by the Grand Canyon Cattle Co. were at once begun, until from about 15,000, which they were grazing in 1906, they have been wholly eliminated from the forest. The company has not grazed any livestock on the forest during the season of 1924, and hereafter they will not be permittees. The rest of the permittees number approximately 67 individuals. Many of them graze not more than 20 head of cattle and several as low as 10 or 12 head. Only four of their number are grazing more than 200 head.

In considering the advisability of still further reducing the number of livestock using this forest the special committee of experts who recently investigated the conditions on the Kaibab reported that the stock now being grazed there are the property of numerous small stockmen wholly dependent upon this range for the support of themselves and families and the development of their farms and that "we have not the heart to recommend that the small cattle owner be entirely eliminated." It was the unanimous opinion of the committee in discussing the question of cattle grazing on this game preserve that while there was some competition between the two classes of animals, nevertheless, a total elimination of the cattle would not be more than a temporary relief, as the rapid increase of the deer herd would soon take up the slack gained by eliminating the cattle. The committee felt that the number of deer which this herd should properly contain should be about 15,000 head, which, if handled along proper lines of game management, could be grazed on the area with safety and at the same time take care of the stock belonging to these small settlers numbering approximately 3,000 head.

Very sincerely yours,

HOWARD M. GORE,
Acting Secretary.

There is just as much sport in killing one of these deer, after so many years of protection of game in the Kaibab—just as much sport about it as there would be to go into a barnyard and kill a cow.

Mr. COLTON. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. COLTON. Is it not a fact that in that forest there has been an unusually heavy drought and the attitude of the department is that it would be better to permit some deer to be used as food than to have them die of starvation?

Mr. CRAMTON. The attitude of the department is not based on any unusual occasion in the past year, for the reason that I visited the locality in June, 1923, before these conditions came into being that the gentleman mentions, and the matter was then being agitated. It is not based on unusual conditions but it is based on their claim that there is not enough food for them. I say there is no sport in killing these deer. They have, however, in their regulations limited it and surrounded it with conditions as they would surround sport. They limit each hunter to the killing of three deer. If it is sport it should be so limited. But if the hunter is performing a public service or a service to the deer in killing the deer there is no reason for limiting each of them to three. Why let every Tom, Dick, and Harry loose at these deer, frightening all while a few hundred are killed? In authorizing this they came into conflict with the State of Arizona, which had at first refused to permit the slaughter and threatened to enforce the State law, which would result in the arrest of the hunters. That seems to have been adjusted, as the concluding paragraph of the letter of the department states. They charge each hunter a fee of \$5 for each deer that is killed; that is, with a maximum of three deer he is charged \$15.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. I ask for five additional minutes.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Reserving the right to object, I would like to ask the gentleman a question. I was wondering whether on the visit that the gentleman made in June he had any venison on the table?

Mr. CRAMTON. I did not. At that time they were not being killed, and I hoped then, and I hope yet, in some way there can be some arrangement by which they will not be

killed. The concluding paragraph of the letter sets forth that there has been an agreement arrived at between the department and the State of Arizona by which three-fourths of the \$5 goes to the United States and one-fourth to the State of Arizona. I do not know whether it is because the State of Arizona is to get a dollar and a quarter on each deer killed that has caused it to withdraw its opposition, but it appeals to me as a paltry financial mess. I do not know of anything that we can do to-day, but I hope the department will yet find a way to save this slaughter of 15,000 wild animals in a game preserve through so-called sportsmen. I ask leave to extend my remarks in the Record by inserting a letter from the department and some comment with reference to the situation by Mr. Mather, the director of the National Park Service, President Ivens, and others.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. CRAMTON. These gentlemen emphasize what a shame it will be to again drive these deer away from contact with man, as will result if they are hunted and find that the open spaces where they have so many years been safe have again become to them places of danger.

ARE KAIBAB DEER DOOMED?

In a recent issue of Outdoor America Stephen T. Mather, Director of the National Park Service, gave the following survey of the situation in the Kaibab, which he has frequently visited:

Fifteen thousand mule deer in the Grand Canyon National Game Preserve of northern Arizona must be removed or destroyed without delay if recommendations made by a committee appointed by the Secretary of Agriculture to investigate the conditions affecting the Kaibab deer herd are carried out. No more drastic measure in the history of game conservation in America than this has ever been proposed.

The Grand Canyon National Game Preserve was established by President Theodore Roosevelt November 28, 1906, under an act of Congress approved June 29, 1906, for the protection of wild animals in the Grand Canyon Forest Reserve. This act authorized the President of the United States to set aside areas within the Grand Canyon Forest Reserve for the protection of game animals and to be recognized as a sanctuary and breeding place. For 18 years the deer on this preserve have been protected, although the region formerly was a great Indian hunting ground. When the preserve was first established the herd comprised about 3,000 deer which had survived the hunters and predatory animals owing to favorable geographical conditions. With the protection that the deer have had, not only from man but through the killing off of predatory animals within the preserve, the estimated number of deer in 1923 made by forest officers and experts of the Biological Survey placed the number at 20,000. It was also estimated that the fawn crop had then reached the birth rate of from 5,000 to 8,000 a year, of which about one-half might be assumed to survive.

Using the estimate of 1923 of 20,000, with the survival of the 1924 fawn crop, the number of mule deer now in the forest would number about 26,000. Local people place the number at not less than 50,000.

While the game preserve includes approximately 800,000 acres, it is maintained that because of lines of natural drift only a small part of the area is utilized by the deer, and that range conditions, due to overutilization, are so poor that the deer are actually facing starvation.

The increasing number of deer is not alone responsible for depleted range conditions. The entire area has for years been intensively grazed by livestock owned by cattle companies and local settlers, the latter being partly dependent upon this range for a livelihood in that industry.

While some effort has been made to adjust competition between cattle, horses, and sheep and the increasing wild life, reductions in the number of livestock permitted to graze having been made from time to time, the range has been poorly managed. While it is maintained that cattle and horses are not competitors of the deer for forage, as the deer feed largely on browse in preference to grass, the grass within the so-called drift limits has been so badly overgrazed that it is a question whether the cattle and horses, in addition to the sheep, have not long been serious competitors with the deer for their natural forage and vice versa. Since settlement of the West began there has been constant conflict between domestic livestock and wild life for existence and wild life has steadily lost. Fortunately a new attitude toward wild life has been developed by game conservationists and despite the drastic measures proposed by the Kaibab deer committee I am confident that they approached the problem with utmost sincerity and with the welfare of the deer paramount in their thoughts.

I am not, however, ready to agree that it is necessary to carry out their recommendations relating to the killing of large numbers of the deer. Another thing that should be mentioned in connection with handling of the Grand Canyon game preserve is man's mistake in de-

staying nature's own means of balance. If the cougars or mountain lions had not been so systematically thinned out, they would have kept the increase of the deer down to a safe margin that the preserve could have carried, but the cougars were also destructive to the cattle and horses.

Referring again to the recommendations of the deer committee, it is stated that they are made solely for the purpose (1) of preserving the Kaibab deer herd for all time with the maximum number of deer that the area will support, and (2) of providing certain remedial measures in the existing emergency so that the range may recuperate. In view of the existing emergency, due to the severe overutilization of the range, it is recommended that stock should at once be removed from the forest, excepting the limited numbers belonging to local settlers, and the Grand Canyon Cattle Co., the largest users of the range, have been requested to remove the balance of their cattle at once and have agreed to do so under certain conditions. In view of the present situation the committee believes that no reduction of less than 50 per cent of the existing herd would be effective and recommends that one-half be removed as quickly as possible. This means a reduction of from 13,000 to 25,000 deer, depending upon the accuracy of estimates that have been made.

Three methods of reduction are suggested, and it is stated the committee is of one mind in the belief that "the proper and logical method to be followed in reducing the Kaibab deer herd is to ship the deer alive to other localities. By this means other areas where deer are not native or from which they have been exterminated may be restocked. In certain places in the Kaibab preserve it should be a comparatively easy matter to trap deer in considerable numbers. These could then be crated and shipped to other forests, preserves, parks, or private estates where conditions are suitable for their propagation and where proper care would be given them."

The second method of reduction is that the preserve be opened to hunting under careful regulations to be prescribed by the Secretary of Agriculture, such hunting as may be necessary to be carried on along the lines of modern and approved principles of game management. It is recognized that to this there is one important practical difficulty in the administration and management of hunting—the price charged by the State of Arizona for a nonresident hunter's license. The fee is \$20 with a limit of one deer. There are few Arizonians north of the Grand Canyon, most of the people local to this section living across an imaginary line in Utah.

The third method, which is recommended only as a last resort, is for the Government officially to destroy as many of the deer as may be necessary. Here also many practical difficulties are admitted.

Regarding the first recommendation for the reduction of the deer, it is to my mind logical, sane, humane, and the one that should be completely tried out within reasonable limits of time and expense before any consideration is given to the opening of the preserve to hunting. The Kaibab Plateau is practically isolated by almost impassable natural barriers, although possible permanent lines of drift to the north and west are admitted. One is northeast across the desert valley between the Kaibab Plateau and the higher country of Utah to the north. In my four trips, the first in 1920, through this section of the country, I have talked with many of the local people regarding the possible drift of deer into the mountains of Utah, and have been informed by reliable persons that an increasing number of deer in Utah is reported. These have undoubtedly followed this route, although it was freely admitted that any considerable drift is largely prevented by hunters along the route. However, so far as I am advised, no attempt has been made that would encourage such a drift by educational work among the Utah people as to the advantages to be accrued in permitting this drift to freely take place.

Another route is westward toward the Mount Trumbull district. President Anthony W. Ivins, of the Mormon Church, has known this country for the past 50 or 60 years and has gained from his own personal observation information that deer from the Kaibab Plateau work into the surrounding district. It is reported, however, that this year forage conditions are extremely bad on and around Mount Trumbull, due to overutilization of range by domestic livestock. While the Kaibab deer situation has been studied for several years, no attempts have been made to induce drifts artificially from the Kaibab Plateau, and the only suggestions put forth in this connection have been that shooting would accomplish this. The local people are vitally interested in the deer, and yet, except superficially, the local people have not been consulted, although a few of the local people who appeared at the conference held by the committee at V. T. Park in August had some very intelligent thoughts on the subject which might well be given careful consideration. The local cattle industry is not a paying proposition, yet no effort has been made to have the local people undertake the capturing of the deer fawn for raising and shipment to other localities for propagating purposes. It is my belief that a profitable local industry could be built up in this connection with proper encouragement.

To my mind the greatest evil that would result in opening the preserve to hunting, no matter how strict the regulations placed into

effect, or from an unthinkable wholesale slaughter undertaken officially, would be the disturbance of the present tame condition of the deer herd that would wipe out the work of 18 years in protecting them.

I do not believe that proper realization is had of what a valuable asset this section has in this tame herd, which attracts a golden stream of tourist travel. Nowhere else in this country is it possible for tourists to see with so little effort the sight of wild game in such numbers, living peacefully in their native habitat. As a tourist attraction alone the Kaibab deer herd represents an asset to the States of Arizona and Utah that will result in hundreds of thousands of dollars annually being brought into this section, and to disturb their condition by hunting or slaughtering them would be nothing short of a crime. My view is shared by President Ivins, long familiar with this section, who writes:

"I held the exclusive right for the ranging of cattle in the Kaibab Forest for a number of years, and in 1895 sold these interests to other stockmen. During that period there was no protection for the deer, and while they existed in considerable numbers, the constant inroads made upon them by Indians and white hunters kept them in a state of terror, so that they were rarely seen and hard to approach. Since protection has been provided for them the deer have become gentle and have increased until there are a great number in the forest.

"One of the most interesting features of the trip to the north rim of the Grand Canyon is the great number of deer which are nearly always visible from the road. If the hunting of these deer were permitted, they would again become wild, would retire from the traveled road and be rarely seen by tourists who visit the forest. Because of these and for other reasons I sincerely hope that no step will be taken which will allow the killing of deer, at least in the forest. If it is to be allowed at all, it should only be upon the ranges adjacent to the mountains to which they naturally drift when the mountain itself becomes overcrowded."

These same views are held by many others who have known conditions before the preserve was created and who realize what a valuable asset these deer are now in their tame condition. So far as hunting itself would be concerned, there would be no more sportsmanship in killing these tame deer than there would be in approaching a herd of tame cattle and shooting them.

During the past several years immense strides forward have been made in opening southern Utah and northern Arizona to tourist travel. Only a few years ago this section was practically unknown, but since the creation of Zion National Park in southwestern Utah, Bryce Canyon National Monument in Utah, almost due north of the Kaibab, and the improvement of the road across the Kaibab forest to the north rim of the Grand Canyon National Park the attention of the traveling public has been directed there and already thousands of people annually are bringing new life and development into this country through the dollars they are leaving.

It now only requires a motor trip of five or six days to view all of these outstanding features, and with the improved road conditions which are steadily being accomplished it will be as comparatively easy to cover this section as it is now to tour Yellowstone National Park.

More than 140,000 people have toured Yellowstone Park this season in about a three months' period, and here the season will be longer. With the magnificent scenery and the picturesque wild life to attract tourists there will be an annual stream going through this country, 200,000 visitors who at the most conservative estimates will leave \$10,000,000. Disturbing the condition of the deer by killing them off would, it is believed, reduce the annual flow of tourist gold through lessened travel by \$2,000,000 or more. Even by the wildest calculations this loss could not be made up through the sale of hunting licenses or directly from hunters who would come in for no other purpose than to hunt. As a practical dollars-and-cents proposition, the killing of the deer should not be permitted.

If the deer herd ought to be reduced to help in bringing the range and forage conditions back to normal, let us not be stampeded, but give more time and thought to putting into effect corrective measures that do not sacrifice the deer utterly. A thorough and exhaustive study, extending over a period of a year if necessary, should be made into every factor of the problem and the actual number of deer should be determined. This should be definitely undertaken before the Kaibab deer are doomed.

Myron Hunt has emphasized the folly of indiscriminate hunting in the preserve when he said:

Their second suggestion is, as I understand it, that hunters be allowed to reduce the number of deer, and a third, that if this proves to be insufficient, the forest rangers be empowered to reduce the number of deer. It is these last two suggestions that I wish could be reversed. We all noticed many old and poorly conditioned deer. If the Forest Service were instructed to use rifles with silencers on them and to shoot particularly old bucks and to a large extent old does, part of the problem would be taken care of. The suggestion that they use silencers is the crux of the whole thing. Those of us who are interested in the Kaibab Forest as a game preserve and who have

enjoyed the tameness of the game, know what will happen once the hunters are allowed in the forest for a season, even though they are allowed in it for the purpose of saving the deer from starving.

My report from Washington, giving me a digest of the committee's statement, does not state what I assume the report itself will have stated, that the recommendation that hunters only be allowed on the perimeter of the mountain and that they be distributed in such a manner as to drive the deer to those portions of the mountain that they have for some unknown reason seemed least to frequent. If this is intelligently carried out, it is just possible that the deer will make of the center of the mountain a place of refuge and will at that point be comparatively tame as they are in the national parks, not more than a mile inside of the limits which they shortly come to understand as the limits beyond which hunters may not come.

The forest rangers spoke of their intention to use such methods, and if hunters are allowed in there, it is to be hoped that these methods will be carried out. I am sorry, and I think a large portion of the public will be sorry, to feel that there is not some method of reducing this herd that would not make the remaining deer so wild as to take away from them that tameness which is their present charm.

It will be noted the department makes no mention of any such safeguards as Mr. Hunt has suggested.

Gov. George W. P. Hunt, of Arizona, recently said:

I am very much opposed to the slaughter of these deer. There could be no sport in killing them, as they are almost as tame as cows in the field. I saw no evidence that the deer were in danger of starving, although I am advised that the lower plateau range is dangerously overstocked.

I have read the report in which the committee appointed by the Secretary of Agriculture has recommended the herd be reduced one-half, and I believe this to be unwarranted, as I do not think any such emergency exists.

It may be necessary to reduce the herd to some extent, and in doing so, I believe sufficient interest could be aroused among sportsmen to provide for the transporting of a part of the herd for restocking other areas.

The slaughter of these partially tamed animals should not be permitted.

A vigorous view has been that of the Phoenix Gazette in this editorial:

Sportsmen, real sportsmen, throughout the Nation will see red if the order is issued for the slaughter of half the Kaibab deer herd, as recommended in the preliminary report of the Forest Service committee to Secretary of Agriculture Wallace.

It is hard to conceive in this age that the Government would sanction the murdering of 15,000 deer, and murder is what it will amount to. The deer of Kaibab preserve have been the wards of the Government since 1906. There will be no sport involved in the killing of them, because they are as tame as calves. Hunters who will hunt the Kaibab deer will butcher them, will shoot them down with the lust of blood as their only incentive—shoot while the betrayed deer stand gazing at them with the great hazel eyes that have paralyzed the trigger finger of many a real sportsman.

The only excuse offered for the slaughter of the deer in Kaibab is the threatened destruction of the herd because of poor range conditions. The authorities are afraid to let nature take its course, or so they argue.

Nature is a grand old nurse to wild life. In the history of the great game herds of the West, man and not nature has destroyed them, just as man would now destroy the last remaining great deer herd of the Nation.

If nature is permitted to do its own thinning in the Kaibab forest, she will destroy the weaklings. If man slaughters, he will take only the strong and leave the weaklings to impoverish the future generations of this great herd.

Range conditions change yearly. There is every possibility this coming winter and spring will completely change the status of conditions in the Kaibab forest. Unless a deliberate and ruthless slaughter of the animals is engaged in man can not change the conditions sooner.

This is a matter of great importance in our program of game conservation and park development, and I believe should be worked out with more care and less haste than the letter from the department indicates now obtains.

Mr. COLTON. Mr. Chairman, I rise in opposition to the pro forma amendment. I do not rise to-day to defend any policy of slaughtering wild animals needlessly, but I do say that this is a practical question. In that section of our country where the Kaibab is situated during the last few years, and particularly during the season just closed, there has been an unusual drought. The cattle grazing upon the ranges are in poor condition and some of the States have taken means of assisting the owners to get them through the winter. It will be impossible for much of this stock to graze upon the

public lands as they have in the past during the winter. I understand that the policy of the department is really one actuated by humane purposes, that a survey of the forage on the forest and immediate vicinities discloses that it can not graze or browse the number of wild deer now found there, and they are permitting certain hunters to go into these isolated sections for the purpose of killing a few of these deer, knowing full well that they will die if that is not done, and thereby saving a food supply to the people of that section of the country. It is simply a question of letting them die or killing them for food. I do not believe there is any attempt on the part of the department to spoil the pleasure of those who visit this forest. These few deer that are killed will not make the rest of them so wild in my opinion that they can not be seen. It is really a humane act. Unless something is done they will starve. Is it more humane to let them starve or shoot them?

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. COLTON. Yes.

Mr. CRAMTON. Does the gentleman understand that the department has in mind the killing of some ten or fifteen thousand deer? I have not the figures at hand, but it is some such large number.

Mr. COLTON. I do not know the number it is intended to have killed. I did not understand that it was anything like so large a number; but the purpose is to reduce the number to a point where the forage of the forest will maintain them.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. COLTON. Yes.

Mr. KINDRED. The gentleman has spoken of the desirability of driving these animals back to the wilds and hunting and killing them for food purposes. Can they not be killed by humane means to save the forage without driving them back into the wilds and pursuing them?

Mr. COLTON. I think the gentleman is quite right. If there is a more humane way of killing than shooting, then use it. I would be in favor of a policy of that kind, but my understanding is that it is still a question of letting them die for lack of food or saving a part of them by reducing the number and using the number killed for food purposes. It will not necessarily drive them back to the wilds—they are already there.

Mr. KINDRED. Would it not be more economical to kill them humanely in their present state of tameness than to drive them back into the wilds and hunt them?

Mr. COLTON. That is correct, probably, if there is some practical way of doing it.

Mr. CRAMTON. Mr. Chairman, will the gentleman again yield?

Mr. COLTON. Yes.

Mr. CRAMTON. I have here the report of the survey made at the request of the department. They say:

The committee believes that as an immediate remedy for the present situation no reduction of less than 50 per cent of the existing deer herd would be effective. We therefore recommend that one-half of the existing herd be removed, and that its removal be accomplished as speedily as possible.

And it has been estimated that there are something like 50,000 deer there. I am not accurate as to the amount, but it is something like that, so that somewhere between fifteen and twenty-five thousand deer are to be killed.

Mr. COLTON. I think the gentleman's estimate is too high. I do not believe there are 50,000 head of deer in the Kaibab Forest.

The gentleman from Georgia [Mr. LARSEN] has just called my attention to the fact that deer are scarce in his State. He states they could pasture and feed a part of these deer. If the freight and express rates were not so high, these deer might be shipped to other States, where they could be cared for. I would like to see them taken to other States where the forage would sustain them; but if that can not be done, they ought not to be exterminated by starvation.

The CHAIRMAN. The time of the gentleman from Utah has expired.

The Clerk read as follows:

For the construction of sanitary facilities and for fire-preventive measures on public camp grounds within the national forests when necessary for the protection of the public health or the prevention of forest fires, \$25,000.

Mr. RAGON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. RAGON: Page 36, line 7, after the word "ares" strike out "\$25,000" and insert in lieu thereof "\$50,000."

Mr. RAGON. Mr. Chairman, this is a matter in which I think every Representative here should be vitally interested. The improved road conditions of the national forests at this time have given rise to another condition, which provides one of the great perils of forestry in this country. I wish I could recall the exact figures that the Forestry Bureau gives us as the number of visitors that visited our national forests 6 or 8 or 10 years ago and the number that visit them to-day. Suffice it to say that in the year 1922 there were over 6,000,000 people who visited the national forests of the United States; and in 1924, the present year, I am advised by the forestry officials that over 10,000,000 people have gone through the 147 national forests in this country. That brings the condition about which I desire to speak. There are over 1,500 camping spots. This appropriation seeks to construct these camping spots so as to reduce the fire hazard, as well as to build up the recreational features of them. We have this great influx of annual visitors brought about through the improved highways that go through these forests, and we have not any place to take care of them. These tourists, hikers, campers, naturalists—a great many of them—go in there without any primary knowledge of good forestry, and as a result of their ignorance our forests are left to their mercy. These recreational features are worth a great deal to the forestry of this country. As the good roads have attracted millions of people to the national forests, the establishment of these recreational camps will naturally educate great numbers of tourists and health seekers in proper forest practice.

It is interesting to know that of the millions of dollars that have been given to the national parks, so far as I am advised an unremunerative enterprise to the Government, we have for the purpose of establishing recreational camp grounds in our national forests expended the pany sum in the last two years of \$25,000. The figures, as Mr. Greeley, chief forester, gives them, to put one of these camps in a proper condition with proper facilities and the proper requirements to make it the kind of camp ground we ought to have in these national forests, is based upon an estimate of 900 camps—I believe it was in the year 1922 from which they took the figures—and the estimate of these 900 camp grounds there were over 1,300,000 people who availed themselves of those camp grounds. The forestry people based an estimate of the requirements properly to handle these 1,300,000 people, that 2 cents per person could be expended in preparing these camps with proper facilities with reference to the starting of fires and sanitary conditions around the camps, and that as a result of this 2 cents of expenditure upon the people who went into these camp grounds in 1922 it would amount to \$122,000. In other words—

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAGON. I ask unanimous consent to continue for five additional minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RAGON. In other words, in these 900 camp grounds upon which the Forestry Bureau base their statistics, it requires \$122,000 in order properly to care for them. Now, it is perhaps a sad commentary upon our Government that these recreational camp grounds in the national forests of this country have been built up and sustained by civic organizations to a greater extent in the communities that surround our national forests. The Wichita Forest, in Oklahoma, which is one of the most attractive forests, has many recreational features built up and established by the industrious and enterprising people surrounding the forest. The same is true, if I am correctly advised, as to the Colorado recreational camp grounds. I say to you that the Government can not afford not to keep step with the enterprising civic organizations of the community that surround these national forests and for good reasons, so far as the Government is concerned. First, our national forests this year, if I am correctly advised—and I get the information from the Bureau of Forestry—our national forests brought in over \$5,300,000, and for administration and fire-prevention measures there was expended \$5,100,000. But the monetary value of our national forests is not the only thing. There is an educational value. As I pointed out in an address the other day the men of New England and the men of New York and the men of the Central States of this Union, are as much interested in the forests of Oregon and Washington and Arkansas and Louisiana as the people who live in those respective States. Why? Because every time you construct a frame building you take into consideration the forests of these Western and Southern States, and I say to you it behooves every man in the United States, with our lumber

supply rapidly diminishing and the price of lumber rapidly rising—it behooves everyone to take a particular interest in our forests, and we can not do anything better than to teach from your recreational camp grounds everyone of these men, women, and children who come into those grounds what a disastrous result can occur by leaving a smoldering fire in the camp grounds, and educate them in the primary principles of good forestry. The recreational value of our forests is great in the precaution which goes in the introduction of proper forest methods to the people who live outside the forests where the greatest amount of our timber products really is. Then it has another value.

The gentleman from Michigan [Mr. CRAMTON] here has just called the attention of the House to the condition which exists, I believe, in Arizona. I want to say to you I believe the Arkansas forests, which are the largest in the South or East, could take care of every surplus deer we have in the State of Arizona. If I am properly informed, however, we can not handle them in the East and South because they are not properly acclimated.

Mr. COLTON. If the gentleman will yield, we think that could properly be handled if freight and express rates were not so high to bring them back.

Mr. RAGON. That is just one of the purposes I have in mind in introducing this amendment. If these deer can be raised and kept and maintained in the climates of Arkansas and Pisgah forests, North Carolina—if they are to be destroyed out there—why not let them go there or to the Ozarks forest, where we have not now 40 deer?

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MAGEE of New York. Mr. Chairman, I am opposed to the amendment. I am not opposed to recreation. Everybody knows the benefits that can be derived from proper recreation. But the Government is not in a position where it can create a recreational park system. This appropriation is not for such a purpose. I assume that this appropriation is more for the purpose of having some person representing the Government look generally after these forest camp grounds. The first appropriation was made in 1923, \$10,000. Then it was increased in 1924 to \$15,000, and last year we increased that amount to \$25,000.

The purpose of this appropriation, as I understand, is not, generally speaking, to prevent forest fires. There are other appropriations for that purpose carried in the bill. On page 35 is an appropriation of \$283,000. Further on in the bill, on page 70, we have a further appropriation under miscellaneous items of \$660,000.

Mr. RAGON. Mr. Chairman, will the gentleman yield right there for a question?

Mr. MAGEE of New York. Let me make my statement first. The gentleman had the floor and was not interrupted. When I get through I will be glad to yield. The gentleman states that at one of these parks there were a million visitors, and he estimates that at the rate of 2 cents each, or \$20,000, they probably could lay out a recreational park. With such sum, perhaps, they could provide an athletic field, a gymnasium, tennis courts, baseball and football grounds, and perhaps a complete system of sewerage. I do not know about that. It would all be extremely idealistic. There is no question about that. But up to date we have about 1,500 camp grounds in our national forests, and they are increasing all the while. If you take the case of the gentleman's camp ground as an illustration, and, of course, if you are going to provide these idealistic recreational features in one park, you would eventually have to provide them in all the others, instead of this service costing \$15,000 or \$20,000 per year it would cost annually \$30,000,000.

That is all I have to say.

Mr. RAGON. Mr. Chairman, will the gentleman yield?

Mr. MAGEE of New York. Yes.

Mr. RAGON. In this particular item the money is not for the prevention of forest fires generally, but in specific camp grounds. I have not any idea of one penny going into my State. I am interested in the matter in a general way.

Mr. MAGEE of New York. The gentleman would not advocate what he contemplates in one park and then deny it in another park?

Mr. RAGON. Oh, no.

Mr. MAGEE of New York. Then I will ask the gentleman if he is in favor of starting out on a program that will ultimately entail an annual expenditure of \$30,000,000?

Mr. RAGON. No; it would not take that.

Mr. CRAMTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. CRAMTON. The particular amendment is only for \$20,000. I hope no one is misled by that innocent amount. The program of the gentleman from Arkansas [Mr. RAGON] seems to me to be based upon an erroneous conception of the relative fields of the national parks and the national forests. When he first presented this amendment to the House last Tuesday he said:

Notwithstanding the Government spent millions of dollars last year and will continue to spend for the proper maintenance of our national parks, which have only an educational value, with an incidental recreational value, yet we spent the small sum of \$15,000 for development of the recreational features of our national forests, which not only carry with them an educational, recreational, and a health value but also carry a monetary value to our Government.

It needs to be emphasized that the national forest system is primarily for the preservation of the forests and the forestry experiments, and not to provide recreation. Any recreation provided in our national forests is absolutely incidental, and we should not engage in a different program from that. There are many places where towns have contributed money to maintain what is practically a municipal park in a national forest. It is very proper that they should contribute money under those conditions. But when it comes to considering them—the great park system in this country—not only for education but for recreation, that is a different proposition. Of the thousands and thousands that now go into our national parks the great annual increase is from those who go in automobiles. They camp; they patronize the camps in those parks. It is a matter of recreation and health to them. That is not incidental; it is one of the main purposes of national parks.

I hope that whatever national parks we have in this country will be maintained as one park system, will be kept in one bureau and not scattered in half a dozen competing bureaus.

I am not going to argue the particular amendment offered by the gentleman from Arkansas in so far as it is incidental to the main idea of forestry, but I do dissent from the idea that these forests as the field of recreation do a greater and more valuable work than the national parks. He is putting the cart before the horse. I hope, therefore, the amendment will not pass.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the purchase of tree seed, cones, and nursery stock, for seeding and tree planting within national forests, and for experiments and investigations necessary for such seeding and tree planting, \$131,705: *Provided*, That from the nurseries on the Nebraska National Forest the Secretary of Agriculture, under such rules and regulations as he may prescribe, may furnish young trees free, so far as they may be spared, to residents of the territory covered by "An act increasing the area of homesteads in a portion of Nebraska," approved April 28, 1904: *Provided further*, That additional land may be purchased at a total cost of not to exceed \$900 adjacent to the present Beal Nursery, in East Tawas, Mich.;

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For investigations of insects affecting cereal and forage crops, including a special investigation of the Hessian fly, grasshopper, alfalfa weevil, and the chinch bug, \$197,700;

Mr. HUDSPETH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 45, line 15, after the word "bug," strike out "\$197,700" and insert "\$397,700."

Mr. HUDSPETH. Mr. Chairman, I understand a number of gentlemen on this side would like to discuss this amendment. I wonder if I can get an agreement with the chairman for 15 minutes to a side, 30 minutes on this amendment?

Mr. MAGEE of New York. What is the special purpose of the appropriation? Has it any particular purpose?

Mr. HUDSPETH. We ask for an appropriation so that we may destroy the grasshoppers that have been infesting the Southwest for a number of years.

Mr. MAGEE of New York. Mr. Chairman, I want to do what is fair and I will accept the proposition made by the gentleman from Texas of 15 minutes on a side.

Mr. HUDSPETH. That is reasonable. Mr. Chairman, I want to consume but five minutes—

Mr. MAGEE of New York. Just a moment, please. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 30 minutes.

Mr. BLANTON. I want five minutes.

Mr. MAGEE of New York. Will the gentleman from Texas [Mr. HUDSPETH] give it to you?

Mr. HUDSPETH. Yes; I will give the gentleman from Texas five minutes.

Mr. BLANTON. If the gentleman from Texas [Mr. HUDSPETH] is to control the time and will give me five minutes that will be all right.

Mr. HUDSPETH. Several gentlemen have asked for time on this side, because this is in the interest of the farmer.

Mr. BLANTON. This is a very important item in the bill and we ought to have some time on it.

Mr. MAGEE of New York. The gentleman from Texas says he will give you five minutes.

The CHAIRMAN. The gentleman from New York [Mr. MAGEE] asks unanimous consent that all debate on this paragraph and all amendments thereto close in 30 minutes. Is there objection?

There was no objection.

Mr. HUDSPETH. Mr. Chairman and gentlemen of the House: I trust that the farmer Representative from Kansas [Mr. TINGHEE] will not leave because, gentlemen, this is an amendment in the interest of the farmer, and those who are the friends of the farmer ought to vote for this amendment.

For the past several years, and especially last year, it has been estimated by the Agricultural Department that the grasshopper, which infested Texas very largely, destroyed 1,000,000 bales of cotton. I want to state to my friend from New York [Mr. MAGEE], who does not live in a cotton section, that he can estimate how much revenue was taken by this pest which infested the great Southwest. Why, gentlemen, in Kansas, in Texas, and I understand in Oklahoma, the grasshopper swooped down and did not leave even a leaf upon a tree and not a vestige of vegetation upon the ground; they not only destroyed crops throughout the West, but they destroyed the grass, and in many places the ranges were absolutely denuded of grass.

I have read the hearings with regard to the various subjects about which the committee held exhaustive hearings, and right here I want to state to my friend from Texas [Mr. BUCHANAN], who is a farmer and who is the ranking Democrat on this side, that the bill carries \$368,000 for eradicating the corn borer. I take it you gentlemen throughout the Northwest, around Lake Erie and Lake Huron, are interested in the eradication of the corn borer, yet you give the measly sum of \$197,000 for the eradication of the grasshopper and other insects, and I do not find a single line in the hearings—and I am not criticizing the committee—relative to the destruction by the grasshopper. Every man in Texas and throughout the Southwest is familiar with the devastation of the grasshopper and how he has denuded the ranges and crops. Why, he will take every leaf off the corn, every leaf off a stalk of cotton, and leave the ground as bare as this floor. Yet I do not find, gentlemen, in these hearings where there was any information sought as to how this pest could be eradicated. It is not a new proposition; it has been going on for years, but last year it was more destructive than in any previous year, as far as my information goes. And I would like for my farmer friends from Oklahoma to give me their attention, because they are interested in this thing. I am talking for the farmer, and I want those who represent him to give heed, because he is interested.

We are only asking that a sufficient sum be allowed in this bill to eradicate the grasshopper. Every man who is familiar with the destruction of this pest knows how it swoops down from the north, across the plains of Kansas and Oklahoma, and destroys everything in its wake. If you will give the matter any consideration at all, I think you will appreciate the importance of raising this sum only \$200,000, so we can eradicate the grasshopper, and with sufficient funds it can be eradicated.

Mr. ROMJUE. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. ROMJUE. President Coolidge tells us the trouble with the farmer now is that he is overproduced already. Does not the gentleman think that if that contention is true, it would be a good thing to save this appropriation and let the grasshoppers eat up what the farmer has?

Mr. HUDSPETH. Does the gentleman think that with cotton selling at 30 cents a pound and alfalfa hay selling at 83¢ a ton throughout the West that the farmer is overproduced?

Mr. ROMJUE. No; I disagree with that.

Mr. HUDSPETH. The old ranchmen out there would take serious issue with that statement when they are compelled to pay \$62 a ton for cottonseed cake to feed their cattle, because the grasshopper destroyed their grass in many instances.

Mr. ROMJUE. I totally disagree with the President.

Mr. HUDSPETH. I disagree with the President on that, although I agree with him on some things, but not on that.

Mr. ROMJUE. If that contention is true I think the farmer would be better off if we saved this appropriation and let the grasshopper eat up what he has.

Mr. HUDSPETH. I do not think the farmer is overproduced, and I do not think, when we get from 25 to 30 cents a pound for cotton, we are overproduced. [Applause.]

Now, gentlemen, this amendment is in the interest of the farmer and stock raiser and it ought to be adopted.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, usually I back up the committee and the Budget in their estimates of expenses. It is rarely the case that I ever vote for an item of increase over the Budget. But the amendment offered by my colleague [Mr. HUDSPETH] vitally affects a great portion of the State of Kansas, a great portion of the State of Oklahoma, a great portion of the States of Colorado and Arizona, as well as a great portion of the State of Texas.

I went through a part of the district of my colleague [Mr. JONES] this summer and saw orchards, 10 and 15 years old, with the bark stripped off of the trees by grasshoppers and the trees dead. I saw in his district crops of corn that were absolutely stripped to the stalk, not a vestige of anything left except the mere stalk, where it meant everything to the farmer and his family. I want to say it affects thousands and thousands of farmers through the destruction of their crops, which means the yearly income of the whole family. That being the case, I take it this amendment will meet with the serious consideration of this committee.

It is a menace which affects the production of the whole country. My colleague [Mr. HUDSPETH] told you it meant the loss of \$1,000,000 of cotton in Texas; if it means that loss, it means a loss of wearing apparel to greater extent for the people of the country; it means an increase in the cost of production which must be borne by the consumers of the country; and in food products alone, I dare say, it means a loss of millions of dollars to the United States Government and its people each year.

Why should not this amendment be adopted? What part of the \$70,000,000 we have been spending annually in the name of agriculture is more important than this particular subject which deals with the entire year's income of whole families, thousands of them, scattered throughout many States?

Mr. REED of New York. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. REED of New York. What success have they met with in fighting these insects?

Mr. BLANTON. Very little within the practical reach of ordinary farmers. They have been spending, as I say, from \$50,000,000 to \$70,000,000 each year in the name of agriculture, and yet these expert scientists in this Bureau of Entomology have not yet discovered a means whereby the problem may be met successfully by the ordinary farmer.

The farmer plants his crop, he borrows the money to get his feed, he borrows the money to get his seed, and then he plants a crop. He is under contract in many instances to pay a large rental. His whole family helps him to prepare his land and to plant it. The crop comes up and he cultivates it. It gives promise of great production, and when the harvest is almost ready to begin the grasshoppers swoop down on him and leave him not a thing for his whole year's work. It is entirely too expensive for him to poison them. They come out of adjoining pastures in swarms. It is too late to cope with them then, for the proper solution is to find means to prevent them from being hatched out.

Mr. REED of New York. Will the gentleman again yield?

Mr. BLANTON. Certainly.

Mr. REED of New York. Then this is for the purpose of studying the proposition to see if they can find some way of eradicating these insects?

Mr. BLANTON. Certainly; and for no other purpose. Not a dollar will be spent except in research work.

Mr. REED of New York. Have they met with any success so far?

Mr. BLANTON. Very little, substantially, for poisoning is too expensive. The people all over these States I have mentioned—Kansas, Oklahoma, Arizona, Colorado, Texas, and

other places—will write to the Secretary of Agriculture and say, "For God's sake, send us some relief," and he will answer them and say they have not the money and that Congress will not furnish it to them. This amendment will keep them from passing the buck.

Mr. BUCHANAN. Mr. Chairman and gentlemen of the committee, if the \$100,000, by which amount they seek to increase this item, would do any good, there might be some grounds for advocating it; but the grasshopper problem is 50 years or more old. They have given it strict attention in the Department of Agriculture year after year, with a yearly sum for research work to find remedies for the situation brought about by these grasshoppers. They have found a remedy and it has proven successful. My friend the gentleman from Texas [Mr. HUDSPETH] said he had looked all through the hearings and had found nothing in them about the grasshopper. There is no use repeating in each annual hearing problems that have been solved and problems that have been settled. Had the gentleman gone back one year or two years he would have found the grasshopper situation discussed. He would have found the remedy set out. He would have found where the department officials had taught them how to successfully apply the remedy.

Therefore this appropriation will do no good. We still carry an allotment of \$24,000 for research work to study this problem.

Mr. JONES. Will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. JONES. The solution to which the gentleman refers is rather expensive when it is applied, is it not?

Mr. BUCHANAN. Oh, no; it is not.

Mr. JONES. I know that when they undertook to kill the grasshoppers in the quantities found out in certain sections of the Southwest this year it was rather expensive to follow the method which the department set out.

Mr. BUCHANAN. Let me read from the hearings of last year:

The method of control is using poison bran mash. This poison bran mash is prepared with white arsenic.

This is sown—it depending upon what particular district—at certain times in the day. In some districts it may be sown early in the morning, or perhaps not until 10 or 11 o'clock, while in other places it may be in the afternoon or evening. These are problems that have to be worked out by research, because the proper time for the distribution of this poison may vary in different localities.

The proper time depends upon when the grasshopper gets warm. In the morning, as soon as he gets warm, he commences to feed, and when he commences to feed is the proper time to distribute the bran mash.

Bran mash is not very expensive, and neither is white arsenic.

Mr. JONES. According to the hearings, though, the problem must be worked out further and the solution is not complete. According to the statement you have just given us, he says these are problems that have to be worked out by research. As I understand it, the solution they have already obtained is a very expensive one, and one that is not known as fully as it might be, and has not been worked out in perhaps as economical a way as it could be if they devoted more attention to it. I am not as familiar with it as I might be, but that is my understanding.

Mr. BUCHANAN. The department states in this hearing, "the cost would run from 25 to 30 cents an acre." Is that expensive? Of course, it would vary according as the price of bran mash might be a little higher or a little lower, or the price of white arsenic might be a little higher or a little lower, but I contend that 25 or 30 cents an acre to kill grasshoppers is a cheap remedy, and as cheap as any they will ever find.

Mr. JONES. The trouble is, that is the cost of one application, and one application will not do the work. It has to be applied from time to time. If one application would do the work that would be an inexpensive method, but as I understand it, the remedy which they suggest has to be applied time after time.

Mr. GARRETT of Texas. Will my colleague yield?

Mr. BUCHANAN. Yes.

Mr. GARRETT of Texas. Do I understand my colleague to say that the Department of Agriculture has found that in the application of arsenic on a fiber plant such as cotton, it can be applied for 30 cents an acre?

Mr. BUCHANAN. I will say to my colleague from Texas that this is poisoned bran and you scatter the bran where the grasshoppers are at about the time they feed, and they eat the bran and die from it.

Mr. GARRETT of Texas. I do not know so much about that proposition, but my colleague will realize that we have had some pretty expensive experiments down in Texas in the application of white arsenic to kill the pink boll worm and the boll weevil.

Mr. BUCHANAN. That is calcium arsenate. I think the gentleman is mistaken about the remedy.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, the committee will notice that this appropriation is only for making investigations for the purpose of finding causes and, if possible, remedies. That is why it is limited in amount. If it was for the purpose of applying a remedy, for doing the physical work and paying the expense of it, the amount would have to be very much larger. Gentlemen who ask for a large increase of this item evidently believe that if the appropriation were increased as they wish the Secretary of Agriculture would organize and carry on a campaign of extermination, and pay all the cost of it, to be waged against grasshoppers and similar plagues. No; the money in this item is altogether for investigation to find preventive or corrective methods of relieving the farms of grasshoppers. The fact is that each year for many years there has been an appropriation for this and similar work, and the Department of Agriculture, through its investigational force, has worked out remedies. The trouble is that some of the people for whose benefit they have been worked out refuse to apply them and wish money from the Federal Treasury for the employment of experts, laborers, and machines to go out and do the physical work necessary to apply those remedies.

In my judgment that is not a part of the duty of the Agricultural Department. It is not a duty which the Federal Government ought to perform. Investigational work ought to be pursued, and the Congress ought to furnish abundant money to enable the department to discover or work out remedies; but when remedies are found and their application requires only physical labor and effort, they ought to be applied by those for whose benefit the work is to be done.

Now, as was clearly and ably stated by the gentleman from Texas [Mr. BUCHANAN], a remedy has been worked out as far as possible by the department. It is well known and those whose crops are attacked or threatened should apply it. They should at least try to protect their own property.

Mr. COLTON. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will.

Mr. COLTON. Is it a fact that where the remedy has been applied it has been effective?

Mr. McLAUGHLIN of Michigan. I believe it has been quite successful; very helpful, at least.

Mr. COLTON. I will say that in my own district we had a large number of crickets that invaded a part of my State. The people applied this same remedy that was recommended by the department which it had worked out, and it has been very effective in the last year or two.

Mr. JOHNSON of Texas. Mr. Chairman, I favor economy and, as a rule, am inclined to decrease rather than increase appropriation bills passed by the House. I am constrained, however, to favor the amendment offered by my colleague from Texas [Mr. HUDSPETH]. His district is about 700 miles from the one I represent, and yet the pest of grasshoppers mentioned by him and also spoken of by my other colleague from Texas [Mr. BLANTON] penetrated my district during the present year.

This past summer, in company with my predecessor, Judge Rufus Hardy, I made a trip from Navarro County to Freestone County, and we witnessed the ravages of the grasshopper. On a number of farms it appeared as though an invading army had marched across the fields of cotton and corn and left them bare as the floor.

This is the first year that the grasshopper has been of any serious consequence in my section of the State, and it indicates that the pest, instead of being checked, is on the increase. The opponents of this amendment claim that the Government has already solved the problem of discovering a remedy, but if such has been discovered it must not be in a perfected state. If so, why does this bill make any appropriation whatever for the purpose of investigating means to destroy the grasshopper and other insects therein mentioned. This bill seems exceedingly generous in discovering means to eliminate other pests not known in the great Southwest. The sum of \$280,000 is provided for the investigation and prevention of the spread of the Japanese beetle; \$383,630 to prevent the spread of the corn borer; and \$740,000 to prevent the spread of moths. The increase in the appropriation proposed by my colleague's amendment is infinitesimally small when compared with the value of the crops sought to be protected. The sixth congressional district, which I have the honor to represent, produced in 1923 over 400,000 bales of cotton, and

the increase in the appropriation proposed by my colleague [Mr. HUDSPETH] represents less than one-half of 1 per cent of the value of the cotton crop in that district alone.

The destruction wrought by the grasshopper in one county in my district during the present year is many times larger than the entire sum of money involved in this amendment. I trust it will be adopted. [Applause.]

Mr. TINCHER. Mr. Chairman, I regard the gentleman from Texas [Mr. HUDSPETH] as highly as any man on the floor. This is not a new question. The bill carries an appropriation of \$24,000 for research work to find a way to get rid of the grasshopper. To add to that appropriation money to conduct further research work would not in any way help the American farmer. The department has all the money it wants for that use. They have been investigating a way to get rid of the grasshopper for a good many years. They have a remedy. There is a plan you can use that will prevent the grasshopper from taking the crop.

The old question comes back, Will the Government administer the remedy or will it confine its activity to research work and finding the remedy? If we are going to administer the remedy, we would need two or three million dollars, because \$200,000 would not be a drop in the bucket.

In Kansas, where the grasshopper has been prevalent this year, our people have been spending from their own fund for years in fighting the pest. If the Government is going to make a fight in one locality, it should make the fight in other localities. I want to vote for everything for the farmer, but I do not want to be put in the foolish attitude of voting a lot of money for the department to conduct its investigation when I know that the department will not use it. [Applause.]

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. JOHNSON of Texas. If the question has been already solved successfully, why appropriate this amount that is included in the bill for the investigation of insects doing this damage?

Mr. TINCHER. Oh, no one claims that the last word on the question has been said. It is absolutely all right to continue the investigation, and I am not saying that I would not, if there is a real emergency, vote for an appropriation for the Government to make the fight; but that is the question. Men talk on this amendment as though, if you would increase the appropriation by \$200,000, Uncle Reuben, as you call him, could expect that that \$200,000 would be used in wiping out the grasshoppers in his fields, and nothing could be more deceptive to the American farmer than to pass an amendment with that representation.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. HUDSPETH. If, as my colleague from Texas has stated, you have an effective remedy now, why is the grasshopper increasing by millions each year and extending over a vast territory last year which it had not touched before?

Mr. TINCHER. All I say about the effective remedy is that we have an effective remedy whereby, if you spend enough money, you can eradicate the grasshopper from your fields. Such an occurrence as has been described—grasshoppers coming in in swarms—we have not had in Kansas since 1873. I did not know that they were visiting Texas in that way. However, I am not in favor of abolishing the research work and if \$24,000 is not enough I would vote to increase it. But, as a friend of the American farmer, I do not want to be put in the attitude of voting to increase this \$200,000 upon the theory that the money will be used to eradicate grasshoppers. I was on this committee for years, when we had hearings. It is an old question with some of us. You vote to appropriate money for research work, and they use so much as they want of it, and I understand that they have asked for only \$24,000, and that is perhaps all that they can successfully spend in conducting this investigation, and it will perhaps pay all of the men qualified to make the investigation that are now in the department.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. BLANTON. The gentleman ought to know that every grasshopper that is in Texas now has a Kansas brand upon it. They all came from Kansas.

Mr. TINCHER. I am thankful for the fact that Kansas did not furnish Texas all her pests. There are other sorts of pests in Texas that did not come from Kansas. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired. All time has expired. The question is on the amendment offered by the gentleman from Texas.

The question was taken: and on a division (demanded by Mr. HUDSPETH) there were—ayes 34, noes 43.

So the amendment was rejected.

The Clerk read as follows:

For investigations of insects affecting southern field crops, including insects affecting cotton, tobacco, rice, sugar cane, etc., and the cigarette beetle and Argentine ant, \$255,440.

Mr. BUCHANAN. Mr. Chairman, I move to strike out the last word. For the benefit of those here who represent the cotton districts I rise to state that this is an increase in this appropriation of \$15,000; \$7,500 is for the eradication of the cotton flea and the other \$7,500 of this increase is to investigate what is known as the Arizona boll weevil. It is a new pest or a new species of boll weevil, although it belongs to the same family. This pest has fed for years upon the wild cotton that grows in the mountains of Arizona. It prospers and flourishes and multiplies in dry weather. That is where the danger lies. If it should gain entrance into the plains of Texas and other States where the old boll weevil does not affect the cotton on the high and dry lands, it would be very disastrous. If this pest should get an entrance into Texas from Tucson, Ariz., and then into Oklahoma and on over the Cotton Belt, you would have the old boll weevil that destroys the cotton in a wet year and you would have also a weevil that flourishes and destroys the cotton in a dry year. It is important to the people of the Cotton Belt that we take every step, quarantine and otherwise, to prevent the immigration of this dry-weather weevil into the Cotton Belt of Texas, Oklahoma, or any other States. Of course, it can not be handled. It seems as though this bug has even challenged the science and knowledge and ingenuity and intellect of man. I have always had an abiding faith that man's intellect could control any insect that ever existed upon the earth, but I am about convinced that even with the best scientific men in the world in our Bureau of Entomology that that one little insect is their superior and that it survives in spite of their ingenuity and poison.

I want at this point to read a little doggerel:

TWO KINDS OF BOLL WEEVILS

Boll weevils are two kinds

That live on cotton bolls;

Each feasts on what he finds—

Whether dry, wet, or cold.

The new bug is a hummer;

A kind of bug that's dry,

He lives his best in summer

When rain has passed him by.

That old boll-weevil bug

Feasts when the showers fall,

But when its dry the plug

Will never make a call.

Just as the weather man

Directs the sun and rain,

These bugs stick to a plan

And watch the weather vane.

Like old Jack Sprat and wife,

Who licked the platter clean,

These bugs sustain bug life—

The farmer's left between.

And thus the farmer's way

Toward the river Styx

Is pestered every day—

He's in "one hell of a fix."

Insects new and insects old;

Insects shrewd and insects bold;

Insects wet and insects dry;

Insects tame and insects shy;

Insects rough and insects tough—

God knows we've had insects enough.

The Clerk read as follows:

For the maintenance of the Montana national bison range and other reservations and for the maintenance of game introduced into suitable localities on public lands, under supervision of the Biological Survey, including construction of fencing, wardens' quarters, shelters for animals, landings, roads, trails, bridges, ditches, telephone lines, rockwork, bulkheads, and other improvements necessary for the economical administration and protection of the reservations, and for the enforcement of section 54 of the act approved March 4, 1900, entitled

"An act to codify, revise, and amend the penal laws of the United States," \$48,215: *Provided*, That \$2,500 may be used for the purchase, capture, and transportation of game for national reservations.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment by Mr. ANDERSON: Page 50, line 11, after the words "United States," strike out the figures "\$48,215" and insert in lieu thereof the figures "\$58,215"; and at the end of the section, line 13, add the following: "Provided further, That \$12,000 may be used for the construction of a highway through Sullys Hill National Park, and in the construction thereof the Chief of the Bureau of Biological Survey may cooperate with the Bureau of Public Roads."

Mr. ANDERSON. Mr. Chairman, the object of this amendment is to provide for the construction of a road through Sullys Hill National Park. The State of North Dakota, in cooperation with the Federal Government, has provided for the construction of a road between two county seats, Devils Lake and Minnewaukan. As this road is laid out it runs through the Sullys Hill National Park. The Federal Government could now provide \$6,000, or one-half of the sum necessary for the construction of this road, under the general road fund, but, obviously, as this is Federal land, the State can not provide the other half of the expenditure. Therefore this road stands in the position of having two ends and no middle, because the portion of road running directly through this park will not be improved under Federal or State funds and constitutes a link of unimproved road.

Now, as a matter of fact, while it is not possible of mathematical demonstration, the construction of this road through this park would represent a real economy. The road leads from the Narrows, a small station on the railroad to Fort Totten, on an Indian reservation, and practically all of the supplies on this reservation have to be hauled over this road, which ordinarily is in a very bad condition, and a very considerable saving would be made in the facility with which these supplies could be transported if the road is completely improved. But that is not the feature of it in which I am particularly interested. As a matter of fact, this national park conducted by the Biological Survey is the only thing of its kind in a stretch of many hundreds of miles, and to one who appreciates the great distances out there, who knows of the everlasting sameness of the landscape, it is easy enough to appreciate the recreational value of a park of this kind. The recreational facilities offered by this park are the only thing of the kind in this section of the country. Some 11,000 people visited there last year, part of the time under very great difficulties because of the poor character of road leading there. All this would do would be to apply to this park under the Biological Survey exactly the same policy pursued in the national parks and national forests. And I want to appeal to my friend from New York that if he will be good enough to accept this amendment it would be not only a recognition of its essential fairness, but an act of amity and grace.

Mr. MAGEE of New York. Mr. Chairman, I would be very glad to accept the amendment offered by the gentleman. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to. Mr. MAGEE of New York. Mr. Chairman, I ask unanimous consent that the clerk of the committee be authorized to change any and all totals to conform with amendments made by the committee during the consideration of the bill.

The CHAIRMAN. Without objection the clerk will be authorized to change the totals as requested.

There was no objection.

The CHAIRMAN. The time of the gentleman from Texas has again expired. Without objection, the pro forma amendment is withdrawn. The Clerk will read:

The Clerk read as follows:

For investigating the food habits of North American birds and other animals in relation to agriculture, horticulture, and forestry; for investigations, experiments, and demonstrations in connection with rearing fur-bearing animals; for experiments, demonstrations, and cooperation in destroying mountain lions, wolves, coyotes, bobcats, prairie dogs, gophers, ground squirrels, jack rabbits, and other animals injurious to agriculture, horticulture, forestry, animal husbandry and wild game; and for the protection of stock and other domestic animals through the suppression of rabies in predatory wild animals, \$533,290.

Mr. HUDSPETH. Mr. Chairman, I move to strike out, in line 24, page 50, the figures "\$533,290" and insert in lieu thereof the figures "\$633,290."

The CHAIRMAN (Mr. MAPES). The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 50, line 24, strike out "\$633,200" and insert "\$633,290."

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee, if you have the hearings before you and will turn to page 408 you will find that Mr. Henderson, in testifying before the subcommittee, stated that the appropriation—and it is the same this year as it was last year—to save the livestock growers and farmers of the United States from great losses from these pests should be \$662,000. That was brought out by a question propounded by my colleague from Texas [Mr. BUCHANAN].

Now, this is one of the most important works inaugurated by the Department of Agriculture. The late and very much lamented Secretary of Agriculture, Mr. Wallace, who now sleeps beneath his native soil in Iowa, requested of the Budget Committee the very sum that I am asking you to incorporate in this bill to-day, \$633,000. I am going to ask gentlemen, and particularly my friend from New York [Mr. MAGEE] and my friend from Texas [Mr. BUCHANAN], this question: Who is in a better position to know of the work of the Biological Survey and the work done in eradicating these predatory animals—the prairie dog and other pests? Is it the Budget Committee or the Secretary of Agriculture? Is it the gentlemen down there who have it under their supervision or the chiefs of the Budget? I will ask you in all fairness who is in the better position to estimate the amount required for this important work? In a conversation I had with Secretary Wallace about a year ago he stated to me it was one of the most important of any of the works in his department.

What has been done, gentlemen? I am talking to you gentlemen of the Northwest. This does not affect my State. We have eradicated the wolf, except as it is replenished from the plains of New Mexico. What has it done? It has enhanced the value of every acre of grazing land in the West all the way from \$1 to \$10 an acre through governmental instrumentality.

You may say, "Why not let the ranchmen destroy their own wolves?" I answer, they do form clubs and they have paid bounties for the destruction of the coyotes and wolves. You gentlemen who have public lands, you gentlemen who represent the public-land States that are now affected, should be interested in this. I recently made a trip through the State of New Mexico with my friend the Representative from that State [Mr. Morrow], and I saw scalps of these predatory animals hung upon almost every barn. I want to say to the chairman of the committee that I understand that after a very exhaustive hearing on this matter you found that this was an important work.

Mr. MAGEE of New York. We find that it is an important work, and I think we have made a very liberal appropriation for it.

Mr. HUDSPETH. I disagree with the gentleman on that, because the gentleman's committee did not give the amount requested by the Secretary of Agriculture, \$633,000. I contend that the man who had the work under his immediate eye was in a better position than this Budget Bureau down here to judge of what was required to rid the country of predatory animals. It is not only predatory animals, but other pests as well. Throughout the West the prairie dog has been exterminated. He has been known to destroy whole sections of land, and the rat and other rodents are also destructive.

I say to you, gentlemen, in all seriousness that this appropriation should be voted because it is the same amount as that which Mr. Wallace, the late Secretary of Agriculture, after mature deliberation said should be incorporated in this bill. I sincerely trust that you gentlemen who are interested throughout the Northwest will state whether or not it has been a benefit to the livestock grower in your section in the last 10 years. Sheep throughout the United States have increased in number from 37,000,000 to 47,000,000, largely due to the fact that the predatory animals which preyed upon them have been eradicated.

Mr. MAGEE of New York. Mr. Chairman, I have five requests for five minutes each and I want five minutes myself. I ask unanimous consent, Mr. Chairman, that all debate on this amendment and all amendments thereto close in 32 minutes and that those Members who have indicated that they want time be permitted to speak.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the debate on this paragraph and all

amendments thereto be limited to 32 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Utah [Mr. COLTON] is recognized.

Mr. COLTON. Mr. Chairman and gentlemen, the Department of Agriculture is contemplating an increase in the fees to be charged grazers upon the forests which will approximate 75 per cent and in some cases 100 per cent.

Of course, personally I do not agree with that policy. I earnestly hope that the department will not put into effect this proposed increase in the fees. If that policy is carried out, it will work an additional hardship upon the stock growers of this country, and I am sure, speaking particularly of the cattle raisers, that they can not bear much more expense. But if the Government is to increase the fees, as is now contemplated by the department, surely it ought to help in so far as it is possible in eradicating the predatory animals which now infest these forests. But whether the grazing fees are increased or not, this good work should go on. As has been pointed out, it is conservatively estimated that the Government saved to the country over \$7,000,000 last year. This work is now progressing rapidly. In many sections of the country these animals have been eradicated. It has been shown that in many cases when left to the trapper locally the work is not done as well as it is done under the supervision of the Biological Survey. They send their trapper into a given section and try, as far as they can, to completely clear it of these predatory animals. They can profitably use more money. They have the men in the field. It is economy to continue the work with the force they now have and to increase it. They need this additional \$100,000. They will more than give it back, many times more, through a decrease in the number of animals killed. If their present plans are carried out and the grazing fees are increased—which I hope will not be done—then it is the duty of the Government to fight these pests. If we are going to require our stock raisers to pay an additional fee, amounting in some cases to 100 per cent increase, we ought to adopt a broader policy of making the ranges as safe as we possibly can.

Gentlemen, this means much to the stock growers of the West; it means much to those who have permits upon the forests of this country, and I feel it would be adopting a penny-wise and pound-foolish policy now, while the field force is at work, if we handicapped them and prevented them from clearing up these forests and grazing lands from the predatory animals. Let us finish the work as soon as we can and give the department every dollar it needs.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. WILLIAMSON. There is not a movement to curtail the service any further than it is now being carried on, is there?

Mr. COLTON. This item as it now stands will prevent the department from having the amount of money which it requested to do this work. Those who know best have asked for more. While they are doing such effective work, why limit them?

Mr. WILLIAMSON. But they will have as much as they had before.

Mr. COLTON. Yes; but they need more, and can effectively use it.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. BLANTON. Mr. Chairman, there are no Government trappers in my district, hence it is little affected by this amendment, but I happen to know that in several districts in the State of Texas, in that of Mr. GARNER, in that of Mr. WURZBACH, and in that of my colleague, Mr. HUDSPETH, this is a very much-needed appropriation. There are not only many coyotes there but there are many timber wolves still left there, which not only kill young calves but sometimes yearlings and colts. There are still some panthers and mountain lions left in parts of those districts and there are still some of these big catamounts left that prey upon flocks. They need some protection. I think it is money well spent along that line to increase this appropriation. As has been said, there was \$11,000,000 worth of property saved through the expenditure of the small sum that the Agricultural Department used last year. I think that is quite a return from throwing bread on the waters by Congress; quite a return for the Nation.

I am in hopes the committee will see fit not to fight this proposition. It does not mean anything to New York. There are not any timber wolves left up there. It does not mean anything to some of the other States, but to the States of New

Mexico, Arizona, Colorado, and Texas—to the cattlemen of those four States, at least—it means much, and while it affects my district very little, it affects vitally many other districts in the United States. I hope the extra money will be allowed.

Mr. LEAVITT. Mr. Chairman and gentlemen of the House, I do not wish to appear in the position of being a looter of the Treasury when things come up that have to do with the western part of the United States. This is a matter, however, about which I have, I think, more than the ordinary amount of information. I was for a good many years in the Forest Service, being first a ranger and later having charge of some of the national forests of the West and cooperating in work of the nature provided for here. The work was carried on by the Biological Survey, but to some extent under the cooperation of the Forest Service.

There are certain things in connection with it which we ought to bear in mind. We learned during the war that very often after preliminary work leading up to the final stroke of attack it was necessary to mass forces to take a position and thus finish the thing, while if we held back we were likely to lose an advantage already gained. Here is an exactly similar situation. I could tell you personally, if I had the time, of different places in my State of Montana and the West where great progress has already been made, where the work has been brought up to the point where, if there can be a more intensive drive covering the next few years, the predatory animals can be put out of existence.

Mr. Chairman, the West is full of instances in which predatory animal extermination has been brought up to a certain point through the offering of bounties by the stockmen themselves, and then because of a slump in the cattle business or otherwise they found it impossible to continue to pay these bounties, so that they stopped the work or slacked up on it. When they have done that, even for a year or two, the predatory animals make back as an increase in a year or two all that has been gained against them over a period of 5 or 10 years.

The Secretary of Agriculture, who has recently passed away, asked for more money than is put in this bill in order that the work already done might be consolidated and that the final stroke might be delivered to bring an end to this problem.

It would be a matter of economy to the United States to add the \$100,000 being asked for now rather than let the work extend over a greater period of years.

Something has been said to the effect that the stockmen themselves might be able to finish this work on their own initiative. The man who goes out as a private trapper finds it to his advantage, as you will readily see, to leave the young of the wolves and other animals so that there will be something for him to trap again the next year. His interest is not in entirely wiping out these predatory animals. But when the Government trapper is sent in he gets his salary and he does not get any more or less if he does a fine job of it than he does if he does a partial job, but his reputation with his department is that he gets great results. As a result of that spirit I could tell you personally of places in the West where these animals have been pretty well eradicated by Government trappers.

As has been said, predatory animals largely originate on the public lands and in the national forests, so that it is a national duty to help meet the situation adequately until they have been eliminated.

Keep in mind that the elimination of one old wolf saves to the stockmen an average of \$1,000 to \$1,500 a year. It is known that that much damage will be done by an average one of these old wolves. Thus we are doing something here, I repeat, which will be of national importance while we have great areas of public lands until the work is done. We are doing something not only to carry on our stock business but to build up the western country. I hope this amendment will prevail.

Mr. WILLIAMSON. Mr. Chairman, recently I was out in the Bad Lands in South Dakota, nearly all of which to-day constitute and has constituted Government land, and while standing upon the brink of the prairie and looking over into the Bad Lands I saw not less than six coyotes making their way out of a small wooded ravine some 75 or 100 feet below me. In our State we have made large appropriations out of the State treasury for the eradication of predatory animals, and are working in cooperation with the trappers in the Agricultural Department who are there doing this work, and the stockmen of our State have also made very large subscriptions toward a fund having for its purpose the eradication of these predatory animals.

Thousands of dollars worth of damage is being done out in my State every year by coyotes, wildcats, and wolves in the killing of sheep and young cattle. One big gray wolf alone

during the last four or five years is known to have committed damage to the extent of more than \$10,000. A Government trapper got him early last fall.

We have hundreds of thousands of acres of public and of national forest lands in South Dakota. These public lands and national forests are the breeding grounds of the predatory animals in our State, and I believe the additional appropriation asked for ought to be granted at this time. If this service can be prosecuted as vigorously as it has been during the past two or three years we can very largely rid our State of these animals in the next three or four years, provided the Government will do its part in killing off the destructive animals that are now rapidly multiplying on the public domain.

Mr. BUCHANAN. Mr. Chairman, I was glad to hear the gentleman make that last statement, that if this service can be followed up for the next three or four years, just as it has been conducted in the past, this problem can be solved. I hope the gentleman is right, and that is exactly what this committee is trying to do—to follow up the service as it has been conducted, giving the same amount of appropriation from year to year, keeping the same perfected organization as a going concern, and doing efficient work.

Two years ago the Bureau of the Budget cut this appropriation \$30,000. Your subcommittee put it back at just what it had been before. A year ago the Budget Bureau again cut the appropriation and your subcommittee put it back to just what it was. For what purpose? To keep the efficient organization this bureau now has operating as it has operated in the past.

What are the facts? The gentleman talks about traps. Traps have practically been abandoned by the department as impracticable and too expensive. But what have they done? They have rendered a great service. They have discovered a poison or have made a poison that is tasteless. For years wolves would not eat poisoned meat because it was bitter, but now they have discovered a process by which you can poison meat with strychnine and make it tasteless, and the wolves readily eat this meat. Therefore the Government has performed its function in evolving an efficient remedy which the citizens of the country can avail themselves of.

There is nothing complicated about putting out poisoned meat. There is nothing complicated about poison so long as you get the proper brand of poison from the Government, and they can do that. So that it strikes me that if each individual ranchman would conduct a systematic poisoning campaign and have his ranch hands, who are familiar with his ranch, and who are familiar with the resorts of the wolves and other predatory animals, put out this poison at such places, they can do a thousand times more good than the 250 men that the bureau has in the field all the time.

Mr. LEAVITT. Will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. LEAVITT. There are no ranches in the national forests, and the national forests are the breeding grounds of these predatory animals.

Mr. BUCHANAN. I concede that in the national forests the Government should kill out the predatory animals of its own accord and at its own expense, and we have ample money for that purpose. We can not kill them all in one year or two years. We have plenty of money to buy the poison, and we have 250 men scattered throughout these Western States to put out this poison, and they are succeeding admirably. The department states right here in the hearings that the wolves have been practically eliminated. Where they used to go in droves they can hardly find one, and that in many sections coyotes have practically been cleaned out. In other sections that is not true. But as they decrease the number of these animals you want to increase the appropriation. It looks to me as though a decrease of the animals ought to call for a decrease in the appropriation, or certainly not an increase in the appropriation.

This work was commenced in 1916 with an initial appropriation of \$134,825 for that year. This year we have increased the appropriation until they have \$283,993 for this work. That is sufficient. Oh, what has become of the self-reliance, the individual initiative, of the American pioneer? The Government has evolved an efficient remedy by which you can kill these wolves by the thousand. They estimate that last year they killed 100,000 coyotes by poison alone. What has become of the initiative and individual freedom of action of men in protecting their own property and attending to their own business? Are they coming to the point where they are relying upon the Federal Government to hire men and send them out there to trap animals on their private ranch lands? On the

Government land we are carrying sufficient funds to meet this situation. Let the private ranchmen protect their own interests after the Government furnishes them a proper remedy. [Applause.]

Mr. ANDERSON. Mr. Chairman, it is never particularly a satisfying or gracious experience to oppose an amendment increasing an appropriation where good work is being done. The committee recognizes that the work done under this item is very efficiently done and that it is a very valuable piece of work. That fact has been demonstrated not by words but by acts. In the last 10 years the appropriation in the aggregate has been increased from \$110,000 to something over \$500,000. It is a very clear demonstration of the fact that the committee has approved of the work that has been done for the last few years as efficient work that should be continued. The only question now is whether the work shall be continued on the basis on which it has proceeded so satisfactorily for the last few years or whether the time has come when we ought to increase the work. In view of the great progress that has been made, the large number of animals that have been killed, it seems to me we ought to be satisfied to continue the work on the basis that it has proceeded upon for the last two or three years. It has been argued that because the Secretary of Agriculture proposes an increase of \$100,000 in this appropriation that that ought to prevail with the House in determining the amount appropriated. If we were to proceed on that theory, if we were to appropriate in the bill the amount estimated by the various heads of the bureaus in the Department of Agriculture, we should add not \$100,000 but \$4,500,000.

The fact of the matter is what you have here is the judgment of the Budget officer, the judgment of the subcommittee that considered the bill, that the amount here proposed is adequate for the purposes for which it is proposed. As I said, there is no particular satisfaction in opposing an increase of an appropriation under which good work is being done, but if we are to preserve a reasonable proportion between this work and other work done by the department we ought to appropriate the amount recommended by the subcommittee. [Applause.]

Mr. MAGEE of New York. Mr. Chairman, I wish to call the attention of the committee to some facts bearing on the paragraph wherein we have appropriated all that the Director of the Budget recommended. In this bill we appropriate \$533,200.

The first appropriation made under this paragraph was in 1912, \$35,000. The sums appropriated for the various years since that time are as follows:

1913	\$43,000
1914	60,000
1915	110,000
1916	280,000
1917	400,540
1918	395,540
1919	394,820
1920	464,440
1921	456,040
1922	477,240
1923	502,240
1924	502,240
1925	508,880

What has been the result? As stated by my distinguished colleague the gentleman from Texas [Mr. BUCHANAN] the result obtained by the Department of Agriculture has been very satisfactory. Here is a question which I put to Mr. Henderson, a representative of the department, at the hearings:

Mr. MAGEE of New York. Do the depredations of these animals appear to be decreasing?

Mr. HENDERSON. With respect to the wolves and the mountain lions, there can be little doubt but that that is true. We have reduced the numbers of these larger predatory animals, and in some sections wolves are no longer seen where they used to run in packs, and mountain lions are getting scarcer. Their numbers have been reduced in some regions until they are no longer a serious source of damage. Then coyotes, however, are very abundant in the West. They have very large litters, and they have acquired the ability of taking care of themselves in spite of civilization. They have even extended their range into the eastern part of the country as far as Indiana, Michigan, and, I think, some places in Ohio. We have been able in many parts of the country, where we have been working, to reduce the damage, so that, where the damage to the livestock used to be very serious, it is now quite negligible.

Now you practically get down to the question of eliminating the rodents. When you undertake to destroy the coyotes and all the rats and squirrels of different species, rodents of every name and nature, that is a proposition entirely beyond the province or power of the Government.

Mr. COLTON. Will the gentleman yield?

Mr. MAGEE of New York. The gentleman has had his time and I have only a few minutes. The one idea I wish to convey to the committee is that when you get to rodents the communities and localities infested must take some of the responsibility in their elimination. The Government, if it is going into that business, as suggested by my friend from Minnesota [Mr. ANDERSON] would need an appropriation of millions. I think that it is high time that this rapid pace toward paternalism should stop and that we ought to conduct business along business lines. We ought to ask the communities and localities affected to cooperate with the Government. Let them expend some of their money in protection of their own private and individual interests.

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired, and the question is on the amendment of the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. HUDSPETH) there were 27 ayes and 54 noes.

So the amendment was rejected.

The Clerk read as follows:

For biological investigations, including the relations, habits, geographic distribution, and migration of animals and plants, and the preparation of maps of the life zones, \$29,455.

Mr. JONES. Mr. Chairman, I move to strike out the last word. As I read this bill there are about \$48,000,000 appropriated for the Department of Agriculture outside of the amount appropriated for roads.

Mr. MAGEE of New York. I think \$44,200,000.

Mr. JONES. Then let us say \$44,000,000. The Department of Agriculture has done some very fine work, but as a matter of fact nearly everything in this bill strikes at the problem of production. That is not the real problem that confronts agriculture to-day. It has been said over and over again, until it has become almost trite, that the real problem of the farmer is that of distribution, and I believe that as between the two things it would be wiser if we took the entire \$44,000,000 and turned it over to the Agricultural Department with instructions to organize some clearing houses in the centers of population for the purpose of getting the producer and the consumer closer together. I do not know that it would be wise to abolish the things that the Department of Agriculture is doing now, but I do believe that as between the two the far more important thing would be to have a route established around the present method of distributing the products as between the producer and the consumer. I received a letter from a man in Texas in which he told me a few years ago that there was the finest potato crop in his vicinity that he had ever known, that the potatoes were literally there by carloads, that there was no market for them, and that they could not be sold. A local merchant said that there had not been a call for potatoes for a month. I went down the street in Washington and the retailers were selling them at that time at 32 cents for a quarter of a peck, or nearly \$5 per bushel.

Of course, it is of some service to have these pests killed, to have things known that are in the interest of production, but as a matter of fact I think it would be better to have the Agricultural Department so organized that it could, through methods of standardization or some similar means, put in touch the consumer and the producer. I do not believe it would be necessary to have the department go into business. I do not believe it would be necessary to have that department handle many, and perhaps not any, of the products of the farm; but if there were a short cut established by which those who produce, or organizations of those who produce, could get in direct touch when necessary with those who consume, or organizations of those who consume, the products it would act as a check to keep these middlemen in line. I believe if you would take the \$44,000,000, or even \$25,000,000, and establish in various centers of the country marketing agencies for the purpose of getting in touch the producing organizations with the ultimate purchasers furnishing market news, it would be more nearly a proper governmental activity than most of the things colated in this bill. In this way we would do much more to advance the real interests of agriculture, because if the producers of this country could secure a reasonable portion of the prices which the consumer is now paying, agriculture would be on a much more profitable basis than it is to-day.

The CHAIRMAN (Mr. SNYDER). The time of the gentleman from Texas has expired.

Mr. LAGUARDIA. Mr. Chairman, I am very glad that the gentleman from Texas [Mr. JONES], who comes from a producing district, has seen fit to take into consideration the conditions in the consuming districts. It is rather discouraging

to housekeepers and the tenement dwellers in my district to read cheerful reports from the Department of Agriculture or to hear that crops are plentiful and that food is abundant, and then when they go marketing in the morning to buy food for their families for the day to find prices so prohibitive that people are unable to give their families proper and sufficient nourishment.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HUDSPETH. It is not very cheerful to them when they have to pay 55 cents a pound for round steak to learn that I sell my beef for 4 cents a pound.

Mr. LAGUARDIA. Just think of it; and we do not get much steak for 55 cents per pound; it costs nearer about 90 or 75 cents.

Mr. HUDSPETH. It is not very cheerful for them to know that fact.

Mr. LAGUARDIA. No; I should say not. New York City is now building large terminal markets. The cornerstone for a large market in the Bronx district was laid a short time ago. We will also have an enormous terminal market in Brooklyn and one also in Manhattan. These markets will have enormous floor space, storage and refrigerating facilities, and intended for wholesale and retail marketing. If your farmers or your organizations of farmers will take advantage of New York City's terminal markets before the middlemen and speculators get all of the space and monopolize the benefit of those markets, we will be able to establish in one city of the country at least a direct communication between the producer in the rural districts and the consumers in the city of New York. The trouble is in the channels of communication and the many parasitical middlemen between the farmer and the consumer. For instance, you ship to New York to a middleman onions from Texas or potatoes from some other State, or other perishable goods.

They permit those goods to remain in the cars for a day or two in hot weather and then telegraph that they are compelled to sell them because they are deteriorating. Very often they are sold to themselves for a price not sufficient to pay the freight rates. If you can arrange through your cooperative organizations to have space in our new terminal markets, costing millions of dollars, with storage facilities of all kinds, cold and otherwise, it will go a long way toward doing away with the difficulties now confronting us. Under the agricultural laws of our State a farmer shipping into the State is guaranteed his payment, because every commission merchant is under bond, and that law is working out nicely.

Mr. BLANTON. In order to help out the farmers, the merchants of Pauls Valley, Okla., recently pledged the citizens to buy a few turkeys each at 15 cents a pound. Would not the gentleman's constituency in New York like to have some of them at that price?

Mr. LAGUARDIA. We would like to have turkeys, but in New York we could not have them running around in our tenement houses. However, we can take all of the turkeys you can send us for 15 cents a pound, if you can only get them there. I hope you gentlemen who have real agricultural problems will look into our market situation in New York, and I am sure Mayor Hylan and the Board of Estimates of New York City will cooperate with you. I was on the board of estimates when we first appropriated for and approved the plan for these terminal markets, and the purpose was to establish this direct contact. You will have the facilities there, you will have the space there, and any time any of the cooperative organizations are ready to confer with the city authorities, I am sure the mayor, Mr. Hylan, will meet you more than half way.

I believe the plans adopted by my city will work out to our fullest expectation. If your farm organizations or cooperatives will give our plan some study and consideration, I feel certain we have something real in our New York City project.

But let us start now, before the space is taken by the speculating middleman, and establish a direct contact between the agricultural centers and the consuming centers.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For investigations, experiments, and demonstrations for the welfare, improvement, and increase of the reindeer industry in Alaska, including the erection of necessary buildings and other structures and cooperation with the Bureau of Education, and for the enforcement of section 1956 of the Revised Statutes as amended so far as it relates to the protection of land fur-bearing animals in Alaska,

including necessary investigations in connection therewith, and for carrying into effect the act entitled "An act for the protection of game in Alaska, and for other purposes," approved May 11, 1908, as amended by the act approved June 7, 1924 (Pub. Res. 34, 68th Cong.), \$85,095.

Mr. BUCHANAN. Mr. Chairman, I just want to call the attention of the membership of the committee to the importance of passing some character of bill to give either the Department of Agriculture or the Department of the Interior the right to allot or lease pasture land in Alaska. As it now stands neither department has any right to lease any land. The reindeer business or the breeding of reindeer has grown enormously in Alaska. The climate suits them, the pasture suits them, and a vast private enterprise has developed there in the raising of reindeer. They are being shipped in enormous quantities to the United States and used as beef, but the Government can receive no rental from any pasture or forest land in Alaska. Not only that, the stockmen themselves engaged in this business do not know what to depend upon. They can not get a lease, and they know not how long they will be permitted to graze there, and it is to the Government's interest, and to the interest of the industry of Alaska and this country, that this Congress pass some bill authorizing some conditions under which leases may be made.

Mr. MOORE of Virginia. How much of that sort of land is there in Alaska?

Mr. BUCHANAN. A great portion of Alaska. That same statement applies to fur-bearing animals. These people who engage in that industry and who are occupying a piece of land ought to have the right to know how long they will be permitted to occupy it so as to know whether their investment will be justified by the length of time they will be permitted to use the land. I just wanted to call the attention of the committee to that.

Mr. BLANTON. Mr. Chairman, I ask leave to revise and extend the remarks I made on this bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm and non-manufactured food products and the purchasing of farm supplies, including the demonstration and promotion of the use of uniform standards of classification of American farm products throughout the world, independently and in cooperation with other branches of the department, State agencies, purchasing and consuming organizations, and persons engaged in the marketing, handling, utilization, grading, transportation, and distributing of farm and food products, and for investigation of the economic costs of retail marketing of meat and meat products, \$539,107.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last line for the purpose of asking my friend who is in charge of the bill for some information. I suppose the gentleman has followed the reading of the bill. We are on page 58, the paragraph at the head of the page. The appropriation in that paragraph is \$539,107. I wish to ascertain why the appropriation for the coming fiscal year is less than the appropriation for the present fiscal year. The appropriation for the present fiscal year is \$550,988.

Mr. MAGEE of New York. That is a decrease made by the Director of the Budget, as I understand it.

Mr. MOORE of Virginia. That being the case, I offer the following amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MOORE of Virginia. On page 58, line 14, strike out the figures \$539,107 and insert in lieu thereof \$550,988.

Mr. MOORE of Virginia. Mr. Chairman, the paragraph relates to the subject of acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing, and so forth, of farm and manufactured food products. It is generally recognized that this service and the similar service provided a little further on, have proved of very great and growing value, and although the reduction is not large it seems to me that it should not be made. A reduction to any extent will operate to discourage the work that is going on in the States which are cooperating with the Federal Government.

If a reduction, however small, is made, there will be more difficulty in addition to that which is already being experienced by some of the States in doing what they are doing in the interest of the farmers. Again, while I am not a critic of the Bureau of the Budget, having voted for the budget system, I do not believe in the policy of horizontal or arbitrary reductions. I think a reduction ought to be made when there is a reason for it, but where there is no reason for it there is false economy in making it. That should not be the practice. Some of us have been endeavoring to ascertain why this particular appropriation should be cut down to the extent of about \$12,000. If I am to vote for this bill, and of course I shall vote for it, I must cast my vote in the dark so far as this item is concerned, and I do not think that is a course that should be expected of Members of the House of Representatives in the discharge of the obligations resting upon them. I have looked in vain through the hearings for any word from anybody to justify the action that the committee has taken, and in the absence of any information I submit respectfully to my friend from New York and to his colleagues—and I want to get the attention as far as I can of the Members of the House who represent agricultural districts—that we ought at least to maintain the appropriation at the same amount that was appropriated when provision was made for the needs of the Agricultural Department during the present fiscal year.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. MOORE of Virginia. Just before I yield, Mr. Chairman, I would like permission to couple with my remarks an extract from a letter from the chief of the bureau of markets of my own State and a very brief newspaper clipping which accompanied the letter.

The CHAIRMAN. The gentleman from Virginia [Mr. Moore] asks unanimous consent to revise and extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

The extract from the letter follows:

COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF AGRICULTURE AND IMMIGRATION,
DIVISION OF MARKETS,
Richmond, Va., December 9, 1924.

Hon. R. WALTON MOORE,
House of Representatives, Washington, D. C.

DEAR MR. MOORE: The market news on agricultural products has been carried on cooperatively by the United States Department of Agriculture through the Bureau of Agricultural Economics and the Division of Markets of the Virginia State Department of Agriculture for a little more than a year.

Attached is a copy of our report for to-day and a clipping from to-day's Richmond Times-Dispatch, carrying yesterday's report and editorial comment on our market news service, which shows how it is being used by that paper. It is now being printed by practically every other large morning paper in the State regularly, either in full or in part, and many of the smaller papers and some evening papers are printing part of it.

We are supplying agricultural teachers with this information, which they are using to great advantage in their classrooms, and we have supplied telegraphic service of several hundred words to shippers who have paid all expense of same.

Because of a reduction in the amount received by the United States Department of Agriculture for market news service during the present fiscal year we were called upon last July to assume an additional amount of the expense of this service, although we had been paying about half the cost, and we are now putting all the money into this we can afford to from State funds.

I am informed by good authority that the present Budget before Congress of the Department of Agriculture provides for a reduction in the amount for market news service of the Bureau of Agricultural Economics of about \$10,000. If this reduction is made it will probably seriously cripple the service we have just gotten well started, and which meets not only the approval but the demand of farmers, agricultural leaders, the press, and many consumers of our State. In fact the Federal department considered curtailing the service in the South for a few months in the fall when the reduction was made last year, but I frankly told them that if the curtailment were made at the period suggested by them, which is our busiest marketing season—but which might easily be done for some other Southern States—we did not feel that the service should continue periodically.

Very truly yours,

J. H. MEEK, Director Division of Markets.

Mr. MOORE of Virginia. The following is an extract from an editorial by Richmond Maury, agricultural editor of the Richmond Times-Dispatch:

The State division of markets, cooperating with the Federal department, are giving to the farmers of the State a real service in their daily market news report. This report contains the prices for the day on various markets of the country on products that are of interest to Virginia and South. The service was started in August, 1923, and carries this information throughout the South by leased wires.

At present the State division sends this list daily to 486 addresses, having recently, for economy, reduced the list from 793 persons. In addition to all of the papers of the State, the market report is sent to those persons who can make the most use of it. By means of the papers, this daily market information as collected by an uninterested agency is carried to the producers of the State.

Difficulties in the Federal Budget for 1924 threatened the discontinuance of this service for a part of the year to the southern farmers. Through close cooperation on the part of the State the gap was filled. The Budget for 1925 is now coming under consideration. Means should be provided in the appropriations for the Federal Government to carry its portion of the expense for the full continuance of this service to the South. The service has been developing slowly; it was something new and its worth is just becoming fully appreciated.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. LAGUARDIA. This appropriation provides, among other things, for the publication of information as to the economic cost of retail marketing of meat and meat products. Has the gentleman's experience been that we have had any benefit from this source along those lines?

Mr. MOORE of Virginia. I can not detail what have been the activities of the Department of Agriculture in that direction. I would like to see something done in the direction indicated by the gentleman. I listened with interest to the remarks the gentleman made earlier in the day with reference to the willingness of the authorities of New York to furnish market space to those who are trying to reduce the city prices to consumers. I would like to ask the gentleman whether if a State should apply to the authorities in New York for space to carry on such work it would be furnished? A Member told me the other day that a State itself was contemplating an effort to supervise the final marketing of some of its perishable products.

Mr. LAGUARDIA. I think the authorities of the State of New York would be only too willing to cooperate and do that very thing.

Mr. MAGEE of New York. I will say to the members of the committee that this is an actual decrease from the appropriation for the year 1925, and is largely due to a reduction of \$8,123 in the attempt on the part of the Government to reduce the personnel in the department. We hear in the House frequent criticisms to the effect that there are so many employees in these different departments that one can hardly get around; that they are so numerous they are falling over each other. The officials of the Budget are endeavoring to reduce the personnel in this department to the extent of probably two or three or perhaps five. It will not affect the efficiency of the work. This important work will be carried on with the same effectiveness as heretofore.

I do not care a copper cent whether the House restores this item or not. If our Democratic friends want to go on record as saying that when we attempt to reduce the personnel of the department they will try to put it back, on them will be the responsibility.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. MAGEE of New York. Yes.

Mr. WATKINS. Will the gentleman please tell us what the department asked for on this item?

Mr. MAGEE of New York. I only know what the Budget Bureau recommended.

Mr. WATKINS. Have they cut it?

Mr. MAGEE of New York. It is cut only about \$8,000 in reducing the personnel of the department. That reduction is in harmony with the idea you will find carried out in other paragraphs of the bill, an attempt on the part of the Director of the Budget to reduce the number of employees in the various departments.

Mr. WATKINS. The gentleman does not know, however, what the department asked for this particular item?

Mr. MAGEE of New York. The gentleman means what the Department of Agriculture requested?

Mr. WATKINS. Yes.

Mr. MAGEE of New York. I do not know.

Mr. MOORE of Virginia. I understand from the hearings that the Department of Agriculture asked for what they got last year. We do not get anything very explicit in the hearings.

Mr. MAGEE of New York. Oh, yes, we do. I will refer the gentleman to the hearings on page 498. I read:

Mr. MAGEE. Now, can we go back to this item, which we passed over, Doctor—marketing and distributing of farm products, 1923, appropriation \$549,628, and this year \$539,107, an apparent decrease of \$10,521. How much increase is due to classification?

Miss CLARK. \$1,360.

Mr. MAGEE. So that you have an actual decrease?

Miss CLARK. An actual decrease of \$11,881.

Mr. MAGEE. How does this amount which may be expended for personal services in the District of Columbia, \$321,606, compare with what you are spending now?

Miss CLARK. It is \$8,123 less than we are spending now.

I do not know how to make it clearer.

Mr. MOORE of Virginia. That is certainly not a very clarifying statement. From what was said a while ago I understood that \$1,000 of this proposed reduction would be on account of salaries, but beyond that there is a reduction of eight or nine or ten thousand dollars in the item.

The gentleman from New York says he does not care a copper what is done with it. Does not the gentleman think it better to encourage the great work of assisting the farmers in this important matter of marketing their products than to cut down the appropriation and to that extent discourage the work?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. Mr. Chairman, may I have two minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MAGEE of New York. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. MAGEE of New York. There is no question as to the merit of this paragraph. Everybody agrees to that. I agree with the gentleman from Virginia on this proposition, so that the gentleman from Virginia is not talking to anyone who disagrees with him. The result here is obtained by reducing the number of employees in the department. If he is not in favor of that reduction, I have no objection; but I simply want the House to know what the bone of contention is.

Mr. LANHAM. There is to be no curtailment of the activities?

Mr. MAGEE of New York. No. The idea is just to get rid of a few unnecessary employees. If you are in favor of not reducing the personnel we can not help it. I think the number of employees ought to be reduced in all the departments of the Government. We have made an honest effort to do it.

Mr. MOORE of Virginia. Mr. Chairman, I will ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MOORE of Virginia. I want to say to my friend that I am not making any unfriendly attack upon the bill.

Mr. MAGEE of New York. I do not want to be misunderstood. I do not complain of anything that the gentleman from Virginia has said. I only say that I have no contention with the gentleman on the merit of this work. I thoroughly agree with the gentleman. I was only explaining how this reduction came about.

Mr. MOORE of Virginia. I would like to refer to what the gentleman said awhile ago of the Democrats taking responsibility for increases in appropriations that are proposed. As to that, when we come to consider matters of this kind and any matter which relates generally to the success of the administration of the Government, I for one lay aside partisanship and endeavor simply to do what seems to me my duty as a Representative.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

Mr. BUCHANAN. The Members of the House will understand that this bill carries, as to every bureau, a limitation on the amount that can be expended for personal services in the District of Columbia.

That limitation runs all through the bill and results in a saving in departmental service of over \$100,000.

Mr. MAGEE of New York. I think materially above that.

Mr. BUCHANAN. The estimate showed \$110,000, but we gave them a little leeway in each bureau and made up for the \$10,000. The estimate showed a saving of \$110,000. In this one bureau that cut in the personal services in the District of Columbia saves \$8,123, so that by subtracting that \$8,123 from \$11,881 you leave this item on its merit decreased \$3,758.

Mr. MOORE of Virginia. I may say to my friend that I can not contest his arithmetic, but that he leaves me, even assuming the correctness of his figures, at a loss to determine why the Bureau of the Budget should have made a cut of between \$3,000 and \$4,000.

Mr. BUCHANAN. I will state to the gentleman that the Bureau of the Budget has been guilty of that practice in many paragraphs throughout this bill; and this committee, whenever it noticed them, generally or sometimes overrode that practice, because we do not believe in making a little cut and disorganizing a well-organized and efficient service. So far as I am concerned, if the gentleman will vote to make his amendment \$3,758, I will vote for it, so it will leave the department exactly as it is; otherwise I would vote against it, because it is wrong to reduce the personnel in one department in the interest of economy and not reduce it in other departments where it can be reduced and ought to be reduced.

Mr. WATKINS. Will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. WATKINS. The testimony discloses this:

How much increase is due to classification?

Miss CLARK. \$1,360.

Mr. MAGEE. So that you have an actual decrease.

Miss CLARK. An actual decrease of \$11,881.

Mr. MAGEE. How does this amount which may be expended for personal services in the District of Columbia, \$321,606, compare with what you are spending now?

Miss CLARK. It is \$8,123 less than we are spending now.

Eight thousand one hundred and twenty-three dollars plus \$1,360 amounts to \$9,480 instead of \$11,000.

Mr. BUCHANAN. The gentleman should keep in mind that the reference is to an actual decrease and excludes the classification.

Mr. WATKINS. Then the classification decrease will be the difference between \$11,881 and \$9,480?

Mr. BUCHANAN. When reference is made to the actual decrease it means it has been decreased that much, and not counting the classification.

Mr. WATKINS. What I am trying to get is what is due to a decrease in the personnel here.

Mr. BUCHANAN. Only \$8,123 is due to the personnel, and they have actually decreased the appropriation on its merits \$3,758, so that if you want to put it back where it was and not decrease the departmental service the amount should be \$3,758.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last two words. I do this for the purpose of calling the attention of the committee to what this paragraph really has in it and what we may expect if this policy is to be followed up. The great address made by the President of the United States in Chicago a few days ago contained no more important feature than that in which he gave emphasis to the matter of extending the markets of the farmers of the country. In going over this whole bill I find that here is practically the only paragraph and the only language which has any connection with the development of foreign markets. Now, if we indicate what we propose to do with reference to the markets of the world by the language that is carried here, it seems to me our policy is hardly in line with the suggestions offered in that splendid address. If it is to be a policy merely of cutting down the employees in the District for the purpose of saving money, I have no quarrel with it. I do want to express my disapproval of decreasing the appropriations made for extending our foreign markets for farm crops. I do not believe either the President or the country desires our work in extending our markets of either agricultural or industrial products curtailed. Here is one place where the flat percentage plan of reduction suggested by the Budget should not be carried out. We ought not to pass this item without having our attention called to the oversight we are making with respect to one very important feature of our great farm-marketing problem, and I have simply risen to call that to the attention of the committee.

Mr. WASON. Will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. WASON. Does the gentleman know that the amount carried in this bill is identical with the President's signed Budget to Congress with respect to this particular item?

Mr. KETCHAM. My understanding is that there is a decrease of a few thousand dollars, the principal decrease being in the amounts provided for employees in the District.

Mr. WASON. This is the exact amount of the Budget.

Mr. MAGEE of New York. Will the gentleman yield to me?

Mr. KETCHAM. Yes.

Mr. MAGEE of New York. We have not cut it at all. We have acted in accordance with the direction of the Budget.

Mr. KETCHAM. May I say this? I am finding fault with making the horizontal cut apply to this very important item in this bill. There is not a more important one in the whole bill than this, and here we are quibbling over a few thousand dollars in connection with it.

Mr. MAGEE of New York. Will the gentleman yield further for a question?

Mr. KETCHAM. Certainly.

Mr. MAGEE of New York. You were talking about the suggestion which the President has made. We have done what the President has directed. That is the only point I am making.

Mr. KETCHAM. Has the gentleman any means of knowing whether the same policy is to be followed in connection with the subcommittee having in charge the appropriation for the Department of Commerce?

Mr. MAGEE of New York. I do not know anything about the work of that subcommittee, because I am not a member of it.

Mr. JONES. Will the gentleman yield?

Mr. KETCHAM. I will be glad to yield.

Mr. JONES. I might suggest that maybe they are trying to save enough money to build another battleship to sink.

Mr. KETCHAM. Of course that is facetious and is immaterial to this matter.

At the same time, I do insist, Mr. Chairman and gentlemen of the committee, that we are passing over a most important item in this bill with a lack of appreciation of the value of this great feature of the work of the Department of Agriculture. I most heartily approve of the amendment that has been offered by the gentleman from Virginia, making the amount equal to that being expended this year for actual field work in extending our foreign markets for farm products.

Mr. SUMNERS of Texas. Mr. Chairman, I rise in opposition to the pro forma amendment.

Gentlemen of the committee, we have been reading a good deal in the papers recently, and there has been a good deal of agitation with reference to what is to be done for the betterment of agriculture. I ask the indulgence of the House for making a few observations. This I deem the proper place in the bill.

In so far as providing credit I think every student of the economic problems of the farmers must agree that that need has been pretty well taken care of. Besides while proper credit is necessary, its value, what may be expected therefrom, has been much misunderstood, much overestimated. In so far as the marketing of those commodities with regard to which the farmer produces a large exportable surplus and what determines the general price, I believe that every student of these problems will agree that Mr. Dawes has told the truth. And, by the way, there may have been other important Republican officeholders and politicians who have told the growers who produce soft wheat and the meat growers the truth with regard to what determines their price, but I do not know who they are. He is the only one I know of. I congratulate him. When he said that the domestic price of commodities, of which the farmers produce a considerable exportable surplus, is determined by the price received in the free markets of the world, he told the truth about it.

We come then to this phase of the agriculture problem—the sale and distribution end of agriculture, which is practically the only place, if we are to maintain the existing tariff policy, and it seems we are to do it, where anything can be done for the farmers. That is all there is to it.

Of course, production and preservation of soil fertility are important and never will be overlooked, but the nerve center of agriculture is not located there. I congratulate the President on having arrived at the point where the nerve center of agriculture is located—at the sale and distribution end of agriculture. I congratulate him and the country on that fact. He says there is the place to get results.

In order to induce the farmers of this country properly to preserve their soil and properly to take care of production, it must be made profitable to the farmer to do it. Make two blades of grass worth more than one was, and it will not be so hard to induce farmers to adopt methods which will have that result and preserve the fertility of the soil while they are doing it.

I believe, too, that every student of the economic problems of the farmer will agree that, aside from the assistance which he can get from cooperative marketing associations, we must bring about a condition under which it will be made possible to deal in agricultural commodities on paper. In order to do this they must be standardized, so that they can be bought and sold by their descriptive trade terms. It seems to me clearly a fact that we must bring about a condition under which agricultural commodities will move under prior sale from the point of first or secondary concentration to the point of need in response to the requirement for need. This never will be possible until we standardize agricultural commodities with reference to the requirement for need.

I criticize the present method of standardization. It does not have the right objective. We have a system of standardization intended to meet the requirements of the merchant. We must continue to develop our system of standardization until each considerable quantity of a commodity possessing distinctive characteristics that are determinative of the use to which it is best adapted shall have a trade term of its own, so that it can be bought under that trade term by those who want exactly that grade and quality for a specific use.

We need in America not only this system of standardization, but we need our system of standardization, our warehousing system, our Departments of Agriculture, Federal and State, and our cooperative marketing associations so organized as to make it possible for a man down in the Rio Grande Valley, for instance, in my country, or a group of people who have a marketing unit of a given agricultural commodity, while it is still in the Rio Grande, to put it in trading contact with the general market. In order to do this, of course, there must be a spot produce exchange, a place where these actual commodities may be actually listed for sale and sold by their descriptive grade terms. There is not a thing which I have suggested which has not been proven by actual test to be sound except their coordination. That has not been done. That is the only sensible objective, and it seems to me the only way we have a chance materially to reduce this spread between the producer and the consumer we have heard so much about.

The idea of sending these perishable articles abroad in the land to find a market, sending them into concentration centers and holding them there under refrigeration at great expense and then shipping them back, frequently over the same route they have come, is entirely wrong. We have had commissions and investigations and reports and speeches galore, charts by the mile, and the same old set of threadbare figures over and over showing spreads, and so forth. The thing to do is to attack this spread where it is located. One way to reduce freight charges is to move these commodities under prior sale from the point of production to the point of use. That will stop congested markets at one place and inadequate supply at another. That will afford the merchant a chance to reach the primary market and at the same time will give to consumers and producers a route around the private controlled avenues of distribution by which they can establish trade contact with each other. That is a better safeguard against unnecessary intervening profits than would be any legislative prohibition. That would tend strongly to hold the total of intervening profits to the basis of economic value of the service rendered. I can not discuss this phase further. I want to illustrate what I think can be done. It is my opinion, if I may be pardoned for expressing an opinion, that the time ought not to be far distant when a man who has a feeding pen of standard-bred cattle will be able, while those cattle are still in the feeding pen, to put them in trading contact with the markets of the world to sell them by grade. When that is so then we will have reached the point that we all desire to reach; namely, the point where the farmer when he comes to sell his commodity will have an equal trade advantage with the man who buys.

When he ships his cattle in to the stockyards where they are held at high expense—maintenance, shrinkage, and so forth—he has got to sell soon at whatever price will be offered. That is true with reference to the other agricultural commodities. I would like to discuss some other phases of this general subject. The working out of what I have suggested will be difficult, of course. It is a big thing, one not easily accomplished, but we ought to come in off of these cold trails and tackle the job. I know it can be done.

Of course, I can not discuss this big subject in this brief time, which is now expired. I ask the privilege of extending my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

The pro forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. MOORE].

The amendment was rejected.

Mr. MOORE of Virginia. Mr. Chairman, in accordance with the suggestion made by the gentleman from Texas [Mr. BUCHANAN], I offer a further amendment to the paragraph of the bill under consideration which is designed to substitute for the figures in the bill, which are \$539,107, the sum of \$542,865, which, as the gentleman from Texas [Mr. BUCHANAN] has stated, seems to be the amount that ought to appear in the bill unless there is to be an arbitrary reduction.

Mr. MAGEE of New York. I will say to the gentleman from Virginia that I will accept the suggestion of my colleague the gentleman from Texas [Mr. BUCHANAN].

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia: On page 58, line 14, strike out the figures "\$539,107" and insert in lieu thereof the figures "\$542,865."

The amendment was agreed to.

The Clerk read as follows:

For collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing data relating to agriculture, including crop and livestock estimates, acreage, yield, grades, stock, and value of farm crops, and numbers, grades, and value of livestock and livestock products on farms, in cooperation with the extension service and other Federal, State, and local agencies, \$472,910: *Provided*, That \$65,360 shall be available for collecting and disseminating to American producers, importers, exporters, and other interested persons information relative to the world supply of and need for American agricultural products, marketing methods, conditions, prices, and other factors, a knowledge of which is necessary to the advantageous disposition of such products in foreign countries, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the transportation, marketing, and distribution of farm and food products, including the purchase of such books and periodicals as may be necessary in connection with this work: *Provided further*, That no part of the funds herein appropriated shall be available for any expense incident to ascertaining, collating, or publishing a report stating the intentions of farmers as to the acreage to be planted in cotton.

Mr. JONES. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. I noticed a statement in one of the New York papers the other day by a Mr. Callander, who, it seems, has charge of the estimates of cotton production, in which he rather advocated the deferring of making any estimate of cotton production until August 1 or August 15. Did he appear before the committee and make suggestions along that line?

Mr. MAGEE of New York. Mr. Callander appeared before the committee, but I suggest that the gentleman from Texas put his question to his colleague Mr. BUCHANAN, who is a cotton expert.

Mr. JONES. Under the law that exists at the present time the reports begin the 1st of July and are published every two weeks thereafter through the cotton-producing season. Of course, any estimates made before the time that the crop matures are in a great measure matters of conjecture, because the pests that frequently infest the cotton have not yet gotten in their full work. I notice that Mr. Callander made a speech before some cotton organization in New York, in which he said it was the opinion of the department that no estimate should be made before the 1st or probably the 15th of August; that at that time it would become apparent how well the cotton was going to mature and develop. I assumed that he was going to suggest to the Committee on Agriculture that it was unnecessary to make any estimate until that time. He did not say he was going to do so, however.

Mr. BUCHANAN. That question did not come before the committee; if it had, I would not have agreed with it.

Mr. JONES. He, as I am informed, is the man who has charge of giving out the data and final estimates. He is reported to have made this speech in which he advocated doing away with the estimates because of the fact that up to that time it was largely guesswork. In justice to him I will state that he did not take that position absolutely, but, rather, left the impression that that was his idea.

Mr. BUCHANAN. Not altogether guesswork; they have the acreage and they give the condition of the cotton week after week and month after month. Of course, as the gentleman says, it may be destroyed by pests at any time.

Mr. JONES. According to his statement it becomes more apparent about the middle of August and the estimates are more reliable. I am not quoting Mr. Callander but I am giving it in substance as it appeared in the paper. Here is the idea they seem to have: Frequently in July and August the conditions give promise of making a much larger crop than they do about the time the crop matures. The estimates therefore are likely to be larger, and this is just prior to the time when the cotton is to be put on the market, just as the cotton begins to come into the market. Then if the estimates are large, the price will likely start at a lower basis than it would if they waited and gave the estimates later.

Mr. BUCHANAN. As a matter of fact, it might be just the reverse.

Mr. CARTER. If the gentleman will yield, was it not just the reverse this year; was not the estimate in July less than that in August?

Mr. JONES. There have been cotton estimates for nine years, and in seven of those years there has been an overestimate of more than a million bales. In nearly every month of the seven years there was an overestimate. I know, for I put the figures in the RECORD last year and I secured them from the Agricultural Department. In seven out of the nine years prior to the present year there has been an overestimate and frequently as high as 1,000,000 bales. Now, I confess—I do not know whether the prodding they were given in the committee and the panning in the House and the criticism throughout the country had any effect, but they have been much more accurate this year than formerly.

They have a very difficult task to perform, and I am sure they are improving their method of making estimates from year to year. It is perhaps natural that a good many mistakes would be made the first few years. At any rate, I feel sure that their system at the present time enables them to be more accurate than they were able to be the first few years.

Mr. MAGEE of New York. Mr. Chairman, I move to strike out the last word. If the gentleman from Texas will refer to page 487 of the hearings he will find where Mr. Callander made this statement:

The situation is this: We do not make an estimate of the acreage of cotton until the 1st of July. It is not the acreage planted. We estimate the acreage in cultivation. There is usually 1 to 3 per cent of the acreage planted, and sometimes a great deal more, which is plowed up and abandoned by the 1st of July. That is discounted. That is not included in the estimate of acreage in cultivation. Then, in order to avoid overestimating in the early part of the season, until some line on what is likely to be abandoned is obtained, which is usually not very much until later in the season, an allowance is made in making our forecasts for acreage abandonment. If in Texas, for example, acreage abandonment is 3 or 4 per cent, or whatever it is, that is allowed for in the early forecast.

Mr. JONES. That has to do largely with the cotton acreage. They also make an estimate of the number of bales of production, beginning July 1. While they use the acreage report in arriving at the estimate for production, they are two entirely different things.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For collecting, publishing, and distributing, by telegraph, mail, or otherwise, timely information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of livestock, meats, fish, and animal products, dairy and poultry products, fruits and vegetables, peanuts and their products, grain, hay, feeds, and seeds, and other agricultural products, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the production, transportation, marketing, and distribution of farm and food products, \$709,748.

Mr. LOZIER. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to extend my remarks in the RECORD on the bill.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD on the bill. Is there objection?

There was no objection.

Mr. LOZIER. Mr. Chairman and gentlemen, since I became a Member of this great legislative body I have to the full extent of my limited ability endeavored to secure legislative action that would, at least to some extent, insure to the agricultural classes equality of opportunity and the social and economic justice so long denied them. I have repeatedly called attention to the alarming condition of American agriculture and I have endeavored to show, and I believe I have conclu-

sively shown, that the economic distress through which agriculture has been passing, and from which it has not yet emerged, is not primarily chargeable to the farmers themselves, but is largely the result of legislative favoritism and an abuse of power and privilege by those who arbitrarily and selfishly control the economic forces of the Nation.

It is not my purpose to discuss in detail the concrete cause of the present nation-wide agricultural anemia further than to say that for several years the American farmer has not been able to sell his commodities at a price that would even return the cost of production, much less afford a profit. The purchasing power of the farmer's dollar is very substantially impaired. There is an alarming and unjustifiable spread between the price at which the farmer sells his commodities and the price he pays for his supplies, and this spread is constantly increasing, to the serious economic injury of agriculture. Indeed, for a number of years the farmer has annually faced a deficit and has been living off of the earnings and accumulations of former years. This encroachment on the farmer's capital stock can not continue indefinitely without irreparable injury to the farmer; and, may I say in passing, the shrinkage in the agricultural wealth of the United States in the last four years has been so stupendous that it is difficult to comprehend how agriculture has been able to stand the economic strain to which it has been subjected.

Unfortunately the farmer has ceased to be a factor in the legislative affairs of the Nation. Other vocational groups easily succeed in impressing their demands and will on Congress and the administration, and as a necessary result, practically all the economic legislation in the last half century has had for its object the enrichment of the manufacturing and commercial groups, obviously at the expense of the agricultural classes. No comprehensive and well-considered legislative program for safeguarding the vital interests of agriculture has ever been enacted. Such legislation as has been enacted for the improvement of agricultural conditions has been tardily and grudgingly granted, and has manifestly been fragmentary and incomplete.

Now, in view of the fact that other favored occupational groups control the legislative and economic forces of the Nation, is it not time for the farmers to "stop, look, and listen," and devise plans by which they may be insured equality of opportunity?

In numerous other addresses I have discussed the condition of agriculture, its needs, its proper relation to other vocations, its claims on the Government, and the duty and necessity of the manufacturing and commercial classes giving agriculture a square deal, and permitting it to enjoy a reasonable share of our national prosperity. I have heretofore discussed the aid that should be afforded by the Government and other external agencies. But to-day, prompted by a desire to be helpful, I shall, in the limited time at my command, suggest some things the farmers can and must do for themselves to improve their economic condition.

Farmers must reach an agreement on great economic policies, the recognition and application of which are conditions precedent to the revival and permanent well-being of agriculture. Obviously the selection of these policies require mature consideration. We must analyze existing conditions in the light of past experience and future probabilities. The agricultural brain must function more efficiently, and the agricultural will must express itself more forcibly and definitely before we can hope for substantial relief from present unfavorable conditions.

There is a profound philosophy underlying the profitable activities of the agricultural classes. The farmer must work in harmony with sound economic principles, if he would reap richly where he has sown, and gather largely where he has scattered. We can not defy or ignore the fundamental principles that permeate and vitalize every other successful and profitable calling. We can not run counter to the safe and sane business policies that are the price of success in other vocations.

In the present agrarian emergency, conditions demand the abandonment of slipshod farming and financial methods, a radical reduction in overhead expenses, rigid economy, and intelligent and efficient management. Unless brain is mixed with brawn, the balance at the end of the year will be on the wrong side of the ledger. Farming is as much a business as manufacturing, commerce, and transportation, and there is the same necessity for the use of prudent business methods in farming, and in farm finance, as in these other great occupations.

The farmer's objective is to establish his calling permanently on a profit-producing basis, which can only be attained by the abatement of legislative favoritism and removal of economic

handicaps and by patient industry, intelligent personal supervision, and painstaking attention to details.

The farmer can not conduct his affairs slovenly, extravagantly, or profligately and escape insolvency. He must see to it that the income from his farm exceeds the outgo, and he should never lose sight of the basic truth that he has failed or at least is economically slipping unless the year's business shows a profit. While the present nation-wide agricultural distress is largely the result of pernicious economic policies over which the farmer has had no control and for which he is not primarily responsible, nevertheless very frequently much of the trouble is traceable to unbusinesslike methods, neglect, inattention to details, excessive and unnecessary overhead expense, and, in some instances, to extravagance, speculation, and reckless disregard of safe and sane business methods.

Agriculture is the most important single industry in America, and therefore if it is to be made a profitable calling we should not only draft the keenest intellect in the world of agriculture but the best brain power of the Nation should be requisitioned to aid in formulating methods and establishing benevolent policies by which agriculture may function efficiently and profitably and be established on a stable and permanent basis. We must therefore apply the acid test of reason and common sense to the myriad plans and policies that now bewilder and confuse. We must separate the practical and wholesome from the impracticable and vicious. In the crucible of sound logic and in the blast furnace of reason the economic gold must be separated from the economic dross. We must subject every proposal, every business plan, every suggested remedy to the test of logic, reason, and common sense, for only by so doing can we determine what policies will best promote the welfare of the agricultural classes.

The farmer should adopt a bill of rights declaratory of principles and policies that will insure for agriculture equality of opportunity. We need an agricultural magna charta that will curtail the power and limit the greed of profiteers, abate monopoly, restrain industrial and commercial buccaneers, and prevent a wrongful invasion of the economic rights of those who produce the food that satisfies the hunger of mankind. There must be a recognition of the principle that there can be no worth-while, nation-wide, or permanent prosperity unless agriculture shares in that prosperity. All other vocations must concede the necessity of agriculture being permanently placed in the list of profitable occupations. This agrarian bill of rights, this agricultural magna charta, must be formulated along broad and comprehensive lines and should enunciate well-established economic principles and demand the recognition and concrete application of those outstanding economic policies, on the inexorable operation of which the permanent prosperity of the agricultural classes largely depends. These policies should not be bent and twisted in an effort to make them applicable to every conceivable condition or to furnish a remedy for every imaginary abuse or to protect one from the inevitable consequences of his own folly; but they should embody workable principles, from the just and rational application of which improved conditions may reasonably be expected.

Much of the farmers' trouble results from their failure to act in concert. There is a deplorable lack of unity—an absence of centripetal force that draws, unites, anneals, and solidifies. In the past there has been but little agreement among farmers as to what economic policies will best promote and conserve their interests. The agricultural classes do not always speak the same language, advocate the same policies, or support the same legislative program. Frequently we have ignored simple business principles and immutable economic laws. Ofttimes we have failed to distinguish between cause and coincidence. Even now in this protracted period of agricultural anemia, the farmers, farm organizations, and farm papers are not agreed on the remedies that will afford agriculture either temporary or permanent relief.

In unity there is strength; in division there is discord, weakness, and failure. So long as the farmers of the United States are divided into numerous opposing and contending factions, making war on each other, they can not hope to accomplish anything. Group rivalries, factional undertows, and antagonistic organization cross currents will neutralize their altruistic activities and render impossible the attainment of their legislative and economic objectives. The need of the hour is for unity in our agricultural faith and creed; unity of purpose, unity in principles, and unity in efforts and action. This unity must be real, not merely nominal. It must be more than a rope of sand; something more than lip service or voice loyalty. Farmers must no longer divide into warring factions, but should present a united front, support the same legislative and

economic program, and stand foursquare for policies bottomed on reason, and which appeal to the intelligence and sober judgment of our thoughtful, level-headed, forward-looking farm leaders. They should establish and adhere more rigidly to a definite agricultural creed and confession of economic faith. They must learn to differentiate between good policies and bad policies; between wholesome and practical remedies and visionary and impractical experiments. They need a definite formula or standard, by which to determine the effect of legislative and economic policies on agriculture.

There should be an end to the unseemly rivalry, bickerings, and contention that have divided the agricultural classes into hostile groups and neutralized the energies of the millions constituting the most numerous and important single class of workers in the world. Reason requires that we get together and coordinate our energies and efforts.

The agriculturalists should be as thoroughly organized as the industrial, commercial, and professional classes. The world does not always know what the farmer thinks, what he needs, or what he demands, because, too often, those who speak for the farmers do not speak the same language, give the same diagnosis of agricultural conditions, agree on economic or legislative policies, or accurately reflect the will of the agricultural classes.

Farmers can not secure substantial results or win a worthwhile victory in their present divided condition. Agriculture must have one mind, and one mind only on economic and legislative policies. It must close up its ranks and end the internecine war that has neutralized its influence and rendered its efforts impotent. Without this unity it can not come into its own, or attain a position of vocational dignity and influence.

The farmer suffers not only from lack of organization but he is the victim of organization, reorganization, and disorganization. We have too many organizations assuming to speak and act for the farmer which speak in an unknown tongue and often fail to reflect the farmer's will or protect his interests. Disclaiming any intention to criticize any of these organizations or to disparage their accomplishments or to discuss their merits or demerits, I nevertheless make bold to say that too often the wholesome purpose of these several groups is sacrificed on the sharp edge of envy, jealousy, group rivalry, self-aggrandizement, and, may I say, at times inefficiency. So far as I know all of the many farm organizations are founded on wholesome principles, have altruistic aims, and are designed to promote the good of the agricultural classes, but these organizations have been multiplied unnecessarily. The rivalry between these different farm groups is so pronounced that they are often exceedingly hostile toward each other, thereby neutralizing their influence and making it practically impossible for any of them to accomplish substantial results. Seldom do they feature the same policies or advocate the same legislative or economic program. Ofttimes when they should be united and actively cooperating they are at cross purposes, strenuously combating the plans, policies, and proposals of each other. Each pretends to speak for agriculture, but each represents only a part of a divided house; and a house divided against itself shall not stand.

Congress, in doubt, inquires what do you farmers want? What economic program do you favor? What legislative relief do you demand? To these inquiries frequently the rival farm organizations give no harmonious and clear-cut response. Each offers its own legislative program as a panacea for all agricultural ills and opposes the policies of rival farm organizations. During the recent session of Congress there was more unity and cooperation between the national organizations than usually prevails, but even then they did not speak as with one voice.

Now, something is radically wrong when the great farm organizations are unable to agree upon an economic or legislative program; when, instead of cooperating with one another, they spend their energies in undermining the influence of rival organizations. I am making no charge against any particular farm group, but commending all for the good they have done; nevertheless, it is obvious that we have many more farm organizations than are really necessary to work the will of and to efficiently serve the agricultural classes. Indeed, these farm organizations have become so numerous that they actually get in the way of one another, which makes it extremely difficult for even the best of them to function efficiently.

It would not be so bad if all these farm organizations supported the same economic policies and advocated the same legislative program.

Let us hope that by absorption, union, amalgamation, or by some other fair process many of these rival farm organizations may be eliminated, so we may have only a very few

national bodies to speak and act for the agricultural classes and to interpret and reflect their will. Without such a centralization and unity agriculture can not make its power felt in the never-ending struggle for equal opportunity and economic independence and vocational stability.

The agricultural classes must be actuated and inspired by a militant loyalty and devotion to the best interests of this great basic industry. Farmers should not forget that an injury to one is the concern of all; that what will promote the interests of one farm group will not injuriously affect another farm group; that in unity strength will be found for the grave tasks of the hour; that division and lack of cooperation spell disaster. This cooperation must be more than skin deep. There must be a willingness, if need be, to suffer a little temporary loss in order to establish helpful economic policies, strengthen their organization, and get in a better position to protect our interests in the future.

Too long have the farmers acted on the old adage, "Every fellow for himself and the devil take the hindmost." As a result, and because of this lack of cooperation, the profiteers, monopolists, and special-privilege groups, by sapping its substance, have brought agriculture dangerously close to bankruptcy.

The solution of the agricultural problem is both external and internal. The relief must come from within and without. There are numerous factors in this complicated equation, some of which are under the control of the farmers themselves and some are controlled by the Government and some by the special-privilege classes. The handicaps resulting from legislative discrimination must be lifted. "Big business" must give agriculture a square deal. The manufacturing and commercial classes must cease to exploit and ravish agriculture. The farmer must have a living price for his commodities and a voice in the conference at which the business and economic activities of the Nation are determined. But if all these remedies should be provided much would still remain to be done by the farmers themselves before agriculture would be securely anchored in the lists of profitable occupations.

The Clerk read as follows:

ADMINISTRATION OF THE UNITED STATES WAREHOUSE ACT

To enable the Secretary of Agriculture to carry into effect the provisions of the United States warehouse act, including the payment of such rent outside of the District of Columbia and the employment of such persons and means as the Secretary of Agriculture may deem necessary, in the city of Washington and elsewhere, \$205,060.

Mr. WILLIAMSON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 61, line 17, strike out the figures "\$205,060" and insert in lieu thereof "\$215,060."

Mr. WILLIAMSON. Mr. Chairman, as will be observed, this adds \$10,000 to the appropriation carried in the bill. The warehouse act has proven to be one of the most valuable pieces of legislation that has been enacted in the interest of American farmers in recent years. Already many public bonded warehouses have come into existence. The cooperative associations among the farmers are just beginning to learn the value of the utilization of these bonded warehouses. This law has done more to stimulate the cooperative movement among the farmers themselves than any other thing that Congress has ever done.

At the present time the receipts issued by the warehouses are printed on specially prepared paper approved by the Department of Agriculture and printed by a bonded printer. The warehouse receipts issued as evidence of stored farm products are everywhere accepted as the best class of security by the banks, and the local banks have no difficulty in discounting this character of paper with the Federal reserve and rural-credit banks. As a result of the favor in which these warehouse receipts are held as security, the cooperatives of our State have been able to borrow all necessary funds for the carrying on of their legitimate business in handling such farm products as are now warehoused, but under present conditions it is impossible in our State to secure the warehousing of alfalfa seed. In South Dakota, North Dakota, Nebraska, Wyoming, and Montana the production of alfalfa seed has gotten to be an important industry, running into hundreds of thousands of dollars annually. Alfalfa seed to-day is sold largely through cooperatives in our State, but we have been unable to take advantage of the warehousing act because the appropriation is so limited that it has been impossible to organize a sufficient personnel to take care of alfalfa seed under the warehousing act.

I have been in conference with the department officials in regard to this matter, and am informed that if there were added to the appropriation the sum of \$10,000 they would be able to add alfalfa seed to the products now being warehoused. With \$10,000 additional the situation in our State and the surrounding States could be properly taken care of.

This is one of the most important items in the bill and I believe the additional \$10,000 ought to be allowed in the interest of the midwestern farmers. It is a small amount, but it seems to be absolutely necessary in order to give the service we need in connection with our cooperatives that are handling alfalfa seed. I hope the committee will approve this amendment. It is asking but a small favor and should be graciously extended.

The cooperative marketing movement among our midwestern farmers is just in its infancy. It is a movement in the right direction and ought to be given every possible encouragement. Wisely managed, it will prove to be the real solution of the farm problem. Every facility should be offered the cooperatives to store grains and seeds in these bonded warehouses, and the least that this Congress can grant is to allow a sufficient appropriation to enable the Department of Agriculture to provide the necessary storage facilities, manned with a sufficient personnel to care for such products as may be offered for storage. Ample warehouse facilities will largely solve the problem of adequately financing our local cooperatives.

Mr. MAGEE of New York. Mr. Chairman, the apparent increase in this item over the year 1925 is \$18,560. Of this amount \$10,560 is for the classification of field employees. An actual increase of \$8,000 is to provide for the rapidly increasing volume of work due to the large number of warehouses which are being licensed under the warehouse act. The number of warehousing products, cotton, grain, wool, and tobacco, has been extended to include corn, potatoes, and peanuts, and preliminary work has been done on beans and dried fruit.

I do not feel competent to say whether this list should be extended to include alfalfa. Probably many Members of the House are more competent to speak on that proposition than myself. The warehouse act is an important act. We recognize that, and we gave the department, apparently, what they wanted. We gave them this increase, as I have said, because of the increasing number of warehouses that are being licensed under the act. I have risen simply to put before the members of the committee the facts as we got them.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Dakota.

The amendment was rejected.

The Clerk read as follows:

COMPLETION OF WOOL WORK

To enable the Bureau of Agricultural Economics to complete the work of the domestic wool section of the War Industries Board and to enforce Government regulations for handling the wool clip of 1918 as established by the wool division of said board, pursuant to the Executive order dated December 31, 1918, transferring such work to the said bureau, \$11,290, and to continue, as far as practicable, the distribution among the growers of the wool clip of 1918 of all sums heretofore or hereafter collected or recovered with or without suit by the Government from all persons, firms, or corporations which handled any part of the wool clip of 1918.

Mr. TAYLOR of West Virginia. Mr. Chairman, I move to strike out the last word. The bill under consideration is one that confers broad powers upon the Secretary of Agriculture, and justly so. As a matter of State pride, I think that it is not amiss at this time to call to the attention of this committee the fact that the Secretary of Agriculture, Hon. Howard M. Gore, is a West Virginian.

There will be a new Secretary of Agriculture after March 4 next. The fine administrative ability of Mr. Gore, recently given substantial recognition by the President of the United States in placing him at the head of this great Department of Agriculture, has been recognized in a greater measure by the people of West Virginia, who have called Mr. Gore to be governor of that State for a four-year period, beginning on the same day that his commission as Secretary of Agriculture is handed back to the President.

For the third time in the history of West Virginia she has been honored by a place in the President's Cabinet, and her place in the sun has been more firmly established. In the higher call of Mr. Gore to the governorship, I feel that the country as a whole loses the services of a splendid administrative officer and that West Virginia is the gainer thereby. [Applause.]

Mr. BLANTON. Mr. Chairman, I move to strike out the section. If my amendment should prevail, this would save \$11,290. There was a time right after the war when this wool section bureau was necessary, but that time is past now.

What is the use of longer keeping up this business? If you would investigate, you will find that every dollar of this money pays salaries of individuals, continuing them on the pay roll, on and on. I do not see any necessity for keeping on paying for war work that ought to be over. If it is not wound up now, when is it going to be wound up? I do not care to take any further time, but I hope that the committee will let it go out. It is not doing the woolgrowers any good in my section or down in the section of my colleague Mr. HUDSPETH, and it is not doing the woolgrowers of New Mexico or anywhere else any good that I know of.

Mr. MAGEE of New York. Mr. Chairman, we fought out this proposition pretty completely, as gentlemen will remember, at the last session of Congress. The work ought to be completed, and I had hoped that the work would be completed during the fiscal year 1925. The Department of Agriculture claims that it has done all that it can possibly do, and I think it has. That department gave us the inference that the delay was due to the Department of Justice. There are a great many important suits pending, involving large amounts of money. The House, of course, can not force the Department of Justice to go ahead, push these cases, and get a final determination in the courts as soon as possible.

Mr. BYRNS of Tennessee. Will the gentleman yield for a question?

Mr. MAGEE of New York. But I think the department ought to press these suits, as suggested by the gentleman from Texas [Mr. BLANTON]. I want to get the facts before the members of the committee. The Government started in and collected a lot of money from the little fellows, so called, who bought the wool. The total amount collected to date is \$752,930.20. Of that the Government has distributed \$450,235.07. There is approximately \$220,000 in the Treasury which has not been distributed, because the Government does not know to whom to distribute it, neither the names of the persons nor the addresses of those to whom these moneys belong. These moneys eventually will go into the miscellaneous receipts of the Treasury, as well as a part of the additional amounts that may be collected. There are claims in the amount of \$724,000 outstanding, and the Government claims that those moneys are owed by a few persons, the large dealers. The question we have to determine now is whether the Government, having pursued persistently the little fellows, will quit on the big fellows. I am not in favor of that policy.

Mr. BYRNS of Tennessee. Now, will the gentleman yield? The gentleman will remember a year ago when this appropriation was before the House I had something to say in opposition to the appropriation. Now, at the time, I am not certain the gentleman made a definite statement, but somebody handling this bill before the House left me under the impression that there would have to be a decided showing that progress was being made by the department toward winding up this work or the appropriation would be eliminated this year. Now, the gentleman says they have \$220,000 in the Treasury belonging to somebody, but nobody knows their names, nobody knows the addresses of those who are entitled to that sum, and eventually it will go into the Treasury. I want to submit to the gentleman that if we continue to appropriate \$11,000 a year to pay a few salaries in the Agricultural Department that sum of \$220,000 is going to rapidly diminish.

Mr. MAGEE of New York. I want to say that I do not concur in that statement, because the more money the Government collects the more money will go into the miscellaneous receipts of the Treasury.

Mr. BYRNS of Tennessee. If the gentleman will permit me—I am sure the House will give him more time if he wants it—I understand that, as the gentleman says, the money was collected off the little fellows. Now, the big fellow, the man who owed a larger amount, has refused the department's demands for payment, and it is necessary to bring suit. I understand that those suits have been brought and are now in the hands or under the jurisdiction of the Department of Justice.

Mr. MAGEE of New York. Except one.

Mr. BYRNS of Tennessee. Why is it necessary to maintain exactly the same force, maintain them to sit down and fold their hands in the Agricultural Department, drawing salaries, and so forth, awaiting the disposition of these lawsuits which may drag along for several years?

Mr. MAGEE of New York. They are not doing that. They have their work to do, and the employees in the Department of Agriculture who have prepared the cases are the only ones who know the facts. They have to prepare the cases and ascertain the witnesses who can be called upon in the trial of those cases. You can not get along without them, and even if this appropriation is not made, I understand that

these persons will still continue in the employment of the Department of Agriculture. I feel exactly about this proposition, so far as winding it up is concerned, as the distinguished gentleman from Tennessee. I do not know what I said a year ago, but I certainly felt as the gentleman expresses himself now. If the gentleman will examine the hearings he will see that I questioned pretty sharply the representatives of the Department of Agriculture who came before the committee. You will find from the hearings that the Department of Agriculture took the position that this paragraph should be continued, and that if it was dropped probably those cases now pending to collect from these big fellows, as they call them, involving some seven hundred thousand dollars, would be dropped. That was the idea expressed by the Department of Agriculture.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MAGEE of New York. Mr. Chairman, may I have two minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WATKINS. The appropriation is \$11,280. I want to ask the gentleman a question. What about the expenditure in the District of Columbia, that there shall be spent not over \$8,600? That is on page 554 of the hearings. Why is the appropriation larger than the law allows it to spend? I think it should not be over \$8,600 anyway.

Mr. MAGEE of New York. The sum of \$8,600 is what they are expending for personal services in the District of Columbia.

Mr. WATKINS. Yes. I understand that is the limit, as your statement implies, beyond which they can not spend.

Mr. MAGEE of New York. No; printing and some other clerical work makes up the difference.

Mr. WATKINS. The difference between \$11,280 and \$8,600?

Mr. MAGEE of New York. Yes. I am not criticizing the Department of Justice. I do not know how the House can force the Department of Justice to speed up these cases. All I can do, particularly in view of the existing situation, is to explain what the Government has done in these cases. I think that the Department of Justice ought to take up these cases and push them to a conclusion as speedily as possible.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman from New York may have two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. The gentleman does not mean to intimate that our action here in dropping these few clerks off the pay roll of the Agricultural Department would affect the action of the Department of Justice in these cases? The department will carry on these cases just the same?

Mr. MAGEE of New York. That is what they say will happen. If you will read the hearings you will see that.

Mr. BLANTON. The Department of Justice is in a bad position if it is interfered with by the fate of these few clerks.

Mr. MAGEE of New York. That is what appears in the hearings.

Mr. MOORE of Virginia. Does not the gentleman know, from what we have heard, that the collection of this money would not have been accomplished except for the work of the Department of Agriculture in collecting the information?

Mr. MAGEE of New York. Exactly.

Mr. MOORE of Virginia. I find that in the last few months collections have gone on. An amount considerably in excess of this sum of \$11,000 has been collected.

Mr. MAGEE of New York. I will say to the distinguished gentleman from Virginia that in the last year they have distributed a very considerable amount, which I would like to put in the Record. The hearings show that during the year \$57,000 has been distributed.

The CHAIRMAN. The time of the gentleman from New York has again expired. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COOPERATIVE DISTRIBUTION OF FOREST-PLANTING STOCK

For cooperation with the various States in the procurement, production, and distribution of forest-tree seeds and plants in estab-

lishing windbreaks, shelter belts, and farm wood lots upon denuded or nonforested lands within such cooperating States, under the provisions of section 4 of the act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 7, 1924, \$50,000, of which amount not to exceed \$2,650 may be expended for personal services in the District of Columbia.

Mr. WHITE of Kansas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last word.

Mr. WHITE of Kansas. Mr. Chairman, I wish to address some inquiries to the chairman of the committee on the subject of the appropriations on page 70, line 1, and continuing on page 71, just read.

I want to say that I think this is an important undertaking. I have traveled a good many times throughout the States lying between the Capital of the Nation and the State of Kansas, where I live—not as early in my life as I desired, but finally—and I have observed the beautiful wood lots in the State of Indiana and in that "Irish State of Ohio," and I have seen with what great care they have been kept and preserved. It is to me a very interesting subject. Then I have come along here and ridden through the States of Virginia and Pennsylvania and some others of the seaboard States, and I have seen a great waste in timber, thousands of trees lying prone upon the earth. And incidentally it made me think of a remark which a boyhood friend made at one time, to the effect that there were only two things that he hated to do—one was to work and the other was to chop wood. [Laughter.] It seems to me that antipathy is somewhat widely diffused.

But seriously, I would like to ask the chairman what it is proposed to do with this money. I note with some surprise that only \$2,650, in the first item, is to be expended for personal services in the District of Columbia. That seems ridiculously out of proportion, according to my way of thinking, as compared with the other appropriations carried in this bill.

In the second item only \$2,600 can be expended in the District of Columbia. I wonder if the chairman, as a matter of information to this House, could tell the House, especially Members like myself, who are so much interested in this subject and who live in States where there is not so much natural timber, how it is proposed to advance this work. Can the chairman do that? I regret that I have not had time to examine the hearings.

Mr. MAGEE of New York. I could not attempt to do that, but I will simply say to the gentleman that we are trying to carry out the provisions of the act of June 7, 1924, known as the McNary-Clark Reforestation Act. No appropriations have been made under that act heretofore. What those who are to carry out the act propose to do, I do not know. We have given the sums recommended by the Budget to supply what is needed to carry out the provisions of the act passed last June.

Mr. WHITE of Kansas. Well, Mr. Chairman and gentlemen, I would like to see the same beautiful, well-kept wood lots in the State of Kansas that I see in the States of Indiana, Ohio, and Illinois. We can not have them in a day. I suppose it was only a full-grown tree to which some writer referred, apostrophizing those eminent qualities that render human life vigorous and strong, when he said that such and such a man was built like a forest tree, the broad oak, that strikes its roots deeply in the earth, or like the tall cedar, that lifts its head above the other forest trees. Those trees must have been centuries in developing. I would like to have those trees, or trees like them. I wish the gentleman from New York would tell us how we can get those trees. The officials in charge of this service, it is understood, are going to start, perhaps, in a year from now. I would like to ask the chairman to tell us how we can get them.

Mr. MAGEE of New York. Mr. Chairman, I ask for five minutes in order to answer the gentleman from Kansas [Mr. WHITE].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. MAGEE of New York. I may say to the distinguished gentleman from Kansas [Mr. WHITE] that this is what Colonel Greeley, who has charge of the Forest Service in the Department of Agriculture, said in the hearings:

What we actually expect to accomplish is this: At the present time all of the forest planting in the country amounts to less than 40,000 acres a year; what the Federal Government does, what the States do—

The idea is for the Federal Government to cooperate with the States, of course—

what is done by the farmers, what is done by everybody else—the entire amount is less than 40,000 acres a year, as compared with about 300,000 acres a year in Japan alone. Now, if we get this activity going, even with the \$50,000 proposed for this year, we expect to increase that acreage by at least 10,000 acres a year planted.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. MAGEE of New York. Just one moment, please.

And to get that 10,000 acres planted where we believe it will do the most good, namely, on the parts of our farms that are not adapted to agricultural crops but will make good timber crops.

Mr. WHITE of Kansas. Well, I think the folks over in Indiana, Ohio, and Illinois know all about this. I think their system is perfect, so far as it could be made so, and I want to say to the chairman that our farmers are anxious to cooperate with the Government if they have some information and know how to do it. Now, we are creating a separate bureau for this purpose?

Mr. MAGEE of New York. No. This is not my act. This is the act of Congress. I voted for the act, and I believe the gentleman from Kansas voted for it.

Mr. WHITE of Kansas. I am trying to find out a little more about it than I know. That is why I have asked these questions.

Mr. MAGEE of New York. It is a new act, and I would suggest that if the gentleman desires more information than Colonel Greeley has given in the hearings he take the matter up with him.

Mr. WHITE of Kansas. I thank the gentleman.

Mr. MAGEE of New York. He knows as much or more about it than anybody else, and he is a very estimable gentleman. But this is a new proposition.

Mr. WHITE of Kansas. I am already instructed in a degree. I thank the gentleman.

The Clerk read as follows:

ACQUISITION OF ADDITIONAL FOREST LANDS

For the acquisition of additional lands at headwaters of navigable streams, to be expended under the provisions of the act of March 1, 1911 (36 Stat. L. p. 961), as amended, \$1,000,000, of which amount not to exceed \$14,800 may be expended for departmental personal services in the District of Columbia.

Mr. KINCHELOE. Mr. Chairman, I move to strike out the last word. I want to address myself to the chairman of the subcommittee. Is this appropriation for the perpetuity of the so-called Weeks Act?

Mr. MAGEE of New York. Yes.

Mr. KINCHELOE. I think it was last year or the year before that the gentleman from Oregon [Mr. HAWLEY], who is a member of the commission provided by this law, made a very elucidating statement before the Agricultural Committee as to what this commission had already accomplished and what it hoped to accomplish. At that time it seemed to be the policy of this commission to buy as much as possible of the hardwood timber watersheds of this country, and my recollection is that he stated at that time that there were tentative contracts for the purchase of a great deal of land, but that the contracts had not been carried out for the lack of appropriations. My recollection further is that year before last you appropriated \$400,000 under this item, last year \$800,000, and this year, under the authorization of the original act, you appropriate \$1,000,000. Does the gentleman think it is the policy of the department to undertake to carry out the Weeks Act by yearly acquiring more of the watersheds of this country?

Mr. MAGEE of New York. Yes. I thought I made that clear in my remarks explaining the bill.

Mr. KINCHELOE. I was not fortunate enough to be present and hear the gentleman's remarks. Is it contemplated by this commission to use the \$1,000,000 carried in this item for the purchase of more land?

Mr. MAGEE of New York. Yes. I will repeat briefly what I tried to convey to the House at that time. Under the Weeks Act they have a certain organization and they claim that with the \$400,000 or \$450,000, the amount appropriated, I think, for the fiscal year 1924, it is impossible to keep that organization intact and functioning and at the same time have money with which to purchase land. Now, as I understand it, they claim that on the basis of \$1,000,000 they can keep that organization functioning and purchase each year about the amount of land the commission thinks the Government ought to purchase annually. That is my notion about it.

Mr. KINCHELOE. Do the hearings disclose or does the Agricultural Department indicate to the committee what character of land will be purchased during the ensuing year, and in what part of the United States?

Mr. MAGEE of New York. Yes. If the gentleman will refer to page 617 of the hearings he will find a table showing in what States the purchases have been made, the number of acres, the average price, and the value. The States are Alabama, Arkansas, Georgia, Maine, New Hampshire, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

Mr. KINCHELOE. Practically that statement is already in the hearings before the Agricultural Committee—that is, as to what they have already purchased. I am not so much interested in the geography of this as I am in the character of watersheds they propose to buy and in territory where there is hardwood timber, and I was wondering whether it was the purpose of the commission to buy any watersheds of hardwood timber out of this \$1,000,000 appropriation. I certainly hope the commission may see fit to do so.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

PASSENGER-CARRYING VEHICLES

That not to exceed \$150,000 of the lump-sum appropriations herein made for the Department of Agriculture shall be available for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of the field work of the Department of Agriculture outside the District of Columbia: *Provided*, That not to exceed \$46,000 of this amount shall be expended for the purchase of such vehicles, and that such vehicles shall be used only for official service outside the District of Columbia, but this shall not prevent the continued use for official service of motor trucks in the District of Columbia: *Provided further*, That the Secretary of Agriculture is authorized to purchase, from the funds provided for carrying out the provisions of the Federal highway act of November 9, 1921 (42 Stat. L. p. 212), not to exceed \$35,000 for motor-propelled passenger-carrying vehicles to replace such vehicles transferred under authority of the acts of February 28, 1919 (40 Stat. L. p. 1201), March 15, 1920 (41 Stat. L. p. 530), and November 9, 1921 (42 Stat. L. p. 212), from the War Department and retained and used by the Secretary of Agriculture in the construction and maintenance of national forest roads or other roads constructed under his direct supervision which are or may become unserviceable: *Provided further*, That the Secretary of Agriculture shall on the first day of each regular session of Congress make a report to Congress showing the amount expended under the provisions of this paragraph during the preceding fiscal year: *Provided further*, That the Secretary of Agriculture may exchange motor-propelled and horse-drawn vehicles, and boats, and parts, accessories, tires, or equipment thereof, in whole or in part payment for vehicles, or boats, or parts, accessories, tires, or equipment of such vehicles, or boats purchased by him.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the subcommittee whether he has any figures showing how many trucks the War Department has turned over to the Department of Agriculture that have been distributed among the States for this highway work and whether they continue to have any of these trucks on hand. Does the gentleman know anything about that?

Mr. MAGEE of New York. I think most of those trucks are worn out.

Mr. BRIGGS. It was my impression some time ago when we passed an act providing for the transfer of these surplus trucks in the hands of the Army to the Department of Agriculture for distribution among the States there were quite a number of them on hand, and I was just wondering whether they have all been distributed or not. My impression is the War Department stated they turned over all they had to the Department of Agriculture, and I wanted to get some idea about what that distribution was.

Mr. MAGEE of New York. I think they were turned over and they are now worn out.

Mr. BUCHANAN. I will state to the gentleman that all the trucks that have been declared surplus have been disposed of and the only thing remaining on hand as surplus is explosives. There may be some more trucks on hand, but they have not been declared surplus, and therefore they can not touch them.

Mr. BRIGGS. The War Department tells me they have not any more trucks for disposition and that they have turned them all over to the Agricultural Department.

The pro forma amendment was withdrawn.
The Clerk read as follows:

FEDERAL-AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, \$76,000,000, to remain available until expended, of which amount not to exceed \$454,971 may be expended for personal services in the District of Columbia, being \$25,000,000, the remainder of the sum of \$50,000,000 authorized to be appropriated for the fiscal year ending June 30, 1923; \$35,700,000, the remainder of the sum of \$65,000,000 authorized to be appropriated for the fiscal year ending June 30, 1924; and \$15,300,000, being part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 1 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922.

Mr. BUCHANAN. Mr. Chairman and gentlemen of the committee, I have been asked to make a statement relative to the appropriation for public highways; in fact, I have received some criticism for my action on the committee, for which I have no apology to make. I am willing to stand by my action through thick and thin.

In a general way let me call the attention of the House to the appropriations for highway construction since the commencement of this work.

In 1917 the first authorization for appropriation was \$5,000,000; in 1918, \$10,000,000; in 1919, \$65,000,000; in 1920, \$95,000,000; in 1921, \$100,000,000; and in 1922, \$75,000,000.

In all of these years the same year the authorization was made Congress appropriated the full amount of the authorization, so that appropriations could not get behind because the full amount authorized and the full program contemplated by the law was appropriated.

In 1923 we began to get behind. For that year Congress authorized \$50,000,000 to be appropriated, but we only appropriated \$25,000,000, leaving a balance to be carried over and appropriated the next year or in future years of \$25,000,000. In the year 1924 the law authorized us to appropriate \$65,000,000. However, we did not appropriate but \$29,300,000, leaving a balance of \$35,700,000 to be carried over for future years, in addition to the \$25,000,000 carried over from the year preceding. In 1925 the law authorized us to appropriate \$75,000,000, when, as a matter of fact, we appropriated only \$13,000,000, leaving \$62,000,000 to be appropriated in future years.

Mr. DOWELL. Will the gentleman yield for a question there?

Mr. BUCHANAN. Yes; I yield.

Mr. DOWELL. According to the bill, as I understand it, at the bottom of page 77, there was appropriated for the year 1925 all but \$15,300,000.

Mr. BUCHANAN. For the year 1925 we appropriated only \$13,000,000, leaving \$62,000,000 to be carried over to this or future years.

Mr. DOWELL. Will the gentleman listen to the reading of the bill, as reported by your committee:

And \$15,300,000, being part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925.

As I understand the action of the committee, you are withholding the \$15,300,000 of the \$75,000,000 that has already been appropriated.

Mr. BUCHANAN. But you segregate the years. It has all come to one total now, and the grand total is \$122,700,000 that we are behind for the past three years in our appropriations.

Mr. DOWELL. Yes; that is possibly true. I am only taking the report of your committee on the last authorization for 1925.

Mr. BUCHANAN. The misunderstanding is in one year being segregated.

Therefore, gentlemen, when your subcommittee met this year we were confronted with the situation that there was \$122,700,000 unappropriated what we were authorized to appropriate in three preceding years.

Mr. MOORE of Virginia. Will the gentleman yield for a question for the purpose of getting his comment upon a few paragraphs of the report of his committee?

Mr. BUCHANAN. Yes.

Mr. MOORE of Virginia. I would like to ask the gentleman why the committee reported \$4,000,000 less than the estimate submitted in the Budget. I suppose there is some good reason for that. Then I would like to ask the gentleman to state

a little more exactly than is done in the report what is meant by this statement in the report:

During the fiscal year 1926 if the Bureau of Public Roads discovers that the amount made available by this bill is insufficient Congress will be in session and a deficiency appropriation can be estimated and appropriated for.

Mr. BUCHANAN. I will answer the gentleman in the course of my remarks. We were confronted with the fact that in the authorization for the past years we did not appropriate the \$122,700,000. The Bureau of the Budget returned estimates for \$80,000,000. On examination of the witnesses we find that the department will actually pay out in withdrawals from the Treasury this fiscal year \$90,000,000, leaving, in round numbers, \$4,000,000 for next year. The Department of Agriculture in its estimates concluded that it would take \$90,000,000 to meet the actual withdrawals from the Treasury for the fiscal year 1926. The Budget recommended \$80,000,000, and with the \$4,000,000 would be \$84,000,000 to meet the estimates of the department of \$90,000,000. We did not appropriate that amount. We appropriated \$76,000,000. The fact is, gentlemen, there is going to be a deficiency anyhow. If you appropriate the Budget estimate of \$80,000,000, there is going to be a deficiency of \$8,000,000 or \$10,000,000. So that it does not make any difference whether you have a deficiency of \$14,000,000 next year or a deficiency of \$6,000,000 to \$10,000,000.

Now, what do we mean by the statement in the report which the gentleman from Virginia has read. It means this, that whether we appropriate in this bill seventy-six million or eighty million, that the Department of Agriculture believes there will be a deficiency, it means that the Bureau of the Budget believes that there will be a deficiency, and if there is a deficiency that it will be promptly submitted by the department to the Budget, approved by the Budget, favorably reported by the Appropriation Committee, and passed by this House with no injury to the highway construction of the United States. That is understood on all sides.

I understand that the gentleman from New York, the chairman of the subcommittee [Mr. MAGEE] does not believe that there will be a deficiency, but in this fiscal year they have spent up to December 1 fifty-three and one-half million dollars, or more than \$10,000,000 a month. Undoubtedly for the next fiscal year we will need at least \$90,000,000 or perhaps more, and we carry in this bill \$76,000,000 and the \$4,000,000 left over from last year makes \$80,000,000, and that will carry us up until March, 1926, before the money is exhausted, and as the next Congress convenes December, 1925, we will have ample time to pass a deficiency appropriation. I wanted the House to understand my action in the matter, and to understand that in this bill for the fiscal year 1926 and the appropriations for good roads for the fiscal year 1927, we will have to provide \$122,700,000 to pay our contractual obligations to the cooperative States, which indebtedness was incurred during the fiscal years 1923, 1924, and 1925; so that the fiscal years 1926 and 1927 have inherited from the fiscal years 1923, 1924, and 1925 this indebtedness of \$122,700,000 on good roads alone. Let us hope any other bequests will be a blessing, not a burden.

Mr. MAGEE of New York. Mr. Chairman, I want to say for myself that I voted for the \$80,000,000 in this bill because in my judgment that will be sufficient for the purposes of the department. The claim of an alleged deficiency did not have any weight with me, and I will tell you why. In 1924 it was estimated that \$85,000,000 would be necessary. As a matter of fact they used only about \$80,000,000. In other words, their estimate was \$5,000,000 above what they actually used. In the next place it seems to me that the House has at least given an indication that in its judgment by the passage of the Dowell bill \$75,000,000 a year is about the amount that we ought to appropriate. The Dowell bill passed last session called for an expenditure of \$75,000,000 for each of two years from July 1, 1925. I voted to give the department the \$80,000,000, \$5,000,000 above that sum. I find no fault with the recommendation made by the committee. I read with great interest after the representative from the Department of Agriculture appeared before us the remarks made by the chief of the bureau, Mr. Thomas H. MacDonald, on December 4, 1924, and published in the Evening Star on that date, at the Fourth Annual Convention of the Highway Research Board. This is what Mr. MacDonald is reported to have said:

Scientific research into the processes of making lasting roads has developed new and economical practices, which should result in cutting the road-making bill of the Nation down by nearly one-fourth, Thomas H. MacDonald, chief of the Bureau of Public Roads, told the Highway

Research Board at its fourth annual convention, which opened to-day at the new home of the National Academy of Sciences and the National Research Council.

Application of time-saving methods by contractors in road construction work, by overcoming of delays and use of proper machinery, would save between 20 and 25 per cent of the total spent on road construction, Mr. MacDonald estimated. Applied to the billion dollars he said was annually spent on roads in the United States, this would represent an enormous saving to the taxpayer.

Whether there will be a deficiency or not I do not know. If there should be a deficiency, as my distinguished colleague from Texas [Mr. BUCHANAN] has stated, it can be taken care of, but it would not surprise me, looking into the future as far as 1926 and taking the statement of Mr. MacDonald at 50 per cent of its face value, if we should have a surplus of ten or fifteen million dollars. In other words, if such savings can be effected as he intimated at this convention, it is possible that in 1926 we may not spend more than \$60,000,000 or \$65,000,000. We are safe anyway. I simply wanted to make my position clear.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. MAGEE of New York. Yes.

Mr. DOWELL. Is it contemplated by the committee making this appropriation that there will be a deficiency?

Mr. MAGEE of New York. It is not so contemplated by myself.

Mr. DOWELL. Is it not the fact that there should be no deficiency in these appropriations if they are made properly?

Mr. MAGEE of New York. I can only tell the gentleman why I voted for the appropriation. I can not speak for the other members of the committee.

Mr. DOWELL. I do not understand why the Committee on Appropriations should come before the House with an appropriation and intimate that it is the understanding that there will be a deficiency in the appropriation. I think they should hold the department to the actual appropriation, and if we are going to get anywhere it seems to me there must be a limitation to the actual appropriations made. I do not understand about this intimation that this appropriation is made and that there will be a deficiency to come before us later.

Mr. MAGEE of New York. I have not made that intimation.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last two words. I invite the attention of the chairman of the subcommittee to line 9 on page 74, where the following language occurs—

together with any unexpended balances of appropriations heretofore made for this purpose.

Are such sums as that included in the total in the last line, line 5 on page 78 of the bill? It occurs to me it would be very difficult, indeed, for us to keep up with the obligations of the Government if many such appropriations were carried as are carried in line 9, page 74. I wonder whether there are many occurrences of that kind throughout the bill?

Mr. MAGEE of New York. I do not know that I understand the gentleman exactly.

Mr. HASTINGS. On page 74 you appropriate the unexpended balance that has heretofore been appropriated for the eradication of the foot-and-mouth disease.

Mr. MAGEE of New York. I am very glad the gentleman has asked that question. My information is that in the last deficiency bill was an item of \$3,500,000. Whether that has all been expended I do not know, but we wanted to provide in this paragraph that in case of an emergency any unexpended balance of such appropriation carried in that deficiency bill would be available.

Mr. HASTINGS. It would be continued.

Mr. MAGEE of New York. By this language.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that the committee may return to page 30, line 13, of the bill, for the purpose of permitting the gentleman from Florida [Mr. SEARS] to offer an amendment relating to the disease called nailhead rust attacking tomatoes. I do so for this reason. I am a member of the subcommittee on deficiencies of the Appropriations Committee. This matter was brought to the attention of the deficiency committee while considering the deficiency bill at the last session. It was then earnestly presented by the gentleman from Florida [Mr. SEARS], and it appeared from statements made to the committee then that this disease was making great ravages on the tomato, and that tomato growers in Florida had lost possibly a million dollars as a result of it. The Department of Agriculture wanted and was given \$10,000 on a three-year program, as I now recall. That \$10,000 was appropriated, and it seems to me, and I am told that the Agricultural Department so

states, that unless another \$10,000 is appropriated for next year on this three-year program the \$10,000 which has already been appropriated, which is doubtless in process of expenditure, will be wasted. They think they can control this disease, and for the reasons stated and the fact that this disease is now being given consideration by the Department of Agriculture, and it having originally recommended this program, I ask that the gentleman from Florida be permitted to offer this amendment.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to return to page 30 of the bill, line 13. Is there objection?

Mr. ANDERSON. Mr. Chairman, let us have the amendment read so that we will know what it is. I reserve the right to object.

Mr. MAGEE of New York. Mr. Chairman, this is an item that the gentleman from Florida [Mr. SEARS] spoke to me about. He said it first came up at the time of the preparation of the deficiency bill. I am not a member of the subcommittee on deficiencies, and as I understand, and as the gentleman from Tennessee [Mr. BYRNS] will confirm, if true, an item of \$10,000 for this purpose was put into the deficiency appropriation bill.

Mr. BYRNS of Tennessee. For this year.

Mr. MAGEE of New York. Precisely; and what is desired now is to put a similar item in this bill.

Mr. BYRNS of Tennessee. For next year.

Mr. MAGEE of New York. I told Mr. SEARS of Florida that my attention not having been called to the matter and no hearings held by the committee, yet if some member of the deficiency committee would come on the floor and explain it to the Members I would not object to turning back and putting it in the bill, and I have no objection so far as I am concerned.

Mr. ANDERSON. Mr. Chairman, reserving the right to object, I ask unanimous consent that the amendment be read for information.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the amendment be read for information. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Amendment offered by Mr. SEARS of Florida: Page 30, after line 13, insert: "For investigation, eradication, and control of the tomato disease commonly known as nailhead rust, \$10,000."

Mr. ANDERSON. I withdraw the reservation.

The CHAIRMAN. Is there objection to returning to page 30, line 13? [After a pause.] The Chair hears none. The Chair would suggest before returning and taking up the matter that there is one line left which the Clerk has not yet read, and the Chair suggests that the line be read first in order to complete the reading of the bill.

The Clerk read as follows:

Total, Department of Agriculture, \$124,637,715.

Mr. MAGEE of New York. I understand that the Clerk was authorized to correct any and all totals.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 30, after line 13, insert: "For investigation, eradication, and control of the tomato disease commonly known as nailhead rust, \$10,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SEARS of Florida. I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SEARS of Florida. Mr. Speaker, I desire to thank the gentleman from Tennessee [Mr. BYRNS] for requesting unanimous consent that I be permitted to offer the amendment—

For investigation, eradication, and control of the tomato disease commonly known as nail-head rust, \$10,000.

Last year it was estimated the growers of tomatoes lost approximately \$1,000,000 because of this disease. The amount asked for is small, but the Department of Agriculture is satisfied that by appropriating said amount annually, not to exceed three years, they will be able to cope with this disease.

Last year the growers, out of their own funds, spent several thousand dollars trying to discover some method of control; but, not having the facilities that the Government has, they did

not make much progress. Realizing as I do the importance of finding some way to eradicate or at least control this disease, I sincerely trust the amendment which I have offered will be adopted.

I understand the chairman of the subcommittee will not oppose the amendment and, therefore, I will not take up more of your time.

Mr. MAGEE of New York. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10404, the Agricultural appropriation bill, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MAGEE of New York. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment; if not, the Chair will put them in gross?

The question was taken, and the amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MAGEE of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

RESIGNATION FROM A COMMITTEE

The SPEAKER. The Speaker lays before the House the following resignation.

The Clerk read as follows:

DECEMBER 10, 1924.

Hon. FREDERICK H. GILLET,

Speaker House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on the Post Office and Post Roads, effective at once.

Very respectfully yours,

WILLIAM B. BOWLING.

The SPEAKER. Without objection the resignation is accepted.

There was no objection.

ENROLLED BILLS SIGNED

Mr. ROSENBLUM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

S. 116. An act to amend section 196 of the Code of Law for the District of Columbia;

S. 933. An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia; and

S. 1343. An act to authorize the widening of Fourth Street, south of Cedar Street NW. in the District of Columbia, and for other purposes.

AUTOMATIC TRAIN CONTROL

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the bill H. R. 9773.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SNYDER. Mr. Speaker, I have asked for this opportunity to extend my remarks on H. R. 9773, a bill I introduced in the last session of Congress, for the one reason that it is a humanitarian measure and a great protection to the employees of the railroads and the traveling public, and Congress should be fully advised. I have no interest in any way in any of the train-control devices which are in existence, and my only thought in bringing this matter to your attention is that the people should be given the protection which train control affords. It is a fact that the only device that has been approved by the Interstate Commerce Commission is the Regan automatic train-control device, and since this name is used frequently in the reports of the Interstate Commerce Commission, it will have to be referred to many times. I want to explain now that the plea of the railroads and the newspaper propaganda against this device makes it very embarrassing for anyone who has taken an interest in the proposition. I know that the Interstate Commerce Commission has been embarrassed over the use of this to such an extent that it has become almost a crime in the eyes of some people to mention the name of the Regan device. I again state that I have no

pride in the name of any device in the name of Regan and have no interest other than the humanitarian end of the proposition. I will have to say many times that the Regan device is the one which has been approved by the Interstate Commerce Commission; all other devices have so far not been approved; and it is the one I have myself inspected and seen its successful operation.

Mr. Speaker, in order to explain the necessity for the approval of H. R. 9773, it will be necessary for me to state briefly the history of train control, and I am laying before Congress information I have gathered principally from the records of the Interstate Commerce Commission and from my personal observation of the operation of train control.

HISTORICAL

It has long been recognized that some form of protection should be provided to prevent railroad collisions. This subject has been a live issue since 1880, with ever-increasing interest, until in 1906 Congress passed an act directing the Interstate Commerce Commission to investigate the subject of automatic train control, as a result of which the commission appointed a body known as the Block Signal and Train Control Board. Reports were made to the commission annually from 1908 to 1912, inclusive. Several hundred different automatic stop and train-control systems were inspected by the board, and annual reports were made to the Congress containing such details as the commission thought necessary.

The Block Signal and Train Control Board was superseded in the development of this subject by the Bureau of Safety in 1913, and beginning with 1914 reports were made by the Bureau of Safety covering tests and inspections of many additional devices.

On January 14, 1919, the United States Railway Administration created an automatic train control committee, which also inspected a number of devices, reporting from time to time to the director general.

Definite action was taken by the Interstate Commerce Commission on January 10, 1922, when under authority of section 26 of the transportation act the commission issued order No. 13413, under which 49 railroads were given an opportunity to show cause why an order should not be entered requiring the installation of automatic stop or automatic train-control devices upon designated portions of their lines. Hearings were held before the commission during March and April, 1922, as a result of which the railroads failed utterly to show cause why the order should not be enforced; whereupon, on June 13, 1922, the commission made its order permanent, under the terms of which 49 railroads, specified by name, were required to install on or before the 1st of January, 1923, an automatic stop or train-control device or devices applicable to or operated in connection with all road engines running on or over at least one full passenger-engine division.

In this order the commission set forth the general requirements covering the design and construction of such systems, and provided that each installation made pursuant to such order should when completed be subject to inspection by and approval of the commission. In issuing this order the commission made the following statement:

We do not desire to force any carrier to adopt a particular type which it believes is not entirely suitable to its peculiar needs if there are others available which within a reasonable time may be shown to be more suitable. In view, however, of the investigations which have already been made and the time which has elapsed we are of the opinion that a six months' period will give sufficient time for any road to decide upon the device it should select. Within this time, provided a sufficient installation is made and intensive tests of the device are conducted, it can be determined whether or not the device will be suitable.

As to what has been done to carry out the order of the commission, this will be referred to later.

On January 14, 1924, the commission issued a second order requiring the installation of 92 additional divisions, and specified that installation should be completed by February 1, 1926. This order included an additional division upon 47 of the carriers contained in the first order, and additional carriers as shown therein. Hearings were held before the commission May 7, to May 17, 1924, inclusive, and again the railroads were fully represented. It was shown conclusively that an automatic train-control system which fully complied with the requisites of the commission and which had received the approval of the commission was available.

During the time the commission has been investigating this subject, and in the period 1906 to 1921, as shown by the records of the commission, there were 106,473 train accidents, in which 6,142 persons were killed, 95,936 injured, and a property loss of \$80,386,694. Of rear-end collisions there were 17,043, in

which 1,914 persons were killed and 25,974 injured, with a property loss of \$21,507,894. Of head-on collisions there were 9,255, in which 2,412 persons were killed and 34,708 injured, with a property loss of \$19,461,769.

The latest figures available and which will give you the facts regarding conditions at the present time are found in the Interstate Commerce Commission's report for the month of October, 1924. This report shows that during the month of August, 1924, 95 employees of the railroads on duty were killed, and 2,567 were injured; 14 passengers were killed, and 779 were injured. For the eight months of this year ending with August the report shows that 788 employees on duty were killed, and 20,932 were injured; 101 passengers were killed, and 3,736 were injured.

The following is taken from the Thirty-eighth Annual Report of the Interstate Commerce Commission, of December 1, 1924:

The record of accidents investigated by our forces for the year ended June 30, 1924, shows 100 collisions and derailments, in which 245 persons were killed and 1,501 injured. These accidents may be divided into four groups: (1) derailments; (2) collisions in automatic-signal territory; (3) collisions in nonautomatic-signal territory; and (4) collisions in time-table and train-order territory and yards. The following table shows the number of accidents in each group, the number in each group which probably would have been prevented if an adequate system of automatic train control had been in use, and the number of persons killed and injured in such preventable accidents:

Group	Accidents	Preventable accidents	Persons killed in preventable accidents	Persons injured in preventable accidents
Deraillments	46	14	19	77
Collisions in automatic-signal territory	12	9	18	122
Collisions in nonautomatic-signal territory	10	8	18	134
Collisions in time-table and train-order territory and yards	32	19	58	447
Total	100	50	113	780

The number of preventable accidents represent 50 per cent, the number of persons killed represent 46 per cent, and the number injured in such preventable accidents represent 52 per cent of the total number of accidents investigated, persons killed, and persons injured.

The importance of continuous effort to prevent railway accidents, with their great loss of life, injury to persons, and destruction of property, can hardly be overstated.

INTERSTATE COMMERCE COMMISSION,
Washington, December 8, 1924.

Hon. H. P. SNYDER,
House of Representatives, Washington, D. C.

MY DEAR SIR: Your letter of December 2, asking for certain data in connection with railroad accidents since May 24, 1924, was received in due course. I called upon our Bureau of Safety for the information you desire and understand that your office was advised by telephone that preparation of a list of all accidents since May 24, 1924, would require the tabulation of several thousand items. There are inclosed copies of our monthly statistical reports, which I understand will meet your present needs. These reports cover the period from May to August, both inclusive. Figures for subsequent months have not as yet been compiled. You will note that the number of accidents classed as "train accidents" are as follows:

May	1,761
June	1,654
July	1,722
August	1,906
Total	7,043

There is also inclosed a list of all accidents in which our Bureau of Safety made investigations and reports since May 24, 1924, which these reports state would not have occurred if an adequate system of automatic train control had been in use.

At the present time there are 12 accidents under investigation, 11 of which occurred since May 24. Of the 11, the result of the bureau's investigation as to the accident on the Baltimore & Ohio at Weyerton, Md., on November 15, which resulted in the death of 1 and the injury of 8 persons, has led to the conclusion that it would have been prevented by automatic train control. Investigation of one accident has developed that it would not have been so prevented, and the investigation of the remaining nine has not been sufficiently completed to permit of expression of a conclusion thereon.

Very truly yours, H. C. HALL, Chairman.

Accidents investigated by the Bureau of Safety since May 24, 1924, in the report covering which it was stated that the particular accident would not have occurred had an adequate system of automatic train control been in use

Date	Railroad	Location	Persons killed	Persons injured
June 19	Nashville, Chattanooga & St. Louis	Adairsville, Ga.	3	20
24	Hocking Valley	Linworth, Ohio	1	1
July 10	Spokane, Portland & Seattle	Avon, Ore.	1	6
29	Piedmont & Northern	Charlotte, N. C.	1	15
Aug. 15	Chesapeake & Ohio	Dayton, Ky.	1	1
16	Texas & Pacific	Grand Prairie, Tex.	1	1
30	New York Central	Syracuse, N. Y.	0	43
Sept. 6	Missouri Pacific	Howcott, La.	5	6
7	Louisville & Nashville	Frankfort, Ky.	3	1
24	Chicago, Rock Island & Pacific	Des Moines, Iowa	1	1
Oct. 3	Southern Pacific	Noonan, Tex.	2	2
3	Baltimore & Ohio	Avison, Ill.	1	16
13	Delaware, Lackawanna & Western	New Milford, Pa.	3	17
19	International	Tonawanda, N. Y.	4	98
19	Portland Electric	Nasf, Ore.	0	6
Nov. 11	Lehigh Valley	Aldene, N. J.	1	0
	16 accidents listed		28	232

Investigation has been completed of 27 other accidents which have occurred since May 24, 1924; in the reports covering these investigations no statement was made concerning automatic train control. These 27 accidents resulted in the death of 62 persons and the injury of 326 persons.

I wish to call the attention of Congress to the following editorials which have been recently published in the Washington Post:

[From Washington Post, Thursday, November 27, 1924]

FOR SAFETY IN TRAVEL

The time originally granted by the Interstate Commerce Commission for the installation of train-control appliances upon railroads will expire on January 1 next. Severe penalties are imposed by law upon such railroads as fail to comply with the commission's order. Some of the leading railroad companies are delinquent and will not be able to install the required apparatus by January 1. They are preparing an appeal for an extension of time.

There is no reasonable excuse for further delay or for an extension of time. The first order of the commission was issued nearly three years ago. The fact that some railroads complied with the order is proof that all could have done so if they had been so inclined. One reason after another was assigned for failure to obey the law, but the Interstate Commerce Commission appears to have reached the limit of its patient consideration of these excuses, and certainly the law and the public interest require that no further delays be granted.

Although some railroad companies assert that train control is in its experimental stage, the fact is well established that appliances are successfully in operation upon many roads. The prevention of accidents due to the fallible human element has been demonstrated. At the same time, on roads not equipped with train-control devices frightful accidents have occurred which would have been prevented by automatic appliances designed to stop trains in cases where the engineers ignore the usual warnings and plunge into collisions.

During the last two years many passengers have been killed because of the failure of railroads to install train-control devices. After January 1, in case of such accidents on railroads that have failed to comply with the law, it is probable that heavy damage suits could be sustained, thereby subjecting delinquent railroads to double penalties. The legal counsel of the railroads may conclude that the risks incurred by further evasion of law are more costly than the expense involved in installing safety devices. When that point is reached the railroads will doubtless install train-control devices without further pressure, but in the meantime human life may be needlessly lost.

The law commands the installation of train control. The Interstate Commerce Commission has gone beyond the limit of its authority in granting time for such installations. It is up to the railroad executives to comply with their plain duty. They need not expect to hold public sympathy in other directions if they persistently fail and refuse to provide the safety devices required by law.

[From the Washington Post, Monday, December 8, 1924]

NEEDLESS DANGER IN TRAVEL

Another rear-end collision occurred recently in which human life was lost and many persons injured. The "accident" occurred near Englewood Station, Chicago. It was preventable; and if the railroad had been equipped with train-control apparatus, the blunder of the train crew could not have resulted in a crash. A Pennsylvania passenger train from Cincinnati ran into the rear end of a special train from

Columbus. One person was killed and 25 injured, some of them seriously. Two cars of the special were crushed, and the engine of the Cincinnati train was derailed. The special train was picking up speed upon leaving the station and the regular train was slowing down when the collision occurred.

The law requires the railroads of the United States to equip themselves with train-control apparatus. Three years' notice has been given for the first installation, and the time limit will expire January 1 next. The railroads that have failed and refused to install equipment are asking the Interstate Commerce Commission to grant them further time, on one pretext or another.

The time has come for decisive action by the Government. There is no excuse for further delay. The railroads that have failed to install equipment are trifling with human life for the sake of saving money. It is an intolerable affront to the public, and a terrible calamity may occur at any time to stir the people to the danger to which they are unnecessarily subjected.

The Interstate Commerce Commission will not be doing its duty if it overlooks the public safety and interest and extends favors to the railroads that have flagrantly failed to obey the law. Let the law be applied!

Much has been said about the protection afforded by automatic block signals, yet the statistics of the commission show that between July, 1911, and March 31, 1924, there were 111 collisions caused by failure of the engineman to observe and be governed by signal indications, in which there were 510 persons killed and 2,453 injured, with a property loss—not including damage to lading—of \$1,539,074. Such human failures are not surprising, however, when one considers that the safety to trains, under present operating conditions, largely depends upon the engineman observing and being governed by a small signal light set at the top of a pole, often located at considerable distance away from the track and frequently obscured by fog, smoke, rain, or snow. All of these accidents and all of this tremendous loss of life and property occurred while the commission was investigating the subject of automatic train control.

The orders of the commission were undoubtedly based upon accurate information developed by thorough and long service inspections of automatic stop and automatic train-control devices then in operation, all of which were of the intermittent contact or ramp type, including the following:

(a) Miller automatic stop, in service since November 1, 1914, on 105.4 miles of double track—Chicago & Eastern Illinois Railroad, including 85 locomotives.

(b) American automatic stop, in service since June, 1919, on 21 miles of single track—Chesapeake & Ohio Railway, including 37 locomotives.

(c) The Regan automatic train-control system in service since March, 1920, on 22.4 miles of double track—Chicago, Rock Island & Pacific Railway, including 20 locomotives.

As distinguished from the Miller and the American automatic stop systems, the Regan automatic train-control system is so arranged as to include speed control, such as to enforce prescribed limited speed when approaching danger, and an automatic stop or prescribed low-speed control when danger is immediately impending. With this system the engineman must be alert to continue even at low speed when a dangerous condition prevails—as a misplaced switch, broken rail, open drawbridge, train standing on siding fouling the main track, or a train immediately ahead.

In other words, while the other systems described permit a train to move at full speed in the face of danger, the Regan system stops the train unless the engineman is alert, when by pushing a button he is permitted to enter the block at low speed, while with the other systems he may release and then proceed at full speed.

Fully satisfied with the test installation of the Regan system, covering a period in excess of three years, the Chicago, Rock Island & Pacific Railway, in compliance with the order of the Interstate Commerce Commission, decided to install, and did install, the Regan system throughout its Illinois division, and in line with the order, submitted plans and specifications and promptly complied therewith, completing the installation of 165.4 miles of double main track from Blue Island to Rock Island, Ill., and 102 locomotives on November 1, 1923. This installation was inspected by the commission, such inspection being completed November 30, 1923, and approved by the commission on December 17, 1923.

It will be noted that the Rock Island complied with the order of the commission and completed its installation of the Regan system one year before the time limit set by the order. Further, the Regan automatic train-control system was ap-

proved by the commission as in full compliance with the requisites laid down by that body.

This installation was completed at a total cost of \$235,780, including all expense of installation.

INTERCHANGEABILITY

The question of interchangeability has been set forth as one of the difficulties preventing such carriers from complying with the order of the commission. What are the facts as to this? The records show that the New York Central lines are testing three different types of automatic train control, none of which is interchangeable with the others.

The Chicago, Indianapolis & Louisville, the Chicago & Eastern Illinois, and the Atchison, Topeka & Santa Fe, using the same terminal at Chicago, are testing three different types of train control, none of which is interchangeable.

Reference to the tabulation of carriers, which is made a part of this record, will show the position of the carriers as to the adoption of automatic train-control appliances and the inconsistency between the demand for interchangeability and the devices now under test.

If interchangeability is to be secured, such that trains using joint tracks or detour will operate successfully with automatic train control, surely the best solution of the problem lies in the railroads of the same operating group adopting the same automatic train-control system. The train-control system adopted by the Chicago, Rock Island & Pacific Railway is the only train-control system in service which was installed in line with the order of the commission and which has been approved by the commission. As such, it has set the standard with which other railroads in its territory should comply.

FUEL ECONOMY—SAVING IN OPERATION

In addition to the conservation of life and property, experience has shown tremendous savings in operation due to this scientific improvement in railroad service, as under a train-control system not alone is safe operation insured but, substituting the principle of "spacing trains by restricting their speed" rather than by stopping them, as is done under the present antiquated method of railroading, train control becomes an asset and a distinct earning power. Whereas the American Railway Association rules provide that a train shall stop at automatic block signals in the "stop" position, and then proceed under a certain speed prescribed by rule alone, the Regan automatic train-control system, as heretofore stated, compels the train to reduce speed and compels the engineman to indicate his alertness to the situation by acknowledging the "stop" signal and permits the train to proceed under safe speed without stopping. Such is the practice and the rule on the Illinois division of the Rock Island, where a check of the operation during the month of July, 1924, showed that in the movement of 1,105 freight trains and 1,183 passenger trains there were a total of 6,078 freight-train stops and 485 passenger-train stops eliminated, which, capitalized at the American Railway Association figure of \$1.92 per stop, would amount to the tremendous figure of \$150,000 per annum in the saving of fuel, wear and tear on equipment, and loss of time.

To stop a heavy-tonnage train unnecessarily costs money; to install a proper system of train control increases track capacity and saves money.

Mr. Aishton, president of the American Railway Association, is authority for the statement that if 1 pound of coal were saved per 1,000 gross-ton miles, it would mean a saving of \$3,165,000 per annum. To stop a heavy-tonnage freight train unnecessarily consumes an average of approximately 665 pounds of coal, so that when safety can be secured with economy in such measure as the figures above indicate with the installation of automatic train control there is evidently no good reason why further delay should be permitted if the reason for delay is based on the cost of installation.

RAILROADS—AND COMPLIANCE WITH ORDER NO. 13418

The Chicago, Rock Island & Pacific Railway has complied with the order of the commission, and the Regan automatic train-control system has been approved. At this moment no other train-control system has been approved. It is evident that other railroads have made no serious attempt to carry out the order of the commission. Numerous experiments and tests are being made on short sections of track, evidently with the hope that there will be an extension of time granted and that installations over additional mileage which may be ordered by the commission will be postponed and probably abandoned. The railroads have already succeeded in securing modification of the second order of the commission covering a large number of railroads which were scheduled for completion by January 1, 1926; but order of June 13, 1922, as it applies to

the carriers listed herein, and which were ordered to have their installations completed on a full passenger engine division by January 1, 1925, was not modified or extended.

Automatic train control should be installed without further delay. The attempt of the railroad companies to cloud the issue should be discouraged, considering that an approved automatic train-control system is available and that the manufacturers of this device are conscientiously striving to secure installations; that they have the ability to make good; that they have successfully met all tests laid down by the commission or by any railroad. Considering further that an automatic train-control system is operating successfully and to the entire satisfaction of the officials and the men on the railroad upon which it is installed there should be no further delay in its adoption.

The officers are outspoken in their commendation of the device, and the locomotive engineers of the division on which it is installed are enthusiastically in favor of it. There is no greater obligation resting upon the railroads, the Interstate Commerce Commission, and the Congress than that of security and safety for the traveling public, for there is no condition in life where a competent and valuable citizen is so helpless to protect himself from bodily injury or death as when riding as a passenger on a railroad.

As to what has been done by the railroads over the many years the commission has been investigating this subject, a study shows that no installations were made on any railroad except upon the initiative and at the sole expense of inventors and manufacturers. Even on the Rock Island Railroad the preliminary installation was made entirely at the expense of the Regan Co., and it was not until the system had qualified in service for a period covering three years that authority was given by the board of directors to equip a full operating division.

In spite of the fact that an approved automatic train-control system is available that complies with all of the requisites covering design and construction as laid down by the commission, that it is in daily service on one of the great trunk-line railways, under all conditions of traffic, performing to the full satisfaction of the officials of the railroad, an installation comprising 330 miles of track and 102 locomotives; in spite of the fact that all witnesses from that railroad testifying before the Interstate Commerce Commission, including the vice president in charge of operation, locomotive engineers, and others, fully indorsed the device; in spite of the fact that locomotive engineers of the division on which it is installed have by resolution unanimously indorsed the device and recommended its extension; regardless of the fact that this train-control system qualified under the period of test outlined by the commission and that the manufacturers are prepared to install it on any railroad, the railroads of this country have by a studied campaign of camouflage and in violation of the principles that should actuate these common carriers set out to defeat the will of Congress and the orders of the commission.

What is the reason for the delay? The device approved by the Interstate Commerce Commission, as heretofore stated, has fully qualified. I understand that a supply of the apparatus is available. It has demonstrated that tremendous savings in operation may be secured on lines of dense traffic, and this information is all in the hands of the railroad companies. The subject of train control has been taken out from the realm of theory and is now an actual accomplishment.

What is the reason for failure of the carriers to install this device?

Let us analyze the situation by reference to the carriers covered by the order, which shows the following:

Atchison, Topeka & Santa Fe: Union Switch & Signal Co.'s continuous induction. Complete division. Nonapproved device.

Atlantic Coast Line: Short-track section General Railway Signal Co.'s intermittent induction. Nonapproved device.

Baltimore & Ohio Railroad: No installation.

Boston & Albany (New York Central): Some experiments made. No installation.

Boston & Maine: No installation.

Buffalo, Rochester & Pittsburgh: Small test installation. General Railway Signal Co.'s induction system. Disapproved by the commission. No further installation.

Central Railroad of New Jersey: No installation.

Chesapeake & Ohio: American intermittent ramp type; 61 miles single track and 64 locomotives equipped. This system has no speed control. Nonapproved device.

Chicago & Alton: Experimenting with Bostwick induction 20 miles roadway, 16 locomotives, vicinity of Bloomington, Ill. Nonapproved device.

Chicago & Eastern Illinois: Miller intermittent ramp type, installed in 1914; 105.4 miles double track, 65 locomotives. Nonapproved device.

Chicago & Erie: No installation.

Chicago & North Western: No installation.

Chicago, Burlington & Quincy: Twenty-mile Sprague intermittent induction. Nonapproved device.

Chicago, Indianapolis & Louisville: 20-mile roadside

Chicago, Indianapolis & Louisville: Twenty-mile roadside, six locomotives, Sprague intermittent induction. Nonapproved device.

Chicago, Milwaukee & St. Paul: Union Switch & Signal Co.'s continuous induction. River division. Nonapproved device.

Chicago, Rock Island & Pacific: Regan automatic train-control system, intermittent ramp type, 165 miles double track, 102 locomotives equipped. Approved device.

Chicago, St. Paul, Minneapolis & Omaha: This carrier has been relieved by the commission from compliance with the order, although a line of comparatively dense traffic.

Cincinnati, New Orleans & Texas Pacific: Thirty-five and two-tenths miles General Railway Signal Co.'s intermittent induction, with several locomotive equipments. Nonapproved device.

Cleveland, Cincinnati, Chicago & St. Louis (New York Central): Twenty-mile roadside, six locomotive equipments. General Railway Signal Co.'s continuous induction. Nonapproved device.

Delaware & Hudson: Four miles Federal Signal Co.'s continuous induction, 1923. Nonapproved device. No further attempt at installation.

Delaware, Lackawanna & Western: Twenty miles Union Switch & Signal Co.'s continuous induction, 10 locomotive equipments. Nonapproved device.

Erie Railroad: No installation.

Galveston, Harrisburg & San Antonio (Southern Pacific): Fifty-one miles Bostwick induction system. Nonapproved device.

Great Northern: Twenty miles Sprague intermittent induction, with seven engine equipments. Nonapproved device.

Illinois Central: Twenty miles Union Switch & Signal Co.'s modified continuous induction, with 10 locomotive equipments. Nonapproved device.

Kansas City Southern: No installation.

Lehigh Valley: Short track section, General Railway Signal Co.'s intermittent induction. Nonapproved device.

Long Island (Pennsylvania Railroad): No installation.

Louisville & Nashville: Union Switch & Signal Co.'s continuous induction. Nonapproved device.

Michigan Central (New York Central): Twenty miles, General Railway Signal Co.'s continuous induction and several locomotive equipments. Nonapproved device.

Missouri Pacific: Twenty-five miles, Bostwick intermittent induction; 29 locomotive equipments. Nonapproved device.

New York Central: Twenty miles, Sprague intermittent induction; 15 locomotive equipments. Nonapproved device.

New York, Chicago & St. Louis: Experimenting with small installation Union Switch & Signal Co.'s continuous induction. Nonapproved device.

New York, New Haven & Hartford: Experimenting with small installation Union Switch & Signal Co.'s continuous induction. Nonapproved device.

Norfolk & Western: Union Switch & Signal Co.'s continuous induction, complete division. Nonapproved device.

Northern Pacific: Twenty miles, Sprague intermittent induction with seven locomotive equipments. Nonapproved device.

Oregon-Washington Railroad & Navigation Co.: Union Switch & Signal Co., continuous induction. Complete division. Nonapproved device.

Pennsylvania Railroad: No compliance with order as to installation on designated division. Test installation on Lewiston branch, completed 1923. Nonapproved device.

Pere Marquette: No installation.

Philadelphia & Reading: Union Switch & Signal Co.'s continuous induction; complete division. Nonapproved device.

Pittsburgh & Lake Erie (New York Central): Twenty miles, Union Switch & Signal Co.'s continuous induction; 10 locomotive equipments. Nonapproved device.

Pittsburgh, Cincinnati, Chicago & St. Louis: No installation.

Richmond, Fredericksburg & Potomac: Union Switch & Signal Co.'s continuous induction, 25 miles; 16 locomotive equipments. Nonapproved device.

St. Louis-San Francisco Railway: Twenty miles, Bostwick intermittent induction; 22 locomotives. Nonapproved device.

Southern Pacific: Bostwick intermittent induction. Nonapproved device.

Southern Railway: No installation.

Union Pacific: Union Switch & Signal Co.'s modified continuous induction. Nonapproved device.

West Jersey & Seashore (Pennsylvania Railroad): No installation.

Western Maryland: Relieved from order of commission.

It will be noted that none of the carriers covered by the order of the commission, other than the Rock Island, have adopted the only automatic train-control system that has been approved, and that some are installing systems that have been inspected and not approved; others are making or figuring upon small installations that have not been approved; while still others have made no evident move in the selection of a device.

It is worthy of note that carriers which are proceeding with expensive installations costing approximately \$10,000 per mile (for nonapproved devices) are among those carriers earning in excess of 6 per cent on valuation or have tremendous surpluses, in the face of the fact that the approved system can be installed at approximately \$2,000 per mile of double track, including both locomotive and roadside equipment complete.

The action of the common carriers subject to the transportation act when automatic train control is considered is deplorable. Their position has been one of consistent objection, one of constant obstruction to the consummation of the act of Congress and the orders of the commission. It is probable that they recognize the fact that the orders of the commission now confronting them cover but a small proportion of the total passenger mileage and that their tactics are based upon a desire to prevent the issuance of further orders or bring about a modification of those now in effect.

No matter what the motive may be, it is safe to say that from the viewpoint of the traveling public, which to a very large extent includes the holders of railway securities, this great improvement is here to stay, and that within a few years it will be a source of wonder how railroad trains were operated at such extremely high speeds as are now in vogue without such protection. Surely when safety, efficiency, and economy are considered, automatic train control as demonstrated in daily service on the Rock Island, stands out as one of the great engineering achievements—the utilization of the resources of nature for the benefit of mankind—and represents an immense stride toward conservation in the saving of fuel, wear and tear on equipment, and in the increased safety which it insures to the traveling public.

The responsibilities resting upon the Interstate Commerce Commission to enforce its train-control orders are clearly defined by law. In so far as the railroads are concerned, they should be compelled to comply with the law and with the orders of the commission. Surely public safety is a matter in which partisanship can not be shown.

In opposing the order of the commission the representatives of the carriers have contended that no automatic train-control device is sufficiently developed as to warrant installation, and that such devices are in the development or experimental stages. In all fairness to the railroads who have taken this position, the statement may be made truthfully that automatic train control is advanced to a far greater degree of perfection than was the automatic signal, automatic coupler, or automatic air brake when those great improvements were adopted. Nothing could be more perfect in its operation, as demonstrated under actual service conditions, than the automatic train-control system that has been approved by the commission. Duplicating the conditions which resulted in such terrible wrecks as occurred at Porter, Ind., the Twentieth Century wreck at Forsyth, N. Y., and many others, this train-control system has demonstrated its perfection in the prevention of such accidents when for any reason the human agency fails.

In view of the facts, and the investigations and inspections by experts of the commission, it is evident that the railroads have not moved in the direction of compliance with the order of the commission with a view of finding a suitable automatic train-control system for installation; and when it is considered that the first order covers but 10,000 miles of track of a total passenger mileage in excess of 250,000 miles, or 5 per cent of the total—that but approximately 5,000 locomotives of a total of 60,000, or about 8 per cent of the total, distributed among 49 carriers—there should be prompt steps taken to enforce the order of the commission by making the penalty such as will insure prompt action.

The Congress, in section 26 of the Interstate Commerce Commission act, authorized the commission "after investigation to prescribe the installation of automatic train stops or train-control devices, or other safety devices upon the whole or any part of the railroad or any carrier by railroad subject to the act."

The commission has investigated and inspected through its experts many hundreds of inventions and systems covering a

period in excess of 18 years, and for the past three years has concentrated its attention upon investigations, inspections, and analyses of actual installations. As a result, the commission has approved the automatic train-control system which was installed by a great trunk-line railway in conformity with the order of the commission, as in full compliance with the requisites of the commission.

The time limit as set by the commission for compliance with its order for the installation of such systems, namely, January 1, 1925, is about to expire. The penalty for noncompliance is evidently inadequate to produce the desired action. Prompt and strenuous measures should be taken by the Congress and such a penalty imposed as will cause the carriers to comply with the order of the commission without further delay.

Here is the language used by Commissioner Esch, and which is concurred in by Commissioners McChord and Cox, of the Interstate Commerce Commission, with regard to the necessity of adopting train control. You will find this language on page 448, Interstate Commerce Commission Report No. 13413. He says:

With the exception of three roads that have installed devices of the ramp type the carriers generally have definitely stated to us that they will not install this latter type. Thus they discard the successful results of years of effort to develop a practicable automatic train-control device, which upon final test we have found meets all our requirements. In view of the expressed attitude of the carriers, the commission's decision and conclusions appear to have but little weight. In view also of this decision of the carriers—if they are to be permitted to adhere to it—any further expenditure of either time or money experimenting with this type of device would simply be wasted, notwithstanding the fact that it has been found by us to meet every requirement and that we have approved its installation. This would be true even though a joint committee should supervise such experimentation.

On page 449 of the same report they make this further statement:

In its original report in this case, June 13, 1922, this commission gave the history of what has been done by Congress and the commission with respect to automatic train control. Congress and this commission have been at work for more than 18 years in an endeavor to persuade and require the carriers to install automatic train control, with scant results.

And on page 450 of the same report they use this language:

We had concluded prior to our first report (1) that the need for automatic train-control devices had been clearly shown, and (2) that devices had been developed and used under actual service conditions that met this need in a practical manner. These conclusions were and still are the bases for our orders in this case. They are the results of over 15 years of study culminating in many months of tests and observations under actual service conditions. The facts are too well known to need further discussion.

Now, Mr. Speaker, in the face of all these facts, can it be said that the railroads of this country are going to be allowed to go on ignoring the orders of the Congress and the Interstate Commerce Commission? And shall the Congress and the people of this country sit calmly by and allow people to be injured and killed almost daily, as has been pointed out in the remarks I have made, when an improved device can be installed on these roads at a reasonable cost, which would not only save thousands of people from becoming injured, but would save hundreds of lives and would be a saving on the upkeep and operation of the railroads to the extent that the interest on the cost of installation would be more than saved?

Section 26 of the interstate commerce act provides that the railroads shall be fined \$100 per day for noncompliance with the orders of the Interstate Commerce Commission, and this penalty has brought no results, thereby furnishing the necessity for the enactment of my bill, H. R. 9773, which provides as follows:

That section 26 of the interstate commerce act as amended is amended to read as follows:

"SEC. 26. That the commission may, after investigation, order any carrier by railroad subject to this act, within a time specified in the order, to install automatic train-stop or train-control devices, or other safety devices, which comply with specifications and requirements prescribed by the commission, upon the whole or any part of its railroad, such order to be issued and published at least two years before the date specified for its fulfillment: *Provided*, That a carrier shall not be held to be negligent because of its failure to install such devices upon a portion of its railroad not included in the order; and any action arising because of an accident happening upon such portion of its railroad shall be deter-

mined without consideration of the use of such devices upon another portion of its railroad. Any common carrier which refuses or neglects to comply with any order of the commission made under the authority conferred by this section shall be liable to a penalty of \$1,000 for each day that such refusal or neglect continues, which shall accrue to the United States, and may be recovered in a civil action brought by the United States. Every director, officer, or employee of a common carrier, or other person, in whom, at any time within the period for compliance with an order of the commission made in respect of such carrier under the authority of this section, there is vested, by appropriate action of the board of directors or the president of the carrier, the duty to cause compliance with such order (or if such action has not been taken, then every president and director of the carrier during such period), shall, if (1) an accident involving bodily injury or loss of human life occurs upon the railroad of such carrier, and (2) such accident is attributable in whole or in part to any failure to comply with the order of the commission, and (3) such director, officer, employee, or other person willfully or negligently failed to cause such compliance, on conviction of such offense in a court of competent jurisdiction, be subject to a fine of not more than \$5,000 or be imprisoned for not more than five years. As used in this section, the term "board of directors" includes any other board, committee, or agency or any person in whom are vested the powers commonly vested in a board of directors of a common carrier, and the term "president" includes any other chief executive in whom is vested the powers commonly vested in a president of a common carrier."

This measure warrants the prompt attention of this Congress.

MONUMENT TO "NUNS OF THE BATTLE FIELD"

Mr. TAGUE. Mr. Speaker, I ask unanimous consent to extend my remarks by publishing a speech delivered by former Congressman Kennedy.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks by inserting in the Record a speech delivered by ex-Congressman Kennedy. Is there objection? [After a pause.] The Chair hears none.

Mr. TAGUE. Mr. Speaker, under leave granted to me to extend my remarks in the Record I include an address delivered at the ceremonies attending the unveiling of the monument to the "Nuns of the Battle Field," in Washington, D. C., Saturday afternoon, September 20, 1924, by Hon. Ambrose Kennedy, of Woonsocket, R. I., a former Member of Congress, who for 10 years represented in this House the third district of Rhode Island, as follows:

The leading events of the Civil War have been often repeated in the years that have since come and gone, and in every section of the country are observable numerous tablets and memorials dedicated to the deeds of chivalry and heroism that signalized that memorable struggle. The eye is always gladdened at the sight of impressive shaft and pillar proclaiming in silence the gratitude of a people to the national heroes whose genius preserved the Nation and whose lives sum up a large part of its history. Their names and fame have been and always will be held in reverent remembrance by true and loyal Americans everywhere.

In the annals of that war there is one glorious chapter that has too long remained uncelebrated, but, due to the generosity and patriotism of the women of the Ancient Order of Hibernians, we are commemorating it on this spot to-day. Here, on public ground, a new and imposing monument stands revealed. Not to the heroes but rather to the heroines of the Civil War is this splendid memorial dedicated. The advancing generations of Americans as they pass this way in the years to come and view this fine creation in bronze and granite will realize then, if they never did before, that hard by the far-flung battle lines, where shot and shell carried their terrible message of death and destruction in the war of '61, there were heroines in the garb of the Catholic sisterhoods, who, amidst these hideous surroundings, were ever ready to relieve the anguish and strengthen the hopes of the suffering and dying soldiers.

Up to 10 years ago, when the Ladies' Auxiliary of the Ancient Order of Hibernians began to prepare the way for the erection of this memorial, very little had been heard of the services of these war-nursing sisters. Yet their devoted and patriotic ministrations shed glory upon the many thrilling occurrences of the Civil War. They were the special almoners of mercy amidst the ghastliest horrors then known to human warfare. Though suddenly and unexpectedly called into service, they were not unprepared for the trials that confronted them amidst the heartrending and revolting scenes of this crowded theater of action. If they were lacking in material equipment, by their faith and charity they were admirably prepared. These virtues they had long before pledged to the service of God and humanity. The privations incident to the havoc and confusion of war did not in the least dishearten them, for their usual practice of self-sacrifice and

self-denial enabled them to overlook the things that affected their own personal comfort and devote their attention solely to the relief and assistance of the wounded and dying. Many of these sisters came from old and famous institutions of learning in different parts of the country; many others from orphan asylums and well-established hospitals where they had hitherto presided, to answer the official call for nurses and take up the harder tasks and duties which the horrors of war entailed. Many of them, too, belonged to orders whose victories for charity constituted a bright page in the history of antecedent wars, both in Europe and America.

Hundreds of sisters, representative of 12 different orders, took active part in the service, the details of which volumes alone could unfold. The number comprised Sisters of Mercy, Sisters of the Holy Cross, Sisters of St. Joseph, Sisters of Charity of Nazareth, Sisters of Charity of St. Vincent de Paul, Sisters of the Mother Seton Order of Charity, Sisters of Our Lady of Mt. Carmel, Sisters of the Poor of St. Francis, Sisters of Our Lady of Mercy, Sisters of Providence of St. Mary of the Woods, Sisters of St. Dominic, and the Ursuline Sisters. All these furnished their respective quotas to labor in the humane and merciful work. And they did service in 18 States and in the District of Columbia, laboring in military hospitals and going from one battle field to another in ambulances, in old wagons, and in every form of vehicle that could be made available, where thousands of suffering and dying soldiers in the Blue and in the Gray were the objects of their tender ministrations. Not only did they nurse the patients, but in gentle whispers they spoke the words of consolation that lightened the burdens which oppressed the hearts of these soldiers.

In administering to the comfort of these unfortunates, these sisters exhibited a wonderful spirit of fortitude and charity, and they showed no preference whatever in the application of their labors. Their services were impartially rendered on Union and Confederate sides. When their labors were concluded, without pomp or parade, but with the calm and quiet that characterized their coming, softly and silently they returned to their pre-war occupations, and from that day to this no historian has ever recorded their names and no Congress until the Sixty-fifth had ever paid them a tribute of recognition. That Congress granted to the Ladies' Auxiliary of the Ancient Order of Hibernians the privilege of erecting a memorial to the war-nursing sisters and they have nobly erected it here. All honor to the public spirit and patriotism of that organization! It has called back almost from oblivion the story of those dark-robed messengers of mercy who, at the call of President Lincoln, voluntarily left the peaceful atmosphere of their accustomed surroundings to serve amidst the noxious vapors of military camp and hospital in the awful hour of misery and affliction.

The services rendered by these various sisters stand forth conspicuously, evincing a splendid heroism among the many and varied scenes of that war; and, to their honor, be it said, they never sought nor received any tangible rewards for their labors. I venture to say that, if they were living to-day, they would in their humility lay but little, if any, claim even to the recognition which this belated monument indicates. Well did they know that the works of mercy they so tenderly performed transcend the measure of reward which earthly wealth or recognition can bestow.

Many a tribute has been paid them by Union and Confederate soldiers, but none more touching or expressive than that of an eyewitness to their labors which appears in the Recollections of Abraham Lincoln.

"Of all the forms of charity and benevolence seen in the crowded wards of the hospitals, those of some Catholic sisters were among the most efficient. I never knew whence they came or what was the name of their order. More lovely than anything I have ever seen in art, so long devoted to illustrations of love, mercy, and charity, are the pictures that remain of these modest sisters going on their errands of mercy among the suffering and the dying. Gentle and womanly, yet with the courage of soldiers leading a forlorn hope, to sustain them in contact with such horrors. As they went from cot to cot, distributing the medicines prescribed, or administering the cooling, strengthening draughts as directed, they were veritable angels of mercy. Their words were suited to every sufferer. One they incited and encouraged, another they calmed and soothed. With every soldier they conversed about his home, his wife, his children, all the loved ones he was soon to see again if he was obedient and patient. How many times have I seen them exorcise pain by their presence or their words! How often has the hot forehead of the soldier grown cool as one of these sisters bathed it! How often has he been refreshed, encouraged, and assisted along the road to convalescence, when he would otherwise have fallen by the way, by the home memories with which these unpaid nurses filled his heart!"

In the hospital and military reports of the Civil War may be found here and there records of the enlistments of many of these war-nursing sisters. Some of the institutions, also, from which they went out to answer the call to service still retain the original registers of their names. From these and other sources have been carefully collated and placed in the records of Congress of the 18th of March, 1918, a long and authentic roll of their names, both family and re-

ligious. But this record is by no means complete. Lapse of years has made a complete record impossible. Many of these names were assembled by a distinguished member of your order, Mrs. Ellen Ryan Jolly, who gave years of painstaking study and research to this subject and who resolved long ago that one day the name and fame of these sisters would be fittingly and publicly honored.

That happy day has arrived, and her labor of love is accomplished. Here on this piece of ground in the Nation's Capital she sees her fondest hope realized in the erection of this beautiful memorial. It is her work from its origin to its consummation. Long may it stand a testimonial to her fidelity to the righteous purpose it represents! Long may it remain to preserve and perpetuate the memory of the "Nuns of the Battle Field," whose labors for God and humanity in the trying days of the Civil War were an inspiring example of the doctrine of faith we cherish that in the performance of loyal Christian service in this life lies the surest way to eternal happiness in the life to come!

SAMUEL GOMPERS

Mr. HAWES. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. HAWES. Mr. Speaker, my request for unanimous consent for an extension of remarks in the Record regarding Samuel Gompers was occasioned by many years of pleasant friendship, and, in addition, I have the conviction that he was not only a remarkable man but a great American; that he remained steadfast to the broader principles of orderly government, and that his Americanism was acquired by study, reflection, and experience. It did not come to him through birth, environment, or heredity; it was an intellectual acquisition.

I have disagreed with him on many matters, but in the matter of American patriotism he was splendid.

He had brilliant wit of a sympathetic kind which did not hurt.

More men called him by his first name than any other man that ever lived, and he had the remarkable faculty of remembering names, and the first name or a nickname were the handles he usually applied.

There was a perpetual conflict going on within his great brain, developed by study, experience, and contact with men, and his big heart, which was always interested in the sentimental—in music, art, and good fellowship.

Children liked him. He was fond of animals. He had courage of a high order. He could say "no" upon occasion when to do so invited defeat.

To retain for nearly half a century leadership over the diversified interests—sometimes impatient demands—of the organized labor movement in this country presents a record unparalleled in the labor history of the world.

No wonder that upon his death the press of the country unite in speaking well of him! Great chiefs of industry, with whom he clashed and fought, respect his memory, and I feel sure he will be hard to replace.

He had that vast experience which is the best teacher, and his successor, no matter how able or well informed, can not come prepared, because no man now living has such a long record of the things that have gone before. Few men have the retentive memory possessed by him. His experience and memory were two strong elements of his great power.

I met him frequently under very trying circumstances. On one occasion, during the peace conference in Paris, accompanied by a delegation of representatives of American labor, just at a period when America's participation in the great World War had astounded Europe, every device of cajolery and appeal was pressed upon him to lead the American delegates to the international conference of labor leaders to be held at Berne, Switzerland.

I was present in Paris at the time, and in conversation with "Sam" when he was approached by American correspondents with an inquiry as to whether the American representatives of labor would attend the international convention of radicals to be held in Berne his answer was emphatic and in picturesque form. He stated the Americans would not go or become a party to such convention, as it did not represent the thought of American labor. I was impressed with his emphasis and his clear way of repudiating any connection or sympathy with the Bolshevik movement.

He fought to the utmost for labor, but his contentions for betterment were made under orderly and accepted legal methods.

He understood our theory of government, and any proposals from him were to be employed by legal enactments; and even in proposing changes they were rarely, if ever, of a revolutionary character.

He led American labor in supporting President Wilson during the war.

My feeling of personal friendship for this man was based upon many pleasant conversations on subjects which did not relate to labor problems, but on one occasion, upon being called upon to deliver an address upon the subject of labor, I reviewed some of his statements and speeches. Among many I found the following, showing vision, breadth, and statesmanship:

I do not know that I am entitled to very great credit because I am not a Bolshevik. With my understanding of American institutions and American opportunities, I repeat that the man who would not be a patriot in defense of the institutions of our country would be undeserving of the privilege of living in this country.

Again he said:

I stand in so far as I can and dare—and I dare much—for the principles of natural and national development and growth.

I am opposed, as is organized labor of America, to any destructive policy.

There is nothing that is worth while maintaining that I would aid or abet in destroying.

Our policy, our work, our method, our ideas, and our ideals, are to build, to construct, to grow, to help in the development of the highest and best in the human family; to make to-day a better day than yesterday, to make to-morrow a better day than to-day, to make to-morrow and to-morrow's to-morrow each a better day than the one that has gone before. That evolutionary process of progress and improvement is the basis for the opportunity for freedom, justice, and democracy.

He believed that American organized labor occupied a middle place in between extreme capitalistic selfishness and the I. W. W. and kindred movements of what he termed "irresponsibles" or "irreconcilables."

It is a question of dealing with such a movement as represented by the American trade-unions—the American Federation of Labor—or dealing with a body of irresponsibles or irreconcilables. If we are not on the right track, then those who represent the wildest orgy of destruction with no consideration for the rights of individuals will come to the front. It is a matter of choice between dealing with such elements or dealing with the constructive forces of the organized-labor movement of our country.

We find a touch of Jefferson and a thought from Wilson in this statement:

Freedom is not a condition, nor is democracy a condition. Freedom is the exercise, the functioning of freedom, the practice of freedom, the practice of democracy. All that society can give, all that government can give, is the opportunity for freedom. It depends upon the people to be intelligent and grow into the feeling, the exercise, and practice of the function of freedom. It was because the principles of freedom and democracy were menaced by the system of autocracy and militarism that the people of our country and the peoples of other countries and of the democracies of the world rallied around their banners and declared and made good their willingness to make the supreme sacrifice for the principles, the institutions, and the practice of freedom which were threatened to be overwhelmed and crushed.

He never permitted fine-spun theories and impracticable political panaceas to control his movements or change his convictions, as illustrated in this statement:

The field is littered with the whitened bones of those who have gone seeking salvation through laws. This the American labor movement has recognized, and there is no immediate danger that this philosophy will be deserted in favor of whims and caprices of similar portent. In the realm of political life there is always present the great personal necessity for remaining in political life. In the realm of industry there is only the necessity of going forward with the tasks and battles of industrial life, out of which we can not emerge even if we should wish to. The facts are inescapable, the battles must be fought where they are. Industry is real, as real as tools, and iron, and coal, and wheat. Men can lay their hands to the things of industry and get the feel of them. There is definiteness in industry, a great, all-enveloping, all-enfolding definiteness that comes as natural to mankind as life itself, because he goes through life by the feel of these things of industry.

There is nothing fixed and definite in the realm of abstraction, in the realm of politics. It lends itself to a false understanding of things that are real. When men depart from the fundamental productive process of the life of the world there is no power on earth

that can guarantee the accuracy of the course they still pursue. Look back upon the record of falsity made by these movements of abstraction in the war. Against such error the American labor movement in its loyalty to the cause of mankind sets its face and must continue to set its face.

He had but four years in school but became a great writer and speaker of unusual attainment. He was without affectation and hit from the shoulder.

To-day thoughtful American people in high places and in low are honoring the memory of Samuel Gompers, and the Russian people, as reported by the newspapers, are driving Trotsky from his rule.

The American Jew, Samuel Gompers, fought the Russian Jew, Trotsky, and, more than any other man, stopped the spread of Bolshevism in this country.

He opposed sabotage and communism and defeated it by upholding trade-unionism.

He knew that our forefathers, in their declarations of equality, did not mean that all men were created equal mentally, morally, and physically, but that all men had the equal right to the law's protection and equal rights to the world's opportunities for life and happiness.

He did not understand that liberty was license, and he knew that a democracy which degenerates may quickly turn to lawlessness, and after a brief period of misrule would become the prey of some strong man. This was the history of nations, which he had read and understood.

He knew that democracy was ordered liberty, which should respect and safeguard the rights of all.

There were many discouragements for him because of the impatience which would proceed with more speed than safety. He knew better than most men that conditions are improved by steadily gaining point upon point and not by pulling down good and bad together in one hasty action.

He never had the dream that government could make everyone rich but believed it should give an equal opportunity to become rich.

He believed in preserving the real things which are worth while and to bring about by persuasion changes which were desired through the ballot and the suffrage in the old-fashioned way.

He knew that without law property, life, order, and happiness are impossible.

His method was to educate the voice of the majority.

Experience and history had taught there could be but one basis of settlement—an American one—made under the law, and there can be but one flag—the American flag.

The American people will watch with interest the naming of his successor. Will he understand our institutions as Mr. Gompers did?

Will he have his sagacity, his diplomacy, his broad sympathy, and, above all, his patience?

If his successor adopts the thoughts of Mr. Gompers as a guide, then truly his last words will be an inspiration for the man who follows him. Turning to his nurse, the great American labor chief said, in his parting breath:

This is the end. God bless our American institutions. May they grow better day by day.

LEAVE OF ABSENCE

By unanimous consent, Mr. CHOLL (at the request of Mr. CUMMINGS) was granted leave of absence for five days on account of death in his family.

BILLS LAID ON THE TABLE

The SPEAKER. Without objection, two measures, House Joint Resolution 181 and the bill H. R. 7887, will be laid on the table, similar bills having become laws.

There was no objection.

ADJOURNMENT

Mr. MAGEE of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Friday, December 12, 1924, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 3842. A bill to provide for terms of the United States circuit and dis-

trict courts at Denton, Md.; without amendment (Rept. No. 1038). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. J. Res. 240. A joint resolution confirming the execution of an agreement to settle the boundary line between the States of New York and Connecticut, and for other purposes; without amendment (Rept. No. 1039). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 5083. A bill to create an additional judge in the district of Maryland; without amendment (Rept. No. 1037). Referred to the Committee of the Whole House on the state of the Union.

Mr. UNDERHILL: Committee on the District of Columbia. H. R. 9435. A bill to provide for commitments to, maintenance in, and discharges from the District Training School, and for other purposes; without amendment (Rept. No. 1041). Referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. Res. 365. A resolution requesting the Secretary of the Treasury to furnish to the House of Representatives certain information regarding Robert J. Owens, a prohibition agent; adverse (Rept. No. 1040). Laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DRANE: A bill (H. R. 10644) to provide for a site and public building at Winter Haven, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. GARNER of Texas: A bill (H. R. 10645) granting consent of Congress to the Valley Bridge Co. for construction of a bridge across the Rio Grande near Hidalgo, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. SWEET: A bill (H. R. 10646) for the relief of the State of New York; to the Committee on Appropriations.

By Mr. KELLER: A bill (H. R. 10647) extending time for the completion of the bridge across the Mississippi River between the cities of St. Paul and Minneapolis; to the Committee on Interstate and Foreign Commerce.

By Mr. PHILLIPS: A bill (H. R. 10648) authorizing the construction of a bridge across the Ohio River between the municipalities of Ambridge and Woodlawn, Beaver County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. SPROUL of Illinois: A bill (H. R. 10649) to permit certain national associations to operate booths in public buildings containing post offices; to the Committee on the Post Office and Post Roads.

By Mr. BURTON: A bill (H. R. 10650) to authorize the settlement of the indebtedness of the Republic of Lithuania to the United States of America; to the Committee on Ways and Means.

Also, a bill (H. R. 10651) to authorize the settlement of the indebtedness of the Republic of Poland to the United States of America, and for other purposes; to the Committee on Ways and Means.

By Mr. SPROUL of Illinois: A bill (H. R. 10652) to permit certain national associations to furnish post offices with cancellation dies; to the Committee on the Post Office and Post Roads.

By Mr. LaGUARDIA: Resolution (H. Res. 378) to determine the number of immigrants who have entered the United States from the Republic of Mexico from July 1, 1924, to December 1, 1924, their destination and occupation; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNS of Tennessee: A bill (H. R. 10653) granting an increase of pension to Sallie A. Pahmore; to the Committee on Invalid Pensions.

By Mr. COLE of Iowa: A bill (H. R. 10654) granting an increase of pension to Elizabetha Oswald; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 10655) granting a pension to James B. Bentley; to the Committee on Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 10656) granting a pension to Rebecca J. Crist; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 10657) for the relief of the Commercial Union Assurance Co. (Ltd.); to the Committee on Claims.

By Mr. FOSTER: A bill (H. R. 10658) granting an increase of pension to Nancy J. Martin; to the Committee on Invalid Pensions.

By Mr. FREDERICKS: A bill (H. R. 10659) granting a pension to Sarah A. Stubblefield; to the Committee on Invalid Pensions.

By Mr. FULBRIGHT: A bill (H. R. 10660) granting a pension to Robert W. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10661) granting a pension to Frederick M. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10662) granting a pension to Melissa J. Ramsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10663) granting an increase of pension to Jesse A. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10664) granting a pension to William Bleckwendt; to the Committee on Invalid Pensions.

By Mr. GILLET: A bill (H. R. 10665) granting an increase of pension to Ellen M. Brown; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 10666) granting an increase of pension to Jane C. Stinnett; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 10667) granting an increase of pension to Mary E. Clark; to the Committee on Invalid Pensions.

By Mr. MOORE of Illinois: A bill (H. R. 10668) granting a pension to Robert Zink; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 10669) granting an increase of pension to Oscar S. Jones; to the Committee on Pensions.

By Mr. STEPHENS: A bill (H. R. 10670) for the relief of Frederick S. Easter; to the Committee on Naval Affairs.

By Mr. SWING: A bill (H. R. 10671) granting an increase of pension to Mattie L. Bailey; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10672) for the relief of the Guamoco Mining Co.; to the Committee on Claims.

By Mr. TILSON: A bill (H. R. 10673) for the relief of Alice P. Martin; to the Committee on Claims.

By Mr. UNDERWOOD: A bill (H. R. 10674) granting a pension to Ophelia C. McKnight; to the Committee on Invalid Pensions.

By Mr. UPSHAW: A bill (H. R. 10675) granting a pension to Leo Pope Ott; to the Committee on Pensions.

By Mr. WOLFF: A bill (H. R. 10676) granting a pension to Henrietta Rowe; to the Committee on Pensions.

By Mr. WURZBACH: A bill (H. R. 10677) granting an increase of pension to Phebe A. Rice; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 10678) granting an increase of pension to Lucinda Bush; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3151. By the SPEAKER (by request): Petition of Thomas Brennan Post, No. 390, Grand Army of the Republic, Department of Kansas, urging repeal of the law authorizing the Director of the Mint to issue memorial 50-cent pieces, the profits from the sale of these coins to be turned over to the Stone Mountain Memorial Association of Atlanta, Ga.; to the Committee on Coinage, Weights, and Measures.

3152. Also (by request), petition of Courtland Sanders Post, No. 21, Grand Army of the Republic, Department of Pennsylvania, favoring repeal of legislation which authorizes the Director of the Mint to issue memorial 50-cent pieces, the profits from the sale of these coins to be turned over to the Stone Mountain Memorial Association of Atlanta, Ga.; to the Committee on Coinage, Weights, and Measures.

3153. Also (by request), petition of citizens of Indianapolis, Ind., opposing the enactment into law of Senate bill 3218; to the Committee on the District of Columbia.

3154. By Mr. GALLIVAN: Petition of Kearsarge Association of Naval Veterans, Boston, Mass., recommending construction

of a cruiser for the United States Navy to be named the *Kearsarge*; to the Committee on Naval Affairs.

3155. By Mr. LAMPERT: Petition of citizens of Oxford, Wis., protesting against the enactment of Senate bill 3218, compulsory Sunday observance; to the Committee on the District of Columbia.

3156. By Mr. O'CONNELL of New York: Petition of the secretary of the Central Union Label Council, of Brooklyn, N. Y., favoring the Jones bill, for the closing of barber shops in the District of Columbia on Sundays; to the Committee on the District of Columbia.

3157. By Mr. ROUSE: Petition of 73 citizens of Campbell County, Ky., against the passage of compulsory Sunday observance bill (S. 3218) or the passage of any other religious legislation; to the Committee on the Judiciary.

3158. By Mr. WEFALD: Petition of 74 Chippewa Indians of Deer River, Minn., praying for a per capita payment of \$100 from their tribal fund to help them through the winter; to the Committee on Indian Affairs.

3159. Also, petition of 28 Chippewa Indians of Rochert, Minn., praying for a per capita payment of \$100 from their tribal fund to help them through the winter; to the Committee on Indian Affairs.

3160. Also, petition of 57 Chippewa Indians of Beaulieu, Minn., praying for a \$100 per capita payment from their tribal fund to help them through the winter; to the Committee on Indian Affairs.

3161. Also, petition of 53 Chippewa Indians of Pine Bend, Minn., praying for a per capita payment of \$100 from their tribal fund to help them through the winter; to the Committee on Indian Affairs.

3162. Also, petition of 16 Chippewa Indians of Ebro, Minn., praying for a per capita payment of \$100 from their tribal fund to help them through the winter; to the Committee on Indian Affairs.

3163. Also, petition of 89 Chippewa Indians of Cass Lake, Minn., praying for a per capita payment of \$100 from their tribal fund to help them through the winter; to the Committee on Indian Affairs.

3164. Also, petition of 43 Chippewa Indians of Naytauwaush, Minn., praying for a per capita payment of \$100 from their tribal fund to help them through the winter; to the Committee on Indian Affairs.

3165. Also, petition of 136 Chippewa Indians of Mahnomen, Minn., praying for a per capita payment of \$100 from their tribal fund to help them through the winter; to the Committee on Indian Affairs.

3166. Also, petition of 26 Chippewa Indians of International Falls, Minn., praying for a per capita payment of \$100 from their tribal fund to help them through the winter; to the Committee on Indian Affairs.

3167. Also, petition of 52 Chippewa Indians of Rice Lake District, Minn., praying for a per capita payment of \$100 from their tribal fund to help them through the winter; to the Committee on Indian Affairs.

3168. Also, petition of 62 Chippewa Indians of Fosston, Minn., praying for a per capita payment of \$100 from their tribal fund to help them through the winter; to the Committee on Indian Affairs.

3169. Also, petition of 32 Chippewa Indians of Lengby, Minn., praying for a per capita payment of \$100 from their tribal fund to help them through the winter; to the Committee on Indian Affairs.

3170. Also, petition of 39 Chippewa Indians of Rogalskis Mill, Minn., praying for a per capita payment of \$100 from their tribal fund to help them through the winter; to the Committee on Indian Affairs.

3171. Also, petition of 55 Chippewa Indians of Detroit, Minn., praying for a per capita payment of \$100 out of their tribal fund to assist them through the winter; to the Committee on Indian Affairs.

3172. Also, petition of 11 Chippewa Indians of Waubun, Minn., praying for a per capita payment of \$100 out of their tribal fund to help them through the winter; to the Committee on Indian Affairs.

3173. By Mr. WHITE of Kansas: Petition of George Morell and 51 other citizens of Collyer, Quinter, and Wakeeney, Kans., protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3174. By Mr. WOODRUFF: Petition of citizens of Big Rapids, Mich., opposing any favorable action on Senate bill 3218, called the compulsory Sunday observance bill; to the Committee on the District of Columbia.

SENATE

FRIDAY, December 12, 1924

(Legislative day of Wednesday, December 10, 1924)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

PORTER H. DALE, a Senator from the State of Vermont, appeared in his seat to-day.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll. The principal legislative clerk called the roll, and the following Senators answered to their names:

Ball	Fernald	Ladd	Robinson
Bayard	Ferris	McCormick	Sheppard
Borah	Fess	McKellar	Shipstead
Brookhart	Fletcher	McKinley	Shortridge
Broussard	Frazier	McNary	Simmons
Bruce	George	Mayfield	Smith
Bursum	Glass	Menna	Smoot
Butler	Greene	Metcalf	Stanfield
Capper	Hale	Moses	Sterling
Caraway	Harrell	Neely	Swanson
Copeland	Harris	Norris	Trammell
Cottens	Harrison	Oddie	Underwood
Cummings	Hedlin	Overman	Wadsworth
Curtis	Howell	Pepper	Walsh, Mass.
Dale	Johnson, Calif.	Phillips	Walsh, Mont.
Dial	Jones, Wash.	Ralston	Warren
Dill	Kendrick	Ransdell	Watson
Edge	Keyes	Reed, Mo.	Weller
Ernst	King	Reed, Pa.	Willis

The PRESIDENT pro tempore. Seventy-six Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 116. An act to amend section 196 of the Code of Law for the District of Columbia;

S. 923. An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia; and

S. 1343. An act to authorize the widening of Fourth Street, south of Cedar Street NW., in the District of Columbia, and for other purposes.

CREDENTIALS

The PRESIDENT pro tempore laid before the Senate a certificate of the Governor of the State of New Hampshire certifying to the election of HENRY W. KEYES as a Senator from that State for the term commencing on the 4th day of March, 1925, which was ordered to be filed and to be printed in the RECORD, as follows:

STATE OF NEW HAMPSHIRE,
EXECUTIVE DEPARTMENT.

This is to certify that on the 4th day of November, 1924, HENRY W. KEYES was duly chosen by the qualified electors of the State of New Hampshire a Senator from said State to represent said State in the Senate of the United States for the term of six years from the 4th day of March next.

Witness his excellency our governor, Fred H. Brown, and our seal hereto affixed at Concord this 25th day of November, in the year of our Lord 1924.

[SEAL.]

FRED H. BROWN, Governor.

By the governor, with advice of the council.

ENOS K. SAWYER, Secretary of State.

The PRESIDENT pro tempore also laid before the Senate a certificate of the Governor of the State of Kansas certifying to the election of ARTHUR CAPPER as a Senator from that State for the term commencing the 4th day of March, 1925, which was ordered to be filed and to be printed in the RECORD, as follows:

STATE OF KANSAS,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November, 1924, ARTHUR CAPPER was duly chosen by the qualified electors of the State of Kansas a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1925.

Witness his excellency our governor, Jonathan M. Davis, and our seal hereto affixed at Topeka, Kans., this 10th day of December, in the year of our Lord, 1924.

[SEAL.]

JONATHAN M. DAVIS, Governor.

By the governor:

FRANK J. RYAN, Secretary of State.

PETITIONS AND MEMORIALS

Mr. WARREN presented a memorial of sundry citizens of Greybull, Big Horn County, Wyo., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. JONES of Washington presented memorials of sundry citizens of Yakima and Camas, all in the State of Washington, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. SHIPSTEAD presented memorials of sundry citizens of Eresborg, Sherburne, and Blackduck, all in the State of Minnesota, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a resolution adopted at the sixty-third annual conference of the Minnesota Conference of Seventh-day Adventists, protesting against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. McKINLEY presented a memorial of sundry citizens of Chicago, Ill., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CAPPER presented a petition of sundry employees of the Holton (Kans.) post office, praying for the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. FESS presented a resolution adopted by the council of the city of Cleveland, Ohio, favoring the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the council of the city of Cleveland, Ohio, favoring the regulation of the interstate traffic in deadly weapons, which was referred to the Committee on Interstate Commerce.

Mr. FRAZIER presented the memorial of George W. Dunham and 50 other citizens residing in the Isle of Pines, remonstrating against the ratification of the so-called Hay-Quesada treaty proposing to cede the Isle of Pines to Cuba, which was referred to the Committee on Foreign Relations.

Mr. WILLIS presented memorials of A. E. Maddox and 43 other citizens; of Jesse B. Casterline and 52 other citizens; and of Ellen Lord Foote and 49 other citizens, all of Cleveland, Ohio, remonstrating against the ratification of the so-called Hay-Quesada treaty proposing to cede the Isle of Pines to Cuba, which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

Mr. FERRIS, from the Committee on Commerce, to which was referred the bill (S. 3123) authorizing the Secretary of Commerce to convey certain land to the city of Duluth, Minn., reported it without amendment and submitted a report (Rept. No. 802) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3571) authorizing the transfer of real property no longer required for lighthouse purposes (Rept. No. 803); and

A bill (H. R. 3388) to place the name of Paul Crum on the muster rolls of Company E, First Regiment Nebraska Infantry, United States Volunteers (Rept. No. 804).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRUCE:

A bill (S. 3644) for the relief of common carriers and transportation companies granting credit to the United States for transportation; to the Committee on Interstate Commerce.

A bill (S. 3645) for the relief of the Monumental Stevedore Co.; to the Committee on Claims.

By Mr. GLASS:

A bill (S. 3646) granting six months' pay to Virginia Weaver Plouk; to the Committee on Naval Affairs.

A bill (S. 3647) authorizing the appointment of Herbert L. Lee as artillery officer, United States Army; to the Committee on Military Affairs.

By Mr. JONES of Washington:

A bill (S. 3648) granting to the county authorities of San Juan County, State of Washington, certain described tracts of land on the abandoned military reservations on Lopez and Shaw Islands as a right of way for county roads, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. SHIPSTEAD:

A bill (S. 3649) to extend the time to the Chicago, Milwaukee & St. Paul Railroad for completion of bridge across the Mississippi River; to the Committee on Commerce.

A bill (S. 3650) granting a pension to Bruno Knyphausen; to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 3651) for the relief of George A. Robertson (with an accompanying paper); to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 3652) granting a pension to Patrick S. Horton (with accompanying papers); to the Committee on Pensions.

By Mr. FESS:

A bill (S. 3653) to provide for the choice of an officer who shall act as President in the event a President and Vice President shall not have been elected and qualified as provided by law; to the Committee on Privileges and Elections.

By Mr. BALL:

A bill (S. 3654) to provide for the widening of First Street between G Street and Myrtle Street NE., and for other purposes; and

A bill (S. 3655) to transfer jurisdiction over United States Reservation No. 248 from the Chief of Engineers of the United States Army to the Commissioners of the District of Columbia; to the Committee on the District of Columbia.

By Mr. WILLIS:

A bill (S. 3656) granting an increase of pension to Mary C. Wood (with accompanying papers); to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 3657) granting an increase of pension to Lola C. Armijo; and

A bill (S. 3658) granting a pension to Albert J. Fountain, sr.; to the Committee on Pensions.

By Mr. FESS:

A joint resolution (S. J. Res. 153) for the creation of a commission to prepare a constitutional amendment providing for election and terms of President, Vice President, Senators, and Representatives; to the Committee on the Judiciary.

AMENDMENTS TO MUSCLE SHOALS BILL

Mr. GEORGE, Mr. WADSWORTH, and Mr. WALSH of Montana each submitted an amendment intended to be proposed by them to House bill 518, the so-called Muscle Shoals bill, which were severally ordered to lie on the table and to be printed.

AMENDMENT OF INTERSTATE COMMERCE ACT

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (S. 3594) to amend paragraph 11, section 20, of the interstate commerce act, which was referred to the Committee on Interstate Commerce and ordered to be printed.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. McNARY submitted the following amendment intended to be proposed by him to House bill 10020, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed:

The appropriation of \$125,000 for cooperative investigations of the feasibility of reclamation projects, including the Guernsey Reservoir of the North Platte project, Nebraska-Wyoming; the Spanish Springs project in Nevada, the Owyhee and Vale projects in Oregon, projects in the Salt Lake Basin of Utah, the Kittitas Division of the Yakima project in Washington, and the Casper-Alcova project in Wyoming; including personal services in the District of Columbia and elsewhere, and the purchase, repair, maintenance, hire, and operation of motor-

propelled and horse-drawn passenger-carrying vehicles, contained in the second deficiency act, fiscal year 1925, approved December 5, 1924, is hereby reappropriated and made available for the fiscal year 1926.

To be inserted at the proper place in the bill.

APPROPRIATIONS FOR RAILROAD VALUATION WORK

The PRESIDENT pro tempore. The Chair, as a Senator from the State of Iowa, asks unanimous consent to submit a Senate resolution, and asks that it be printed in the Record and referred to the Committee on Interstate Commerce. Is there objection?

There being no objection, the resolution (S. Res. 283) was referred to the Committee on Interstate Commerce and ordered to be printed in the Record, as follows:

Whereas the budget for the fiscal year ending June 30, 1926, allots \$1,000,000 to enable the Interstate Commerce Commission to carry on the work of the valuation of common carriers subject to the act to regulate commerce approved February 4, 1887, and all the amendments thereto; and

Whereas it is estimated by the Interstate Commerce Commission that it will require to complete that work within two years the sum of \$4,148,300, and that of said aggregate sum \$2,369,626 should be expended in the year ending June 30, 1926, and \$1,778,674 in the year ending June 30, 1927; and

Whereas it is of the highest importance to the people of the country that the work of the Interstate Commerce Commission in that regard shall be completed at the earliest possible moment inasmuch as the ascertainment of the value of the properties of these common carriers must furnish the basis for the making, adjustment, and readjustment of the rates for transportation; and

Whereas it is estimated by the Interstate Commerce Commission that under the provisions of paragraph 6 of section 15a there was due at the close of the calendar year 1923 to the United States from certain of said common carriers the sum of \$69,668,000, divided as follows: For the year 1920, \$5,568,000; for the year 1921, \$12,500,000; for the year 1922, \$15,000,000, and for the year 1923, \$36,600,000, to which must be added a very large amount as the Government's share of the excess earnings for the year 1924; and

Whereas it is impossible for the Interstate Commerce Commission to demand and collect any part of said sums until the valuation of the properties of the common carriers which owe these sums is completed; and

Whereas many activities of the Interstate Commerce Commission depend upon the completion of the work of valuation: Be it therefore

Resolved, That it is the sense of the Senate that the Interstate Commerce Commission should be allotted sufficient funds to carry on the work of valuation with the greatest possible expedition; be it further

Resolved, That the Director of the Budget is earnestly requested to review this subject and to recommend to the President of the United States an enlargement of the sum allotted to the Interstate Commerce Commission for the year ending June 30, 1926, to at least \$2,369,626, and if that be done the Senate respectfully asks the President of the United States to consider favorably the supplemental report of the Director of the Budget.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, announced that the House had passed a bill (H. R. 10404) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes, in which it requested the concurrence of the Senate.

RULES IN COMMON-LAW ACTIONS

Mr. WALSH of Montana. I ask unanimous consent that Order of Business No. 668, being the bill (S. 2061) to give the Supreme Court of the United States authority to make and publish rules in common-law actions, may be recommitted to the Committee on the Judiciary. I beg to say that the President pro tempore, Mr. CUMMINS, who is chairman of the Committee on the Judiciary, has authorized me to state to the Senate that this action is entirely satisfactory to him.

Mr. CURTIS. What is the bill, Mr. President?

The PRESIDING OFFICER (Mr. LADD in the chair). It is Senate bill 2061.

Mr. SMOOT. The Senator from Iowa [Mr. CUMMINS] is the author of the bill.

Mr. CURTIS. Very well.

The PRESIDING OFFICER. In the absence of objection, the bill will be recommitted to the Committee on the Judiciary.

HOUSE BILL REFERRED

The bill (H. R. 10404) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Mississippi [Mr. HARRISON] to the amendment in the nature of a substitute submitted by the Senator from Alabama [Mr. UNDERWOOD].

Mr. McKELLAR. Mr. President, on line 11, page 2, of the amendment submitted by the Senator from Mississippi it is proposed to insert the following:

The lessee shall pay as the annual rental for use of such properties an amount not less than 4 per cent of the total amount expended by the United States in acquisition, construction, and completion of Dams Nos. 2 and 3 and the purchase and emplacement of all machinery, gates, or other metal parts or material used in the construction of locks, dams, and power houses: *Provided*, That the rental for said dams, or either of them hereinbefore provided for, shall become operative upon their delivery to the lessee.

The rental for all these properties is 4 per cent on \$45,800,000, or between \$1,800,000 and \$1,900,000 a year for the rental period. What will the Alabama Power Co., in the event it gets this property and, of course, it will in my judgment get it, receive for that rental? It will receive Dam No. 2, on which the Government has actually spent already, or will have spent by the time it is delivered, the sum of \$45,800,000, according to figures that have been submitted to me by the department, on which will be paid a 4 per cent rental, an exceedingly small rental for that particular property. I call the Senate's attention to the fact that that is a very small portion of the property which the Alabama Power Co. would get under the lease for 4 per cent. I am going to state what property it would receive for this exceedingly small rental:

All of the property at nitrate plant No. 1, including the steam power plant, all of the land connected therewith, all of the buildings thereon, and all the building material, machinery, fixtures, equipment and appurtenances, tools and appliances; likewise all the property owned by the United States at nitrate plant No. 2, including its steam power plant; all of the land and the buildings thereon, the material, machinery, fixtures, tools and equipment, and personal property of all kinds and descriptions owned by the Government; all the land and machinery owned by the Government at Waco Quarry, together with all the buildings, machinery, railroad tracks, tools, engines, cars, and all other property located at and connected with the Waco Quarry plant.

In the aggregate the Government has spent the following sums for those properties: Plant No. 1, \$13,443,941.31; nitrate plant No. 2, \$67,071,236.20; Waco plant, \$1,200,000; or a total of \$81,815,177.51.

Mr. KING. How much has been spent on Dam No. 2?

Mr. McKELLAR. On Dam No. 2 up to October 31, 1924, the Government had spent \$35,081,074.55. They have had \$39,258,410, and they estimated that it will cost \$6,541,590 additional and that the total cost to complete it will be \$45,800,000.

Mr. KING. Does that mean Dam No. 2?

Mr. McKELLAR. That is Dam No. 2.

Mr. KING. About \$45,000,000?

Mr. McKELLAR. Yes; \$45,800,000.

Mr. KING. What did Dam No. 1 cost when completed?

Mr. McKELLAR. Dam No. 1 is not involved in this controversy. It is an entirely separate proposition.

Mr. KING. It has been completed?

Mr. McKELLAR. Yes. It has nothing to do with the present controversy. That is a navigation project.

I want the Senate to listen to the property the company would get under the lease. In the aggregate it is some \$82,000,000 worth of property in addition to the cost of Dam No. 2, of \$45,800,000. Listen to this, Senators, before you cast your vote to transfer this property to the Alabama Power Co.

When the Government commenced the construction of these plants it was necessary to build homes for the workers. In fact, the Government bought sufficient land to build a town at nitrate plant No. 1 and another town at nitrate plant No. 2. There are 13 locomotive engines. There is a large number of other kinds of cars and railroad equipment. At nitrate plant No. 1 there are 112 permanent houses, at nitrate plant No. 2 there are 186 permanent houses, and at Waco Quarry there are 14 permanent residences. The houses at the nitrate plants are fully equipped with every modern convenience. They have electric lights, heating plants, running water, bathrooms, and are in every way modern.

I stop long enough to say that there are over 300 of these residences thus equipped at the two little towns, both of which and all of which will pass under the terms of the proposed amendment.

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. McKELLAR. I yield.

Mr. NORRIS. The Senator must not forget that there is also another town at Dam No. 2.

Mr. McKELLAR. The Senator is right. I have not included that, but what he states is true.

At nitrate plant No. 1 there is a large water-filtration system. This water system is so large that it will not be economical to use it until this town has grown into a city. At nitrate plant No. 2 there is another water-filtration plant. Instead of a standpipe, the Government utilized a large hill and constructed a reservoir on its top. These towns are about 5 miles apart, and are both capable of almost indefinite expansion. The houses are surrounded by beautiful, well-kept lawns and have macadamized streets and cement sidewalks. There are also at these plants nearly 500 other houses that were built for temporary purposes. Altogether there are 30 miles of macadamized roads on this property. There are 28 miles of sewers, 23 miles of water mains, and 54 miles of electric light facilities. At the Government town located at nitrate plant No. 2 there is a furnished hotel of 100 rooms.

The Government still owns a large amount of land suitable for the construction of additional homes and for other purposes. At these two Government-owned towns there are altogether 4,200 acres of land, a great portion of which is still vacant and ready for additional improvement. There are also at Waco Quarry 450 acres of land.

In addition to all this, the Government, in the event the Alabama Power Co. is given a lease of this property, will turn over to it more than \$2,000,000 worth of personal property, much of which is absolutely new and has a definite market value. For instance, there is a vast quantity of all kinds of building material, properly stored in sheds. None of this is second-hand and was all bought with the idea of building permanent homes and other structures. For instance, there are more than 6,000,000 feet of lumber. There are shingles, doors, plaster, windows, several millions of various kinds of common and fancy brick, lath, slate shingles, hollow building tile, and so forth; there are 10,500 wooden doors, 3,000 screen doors—all of which the Alabama Power Co. could sell on the market the next day after the transfer was made.

In addition to this, there are many cars and railroad engines which were used in the construction of nitrate plants Nos. 1 and 2, which are now absolutely unnecessary in the operation of these plants. These engines and cars and much of the railroad track, although second hand, could be sold at a fair value for cash. In addition to this, there is a vast amount of other material that has been used in the construction of these plants that is unnecessary in their operation. This consists of a great deal of secondhand lumber, tools, office furniture, consisting of typewriters, desks, and so forth, and a large amount of camping equipment that was used at the beginning of the construction period, camping furniture of all kinds in enormous quantities, temporary structures for the housing of employees during the construction period, which could be readily sold for cash and in the open market. A careful valuation of property of this description has been made and very conservatively valued, and it shows that \$1,500,000 could be realized from this source alone. Putting it all together, the personal property, both new and second hand, that is of no value in the operation of these plants, and could be sold without any injury whatever, has a total value at a very conservative estimate of over \$2,000,000.

Mr. President, if the Alabama Power Co. or any other company which may lease this property should acquire solely and alone plant No. 2, which cost \$45,800,000, it would get a won-

derful bargain, and at only 4 per cent interest; yet it is proposed in the pending substitute to convey to the lessee property which cost the Government over \$82,000,000 and which, I have no doubt, is worth in the neighborhood of half that sum.

Senators, how can you defend a vote by which you will convey this great water power, that cost the Government \$45,800,000, to a private corporation for only 4 per cent interest, without any replacement provisions in the contract, and then, in addition, give them property that is worth probably \$40,000,000? How are you going to defend that? How can any of us defend it if it shall be done? Yet that it will be done, apparently, there does not seem to be much doubt.

Mr. REED of Missouri. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Missouri?

Mr. McKELLAR. I yield.

Mr. REED of Missouri. I am very much interested in the last statement which the Senator has made. I have been examining the pending measure and I desire to ask, is it a fact that there is no provision to be made in the contract whereby the lessee shall maintain the property?

Mr. McKELLAR. There is a provision for maintenance but not for replacement, which is quite a different thing. Especially under a lease for 50 years, where a large part of the property is machinery, it will unquestionably have to be replaced within the 50-year period; and without a provision for replacement, as I am going to argue a little later—and I was coming to that proposition—it will cost the Government perhaps as much to replace it if it keeps it there as the entire rental received.

Mr. REED of Missouri. Mr. President, I do not wish to argue the question, and I am merely making the inquiries for information. We, of course, all perfectly understand that an ordinary lease for a property similar to this would contain a provision to the effect that the property is to be kept and maintained in as good condition as it is delivered; and in this particular instance, as to machinery, the lease ought not to contain in the contract the usual clause which excepts ordinary wear and tear, because ordinary wear and tear in this instance would, of course, consume a large part of the property. So the lease ought to be so drawn, as I think we will all agree, that at its end or sooner termination the property when turned over to the Government will be in substantially as good condition as it was when delivered. It is very important to know what the fact is with reference to that question.

Mr. UNDERWOOD. Mr. President—

Mr. McKELLAR. If the Senator from Alabama will pardon me, I will read to the Senator from Missouri the pertinent provision of the substitute covering the suggestion he has made. The language is:

and that after the lease is entered into the lessee shall maintain the property covered by the lease in good repair and working condition for the term of the contract.

There is something about replacement. It merely means that the lessee will maintain the property. When the lease runs out, of course, there is no obligation on the part of the lessee in that provision to replace the property.

I wish to call the attention of the Senator from Missouri and of the Senate in this connection to what the Alabama Power Co. proposed about replacement last January when it made its offer, which is still before the Government. Section 3 of that proposal reads:

The power company will, at its own expense, throughout the lease period, operate and make all necessary renewals and repairs incident to efficient maintenance of the spillway gates, the power house and substructures, superstructures, machinery, and appliances appurtenant to the power house, and will maintain the same in efficient operating condition—

And so forth.

In other words, the company itself offered to make renewals, while under the pending substitute it is only proposed to require them to maintain the property.

Mr. DIAL. Mr. President, is it not true that the Government has realized a very small percentage on the sale of any of the properties which it disposed of after the war? I am not contending, of course, that any Government property should be sacrificed, but is it not true that much of the property which the Government acquired during the war when sold brought a very small return? In the Senator's own State, for instance, my recollection is that a powder plant there, which cost the Government something like \$85,000,000, sold, perhaps, for less than \$5,000,000.

Mr. McKELLAR. That is very true, although I do not know about this particular case to which the Senator refers. I do know, however, that many Government plants which were constructed in time of war did not sell for anything like their value, and, in fact, brought only a small proportion of their value. But in this case we are transferring to a lessee a dam which has cost since the war \$45,800,000 at only 4 per cent interest as rental, and, in addition, we are giving them property which cost the Government some \$82,000,000 and probably is worth half that amount at this time. Dam No. 2 is amply worth this rental.

Mr. DIAL. I do not understand that we are giving them all the other property. We are merely leasing it to them. Some personal property might go with the lease, but not the properties on which the Government has expended so much money.

Mr. McKELLAR. I doubt if even the 300 splendid residences will be of any value to the Government at the end of the 50-year period. I imagine that they will be substantially worn out at that time. So, if the Senator from South Carolina shall vote for this bill and the property should pass to a lessee under the bill, he will have, in my judgment, voted to give at least \$40,000,000 to a lessee under this contract for absolutely nothing, and he will have voted away the money of the American people.

Mr. DIAL. I should like to have the Senator tell me what we should vote for, if we are not to vote for the pending measure.

Mr. McKELLAR. I am glad the Senator has come to that. I have reached a conclusion myself and I do not object to telling the Senator very frankly what that conclusion is. The Senator from Nebraska has said that he is willing to accept a provision under which the Government will be obligated to manufacture 40,000 tons of fixed nitrogen a year, at least substantially, as provided in the Underwood amendment. I think under such a plan the desired amount of nitrogen is more likely to be manufactured than it will be under the Underwood substitute. With such an amendment and some other amendments that I am sure will be agreed to I am going to support the measure requiring the Government operation of this plant.

Mr. KENDRICK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Wyoming?

Mr. McKELLAR. I yield.

Mr. KENDRICK. I want to ask the Senator from Tennessee if he was in favor of the Ford offer?

Mr. McKELLAR. I was.

Mr. KENDRICK. In the light of that circumstance, Mr. President, I am unable to see how the Senator can object to the use, rent free, of this property, the title to which under the Ford offer he would transfer outright.

Mr. McKELLAR. There is quite a difference between the Ford offer and this, if the Senator has read them both.

Mr. KENDRICK. The Ford offer simply proposed to pay for this property, as I read the figures, \$1,500,000 for about seventy-odd million dollars of invested capital. This offer just leases the land instead of giving title to it.

Mr. McKELLAR. The Ford offer proposed to give \$5,000,000 in cash.

Mr. KENDRICK. Five million dollars with the plant that cost \$3,500,000.

Mr. McKELLAR. It proposed to give, then, \$5,000,000 in cash for this property. I think that was exceedingly cheap; but that is \$5,000,000 more than the Alabama Power Co. is offering for the property. Five million dollars may be a small amount to the Senator, but it is not such an insignificant amount so far as I am concerned. I should much prefer an offer of 4 per cent and \$5,000,000, especially in view of the other considerations connected with the Ford offer, to this proposal which puts it in the hands of the Alabama Power Co., as I think I can show in a few moments, without the \$5,000,000.

Mr. KENDRICK. Mr. President, I want to call the Senator's attention to the fact that written in the Norris bill as passed by the House there is a provision under which the Government shall expend, under the direction of Mr. Ford, about \$3,500,000 that would have been granted to him under that bill. That reduces his actual payments to the Government to about \$1,500,000.

Mr. McKELLAR. No; not exactly that way. The Senator is right in part, as I understand the record, and he is wrong in part. The additional \$3,000,000 would have to be added to the cost of plant No. 2, and he would have to pay the interest on that. That is the only difference between the Senator and myself. There is no question about the fact. Ford offered

\$5,000,000 in addition to the 4 per cent, and that is all there is in it.

Mr. KENDRICK. Mr. President, all I can say in answer to the Senator from Tennessee is that the figures, of course, would show the facts, and I am sure they would prove that the Senator is mistaken.

Mr. McKELLAR. Perhaps so. That is not very material at this point, and I want to come to something else.

It may be said that this company is not going to get all of this property. I want to call attention to the first section of the Underwood amendment:

That the United States nitrate fixation plants Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings used in connection therewith—

That takes in the 3,000 acres of land; it takes in all those three or four hundred residences, the 100-room hotel, the sewers, the improved streets and sidewalks and lights, and everything—

all tools, machinery, equipment, accessories, and materials thereunto belonging; all laboratories and plants used as auxiliaries thereto; the Waco limestone quarry in Alabama and any others used as auxiliaries of said nitrogen plants Nos. 1 and 2; also Dam No. 2, located in the Tennessee River at Muscle Shoals, its power house, its auxiliary steam plants, and all of its hydroelectric and operating appurtenances, together with all machines, lands, and buildings now owned or hereafter acquired in connection therewith—

That even takes in the navigation facilities; it takes in the locks themselves; and if a contract should be entered into in accordance with the terms of this bill, this company could actually charge the Government for every boat that passed down through the locks and charge them for operating the locks. It would have the control and the ownership of the whole thing, and yet we are conveying it to the lessee.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. McKELLAR. In just a moment I will yield.

I next call attention to the fact that section 6 provides that all of the properties described in section 1, "in compliance with the terms and conditions," etc., will be included in the lease. Now, a day or two ago the Senator from Alabama [Mr. Underwood] stated that the Alabama Power Co. was not going to bid on this property. I do not know whether it is or not.

Mr. UNDERWOOD. Mr. President—

Mr. McKELLAR. Does the Senator desire to modify that statement?

Mr. UNDERWOOD. No; I do not. I just want to correct the Senator's statement. I said that after I had introduced this bill I had merely a conversation with one of the officers of the Alabama Power Co., who told me that he would not make a bid under this bill. That came to me from one of the officers. If the Senator has any question about it, I shall be glad to introduce him to the officer.

Mr. McKELLAR. I do not care to talk to him about it. I am opposed to his getting the plant, and there is no use in complicating the matter by a personal conversation.

Mr. UNDERWOOD. What I want to say is that I do not go any farther than that statement, and I do not believe they will make a bid; but when the Secretary comes to make the lease I am not concerned with whom he makes the lease if he makes a lease within the terms of the bill. I have no favorites in it. He can make it with anybody he pleases.

Mr. McKELLAR. Mr. President, in this connection I ask unanimous consent to place in the Record at this point an article from the Nashville Banner of, I think, Wednesday last. I have not it before me, but I will put in the article. It states that the Alabama Power Co. had bought the street railway companies in Sheffield, and probably in surrounding territory; that it was buying up the land in that territory. I take it that since it has gone out to the country that the Senate is going to fall over itself in passing this bill, this great corporation, which is already under a temporary lease for the steam plant, reasonably construed that it would get the plant, and is now buying up the little town in order to enhance its business further. That is all right; I do not blame it; but it ought to afford some reason why we should look into the matter before we vote on it.

I have a letter from one of my constituents saying that he is the owner of quite a large property down at Sheffield, and that the Alabama Power Co. recently had offered him a small profit on his investment, and he wanted my advice. I could not advise him. I do not know. Evidently, though, it is a strange thing that the Alabama Power Co. is buying up the public utilities in the vicinity of the shoals, and buying the lands in the vicinity of the shoals, and yet does not propose to bid

if it has the opportunity under this bill. In my judgment, the Senator from Alabama is mistaken. I think the Alabama Power Co. is just waiting to get this bill through, when it will purchase this plant. That is my judgment about it.

Mr. KENDRICK. Mr. President—

Mr. UNDERWOOD. Mr. President, just in this connection, if the Senator from Wyoming will pardon me a moment, I know nothing about the Alabama Power Co.'s purchase of the utility plants at Sheffield except what I have read in the papers. I read in my home papers an account similar to what the Senator says; but the public utilities in Sheffield have nothing more to do with this plant than the public utilities in Huntsville or Birmingham or anywhere else. They have no connection whatever with the matter.

Mr. McKELLAR. Why, Mr. President, it is just as certain as that day follows night that if this company did not believe that it was going to obtain this plant under the terms of the bill it would not be buying up the real estate and public utilities in and around Muscle Shoals.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. McKELLAR. I had better yield first to the Senator from Wyoming [Mr. Kendrick], because he was on his feet first. Then I will yield to the Senator from Arkansas.

Mr. KENDRICK. Mr. President, in the interest of fairness I want to say to the Senator from Tennessee, as one of the members of the committee who visited Muscle Shoals and gave a good deal of time and effort to a study of the situation there, that I was surprised to learn, as it seemed to me, from an authorized source, that the Alabama Power Co. had deeded to the United States Government the lands abutting on Dam No. 2 at Muscle Shoals without money and without price, as I remember. Is not that the case?

Mr. UNDERWOOD. One dollar was the consideration of the deed.

Mr. McKELLAR. Well, that dollar was better spent than any other dollar that was ever spent in history if the company gets this plant in consideration of it.

Mr. KENDRICK. I thought it ought to be said in fairness, and in view of the statement made by the Senator, that these people who are now charged with intent to monopolize the situation had actually granted to the Government the very land on which Muscle Shoals Dam No. 2 was erected.

Mr. McKELLAR. I am glad the Senator has put that in. I want to be absolutely fair. I have no desire to be anything else but fair; but I will say to the Senator that if the Senator's vote is going to be influenced by that, surely that dollar cast upon the waters was Biblical bread that has been used to very, very fine advantage.

Mr. KING. Mr. President, will the Senator yield?

Mr. McKELLAR. I promised to yield to the Senator from Arkansas [Mr. Caraway]. Then I will yield to the Senator from Utah.

Mr. CARAWAY. Mr. President, I want to ask the Senator a question, because I have always believed that we should understand exactly what we say and what we intend to say. Is it the Senator's belief that some kind of a conspiracy has been entered into to promote this legislation in order to help the Alabama Power Co.?

Mr. McKELLAR. Oh, no.

Mr. CARAWAY. Then what does the Senator mean by saying that this legislation means that the Alabama Power Co. is to have the plant?

Mr. McKELLAR. Because the Alabama Power Co. now has the steam plant; because the Alabama Power Co. has before the Secretary of War and before the Congress a substantially similar offer, offering precisely the same consideration in so far as dollars and cents are concerned, to wit, 4 per cent on the \$45,800,000; because this bill affords a proposition that is so much better for the Alabama Power Co. than what it has already offered; because the Alabama Power Co. is buying up the lands in and around Sheffield; because the Alabama Power Co. is buying the public utilities in and around Sheffield. I may be mistaken about it; it may be that I am unfortunate in not understanding those facts; the Alabama Power Co. has long wanted the plant. It has tried in every way to get the plant. It now has a part of the plant, to wit, the steam part of it, and it is using it on its transmission lines; and if these things that I have stated are the facts, it is the most natural belief in the world from all these facts that the Alabama Power Co. will get the plant, and I have no doubt about it in my own mind.

Mr. CARAWAY. Then the Senator must mean by that, if I understand him, that there is some kind of an understanding between the people who are promoting this legislation and the Alabama Power Co.

Mr. McKELLAR. Oh, no.

Mr. CARAWAY. Let me ask the Senator a question. Does not his statement inevitably lead to that conclusion?

Mr. McKELLAR. No; because I am trying to argue with these very Senators who have been and who are now favorable to this legislation. I am trying to get the facts before them, in the hope and belief that when all the facts do come before Senators, every one of whom I know to be honest and sincere and desirous of doing what is right for the Government and for the American people, they can be induced to change their minds.

Mr. CARAWAY. Under the provisions of this bill anybody may lease the property who makes the best offer, may he not?

Mr. McKELLAR. Not necessarily the best offer; oh, no.

Mr. CARAWAY. The Secretary of War, then, must be either corrupt or ignorant, because it is with him to make the contract, and unless he is going to make a contract that is either foolish or corrupt, the man who makes the best offer must necessarily get it, must he not?

Mr. McKELLAR. Not necessarily, for this reason—

Mr. CARAWAY. Why?

Mr. McKELLAR. If the Senator will permit me, I will tell him why I think so. We have already voted down all regulation of the terms of this lease by the United States Government. When there was an attempt to apply to this matter the provisions of the water power act, which was passed by the Congress and which was supposed to apply to all of the water powers in the country, it was voted down.

Mr. CARAWAY. Will the Senator yield?

Mr. McKELLAR. Yes.

Mr. CARAWAY. What amendment seeking to apply the provisions of the water power act was voted down, the Senator's amendment?

Mr. McKELLAR. My amendment.

Mr. CARAWAY. Does not the Senator know that his amendment was nullified by the proviso in the water power act; that if his amendment had been agreed to this would have been absolutely the only project in America that has been created since the water power act was passed that would not have been in line with it? The proviso absolutely nullifies the power of the Water Power Commission when a State shall have a body to regulate the distribution and sale of power.

Mr. McKELLAR. Mr. President, let me make this suggestion to the Senator. The only difference between the regulation provision in the water power act and the one here is that I put the power in the hands of the Secretary of War. I believe the Secretary of War could better regulate this company, under the circumstances, under this lease, than could the Water Power Commission. I would be glad to insert the Water Power Commission.

Having this amendment in mind, having selected it out of the water power act, when the Senator from Oregon [Mr. McNARY] offered his amendment, which applied all of the regulations of the water power act to this, I voted against it. I made a mistake, a mistake I am going to vote to rectify, so far as I can do it, when it comes up again. I expect to vote for the amendment of the Senator from Oregon when it comes up in the Senate, if he offers it again; and if he does not offer it, I hope some one else will. I probably will offer it myself unless he does. I believe there ought to be national regulation.

Mr. CARAWAY. Mr. President—

Mr. McKELLAR. If the Senator will just permit me a moment—and then I will yield to him—here we are turning over to this company a plant that cost in actual money, since the war—not during the war, but since the war—\$45,800,000, and I do not believe there is a person in the Senate who does not know that the property is worth not only every dollar of the \$45,800,000, but with the power it is worth vastly more than that sum. In addition, we are proposing by this substitute to give the lessee probably \$40,000,000 more of the American people's money. It is a national proposition. It is to be turned over by the National Government. It is a matter over which the National Government alone has jurisdiction, under the Constitution and laws of the United States, and yet it is proposed that we denude ourselves of every power of regulation. The Senator from Alabama has said that if the lessee did not do its duty, if it did not do right, he would be here to raise his voice in protest against its action. That is true; the Senator from Alabama always protests against what he believes to be wrong, and he is entitled to the greatest credit for it. He is a courageous representative of his people. But what good will a protest in the Senate do after a contract is made, after the property is gone, after the power to regulate is gone? We should, in some way, keep the power to regulate. Now I yield to the Senator from Arkansas.

Mr. CARAWAY. If the Senator will permit me, if this were a project that was constructed under the water power act, does the Senator contend that the Water Power Commission could control and regulate the distribution of power in Tennessee?

Mr. McKELLAR. Yes.

Mr. CARAWAY. Then what does the proviso mean which says that as soon as Tennessee shall have a regulatory body itself, all the powers of the commission under this act cease? Does that mean anything? "Cease" means to quit, does it not?

Mr. McKELLAR. I know; but I do not agree with the Senator's proposal about that. The Tennessee commission, under the water power act, as I read it, will have exactly the same power to regulate that part of it in Tennessee as the railroad commission of Tennessee has to regulate railroads in Tennessee. But where there is an interstate transmission of power, then the regulation is there, and if it is not there, after building this plant for the lessee without a dollar of money being paid out by the lessee, in Heaven's name we ought to put it there, after the expenditure of this enormous sum.

Mr. CARAWAY and Mr. NORRIS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Tennessee yield further; and if so, to whom?

Mr. McKELLAR. I yield first to the Senator from Arkansas.

Mr. CARAWAY. Of course, if the Senator wants to go back now and amend the water power act, and say "We can not trust the State commissions; Tennessee can not regulate its own affairs, and the Government has to be its guardian," that is all right.

Mr. McKELLAR. Wait one moment.

Mr. CARAWAY. Just a minute.

Mr. McKELLAR. I do not want the Senator to put me in that attitude, because that is not my attitude.

Mr. CARAWAY. I am just putting the Senator where he is putting himself.

Mr. McKELLAR. Oh, no. The transmission of power from one State to another is a function of government that has been turned over by the States to the National Government, and I am not taking away any rights from them.

Mr. CARAWAY. The mere power to transmit it does not have anything to do with it. The power of saying how much it shall be sold for and how it shall be distributed is the only vital thing. The line that transmits it to the public is not worth a cent one way or the other. We might just as well be absolutely fair. We think the States have patriotism and sense enough to regulate their own affairs, or we think they need guardians, and that the States ought to be abolished.

I have noticed a great deal of heat about this matter. I was a member of the committee before which these hearings were conducted. There is no use going out and disguising what we want to do. We either want private enterprise to develop power or we want the Government to do it. There is no use trying to make it impossible for private interests to succeed if they shall engage in the business. Why not just throw off the disguise and say that we are no longer willing to trust private individuals with control of their own business; that we think they all need guardians?

Of course, this is not personal, but I noticed when a great power plant up in Tennessee, which cost eighty-five or ninety million dollars, sold for three, nobody on the floor of the Senate shrieked then. Tennessee people bought it for two or three million, when it cost \$85,000,000. I do not recall anybody particularly filled with horror at the advantage some people were getting over the Government.

Mr. McKELLAR. Does the Senator think that if that were sold too cheap, that is any reason why we ought to give this away to the Alabama Power Co. or any other company?

Mr. CARAWAY. I thought that if the Senator was so outraged about this, he ought to have been shocked a bit when that happened.

Mr. McKELLAR. I am sorry it did not bring more.

Mr. CARAWAY. I do not recall that the Senator made any protest.

Mr. McKELLAR. I did not.

Mr. CARAWAY. That is what I thought.

Mr. McKELLAR. It was a very different matter.

Mr. CARAWAY. Of course, one was a powder plant and the other was a fertilizer plant, but they were both built by the Government.

Mr. McKELLAR. One was a war plant.

Mr. CARAWAY. They were both war plants, absolutely.

Mr. McKELLAR. One was a temporary one.

Mr. CARAWAY. No; they were both permanent.

Mr. McKELLAR. I yield to the Senator to say what they were. Go ahead.

Mr. CARAWAY. Just this other thing: The Senator just now made the assertion that this project is worth all that it cost.

Mr. McKELLAR. Oh, no, Mr. President.

Mr. CARAWAY. Did not the Senator just a minute ago say—

Mr. McKELLAR. Does the Senator mean Dam No. 2?

Mr. CARAWAY. That the whole thing was worth all it cost.

Mr. McKELLAR. Dam No. 2; yes; \$45,800,000.

Mr. CARAWAY. There are a good many business men in this country who are rather familiar with the value of such plants, are there not?

Mr. McKELLAR. I imagine so.

Mr. CARAWAY. And if it is worth that much, and they have a perfectly free chance to obtain it under what the Senator says are the most outrageously favorable terms, why will they not go and bid on it? Why will they not make it impossible for this iniquitous institution called the Alabama Power Co. to get it if it is worth that much in the open market?

Mr. McKELLAR. Will the Senator vote for an amendment providing that this plant shall be sold at public sale, after asking for bids?

Mr. CARAWAY. If the Senator wants to offer it—

Mr. McKELLAR. If the Senator wants to be fair about it, will he not vote to put a provision like that in this bill?

Mr. CARAWAY. Does the Senator want to offer an amendment like that?

Mr. McKELLAR. I think I shall. It has already been offered by the junior Senator from Nebraska [Mr. HOWELL], as I understand it, and I am going to vote for it.

Mr. CARAWAY. I think, then, that inasmuch as I do not agree with the Senator I had better vote the other way.

Mr. McKELLAR. I think so, too. I now yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I wanted to call the attention of the Senator from Tennessee, and also the Senator from Arkansas, to the fact that under the so-called Underwood substitute there is no assurance that any State commission will ever have an opportunity to regulate a single kilowatt of power. They are not required, under the so-called Underwood substitute, to sell or to carry any of it.

Mr. CARAWAY. Nor were they under the Ford bid.

Mr. NORRIS. No. That was one of the objections I had to the Ford offer—that he could keep it all himself; and the bidder who gets this lease under the Underwood substitute can likewise keep it all himself and go into the manufacture of aluminum, for instance, if Mr. Mellon should get it, and use every kilowatt of it, and no State authority, under this substitute, and no Federal authority could have a word to say in regard to it.

Mr. UNDERWOOD and Mr. COUZENS addressed the Chair. Mr. McKELLAR. Just a moment. I want to comment on what the Senator from Nebraska has said. I will yield in a moment.

The Senator from Nebraska very aptly called the attention of the Senate to the fact that until this power is transmitted across the line from the State of Alabama to some other State no other public utility commission has any power over it. That is the first step. So we find the Alabama Power Co. buying up all the public utilities in the three cities near this plant. They are buying up the lands around this plant, and I am not so sure, with that prospect in view, whether any of that power will ever get across any State line. I think those of us who live near by, like the Senators from Georgia, like the Senators from South Carolina, like the Senator from Mississippi [Mr. HARRISON], had better be looking out for the interests of the people of our own States, if this great corporation is going to build a great city there and use this plant for the purpose of building it up for its own benefit. Nobody could blame it; I do not blame it. The stockholders of that company, if they desire, can confine it to the State of Alabama and build up their own property. They could well do so, under the terms of this substitute, and no public utility commission in any other State would have the slightest authority over them.

Mr. UNDERWOOD. Mr. President—

Mr. McKELLAR. I had promised to yield to the Senator from New York, but I will yield to the Senator from Alabama, who is in charge of the substitute.

Mr. UNDERWOOD. I have several times called the attention of the Senator from Tennessee, and also of the Senator from Nebraska, to the provision in this bill in section 10 pro-

viding for the regulation of the use of this power by State commissions, and it is based on use, not sale. Therefore if it is used in the State of Alabama or in any other State it will be subject to regulation.

Mr. McKELLAR. But the Senator must first admit that, until this power crosses the State line, no other utility commission has any power or jurisdiction over it.

Mr. UNDERWOOD. Of course, if it were all used in Alabama the Alabama Public Utility Commission, under the terms of my substitute, could regulate it.

Mr. McKELLAR. Of course.

Mr. UNDERWOOD. But if it crosses the line some other State utility commission can control it.

Mr. NORRIS. Let me interrupt the Senator there in answer to the Senator's suggestion. Suppose Mr. Mellon's—

Mr. McKELLAR. Aluminum company.

Mr. NORRIS. Suppose Mr. Mellon's aluminum company should be a bidder and get the property, or suppose they bid through a subsidiary company. Let us say they are going to use every kilowatt of it to manufacture aluminum. They will sell it all to their own company, and they do not care a whit whether they pay one-thousandth part of a mill a kilowatt or whether they pay a dollar a kilowatt. It is only taking it out of one pocket and putting it in the other. So a bidder can, under that substitute, absolutely escape any regulation, even by the Alabama Power Commission.

Mr. UNDERWOOD. And by the Government, too.

Mr. NORRIS. Yes; the Government. They bought it and used it themselves.

Mr. McKELLAR. And we have already by an amendment voted down Government regulation. I will yield to the Senator from New York [Mr. COPELAND] now, and then to the Senator from Michigan [Mr. COUZENS] in just a moment.

Mr. COPELAND. Mr. President, I would like to suggest to the Senator from Tennessee that I am not at all satisfied that the Underwood bill does make adequate provision for the protection of the users of electricity developed at Muscle Shoals. I had a friendly altercation with the Senator from Alabama yesterday over an editorial in the New York World, and in what I had to say suggested that while there were technical errors in the editorial, yet essentially it was correct because there is no provision in the Underwood bill for the adequate protection of the public in the use of electricity. The Senator from Alabama challenged that statement and called attention to section 10 of his amendment, where it is provided that—

The surplus power not required under the terms of this act for the manufacture of nitrogen or fertilizer, when sold or used shall be subject to the laws, rules, and regulations relating to the sale and use of electric power in the several States in which said power is used.

I do not believe the law of Alabama gives that protection. I hold in my hand a copy of the Alabama act dated October 1, 1920, to enlarge the authority and power of the Alabama Public Service Corporation, and this very astonishing language occurs in that act:

SEC. 5. Limitations: None of the provisions of this act shall apply to the generation, transmission, or distribution of electricity, to the manufacture or distribution of gas, to the furnishing or distribution of water, or to the production, delivery, or furnishing of steam for heat or power by a producer who is not otherwise a utility, for the sole use of such producer or for the use of tenants of such producer—

This is what I particularly want to call to the attention of the Senator from Tennessee—

nor shall they apply to any person not otherwise a utility who manufactures and supplies such products to a utility for its use or distribution without participation by such manufacturer in such use or distribution.

Suppose, then, that the power is turned over by the Muscle Shoals corporation to the Alabama Power Co., where is there in the Underwood bill any protection against the exorbitant rates which might be charged for the use of that power? As I understand it, the Underwood bill would free the lessee from all form of regulation there as to rates or service or otherwise.

Mr. McKELLAR. Apparently the law is very explicit, but there would not be any regulation at all. However, I do not think it makes very much difference.

Mr. UNDERWOOD. I will say to the Senator—

Mr. McKELLAR. Just a moment and I will yield to the Senator. I do not think it makes very much difference, anyway. Some years ago I read an old book called "Flush Times in Alabama," written long, long before the Civil War, and there was a character in a sketch who was called "Ovid Bolus." Among other things, in describing Ovid the writer said that some

20 years before he had made friends with his conscience and now they never had a difference. I do not think there are any differences between the Alabama Power Co. and the Alabama Public Utilities Commission, certainly none of serious import, as I judge from what I am told by citizens of Alabama. I am a native Alabaman myself, and still own some property down there, and I go down there occasionally. I do not think there is very much difference of opinion between the Alabama Public Utilities Commission and the Alabama Power Co., and whether the law provides for it or not, I do not think the Alabama Power Co. will be very greatly disturbed by any regulation at the hands of the Alabama commission.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. McKELLAR. I yield.

Mr. CARAWAY. The Senator is so strong for regulation now that I am prompted to remind him that when one man whose name was Henry Ford had an offer pending for this property there was no provision for any regulation at all and no effort to divorce it from the water-power plant. I think the Senator was for accepting Henry Ford's bid without the crossing of a "t" or the dotting of an "i."

Mr. McKELLAR. I do not think the Senate ever voted on the Henry Ford offer.

Mr. CARAWAY. Was not the Senator for it?

Mr. McKELLAR. It was reported out by the Senator's committee, to which it had been referred.

Mr. CARAWAY. Was not the Senator for it?

Mr. McKELLAR. I was very much in favor of Henry Ford getting the plant, and I would like to have had the very regulations the Senator speaks of. I do not think any person or any corporation ought to have that power without national regulation.

Mr. CARAWAY. Was not the Senator in favor of Henry Ford's offer without any modification?

Mr. McKELLAR. I do not recall that I was. I have always said there ought to be reasonable regulation.

Mr. CARAWAY. I want to call the Senator's attention to the fact that he was speaking about the editor of the Banner. I recall that a lot of people were down here spending somebody's money for the Henry Ford offer absolutely without any change.

Mr. McKELLAR. Yes, I think so; and not only the editor of the Banner but about nine-tenths of the people in my State and probably 95 per cent of the people in the Senator's State were for the Henry Ford offer.

Mr. CARAWAY. Therefore the Senator was for Henry Ford's offer without change, regardless of the fact that it destroyed the water power.

Mr. McKELLAR. I do not want the Senator to put me in an attitude which I never have occupied and never have been in.

Mr. CARAWAY. I do recall that the Senator was going around with people who were down here supporting the Henry Ford offer.

Mr. McKELLAR. Yes; I introduced those gentlemen to the Senator's committee just as I have introduced people that come from my State, whether I am for their contention or against it.

Mr. CARAWAY. I recall that the Senator from Tennessee never did make the suggestion to the committee that there ought to be any modification of the Henry Ford offer.

Mr. McKELLAR. Nor did I make any suggestion that there ought to be acceptance of his offer.

Mr. CARAWAY. I certainly got the impression that the Senator was for it.

Mr. WALSH of Montana. Mr. President, will the Senator yield to me?

Mr. McKELLAR. I yield.

Mr. WALSH of Montana. The course the discussion has taken has moved me to interrupt the Senator from Tennessee to ask unanimous consent for leave to present an amendment to the Underwood amendment in order that it may be printed for the information of Senators.

I may say in this connection for the information of those interested that it proposes to strike out section 10 and insert in lieu thereof sections 19 and 20 of the water power act, modified only so as to make them conform to the conditions of the pending bill. The idea I dare say was embraced in the amendment offered by the Senator from Oregon [Mr. McNARY] some days ago, which made generally the provisions of the water power act applicable, but there are so many provisions that are entirely inapplicable it seems to me it would

be difficult to discern from an amendment of that character what particular provisions were intended to be applicable.

If I may be pardoned for a further word in this connection I desire to say that that measure, as many of the Senators will recall, was the subject of very spirited contention in both Houses of Congress, the discussion of it covering many years. Generally the controversy has centered about two propositions. One was the provisions of the recapturing clause and the second was the provisions in relation to the regulation of rates to be charged for the power to be developed. Of course, the recapturing clause is unimportant here, but I have been unable to understand why this particular power plant should not be subject to exactly the same regulations concerning rates as other power plants developed under lease or license from the Government of the United States.

Mr. OVERMAN. May I ask the Senator a question? He proposes to strike out section 10 and substitute the other sections to which he has referred?

Mr. WALSH of Montana. Yes.

Mr. OVERMAN. The only provision for the sale of surplus power contained in the Underwood bill is contained in section 10.

Mr. WALSH of Montana. Yes.

Mr. OVERMAN. Now, what provision has the Senator made for disposing of the surplus power?

Mr. WALSH of Montana. The provision is substantially the same, making the rates subject to regulation by the authority of the State into which the power is carried, provided that State has a regulatory authority. If it has not a regulatory authority, then, as in the water power act, the rates are subject to regulation by the water-power commission.

Mr. OVERMAN. But suppose there is no distribution of power?

Mr. WALSH of Montana. That is covered by section 20 of the water power act, which contemplates the case of the transmission of power from one State to another. In that case it is subject to regulation by the water-power commission under the general water power act.

Mr. OVERMAN. In the opinion of the Senator as a lawyer, if the property is leased, would that provide the authority for the power company to sell power?

Mr. WALSH of Montana. Of course that is provided for in section 5, which reads as follows:

The lease shall also provide the terms and conditions under which the lessee may sell and dispose of the surplus electric power created at said plant.

Mr. NORRIS. Suppose he does not sell it?

Mr. WALSH of Montana. That is another matter. These provisions are simply intended to regulate the rate in case it is sold.

Mr. OVERMAN. Therefore section 10, which is proposed by the Senator to be stricken out, is the only authority in the bill for the sale.

Mr. McKELLAR. Of course, this discussion is entirely outside of the scope of the argument to which we are addressing ourselves, to wit, the amendment of the Senator from Mississippi; but the Senator from Georgia [Mr. GEORGE] has an amendment which, in my judgment, amply provides, and very wisely provides, for the very suggestion that the Senator from North Carolina is making; that is, about the distribution of surplus power in other States.

Mr. OVERMAN. I am heartily in favor of it. The Senator refers to section 10, which the Senator from Montana proposes to strike out.

Mr. McKELLAR. If he does strike it out in connection with this matter, it will be taken care of by the amendment of the Senator from Georgia.

Mr. WALSH of Montana. While it strikes out section 10, it would be substantially the same provision and make an addition to it.

Mr. OVERMAN. Then that is all right.

Mr. McKELLAR. I am sure there will be no trouble about it.

Mr. WALSH of Montana. I simply ask leave to present the amendment and ask that it may be printed and lie on the table.

Mr. McKELLAR. I ask that it may be printed in the RECORD at this point. I think it is a valuable contribution to this particular part of the argument and I thank the Senator from Montana for introducing it at this time.

The PRESIDENT pro tempore. Without objection, the amendment proposed by the Senator from Montana will be printed in the RECORD.

The amendment of the Senator from Montana [Mr. WALSH] is as follows:

Strike out section 10 and in lieu thereof insert:

"Sec. 10. That as a condition of any lease entered into under the provisions of this act every lessee hereunder which is a public-service corporation, or a person, association, or corporation developing, transmitting, or distributing power under the lessee, either immediately or otherwise, for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged. That in case of the development, transmission, or distribution, or use in public service of power by any lessee hereunder, or by its customer, engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the services to be rendered by such lessee or by its customer engaged in public service, or the rates and charges of payment therefor, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of such lease that jurisdiction is hereby conferred upon the commission created by the act of Congress approved June 10, 1920, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control: *Provided*, That the jurisdiction of the commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

"Sec. 11. That when said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such lessee or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such lessee, or by any person, corporation, or association purchasing power from such lessee for sale and distribution or use in public service shall be reasonable, nondiscriminatory, and just to the customer, and all unreasonable, discriminatory, and unjust rates or services are hereby prohibited and declared to be unlawful; and whenever any of the States directly concerned has not provided a commission or other authority to enforce the requirements of this section within such State or to regulate and control the amount and character of securities to be issued by any of such parties, or such States are unable to agree, through their properly constituted authorities, on the services to be rendered, or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, jurisdiction is hereby conferred upon the said commission, upon complaint of any person aggrieved, upon the request of any State concerned, or upon its own initiative, to enforce the provisions of this section, to regulate and control so much of the services rendered and of the rates and charges of payment therefor as constitute interstate or foreign commerce, and to regulate the issuance of securities by the parties included within this section; and securities issued by the lessee, subject to such regulations, shall be allowed only for the bona fide purpose of financing and conducting the business of such lessee.

"The administration of the provisions of this section, so far as applicable, shall be according to the procedure and practice in fixing and regulating the rates, charges, and practices of railroad companies, as provided for in the act to regulate commerce, approved February 4, 1887, as amended, and that the parties subject to such regulation shall have the same rights of hearing, defense, and review as said companies in such cases.

"In any valuation hereunder for purposes of rate making no value shall be claimed or allowed for the rights granted by this act or under any lease executed thereunder."

Mr. HARRISON. Mr. President, may I ask the Senator a question, with the permission of the Senator from Tennessee?

Mr. McKELLAR. Certainly.

Mr. HARRISON. I was not in the Senate Chamber during all of the Senator's statement. The Senator does not seek to apply the whole Federal water power act to the Muscle Shoals development, but, as I understand him, only so far as where the States fail or have no public-service commission to regulate the rates; and in that event the provisions of the water power act, in so far only as rates are concerned, shall then have application and be controlled by the Water Power Commission.

Mr. WALSH of Montana. That is practically the effect of the amendment.

Mr. GEORGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Georgia?

Mr. McKELLAR. I yield.

Mr. GEORGE. At this time and in view of the statement of the Senator from Montana about the proposed amend-

ment which he offers, I wish formally to offer, and I send to the desk for the purpose of having printed, the amendment to which I referred on yesterday; that is to say, on page 16 of the Underwood substitute in line 8 strike out the first comma and the words following the comma, to wit, "when sold or used shall be"—

Mr. NORRIS. That is in section 10?

Mr. GEORGE. Yes; and insert "shall be sold for distribution," so that it may be considered in connection with the provisions of the water power act which the Senator from Montana seeks to make applicable.

Mr. NORRIS. If the Senator from Tennessee will permit, I would like to call the attention of the Senator from Georgia to the fact that the pending question now is the proposed amendment of the Senator from Mississippi which takes section 10 bodily out of the bill where it is now and puts it in another part of the bill, so that his amendment, if the Harrison amendment should be agreed to, would not apply at the place where it would apply now.

Mr. HARRISON. May I say to the Senator that it is section 8 that I am proposing to transpose?

Mr. NORRIS. Then, I am mistaken, I will say to the Senator from Georgia.

Mr. KING. Mr. President—

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Tennessee yield to the Senator from Utah?

Mr. McKELLAR. I yield. I shall be glad to have the views of all Senators in regard to this matter.

Mr. KING. I do not wish the Senator to play favorites in according the right to interrogate.

Mr. McKELLAR. I will not. I will yield to any Senator, and especially to a Senator whom I love as I do the Senator from Utah.

Mr. KING. I am not a member of the committee, and I am seeking information in order to enable me to vote intelligently upon this bill.

Mr. McKELLAR. The Senator from Utah always votes intelligently. He sometimes votes mistakenly, but never unintelligently.

Mr. KING. I am always mistaken, I suppose, when I vote differently from the Senator from Tennessee?

Mr. McKELLAR. Absolutely.

Mr. KING. I leave that to the public to decide. However, that is immaterial. I should like to get the views of the Senator from Tennessee, who evidently has given a good deal of attention to this bill. Is the Senator's position, first, that this bill should be so hampered with restrictions as to prevent any company from leasing; that is to say, while we pretend to pass a law that would permit private persons to lease the right to operate this property for 50 years, does the Senator desire that they shall not obtain it, but that it shall be controlled absolutely by the Government?

Mr. McKELLAR. Mr. President, I will take pleasure in giving the Senator from Utah the benefit of what views I have about the matter. If I were going to provide in this bill for private ownership, I would simply give to the President the power, under such terms as he might deem wise, after due publication and reception of bids, to lease the property for the term of 50 years. We ought not to hamper him by saying that the water power law shall not apply to the lease; we ought not to hamper him by saying that the United States shall not regulate rates; we ought not to hamper him in any way if we are going to give him the power to lease to private persons. I doubt the wisdom of such action; but, if we are going to do it, then I think there ought to be a central responsibility. I think we ought simply to provide that for a period, say until the 1st of next July, the President is authorized to advertise for bids, to receive bids for the property, and we ought to permit him to lease it after the reception of bids without any limitations or restrictions. Does that answer the Senator's question?

Mr. KING. I think, perhaps, it does. Does not the Senator think that the bill which is known as the Underwood substitute, which is now before us, is accompanied by so many restrictions as to make it impossible for any person successfully to bid for a lease on the property?

Mr. McKELLAR. The Senator might think so, but if he will look at the RECORD of Wednesday, December 10, on pages 391 and following, he will find the bid of the Alabama Power Co. and the proposal in the Underwood substitute, so far as its private leasing provisions are concerned, in parallel columns. He will find that in essentials they track each other so well, and there is such great similarity, that I take it that it is beyond question that the Alabama Power Co. would immediately

avail itself of the privilege of leasing the property under the Underwood substitute, and to the great detriment of the country, because in its bid the Alabama Power Co. agreed to be subjected to many regulations salutary for the American people that are not included in the substitute. It agreed to be bound by the water power act; it agreed to give a greater consideration for the property; it agreed to manufacture more nitrates for the American farmer. Therefore, the President or the Secretary of War, if they lease it to the Alabama Power Co. under the Underwood substitute, will be restricted by the amendments which have been adopted. So, while the Alabama Power Co. would get it, it would get it under very much more favorable terms than that company itself offered to lease it for last January.

Mr. KING. Will the Senator permit me to make two other inquiries?

Mr. McKELLAR. Yes.

Mr. KING. Does the Senator interpret the Underwood amendment to mean that the power possibilities in this project are subordinated to the production of fertilizer?

Mr. McKELLAR. No; I do not believe that under the provisions contained in the Underwood amendment the lessee would make fertilizer there, but that probably what fertilizers are made will be made at some other place; it may be at the steam plant, which is amply capable of doing it, and that this power will be yoked up with all the other Alabama Co.'s holdings and used in that way.

The Senator must bear in mind also that the Alabama Power Co. is absolutely controlled by an English syndicate, of which Marcus Edgar and his associates have control. It is true an amendment has been accepted by which the plant shall not be leased to any alien corporation. Therefore, as shown in the Alabama Power Co.'s proposal of last January, it will not be leased to the Alabama Power Co. directly, but it will be leased to an American corporation which will be formed by the Alabama Power Co. and others. That, in my judgment, is what will become of this plant if the Underwood amendment shall be agreed to.

Mr. KING. I should like to ask the Senator another question. If no provision is made by Congress for the immediate sale of the property—and I refer to the fertilizer plant and the power—is it the opinion of the Senator that the wisest course would be to negotiate a lease, or for the Government immediately to enter upon the manufacture of fertilizer and the generation of power, or for the Government to control the matter, holding it, so to speak, in abeyance, making certain experiments with a view to determining just what the power possibilities are and the practicability of making nitrates in commercial quantities at a profit?

Mr. McKELLAR. Mr. President, as I said a while ago, I have very reluctantly come to the conclusion that the proper disposition of this matter is to pass the Norris bill with an amendment requiring experiments to be made; requiring the most careful scientific examination so as to determine the most economical methods of manufacturing nitrates; requiring, when the experiments show that it can be done, the production of the same amount of nitrates for the farmers as called for by the Underwood amendment, and leave the matter at this time entirely in the hands of the Government. I wish to give the Senator my reasons for that conclusion.

The Senator knows that, brought up in the school in which I have been brought up, naturally I look with disfavor upon Government ownership, and yet I recall the wonderful success the Government has made out of the Panama Canal, which is a great public institution, and I understand that within a reasonable period the income from its operations will be sufficient to pay off all the bonds and pay for the expenses of running it.

I recall also that the Farm Loan Board, for which we all voted at first with some misgiving and for the same reason, has made such a success of its operations that the farmers of the country are securing loans at interest rates not much more than half of what they used to pay to private concerns. I have in mind also the parcel post. I was in the House of Representatives at the time the parcel post bill was passed and voted for it, although I did so with misgivings, because it invaded the province of private business; but I recall that that has been a wonderful success and that, notwithstanding the charges of enormous losses against it, a recent report of the Postmaster General shows that the loss has been comparatively very small and can easily be provided against without serious injury to the conduct of the business. When I think of these splendid results from Government operation and when I contemplate the fact that the Government has already spent on this project some \$130,000,000 or \$140,000,000 of the people's

money, and when I see, as I think I see, although I may be mistaken, that it is about to go into the hands of a great private corporation which certainly has not been too friendly to the interests of the people in the locality in which it now operates, I think, considering all these things, that it is the part of prudence and wisdom for me to vote to keep this great water power, so necessary in time of war, so valuable to the farmers in time of peace, in the hands of the Government.

In taking this course we can not make a mistake about it, for if it should be determined later that it is better to have it turned over to private hands we still could take that action; but if we lease it now under the terms of the pending amendment to a private corporation we give them property costing \$140,000,000 under a rental which will not produce a cent of income to the Government. The reason I say that is because, in my humble judgment, the repairs and replacements which are not provided for in the bill will more than consume during the 50-year period the less than \$2,000,000 a year rental which the Government will receive from the lease. It looks to me as if we are merely transferring bodily this great property to a private concern and that it will not be to the interest of the people. At all events, I have reluctantly reached the conclusion that it is better to have Government operation of this plant at this time.

The Senator from Nebraska has agreed to accept an amendment to his bill providing for the manufacture of 40,000 tons of fixed nitrogen a year, just as is proposed in the Underwood substitute. Under those circumstances, with such an amendment incorporated in the Norris bill, I have reached the conclusion that we had better have Government operation, just as we have in the case of the Panama Canal, just as we have in the case of the Farm Loan Board, which invaded the province of banking, and just as we have in the case of the parcel post, which invaded the province of the express companies. Those are my reasons for the position which I take.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Utah?

Mr. McKELLAR. I yield the floor.

Mr. KING. Without assenting to all of the propositions which the Senator has stated with reference to the Panama Canal, the parcels post, and other organizations and instrumentalities, permit me to ask one other question. Does the Senator believe that it is wise and proper for the Government to embark upon a project which concededly, as I am advised, will result in enormous losses annually if the Government undertakes the manufacture of fertilizer under the provisions of the Underwood bill, compelling us to manufacture 40,000 tons of nitrogen annually after a certain number of years, with, of course, an increased number of tons of fertilizer which would be the product of the pure nitrogen?

Mr. McKELLAR. I will say to the Senator—and I am very glad he has asked the question—that that is a matter which has given me great concern. I have said to the Senate, and I say now to the Senate, that I have reached this conclusion with great reluctance. Indeed, I was twitted here on the floor the other day for not having any fixed determination about it; and, as I say, I have reached this conclusion with great reluctance.

I will say to the Senator, however, that in the first place the power generated at this plant will be so great, especially with the steam plant there, which will produce nearly 100,000 horsepower more, that if that power is coupled up with the power generated in Dam No. 2, instead of its being a losing proposition for the Government, the Government can sell that power at very reasonable cost to the users of power in Alabama and in the adjoining States—my State, and the State of the Senator from South Carolina, and other States—and there is no reason whatever why the Government should lose a cent. Even if it should lose something in its experiments on nitrates, even if it should lose for several years on nitrates, the loss would not overcome the profit made out of the power.

The advantage of putting it in the hands of the Government, however, is this: If it is demonstrated that nitrates can not be economically manufactured in that way, the Congress at any time it desires can direct a cessation of the manufacture; but if the plant is leased what is the situation? If it is found that the thing is economically unsound, and can not be done, you know perfectly well that the Alabama Power Co., if it should get the lease, will come back and make the same statement of fact, and the Congress will not require it to do an impossible thing, and I doubt if it would be right to require it to do an impossible thing. The lessee has every chance to win, and no chance to lose; while if the Underwood amendment is adopted, and the Alabama Power Co. gets it, the Government has every chance to lose and no chance to win.

My own judgment is that it is the part of wisdom, the part of business judgment and business sagacity, not to lease the plant under those terms. If it were my own plant I certainly would not do it. I do not think there is a Senator here who, if he owned the plant, would be willing to lease it under those terms, especially if he were financially able to run it himself, just as the Government is able to run it itself. So, to my mind, the argument in favor of granting this plant to a private lessee at this time is absolutely without merit.

Mr. DIAL and Mr. SHIPSTEAD addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Tennessee yield; and if so, to whom?

Mr. McKELLAR. I will yield to both Senators; but the Senator from South Carolina has been on his feet longer than the Senator from Minnesota.

Mr. DIAL. Then, Mr. President, I understand that the Senator contends that it is better for the Government to retail the surplus power?

Mr. McKELLAR. Why, of course—to dispose of it in a way that will be to the greatest benefit of agriculture. When the Senator talks about retailing the power, I do not know. I am not familiar with the power business; I can not say; but I take it for granted that the Secretary of War, who will have charge of it, or such other instrumentality of the Government as may be given charge of it, will dispose of the power to the best interests of the American people.

Mr. WALSH of Montana. Mr. President, if the Senator will pardon me, I want to suggest that I think the usual rule is that the developing company sells to the distributing company.

Mr. McKELLAR. I think that is so.

Mr. WALSH of Montana. The developing company rarely, if ever, carries the power into the home of an individual for the purpose of lighting his house.

Mr. McKELLAR. I think that is so. For instance, if it is in the hands of the Government, if the Norris bill should pass with the amendment suggested, I should think that the city of Memphis or some company there might well buy from the Government and build its own transmission line, or have the Government build the transmission line, whichever might be agreed upon, and then have such power distributed as might be needed by the city of Memphis.

I am not an expert on the matter. The Senator from Montana is an expert, and comes from a power State. He is an expert not only on power but on almost everything else, and I have great respect for his opinion.

Mr. DIAL. Mr. President, I was just thinking that in that way it would get into the hands of the Alabama Power Co., whose hands the Senator is desirous of keeping it out of.

Mr. McKELLAR. I have said to the Senator and I have said to the Senate, time and again, that I have nothing in the world against the Alabama Power Co. It is looking to its business interests; but I do not believe that the best interests of the Alabama Power Co. are the best interests of the American people, and for that reason I am making this argument.

I now yield to the Senator from Minnesota.

Mr. SHIPSTEAD. Mr. President, I desire to ask the Senator a question because of a remark that he made.

I believe the Senator expressed some doubt as to the possibility of producing nitrates at this plant on a paying basis. Am I right about that?

Mr. McKELLAR. Mr. President, if the Senator had been here a day or two ago, when I discussed this matter with the Senator from Nebraska, he would have understood my view. Personally, I have no doubt about it. I believe that nitrates can be manufactured cheaply at this plant. I think that it will have an enormous effect upon the cost of fertilizers to the farmers of the United States. I have not any doubt about that; but the Senator from Nebraska and others who have discussed the matter have expressed considerable doubt about it. That is all I intended to convey.

Mr. SHIPSTEAD. I want to say to the Senator that I have been called out on committee work and have not been able to be in the Chamber, and therefore have not been able to hear the discussion at all times.

Mr. McKELLAR. Yes; I understand that.

Mr. SHIPSTEAD. I have read the Record, however; and in reading the remarks of the Senator from South Carolina I observed a letter from Doctor Whitney, of the Bureau of Soils, I believe, in which he makes the statement that at this plant nitrate can be manufactured for 6 cents a pound, which is about half what is charged by private concerns who manufacture and sell it.

Mr. McKELLAR. Those who handle Chilean nitrates,

Mr. SHIPSTEAD. Yes. I want also to call to the attention of the Senator another phase of this problem. I believe it is generally understood that industrial chemistry is as yet almost in its infancy, and that this is a question of a chemical plant as well as a power plant. Bearing in mind the advancement of industrial chemistry in the last 20 years, the men engaged in that field have made tremendous strides, and the chemists of the Government have rendered very valuable service to the country on very small pay, and have received very little honor from it. Some Senator advanced the idea that we should continue this as a research plant to help the development of the production of fertilizer. I am reminded of the fact that the State of Minnesota has built an enormously large building out of the taxpayers' money for the purpose of doing research work in the reduction of iron ore. We have in almost every State an experimental station to develop scientific problems along lines of agriculture; and when we look ahead for 25 or 50 years at the possible development of power and the production of fertilizer from power, that seems to me to be another reason why it should be left in the hands of the Government. Many foreign countries have found it necessary, in order to keep up the fertility of the soil, to pay a bonus to farmers for every ton of fertilizer they put upon their farms; and if Government chemists can develop a process of producing fertilizer for half of what fertilizer is sold for now, they will be rendering a great service to agriculture, and will save the Government the possibility in the future of finding it necessary to pay a bonus to every farmer who goes to the expense of putting fertilizer on his farm.

Mr. McKELLAR. I will say to the Senator that the Norris bill provides for the very kind of research he is talking about. It provides for that kind of an investigation. I will say to the Senator further that President Coolidge, in his message the other day, pointed out the large difference between soil exhaustion and soil recuperation. The difference is very large, and I believe it is growing very much larger. It is very necessary that our soils be fertilized and made more productive; otherwise, there is a limit upon the production even of this great country. The Senator is right about that. I think in 50 years, with this plant, we can save to the American people enormous sums in the way of nitrates and fertilizer; and I thank the Senator for his interruption.

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. McKELLAR. Yes; I am glad to yield.

Mr. BROOKHART. Before the Senator closes I want to ask him a few questions about this matter of cost.

Mr. McKELLAR. I had no idea of taking this long; and the interruptions of Senators have made what might have been a very short statement develop into too long a statement.

Mr. BROOKHART. I think the time has been spent to good advantage, and I think much information has been brought out by the interruptions.

The Senator states that the cost of this property on which a return is to be provided for in the lease is \$45,800,000, I believe.

Mr. McKELLAR. Yes.

Mr. BROOKHART. Then there is about \$82,000,000 in addition to that that is leased?

Mr. McKELLAR. To be exact, it is \$81,815,177.51, with the addition of a substation at Muscle Shoals for connection with the Gorgas plant, which will pass under this amendment, of \$189,843.90, or a total of \$82,005,021.41.

Mr. BROOKHART. And from this entire proposition the Government will receive a return of a little over \$1,800,000?

Mr. McKELLAR. Not quite \$1,850,000, or 4 per cent on the actual cost of the Wilson Dam.

Mr. BROOKHART. Has the Senator estimated what will be the return of the lessee on the fertilizer? On the minimum of 40,000 tons his profit probably would be, in round numbers, about \$400,000, if he carried it out on an 8 per cent margin. Has the Senator any estimate of what would be the profit or the return from the sale or use of the water power?

Mr. McKELLAR. No; I have not; but the Senator's question reminds me of a statement made in the Senate some three or four years ago by the senior Senator from Utah [Mr. Smoot]. At that time Henry Ford had not made his offer for Muscle Shoals, and a number of us, led by the Senator from Alabama [Mr. Underwood], proposed to continue the appropriations for the building of this plant. That proposal was very strenuously opposed by gentlemen on the other side of the aisle; and the Senator from Utah, as I recall his words, said something like this—that instead of Muscle Shoals being an asset it was a liability, and that we had thrown away that

money, and it was ridiculous to undertake to throw more good money after this bad money; that it would not be of any use to anyone. Mr. Ford made his offer, and it was not long after that before the Senator from Utah and others who believed that way were claiming that Muscle Shoals was one of the best assets of the Government. In my judgment, if the Alabama Power Co. gets it under the Underwood amendment it will increase its holdings, its property value will be increased by many, many, many millions of dollars, and it may run into the hundreds of millions of dollars.

Mr. BROOKHART. Is it not possible to get a reasonable estimate of what would be a reasonable profit and return to the Alabama Power Co. or any other lessee that might get this under the Underwood substitute from the production of power?

Mr. McKELLAR. I do not know. I have not ascertained that. I hope the Senator will get it and put it into the Record and give it to the Senate.

Mr. BROOKHART. I think that ought to be done.

Mr. McKELLAR. I think it ought to be done myself.

Mr. BROOKHART. Has the Senator any estimate of how much of an investment the Alabama Power Co. or other lessee would have to make to handle this proposition?

Mr. McKELLAR. I think the Government has made all the necessary investment. It is true that only eight units of the Wilson Dam are being used, but there are other units that are capable of being used. No mention is made of those in the amendment of the Senator from Alabama, and the only way they could be used, I suppose, would be through an appropriation by Congress providing for the use of those other units and for turning them over to the power company at 4 per cent. I would also say to the Senator that if the views of the majority of the Committee on Agriculture and Forestry of the Senate are correct, if this property goes into the hands of the Alabama Power Co., it could sell enough personal property, nearly, to—

Mr. BROOKHART. To furnish all the capital necessary?

Mr. McKELLAR. To furnish all the capital necessary.

Mr. BROOKHART. Upon that basis, then—

Mr. McKELLAR. The Government would be furnishing it all.

Mr. BROOKHART. All this profit would be net profit. Practically all of it would be net profit, over and above expenses.

Mr. McKELLAR. Of course, I am not expert enough to know whether that is correct or not, but apparently that is so.

Mr. BROOKHART. It occurred to me, from all this situation, that we have such a lack of knowledge of what would be the return from this water power, what would be the expense of operating it, and what would be the net profit, that we would better complete the development and find out and know those things before we authorize the leasing on 4 per cent terms on a \$45,000,000 valuation.

Mr. McKELLAR. As I told the Senator before, I have made up my mind very definitely to vote against such a lease.

Mr. FLETCHER and Mr. CARAWAY addressed the Chair. The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. McKELLAR. I will first yield to the Senator from Florida, and then will yield to the Senator from Arkansas.

Mr. FLETCHER. It seems to me, from the statement made by the Senator from Tennessee in answer to the query just propounded, that there must be some little confusion in his mind. He speaks about the value of the property the lessee would obtain, and the right of the lessee to dispose of that property. The lessee would not get any fee simple title to this property.

Mr. McKELLAR. He would get it for 50 years, and of course none of the personal property could possibly exist for 50 years. If we lease perishable property for 50 years, I doubt very much whether the property would be very valuable after the termination of the lease.

Mr. FLETCHER. The whole proposition is that if the lease is made, it will merely be a leasehold interest that will pass. The title to the whole property would not pass. The title to this 4,200 acres of land, and the 450 acres of land, with the buildings and improvements on it, would not pass.

Mr. BROOKHART. What would happen to the personal property?

Mr. FLETCHER. The lessee would have a right to use it. He would not have any right to sell or otherwise dispose of it.

Mr. McKELLAR. What would you ever do with the lumber, and what would you do with the plaster of Paris and the sand, the freight cars, the window frames, and the doors?

Mr. BROOKHART. After it had been used 50 years, what would it be worth?

Mr. FLETCHER. That, of course, must all be provided for in the terms of the lease. This substitute does not go into the details as to the terms of the lease, except that it shall not extend beyond the period of 50 years. It would be a mere lease. It would not vest any title in the lessee. It would not convey any fee-simple title.

Mr. McKELLAR. A lease of property of that kind for 50 years would be something more than a mere lease.

Mr. BROOKHART. There is this definite proposition of 4 per cent on the \$45,000,000. That is fixed in the substitute sufficiently definitely to be the basis of this lease.

Mr. McKELLAR. Yes.

Mr. BROOKHART. And I say that we have no information that warrants us in saying that it shall be leased on those terms. The income from this property may be enough so that we ought to have 4 per cent on the entire valuation. I have no doubt that water power is valuable enough to sustain something of that kind.

Mr. McKELLAR. At least, we ought to advertise for bids before it is leased.

Mr. CARAWAY. Mr. President, if the Senator will yield to me, I notice he just said that we ought to advertise before we lease. I happen to have before me, because the Senator challenged me to get the record, a statement made on January 14, 1924, by the distinguished Senator from Tennessee, in which he said that he wanted Henry Ford to have it.

Mr. McKELLAR. Will the Senator read what I said?

Mr. CARAWAY. I shall be delighted. The Senator said:

Muscle Shoals, under Henry Ford's offer, will probably develop more horsepower than all the horsepower developed by all the nine companies joining in the combination bid.

The Senator was opposing other bids. I will just skip now and read further from what the Senator said:

Mr. Ford is the logical man to have this plant. I am now, as I have always been since the matter first came up, in favor of leasing it to him.

Mr. McKELLAR. I am.

Mr. CARAWAY. The funny thing about it is that there were no competitive bids then. Nobody else could bid. The bill itself said, "You will let Henry Ford have it"; and if somebody else wanted it, they could not have it. Under the Senator's state of mind then, he wanted no competitive bids. He wanted no guarantees for regulation or control, but wanted simply to turn it over in fee simple to one Henry Ford on Henry's own offer.

Mr. McKELLAR. Mr. President, I will say to the Senator that what he quotes is exactly correct—

Mr. CARAWAY. Of course it is.

Mr. McKELLAR. And I have not any different opinion now, except that Mr. Ford has withdrawn his offer. Even after he had withdrawn his offer, the Senator from Alabama [Mr. HEFLIN] and I sent him a telegram and urged him to renew his offer, because I have so much confidence in the constructive and mechanical genius of Mr. Ford that, notwithstanding his age, I prefer to take a chance on leasing it to him, believing that he would do the right thing. Mr. Ford, as the Senator knows, pays his laborers more, probably, than is paid by any other manufacturer in the country. He has done more things with his invention of what is known as the Ford car—

Mr. CARAWAY. He did not invent that.

Mr. McKELLAR. His ownership of Ford cars, and manufacture of Ford cars. I am not advised about their invention. At all events, he has made a great success of the matter, and being opposed by training and education to public ownership, I preferred at that time, and would prefer now, if Mr. Ford would remake his offer—it might be necessary to blind him down, but I would prefer that he should have it now.

Mr. CARAWAY. Then the Senator would now be willing to make the sale to Ford under the terms of the Ford offer?

Mr. McKELLAR. I can not say that. I never said that at any time. I am inclined to think this, and I have always thought that there ought to be an absolute obligation on the part of Mr. Ford or anyone else to make nitrates for the farmers.

Mr. CARAWAY. The thing I particularly had in mind was that Ford's offer was for the property to be turned over to him for 100 years, and he was to take title to all of the property, except the dam.

Mr. McKELLAR. Yes; and he was to pay a great deal more for it.

Mr. CARAWAY. He was to get absolute title to it, and it was to be for 100 years. There was not a suggestion in the offer, from beginning to end, that any control or regulation was to be in any body, the Alabama Utilities Commission or any other body.

Mr. McKELLAR. I will say to the Senator this, that so far as Ford's offer was concerned, I was honestly and sincerely for it. I believed in it. I even wanted him to renew it, so that we could let him have it. But he has withdrawn it. It is a last year's bird's nest. The Senator did not agree with me then about it, and does not agree with me now about it, and why discuss a matter that is entirely out of it except as a matter of illustration?

Mr. CARAWAY. As a matter of illustration, the Senator just announced what an iniquitous thing it would be to let it go without competitive bids; but he has been always supporting an absolute grant.

Mr. McKELLAR. I do not want to go into the discussion of it again, but, as a matter of fact, there were all kinds of competitive bids. The Alabama Power Co. had a bid in at the time. The Union Carbide Co., as I remember, had a bid in. There were several gentlemen who had bids in. Some man from my State had a bid in. They were not competitive in the sense I am now asking. I want to say to the Senator that I have not changed my mind about it at all—

Mr. CARAWAY. I do not think the Senator has.

Mr. McKELLAR. But I was opposed to the Alabama Power Co. bid when it was offered last January and argued against it, spoke against it, and I am just as much opposed to it to-day in whatever form it comes.

Mr. CARAWAY. I was a member of the committee and voted against the Alabama Power Co.'s bid and even voted for the Ford bid.

Mr. McKELLAR. I congratulate the Senator.

Mr. CARAWAY. Do not congratulate me, because certainly if I was right then the Senator is wrong now.

Mr. McKELLAR. I do not agree with the Senator.

Mr. CARAWAY. Of course—

Mr. McKELLAR. I want to say to the Senator in all frankness that I do not claim to be never wrong. I am very frequently wrong.

Mr. CARAWAY. I hope the Senator will take that back.

Mr. McKELLAR. I admit it. If the Senator just wants to prove that I am wrong, I will not deny his allegation, because I am frequently wrong.

Mr. CARAWAY. The Senator is never wrong at the time he is talking.

Mr. McKELLAR. I feel this way about it: I believe that I am right, or I would not be talking.

Mr. CARAWAY. Of course; but what I am just trying to say to the Senator—and I hope he believes I want to be courteous with him—

Mr. McKELLAR. Certainly.

Mr. CARAWAY. He is conscious that Henry Ford can bid on this plant now if he thinks this offer is a good one, if we shall pass the Underwood substitute; and whatever else we may say about him, Henry Ford has the reputation of being a good business man and knowing how to take care of Henry Ford's interests. Nobody has ever yet offered to suggest that he ought to have a guardian. He started out without anything, and I dare say he is the richest man in the world, and I have never heard anybody say he did not get his money honestly. I have been a defender of Henry Ford. I thought sometimes he had mighty poor political judgment.

Mr. McKELLAR. I know he has. I agree with the Senator entirely in that.

Mr. CARAWAY. And I was entirely unable to understand how he was so much against certain political policies, and yet had a talk and then came out immediately for the very things he had been opposing; and the other folks who had been fighting him then were for his bid. All those things filled me with some surprise and a little pain.

Mr. McKELLAR. They did me, too.

Mr. CARAWAY. I want to ask the Senator just this question—

Mr. McKELLAR. Certainly.

Mr. CARAWAY. I think we are all interested in doing the very best we can.

Mr. McKELLAR. I am sure of that.

Mr. CARAWAY. The Henry Ford offer is dead.

Mr. McKELLAR. Yes; I think it is.

Mr. CARAWAY. If he wants this plant, under this proposed substitute he can get it, if the substitute shall become a law.

Mr. McKELLAR. Mr. President, I want to say to the Senator and to others who may be interested in my personal views about the Ford offer, which is past and gone, that notwithstanding the fact that I invited him to renew it, together with the Senator from Alabama [Mr. HEFLIN], if he were to renew it, I would not be willing to have the plant conveyed to him without some provision for regulation by the National Government, and I do not think there is sufficient provision for regulation under this proposed substitute.

Mr. CARAWAY. Let me ask the Senator another question. Of course, I hardly see how the Senator could afford to ask Mr. Ford to make a bid, and at the same time say he would not accept it. I think Henry would certainly have been entitled to the supposition, at least, that if he should have renewed the bid, the Senator from Alabama and the Senator from Tennessee would have accepted it as he offered it.

Mr. McKELLAR. Not at all.

Mr. CARAWAY. Why then not have suggested, "If you make a modified bid, we will take it," not ask him to submit the very bid the Senator says he would not accept? Let me ask the Senator another question. If Henry Ford should come along and say, "I will accept this plan under the so-called Underwood substitute," would the Senator be willing to give it to him?

Mr. McKELLAR. Not unless there was a provision for regulation by the National Government during the term of the lease.

Mr. CARAWAY. The Senator, then, does not think his own State and other States can regulate power within their own borders?

Mr. McKELLAR. I think sometimes they do and sometimes they do not. I want to say to the Senator in perfect fairness and without any improper criticism of any official of my State or any other State that I have seen a great many utility commissions, both in my State and in other States, which I did not think regulated to any great extent.

Now, Mr. President, I have been for some time trying to read to the Senate what the Alabama Power Co. is doing at Sheffield and Tuscumbia and Muscle Shoals. "Sells holdings to Alabama Co." is the title of the article. It is in the Nashville Banner of December 8:

Sheffield, Ala., December 8 (by Associated Press)—

I think we can rely upon the statements made by that news agency—

It was officially announced at the offices of the Sheffield Co. here to-day that the company had disposed of its holdings to the Alabama Power Co. for a large but unnamed consideration. The Alabama Power Co. will take over its newly acquired property on December 16.

The Sheffield Co. owns and operates the interurban car line which serves the tricies—

That is, Sheffield, Tuscumbia, and Florence—

It also owns the power plant which distributes light and power and the water plant which supplies Sheffield and Tuscumbia. In addition it is the owner of more than 3,000 city lights in Sheffield and has numerous other properties. It was stated that Henry Parsons, of New York, the owner of the Sheffield Co., had not included the Sheffield National Bank, in which he owns a controlling interest, in the sale of his other properties here.

From a constituent whose name I can not give at this time—I will write to her and get permission, if necessary—I read the following:

I invested rather heavily in some property in the district—

Meaning the Muscle Shoals district—

I now have an offer from the Alabama Power Co. to resell my lots at a very small profit, and I wish you would advise me what to do. Do you think the place promises development at an early date? Of course, values are already greatly inflated, but following the line of other industrial developments my holdings should be worth hundreds of thousands of dollars.

I read these communications for the purpose of showing, as I believe they do show, that the Alabama Power Co. is so convinced that the bill is going through—because it has been published in all of the papers down there that the Underwood amendment is going to be adopted—and that it is going to get the property that it is buying up the public utilities and the various lands in and around the cities, and it seems to be its purpose to make a great industrial region there. We can not blame it for that. Alabama will be greatly benefited by it, or

at least that part of Alabama. I have nothing to offer against that situation at all; but I am calling the attention of Senators, and especially of those Senators who represent States around and about the State of Alabama, that it is possible that this company can use all of the power there locally, not transmitting under the terms of the bill any of it to any other State, and that the National Government will be furnishing this enormous power for the benefit of a single State and for the benefit virtually of a single company. I do not believe if the Alabama Power Co. gets the property that its rates will be reduced in the slightest or that the farmers will ever be benefited in the slightest by the manufacture of nitrates at that plant. For that reason I am going to vote against the amendment of the Senator from Mississippi to which this applies.

Mr. HEFLIN. Mr. President, I am surprised at some of the doctrines announced by my good friend from Tennessee. Together we fought for the Ford offer. I remember my friend was enthusiastic for the Ford offer and that he accompanied old Colonel Stallman, of Nashville, to our committee and introduced him to us. The old gentleman in his testimony stated that he was for the Ford offer without the dotting of an "i" or the crossing of a "t." He was for passing the bill adopting the Ford offer just as it stood. It disposed of all this \$80,000,000 worth of property down there for \$5,000,000, and of course all the property round about in the resident section was to go with it and he was to get all of that.

At that time the Senator from Nebraska [Mr. NORRIS] and the Senator from Iowa [Mr. BROOKHART], both bitterly opposing the Ford offer, made the same fight that the Senator from Tennessee has made here to-day. They told how horrible it would be to turn over all that property to Mr. Ford, and my friend from Tennessee sat with his face wreathed in smiles of calm magnificence when that fight was going on, and he was supporting the Ford offer. I just wonder what has come over the spirit of my good friend's dreams. He has read a letter from some woman who is interested in real estate at Muscle Shoals. I know it can not be that he wants to hold back the development of Muscle Shoals for the purpose of securing a better price for his constituent's lot down there. I know that can not be the inspiring power back of the Senator's change in this matter.

The Senator complains about the rate of 4 per cent fixed in the Underwood bill. He supported the Ford offer, which provided 4 per cent as the maximum, while the Underwood proposition fixes 4 per cent as the minimum rate. Seventeen million dollars was to be deducted under the Ford offer. That was the money spent during the war on that dam. But my friend from Tennessee did not have any compunctions of conscience on the subject along about that time. He was wholeheartedly supporting the Ford offer.

Then so devoted was he to Mr. Ford, as I was, and so anxious was he to have the Ford offer accepted and so reluctantly did he give up Mr. Ford that after the Congress reconvened the Senator from Tennessee and I sent a telegram to Mr. Ford—he wrote the telegram—begging him to reenter the field and asking him to let us consider his bid once more. Mr. Ford did not reenter the field. The only thing we could do then, those of us who really wanted to develop the project down there and get some benefit out of it for the farmers, was to support the only bill that had the Ford provision in it for making fertilizer. Not only that, but there was a provision stating that the fertilizer should be made under the Ford proposition, "if practicable" and "upon demand," and those two expressions are stricken out in the Underwood amendment and it is made obligatory upon the company. The practicability of it was removed and the demand feature has vanished, and now the lessee will have to make it. My friend from Tennessee has deserted the proposition and has gone back on the provision entirely, and is now supporting this will-o'-the-wisp arrangement that the Senator from Nebraska offered and against which my friend from Tennessee leveled so many shafts in his speeches in the past when he supported the Ford offer on the floor of the Senate.

At this point Mr. McKELLAR approached Mr. HEFLIN's seat. Mr. HEFLIN. I take it that the Senator from Tennessee wants to speak to me and I yield to him.

After a brief whispering conversation,

Mr. WADSWORTH. Senators on this side of the aisle can not hear the colloquy that is taking place.

Mr. CARAWAY. And we on this side object to an executive session.

Mr. HEFLIN. The Senator from Tennessee, who has been occupying the floor for some time, informs me that he desires to go to lunch.

Mr. McKELLAR. I merely inquired whether I would be treating the Senator from Alabama disrespectfully if I retired from the Chamber for some lunch at this time. I always like to be respectful to him.

Mr. HEFLIN. It is after the lunch hour and I am sure that the Senator needs to eat something, and I shall wait until he is here to say a few words in reply to some of the things he has said. If any other Senator wants to take the floor, he is at liberty to do so.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. HARRISON] to the amendment of the Senator from Alabama [Mr. UNDERWOOD].

Mr. McNARY. Mr. President, I note the absence of the Senator from Nebraska [Mr. NORRIS], who desires to be present when the vote is taken. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ball	Fess	McCormick	Sheppard
Bayard	Fletcher	McKinley	Shipstead
Borah	Frazier	McLean	Shortridge
Brookhart	George	McNary	Simmons
Broussard	Greene	Mayfield	Smith
Bruce	Hale	Means	Smoot
Bursum	Harrell	Moses	Stanfield
Butler	Harris	Neely	Sterling
Capper	Harrison	Norbeck	Swanson
Caraway	Heflin	Norris	Trammell
Cauzons	Howell	Oddie	Underwood
Curtis	Johnson, Calif.	Overman	Wadsworth
Dial	Jones, N. Mex.	Pepper	Walsh, Mass.
Dill	Jones, Wash.	Philips	Walsh, Mont.
Edge	Kendrick	Ransdell	Warren
Ernst	Keyes	Reed, Mo.	Watson
Fernald	King	Reed, Pa.	Weller
Ferris	Ladd	Robinson	Willis

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present.

Mr. HARRISON. Mr. President, the debate, it seems to me, on this particular amendment is exhausted, and I hope that we may now vote on it. There seems to be no opposition to the amendment to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. HARRISON] to the amendment of the Senator from Alabama [Mr. UNDERWOOD].

Mr. HARRISON's amendment to Mr. UNDERWOOD's amendment is as follows:

On page 2 strike out lines 3 to 5, inclusive, and insert in lieu thereof "also Dams Nos. 2 and 3, located in the Tennessee River at Muscle Shoals, power plants, auxiliary steam plants, all hydroelectric and operating appurtenances."

On page 4, after line 14, transpose section 8 of the substitute.

On page 4, line 20, strike out "being" and insert in lieu thereof "shall be."

On page 4 strike out line 25, and through the period in line 6 on page 5, and insert in lieu thereof "The lessee shall pay as the annual rental for use of such properties an amount not less than 4 per cent of the total amount expended by the United States in acquisition, construction, and completion of Dams Nos. 2 and 3 and the purchase and emplacement of all machinery, gates, or other metal parts or material used in the construction of locks, dams, and power houses: *Provided*, That the rental for said dams, or either of them hereinbefore provided for, shall become operative upon their delivery to the lessee."

On page 5, line 10, strike out "said Dam No. 2 and" and insert in lieu thereof "Dams Nos. 2 and 3 and for."

On page 5, line 14, strike out "Dam No. 2" and insert in lieu thereof "as soon as practicable Dams Nos. 2 and 3."

On page 5, line 17, after "into," strike out through "lease," in line 18, and insert "and such property is turned over to the lessee in accordance with the terms of the lease, the lessee shall maintain such property."

On page 9, line 7, strike out "Dam No. 2" and insert in lieu thereof "Dams Nos. 2 and 3."

On page 9, line 8, strike out "plant" and insert in lieu thereof "plants."

On page 12, line 10, strike out all after the period through the period in line 14.

Mr. SMOOT. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered, and the roll was called.

Mr. McLEAN (after having voted in the negative). I have a general pair with the junior Senator from Virginia [Mr. GLASS]. I transfer that pair to the junior Senator from Missouri [Mr. SPENCER], and will allow my vote to stand.

Mr. SHIPSTEAD. I desire to announce that the Senator from Minnesota [Mr. JOHNSON] has been called to Minnesota on account of illness in his family, and, for that reason, is detained from the Senate.

Mr. BAYARD. I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. In his absence I withhold my vote. If I were permitted to vote, I should vote "yea."

Mr. SIMMONS (after having voted in the affirmative). I have a general pair with the junior Senator from Oklahoma [Mr. HARRELD]. That Senator has not voted, and I transfer my pair with him to the junior Senator from New Jersey [Mr. EDWARDS], and will let my vote stand.

Mr. JONES of Washington. I desire to announce the following general pairs:

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY]; and
The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 23, nays 39, as follows:

YEAS—23			
Broussard	George	Mayfield	Smith
Reice	Harris	Nevly	Trammell
Caraway	Harrison	Overman	Underwood
Dial	Heflin	Reed, Mo.	Walsh, Mass.
Ferris	Jones, N. Mex.	Sheppard	Walsh, Mont.
Fletcher	Kendrick	Simmons	
NAYS—39			
Bali	Fernald	McKinley	Shortridge
Borah	Fess	McLean	Snoot
Brookhart	Frazier	McNary	Stanfield
Bursum	Hale	Means	Sterling
Butler	Johnson, Calif.	Moses	Wadsworth
Capper	Jones, Wash.	Norris	Warren
Couzens	Keyes	Oddie	Watson
Curtis	King	Pepper	Weller
Dill	Ladd	Phippa	Willis
Edge	McKellar	Shipstead	
NOT VOTING—33			
Ashurst	Gerry	McCormick	Shields
Bayard	Glass	Metcalf	Spencer
Cameron	Gooding	Norbeck	Stanley
Copeland	Greene	Owen	Stephens
Cummins	Harreld	Pittman	Swanson
Dale	Howell	Ralston	Wheeler
Edwards	Johnson, Minn.	Ransdell	
Elkins	La Follette	Reed, Pa.	
Ernst	Lenroot	Robinson	

So Mr. HARRISON's amendment to Mr. UNDERWOOD's amendment was rejected.

Mr. HARRISON. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. On page 13, line 2, it is proposed to strike out "fourth year" and to insert in lieu thereof the words "tenth year after commencement of business as authorized by the Secretary of War."

Mr. HARRISON. Mr. President, just a moment.

The Underwood proposal gives this corporation, in the event no one enters into a lease under the terms of the proposal, four years in which to prove the operation to be a success. At the expiration of four years, if it is losing money, it shall cease to operate and come back to Congress. It seems to me that it ought to have at least 10 years. I should much prefer it to have no limit at all. Certainly, four years is not fair. Ten years would be more reasonable.

Mr. UNDERWOOD. Mr. President, I will say to the Senator that at the suggestion of the War Department I have extended the time for reaching a maximum of fertilizer, and, of course, having extended that time, it would not be possible for them to produce it within the time fixed by me. All I want in that provision is that the Congress may have its hand on this matter if it is not a success, and I will ask the Senator if he would be willing to agree to eight years?

Mr. HARRISON. I would. I modify my amendment and make it 8 years instead of 10.

The PRESIDING OFFICER. The question is on the modified amendment offered by the Senator from Mississippi to the substitute of the Senator from Alabama.

Mr. McKELLAR. Mr. President, may the amendment be stated again?

The PRESIDING OFFICER. The Secretary will restate the amendment as modified.

The READING CLERK. On page 13, line 2, where it reads:

The terms for the sale of said bonds shall be approved by the Secretary of War. If at the end of any fiscal year after the fourth year the corporation shall not have earned net sums sufficient—

It is proposed to strike out the words "fourth year" and to insert in lieu thereof "eighth year after commencement of business as authorized by the Secretary of War."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi to the substitute of the Senator from Alabama.

The amendment to the amendment was agreed to.

Mr. SMITH. Mr. President, the other day I introduced an amendment and had it lie on the table. I now offer that amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. On page 3 it is proposed to strike out from line 1 down through line 2 on page 6 and to insert in lieu thereof the following:

SEC. 3. In order to supply the United States Government with nitrogen for uses by it in time of war, and in order to produce nitrogen and balanced commercial fertilizers for the national needs in time of peace, the properties enumerated in the first section of this act shall be developed and utilized to their fullest capacity. It shall be the duty of the Secretary of War and of the corporation organized under authority of section 4 to develop and utilize all such properties primarily for the production of nitrogen for war and commercial fertilizer purposes and to produce balanced fertilizers for agricultural and commercial purposes. The Secretary of War and the corporation may make such secondary uses of the properties and power as are not inconsistent with the primary purpose of this act.

On page 6, line 3—

Mr. SMITH. Mr. President, the rest of the amendments proposed here are simply rearrangements of the sections to correspond to the bill in case the provision I have proposed as an amendment is agreed to. This amendment simply strikes out the leasing features proposed in the Underwood bill and leaves the Government corporation proposed by him as it is in the bill.

I spoke at length on this subject the other day, calling attention to the fact that at the present stage of development at Muscle Shoals none of us know definitely just what may be done in furtherance of that for which this whole matter was projected, namely, the production of fertilizer in available form for the farmers themselves and nitrogen in the form in which it may be produced in the greatest quantity for use in explosives in time of war.

With the tremendous expenditures that have been made by the Government at this place for the purposes set forth in the original bill and reiterated in the Underwood bill, and set forth even in the Norris bill, I do not believe that we are warranted now in leasing this property at this stage of development, when we have every promise that a process will be developed by which the ingredients necessary for fertilizer purposes can be made more economically and cheaply than at present in a way which will be of tremendous benefit to agriculture. If the power needed to produce fixed nitrogen can be reduced, as there is every reason to believe in the near future it will be reduced, it will correspondingly increase the aggregate amount of nitrogen that can be fixed by the power at Muscle Shoals. If that can be practically indefinitely enlarged, since the process even now is bound to be cheaper than the ordinary sources of nitrogen, we ought to carry on that work until it has passed beyond all doubt as to the possibilities for the relief of agriculture and as to the possibilities of surplus power, if there should be any; and then, if we see fit to lease, we will have an intelligent basis upon which to offer this property for private use.

I do not believe there is a Senator here who believes that a private corporation would have the same interest as the Government in pioneering, in developing the processes by which the ingredients of fertilizer may be produced and brought together as I showed here the other day in the concentrated form that has been produced in the laboratory now. I do not believe that a private individual would carry on the work as the Government, devoted solely to the interests of the people, would carry it on; and the American farmers are looking to us to devise the best possible means by which this new process of furnishing them with the elements necessary to enrich the soil shall be carried out.

I am convinced that the thing for us to do is to see to it that with approximately \$150,000,000 of public funds already invested for this definite purpose, set forth in the original bill of 1916 and reiterated in the bills that have been subsequently introduced, the Government shall carry on this project until such time as we know within an approximate degree of certainty what can be done in the new processes of combining these elements for the benefit of agriculture.

My amendment simply strikes out all the provisions for leasing in the Underwood bill, and leaves the Government agency, the corporation the Senator from Alabama has provided, to go immediately to the prosecution of this work. There is a plant already there that this corporation can run;

and within a reasonable time, within a year, they can ascertain exactly the cost of producing cyanamide at nitrate plant No. 2. They can do that with the steam plant that is there now; and in the meantime, while we are finishing the dam and developing the hydroelectric power, they can be prosecuting at nitrate plant No. 1 their experimentations and if they are made practicable can apply them in nitrate plant No. 2, so that within a reasonable length of time the American people, out of their own investment, with their own officers, can ascertain what are the prospects of meeting the hopes of the American farmer.

I sincerely hope that we will eliminate any leasing features until such time as the Government, with its investment, shall demonstrate the feasibility of the thing for which the original bills were passed.

Mr. UNDERWOOD. Mr. President, I discussed this feature fully the other day when the bill first came before the Senate. The Senator from South Carolina has properly stated his amendment. It is merely to strike out of my bill all concerning a lease and bring the Government operating corporation into effect.

I prefer, and I hope the Senate prefers, to operate this plant under a lease if it is possible to find a lessee, and not have the Government in the business. If we can not get a lessee we have a plant there, and I think it is better to operate it by a Government corporation than by a bureau in Washington. Therefore I have the corporation in the bill; but because I believe that the wiser plan is to allow the President to find a lessee if he can—and he has up to the 1st of September to do so—I do not think the amendment should prevail. I hope it will be defeated, and I ask for the yeas and nays on it.

Mr. SMITH. Yes; I should like to have the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. WALSH of Montana. Is that amendment in order at this time?

Mr. UNDERWOOD. I think so. It is an amendment to the bill. It is not a substitute.

Mr. WALSH of Montana. It is really a substitute for half the bill, is it not?

Mr. UNDERWOOD. Well, it may be a substitute.

Mr. WALSH of Montana. And if that half of the bill should be amended as is proposed, it might make quite a difference with the vote on the measure. Really, is it not quite the same as a motion to amend that is divisible, and should not the principle of the rule apply to a case of this kind? Possibly if that moiety of the bill which is to be stricken out were amended, as has been proposed by a great number of us, some of us who at present would vote one way might be disposed to vote the other way.

Mr. UNDERWOOD. I think the real issue, which I should be very glad to have determined, is as to whether we shall make any effort to find a lessee, or whether we are determined to have Government operation. I think that might clear up the situation and allow us to reach a conclusion very much more readily.

Mr. WADSWORTH. Mr. President, I have not heard any mention made by either the Senator from South Carolina [Mr. SMITH] or the Senator from Alabama [Mr. UNDERWOOD] as to that feature of the Senator's amendment which proposes to eliminate from the amendment of the Senator from Alabama the mandate for the production of 40,000 tons of nitrogen annually after the fifth year.

Mr. SMITH. I think it would not be wise, if my amendment should prevail, as it will be noted that my amendment dedicates it to the work of producing nitrogen.

Mr. WADSWORTH. I am not criticizing that. I merely say that matter has not been called to the attention of the Senate by either the Senator from South Carolina or the Senator from Alabama. Here is my dilemma. I would like to see that mandate stricken from the substitute of the Senator from Alabama, but I do not want to see stricken from it all reference to a lease.

Mr. SMITH. As a matter of course, that will be a question for the Senate to settle after a majority of the Senate have spoken as to whether they propose to support a provision for a lease. The issue I am bringing up here is whether or not, at this stage of the development of Muscle Shoals, we should lease the property, or at least develop it until such time as

we may have an intelligent basis as to what may be done in the way of fertilizer production.

Mr. WADSWORTH. Mr. President, to accomplish that purpose it was scarcely necessary to strike out all of section 3 of the substitute of the Senator from Alabama. The Senator would strike that out, as well as all of section 4, all of section 5, and all of section 6. It may be necessary to strike those out, but the Senator's amendment has two distinct purposes in view, and they are not related one to the other. One purpose is to strike out the mandate for the 40,000 tons.

Mr. SMITH. Yes.

Mr. WADSWORTH. The second purpose is to strike out all reference to leasing. I am in favor of one and against the other. How shall I vote on this amendment?

Mr. SMITH. There is no escaping that dilemma. The Senator will have to use his own discretion, because the 40,000 tons would be indicated, if my amendment should pass, because then it would be devoted to the production of fertilizer, whereas under the leasing proposition the lessee shall produce 40,000 tons.

Mr. WADSWORTH. Or the Government shall produce, under the amendment of the Senator from Alabama.

Mr. SMITH. The Government shall produce all that it can, under my amendment.

Mr. WADSWORTH. Yes; but under the amendment of the Senator from Alabama, either the Government, or the lessee, if there be such, would be compelled to produce 40,000 tons. I ask, as a parliamentary inquiry, if it is possible to have this question divided? There are two entirely different propositions here.

Mr. SMITH. Let me ask the Senator this question: Does the Senator want to vote for the provision requiring the production of 40,000 tons?

Mr. WADSWORTH. I want to vote to eliminate that from the substitute of the Senator from Alabama.

Mr. SMITH. This proposition of mine does both; but the Senator does not want to eliminate the leasing feature?

Mr. WADSWORTH. I do not.

Mr. UNDERWOOD. Mr. President, of course I am very earnestly opposed to this amendment, but I am glad to have a vote on it now, because this issue lies in the Senate, whether we shall have a mandate for national defense for the production of 40,000 tons of nitrogen, and fertilizer carrying 40,000 tons of nitrogen in time of peace, as to whether we shall allow a Government corporation in the initial stages to operate the plant, or try to have a lessee do it. Of course, if the Senator's amendment should prevail, we will have a Government corporation, with five directors appointed by the President, and those five directors will have the power to make nitrogen for national defense, and fertilizer for the farmers, if they desire to; but if the President should appoint five directors who do not desire to make it, they would not have to turn a wheel to make nitrogen and fertilizer. Then, of course, the lease proposition would be entirely gone.

I think that in order to avoid further delay we might as well get a full expression of the Senate. Of course, so far as the farmers of America are concerned, I think if you do not put a distinct mandate in this bill that a certain amount of nitrogen shall be manufactured and then converted into fertilizer, the farmer's interest in this matter will be gone. He might as well be counted out of the bill.

Mr. REED of Missouri. Mr. President, if the Senator will pardon me, the Senator's opinion is, then, that as an economic proposition the manufacture of nitrogen is not a success?

Mr. UNDERWOOD. Oh, no. The Senator from South Carolina himself produced a letter here from Doctor Whitney, the Chief of the Bureau of Soils of the Department of Agriculture, saying that this was the place where nitrogen could be produced for fertilizer cheaper than at any other place.

Mr. REED of Missouri. I understood the Senator to say that unless there was a mandate in the law for the manufacture of nitrogen it would never be manufactured.

Mr. UNDERWOOD. I mean that there would be no assurance.

Mr. REED of Missouri. Of course, if money could be made by making nitrogen—

Mr. UNDERWOOD. This is a Government corporation. It would not be the question of a man making money for himself; it would be a question of following a mandate of somebody.

Mr. SMITH. Under this proposed amendment they would be required to use the full capacity of the plant for the production of nitrogen.

Mr. UNDERWOOD. Undoubtedly. There is no question about that. I have intended that there should be a mandate

in the interest of national defense and for the production of fertilizer. That is the question. If the Senate wants to make the experiment, we might as well find it out, and if they do not, if they are not going to carry out the purpose of the national defense act, they might as well fix it right now. I think that is the issue, and I am perfectly willing to meet it now and have it settled.

Mr. REED of Missouri. I understand that what both the Senator from Alabama and the Senator from South Carolina want is an absolute mandate to make 40,000 tons—

Mr. UNDERWOOD. Not the Senator from South Carolina. He would strike that mandate out of my bill.

Mr. SMITH. If the Senator will read my amendment, he will see that I substitute for that a provision that all the facilities there shall be used to their fullest capacity in producing what the Underwood leasing proposition and mandate command them to produce—namely, 40,000 tons. The Senator from Alabama knows that there is a plant there now, the capacity of which, under steam power, is 40,000 tons of nitrogen. I command them to run that to its fullest capacity, and also to apply any additional power that is needed to produce it.

Mr. UNDERWOOD. Will the Senator read the section in his amendment that gives any such mandate?

Mr. REED of Missouri. Before he reads that let me say this, that plant must be run at capacity to make nitrogen, regardless of what the nitrogen will cost produced by that method.

Mr. SMITH. We are informed—

Mr. REED of Missouri. Never mind about the information; the terms of the bill are, as I understand it, that this plant must be operated to make nitrogen, and that regardless of the amount of loss which may be sustained in the manufacture of nitrogen.

Mr. SMITH. The Underwood substitute, the balance of which I accept, provides that after four years, if there is a lease, if it is found that it is impracticable, they shall cease operations. He has just increased the time limit to eight years by an amendment.

Mr. REED of Missouri. In other words, for eight years, if we accept the proposition as it is now stated, we are to run this plant willy nilly, make money or lose money. Even if it is found to be an utter failure it must go on, and then the losses must be met, of course, by appropriations. I just want to understand the proposal.

Mr. UNDERWOOD. I will say to the Senator, because I am sure he was not here when I made my original speech on the bill, that I stated just what the Senator has said; but I stated that this plant should be run as a matter of national defense; that we had no nitrogen available for defense in war except that we could bring from Chile, and if the line of communication between our country and Chile were cut we would have no nitrogen for defense; that I felt that this plant should be run and should be kept in a stand-by condition in that way, as we keep a battleship. It will cost no more money to do it than to maintain a battleship in fighting condition. It will cost just as much money to maintain the *West Virginia* ready to go to sea at any hour as this will cost. As I said, what is the use of the guns on the *West Virginia* if you have no powder?

Mr. REED of Missouri. I am not taking a different position—

Mr. UNDERWOOD. I only say that to explain why I say this plant should be run, even if it loses money.

Mr. REED of Missouri. The difference is this: That we know the *West Virginia* will go, and we know she can fight; and, therefore, when we are putting money into the maintenance of that vessel, we know we have something to show for it.

Mr. UNDERWOOD. We know this plant will produce powder.

Mr. REED of Missouri. When we start to operate it—this plant—when it comes to the matter of making nitrogen, is it not possible that in a year's time we will have found out that the whole scheme is utterly bad and that we must adopt some other method? Yet we are asked to bind ourselves to an eight-year period of experimentation.

Mr. UNDERWOOD. Let me put the proposition to the Senator. If we lease the plant under the leasing feature which the Senator from South Carolina desires to have stricken out, the lessee will assume the burden of making a profit. If he fails to make the profit, that will not be our loss, it will be his loss, and we will have the powder and the fertilizer. We stand to lose only if the Government corporation operates it; and therefore the leasing feature does not carry any question of Government loss. It may be that we will get no lessee,

but if we get no lessee then we are just where the Senator from South Carolina seeks to put us by his amendment.

Mr. REED of Missouri. I am not discussing a particular amendment; I want to get the situation clear.

Mr. UNDERWOOD. That is the situation. Of course, if it is leased, we will have our national defense and our fertilizer without cost. If it falls in the lap of the Government corporation, of course, although this says eight years, Congress can repeal the law at any time and stop it. It is entirely in the hands of Congress to do that.

Mr. NORRIS. Mr. President, I want to get an understanding from the Senator from South Carolina about the effect of his amendment. I also want to say just a word or two along the lines of the explanation the Senator from Alabama has made to the Senator from Missouri. I would like to have the attention of the Senator from Missouri for just a moment.

As the Underwood substitute now stands, it has two ways of operating, one by lease, one by a governmental corporation; but it is provided that in either case this nitrate plant must be operated or that 40,000 tons of nitrate, which is the capacity of that nitrate plant, must be made each year regardless of what it costs. Forty thousand tons, then, just as soon as it is made, is converted into fertilizer, unless it was in time of war, when they would be using it for the making of explosives. So the lessee, or, if it is not leased, the governmental corporation which the bill sets up, must make that much after the few years' time of experimentation.

The theory that that must be done and that we must keep it in condition does not appeal to me at all. The Senator says we must make that much in order to keep this plant in a stand-by condition. As a matter of fact, what we ought to do, it seems to me, is to keep it in a stand-by condition. Whatever expense that entails, of course it is necessary. It is just like any other building and machinery—we must see that the roof does not leak, and all such things as that. But when you started to operate we would not keep it in a stand-by condition. In fact, operating it would wear it out, and it is conceded that the machinery would wear out many times before the 50-year period had ended.

So I can not see where that argument applies. We keep it in a stand-by condition, ready for emergencies of war, without making 40,000 tons of nitrogen for a year, and we do not keep this nitrogen for war purposes when we make it under that bill. Neither the lessee nor the governmental corporation could convert it into fertilizer. That is compulsory regardless of what it cost. To me that is an economic mistake. It will not do anybody any good. Now the Senator from South Carolina has offered an amendment that strikes out the leasing part of it. Does it leave the rest?

Mr. SMITH. No. It strikes out the provision for making 40,000 tons. It simply leaves the Government in charge to develop the proposition.

Mr. NORRIS. Does it compel the Government to make 40,000 tons?

Mr. SMITH. No; it does not compel the Government to do anything except that they shall go ahead and at full capacity.

Mr. NORRIS. If it is full capacity at which they must operate, it must compel the manufacture of 40,000 tons, because that is its capacity.

Mr. SMITH. Suppose after the operation of a year or after they have gone through with the processes there available, after the completion of the dam which is now in process of completion and the installation of the hydroelectric power and the use of the machinery that is on hand for the production of nitrogen, it is demonstrated that they have arrived at the limit of their improvement and find it is not feasible and is not practicable. Then the farmers of the country as well as the Senate will know definitely what can be done and what can not be done along this moot line. Then they can, if they desire, lease it as a pure power project or if they want to use it for the production of fertilizer they can go ahead on that basis.

Mr. NORRIS. In other words, they would continue under the Senator's amendment to operate it at full capacity until Congress otherwise determined.

Mr. SMITH. Or until they determined the feasibility of it. Mr. NORRIS. Does the Senator's amendment permit them to stop?

Mr. SMITH. No.

Mr. NORRIS. We order them to go ahead at full capacity.

Mr. SMITH. Yes.

Mr. NORRIS. And we do not tell them when to stop.

Mr. SMITH. Oh, we have the full power to tell them when to stop.

Mr. NORRIS. I understand. They would go out and operate at full capacity until Congress might see fit to relieve them from further responsibility.

Mr. SMITH. Certainly.

Mr. REED of Missouri. May I ask what business man would propose in an experiment to start a plant at its full capacity and run it for two years when he does not know whether it will be a complete success or not? What business man is there who would not start in slowly and carefully and experiment as he went along until he had found the condition where he could make at least his expenses? Yet here is a command for full speed ahead regardless of reefs or rocks or dangers.

Mr. SMITH. Oh, no.

Mr. REED of Missouri. That is the way it is stated. I do not know whether it was stated correctly.

Mr. NORRIS. Suppose we went ahead there under the Senator's amendment or by the Underwood amendment—

Mr. UNDERWOOD. We do not reach full capacity until the end of six years under my amendment.

Mr. NORRIS. Yes; but we would go up to full speed then. I know some Senators do not agree with me—I think a few of them disagree with me—but I am so well satisfied now that I am not in favor of spending any money to operate a plant when I feel, and I think I know, in advance that it is going to be a financial loss and can not be done. I do not want to tackle an impossibility. I do not want to ask the lessee to tackle an impossibility. I do not want the Government corporation to tackle an impossibility.

To my mind, in the two years of study that the Committee on Agriculture and Forestry has given to the question one thing has been demonstrated fairly, although there are those who do not agree with me, and that is that with nitrate plant No. 2 fertilizer can not be produced at all. We had dozens and dozens of expert chemists before us. Never one of them demonstrated, in my opinion, that it could be done. Practically all of them said that without some improvement it could not be done. Most of them thought we would get improvements that would eventually bring about a condition so it could be done, but that we had not reached it yet.

At the beginning the committee selected and asked me to request the War Department to detail Major Burns to attend our meetings. Major Burns is not a chemist. He is in the Ordnance Department. He has been connected with the nitrate plant from the very beginning. He knows as much about the details of it and the questions involved as any man living. He has during all that time been studying the question. It is true, as I said, that he is not a chemist, but putting together the work of the chemists, analyzing what they said, not only in this country but all over the world, Major Burns became an expert on the question of fertilizer and the production of explosives. The committee adopted a unanimous vote of thanks to him at the first long hearings we had, and when we took up the matter again he was again requested to attend, and was with us all the time. He was with us when we went to Muscle Shoals. He knew every detail of ever corner, everything there was in any of the factories there, what it cost, and how to make this and that, and everything else.

Major Burns is no more emphatic than are a good many chemists. I do not know of a single chemist who had laid before us a definite plan by which he even claims that he can produce commercial fertilizer with the use of the nitrate plant down there at Muscle Shoals and sell it below the market price, but that it will have to be done at a loss. He testified before the committee on both occasions and summed up the testimony of other people who were more or less technical and gave us the English of it. Knowing the confidence the committee had in Major Burns, after some debate had gone on here in the Senate I asked him if he would not submit in writing, just as briefly as he could, his idea of this question. I have it in my hand, signed by him, written this morning, and I want to read it. It is addressed to me, dated Washington, December 12, 1924, and reads as follows:

In compliance with your request for my opinion as to the cost of producing fertilizer at United States nitrate plant No. 2, I am pleased to submit the following:

The problem has so many ramifications that it is difficult to make a simple answer which is accurate as to all details. However, it is my general conviction that, under the conditions which would probably prevail during the next several years, the No. 2 plant could not be operated at a profit in competition with the present market prices of nitrogen fertilizer materials even though the power cost nothing.

The fertilizer material "cyanamide" could be manufactured at a profit by the American Cyanamid Co., but this is protected by patents to which the Government has no rights. The market for this par-

ticular material is also very limited, and could absorb only a small part of the capacity of the plant.

The most likely product, under present knowledge, is ammonium sulphate, but it is not believed that this material could be manufactured at a profit.

Urea has been suggested as a product, but this material is in a research and development stage only."

I will pause there to say that the Carbide Co., one of the bidders for Muscle Shoals, who had experts and witnesses before us without limit, was relying on the product urea and made a very plausible showing, relating to something, however, that had never been actually tested out in the fertilizer world.

Continuing the reading:

Ammonium nitrate is a fertilizer material and is the product which the plant is constructed to manufacture. But the cost is high and the material is not considered fully satisfactory to the fertilizer market.

Ammonium phosphate has also been suggested, and this to my mind is the logical objective, because it combines two of the three essential plant foods into one highly concentrated material, and would thus assist in producing concentrated fertilizers. But this requires phosphoric acid of sufficient quantity and cheapness to make the combination economical. While it is possible to produce any desired quantity of phosphoric acid, it is not believed that the method of producing it is as yet sufficiently developed to warrant the assumption that it can be produced at Muscle Shoals and then converted into ammonium phosphate in competition with the present fertilizer market. Cheap phosphoric acid is to-day the crux of the solution of concentrated fertilizers.

In conclusion, it is my belief that the hope of materially cheapening the price of fertilizers lies in comprehensive research and development work thereon, and that no early results of great benefit are to be expected.

Very truly yours,

J. H. BURNS,
Major, Ordnance Department.

What Major Burns said about concentrated fertilizer is one of the avenues that many scientific men are working on. That means that if we get a concentrated fertilizer we eliminate the filler, we eliminate the mixing, we eliminate freight, we eliminate 80 per cent or more of the weight; it depends, of course, on the grade of fertilizer, but in a 2-8-2 fertilizer we eliminate more than 80 per cent of the freight, the bags, all the mixing, and so forth. That is the kind of fertilizer that the Senator from South Carolina is advocating and that he has faith in. It has never yet been demonstrated that we can do it and put it on the soil without a mixer without danger of injuring the plant, because in the concentrated form it will, perhaps, kill the plant.

Mr. SMITH. Oh, let me correct the Senator there. There is not a practical farmer who will say that it can not be put on in the concentrated form.

Mr. NORRIS. Yes; it can be done.

Mr. SMITH. And done without injury to the plant, because every man here knows that we can take nitrate of soda, which is a concentrated essence of nitrogen outside of the sodium in it, and put it directly on as a top dressing on all small grain and right at the roots of corn. The only thing necessary is to keep it from doing like we do even a fertilizer that has the filler in it—keep it from coming in contact with the roots of the plant.

Mr. NORRIS. Yes; and that is the difficulty.

Mr. SMITH. No fertilizer that is put near the roots of the plant can come in contact with the roots unless it goes through or is mixed with the soil in which the plant is growing. A concentrated form of fertilizer is the one that the farmers and the scientists of the country have been laboring to get in order to remove the necessary expense of the 80 per cent of dirt or silt.

Mr. NORRIS. That is what I have been trying to say. If we can get concentrated fertilizer, we have improved the situation more than any other one thing that is in sight. We have then eliminated the mixing, we have eliminated 80 per cent of the waste, we have eliminated the hauling and one-third of all the freight. We would eliminate a great portion of the labor that the farmer has in hauling it to his farm and putting it on the land. That is conceded. Most people believe, and I am one of them, that we are going to solve that question, and that eventually we are going to get rid of all that trouble. But that is all outside of nitrate plant No. 2. Operation or nonoperation of nitrate plant No. 2 does not have anything to do with the question. As Major Burns said, if we charge nothing for the power at nitrate plant No. 2, we will not be able to

cheapen fertilizer unless we develop some improvement somewhere else.

The thing I have against both of these amendments—the amendment of the Senator from Alabama [Mr. UNDERWOOD] and the proposition of the Senator from South Carolina [Mr. SMITH]—is that they require the Government and the lessee to go ahead and do something that I think is known by the scientific world in advance will be a failure, and it is going to cost millions of dollars to do it. The amendment of the Senator from South Carolina requires that the plant be operated to its full capacity; and I do not see very much difference in the two propositions.

Mr. SHIPSTEAD. According to the information which the Senator has, how much does it cost now to produce a ton of cyanamide at Muscle Shoals?

Mr. NORRIS. I can not give the Senator that information offhand. I will say that cyanamide is something which is used only in small quantities in fertilizers. Cyanamide is different from nitrogen; as I understand, it is a nitrogen carrier, and only a small quantity of it is necessary in fertilizer. In order to make the nitrogen at the plant the Government must pay to the American Cyanamid Co. a royalty, because that company has the patent for the making of cyanamide, which is a patented process. The Government has to pay \$30 a ton royalty on every ton of nitrogen which is made at nitrate plant No. 2. The question arises whether the Government can assign that right to the lessee. The Government has the right under its contract with the American Cyanamid Co. if it sells the plant to transfer its right, so that the purchaser would pay only \$30 a ton royalty; but I do not know what the company would charge if the Government had not such an agreement, or whether the company could be required, as a matter of law, to assign the agreement to a lessee.

Mr. SMITH. Mr. President, if the Senator will permit me, let me explain to the Senate how the statement in reference to the payment of \$30 a ton royalty for nitrogen may be misleading. Thirty dollars a ton royalty for the nitrogen contents of the cyanamide means 2,000 pounds of pure nitrogen.

Mr. NORRIS. Oh, yes. It is not \$30 a ton on the fertilizer. I did not want to convey that idea.

Mr. SMOOT. Nor did the Senator do so.

Mr. NORRIS. No; I do not think I did.

I can tell the Senator about what it would amount to on the fertilizer. It would depend on the amount of nitrogen in a ton of fertilizer; it would depend on the grade of fertilizer. The lowest grade that is used is 2-8-2. The Senator from Georgia [Mr. GEORGE] called my attention to the fact the other day that that is the lowest grade of fertilizer, and many farmers want a better grade. On a ton of the mixed finished 2-8-2 fertilizer the royalty which would be paid on the ton would amount to about 60 cents. If the grade of fertilizer were 3-8-3, which is a better grade of fertilizer, the royalty would be between 90 cents and \$1 on a ton of finished mixed fertilizer of that grade. If we should make fertilizer, such as the Senator from Alabama [Mr. UNDERWOOD] wishes to be made at the plant at Muscle Shoals, the American Cyanamid Co. as their royalty under their contract, if the grade of fertilizer were 3-8-3, would get considerably over \$1,000,000 a year for their royalty. Of course, they would be glad to have the plant started up, whether we lease the property or not, because that is the sum they would have to be paid. If we leased the plant under the Underwood amendment, there is no assurance that the lessee would not have to pay more probably, and a lawsuit would be required to settle it. It would not be any less; but under the Government contract with the American Cyanamid Co., while the Government has the right under that contract, as I understand, if it sells the property to sell that right with it, there is not anything said about leasing it to anybody; and whether the terms of the contract would cover a lease would be a question to be determined by the courts.

If the courts should hold that we could not transfer the right to a lessee, then the Cyanamid Co. would fix its own terms with our lessee. They could absolutely refuse to let them use the process at all if they chose to do so. Of course, they would not do that, for they would be glad to have them use it, but they could ask a larger royalty, and there is not any hope of getting a lower royalty. That means, depending on the grade of fertilizers that are made, for 40,000 tons of nitrogen the payment of between \$1,000,000 and \$2,000,000 every year in royalty to the American Cyanamid Co. That will all come out of the farmer who buys the fertilizer.

Mr. SMITH. Mr. President, the Senator from Nebraska read the opinion of Major Burns. I notice that, like all men

more or less who are scientists where they have been experimenting and do not know their ground with certainty, Mr. Burns is careful not to state any positive fact; but when they have passed the experimental stage and know to a certainty, they generally speak authoritatively.

We have in the Agricultural Department a bureau, known as the Bureau of Soils, which is charged with the duty of ascertaining what the different soils of this country need and what are the sources of fertilization to supply the needs of the soils. At the head of that bureau is Doctor Whitney. He conducts the investigation of the soils of the several States of the Union; he is charged with the duty of ascertaining whether they are deficient in potash, as all lands are that have not an excess of clay, or are deficient in phosphoric acid, as all sandy lands are, or are deficient in nitrogen, as are the worn-out fields where vegetable matter and humus are not put back on them, and is charged also with the duty of ascertaining in what sections of the country those deficiencies are and of suggesting to the farmer from time to time the available sources at the lowest price of any one of the three ingredients which constitute a balanced fertilizer and which are essential to restore fertility of the soil.

In a letter from Doctor Whitney, which I read into the Record, he states that the nitrogenous contents of cyanamide can be made available for the farmers of this country at one-half the price of the other sources of nitrogen. We have very limited sources of nitrogen in this country. Hence it is the costliest article in all fertilization.

If Senators will look at the map on the wall, they will find that South Carolina uses more fertilizer than any other State in the Union and perhaps produces more cotton and corn to the acre where the fertilizer is concentrated than any other State in the Union where artificial fertilization is employed. So, certainly, we ought to know something about the effect of fertilizer and the burden of using it. The limit of our soil can never be tested until we get to the point where the farmer is justified in putting the fertilizer on his soil until the maximum capacity of the soil is reached without being destroyed by the law of diminishing returns by virtue of the excess cost of the fertilizer used. The object that you and I have here for those who feed and clothe our Nation is to see to it that the natural factory, the farm, where the food of the Nation is produced, shall be made as fertile as possible.

The chemistry division of the Bureau of Soils have themselves developed a process for the production of phosphoric acid, to which Major Burns refers, and which he erroneously says is the crux of the matter. I can buy phosphoric acid for one-third of what I pay for the nitrogenous content of a mechanically mixed and balanced fertilizer. By consulting the fertilizer quotations, it will be found that 16 per cent acid sells for from \$11 to \$12 a ton and gets down as low as \$6 or \$7, while 16 per cent nitrogen, which is the nitrate of soda, sells for \$55 and \$60 a ton. Even the potash brought from Germany in the form of kainit, the lowest form of the potash, will sell for from \$9 to \$10 a ton. So the main element of cost is the nitrogenous ingredient, and the plant which we have already there will produce it at half the cost of any other known source.

In my amendment I say that the plant shall be run at its fullest capacity. Now, let us take conditions as they exist there at this time—

Mr. NORRIS. Mr. President, if the Senator will allow me to interrupt him, I think I can disabuse his mind of an impression for which perhaps I am to blame. I have said I do not like the Senator's amendment because it requires the operation of the plant to full capacity without knowing whether it could be so operated without a loss or not. If the Senator is right—and of course I concede that he is just as conscientious in his belief as I am—he would not run any risk if he put in his amendment a provision to the effect that the plant shall be operated to its full capacity provided it may be done and the fertilizer may be sold at a less price than commercial fertilizer is sold for to-day.

Mr. SMITH. I would be willing to accept such an amendment if—

Mr. NORRIS. Let me finish. That is the only weakness that there is in the Senator's amendment. I am going to vote for the Senator's amendment, although, as I have said, I do not like it. I do not believe that what the Senator desires can be done, but if he is satisfied that it can be done, then he runs no risk by putting in the provision to which I have referred. The Senator from South Carolina strikes out of the substitute of the Senator from Alabama a provision that I think can not be defended by any business man under any conditions, namely, the leasing provision, because, assuming

that I am right—and I think the Senator from Alabama believes I am right, because he has said and the Senator from Mississippi also has said that it was necessary to be liberal on the water power end in order that the losses might be made up on the fertilizer end—when we lease the plant we are going to lease it for 50 years. Suppose a man should bid for it and secure the lease on a business basis such as the Senator or I would insist upon, that lessee will proceed on the theory that he is going to operate the fertilizer part of the business at a loss and is going to make up that loss out of the profits on the water power, and he will make enough out of the water power so that out of the whole transaction he will make money out of the lease. Assuming that he does that and then, say, within 2 years, or 5 years, or 10 years, or 25 years, or 30 years, in fact, at any time within the lease period, there shall be discovered a new method—and practically every scientific man who appeared before the committee believes such a thing will happen; we all believe it—under which it will be possible to cheapen production so that fertilizer may be made at half its present cost in its completed form or that a practicable, concentrated fertilizer may be made that requires no mixture, who would get the benefit?

We would have leased the plant for 50 years; the lessee makes out of the power, though he loses money on the production of the fertilizer; but there is developed a new method by which he can make the fertilizer at a profit. Will the farmer get the benefit? Will the Government get it? No; for we have leased it for 50 years.

Mr. SMITH. But suppose the Government has the plant?

Mr. NORRIS. Exactly. That is where the amendment of the Senator from South Carolina has the advantage of the Underwood substitute, I think; and, even though it contains that objectionable feature, yet it seems to me we ought to adopt it. Suppose that we now had a surplus of fertilizer, as we have of wheat, and we had to ship it abroad and could not consume it all. In that event, whenever this additional fertilizer were put on the market it would reduce the price. We would not be in our present difficulty if we had a surplus, but we have a deficit. We do not use on American farms to-day more than half of the fertilizer we ought to use. We ought to double the amount of fertilizer used. So, if we increase the amount of fertilizer having nitrogen content by 40,000 tons, we have not added a drop in the bucket; we have not passed from a deficit to a surplus, and the result would be that the additional fertilizer which the lessee would make he would sell on the market at the market price, and the farmer would pay the same old price for it.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield further; and if so, to whom?

Mr. SMITH. I want the Senator from Nebraska to finish; I am enjoying his speech, and it seems to be along the line of my amendment.

Mr. NORRIS. I have pointed out the weakness of the Senator's amendment, but I think it improves the Underwood substitute.

Mr. WADSWORTH. Mr. President, I ask the Senator if he will yield to me in order that I may ask a question of the Senator from Nebraska.

Mr. SMITH. I yield.

Mr. WADSWORTH. The Senator from Nebraska just a moment ago pointed out what he regarded as a very great danger, if I may use that expression, in that through some tremendous improvement in the process of extracting nitrogen from the air this nitrogen shall become very much cheaper, and that in that event the lessee will pocket the immense profit and the farmer will gain nothing by the improved process. My question is—or perhaps I can make it in the form of an observation—is it conceivable that the Secretary of War will make a lease making possible such an outcome?

Mr. SMITH. Mr. President, I want to finish what I have to say and hope we will get a vote on this amendment.

When I was interrupted by the Senator from Nebraska I was going to observe that this is a very important question to those of us who are burdened with the compelling necessity to use fertilizer or quit farming. The peculiarity of the South Atlantic soil is such that unless you rotate the crops with legumes or apply artificial fertilizer in order to keep up the fertility you do not make any crop. The old process of getting phosphoric acid was to treat the phosphate rock, and I want the Senate to understand that the amount of phosphate rock available is almost as unlimited as the nitrogen in the air, but the low-grade phosphate rock has such a large percentage of iron and lime that when you treat it with sulphuric acid

to get the phosphoric reaction from it the iron and lime neutralize your treatment and you get no phosphoric acid. Therefore, they had to abandon the fields in South Carolina, they had to abandon some of the fields in Florida, and the only rock that is available is the high-grade rock, and yet it is so abundant that it is one of the cheapest elements in a balanced fertilizer.

The Bureau of Soils of the Government, working on that problem, discovered that by a comparatively cheap process—perhaps cheaper than the sulphuric-acid process—by using fuel in a furnace they could heat the phosphate rock, and, by putting in common, ordinary sand, produce silicic acid, the acid from the silicon that would produce phosphoric acid without regard to the lime or the iron contents of the low-grade rock. So that by that process alone they revolutionized the process of obtaining phosphoric acid; and one of their own employees left the department and went with the fertilizer companies to install this new method of getting this ingredient of fertilizer.

With our men paid salaries, with \$150,000,000 already invested in Muscle Shoals, dedicated to the study of this problem that vexes all the agriculturists in the fertilizer-using States—and it will mean all the States in the course of time—I maintain that it is the duty of the Government to hold that property until the processes are developed either for or against the practicability of giving the farmer an adequate supply of this ingredient, so absolutely essential to sustain the prosperity of this country.

We all know that the amount of nitrogen in the air is unlimited. We know that there has been developed a process of extracting it. It has made further advances in its short life than even the application of transportation in the airplane; but the principle has been indicated, and scientists are going to develop it. We must not forget that the submarine was rejected here and developed in Germany. We must not forget that from the initial point of Mr. Franklin's discovery the application of electricity, the marvelous work that electricity is doing, has been developed. This problem of the fertilization of our soil is of more moment to us than all the other discoveries of science, and we, as the representatives of the people, ought to see to it that we shall guard this attempt to benefit the American farmer as we guard nothing else, and shall develop at Muscle Shoals the process by which the balanced fertilizer, of which I showed you a sample the other day, can be produced and turned over to the American farmer at a reasonable price. Then, if we want to lease it, we will have passed the pioneer stage, and we will have a basis upon which to calculate its value to those to whom we dedicate it.

Mr. HEFLIN. Mr. President, I want to say a word in reply to the letter from Major Burns which has been read by the Senator from Nebraska [Mr. NORRIS].

This is indeed a doleful note that Major Burns has sounded forth for use in this debate. When the Congress has had under consideration for months the proposition of manufacturing nitrates at Muscle Shoals, and we are now about to enact into law some measure for that purpose, a Government expert, so-called—an officer paid by the Government of the United States—gives to the Senator from Nebraska his opinion that fertilizers can not be made at a profit at Muscle Shoals. He even goes so far as to say that he does not think it could be done even if the power cost nothing.

Mr. President, if my recollection serves me right, the various companies—all of them that have made bids for Muscle Shoals—have now reached the conclusion and have stated to the committee that they thought they could make fertilizer at Muscle Shoals at half the price for which it is selling to-day. I think Mr. Hooker—one of the ablest of all the men who have appeared before the committee, a New York gentleman—testified to that effect.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New York?

Mr. HEFLIN. I yield to the Senator.

Mr. WADSWORTH. It should be remembered that Mr. Hooker said it could be made for half the present price, but by an entirely different process from the one now installed at Plant No. 2.

Mr. HEFLIN. I do not remember that he said anything about the process.

Mr. WADSWORTH. That is the all-important part of it.

Mr. HEFLIN. But, Mr. President, various witnesses have testified that at Muscle Shoals fertilizer could be made for about half the price for which it sells to-day.

The Senator from Nebraska has crossed himself up in this debate considerably because in the hearings before our com-

mittee here is what he said in reply to Mr. Waldo, who was testifying before the committee. Mr. Waldo said:

We do not claim that he [Mr. Ford] guarantees to cut the price of fertilizer in half. We say it is a reasonable expectation.

Then here is what the Senator from Nebraska [Mr. NORRIS] said:

It is a reasonable expectation no matter who gets it. I think it is fair to assume that we are going to cut the price of fertilizer in two in some way.

At that time the Senator from Nebraska was of the opinion that it could be done whether Ford got the plant or somebody else got it. Now he does not seem to think that it can be done by anybody. He is so doleful and mournful in his attitude now that he appears to be willing to give up the whole thing in despair.

Mr. BROOKHART. Mr. President—

Mr. HEFLIN. I yield to the Senator from Iowa.

Mr. BROOKHART. I want to call the Senator's attention to the fact that Major Burns's letter and the remarks of the Senator from Nebraska [Mr. NORRIS] were directed to the cyanamide process in use at plant No. 2, while the statements which the Senator from Alabama has just quoted refer to the new modified Haber process which all of them expect to cheapen the cost of fixed nitrogen. There is no inconsistency between what the Senator from Nebraska said here to-day and what he said in the statement the Senator has quoted.

Mr. HEFLIN. The Senator does not take the position that the lessee could not introduce another process just the same as the Government might?

Mr. BROOKHART. Oh, no. The position is that the Government is now developing these modified processes, and that it ought to go ahead and do that until we know more about them.

Mr. HEFLIN. This bill does not specify any particular process.

Mr. BROOKHART. I understand that.

Mr. HEFLIN. It is open to all the processes, to the best one that may be devised. The main point in this whole proposition is to have a guarantee in the bill to make fertilizer for the farmers of the United States. Interests from various sources who oppose such a plan are being heard and they are busy in bringing their influence to bear in various ways to kill this particular provision in the bill. They never have favored it. They are responsible for delay in action upon the Ford offer because of this provision. They have fought it from the beginning. They are fighting it now. Their influence is being felt here—you can feel it in the very atmosphere about this Chamber—in an effort to kill the provision that guarantees the manufacture of 40,000 tons of fixed nitrogen annually at Muscle Shoals. Why are they fighting it? Because they know that its enactment into law will sound the death knell of the high prices of fertilizers that so sorely afflict our farmers to-day. Mr. President, I read to the Senate yesterday an interesting article on this subject. It is very brief, and I will read it again. It is from the Wall Street Journal of October 22, 1924: Listen to these headlines:

Chilean nitrate outlook—Ford's withdrawal of Muscle Shoals offer results in boom to Chilean industry.

Does that sound as though they think we can not make fertilizer and make it cheap at Muscle Shoals? Listen! Here is the statement—the significant statement—that tells the truth about it:

SANTIAGO, CHILE.—Henry Ford's withdrawal of his offer to take over the Muscle Shoals project has resulted in a considerable boom in the Chilean nitrate industry. Chile is the greatest nitrate producer in the world, and the United States is her principal customer. With Ford in control of Muscle Shoals on an announced program of making vast quantities of nitrate from the air, Chilean producers saw ruin ahead of them. Nitrate shares in London rose from two to three points as soon as news of the withdrawal of the Ford offer was received.

That is from the Wall Street Journal. Does that sound as though they think that this fertilizer proposition would be a failure at Muscle Shoals? No, Mr. President; it shows that they know it will be a success. They know that the manufacture of cheap fertilizer at Muscle Shoals will teach the farmers of the country how cheaply fertilizer can be made, and when they find that fertilizer can be bought at Muscle Shoals for such a low figure they will say to the various companies in other States: "You must bring down these high prices." That is why they do not want this fertilizer provision enacted into law. That is why they do not want fertilizer manufactured at Muscle Shoals. They know exactly

what they are doing when they oppose the provision which compels the making of fertilizer at Muscle Shoals. They want to keep our farmers in the dark, keep them ignorant as to what it costs to manufacture fertilizer. They do not want them to know how cheaply it can be made or what a tremendous profit they are making on its sale to-day. I am opposed to the amendment of my friend from South Carolina because it would in effect kill the guarantee proposition of 40,000 tons of fixed nitrogen. I do not think that he wants to do that. I want that provision to remain in this measure. I want the Senate to keep that provision above all the other provisions of this bill. That really is, so far as the farmers of the country are concerned, the real milk in the coconut. If that is stricken out, the very soul of the measure has been destroyed.

I want to warn some of my friends on the other side that the people are getting impatient with the dallying, delaying, do-nothing tactics employed here to prevent action on the Muscle Shoals project. One man comes in with one theory and another with another theory and another with still another theory, with the result that the measure is held up, no action taken, and nothing done to manufacture cheap fertilizer for the farmer at Muscle Shoals or anywhere else.

I do not believe that they can be deceived as to the true situation here. There are more ways to kill a bill than just by fighting it—everybody from the same angle. One can attack it from the rear, another can attack it from the front, and another can shoot it from his hiding place in the dark. Various methods can be employed to destroy a measure, and this very meritorious provision that we are seeking to enact into law for the benefit of the farmers of America is being vigorously and wrongfully attacked from many sources.

Oh, Mr. President, there are some men who claim to be the friends of the farmer when they are running for election to the Senate. Just before the battle of the ballots they talk so eloquently and pleasingly of their friendship for the farmer and how they like to serve him and safeguard his interests, but sometimes when they get here in this forum, where measures are enacted into law, and where they can show their friendship for the farmer, alas, they frequently seem to forget him. Sometimes they talk one way upon the hustings, when seeking election to the Senate, and act quite another way after they have secured a seat in this body. After election it is a matter of serious doubt with some of them as to whether fertilizers can be made at all down at Muscle Shoals. My friend from Nebraska reaches the high peak and climax of his ridiculous position in this matter by quoting Major Burns, who stated that, in his opinion, fertilizer can not be made at all at Muscle Shoals, even if you got the power for nothing. Oh, Mr. President, how utterly absurd and ridiculous! The answer to the statement of Major Burns and to that of the Senator from Nebraska is that the Cyanamid Co. of Canada is making it and selling it at a profit, and selling a great deal of it in the United States. Do Senators take the position that the Government of the United States and the intelligent, enterprising citizens here operating under a lease from this Government, with plenty of power at Muscle Shoals, can not succeed as well in making nitrates at Muscle Shoals as the people up in Canada are succeeding with the cyanamide process? Do they desire to occupy such an untenable and unenviable position?

Mr. President, when Mr. Callan, who testified before our committee, was talking about fertilizer ammonia selling for 30 cents a pound I asked him what it could be produced for at Muscle Shoals, and he said 5 cents per pound—25 cents a pound less than it is selling for to-day. If it could do no more than that, it would be worth this step upon our part in behalf of the farmers of America. This is the promising prospect at Muscle Shoals, United States of America! I doubt if the cyanamide company of Canada can produce it so cheaply as that.

So, Mr. President, there is absolutely nothing in the contention of the Senator from Nebraska that you can not make fertilizer at Muscle Shoals. He said in his own statement in the hearing that he looked to see the price of fertilizer cut in half; it made no difference who got Muscle Shoals. He said here a day or so ago that we ought to manufacture in the United States twice as much fertilizer as we are manufacturing to-day. Well, here is a step in the right direction. Here is a proposition that will to a considerable extent increase the amount of fertilizer manufactured in the United States. But the Senator from Nebraska stands in the way with a club in his hand, and every time we get this bill in close proximity to a roll call on its passage he knocks it in the head.

Mr. BROOKHART. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Iowa?

Mr. HEFLIN. Certainly.

Mr. BROOKHART. Is it not true that the bill which the Senator from Nebraska is advocating was reported out favorably by the committee?

Mr. HEFLIN. Yes.

Mr. BROOKHART. And is it not a fact that this other bill, which the Senator from Alabama is supporting, is the one brought in here to knock in the head the process that would be developed just for the farmers?

Mr. HEFLIN. Oh, no.

Mr. BROOKHART. Is not the Senator advocating the slide issue here?

Mr. HEFLIN. No; Mr. President. I am a member of the Committee on Agriculture and Forestry. I opposed the Norris bill, and I am opposing it now. The bill we brought in here, the bill containing the Ford offer, was our substitute for the Norris bill.

Mr. UNDERWOOD rose.

Mr. HEFLIN. I yield to my colleague.

Mr. UNDERWOOD. I was just going to suggest that when the Norris bill came before the Senate, the Ford offer was here, guaranteeing 40,000 tons of nitrogen to the country and the requisite amount of fertilizer to the farmer, and the Norris bill was brought in here to kill the Ford offer.

Mr. HEFLIN. I think that is true—

Mr. BROOKHART. The committee brought it in, did it not?

Mr. HEFLIN. Yes.

Mr. BROOKHART. And in a regular way, after full investigation?

Mr. HEFLIN. The committee brought it in, a majority of the members of the committee, but there were several members of the committee, myself in the number, who fought the Norris bill, and we brought in another bill with a minority report.

Mr. BROOKHART. Would there not be quite as much reason in saying that this other bill was brought in here to kill the Norris bill, and that perhaps the Alabama Power Co. would reap the benefit of it? There are two sides to that kind of an argument.

Mr. HEFLIN. I will answer the Senator by saying to him since he has asked that question, that I got the impression before the committee during the hearings that the companies that did not want Ford's offer accepted were very quietly backing the Norris bill; and I think they played hide and seek behind his bill for several months. I think the same influences are still fighting this fertilizer proposition, and I think every time these big power companies and chemical companies and fertilizer companies see a step made against this fertilizer proposition, they are patting some of you on the back.

Mr. BROOKHART. Did not the Senator himself say this morning the Alabama Power Co. could bid and take this over under the provisions of the Underwood substitute?

Mr. HEFLIN. No.

Mr. BROOKHART. That he hoped they might?

Mr. HEFLIN. No; I did not say anything of the sort.

Mr. BROOKHART. I so understood the Senator.

Mr. HEFLIN. The Senator in that respect had a very bad understanding. I said I did not know who would get it, and I did not know what this Republican President and Secretary of War would do; that I would be thankful to get anything out of the situation that will benefit the farmer.

We all are fighting under conditions that exist, Mr. President, and the Norris proposition to turn this thing over to the Government to experiment with commissions and to experiment with a limited amount of water power for the manufacture of fertilizers is a postponing and delaying process in my judgment. We are trying to get away from that. The farmers are held up by the Fertilizer Trust. The Senator from Nebraska denied that there was such a trust until the Federal Trade Commission brought in its report and stated that there was a trust; that seven big companies controlled the price.

Many companies in the country are making fertilizer, and they are making money out of it. Yet the Senator's position is that a lessee under the Government, with a plant already established and with water power ready to drive the wheels, can not make a success in the production of fertilizer at a profit at Muscle Shoals.

That position seems ridiculous to me. There are little jerk-water plants around the country making money hand over fist manufacturing fertilizer, and Senators stand up in this august body and seriously contend that it can not be done at Muscle Shoals.

That is about all I want to say at this time. I earnestly insist that we keep in the bill the fertilizer provision which my colleague has in it, guaranteeing the farmers of the United States 40,000 tons of fixed nitrogen. Let those of us who claim to be the friends of the farmers stand by the provision which compels the manufacture of fertilizer at Muscle Shoals.

Mr. UNDERWOOD. Mr. President, I have just listened with a great deal of pleasure to the able address that has been delivered by my colleague, and I think he has very clearly and forcefully covered the subject. I would not detain the Senate longer except that I feel that this is the very crux of this fight. If we are going to have national defense, we have to have a guaranty of a certain amount of nitrogen. If we are going to have an increased supply of fertilizer for the farmers of America, we have to have a guaranty of production.

As to the cost, the distinguished Senator from Tennessee [Mr. McKellar] this morning fights this bill because he says that if the property is given to a lessee the lessee may make untold profits. On the other hand, his colleague in the fight against this measure, the Senator from Nebraska [Mr. Norris], comes here to-day and says that we should not put a requirement into the law for the production of a certain amount of nitrogen, because we are bound to lose.

Mr. BROOKHART. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Iowa?

Mr. UNDERWOOD. I yield.

Mr. BROOKHART. Is it not true that both of the Senators contemplated that the profits would come out of the water power and that the losses would come out of the manufacture of nitrogen?

Mr. UNDERWOOD. They made assertions of that kind, but they are mere assertions. They have made assertions on both sides of the question. I am merely calling to the attention of the Senate the opposition that has developed.

Everybody knows that four years ago we passed a bill for Government operation that died in the House. The same Major Burns whom the Senator from Nebraska is putting up as his chief witness, in saying that it can not be profitably made, was one of the men four years ago who advocated the Government operation of this plant, and the testimony will show that.

Let me call attention to this, however. Major Burns is an Army officer. He is a gentleman of character and standing. His business is that of an ordnance officer, however, and not that of a chemist. Let me call attention to a few lines from the testimony of some distinguished chemists of this country. In the first place, let me say that Chilean nitrate of soda was selling last spring at wholesale at our Atlantic ports at \$50 a ton of 2,000 pounds, which means a price of 16.1 cents per pound for nitrogen. Sulphate of ammonia last spring was selling at wholesale prices at our Atlantic ports at \$58 a ton of 2,000 pounds, which means a price of 14 cents per pound for nitrogen.

Listen to this. Mr. S. Peacock, a chemical engineer of Philadelphia, in a letter of January 11, 1923, to Senator E. F. Ladd, made this statement:

It will be possible eventually to produce ammonia at Muscle Shoals at a cost of 5 cents per pound.

Nearly a third less than the cost to-day of ammonia from Chilean nitrates. Then Dr. R. F. Bacon, chemical engineer of New York, formerly director of the Mellon Institute of Industrial Research, testifying in behalf of the Alabama Power Co. and associates before the Military Affairs Committee of the House, said this:

The actual cost of fixing nitrogen by the process we propose to use is about 6 cents, down as low as 5 cents, per pound, of actual nitrogen fixed.

Here is another. I could read you a number of others, but this is enough. Dr. Lewis C. Jones, industrial chemist of New York City, testified on behalf of officers of the Alabama Power Co. and associates before the House Committee on Military Affairs in January, 1924, as follows:

I say there is no difficulty in the United States in making fixed nitrogen at Muscle Shoals by a process which would produce ammonia at prices which our friends have suggested, 5 or 6 cents for fixed nitrogen.

Now that is not theory. These are practical chemists. There is no limitation under the bill requiring anybody to use any particular process. He may use any process that he desires. We are only turning over the plant to help him. If he wants to adopt some other process he can do so. It is idle to say that we can not make it successfully when we know it is being made successfully to-day.

I want to call attention to another fact. We can not enact laws unless they are signed by the President of the United States. Of course, if we are not going to allow the farmer to eat unless he eats out of our platter, if he must starve if he does not eat out of our particular platter, if that is the attitude of Senators, so much for it. But all I am contending for is that after the investment of these millions of dollars for national defense and fertilizer under the law of the land as contained in the national defense act, we should arrive at a result and not temporize with the situation any longer. Here is what the President of the United States said in his message. It has been read before, but I am going to read two excerpts from it for the Record at this point. He said, referring to Muscle Shoals property:

Several offers have been made for the purchase of this property. Possibly none of them represent final terms. Much costly experimentation is necessary to produce commercial nitrogen. For that reason it is a field better suited to private enterprise than to Government operation. I should favor a sale of this property, or long-time lease, under rigid guarantees of commercial nitrogen production at reasonable rates for agricultural use.

To the Republican side of the Senate let me read again what the President of the United States said:

I should favor a sale of this property, or long-time lease, under rigid guarantees of commercial nitrogen production at reasonable rates for agricultural use.

The bill pending does not provide for a sale, but it does provide for a lease and for a guaranty of 40,000 tons of fixed nitrogen. The amendment offered by the Senator from South Carolina would strike out of the bill the opportunity to make a lease and the guaranty of fixed nitrogen.

More than that, the President said in his conclusion with reference to Muscle Shoals:

If no advantageous offer be made, the development should continue and the plant should be dedicated primarily to the production of materials for fertilization of the soil.

That is just what the bill does as it stands to-day. It gives the President himself an opportunity to find a lessee on a long-term 50-year lease as he desires. It provides that if he can not find a lessee, then, as a last resort, we may use the power of a Government corporation to produce the result.

I want to say to my friends on this side of the Chamber who represent the southern States, where at least our farmers have been crying for nitrogen for many years, that for the first time in the history of the Government a President of the United States has sent a message here in favor of commercial fertilizer for aiding the farmers. We Democrats had demanded it as a party. We southern men have promised the farmers of the Southland that we would accomplish this result if possible, and now when the President of the United States, not from the Southland, states the terms on which he is willing to accept a bill to make it operative, are we going to challenge his position and say that the farmers of the United States can have no fertilizer unless we proceed in a way that we know will tend to produce a veto from the Executive of the Nation? That is the whole proposition. Do we want to amend the bill so that we know it is perhaps going to be vetoed if it goes to the White House?

Mr. JONES of New Mexico. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. UNDERWOOD. I yield.

Mr. JONES of New Mexico. I, of course, recognize the fact that we need the support of the President of the United States in this legislation, but I wonder upon what analysis of the President's message the Senator from Alabama concludes that the President of the United States would veto the bill if it did not contain the leasing feature. The President himself said, if I understood his message correctly, that if we can not lease the property, then the plant should be operated in the making of nitrates.

Mr. UNDERWOOD. That is just what I have said.

Mr. JONES of New Mexico. If the President would be willing to sign a bill which would put it in the hands of operators or intending lessees to lease it or not, would he not be willing for the Congress of the United States to exercise its judgment in the matter and sign a bill which did contain a provision for the operation of the plant in a manner which the President of the United States says he is willing shall be used? It is true he expressed a preference for the leasing of the property to individuals, but he said if we can not get that then he is in favor of operating it for the purpose of producing nitrates.

Should not the Congress of the United States have as much right as an individual to say that it shall not be leased?

Mr. UNDERWOOD. I do not challenge the question that the Congress of the United States has the right.

Mr. JONES of New Mexico. Therefore it seems to me a wrong construction has been put by the Senator from Alabama upon the President's message. He expressed a preference for private operation, but if that can not be done he said then the plant should be operated anyway by the Government for the production of nitrates. Why should not we settle the proposition as well as to leave it to some individual outside of the Congress to settle?

Mr. UNDERWOOD. That individual happens to be the President of the United States, who has nearly as much power as we have in regard to legislation. I have not said that the President would veto the bill. I say we invite his veto if we do not give him a chance to make a private lease, and we do give that chance in my amendment. Most of the Senator's on this side of the Chamber were favorable to Mr. Ford's offer.

Mr. JONES of New Mexico. I am sure the Senator from Alabama will not include me in that category.

Mr. UNDERWOOD. No. I said most of us, and that is so. Most of the Democratic Senators favored the Ford offer. They did not think then that it was necessary to have Government operation. What put them behind Henry Ford's offer? They were going to give him millions of dollars' worth of property in exchange for less than \$5,000,000, because they thought he would produce a result favorable to the agricultural masses of America. That was the only ground they had, and it was the real ground. It was because Ford was willing to guarantee the production of 40,000 tons of fixed nitrogen for national defense in time of war and for fertilizer in time of peace that I supported his offer and the only reason why I did, and it is the only reason why many Democratic Senators supported it. Now they are proposing to strike out that guarantee, to abandon that effort.

As I said, the President of the United States said he desires a lease for 50 years. Is a lease any more convincing than a sale to Mr. Ford? Are Senators going to challenge the fact that the President will make the best lease he can within the terms of the bill? As I have said repeatedly, the bill does not make the terms of the lease. It only places certain limitations on the power of the Secretary of War with the approval of the President to make a lease. One of those limitations is that they must make 40,000 tons of fixed nitrogen annually.

Senators talk about losing money and that it ought not to be done because we are going to lose Government money if we make 40,000 tons of fixed nitrogen a year, and yet in the very terms of the bill which the Senator from South Carolina seeks to strike out by his amendment are the provisions that would let an individual contractor or lessee take the chances as to whether he was going to lose money or not. It would not be the Government that would lose the money, if the contractor said he would make the 40,000 tons. What concern is it of ours if some man thinks he can make the 40,000 tons every year and then fails to do it? It is his loss and not the loss of the Government. If there is going to be a loss in the manufacturing of nitrogen and Senators are trying to put it onto the taxpayers of America, we ought to say it shall only be done by the Government.

The real truth about it is that my friend from Nebraska fought the Ford offer because he believed in a power development. He has been perfectly sincere and perfectly honest in his position. His only proposal in reference to fertilizer or nitrogen has been experimental from the beginning. The production of nitrogen may be in its infancy, but it has passed the experimental stage in the matter of accomplishing a result for the American farmer.

We might just as well know that we are not sure of accomplishing legislation that will be effective unless we write a guarantee in the bill. There is no reason in the world why we can not trust the President to make the terms of the contract within the requirements of this guaranty, and there is no reason I can conceive of why we should not give him first the chance to make the lease, and then if it can not be done we can take care of the matter by means of a Government corporation. I think that with the Government corporation this guarantee of 40,000 tons of nitrogen could remain. Of course I recognize the fact that if it is a Government corporation and is not successful, a bill in Congress will stop it at any time.

Why not try to make that 40,000 tons? The Senator from Nebraska said it is a mere drop in the bucket. It is one-fifth of the amount of nitrogen that we are getting from Chile every year. It is more than a drop in the bucket. It is not

the full answer to the problem, but it amounts to one-fifth. Forty thousand tons of fixed nitrogen, the capacity of the plant, is one-fifth of the nitrogen the farmers of the United States consumed last year.

Mr. KING. Mr. President, will the Senator permit a question?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Utah?

Mr. UNDERWOOD. I yield.

Mr. KING. If the Government shall fail to obtain a lease in the event the bill passes as the Senator has projected it, and embarks upon the manufacture of power and nitrogenous matters or fertilizers, and then within a few years desires to make a lease or can make a satisfactory lease, is there anything in the bill that would prevent it?

Mr. UNDERWOOD. No; the Government could repeal the law creating the corporation and provide for a lease.

Mr. KING. That could only be done by an act of Congress?

Mr. UNDERWOOD. Yes; by an act of Congress; but it is within the power of Congress to do it.

Mr. HEFLIN. Mr. President, I desire to ask my colleague a question.

The PRESIDENT pro tempore. Does the senior Senator from Alabama yield to his colleague?

Mr. UNDERWOOD. I do.

Mr. HEFLIN. The European countries are using their war nitrate plants in the interest of agriculture, are they not?

Mr. UNDERWOOD. Oh, undoubtedly. Japan has cyanamide plants with water power behind them. The Muscle Shoals plant is the largest single plant in the world, but Japan has several plants with a greater productive capacity than that plant, and it is fitting those plants for agriculture in time of peace. Great Britain is doing the same thing, and so is France. Germany has a very great production of nitrogen, although her plants are largely operated on the Haber process. Instead of the cyanamide process, but some of them are operated under the same process which we are proposing to use here.

Now, I think we have got to the dividing of the ways. We are either going to stand for a guaranty of doing something for the American farmer, for writing into the law the fixed standard of 40,000 tons of fixed nitrogen, or we are not. If we are not going to impose that requirement, then I desire to say that I have made the best fight for it that I could make. I have been in this fight for more than 10 years. I repeat, we have reached the dividing of the ways. We are either going in the legislation of this country to dedicate this plant to national defense and the farmers of the United States or we are going to abandon it for so-called experimentation and let the power go to the development of the great industries of the South. That is all there is in this issue.

Mr. SMITH. Mr. President, I wish to ask the Senator a question before he takes his seat.

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. UNDERWOOD. I yield.

Mr. SMITH. By the terms of my amendment, I am seeking, without specifying 40,000 tons, as the Senator has provided in the first section of his amendment, to accomplish the same purpose. The Senator from Alabama will recognize that the capacity of nitrate plant No. 2 is 40,000 tons of fixed nitrogen annually. Under the terms of the amendment proposed by me it is provided:

In order to supply the United States Government with nitrogen for uses by it in time of war and in order to produce nitrogen and balanced commercial fertilizer—

I desire to strike out the word "commercial"—

for the national needs in time of peace, the properties enumerated in the first section of this act shall be developed and utilized to their fullest capacity.

That, perhaps, is giving a wider scope to the objects which are enumerated in the section referred to, but the effect will be to utilize nitrate plant No. 2 for the production of nitrogen to its fullest capacity. If its fullest capacity shall be 40,000 tons annually, then the guaranty in my amendment is just as binding as the guaranty which is contained in the Senator's substitute, with the additional advantage that if we find a process which will use this power and cheapen the product we shall get more nitrogen and not be confined to a stated amount.

Mr. UNDERWOOD. The Senator has not read my amendment. The Senator proposes to do just the opposite. He provides in his amendment that these plants shall be operated—and I take it, as he has said so, he means it—to their capacity,

but I do not know that the law will mean that. I do not know what construction may be put by the operators of the plants or by the courts on the Senator's amendment, but I do know when the Senator states that the plants shall be operated to their full capacity he limits the production of the plants.

Mr. SMITH. I should like to understand the Senator a little better. If these plants are required to be utilized to their full capacity in the production of the commodities enumerated in my amendment, and in the Senator's amendment, why is not that an order, a command to produce nitrogen to the full capacity of the plants, which, according to all the testimony before the committee, at the nitrate plant now established and ready to proceed is 40,000 tons a year.

Mr. UNDERWOOD. The difference is this: Some gentlemen operating that plant who wanted power and not fertilizer might let it become obsolescent and say it could not produce that amount, that its productive capacity was not so much; but I know that the theoretical production of that plant is 40,000 tons of fixed nitrogen, and I do not say anything about the plant in my proposal. I propose to turn the plant over to the lessees, and then I say, "You must write a guaranty to produce 40,000 tons of fixed nitrogen, and you may produce it as you please." If the lessees can not do it with cyanamide plant No. 1 or No. 2, then they can take some other plant. The amendment of the Senator limits the capacity of the plants, unless the operators should want to go ahead voluntarily. The Senator limits their guaranty of production to the productive capacity of these plants, and I do not. I say they shall produce 40,000 tons of nitrogen regardless of any plants.

There is not any question about the issue; there is no question where the Senate is dividing. I am not criticizing my colleagues, for they have a right to their opinion and their position, but I do say that the leader of the fight against this bill, the leader of the fight against the Ford bill, the Senator from Nebraska [Mr. Norris], brought in his proposal to prevent any contract going through with Henry Ford for 40,000 tons of fixed nitrogen. If I were in favor of merely a power development, I would be for the Norris bill. It is a better power bill than the one I propose; I recognize that. It develops the headwaters of the Tennessee River as well as Dam No. 2; but I have not been making this fight for the development of the industries of the South. I want them to be developed; I would be glad at some other time to help their development; but this plant at Muscle Shoals has been consecrated to the national defense in time of war and to the production of fertilizer for the farmer in time of peace. The Senator from South Carolina was one of the men—in fact, he was the leader—in the fight to consecrate it for that purpose, and I am sorry to see him now in an alliance with men who are not in favor of making fertilizer at Muscle Shoals.

Mr. SMITH. Oh, Mr. President, I can not allow that statement to go unchallenged, because my original bill stipulated that in exactly the wording the Senator has in his substitute. I am attempting to do now what I attempted to do in the first bill, which provided that the Government should select such site or sites for the production of water power as were necessary in order to produce nitrogen for use in time of war and fertilizer in time of peace.

Mr. UNDERWOOD. Mr. President, I said that. I had just complimented the Senator for that being his position.

Mr. SMITH. If the Senator will bear with me further, I am trying to keep the record straight. I provide in my amendment that the plant at Muscle Shoals shall be consecrated as it was in the original act, but I seek to provide that until the Government has solved the problem as to the production of the nitrogen, solved it practically and produced in commercial form commodities similar to the examples which I had on my desk a few days ago, and which came from one of the bureaus of the Government, the Government shall stay with the problem until the farmers are guaranteed that the project is feasible and relief is in sight, and not, in the pioneering stage of this development, to turn it over to private interests whose very objective would be to make the most out of the plant in the shortest time, which would result in the development and sale of power.

In my amendment, as the Senator has done in his proposal, I have consecrated the plant to the production of fertilizer for the farmer and for the defense of the Nation, and made the party most interested as the guardian of the Nation, which is the Congress and Government of the United States, directly responsible to those whom they serve, rather than delegate that power to a private corporation which may or may not patriotically carry out the purposes stated in the original act and reiterated in my amendment.

Mr. UNDERWOOD. I am glad to hear what the Senator has said, but I do not think his defense goes to the case. I complimented him a while ago on his splendid fight in 1916 to secure nitrogen for national defense and for the farmer, but I say that his hand has weakened when he is not willing to write into the legislation a guaranty of the production of so many tons of nitrogen.

Mr. SMITH. If the Senator will allow me, I have written into my amendment a proviso that the full capacity of that plant shall be utilized for that purpose; and in the second paragraph of the same amendment have provided that future development shall also be so utilized. Of course, if it is true that the production of a mixed fertilizer, a balanced fertilizer, is not practicable, we may desist from that, as provided in the Senator's bill, but, so far as the production of nitrogen is concerned, I have not limited it to 40,000 tons; I have used the words "full capacity" to include 40,000 tons, as the Senator from Alabama does in his proposal, and then such other production as further development may make possible.

Mr. UNDERWOOD. Mr. President, there is nothing in my proposal that does not let a successful operator make as much fertilizer as he wants to make, and he will, if he is successful, make as much as he can, but under my proposal there is a direct guaranty. The theoretical capacity of plant No. 2 is 40,000 tons. It may not be made to work up to the capacity of 40,000 tons; some portions of the plant may become obsolescent; it is not possible to go beyond 40,000 tons in that plant any more than it is possible to put more than a gallon of water in a gallon measure; but if the gallon measure leaks, as that plant may leak in its productive capacity, then we will not have the gallon of water or the 40,000 tons. Under the proposal that I make the lessee who gets the plant or the Government corporation itself must guarantee to the people of America a production of 40,000 tons of fixed nitrogen; and there is no way to get around that guaranty.

Mr. SMITH. Mr. President, will the Senator allow me to ask him one other question?

Mr. UNDERWOOD. Certainly.

Mr. SMITH. Either under my amendment, or if my amendment should not prevail and his bill were to pass and we did not get a lessee, does the Senator think that the officers of the Government of the United States, charged with the duty of providing the basis of explosives for defense, would be less likely to use every effort to bring about that production than would private individuals under compulsion? Do we have to put the Government under compulsion?

Mr. UNDERWOOD. I will tell the Senator candidly what is in my mind. I may be wrong about it. I know that in order to produce 40,000 tons of nitrogen annually that plant will have to run every hour in the day and every day in the year. I know also that if it runs 12 hours a day and six days in the week it will be in a stand-by condition for the production of nitrogen for war purposes, but it will not be furnishing the farmers of America more than one-half of its productive capacity. I know that, and I know just what it means. That would be one-half of the productive capacity of the plant. I would rather have one-half than nothing, but I am going to make my position perfectly plain. I am not going to have any "hereafter" about this matter. I want at least 40,000 tons of nitrogen to go into the fields of America annually from this plant, and I am not going to take any chances about it as far as I am concerned.

I have presented my case. Of course, I shall accept the decision of my colleagues, and their wisdom is what must rule. What I said was intended in no way as a criticism of them; but I say that everybody knows the standard that I propose to fix. There can be no doubt about it, and, more than that, I say we know that the President will sign the bill I propose. We know that if it is enacted into legislation we will get the law, and I can say that not only from his message but from personal conversation. This bill will be signed and you will take no chances on it.

Mr. SMITH. Does the Senator think he would veto the bill if the leasing features were eliminated?

Mr. UNDERWOOD. No; I said a while ago that you take your chance of a veto. You are temporizing with the question. You are like a child playing with fire; you do not know what is going to happen; and if we really want to accomplish a great benefit here, why should we take the chance on a theoretical proposition?

As I said, I know that the Senator from South Carolina is, and always has been, an earnest advocate of relief for the farmers in these matters. That is one reason why I regret to see him fighting in a cohort that I know do not care a snap of the finger about fertilizers or nitrogen. They want a

great power development. I know that. Some of the gentlemen on the other side are perfectly candid in their statements about it. They say they are willing to experiment, but they admit that they are fighting for a great power bill, for the development of industry; and I think my friend is not in his rightful place, if he will allow me to say so.

I agreed to yield to the Senator from Nebraska [Mr. HOWELL], and I now do so.

Mr. HOWELL. Mr. President, do I understand the Senator from Alabama to believe that fixed nitrogen can be produced at Muscle Shoals, with the present plant, more cheaply than the present market price, or will it cost more?

Mr. UNDERWOOD. I think it can be. My amendment does not limit it to the present plant, however. I hope the man who comes in to take possession of this property will do his best. I require the annual production of 40,000 tons of nitrogen, and say: "Make it as best you can." I have read into the Record the testimony of three great chemists—the Senator may not have been in the Chamber at the time—who testified that it could be produced at 5 or 6 cents a pound, as against 16, its selling price last spring in New York from the Chilean nitrate, and that is the basis of the present fertilizer.

Mr. SMITH. How much did the Senator say—16 cents a pound?

Mr. UNDERWOOD. That is based on the selling price of Chilean nitrate.

Mr. SMITH. Yes; 16 cents a pound. That is right.

Mr. HOWELL. In other words, then, as I understand, the Senator believes that fixed nitrogen can be produced more cheaply at Muscle Shoals than the market price to-day?

Mr. UNDERWOOD. Yes; I do. I have not any doubt about it. I base that conclusion on the testimony of the witnesses from whom I have read, and they are great chemists. One of them is the chemist who was formerly director of the Mellon Institute of Industrial Research; and that great institution certainly did not have a chemist who was not worthy of his profession.

Mr. HOWELL. What method would they use?

Mr. UNDERWOOD. They have different methods, and I have not a statement of the methods here.

Mr. HOWELL. The Haber method?

Mr. UNDERWOOD. Oh, no. That is not where the question comes. Cyanamide is the basis, as I understand, of their proposal.

Mr. SIMMONS. Mr. President, I desire to ask the Senator a question more particularly for information. The Senator says that he thinks the cost of production of nitrate at Muscle Shoals may be very much reduced?

Mr. UNDERWOOD. I think so.

Mr. SIMMONS. The Senator thinks that even at this time it could be produced cheaper than the cost of Chilean nitrate?

Mr. UNDERWOOD. That is what these witnesses say; yes.

Mr. SIMMONS. Does the Senator believe that if this plant is leased the farmers will ever get more than 40,000 tons annually?

Mr. UNDERWOOD. Yes; I think so. Of course, a great deal depends on whom it is leased to, and that is in the hands of the President of the United States; but I think that there are some of these possible bidders—well, I do not know whether they will bid or not; but they have had proposals from the Carbide people, who are manufacturers of chemicals, and want to make urea. They are one of the possible bidders. The Cyanamid Co., of New York, which manufactures cyanamide in Canada and whose fertilizer manufacturing plant is in New Jersey, is another possible bidder in the offing. I do not know that they will bid, but they are talking about it; and there are other people who are involved in chemistry and fertilizer who, of course, if they go at it and make a profit on the 40,000 tons of fixed nitrogen, will then develop the production so far as the market demands will allow them to do so. If they do not, if they fail to make a profit, then of course they will not make any more than the 40,000 tons; but we will get that much anyhow.

Mr. SIMMONS. Does not the Senator think that any probable lease of this plant at this time would be made only to a company that would expect to make the sale of power the chief source of profit?

Mr. UNDERWOOD. The only company in that neighborhood that might be interested in power told me that they would not bid if we required them to make fertilizer.

Mr. SIMMONS. They would not?

Mr. UNDERWOOD. They would not bid.

Mr. SIMMONS. That means that that company—and I think that probably is true of almost any company that would be apt to make an offer—thinks there is a great deal more

profit in the sale of power than there is in the manufacture of nitrates.

Mr. UNDERWOOD. They are not in the business of making nitrogen for fertilizers, and I think they are afraid to go into it. That is the real truth. Of course these chemical companies know something about it. That is the distinction.

Mr. SIMMONS. If the lessee of this plant believes that he can make more out of power than he can out of nitrates, he will never manufacture more than the minimum tonnage that the bill provides. Is not that true?

Mr. UNDERWOOD. I think that would be true if that happened. I really do not know enough about the power business or the fertilizer business to know where the profit lies; but I will say this—

Mr. SIMMONS. Let me ask the Senator if it is not a fact that at this time, with the present developed processes of manufacturing nitrates from the air, there is more profit in the sale of power than there is in the manufacture of nitrates?

Mr. UNDERWOOD. I can not answer that question for the Senator, because I do not know.

Mr. SIMMONS. But if this plant is leased and it develops as a result of their operations that they can make larger profits out of the sale of power than they can make out of the manufacture of nitrates, then the farmers of this country, while that condition of things lasts, never will get more than the 40,000 tons annually.

Mr. UNDERWOOD. I think that is apparent on the face of the matter, that a business man is going to make his profits where he can make them the best; but I want to say that under the recent action of the Senate which cut the cooperation of Dam No. 3 out of this bill, the extreme limit of the primary power that you have developed there would be, for all but five days in the year, 125,000 horsepower. Of course, the last day in the year it is only about eighty-odd thousand horsepower; but you can produce at Dam No. 2 on the lowest gauge of the river 125,000 horsepower for all except five days in the year. Then you have 60,000 supplemental horsepower; so that at best, as the bill now stands, not bringing in Dam No. 3, you have 185,000 horsepower for the productive capacity. If you adopt the cyanamide process you have 90,000 or 100,000 horsepower gone at once. If you use the electrical power to make your phosphoric acid out of phosphorous rock, you consume most of it; so that as the bill now stands there will not be very much surplus power to sell at all. The horsepower will be consumed to a large extent by the production of the nitrogen and the fertilizer ingredients which this bill requires.

Mr. SIMMONS. So that the Senator reaches the conclusion that the lessee would lease the property with the understanding that he would have very little power to sell?

Mr. UNDERWOOD. Yes; I think he would have to do it as the bill stands. There would be much more power if we would put back in the bill Dam No. 3; but it is out, and we have not any development there.

As I said a while ago, I want to be perfectly candid with the Senate. From the standpoint of the gentlemen on the floor of the Senate who want primarily to develop power, the bill of the Senator from Nebraska, which is a power bill, is a better bill than mine; but it is nothing but an experimental proposition so far as fertilizer and national defense are concerned.

[Mr. HOWELL addressed the Senate. After having spoken for a few minutes he yielded the floor for the day. His speech is published entire on page 673.]

Mr. JONES of Washington. Mr. President, I desire to offer an amendment which I intend to propose. I would like to have it read, printed, and lie on the table.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The READING CLERK. The Senator from Washington proposes to strike out all of the enacting clause and to insert:

That the Secretary of War, the Secretary of Agriculture, and a third person to be appointed by the President of the United States be, and they are hereby, constituted a commission to investigate and study the proposals and questions involved in the use and disposition of the water-power resources and property of the United States at and connected with Muscle Shoals and to report to Congress on or before the first Monday in January, 1926, its conclusions and recommendations for the use or disposition of the same. The commission is authorized and directed to use in the work herein authorized such employees of the War and Agriculture Departments as can be used advantageously, and may employ such additional assistants as may be necessary within the limits of appropriations made for such purposes. The commission may invite proposals for the lease or purchase

of such properties or any part thereof and report such proposals to Congress with their recommendations in regard to the same. The appropriation of \$100,000 is hereby authorized for carrying out the purposes of this act. Until legislation shall be enacted providing otherwise, the Secretary of War is authorized temporarily to dispose of the power developed at Muscle Shoals from time to time upon such terms as he may deem wise, but no contract for the use of power shall be made for a longer period than one year.

INLAND WATERWAYS CORPORATION

Mr. REED of Missouri. Mr. President, I desired to-day to submit some remarks touching the operations of the Inland Waterways Corporation. In view of the course the debate has taken, I do not want to trench upon the time of the Senate; but I do want to have printed now as a part of my own remarks a letter and some figures touching that question which were prepared by the Inland Waterways Corporation.

The PRESIDING OFFICER (Mr. LADD in the chair). Is there objection? The Chair hears none.

Mr. REED of Missouri. I also desire to have printed, with due credit, of course, to its author, but as a part of my remarks, because I want it to appear in the RECORD proper, the address on the same topic which Secretary of War Weeks delivered last night at the banquet of the National Rivers and Harbors Congress. I ask that these two matters be printed in the RECORD proper.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

UNITED STATES INLAND WATERWAYS CORPORATION,

THE SECRETARY OF WAR, GOVERNOR,

Washington, D. C., December 11, 1924.

Hon. JAMES A. REED,

Senate Office Building, Washington, D. C.

MY DEAR SENATOR: At the request of your office I am sending you a statement of operations on the Mississippi River for the nine months' period ended September 30, 1924.

The figures are not complete for the months of October and November, but a preliminary estimate indicates that there will be a loss for these two months. The operating losses for the months of October and November are due to the low stage of the river.

The attached statement shows a net profit for the nine months of \$34,837.44. In the expenses are included depreciation charges amounting to \$253,324.41. Eliminating the depreciation results in a net in-pocket gain of \$288,161.85.

Figures compiled by our auditing department reflect that the rates obtained by the barge line saves the public approximately \$1.35 per ton. This would indicate a saving of about \$942,000 for the nine months' period.

Very truly yours,

GUY BARTLEY, Secretary-Treasurer.

Inland Waterways Corporation—Operations of Mississippi River section by months, January–September, 1924

January:	
Gross revenues.....	\$261,119.61
Total expenses.....	\$256,597.06
Net income.....	\$4,522.55
Add depreciation charges.....	\$26,397.58
Net in pocket.....	\$30,920.13
Revenue tonnage.....	82,179
February:	
Gross revenues.....	\$251,422.20
Total expenses.....	\$238,180.83
Net income.....	\$13,241.46
Add depreciation charges.....	\$26,438.02
Net in pocket.....	\$39,609.48
Revenue tonnage.....	80,229
March:	
Gross revenues.....	\$258,824.67
Total expenses.....	\$256,533.32
Net income.....	\$2,291.35
Add depreciation charges.....	\$27,210.70
Net in pocket.....	\$29,502.05
Revenue tonnage.....	74,117
April:	
Gross revenues.....	\$315,322.44
Total expenses.....	\$305,751.50
Net income.....	\$9,570.94
Add depreciation charges.....	\$28,230.80
Net in pocket.....	\$37,801.83
Revenue tonnage.....	81,528

May:		
Gross revenues	.....	\$288,722.74
Total expenses	.....	\$339,780.24
Net income	.....	\$51,057.50
Deduct depreciation charges	.....	\$29,010.58
Net out of pocket	.....	\$22,046.92
Revenue tonnage	.....	69,916
June:		
Gross revenues	.....	\$332,972.40
Total expenses	.....	\$297,271.91
Net income	.....	\$35,700.49
Add depreciation charges	.....	\$29,009.16
Net in pocket	.....	\$64,709.65
Revenue tonnage	.....	82,565
July:		
Gross revenues	.....	\$285,155.13
Total expenses	.....	\$284,507.15
Net income	.....	\$647.98
Add depreciation	.....	\$29,009.16
Net in pocket	.....	\$29,657.14
Revenue tonnage	.....	70,387
August:		
Gross revenues	.....	\$284,806.54
Total expenses	.....	\$283,065.93
Net income	.....	\$1,740.61
Add depreciation charges	.....	\$29,009.16
Net in pocket	.....	\$30,749.77
Revenue tonnage	.....	76,609
September:		
Gross revenues	.....	\$278,378.23
Total expenses	.....	\$260,188.67
Net income	.....	\$18,189.56
Add depreciation charges	.....	\$29,009.16
Net in pocket	.....	\$47,198.72
Revenue tonnage	.....	80,537

SUMMARY OF OPERATIONS, JANUARY-SEPTEMBER, 1924

Gross revenues	.....	\$2,556,724.05
Total expenses	.....	\$2,521,886.61
Net income	.....	\$34,837.44
Add depreciation charges	.....	\$253,324.41
Net in pocket	.....	\$288,161.85
Revenue tonnage	.....	698,067

ADDRESS OF HON. JOHN W. WEEKS, SECRETARY OF WAR, AT THE ANNUAL BANQUET OF THE NATIONAL RIVERS AND HARBORS CONGRESS, THURSDAY, DECEMBER 11, 1924

I have selected as the subject of my remarks this evening the Inland Waterways Corporation, which is one of the important activities under the supervision of the Secretary of War. Aside from my personal interest in the success of this activity, I am most desirous of interesting the American public in this transportation experiment. I know of no better way to accomplish this than through the membership of the National Rivers and Harbors Congress and I am glad, therefore, to have this opportunity to call to your attention the operations of the Inland Waterways Corporation.

The Inland Waterways Corporation is the logical successor of the Inland and Coastwise Waterways Service, which was an organization created by the Secretary of War in accordance with a mandate contained in the transportation act of 1920. This act required the Secretary of War to operate certain transportation facilities created and operated upon the Mississippi and Warrior Rivers and the New York Canal during the World War by the Railroad Administration. The purpose of these transportation lines was to relieve rail congestion during the war.

In addition to the fleets constructed for operation on the Mississippi and Warrior Rivers, and the New York Canal, there was also another project undertaken by order of President Wilson which had in mind the operation of a fleet on the upper Mississippi River between St. Louis and St. Paul. All these facilities, except the one for operation upon the upper Mississippi River, were operated by the Railroad Administration until it was legislated out of existence and the Inland and Coastwise Waterways Service was formed.

The mission of the Inland Waterways Corporation is to carry out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act. It provides that the Secretary of War shall continue to operate all of the transportation facilities in existence at the time they were turned over by the Railroad Administration to him, and to promote, encourage, and develop waterway transportation.

The purpose of the Congress in turning these transportation facilities over to the Secretary of War for continued operation was to

demonstrate whether or not waterway transportation, acting in cooperation with rail and highway transportation, could offer a cheaper means of transportation to the public.

For a long time those who had been interested in the development of waterway transportation had been divided into two groups.

First. Those who lived along the rivers made navigable and who contended that the value of such navigability was the fact that, potentially, there existed competition to such an extent as to cause rail rates to favor the cities along the streams by lower rates than those granted to the people of the interior.

Second. Those who opposed the canalization of our streams on the grounds that it was an unjust system of taxation whereby one section of the country was compelled to contribute to the welfare of cities located on streams when such increase in the welfare of these cities was in direct opposition to the interests of the contributors.

The program, then, that confronted the Secretary of War in carrying out his mandate to promote, encourage, and develop waterway transportation, and to foster and preserve in full vigor both rail and water transportation, was the enunciation of certain principles upon which the whole of the people could unite in an effort to make the transportation facilities which he was required to operate popular and of widespread value. To-day all advocates of waterway transportation practically stand united upon the following principles:

(a) That there is not enough transportation—rail, water, and highway—to serve the needs of our rapidly developing commerce.

(b) That waterway transportation is inherently cheaper than any other form; and as long as navigable systems have been created under the assumption that their utilization would afford the most feasible and economical means of developing the transportation necessary to meet our rapidly expanding commerce, some means must be found for such utilization of our waterways.

(c) Since all of the people of the United States have been taxed to create navigable waterways, under the impression that the utilization of such streams would result in a cheaper form of transportation, the benefits to be derived from the utilization of such streams must be reflected in the consignments and assignments of freights, not only from the people along the banks of the navigable streams and canals, but also from the interior of the country.

There is no doubt that inland waterway transportation as it existed at the time of the passage of the transportation act was a negligible factor in our interior commercial development. At one time in the history of our country it had been a very considerable factor. Something must have caused this radical change, and if the cause were susceptible of removal, then waterway transportation might be rehabilitated.

Waterway transportation may be utilized in three ways: By private carriers owning their own boats and transporting their own commodities; by contract carriers who may either be owners of their boats carrying their own commodities and contracting to carry for some other interests on their return trip, or one who contracts to carry only the goods of certain specified firms; or by common carriers cooperating with rail and highway transportation. The common carrier—rail, water, or highway—is one which holds itself out for hire to any and all parties at certain specified rates, with certain dates of sailing. The development of a common carrier upon the rivers, having no relations with rail and highway carriers, would limit the advantage of such a carrier to the people residing along the banks of the stream. The operation of the private and contract carriers requires their development to such a limited extent, in order to be of great value to the people at large, that the purpose of Congress would not seem to be served in simply aiding and encouraging them. The more they carry, the larger will be the return to the United States in a way, but the benefits to be derived from their operation will be confined to a much smaller class of people than would be advantaged by the development of common water-rail-highway carriers.

Having arrived so far in the study of the question as to determine upon the development of common carriers, it became evident that there were certain conditions incident to the successful operation of common water-rail-highway carriers, and that these conditions must be created by experiment and demonstration. These conditions are simple, but until demonstrated they offer such obstacles to the investment of private capital that their establishment by private capital is unlikely. These conditions are:

1. A suitable navigable waterway.
2. Suitably designed equipment for each particular waterway, and that suitable equipment must be determined by experiment.

That the old water-borne transportation equipment and its methods of operation were obsolete is proven by the fact that it had been driven out of existence. The development of a transportation agency to success must be gradual and healthy. There is bound to be, however, a long period of constructive effort, of financial outlay without return, before such constructive effort results in a remunerative return. The history of our railroads has been that of ups and downs, and there is too much demand for capital in assured undertakings, too

great a demand for quick return upon an investment, for capital to pour itself unthinkingly and for an indefinite period into an undertaking so perilous as the rehabilitation of a form of transportation that competition had utterly destroyed.

It was fortunate, therefore, for the revival of water-borne commerce that the demands of war brought into being the fleets operated by this corporation and that the law required their operation, because, aside from the other fundamentals of success that experience has brought forward in their proper perspective, while it might have been physically possible to have obtained sufficient funds to inaugurate a service of local importance only, a service whereby the public could be very widely benefited could not in all probability have been developed. Financial failure faced it from the start. Indeed, the schemes of the original proponents of the revival of water-borne transportation on the Mississippi were so strictly limited in their application that their proposed line was not to be even a common carrier, but a contract carrier, and the freight to be carried was to originate in or be destined to river ports or their immediate vicinity. It would have led to active competition and the destruction of water transportation by its active and determined competitors and the consequent delay of the revival of such commerce for a long time. But it is an entirely different thing to drive an independent corporation, with limited capital, out of business and to fight against the expressed policy of Congress that water-borne commerce should be revived in order that the people may be given a chance to find out whether or not the hundreds of millions of dollars spent in making waterways navigable is a success or a blunder.

In this connection, however, I think I should say that proper equipment for the Mississippi-Warrior service has not yet been satisfactorily determined in its entirety, and the towboats now used draw entirely too much water.

There should be suitable terminals and balanced freight both ways.

There was and still is to an appreciable extent an argument as to what constitutes a suitable terminal. Suffice it to say that suitable terminals depend upon very widely different conditions. In general they may be classified into three types—the direct lift, the conveyor type, and the floating terminal with incline.

The kind of terminal to be built depends upon the character of the stream, the commodities to be principally handled, whether or not there is to be interchange with the railroads, and various and sundry other local considerations.

By a balanced traffic is meant not only freight both ways, but freight both ways of both high and low revenue production, and that kind of freight is only going to be procured when there has been built up a dependable, economical, and durable service. The distinction I make between dependable and durable is that to constitute dependability there must be scheduled sailings on which reliance may be placed and advantage taken of, while by durable is conveyed the idea of permanency.

The next essential condition to success is interchange with the railroads. Without such condition being fulfilled, the only freight that can be handled is local production; that is, the produce of the cities situate upon the navigable stream or the immediate vicinity. Certainly it is unfair discrimination to tax the public at large for the benefit of an inconsiderable portion of the population fortunately located. If the public at large is to be benefited by the revival of water-borne commerce on our interior rivers and canals, then their consignments or assignments of freight must reflect some savings due to the use of such rivers or canals. And to reach any of the public to-day not on these navigable waters and to let them reap the benefits of cheaper transportation, recourse must be had to railways or highways, and the commerce must, of necessity, be both rail and water borne.

Let us examine what effect this would have upon the private revival of water-borne commerce.

To compel the railroads to enter into interchange relations with them, the water carrier would at once become, willy nilly, a common carrier, and at the mercy of its rail connections in the matter of the division of revenue accruing from joint hauls. The railroads could and would have said in effect, "You will take what share of the proceeds we voluntarily give you or we will not interchange."

The share of the revenue that the water carrier might have been compelled to accept under this condition could have been so low as to have been very unprofitable, and it would not have been a difficult matter to flood the private corporation with undesirable freight that it would have to carry because of its published schedules, to the exclusion of other freight more profitable, but not of sufficient importance in itself to justify the maintenance of the line.

Now, this condition, to some extent, befell the governmental operations, and led to the enunciation of the final postulate for success, namely—

There must be an equitable division of revenue accruing to both water and rail transportation for a combined haul. Fortunately,

there exists in law a tribunal with effective powers for compelling such a division—the Interstate Commerce Commission.

The Inland Waterways Corporation has interchange relations with approximately 165 railroads in the United States. These railroads divide their joint revenue between each other in various ways, depending upon a multitude of conditions.

An attempt was made in briefs submitted and argued before the Interstate Commerce Commission to enunciate certain principles of general application upon which the commission could base an order to the railroads to give an equitable proportion of the revenue jointly earned by a combined rail and water movement to the water carrier. It required from October, 1920, to April, 1923, to get any decision from the Interstate Commerce Commission. In my judgment their decision in dockets Nos. 11892 and 11893, issued February 6, 1923, gives a fair working basis upon which rail and water ways may cooperate and eventually coordinate. Practically the commission's answer to the waterways' brief was:

"There are too many conflicting interests to render it possible for this commission to render a blanket decision as requested. We enunciate certain principles which we desire to be followed in negotiations between water and rail carriers. If, in the negotiations such as we recommend, you reach a breaking point with an individual railroad, such case may be resubmitted and a decision rendered."

There are certain inherent difficulties of governmental operation. Generally speaking, there has always been a very well defined opposition in the United States to governmental ownership of any transportation facilities and a rather insistent demand that the Government abandon any such ownership or operations at any cost. Those charged by me with the operation of these governmental facilities presented to me a statement of the difficulties that they ran against in operating governmentally. These objections they stated to be:

(a) The lack of certainty on the part of the shipping public as to whether governmental operation might not be suddenly abandoned altogether, or that the transportation facilities might be disposed of to interests hostile to the waterways; either of which contingencies has a marked effect on the decision of a shipper who desires economical, dependable, and permanent service.

(b) The tendency on the part of individuals, communities, or certain groups of shippers to demand service of benefit to them peculiarly, on the ground that they are taxpayers, such service involving the barge lines in operations distinctly opposed to all economic considerations, and sometimes opposed to the public interest.

(c) Its inability to finance itself in periods of depression, thus necessitating an appeal to Congress for funds, opening the floodgates of criticism with the resultant agitation as to whether or not Congress will, through failure to appropriate, cause the cessation of an operation that is economically sound, the destruction of a solvent transportation agency, the failure of a successful waterway demonstration, because of the law against a Government agency creating a deficit; and under the limits set by such conditions the line is incapable of expansion unless there be a further extension of governmental ownership.

Now, a private transportation agency would certainly include in its powers the ability to—

(a) Expand as business increases.
(b) To cease unprofitable operations.
(c) To borrow money.
(d) To issue bonds.
(e) To inaugurate and develop new lines.
(f) To dispose of any line at any time under favorable conditions.
Just as clearly can it be seen by a reading of the transportation act that the only one of these things the Secretary of War is authorized to do is to expand the existing service, and it is just as clear that each expansion he might make would result in an extension of governmental operation and ownership, and would require special appropriations.

Since there is a sincere disposition to develop common carriers on our inland and coastwise waterways, a widespread and well-founded belief in the necessity of such means of transportation, there should be a general recognition of what the experience of the Mississippi-Warrior service proves, and there was presented to Congress a concrete program based on that demonstration, which they accepted. When this program was presented to them they were informed fully on the following points:

(a) The inherent difficulties of governmental operation.
(b) The necessity of governmental operation as a pioneer demonstration.
(c) The necessity of Congress providing some means which would allow the Secretary of War, its mandatory, to do the things he would ordinarily do as the head of a great private transportation agency.
(d) The necessity of providing the Secretary of War with sufficient capital to overcome the conditions which militate against the success of the governmental demonstration.

The result of this presentation to Congress was the enactment of Public Act No. 185, Sixty-eighth Congress, which I have mentioned.

A corporation is hereby created which has a capital stock of \$5,000,000, in addition to all the assets transferred to it belonging to the Inland and Coastwise Waterways Service, which have been appraised at very nearly \$10,000,000.

The objections to governmental operation have been removed to a large degree, and the law provides, after enumerating certain definite powers which the corporation has, the following: "In addition to the powers specifically granted, it shall have such powers as may be necessary or incidental to fulfill the purposes of its creation."

In order that the corporation may function as a private transportation agency, the law provides for a board of advisers, who shall be selected from persons prominently identified with the business interests of their communities, and who shall not be salaried officers but men who will give their services willingly and freely in advising the Secretary of War, through his executive, as to the varying conditions arising which might react for or militate against the development of the transportation facilities operated by the Secretary of War.

In addition to the advisory board, the law provides for a chairman, who shall be the direct representative of the Secretary of War and his executive in carrying out his policy. This executive has been clothed by me with certain powers which, under the law, I may delegate to him; and he freely consults with the board of advisers, laying their recommendations before me for my consideration as to their adoption. Monthly reports are rendered by him to me, so that I am at all times conversant with what is actually occurring in the operation of the corporation, and he frequently reports to me upon matters requiring my decision. There is absolutely no red tape involved in this administration. My executive has free access to me at any time and has at all times the advice of the board of advisers.

The Inland Waterways Corporation operates one great transportation facility to-day, known as the Mississippi-Warrior Service, which is divided into two operating sections. Each of these operating sections has an operating manager. The two operating sections are combined in a service which has a traffic manager, an auditor, and a disbursing officer. The head of each one of these departments is directly subordinate to the executive of the corporation. The officers of the corporation are simply the Secretary of War, the chairman of the advisory board, and a combined secretary and treasurer. This organization is in accordance with the best practice existing in railroad transportation, the heads of the various departments corresponding with the vice presidents in charge of operating, traffic, financial and accounting departments.

It can be said that when the unusual conditions precedent to success on the Mississippi section are given suitable consideration, it has demonstrated its probable capacity as a self-supporting concern. The only time since the fleet has been completed and in operation that this section has not earned money, is when the river falls to such an extent that in some places its channel depth is not over 6 feet. The towboats operating on this section were designed for a channel which was credibly assumed to be 8 feet from St. Louis to Cairo and 9 feet from Cairo to New Orleans. If such a condition actually did exist, with the boats in operation on the Mississippi, it is fair to assume from the results that it could be made very attractive to private capital. So long as the channel conditions exist as they are, one or two solutions must be made. Either a new type of boat of sufficient power and of little enough depth to navigate the all-year-round channel must be built and put in service, or the channel itself must be kept up to the standard required by law.

On the Warrior River the towboats have always been satisfactory. The self-propelled barges, designed for operation as bulk carriers only, were a dismal failure, and they have been converted into cargo carriers which have proven a good paying investment.

The Warrior River is a completely canalized river, but in no other way is it comparable with the Mississippi River. It has never had any suitable barges, except rented ones; it has never had any highly-developed terminals, and it has always been handicapped by having a rail haul at the upper end, from Birmingham to Birmingham, of 26 miles, which has absorbed such an inordinate portion of the rail-water revenue between New Orleans and Birmingham as to make it almost impossible to create a paying waterway transportation facility.

In addition to this it has been limited in its application of joint rail-water rates to four States from which the produce originating or commodities destined for were not of such a character as to furnish a sufficiently improved revenue to make it profitable. Its activities have largely been confined in the past to the hauling of sulphur, ore, salt, and other bulk commodities upstream, and coal and steel downstream. The officers of the corporation are confident that in time they can work out a solution for the Warrior that will be as satisfactory as that for the Mississippi.

The tonnage on the Warrior has increased from about 8,000 tons per month in 1918 to approximately 24,000 tons per month at the present time. Until the last six months the proportion of downstream tonnage to upstream tonnage was about 75 per cent to 25 per cent. In the last six months this has been changed to such an extent that the upstream is now about 40 per cent of the total. This improvement in upstream

revenues is due to the freight which comes down the Mississippi River on the fast packet boats destined to Mobile and points on the Warrior River, and by the increased amount of freight of this character originating at New Orleans for Warrior points.

The situation offers possibilities that, if the plans for the development as laid before me by the chairman of the board, with the concurrence of his advisers, can be carried out, the Warrior may be made self-supporting.

The tonnage on the Mississippi shows a remarkable state of affairs. In the first three years of its existence, the downstream tonnage, which is the most desirable and most remunerative, never was less than 75 per cent of the total. In the last year and a half, however, this balance has been reversed so that to-day the total amount of freight carried upstream bears a relation of 55 per cent to the 45 per cent carried downstream.

Satisfactory working relations have been established with the principal so-called railroad competitors—that is, the Illinois Central on one side of the river and the Missouri Pacific on the other side of the river—whereby the divisions of accruing revenue for joint hauls are most equitably divided.

The Mississippi-Warrior service has relations with 165 railroads in the United States. The development of its terminal facilities has been slow but rational, and in an increasing measure of efficiency. It serves to some degree a total of 39 States. Canned goods from the Pacific coast come through the Panama Canal, to New Orleans, and thence up the Mississippi River for distribution to the whole Mississippi Valley, cheaper than they can be shipped by rail from the Pacific coast. Cotton from the interior of the country is concentrated and shipped from Memphis and Vicksburg via the Morgan Line to New York and New England points at a saving of 11½ cents per hundred pounds over the direct rail routes. From India, Cuba, South America, Central America come burlaps, sisal, manganese ore, bauxite, nitrate from Chile and potash from Germany, and various and sundry other commodities which are imported through New Orleans and Mobile.

The classified statement of tonnage handled for the last fiscal year shows 183 varieties and under these varieties, after classifying certain products such as wheat, corn, etc., one single classification will include "all other farm products."

The general principle of the fair division of rates which the barge line is contending for is this: That the joint rail and water rate should be 80 per cent of the all-rail rate; out of this 80 per cent rate the railroad generally gets its proportion of its through rate to the point where the freight is transferred to the water carrier. A typical illustration of how this works out is as follows: On the joint rail and water rate from Chicago to New Orleans the rail line would get the revenue which would accrue to it from a haul from Chicago to St. Louis if the haul were all rail.

The barge line absorbs the balance of the differential necessary to make the combined rate 80 per cent of the all-rail rate. This results in about the following on the haul mentioned from Chicago to New Orleans: From Chicago to St. Louis the rail line gets 33½ per cent of its all-rail rate, which is substantially 40 per cent of the total barge-rail rate. There are various absorptions which one or the other bears in accordance with certain well-defined rules.

The boats in operation on the Mississippi River are very powerful, and are known as the twin-screw, tunnel type; they have a capacity of 2,400 horsepower, and can move downstream eight barges carrying 2,000 tons each, or one single trip will carry what would require 10 freight trains of 80 cars each; the average speed downstream is about 5 miles per hour. The same towboat can carry upstream 9,000 tons at 2½ miles per hour.

The towboats on the Warrior are very similar but of a smaller type and have a pushing capacity of about 1,000 horsepower.

The fast express steamers, leaving St. Louis on Friday, make the trip to New Orleans in six days, and the trip upstream in nine days. These self-propelled barges have a capacity of 1,500 tons. They are well suited for the trade in which they are engaged.

There is just one thought which I wish to leave in the minds of my audience, and that is this:

Since it seems to be an established fact that waterway transportation will not come back of its own volition, and since the Government has embarked upon this project of demonstration that waterway transportation, in conjunction with rail and highway, is feasible and economical, and in the public interest; then, upon the success of this demonstration rests the policy to be pursued by the Congress as to whether or not any more money shall be spent making streams navigable. If this demonstration proves a success, if the conditions precedent to success are created, if the line proves a money maker, private capital will invest in that particular service and we will have demonstrated on that particular river that our money spent in developing it as a transportation facility has not been wasted. We could then sell the line and place it in the hands of private operators, and, with the money thus obtained, create conditions precedent to success on other streams.

It would not require many demonstrations to establish most of the conditions precedent to success upon all other navigable rivers. At least there would have been formed a basis upon which private capital could embark upon other rivers in the rehabilitation of common water-rail carriers without the necessity of suffering the long periods of financial losses which would otherwise have been sustained by them, if, indeed, they would have attempted to create such conditions in the establishment of a successful line.

I can well understand the insistent demand for the establishment of lines on other rivers, but the proponents of such enterprises should wait patiently until the success or failure of the Mississippi line has been demonstrated. If, for no other reason, they should do so in order to get the benefit of the experiences resulting from the building up of the Mississippi service and being able to avoid the mistakes which have been made.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

CONVENTION WITH FRANCE TO AID IN PREVENTION OF SMUGGLING

In executive session this day, the following convention was ratified, and on motion of Mr. BORAH the injunction of secrecy was removed therefrom:

To the Senate:

I transmit, with a view to receiving the advice and consent of the Senate to its ratification, a convention between the United States and the French Republic to aid in the prevention of the smuggling of alcoholic liquors into the United States, signed June 30, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, December 8, 1924.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification if his judgment approve thereof, a convention to aid in the prevention of the smuggling of alcoholic liquors into the United States, signed between the United States and the French Republic on June 30, 1924.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, December 5, 1924.

The President of the United States of America and the President of the French Republic being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages, have decided to conclude a convention for that purpose, and have appointed as their plenipotentiaries:

The President of the United States of America; Mr. Charles Evans Hughes, Secretary of State of the United States; and

The President of the French Republic; Mr. J. J. Jusserand, ambassador of the French Republic to the United States;

Who, having communicated their full powers found in good and due form, have agreed as follows:

ARTICLE I

The high contracting parties respectively retain their rights and claims, without prejudice by reason of this agreement, with respect to the extent of their territorial jurisdiction.

ARTICLE II

(1) The President of the French Republic agrees that France will raise no objection to the boarding of private vessels under the French flag outside the limits of territorial waters by the authorities of the United States, its Territories, or possessions, in order that inquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its Territories, or possessions in violation of the laws there in force. When such inquiries and examination show a reasonable ground for suspicion, a search of the vessel may be effected.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its Territories, or possessions prohibiting the importation of alcoholic beverages, the

vessel may be seized and taken into a port of the United States, its Territories, or possessions for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its Territories, or possessions than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its Territories, or possessions by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded which shall determine the distance from the coast at which the right under this article can be exercised.

ARTICLE III

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its Territories, or possessions on board French vessels voyaging to or from ports of the United States or its Territories or possessions or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its Territories, or possessions.

ARTICLE IV

Any claim by a French vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this treaty or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the high contracting parties.

Effects shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to an umpire selected by the two Governments; should they fail to agree on the choice of that umpire, it shall be referred to the Permanent Court of Arbitration at The Hague described in the convention for the pacific settlement of international disputes, concluded at The Hague, October 18, 1907. The arbitral tribunal shall be constituted in accordance with article 87 (Chapter IV) and with article 59 (Chapter III) of the said convention. The proceedings shall be regulated by so much of Chapter IV of the said convention and of Chapter III thereof (special regard being had for articles 70 and 74, but excepting articles 53 and 54) as the tribunal may consider to be applicable and to be consistent with the provisions of this agreement. All sums of money which may be awarded by the tribunal on account of any claim shall be paid within 18 months after the date of the final award without interest and without deduction, save as hereafter specified. Each Government shall bear its own expenses. The expenses of the tribunal shall be defrayed by a ratable deduction of the amount of the sums awarded by it, at a rate of 5 per cent on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two Governments.

ARTICLE V

This treaty shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the high contracting parties may give notice of its desire to propose modifications in the terms of the treaty.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the treaty shall lapse.

If no notice is given on either side of the desire to propose modifications, the treaty shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the treaty, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the treaty shall lapse.

ARTICLE VI

In the event that either of the high contracting parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present treaty

the said treaty shall automatically lapse, and, on such lapse or whenever this treaty shall cease to be in force, each high contracting party shall enjoy all the rights which it would have possessed had this treaty not been concluded.

The present convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the French Republic in accordance with the constitutional laws of France; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective plenipotentiaries have signed the present convention in duplicate in the English and French languages and have thereunto affixed their seals.

Done at the city of Washington this 30th day of June, 1924.

[SEAL.]

[SEAL.]

CHARLES EVANS HUGHES.
JUSSEFAND.

CONVENTION WITH THE NETHERLANDS TO AID IN THE PREVENTION OF SMUGGLING

In executive session this day, the following convention was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

I transmit, with a view to receiving the advice and consent of the Senate to its ratification, a convention between the United States and the Netherlands to aid in the prevention of the smuggling of alcoholic liquors into the United States, signed August 21, 1924.

For the information of the Senate I transmit also copies of notes exchanged at the time of the signature of the convention between the Secretary of State and the Minister of the Netherlands.

CALVIN COOLIDGE.

THE WHITE HOUSE,

Washington, December 8, 1924.

DEPARTMENT OF STATE,
Washington, December 5, 1924.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention between the United States and the Netherlands to aid in the prevention of the smuggling of alcoholic beverages into the United States, signed on August 21, 1924.

At the time of the signature of the convention notes were exchanged between the Secretary of State and the Minister of the Netherlands, stating the understanding between the two Governments that in the event of the adhesion by the Government of the United States to the protocol of December 16, 1920, under which the Permanent Court of International Justice has been created at The Hague, the Government of the United States will not be averse to considering a modification of the convention or the making of a separate agreement, providing that claims mentioned in Article IV of that convention which can not be settled in the way indicated in the first paragraph of that article shall be referred to the Permanent Court of International Justice instead of to the Permanent Court of Arbitration.

Copies of these notes are inclosed for the information of the Senate.

Respectfully submitted.

The President of the United States of America and Her Majesty the Queen of the Netherlands, being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages, have decided to conclude a convention for that purpose and have appointed as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States; and Her Majesty the Queen of the Netherlands: Jonkheer Dr. A. C. D. de Graeff, her envoy extraordinary and minister plenipotentiary to the United States of America;

Who, having communicated their full powers found in good and due form, have agreed as follows:

ARTICLE I

The high contracting parties declare that it is their firm intention to uphold the principle that 3 marine miles extending from the coastline outward and measured from low-water mark constitute the proper limits of territorial waters.

ARTICLE II

(1) Her Majesty agrees that she will raise no objection to the boarding of private vessels under the Netherlands flag outside the limits of territorial waters by the authorities of the United States, its Territories, or possessions in order that inquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its Territories, or possessions in violation of the laws there in force. When such inquiries and examination show a reasonable ground for suspicion, a search of the vessel may be initiated.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its Territories, or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its Territories, or possessions for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its Territories or possessions, than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its Territories or possessions, by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded which shall determine the distance from the coast at which the right under this article can be exercised.

ARTICLE III

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its Territories or possessions, on board Netherlands vessels voyaging to or from ports of the United States, or its Territories or possessions, or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its Territories or possessions.

ARTICLE IV

Any claim by a Netherlands vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this treaty or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the high contracting parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration at The Hague described in the Convention for the Pacific Settlement of International Disputes, concluded at The Hague October 18, 1907. The arbitral tribunal shall be constituted in accordance with article 87 (Ch. IV) and with article 59 (Ch. III) of the said convention. The proceedings shall be regulated by so much of Chapter IV of the said convention and of Chapter III thereof (special regard being had for arts. 70 and 74, but excepting arts. 53 and 54) as the tribunal may consider to be applicable and to be consistent with the provisions of this agreement. All sums of money which may be awarded by the tribunal on account of any claim shall be paid within 18 months after the date of the final award without interest and without deduction, save as hereafter specified. Each Government shall bear its own expenses. The expenses of the tribunal shall be defrayed by a ratable deduction of the amount of the sums awarded by it, at a rate of 5 per cent on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two Governments.

ARTICLE V

This treaty shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year either of the high contracting parties may give notice of its desire to propose modifications in the terms of the treaty.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the treaty shall lapse.

If no notice is given on either side of the desire to propose modifications, the treaty shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above, three months before its expiration, modifications in the treaty, and to the provision that if such modifications are not agreed upon before the close of the period of one year the treaty shall lapse.

ARTICLE VI

In the event that either of the high contracting parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present treaty, the said treaty shall automatically lapse, and on such lapse or whenever this treaty shall cease to be in force each high contracting party shall enjoy all the rights which it would have possessed had this treaty not been concluded.

The present convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen of the Netherlands; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed the present convention in duplicate in the English and Dutch languages and have thereunto affixed their seals.

Done at the city of Washington this 21st day of August, in the year of our Lord 1924.

CHARLES EVANS HUGHES, [SEAL.]
A. DE GRAEFF, [SEAL.]

EXCHANGE OF NOTES

ROYAL NETHERLANDS LEGATION,
Washington, D. C., August 21, 1924.

HON. CHARLES E. HUGHES,
Secretary of State, Washington, D. C.

SIR: In connection with the signing to-day of a convention pertaining to avoid difficulties which might arise between our two Governments in connection with the laws in force in the United States on the subject of alcoholic beverages and in pursuance of our previous correspondence on the subject, I have the honor to inform you that the Royal Government understands that in the event of the adhesion by the United States to the protocol of December 16, 1920, under which the Permanent Court of International Justice has been created at The Hague, the Government of the United States will not be averse to considering a modification of the said convention, or the making of a separate agreement, providing that claims as mentioned in Article IV of that convention which can not be settled in the way as indicated in the first paragraph of that article shall be referred to the Permanent Court of International Justice instead of the Permanent Court of Arbitration.

I shall be glad to have you confirm this understanding on behalf of your Government.

Accept, sir, the renewed assurances of my highest consideration.

A. DE GRAEFF,
Netherlands Minister.

AUGUST 21, 1924.

Jonkheer Dr. A. C. D. DE GRAEFF,
Minister of the Netherlands.

SIR: I have the honor to acknowledge the receipt of your note of to-day's date, in which you were so good as to inform me, in connection with the signing this day of the convention between the United States and the Netherlands to aid in the prevention of the smuggling of intoxicating liquors into the United States, that the Government of the Netherlands understands that in the event of the adhesion by the Government of the United States to the protocol of December 16, 1920, under which the Permanent Court of International Justice has been created at The Hague, the Government of the United States will not be averse to considering a modification of the said convention, or the making of a separate agreement, providing that claims mentioned in Article IV of that convention which can not be settled in the way indicated in the first paragraph of that article, shall be referred to the Permanent Court of International Justice instead of to the Permanent Court of Arbitration.

Complying with your request for confirmation of this understanding, I have the honor to state that the Netherlands Government's understanding of the attitude of the Government

of the United States in this respect is correct, and that in the event that the Senate gives its assent to the proposal made by the President on February 24, 1923, that it consent under certain stated conditions to the adhesion by the United States to the protocol of December 16, 1920, under which the Permanent Court of International Justice has been created at The Hague, the Government of the United States will not be averse to considering a modification of the convention this day signed, or the making of a separate agreement, providing for the reference of claims mentioned in Article IV of the convention which can not be settled in the way indicated in the first paragraph of that article, to the Permanent Court of International Justice instead of to the Permanent Court of Arbitration.

Accept, sir, the renewed assurances of my highest consideration.

CHARLES E. HUGHES.

CONVENTION WITH CANADA TO AID IN THE PREVENTION OF SMUGGLING

In executive session this day, the following convention was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a convention signed June 6, 1924, between the United States and His Britannic Majesty in respect to the Dominion of Canada, to aid in suppressing smuggling operations along the border between the United States and the Dominion of Canada and in the arrest and prosecution of persons violating the narcotic laws of either Government.

CALVIN COOLIDGE.

THE WHITE HOUSE, June 6, 1924.

THE PRESIDENT:

The undersigned the Secretary of State has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention signed June 6, 1924, between the United States and His Britannic Majesty, in respect of the Dominion of Canada, to aid in suppressing smuggling operations along the boundary between the United States and the Dominion of Canada and in the arrest and prosecution of persons violating the narcotic laws of either Government.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,

Washington, June 6, 1924.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, being desirous of suppressing smuggling operations along the boundary between the United States of America and the Dominion of Canada, and of assisting in the arrest and prosecution of persons violating the narcotic laws of either Government, and of providing as to the omission of penalties and forfeitures in respect to the carriage of alcoholic liquors through Alaska into the Yukon Territory, have agreed to conclude a convention to give effect to these purposes and have named as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States; and

His Britannic Majesty, in respect of the Dominion of Canada: The Hon. Ernest Lapointe, K. C., a member of His Majesty's Privy Council for Canada and Minister of Justice in the Government of that Dominion;

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE I

The high contracting parties agree that the appropriate officers of the Governments of the United States of America and of Canada, respectively, shall be required to furnish upon request to duly authorized officers of the Government, information concerning clearances of vessels or the transportation of cargoes, shipments, or loads of articles across the international boundary when the importation of the cargo carried or of articles transported by land is subject to the payment of duties; also to furnish information respecting clearances of vessels to any ports when there is ground to suspect that the owners or persons in possession of the cargo intend to smuggle it into the territory of the United States or of Canada.

ARTICLE II

The high contracting parties agree that clearance from the United States or from Canada shall be denied to any vessel carrying cargo consisting of articles the importation of which into the territory of the United States or of Canada, as the case may be, is prohibited, when it is evident from the tonnage, size, and general character of the vessel, or the length of the voyage and the perils or conditions of navigation attendant upon it, that the vessel will be unable to carry its cargo to the destination proposed in the application for clearance.

ARTICLE III

Each of the high contracting parties agrees with the other that property of all kinds in its possession which, having been stolen and brought into the territory of the United States or of Canada, is seized by its customs authorities shall, when the owners are nationals of the other country, be returned to such owners, subject to satisfactory proof of such ownership and the absence of any collusion, and subject moreover to payment of the expenses of the seizure and detention and to the abandonment of any claims by the owners against the customs, or the customs officers, warehousemen, or agents, for compensation or damages for the seizure, detention, warehousing, or keeping of the property.

ARTICLE IV

The high contracting parties reciprocally agree to exchange information concerning the names and activities of all persons known or suspected to be engaged in violations of the narcotic laws of the United States or of Canada, respectively.

ARTICLE V

It is agreed that the customs and other administrative officials of the respective Governments of the United States and of Canada shall upon request be directed to attend as witnesses and to produce such available records and files or certified copies thereof as may be considered essential to the trial of civil or criminal cases and as may be produced compatibly with the public interest.

The cost of transcripts of records, depositions, certificates, and letters rogatory in civil or criminal cases, and the cost of first-class transportation both ways, maintenance, and other proper expenses involved in the attendance of such witnesses shall be paid by the nation requesting their attendance at the time of their discharge by the court from further attendance at such trial. Letters rogatory and commissions shall be executed with all possible dispatch and copies of official records or documents shall be certified promptly by the appropriate officials in accordance with the provisions of the laws of the respective countries.

ARTICLE VI

The following offenses are added to the list of offenses numbered 1 to 3 in Article 1 of the treaty concluded between the United States and Great Britain on May 18, 1908, with reference to reciprocal rights for the United States and Canada in the matters of conveyance of prisoners and wrecking and salvage, that is to say:

4. Offenses against the narcotic laws of the respective Governments.

ARTICLE VII

No penalty or forfeiture under the laws of the United States shall be applicable or attached to alcoholic liquors or to vessels, vehicles, or persons by reason of the carriage of such liquors when they are in transit under guard by Canadian authorities through the territorial waters of the United States to Skagway, Alaska, and thence by the shortest route, via the White Pass and Yukon Railway, upward of 20 miles to Canadian territory, and such transit shall be as now provided by law with respect to the transit of alcoholic liquors through the Panama Canal or on the Panama Railroad, provided that such liquors shall be kept under seal continuously while the vessel or vehicle on which they are carried remains within the United States, its Territories or possessions, and that no part of such liquors shall at any time or place be unladen within the United States, its Territories or possession.

ARTICLE VIII

This convention shall be ratified, and the ratifications shall be exchanged at Washington as soon as possible. The convention shall come into effect at the expiration of 10 days from the date of the exchange of ratifications, and it shall remain in force for one year. If upon the expiration of one year after the convention shall have been in force no notice is given by either party of a desire to terminate the same, it shall continue in force until 30 days after either party shall have given notice to the other of a desire to terminate the convention.

In witness whereof the respective plenipotentiaries have signed the present convention in duplicate and have thereunto affixed their seals.

Done at the city of Washington this 6th day of June, 1924.

[SEAL.]

CHARLES EVANS HUGHES.

[SEAL.]

ERNEST LAPOINTE.

CONVENTION WITH PANAMA TO AID IN THE PREVENTION OF SMUGGLING

In executive session this day, the following convention was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate of the United States:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a convention between the United States and Panama to aid in preventing the smuggling of intoxicating liquors into the United States, signed June 6, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, June 6, 1924.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approves thereof, a convention signed June 6, 1924, between the United States and Panama to aid in preventing the smuggling of intoxicating liquors into the United States.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, June 6, 1924.

The President of the United States of America and the President of the Republic of Panama being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages have decided to conclude a convention for that purpose, and have appointed their plenipotentiaries:

The President of the United States of America, Charles Evans Hughes, Secretary of State of the United States of America, and

The President of Panama, Ricardo J. Alfaro, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama in Washington.

Who, having communicated their full powers found in good and due form, have agreed as follows:

ARTICLE I

The high contracting parties declare that it is their firm intention to uphold the principle that 3 marine miles extending from the coast line outwards and measured from low-water mark constitutes the proper limits of territorial waters.

ARTICLE II

(1) The President of Panama agrees that Panama will raise no objection to the boarding of private vessels under the Panamanian flag outside the limits of territorial waters by the authorities of the United States, its Territories, or possessions, in order that inquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its Territories, or possessions in violation of the laws there in force. When such inquiries and examinations show a reasonable ground for suspicion, a search of the vessel may be initiated.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its Territories, or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its Territories, or possessions for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its Territories, or possessions that can be traversed in one hour by the vessel suspected of endeavoring to commit the offense, and shall not be exercised in waters adjacent to territorial waters of the Canal Zone. In cases, however, in which liquor is intended to be conveyed to the United States, its Territories, or possessions by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the

speed of the vessel boarded which shall determine the distance from the coast at which the right under this article can be exercised.

ARTICLE III

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its Territories or possessions, on board Panaman vessels voyaging to or from ports of the United States, or its Territories or possessions or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unloaded within the United States, its Territories or possessions.

ARTICLE IV

Any claim by a Panaman vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this treaty or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the high contracting parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration, at The Hague, described in the convention for the pacific settlement of international disputes, concluded at The Hague October 18, 1907. The arbitral tribunal shall be constituted in accordance with article 87 (Chapter IV) and with article 59 (Chapter III) of the said convention. The proceedings shall be regulated by so much of Chapter IV of the said convention and of Chapter III thereof (special regard being had for articles 70 and 74, but excepting articles 53 and 54) as the tribunal may consider to be applicable and to be consistent with the provisions of this agreement. All sums of money which may be awarded by the tribunal on account of any claim shall be paid within 18 months after the date of the final award, without interest and without deduction save as hereafter specified. Each Government shall bear its own expenses. The expenses of the tribunal shall be defrayed by a ratable deduction of the amount of the sums awarded by it, at a rate of 5 per cent on such sums or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two Governments.

ARTICLE V

This treaty shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year either of the high contracting parties may give notice of its desire to propose modifications in the terms of the treaty.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the treaty shall lapse.

If no notice is given on either side of the desire to propose modifications, the treaty shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose, as provided above, three months before its expiration modifications in the treaty, and to the provision that if such modifications are not agreed upon before the close of the period of one year the treaty shall lapse.

ARTICLE VI

In the event that either of the high contracting parties shall be prevented, either by judicial decision or legislative action, from giving full effect to the provisions of the present treaty the said treaty shall automatically lapse; and, on such lapse or whenever this treaty shall cease to be in force, each high contracting party shall enjoy all the rights which it would have possessed had this treaty not been concluded.

The present convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of Panama, in accordance with the requirements of the Panaman constitution; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed the present convention in duplicate and have thereunto affixed their seals.

Done at the city of Washington, this 6th day of June, A. D. 1924.

[SEAL.]
[SEAL.]

CHARLES E. HUGHES.
R. J. ALFARO.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 5 o'clock and 5 minutes p. m.) took a recess until to-morrow, Saturday, December 13, 1924, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 12 (legislative day of December 10), 1924

COAST AND GEODETIC SURVEY

Carl Ingman Aslakson to be aid.
Arthur Christian Zimmerman to be aid.
Jerry Hall Service to be junior hydrographic and geodetic engineer.
Herschel Bast Brown to be junior hydrographic and geodetic engineer.
George William Tatchell to be junior hydrographic and geodetic engineer.
Kenneth Gleason Crosby to be junior hydrographic and geodetic engineer.

UNITED STATES COAST GUARD

TO BE ENSIGN

Carl H. Hilton.	Harold B. Adams.
Norman M. Nelson.	Harry C. Howe.
William W. Chism.	Philip A. Short.
William H. Jacobson.	Kenneth L. Young.
Arthur J. Craig.	Horace D. Glover.
Victor E. Schminke.	Chester C. Childs.
William Bowman.	Ernest B. Johnson.
Joseph S. Rosenthal.	Frank E. B. Stuart.
Robert E. Hunter.	Ralph R. Hayes.
Carl E. Gulness.	Paul B. Cronk.
William L. Foley.	Donald F. deOtte.
Sydney A. Harvey.	Frank E. Pollio.
Frederick L. Thompson.	Robert deB. Vale.
Frank D. Higbee.	Henry T. Jewell.
Harold C. Palmer.	James F. Brady.
Chester McP. Anderson.	John H. Burke.
Nathan Levy.	Vincent J. Charte.
Wellington S. Morse.	Harold L. Connor.
William H. Newman.	Arthur W. Davis.
Edward R. Glosten.	Charles Etzweiler.
Clifford D. Feak.	Roy F. Gilley.
Ray W. Dierlam.	Angus S. MacIntyre.
James H. Earle.	Julius F. Jacot.
Chester B. Kirkpatrick.	Arthur G. Morrill.
Clarence C. Paden.	Paul O. Ritter.
Nathaniel S. Fulford, Jr.	William W. Storey.
Kenneth S. Davis.	Glenn E. Trester.
Alexander A. Tanos.	Donald G. Jacobs.
Leroy M. McCluskey.	John F. Kinnaly.
William J. Austermann.	John McCann.
Niles E. Lanphere.	Stewart P. Mehlman.
Niels S. Haugen.	Joseph T. Ogden.
Jerome J. Buskin.	Frank H. Nelson.
Robert H. Furey.	Emmanuel Desses.
John P. Crowley.	Lloyd O. Hammarstrom.
Blon B. Libby.	Mudge A. Ransom.
Lester B. Poole.	Frank M. Meals.

TO BE ENSIGN (ENGINEERING)

John W. Kellher.	Jarvis B. Wellman.
Emette B. Smith.	Eugene S. Endom.
Ben C. Wilcox.	Ozro H. Hunt.
Ernest T. Peterson.	Thomas Y. Awalt.
Edward S. Moale.	John H. Martin.
Elias M. Doar, Jr.	

TO BE CHIEF BOATSWAINS

Lorenz A. Lonsdale.	John B. Jones.
August Anderson.	Sigvard B. Johnson.
Christian Jansen.	Nelson F. King.

Oscar Vinje,
Albert Hays,
Thomas A. Ross.

Charles Lucas,
Olaf Egeland.

TO BE CHIEF MACHINISTS

Horace B. Deets,
Barnett Rashin,
Torleif Hansen,
Edward G. Davis,
David M. Moore,
James M. Cahill,
Knute P. Floe.

TO BE CHIEF GUNNERS

Charles Thruh,
John De Costa.

TO BE CHIEF PAY CLERK

Howard D. Brownley.

TO BE CHIEF WARRANT CARPENTER

Robert Grassow.

TO BE ENSIGNS

Herbert F. Rowland,
Irving E. Baker,
Alfred C. Richmond,
Walter R. Richards,
Roy L. Rancy,
George B. Gelly,
Russell E. Wood,
Clarence H. Peterson,
James A. Urshfield,
Joseph D. Conway,
Charles W. Lawson,
Frank T. Kenner,
George C. Carlstedt,
John Rountree,
William W. Kenner,
Stephen P. Swicegood, Jr.,
Henry C. Perkins,
Paul W. Collins,
Harold S. Berdine,
Charles W. Thomas,
Frank A. Leamy,
John H. Byrd,
Beckwith Jordan.

TO BE DISTRICT SUPERINTENDENT

Oswald A. Littlefield.

POSTMASTERS

COLORADO

Beulah J. Wright, Estes Park.
Ira R. Wood, Ramah.

GEORGIA

Julien V. Frederick, Marshallville.

INDIANA

Harley Secor, Akron.
Alfred V. Reschar, Anderson.
Lawrence E. Hoffman, Argos.
George P. Crabtree, Clay City.
Lewis Debolt, Claypool.
Louis W. Otto, Crawfordsville.
Frederick D. Seeley, Elwood.
Charles E. Barracks, Frankton.
Harry D. Bodenhafer, Kendallville.
Lena M. Anderson, Miller.
John C. Chaille, Otwell.
Manda Neet, Rosedale.
Allie Bybee, Universal.
William M. Willmore, Vincennes.
Floyd E. Sears, Wolcottville.

IOWA

Charles A. Norris, Eldora.
Elizabeth Summers, Fort Atkinson.
William C. Moon, Greene.
Gilbert Jones, Hawkeye.
Edward M. Bratton, Shellsburg.

KANSAS

Robert W. Cyr, Aurora.
M. Blanche Perry, Culver.

MASSACHUSETTS

Fred A. Tower, Concord.
Lester G. Lathrop, Orange.

MICHIGAN

Leon D. Corwin, Ashley.
Jesse G. Wilbur, Belding.
Thomas Watson, Birch Run.
Gordon E. Stowell, Byron.
Charles Plowman, Copemish.
Edmund R. Vincent, Corunna.
Jacob M. Paul, Eau Claire.
Beryl Mitchell, Edmore.
Ralph C. Hubbard, Hartford.
Merrill F. Fitch, Mattawan.
G. Leslie Runner, Shelby.
Curtis Van Prentice, South Haven.
Mary M. Smith, Thompsonville.
Moses O. Champney, Traverse City.

MINNESOTA

Sadie A. Lane, Sherburn.

MONTANA

Joseph C. Faller, Dillon.
Nora M. Henley, Geyser.
Stanley A. Yergey, Hardin.

NORTH CAROLINA

Joseph K. Taylor, Morven.
Alfred A. McDonald, Parkton.

NORTH DAKOTA

John E. Nelson, Litchville.
Katie H. Hanson, Munich.
Naomi Prindiville, Rutland.

OHIO

Frances Dunham, Fayetteville.
Robert L. Russell, Gates Mills.
Clarence S. Frazer, Xenia.

OKLAHOMA

Herbert L. McVay, Altus.
Ivy DeMasters, Avant.
Samuel A. Penn, Calumet.
Walter C. Campbell, Carnegie.
William W. Whitman, Catoosa.
John J. Gayman, Chandler.
Anna H. Figley, Hastings.
Minnie A. Eaton, Inola.
Jacob W. Fiscus, Kellyville.
William Carson, Lone Wolf.
Emmette R. Talley, Mangum.
Jennie L. Timberlake, Terral.

PENNSYLVANIA

Erskine J. Miller, Franklin.

SOUTH CAROLINA

John Commins, Meggett.
Andrew R. Barrett, Rock Hill.
Rebecca Wimberly, St. Matthews.
John C. Luke, Summerville.
George H. Hart, York.

SOUTH DAKOTA

Raymond B. Breed, Brookings.
Bernard P. Corrigan, Cavour.

WEST VIRGINIA

Pearl L. Hughes, Keystone.
A. Ewell Riley, Thorpe.
Harry E. Ewing, War.

HOUSE OF REPRESENTATIVES

FRIDAY, December 12, 1924

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, whisper to us the language of the eternal, that we may be in sympathy with things that are of infinite value. Keep us in harmony with Thy plan and enable us to get at the very soul of things. Carry our manhood to its highest point, and help it to conform to the best that we know. Give range and vision to the thoughts that we think and to the lives that we live, and may they be according to Thy will. Let us understand that obedience to vision means consecration to duty. Allow no cloud to flood it, but let the light of Thy Spirit direct it. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

CLAIMS UPON THE PRIVATE CALENDAR

Mr. EDMONDS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of claims upon the Private Calendar.

Mr. MCKENZIE. Mr. Speaker, I desire to ask the majority leader a question in regard to the Private Calendar, with the permission of the gentleman from Pennsylvania [Mr. EDMONDS]. As I understand it, to-day will be taken up with the consideration of claims, and not the Private Calendar as it is printed, but bills from the Committee on Claims.

Mr. LONGWORTH. That is the understanding.

Mr. MCKENZIE. Now, Mr. Speaker, on that Private Calendar there are a large number of bills that have been reported

from the Committee on Military Affairs and other committees of the House, and I would like to ask the gentleman from Ohio what hope he can hold out to us as to when we may have an opportunity to consider the bills reported from the Committee on Military Affairs and other committees now on the Private Calendar?

Mr. LONGWORTH. I will say to the gentleman that no gentleman has spoken to me about that up until now, and I have not given it any thought. I think it will be well to have a day sometime, without interfering with appropriation bills.

Mr. McKENZIE. I have been laboring under the impression that the calendar would be called as printed, and would not be given over wholly to claims. Of course, I understand that under the rules it is properly claims day, but I have been laboring under the impression that we would have a right to call up our bills, and for that reason I had not taken up the matter with the gentleman from Ohio. But how would it do to take up the Private Calendar to-morrow and consider other bills than claims?

Mr. LONGWORTH. I will give some consideration to that to-day during the consideration of claims, and I may ask unanimous consent to-morrow to bring up those bills, depending on how we proceed with the consideration of these claims to-day.

Mr. McKENZIE. It is important, of course, that we know now that we are not going to consider bills reported from the Committee on Military Affairs.

Mr. LONGWORTH. May I say this to the gentleman from Illinois: I would like to consult with the minority leader on that subject during the day, and we can perhaps arrive at some agreement.

Mr. McKENZIE. It is understood, however, that bills reported to the Committee on Military Affairs will not be taken up to-day?

Mr. LONGWORTH. Yes.

Mr. CRAMTON. And that only bills will be taken up from the Committee on Claims or War Claims Committee?

Mr. LONGWORTH. From the Committee on Claims.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole House for the consideration of claims upon the Private Calendar.

Mr. LINDSAY. Mr. Speaker, I rise to a point of order. There is a very important claim bill on this calendar which is to be considered to-day, and I think it is necessary to have the Members present. I make the point of no quorum.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. Obviously, there is not.

Mr. EDMONDS. Mr. Speaker, I move a call of the House. The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 6]

Anderson	Funk	Magee, Pa.	Smithwick
Anthony	Gallivan	Manlove	Snell
Berger	Geran	Michaelson	Snyder
Black, Tex.	Gifford	Miller, Ill.	Stalker
Britten	Glatfelter	Montague	Sullivan
Buckley	Graham	Mooney	Sweet
Byrnes, S. C.	Harrison	Morin	Taylor, Colo.
Carter	Hastings	Nelson, Wis.	Temple
Celler	Hawes	Newton, Mo.	Thompson
Clancy	Howard, Nebr.	Newton, Minn.	Tilson
Clark, Fla.	Jacobstein	Nolan	Tincher
Cole, Ohio	Jeffers	O'Brien	Trakham
Collins	Johnson, S. Dak.	O'Connell, R. I.	Upshaw
Connolly, Pa.	Kahn	Oliver, N. Y.	Vare
Cornling	Kelly	Patterson	Ward, N. C.
Croft	Kendall	Perlman	Weller
Curry	Kent	Phillips	Welsh
Davey	Kless	Porter	White, Me.
Dempsey	Kincheloe	Quayle	Williams, Mich.
Dickinson, Iowa	Knutson	Ransley	Williams, Ill.
Dickstein	Langley	Rayburn	Winslow
Dominick	Larson, Minn.	Reed, W. Va.	Wolff
Drewry	Leavitt	Robinson, Iowa	Woodrum
Eagan	Logan	Rogers, Mass.	Wurzbach
Fairchild	McLeod	Rogers, N. H.	Zihlman
Fish	McNulty	Rosenbloom	
Fitzgerald	McSwain	Schall	
Fredericks	Madden	Sherwood	

The SPEAKER. Three hundred and twenty-two Members have answered to their names, a quorum.

Mr. EDMONDS. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole House for the consideration of claims upon the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House for the consideration of claims upon the Private Calendar, with Mr. SANDERS of Indiana in the chair.

RELIEF OF LOUIS LEAVITT

Mr. EDMONDS. Mr. Chairman, I call up for consideration Senate bill 88, for the relief of Louis Leavitt.

The CHAIRMAN. The gentleman from Pennsylvania calls up a bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Louis Leavitt, out of any money in the Treasury not otherwise appropriated, the sum of \$620,623.33 in reimbursement of certain moneys paid by him to the United States and for certain expenses incurred under circumstances set forth in the communication of the President of the United States to the Speaker of the House of Representatives dated the 6th day of May, 1922, and in the accompanying report of the Director of the Budget, House Document No. 313, Sixty-seventh Congress, second session.

With the following committee amendment:

That Louis Leavitt, of Brooklyn, N. Y., is hereby authorized to bring suit against the United States to recover damages for any loss or losses which he may have suffered through action by governmental agencies, acting under authority of the Government, had in connection with the purchase by Louis Leavitt of surplus goods of the War Department and which were referred to in the opinion of the Attorney General dated December 23, 1921. Jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, consider, and determine such action upon its merits and according to the law which governs the principles of liability that prevail between private parties, but only so far as is herein indicated, and in accordance with the practice pertaining to such action between private parties, and to enter decree or judgment against the United States for the amount of such damages as may be found due to said Louis Leavitt, if any: *Provided, however,* That such right to sue, as is hereby granted, shall not apply to any interest, nor to any claim for damages resulting from any criminal prosecution of the said Louis Leavitt on a charge of violating the penal laws of the United States: *Provided,* That such action shall be brought and commenced within four months from the date that this act becomes effective: *And provided further,* That no judgment shall be rendered for more than \$620,623.33.

SEC. 2. That upon final determination of such cause if a decree or judgment is rendered against the United States, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay final judgment, which shall be paid to said Louis Leavitt or his duly authorized attorneys of record by the Secretary of the Treasury upon the presentation of a duly authenticated copy of such final decree or judgment.

Mr. EDMONDS. Mr. Chairman and gentleman of the House—

Mr. BLANTON. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman from Texas will state his point of order.

Mr. BLANTON. I make it primarily to get a ruling of the Chair. The Committee on Claims, since the rule was adopted by the House creating one appropriating committee, has been held, in one instance, by one chairman, Mr. Campbell presiding, to have appropriating power within its jurisdiction. I would like for the present occupant of the chair to pass upon that ruling.

I make the point of order, first, that the rule which created our appropriating committee did not leave appropriating jurisdiction in the Committee on Claims. I make this point of order merely to get a ruling from the present chairman and to have an additional authority backing up, if it does back up, the former ruling.

I make the further point of order, Mr. Chairman, which has not yet been passed upon, that in no event has the Committee on Claims the jurisdiction to appropriate to meet a contingency that is wholly undetermined and that may never happen. For instance, the present bill confers jurisdiction on the Court of Claims to hear and determine a certain claim against the United States, and then the committee goes further and says that in case a year from now or 5 years from now or 10 years from now, as the case may be, the Court of Claims should render a judgment, so long as it is under \$620,623.33, then in that case there shall be appropriated out of the Treasury such sum of money as will pay off that judgment. My point of order is that the Committee on Claims under no circumstances has jurisdiction to appropriate money when it may be beyond the term of this Congress, when it may be beyond the term of the next Congress, when it may be beyond the term of three or

four or five or six succeeding Congresses. That is a very important question, Mr. Chairman. That is a very large power to confer upon the Committee on Claims—to say that they can appropriate an indeterminate sum that may never be called forth out of the Treasury for years to come—and I hope the Chair will give the question careful consideration before rendering a decision.

Mr. EDMONDS. Mr. Chairman, answering the gentleman from Texas, about three years ago the matter of the appropriating power of the committee was thoroughly gone into, and it was decided by the then chairman, Mr. Campbell, of Kansas, that the committee had appropriating power. As to the policy of asking the Court of Claims to pay a judgment against the Government and giving them power to do so, that has been customary in this House for years past. It has been done hundreds of times to my knowledge, and therefore I do not see anything in the gentleman's point of order. We are doing nothing here that has not been done in the past, and I can not understand how he can advance any reason why it should be opposed in the future. The Committee on Claims has prepared the report on this bill and the House acts on it. The House itself will decide whether they wish to approve of the Court of Claims paying this judgment. This procedure has been before the House, as I say, many times. The House has often passed bills allowing the Court of Claims to satisfy a judgment, and therefore there is nothing new in the bill which we are presenting to-day.

Mr. CHINDBLOM. Mr. Chairman, I merely want to call the attention of the Chair to the fact that the gentleman from Texas [Mr. BLANTON]—inadvertently, perhaps—said that the bill provides that in the event there is a finding and a judgment in the Court of Claims there shall be appropriated a certain sum of money to pay such judgment. That is not the language of the bill. The language of the bill is that "there is hereby appropriated," and this appropriation is upon exactly the same footing as so-called continuing appropriations which are made years and years in advance, as the Chair well knows, and are constantly being paid.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Texas makes the point of order against the bill that it carries an appropriation and that the Committee on Claims has no jurisdiction to report such an appropriation. The gentleman from Texas makes a further point of order which should be directed to the amendment, it occurs to the Chair, rather than to the bill. That point of order, if good at all—and the Chair is inclined to think it is not well taken—would be a point of order directed to the amendment when it is considered rather than to the bill. The presumption is that we consider the bill alone.

The same point of order was made by the gentleman from Texas on June 24, 1921, and the then Chairman of the committee, the gentleman from Kansas, Mr. Campbell, ruled on the point of order and held that the change in the rules which took away from the various committees which had appropriating power the right to appropriate did not affect the Committee on Claims.

The Chairman at that time said:

In the last Congress the rules of the House were so changed as to consolidate the ordinary appropriations and revenues of the Government for the support of the Government in one committee. The language of the clause relating to appropriations is as follows:

"Rule XI, clause 3: To the appropriation of the revenue for the support of the Government * * * to the Committee on Appropriations."

That is to say, there shall be referred to the Committee on Appropriations matters relative to the support of the Government out of revenues. This bill still leaves, in the opinion of the Chair, the retention of their jurisdiction by certain other committees, even though those committees may affect appropriations or may carry an appropriation in the bills that they report. The language of clause 4 (now clause 3), Rule XXI, is as follows:

"No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on the Public Lands, and to the Committee on Accounts."

These committees have exclusive jurisdiction over private claims against the Government.

If this bill had been referred to the Committee on Appropriations, the question of the jurisdiction of that committee could have been successfully raised.

Of course, everyone realizes that if a bill is properly referred to a committee and no point of order could then be made against it, that committee has the power to report on that

measure, and, construing all of the rules together, the present occupant of the chair will adhere to the former ruling by Chairman Campbell and hold that the point of order is not well taken. The Chair overrules the point of order.

Mr. EDMONDS. Mr. Chairman, this is one of the most hotly contested and best investigated bills that has ever been before the Claims Committee, to my knowledge. Every opportunity was given all the parties interested to come before the committee and tell us what they knew about the bill.

It appears that in 1919 one Louis Leavitt, of New York, purchased from the Government some 3,000,000 pounds of bacon at a price of about 28½ cents per pound. Although the Government officials had previous information from the department that they could sell as low as 22½ cents a pound, Mr. Leavitt paid 28½ cents for the bacon. Of course, it involves a sum of about \$700,000. He had to raise the money. He made some sales and he made some payments. This was in June. During July and August he raised the money and paid it to the Government. He started to order shipments. He went out and tried to sell some of the bacon for export. The bacon, as you will understand, was packed for Army use and was different from that for domestic use, packed in a different manner.

He sent a customer to the Baltimore storehouse and the officer there found, on inquiry, that he was paying 36 cents a pound for the bacon. The officer then offered him bacon cheaper, and the result was that Mr. Leavitt lost the customer. He started out to hunt for other customers, and suddenly the district attorney of Brooklyn procured an indictment against him for food profiteering. This indictment sequestered and took away all the bacon he had shipped to New York, which was not a very large quantity, possibly about 100,000 pounds. The indictment went through the usual course and the grand jury dismissed it. Then the district attorney immediately procured another indictment, and that went through the usual course and was dismissed. That continued until April, during which time there were five indictments procured against Mr. Leavitt, and then Mr. Leavitt made up his mind to go into the court and fight it out, and he did and won the case, the court deciding that he was not a food profiteer.

The district attorney seemed to think that Leavitt in most of the cases should eat all the bacon in his own family. He had a wife and two servants only and, of course, could not do it. That came out in the testimony and seemed very ludicrous that a man should be supposed to consume 3,000,000 pounds of bacon in his own family before it spoiled.

However, at the end of that time the Army had started to sell bacon, and the price was all cut to pieces. Mr. Leavitt felt that he had been wronged; he had no market for the bacon which was still lying in the storehouse, and he did not take the bacon. The bacon laid there until it was spoiled and was sold for whatever they could get for it, and received credit for it.

Now, the situation is this: The Government has \$620,000 of Mr. Leavitt's money. There has been a number of controversies in the committee in regard to this. Some Members of the House have spoken about it to me. We tried to give them an opportunity to come before the committee. Some members of the committee object to the bill, but the Government of the United States has Mr. Leavitt's money. It may be that he is to blame; it may be that he has been dilatory in not removing the bacon, but you can readily realize the position of this man. He has gone to the banks and borrowed money, has given the Government \$620,000, for which he has had nothing. He is out the interest on the money for several years. Taking into consideration the entire circumstances of this case, the committee came to the decision that Mr. Leavitt was entitled to justice. It was impossible in committee to get an agreement. I know that no claim has had interest added to it in recent years; so the majority of the committee decided that we would give him his day in the Court of Claims and limit any judgment that the court might give in order to prevent interest on the \$620,000, and let the parties fight it out in the Court of Claims. Let Mr. Leavitt go into a proper court of justice. If this was between two private parties, he would have had justice long ago. The Government has had the money since 1919. Mr. Leavitt is entitled to justice from the United States Government. If there is nothing coming to him, he is entitled to have it so decided by a competent court. The Government of the United States has no right to take \$620,000 from a man and keep it. That is the position that the majority of the committee take. The minority will present their view.

Mr. Chairman, I reserve the balance of my time.

Mr. BOX. Mr. Chairman, as a member of the committee I ask recognition.

The CHAIRMAN. The gentleman from Texas is recognized.
Mr. BOX. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOX. Mr. Chairman and gentlemen of the committee, another body has twice passed this bill, carrying an appropriation of some \$620,000. A majority of the committee has once reported it to the House with an appropriation paying the claim outright, amounting to some \$620,000. It is now in the shape in which the chairman of the committee reports it. In my judgment a claim should not be referred to the Court of Claims unless Congress believes that there is substantial ground on which the claim can rest. Because I entertain that view and because I believe that this claim should not be paid and because, if I may be frank, I fear that this is not the form in which it is expected that this bill will finally become a law, I am exercising my right and performing my duty as I see it in opposing it.

Mr. Leavitt was engaged in buying many surplus war supplies. He bought lumber; he bought prunes; he bought other commodities in large quantities. He contracted to buy this bacon. There was in the Department of Justice, and probably in the War Department, as the files of the committee show, although the majority report does not show it, a fear on the part of those administering those departments, at least the Department of Justice, that the act passed by this Congress about that time preventing hoarding was being violated in this instance. The bacon declined very rapidly in price. It deteriorated in quality. At the instance of the Department of Justice, Mr. Leavitt was arrested, placed under bond, and thereafter indicted by the grand jury. It is not true—and the gentleman from Pennsylvania [Mr. EDMONDS] did not intend to so state—that the grand jury dismissed the cases. The grand jury returned indictments, and demurrers were sustained and the indictments were dismissed.

Mr. EDMONDS. I accept the gentleman's correction. I am not a lawyer, and probably did not state that correctly.

Mr. BOX. There was no such failure to deliver, no such prosecution or seizure by the Government without probable cause, as gave the claimant, Mr. Leavitt, a right to compensation by the Government. No sufficient showing is made of any amount of loss resulting from the seizure of which he complains to warrant the sending of the demand to the Court of Claims.

Outside of about 350,200 pounds of bacon which the Government failed to deliver to him, the full price of which was refunded to him, no showing is made of a failure to deliver after Mr. Leavitt completed payment and after the giving of notice and the expiration of 30 days thereafter, as provided by the contract of sale. The Government insisted that the price should be paid before the delivery of the bacon would be made. (Statement of Mr. Leavitt's attorney, majority report, p. 15.) Mr. Leavitt offered to buy the bacon on May 26, 1919. His offer was accepted June 12, 1919. (Majority report, p. 38.) Full payment of the price was not made until August 19, 1919, two months and three weeks after Mr. Leavitt made his offer and two months and one week after his offer was accepted. (Majority report, p. 38.) In its contract the Government allowed itself 30 days' time after notice within which to make deliveries. There is no evidence that a delivery was denied Mr. Leavitt after he paid the full price, gave notice, and became entitled to delivery of the bacon. (Majority report, p. 38.) There are some general, disconnected remarks in the record about slow delivery and nondelivery, but they do not show whether they refer to delay, if any, because of the delay in paying for it, or delay in delivery after the bacon was paid for, or to its alleged wrongful seizure which is claimed to have undone the delivery. Mr. Leavitt himself says:

The fact of the matter is that the Government did make a delivery to me, and that was some time after I paid for this material. (Majority report, p. 15, top.)

Mr. HERSEY. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. HERSEY. Was the bacon sold at auction?

Mr. BOX. No; at private sale.

Mr. HERSEY. He offered a voluntary bid for it?

Mr. BOX. Yes.

Mr. HERSEY. And made his own figures?

Mr. BOX. Yes.

Mr. HERSEY. And the Government accepted the figures?

Mr. BOX. Yes. Then the contract required that the bacon should be delivered upon 30 days' notice and also required that the payment be made before the bacon was delivered.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. EDMONDS. The gentleman will recollect also the testimony that Mr. Klopstock, who was Mr. Leavitt's customer, went to Baltimore to look at bacon and bought 8,000,000 pounds of bacon, and that nobody brought profiteering charges against him.

Mr. BOX. I do not know anything about the intent with which Mr. Leavitt bought the bacon. He was indicted not for buying it but for hearing it contrary to the statute enacted by Congress.

There is no proof that after payment for it Mr. Leavitt gave notice of his desire to have any specific amount delivered, or that the delivery of any specified amount was delayed more than 30 days after payment and notice, or that he lost any specified amount because of failure to deliver as provided in the contract.

After Mr. Leavitt had finished paying the price of the bacon on August 19, 1919, and had become entitled to delivery of it upon expiration of 30 days after notice, all the bacon except about 350,200 pounds, in lieu of which he received the return of the price, was delivered to him. He was indicted by the grand jury of the United States District Court for the Eastern District of New York in October, 1919, on a charge of hoarding in violation of the Lever Act. (The demurrer to the first indictment shows that the first indictment was presented on or about October 30, 1919, while the indictments themselves describe conditions prevailing on October 27, 1919.) The bacon in the possession of Mr. Leavitt was libeled about October 27, 1919. At that time the market price of such bacon had declined from 36 to 37 cents per pound in May, June, and July preceding to about 29 cents per pound on or about October 27 to November 1, 1919. It appears to have gone much lower before the bacon was finally sold in March, 1922. (Majority report, p. 17, near top.)

I insert here a letter to me from the Department of Commerce and table of market quotations which accompanied it:

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, September 23, 1922.
In reply refer to -30

Hon. JOHN C. BOX,

House of Representatives, Washington, D. C.

My DEAR SIR: In further reference to my letter of September 22, relative to your inquiry of September 19 for market quotations on certain classes of bacon for each week from May 15, 1919, to August 30, 1919, there is attached a table giving the desired data.

Very truly yours,

J. E. WRENN,

Specialist Fats, Oils, and Meat Products, Foodstuffs Division.

Market quotations, Chicago, 1919

Week of—	Wide, 5 and 6 average, and strip, 3 and 4 average	Wide, rib, 8 and 12 average, and strip, 4 and 6 average	Wide, 12 and 14 average, and strip, 6 and 7 average
May 10.....	\$0.41½	\$0.36	\$0.37½
May 17.....	.41½	.36	.37½
May 24.....	.41½	.36	.37½
May 31.....	.41½	.36	.37½
June 7.....	.41½	.36	.37½
June 14.....	.40½	.36	.36½
June 21.....	.40½	.36	.36½
June 28.....	.40½	.36	.36½
July 5.....	.40½	.36	.36½
July 12.....	.39½	.36	.36½
July 19.....	.39½	.36	.36½
July 26.....	.39½	.36	.36½
Aug. 2.....	.39½	.36	.36½
Aug. 9.....	.39½	.36	.36½
Aug. 16.....	.39½	.36	.36½
Aug. 23.....	.38½	.34	.36½
Aug. 30.....	.38½	.34	.36½

Wholesale price standard bacon strips, Chicago

[From National Provisioner. Cents per pound]

	Wide, 6 and 8 average, and strip, 4 and 6 average	Wide, rib, 8 and 12 average, and strip, 4 and 6 average	Wide, 12 and 14 average, and strip, 6 and 7 average
1919			
Aug. 26.....	28.75	24.00	35.75
Sept. 6.....	28.25	24.00	35.25
Sept. 13.....	28.25	24.00	35.25
Sept. 20.....	28.25	24.00	35.25

Wholesale price standard bacon strips, Chicago—Continued

	Wide, 6 and 8 average, and strip, 4 and 6 average	Wide, rib, 8 and 12 average, and strip, 4 and 6 average	Wide, 12 and 14 average, and strip, 6 and 7 average
1919			
Sept. 27	36.00	29.50	31.25
Oct. 4	36.00	29.25	31.25
Oct. 11	35.00	29.25	30.25
Oct. 18	35.00	29.25	30.25
Oct. 25	35.00	29.25	30.25
Nov. 1	34.50	29.25	29.75
Nov. 8	34.50	29.25	29.75
Nov. 15	34.50	29.25	29.75
Nov. 22	34.50	29.25	29.75
Nov. 29	34.50	29.25	29.75
Dec. 6	34.50	29.25	29.75
Dec. 13	34.50	29.25	29.75
Dec. 20	34.50	29.25	29.75
Dec. 27	34.50	29.25	29.75
1920			
Jan. 3	34.50	29.25	29.75
Jan. 10	34.50	29.25	29.25
Jan. 17	34.50	29.25	29.25
Jan. 24	34.50	29.25	29.25
Jan. 31	34.75	26.00	29.50
Feb. 7	34.75	26.00	29.50
Feb. 14	34.75	26.00	29.50
Feb. 21	34.75	26.00	29.50
Feb. 28	34.75	26.00	29.50
Mar. 6	34.75	23.50	29.50
Mar. 13	34.75	23.50	29.50
Mar. 20	35.25	24.00	30.00
Mar. 27	37.50	24.00	31.50

Majority report, pages 19-20.

The bacon in question seems to have been approximately of the classes shown in the second and third columns of these tables.

These tables show how the market price was going down from May, 1919, to March, 1920. The first table, on page 19, and the "Statement of facts," on page 44 of the majority report, show that the Government and municipalities were distributing bacon at many places in a manner and at prices which could not have failed to affect the plans of those who had bought bacon for speculative purposes. In the meantime the whole country had been complaining of hoarding and profiteering. The Congress of the United States had ordered such provisions sold from its great war surplus. Column 2 of page 1913, CONGRESSIONAL RECORD of June 11, 1919, shows that the Director of Sales of the War Department estimated surplus meat products on hand in the United States amounting to about 141,000,000 pounds, and that they were being offered for sale. The Army appropriation bill, which was under discussion in the House on June 11, 1919, and was afterwards passed and approved by the President on July 11, 1919, contained the following:

The Secretary of War be, and he is hereby, authorized to sell any surplus supplies, including motor trucks and automobiles, now owned and in possession of the Government for use of the War Department, to any State or municipal subdivision thereof, or to any corporation or individual, upon such terms as may be deemed best. (U. S. Stat. L. vol. 41, pt. 1, Public Laws, p. 105.)

In the meantime the market price of the bacon was going down. More than 2 months and 10 days later, when the price was down to 29 cents per pound, Mr. Leavitt had not sold the bacon and was, about October 27 to 30, 1919, indicted for hoarding it.

Mr. CAREW. Will the gentleman permit me to correct him? It was on the 10th of October.

Mr. BOX. The gentleman from New York is in error about that. I shall not quarrel about that, and I know only from the photostatic copies of the correspondence between the district attorney and the Department of Justice, which I have examined. I know that that date is mentioned. You can leave that open. The gentleman may be in error as to the exact date, but he is fairly sure that he is right in saying that that prosecution was instituted on the 27th or the 28th and that Leavitt was bound over to appear before the commissioner or to await the action of the grand jury on the 25th to the 27th. The department here started its motion on the 25th, as I get it from the record. That fact is not in the majority report.

The first table on page 19 of the majority report shows that by October 25, 1919, the Government was selling bacon at 20 cents per pound. It was also being retailed by the Government and many municipalities and individuals at prices far below

what Mr. Leavitt had paid for the bacon he bought. The market price was then, in fact, about 7 cents per pound less than he had agreed to pay for it five months before, and Mr. Leavitt had already lost about \$125,000 in the decline of the market price and an unknown amount in the deterioration in its quality.

The risk of this decline in the value of the bacon, either through its deterioration or a fall in the market, was a chance which Mr. Leavitt took when he bought it for speculative purposes. To make him whole against a loss through decline in the market or deterioration of the bacon is without justification in law or moral right. It is jobbery; it is plunder. The United States is not legally or morally liable for financial loss caused by its efforts to prosecute Mr. Leavitt for violating the statute against hoarding nor for its libeling of the bacon in its bona fide efforts to enforce that law.

There is a confused effort to make it appear that the Government ought to be held liable for damages for malicious prosecution. I know that effort will not be approved by this House.

Mr. BUTLER. Will the gentleman yield?

Mr. BOX. I will.

Mr. BUTLER. I did not quite understand. Is it proposed to require the Government to pay damages here for breach of contract? I have listened very intently and thought I understood it, because the gentleman has made a very lucid explanation.

Mr. BOX. Not as lucid as it should be or as the gentleman from Texas has desired.

Mr. BUTLER. I think the gentleman did very well, if I may say so. Now, if the gentleman will bear with me, I will be obliged to him. Why did the Government hold this bacon, was there anything wrong, or the price went down?

Mr. BOX. I do not know what was in the minds of those who acted. I know that two years later in 1921 there was an effort made to rescind the contract. I know that there was about 350,000 pounds of bacon which was never delivered, for which the Government paid him; that is, they returned to him the money he had paid on bacon he never got. When the proposition to rescind was presented, the Acting Judge Advocate General reviewed it very thoroughly and reported that the facts did not warrant a rescission of the contract. That opinion is omitted from the majority report.

Mr. BECK. Was that available to the committee? I never heard of it.

Mr. BOX. It was not offered to the committee by any of those presenting the claim, nor was there any reference to it by those purporting to represent the Government upon the hearing so far as the gentleman from Texas heard. The gentleman from Texas, if you will permit a personal remark, suspected the existence and withholding of something like that and hunted up the facts and found that there had been not one but two extended opinions, one of which he will insert in his remarks, advising the department that the rescission of this contract was not warranted; that the facts did not warrant it. It is a long opinion and to present it now would take up more time than I have.

Mr. BUTLER. The Government did buy so much bacon from Leavitt.

Mr. BOX. Leavitt bought from the Government.

Mr. BUTLER. And bacon went down and Leavitt went down with the bacon. I see it now.

Mr. EDMONDS. If the gentleman will yield, I want to call attention to the remark made just before, that Mr. Hull, the Acting Adjutant General of the Army approved of it, that the Budget Bureau approved of it, and the Department of Justice approved. Mr. Hull sent a letter, and Director Dawes sent a letter approving of it.

Mr. BOX. I fear that they will not understand it better than some of the majority members of the committee. An effort was made to get a direct appropriation from the Appropriations Committee and the chairman of the Committee on Appropriations of this House went carefully into the whole thing. I wish his counsel might be given to this House to-day on the merits of this bill.

Mr. EDMONDS. This bill is to permit Mr. Leavitt to go into the Court of Claims and give him opportunity to have his day in court, and I think that is fair because the bill says:

Jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, consider, and determine such action upon its merits and according to the principles which govern such liability that prevails between private parties.

Mr. BOX. Well, the gentleman from Texas is trying to do two things: He is trying to show the Members of this

House that this claim ought not to go to the Court of Claims; second, he wants the record of this transaction to get into this Record, so that those who will deal with it hereafter will find as much as possible of it in the Record; and next, the gentleman from Texas is very much afraid that this is not the final form in which this legislation is to pass.

The chairman of the committee reporting the bill has heretofore favored its direct payment. It will be a matter of conference in the last instance. The gentleman from Texas feels that it is his duty to have this House understand what is involved when it votes now, and when it is called upon to vote hereafter.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. UNDERHILL. What has the gentleman to say about this? When Mr. Leavitt had a customer for the bacon he sent him down to the storehouse to examine it and look it over, and an officer of the Army undersold Mr. Leavitt, because they had a surplus supply there at about 2 cents a pound less. Now, the Government had the bacon in its charge and an officer was in charge of the bacon, and then the officer broke all the ethics of business life and undersold Mr. Leavitt, when Mr. Leavitt could have sold all his bacon at a profit.

Mr. BOX. The officer delivered all the bacon which Mr. Leavitt had sold to Klopstock. He had a provisional arrangement to sell more. The officer had been instructed by Congress to sell this bacon, and found out that there was a chance to sell more, other than that which Mr. Leavitt had sold, and he did sell, and it was somewhat hard on Leavitt for his customer to go in there to get bacon that he had bought from Leavitt and find that hereafter—not as to this lot—he could get bacon from the Government at a cheaper rate than he could get it from Leavitt. All he had to do was to read the records of Congress and the proceedings of municipalities everywhere to learn that they could buy bacon cheaper almost everywhere at the time Klopstock bought from the Government than the price Leavitt made to him. The officer did not remind him or tell him of anything that was not already widely published in the press. He did not learn any trade secrets there.

Mr. EDMONDS. Had it not been shown that the Government sold that bacon at 34 cents a pound? The gentleman knows that Mr. Leavitt sold Mr. Klopstock 150,000 pounds of bacon, and Klopstock took an option on 500,000 pounds more, and then when he found he could buy it cheaper from the Government, he bought from the Government.

Mr. BOX. If Klopstock bought from the Government at 34 cents a pound after that, he paid about 5 or 6 cents a pound more than the market price of bacon.

Mr. EDMONDS. The gentleman will find that in the record. In the record is the market price of bacon in 1919.

Mr. BEEDY. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. BEEDY. I am not clear as to whether there is more than one lot of bacon involved here. After Mr. Leavitt bought his, the Government still had a large amount, had it not? That is what the officer was talking about?

Mr. BOX. Yes.

Mr. BEEDY. Not his bacon?

Mr. BOX. No; Government bacon. The amount was large. I will not state how much, but it was millions of pounds, a vast amount, that we were selling everywhere, trying to dispose of the war surplus and trying to supply it more cheaply to the folks; and now we are asked to pay damages because a man suffered loss because we succeeded in bringing down the price.

As previously stated, an effort is made to show that the prosecution was instituted and insisted upon by District Attorney Ross, now deceased, on his own motion for selfish, political, and wholly unjustified purposes. I never knew Mr. Ross. He died before the first hearing on this claim and had no chance to justify his action, nor was there any effort by the representatives of the Department of Justice as administered when this claim was considered by the committee to present to the committee the viewpoint of the Government at the time of this prosecution and libel. The claimant's attorney, Mr. Steinbrink, was himself an attorney employed by the Department of Justice at the time he was prosecuting this claim, and either his prosecution of the claim or his employment by the Government was itself in plain violation of the law. He stated to the committee that he reserved the right to prosecute this claim when he was employed by the Government as one of its attorneys (majority report, p. 6, near top), but a man, whether a layman, a lawyer, or a subordinate, or even the head of the Department of Justice, can not reserve the right in advance to violate the law. Both Mr. Steinbrink and the official who employed him

showed a regrettable disregard of the law in his employment with the understanding that he should violate the law in this particular.

In the presentation and promotion of this claim other unfavorable outcroppings have developed. Upon the hearing my colleague on the committee [Mr. UNDERHILL] asked the following question:

Mr. UNDERHILL. Is Mr. Ross still the district attorney?

Mr. STEINBRINK. I think I can answer your question. I wish you gentlemen to understand that Le Roy Ross was my friend. He is dead, and I should only speak kindly concerning the dead. In 1920 there were to be in our judicial district four vacancies in our supreme court, and Le Roy Ross was a candidate for one of those vacancies, and this was used as the chariot in which he hoped to ride to one of those nominations.

A little later the gentleman from Texas asked Mr. Steinbrink, who at the time the question was propounded was a Government attorney, this question:

Mr. Box. Has the Government any information indicating that this unjustified act on the part of District Attorney Ross was at the behest of any persons representing the General Government in the sense that they were located in Washington?

To which Mr. Steinbrink answered:

Mr. STEINBRINK. We have no information which indicates that.

Now, this was in furtherance of the apparently unwarranted claim that District Attorney Ross was actuated by his own base, personal motives in the proceedings against Mr. Leavitt instead of under the direction of the Department of Justice and the guidance of his sense of duty. In fact, documents in possession of the committee, and which should have been fully shown in the majority report, but were not, show that before the institution of the proceedings against Mr. Leavitt the Department of Justice at Washington had telegraphed to District Attorney Ross about violations of this statute and had confirmed its telegram by letter. On October 28, 1919, District Attorney Ross wrote to the Attorney General at Washington a letter in which the following appears:

Your letter of August (October) 27, 24-317, signed by Mr. Harold Figg, special assistant to the Attorney General, confirming telegram received by me yesterday in reference to prosecution of sections 6 and 7 of the food control act, is received.

I might state that upon receiving said telegram I immediately had a United States commissioner's warrant issued and under this warrant Louis Leavitt, a white-lead manufacturer, with a place of business at 454 Driggs Avenue, Brooklyn, N. Y., was arrested.

At the same time I commenced an action under section 7 of said act, and the property described was seized. I am inclosing a statement of the goods seized, showing where stored and when placed in storage in the warehouse.

From that time to the end of this proceeding, some three or four months later, Mr. Ross was in constant touch with the Department of Justice here and apparently proceeded under its direction. In one of his first letters to the Department of Justice he said:

I believe I have a strong case. (Majority report, p. 39.)

The Department of Justice wrote him under date of October 29, 1919, as follows:

I beg to acknowledge your letters of October 27 and 28, concerning the arrest and indictment of Louis Leavitt.

I am very much gratified at your prompt, vigorous, and effective action in this matter. On the facts you present this seems to be an aggravated case, and I sincerely hope a conviction can be obtained. It would seem that this is a case where the extreme penalty of imprisonment would be none too severe. This thoroughly vicious character of speculation must be discouraged.

There have been several prosecutions under section 6 of the food control act, but in most of the cases the parties have pleaded guilty, and another case is now pending on appeal. We have, therefore, to date no authoritative construction of the meaning of section 6. It would seem, however, that unless this defendant can show that he has business requirements, the facts of the case would establish violation of the provision relating to requirements for use or consumption by himself and dependents.

After considerable correspondence between District Attorney Ross and the Department of Justice, all showing frequent official communication between the two offices about this proceeding, and showing that the trial court had sustained demurrers to indictments against Leavitt, Mr. Ross, on January 5, 1920,

wrote the Department of Justice a letter in which, among other things, he said:

I would strongly recommend that an appeal be taken from this decision at once, as it goes to the very heart of this prosecution and of other prosecutions for hoarding and selling for excessive rates commodities purchased from the Government.

On February 21, 1920, District Attorney Ross wrote to the Department of Justice a letter, in which the following appears:

I appreciate your agreement with me that the dismissal of the first indictment was erroneous.

So much for Mr. Steinbrink's implication that this proceeding was not at the instance of the Department of Justice at Washington but was for Mr. Ross's own base, personal purposes.

It is appropriate to add here that papers in the possession of the committee show, though the majority report does not show, that Mr. Leavitt had bought large quantities of other surplus war materials, among which were lumber and some 4,600,000 pounds of oleomargarine; that he had acquired several hundred thousand pounds of prunes; that he was named as one of the associates of the man who bid \$8,000,000 for the Government nitro plant at Charleston, W. Va. The manner of Mr. Leavitt's handling of these commodities was the subject of a special investigation made by the Government in connection with its efforts to enforce the hoarding statute enacted by Congress. (See memorandum of November 12, 1919, made by Maj. G. Q. Peters, United States Army, for Colonel McKenney; also letter of District Attorney Ross to the Attorney General at Washington, dated November 5, 1919, both in the files of the Committee on Claims.)

As further illustrating the one-sided manner in which this claim has been presented to the committee, which ex parte character has necessarily gone into the committee report, I call attention to the fact that, while the favorable opinion of Attorney General Daugherty was presented to the committee in support of the claim and placed in the committee's report, the adverse opinion of the then Acting Judge Advocate General of the Army was not presented to the committee, though it was in its files, and does not appear in the committee's report. This opinion shows that it was at least the second adverse opinion by that office. I insert a copy of it here:

AUGUST 23, 1921.

Memorandum for the Acting Secretary of War.

Subject: Proposed rescission of sale of bacon to Louis Leavitt.

1. This case was before this office on June 3, 1921, on a request for an opinion as to whether or not there was legal justification for the rescission of a contract of sale to Louis Leavitt in so far as it relates to 1,400,000 pounds of bacon purchased by him from the War Department. This office at that time found no legal justification for such rescission, and the matter was transmitted by the Assistant Secretary of War to the Department of Justice with a request for an opinion, which that department declined to render for the reason, among others, that the request was not made by the head of this department. The matter again came before this office on June 23, 1921, for reconsideration upon a brief submitted by the attorney for Mr. Leavitt, on which occasion this office adhered to its former opinion. The matter is now before this office on a request to the Acting Secretary of War that the matter be again submitted to the Department of Justice.

2. On May 26, 1919, Louis Leavitt bid 28½ cents per pound on 2,493,836 pounds of strip bacon offered for sale by the War Department "as is," f. o. b. Army warehouse, Baltimore, Md., delivery to be made "when notified within 30 days." The bacon was awarded to him on June 12, 1919. Leavitt paid down \$60,000 with his bid. All of the balance of the purchase price was paid by Leavitt by August 19, 1919. Some of the bacon was delivered by shipments made directly from the Army warehouse at Baltimore to persons who had purchased from Leavitt. The remainder of the bacon which was delivered under the contract was delivered to Leavitt f. o. b. Baltimore at his request and shipped to New York, where it was stored by him. The bulk of it was shipped in September, none in October, and about 530,000 pounds in November, 1919. Leavitt states that a part of the bacon was not delivered and the purchase price was repaid to him by the United States. While Leavitt claims that there was some delay in the early shipments made prior to his final payments, the evidence only indicates that he may have, perhaps, lost the sale of one carload by reason of the fact that a certain other carload was not shipped for 10 days after receipt of shipping instructions. As the case now stands before this office, Leavitt makes no claim for rescission on this ground; in fact, he subsequently received and accepted delivery of all the bacon.

3. In August, 1919, the Government commenced to dispose of other bacon to municipalities throughout the United States. This other bacon was chiefly canned and not strip bacon. There was, however, some strip bacon sold by the Government. The market value of bacon

thereafter commenced to decline and continued to decline during all of the period under consideration. In the hearing before an officer of the Quartermaster Corps hereinafter referred to, claim was made that the Government had interfered with Leavitt in his disposition of the bacon by the sales above referred to. At present, however, no claim for rescission is based upon this ground.

4. On October 10, 1919, Leavitt was indicted by the Federal grand jury for the southern district of New York for hoarding bacon. Demurrers to this indictment and three subsequent ones were sustained. On a fifth indictment Leavitt went to trial in the month of February, 1920, and was acquitted.

5. October 27, 1919, 13,318 cases of bacon, aggregating approximately 1,400,000 pounds, were seized on a libel, a proceeding in rem begun by United States attorney for the southern district of New York, under the act of Congress approved August 10, 1917 (40 Stat. 276), known as the food and fuel act. This bacon was held by the United States marshal until March 2, 1920, after Leavitt had been acquitted under the fifth indictment, when it was released to Leavitt by stipulation. On November 20, 1919, about 30 days after the bacon was seized, the United States attorney for the southern district of New York, at the suggestion of the court and claimant's attorney, offered in writing to stipulate with the claimant that the bacon might be sold and the proceeds distributed or retained as the court might order. In this letter the United States attorney suggested that the bacon should be sold at auction so that it might not again fall into the hands of food boarders or profiteers. Claimant's attorney took exception to this language and refused to stipulate. At the request of claimant's counsel copies of the correspondence between the attorneys relative to the stipulation are attached to this opinion as Exhibits A, B, and C.

6. It appears that the claimant made some efforts in June, July, and early August, 1919, when the market price of bacon was above 40 cents, to make a sale of at least a part of this bacon. These efforts, however, resulted in a sale of not more than two carloads thereof. It is claimed also that at the time the claimant was indicted, an agent or representative of his was engaged in negotiations for the sale of 1,400,000 pounds of this bacon to some of the Balkan States. This agent, a Mr. Noonan, states that when the representatives of these Governments learned that Leavitt had been indicted and arrested and a part of the bacon seized on the charges above mentioned, they refused to negotiate further. Mr. Noonan testified before Major Griffin in regard to these negotiations, as follows:

"Mr. NOONAN. Well, I do not want to say I could have sold it, because I do not know.

Mr. MILLER. At the time you discontinued, under the circumstances stated, your efforts to sell to the foreign ministers, at what stage were your negotiations? Did you have a sale practically consummated, or nearly so, or what?

"Mr. NOONAN. Well, I thought it was nearly consummated, but when you are dealing with foreign representatives you do not know until it is done. They are cabling back and forth.

"Major GRIFFIN. You had every reason to believe you had a deal for the 1,400,000 pounds?

"Mr. NOONAN. I did."

It appears also that during the month of December the claimant or one of his representatives discussed the sale of this bacon with a representative of the New York Globe, which was then importing meat for the purpose of effecting a reduction in the cost of living, and that the Globe expected to purchase about 2,000,000 pounds of bacon but would not consider a price above 25 cents per pound, which was not acceptable to the claimant.

7. The claimant, through his attorney, the Hon. Clarence B. Miller, filed a claim with the Quartermaster General seeking a cancellation of the sale of all of the unsold bacon delivered to him on the purchase made by him on June 12, 1919, and requesting that the War Department take back the bacon and pay him the purchase price thereof, together with all of the expense, interest, storage, freight, insurance, and advertising incurred by him in connection therewith, amounting in all to the sum of \$789,189.53. He claims to have on hand approximately 1,800,000 pounds of this bacon. On May 5 and 6, 1921, a hearing was held before Maj. W. W. Griffin, of the contracts and advisory branch, administrative division, office of the Quartermaster General, at which the claimant presented evidence to sustain his request for rescission. Major Griffin made findings of fact and recommended a disposition of the claim. As to the 1,400,000 pounds which Leavitt through his agent attempted to sell in Europe he recommended that the Government take back the bacon and repay the purchase price thereof to Leavitt, with interest, insurance, and storage thereon. As to the other bacon, which he apparently estimates at 1,000,000 pounds, he recommended that relief be denied.

8. The ground upon which Leavitt claims a right to rescission is that the Government seized the bacon which it had previously sold him and caused him to be indicted for hoarding the same, and by this alleged unjust interference prevented him from disposing of the bacon to his advantage or, at least, without loss.

9. It will be noted that the contract sale was completed by payment of the purchase price and delivery of the bacon. For the bacon not delivered Leavitt received back the purchase money. No complaint is now made that the United States did not fulfill its contract in every respect. Complaint is made solely on the ground of the acts done by the grand jury, the United States attorney, and the United States marshal in indicting and prosecuting Leavitt and in seizing his bacon. The bacon seized October 27 was purchased in June and delivered to Leavitt in September and had been fully paid for in August. None of the bacon shipped in November was libeled or otherwise interfered with. Leavitt accepted and received it when shipped. Therefore the questions presented are, first, is the United States, as a contractor, liable for the acts of the grand jury, United States attorney, and United States marshal for the southern district of New York, acting in their official capacities—that is, is the United States, as a contractor, liable for the acts of the United States as a sovereign—and, second, if so liable, is the relief sought by the claimant, namely, a rescission of this contract, justified by the acts of the United States as a sovereign?

10. In the opinion of this office heretofore rendered in this case (J. A. O. 500,703, June 3, 1921), the cases of *Wilson v. United States* (11 Ct. Cls., 515), *Deming's case* (1 Ct. Cls., 190), and *Jones and Brown* (1 Ct. Cls., 383), were cited. This office is particularly impressed with the soundness of the reasoning contained in the case of *Wilson v. United States*, supra. In that case Wilson had contracted with the Quartermaster General to deliver a specified number of mules in the city of Washington. He brought the proper number of mules from Kentucky to the vicinity of Washington, which was then threatened with capture by the forces of General Early. The agents of the contractor sought to enter the city and deliver the mules, but were stopped at the picket line and turned back under an order of the military governor of Washington forbidding all persons to approach the defenses or enter the camps. The agents notified the picket guard that the mules were for the military service of the United States and were to be delivered in Washington under a contract, and that the enemy's cavalry was approaching and might capture them. Nevertheless, the request to enter was refused and the mules were captured and, in part, lost to the contractor. The Court of Claims held that, notwithstanding the peculiar hardships of the case and with a full appreciation of the good faith of the contractor, his diligence, and due observance of all the obligations of his agreement, he could not recover for the loss sustained. The court held that the double character of the Government as a contractor and as a sovereign can not be lost sight of in any of its transactions.

"The Quartermaster General was the contracting agent of the United States and bound the corporation. For his acts, within the scope of his authority, the Government, as a contracting party, is liable. But neither the Quartermaster General nor any of his assistants, nor any other contracting agent of the Government, interfered with the claimant or prevented performance on his part. The military governor of Washington, on the other hand, was not a contracting agent of the Government and his acts were limited strictly to the public defense. He did not interfere with this contractor as such. His order was general, applying to all persons, and affecting the claimant precisely as though he had contracted with any private corporation. It has been repeatedly held in this court, and often reiterated by the Supreme Court, that the Government, as a contractor, can be held to no greater liability than other contractors; and that seems decisive of the case now before us, for the Government, as contractor, did nothing which would have cast a legal liability upon any other contractor."

In *Deming's case*, above cited, the alleged interference was by the legislative branch of the Government, and it was there held that the Government as a contractor was not responsible for the Government as a lawgiver. In the case of *Jones and Brown*, supra, the acts complained of were by the executive branch of the Government, and consisted of the withdrawal of troops from the Indian country and the consequent inability of the contractors to complete a public survey. It was there held "that the United States as a contractor can not be held liable for the public acts of the United States as a sovereign."

11. In *Gibson's case* (2 Ct. Cls. p. 421), with *Wallace*, 269, the Supreme Court of the United States states that the principle is established—

"that even in regard to matters connected with the cause of action relied on by the United States the Government is not responsible for the laches, however gross, of its officers."

In the case of *Whiteside v. United States* (8 Ct. Cls. 532) the claimants were employed by the Treasury to establish the right of the Government to certain cotton and to bring in the cotton. As a consideration for their services they were to have one-half of all cotton so recovered and condemned and to be reimbursed their expenses in case the cotton should be released. After they had seized and brought in a quantity of cotton to Camden, Ark., in January, 1866, the cotton was unlawfully seized by the military commander there and returned to the alleged owners. The action of the mili-

tary authorities was wholly without justification or warrant, although done in good faith. The Court of Claims held that there could be no recovery of the claimants' loss due to the unlawful acts of the officer and that no action lay against the Government upon the contract for their expense.

12. In the case now before this office, the action of the grand jury, the United States attorney, and the United States marshal for the southern district of New York, was action taken by the public officers of the United States for the purpose of enforcing general laws of the United States as they applied to this claimant and all others. The statute prohibiting the hoarding of food products was in effect prior to and at the time this contract was entered into, and Mr. Leavitt was charged with knowledge that if he violated the same with respect to this bacon or any other he was subject to prosecution. The United States as a contractor could not have prevented such prosecution had it sought to do so; the position of the claimant was no different from what it would have been had he purchased this bacon from a private corporation or from a foreign government, and his sources of relief for any injury or damage suffered are the same.

13. Even if it should be conceded that the acts of the grand jury, the United States attorney, and the United States marshal created a liability on the part of the United States as a contractor, still the claimant would have no right to a rescission of the contract. This is not the legal remedy. If an individual had sold him this bacon and if, after having delivered the bacon and received the entire purchase price, he should have made an unwarranted and malicious complaint against this claimant and have caused him to be indicted and the bacon to be seized under a libel, nevertheless, such action would be no ground upon which any court would be justified in compelling the vendor of the bacon to receive it back and restore the purchase price. The claimant's action, if he had one, would necessarily be for damages on account of a malicious prosecution. If the claimant here is entitled to any relief it is by way of a civil suit against any person who may have been responsible for a malicious prosecution by means of which he was indicted, or his property seized. In effect the claimant is asking the War Department to buy bacon, without advertising for bids, at a price far in excess of the present market price, and to pay damages by way of interest, insurance, and storage for not having purchased the bacon earlier. This can not be done legally.

14. This office is of the opinion that there is no legal justification for the rescission of this contract or any part of it. Pursuant to your instructions I submit herewith draft of letter prepared for the signature of the Secretary of War transmitting these papers to the Attorney General with request for an opinion.

E. A. KREGER,

Acting Judge Advocate General.

An effort was made on the hearing, and appears in the committee's report, to show that Mr. Ross refused to agree to the sale of the bacon at the time it was libeled, presumably to avoid loss on account of its decline in market value and deterioration in quality. When this stipulation was suggested the market value of the bacon had already declined several cents per pound, and the Government had been selling its surplus bacon of similar character for 20 cents per pound; yet, in the interest of Mr. Leavitt it was suggested that the bacon should be sold at a price which "would protect Mr. Leavitt for the amount expended by him in the purchase of this bacon from the Government." (Majority report, p. 61.) That was necessarily an impossible agreement for the district attorney or the Attorney General to make. In addition, the Government wanted such a stipulation as would prevent the further hoarding of the bacon, which was the very evil, real or imaginary, which the Attorney General and district attorney were trying to correct; but Mr. Leavitt's attorneys spurned the idea of that suggested phase of the agreement. (See letter of Mr. Steuer, attorney for Mr. Leavitt, majority report, p. 61.) Apparently for these two sufficient reasons the stipulation for the sale of the bacon was not made.

There is indisputable evidence that the Attorney General and Mr. Ross believed that Mr. Leavitt was violating the law. Mr. Ross's report to the Attorney General that he believed he had a strong case is supported by the concurring opinion of the Attorney General's office and by the presumption that every public official does his duty.

The Department of Justice supported the action against Mr. Leavitt; the grand jury returned an indictment against him; the district attorney insisted upon the prosecution; the district judge submitted the final indictment to the jury for its finding on fact questions. It is inconceivable that Congress will, under these facts, say that the Department of Justice, the district attorney, the grand jury, and the district judge acted without probable cause, and that the Treasury should now compensate Mr. Leavitt on the basis of a willful wrong done by all these representatives of the Government.

It is said (majority report, p. 16, latter part of fifth paragraph):

Mr. Leavitt had negotiated the sale of it [the bacon] at 30 cents per pound alongside the ship in New York, and that was as early as the latter part of August, 1919.

The grand jury had not indicted Mr. Leavitt then, nor had the court seized the bacon. Neither was done until two months thereafter. Under no condition or theory could the Government be held responsible for a failure of that sale, which is wholly unexplained. This statement was made by Mr. Steinbrink, the very able and adroit attorney for Mr. Leavitt, and whose statement binds him. Mr. Leavitt had a right to hold the bacon after that and after delivery of it at the risk of being prosecuted for hoarding, but will Congress now make good the loss to the risk of which he exposed himself? This fact alone should dispose of this claim. But there are other considerations.

When and after the bacon was released in February or March, 1920, it was worth 23 or 24 cents per pound. Mr. Leavitt was thereafter free of any embarrassment in the disposition of it, except such as came from the condition of the market, and certainly Congress will not hold the taxpayers liable because the market went against Mr. Leavitt while he was engaged in this speculation. The bacon remained in his possession, or in the warehouse subject to his order, until March, 1922 (majority report, p. 42), about two years, after which it was sold at the suggestion of the Secretary of War for 3½ cents per pound, when bacon in large quantities was being sold for 10 cents per pound. Apparently this sold to the General Rendering Co. for less than one-third the current price because the bacon was not then in good condition. (Majority report, p. 17.) It had been in Mr. Leavitt's exclusive control from the time it was delivered to him, soon after he completed the payment of the purchase price in August, 1919, until March, 1922, save and except the time during which it was seized and held under libel proceedings extending from about October 27, 1919, to February or early March, 1920—about four months—out of the period of more than 32 months, covering the time that elapsed between the acceptance of Leavitt's bid and the final sale of the meat for his account.

If we compute the time elapsing after he made final payment on August 19, 1919, to March, 1922, the period would cover a little more than 30 months, while the embarrassment of Mr. Leavitt's possession by the seizure covered only 4 months of that period. Shall we assume that all of the deterioration in quality which the meat suffered in this 30 or 32 months occurred in the 4 months while the court held it? We know that the decline of the market price of the bacon went from 36 or 37 cents per pound, when he bought it, down to about 10 cents per pound, when it was sold for his account in March, 1922. Certainly the Government is not liable for the decline in the market price or for the deterioration in the quality of the bacon before it was libeled or after it was released, and these two periods together cover about seven-eighths of the period between the acceptance of Mr. Leavitt's offer and the sale of the bacon for his account, at the suggestion of the War Department, in March, 1922.

If Congress is going to compensate Mr. Leavitt on the theory that the Department of Justice, district attorney, grand jury, and district judge proceeded against Mr. Leavitt and his bacon without probable cause, which is unthinkable, the measure of his damages would not exceed the decline in the market value of the bacon from October 27, 1919, when it was seized, to February or March, 1920, when it was released. That decline was 4 or 5 cents per pound, which would be computed upon the quantity of bacon actually seized, and by no stretch of morality, law, right, or reason could be made to cover the whole price of the bacon, which was 28½ cents per pound. Let us remember that Mr. Leavitt was in no way hindered from disposing of the bacon prior to October 27, 1919, the date of seizure, or after February or March, 1920, when it was released.

It can not be contended that the Government should compensate Mr. Leavitt for a decline in the market price of the bacon either before or after the seizure proceedings because it was selling large quantities of bacon and helping the market to decline. If it is liable on that account to Mr. Leavitt, it will be liable to all other purchasers of surplus war supplies who may claim to have suffered loss on the same account. Mr. Leavitt and others bought these goods knowing that the Government had other surplus supplies which it was selling. He speculated on the market with that fact in mind. The Gov-

ernment in no way undertook to protect him from a decline in the market from that or any other cause.

I heartily concur in the following expressions of the Acting Judge Advocate General of the Army in his opinion advising that the Government should not compensate Mr. Leavitt on the basis of the rescission of his contract of sale:

In the case now before this office, the action of the grand jury, the United States attorney, and the United States marshal for the southern district of New York was action taken by public officers of the United States for the purpose of enforcing general laws of the United States as they applied to this claimant and others. The statute prohibiting the hoarding of food products was in effect prior to, and at the time this contract was entered into, and Mr. Leavitt was charged with knowledge that if he violated the same, with respect to this bacon or any other he was subject to prosecution.

Even if it should be conceded that the acts of the grand jury, the United States attorney, and the United States marshal created a liability on the part of the United States as a contractor, still the claimant would have no right to a rescission of the contract. This is not the legal remedy.

This office is of the opinion that there is no legal justification for the rescission of this contract or any part of it.

Mr. Leavitt's speculation resulted unfortunately for him, but he took the chances of that and lost. I conclude that there is no showing made of legal or moral liability to him for any sum.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. MOORE of Virginia. As I understand, the gentleman's proposition is that after the bacon was relieved of the libel there was no damage sustained by Mr. Leavitt for which the Government is, upon any view, accountable?

Mr. BOX. That is right.

Mr. MOORE of Virginia. That is to say that after the bacon was released, after which Mr. Leavitt was free to do with it as he pleased, there were no damages accruing from that time on for which the Government can be held responsible? Now back of that you also hold that the libel, because of the operation of which he claims damages, was a mere incident to criminal proceedings against him?

Mr. BOX. It was a separate proceeding, but incidental.

Mr. MOORE of Virginia. That the bacon was withheld from him because of the criminal proceeding against him, and that he was acquitted in that criminal proceeding?

Mr. BOX. The court submitting the issues of fact and the jury finding for Leavitt.

Mr. MOORE of Virginia. And you contend, as I understand, that he is now claiming damages in consequence of a prosecution which resulted in his acquittal; and you take the position that it is against all precedent and against the universal policy to indemnify a successful defendant in a criminal case?

Mr. BOX. Yes.

Mr. JONES. Will the gentleman yield?

Mr. BOX. Yes.

Mr. JONES. Does the gentleman state—I do not know whether I understood him or not—that this bill undertakes to compensate this man for some decrease in the price of bacon after the bacon was sold to this man and before criminal prosecution was instituted?

Mr. BOX. Well, it is not stated in those terms, but it is necessarily involved in the legislation; it covers the whole loss from the deterioration in quality and the decline in price, and from other causes, from the purchase in 1919 until the sale of the bacon for Leavitt's account early in 1921.

Mr. DENISON and Mr. BEGG rose.

Mr. BEGG. Will the gentleman yield?

Mr. BOX. The gentleman from Illinois [Mr. DENISON] rose first, and I will yield to him.

Mr. DENISON. I am somewhat confused about the proceeding, perhaps because I am not familiar with the statute.

Mr. BOX. It is a very voluminous affair.

Mr. DENISON. I am talking about the libel proceeding. Was that a necessary part of the prosecution or was it a separate proceeding?

Mr. BOX. I understand it was an ancillary proceeding, provided for in the same act. A libel proceeding under it would not be authorized in the absence of a hoarding charge, but there might be an indictment for hoarding without a libel.

Mr. DENISON. Are not the two proceedings separate?

Mr. BOX. Yes.

Mr. DENISON. One is a criminal proceeding and the other is a civil proceeding.

Mr. BOX. Yes; but in this case they go together, because we authorized this libel proceeding in the very statute we passed, the antihoarding act.

Mr. DENISON. But the libel proceeding itself was not a criminal proceeding?

Mr. BOX. No.

Mr. MOORE of Virginia. If I may be permitted, is not it much like the prosecution of a person for selling liquor unlawfully, where there is an ancillary proceeding—a libel proceeding—with reference to the automobile in which the liquor, as was charged, was being hauled? Now, the point you make, as I understand, is that in that case, if the individual successfully defended and was acquitted, nevertheless he would have no ground on which to base a claim for damages for the detention of his automobile or anything that might have happened to his automobile. Is not the case I have supposed analogous to the claim you are now dealing with?

Mr. BOX. I think it is. I now yield to the gentleman from Ohio.

Mr. BEGG. I would like to ask the gentleman two questions. Does the gentleman contend that this contestant was not damaged at all by the action of the Government?

Mr. BOX. I would not say he was not damaged at all. I think no defendant is free from damages when the Government proceeds against him, but such damages are not the basis of a proper claim against the Government.

Mr. BEGG. Then, the gentleman would be willing to concede that he had been damaged in an indefinite or an undetermined amount? That being the case, does not the gentleman think his arguments will be protected in the Court of Claims?

Mr. BOX. If the gentleman from Texas were sure that would be true and was also sure that the facts which he is trying to present to the House would remain in the minds of Members in dealing with the matter in conference hereafter and be preserved in this record so that the facts so vital to anything like a fair understanding would have due consideration throughout, he would not be very much concerned. If the gentleman from Ohio will permit, the gentleman from Texas favored and insisted upon these amendments because he thought they would go far in the direction the gentleman has in mind.

Mr. BEGG. I think the gentleman from Texas and I are in accord on all of these claims, but I can see where we are taking no chance along the line the gentleman is discussing unless he makes the contention that our courts can not be trusted.

Mr. BOX. But suppose this bill does not come back to this House in this shape, and suppose this House does not understand these facts?

Mr. BEGG. Well, of course, I will admit there is a possibility of that, but we will have our chance in court the next time and we have to do something. We either have to allow him a definite amount—which I would not favor at all—or else we have to send it to some place where they can ascertain what he is entitled to.

Mr. BOX. It is entirely possible that when the gentleman from Texas—like his fellows—takes a position he sometimes goes a little too far, but the gentleman from Texas does not think so in this case. The earmarks of a wrongful intention are all over this proposition. The gentleman from Texas has gone through this, and he acquits his fellows, just like he acquits the gentleman from Ohio, of any such intention, but the gentleman is very much afraid that the interests of the Government have not been properly gotten before this committee or before the House. Four years' service on the Committee on Claims has made it clear that the trying of great cases like this in this manner is a farce and that the House ought to provide some method of ascertaining the merits of these claims.

Mr. EDMONDS. Will the gentleman yield for a moment?

Mr. BOX. I yield.

Mr. EDMONDS. I know the gentleman does not want to give the House the impression that so far as I am concerned, as chairman of the committee, there is any conference contemplated looking toward any change in the bill if it passes the House.

Mr. BOX. May I ask the gentleman a question?

Mr. EDMONDS. Surely.

Mr. BOX. If the bill passes the House in the shape proposed, or substantially in these terms, because, of course, we can not bind the membership to any particular terms, will the gentleman from Pennsylvania, chairman of the committee, be

inclined as a member of the conference committee to insist in conference upon adhering to the terms of this bill or bringing the question back and giving the House a chance to vote on whether or not it will pay the money directly as the gentleman has heretofore proposed?

Mr. EDMONDS. I will make this agreement, and, as the gentleman knows, I voted in favor of this language. As a matter of fact, I had it drawn up in my office so that we could reach a compromise on this matter and get some justice for Mr. Leavitt, if there is any justice due him; and I will say to the gentleman that as far as I am concerned I will take no action, if the other House should change this bill in any manner or any particular, without instructions from the Committee on Claims.

Mr. BOX. The Committee on Claims has reported payment of this claim in full.

Mr. BULWINKLE. Oh, no.

Mr. EDMONDS. No; the gentleman is wrong about that.

Mr. BOX. That was done heretofore. I meant the Committee on Claims of a former Congress, the Sixty-seventh, of which the gentleman was chairman and which had many of the same Members as this one. That committee reported, recommending the making of an appropriation to pay this claim in full.

Mr. EDMONDS. I do not think it is fair for the gentleman to say that.

Mr. BOX. It is true, as I qualify the statement. It has formerly been reported. It passed the other House twice in that shape, and it has been reported by the immediate predecessor of this committee for payment, once with a provision making appropriation for its payment.

Mr. EDMONDS. And I will agree with the gentleman that if the other House changes this bill in any way from the shape in which we pass it in the House, that that change shall be taken up by the committee and the committee shall reach an agreement upon it.

Mr. BOX. That is very gratifying, and I am sure the gentleman will do exactly what he says; nevertheless, the gentleman from Texas does not believe that this claim ought to be sent to the Court of Claims.

Mr. HERSEY. Will the gentleman yield?

Mr. BOX. Yes; I yield.

Mr. HERSEY. Is not the Court of Claims in a better position to try this case and to do justice to it and conduct more complete hearings than this House?

Mr. BOX. It is; and that is why the gentleman from Texas favored that rather than a direct appropriation. I have not been able to present all these facts. I know how Members feel about reading long speeches. I have gone to the labor of going through this record and I do not know half as much about it as I ought to know about it in order to pass on it right. I would be glad to have the Members familiarize themselves with the facts of this case.

I think it is unwise to send to the Court of Claims such claims as this. I understand they are four or five years behind, and I have seen enough to know that facts favorable to the interest of the Government are easily forgotten.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. BOX. I yield.

Mr. WILLIAMSON. It seems to be perfectly clear from the report that has been handed in by the committee itself that the amount which it is proposed to be allowed here in the event the court should find such a sum due is in excess of any possible amount that could be due him, and certainly no such amount is due him upon the statement made by the gentleman from Texas.

Mr. BOX. I think the gentleman is correct about that, but the gentleman will notice that the committee put the limit at the top and provided that it should not be more than the most. That is the language of the limitation.

Mr. UNDERHILL. Is not that just a little bit exaggerated?

Mr. BOX. May be so.

Mr. UNDERHILL. The courts are in the habit of allowing interest on claims, as I understand it, when they make a favorable report.

Mr. BOX. Do they allow interest on such claims as this against the United States?

Mr. UNDERHILL. The Committee on Claims has not taken that position since the gentleman from Texas and myself have been members of it. We have refused to allow any claim for interest. It is my understanding that the courts take the same position.

Mr. BOX. I so understand, but I may be in error about that.

Mr. Chairman, I reserve the balance of my time. I thank you very much, gentlemen, for hearing my disconnected statement, but the breaking up of the statement has been caused by the many questions propounded to me by colleagues.

Mr. EDMONDS. Mr. Chairman, I yield such time as he may need out of my remaining time, to the gentleman from North Carolina [Mr. BULWINKLE].

Mr. BULWINKLE. Mr. Chairman and gentlemen of the House, when I first went into the consideration of this claim, I examined it with a prejudiced mind against the claimant. That was in the Sixty-seventh Congress. But after studying evidence and hearing the witnesses, I was convinced, beyond all doubt, that a wrong was done this man.

It is true that there is legal liability as far as the Government is concerned. This is a matter for the Congress to pass upon. But going further than that, there is a moral liability in this matter. You have this situation before you to-day for consideration. You have on the one hand one branch of the Government, advertising that the Government has surplus bacon to sell, let all who want come and make a bid for and purchase. You have another branch of the Government, on the other hand, and saying to that man who makes a bid and purchases, "You are to be indicted for hoarding foodstuffs; you have bacon in your possession."

Mr. BOX. Would it interrupt the gentleman if I asked a question?

Mr. BULWINKLE. Not at all.

Mr. BOX. Does the gentleman contend that Mr. Leavitt was indicted for buying?

Mr. BULWINKLE. No; I said that the Government said to him, "If you buy this bacon and if you have it in your possession, you are to be indicted for hoarding foodstuffs," which the other branch of the Government said to him.

Mr. BECK. Will the gentleman yield?

Mr. BULWINKLE. Yes, sir.

Mr. BECK. Suppose I had bought 2,000,000 pounds of bacon from the packers, and I had it from August until October, and I was indicted for having that in my possession, would my relation with the Government be any different from that of Mr. Leavitt?

Mr. BULWINKLE. Yes; but let me answer you by giving the full facts which you evidently have forgotten. It was in June that Mr. Leavitt first contracted for this bacon.

Mr. BECK. Just a moment. That question was raised in my mind by the memorandum that was dug up from the Acting Judge Advocate General which I saw yesterday for the first time, and that is the thing, or one of the things, that is puzzling me.

Mr. BULWINKLE. Mr. Leavitt did not have all of this bacon in his possession from August to October. Mr. Leavitt bid for it in June, making the first payment of \$60,000. It was not until August that he completed the payments. The bacon was not shipped to him at once, but during this entire time he was endeavoring to sell it in America and to foreign governments and in foreign countries. Some shipments he did make. He sold to Klopstock 150,000 pounds with an option for 500,000 pounds more. Klopstock was the man who went to Baltimore and went into the quartermaster's warehouse. When he arrived there he told the quartermaster what he had done, and the quartermaster said, "Why, it is no use buying that; we will sell you bacon considerably cheaper than Mr. Leavitt is selling it for and will sell you 500,000 pounds." There you have another agent of the Government undertaking to hurt the man they had sold the bacon to.

This went on until October 10, when the first indictment was made and the first time the bacon was libeled.

From October until March the Government had the bacon in its possession. After that time, after March when the libel was dismissed and Mr. Leavitt was acquitted, the foreign government refused to buy from Mr. Leavitt, saying, "You are a man that has been under indictment in the courts in your own country on account of this bacon which you are attempting to sell." Then the United States Government commenced flooding the market with bacon all over this country. There was an injustice done Mr. Leavitt, and there is no question about it.

Mr. BLANTON. Will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. BLANTON. What witnesses other than Mr. Leavitt, the claimant; Mr. Steinbrink, the attorney for the claimant; and Mr. Steur, another attorney for the claimant, were before the committee to testify in this case?

Mr. BULWINKLE. We had Mr. Klopstock—

Mr. BLANTON. Klopstock was one of the alleged purchasers.

Mr. BULWINKLE. One that did not purchase. We had in addition to that the Sixty-seventh Congress—it was reported to us by two Members of the House that a certain gentleman was here and knew the full transaction and that there was something wrong about it. We had him before the committee. I think the gentleman from South Dakota [Mr. JOHNSON] brought him up there. He did not testify to a thing against Mr. Leavitt and knew nothing about it. That is the reason that I started out saying that I was prejudiced against Mr. Leavitt. Not only that, but we had the letter from the Attorney General of the United States, we had the Secretary of War who said in his letter that if he could have done it he would have rescinded the contract and given the man his rights and benefits. We also had a letter from the Director of the Budget, Mr. Dawes, and we had Judge Lovett, of the Department of Justice, and also Colonel Hull, of the Judge Advocate General's department, and two or three other officers.

Mr. BLANTON. All of these that you speak of were ex parte statements in writing—they did not appear as witnesses before your committee but all made written statements.

Mr. BULWINKLE. The statements of the Director of the Budget, the Secretary of War, and the Attorney General were in writing, but Colonel Hull, of the Judge Advocate General's department, investigated this fully and one other of the investigating officers came before the committee.

Mr. BLANTON. Did Colonel Hull come before the committee?

Mr. BULWINKLE. He came twice before the committee.

Mr. BLANTON. The way it appears in the hearing is that it was before the Senate committee and not before the House committee.

Mr. BULWINKLE. He came twice before the House committee.

Mr. EDMONDS. We had Colonel Hull before the committee and also Judge Lovett.

Mr. BULWINKLE. There is no question about that. There was no attempt to keep anyone from coming before the committee.

Mr. BOX. Will the gentleman yield?

Mr. BULWINKLE. Certainly.

Mr. BOX. Did any one of these gentlemen before the committee advise any member of the committee about these adverse opinions?

Mr. BULWINKLE. No. I never heard of any adverse opinion until the gentleman spoke of it. The gentleman being a member of the committee should have shown these adverse opinions to the rest of us. We had Colonel Hull in cross-examination and others from the Judge Advocate General's department. It is not fair to the claimant or anyone else not to have brought this adverse opinion before the committee so that we could have said, "Bring the man here so that we can examine him."

Mr. BOX. If the gentleman will read the minority report written by the gentleman from Texas in the Sixty-seventh Congress he will find great sections of that adverse opinion quoted in the minority report.

Mr. BULWINKLE. The gentleman from Texas has no minority report in this session.

Mr. BOX. Has the gentleman read the majority report?

Mr. BULWINKLE. I have.

Mr. BOX. Clear through?

Mr. BULWINKLE. I have.

Mr. BOX. And does the gentleman say that the gentleman from Texas has no minority report on this bill?

Mr. BULWINKLE. I have just seen this statement on the back page.

Mr. BOX. The gentleman doesn't think that the minority report would be on the front page?

Mr. BULWINKLE. No; but I should expect that the gentleman would include these reports that he speaks of in his minority report.

Mr. BOX. The minority report states plainly my strong opposition to the bill and refers to an extended adverse report made by me to a former Congress.

Mr. BUTLER. Will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. BUTLER. I find in looking through the report that Secretary Weeks wrote a letter to Mr. Leavitt in which he said:

I understand that you are going to ask for congressional relief, and should any opinion be asked by Congress my present disposition would be to join with the Department of Justice in recommending relief.

Did Secretary Weeks testify before your committee?

Mr. BULWINKLE. No; that letter came before the committee, but Colonel Hull, of the Judge Advocate General's department, did come before the committee. Now, another thing. The gentleman from Texas answering a question of the gentleman from Virginia [Mr. Moore] just now in regard to an automobile seized for transporting liquor said that it was an analogous case. In the case he cited there was a man driving an automobile with liquor in it and the automobile is seized. In this case there is no liquor and nothing except the bacon that the Government itself sold to the man in which the Government says you are wrong in having that, but even though we sold you, you are attempting to hoard food-stuffs.

I say to you gentlemen after careful consideration, after a thorough study, I think the claim should be submitted to the Court of Claims in order that justice may be done a citizen of the United States. [Applause.]

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. GARRETT of Texas. How did the committee arrive at the figures, \$620,623.33?

Mr. BULWINKLE. I think I can show the gentleman that in the report. That is not the full purchase price of the bacon. The Government paid him back \$100,000 for holding some of the bacon.

Mr. BOX. That is a credit.

Mr. BULWINKLE. Yes; and then there are some other items.

Mr. GARRETT of Texas. If we pass this bill referring the matter to the Court of Claims, what precedent is there for limiting the Court of Claims in the adjustment of the claim to the amount fixed in the bill? If we want to refer the matter to the Court of Claims and adjust any claim, why say that it shall be limited to the amount fixed in the bill? That is the amount fixed after the hearing.

Mr. BULWINKLE. That is an amount beyond which the court should not find, as it was all that Mr. Leavitt claimed.

Mr. GARRETT of Tennessee. In other words, that simply fixes the limit?

Mr. BULWINKLE. Yes.

Mr. WILLIAMSON. What became of the bacon that Mr. Leavitt bought? Did he eventually sell it?

Mr. BULWINKLE. No; it was sold for 3% cents a pound for soap grease.

Mr. WILLIAMSON. By whom?

Mr. BULWINKLE. By the Government, for Mr. Leavitt. This bacon was not in tins, whereby it could be preserved. It was strip bacon and was lying in these different warehouses for months.

I shall extend my remarks by inserting a statement showing the dates the bacon was delivered to Mr. Leavitt (No. 1) or his order, and the dates that he made payment to the Government for the bacon (No. 2):

(No. 1)

Warehouse at 140 Metropolitan Avenue:		Weight
July 29	-----	36,270
Aug. 30	-----	77,248
Do	-----	61,800
Do	-----	35,664
Sept. 5	-----	41,640
Do	-----	40,075
Sept. 17	-----	46,962
Do	-----	44,205
Do	-----	40,249
Do	-----	38,075
Do	-----	40,639
Sept. 19	-----	61,006
Sept. 20	-----	60,739
Do	-----	37,005
Do	-----	49,166
Sept. 22	-----	67,202
Sept. 24	-----	32,403
Do	-----	46,834
Do	-----	74,088
Do	-----	37,500
Do	-----	42,531
Do	-----	52,546
Sept. 30	-----	40,834
Do	-----	40,466
Do	-----	63,261
Warehouse at 80 Roebling Street:		Weight
Sept. 23	-----	63,026
Do	-----	45,704
Do	-----	50,000
Do	-----	58,649
Do	-----	37,500
Do	-----	72,975
Do	-----	23,055
Do	-----	39,166
Oct. 1	-----	32,859
Do	-----	55,334
Do	-----	59,459

Warehouse at 607 Wythe Avenue:		Weight
Nov. 6	-----	40,042
Nov. 7	-----	73,800
Do	-----	42,650
Do	-----	42,509
Nov. 15	-----	42,204
Do	-----	42,000
Do	-----	67,500
Do	-----	81,000
Nov. 20	-----	29,591
Do	-----	69,440

(No. 2)

June 5, 1919	-----	\$60,000.00
July 12, 1919	-----	8,700.00
July 22, 1919	-----	50,000.00
Aug. 8, 1919	-----	50,000.00
Aug. 19, 1919	-----	200,000.00
Do	-----	270,312.96

Mr. BECK. Mr. Chairman, this bill was before the House during the Sixty-seventh Congress and was defeated. It reappeared before the Committee on Claims during the early part of this Congress. Mr. Leavitt appeared before the committee with witnesses and made it appear that on June 12, 1919, he purchased 2,493,830 pounds of bacon stored in the Army warehouse at Baltimore, Md., for 28% cents per pound. He paid \$60,000 with his bid and the balance by August 19, 1919.

It was further made to appear that none of this bacon was ever in possession of Mr. Leavitt, but was continually in the possession of the Government; that only such portions of the bacon were released by the Government as were sold from time to time by Mr. Leavitt.

It was also made to appear that on October 27, 1919, the Food Administration seized 1,400,000 pounds of this bacon on a libel, a proceeding begun by the United States attorney for the southern district of New York and held until in March, 1920. During that time the price of bacon fell about 10 cents below what Mr. Leavitt paid for it, and the quality very materially deteriorated so that he finally sold it for less than 3 cents a pound, as I remember it. So far as the committee could learn, the Government through one department, was selling Mr. Leavitt bacon to be resold to the trade, and the Government, through another department, after the Government had his money, was prohibiting him from selling it until it became practically worthless, and through this proceeding Mr. Leavitt claims to have lost about \$700,000.

So far as this Congress is concerned no one appeared before the Committee on Claims on this bill except the claimant. The Government was not represented at all. No one looked after its interests. It was said that both the President of the United States and the Attorney General had urged the payment of this claim; that it was just.

When the question was asked what the United States attorney, who started the action against Mr. Leavitt, had to say about the case, the reply was that he was dead and gone, that he had started the case for the sole purpose of landing himself in a judgeship somewhere. When inquiry was made as to what the Government agents who investigated the charge of hoarding, upon which the case is based, had to say, the reply was "No one knows who they are or what has become of them." Every avenue of information seemed to be cut off.

Unable to find a copy of any hearings on this bill when it was before the Sixty-seventh Congress, I searched the CONGRESSIONAL RECORD for information about it. I found nothing there except unsupported statements opposing the bill. An appropriation bill in that Congress had an item in it for paying this claim. The hearings on that item had the statement of an Army officer to the effect that the claim should not, in his opinion, be allowed. Other members of the committee also searched for information regarding this claim, and were about as successful as myself.

This was the situation when the committee came to dispose of the bill. The committee had no desire to throw anything in the way of Mr. Leavitt getting what is justly due him. If he lost this money or any part of it through any fault of the Government, he should be reimbursed. If the Government was not at fault, Mr. Leavitt should get nothing. The Government or its agents did a great many useless and senseless things during the war and since. This may have been one of those things. This committee is not able to determine that fact. It is willing that the matter go to the Court of Claims where it can be determined. Mr. Leavitt had an opportunity to sell this bacon between August 19, 1919, and October 18, 1919, and did sell a considerable amount. He would have sold more than he did had it not been for the fact that the Government agent in charge of the Army warehouse in Baltimore induced Mr. Leavitt's customers to buy from the Government at a less price than they could get it from Leavitt. This is the point, in my opinion, upon which Mr. Leavitt's claim largely hangs. At

a time when he had a half million pounds of bacon sold, the Government agent in Baltimore defeated its sale by inducing the buyer to take from the Government instead of Mr. Leavitt. In so far as any claim arising out of the Government seizing this bacon on October 27, 1919, is concerned, I do not believe he has any legal or moral right to recover, nor do I believe the courts will so hold. During that period he should have had to take his chances with any other dealer in food supplies.

I supported this bill in the committee, and am supporting it here; first, because the committee had not the means to get at the facts, so far as the Government is concerned; and second, because no man should be deprived of a right to go into court to get justice. I opposed the bill as it passed the Senate because it gave the claimant the right to dip his hands into the Treasury and take over \$600,000 without the Government being given a chance to give its side of the case.

Mr. BLANTON. Mr. Chairman, for nearly three years I have opposed this bill before the House, and from a sense of duty I have objected to and blocked it every time it has been called up on the calendar. I have carefully investigated the matter and I do not believe there is a dollar due by the Government, but I do not intend, even believing as I do, to deny this man the right to go to the Court of Claims. Although I believe that this is a claim that ought to be turned down, and I do not believe the Government should pay this man one dollar, yet under the circumstances, under the recommendations made by the Budget, by the President of the United States, by the War Department, I think the matter should be adjudicated in a court. I am going to vote to send it to the Court of Claims, but I am also going to vote to strike out this suggestion of amount in the bill, which by the court might be considered our opinion of the measure of damages, because whenever you put a direction in the bill, such as you find in this amendment of the committee, you may find that that is the guiding and controlling factor before a jury in fixing the amount of the judgment, if one should be rendered. Suppose in a court trial a jury without any such limitation should decide that a man should be paid \$50,000. If you give them such a direction as in the bill, they might give him \$620,000.

Mr. CAREW. But there is no jury in the Court of Claims.

Mr. BLANTON. I am merely using that as an illustration. Whenever you send a case to the Court of Claims for the judges there to pass upon, they are human and in some respects, at least, are just like jurors, when it comes to passing upon the facts. Let Congress send a matter to the Court of Claims, indicating that in its mind that if the Government is responsible at all, it is responsible up to the amount of \$620,000, and that will be an influential factor before that court in rendering judgment. I think that feature ought to go out.

There are some admitted facts that have not been brought out here on the floor by the committee, and I think we ought to take them all into consideration. We can well assume that the attorney for the claimant will give us at least facts that are not prejudicial to the interest of his client. He is not likely to say much that would inure to the injury of his client. I want you to know what Mr. Steinbrink, the attorney for Mr. Leavitt, says in his testimony. He admits that on May 10, 1919, the Government advertised for bids to buy this bacon. There were lots of bids made. None of them was in an amount sufficient to warrant the Government in selling, and the Government turned every one down. Then our officers were instructed to sell the bacon under a new arrangement to the highest private bidders, but under no circumstances to sell the bacon at a price less than 22 cents a pound. On June 12, following the May 10 bids, Mr. Leavitt—

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BULWINKLE. I wish to correct the gentleman. Mr. Leavitt was not one of the bidders on May 10.

Mr. BLANTON. I did not say that he was. I merely said that all of the bids of May 10 were turned down, but under this new arrangement that was made Mr. Leavitt voluntarily came in on June 12, 1919, without any influence from the Government, and proposed to buy from the Government two and a half million pounds of bacon, approximately, at 28½ cents per pound. Is the Government responsible because he was proposing to pay more than the Government would have sold it for? Of course not. Others may have offered 28½ cents per pound. Mr. Leavitt continued all through June and July and August to make payments on that contract. But he did not dispose of his bacon. Were deliveries made? Not altogether. Why? It was because Mr. Leavitt did not demand them during July and August. I want you to show me one scintilla of testimony

here when he ever made a demand upon the Government in July or August for one pound of bacon. I have examined Mr. Steinbrink's testimony; I have gone over it time and time again in my office.

Mr. Leavitt sent a man down there to the department—one of his customers—to have bacon delivered to him under the usual custom and practice, bacon that Mr. Leavitt had not yet paid for; but he understood his customer was to receive so many pounds of bacon and was to pay, not Mr. Leavitt but the Government, and the Government was to credit Mr. Leavitt's account with that amount. One of Mr. Leavitt's customers went down there and received \$53,000 worth of this bacon at 36 cents a pound, and paid for it at the rate of 36 cents a pound, and that money was credited to Mr. Leavitt's account at 36 cents per pound, when Mr. Leavitt had paid only 28½ cents for same. Some of our colleagues on the committee would have you understand that this bacon was to be delivered by the Government actually to Mr. Leavitt. That is not the case. The purchasers of most of this surplus property from the War Department never had it delivered actually to them. It was in most cases delivered to the people to whom they had sold. They would give an order to their customer to come there and get so many pounds of a commodity which they had bought and which, in turn, they had sold to their customers. It was delivered to the customers, not to the men who bought. That was merely following out the usual practice. Mr. Leavitt had been engaged in doing other business with the Government in respect to surplus property. As was stated by the gentleman from Texas [Mr. Box], he had bought surplus lumber and prunes and other commodities from the War Department, and he sold them, and sold them at a profit. Here is all there is about the War Department selling some of its own bacon to one of Mr. Leavitt's customers.

Mr. Leavitt had contracted to this customer to sell him bacon, 153,000 pounds of bacon, at 36 cents a pound. He did receive a certain amount at 36 cents per pound; but Mr. Leavitt's customer found out later that he could buy bacon from the United States Government, not at 28½ cents a pound at which Leavitt bought, but at 34 cents, and he bought from the Government 500,000 pounds and paid 34 cents a pound for it, which was more than Mr. Leavitt was paying the Government, nearly 4 cents per pound more. I now yield to the gentleman from Texas.

Mr. BOX. With reference to the delivery of the bacon under the contract, did not the gentleman find from the record that the Government reserved to itself 30 days within which to deliver the bacon after notice, and does the gentleman find any instance in which it is shown to the committee there was a delay of more than 30 days in said deliveries?

Mr. BLANTON. Not a single instance. You can look this evidence over carefully and scrutinize it carefully, and you will find the Government has not been given proper opportunity to be heard in this case. It has not brought its witnesses or presented the facts. The only evidence here the Government has produced are little ex parte statements; but when you get to the Court of Claims Mr. Leavitt is going to have to furnish sworn testimony, and the Government is going to have its opportunity to furnish sworn witnesses and give testimony under oath, and it is going to call them.

Gentlemen, who of you can defeat this bill when you look around the floor and see our great generalissimo from New York with his entire company here, and we have to take off our hat to him. There is no man on earth with an organization like his—Mr. CAREW from New York. He is here to-day with his full organization from New York. How are you going to beat this bill? You can not defeat it to save your life. They vote en masse, every one of the 23 votes, and you can not beat them.

Mr. LINDSAY. I want to state I am from New York, and I am going to oppose the bill and vote against it.

Mr. BLANTON. Then I must back up. But the gentleman from New York [Mr. CAREW] does have a splendid organization. I am complimenting him. Whenever I see all of them down here from New York there is something doing. [Laughter.] When I see them all together.

Mr. O'CONNELL of New York. Does the gentleman say they are absent all the time?

Mr. BLANTON. Oh, no! I am talking now about the whole bunch of them. My colleague from Texas is not going to beat this bill. The best we can do, gentlemen, is to do just what the committee has compromised on—send it to the Court of Claims. We have got a good Court of Claims. They are not going to mulet this Government. This is nothing in the world but the case of a rich Jew buying a lot of bacon. [Laughter.] If he were an orthodox Jew he would have let that bacon

alone. [Laughter.] Whenever you find a Jew slipping around and buying two and a half million pounds of bacon he is likely to damage himself some way or other. He ought to steer away from bacon and be orthodox. Mr. Chairman, I reserve the remainder of my time.

Mr. EDMONDS. Mr. Chairman, I would like to see if I can come to some arrangement in regard to debate on this bill.

Mr. BOX. I think we can abbreviate it, cut it very short. I have not many more requests for time.

Mr. EDMONDS. I have three. Has the gentleman any requests?

Mr. BOX. I will probably want to reserve a little time. I wish the gentleman would use some more of his time.

Mr. EDMONDS. Can not we come to a unanimous-consent agreement to close debate, say, in an hour or half an hour?

Mr. BOX. Could we come to this agreement, subject to the ratification of the House; could the gentleman assure the House—

Mr. BLANTON. I yield the balance of my time to the gentleman from New York [Mr. LINDSAY].

Mr. BEGG. Mr. Chairman, a point of order; the gentleman has surrendered the floor.

The CHAIRMAN (Mr. LEHLBACH). The gentleman from Pennsylvania had the floor.

Mr. BLANTON. I reserve the remainder of my time and will not yield now.

The CHAIRMAN. The gentleman can be recognized, but now the gentleman from Pennsylvania has the floor.

Mr. BOX. I think the gentleman from Pennsylvania and the gentleman from Texas can not make an agreement here that will cut other Members off from their rights to recognition.

Mr. EDMONDS. We can by unanimous consent.

Mr. BOX. We could abbreviate discussion to a great extent providing the gentleman will assure the House that in conference—and he probably will be on the conference committee—that he will report this bill back to the House and permit the House to vote on the question of whether or not the claim shall be referred to the Court of Claims or shall be paid out of the Treasury.

Mr. EDMONDS. I will agree to that.

Mr. BOX. The gentleman from Texas probably will not consume any more time.

Mr. EDMONDS. Further, as far as I am concerned, I will stand by the House's decision on the matter of its going to the Court of Claims. I can only speak for myself.

Mr. BUTLER. The gentleman will give the House a chance to vote on it?

Mr. EDMONDS. I will give to the House a chance.

Mr. BOX. If that is the case, the gentleman from Texas does not wish to consume further time.

Mr. BLANTON. I will yield the balance of my time to the gentleman from New York—

The CHAIRMAN. The gentleman from Pennsylvania still has the floor.

Mr. EDMONDS. I ask unanimous consent that debate close in half an hour.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the general debate on this measure be closed in one-half hour. Is there objection?

Mr. BLANTON. Reserving the right to object—and I do not think I shall object—if the gentleman will permit me to have the floor long enough to yield 10 minutes to the gentleman from New York [Mr. LINDSAY], there will be no objection. I want to yield him 10 minutes.

Mr. EDMONDS. All right.

Mr. BLANTON. Well, Mr. Chairman, with that understanding, I yield to the gentleman from New York 10 minutes.

The CHAIRMAN. Is there objection?

Mr. BEGG. Reserving the right to object, Mr. Chairman, I think the gentleman from Pennsylvania wants to modify his request.

Mr. BOX. Under the agreement the gentleman from Texas will not ask for more time.

Mr. EDMONDS. Mr. Chairman, I wish to modify my request and ask unanimous consent that the general debate be closed in 10 minutes.

Mr. BLANTON. With the understanding that the gentleman from New York may have the time?

Mr. EDMONDS. Yes.

The CHAIRMAN. The gentleman from Pennsylvania modifies his request and asks unanimous consent that the general debate on this measure be closed in 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] is recognized to yield time. The gentleman from Texas yields 10 minutes to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, I rise in opposition to the bill.

When the bill was called up on this calendar heretofore I objected to it; and, reading the record, I find that Mr. Leavitt, who purchased the bacon, was down in his payments, and I think that was partly responsible for the delay in delivering the bacon to him.

I think the majority of people who made purchases during the war took speculative chances; and in this instance, like those, I think Mr. Leavitt took a speculative chance and lost, and I do not think this House ought to refund the money to him. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Louis Leavitt, out of any money in the Treasury not otherwise appropriated, the sum of \$620,623.33 in reimbursement of certain moneys paid by him to the United States and for certain expenses incurred under circumstances set forth in the communication of the President of the United States to the Speaker of the House of Representatives dated the 6th day of May, 1922, and in the accompanying report of the Director of the Budget, House Document No. 313, Sixty-seventh Congress, second session.

With a committee amendment, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That Louis Leavitt, of Brooklyn, N. Y., is hereby authorized to bring suit against the United States to recover damages for any loss or losses which he may have suffered through action by governmental agencies, acting under authority of the Government, had in connection with the purchase by Louis Leavitt of surplus goods of the War Department and which were referred to in the opinion of the Attorney General, dated December 23, 1921. Jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, consider, and determine such action upon its merits and according to the law which governs the principles of liability that prevail between private parties, but only so far as is herein indicated, and in accordance with the practice pertaining to such action between private parties, and to enter decree or judgment against the United States for the amount of such damages as may be found due to said Louis Leavitt, if any: *Provided, however,* That such right to sue, as is hereby granted, shall not apply to any interest nor to any claim for damages resulting from any criminal prosecution of the said Louis Leavitt on a charge of violating the penal laws of the United States: *Provided, That* such action shall be brought and commenced within four months from the date that this act becomes effective: *And provided further,* That no judgment shall be rendered for more than \$620,623.33.

"Sec. 2. That upon final determination of such cause, if a decree or judgment is rendered against the United States, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay final judgment, which shall be paid to said Louis Leavitt or his duly authorized attorneys of record by the Secretary of the Treasury upon the presentation of a duly authenticated copy of such final decree or judgment."

Mr. BOX. Mr. Chairman, I propose an amendment to the first section of the committee amendment on page 3. I offer an amendment to this effect:

On lines 1 and 2 of page 3, to strike out the words "*And provided further,* That no judgment shall be rendered for more than \$620,623.33."

The CHAIRMAN (Mr. SANDERS of Indiana). The gentleman from Texas offers an amendment, which the Clerk will report. The Clerk read as follows:

Amendment offered by Mr. Box: Page 3, strike out all of lines 1 and 2.

Mr. BOX. The purpose of this amendment is to avoid any suggestion of the Court of Claims or the Court of Appeals as to the amount that ought to be awarded, if any.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. HUDSPETH. Did Mr. Leavitt claim more than \$620,623.33?

Mr. BOX. Originally, as presented to the department, the claim was very much more; but that was the amount brought to the Committee on Claims.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. BOX. Mr. Chairman, I have another amendment. On page 3, line 5, after the word "hereby" and before the word "appropriated," I move to amend by inserting the words "authorized to be appropriated," so that it will hereafter read, "there is hereby authorized to be appropriated out of the Treasury," and so forth. That is a matter that is projected into the future. I do not know when the court will decide the case, and this is to authorize it in the future, if the House deems it wise.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. Box: Page 3, after the word "hereby," insert the words "authorized to be."

Mr. EDMONDS. Mr. Chairman, I do not think we ought to put that language in. If we owe Mr. Leavitt any money it ought to be paid. The claim has been hanging around the committee for four years. The French spoliation claims, referred to by the President in his message, has a favorable report from the Committee on Claims. You will by this amendment simply extend the time. If we owe this money, the claimant will never get it if he has to wait for the Committee on Claims to bring out a decision of the Court of Claims.

Mr. BLANTON. The gentleman from Pennsylvania knows that just as soon as a court renders a judgment the Committee on Appropriations immediately embraces it in one of the regular appropriation bills to cover such an item. Why not adopt the amendment?

Mr. EDMONDS. I do not see any reason why we should.

Mr. BLANTON. The Appropriations Committee will take care of it.

Mr. EDMONDS. That involves another committee, another trouble, another hold-up. If we do not honestly owe the money, let the court so find.

Mr. BEGG. It has been decided by rulings of the Chair that this committee has authority to legislate money out of the Treasury. Now, then, if the Court of Claims finds that the claimant is entitled to the money, why is not the proper thing to do to carry the appropriation for the amount?

Mr. EDMONDS. We ought to do either one thing or another—either not pass it or pass it in such form as will enable the claimant to get the money. He has been waiting for four or five years.

Mr. CAREW. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. CAREW. Is not the form in which the bill is drawn in strict accordance with the rules of the committee for a number of years past?

Mr. EDMONDS. Yes. Sometimes we send a claim to the court for findings of fact. In other cases we have authorized them to pay the judgment. I do not think there is anything unusual in this procedure at all.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas to the committee amendment.

The question was taken, and the amendment to the committee amendment was rejected.

Mr. BOYCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Delaware offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Boyce: Page 2, strike out all of line 6 and the first four words of line 7. In line 18, after the word "damages" and before the word "as" insert the words "without interest." Strike out line 19, beginning with the word "Provided," and all the rest of page 2 down to the word "Provided" in line 23.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware.

The amendment was rejected.

The CHAIRMAN. The question now recurs upon the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. EDMONDS. Mr. Chairman, I ask the unanimous consent of the House to set this bill aside for a report at the end of the afternoon. I think that has been the usual custom on such bills, has it not?

Mr. BLANTON. But suppose the gentleman were to find himself without a quorum?

Mr. CAREW. You have only adopted the amendment but you have not passed the bill.

Mr. EDMONDS. I thought the bill had been passed.

Mr. CAREW. No.

The CHAIRMAN. The Chair will state that the gentleman from Pennsylvania earlier in the day moved that the House resolve itself into Committee of the Whole House for the consideration of private bills. This bill has reached the position where it is proper to ask unanimous consent to lay the bill aside and consider other bills.

Mr. CRISP. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRISP. I have never seen the House operate in recent years under the general rules of the House in the consideration of private claims as we are operating to-day. The old practice was, when the House went into Committee of the Whole House to consider the Private Calendar, that after a bill was considered it was in order then to move to lay it aside with the recommendation that it pass, with or without amendment, and when that was disposed of the next bill was called, and when the committee as a whole rose then the Chairman made the report that the Committee of the Whole House had considered sundry private bills and had directed him to report them to the House for the action of the House. Would not that be the proper proceeding when the House is operating, as it is to-day, in Committee of the Whole House in the consideration of the Private Calendar?

The CHAIRMAN. The Chair will state to the gentleman that the Chair does not desire, unless it is presented to him, to rule upon that question. The Chair has stated that the gentleman's request for unanimous consent to do so was in order. If the question is presented, the Chair will be glad to pass on it.

Mr. CRISP. Then, another parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CRISP. I am asking this with the utmost respect, because I think this is the proper way to consider the Private Calendar, so as to give the House an opportunity to pass on the merits of the claims. Is it not in order now, then, to make the motion that this bill be laid aside, with the recommendation to the House that it be passed with an amendment when the committee shall have concluded considering the other private claims?

Mr. EDMONDS. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The CHAIRMAN. The Chair will state to the gentleman from Georgia [Mr. Crisp] that before the Chair had an opportunity to respond to his parliamentary inquiry the gentleman from Pennsylvania made a motion to rise and report this bill back to the House with favorable recommendation. That motion is in order, and unless that question is presented the Chair would not like to respond to the gentleman's parliamentary inquiry. The Chair will state that it is his impression that such a motion would be in order, particularly in view of the fact that the original motion to-day was that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar, making it in the plural. So the Chair is under the impression that would be proper, but he would not like to give that as an absolute opinion without looking up the precedents.

Mr. BEGG. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEGG. When we adopt the amendment does that pass the bill?

The CHAIRMAN. The Chair will state to the gentleman from Ohio that we are in Committee of the Whole House. There is one single amendment, which is a substitute for the entire bill. That amendment has been adopted in committee. Of course, we do not pass the bill in committee; we merely rise and report the bill back to the House, with an amendment, with the recommendation that the bill pass.

Mr. BEGG. Has the committee actually passed upon the bill before us?

The CHAIRMAN. The committee has finished its consideration of the bill. The committee passes upon a bill through a vote on the motion to report it favorably, and when that motion is made and carried then the committee has acted upon the entire bill.

Mr. BOX. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOX. If the committee does not now vote on whether or not it will report this bill to the House, favorably or un-

favorably, when will it have an opportunity to do so and have a separate vote on it as a separate proposition?

The CHAIRMAN. The motion is entirely in order; there is no question about that. The question is on the motion of the gentleman from Pennsylvania that the committee do now rise and report the bill back to the House, with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SANDERS of Indiana, Chairman of the Committee of the Whole House, reported that that committee having had under consideration the bill (S. 83) for the relief of Louis Leavitt had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bill and all amendments thereto to its final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. EDMONDS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of claims bills on the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House for the consideration of claims bills on the Private Calendar, with Mr. SANDERS of Indiana in the chair.

REUBEN R. HUNTER

Mr. EDMONDS. Mr. Chairman, I call up for consideration S. 353, an act for the relief of Reuben R. Hunter.

The CHAIRMAN. The gentleman from Pennsylvania calls up a bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission is hereby authorized and directed to award and pay to Reuben R. Hunter, of Deming, N. Mex., who suffered a total and permanent loss of sight in both eyes as a result of voluntarily fighting a forest fire on Government land in the vicinity of Cloudercroft, Otero County, N. Mex., in May, 1904, in an effort to protect valuable standing timber and other property of the United States, compensation at the rate of \$66.67 per month from September 7, 1916, for the period and in the manner provided by the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, for the payment of compensation for permanent disability of a civil employee resulting from personal injury sustained while engaged in the performance of his duty.

Mr. EDMONDS. Mr. Chairman, this bill is for the relief of Reuben R. Hunter. It appears that Reuben R. Hunter is not an employee of the Government. In New Mexico they had a forest fire or a fire on a Government reservation, and Reuben Hunter went out with a number of citizens and endeavored to put out the fire. While doing so one of his eyes was affected by the smoke, and he lost the sight of that eye. The other eye was affected by the loss of that eye, and he is now totally blind. At the time he volunteered his services Reuben Hunter was earning from \$4.50 to \$5 a day as a miner and would probably be earning from \$6 to \$8 a day as a miner now.

Mr. CRAMTON. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. CRAMTON. I understood the gentleman to say that this occurred on a public reservation?

Mr. EDMONDS. On a Government reservation, so the testimony says.

Mr. CRAMTON. The best information that the report of the committee carries is the statement of the Acting Secretary of the Interior, who quotes the Forest Service to the effect that the place where the injury was reported to have occurred is outside of a forest reserve. That is the last statement in the report on that question.

Mr. EDMONDS. The report states that he was fighting a forest fire on Government land in the vicinity of Cloudercroft, Otero County, N. Mex.

Mr. CRAMTON. The statement of the Forest Service is that the point where the accident is said to have occurred was outside of any forest reserve.

Mr. EDMONDS. The Senate report which accompanied this bill when it was reported out of the Senate committee sets forth the fact that the fire occurred in township 16 south, range 11 east, which is now a part of the Lincoln National Forest. At the time of the fire this township was a part of an unreserved public domain. I have always understood that public domain is Government land. I may be wrong about that.

Mr. CRAMTON. The statement of September 3 of the Acting Secretary of the Interior, which is the latest report the committee quotes, is:

The Forest Service reports over the telephone that when this bill was referred to that bureau a thorough examination was made and they were unable to find any record of this incident, except that the place where the injury was reported to have occurred is outside of a forest reserve.

Of course, it may have been on the public land, but the question is whether it was on a forest reserve.

Mr. EDMONDS. I intended to say that it was on Government property. I did not mean to say it was a forest reserve. However, there are a number of witnesses who furnished affidavits to the Senate Committee and stated that they knew that Mr. Hunter was there and that he went out to stop this fire on a Government reserve and suffered this damage from the service he was rendering to protect Government property.

Mr. BLANTON. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. BLANTON. I remember distinctly, and I think it was in 1918, when Mr. HUBERT STEPHENS, who is now a Senator, was at the head of the Committee on Claims, when this bill came up, the distinguished gentleman from Pennsylvania, who was then across the table, rose in his seat and said he would never vote for a bill of this kind because it would go behind the act of 1916 and open up hundreds and even thousands of such cases, which would have to be settled by the Government.

Mr. EDMONDS. The gentleman has not said he would vote for it now, has he?

Mr. BLANTON. Well, the gentleman is presenting it here.

Mr. EDMONDS. I am presenting it as it is my duty to do as chairman of this committee.

Mr. BLANTON. To my mind it comes here in a very weakened condition, remembering the attitude of the gentleman back in 1918. The gentleman knows, as a policy of government, that this man does not even come within the employees' compensation act, and there are thousands of cases that come within the employees' compensation act, and if we ever go behind the act of 1918 this Congress is going to be maled by claims. Does the gentleman think it is a wise policy now to ask the Congress to approve this bill?

Mr. EDMONDS. No; frankly, the gentleman does not.

Mr. BLANTON. Then I hope the House will vote it down.

Mr. UNDERHILL. Mr. Chairman, the gentleman from Texas [Mr. BLANTON] told you a fact which is undeniable. If the House ever attempts to break down or go behind the employees' compensation law, we are going to bring to ourselves more trouble than Congress and the Committee on Claims can handle.

This man was not even an employee of the Government. He was not requested nor required by anybody connected with the Government to participate in putting out this fire. This fire was not on Government property. It did, as a matter of fact, threaten Government property. This man was protecting private property. His case is a particularly pathetic one. But it is no more pathetic than hundreds of cases now before the Committee on Claims which the Committee on Claims will not even consider because they have not the time, and they realize or believe that the House would not stand for such legislation.

The chairman of the committee, I realize, is in an embarrassing position. The gentleman from Pennsylvania [Mr. EDMONDS] has taken a position heretofore on these matters and has refused time and time again to vote to report such claims as this. I do not believe there is a court, no matter how liberal the court or the jury may be, that would find damages as this bill asks us to find.

Furthermore, the sum involved is a larger sum than an employee of the Government would receive even under the existing workmen's compensation law. If you pass this bill, you establish a precedent to protect or cover every person in the United States who is injured in any way or manner by any Government agency, and bring every citizen of the United States under the provisions of the compensation law, which applies now only to employees of the Government.

The amount involved in establishing such a precedent as this would run into millions of dollars. The Committee on

Claims could not begin to take care of the claims that would come in and it could not without great injustice decide or adjudicate an infinitesimal percentage of them. The committee has established a rule, unwritten although it may be, that the committee would not go back of these compensation laws of 1908 and 1916. That is the proper course for the committee to take and the proper course for the House to take, and then in the future your House and your committee can adjudicate matters with some degree of equity and justice and some degree of expediency and expedition. [Applause.]

Mr. BOX. Mr. Chairman, the gentleman from Massachusetts [Mr. UNDERHILL], a member of the committee, has stated the facts of the case accurately. It is a very pathetic case and not a pleasant thing for several of us to write a minority report opposing the passage of the bill. The facts seem to be clear that this claimant, not in the service of the Government, not at the instance of anybody in the Government service, went out as any good citizen would do and engaged in fighting fire, not on Government land but on a section, a portion of which is said to have been Government land, and lost his eyesight. The proof is not very satisfactory that he lost his eyesight as a result of this fire fighting. The proof does show affirmatively that there were private and public lands in the vicinity. Those of us of the committee who do not favor the claim are unable to see how we can differentiate it from any case in which a private citizen goes out and fights fire in a neighborhood where there are both Government and private properties.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. BOX. Yes.

Mr. O'CONNELL of New York. If this fire had occurred on Government property and the man was injured during the fire, would he be entitled to relief?

Mr. BOX. That would depend on circumstances.

Mr. O'CONNELL of New York. Suppose it had occurred on Government property and extended out beyond the Government property?

Mr. BOX. I would not in an offhand way want to fix any precedent in any imaginary case.

Mr. UNDERHILL. Will the gentleman yield to me to answer the gentleman from New York?

Mr. BOX. Certainly.

Mr. UNDERHILL. If the fire had been on Government property and the man had been required to fight the fire by the Government of the United States, he would not then come under the workmen's compensation law.

Mr. EDMONDS. Mr. Chairman, I would like to give this man a little sum of money, but as to the general policy of going back of the 1916 employers' liability act, I have tried to oppose anything of that kind in committee. It is a bad policy, and if we start that policy there will be no end to the millions of dollars that would be taken out of the Treasury. The act of 1916 should stand right where it is. I shall not be here next year to help hold up any bills of that kind, but I do hope that the House of Representatives will never allow any bill to go through which goes back of the act of 1916 providing for compensation for things that happened years back of that time.

Mr. MORROW. Mr. Chairman, I have heard the statement of the gentleman that this claim did not come within the law and that if you established a precedent of this kind you would have hundreds of claims coming in before this Congress for relief.

As has been said, this is a very pathetic case. This occurred in the State of New Mexico in 1904, long before the liability act was passed. This man, then a young man, just entering upon his manhood, at the age of 20 years, physically strong, a coal miner, went out to fight a fire. The gentleman says that it was not on public property, but in a section where there was included private property. If this report is to be believed, it was public land belonging to the United States Government. There was adjoining where this fire occurred a great forest which is now the Alamo Forest Reserve in New Mexico, containing valuable timber. This man organized a force, went out to fight the fire, not for one day but for several days, to protect Government property. I say that public land is just as much Government property as your public buildings are. The result was that he lost his eyesight from fighting that fire. The report, in my opinion, is very clear on that subject.

I admire the committees of this House, I admire the Claims Committee, and I believe that that committee wants to perform its duty properly.

Another body has on three occasions passed this bill. I do not think this claim has ever been presented to this House previous to this time. It has been upon the calendar, but has never been presented.

Mr. Chairman, the great body of law is the unwritten law. Courts interpret law almost daily that did not exist before. It is said that if we allow this claim we will have hundreds of other such claims. This claim is a claim peculiar in itself. I say that every citizen should protect the property of his Government, that every citizen of the State should protect the property of his State and every citizen of a community should protect the property of his community. If a fire should suddenly break out in this building and some private citizen through his efforts should put out that fire and in so doing be injured in limb or should lose his eyesight, of course one could say that there is no law to compensate him, but what would this House do? What would the citizens of this community do? There would be some method provided whereby he would be compensated.

I want now to take up this report. It is quite a lengthy report—Senate Report 87, Sixty-eighth Congress, first session. I read:

The Committee on Claims, to whom was referred the bill (S. 353) for the relief of Reuben R. Hunter, having considered the same, report thereon with a recommendation that it do pass.

Attached herewith is Senate Report No. 87, which is made a part of this report.

[Senate Report No. 87, Sixty-eighth Congress, first session]

The Committee on Claims, to whom was referred the bill (S. 353) for the relief of Reuben R. Hunter, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in Senate Report No. 34, Sixty-seventh Congress, first session, which is appended hereto and made a part of this report.

[Senate Report No. 34, Sixty-seventh Congress, first session]

The Committee on Claims, to whom was referred the bill (S. 906) for the relief of Reuben R. Hunter, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in Senate Report No. 657, Sixty-sixth Congress, second session, which is appended hereto and made a part of this report.

[Senate Report No. 657, Sixty-sixth Congress, second session]

The Committee on Claims, to whom was referred the bill (S. 676) for the relief of Reuben R. Hunter, having considered the same, report favorably thereon with the recommendation that the bill do pass with an amendment.

Strike out all after the enacting clause and insert the following:

"That the United States Employees' Compensation Commission is hereby authorized and directed to award and pay to Reuben R. Hunter, of Deming, N. Mex., who suffered a total and permanent loss of sight in both eyes as a result of voluntarily fighting a forest fire on Government land in the vicinity of Cloudercroft, Otero County, N. Mex., in May, 1904, in an effort to protect valuable standing timber and other property of the United States, compensation at the rate of \$66.67 per month from September 7, 1916, for the period and in the manner provided by the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, for the payment of compensation for permanent disability of a civil employee resulting from personal injury sustained while engaged in the performance of his duty."

In May, 1904, a disastrous forest fire raged in the vicinity of Cloudercroft, Otero County, N. Mex., on land embraced in T. 16 S., R. 11 E., a great portion of which was Government land and covered with valuable timber. This land is now embraced in the Alamo National Forest. At intervals of time for several weeks Reuben R. Hunter, claimant, together with several others, voluntarily fought this fire in order to save valuable standing timber and other public property. A great portion of this timber was on Government land. By reason of the exposure to the intense heat and smoke for such a great length of time the strain was too great on his eyes and total blindness was resulted, and, although he has been examined by specialists, they pronounce his case to be incurable.

A summary of the evidence as shown by the affidavits of eyewitnesses and those familiar with the facts is as follows:

"William Goodsell: Was present with R. R. Hunter, claimant, at the fire which was raging on Government land in Otero County, N. Mex., and that Hunter rendered faithful and valuable service in subduing the fire and from which he sustained injuries resulting in the complete loss of eyesight and is now totally blind.

"John Hunter: The father of Reuben R. Hunter, claimant, saw him fighting the fire in Cox Canyon about three hours before he was stricken blind.

"Reuben Hunter: Claimant states that he is the same person who fought the forest fire in 1904 in Otero County, in T. 16 S., R. 11 E., with others, at different intervals of time, until the same was extinguished, and that by reason of the intense heat and smoke caused him to lose his eyesight, and total blindness has resulted.

"J. E. Hudman and Charles Hudman: Both of Cloudercroft, Otero County, N. Mex., identify the map which is in the file as showing a correct description of the land over which the fire raged; that it was largely Government land; and that Reuben R. Hunter fought this fire almost over the entire area.

"J. E. Edgington: County surveyor of Otero County, N. Mex.; lived there and near land at time of the fire and familiar with this fire in 1904, and that this fire swept over an area of Government land; that the map is a true and correct description of the fire-swept area, conforming with legal subdivisions.

"Will Hunter and H. Hunter: They have examined the map or plat of the land made by Surveyor Edgington and that the same is true and shows the fire-swept area; that Reuben R. Hunter, claimant, fought fire over almost the entire area of Government land, and that each of them was also engaged in this fire fight. They believe that the heat and smoke from this fire caused Hunter to lose his eyesight, as the heat was very intense.

"Jesse R. Goodsell: That he personally knows Reuben R. Hunter, and was present at the fire which raged on Government land in Otero County in 1904; that he saw Reuben R. Hunter engaged in fighting the same, and that Hunter received injuries to his eyes from this fire resulting in total loss of eyesight. That the above facts are within his personal knowledge.

"S. J. Smith (letter Mar. 28, 1917, p. 4): That Reuben R. Hunter made the statement to him that he 'was stricken (blind) while fighting fire, and that he had to be called back from the fire by his comrades, and could not see to drive team home.'

"Dr. Thomas A. Haxby (certificate): The examining physician that examined Hunter after the fire in Cloudercroft, Otero County, N. Mex., in the spring of 1904, and who believes that from his examination that Hunter lost his eyesight from the intense heat and smoke from fighting this fire.

"Dr. F. D. Vickers (affidavit): From his examination of Reuben R. Hunter he states that he has a double cataract, no perception of light, and no possibility of recovering sight by an operation. That Hunter will remain totally blind all his life. That his health is otherwise good."

The following persons of Deming, N. Mex., the present home of Reuben R. Hunter, testify to his good character and urge payment of this claim. They are men of the highest standing in that community, as shown by letters and from my investigation: S. J. Smith, member of the legislature; J. S. Vaught, district attorney; R. B. Griffith, editor; E. R. Vallandigham, editor; William E. Foulks, postmaster; J. G. Cooper, vice president Deming National Bank; B. N. McKeyes, United States commissioner; John Corbett, president Bank of Deming; F. L. Nordhaus, merchant; N. E. Almy, secretary chamber of commerce; F. C. Parish, garage owner.

Mr. VINSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. MORROW. Yes.

Mr. VINSON of Kentucky. Does this man claim to own any property in the vicinity of the fire?

Mr. MORROW. He did not.

Mr. VINSON of Kentucky. Does the record disclose under what circumstances he fought the fire?

Mr. MORROW. The fire started and he just went out there and fought the fire to protect the Government timber.

Mr. VINSON of Kentucky. Voluntarily?

Mr. MORROW. Yes. I take the position that you frequently find there is no existing law. This man to-day is totally disabled. He is 40 years of age. Twenty years ago he suffered a terrible disaster doing what? In protecting Government property. You may say that because a man is not employed in the service of the Government he is not entitled to a reward, he is not entitled to recover, and that the Government is under no obligation to take care of him. What happens to a man in a community when he becomes disabled? The community takes care of him, the State takes care of him just as it takes care of the poor. Can this great Government afford to say that this man saved for the Government of the United States millions of dollars' worth of timber in protecting it against fire, but that it will not reward and take care of him in his disability?

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. MORROW. Yes.

Mr. UNDERHILL. Who has been taking care of him for the last 20 years?

Mr. MORROW. I have an affidavit here that the county commissioners are paying him charity.

Mr. UNDERHILL. Is not that usual in all the States of the Union?

Mr. MORROW. But, my friend, he was taking care of Government property at the time he met his disability.

Mr. BARBOUR. Is it not a fact that in case of these forest fires the Government has the right to draft the citizenship and compel them to go out and fight the fires?

Mr. MORROW. Absolutely.

Mr. BARBOUR. And if they do not go, it can punish them in criminal proceedings? There are laws to that effect.

Mr. MORROW. Yes.

Mr. UNDERHILL. He was not drafted in this case.

Mr. BARBOUR. He volunteered, which showed his good citizenship.

Mr. MORROW. I desire to put this affidavit in the RECORD showing the man's present condition. It was made on the 31st day of May, A. D. 1924, and reads as follows:

STATE OF NEW MEXICO, County of Luna, ss:

Reuben R. Hunter, being first duly sworn according to law, says that he is of the age of 39 years, resides at Deming, Luna County, N. Mex., and is the identical person mentioned in S. 353, an act entitled "An act for the relief of Reuben R. Hunter," now, as he is informed, standing upon the Consent Calendar of the House of Representatives.

Affiant further says that report No. 521 from the Committee on Claims of the House of Representatives, Sixty-eighth Congress, first session, to accompany said S. 353, has been read to affiant, and that affiant fully understands the contents thereof, and that all of the findings of fact contained in the majority report regarding the loss of affiant's sight while engaged in combating a forest fire upon the public domain, and that all of the evidence recited upon which said findings are based are true.

Affiant further says that at the time of the said injury, affiant then being under the age of 20 years, affiant was by occupation a miner, earning from \$3.50 to \$4.50 per day; that by reason of his said injury he became at once unable and has always since been unable to follow his said occupation of mining; that affiant then learned the trade of broom maker, and followed the same for a number of years, but that he is unable to maintain himself or, in fact, to make any substantial daily sum in following such occupation for the reason that he is unable to compete with the machine-made product; that affiant has never been able to produce more than a dozen and a half brooms per day, and can not realize for his labor more than 50 cents per dozen.

Affiant further says that at the time of his said injury he had no property nor means of support except his daily labor, and that he has never since been able to acquire any property, and now has no property, income, or means of support except as hereinafter stated.

That during the past year or more affiant has been compelled to resort to charity of one sort or another for his sustenance; that he has traveled from town to town with his fiddle, playing on the streets where permitted; that the people of his community, Deming, N. Mex., have from time to time given him benefit dances; that he has received contributions from the Woman's Club; and that in the month of January, 1924, he received from the county poor fund the sum of \$37.50 and for the month of April from said fund the sum of \$15, and expects to receive such amount of \$15 per month from such poor fund indefinitely.

That affiant has no relatives legally obligated to his support and no relatives who are able in the least to contribute to his support, and that he lives with his father, John Hunter, age 76 years, whose sole source of income is \$12.50 per month received from the old miners' relief fund.

Further affiant says not.

REUBEN R. HUNTER.

Subscribed and sworn to before me this 31st day of May, A. D. 1924.

[SEAL.]

JOHN C. WILSON,

Notary Public.

(My commission expires May 25, 1925.)

Mr. ROMJUE. Mr. Chairman, will the gentleman yield?

Mr. MORROW. Yes.

Mr. ROMJUE. I am sure the gentleman has made a careful investigation of this matter. Will he state whether of his own knowledge the fire actually occurred on Government property?

Mr. MORROW. I read to the House the reports from the county surveyor and some others stating it was almost entirely public ground. I know the entire forest was public land, and at that time it was contemplated to be taken into the forest reserve. Shortly thereafter it became a forest reserve and is known as the Alamo Forest Reserve. Just a few weeks ago the newspapers reported that \$50,000 of damage was done by fire in that reserve.

Mr. ROMJUE. And the fire that he was attempting to put out at the time of his injury was raging in the Government property?

Mr. MORROW. Absolutely. I know the man personally, having met him within a few months, and I saw his condition, and I know that he is totally blind and has been for 20 years.

Mr. BOYLAN. Is it not quite possible that were it not for the heroic efforts of the man at the time there would be no Government reserve there now?

Mr. MORROW. There certainly would be much less of one than there is there now. I have heard considerable reflection passed upon the other body for passing certain legislation that this body does not pass. I have looked over the record of the Senate that passed upon this claim, and when we see such distinguished statesmen as the Senator from Utah [Mr. SMOOT], the Senator from Missouri [Mr. SPENCER], the Senator from Montana [Mr. WALSH], the Senator from New Mexico [Mr. JONES], and the late lamented Senator from Massachusetts [Mr. LODGE] saying that this is a just claim and should be passed on favorably I believe this House should hesitate long before turning down a claim of this character.

I just desire to read into the Record the remarks of Senator Lodge made in the other body:

Mr. JONES of New Mexico. I thank the Senator from Utah for withdrawing his amendment.

Mr. LODGE. Mr. President, I am very glad the Senator from Utah has withdrawn his amendment. It seems to me this is one of the most deserving cases I ever heard of. It is obviously to the interest of the man to give him monthly payments. He certainly deserves it. He is carrying a lifelong injury, under which he may have to suffer for many years. I sincerely hope the bill will pass in its present form. [Applause.]

Now, gentlemen, I believe that in the presenting of this bill to this Congress it is a just claim and one that should be considered.

Mr. EDMONDS. If the gentleman will yield, my principal objection to the bill is the putting of this man on the employees' liability list under the compensation act. If this bill were for paying this man a sum of money, I would agree to it as far as I am personally concerned. My objection is that by starting and going back of the 1916 law you will not be able to say where you will stop. I think that a proposition of this kind should be made to the House to give to this man a fair sum of money, which, from a reading of the case, I think he is entitled.

Mr. MORROW. In answer to the gentleman, I would say that the Senate seems to have considered that. The matter was presented of a lump sum of \$10,000, and after due consideration they come in the same position of allowing him compensation similar to other civil employees of the Government and he be placed upon the pension list. I do not think you are establishing a precedent in this case.

Mr. EDMONDS. If the gentleman will yield, he does not come in the same position as any other employee of the Government.

Mr. MORROW. The Senate placed him in it.

Mr. BOX. If the gentleman will yield, the gentleman knows the position of the gentleman from Texas. Is not this true also? In the form in which your Claims Committee reported this bill and recommended its passage, does the gentleman know whether if it was referred back and changed it would have to pass the Senate?

Mr. MORROW. I do not think so.

Mr. BOX. I mean if we pass it in this form, then it is final; but if amended, it is not final?

Mr. MORROW. No.

Mr. BEGG. Mr. Chairman and gentlemen of the committee, it is always much easier in a case of this kind to take the side of the claimant, because you can play upon the sympathy and emotions of the House, than it is to take the side of the Government. In the first place, I can not understand the Committee on Claims that reports the bill out to the House recommending the payment of any amount when, so far as any evidence on file with the Government anywhere pertaining to the case, it does not know this man Hunter ever existed. Now, I do not question there is a man by the name of Hunter in New Mexico who is perhaps blind. I do not question such a man existed and has gone blind for some reason. But, gentlemen of the Congress, if you will find in a single item in the Department of the Interior, that had control of the Government lands prior to 1905, and in the Department of Agriculture since that time that this man Hunter even fought a fire, then you have some grounds upon which to present a case.

Mr. BARBOUR. Will the gentleman yield right on that point? I want to say often when a forest fire breaks out they do not wait to make up a lot of Government records, but they go out and grab everybody they need and rush them in and compel them to fight that fire. [Applause.]

Mr. BEGG. Certainly that is the argument presented by the other side, but when the statement is made by the Government that they did not report it seems to me they have been a long, long time waiting to bring it to the attention of Congress that this man was going to make a claim for compensation. Now, great consideration is held by the proponents of this bill that he was volunteering in fighting the fire that was raging in the vicinity of private property, but so far as any evidence at my command goes the fire was on private property at the time of the fire, but the fact that he volunteered makes him an exception, and you want us to come in and pay him \$60 a month when you only pay the defenders of the war \$50 a month; and there was a veto of the bill, and there are now many 80 years of age who fought in the Civil War, and then in the Spanish-American War; those who defended the flag are getting the magnificent sum of \$30, but if a man volunteered to fight a fire that raged in the vicinity of private property then the Government is under obligation to pay him \$60 a month. It seems to me that we are very inconsistent, if anything, when we advocate that. Now, where will we get to if we pass this bill and recognize a monthly stipend?

What is the end of it? If the House Office Building over here were to take fire and the owners of Congress Hall were to come over and attempt to put out the fire in order to save their own private property and were thereby injured, they would have a just right, according to that reasoning, to come to the Congress of the United States and make a claim for compensation, and every man who supports a measure of this kind would morally be bound to support that claim. There is no limit, if you want to embark on the sea of accepting statements not backed up by records from official departments of the Government.

Mr. WEFALD. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

Mr. WEFALD. I want to ask if the gentleman does not consider fighting fire and saving valuable property is defending and honoring the flag as much as going to war?

Mr. BEGG. No. I do not concede that at all.

Mr. WEFALD. It is part of good citizenship.

Mr. BEGG. Certainly; and there is nothing wrong with it. But if your house takes fire in this city, or in any other city, and I come over to help you protect your property and fall downstairs and break a leg, I will ask the gentleman from Minnesota if he is obligated to compensate me for the injury I have incurred?

Mr. WEFALD. Well, I do not think the gentleman would break his leg; he is too active and able-bodied to do that. [Laughter.]

Mr. BEGG. I think from past experience I would be liable to. But, Mr. Chairman and gentlemen of the committee, I shall not oppose—

Mr. MORROW. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

Mr. MORROW. Where do you get any evidence that he was fighting fire on private property?

Mr. BEGG. So your report says. I will read it to you. I have no evidence except what your committee has furnished. Your report says:

In May, 1904, a disastrous forest fire raged in the vicinity of Cloudcroft, Otero County, N. Mex., on land embraced in T. 16 S., R. 11 E., a great portion of which was Government land covered with valuable timber.

Now, what was the rest of it?

Mr. MORROW. That does not say he was fighting fire on private property.

Mr. BEGG. No; and I did not say that. But you have not furnished any evidence, and there is not any evidence in the Department of Agriculture, and the report is from the Department of Agriculture; and there is no evidence from the Department of the Interior that they ever heard of the man in connection with the forest fire.

Mr. EDMONDS. There are affidavits in existence of people who were out with him fighting the fire.

Mr. BEGG. Oh, yes; affidavits. I had an old fellow come into my office not long ago and claim to have fought in the Civil War in Tennessee. I said to him, "You will have to identify yourself as having been in Tennessee," and he brought in half a dozen of his old comrades.

Mr. EDMONDS. This is not the first time this claim has been here. It has been before the committee for several sessions.

Mr. BEGG. Why has the committee brought it out now without any evidence from the department?

Mr. EDMONDS. I think this bill has been reported in the Senate, but not in the House.

Mr. BEGG. Why not?

Mr. EDMONDS. Because of the congestion in the House.

Mr. BEGG. I am afraid there will be a little more congestion.

I want to conclude with this statement to Members of the House: I do not want to appear unduly harsh. On the other hand, I do not want to get myself in a position where I can be approached and asked to do things that will ultimately amount to millions of dollars, because I have acted favorably upon a bill granting a pension to a man greater than that which any other volunteer pensioner of the United States ever received without any evidence in the world that he actually performed any service except the testimony of some interested people.

Mr. BLANTON. Mr. Chairman, this is a most pathetic case, indeed. It deeply arouses the sympathy of all of us; there is no question about that. But are we to take the money of the people out of the Treasury and pay a man, woman, or child wherever we find one sorely afflicted who arouses our sympathy? If we are to do that, I can go into every State of this Union and, turning the blind institutes and asylums inside out, can show you hundreds of pathetic cases of blind boys and blind girls and blind men and blind women who are afflicted, who are pathetic cases, who appeal to our sympathy. But we can not take Government money and pay them.

When I first came to Congress I was put on this Claims Committee. I was at the foot of the table. The gentleman from Pennsylvania [Mr. EDMONDS] was up next to the head of the table on the opposite side. There were several of these cases before that committee at that time seeking payment, just as pathetic cases as this one, and I saw the chairman of that committee rise, when at that time I was afraid even to open my mouth [laughter], and I heard the chairman of that committee say, "Gentlemen, we can not afford to allow this claim." He said, "If we go behind the compensation act of 1916 it will mulct the Government in millions of dollars, because there are many cases all over the United States that are within this same class."

That was not the only speech I heard. I heard the gentleman from Pennsylvania, the chairman of this committee [Mr. EDMONDS], who reports this bill, speak against it. He said the same thing. He said, "We can not let our sympathies run away with us." He said, "This is a policy of Government that we are to pass upon." He said, "If you allow this claim, you will have to allow everyone of these others, and there are hundreds of claims almost in every State which will be put in this same class, and if you once set this precedent you will have to allow everyone of them."

Mr. WEFELD. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WEFELD. The gentleman does not contend that every blind person would come into this Congress with a claim?

Mr. BLANTON. I was speaking of people sorely afflicted with injuries of many kinds arousing our sympathy, all of whom would want compensation.

Mr. WEFELD. You were speaking of the blind women and children. I say all of them could not come in here.

Mr. BLANTON. The gentleman from Minnesota diverted me.

I want to say that at that time I backed up the chairman of that committee and also our present chairman in their sound position. I voted with them; I followed them. It rocked along, and we did not report that bill; but it came up again, and I happened to be appointed to draw up the adverse report of the committee. You will find in the archives of that committee, somewhere among its dusty papers, an adverse report that I was instructed to make for the committee on this very case. In that report I went into details. I tried to show approximately about how many new cases it would set a precedent for if we allowed this one.

Are you now going to go behind the act of 1916 just because we feel sympathetic for this poor, blind man out in New Mexico? I have as much sympathy for him as any man here, and I will go as far in personal charities as almost any man to relieve his distress and suffering. But are you going to take the people's money when you have no authority of law? We come here under our oaths to administer the law of the land and to vote according to the law of the land, but there is no law authorizing any payment to this man.

Congress passed the compensation act in 1916, which provided that certain employees of the Government who were injured in line of duty should be paid a certain amount. That did not apply to employees of the Government preceding that date; it applied only to employees of the Government who should be injured after the passage of that act and not before.

Mr. BOYLAN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BOYLAN. Why does the gentleman hold that was a sacred and sanctified act in 1916, and that on account of the sanctity of the act all of the injustice of the years before should be forgotten, just because in that great year of 1916 this great and sublime act was passed?

Mr. BLANTON. Why does the gentleman hold, under the pension laws passed by Congress, that a man who served the Government back in 1865, who defended his flag and country, can not get a pension, no matter how much he was injured dated back to 1865, but is paid only from the date he files his pension claim in the Pension Department or in Congress? Why did Congress pass such a law as that?

Mr. BOYLAN. Does the gentleman from Texas desire me to answer his question?

Mr. BLANTON. Certainly. That is the law.

Mr. BOYLAN. We provide that machinery for carrying out the wishes and desires of Congress.

Mr. BLANTON. Well, that was the wish and desire of Congress back in 1916 and it never has been changed by law.

Mr. BOYLAN. What is the simile? I do not get the simile at all.

Mr. BLANTON. Well, I can not make my friend understand.

Mr. BOYLAN. Well, I am not considered to be particularly obtuse. [Laughter.]

Mr. BLANTON. Here is the situation: Congress has passed a law with respect to pensions and in that law has provided that a party who served and was injured in 1865, or who has reached a certain age at this time and becomes disabled, can get a pension, but not dated from the time he became disabled but paid from the date he files his application. Congress has fixed a definite, specified date. Likewise, in passing the employees' compensation act, the Federal act, in 1916, Congress provided a date behind which they can not get compensation but in front of which they can.

Mr. BOYLAN. I hold that is not a proper comparison, because Congress could not pass a law allowing a pension before the war took place. The war would have had to be over before they could pass such a law.

Mr. BLANTON. No. But in 1916 Congress could have said, if it wanted to, that all parties who had been injured in the past can get compensation.

Mr. BOYLAN. But it should have.

Mr. BLANTON. It did not do that.

Mr. BOYLAN. But it should. Why should the gentleman be so unjust because Congress neglected to do that and failed to let these men seek ordinary and common justice at the hands of the Government?

Mr. BLANTON. Our friend from New York has been here and very active in this seat most of the last two years when we were in session, and he never yet has offered an amendment to change that law to make it applicable to all parties who were injured prior to the passage of the act. If he wants to do that and make it applicable to all I will go down along the line and argue that with him. But if he changes it, he ought to make it applicable to all who have been injured and not pick up just one pathetic case, when there are hundreds of others who have gone without relief and who have for 20, 25, and 30 years been injured and begging for what they considered justice at the hands of the Government. The chairman of this committee knows lots of such cases, cases just as pathetic and just as appealing to our sympathies. He knows of such cases, and that is the reason he has voted up to this time not to report such a bill; he knows that if we pass such a bill it will set a bad precedent which we can not go behind and he knows it will result in favorable action on many such cases when they come before the committee.

I want to say to my colleague from New York [Mr. BOYLAN] and my colleague from Georgia [Mr. UPSHAW], who has just been itching to get up and say something in behalf of this bill because he is sympathetic [laughter]—I want to say this to them: This man is not entitled to one cent under the law, but in order to prevent a bad precedent from being set by giving him a pension, and to show that my heart is in the right place for this poor man, who has been blind all of these years out in New Mexico—

Mr. MORROW. I am glad to know the gentleman has a heart.

Mr. BLANTON. And who has just been allowed \$15 a month by the State of New Mexico; during the last month he has been granted compensation at the rate of \$15 a month by his county—I want to say this: I intend to offer an amendment, when the bill is read again, which will provide for striking

out the provision placing this man on the compensation list at so much per month and paying him a lump sum of \$3,000 in cash. But I want to say this: I would not vote for putting any man on that compensation list behind 1918 unless you change the law and make it applicable to all of them. If you want to make it applicable to all of them, all right. But I want to say this to my friend from New Mexico [Mr. Morrow]: I think \$3,000 in cash paid to this poor man right now will be worth more to him than to have this matter delayed by going back and forth between the two Houses of Congress.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. UNDERHILL. In order to assist the gentleman and in order that he may assist the committee, may I state to him that it has been the policy of the committee, where an employee of the Government has presented such a pitiable case as this, to award compensation under the law of 1908, where we allowed him one year's salary.

Mr. BLANTON. I know, but this man has suffered total blindness for 20 years.

Mr. UNDERHILL. Oh, there are thousands of them.

Mr. BLANTON. I know that and I know this: I know the temper of this House and I know that unless you adopt such an amendment as I suggest these gentlemen here are going to pass this bill [laughter], and it is going to cost this Government several million dollars whenever we set that precedent. I think that if the gentleman from Massachusetts wants to save the Treasury and at the same time protect this poor man he should be willing to give him a lump sum of \$3,000, and I think if he will consent to do that it will satisfy these gentlemen.

Mr. UNDERHILL. The gentleman from Texas usually stands on principle rather than on policy.

Mr. BLANTON. Usually, yes; but sometimes I have found out you have got to have a little policy. [Laughter.]

Mr. UNDERHILL. I have not seen any evidence of it. I will simply say to the gentleman, if he is not aware of the fact, that New Mexico has already granted this man a pension.

Mr. BLANTON. Yes; of \$15 a month, and nobody on God's green earth can buy coffee and potatoes with that.

Mr. UNDERHILL. There are lots of them getting that.

Mr. LOZIER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LOZIER. I will ask the gentleman from Texas if it is not a fact that under the general pension laws there are hundreds of cases in which the applicants have no right or title to a pension?

Mr. BLANTON. Yes.

Mr. LOZIER. And does not every session of Congress enact private pension bills granting relief in cases where such relief is not permissible under the general pension laws of this country?

Mr. BLANTON. They bring them within the pension laws. Mr. LOZIER. And is not this a private act on the same principle as a private pension bill, to provide relief where the law, by reason of its universality, has made no provision for such relief?

Mr. BLANTON. No; because in the case of a man who served his country back in 1865 you bring his case within the law by a special act, and you only give him \$50 a month.

Mr. LOZIER. It is not a question of the amount.

Mr. BLANTON. And you are attempting now to even go back of that act and make it \$66 a month.

Mr. LOZIER. But is there any difference in principle between this private claim and a private pension bill which is introduced to provide a remedy for a person who, under the general laws of the United States, is not entitled to relief?

Mr. BLANTON. I think so.

Mr. LOZIER. Is it not then a distinction without a difference?

Mr. BLANTON. I think not.

Mr. LOWREY. Will the gentleman yield?

Mr. BLANTON. I did not want to take up any further time of the House, but I will yield to the gentleman.

Mr. LOWREY. If every case fell under the fixed laws, what would be the use for a Committee on Claims to decide these cases? Is it not really the business of a Committee on Claims to handle the matters of special claims that can not be granted under the general law?

Mr. BLANTON. I want to say to my friend from Mississippi that if the gentleman knew all the problems of this Claims Committee, and if the gentleman knew the number of new cases that would be brought before them by reason of this precedent, if you establish it, the gentleman would not want to

see such a precedent established. The gentleman would want to try to settle this case in a way that would not establish this bad precedent.

Mr. LOWREY. I may say to the gentleman that I have been on the War Claims Committee four years.

Mr. BLANTON. I feel sorry for the gentleman.

Mr. LOWREY. And I agree with the gentleman that this is too much, and I believe a lump sum of a moderate amount would be all right, and I am not even sure it should be as much as \$3,000, but I am willing to vote for that.

Mr. BLANTON. I think that would satisfy my friend, the gentleman from New Mexico, although I do not know.

Mr. LOWREY. Will the gentleman from New Mexico answer me one question?

Mr. BLANTON. The gentleman from New Mexico is the Representative of that State, and that is the reason I mentioned him.

Mr. LOWREY. May I ask the gentleman from New Mexico if it is not the fact that this man had no property of his own? Is not that the testimony?

Mr. MORROW. Absolutely.

Mr. LOWREY. Then he could not have been fighting for his own property. I think the gentleman from Texas is right, and yet it is certainly true that these Committees on Claims consider cases that do not come under the general law.

Mr. UPSHAW. Mr. Chairman—

Mr. EDMONDS rose.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. EDMONDS. Mr. Chairman, I ask unanimous consent that general debate on this bill do now close.

Mr. UPSHAW. Mr. Chairman, the Chair had recognized the gentleman from Georgia before the gentleman from Pennsylvania rose.

The CHAIRMAN. The Chair will state that the Chair started to recognize the gentleman from Georgia when he discovered that the gentleman from Pennsylvania was seeking recognition. The Chair thinks that if the gentleman from Pennsylvania desires recognition, the Chair should first recognize the gentleman.

Mr. EDMONDS. Does the gentleman from Georgia want five minutes?

Mr. UPSHAW. Yes.

Mr. EDMONDS. Mr. Chairman, I ask unanimous consent that general debate on this bill close in five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that general debate on this bill close in five minutes. Is there objection?

There was no objection.

Mr. UPSHAW. Mr. Chairman, I had a tremendous draft—a sort of paralyzing draft—made on my imagination. I have been trying to imagine how far back in ancient history the gentleman from Texas was afraid to open his mouth in the committee or on the floor. [Laughter.] But I commend the gentleman for being able to read faces when he said the gentleman from Georgia was itching to say something in favor of this bill. While I commend the generosity on his part, the real humanity that is willing to introduce an amendment for a special sum of \$2,500 or \$3,000, I am compelled in the same moment to indict him, in all good humor, for inconsistency, because if there is no law for this bill that is now before the House, there will be no law for his amendment. I contend, with the gentleman from Mississippi [Mr. Lowrey] and the gentleman from Missouri [Mr. Lozier] in their questions just propounded, that we are, in every special individual appropriation not reached heretofore by some law, making a law for that special case, and that is what we propose to do now. It was said of Goldsmith's village preacher that "e'en his fallings leaned to virtue's side." When I came to Congress I said openly, before and since election, that I proposed to make humanity my hero, and I want to remind the gentlemen who oppose this humane bill that this Government will never have a conscience that is not given to it by the concert of character and ideals on the part of its citizens; and I hope I am not a citizen of a Government that is so little as to ask the geographical spot where a man was standing as he tried to protect the property of the flag. [Applause.] If it is my house and my property, I am not going to ask where the man was standing when he helped to save it. The fact is established by incontestible evidence that this man was fighting a fire that was sweeping over some Government property, perhaps along with private property, but the great objective yonder was the great forest belonging to this Government, for which the man heroically fought for several days; and I want to say to you that this Government is competent to recognize heroism like that; and whether the man was standing

on the Continent of Africa or the islands of the sea. If his heroism reached a national property and he lost his sight in protecting that property, God save the mark—and I was almost going to say, forgive the individual who is hesitating to vote that man some sort of recognition.

I feel that I am in consonance with the Constitution and in consonance with my oath when I swore to stand by all things that meant the common good when I am increasing the patriotism of the thousands who will know of this governmental action in New Mexico. Twenty years blind for the sake of our flag and humanity. Think of it! Let us help his blind eyes to see the big heart of a great and grateful Nation! And we are showing the gratitude of our Government in reaching out this tardy hand of helpfulness with a "God bless you" to the hero who was defending the property of our Government. [Applause.]

The Clerk read the bill for amendment.

Mr. BLANTON. Mr. Chairman, I offer the following amendment.

The Clerk reads as follows:

Amendment by Mr. BLANTON: Page 1, line 3, strike out all after the enacting clause and insert: That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$3,000 to Reuben R. Hunter, of Deming, N. Mex., in full settlement of all claims against the United States Government on account of injuries received in May, 1904.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the figures "\$3,000" in the amendment and insert in lieu thereof "\$5,000."

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amendment to the amendment by Mr. ABERNETHY: Amend the amendment by striking out "\$3,000" and inserting in lieu thereof "\$5,000."

Mr. UNDERHILL. Mr. Chairman, I rise in opposition to the amendment. I do not believe the Members of the House realize what they are doing. This should read, if the amendment is properly named, that the sum of \$5,000 be appropriated out of the United States Treasury to the State of New Mexico or to the town of Deming.

We might as well be practical and sensible. New Mexico or Deming are not the only State or town that has a large number of charitable patients, as we might call them, whom they are supposed to look after. In the first place, it is agreed by everybody that this man was not employed by the Government. In the second place, there is not one particle of evidence introduced to show that he lost his eyesight in fighting a fire, either on Government land or private land. The Acting Secretary of the Agricultural Department claims no knowledge of this man or his performance. The Department of the Interior states that the records of that department have no reference to the services of Mr. Hunter.

Mr. ABERNETHY. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. ABERNETHY. Did not the committee find and report that this man was injured while protecting the property of the United States Government?

Mr. UNDERHILL. The majority report the gentleman can read for himself. I am referring to the evidence and the record in the case.

Mr. BEGG. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BEGG. There is no statement in the report showing that this man was blinded by any accident due to his participation in fighting the fire. The blindness is plainly a case of cataracts, and there is no evidence before the committee anywhere to show that it was even induced by fighting the fire.

Mr. UNDERHILL. Mr. Chairman and gentlemen, you are bringing a lot of trouble upon yourselves. You gentlemen who have been reelected to the coming Congress, if this bill goes through, are going to be flooded with petitions and requests to introduce bills for compensation by those who do not come under the compensation law of 1908, which allowed one year's salary, and one year only to those who were injured in the employ of the Government.

You would not ask a man engaged in industry to go back 10 or 20 years and pay any amount to an injured employee. You do not know how many employees of the Government previous to 1916 are now living and who need help just as much as this man does.

Mr. BOYLAN. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BOYLAN. You say there may be thousands of others come in for compensation. Where there is a liability of the Government existing should not the Government be decent enough to take up that liability? Why are we so afraid of other claims?

Mr. UNDERHILL. I am in the same difficulty as the gentleman from Texas. I can not get it through the heads of some gentlemen that there is no just claim on the Government, that there is no liability; that this solely a gift, a charity. Congress is not a charitable organization, but is supposed to pay some attention to the despised taxpayer.

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BOX. Has this Committee on Claims or the Congress ever paid as much as \$5,000 on any of these claims where the injuries did not result in death?

Mr. UNDERHILL. Never. Furthermore, this Congress had before it only a short time ago in one of the evening sessions a case where a breadwinner, the head of a family, was killed through no negligence of his own, and the House reduced the amount which the committee reported of \$5,000 to \$3,000. There is nothing consistent about giving this man \$3,000 or \$5,000. Furthermore, it is not a mere bagatelle of \$5,000. It means eventually millions of dollars that you will have to take out of the pockets of your constituents. I wonder if you want to go back home with that kind of a record.

Mr. ABERNETHY. Mr. Chairman, I did not intend to have anything to say about this matter. I knew nothing about it until the matter came up for discussion. I am not on the committee, but I want to read to the House the statement of the two doctors here:

Dr. Thomas A. Haxby (certificate): The examining physician that examined Hunter after the fire in Clonderoft, Otero County, N. Mex., in the spring of 1904, and who believes from his examination that Hunter lost his eyesight from the intense heat and smoke from fighting this fire.

Dr. F. D. Vickers (affidavit): From his examination of Reuben R. Hunter he states that he has a double cataract, no perception of light, and no possibility of recovering sight by an operation. That Hunter will remain totally blind all his life. That his health is otherwise good.

The only question involved in the amendment that I offer to the amendment of the gentleman from Texas [Mr. BLANTON] is this: It is better, and it does not set a precedent that \$66 per month would set, but if we pay this man \$5,000, even as an act of charity or as an act of grace, it will be something that we are in the habit of doing frequently. The President of the United States sometimes recommends that we pay claims presented by other governments—not as an act of right, but as an act of grace.

I have heard that many times coming from the President of the United States. What could be worse than for a man to be blind? Talk about a death claim! I would prefer to be dead rather than to be blind.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. BLANTON. We have our distinguished colleague here from Minnesota [Mr. SCHALL], who is totally blind, and who is going from this House, after an able service here, to the United States Senate.

Mr. ABERNETHY. But he was not made blind while protecting the property of the Government.

Mr. BLANTON. Oh, but simply because a man is blind does not mean that he can not yet be of good service.

Mr. ABERNETHY. Is the gentleman in favor of \$3,000?

Mr. BLANTON. Yes.

Mr. ABERNETHY. The only difference between us, then, is the question of \$2,000. Does the gentleman favor the policy?

Mr. BLANTON. It was a question of policy that made me offer the \$3,000.

Mr. ABERNETHY. Does the gentleman favor his own amendment?

Mr. BLANTON. Yes.

Mr. ABERNETHY. Well, I favor \$5,000, and that is the only difference between us.

Mr. BEGG. Mr. Chairman, I do not care to take more than a minute or two. I do want to call the attention of the House seriously to two things. In the first place, at every session of Congress when we have considered bills on the Private Calendar we find the calendar loaded up with personal claims bills. During the last session of Congress we passed, I think, 50 personal injury claims, and not a single personal injury claim, even that of a Government employee, was allowed

to as great an extent as \$5,000. They were just as pitiable cases as this is. There was a reasonable argument for the presentation of them, and the law fixes no liability. They were damaged either by an employee of the Government doing a careless act, or they were in the employ of the Government. Yet this Congress refused to grant those claimants any such sum as is being proposed here.

Let me now refer to the two statements of the two physicians. It is always true when you consult more than one physician you are liable to have varying opinions. I call the attention of the House to one or two statements here. Neither of the physicians states as a positive fact that the man was blinded from smoke and heat. One doctor certifies that he believes that the smoke and the heat perhaps blinded the man. The other doctor files an affidavit, in other words, swears that the man is blinded by a double cataract. There is not a line of evidence that the exposure of eyesight to intense heat and smoke for a period of time would produce a cataract. If this man had never been fighting a fire, the chances are 100 to 1 that a cataract would have developed eventually, and that he would have been blind anyway. If such a statement could be proven to be true, medically, then there is not a man in the House who would entertain the thought for a minute that this Government owes this man a single penny beyond the customary charity the State does out, and I think before we hastily take a step in this direction we ought to ask the Committee on Claims to furnish some evidence from the medical fraternity that intense exposure to heat and smoke might induce cataract.

Mr. HUDSPETH. Do I understand my friend to say that there is not a suspicion here that the fighting of fire by this man caused his blindness?

Mr. BEGG. The medical fraternity in the two brief statements do not make a positive assertion of that kind.

Mr. HUDSPETH. In view of the fact that he was a man of good sight before he went into the fire and immediately after he was a blind man?

Mr. BEGG. There is no testimony like that in this report.

Mr. HUDSPETH. That is the way I read it.

Mr. BEGG. I can not read it in that way. One of the physicians says that he believes. He does not make an affidavit like the second man. The second doctor makes an affidavit that this injured man has a double cataract and that it is incurable. If the exposure caused the double cataract, then perhaps there is an obligation morally, but there is not a scintilla of evidence on file anywhere to show that the medical fraternity believes that such a thing is possible.

The CHAIRMAN. The question is on the amendment—

Mr. EDMONDS. Mr. Chairman, I want to say a few words in defense of the committee. Personally I went over this bill about seven or eight years ago. There were a number of affidavits which are not published, portions of which appear in the report. The report would be very large if we had published all the documents and affidavits in the case. I was satisfied several years ago from the affidavits I read through that this man was injured at the fire, or he had his eyes hurt at the fire, and that it resulted in the cataracts. There is no question that one doctor did report immediately after the fire that his eyes were injured. It is possible that it produced the cataracts. Anyhow, he is blind to-day. He fought the fire; I am satisfied of that in my mind. I am opposed to the compensation feature in the bill and always will be opposed while I am in the House to putting that feature in any bill of this kind. However, I do believe the man is entitled to consideration, and as far as I personally am concerned I am going to vote for the \$3,000.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from North Carolina.

The question was taken, and the Chair announced the yeas appeared to have it.

On a division (demanded by Mr. MORROW) there were—ayes 24, noes 60.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs upon the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced the yeas seemed to have it.

On a division (demanded by Mr. UNDERHILL) there were—ayes 63, noes 12.

So the amendment was agreed to.

Mr. EDMONDS. I would like to ask unanimous consent to lay this bill aside, to be reported favorably later.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to lay this bill aside, to be reported later.

Mr. BLANTON. Mr. Chairman, I object.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside and reported favorably later.

The question was taken, and the motion was agreed to.

JOHN A. BINGHAM

Mr. EDMONDS. Mr. Chairman, I move to take up for consideration the bill (H. R. 5803) relating to John A. Bingham.

The CHAIRMAN. The gentleman from Pennsylvania calls up a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 5803) for the relief of John A. Bingham.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John A. Bingham the sum of \$500, the amount stolen from him while postmaster at Vandalia, Ill.

Mr. BLANTON. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Pennsylvania was on his feet.

Mr. BLANTON. I ask for recognition.

Mr. EDMONDS. I started to ask for recognition.

The CHAIRMAN. If the gentleman from Pennsylvania desires recognition, he is entitled to it.

Mr. EDMONDS. I will yield such time as he may desire to the gentleman from New York [Mr. BLACK].

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, there is not very much to this bill. Away back in 1903 a postmaster in a town of Illinois found his building was about to be engulfed by a storm, and he had to protect it with the help of his assistants, and in the confusion attendant upon taking care of that building some thief entered the building and stole some stamps from the safe, about \$500. The Post Office Department has made a very careful investigation of this and reports in favor of passing this bill. It is just a simple act of justice to this postmaster, who had to pay the Government \$500 for the lost stamps.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. BLACK of New York. I will.

Mr. LA GUARDIA. Was the postmaster under bond?

Mr. BLACK of New York. He was under bond and he had to put up collateral for his bond. He paid the bonding company and the bonding company paid the Government.

Mr. LA GUARDIA. What assurance has the gentleman this money is not appropriated to reimburse the bonding company?

Mr. BLACK of New York. The bonding company is a good company, in the first instance, and—

Mr. LA GUARDIA. I did not know there was such a thing as a good bonding company.

Mr. EDMONDS. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. I yield that back to the gentleman.

The CHAIRMAN. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John A. Bingham the sum of \$500, the amount stolen from him while postmaster at Vandalia, Ill.

Mr. EDMONDS. I ask unanimous consent that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the bill be laid aside with favorable recommendation. Is there objection? [After a pause.] The Chair hears none.

WILLIAM J. OLIVER

Mr. EDMONDS. Mr. Chairman, I move that the committee take up the bill (H. R. 3132) for the relief of the William J. Oliver Manufacturing Co. and William J. Oliver, of Knoxville, Tenn., No. 133 on the Private Calendar.

The CHAIRMAN (Mr. CHINDBLOM). The Clerk will report the bill.

Mr. BLANTON. Mr. Chairman, I make a point of order.

The CHAIRMAN. The bill has not yet been read.

Mr. BLANTON. I know, but my point of order is applicable before it is read. This bill involves an expenditure of \$170,000. It is too important a bill to be considered without the presence of a quorum. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety-five gentlemen are present.

Mr. EDMONDS. Mr. Chairman, I move that the committee do now rise and report the bills that have been passed.

The CHAIRMAN. The gentleman from Pennsylvania moves that the committee do now rise. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. EDMONDS. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. EDMONDS and Mr. BLANTON to act as tellers.

The CHAIRMAN. Those in favor of the motion that the committee do now rise will pass between the tellers and be counted.

The committee divided; and the tellers reported—ayes 4, noes 89.

So the motion was rejected.

The CHAIRMAN. The committee refuses to rise. A quorum is not present, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 7]

Almon	Fish	Lindsay	Roach
Anderson	Fitzgerald	Lineberger	Rogers, Mass.
Anthony	Frear	Linthicum	Rogers, N. H.
Ayres	Fredericks	Logan	Rosenbloom
Bankhead	Freeman	Lyon	Schall
Barkley	Gallivan	McKenzie	Schneider
Bergor	Gambrell	McLaughlin, Nebr.	Scott
Black, Tex.	Geran	McLeod	Sherwood
Bloom	Glatfelter	McNulty	Smithwick
Britten	Goldsborough	MacGregor	Snell
Browne, N. J.	Graham	Madden	Stalker
Buchanan	Greenwood	Magee, Pa.	Sullivan
Buckley	Guyer	Manlove	Summers, Tex.
Busby	Hadley	Merritt	Sweet
Butler	Harrison	Michaelson	Swing
Carter	Hawley	Miller, Ill.	Swoope
Casey	Hill, Ala.	Milligan	Taylor, Colo.
Celler	Holaday	Mills	Temple
Clark, Fla.	Hooker	Mooney	Thomas, Ky.
Cole, Iowa	Howard, Nebr.	Moore, Ill.	Tilson
Cole, Ohio	Howard, Okla.	Morgan	Tincher
Colton	Hudson	Morin	Tinkham
Connolly, Pa.	Humphreys	Morris	Tydings
Corning	Jacobstein	Murphy	Vare
Croll	Jeffers	Newton, Mo.	Vinson, Ga.
Crowther	Johnson, W. Va.	Newton, Minn.	Volgt
Curry	Johnson, S. Dak.	Nolan	Wainwright
Davey	Kahn	O'Brien	Ward, N. Y.
Davis, Minn.	Kearns	O'Sullivan	Ward, N. C.
Dempsey	Kelly	Oliver, N. Y.	Weller
Dickinson, Iowa	Kendall	Park, Ga.	Welsh
Dickstein	Kent	Patterson	White, Me.
Domineck	Kless	Perleman	Williams, Mich.
Doyle	Kincheloe	Porter	Wilson, La.
Drewry	Knutson	Porter	Wingo
Eagan	Kunz	Pou	Winslow
Elliott	Langley	Purnell	Wolf
Fairchild	Larsen, Ga.	Quayle	Wurzbach
Fairfield	Larson, Minn.	Ransley	Zahlman
Fenn	Lee, Ga.	Reed, W. Va.	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. CHINBLOM, Chairman of the Committee of the Whole House, reported that that committee, having under consideration bills from the Committee on Claims, having found itself without a quorum, he had caused the roll to be called, whereupon 273 Members, a quorum, answered to their names, and he submitted a list of absentees for printing in the Journal.

The committee resumed its session.

The CHAIRMAN. The Clerk will proceed with the reading of the bill H. R. 3132.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,438,095.61 to the William J. Oliver Manufacturing Co. and William J. Oliver for damages sustained by said company and said Oliver growing out of the seizure and holding by the Government of the William J. Oliver manufacturing establishment at Knoxville, Tenn.

With a committee amendment, as follows:

Page 1, line 5, after the word "of," strike out "\$1,438,095.61 to the William J. Oliver Manufacturing Co. and" and insert "\$170,757.86 to."

On line 8 strike out the words "by said company and said Oliver," so that the bill will read, "that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$170,757.86 to William J. Oliver for damages sustained growing out of the seizure and holding by the Government of the William J. Oliver manufacturing establishment at Knoxville, Tenn."

Mr. EDMONDS. Mr. Chairman, I think the purpose of this bill can be better explained by the gentleman from Tennessee

[Mr. TAYLOR] than by anybody else in the House; so I yield 15 minutes to the gentleman from Tennessee.

The CHAIRMAN. The gentleman from Tennessee is recognized for 15 minutes.

Mr. TAYLOR of Tennessee. Mr. Chairman and gentlemen of the committee, this bill is a bill for the relief of William J. Oliver, of Knoxville, Tenn. William J. Oliver organized the William J. Oliver Manufacturing Co. about 16 or 18 years ago and was always president of the company and owned practically 100 per cent of its capital stock. The factory of the company was perhaps the largest iron and wood working factory south of the Ohio River.

Ordinarily it engaged in the business of building and repairing equipment used in railroad construction work, mine and quarry equipment and supplies, the manufacture of plows, and so forth, and the operation of a large foundry.

In 1917 the factory took a contract to make for the Italian Government one hundred thousand 6-inch shells, high explosive, which it filled ahead of the time limit and to the entire satisfaction of the Italian Government. In the report you will find a letter from the Italian Government complimenting Mr. Oliver on the splendid and efficient work performed by him in connection with the fulfillment of that contract. A little later the Government of the United States entered into a contract with the Oliver Manufacturing Co. to manufacture 10,000 high-explosive shells. The company completed this contract with the Government, and a little later the War Department entered into another contract with Mr. Oliver for 20,000 shells, which he manufactured for the Government. A little later still, he having shown such skill and efficiency in the manufacture of those shells, the Government of the United States entered into a contract with him to manufacture 100,000 additional shells.

It was while manufacturing these shells that Mr. Oliver's trouble began. Mr. Oliver was one of the largest captains of industry in the South, but he always took a strong position on the proposition of the "open shop," and it was on account of his attitude on the "open shop," taken advantage of by German spies, as you will find in the record, that brought about the trouble that led up to his arrest. Anyhow, these labor agents went about Mr. Oliver's plant, dissatisfying his men, and finally they went to the office of the district attorney and by false representations caused the district attorney, or the Department of Justice, to issue warrants against Mr. Oliver, charging him with fraud in connection with the manufacture of these shells and charging him with sabotage, and on October 4, 1918, while the factory was being operated at maximum speed, turning out about 1,000 shells a day and employing about 1,200 laborers, the Government of the United States, through its military and legal departments, seized the manufacturing plant of Mr. Oliver and arrested William J. Oliver. A troop of soldiers was sent up to Knoxville from Chattanooga, and under the orders of the district attorney they went down to Mr. Oliver's plant, while his plant was in full operation; they cut the telegraph wires and surrounded his plant, and the district attorney and these Army officers went into Mr. Oliver's private office, where Mr. Oliver was himself, and where his wife and his office employees were, arrested Mr. Oliver and various other employees. They took his private papers, all of them, and put them into gunny sacks; they pulled the drawers out of his desk and over his protest took these papers and put them in these sacks and went away with them, with Mr. Oliver under arrest. They even took \$8,000 worth of Liberty bonds, which were never returned to Mr. Oliver, and were never accounted for at all, in fact, none of this private property, belonging to Mr. Oliver, that was taken away by the United States district attorney's office and this troop of soldiers was ever returned to him or accounted for. They destroyed his credit absolutely and destroyed his business. Three days after his arrest, while he was going down to attend a proceeding in connection with his arrest, Mr. Oliver was struck by a truck which paralyzed him, and he has continued paralyzed up to this time, and probably will not survive more than a few days longer.

They put him on trial in the United States district court at Knoxville, Tenn., and after the Government had introduced all of its testimony against him the trial judge, Judge McCall, of Memphis, who was sitting on the case, after hearing the testimony of the Government, of his own motion dismissed some twenty-odd counts of the indictment, and after he had dismissed them the district attorney arose and dismissed the remainder. So that after arresting Mr. Oliver, after destroying his business, and after Mr. Oliver, as a direct result of this arrest, lost his health and became a permanent invalid—after all this, and after they had humiliated him and his family,

the Government of the United States dismissed the charges against him without Mr. Oliver ever offering a single witness in his defense, the Government thus confessing that it had blundered.

Now, this bill is based upon the fact that as a result of this arrest of Mr. Oliver and as a result of the seizure of his plant he lost his credit and lost his business, and his plant was so wrecked that when the Government turned it back to him it promptly went into the hands of a receiver, was wound up, and not one single dollar was ever paid upon the common claims. As a matter of fact, the receiver did not realize a sufficient sum to satisfy the bonded indebtedness of the plant.

Now, it may be that some of you would like to know just what elements there are in the sum arrived at by this committee. One of the elements, of over \$100,000, represents the difference in what it cost the Government to complete this contract more than what Mr. Oliver would have completed it for had he not been arrested and had he been permitted to complete the contract himself. It cost the Government to manufacture these shells, per shell, an amount equalling \$103,000, I believe, more than it would have cost Oliver.

Mr. EDMONDS. Will the gentleman yield?

Mr. TAYLOR of Tennessee. Yes.

Mr. EDMONDS. While this was going on Mr. Oliver's son was in the service in France, was he not?

Mr. TAYLOR of Tennessee. Yes. At the time that Mr. Oliver was charged, as he was, with disloyalty to his Government, and charged with sabotage, on the day of his arrest his only son, an American aviator, was flying over the German front. [Applause.]

Mr. EDMONDS. What does the gentleman estimate Mr. Oliver was worth when this trouble started?

Mr. TAYLOR of Tennessee. According to the evidence in the record, the best evidence available at the time of his arrest, William J. Oliver was worth \$2,000,000, while to-day he is what you might call a pauper.

Mr. EDMONDS. Further, will the gentleman explain why Mr. Oliver did not bring this case before the board of the War Department?

Mr. TAYLOR of Tennessee. The reason Mr. Oliver did not bring this claim before the board created by Congress to hear and determine matters of this kind, was because of the fact that he had an accident just three days after his arrest, and for many months he was in the hospital and unconscious, and up to this time he is hardly what you might call, except at times, rational.

Mr. BOX. Will the gentleman yield?

Mr. TAYLOR of Tennessee. Yes.

Mr. BOX. Does the gentleman state to the House that this claim was not presented to the War Department under the Dent Act?

Mr. TAYLOR of Tennessee. Well, notice was given—

Mr. BOX. Was not a substantial amount paid and a full release accepted?

Mr. TAYLOR of Tennessee. No; it was not with Mr. Oliver's consent. Mr. Oliver at that time was in the hospital and there was no consent from him whatever.

Mr. McREYNOLDS. Is it not a fact that the Government had charge of all his papers for nearly two years and he could not present this claim?

Mr. TAYLOR of Tennessee. Of course, he could not have presented the claim with any sort of effectiveness, because he did not have the papers necessary for a preparation of the claim, because these papers had been forcibly taken out of his possession by agents of the Government and they were not returned to him for more than two years.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. TAYLOR of Tennessee. Yes; I will be glad to yield.

Mr. LaGUARDIA. This bill and the compensation is based entirely, I take it, on the unjustifiable conduct of the Government. Has anything been done since 1918 to fix the responsibility, either in the intelligence department of the War Department or the Department of Justice, on the person or official who brought about this seizure?

Mr. TAYLOR of Tennessee. No; there has been nothing of that kind, of course.

Mr. LaGUARDIA. Somebody must have blundered if the gentleman's contention is correct.

Mr. TAYLOR of Tennessee. We do not criticize the War Department, and we do not criticize the Department of Justice. I think they were acting in good faith so far as they were concerned, but they were relying on misrepresentation by these German spies who were seeking, not only in Knoxville at Oliver's plant, but all over the country, to wreck industry.

Mr. LaGUARDIA. That is a very serious indictment against the intelligence department of the Department of Justice, if enemy spies could prevail on them to commit such an outrageous act.

Mr. TAYLOR of Tennessee. An investigation was under way at one time, but the man who was supposed to have been responsible for this misrepresentation and for the action of the departments committed suicide in an Atlanta hotel. I can not recall just now his name, but that is all disclosed in the record.

Mr. BURTNESS. Will the gentleman yield?

Mr. TAYLOR of Tennessee. I will be glad to yield to the gentleman.

Mr. BURTNESS. One point that is bothering me is this: In glancing over the bill and the report of the Secretary of War, the bill says in so many words that these damages were sustained growing out of the seizure and holding by the Government of the William J. Oliver manufacturing establishment at Knoxville, Tenn., and I notice that the report of the Secretary of War denies that the Government ever seized or ever held the plant, and the Secretary states that all that was done was that the Department of Justice searched the plant and took away a large number of records and things of that sort, but that the plant was immediately turned over and was retained by the William J. Oliver Co., and that the company appointed a trustee, as I understand it. Now, what were the facts?

Mr. TAYLOR of Tennessee. It is true that a few days afterward a trustee was placed in charge.

Mr. BURTNESS. By whom was the trustee appointed—by the company itself?

Mr. TAYLOR of Tennessee. No; not by the company. The Government officials who were there acting for the Government and the heads of the company agreed on that, but Mr. Oliver was never permitted to go to his place at all. He was not permitted to go on the premises.

Mr. BURTNESS. The Government did not conduct the business?

Mr. TAYLOR of Tennessee. They did indirectly. They had their agents directing the business and finishing this contract.

Mr. BURTNESS. This trustee was not a trustee in bankruptcy, or anything of that sort, but was a trustee appointed by the corporation itself under a sort of approval of the Department of Justice or the War Department.

Mr. TAYLOR of Tennessee. Under their approval, of course. As I understand it, the attorneys of Mr. Oliver—Mr. Oliver, of course, was injured at that time, having been struck by a truck, and was unconscious—

Mr. BURTNESS. At the time the trustee was appointed? I thought he was injured about the time he tried to defend himself in the criminal action.

Mr. TAYLOR of Tennessee. He was injured three days after the seizure, and I am pretty sure that up to that time this trustee had not been appointed.

Mr. BURTNESS. In any event, when the loss occurred the plant was being conducted by a private trustee appointed by the corporation head.

Mr. McREYNOLDS. Will the gentleman yield?

Mr. TAYLOR of Tennessee. Yes.

Mr. McREYNOLDS. Is it not a fact that they forced him to agree to a trustee, with the understanding that the Ordnance Department from Cincinnati would run this plant for the Government by putting one Mr. Snyder in charge?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. EDMONDS. I yield the gentleman five more minutes.

Mr. BURTNESS. Then the statement of the Secretary of War in his report is false?

Mr. McREYNOLDS. I am only giving you the evidence and telling you what occurred.

Mr. TAYLOR of Tennessee. That is the evidence.

Mr. DENISON. May I ask the gentleman a question?

Mr. TAYLOR of Tennessee. Certainly.

Mr. DENISON. I notice the bill as filed was for more than \$1,000,000, and there has been allowed \$170,000 in this bill.

Mr. TAYLOR of Tennessee. Yes; that is true.

Mr. DENISON. What are the facts about the actual loss sustained? Why did the committee cut it down to \$170,000, if he sustained a good deal larger loss than that?

Mr. TAYLOR of Tennessee. Of course, he did sustain a much larger loss. In the preparation of the bill I took into consideration the loss of his health and the loss of his credit and such things as the committee could not consider. The committee in making its decision based its findings on concrete facts, just as I was explaining a while ago. For instance,

Oliver was manufacturing these shells at a certain cost, and after the Government took charge it cost the Government a good deal more to do the same work than it had cost Oliver to do it. This item alone amounted to more than \$100,000.

Mr. DENISON. Was that loss charged to Mr. Oliver?

Mr. TAYLOR of Tennessee. Yes; certainly that was Mr. Oliver's loss and that is one of the elements of the findings of the committee.

Mr. DENISON. Will the gentleman state whether or not the amount the committee has allowed in their amended bill covers his actual loss sustained?

Mr. TAYLOR of Tennessee. We contend that it does not; but, of course, in Mr. Oliver's condition we felt we would be fortunate to get whatever we could. We have therefore submitted to this amount, of course, with reluctance.

Mr. DENISON. Did Mr. Oliver get back his bonds, or any of them?

Mr. TAYLOR of Tennessee. No; he did not get back any of them.

Mr. DENISON. What did the committee allow him for the bonds?

Mr. TAYLOR of Tennessee. Eight thousand dollars, the exact amount. I want to say in conclusion that Congress has never had before it a more meritorious claim than this.

Mr. EDMONDS. I would like to state to the gentleman that the committee, as near as possible, gave the amount which they thought would be awarded to him if he had taken the matter up with the War Adjustment Board. There is no amount of money in here which involves payment for his losses occasioned by his arrest by the Government or anything of that kind. This is simply the compensation that the committee felt would be given to him if he had gotten before the War Adjustment Board.

Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. THOMAS].

Mr. THOMAS of Oklahoma. Mr. Chairman and gentlemen of the committee, the gentleman from Tennessee [Mr. TAYLOR] has covered the foundation of this claim thoroughly. If there is any question that develops during the time I shall occupy the floor I would be glad to have the question asked. The testimony before the committee shows that Mr. Oliver was the principal stockholder in the Oliver Manufacturing Co. He was getting out ammunition for the United States Government. On the 4th day of October, 1918, while he was in his office at Knoxville at work, his wife was making out the pay roll in that office, a cordon of cavalry was thrown around his manufacturing plant. Deputy marshals appeared at the door of his office with drawn revolvers; possession was taken of the office and the plant. The deputy marshals proceeded to put the private papers of his office into a sack and to take the contents away.

A few days after this seizure by the Government, Mr. Oliver, in going to the courthouse in response to a telephone call to appear there in connection with his arrest, was struck by a motor truck and injured most severely. It was such a severe injury that he has not yet recovered, and at the present time is in a very bad condition.

The United States Government kept possession of this property and this plant for something like 14 months. During this time the contract which he had for the making of shells was completed. There was a total of something like 31,300 shells to be made and completed under the contract. At the time the seizure was made Mr. Oliver was making the shells at a cost to his plant of \$7.36 per shell. After the plant was seized and taken over by the Government and operated by the Government under orders and supervision by Army officers, men in the employment of the Government, the cost of making the shells amounted to \$10.61 per shell. So that as a practical result of taking over this plant and the change in supervision of making the shells the cost of the shells rose from \$7.36 to \$10.61, or \$3.25 more per shell. I am now suggesting the elements of damage to Mr. Oliver and his plant.

Mr. BLANTON. Will the gentleman yield?

Mr. THOMAS of Oklahoma. I will.

Mr. BLANTON. Is it not the fact that the Government took charge of this plant, claiming that it was in possession of evidence of a conspiracy on the part of Mr. Oliver to manufacture defective shells for the Government while it was at war with Germany. Was not that the claim under which the Government took charge of the plant?

Mr. THOMAS of Oklahoma. I will explain that briefly. At that time it was a nonunion plant. A man by the name of Gilmore, termed in the evidence a labor agitator, came to the plant and urged the men to unionize. This was not agreeable

to Mr. Oliver, as the testimony shows. The man who did this worked among the men and at a later date was apprehended, or was about to be apprehended in a neighboring hotel, and committed suicide. The attorney for the labor union in Knoxville appeared before the committee and testified and gave it as his opinion that the trouble to Mr. Oliver was caused by the agitation among his men over the question as to whether they should unionize.

Now, there was something like 26 charges brought against Mr. Oliver in the indictment. When the time came for the trial the case was gone into, and, as said by the gentleman from Tennessee, 23 of these counts were dismissed by order of the court, and the district attorney immediately dismissed the balance of the charges. So Mr. Oliver came forth out of the case with a clear vindication.

As to the reasons why the trouble arose the Congress can decide for itself by reading the testimony before the committee.

Mr. CRISP. Will the gentleman yield?

Mr. THOMAS of Oklahoma. I will.

Mr. CRISP. The gentleman said that one element of damage was the additional cost of the manufacture of these shells. In what way did the additional cost of the manufacture of shells affect Mr. Oliver so as to be an element of damage? Did the Government charge Mr. Oliver with the additional price for the manufacture of the shells?

Mr. THOMAS of Oklahoma. The testimony shows that Mr. Oliver was making them for \$7.36 per shell. If he could have completed his contract, that would have been the cost of producing the shells. As soon as the plant was turned over to the Government the cost rose from \$7.36 to \$10.61 per shell. So the company lost this difference in price of the production of the shells amounting to \$3.25 per shell.

Mr. MOORE of Virginia. What was the total loss?

Mr. THOMAS of Oklahoma. There were 31,300 shells to be completed, and the cost on each shell was increased \$3.25; so that it is a simple arithmetical calculation and amounts to \$101,725.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Oklahoma. Yes.

Mr. LAGUARDIA. Did I understand the gentleman to say in answer to an inquiry that this plant was operated by these agents for 14 months? The plant was taken over on the 4th of October, 1918, and the armistice was declared on the 11th of November, 1918. What was the necessity for the continued manufacture of these shells?

Mr. THOMAS of Oklahoma. The testimony shows that the work was not concluded for something like 14 months, and the plant did not come back to the possession of Mr. Oliver until February, 1920.

Mr. LAGUARDIA. Did they continue to manufacture shells?

Mr. THOMAS of Oklahoma. They still had possession of the property.

Mr. LAGUARDIA. Did they continue to manufacture shells?

Mr. THOMAS of Oklahoma. They completed the contract they had; yes. That is the first element of damage that the committee found due Mr. Oliver. The second element of damage was the loss of the Liberty bonds.

The records show that when the agents of the Government took possession of Mr. Oliver's office Mr. Oliver had in his safe or in his desk \$8,000 of Liberty bonds and war savings stamps. These bonds and stamps were dumped into sacks along with private papers. He testifies that he has never seen the bonds since. The deputy marshals took the bonds and the stamps and they have not been returned to Mr. Oliver and his company suffered that loss, and the evidence shows that that loss is \$8,000.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Oklahoma. Yes.

Mr. JOHNSON of Texas. I did not understand the answer of the gentleman in reply to the inquiry of the gentleman from Georgia, as to whether or not the Government charged against the Oliver Co. the difference in the cost of the manufacture of the shells.

Mr. THOMAS of Oklahoma. Mr. Oliver received the price that he was to receive from the Government. The evidence does not state what he was receiving for making these shells for the Government, but he suffered a loss of this increase in the cost of the making of the shells.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. EDMONDS. Mr. Chairman, I move that the committee do now rise and report such bills as have been acted

upon favorably by the committee with the recommendation that they be passed.

Mr. BOX. Mr. Chairman, before the motion is put, on what status will this leave the pending bill? When will it be considered again?

Mr. LONGWORTH. Mr. Chairman, if the gentleman will permit, it is my intention, after speaking to the minority leader, to ask unanimous consent that these bills be in order to-morrow.

Mr. BOX. There will be members of the committee who will not be able to give that unanimous consent.

The CHAIRMAN. Responding to the parliamentary inquiry of the gentleman from Texas, the Chair thinks, no motion having been made respecting this bill, and the consideration having been interrupted during the general debate, that when the Committee of the Whole House again is in session to consider bills on the Private Calendar, unless a motion is made to the contrary, this bill would be under consideration and would be pending under general debate.

Mr. BOX. Would that apply as to the business of this particular calendar, or to to-morrow?

The CHAIRMAN. The Chair is not talking about the unfinished business of the House. The Chair is talking about the unfinished business of the Committee of the Whole House.

Mr. LONGWORTH. Am I to understand that objection is to be made to continuing consideration of private claims to-morrow?

Mr. GARRETT of Tennessee. Mr. Chairman, if I may have the attention of the gentleman from Texas [Mr. Box], I am in entire sympathy with the great work that the gentleman from Texas has done on the Committee on Claims, but, if I may venture to say this to the gentleman, the probability is that there will be but a few more days on which these private claims can be considered. I believe the gentleman from Texas will agree with me that men are entitled to have these bills considered in fair debate. If there is any effort to take advantage or to railroad claims through, I should join with the gentleman readily in obstructing, but I do think that there should be opportunity to consider the claims. I have no interest in any claim on this calendar. No constituent of mine has any interest in any claim on this calendar. I do think, however, that there ought to be opportunity to consider claims, and I had hoped that gentlemen would permit to-morrow to be taken for the continuation of this work. To-day seems to have been a day of fair consideration. No effort has been made to cut off debate.

Mr. BOX. Mr. Chairman, the gentleman from Texas may be misguided and unwise in his efforts, but he is very much distressed about the character of consideration being given claims like the pending claim. He would like to promote the fair consideration of bills on the Private Calendar. He has been a member of this committee for four years and a Member of the House longer, and never during this time, until there was some such group of claims as we have here, has this calendar during that time been placed in the position that it is given to-day. The gentleman from Texas does not believe that the interests of the Treasury of the United States are promoted by the further consideration of claims on this calendar, such as this, in the manner in which they are being dealt with, and he says that in all respect to all concerned.

Mr. LONGWORTH. Mr. Chairman, if the gentleman will yield, how would the gentleman suggest that these claims should be considered? Would he have them considered in any other way than the manner in which they have been considered to-day, with full freedom of debate?

Mr. BOX. One thing the gentleman suggests is that Members of this House come in here and discuss these claims, not merely those who are mostly interested in the claims.

Mr. LONGWORTH. It seems to me there has been a fair attendance, a much better attendance than in the consideration of most appropriation bills.

Mr. BLANTON. Will the gentleman yield?

Mr. BOX. I have not the floor.

Mr. BLANTON. If the gentleman will yield, I am with him on fighting bad bills; but I think the membership has been accorded a very fair consideration to-day in the matter of debate allowed.

Mr. BOX. The gentleman is not complaining of his personal treatment.

Mr. BLANTON. We might just as well fight out these things to a conclusion. I think the membership has been very careful about these bills to-day. They have adopted several amendments which the gentleman himself has offered in the protection of the rights of the people. I am with him on cutting out

these bad bills, but we just as well come to a showdown some time, I think, and I am willing to go on fighting them out to-morrow.

Mr. LONGWORTH. Mr. Chairman, this is the first day, I believe, in a number of years, three years, where we observed claims day as provided under the rules of the House. To take the attitude that we must have no more days of this sort, consider no further claims in the way the rules of the House provide, where there shall be the utmost freedom of debate, is to say that the Claims Calendar had better be abandoned. So far as I am concerned, I have no possible interest in the passage of any of these claims.

Mr. CRISP. If the gentleman will yield, I desire to say I have been here for 12 years, and I think this is the first time in those 12 years that this calendar has been called under the general rules of the House.

Mr. LONGWORTH. I can not recall in a great many years, considerably more than three, where we have had a day like this.

Mr. BOX. One thing the gentleman from Texas does not understand. Here is the pending bill; I do not wish to prejudice it now, although I have very thoroughly settled views concerning it; but there is an accumulation of such bills on the calendar, and that only when there is such an accumulation of bills, in the good judgment and good conscience of many of the Members of the House, has there been a day given for the consideration of these claims. There are many people who have smaller claims, not so thoroughly organized and so active in their support. These smaller claims have fallen by the way, while these bigger claims of this class have accumulated here, and now the House stops consideration of other business to give them a privileged status and privileged consideration, and that is what the gentleman from Texas—

Mr. LONGWORTH. There is no privileged status at all in reference to this question. The committee is observing the rules of the House, and it seems to me that no gentleman ought to take the position of preventing the majority of this House passing such legislation as it desires.

Mr. BOX. There is a great deal in that suggestion. The gentleman from Texas has not been disposed to be obstructive in his work, and it is possible the conclusion that he has reached is not wise. He is not disposed to be contrary or make trouble for the House, and he therefore withdraws his statement that he will object to the request. [Applause.]

Mr. EDMONDS. Mr. Chairman, I move that the committee do now rise and report the bills laid aside with a favorable recommendation to the House with the recommendation that such bills do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SANDERS of Indiana, Chairman of the Committee of the Whole House, having had under consideration bills from the Committee on Claims, reported that that committee had directed him to report back to the House Senate bill 353 with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass, and the bill H. R. 5803, without amendment, with the recommendation that the bill do pass; and also that the committee had had under consideration the bill (H. R. 3132) for the relief of the William J. Oliver Manufacturing Co. and William J. Oliver, of Knoxville, Tenn., and had come to no resolution thereon.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

A bill (S. 353) for the relief of Reuben R. Hunter.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 5803) for the relief of John A. Bingham.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ORDER OF BUSINESS ON SATURDAY

Mr. LONGWORTH. Mr. Speaker, appreciating the courtesy of the gentleman from Texas [Mr. Box], I ask unanimous consent that bills reported from the Committee on Claims be in order for consideration to-morrow.

The SPEAKER. The gentleman from Ohio asks unanimous consent that bills reported from the Committee on Claims be in order to-morrow. Is there objection?

Mr. BLANTON. Reserving the right to object—and I shall not object—may I ask the majority leader if there are any appropriation bills ready to be taken up?

Mr. LONGWORTH. There is no appropriation bill ready for to-morrow.

The SPEAKER. Is there objection?
There was no objection.

HOUR OF MEETING ON MONDAY—11.30 A. M.

Mr. LONGWORTH. I further ask unanimous consent, Mr. Speaker, that when the House adjourns to-morrow it adjourn to meet at 11.30 Monday morning.

The SPEAKER. The gentleman from Ohio asks unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11.30 a. m. on Monday. Is there objection?

There was no objection.

FOREIGN DEBT-FUNDING COMMISSION

Mr. GREEN. Mr. Speaker, I present a privileged report from the Committee on Ways and Means.

The SPEAKER. The Clerk will report it.
The Clerk read as follows:

Report to accompany the bill (H. R. 9804) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, as amended February 28, 1923.

The SPEAKER. Referred to the Union Calendar.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

ENROLLED BILLS SIGNED

Mr. ROSENBLUM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7052. An act for the relief of Geston P. Hunt; and

H. R. 8687. An act to authorize alterations to certain naval vessels and to provide for the construction of additional vessels.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HARRISON (at the request of Mr. Moore of Virginia), for three days, on account of sickness;

To Mr. WELLER, for two days, on account of important business;

To Mr. DAVEY (at the request of Mr. Crosser), on account of death in his family; and

To Mr. DOYLE, for one week, on account of important business.

FILLING A COMMITTEE VACANCY

Mr. GARNER of Texas. Mr. Speaker, I present a privileged resolution.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a resolution (H. Res. 380) which the Clerk will report.

The Clerk read as follows:

Resolved, That JEFF BUSBY, of Mississippi, be, and he is hereby, elected a member of the standing Committee of the House on the Post Office and Post Roads.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Saturday, December 13, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

725. Under clause 2 of Rule XXIV, a letter from the Secretary of the Interior, transmitting report showing proceeds from the "Sale of surplus and obsolete material and equipment during the fiscal year ending June 30, 1924," was taken from the Speaker's table and referred to the Committee on Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GREEN: Committee on Ways and Means. H. R. 9804. A bill to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, as amended February 28, 1923; without amendment (Rept. No. 1043). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. STEPHENS: Committee on Naval Affairs. H. R. 9846. A bill for the relief of Francis Kelly; without amendment (Rept. No. 1042). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10553) granting a pension to Charles M. Brown; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10613) granting a pension to Florence M. Lane-awaver; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 10679) to amend section 7 of an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911 (36 Stat. 961); to the Committee on Agriculture.

By Mr. LEE of Georgia: A bill (H. R. 10680) to amend section 7 of an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911 (36 Stat. 961); to the Committee on Agriculture.

By Mr. HAWLEY: A bill (H. R. 10681) to amend section 7 of an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911 (36 Stat. 961); to the Committee on Agriculture.

By Mr. EDMONDS: A bill (H. R. 10682) to amend and supplement the merchant marine act, 1920, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. COLE of Iowa: A bill (H. R. 10683) to increase the rates of pension to certain veterans of the Civil War, and to certain widows of such veterans; to the Committee on Invalid Pensions.

By Mr. REED of West Virginia: A bill (H. R. 10684) to provide for the widening of First Street between G Street and Myrtle Street NE., and for other purposes; to the Committee on the District of Columbia.

By Mr. BUTLER: A bill (H. R. 10685) to authorize the Secretary of the Navy to extend the nurses' quarters at the naval hospital, Washington, D. C., and to construct necessary additional buildings at certain naval hospitals; to the Committee on Naval Affairs.

By Mr. REED of West Virginia: A bill (H. R. 10686) to transfer jurisdiction over United States Reservation No. 248 from the Chief of Engineers of the United States Army to the Commissioners of the District of Columbia; to the Committee on the District of Columbia.

By Mr. HADLEY: A bill (H. R. 10687) granting to the county authorities of San Juan County, State of Washington, certain described tracts of land on the abandoned military reservations on Lopez and Shaw Islands as a right of way for county roads, and for other purposes; to the Committee on the Public Lands.

By Mr. SINCLAIR: A bill (H. R. 10688) granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Williams County and McKenzie County, N. Dak.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10689) granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Mountrail County and McKenzie County, N. Dak.; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWES: A bill (H. R. 10690) to regulate the interstate transportation of black bass, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Massachusetts: Joint resolution (H. J. Res. 307) creating a trust fund of \$400,000 for care of overseas graves; to the Committee on World War Veterans' Legislation.

By Mr. FISH: Resolution (H. Res. 379) authorizing the appointment by the Speaker of five Members of the House of Representatives to investigate the National Disabled Soldiers' League (Inc.); to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 10691) granting a pension to Bridget Braunreiter; to the Committee on Invalid Pensions.

By Mr. CLARKE of New York: A bill (H. R. 10692) granting a pension to Margaret B. Tew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10693) granting a pension to Mary L. Daniels; to the Committee on Invalid Pensions.

By Mr. CONNERY: A bill (H. R. 10694) granting a pension to Adam Marker; to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 10695) granting an increase of pension to Cornelia H. Clopton; to the Committee on Pensions.

By Mr. DOYLE: A bill (H. R. 10696) for the relief of Thomas Hannon; to the Committee on Claims.

By Mr. HAUGEN: A bill (H. R. 10697) granting an increase of pension to Elizabeth J. Chambers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10698) granting a pension to Adile Hemmings; to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 10699) granting an increase of pension to Eliza Bannister; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 10700) granting an increase of pension to Lizzie J. Fagin; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 10701) granting an increase of pension to Bell Sadders Kelly; to the Committee on Pensions.

Also, a bill (H. R. 10702) granting an increase of pension to Richard W. Knight; to the Committee on Pensions.

By Mr. MEAD: A bill (H. R. 10703) for the relief of Samuel F. Freiert; to the Committee on Military Affairs.

Also, a bill (H. R. 10704) granting an increase of pension to George Dechend; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 10705) granting a pension to Phedora J. Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10706) granting an increase of pension to Cordelia A. Wilson; to the Committee on Invalid Pensions.

By Mr. MORRIS: A bill (H. R. 10707) conferring jurisdiction upon the Court of Claims of the United States or the district courts of the United States to hear, adjudicate, and enter judgment on the claim of Solomon L. Van Meter, jr., against the United States, etc.; to the Committee on the Judiciary.

By Mr. NELSON of Maine: A bill (H. R. 10708) granting a pension to Thomas C. Jones; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 10709) for the relief of Katie O'Brien; to the Committee on Claims.

By Mr. ROMJUE: A bill (H. R. 10710) granting a pension to George W. Berryman; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 10711) granting an increase of pension to Conrad Nagel; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 10712) for the relief of Roland Baldwin Estep; to the Committee on Naval Affairs.

Also, a bill (H. R. 10713) for the relief of Henry P. Biehl; to the Committee on Naval Affairs.

By Mr. STRONG of Pennsylvania: A bill (H. R. 10714) granting an increase of pension to Margaret M. Altman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10715) granting a pension to Lewis M. Kuhns; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 10716) granting an increase of pension to Lavina I. Roe; to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 10717) granting an increase of pension to James Carey; to the Committee on Pensions.

Also, a bill (H. R. 10718) granting a pension to Nathan L. Smith; to the Committee on Pensions.

By Mr. TINCHER: A bill (H. R. 10719) granting an increase of pension to Maria Sylvester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10720) granting an increase of pension to Catherine Eichhorn; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 10721) granting an increase of pension to Robert R. Friel; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3175. By Mr. CLARKE of New York: Petition of thirty-fourth congressional district, State of New York, not to concur in the passage of Senate bill 3218, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3176. By Mr. EVANS of Iowa: Petition of 44 citizens of Woodburn, Iowa, protesting against the enactment of Senate bill 3218 or any similar legislation into law; to the Committee on the District of Columbia.

3177. By Mr. LEACH: Petition of Army and Navy Union, Boston, Mass., favoring immediate enactment of legislation to increase the pensions of Civil and Spanish War veterans and their widows and children; to the Committee on Pensions.

3178. By Mr. MAJOR of Missouri: Petition of Messrs. R. S. Gibb, E. R. Gibb, W. P. Huston, et al., residents of Howard County, Mo., protesting against the passage of Senate bill 3218, or any other religious legislation which may be pending; to the Committee on the District of Columbia.

3179. By Mr. O'CONNELL of New York: Petition of the Association of the Bar of the City of New York, disapproving the enactment of Senate bill 624 and House bill 3260; to the Committee on the Judiciary.

3180. By Mr. O'CONNELL of Rhode Island: Petition of residents of Pawtucket and vicinity protesting against the passage of compulsory Sunday observance bill (S. 3218); to the Committee on the Judiciary.

3181. By Mr. RAKER: Petition of the Ebell of Los Angeles, Calif., urging support of the international opium conference; to the Committee on Foreign Affairs.

3182. Also, petition signed by D. A. Bayles and eight other employees of the Red Bluff (Calif.) post office, urging favorable action on the postal salary bill; to the Committee on the Post Office and Post Roads.

3183. Also, petition of Chamber of Commerce of the State of New York, urging that passport fees should be reduced; to the Committee on Ways and Means.

3184. Also, petition of National Association of Real Estate Boards, Chicago, Ill., urging scientific enlargement of plan for the city of Washington and the extension of its parks; to the Committee on Public Buildings and Grounds.

3185. Also, petition of California Irrigation Districts Association, urging indorsement and support of the bill (H. R. 2903) for building the Boulder Canyon Dam and All-American Canal; to the Committee on Irrigation and Reclamation.

3186. Also, petition of John F. Mathews, of New Orleans, La., urging the passage of Senate bill 1535 and the House bill 2719, for the relief of persons who served in the United States Military Telegraph Corps during the Civil War; to the Committee on Military Affairs.

3187. Also, petitions of the Chamber of Commerce of the State of New York, urging the defeat of the Howell-Barkley bill (S. 2046 and H. R. 7358); also Milton L. Bond and William E. Rowe and 42 other citizens of Roseville, Calif., urging the passage of the game refuge bill; to the Committee on Interstate and Foreign Commerce.

3188. Also, petitions of Irrigation Districts Association of California, relative to the proposed Roosevelt-Sequoia Park (H. R. 4095), and by Irrigation Districts Association of California, protesting against the Roosevelt-Sequoia Park bill (H. R. 4095); to the Committee on the Public Lands.

3189. Also, petitions of Mrs. G. E. Wilson and 27 others, of Los Molinos, Tehama County, Calif., protesting against the passage of any Sunday observance bill; Mr. John J. Southard and 32 others, of Los Molinos, Tehama County, Calif., protesting against the passage of any Sunday observance bill; and Mr. J. F. Richardson and 37 others, of Los Molinos, Tehama County, Calif., protesting against the passage of any Sunday observance bill; to the Committee on the District of Columbia.

3190. By Mr. SPEAKS: Papers to accompany House bill 10114, granting an increase of pension to Arthur L. Hamilton; to the Committee on Pensions.

3191. Also, papers to accompany House bill 10578, granting an increase of pension to Josephine Miller; to the Committee on Pensions.

3192. By Mr. TAGUE: Petition of mayor of city of Boston, urging that the air mail be extended to the Boston air port at East Boston; to the Committee on the Post Office and Post Roads.

3193. Also, petition of National Industrial Council, urging that Senate Joint Resolution 109 or House Joint Resolution 68 be submitted to the consideration of the people; to the Committee on the Judiciary.

3194. By Mr. WATSON: Petition of the George N. Althouse Post, No. 39, the American Legion, Norristown, Pa., protesting against reduction of appropriation which would handicap the future of the National Guard of the United States; to the Committee on Military Affairs.

SENATE

SATURDAY, December 13, 1924

(Legislative day of Wednesday, December 10, 1924)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, announced that the House had passed a bill (H. R. 5803) for the relief of John A. Bingham, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

- S. 88. An act for the relief of Louis Leavitt; and
- S. 353. An act for the relief of Reuben R. Hunter.

PETITIONS AND MEMORIALS

Mr. WATSON presented memorials (numerously signed) of sundry citizens of Indianapolis, Ind., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. CAPPER presented a memorial of sundry citizens of Collyer, Kans., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. McCORMICK presented two memorials of sundry citizens of Peoria County and Springfield, all in the State of Illinois, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. FESS presented resolutions adopted by the Seventh District Rehabilitation Committee of the American Legion (including the States of Ohio, Indiana, and Kentucky) at Cincinnati, Ohio, favoring the passage of legislation establishing a medical corps in the United States Veterans' Bureau, which was referred to the Committee on Finance.

Mr. WILLIS presented memorials of Warren B. Thomas, of Columbus; of Henry H. Howenstein and Ernest Coffee, of Akron; of W. C. Williamson and William Durham, of Cincinnati; and of A. G. Tame, of Cleveland, all in the State of Ohio, remonstrating against the ratification of the so-called Hay-Quesada treaty proposing to cede the Isle of Pines to Cuba, which were referred to the Committee on Foreign Relations.

He also presented memorials of F. P. Lindsay and 16 other citizens of Columbiana; of H. C. Shively and 16 other citizens of Berlin Center; of A. W. Bundy and 30 other citizens of Wauseon, and of W. Wallace Kay and 68 other citizens of Youngstown, all in the State of Ohio, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

REPORTS OF THE INDIAN AFFAIRS COMMITTEE

Mr. HARRELD, from the Committee on Indian Affairs, to which were referred the following bills and resolution, reported them severally without amendment and submitted reports thereon:

A bill (S. 2375) to facilitate the suppression of the intoxicating liquor traffic among Indians (Rept. No. 805);

A bill (H. R. 26) to compensate the Chippewa Indians of Minnesota for lands disposed of under the provisions of the free homestead act (Rept. No. 806);

A bill (H. R. 6541) to amend an act entitled "An act to provide for the disposal of the unallotted lands on the Omaha Indian Reservation, in the State of Nebraska (Rept. No. 807);

A bill (H. R. 8545) conferring jurisdiction on the Court of Claims to determine and report upon the interest, title, ownership, and right of possession of the Yankton Band of Santee Sioux Indians to the Red Pipestone Quarries, Minnesota (Rept. No. 808); and

A resolution (S. Res. 271) authorizing preparation of compilation of Indian laws and treaties (Rept. No. 809).

ENROLLED BILLS PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on December 12, 1924, that committee presented to the President of the United States the following enrolled bills:

S. 116. An act to amend section 196 of the Code of Law for the District of Columbia;

S. 933. An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia; and

S. 1343. An act to authorize the widening of Fourth Street south of Cedar Street NW. in the District of Columbia, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH:

A bill (S. 3659) granting an increase of pension to William F. Rowland; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 3660) granting a pension to Etta M. Howard;

A bill (S. 3661) granting a pension to Thomas J. Kelly (with accompanying papers); and

A bill (S. 3662) granting an increase of pension to Thomas Coriam; to the Committee on Pensions.

By Mr. KEYES:

A bill (S. 3663) to amend section 7 of an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911 (38 Stat. 961); to the Committee on Commerce.

By Mr. FERNALD:

A bill (S. 3664) granting a pension to Charles R. Fish (with accompanying papers); to the Committee on Pensions.

By Mr. PEPPER:

A bill (S. 3665) for the relief of Commander Charles James Anderson, United States Naval Reserve Force; to the Committee on Naval Affairs.

By Mr. KENDRICK:

A bill (S. 3666) for the exchange of lands in the Custer National Forest, Mont.; to the Committee on Public Lands and Surveys.

By Mr. MOSES:

A bill (S. 3667) granting a pension to Etta H. Sleeper (with accompanying papers); to the Committee on Pensions.

By Mr. RANDELL:

A bill (S. 3688) authorizing the construction of additional hospital facilities for the port of New Orleans, La.; to the Committee on Appropriations.

By Mr. BURSUM:

A bill (S. 3669) granting a pension to Jose Ke-wa-ty, sometimes called Go-y-ty; to the Committee on Pensions.

CHARLESTON HARBOR, S. C.

Mr. SMITH submitted an amendment intended to be proposed by him to the bill (H. R. 8914) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

WATER-FRONT DEVELOPMENT AT NAVAL BASE OF SAN DIEGO

Mr. SHORTRIDGE submitted an amendment intended to be proposed by him to the bill (H. R. 2688) providing for sundry matters affecting the naval service, and for other purposes, which was referred to the Committee on Naval Affairs and ordered to be printed.

PRECEDENTS AND DECISIONS OF THE SENATE

Mr. CURTIS submitted the following resolution (S. Res. 284), which was referred to the Committee on Printing:

Resolved, That the Precedents and Decisions on Points of Order in the United States Senate, revised and indexed to and including the Sixty-eighth Congress, be printed in one volume as a Senate document, and that 1,000 additional copies be printed for the use of the Senate.

HOUSE BILL REFERRED

The bill (H. R. 5803) for the relief of John A. Bingham was read twice by its title and referred to the Committee on Claims.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 7052. An act for the relief of Geston P. Hunt; and

H. R. 8687. An act to authorize alterations to certain naval vessels and to provide for the construction of additional vessels.

RECLASSIFICATION OF POSTAL SALARIES—VETO MESSAGE

Mr. EDGE. Mr. President, I wish to ask the indulgence of those in charge of the pending bill to permit me to make one final effort to secure an agreement on a time to vote on the unfinished business known as the postal employees salary increase bill.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum. If the postal matter is coming up, we ought to have a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll. The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Ladd	Robinson
Ball	Ferris	McCormick	Sheppard
Bayard	Foss	McKellar	Shipstead
Borah	Fletcher	McKinley	Shortridge
Brookhart	Frazier	McLean	Simmons
Broussard	George	McNary	Smith
Bruce	Greene	Mayfield	Smoot
Bursum	Hale	Means	Spencer
Butler	Harrell	Metcalf	Stanfield
Capper	Harris	Moses	Stanley
Caraway	Harrison	Neely	Sterling
Connors	Hedlin	Norris	Swanson
Cummins	Howell	Oddie	Trammell
Curtis	Johnson, Calif.	Overman	Underwood
Dale	Jones, N. Mex.	Pepper	Walsh, Mass.
Dial	Jones, Wash.	Phipps	Walsh, Mont.
Dill	Kendrick	Randell	Watson
Edge	Keyes	Reed, Mo.	Wheeler
Ernst	Kling	Reed, Pa.	Willis

The PRESIDENT pro tempore. Seventy-six Senators have answered to the roll call. There is a quorum present.

Mr. EDGE. As I have announced on several occasions, because of the failure of previous efforts to secure the unanimous consent of the Senate to a day certain to vote upon the postal salary increase bill to which I have referred, I had intended moving at the first opportunity to take it up. However, many Senators on both sides of the Chamber have stated that because of the holidays their engagements would take them out of the city and they would be very much relieved if it were possible to have a day certain fixed upon which it could be known that the bill would be laid before the Senate. So I have prepared another unanimous-consent proposition which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The Senator from New Jersey presents a request for unanimous consent which the Clerk will report.

The reading clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

It is agreed by unanimous consent that at the conclusion of the routine morning business on the calendar day of January 8, 1925, the Senate will proceed to the reconsideration and final disposition of the bill (S. 1898) reclassifying salaries of postmasters and employees of the Postal Service and readjusting their salaries and compensation on an equitable basis, and for other purposes, heretofore returned by the President of the United States without his approval; that no Senator shall speak longer than one hour on the bill, and said bill shall not be laid aside or superseded except by unanimous consent by any other business.

The PRESIDENT pro tempore. The Chair desires to observe that a request for unanimous consent is not debatable, but the Senate has found it necessary to have a reasonable interchange of views upon the subject. The Chair reserves the right, however, to arrest the debate whenever it seems best to the Chair.

Mr. EDGE. I have already stated that the object of the proposal is to permit Senators to arrange their plans in ample time so they can be here when the bill shall be laid before the Senate for final disposition.

The PRESIDENT pro tempore. Is there objection to the request for unanimous consent submitted by the Senator from New Jersey?

Mr. STERLING. Mr. President, a parliamentary inquiry. I observe that the unanimous-consent agreement provides for the final disposition of the bill after it is taken up, and the inquiry is as to whether or not that will preclude a motion to refer the bill, together with the veto message of the President, to the Committee on Post Offices and Post Roads?

The PRESIDENT pro tempore. Does the Senator propound that as a parliamentary inquiry?

Mr. STERLING. Yes.

The PRESIDENT pro tempore. As at present advised the Chair would construe that the unanimous-consent agreement as proposed would preclude a motion to refer.

Mr. BORAH. That is not the understanding of the Senator who offers the unanimous-consent request, and if it is so understood and is to be so construed by the Chair the unanimous-consent agreement will have to be modified.

Mr. STERLING. Yes.

Mr. EDGE. The Chair, of course, is far better informed in the matter of parliamentary decisions and precedents than I am, but my own analysis would be that any motion could be received during the consideration of the bill, and that it would be voted upon, but that the bill must be finally disposed of before other business could take its place.

The PRESIDENT pro tempore. The Chair is of the opinion that a motion to recommit or commit the bill to any committee would not be a final disposition of it.

Mr. STERLING. I shall have to object.

Mr. CURTIS. I suggest that the Senator from New Jersey modify his proposition so as to provide that one motion to recommit may be permitted.

Mr. EDGE. I understand the regular form used in the House of Representatives, and I presume it to be the established precedent here, provides that a motion to commit is always in order. I am entirely willing to add that provision to the proposal, because I had always assumed such a motion to be in order, and so stated in the debate here two or three days ago.

The PRESIDENT pro tempore. Does the Senator from New Jersey modify his request?

Mr. EDGE. Yes; I will modify it.

Mr. DILL. Mr. President—

The PRESIDENT pro tempore. Just a moment, until the request is modified as suggested by the Senator from New Jersey.

Mr. WALSH of Massachusetts. Mr. President, I should like to ask the Senator from New Jersey if he is going to modify his unanimous-consent request, why he puts in the words "shall proceed to a reconsideration." Why is not the only issue a consideration of the President's veto?

Mr. EDGE. I think the words "proceed to a reconsideration" are the usual form.

Mr. WALSH of Massachusetts. We could not reconsider a veto that has not yet been acted on.

Mr. EDGE. We are reconsidering the bill that was vetoed.

Mr. CURTIS. The Constitution provides that the bill shall be reconsidered.

The PRESIDENT pro tempore. The Chair will direct that the qualified form of the unanimous-consent request be read.

Mr. DILL. Before that is done, as I understand the request for unanimous consent, it now proposes to include in it that which is not in accordance with the rules of the Senate, namely, that a motion to refer or recommit the matter to a committee shall be in order. If that were the case, I should have to object.

Mr. STERLING. Is there any rule of the Senate to that effect?

Mr. EDGE. I trust the Senator from Washington will withhold his objection. We have certainly made every possible effort in the interest of this proposed legislation and to bring it to a vote. If a majority of the Senate are favorable to recommitting the bill, it certainly can not be passed over the veto. I can not conceive that the addition of that language can have the slightest effect upon the final disposition of the measure.

Mr. DILL. I want to say to the Senator, if he will yield to me—

Mr. EDGE. I yield.

Mr. DILL. That the motion will be made and the Senate will be called upon to vote on the motion to recommit before we vote on the veto message. If the motion to recommit carries, we shall never vote on the veto message. I shall not consent to have the right to vote on the veto message taken away.

Mr. EDGE. If the Senator from Washington will permit me, the same condition will prevail if we do not have a unanimous-consent agreement. A motion to recommit can be made at any time, and if it shall prevail the bill will go to the committee just the same.

Mr. DILL. But probably we shall get the bill up considerably sooner anyway.

Mr. EDGE. Quite the contrary. I am trying to impress the Senator with the conviction that it is with the assurance that we shall have the veto finally disposed of that I make this proposition. Otherwise, what is the parliamentary situation? I have given this matter much thought. Under a ruling by the President pro tempore we can not get the measure up while the Muscle Shoals legislation is pending, unless it be during the morning hour; and everyone knows that that would not permit us to dispose of the message. In fact we have been recessing from day to day. No one can decide how long it is going to require to dispose of the pending Muscle Shoals bill. Under a resolution which has been agreed to Congress adjourns next Saturday for 10 days. We shall come back on the 29th of December. Then New Year's Day will intervene, and apparently, under the present situation, the best I can do is to make a motion some time after that to proceed to the consideration of the veto message. Then the Senate can do as it pleases with the motion. It can buffet the motion; it can filibuster the motion; it can discuss it for hours. If it wants to delay the matter it is reasonable to assume we would not get a vote on this motion until after the 8th of January. Now, I am trying to have the question definitely settled in the interest of the postal employees' salary measure and in the interest of its orderly disposal. I can not understand how anyone can object to this proposition who is in favor of the proposed legislation.

Mr. STERLING. Mr. President, let me say that a unanimous-consent agreement which would deny the right to make a motion to refer the bill and veto message to the committee would be a denial of a right which has long been exercised both in the other House and in the Senate of the United States in regard to referring to a committee a bill which has been vetoed, together with the veto message. There are innumerable precedents to that effect in the other House, and there are also some in the Senate.

Mr. REED of Missouri and other Senators rose.

The PRESIDENT pro tempore. Let the Secretary read the modified form of the proposed unanimous-consent agreement in order that discussion may properly proceed with reference to it.

The reading clerk read as follows:

It is agreed by unanimous consent that at the conclusion of the routine morning business on the calendar day of January 8, 1923, the Senate will proceed to the reconsideration and final disposition of the bill (S. 1898) reclassifying salaries of postmasters and employees of the Postal Service and readjusting their salaries and compensation on an equitable basis, and for other purposes, heretofore returned by the President of the United States without his approval; that no Senator shall speak longer than one hour on the bill, and said bill shall not be laid aside or superseded except by unanimous consent by any other business. But this shall not preclude the offering of a motion to refer the bill and message to a committee.

The PRESIDENT pro tempore. Is there objection to entering into the unanimous-consent agreement?

Mr. STERLING. I suggest the changing of the wording in the unanimous-consent agreement. Instead of reading "to a

committee," I think it should read "to the Committee on Post Offices and Post Roads," rather than to a committee, which might imply a special or select committee.

Mr. REED of Missouri. Mr. President, I was at first prepared reluctantly to accept the proposition to postpone action on this measure until the 8th of January, 1925. I am not, however, in favor of the suggested agreement as modified, which proposes not definite and final action on the veto message on the 8th of January but reference to a committee.

I think I understand this proposition. The President vetoed the postal employees' salary bill. During all of the months when Congress was not in session, of course the question remained in abeyance. Under the ordinary procedure in the Senate the veto would have been laid before the Senate for action almost immediately after its reception. I mean by "immediately" within a day or two days. We who favor this legislation came here prepared to meet the issue and expecting prompt action, but every effort has been made to prevent prompt action. It may not be apparent upon the face of things, but it does not require much experience in this body to know what is going on. Now, the fact is that those who want to sustain the President desire time. They are fearful of the result if the measure is brought to prompt decision. I do not think anybody with any degree of candor can deny that statement.

The measure is one that has been fully discussed upon the floor of the Senate; it has been a long time pending in Congress; hearings have been had, and there is no occasion for any prolonged debate upon this question. There is now a plain skirmish for time, and we know from past experience what that means.

Mr. EDGE. Mr. President, will the Senator from Missouri yield for a moment?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New Jersey?

Mr. REED of Missouri. I will yield for a question, but I do not care to yield for a break in what I am saying.

Mr. EDGE. I simply wanted to draw the Senator's attention to the fact—with which, perhaps, he is not familiar, for according to my recollection he was not present at the time—that the Senator from New Jersey presented a unanimous-consent proposal a week or 10 days ago to have the vote taken yesterday. So that every effort, so far as the sponsor of the bill is concerned, has been made to reach an early vote.

Mr. REED of Missouri. I am not criticizing the Senator from New Jersey directly or by implication.

Then we were met on yesterday or the day before with a suave proposition that we ought to postpone action upon this measure for 30 days in order that a bill might be drawn, introduced in the House of Representatives, passed there, and passed in the Senate within 30 days, to raise revenue sufficient to meet the expenditures to be incurred under the bill which the President has vetoed. When inquiry was made it was found that that bill had not yet been written and no one knew what its terms would be, but it was suggested that the money necessary would be raised by increasing the postal rates on the newspapers. Of course, that means that the old artifice is to be employed, namely, that when a measure is proposed which increases the expenditures of the Government the tax shall at the same time be levied, so that every person who has to pay the tax shall rally to the defeat of the proposition.

Without charging any bad motives on behalf of anybody, it is perfectly plain to me that some shrewd legislator has concluded that in order to sustain the President's veto it would be well to rally to the support of the President and to the opposition of the measure the newspapers and periodicals of the country, which would come here saying, "You propose to pay additional wages to the postal employees and you propose to make us pay for the raise." So we would have presented here not only the President and the supporters of his veto but we would have that force recruited by a large outside force here present to insist that that veto must be sustained because of the iniquities in the accompanying measure.

The PRESIDENT pro tempore. The Chair is constrained to hold that this question is not debatable.

Mr. REED of Missouri. It is a little late so to hold, Mr. President. Everybody else who wanted to speak has been indulged, and I hope I will be permitted to conclude my remarks.

The PRESIDENT pro tempore. The Chair suggested that he would permit a reasonable interchange of the views of the Senators, according to the practice of the Senate.

Mr. REED of Missouri. But, Mr. President, you are getting nothing now but pure reason.

Mr. MOSES. I ask unanimous consent that the Senator from Missouri may conclude his remarks.

Mr. REED of Missouri. I think my discussion has been reasonable; I do not know.

Mr. BORAH. Of course, it is reasonable, but if the debate is going to continue we want the unanimous-consent request to include all Senators who wish to discuss it.

Mr. REED of Missouri. Certainly.

Now, Mr. President, I have about reached the point that I want to make in regard to this proposition. We were ready to consent to the 8th provided we obtained a vote which would be a final vote on the 8th; but the proposition is now modified so that we may not get a final vote on the 8th at all, but only a reference to a committee. If it is referred to a committee, the committee can hold the measure for an indefinite period, and probably will hold it to such a period as will make it impossible to have action upon the veto at this session of Congress. And so, Mr. President, in the present form, with the amendment made as it is, I object.

The PRESIDENT pro tempore. Objection is made.

Mr. EDGE. Mr. President, will the Senator answer just one question before he takes his seat? Does he think, as a friend of the legislation, that the objection to this unanimous-consent agreement will actually bring a vote on the veto message more quickly than if it is entered into?

Mr. REED of Missouri. Yes. If you will strike out the last clause and let the proposition stand as it did stand for a vote, so that we will know we will get a vote on the 8th, I am agreeable; but if you propose, instead of that, a reference to a committee, with an indefinite postponement of action, we might as well fight it out on the floor and see if we can get action.

Mr. EDGE. As I understand the rules, we can not prevent a motion to refer to a committee. We can not prevent a majority of the Senate, on a motion of that kind, referring it to a committee, if the majority desire to do so; but I can only point out again the practical situation. If we can not defeat a motion to recommit, we never can pass the bill over the veto.

Mr. REED of Missouri. But we may get the matter up before the 8th; and this proposition as it stands now means, or readily might mean, an indefinite postponement. In the meantime, if we do not make this consent, we can fight the proposition out on this floor, and we will see whether we can get a vote or not. We will try to see whether the other business of the Senate does not stop until this is transacted.

Mr. STERLING and Mr. NORRIS addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Dakota.

Mr. STERLING. Mr. President, I desire to reply to some of the implications, anyhow, of the Senator from Missouri in this matter.

Mr. NORRIS. Mr. President, may I ask the Senator from South Dakota a question there?

Mr. STERLING. I yield.

Mr. NORRIS. Will he add to this unanimous-consent agreement, and will the Senator from New Jersey consent that if a motion is made to refer the matter to the committee, said motion shall be voted on without debate?

Mr. STERLING. Mr. President, I could not consent to that.

Mr. SMOOT. Under the rules it is not debatable.

Mr. CURTIS. Mr. President, under the rules the motion is not debatable.

Mr. EDGE. I will say, in answer to the Senator from Nebraska, if the Senator from South Dakota will yield, that I shall be glad to add that; but it seems to me unnecessary, because under the rules, as I understand, a motion to recommit is not debatable.

Mr. STERLING. Mr. President, we have an example, I think, of where a motion to refer a veto message, together with the bill, was debated, and debated at great length, in the Senate of the United States. I do not recall now just the occasion.

The PRESIDENT pro tempore. The Chair is compelled to say that a discussion of that question is not in order at this time.

Mr. STERLING. Mr. President, I understood that I was recognized by the Chair, and I think I have the floor in virtue of that recognition. I was about to reply to some of the statements made by the Senator from Missouri [Mr. REED].

Mr. NEELY. I call for the regular order.

Mr. STERLING. The Senator from Missouri conveys the idea that there is an intent upon the part of some one to delay action upon this legislation. That is not the idea. I expect to receive to-day a bill prepared at the Post Office Department which will increase the rates on various classes of mail matter, and my thought all along has been to make that bill a part of a

new bill for the increase of salaries, leaving the salaries as they are provided in the bill which the President vetoed.

What is the situation now with reference to the receipts of the various branches of the Post Office Service? Second-class mail is nearly \$75,000,000 behind, lacking that much of paying its way.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. STERLING. Yes.

Mr. NORRIS. I should like to call the attention of the Senator to the fact that while, of course, he has a perfect right to discuss that matter, my colleague [Mr. HOWELL] had the floor when the Senate took a recess, debating the pending motion; and it was understood when he yielded the floor that he could resume when the Senate reconvened.

Mr. STERLING. Very well. I shall be through in just a moment. I will say to the Senator from Nebraska.

The PRESIDENT pro tempore. The Chair desires to say again that this question is not debatable. The Chair desires, however, in accordance with the custom of the Senate, to give an opportunity for an interchange of views upon the wisdom of granting or refusing this unanimous-consent agreement; but the Chair does not desire to hear a debate upon extraneous matters.

Mr. NORRIS. Mr. President, will the Senator yield for just a moment? I desire to call the attention of the Chair to the fact that there is a motion pending, and the Senator from South Dakota now legally has the floor, and, of course, he can talk about anything he wants to. I simply desired to call the attention of the Senator to the fact that my colleague [Mr. HOWELL] had the floor, and as a matter of courtesy I think he ought to be permitted to continue.

Mr. STERLING. I conclude with this statement, Mr. President: In view of what I have said and what has been said by other Senators on the floor here, I thought it but reasonable that this bill should be referred to the committee for the purpose of considering the bill that will be presented by the Post Office Department for the increase of rates to ascertain whether we can not combine the two propositions, and bring out a bill that will be satisfactory to the Senate and do justice to the people of the United States. There is no intention of causing any unnecessary delay.

The PRESIDENT pro tempore. Objection has been made. The Chair recognizes the Senator from Nebraska [Mr. HOWELL].

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam plow plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from South Carolina [Mr. SMITH] to the substitute of the Senator from Alabama [Mr. UNDERWOOD], on which the Senator from Nebraska [Mr. HOWELL] is entitled to the floor.

PERSONAL EXPLANATION

Mr. UNDERWOOD. Mr. President, I do not often rise to a question of personal privilege, but I have lying on my desk an editorial that is in one of the morning papers, and probably the editorial was based on an article that purports to come from the Senator from Nebraska, which I am sure does not carry the facts, as I think the Senator will agree if he will refer to the article that attempts to quote him. I should like to make my statement now in regard to this matter of personal privilege as an immediate answer, and then it will give the Senator a chance to reply, if he will kindly yield for that purpose. I know he has the floor, and I can not take it away from him.

Mr. HOWELL. I yield.

Mr. UNDERWOOD. Mr. President, it is not often that I worry myself about any newspaper comment. I have been in Congress nearly 30 years. I have handled tariff legislation that brings comment and criticism, and I think a man in public life should be trained to accept fire coming from the opposition;

and if it is honest, truthful criticism he should accept his part and not complain about it, because I think in fact honest and truthful criticism is most beneficial both to Congress and to the individual Member of Congress. Of course, however, when a propaganda is organized for the evident purpose, through lies, of creating misunderstanding and a misinterpretation to the American people in order to mislead them the man involved not only must rise to defend himself but it is his duty to make very clear what stands behind the libel and the falsehood uttered.

There is in the Washington Herald this morning an editorial that deliberately tries to put me in a position that I never have occupied and do not occupy. Unfortunately, within the year this paper was guilty of a somewhat similar offense. I called on the paper to correct it the next morning, and that was done, and I let it pass; but as this involves a great public question, as well as myself, I would not be doing justice either to myself, to the Senate, or to my constituency if I did not challenge the lie that is editorially uttered in this paper. I ask the Senate to allow me to read it to them at this time.

The heading of the editorial is:

ANOTHER TEAPOT DOME IS THRUST UPON MR. COOLIDGE

President Coolidge is a wise, courageous, and patriotic leader. Once he has gone to the bottom of a subject he is likely to decide rightly about it. Therefore, the country can have confidence that President Coolidge will disregard those advisers who seek his support of the Underwood bill, now in the Senate, authorizing the Secretary of War to "lease" Muscle Shoals for 50 years to the Alabama Power Co.

Let me stop there to interpolate that under the Underwood bill the Secretary of War is authorized to make a lease subject to the approval of the President, and the Secretary of War can not make the lease unless it receives the approval of the President of the United States. Next, let me say again, as I have said before, that the bill I introduced was introduced without any consultation with the Alabama Power Co. or any other power company; that the only talk I have had with an officer of the Alabama Power Co. was after the bill was written and came to the Senate in that form; and he stated to me then that he would not make a bid under the terms of my bill if it became a law, because he said he did not propose to go into the fertilizer business. That man's name is Mr. Thomas Martin, and he is president of the Alabama Power Co.; and yet some Senators on this floor have sought to connect this bill with the Alabama Power Co.

I am always polite to my colleagues; but I want to challenge the statement of any man, on this floor or off of it, who seeks to say that the bill I have introduced has any connection at all with the Alabama Power Co. The statement is false in its conception and in its intention. I know perfectly well, and you know, that for the last three or four years I have been supporting Mr. Ford's offer to take over the shoals. If you know anything, you know that the Alabama Power Co. has been before the committee having this legislation in charge fighting the Ford offer.

The Alabama Power Co. has been collaborating on the other side of the question and suggesting a power bill, not a bill for fertilizers and national defense, and I challenge any man in the Senate to deny that statement.

This editorial challenges the bill as a steal. There are just two parts to the bill. One provides that any lease which may be made must contain a clause that would compel the making of 40,000 tons of nitrogen for national defense and a requisite amount of fertilizer to consume it, and that the contract shall provide for not less than 4 per cent on the cost of the dam. The President of the United States, through his Secretary of War, would have the right and power under this bill, subject to the limitations I have just named, to make any kind of a lease he desired. I ask any man who challenges that statement to do so now.

It will be absolutely in the hands of the President of the United States. The bill says the Secretary of War shall have the power to make the lease, subject to the approval of the President. Of course, the President himself could not conduct the negotiations and make the contracts. He would have to have an agent, and if I struck the provision out providing that the Secretary of War should conduct the negotiations and just said the President, as the Secretary of War is the war officer charged with the national defense and has had under his command the building of this great plant, he, in all human probability, is the man the President would pick to initially make the contract, subject to his approval. So in the end it would have to come back to the President of the United States.

Before I go further in my remarks, let me continue the reading:

President Coolidge can not afford and does not want a Teapot Dome scandal in his administration. He is being offered a greater scandal in this proposal of Senator OSCAR UNDERWOOD.

"Offered a scandal." Mark the lie that lay in the mouth of the editor of this paper when he wrote those words, trying to hitch this matter up with a scandal such as the Teapot Dome scandal, when the only limitation on the power of the President is that requiring him to make the lease with a provision in it for the production of nitrogen for national defense and fertilizer. Otherwise, he can make the lease as he desires. This editor tries to placate the President in his opening words by saying he is "a wise, courageous, and patriotic leader," as he is; and then he says that because I put in the hands of that wise, courageous, and patriotic leader the power to make a lease to dispose of this property that there is a greater scandal than the Teapot Dome.

As a matter of fact, I have no doubt that that editorial was purchased by interests who are trying to gobble this power. I do not know, I have no proof of it, but it bears on its face evidence that the corrupting hand is behind this libel. Listen further:

Who is OSCAR UNDERWOOD? He is an able man, capable of high statesmanship, but since his entrance into Congress his ability and his statesmanship have often been at the service of the railroads and the other great corporations seeking public privileges without paying for them. Just now his talents and ability are working in the interest of the central figure in the Electric Power Trust—the General Electric Co. It owns the Electric Bond & Share Co., which has stock ownership and its own directors in Mr. UNDERWOOD's Alabama Power Co., to which the Senate of the United States is asked to give away the second most valuable property of the Nation, second only to the Panama Canal.

Mr. President, there never was a lie that was more deliberate and manifest than the utterance of this paper. There never has been a time in the 30 years that I have been in the Congress of the United States when I have ever served, directly or indirectly, the great corporations of Alabama or of the United States, and I challenge any man to show that I have. I voted for the Esch-Cummins bill, and I got a great deal of criticism on account of that vote. I was on the general committee which wrote the bill, but I was not on the conference committee. I accepted the conference report, as did the other Members of the Senate who voted for it. Outside of that one vote, I do not recall any time when I could have been said to have voted for any railroad legislation which the railroads wanted. If I have, it was not anything that I was fostering, and it has gone entirely out of my mind. I voted for the Esch-Cummins bill because we had to take the railroads out of the Government's hands and put them back into the owners' hands.

Listen to this editorial further:

But since his entrance into Congress his ability and his statesmanship have often been at the service of the railroads and the other great corporations.

Mr. President, if there is one thing that stands out distinctively in my career, it is the writing of a tariff bill by the committee of which I was chairman, where I had all of the great industrial corporations of America before my committee, and no man has ever charged that I wrote that bill, or that the committee of which I was chairman wrote that bill, in the interest of great corporations. The real truth about it is that when it came to the writing of the bill I put on the free list the items in which either myself or my family was interested and most of the great iron and steel commodities of the Birmingham district; not that I was discriminating against them, but I knew they did not need a tariff. Was that yielding to the demands of great corporation interests, when I was putting the products of my own district and my own State on the free list? Listen to this language:

• • • the central figure in the Electric Power Trust—the General Electric Co. It owns the Electric Bond & Share Co., which has stock ownership and its own directors in Mr. UNDERWOOD's Alabama Power Co., to which the Senate of the United States is asked to give away the second most valuable property of the Nation.

I know, as well as this editor knows, that the General Electric Co., through these other corporations, is the final owner of the Alabama Power Co. That is true. But when he says "Mr. UNDERWOOD's Alabama Power Co.," he is trying to insert by indirection a malicious lie into the brains of the American people. I have no connection whatever with the Alabama Power Co., and never have had, either as a stockholder, an

individual, or an associate—none whatever—and what I am trying to do by this bill is not to create a great power project. I am making a fight here to give the President of the United States power, in accordance with the message which he sent to Congress within this month, to allow this property to be operated to make nitrogen for national defense and fertilizers for the people of America, the farmers of America; and it is because I take that stand that these men who are behind the Power Trust which wants this power are trying to connect me and my bill with that interest—to defeat it by an infamous lie; that is all.

The editorial continues:

The Government of the United States has spent \$135,000,000 at Muscle Shoals, beginning the project in war time. This \$135,000,000 of property constitutes perhaps the most valuable manufacturing property in the world. It includes two entire towns, scores of miles of railroad, two huge steam-power plants, and two great nitrate factories, one of them the largest of its kind in the world. Finally—and this is what the Power Trust is after—Muscle Shoals has the huge Wilson Dam and power house, which converts the rushing river into 100,000 horsepower of electric energy. When the Government has completed the additional dams and storage reservoirs in the Tennessee River it will be providing 500,000 horsepower—a second Niagara.

Incidentally, I wish to say that the committee bill is the one which would develop this great horsepower, not my bill. My bill relates to Dam No. 2, and not to the development of the upper reaches of the Tennessee River. That is provided for in the bill reported by the committee as a substitute for the Ford offer.

I continue reading:

The Power Trust, always wise and always awake, is terrified at the prospect of Senator Norris's bill.

I think if Senators will read the testimony before the committee they will find that the gentlemen who are interested in power were testifying favorably to a power bill and not to the Ford offer, which is a nitrogen and fertilizer proposition; and the Ford provisions are the provisions in the bill I have introduced.

Take the testimony yourselves and find out which side the power men are on. Every line of testimony which they delivered was against Ford, and my bill is the Ford offer, except that it opens the matter to any bidder in the world, and the committee bill, although it refers to the production of fertilizer in an experimental way, is a great power bill. Its purpose is to develop the high powers of the Tennessee River and possibly produce a million horsepower.

Was there ever a more damnable misrepresentation of facts than that which this editorial contains? I will read that again:

The Power Trust, always wise and always awake, is terrified at the prospect of Senator Norris's bill.

I am not reflecting on the Senator from Nebraska and would not do so for the world; but, as I have said many times in the debate and as the Senator himself practically said in his own speech, his bill provides for the development of power. Read it. It would build Dam No. 3, it would build the reservoirs, and it relates to the headwaters of the Tennessee River and, according to his own speech, would result in a great development of power. My bill would not do so. That is not contemplated in it—not that I object to the development of that power properly, but it is not in the legislation I propose. This editorial writer has just reversed the situation. The editorial continues:

If the United States Government is allowed to use its own electricity at Muscle Shoals to demonstrate how cheaply electricity can be sold, it would destroy the richest source of private monopoly profits in the Nation.

My bill provides that unless we can get a lease satisfactory to the President a Government corporation shall operate the plant and sell the power. This editorial writer says the President will be honest about it, and yet I put it into the hands of the President to make the lease, and if he fails to make a fair and honest lease I put it in the hands of a Government corporation to run it in the interests of the American people.

Within a year every section of the country would be proceeding with a similar public-owned hydroelectric development. Or, in anticipation of such development, the private electric light companies would be scaling their rates down to a decent level.

There is a misrepresentation of rates in my State that is attributed to the junior Senator from Nebraska [Mr. HOWELL]. It is entirely wrong, but I have talked with the junior Senator

from Nebraska and he has told me that the newspaper man did not properly quote him and that later on he will correct that statement.

Mr. HOWELL. May I interrupt? I have not read the article.

Mr. UNDERWOOD. It says the horsepower in Alabama is sold for \$60 per horsepower. None of it is ever sold for more than \$25.

Mr. HOWELL. I have not made a statement as to what it has been sold for there, but I will make a clear statement as to what my views are respecting the situation.

Mr. UNDERWOOD. I am not objecting to what the Senator thinks or said, because he does not attribute it to me. He has a right to his own opinion. Clearly this editorial writer in writing the newspaper article got his information wrong or deliberately misrepresented when he said the Alabama Power Co. was selling electricity to the people of Alabama for \$60 per horsepower. I think that is untrue.

Mr. HOWELL. Of course, the Alabama Power Co. is selling electric energy at a higher price than \$60, but the Senator means on an average.

Mr. UNDERWOOD. Yes. It may be it is selling in some particular case a very small or limited quantity at such a rate, but I am talking about the sale for industrial and other purposes.

I will proceed with the editorial:

The interests behind the Underwood bill are perfectly obvious. It would be wrong to give the Muscle Shoals power away to a private power corporation under any conditions. It is a crime to give it away for such a miserable pittance as a 4 per cent rental—not 4 per cent on the entire \$135,000,000 but 4 per cent only on the \$45,000,000 that the Wilson Dam cost.

Mr. President, I have stated that the rental in the bill is low. I have stated that we put it low to try to induce some private citizen like Mr. Ford to make nitrogen for national defense and fertilizer for the farmers, but I also stated that that was the minimum, that the President of the United States—in whom even this editorial writer has confidence, as he says in his article—can make the price and terms of the contract whatever he wants. The minimum price is fixed in my bill and not the maximum price; and if they can find a bidder who will do the work, they can charge him twice or three times or four times the minimum price as fixed in the bill. If there is any purpose in putting this provision in the bill, it is for the purpose of seeing that the power is not given away entirely.

The Power Trust is to be given \$30,000,000 outright in return for doing us the service of blocking an immediate opportunity to operate a magnificent public-owned power plant, eventually big enough to serve the entire South.

Of course, if we developed the power in the upper reaches of the Tennessee, we could probably produce and would produce a million horsepower, I think. That would be a very great horsepower, but it would not serve all the uses of the South. But the gravamen of that sentence is that the Power Trust is behind this bill of mine to make nitrogen for the farmers.

Mr. REED of Missouri. And is going to get it.

Mr. UNDERWOOD. Yes, and is going to get it; that the Power Trust is going to get it when every effort of the Power Trust has been in the direction of power, and not in the direction of making nitrogen. It is perfectly evident that the men who are interested in power realize that the bent of the United States Senate is to accept the recommendation of the President of the United States and use the power primarily for the purpose of national defense in the form of 40,000 tons of nitrogen and to serve the farmers of America, and now when they fear they can not command sufficient votes to defeat my bill which they do not want, they are trying to libel me and make the American people believe that my bill is in the interest of power and not in the interest of fertilizer for the farmers. It is simply an infamous misrepresentation by a lobby that stands without doors of the Senate Chamber at this hour. I know they are there and Senators know they are there, and we know their purpose.

Muscle Shoals is purely a power proposition.

Listen to this. Here is the confession of this editor, Mr. President. In the next sentence is where this editor pleads guilty of the charge that I have made against him. After condemning my bill and condemning me as being an instrument of the General Electric Co., when I have never had a dealing or connection with anybody that ever belonged to the General Electric Co. whatever and no consultation whatever

in regard to the terms of the bill or what I have said or what I have advocated, yet he puts me in partnership with them because I am trying to make nitrogen for defense and fertilizer for the farmer. After all that, listen to where he pleads guilty to the influences of the Power Trust himself. I do not know whether those influences were gold, dinners, or personal friendship, but here is the plea of guilt:

Muscle Shoals is purely a power proposition.

Mark you, my bill is not purely a power proposition. My bill is a national defense and fertilizer proposition, with merely the right to sell the surplus power, and this editorial writer is condemning my bill as being in partnership with the Power Trust. Yet listen now to his plea of guilt:

Muscle Shoals is purely a power proposition. All talk of making cheap fertilizer for the farmers there is pure buncombe and the Underwood bill advocates know it.

He comes down to his confession when he says this:

Muscle Shoals is purely a power proposition. All talk of making cheap fertilizer for the farmers is pure buncombe and the Underwood bill advocates know it.

I do not know it. I know that every other great civilized nation in the world is making nitrogen for national defense and selling that nitrogen to the manufacturers of fertilizers for the farmers in times of peace. We have Germany, France, England, and Japan that are all doing the same thing and doing it successfully.

This editor says that our efforts to do anything for the farmers of America at this time are "pure buncombe," and that we know it. Well, Mr. President, I do not know it. The efforts I have made in that direction are earnest and honest and I hope they will be successful. But I do know that when this paper published that article and said that the Muscle Shoals development is a pure power proposition, it admitted that it had accepted a brief from the power companies of America to try to kill my bill. That is all there is to it. They want to wipe out fertilizer, they want to wipe out national defense, and then allow some power company that is probably within their trust to absorb all the power of the Tennessee River.

The editorial goes on to say:

Secretary Weeks, said to be desirous of retiring on March 4, will be the man to give away Muscle Shoals, if it is given away. Secretary Fall, a member of President Harding's Cabinet, thus alienated the Navy's oil reserves, incomparably less valuable than 50 years' ownership of half a million electric horsepower.

President Coolidge is too wise to want another Teapot Dome in the Cabinet at Washington.

This snake that crawls through an editorial column bearing misrepresentation and slime is too cowardly to attack the President of the United States, and seeks by innuendo and charge to attack other people who are only carrying out exactly what the President of the United States has recommended. Listen to this from the message of the President of the United States delivered to the Congress during this month:

Several offers have been made for the purchase of this property. Probably none of them represent final terms. Much costly experimentation is necessary to produce commercial nitrogen. For that reason it is a field better suited—

Listen to this—

For that reason it is a field better suited to private enterprise than to Government operation.

That is exactly what my bill does and exactly what the Norris bill does not do. The President continued:

I should favor a sale of this property, or long-time lease, under rigid guarantees of commercial nitrogen production at reasonable prices for agricultural use.

The bill I introduced gives that power to the President of the United States, and yet when my bill attempts to carry out identically the terms that the President names in his message this editorial writer says:

President Coolidge is too wise to want another Teapot Dome in the Cabinet in Washington.

In other words, it is the first attack on this Republican administration since it was elected because all the power of the bill rests solely in the hands of the President of the United States.

It is in conformity with the message and desires of the President of the United States. To say that it is going to create a Teapot Dome scandal is identical with saying that if the

matter shall go to the President we can not trust him, but that he will betray the confidence which the American people reposed in him when he was elected President of the United States last November.

The President even goes further than I do. I limit the lease to a term of 50 years, when the property shall come back to the Government, but the President states that it might be well to sell the property or to make a long-time lease.

Mr. President, if it were only myself, I think my character is sufficiently established among the American people to rise above the mud heaps of scandal and dirt that can be thrown at one in a newspaper whose own character is very questionable; but this goes to a great piece of legislation. Here is a charge made that legislation of a corrupt nature is sought to be passed through the Congress. I do not think the statement ought to go without challenge.

I know that there are lobbies here who are trying to get the power which may be developed at Muscle Shoals. When I say "lobbies" I mean gentlemen who represent power interests. I do not charge them with corruption or misconduct; they may have a perfect right to try to have enacted legislation that suits them so long as it is done honestly, and I do not charge them with any dishonest purpose, but that they are here trying to shape this legislation in favor of power development and utilization and not for the production of fertilizer no man who knows anything about the situation can doubt.

I think that that editorial challenging the character and integrity of one of the Members of the Senate is entitled to the consideration of the Senate of the United States, and, although I can not make the motion at this time, Mr. President, I ask unanimous consent that the charges made in that editorial may be referred by the Senate to the Judiciary Committee of the Senate, for them to report concerning the facts involved, to call this editor before them to ascertain the truth or falsity of this editorial and who is responsible for it, and the truth or falsity of the charges against me, and as to whether any man in all this broad land can be found to substantiate a single one of the charges that have been uttered in this newspaper, and, further, that the committee shall report a resolution, if necessary, authorizing them to summon witnesses and giving them the necessary power to act. I make that unanimous-consent request and ask that it may be agreed to.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The Senate has heard the request of the Senator from Alabama. Is there objection? The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. I thank the Senate.

MEMORIAL SERVICES FOR THE LATE WOODROW WILSON

Mr. CURTIS. Mr. President, in order to carry out the purposes of the concurrent resolution providing for services in the Hall of the House of Representatives on Monday next in memory of Woodrow Wilson, late President of the United States, I ask unanimous consent that when the Senate shall conclude its business to-day it take a recess until 11.50 o'clock on Monday morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT OF NATIONAL PROHIBITION ACT

Mr. STERLING. Mr. President, I desire to call attention to calendar No. 846, being the bill (H. R. 6645) to amend the national prohibition act, to provide for a bureau of prohibition in the Treasury Department, and define its powers and duties. It is known as the Cramton bill. The bill was reported to the Senate, after a poll of the committee, at the last session on the 6th day of June, the day before final adjournment. I subsequently sent to about 75 Members of the Senate, including all the members of the Judiciary Committee, all available copies of the House hearings on the bill which I had. But, notwithstanding that, there is a disposition on the part of some of the Members to think that the bill ought to be considered in the committee, and I think probably that a point of order could be made against the bill if its consideration were moved, namely, that it had not been considered in committee. I therefore ask unanimous consent that the bill may be recommitted to the Committee on the Judiciary.

Mr. ROBINSON. Mr. President, may I ask the Senator a question?

Mr. STERLING. Certainly.

Mr. ROBINSON. Is it intended to give the parties who may be opposed to the bill an opportunity of hearing?

Mr. STERLING. It is so intended.

Mr. ROBINSON. I have no objection to the request.

Mr. FLETCHER. Mr. President, will the Senator state again what the bill is.

Mr. STERLING. It is known as the Cramton bill, being House bill 6645.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and the bill is recommitted to the Committee on the Judiciary.

INDEMNITY ON ACCOUNT OF DEATH OF A BRITISH SUBJECT
(S. DOC. NO. 172)

The PRESIDING OFFICER (Mr. JONES of Washington in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to the claim presented by the British Government for indemnity on account of the death of Daniel Shaw Williamson, a British subject, at East St. Louis, Ill., on July 1, 1921. I recommend that Congress authorize an appropriation and that an appropriation be made to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, December 13, 1924.

REPORT OF THE GOVERNOR GENERAL OF THE PHILIPPINES

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 21 of the act of Congress approved August 29, 1916 (39 Stat. 545), entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith, for the information of the Congress, the report of the Governor General of the Philippine Islands, including the reports of the heads of the departments of the Philippine Government, for the fiscal year ended December 31, 1923.

I concur in the recommendation of the Secretary of War that this report be printed as a congressional document.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 13, 1924.

REPORT OF THE PERRY'S VICTORY MEMORIAL COMMISSION

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the Library:

To the Congress of the United States:

I transmit herewith the fifth annual report of the Perry's Victory Memorial Commission, dated December 1, 1924, which was submitted to the Secretary of the Interior, pursuant to section 5 of the act entitled "An act creating a commission for the maintenance, control, care, etc., of the Perry's Victory Memorial on Put in Bay Island, Lake Erie, Ohio, and for other purposes," approved March 3, 1919 (40 Stat. 1322-1324).

CALVIN COOLIDGE.

THE WHITE HOUSE, December 13, 1924.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17, on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER. The Senator from Nebraska is entitled to the floor. Does he yield to the Senator from Iowa?

Mr. HOWELL. I yield.

Mr. BROOKHART. Mr. President, the Senator from Nebraska has consented to yield to me a few moments while I put into the Record certain information in reference to the nitrate situation in Germany at this time from the supplement to Commerce Reports, dated September 29, 1924, being Trade Information Bulletin No. 207. That bulletin states:

As a result of the expansion of the air-nitrogen industry Germany found herself at the end of the war with a fixed-nitrogen producing capacity greater than her total consumption of fixed nitrogen for all purposes in 1913. Under normal conditions Chilean nitrate would have regained a part of its pre-war market in Germany, for a time at least, because of the specific demand for nitrate. In order to protect the industry, however, the German Government excluded Chilean nitrate entirely. Later, under pressure of agricultural demands and probably upon urgent requests of the Chilean nitrate interests, the ban was lifted to allow entry of a limited amount of nitrate. Meanwhile the financial crisis in Germany had come on and only a part of the allowed importation was actually accomplished. During the past few years a relatively small tonnage of Chilean nitrate has found a market in Germany, and it appears certain that even with complete stabilization of financial conditions in Germany, Chilean nitrate will never again find a large market in that country.

Mr. President, from that it appears that in spite of all the industrial development during the war it was necessary to put an absolute embargo on Chilean nitrates and to exclude them from Germany.

I now ask to have inserted in the Record a table in the same document showing the fixed nitrogen production in Germany in metric tons for the years 1912-13, 1915-16, 1916-17, and 1917-18, appearing on page 6 of the report. The table shows that the production increased from 122,000 tons in 1913 to 271,000 in 1918. The present capacity of the industry as developed during the war is 400,800 tons.

The PRESIDING OFFICER. In the absence of objection, the table will be printed in the Record.

The table referred to is as follows:

The actual production of fixed nitrogen in Germany during the war years is shown in the following table:

Fixed-nitrogen production in Germany

[In metric tons. Years ending April 30. Data from Die Stickstoffversorgung der Welt, Walter Eucken, 1921]

Produced from—	1912-13	1915-16	1916-17	1917-18
Coke and gas works.....	110,000	90,000	100,000	100,000
Cyanamide process.....	5,000	20,000	58,000	66,000
Direct synthetic ammonia.....	7,000	24,000	64,000	105,000
Total fixed nitrogen.....	122,000	134,000	222,000	271,000

Mr. BROOKHART. I also ask unanimous consent to have inserted in the Record a table appearing on page 7 of this report giving the details of the production capacity of the air-nitrogen industry of Germany.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

The table referred to is as follows:

The approximate production capacity of the air-nitrogen industry in Germany at present is given in the following statement:

By direct synthetic ammonia process:	Metric tons
Badische Anilin- und Sodafabrik, Oppau.....	100,000
Ammoniakwerke Merseburg, Merseburg.....	200,000
By cyanamide process:	
Mitteldeutsche Stickstoffwerke, Pleieritz.....	30,000
A. G. für Stickstoffdünger, Knapsack.....	12,000
Bayerische Stickstoffwerke, Trostberg (Margaretenberg).....	30,000
Lonzawerke, Waldshut.....	12,000
By arc process:	
Elektro-Nitrum A. G., Rhine.....	4,000
Elektrosalpeterwerke, Muldenstein.....	2,000
By coke and gas works: Combined capacity.....	100,000
Total fixed nitrogen.....	490,000

Mr. BROOKHART. I also ask unanimous consent to insert in the Record the table appearing on page 8, entitled "The production of fixed nitrogen in Germany."

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:

Production of fixed nitrogen in Germany

[In metric tons. Data from report of M. Tillier to the "Service of restitution and reparation in kind," from *Industrie und Handelszeitung* and other technical journals]

Produced from—	1913	1920-21	1921-22	1922-23
Coal-gas and coke works.....	110,000	70,000	90,000	75,000
Cyanamide plants.....	5,000	50,000	47,000	35,000
Synthetic ammonia plants.....	7,000	110,000	170,000	210,000
Total fixed nitrogen.....	122,000	230,000	307,000	320,000

Mr. BROOKHART. I also ask unanimous consent to have incorporated in the RECORD a table showing "The consumption of fixed nitrogen in agriculture in Germany from 1914 to 1922," appearing on page 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:

CONSUMPTION OF FIXED NITROGEN IN GERMAN AGRICULTURE

German agriculture has long been intensive and the nitrogen consumption high. The following data on the consumption of fixed nitrogen by agriculture are quoted from Tillier's report to the "Service of restitution and reparation in kind (years ending April 30)":

	Metric tons
1914.....	210,000
1915.....	98,000
1916.....	73,000
1917.....	80,000
1918.....	92,000
1919.....	115,000
1920.....	159,000
1921.....	215,000
1922.....	295,000

These tonnages presumably do not include any of the nitrogen used by industry.

Mr. HOWELL. Mr. President, in opening I wish to say, in connection with whatever remarks I may make at this time, that I have the greatest respect for the senior Senator from Alabama [Mr. UNDERWOOD], and while I may not agree with him in his view of such a question as we now have before us, I do not question his motives. Moreover, I wish it understood that anything I may say with reference to the Alabama Power Co. will not be said with an idea of casting any reflection upon the senior Senator from Alabama or of suggesting that he is in any way connected with or influenced by that corporation.

Mr. President, there is no lack of production of fixed nitrogen in the United States to-day. In 1923 there were produced some 600,000 tons of ammonium sulphate, and of that amount there were exported 172,000 short tons, which brought an average of about \$50 per ton. This means that fixed nitrogen in that form was produced in this country last year in excess of 34,000 tons, at a market price—not at a cost—of about 12 cents a pound.

In the substitute offered by the Senator from Alabama it is proposed to make it obligatory upon a lessee of the property at Muscle Shoals to produce 40,000 tons of fixed nitrogen.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. HOWELL. Certainly.

Mr. FLETCHER. May I interrupt the Senator to inquire, if the Senator's preliminary statements are correct about the production of nitrogen in this country, what is the occasion for the large importations of Chilean nitrates into this country?

Mr. HOWELL. For use in the production of fertilizer. It has some advantages for particular kinds of fertilizer. The statistics I have given are in accord with the facts.

It is proposed, under the substitute of the senior Senator from Alabama, that the lessee of this property must produce at least 40,000 tons of fixed nitrogen. That means 80,000,000 pounds, which at 12 cents a pound equals \$9,600,000.

Yesterday, it will be remembered, in response to a question put to the Senator from Alabama [Mr. UNDERWOOD], he stated that the evidence showed that fixed nitrogen might be produced at Muscle Shoals for 5 or 6 cents a pound less than the price I have stated.

Mr. UNDERWOOD. Oh, no, Mr. President.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. HOWELL. I do.

Mr. UNDERWOOD. If the Senator will yield, I read the testimony of certain chemists. I have their testimony here in

my desk, or it is in the RECORD. In that testimony they stated that it could be produced for 5 or 6 cents—not 5 or 6 cents less, but for 5 or 6 cents. I am not a chemist. I do not know whether they are right or wrong; but some of them were eminent chemists, and that was their statement. I read it to the Senate, and it is in the RECORD.

Mr. HOWELL. Assume that they can produce fixed nitrogen for 6 cents a pound. I have pointed out that the cost of fixed nitrogen in the form of ammonium sulphate is about 12 cents a pound. That would be about 6 cents a pound more than the cost as suggested through manufacture at Muscle Shoals. Six cents a pound upon 80,000,000 pounds means \$4,800,000, a sum that might be saved to the farm operators of this country, provided the lessee of this property produced 40,000 tons, and not more.

It is also provided in the substitute offered by the Senator from Alabama that the lessee shall be entitled to 8 per cent return upon the cost of production of this fixed nitrogen. If the cost of production is 6 cents a pound, 80,000,000 pounds will cost \$4,800,000. Apply your 8 per cent and you will find, as all profit and royalties must be deducted from the saving sought for the farmer, that the net saving to farm operators because of this proposal for the production of nitrogen at the Muscle Shoals plants for fertilizer will be not far from \$4,000,000 a year as a minimum, or an average of about 60 cents per year to each of the 6,500,000 farm operators in the United States. In short, this is what we are considering here to-day, and have been for the past week.

It may be urged that the lessee of this plant will make more than 40,000 tons of fixed nitrogen. As it has been made clear that the reason we are asked to give the Muscle Shoals plant to a lessee on such favorable terms is to grant him a bonus for making fixed nitrogen, and as the money or profit will lie in the sale of power, we can properly expect that he will make not more than the minimum fixed nitrogen required under his contract. Therefore I feel that under the circumstances I am justified in insisting that the average saving possible under this bill through the leasing of Muscle Shoals will not exceed 60 cents per annum to each of the 6,500,000 farm operators in this country.

We, it is apparent, are thinking only of fertilizer.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. HOWELL. I do.

Mr. SIMMONS. I am very much interested in the statements the Senator from Nebraska is making. As I understand the Senator, his argument is that the farmers of this country would get only 60 cents per capita reduction. Am I right about that?

Mr. HOWELL. Upon the basis of the premises that I have laid down.

Mr. SIMMONS. If, therefore, these operations at Muscle Shoals shall eventuate in a reduction of the price of the fertilizer produced at that plant by reason of the fact that it is demonstrated that it can be made at probably half the price of Chilean nitrogen, does not the Senator think that the nitrogen we have to buy from abroad for the use of the farmers would be likewise reduced in price, and that the farmer would not only get the benefit of the reduction upon that part of his fertilizer which he buys from the Muscle Shoals company, but he would get likewise the benefit of the reduction which would be enforced as a result of the cheaper fertilizer produced in this country upon the fertilizer which he buys other than from the Muscle Shoals company? Do I make myself clear?

Mr. HOWELL. The Senator does.

Mr. SIMMONS. In other words, Mr. President, if this fraction of our requirements of fertilizer is produced so much cheaper than we are now paying for the fertilizer which we import into this country, does the Senator think that the effect of that reduction in the price of a part of the farmer's fertilizer would force a reduction in the price of the balance of his requirements?

Mr. HOWELL. Mr. President, there is now used in this country about 200,000 tons of fixed nitrogen per annum for fertilizer purposes. If it were all reduced to 6 cents it would amount to a saving of but approximately \$3 annually for each farm operator in this country; but I have no confidence that any such result would be achieved, because the interests producing and selling nitrogen are organized for the insurance of profit, and all of the saving rendered possible under such circumstances would not go to the farmer; but, understand, if all of it were reduced to 6 cents it would only amount to about \$3 per annum for each farm operator in this country.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska further yield to the Senator from North Carolina?

Mr. HOWELL. I do.

Mr. SIMMONS. If the reduction extends to the entire amount of pure nitrogen used by the farmers of this country, they will get their nitrogen—which is the most essential of all fertilizers—at practically one-half of what they are paying for it now. The argument of the Senator is that the present expenditure of the farmer for nitrogen is not very large, but however large it is, it is an important fertilizer; and if, as the result of the establishment of this manufacturing operation at Muscle Shoals, the farmer can get that fertilizer at one-half what he is paying for it now, we will have accomplished our purpose.

We are seeking here to reduce the price of nitrogen to the farmer—not all fertilizer, but this essential element in fertilizer—and if we reduce it one-half, whether that one-half be 60 cents or \$2, we will have accomplished our object.

Mr. NORRIS. Mr. President, may I interrupt my colleague there?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to his colleague?

Mr. HOWELL. I do.

Mr. NORRIS. I want to ask my colleague if, in finding out whether the farmer is going to be benefited by a reduction that might take place, it is not necessary for us to consider this fact: We always have a deficit of fertilizer. With all this addition we would still have a deficit; and therefore the people who had it could put it on the market and sell it as long as the market could absorb it—and it would, and more than they could produce here—at the same price that all the other fertilizer sells for, and therefore the farmer would not get any benefit. It would all go to the lessee.

Mr. HOWELL. Mr. President, I think it is rather a violent assumption that through the production by a lessee of 40,000 tons of fixed nitrogen we are to have a reduction of 50 per cent in the price of all the nitrogen that is sold in this country. That is the theoretical result, and we know that the promise of theory goes far beyond practical results which are usually obtained. But let us consider what we are going to pay for this saving.

Mr. SIMMONS. Mr. President, suppose, as a result of this experiment into which we are now asking the Government to go, it should be demonstrated that we can make nitrates in this country at one-half the price we are paying for Chilean nitrates; does not the Senator believe that American capital would be induced to go into the manufacture of nitrates, and supply the balance of the demand, instead of forcing the farmers of this country to pay double the price? Has not that result always followed, when it is demonstrated that we can manufacture here in the United States a product at a lower cost than it can be manufactured abroad, and there is a demand for that product? Does not the Senator know that American ingenuity and initiative and spirit in this country have always risen to the requirements of the occasion and have supplied the American markets?

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to his colleague?

Mr. HOWELL. I yield.

Mr. NORRIS. I only interrupt because the Senator from North Carolina has referred to me and my question. I only wanted to say that the provisions of the so-called Underwood substitute provide practically nothing, as I look at it, in the way of authorization for experimentation, or anything of that kind. If the Senator wants to get American ingenuity behind the production of fertilizer, to cheapen it and improve it, he will have to support the committee bill, because that provides for extensive and elaborate experimentation and investigation.

Mr. SIMMONS. All of my inquiries are predicated upon the suggestion of the Senator from Nebraska that possibly fertilizer might be produced in this country for 5 cents a pound; but the farmer would get no particular benefit. I am assuming it can be produced at that price. I am assuming that the result of these operations at Muscle Shoals will be that it will be shown that it can be produced at that price, and I am arguing that if that be true that will either bring down the price of the foreign article to the level of the price at which it can be made in this country, or American capital will go into the business and supply the demand, thereby making it unnecessary for us to make these importations from abroad at these high prices.

Mr. HOWELL. Mr. President, if the Senator believes that the United States Government should go ahead with research work and develop a method for making nitrogen at half the

present cost, I agree with him; but what I object to is the turning over of this great plant to a lessee whose primary purpose will be profit and to make that profit out of the power; and that fertilizer shall be merely a secondary matter in the transaction.

Mr. SIMMONS. Mr. President, will the Senator yield to me again?

Mr. HOWELL. I yield.

Mr. SIMMONS. I am assuming that if the Government retains this plant and goes into this business itself it will demonstrate the possibility of making fertilizer at this lower price. I also assume that if it shall be leased and placed in the hands of private capital that private capital will demonstrate the same thing. I assume that if the Government retains it the Government will inaugurate research work and get the benefit of whatever may be discovered.

I am assuming that if private individuals shall take charge of this plant, with the obligation of making 40,000 tons annually for 50 years, the burden placed upon them will stimulate them, just as it would stimulate the Government, to inaugurate research work, with the view of ascertaining if they can not cheapen the manufacture of the product.

Mr. NORRIS. Mr. President—

Mr. HOWELL. I yield.

Mr. NORRIS. I only interrupt my colleague because of the assumption in the question of the Senator from North Carolina, which is a natural one. I think he said that no matter who did this, it would be to their interest to make it cheaper.

Mr. SIMMONS. To inaugurate research work.

Mr. NORRIS. I agree with that proposition. If the Government does it, however, as would happen under the committee bill, when they did discover an improvement, when they did reduce the cost of the fertilizer ingredients, the public generally would get the benefit of it. The private party who would make a bid under present conditions as a business proposition—and I am not criticizing him at all, for it would be just as a business proposition—if he could not make the fertilizer except at a loss, which I think is the fact, he would have to recoup himself out of what he made out of the power, and he would bid with the idea of losing some on the fertilizer he made and making up the loss on the profits from the power and enough other profits so that out of the whole deal he could make a profit.

Suppose he assumed that, and got the property; it would be to his interest to make the fertilizer just as cheaply as possible. Every time he reduced the cost of the manufacture of fertilizer ingredients he would be saving himself some money. But he would patent every discovery. That would be the first thing he would do, and of course the Government would not do that. Nobody else could use his process, and since after he has used the plant to its full capacity there would still be a deficiency in fertilizer, he would sell it at the same old price, the farmer getting no benefit, but he getting the benefit. That would be the natural result of that kind of a proceeding, even if he did reduce it.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield further to the Senator from North Carolina?

Mr. HOWELL. I yield.

Mr. SIMMONS. The Senator is simply assuming that the great business concerns of the country do not consider the interests of their customers at all.

Mr. NORRIS. They consider themselves first.

Mr. SIMMONS. That their prices are not regulated by costs nor by the law of supply and demand.

Mr. NORRIS. Yes; I am considering that they are.

Mr. SIMMONS. I will say to the Senator that, so far as that is concerned, I am afraid there is a great deal of truth in the statement which the Senator makes. It was not through the attitude of exploitation which prevails in this country to a very alarming extent that I was addressing myself. I was simply accepting the statements of the Senator from Nebraska as to cost, and then I was assuming that the consumer would get at least some benefit from a reduction in the cost.

Mr. HOWELL. Mr. President, I have set out to demonstrate that the Muscle Shoals plants, under a lessee required to make but 40,000 tons of fixed nitrogen, would, at the maximum, on the basis of 40,000 tons of fixed nitrogen, with an assumption of a saving of one-half, as I have outlined heretofore, benefit the average farm operator in this country only to the extent of 60 cents a year.

I acknowledge that it is important to make any saving that is possible, but the question is, when we are proposing a saving, as to what that saving would cost. We are thinking about

fertilizer; the prospective lessees of this property are thinking about profit. They know that under present conditions, and under the terms of this substitute, profits from the manufacture of fixed nitrogen are very questionable. They know the situation; they are experts; and they do know that as a power proposition the possibilities of Muscle Shoals, under the conditions which exist in Alabama, Georgia, Tennessee, and Mississippi, are tremendous. Therefore, I propose now to show what this saving would cost the country if accomplished through leasing Muscle Shoals, as proposed.

In order that we may prevail upon some one to take over this property and produce 40,000 tons of fixed nitrogen a year, and assure the saving of about 60 cents, on an average, to the 6,500,000 farm operators of this country, it is to be provided that the lessee shall receive nitrate plant No. 1 at Muscle Shoals, which, exclusive of the power plant, has cost the United States Government \$10,000,000. For this property the lessee is to pay not one dollar of interest in return thereon.

Mr. UNDERWOOD. Mr. President, will the Senator allow me to interrupt him just there?

Mr. HOWELL. Certainly.

Mr. UNDERWOOD. At the minimum price at which the plant can be leased, the substitute does not say that any return shall be made, but the President in making the contract may charge any reasonable amount he thinks he can get a lessee to pay.

Mr. HOWELL. Mr. President, if there is a determination to lease this property on the part not only of Congress, but on the part of the administration, which I fear exists, and we announce to the public and to prospective bidders, as is proposed, that the President is authorized to accept 4 per cent, does the Senator think they will pay more than 4 per cent? It reminds me of the story of General Grant as a boy, who was told by his father to sell a horse to his neighbor, to get \$50 for it if he could, but to take \$25 if he could not get more. Grant rode over and told the neighbor what his father had said, and of course got \$25 for the horse.

Mr. UNDERWOOD. Mr. President, I do not like to interrupt the Senator's speech, but I want the matter made clear. If the President does not get a bid which he thinks is fair and just, he does not have to lease to anybody. He has a Government corporation organized, to which he can turn the project over on the 1st day of September, and I assume that the President of the United States is not going to make a lease that will be disadvantageous to the Government of the United States.

Mr. HOWELL. If the President becomes familiar with this debate, and this leasing provision shall be passed by Congress, he will understand that Congress is determined that this plant shall be leased at 4 per cent, if he can not get more than 4 per cent on the property, as stipulated in the bill. It is a matter of experience, too, that when bidders know the minimum that will be accepted—and that is what they are always trying to find out—that is what they will bid; and especially is that true in connection with public affairs. Therefore, I think I am justified in assuming that this property would be leased for 4 per cent, but, understand, not including \$10,000,000 on account of this nitrate plant No. 1. No interest whatever is to be paid on that.

Again, Mr. President, we will turn over to the lessee a model town that has been developed in connection with nitrate plant No. 1 that has cost \$1,800,000, but under the substitute of the Senator from Alabama not one dollar will be paid in interest upon this investment. The lessee will get this property free of charge.

Nitrate plant No. 2 will be turned over to the lessee free of charge also, and that plant, exclusive of the steam plant, has cost \$56,000,000.

Again, Mr. President, there is a 5,000 horsepower modern steam electric plant at nitrate plant No. 1 which is to be turned over to the lessee. The lessee is to have it free of charge. That modern plant, in splendid condition, is to be turned over to the lessee without requiring him to provide any depreciation reserve whatever for its ultimate replacement.

The lessee will have turned over to him under this leasing proposal the steam electric plant at nitrate plant No. 2 that has a capacity now of 80,000 horsepower and that has cost the Government \$12,000,000. Not only is it equipped with electric generators for the production of 80,000 horsepower, but it is equipped with boiler capacity for another 30,000 horsepower. Under the terms of the proposed substitute the lessee will not pay one dollar for the use of that plant, although the Government to-day is receiving a rental of \$200,000 a year for its

use. Neither would he be required to provide a depreciation reserve.

There is to be turned over to the lessee Dam No. 2, capable of affording—

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to his colleague?

Mr. HOWELL. I do.

Mr. NORRIS. I hope the Senator will not forget, if he has left the nitrate plants and is going to Dam No. 2, that at nitrate plant No. 2 there is another town, with macadamized streets and in the neighborhood of 200 modern houses that are to be turned over.

Mr. HOWELL. I appreciate my colleague's suggestion. I had left out the second model town that has been constructed by the United States Government at plant No. 2 that is to be turned over to the lessee without one dollar of return during 50 years for the use of those modern houses and buildings.

Mr. NORRIS. If the Senator will permit me to interrupt him again—

Mr. HOWELL. Certainly.

Mr. NORRIS. At Dam No. 2 there are 180 temporary houses, 15 mess halls, 32 railroad engines—although some of those may have been moved to other parts—79 box cars, 200 narrow-gauge cars, 30 miles of railroad, a waterworks system and electric-light system. There is also a waterworks system and an electric-light system at the model town at nitrate plant No. 1. The figures I gave were at Dam No. 2, but the Senator has not yet come to that.

Mr. HOWELL. I am coming to that now.

Mr. NORRIS. There are in that model town 196 model houses and there are 14 at the stone quarry. I do not think the latter are modern houses, however.

Mr. HOWELL. In addition under the leasing proposal of the Senator from Alabama there is to be turned over to the lessee Wilson Dam, known as Dam No. 2, completed so far as eight power units are concerned for the creation of 260,000 horsepower, and a switchboard in addition that has cost \$1,000,000, the total property having cost about \$45,000,000, and upon this property alone is the lessee expected to pay an interest return. The minimum interest return fixed in the leasing proposal is 4 per cent per annum. I have not enumerated all the property. There are 4,200 acres of land. All of this property that has cost the Government between \$140,000,000 and \$150,000,000 is to be turned over to a lessee at an annual minimum cost, for interest, of about \$1,800,000.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. HOWELL. I yield.

Mr. SIMMONS. May I ask the Senator what he thinks it is worth? He is a business man.

Mr. HOWELL. I will now proceed to discuss that feature, and I will answer the Senator's question in so doing.

Mr. SIMMONS. The reason why I desired to get the Senator's answer to that question at this time was because I wished to ask him a further question.

Mr. HOWELL. If the Senator will defer his question until after I have gone into the value of the property, I shall be very glad to answer his questions if possible.

Mr. REED of Missouri. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. HOWELL. I yield.

Mr. REED of Missouri. I am interested in what the Senator has been saying, but is not this the situation, that the bill which the Senator from Alabama has introduced authorizes the President to lease the property and leaves within the discretion of the President what he shall charge and simply provides that it shall not go below a certain point? Is not that the situation?

Mr. HOWELL. There is still a painful impression left upon my mind respecting a similar loose amendment concerning the naval oil reserves which was enacted into law by Congress and because of which a Secretary of the Navy was asked to resign.

Mr. REED of Missouri. I do not see the connection. The President had no authority under the naval oil leasing act. I am not trying to get into an argument with the Senator; I am trying to get the case stated as the truth may be for my benefit and the benefit of everyone else. Suppose it were proposed that the President should lease the property upon the most advantageous terms attainable and not a word were said

as to a minimum; would the Senator then think that the bill was necessarily fraught with either danger or fraud?

Mr. HOWELL. I should feel that such a bill were much preferable to this one, but I do not think that Congress should shirk its responsibilities in reference to the matter.

Mr. REED of Missouri. Can Congress at this time determine what kind of lease can be made? Can the Senator determine or can any of us determine what may be made possible when we sit down across the table to negotiate with men who want the property? Are we not forced to the position to say we will take the property and keep it ourselves, or that we will empower somebody to make a contract for us? Is not that about the situation in which we find ourselves?

Mr. HOWELL. This is a business proposition. Congress is but a board of directors. A board of directors for a business concern would direct its general manager to proceed with the initial steps to lease the property and report to the board of directors the best proposition he had obtained. If that were provided for, then Congress might pass upon the matter, but unless that is done I feel that Congress is shirking a part of its responsibilities.

Mr. REED of Missouri. Then the Senator would be agreeable to the pending bill or some bill of like character. I am not committed to this bill. I do not know yet whether I am going to vote for it or not. Does the Senator think that the right thing to do is when the contract is made to have it submitted to Congress for ratification?

Mr. HOWELL. Yes, sir; I think that would be the proper course to pursue.

Mr. REED of Missouri. Has the Senator prepared any amendment to that effect?

Mr. HOWELL. I have not.

Mr. SMITH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. HOWELL. I yield.

Mr. SMITH. In pursuance of that suggestion the Senator means that if we are to lease, it would be the proper thing for us to have the specific terms of the lease submitted to us after the parties had gotten together and decided. But I would like to ask the Senator if he thinks that at this stage of the development at Muscle Shoals we ought to try to negotiate a lease until such time as we can develop the property and know just what are the possibilities along the line to which the Congress has dedicated it?

Mr. HOWELL. I feel that we ought to look at this matter exactly as if it were personal property, the Senator's property or my property. The plant has not as yet been completed. We do not know what can be done with it. We should not proceed to lease this property upon terms that might be far from profitable and uncertain as to results until we have had an opportunity to observe the property in operation and to know exactly what we have and may expect. Therefore, I feel that we are putting the cart before the horse in leasing this property now for 50 years. It may be that it would be well to lease the property later, but the question now is as to what is the best course to pursue, and I am simply expressing what I, as a general manager, would recommend to my board of directors.

I have outlined the character of the property it is proposed to turn over to the lessee for \$1,800,000 a year; but we are not to receive that amount net, Mr. President, because we are now receiving \$200,000 a year from the 80,000 horsepower steam electric plant at nitrate plant No. 2, while under the provisions of this proposed lease we are to receive nothing in return for this plant. Therefore, we are simply adding to the income of the Government from this property \$1,600,000 a year, or about 3½ per cent upon the \$45,000,000. In other words, understand me, we are now getting \$200,000 a year for just one steam plant, which is to be thrown in and turned over to the lessee under Senator Underwood's substitute without providing that he shall pay a dollar for the use of that plant.

Furthermore, Mr. President, there is no provision in this lease as proposed in the substitute of the Senator from Alabama for maintaining depreciation reserves of the property. Each one of us knows that if we purchase an automobile and keep it in perfect repair year after year, at the end of about six years it is junk. What else do we have to do? If the automobile costs \$1,200, we ought to put into a sinking fund \$200 every year, so that at the end of the six years, when our automobile has become junk, we will have \$1,200 with which to purchase another.

Such a fund is provided for by every public utility which is operated in this country; every public-utility commission in the

country insists that the public shall contribute such depreciation funds; but no provision is made in this leasing substitute of the Senator from Alabama for setting up any such sinking-fund reserves. All the lessee needs to do is to make the 40,000 tons of fixed nitrogen. But, remember, he does not have to make any nitrogen at all for two years. He has to make 10,000 tons the third year, 20,000 tons the fourth year, 30,000 tons the fifth year, and not until the sixth year and annually thereafter is he required to make 40,000 tons of nitrogen. Under this leasing proposition he is required to produce the sixth year and thereafter 40,000 tons of fixed nitrogen and to pay \$1,800,000 to the Government, or what is equivalent to \$1,600,000 a year, as the Government will lose \$200,000 on the steam plant, which is now leased on that basis. The lessee is also required to maintain the property in repair, but, as I have pointed out, a property may be maintained in repair as carefully as possible, yet at the end of a certain period each and every machine becomes junk, and these plants will prove no exception to the rule.

From a power standpoint, what are the potential possibilities of the property which is to be turned over to the lessee? It is possible for the plant at Muscle Shoals, Dam No. 2, in connection with the steam plant at nitrate plant No. 2, to develop 210,000 primary horsepower—that is, constant horsepower—year in and year out. However, let us call it 200,000 horsepower; let us make it even. What would it cost to develop that 200,000 horsepower by steam? It is generally recognized that in the best of plants, such as the plant here in Washington, for instance, it costs about nine-tenths of a cent per kilowatt-hour to produce electrical energy. Under very favorable conditions it might drop down to seventy-five one-hundredths of a cent. I speak of producing electrical energy by steam. What does nine-tenths of a cent mean per horsepower year? It means \$59. What does three-fourths of a cent per kilowatt-hour mean per horsepower year? It means \$49. Suppose we take the mean of these figures, or, say, \$55 as the cost of production of electrical energy by steam; that would be about eight-tenths of a cent per kilowatt-hour. Then we will turn over to this lessee 200,000 horsepower which would cost to produce on a steam plant basis \$11,000,000 a year.

But what would it cost the lessee so far as operation is concerned to maintain this power? I have obtained some figures respecting this matter from sources familiar with the situation, and it appears that to develop 200,000 primary horsepower, outside of any interest charges, would cost about \$6 per horsepower per year. Add interest due to an assumed interest charge of \$1,800,000 per annum and it will be found that the cost to the lessee will be \$15 per horsepower, or \$3,000,000 a year, while on a steam basis equivalent power would cost \$11,000,000 a year. So the lessee would be getting for \$3,000,000 200,000 primary horsepower that would cost to produce by steam \$11,000,000.

It has been suggested here by the senior Senator from Alabama that the Alabama Power Co. or the companies operating in his State are selling power for \$25 per horsepower per annum. I have here on my desk the National Electric Light Association rate book for 1924, and I find that in Bessemer and Birmingham the rate for large power, alternating current, is as follows: \$1 per horsepower for demand, plus an energy charge of three-quarters of a cent per kilowatt hour. Suppose that a power user did not have to pay any demand charge whatever but had to pay three-quarters of a cent a kilowatt hour; he would be paying \$49 per horsepower per annum.

Mr. UNDERWOOD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. HOWELL. I do.

Mr. UNDERWOOD. Of course, the Senator knows that, in the first place, the Alabama Power Co. does not directly sell to the people of Birmingham. I do not know how it is in the case of Bessemer, but I do not think it is true of Bessemer. Birmingham happens to be my home. The old company was known as the Birmingham Railway, Light & Power Co., and on its reorganization, I think, it became known as the Birmingham Electric Co. That company buys its power wholesale from the Alabama Power Co. and sells to the people of Birmingham.

The contract that was made with them was made by the city commission of Birmingham. I do not know as to the terms of the contract; I had nothing to do with it, but I do know what I state to be the case. In some instances where a small amount of power is used for special demand the rates may go very high, but I state—and I make the statement on the authority of a gentleman of whom I asked the question this morning and who is very familiar with the subject of power—that \$25 a horsepower would be the average

price for power that is sold there. Of course, if current is desired to operate a small machine involving only a slight consumption of power, then a fairly high price is paid, but when the power is purchased in large volume it is a very different question.

Mr. HOWELL. Mr. President, as I understand, they have a public-service commission in the State of Alabama, and its rulings would take precedence of any contract made by the city with the electric light and power company. In other words, the rates prevailing in Birmingham, Ala., I assume, are those determined by the Public Service Commission of Alabama. I should like to ask the Senator if they have a public-service commission in Alabama?

Mr. UNDERWOOD. Oh, yes; we have a public-service commission with power to regulate the rates; and I have not heard, although I am not at home a great deal, of any severe criticism of their action in regard to the regulation of rates. I know that commission has been created under the power of the legislature and has the authority, as I understand, to fix local rates on the railroads, the rates for power, and other matters of that kind.

Mr. HOWELL. Mr. President, what I wanted to make clear was that any contract made by a council with a power company is superseded by the rate schedules provided by a State public service commission or any public regulatory body. I have reason to know this, as a contract that I entered into on behalf of the Metropolitan utilities district of Omaha for power to operate ice plants was voided by the act of the city council, which in our State has the power of regulation. What I want to make clear is that if anybody is getting power in Birmingham, Ala., or in Bessemer, for \$25 a horsepower, the power company is violating the rulings of the public service commission and the customer is the beneficiary of special privilege.

I have here the rate book I have referred to, and I am quoting "Large power, alternating current":

Demand charge: \$1 per horsepower, plus an energy charge of seventy-five one-hundredths of a cent per kilowatt hour.
Large power off peak—

That is the cheapest kind of power—

Rate: Straight line meter, three fourths of a cent per kilowatt hour.

Or \$49 per horsepower per annum.

But, to go back, I have shown here that under the minimum terms of the substitute of the Senator from Alabama it would cost the lessee about \$15 per horsepower 24 hours a day per year for 200,000 primary horsepower, and that in Birmingham, Ala., and Bessemer those who use such power must pay from \$49 to \$59 per horsepower per year in large units; and that at \$49 per horsepower this power, if all sold, would bring in \$9,800,000, and at \$55 per horsepower, \$10,100,000. The lessee, however, would have to pay therefor but \$3,000,000 per annum.

That, however, is not all. In my opinion the Alabama Power Co. or a subsidiary or an interest closely connected therewith will secure this water power; and I want to say that I have had no thought that the senior Senator from Alabama had any idea when drawing this bill that that company would secure this power. I will now state the reasons why I believe the Alabama Power Co. or one of its subsidiaries will prove the ultimate lessee of this power.

The General Electric Co. has one great subsidiary known as the Electric Bond & Share Co. That Electric Bond & Share Co. the last time I had data afforded me had 13 subsidiaries. One of those subsidiaries, if I remember rightly, is the American Light & Power Co., which, in turn, has 192 subsidiaries. One of these 192 subsidiaries is the Nebraska Power Co., which serves the city of Omaha. Besides this American Light & Power Co., which two years ago had 192 subsidiaries, there are 12 other subsidiaries of the Electric Bond & Share Co., and one of those subsidiaries is the Alabama Power Co. In other words, the electric light and power business in this country is largely tied up and in the hands of one great interest. It practically controls the business.

The Alabama Power Co., which is really the General Electric Co., first located the site for building a dam where the Wilson Dam, or Dam No. 2, is now constructed. It acquired the site and lands adjacent thereto. As the construction of what is now known as Dam No. 2 involved the expenditure of a very large sum of money, the company said to the United States Government in 1916:

If you will build this dam, we will present you with this site and the land adjacent thereto for the sum of \$1.

The United States Government accepted this offer and proceeded to build this dam, and in addition, as I have pointed out, installed 85,000 steam electric horsepower. Since that time the Alabama Power Co. has leased from the Government the steam electric power plant at nitrate plant No. 2, developing 80,000 horsepower, with boiler and power-house capacity for 120,000 horsepower; and that company is now paying for the use of that plant some \$200,000 a year. It now has a transmission line leading from that plant to aid in supplying all the territory covered by the transmission lines of the Alabama Power Co.

In the meantime the Alabama Power Co. has been developing water power on the Tallapoosa River. This water power will be completed within one year of the time of the completion of this lease if it is made; that is, in 1926. This power will develop 85,000 primary horsepower; so there will be 85,000 primary horsepower on the Tallapoosa River and 200,000 primary horsepower available at Muscle Shoals, including the steam plant at nitrate plant No. 2.

Now, mark you, the vice president of the Alabama Power Co. has stated that if the water power and steam plants at Muscle Shoals were operated in conjunction with and supplemental to the power development on the Tallapoosa River the primary horsepower available would not be merely the sum of the primary power at Muscle Shoals and the Tallapoosa River, which would be 285,000 horsepower, but that amount plus 75 per cent of the 285,000 horsepower. What does this amount to? Four hundred and ninety-nine thousand horsepower. In other words, the Alabama Power Co. is developing the Tallapoosa watershed for the 85,000 primary horsepower that will be available when the power is completed; and now if it secures the Muscle Shoals plants, it will secure the equivalent of 414,000 horsepower additional, at what cost? At a cost of approximately \$3,000,000 a year—\$1,800,000 paid the Government at 4 per cent interest and \$6 per horsepower developed.

What will that mean per horsepower per annum? About \$7.50 per horsepower. I wish to say here that I have never visited Muscle Shoals or the watershed of the Tallapoosa River. I am merely making these deductions from the testimony afforded the Agricultural Committee.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to his colleague?

Mr. HOWELL. I do.

Mr. NORRIS. Perhaps the Senator is going to elaborate the matter he has just mentioned, but I thought he was getting from it. I think the Senator ought to explain to the Senate just how the Alabama Power Co. would get this additional horsepower. The Senator has been talking about primary power all the time, and Senators may not understand how they can get, apparently out of the air, so much additional horsepower by the combination of these two systems.

Mr. HOWELL. Mr. President, we have on the Tennessee watershed 200,000 primary horsepower. We have on the Tallapoosa watershed 85,000 primary horsepower. The stages of water prevailing in these two watersheds are not identical at the same time, so that it is possible to combine considerable secondary power available in each watershed so as to become virtually primary power and thus increase the total of the primary power of the two developments. In other words, tying these two powers together will mean that the Alabama Power Co. itself, or by an arrangement through a subsidiary or another interest, will be able to add to its power resources 414,000 primary horsepower by the acquisition of Muscle Shoals, not merely 200,000 primary horsepower.

What would it cost to develop that power by steam? Suppose we consider 8 mills per kilowatt hour as the cost, or about \$55 per horsepower per annum. I do not mean to say that they could sell all that power at once—of course, a market therefor would have to be developed—but if they could do so at \$55 per horsepower they would have an income from that 414,000 horsepower of more than \$22,000,000 a year. I am going to these limits so that Senators may understand the possibilities of the situation that exists at Muscle Shoals, in that region so favorable to the development of water power.

Mr. President, the possibilities are so tremendous that if this Congress deeds away this great power, the greatest one outside of Niagara Falls east of the Mississippi River, for a pittance, that action, I believe, will some day be called the crime of the Sixty-eighth Congress.

We have been considering what we could do for the farmer by leasing this great power, and I have shown that if this 40,000 tons of fixed nitrogen is produced at 6 cents a pound,

the probable saving, on the basis of ammonium sulphate, would be but \$4,000,000 a year to the farmers of this country, so far as this 40,000 tons of nitrogen is concerned, or about 6 cents per annum per farm operator in the United States.

It might be urged that, in addition, with this great power in the hands of a strong power company, the citizens of Alabama, Georgia, Mississippi, and Tennessee might secure cheaper electrical energy. Let us consider what the results of the development of water power under private ownership have been for the people of this country thus far. That I may make it clear, I am going to point out what has been accomplished for some communities in the United States in the reduction of the cost of electrical energy through public competition, or threatened public competition.

Some 10 years ago Mr. Baker, afterwards Secretary of War, was the mayor of Cleveland, and he developed a publicly owned electric light plant, which now supplies about one-third of the electric energy used in Cleveland, and the maximum rate from that time down to the present has been 3 cents a kilowatt hour, and the enterprise has been a success, not only in the matter of service but financially also.

At the time this plant was established, another subsidiary of the General Electric was supplying the city of Cleveland with light and power. They were charging the people at that time, as I remember, about 12 cents a kilowatt hour. Subsequently the Public Service Commission of Ohio fixed the maximum rate at 10 cents a kilowatt hour, but consumers on the lines of the private company naturally resented the rate charged and appealed to the court, upon the ground that the rate fixed by the Public Service Commission of Ohio was unreasonable. Notwithstanding the great difference in the rates charged by the two plants the courts upheld the 10-cent rate, but by that time the financial success of the publicly owned plant had become so patent that the private company reduced its rate voluntarily to 5 cents a kilowatt hour, and that has since been the rate in the city of Cleveland, notwithstanding, mind you, that the energy is produced by steam, and it costs about nine-tenths of a cent a kilowatt hour to produce it, as I found when in Cleveland last June.

Let us determine what 40 kilowatts a month costs in the city of Cleveland. I am using 40 kilowatts as an example, because I noted that for the months of August and September last summer our apartment used about 51 kilowatts a month. However, I shall adopt as my standard 40 kilowatts per month. The publicly owned plant in Cleveland supplies 40 kilowatts a month to small consumers for \$1.20. The private company supplies 40 kilowatts a month for \$2. It might be suggested there was some peculiar reason why this development has taken place in Cleveland. The only peculiarity is public competition and the threatened extension of the publicly owned plant.

I am asked how large a house 40 kilowatts would light. Our apartment has seven rooms, and we used about 51 kilowatts per month during the summer months and all for lighting.

I am also asked by the Senator from Iowa [Mr. BROOKHART] as to what the rate is here in Washington. It is outrageous. We pay 10 cents a kilowatt hour, with no discount. Forty kilowatts in Cleveland cost \$1.20, and we pay \$4 for that amount of electrical energy here in Washington.

Congress ought to be ashamed of itself. For what the private company charges \$2 in Cleveland, in Washington we pay \$4, a hundred per cent more. Let me again call attention to the fact that there is nothing peculiar about the situation in Cleveland except public competition, and wherever public competition is seriously threatened similar results follow.

To illustrate this fact let me refer to my own State. In the city of Lincoln, which has a population of about 58,000 people, there is a private lighting plant and the rate for 40 kilowatts a month, net bill, is \$2.10. Why do they get that rate from a private company? Because there is a public plant that lights part of the city.

Mr. BALL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Delaware?

Mr. HOWELL. I yield.

Mr. BALL. In order that the Senator may be perfectly fair with the Public Utilities Commission of Washington, I think it is proper for him to state that the public utilities fixed a rate of 8 cents and not 10 cents, but the user does pay 10 cents a kilowatt. The 2 cents now is impounded until the courts shall render a decision as to the valuation of the properties. The public utilities commission has reduced the rate; they did so probably two years ago.

Mr. HOWELL. Mr. President, I was not familiar with that fact, and I thank the Senator from Delaware for giving me the

information. I do want to say this, however, that even 8 cents is an outrageous price in the city of Washington, because, as I pointed out, in Lincoln, Nebr., a city of 58,000 inhabitants, a private company supplies 40 kilowatts for \$2.10, and the electrical energy used in Lincoln is produced by steam from slack that comes from the Kansas district and costs about \$5 a ton.

If you will compare the rate, for instance, in Lincoln, Nebr., with the rate here, you will find that we pay 90 per cent more in Washington for 40 kilowatt hours of electricity, in a city of 480,000 inhabitants, than the people in the city of Lincoln pay, with only 58,000 inhabitants. Why is this? It is because in Lincoln they have a publicly owned plant which supplies a part of the city, just as they have in Cleveland.

Mr. President, with the example of Cleveland and with the example of Lincoln, we proceeded to secure a reduction of rates in the city of Omaha, a city of 200,000 inhabitants.

In 1912 we took over the water plant in Omaha and immediately discussed the question of combining an electric plant therewith. The rate of the private lighting company immediately dropped from 14 cents a kilowatt hour to 12 cents. That was in the piping times of peace, in 1912. We put in a small plant in connection with the water plant in Omaha and found that we could place the energy at that time, 1913, upon the switchboard at three-quarters of a cent per kilowatt hour. The fact was announced. We further announced that we would go to the legislature and ask for authority to extend the plant into the city, and within a month another reduction of 1 cent per kilowatt hour was announced, bringing the rate down to 11 cents per kilowatt hour. Notwithstanding we went to the legislature and merely asked authority for the people to vote upon the question of issuing bonds to build a competing light plant. The bill passed both houses, but the governor of the State saw fit to veto the bill; but they knew that they had had a fight, and almost immediately the rate came down to 8½ cents per kilowatt hour. Two years later they thought we were preparing to go to the legislature and again ask for such authority. The day before the legislature convened the rate again came down, this time to 6 cents a kilowatt hour. That was January 1, 1917, right in the midst of war; and since then the rate has been further reduced to 5½ cents per kilowatt hour, not because of public competition but because of threatened competition.

Mr. BALL. Mr. President—

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Nebraska yield to the Senator from Delaware?

Mr. HOWELL. I yield.

Mr. BALL. I would like to inquire of the Senator whether the rates given are for the small users for the purpose of residence lighting, or are they for large industrial users where they use large quantities?

Mr. HOWELL. I am making a comparison on the basis of 40 kilowatt hours per month and will take up the large power users later.

Here we have three cities with either public competition or threatened public competition, with the result that 40 kilowatt hours from coal cost as follows: In Cleveland, \$1.20 from the public plant, \$2 from the privately owned plant. In the city of Omaha 40 kilowatt hours cost \$2.20; in Lincoln, Nebr., 40 kilowatt hours cost \$2.10, both cities being supplied by privately owned plants.

In each case the power is made by steam. These rates are compensatory, and to show what it means let us consider, for instance, the city of Cleveland. It has at least 160,000 consumers. At 10 cents per kilowatt in Cleveland, 40 kilowatt hours used to cost \$4 and now cost \$2. Suppose consumers do not save \$2 in Cleveland, but only \$1. This saving would amount to \$160,000 a month. Multiply that by 12 and we have nearly \$2,000,000. Do Senators see what public competition has done for the people of Cleveland? Do Senators see what public competition could do for the people of the country? And yet we are talking about trying to save the farmers 60 cents a year on fertilizer. What might be saved on light and power?

What are the rates afforded electric-energy users in those communities that are supplied by water power under private ownership? Let us consider Niagara Falls, N. Y. There, in the shadow of the great cataract, is probably the cheapest hydroelectric energy in the world, certainly in this country. They have a private plant there, and 40 kilowatt hours per month in the city of Niagara Falls costs \$2.26, or 88 per cent more than the same amount costs in Cleveland from the publicly owned plant.

Consider the city of Burlington, Iowa, supplied from the Keokuk Dam. The rate for 40 kilowatts per month is \$3.24.

These are all net rates. That is 168 per cent more than from the Cleveland public plant, 62 per cent more than from the Cleveland private plant, and 54 per cent more than from the Lincoln private plant.

Mr. BROOKHART. Mr. President, I would like to ask the Senator if he is certain that the power in Burlington is furnished by the Keokuk water power, or is it steam power?

Mr. HOWELL. It is water power.

Mr. BROOKHART. I presume it is. Does the Senator's data show whether it is from the Keokuk Dam or not?

Mr. HOWELL. It states that the power is purchased. In all these municipal plants where they are purchasing hydroelectric energy they are maintaining the old steam plants as auxiliaries.

Now let us go to Quincy, Ill., supplied by water power privately owned. There the rate is \$3.05, 150 per cent more than the Cleveland public plant, 53 per cent more than the Cleveland private plant, and 45 per cent more than the Lincoln private plant.

How about the State of Alabama, where water power has been developed to a wonderful degree and where the possibilities for water power are extremely favorable? What do we find in the cities of Bessemer, Birmingham, and Montgomery, Ala.? We find that private plants supply energy from water power at a cost of \$3.06 for 40 kilowatt hours. How does this compare? It is 155 per cent more than the same would cost from the Cleveland public plant, 53 per cent more than the same energy costs from the Cleveland private plant, and 45 per cent more than the same would cost from the Lincoln private plant. That is the State of Alabama.

Let us consider now the State of Georgia. Atlanta has a population of 222,000. The energy is secured from a private plant supplied by water power. The net bill for 40 kilowatt hours is \$3.24 or 166 per cent more than from the Cleveland public plant, 62 per cent more than from the Cleveland private plant, and 54 per cent more than from the Lincoln private plant.

In Augusta, Ga., a private plant obtains energy from water power. There the rate is \$3.60 net for 40 kilowatt hours. That is 200 per cent more than from the Cleveland public plant, 80 per cent more than from the Cleveland private plant, and 72 per cent more than from the Lincoln private plant.

They have no water power supplying Meridian and Jackson, Miss., but we find that in Meridian 40 kilowatts cost \$4.56, or 280 per cent more than from the Cleveland public plant, 128 per cent more than the Cleveland privately owned plant, and 112 per cent more than the privately owned plant in Lincoln.

In Jackson, Miss., we find that the bill for 40 kilowatt hours is 400 per cent more than from the Cleveland public plant, 200 per cent more than from the Cleveland private plant, and 186 per cent more than from the Lincoln private plant.

Mr. OVERMAN. Has the Senator the figures from North Carolina?

Mr. HOWELL. I regret to say that I have not made up the figures for North Carolina.

Mr. McKELLAR. Mr. President, I was out for a few minutes. Has the Senator the figures from Tennessee?

Mr. HOWELL. I have. In Nashville, Tenn., there is a private steam plant, and the rate is \$4.04 for 40 kilowatt hours, 236 per cent more than from the Cleveland publicly owned plant, 102 per cent more than from the Cleveland privately owned plant, and 90 per cent more than from the Lincoln privately owned plant.

In Knoxville, Tenn., with a population of 89,000 and a privately owned water-power plant, the rate is \$3.96 per 40 kilowatt hours, or 230 per cent more than from the Cleveland public plant, 98 per cent more than from the Cleveland private plant, and 89 per cent more than from the Lincoln private plant.

Mr. President, this gives a very fair view of the electric light and power situation in the United States to-day. The people of the country through the power of habit are paying extravagant prices wherever they have not had the energy to rise up and demand reasonable rates, and then, if they did not get them, to take the bull by the horns and build their own plant.

Mr. McKELLAR. Mr. President—

Mr. HOWELL. I yield to the Senator from Tennessee.

Mr. McKELLAR. If the Government were to operate this plant and sell the surplus power, Tennessee being in close proximity to the plant, does the Senator know of any reason why municipalities, or even private concerns, might not build transmission lines and sell the power or current in the cities of Knoxville, Nashville, Chattanooga, and so forth, at a much lower price than is now being paid in those cities? What is the Senator's view about that subject?

Mr. HOWELL. There has arisen a method of manipulation of the electric light and power situation about as follows: The Alabama Power Co. supplies wholesale power and is a subsidiary of the General Electric Co. The General Electric Co. may have in the State of Alabama another subsidiary that owns the distribution lines. The General Electric Co., through its Alabama Power Co. subsidiaries, probably sells power wholesale and makes a profit from its Birmingham subsidiary, and then the Birmingham subsidiary sells it for enough more to enable it to make another handsome profit.

Do Senators see how they milk the consumers? The people of this country will obtain no benefit from hydroelectric power in private hands. Why? Suppose it costs, as it does, about nine-tenths of a cent per kilowatt hour to make electrical energy by steam and that a hydroelectric plant can produce it for four-tenths of a cent. The difference is five-tenths of a cent. Suppose there is given to a community the advantage of that whole five-tenths of a cent—as, for instance, Washington, when hydroelectric power is developed here—what is the result? If the electric light and power company has its way, the people will get the service for 9.6 cents instead of 10 cents.

The determining factor is not the cost of the primary power; it is the cost of distribution. That is where these companies secure their exorbitant profits. The only way they can be regulated is by public competition or the threat of public competition. That is why it seems to me it would be a crime for Congress to alienate the great water-power plant at Muscle Shoals, which has possibilities, through its potentialities of various kinds, of reducing electric-light rates throughout the contiguous States and ultimately of affecting electric-light rates throughout the Nation.

Mr. BALL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Delaware?

Mr. HOWELL. Yes.

Mr. BALL. Mr. President, the figures given are most interesting, but it would be of great service if we could only have in connection with those figures the amount of taxes which are paid by the privately owned corporations into the State or municipal treasury. Of course publicly owned corporations pay no taxes.

In order to get at the real cost of distribution it would be necessary to add to all other expenses the amount of taxes which are paid; then the difference between that sum and the expenses of the publicly owned utilities would give us the exact condition.

Mr. HOWELL. Mr. President, as Senators will note, I have only quoted in this comparison figures relative to one publicly owned plant, but have made a comparison of the Cleveland privately owned plants, which pays taxes, with the Lincoln privately owned plant, which also pays taxes.

I wish to say, further, that the Cleveland publicly owned plant sets aside every year and places in the hands of the treasurer as a sinking fund an amount equal to the taxes it would pay if privately owned.

Mr. BALL. Mr. President, the point at issue is this: Each State or each municipality has its own method of taxation. What Cleveland, Ohio, may tax its public utilities and what some other city may tax its public utilities may be very different propositions. I should like, if possible, to get the actual figures. Some cities tax their public utilities very severely, while others impose comparatively light taxation. Not only does the taxation on electric lights, but on railways, differ in each city. If we could get those figures, they would probably be of great benefit.

If the Senator will permit me, I will say that in my own city of Wilmington, Del., the charge is 10 cents per kilowatt for such distribution as that to which the Senator is referring, and yet I know that the company will supply electric power for other purposes where a large amount is used as low as three-fourths of a cent per kilowatt.

Mr. BROOKHART. Is not that to subsidiary companies or to interlocking directorate companies, which they are favoring?

Mr. BALL. I think not.

Mr. BROOKHART. And that amounts to a discrimination against the public, and a very severe one.

Mr. BALL. I have never made a careful investigation as to the cost of distribution, but rates there, I think, are no greater than those charged in other cities of like size.

Mr. HOWELL. Mr. President, I am very much pleased that the Senator from Delaware should have brought up this matter. I have quoted figures relative to the city of Omaha. I have here the rate sheet which states that the demand charge there for the first 200 horsepower is \$1.10. Senators

will remember that in Birmingham it is \$1 for total demand, while in Omaha it is \$1.10 for the first 200 horsepower; 90 cents for the next 200 horsepower; 70 cents for the next 200 horsepower; 50 cents for the next 200 horsepower; and 30 cents for all additional horsepower.

As to the energy charge, for the first 10,000 kilowatts it is 1.4 cents; for the next, 15,000 kilowatts, it is nine-tenths of a cent—that is, it is, as I remember, about \$50 for the first 25 kilowatts. After that it is seven-tenths of a cent.

The rate for power in Omaha, where they are only charging the people of that city \$2.20 for 40 kilowatts a month, is as low as it is in Birmingham, where they have water power and are not compelled to develop power by steam.

What I want to make clear is this: It may be possible to save 6,500,000 farmers in the United States 60 cents a year on 40,000 tons of fixed nitrogen under the terms of the pending substitute, or because of it, but that will stop the opportunity of relieving this country, including the farmers, of hundreds of millions of dollars of excess charges for electrical energy.

We have in our hands this great power, a talisman that can make possible a reduction of rates over a large section of this country by actual competition, if necessary, and elsewhere by potential competition and example.

Mr. President, with these possibilities before us, I feel that if Congress alienates for 50 years this unfathomed mine of wealth at Muscle Shoals, this great source of possible relief to our people, the time will come when the act will be looked upon as the crime of the Sixty-eighth Congress.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Carolina [Mr. SMITH] to the amendment of the Senator from Alabama [Mr. UNDERWOOD]. The yeas and nays have been ordered, and the Secretary will call the roll.

Mr. NORRIS. Mr. President, I do not care to delay the vote on the amendment to the amendment. I should like to vote to-day; but there are a number of Senators who have gone away under the impression that there would not be any vote taken to-day. I should like to inquire of the Senator from South Carolina as to his view.

Mr. SMITH. Mr. President, of course I should like to expedite this matter just as much as possible. I do not want to delay it for any reason in the world except for proper discussion, but there are quite a number of Senators absent now who have gone away under the impression that a vote on this amendment would not be taken before Monday. So far as I am individually concerned, if it may be done without adding unnecessarily to the delay of this proposed legislation, I should prefer that the pending question go over until Monday because at that time we will have a better opportunity to secure an expression from all those who are interested in this subject. Had not the impression gone forth that a vote on this amendment would probably not be reached to-day I should welcome a vote at this time. Of course, however, I have no control over it; but I would prefer, under the circumstances, if possible to wait until Monday before taking a vote.

Mr. UNDERWOOD. Mr. President, of course I do not know who has given out any indication that at half past 3 in the afternoon we are not going to vote on the pending amendment. Such a suggestion certainly has not come from me, and I do not suppose it has come from the leader on the other side of the Senate; I am sure it has not.

This bill has now been before the Senate for 10 days. The pending amendment is only one of many amendments to the bill. It has been discussed fully by the Senator from South Carolina, and, if he desires to discuss it further, I have no objection in the world to his doing so. It has been discussed by the chairman of the committee; it has been discussed by myself. It has been here for two days; full opportunity to debate the amendment has been afforded, and, unless we intend to go on blocking legislative business, I think the vote should be taken.

I have no desire for the pending amendment not to be fully and completely discussed, but there is legislation of vast importance waiting to be brought before the Senate. There are Senators on the floor who have been trying for the last week to secure consideration of the veto message of the President on a bill providing increased compensation for the letter carriers of America, but they are unable to do so because of the bill which is now before the Senate. There is also an order providing for the consideration of a most important matter which has been pending for some time. If we shall continue for a few days longer merely dragging the time away, it means that there will be no legislation before the Christmas holidays except this bill.

I have not raised my voice against any debate. As long as any Senator wants to stay in his place and debate this bill

I have no objection. That is in accordance with the rules of the Senate, and he is entitled to do so; but when those who are not favorable to it want to ask for an adjournment at 3 o'clock simply because some Senator has gone away, while I do not know whether those who went away are favorable or unfavorable to the bill that I proposed, I do know that we will not complete this legislation unless we are willing to attend to the business of the public. Further than that, I know that we will not take up the bill on Monday, because on Monday we have a memorial service for the late President Wilson, and I have no doubt that at the conclusion of the memorial service both the Senate and the House will adjourn out of respect to the late President; so these gentlemen are merely inviting the postponement of this vote until next Tuesday, and then probably a further postponement will be suggested. I do not know whether it is merely an effort to delay this bill or whether it is an effort to use this bill as a bumper to prevent other legislation from being considered; but I do think that with this matter pending we should have a vote.

Mr. CURTIS. Mr. President, I hope we shall have a vote on this amendment this afternoon. As the Senator has said, it is not likely that any work will be done on Monday. It is only half past 3, and we can very easily get through with this amendment this afternoon unless there are other Senators who desire to speak; and I hope we shall have a vote on it.

Mr. McKELLAR. Mr. President, I think we should have a quorum present, and I therefore suggest the absence of a quorum.

Mr. NORRIS. Mr. President, before the Senator makes that suggestion—

Mr. McKELLAR. I will withdraw it for the moment.

Mr. NORRIS. I do not want to let pass without notice any insinuation here that anybody is trying to block anything. I do not believe anybody is. I expected that we would have a final vote on this bill before this time, but I want to be fair. I think we all ought to be. We never have had a bill before the Senate at any time where the debate has been more completely confined to the questions connected with the bill. Nobody has been filibustering here.

I wish we could have gotten through before. I should be glad to get through to-night if we could; but, to be fair and honest with my fellow Senators I must say that nobody has undertaken to debate this bill unless he has talked directly to the point. Those who have spoken have not agreed with me a great many times, but the debate has been an honest, fair, and open one, and there has been no indication that anybody was trying to filibuster.

I should be glad to take up the veto message myself. Personally I should be willing to ask unanimous consent to lay aside this measure and take up the veto message, because I do not think that will take long; but I know that request would not be granted. I regret that anyone should even insinuate that there is intentional delay. The Senator from Alabama says, "What is the use of adjourning at 3 o'clock?" looking right at the clock, when the clock says 25 minutes to 4, leaving the impression that somebody here is not acting in good faith in trying to expedite this matter.

I want to say, Mr. President, that I should be glad to commence earlier and work later, and perhaps we shall have to do that. For one, I should be insisting on that if there were anything here to indicate that anybody is trying to filibuster or unreasonably delay action by the Senate. I do not believe such an insinuation ought to go, and I am not myself going to permit it to go, without some attention being called to it.

I am perfectly willing to vote on this amendment now. To my mind it is not of as great importance as some others; but I am going to be influenced somewhat by the wish and the will of the Senator who has proposed the amendment. If he is willing to vote, I am.

Mr. McKELLAR. Mr. President, in addition to what has just been so well said by the Senator from Nebraska, I might suggest that I think quite as much time has been taken upon one side of the bill as upon the other. It has been very generally debated on both sides. I think most Senators have confined themselves very closely to the subject, and I think the debate has done a wonderful lot of good.

I withhold my suggestion of the absence of a quorum still further for a moment.

Mr. SMITH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from South Carolina?

Mr. McKELLAR. I do.

Mr. SMITH. As the Senator from Nebraska [Mr. NORRIS] has said, and as doubtless the Senator from Alabama [Mr. UNDERWOOD] will confirm, this debate has been devoted entirely to the matter at issue. Every angle of it that appealed to the

different Senators has been discussed with reference to the main proposition.

In my opinion the question of what we propose to do with this project at Muscle Shoals is perhaps of greater importance than any other question that is going to come before the Senate at this session. It involves more than the mere outlay of the amount of money we have put in Muscle Shoals. Its relation to agriculture and to the national defense are matters of the most vital importance. The mere fact that war is not going on now is no reason why we should assume the rôle of the Arkansas traveler, who when it was raining could not shingle his house and when it was not raining he did not need the shingles.

The fact of the matter is that in the last analysis we are dependent upon a foreign source for our national defense. That was made painfully evident during the World War. Here is a proposition as to which we are reasonably assured by the scientists that if it is developed along the lines that the legislation intended should be followed will give, as improved methods are discovered and installed, all the basis of explosives we need; and along with that, *pari passu* with that, the very ingredient that is used as an explosive to defend the country is the prime element that is needed to produce the food that supports the country. Perhaps there is not in all the line of chemistry such a condition as that.

Now, we are called upon here to decide whether we are going to turn over this project to private interests under certain restrictions, or whether the Government is going to carry on, for the two prime concerns of the Government, the two things that are most vital to the Government—its defense in time of war and adequate physical support in time of peace. We have every reason to believe that we can develop at Muscle Shoals processes by which the entire amount of power produced within that territory, if economically utilized, may solve both problems.

This is not a mere academic discussion as to whether we shall adopt the proposition of the Senator from Alabama and leave with the Secretary of War the determination of the question as to whether that power shall be given to a private individual, that power being delegated to him, or whether we shall carry it on in connection with the most vital question that ever affected this Government. Shall we develop at Muscle Shoals sufficient processes to guarantee us in time of war an adequate supply of that which would defend us, and in times of peace an adequate amount of that which is essential for the fertilization of our soil?

It is not so much a quantitative question right now as it is a qualitative question. What can we do there to develop the process, and make sure and certain what we may do in the way of solving the two great, vital problems of any nation or country in the world—the enrichment of its soil and the protection of the people during times of war?

Therefore, there are some of us who believe that this question is of such vital importance that we ought to take all the time that is necessary so that Senators can decide without reference to party, without reference to any partisan feeling or sectional feeling, what we are going to do with a great national asset. The fact that it happens to be in Alabama does not mean that it is any less an asset of the United States of America. It is a gift to this country by the creative force that we ought to use for all the country.

I have said that this proposition of mine, which I have offered as an amendment to the bill of the Senator from Alabama, is the dividing line. It will bring sharply to issue the question as to whether we are going to delegate to private individuals the vital interests of this country, whether we are going to leave the defense of this country in the hands of private individuals to develop exigently as their personal interests may dictate, or whether the Government shall hold this great national asset and drive to one objective, which is the development of a process of using that power so that there will be no question as to adequate amount and adequate processes of national defense.

We have that question to decide here—whether we are going to delegate the ultimate defense of this country to private interests with a pitiful 40,000 tons of nitrogen annually, or whether we are going to determine whether or not we can produce at this plant a million tons annually if the Government requires it to defend itself. That is the question.

Nobody knows what is going to be the ultimate perfection of the process of fixing nitrogen from the air. We do know that the amount in the air is infinite, and that it is only a question of whether the ingenuity of our people will be able to perfect a process by which the vast amount of this ingredient necessary to protect our country may be fixed and used for

our defense. It is not good statesmanship, it is not patriotic, because dollars and cents are involved and it may redound to the enrichment of some companies, for us to turn this plant loose until we have assured the American people that the appropriation which was made to prove beyond cavil that we can get the ingredient necessary to defend ourselves has accomplished its purpose.

That is the question for us to decide.

It is not a question of a water-power company, and it is not alone a question of fertilization of the soil. It is a question of settling whether within our own domain we can develop and produce that which will protect us in time of need, in time of war.

Because of this fact that this is perhaps the most vital question that ever came before this body, I have suggested that my amendment marks the dividing point as to whether we are going, as the representatives of the people, to develop what we have begun to a point where we will demonstrate and perfect processes by which we can be independent of any foreign country for the basic elements of our defense, and know that we have not only the process but the power to make the process effective, or whether we are going to dedicate this great asset to use either as a power plant or as a semipower plant, and leave the country in doubt as to whether in time of war it can get an adequate supply of this absolutely indispensable ingredient.

It can not be considered a question of North, South, East, or West. It is a national question as to what we are going to do, whether we will produce, by our own ingenuity, that which we so vitally need, or whether we will depend upon Chile. It is up to us to decide that question, and in the amendment I have offered to the proposition of the Senator from Alabama is the sharp issue of whether we are going to leave the question of national defense to the very questionable attitude of a private corporation, or whether we, as the people charged with that responsibility, shall carry on.

As I said a moment ago, there are some who are interested in this as much as I am sure we all are, who were called away, and thought, perhaps, a vote would not be taken until Monday, and I would like to have them here. I am not trying to delay—

Mr. HARRISON. May I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. SMITH. I yield.

Mr. HARRISON. Does the Senator think it is fair to those of us who stay here, expecting a vote every minute of the day, that others should be encouraged to leave the Senate? Is that just right to those of us who stay here all the time?

Mr. SMITH. It is not worth while for the Senator from Mississippi to ask me any such question.

Mr. HARRISON. It is pretty hard to answer that question.

Mr. SMITH. It is not hard to answer. The Senator knows it is one of the commonest things that occurs here in the Senate, that where there is not undue delay, certain courtesies are extended. It is done all the time, and the attitude of the Senator on a question sometimes largely determines whether he thinks that is a proper extension of courtesy or not. The Senator from Mississippi knows that as well as I do, and he knows it is a thing that is done every year.

Mr. HARRISON. If the Senator has made that kind of an agreement with somebody who has left, does he not think it would be fair to the rest of us to let us know whether we can leave, too, and enjoy ourselves?

Mr. SMITH. I have made an agreement with no one, and the Senator from Mississippi is begging the question when he intimates that I have done so. I simply heard it said that Senators were called away, thinking that perhaps on account of the importance of the question we would not reach a vote until Monday. No great delay would be occasioned if we were to postpone the vote until Tuesday, because, even if the Underwood substitute is agreed to, the Senator from Nebraska doubtless will offer his amendment, and debate will come then on the question as to the features involved in the Underwood substitute.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. CURTIS. I ask the Senator if, in case we recess after having a short executive session, he would agree that all debate be considered as closed on this particular amendment and that we vote on it when we meet Tuesday morning at 12 o'clock?

Mr. SMITH. I do not know whether others care to debate it or not, but so far as I am concerned I have said all I care to say on the subject. The matter is so plain to me, our duty is so manifest, that there is no question in my mind as to what

we ought to do. If it had been a pure question of a commercial project for making a profit, I do not know that I would have opened my mouth. But it was not. It involves the very issue of life and death, perhaps, to this country; and I am not going to delegate that power to any private corporation, so that we may be jeopardized in the future because I did not do my duty, when it was positively stated in the initial bill, and reiterated in this measure, that we were attempting to provide for the national defense. Our need for doing something was made painfully evident in the last war, so that we had to call the Allies together and mutually create a fund to buy nitrate of soda and distribute it amongst the Allies in order to carry on the war against the German Empire.

Mr. REED of Missouri. Mr. President, I want to suggest to the Senator a unanimous-consent agreement, under which on Tuesday next at not later than 2 o'clock—Monday, I understand, being otherwise occupied—we shall vote on his amendment. If we agree to vote at 2 o'clock, it will leave two hours for discussion if anyone wants to discuss the amendment, but I suggest that at not later than 2 o'clock on Tuesday we shall vote.

Mr. SMITH. That will be all right; but suppose we agree to meet at 11 on Tuesday, so as to give three hours. I would be perfectly willing to agree to that.

Mr. REED of Missouri. Very well. I will propose the following unanimous-consent agreement—

Mr. HARRISON. Does not the Senator think it better to limit the time of Senators, then, to 10 minutes, or 5 minutes, so that one Senator could not take all the time?

Mr. REED of Missouri. I ask unanimous consent that on Tuesday, December 16, at not later than 2 o'clock, we shall vote upon what is known as the Smith amendment, and that no Senator shall speak more than once nor longer than 10 minutes upon the amendment.

Mr. SMITH. That is agreeable to me.

Mr. UNDERWOOD. That is, during that time?

Mr. REED of Missouri. Certainly.

Mr. SMITH. Certainly; and that when the Senate takes a recess on Monday it agree to meet at 11 o'clock.

Mr. REED of Missouri. I have included that.

Mr. SMOOT. I do not think that should go in. A number of us are working very hard on bills which are very important, so that we can not be in the Chamber at 11 o'clock, and when the 10-minute speeches begin I would like to be here.

Mr. SMITH. I suggest to make the hour of voting 3 o'clock, and that would give us three hours if we meet at 12.

Mr. SMOOT. I have no objection to that.

Mr. REED of Missouri. Then I propose that at not later than 3 o'clock on the calendar day of Tuesday, December 16, the Senate shall proceed to vote upon what is known as the Smith amendment, or any amendments thereto, and that upon Tuesday no Senator shall speak more than once or longer than 10 minutes upon the Smith amendment.

Mr. UNDERWOOD. Or upon any subject before us.

Mr. REED of Missouri. Or upon any other subject.

The PRESIDENT pro tempore. The Secretary will report the proposed unanimous-consent agreement.

The reading clerk read as follows:

It is agreed by unanimous consent that on the calendar day of Tuesday, December 16, 1924, at not later than 3 o'clock p. m., the Senate shall proceed to vote without further debate upon the amendment of Mr. SMITH to House bill 518, and that no Senator shall speak more than once or longer than 10 minutes upon said amendment or upon any other subject.

Mr. CURTIS. Prior to 3 o'clock.

Mr. REED of Missouri. Let it read, "and prior to the final disposition of said amendment no Senator shall speak more than once or longer than 10 minutes."

The PRESIDENT pro tempore. The Secretary will again report the proposed agreement.

The reading clerk read as follows:

It is agreed by unanimous consent that on the calendar day of Tuesday, December 16, 1924, at not later than 3 o'clock p. m., the Senate shall proceed to vote without further debate upon the amendment of Mr. SMITH to House bill 518, and prior to the vote no Senator shall speak more than once or longer than 10 minutes upon said amendment or upon any subject.

Mr. REED of Missouri. Strike out "upon said amendment" and all the rest of it, and let it conclude "shall speak more than once or longer than 10 minutes."

Mr. SMITH. That is all right.

The PRESIDENT pro tempore. The Secretary will again read the tentative agreement.

The reading clerk read as follows:

It is agreed by unanimous consent that on the calendar day of Tuesday, December 16, 1924, at not later than 3 o'clock p. m., the Senate shall proceed to vote without further debate upon the amendment of Mr. SMITH to House bill 518, and prior to the vote no Senator shall speak more than once or longer than 10 minutes.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent agreement? The Chair hears none, and it is so ordered.

The agreement was reduced to writing as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, by unanimous consent, that on the calendar day of Tuesday, December 16, 1924, at not later than 3 o'clock p. m., the Senate will proceed to vote, without further debate, upon the amendment of Mr. SMITH to the bill, H. R. 518, relating to the disposal of Muscle Shoals, etc., and that on said calendar day and prior to the vote no Senator shall speak more than once or longer than 10 minutes.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

PROPOSED INVESTIGATION OF THE NAVY

Mr. KING. Mr. President, I move that Senate Resolution 272, directing the Committee on Naval Affairs to investigate the future use of navy yards and personnel in naval construction, and so forth, which was submitted by me on December 4, 1924, and ordered to lie on the table, be taken from the table and referred to the Committee on Naval Affairs.

The motion was agreed to.

REUBEN R. HUNTER

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 353) for the relief of Reuben R. Hunter.

Mr. JONES of New Mexico. Mr. President, I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. CAPPER, Mr. SPENCER, and Mr. BAYARD conferees on the part of the Senate.

GIFT BY ELIZABETH SPRAGUE COOLIDGE TO THE LIBRARY OF CONGRESS

Mr. PEPPER. From the Committee on the Library I report back favorably with an amendment the joint resolution (S. J. Res. 152) to accept the gift of Elizabeth Sprague Coolidge for the construction of an auditorium in connection with the Library of Congress, and to provide for the erection thereof, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment was to add two sections at the end of the joint resolution, as follows:

SEC. 4. Should other gifts be proffered applicable to the perfection or equipment of the proposed structure for its intended uses, the Architect of the Capitol may, with the concurrence of the Librarian and approval of the Joint Committee on the Library, accept and apply them, any moneys so accepted being deposited with the Treasurer of the United States, credited to the special fund, and disbursed as provided herein for the original gift.

SEC. 5. No contract shall be entered into or obligation incurred for the design, construction, or equipment of the structure in excess of the moneys actually available from the total of such gifts.

So as to make the joint resolution read:

Resolved, etc., That the offer of Elizabeth Sprague Coolidge, communicated by the Librarian of Congress and set out in the following language, to wit:

"In pursuance of my desire to increase the resources of the music division of the Library of Congress, and especially in the promotion of chamber music, for which I am making an additional provision in the nature of an endowment, I offer to the Congress of the United States the sum of \$60,000 for the construction and equipment in connection with the Library of an auditorium, which shall be planned for and dedicated to the performance of chamber music, but shall also be available (at the discretion of the Librarian and the chief of the music division) for any other suitable purpose, secondary to the needs of the music division."

be, and the same is hereby, accepted.

SEC. 2. The Treasurer of the United States is hereby authorized to receive from the said Elizabeth Sprague Coolidge the above sum of \$60,000, to receipt for it in the name of the United States of America,

and to credit it on the books of the Treasury Department as a special fund dedicated to the purpose stated, and subject to disbursement for such purpose upon vouchers submitted by the Architect of the Capitol as provided in section 3.

Sec. 3. The Architect of the Capitol is hereby authorized and directed, in consultation with the Librarian of Congress and subject to the approval of the Joint Committee on the Library, and within the limit of the sum available, to prepare or contract for the preparation of plans for the proposed auditorium and, within such limit, to construct or contract for the construction of such auditorium on land within or appurtenant to the Library, and to purchase in the open market the necessary equipment therefor; and upon proper vouchers to draw upon the said special fund for the expenses of such plans, construction, and equipment.

Sec. 4. Should other gifts be proffered applicable to the perfection or equipment of the proposed structure for its intended uses, the Architect of the Capitol may, with the concurrence of the Librarian and approval of the Joint Committee on the Library, accept and apply them, any moneys so accepted being deposited with the Treasurer of the United States, credited to the special fund, and disbursed as provided herein for the original gift.

Sec. 5. No contract shall be entered into or obligation incurred for the design, construction, or equipment of the structure in excess of the moneys actually available from the total of such gifts.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

RECESS

Mr. CURTIS. I move that the Senate take a recess, the recess being under the order previously made, until Monday at 11.50 o'clock a. m.

The motion was agreed to; and (at 4 o'clock and 10 minutes p. m.) the Senate took a recess until Monday, December 15, 1924, at 11.50 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate December 13 (legislative day of December 10), 1924

COMMISSIONER OF IMMIGRATION

Thomas B. R. Mudd, of Maryland, to be commissioner of immigration at the port of Baltimore, Md.

APPOINTMENTS IN THE REGULAR ARMY

MEDICAL ADMINISTRATIVE CORPS

To be second lieutenants with rank from December 6, 1924

Master Sergt. Albert Francis Dowler, Medical Department.
Staff Sergt. Edward Martin Wones, Medical Department.

APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY

JUDGE ADVOCATE GENERAL'S DEPARTMENT

Capt. Thomas Henry Green, Cavalry, with rank from July 1, 1920.

ORDNANCE DEPARTMENT

Second Lieut. Lawrence Coy Leonard, Coast Artillery Corps, with rank from June 13, 1922.

CHEMICAL WARFARE SERVICE

First Lieut. Walter Julius Ungethuem, Infantry, with rank as prescribed by the act of June 30, 1922.

FIELD ARTILLERY

Lieut. Col. Ernest Stephen Wheeler, Quartermaster Corps, with rank from November 3, 1920.

Capt. William Henry Egle Holmes, Signal Corps, with rank from July 1, 1920.

COAST ARTILLERY CORPS

First Lieut. Logan Osburn Shutt, Infantry, with rank from April 9, 1924.

INFANTRY

Col. Russell Creamer Langdon, Adjutant General's Department, November 26, 1924, with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONEL

Lieut. Col. Walt Chatterton Johnson, Infantry, from December 6, 1924.

TO BE LIEUTENANT COLONELS

Maj. Adam Floy Casad, Ordnance Department, from December 4, 1924.

Maj. John Epps Munroe, Ordnance Department, from December 6, 1924.

TO BE MAJORS

Capt. Clyde Raymond Elsenchmidt, Infantry, from December 2, 1924.

Capt. John McDonald Thompson, Cavalry, from December 4, 1924.

Capt. James Alward Van Fleet, Infantry, from December 6, 1924.

TO BE CAPTAINS

First Lieut. William Vincent Randall, Ordnance Department, from November 27, 1924.

First Lieut. Will Vermilya Parker, Signal Corps, from December 2, 1924.

First Lieut. Floyd Newman Shumaker, Air Service, from December 4, 1924.

First Lieut. Lowell Herbert Smith, Air Service, from December 6, 1924.

First Lieut. Albert Edward Higgins, Field Artillery, from December 7, 1924.

TO BE FIRST LIEUTENANTS

Second Lieut. Haynie McCormick, Air Service, from November 27, 1924.

Second Lieut. Arthur Henry Wolf, Infantry, from December 2, 1924.

Second Lieut. Albert Theodore Wilson, Infantry, from December 4, 1924.

Second Lieut. Leonard Vezina, Quartermaster Corps, from December 6, 1924.

Second Lieut. Hartwell Matthew Elder, Quartermaster Corps, from December 7, 1924.

OFFICERS' RESERVE CORPS OF THE ARMY

TO BE BRIGADIER GENERAL

Albert Greenlaw, brigadier general, Maine National Guard.

POSTMASTERS

ALASKA

Martin Conway to be postmaster at Skagway, Alaska, in place of Martin Conway. Incumbent's commission expired June 4, 1924.

Charles W. Carter to be postmaster at Juneau, Alaska, in place of Z. M. Bradford. Incumbent's commission expired June 4, 1924.

CALIFORNIA

Floyd E. Kidd to be postmaster at Williams, Calif., in place of F. E. Kidd. Incumbent's commission expired February 11, 1924.

Clement J. Nash to be postmaster at San Mateo, Calif., in place of J. J. McGrath. Incumbent's commission expired June 4, 1924.

Florence M. Cole to be postmaster at Ross, Calif., in place of Ralph Cole. Incumbent's commission expired June 4, 1924.

Ben Lee to be postmaster at Cazadero, Calif. Office became presidential October 1, 1924.

COLORADO

Isadore D. Bronfin to be postmaster at Sanatorium, Colo. Office became presidential October 1, 1924.

CONNECTICUT

William Krause to be postmaster at Westport, Conn., in place of W. J. Wood. Incumbent's commission expired February 4, 1924.

Hal R. Kellogg to be postmaster at Woodmont, Conn., in place of W. J. Phillips, resigned.

FLORIDA

Edward R. Joyce to be postmaster at St. Augustine, Fla., in place of C. F. Hopkins. Incumbent's commission expired February 20, 1924.

Joseph J. B. Taylor to be postmaster at Panama City, Fla., in place of F. I. Murrow. Incumbent's commission expired February 14, 1924.

Marion C. Douglas to be postmaster at De Land, Fla., in place of E. L. Powe. Incumbent's commission expired February 20, 1924.

Wesley Herrick to be postmaster at Daytona Beach, Fla., in place of J. B. Reed. Incumbent's commission expired June 4, 1924.

George L. Chamberlin to be postmaster at Sutherland, Fla. Office became presidential April 1, 1924.

Maude M. O. Park to be postmaster at Sebastian, Fla. Office became presidential April 1, 1924.

Nellie P. Perry to be postmaster at San Antonio, Fla. Office became presidential April 1, 1924.

Emma M. Cromartie to be postmaster at Reddick, Fla. Office became presidential October 1, 1923.

Francis C. Leavins to be postmaster at Ponce de Leon, Fla. Office became presidential October 1, 1924.

Earl B. Pennington to be postmaster at Ortega, Fla. Office became presidential April 1, 1924.

Flora E. Burks to be postmaster at Ocoee, Fla. Office became presidential April 1, 1924.

Clarkson C. Harvey to be postmaster at Lake Hamilton, Fla. Office became presidential April 1, 1924.

Carl M. James to be postmaster at Hollywood, Fla. Office became presidential January 1, 1924.

Hattie A. Stevens to be postmaster at Greenwood, Fla. Office became presidential April 1, 1924.

William H. Neal to be postmaster at Grand Ridge, Fla. Office became presidential October 1, 1923.

Helen Corson to be postmaster at Beresford, Fla. Office became presidential January 1, 1921.

Clyde Lemmon to be postmaster at Barberville, Fla. Office became presidential January 1, 1924.

Carter T. Daves to be postmaster at Babson Park, Fla. Office became presidential July 1, 1924.

Shelly L. Hayes to be postmaster at New Smyrna, Fla., in place of H. W. Fuller, resigned.

Edgar W. Morris to be postmaster at Fellsmere, Fla., in place of M. A. Carrier, resigned.

Lyndal A. Barber to be postmaster at Cross City, Fla., in place of J. M. McKinney, resigned.

HAWAII

Frederick W. Carter to be postmaster at Waialua, Hawaii, in place of W. C. Irwin. Incumbent's commission expired June 4, 1924.

Thomas E. Longstreth to be postmaster at Lihue, Hawaii, in place of T. E. Longstreth. Incumbent's commission expired April 9, 1924.

IDAHO

Robert R. Coon to be postmaster at Emmett, Idaho, in place of S. D. Riggs. Incumbent's commission expired June 5, 1924.

Effie Taylor to be postmaster at White Bird, Idaho, in place of A. M. Reynolds, removed.

Joseph B. Newbury to be postmaster at Mullan, Idaho, in place of W. F. McCullough, resigned.

Golda O. Esveldt to be postmaster at Bovill, Idaho, in place of E. H. Gilfoy, resigned.

Catherine J. Craig to be postmaster at Avery, Idaho, in place of D. A. Pears, resigned.

ILLINOIS

Henry W. Mathis to be postmaster at Morton, Ill., in place of P. J. Yentes. Incumbent's commission expired June 5, 1924.

Lou R. Carmichael to be postmaster at Stillman Valley, Ill., in place of I. C. Revell, resigned.

Elmer B. Leavitt to be postmaster at Hammond, Ill., in place of L. R. Sutter, removed.

INDIANA

Allen A. Anderson to be postmaster at Churubusco, Ind., in place of L. H. Kocher. Incumbent's commission expired June 5, 1924.

William G. Greemann to be postmaster at Batesville, Ind., in place of Nicholas Volz. Incumbent's commission expired June 5, 1924.

IOWA

Myrtle M. McNelly to be postmaster at Hanlontown, Iowa. Office became presidential July 1, 1924.

Ida Kelly to be postmaster at Harpers Ferry, Iowa, in place of M. D. Kelly, deceased.

LOUISIANA

Johnnie D. Staggs to be postmaster at Longville, La. Office became presidential October 1, 1924.

MASSACHUSETTS

Albin K. Parker to be postmaster at Norwood, Mass., in place of J. F. McManus. Incumbent's commission expired June 5, 1924.

MINNESOTA

Ernst A. Lofstrom to be postmaster at Litchfield, Minn., in place of J. N. Gayner. Incumbent's commission expired June 5, 1924.

John R. Norgren to be postmaster at Foreston, Minn., in place of J. R. Norgren. Incumbent's commission expired June 5, 1924.

Nels E. Berg to be postmaster at Cokato, Minn., in place of A. M. Loberg. Incumbent's commission expired June 5, 1924.

Svend Petersen to be postmaster at Askov, Minn., in place of J. R. Petersen. Incumbent's commission expired April 7, 1924.

Everett R. Vitilas to be postmaster at Shafer, Minn. Office became presidential October 1, 1924.

Percy Cole to be postmaster at Isle, Minn., in place of O. A. Haggberg, resigned.

MISSOURI

Harry G. Pippenger to be postmaster at Fairmount, Mo. Office became presidential July 1, 1924.

MONTANA

Richard Brimacombe to be postmaster at Butte, Mont., in place of P. B. C. Goodwin. Incumbent's commission expired June 4, 1924.

Mary A. Dollin to be postmaster at Medicine Lake, Mont., in place of J. H. Dollin, deceased.

Alice L. Cory to be postmaster at East Helena, Mont., in place of E. B. Richardson, deceased.

NEBRASKA

Leroy L. Ambler to be postmaster at Holbrook, Nebr., in place of H. L. Stebbins. Incumbent's commission expired April 9, 1924.

NEVADA

Muriel B. Allenwood to be postmaster at Yerington, Nev., in place of G. L. Whorton, resigned.

NEW JERSEY

William E. Flagg to be postmaster at Westville, N. J., in place of R. M. Crawford. Incumbent's commission expired June 5, 1924.

NEW MEXICO

Francis O. Polston to be postmaster at Melrose, N. Mex., in place of A. D. Sweet, resigned.

Karl L. Milam to be postmaster at Madrid, N. Mex., in place of J. C. Brown, declined.

NEW YORK

Chris Fox to be postmaster at St. Johnsville, N. Y., in place of J. F. Haggerty. Incumbent's commission expired March 2, 1924.

Charles E. Hardy to be postmaster at Hudson, N. Y., in place of J. F. Brennen. Incumbent's commission expired April 23, 1924.

Agnes Siems to be postmaster at Wantagh, N. Y. Office became presidential October 1, 1924.

Belle M. Clark to be postmaster at Silver Springs, N. Y., in place of A. H. Clark, deceased.

Mary A. Fryer to be postmaster at St. James, N. Y., in place of R. L. Smith, removed.

NORTH CAROLINA

James P. Turnley to be postmaster at Cameron, N. C., in place of N. C. McFayden, removed.

NORTH DAKOTA

William R. Tucker to be postmaster at Agricultural College, N. Dak., in place of A. E. Ross, removed.

OHIO

John M. McConnell to be postmaster at Mingo Junction, Ohio, in place of R. L. Hagerty. Incumbent's commission expired June 4, 1924.

George H. Scheetz to be postmaster at Bridgeport, Ohio, in place of T. M. Duncan. Incumbent's commission expired June 4, 1924.

Charles F. Shoemaker to be postmaster at Pickerington, Ohio. Office became presidential July 1, 1924.

Will B. Maynard to be postmaster at Olmsted Falls, Ohio. Office became presidential October 1, 1924.

Elizabeth F. Kelley to be postmaster at North Olmsted, Ohio. Office became presidential October 1, 1924.

Harriett E. Craig to be postmaster at Neffs, Ohio, in place of Besse Carney, removed.

OREGON

Earl B. Watt to be postmaster at Falls City, Oreg., in place of R. G. White, resigned.

PENNSYLVANIA

Charles H. Heller to be postmaster at Morrisville, Pa., in place of E. H. Sutterly. Incumbent's commission expired August 5, 1923.

Thomas P. Delaney to be postmaster at Castle Shannon, Pa., in place of T. P. Delaney. Incumbent's commission expired August 5, 1923.

Jenny Paterson to be postmaster at Yukon, Pa., in place of R. H. Brown, resigned.

SOUTH DAKOTA

Emmett O. Frescoln to be postmaster at Winner, S. Dak., in place of F. E. Goode. Incumbent's commission expired April 7, 1924.

Thomas A. Krikac to be postmaster at Dupree, S. Dak., in place of F. E. Riley. Incumbent's commission expired June 4, 1924.

TENNESSEE

Grosvenor M. Steele to be postmaster at Bemis, Tenn., in place of F. R. Ballard, resigned.

TEXAS

Emil J. Spiekerman to be postmaster at Skidmore, Tex., in place of Gustave Natho, resigned.

VERMONT

Harold C. Richardson to be postmaster at Roxbury, Vt. Office became presidential October 1, 1924.

VIRGINIA

Norborne G. Smith to be postmaster at South Hill, Va., in place of R. J. Northington. Incumbent's commission expired August 15, 1923.

James J. Matcer to be postmaster at Rosslyn, Va., in place of W. H. Rixey. Incumbent's commission expired May 10, 1924.

Andrew F. Johnson to be postmaster at Millboro, Va., in place of M. M. Landers. Incumbent's commission expired February 14, 1924.

John M. B. Lewis to be postmaster at Lynchburg, Va., in place of I. H. Adams, jr. Incumbent's commission expired February 14, 1924.

Nellie A. Mannes to be postmaster at Boykins, Va., in place of A. S. Francis. Incumbent's commission expired June 4, 1924.

Hugh H. Slemph to be postmaster at Big Stone Gap, Va., in place of G. E. Gilly. Incumbent's commission expired August 15, 1923.

Newton F. Smith to be postmaster at Berryville, Va., in place of G. H. Levi. Incumbent's commission expired February 14, 1924.

Mattie C. Berry to be postmaster at Accomac, Va., in place of W. G. Stevenson. Incumbent's commission expired June 4, 1924.

William H. Meador to be postmaster at Moneta, Va. Office became presidential January 1, 1924.

Frank P. Sutherland to be postmaster at McClure, Va. Office became presidential October 1, 1923.

Maude L. Bateman to be postmaster at Lowmoor, Va. Office became presidential January 1, 1924.

Charlotte V. Bevans to be postmaster at Greenbackville, Va. Office became presidential April 1, 1924.

Virginia H. Silcox to be postmaster at Andover, Va. Office became presidential October 1, 1923.

George E. Adkins to be postmaster at Grundy, Va., in place of Ida Valley, removed.

Ross W. Walker to be postmaster at Fort Humphreys, Va., in place of L. E. Beach, resigned.

Myrtle N. Lafon to be postmaster at Ettricks, Va., in place of W. F. Correll, removed.

Charles F. Gauthier to be postmaster at Bristol, Va., in place of E. S. Kendrick, removed.

John W. Smith to be postmaster at Belle Haven, Va., in place of H. L. Johnson, resigned.

WASHINGTON

Pearl B. Burrill to be postmaster at Snoqualmie Falls, Wash., in place of C. E. Kennedy. Incumbent's commission expired February 11, 1924.

Birdie L. Crook to be postmaster at Nespelem, Wash. Office became presidential October 1, 1924.

WEST VIRGINIA

Osby C. Satterfield to be postmaster at Hopemont, W. Va. Office became presidential July 1, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 13 (legislative day of December 10), 1924

MEMBERS FEDERAL BOARD FOR VOCATIONAL EDUCATION

Harry L. Fidler.

Edward T. Franks.

PROMOTIONS IN THE ARMY

Dennis Edward Nolan to be major general.

Frank Merrill Caldwell to be brigadier general, Cavalry.

William Eric Morrison to be professor of modern languages at the United States Military Academy.

William Sydney Thayer to be brigadier general, medical section, Officers' Reserve Corps.

Roy Hoffman to be brigadier general, Officers' Reserve Corps. Cornelius Vanderbilt to be brigadier general, Officers' Reserve Corps.

Edward Vollrath to be brigadier general, Officers' Reserve Corps.

Claude Vivian Birkhead to be brigadier general, Officers' Reserve Corps.

William Ormiston Richardson to be brigadier general, Officers' Reserve Corps.

Lloyd Denison Ross to be brigadier general, Officers' Reserve Corps.

George Ared White to be brigadier general, Officers' Reserve Corps.

POSTMASTERS

ALABAMA

Thalia F. Pratt, Cartolitor.

COLORADO

Robert C. Alexander, Brighton.

Thomas N. Wayne, Edgewater.

Nellie M. Mickey, Evergreen.

Lewis W. Kennedy, Hot Sulphur Springs.

Fannie E. Arnett, Peetz.

Charles J. Funk, Sterling.

CONNECTICUT

Mary A. Tracy, Central Village.

John J. O'Neill, Killingly.

George E. Dickinson, Rockville.

ILLINOIS

David A. Howard, Glasford.

Nora M. Aull, Kincaid.

Edwin R. Erickson, Media.

Leah M. Le Marr, Modesto.

John Hudson, Valler.

LOUISIANA

Emile Aubert, Abita Springs.

Milton E. Kidd, Choudrant.

Cyrus E. Roberts, Merryville.

Rena F. Eckart, Natalbany.

MAINE

Louis S. Isbell, North Anson.

MASSACHUSETTS

Patrick H. McIntyre, Clinton.

MINNESOTA

Anna Slindee, Adams.

John V. Barstow, Brownsdale.

John L. Christianson, Harmony.

A. Wilbert Anderson, Proctor.

NEW JERSEY

Robert E. Torrance, Arlington.

David Tumen, Atlantic Highlands.

Le Roy Duckworth, Clinton.

Anna G. Rockhill, Columbus.

Everett H. Kuebler, Englishtown.

Ralph E. Liddle, Fords.

James L. O'Donnell, Hammonton.

Walter G. Barber, Millville.

Evan F. Benners, Moorestown.

Gustav L. Meyn, Palsade.

Walter E. Walling, Port Monmouth.

Harry W. Mutchler, Rockaway.

Alfred Johansen, Smithville.

Hiram H. Shepherd, South Boundbrook.

NEW MEXICO

John H. York, East Las Vegas.

Carl Seligman, Grant.

Mahan Wyman, Loving.

Clara L. Kennedy, San Jon.

OKLAHOMA

Helen Whitlock, Maramec.

John R. O'Connell, Willow.

OREGON

Howard C. Getz, Coquille.

Elbert Smith, Cottage Grove.

Frederick D. Gardner, Forest Grove.

J. Clyde Martin, Grants Pass.

Gaylord G. Godfrey, Independence.

Willis E. Everson, Waldport.

PENNSYLVANIA

Clarence G. Young, Bristol.
H. George Marburger, Denver.
Samuel Y. Wissler, Ephrata.
John M. Kurtz, Honey Brook.
Grant Umberger, Langhorne.
Enos A. Freed, Souderton.
Lincoln G. Nyce, Vernfield.

SOUTH CAROLINA

Silas C. Arnold, Central.
Benjamin T. Frierson, Conway.
George R. Hudson, Williston.

UTAH

Paul G. Johnson, Grantsville.
Heber J. Sheffield, Jr., Kaysville.
David T. Lewis, Spanish Fork.

WYOMING

Frank A. Beard, Chugwater.
John H. Mantle, Kemmerer.
Louis E. Eaton, Torrington.

WITHDRAWAL

*Executive nomination withdrawn from the Senate December 13
(legislative day of December 10), 1924*

PROMOTION IN THE ARMY

INFANTRY

Col. Russell Creamer Langdon, Adjutant General's Department, November 28, 1924, with rank from July 1, 1920. The nomination was submitted to the Senate December 3, 1924.

HOUSE OF REPRESENTATIVES

SATURDAY, December 13, 1924

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most gracious Heavenly Father, in grateful recognition of our dependence upon Thee, we wait in Thy presence to say our prayer; do Thou condescend to hear us. We seek Thy guidance that we may walk worthy of our vocation and live well to-day. May all personal interests be lost in the needs and demands of our country. Everywhere may the hearts of selfish men be melted into the spirit of brotherly love and Christian charity. Bless all our homes with purity and sweetness, and may we ever be sensitive toward their sanctities. Lead us to understand that Thy moral and spiritual ideals are the working plans for the higher life of man, and the best that we can do apart from them is in vain. Help us to live our lives in the spirit of the high-minded citizen, generous, untiring, dutiful, and fearless of danger, and hopeful of good. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

Sundry messages in writing from the President of the United States, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had, on December 8, approved and signed the following bill:

H. R. 6426. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

NAVAL APPROPRIATION BILL

Mr. FRENCH, by direction of the Committee on Appropriations, reported the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes (Rept. No. 1044), which was read a first and second time, and, with the accompanying report, was referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. GARRETT of Tennessee reserved all points of order.

Mr. LAGUARDIA. Mr. Speaker, I ask the consideration at this time of House Resolution 365, reported from the Judiciary Committee.

Mr. BEGG. Mr. Speaker, I make a point of order on the request.

Mr. BLANTON. I make the point of order, Mr. Speaker, we have no quorum.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 8]

Allgood	Drewry	Lee, Ga.	Rogers, N. H.
Anderson	Eagan	Lindsay	Rosenbloom
Bacon	Fairchild	Lineberger	Sanders, N. Y.
Barkley	Fish	Linthicum	Schall
Beedy	Fitzgerald	Logan	Sherwood
Berger	Fredericks	McLaughlin, Nebr.	Smithwick
Black, Tex.	Frothingham	Madden	Snell
Bloom	Gallivan	Magee, Pa.	Speaks
Boylan	Geran	Manlove	Stalker
Britten	Gifford	Mead	Sullivan
Browne, N. J.	Goldfelter	McClintock	Sweet
Buckley	Goldsbrough	Michaelson	Swoope
Burdick	Graham	Miller, Ill.	Tague
Byrnes, S. C.	Guyer	Mills	Thompson
Carter	Harrison	Mooney	Tilson
Casey	Hill, Md.	Morehead	Tinkham
Coller	Howard, Nebr.	Morin	Tucker
Clague	Jacobstein	Nelson, Wis.	Tydings
Clark, Fla.	Jeffers	Newton, Minn.	Vale
Cooper, Ohio	Johnson, Wash.	Nolan	Vare
Corning	Johnson, Ky.	O'Brien	Vinson, Ga.
Croll	Johnson, W. Va.	O'Connor, N. Y.	Wainwright
Crowther	Johnson, S. Dak.	O'Sullivan	Ward, N. Y.
Cummings	Kahn	Oliver, N. Y.	Ward, N. C.
Curry	Kelly	Paige	Weller
Davey	Kendall	Parker	Welsh
Davis, Minn.	Kent	Patterson	Williams, Mich.
Dempsey	Kless	Perlman	Winslow
Dickinson, Iowa	Kincheloe	Porter	Wolf
Dickstein	Knutson	Quayle	Woodrum
Dominick	Kubz	Ransley	Wurzbach
Doyle	Langley	Reed, W. Va.	Zihlman
Drane	Larson, Minn.	Rogers, Mass.	

The SPEAKER. Two hundred and ninety-eight Members have answered to their names, a quorum.

Mr. LONGWORTH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

INITIAL EMBARGO PROMULGATED BY THE SECRETARY OF THE INTERIOR ON DECEMBER 5, 1896

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of reclamation and to print a certain document prepared by Mr. Hamele, the assistant solicitor of the department.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the Record and to print with them a certain document. Is there objection?

There was no objection.

Mr. HUDSPETH. Mr. Speaker and gentlemen of the House, many inquiries have been made concerning the initial embargo promulgated by the Secretary of the Interior, on December 5, 1896, against the use of the waters of the upper Rio Grande for irrigation purposes, and as showing the reasons for said embargo and the justness thereof, as my mind conceives the fairness and justness thereof, I herewith submit, as a part of my remarks, one of the ablest historical briefs I have ever read, fully and with accuracy and fairness portraying the facts—and all the facts—connected therewith, by that splendid and able authority on reclamation laws, Hon. Ottamar Hamele, special attorney representing the Bureau of Reclamation before the Rio Grande Commission.

Every Member of this House will be amply repaid if he will give this document a most exhaustive and careful perusal.

The brief is as follows:

THE EMBARGO ON THE UPPER RIO GRANDE

(By Ottamar Hamele, special attorney representing the Bureau of Reclamation before the Rio Grande Commission)

FIRST SETTLEMENTS IN RIO GRANDE VALLEY

Spanish explorers under Coronado, moving easterly from the Pacific, reached the Valley of the Rio Grande before the middle of the sixteenth century. They found the Pueblo Indians irrigating fields of wheat, corn, fruit, and flowers from the waters of this river and its tributaries. The acequias then in use indicated great age, and suggested the existence of a prehistoric people of substantial population.

The Ysleta Church below El Paso and the Juarez Church across the river, probably date back to the middle of the sixteenth century. The city of Juarez, Mexico (formerly called Paso del Norte) was an important town in the year 1600. Its diversion from the Rio Grande (Acequia Madre) quite likely was constructed more than 350 years ago.

The first attempts of the Spaniards to colonize the Valley of the Rio Grande were carried on from Juarez as a base. Santa Fe was made the capital of New Mexico in 1605. Barnabito was founded about the year 1700 and Albuquerque in 1706. Permanent settlement

in the San Luis Valley in Colorado was not begun until after 1850. The town of Conejos was founded by Mexicans in 1835, and the Mormons established Manassa in 1878.

PIONEER IRRIGATION DEVELOPMENTS

As already stated, the Acequia Madre at Juarez is probably 350 years of age. The rights under the Ysleta, San Elizario, and Socorro ditches at El Paso are quite ancient. Each permanent white settlement in the Rio Grande Valley represents at least one diversion substantially as of the date of the settlement. In addition to these were the earlier irrigation rights of the Pueblo Indians.

The first half of the last century saw a considerable extension of irrigation in this region. The El Paso city ditch (formerly Ponce acequia) was built in 1827. In the Mesilla Valley, in New Mexico, the Dona Ana ditch was constructed in 1844, the Las Cruces ditch in 1849, and the Mesilla ditch in 1850. In the San Luis Valley in Colorado, the People's Canal on Culebra Creek has an appropriation dating from 1852.

EXTENT OF IRRIGATION PRIOR TO 1880

Baron von Humboldt, who visited Juarez in 1806, wrote as follows regarding that region:

"Travelers are in the habit of taking a short rest at Paso del Norte (Juarez) in order to lay in provisions so as to proceed on their way to Santa Fe. The country around El Paso included splendid fields comparable with the best in Andalusia. The land is sown with corn and wheat; the vines bear excellent grapes preferable even to those of New Biscay, and the gardens yield an abundance of European fruit such as peaches, apples, and pears. As the soil is very dry, an irrigating canal brings water from the Rio Grande to El Paso." (Travels of Humboldt, Vol. IX, p. 265, German edition.)

Maj. William Emory, of the United States Army, who explored the Rio Grande in 1852-1854, described Juarez and vicinity (the El Paso Valley) as a "continuous vineyard," and stated that an area extending for 20 miles on both sides of the river was in cultivation.

In 1850 this area consisted of approximately 25,000 acres on the Mexican side supporting a population of about 20,000, and approximately 15,000 acres on the American side with a population of about 10,000. It is estimated that 550 second-feet of water were diverted for this irrigation.

In the same year there were irrigated from the Rio Grande in the Territory of New Mexico approximately 183,000 acres, demanding the use of about 5,600 second-feet of water, and there were irrigated from the Rio Grande in the State of Colorado approximately 122,000 acres requiring about 3,700 second-feet of water. Of the area in New Mexico about 10,000 acres were irrigated in the Rincon Valley, and about 31,000 in the Mesilla Valley, just north of El Paso.

COMPLAINTS FROM MEXICO

In the early eighties of the last century complaints began to be made on behalf of irrigators in Mexico, to the effect that irrigation in the United States had been increased to such an extent as seriously to deplete the water supply used for centuries on the lands in the vicinity of Juarez. The diversions particularly complained of were those in the San Luis Valley in Colorado. These complaints, voiced at first by individual landowners, later were taken up by the Government of Mexico with our State Department at Washington. It was contended by the Mexican authorities that the diversions in the United States were in violation of the treaty of Guadalupe Hidalgo of February 2, 1848 (9 Stat. 22), and that damages amounting to upward of \$35,000,000 had been sustained by the citizens of Mexico. It was suggested that a dam be constructed across the Rio Grande to provide the water to which the lands in Mexico were entitled.

General Stanley, of the United States Army, commanding the Department of Texas, in his official report dated September 12, 1889, says on this subject:

"Our relations with our Mexican neighbors upon the long line of the Rio Grande have been kindly, although they are a good deal excited over what they deem the violation of their riparian rights through our people taking all the water of the Rio Grande for the irrigation of the San Luis Valley, which leaves the Rio Grande a dry bed for 500 miles. The question is one that must be settled by the State Department, and thus far there has been no call for military force. The remedy for this water famine and consequent ruin to the inhabitants of the Rio Grande Valley must be found in storage reservoirs, so easy of construction, one in the canyon opposite Taos and the other in the canyon near and north of El Paso."

CONCURRENT RESOLUTION OF APRIL 29, 1890

There ensued several years filled with bickerings over this matter. Americans became interested from a financial standpoint in the proposed international dam, and bills to provide for its construction by the United States were introduced in Congress. A bill of this character (S. 1644-II. R. 3924) introduced in the Fifty-first Congress (1889) provoked considerable discussion. The agitation culminated in the

passage on April 29, 1890, of a concurrent resolution authorizing the President to enter into negotiations with the Government of Mexico for the purpose of remedying the difficulties existing between the two countries on account of the depleted water supply in the Rio Grande. Under treaty of March 1, 1889 (26 Stat., 1512) there was created an International Boundary Commission to pass on matters affecting the common boundaries of the two countries on the Rio Grande and the Colorado, but this commission was not authorized to consider the question of the depleted water supply, as has been frequently erroneously stated. A copy of the concurrent resolution of April 29, 1890, marked Exhibit A, is attached hereto.

THE RIO GRANDE DAM & IRRIGATION CO.

For several years immediately following the passage of the concurrent resolution of April 29, 1890, little or nothing was done by our Government to carry out the purpose of the resolution. In the meantime sections 18, 19, 20, and 21 of the statute of March 3, 1891 (26 Stat., 1095), authorizing rights of way over the public lands for canals, ditches, or reservoirs, was enacted into law, and on February 1, 1895, by approval of the Secretary of the Interior under said act, a private concern known as The Rio Grande Dam & Irrigation Co. secured a right of way over public lands to construct a large irrigation dam across the Rio Grande near Elephant Butte, in New Mexico, about 120 miles above the city of El Paso. Sections 18, 19, 20, and 21 of the right of way act of March 3, 1891, are marked Exhibit B and attached hereto. The dealings of the Government with The Rio Grande Dam & Irrigation Co. will be referred to later.

MORE COMPLAINTS FROM MEXICO

The activities of the Rio Grande Dam & Irrigation Co. led to renewed efforts on the part of the Mexican authorities to secure action from this Government under the concurrent resolution of April 29, 1890. It was realized that those in control of a large private dam across the Rio Grande in New Mexico would be able still further to reduce the water supply available for the Mexican lands. Also, it was assumed that if the proposed developments of the Rio Grande Dam & Irrigation Co. were carried out it would be infeasible to construct the proposed international dam at El Paso. Under date of October 21, 1895, the Mexican minister, M. Romero, sent a vigorous letter to Secretary of State Richard Olney, urging action under the concurrent resolution. A copy of this letter, marked "Exhibit C," is attached hereto.

OPINION OF ATTORNEY GENERAL HARMON

By letter dated November 5, 1895, the Secretary of State transmitted to Attorney General Judson Harmon a copy of the Mexican minister's letter of October 21, 1895, referred to the concurrent resolution of April 29, 1890, and requested answers to the following questions:

"(1) Are the provisions of article 7 of the treaty of February 2, 1848, known as the treaty of Guadalupe Hidalgo, still in force so far as the river Rio Grande is concerned, either because never annulled or because recognized and reaffirmed by article 5 of the convention between the United States and Mexico of November 12, 1884?

"(2) By the principles of international law, independent of any special treaty or convention, may Mexico rightfully claim that the obstructions and diversions of the waters of the Rio Grande, in the Mexican minister's note referred to, are violations of its rights, which should not continue for the future, and on account of which, so far as the past is concerned, Mexico should be awarded indemnity?"

On December 12, 1895, the Attorney General rendered an opinion, which is to be found in volume 21, Opinions Attorney General, at page 274. The following is the syllabus of the decision as found in the report:

"Article VII of the treaty of February 2, 1848, between Mexico and the United States, known as the treaty of Guadalupe Hidalgo, is still in force, so far as it affects the Rio Grande.

"The taking of water for irrigation from the Rio Grande above the point where it ceases to be entirely within the United States and becomes the boundary between the United States and Mexico is not prohibited by said treaty.

"Article VII is limited in terms to that part of the Rio Grande lying below the southern boundary of New Mexico, and applies to such works alone as either party might construct on its own side.

"The only right the treaty professed to create or protect with respect to the Rio Grande was that of navigation. Claims against the United States by Mexico for indemnity for injuries to agriculture alone, caused by scarcity of water resulting from irrigation ditches wholly within the United States at places far above the head of navigation, find no support in the treaty.

"The rules, principles, and precedents of international law impose no duty or obligation upon the United States of denying to its inhabitants the use of the water of that part of the Rio Grande lying entirely within the United States, although such use results in reducing the volume of water in the river below the point where it ceases to be entirely within the United States.

"The fact that there is not enough water in the Rio Grande for the use of the inhabitants of both countries for irrigation purposes does not give Mexico the right to subject the United States to the burden of arresting its development and denying to its inhabitants the use of a provision which nature has supplied, entirely within its own territory. The recognition of such a right is entirely inconsistent with the sovereignty of the United States over its national domain."

AGREEMENT OF MAY 6, 1896

While the Attorney General's opinion of December 12, 1895, held that the complaints of the Mexican authorities were not justified either under treaty rights or under the rules of international law, the State Department apparently took the position that the United States was under a moral obligation to make good the depleted water supply of the Mexican lands.

On May 6, 1896, an agreement was made by Secretary of State Richard Olney, representing the United States, and the Mexican minister, M. Romero, representing the Mexican Government, under which Col. Anson Mills and Señor Don F. Javier Osorono, members of the International Boundary Commission, provided by the treaty of March 1, 1889, were directed to investigate and report as soon as practicable upon the following three questions:

"1. The amount of water of the Rio Grande taken by the irrigation canals constructed in the United States of America.

"2. The average amount of water in said river, year by year, before the construction of said irrigation canals and since said construction—the present year included.

"3. The best and most feasible mode, whether through a dam to be constructed across the Rio Grande near El Paso, Tex., or otherwise, of so regulating the use of the waters of said river as to secure to each country concerned and to its inhabitants their legal and equitable rights and interests in said waters."

JOINT COMMISSION REPORT OF NOVEMBER 25, 1896

Pursuant to the agreement of May 6, 1896, the joint commission therein named proceeded to consider and report upon the three questions set forth in that agreement. The commission's report bears date November 25, 1896.

On question No. 1, relative to the amount of water taken from the Rio Grande by irrigation canals constructed in the United States, the commission reported as follows:

"From the very elaborate statistical report of Civil Engineer Follett the commission find that prior to 1880 there were in Colorado 511 canals taken from the Rio Grande and its tributaries, irrigating about 121,000 acres of land; that this number of canals and amount of land irrigated has kept increasing year by year, many of the canals being enlarged during the same period, so that the number of canals at this date has increased to 925, irrigating 318,000 acres of land; and that in New Mexico there were, prior to 1880, 563 canals taken from the Rio Grande and its tributaries, irrigating 183,000 acres of land, and at the present time there are 603 canals, irrigating 186,000 acres of land.

"These results show an aggregate of 1,074 canals taken out in Colorado and New Mexico prior to 1880, and 1,528 taken from the river and its tributaries at this date, showing an increase of 454 canals and of 196,000 acres irrigated in the State of Colorado and Territory of New Mexico. This shows quite accurately the increase for the past 16 years. There are no reliable records available showing the increase in the preceding years, but they were doubtless on a more rapidly increasing ratio.

"It will also be observed that the greatest increase during these 16 years was in the State of Colorado, the number of canals and acres irrigated remaining almost stationary in New Mexico for that period; but this is easily accounted for by the fact that the appropriation of water in Colorado has rendered such a scarcity in New Mexico that little further increase of canals and acreage was profitable.

"It is evident to the commissioners that as the flow of water in the Rio Grande had not only become scarce at El Paso, but high up in New Mexico prior to 1888 or 1889, any increase of water used in Colorado would diminish materially the flow at El Paso during the irrigation season."

Relative to the second question, concerning the average amount of water in the Rio Grande year by year, the commission reported as follows:

"There are no records or testimony available which will enable the commissioners to determine this question entire with any degree of accuracy. The first record of the flow of the river here at El Paso was taken in 1889, the driest year up to that date, the river being dry as far above as Albuquerque, N. Mex., and no water passing El Paso for four months during the year, embracing August, September, October, and November. There is no tradition of such scarcity of water prior to this date—1889—the river only being dry once in about seven years, and then only for a short period in the latter part of the summer.

"For the 11 months prior to March 31, 1890, the flow of the river at El Paso was 425,000 acre-feet. This includes the long drought of 1889, before mentioned. For the year ending March 31, 1891, the flow was 1,100,000 acre-feet. For the year 1892 the flow at El Paso was 1,850,000 acre-feet. For the year 1893 the flow was 875,000 acre-feet.

"During a part of this time measurements at Embudo in the Rio Grande near the Colorado line showed that the flow at that point was greater than at El Paso, there being no increase in the flow from Embudo to El Paso. This fact is mentioned to show that the supply of water both in New Mexico and in the valley of El Paso depends, for the greater part, upon that of its headwaters in Colorado.

"An examination of the old canals in use in the El Paso Valley some 30 years ago convinces us that those on the Mexican side had a capacity of about 300 second-feet, and that those on the United States side had a capacity of about 250 second-feet.

"Many of these for the past five years have been constantly dry, and all of them have been dry for a great part of the irrigating season three years out of the five past.

"The foregoing is a condensed compendium of the large mass of information and statistics taken by our engineers, from which we form the following conclusions:

"That the flow of the river at El Paso has now been decreased by the taking of water for irrigation by canals constructed in the United States of America about 1,000 second-feet for 100 days annually, equal to 200,000 acre-feet of water.

"It will be observed that this loss is distributed through the summer flow, which at best was not always sufficient before the diminution took place during dry seasons.

"It should be understood that the great mass of these waters both before the construction of the canals and since consists of flood waters carried down the river unused, being utterly unavailable without large reservoirs to hold it for the season of irrigation, the maximum flow lasting but a few days, running as high as 16,000 second-feet, generally before the irrigation season fully sets in, and an average flood of about 5,000 second-feet during about 40 or 50 days in April and May."

On the third question, respecting the most feasible mode of regulating the use of the waters of the Rio Grande, so as to secure to each country an equitable right to the use of the waters, the commission reported as follows:

"The joint report of the engineers develops a feasible method of building a dam across the Rio Grande near El Paso, about 3 miles above, and impounding a large mass of the flood waters in a lake some 15 miles long by about 3½ miles wide, which it is believed by the commission will so regulate the use of the waters of said river as to secure to each country concerned and to its inhabitants their legal and equitable rights and interests in said waters, and neither they nor the commissioners have been able to discover any other feasible mode of consuming these ends.

"The joint commission is of the opinion that the present flow of the river is sufficient to maintain the reservoir as projected, but insufficient to maintain it and at the same time maintain the projected reservoir 120 miles above El Paso, in New Mexico, known as the Elephant Butte dam and reservoir. One of these projects, in the opinion of the commission, must give way to the other, or at least, if both are built, that at Elephant Butte must in some way be restrained from using water already appropriated by the citizens of the El Paso Valley, both Mexicans and Americans, and a method provided in case they violate these restraining rules for a prompt and efficient legal remedy for the parties injured.

"It is the opinion of the joint commission that Mexico has been wrongfully deprived for many years of a portion of her equitable rights in the flow of one-half of the waters of the Rio Grande at the time of the treaty of Guadalupe Hidalgo; and if there were no other evidence of that fact than the records and measurements above referred to, it is apparent to the eye of any visitor to the locality, where can be witnessed the dying fruit trees and vines, the abandoned fields and dry canals for the greatest portion that has heretofore been cultivated; and while we are considering the equitable rights of Mexico this is also true of the United States side, where almost the same abandonment and destruction of former prosperous farms may be witnessed.

"The joint commission is of the opinion that the impounding of this large body of the flood waters of the Rio Grande would not only effectually remedy the existing troubles regarding the equitable division of the waters of said river between the two countries, but would make it feasible to control the flow in the river so that it will be practically constant and uniform and prevent the erosions and avulsions which have heretofore ren-

dered the boundary line between the two countries so uncertain, unstable, and vexatious. It is certain that this effect will result as far down the river as the mouth of the next important tributary, the Concho River, of Mexico, and that the restraint of the torrential flow will, in a great degree, remedy the erosions and avalanches below the mouth of the Concho to the Gulf."

The commission recommended that the two Governments enter into a treaty to provide for a final settlement of all questions, past and future, regarding the distribution of the waters of the Rio Grande. It proposed that the United States defray all of the cost of the dam, estimated at \$2,317,113.36; that an equitable distribution of the waters from the dam be made between the two countries, and that Mexico relinquish all claims for indemnity for the unlawful use of water in the past.

On the subject of interference with the water supply on the upper river, the commission recommended that the United States—

"in some way prevent the construction of any large reservoirs in the Rio Grande in the Territory of New Mexico, or in lieu thereof, if that be impracticable, restrain any such reservoirs hereafter constructed from the use of any waters to which the citizens of the El Paso Valley, either in Mexico or in the United States, have right by prior appropriation, and provide some legal and practicable remedy and redress, in case such waters should be used, to the citizens of both countries."

The complete text of the joint commission's report of November 25, 1896, with copies of other related papers, will be found in Senate Document No. 229, Fifty-fifth Congress, second session, 1898. Copies of additional papers on the general subject appear in Senate Document No. 154, Fifty-seventh Congress, second session, 1903.

STATE DEPARTMENT REQUESTS EMBARGO

On August 4, 1896, while the joint commission was considering the Mexican complaints in accordance with the concurrent resolution of April 29, 1890, and the agreement of May 6, 1896, the Mexican minister again addressed the Secretary of State on the subject, forwarding a petition calling attention to the distressing situation on the Mexican side of the Rio Grande, and stating that the efforts of the two Governments to remedy the condition would be fruitless if, in addition to the 40 dams in Colorado, the Rio Grande Irrigation & Land Co. (Ltd.), successor to the Rio Grande Dam & Irrigation Co., should be permitted to construct a dam across the river at Elephant Butte, N. Mex. The communication from the Mexican minister was referred to Col. Anson Mills, of the joint commission, who reported thereon under date of November 17, 1896. This report was transmitted by the Secretary of State to the Secretary of the Interior by letter dated November 30, 1896. The latter communication suggested that an investigation be made of the rights of the Rio Grande Irrigation & Land Co. (Ltd.) and that the Secretary of the Interior decline to grant additional rights of way over public lands for dams and reservoirs under the act of March 3, 1891. A copy of the letter of November 30, 1896, is marked "Exhibit D" and attached hereto.

INITIAL EMBARGO OF DECEMBER 5, 1896

Following the suggestion of the Secretary of State made in letter of November 30, 1896, the Secretary of the Interior on December 5, 1896, addressed a letter of that date to the Commissioner of the General Land Office directing the suspension of action on all applications for rights of way for irrigation purposes over public lands in the Rio Grande Basin in Colorado and New Mexico. By letter dated December 19, 1896, the Secretary of the Interior reported this action to the Secretary of State and commented upon the rights of the Rio Grande Dam & Irrigation Co. A copy of the order of December 5, 1896, marked "Exhibit E" and a copy of the letter of December 19, 1896, marked "Exhibit F" are attached hereto. The order of December 5, 1896, has been modified six times, as will hereafter appear.

FIRST MODIFICATION OF EMBARGO, JANUARY 13, 1897

The Pecos River, flowing through eastern New Mexico, is a tributary of the Rio Grande and was included in the blanket order of December 5, 1896. However, its waters reach the Rio Grande at a point below the irrigable area in the vicinity of Jaurez and therefore could not affect the question under discussion. This fact was brought to the attention of the Secretary of the Interior by letter of January 11, 1897, from the Secretary of State, a copy of which letter, marked "Exhibit G," is attached hereto. Accordingly, on January 13, 1897, the order of December 5, 1896, was modified by the Secretary of the Interior so that it would not apply to the tributaries of the Rio Grande which empty into that river below the point where it becomes the international boundary. A copy of the order of January 13, 1897, marked "Exhibit H," is attached hereto.

NEGOTIATIONS FOR TREATY MEET DIFFICULTY

In letters of December 19, 1896, December 29, 1896, and January 5, 1897, from the Mexican Minister M. Romero to Secretary of State Olney the former expressed approval of the joint commission's report of November 25, 1896, and in letter dated January 30, 1897, the Mexican Minister transmitted to our State Department a draft of proposed

treaty following the recommendations of the report of the joint commission, which draft had been approved by the Mexican Government. The position of the United States was expressed in the following paragraph taken from letter of January 4, 1897, from Secretary Olney to the Mexican Minister—

"In preparing to enter into negotiations the department has found the subject embarrassed by greatly perplexing complications arising out of reservoir dams, etc., either already built or authorized through the concurrent action of the Federal and State authorities. Just what legal validity is to be imputed to such grants of authority, or in what way structures completed or begun are to be dealt with, are questions under careful investigation and which must be disposed of before the United States will be in a condition to negotiate."

NAVIGABILITY OF THE RIO GRANDE

The letter of January 11, 1897, from the Secretary of State to the Secretary of the Interior (Exhibit G), in addition to suggesting that the embargo be lifted from the Pecos River, also suggested that the Rio Grande was a navigable river, and that before approving rights of way for dams in the Rio Grande Basin the Secretary of the Interior should assure himself that the erection of such dams would not in any manner interfere with navigation. By letter dated January 13, 1897, the Secretary of State addressed the Secretary of War on the subject of the Rio Grande Dam & Irrigation Co., and suggested that the Secretary of War secure from the Attorney General an opinion as to whether the proposed dam of the company could be constructed without the sanction of the Secretary of War, as directed by the river and harbor act of July 13, 1892 (27 Stat. 88, 100). A copy of the letter of January 13, 1897, marked "Exhibit I," is attached hereto. The Attorney General's opinion was requested by the Secretary of War on February 19, 1897, and again on April 8, 1897. Delay in the matter was caused by a change in national administration. On April 24, 1897, Attorney General Joseph McKenna approved an opinion of that date by Solicitor General Holmes Conrad. This opinion is reported in volume 21, Opinions Attorney General, at page 518. The following is the syllabus from the report:

"The Secretary of the Interior had no power under the act of March 3, 1891, providing for the location and selection of reservoir sites on the public lands of the United States and rights of way for irrigating ditches and canals, to grant a right to construct dams across the Rio Grande for the purpose of checking the flow of water and distributing it for irrigation purposes."

"The control and supervision of the navigable waters of the United States is vested in the Secretary of War."

"The remedy of the United States in case of the erection of a dam across navigable waters is by injunction under section 10 of the act of September 19, 1890, and if the dam has been constructed, also by criminal prosecution."

LITIGATION WITH RIO GRANDE DAM & IRRIGATION CO.

In accordance with the Attorney General's opinion of April 24, 1897, suit by the United States against the Rio Grande Dam & Irrigation Co. was filed in the District Court of the Territory of New Mexico, third district, May 24, 1897. The purpose of the suit was to enjoin the defendant from obstructing the flow of the waters and interfering with the navigable capacity of the Rio Grande, a navigable river, in violations of acts of Congress and contrary to treaty with Mexico. The bill was dismissed by the trial court, and this decision was affirmed by the Territorial supreme court (9 N. Mex. 392). The United States Supreme Court reversed the decree and remanded the cause with directions for "an inquiry into the question whether the intended acts of the defendants in the construction of a dam and in appropriating the waters of the Rio Grande will substantially diminish the navigability of that stream within the limits of present navigability, and if so, to enter a decree restraining those acts to the extent that they will so diminish." (See U. S. v. Rio Grande Dam & Irrigation Co. (1899) 174 U. S. 690.)

Again, in the trial court the cause came in for hearing, and again a decree against the Government was entered and later affirmed by the Territorial supreme court. Again, the United States Supreme Court reversed the lower court and remanded the case with "direction to grant leave to both sides to adduce further evidence." (See U. S. v. Rio Grande Dam & Irrigation Co. (1902) 184 U. S. 416.)

For a third time the suit was placed on the docket of the New Mexico trial court. The Government amended its complaint, alleging that the statutory period of five years for construction required by the right of way act of March 3, 1891, had run, the requirement had not been met, and the rights, if any, the company had acquired were forfeited. Upon this new allegation the trial court found for the Government, and its decree was thereafter affirmed by the Territorial supreme court (13 N. Mex. 386) and by the United States Supreme Court (See Rio Grande Dam & Irrigation Co. v. U. S. (1909) 215 U. S. 266.) It will be noted that this litigation covered a period of over 12 years. Incidentally, the successors of the Rio Grande Dam & Irrigation Co.—

British interests—are now attempting to secure against the United States in an international tribunal an award of damages because they were prevented from carrying out their proposed irrigation enterprise.

BILLS IN CONGRESS

While the litigation between the United States and the Rio Grande Dam & Irrigation Co. was in progress, various bills providing for the construction of an international dam at El Paso and the distribution of the waters therefrom were introduced in Congress. Typical of these was the bill (S. 3894-H. R. 9710) introduced in 1900. A copy of this bill, marked "Exhibit J," is attached hereto. On December 19, 1900, the Senate Committee on Foreign Relations reported this bill favorably and recommended that it be passed. (See S. Rept. No. 1755, 56th Cong., 2d sess.) However, the bill was not enacted. New Mexico interests were strongly opposed to the plan for an international reservoir at El Paso, as such a reservoir would inundate a large irrigable area in the Mesilla Valley in New Mexico and prevent a much desired further development of that region.

THE NATIONAL IRRIGATION ACT

On June 17, 1902, the national irrigation act became a law (32 Stat. 388). Under this act the Secretary of the Interior was authorized to use certain moneys from public lands to construct and maintain irrigation works in 16 designated States and Territories, of which the Territory of New Mexico was one. The State of Texas was not included in the list, as there were no public lands in that State.

The new United States Reclamation Service in the Geological Survey, organized under said act, began investigations on the Rio Grande March 1, 1903, and the survey of a reservoir site in the vicinity of Elephant Butte was completed in August of that year. Borings for the foundations of the dam were begun in October, 1903, and completed in February, 1904. (See Second Annual Report U. S. Reclamation Service, p. 377; Third Annual Report, pp. 95, 395.) Under date of June 3, 1904, the Mexican minister, M. de Azpiroz, brought the claims of Mexico to the attention of the State Department again, urgently requesting the providing of a water supply or the payment of damages. In letter dated June 27, 1904, from Secretary of State John Hay to Secretary of the Interior Ethan Allen Hitchcock, reference is made to the letter of June 3 from the Mexican minister, and it is suggested that the national irrigation act might be utilized to solve the difficulty. A copy of the letter of June 27, 1904, marked "Exhibit K," is annexed hereto.

PLANS FOR A RECLAMATION SERVICE PROJECT

On November 18, 1904, before the National Irrigation Congress held at El Paso, Engineer B. M. Hall, of the Reclamation Service, presented a paper dealing with Government irrigation on the Rio Grande. He compared the plan for an international dam at El Paso, as proposed in the joint commission's report of November 25, 1896, with the plan for a Federal dam at Elephant Butte in New Mexico. The following is taken from his paper:

"As mentioned above, Mr. Follett estimates that about 40,000 acres of land had prior rights under the old canals in El Paso Valley and were deprived of irrigation by the act of American citizens on the headwaters, and that something more than one-half of this 40,000 acres lay on the Mexican side of the river. As the restoring of these ancient water rights is the primary object of the proposed expenditure of \$2,317,113.36, the cost of project would be \$57.92 per acre. However, it will be shown further along in this paper that the proposed reservoir could be made to irrigate 55,000 acres in El Paso Valley, which would put the cost per acre at \$42.12, provided the estimate of the commission is a correct one. There is every reason for believing this estimate too low, but aside from the monetary cost per acre for the land to be irrigated, there is another item of cost to be considered. The reservoir would cover 25,565 acres of good valley land with mud and water and would cause marshes to form in the low, flat valley at the head of the lake amounting to perhaps 15,000 acres additional, making a total destruction of about 40,000 acres of land in the Mesilla Valley, which is just as near to El Paso, and just as valuable as any of the land that would be irrigated.

"While the published report of the commission and its engineers plainly sets forth the fact that increased irrigation in Colorado caused shortage of water in Mexico, Texas, and New Mexico, their recommendations not only leave New Mexico out of all the benefits to be derived from a project inaugurated for the purpose of making up this shortage, but give part of her territory to Mexico, cover up another part of it by the proposed reservoir, and distinctly ask that the Government shall prevent the construction of any other large reservoir on the Rio Grande in the territory of New Mexico.

"The only reasonable explanation of these extraordinary recommendations lies in the probable fact the commission had no alternative plan for consideration, and thought the plan recommended was the only possible plan that could be adopted for restoring the water to which Mexico laid claim by virtue of

ancient prior use. Indeed, they were confronted at the time with the prospect of an Elephant Butte Dam in New Mexico, not under Government management, but to be constructed, owned, and operated by a stock company of private capitalists, whose plans contemplated the construction of a comparatively low dam without sufficient storage capacity for irrigating a large area above, and having a surplus for Mexico. At that time the United States Government had no reclamation service. Now that conditions have completely changed and there is an alternative plan which claims to be able to accomplish just as much for Mexico and a great deal more for the United States, it becomes necessary to compare these two plans and choose between them. . . .

"The Elephant Butte Dam has the final advantage of being in New Mexico, and subject to the operations of the United States Reclamation Service. The project can be so planned that legislation by Congress can allow New Mexico and Texas to participate. But the extent and manner of this participation is a matter that must be arranged and decided on by Congress and the Department of State. All that the Reclamation Service can do at present is to make plans and estimates for work in the Territory of New Mexico that will not conflict with any action that may be taken by Congress and by the Secretary of State for restoring water to which El Paso Valley, in Texas and Mexico, has laid claim by virtue of ancient prior appropriation and continuous use."

CONGRESS AUTHORIZES CONSTRUCTION OF DAM

By act of February 25, 1905 (33 Stat., 814), Congress extended the provisions of the National Irrigation Act "to the portion of the State of Texas bordering upon the Rio Grande which can be irrigated from a dam to be constructed near Engle, in the territory of New Mexico, on the Rio Grande," and directed that "if there shall be ascertained to be sufficient land in New Mexico and in Texas which can be supplied with the stored water at a cost which shall render the project feasible and return to the reclamation fund the cost of the enterprise, then the Secretary of the Interior may proceed with the work of constructing a dam on the Rio Grande as part of the general system of irrigation, should all other conditions as regards feasibility be found satisfactory." By act of June 12, 1906 (34 Stat., 259), the provisions of the National Irrigation Act were "extended so as to include and apply to the State of Texas."

TREATY OF MAY 21, 1906

Although the third and final decision of the United States Supreme Court in the Rio Grande Dam & Irrigation Co. case was not made until December 13, 1909, the third and final decision of the New Mexico trial court was rendered on May 21, 1903. Subsequent acts of the Federal Government apparently were based on the idea that the decision of May 21, 1903, would not be disturbed.

The negotiations which had been carried on between the United States and Mexico over a period of about a quarter of a century culminated in the treaty of May 21, 1906 (34 Stat. 2953), between the two countries. Under this treaty the United States agreed to deliver to Mexico 60,000 acre-feet of water per annum from the proposed Federal Elephant Butte Reservoir, while Mexico waived all claims for damages and all claims to any other water from the Rio Grande between the Acequia Madre, at El Paso, and Fort Quitman, Tex. A copy of the treaty, marked "Exhibit L," is attached hereto.

By act of March 4, 1907 (34 Stat. 1357), the sum of \$1,000,000 was appropriated from the Treasury toward the construction of the dam required by the treaty, the remaining cost of the dam to be paid from the reclamation fund and collected from the landowners under the Rio Grande project.

While the construction of a division—Leasburg Unit—of the Rio Grande irrigation project was authorized by the Secretary of the Interior on December 2, 1905, the construction of the Elephant Butte Reservoir was not authorized until May 23, 1910, and was not completed until May 13, 1916, 10 years after the treaty was signed.

THE RIO GRANDE FEDERAL IRRIGATION PROJECT

The Elephant Butte Dam, constructed by the Reclamation Service, is 1,585 feet long not including the spillway, 306 feet high from the bedrock foundation to the parapet, and contains 611,700 cubic yards of concrete masonry. In addition to the main structure it was necessary to build an earth-and-rock-fill embankment 2,000 feet long containing 165,700 cubic yards. The reservoir is 45 miles in length with an original storage capacity of 2,638,860 acre-feet of water. This reservoir supplies the 60,000 acre-feet of water provided by the treaty of May 21, 1906, for the irrigation of approximately 25,000 acres of land in the Republic of Mexico, and in addition is intended to irrigate approximately 83,000 acres of land in the Elephant Butte Irrigation district of New Mexico and approximately 67,000 acres of land in the El Paso County Water Improvement District No. 1 of Texas.

FEDERAL APPROPRIATIONS OF WATER FROM RIO GRANDE

By instrument dated January 23, 1906, and filed in the office of the Territorial engineer of New Mexico on the same day, the United States gave notice of appropriation of 730,000 acre-feet of water per annum from the Rio Grande for the proposed Government project. A copy of this notice, marked "Exhibit M," is attached hereto.

By instrument dated April, 1908, and filed in the office of the Territorial engineer of New Mexico on April 8, 1908, the United States gave notice of appropriation of all the unappropriated water of the Rio Grande for the said project. A copy of this notice marked "Exhibit N" is attached hereto.

SECOND MODIFICATION OF EMBARGO, MAY 25, 1906

By order dated May 25, 1906, the Secretary of the Interior modified the embargo on the upper Rio Grande so as to permit approval of rights of way over public lands for irrigation purposes initiated by actual field surveys based upon notices of appropriation of water filed under the laws of Colorado prior to March 1, 1903. This action was not taken until it had been approved by the State Department in letters of March 7, 1906, and May 22, 1906, to the Secretary of the Interior. A copy of the order of May 25, 1906, marked "Exhibit O," is attached hereto.

THIRD MODIFICATION OF EMBARGO, JULY 10, 1906

On July 10, 1906, by letter of that date to the Commissioner of the General Land Office, the embargo was modified by providing that in the future all applications for rights of way should be submitted to the Director of the Geological Survey, "to ascertain whether they will conflict with the obligations of the United States under the treaty with Mexico, recently ratified, or with the Rio Grande or any other project of the Reclamation Service." A copy of the order of July 10, 1906, marked "Exhibit P," is attached hereto.

FOURTH MODIFICATION OF EMBARGO, SEPTEMBER 27, 1906

On September 27, 1906, with the approval of the State Department, the Acting Secretary of the Interior issued an order revoking all prior orders affecting the embargo on the upper Rio Grande in view of the settlement of the water-right question between the United States and Mexico by treaty of May 21, 1906. It was further ordered that all applications involving the use of the waters of the Rio Grande in Colorado and New Mexico should be submitted for a determination by the Geological Survey to ascertain whether favorable action thereon would interfere with any project of the Reclamation Service or with the obligations of the United States under the treaty. A copy of this order, marked "Exhibit Q," is attached hereto.

FIFTH MODIFICATION OF EMBARGO, APRIL 25, 1907

The obligations of the United States under the treaty, the fulfillment of which depended upon the construction and utilization of the Elephant Butte Reservoir, made it necessary for the Secretary of the Interior to determine a policy in dealing with applications for rights of way over the public lands for irrigation purposes, and on April 25, 1907, Secretary of the Interior J. R. Garfield approved a recommendation of the Reclamation Service providing that—

"until the development of irrigation on the upper Rio Grande, in the State of Colorado and the Territory of New Mexico, shall furnish sufficient data to determine the effect of the storage and diversion of water in that vicinity upon the water supply for the Engle Reservoir of the Rio Grande project, no further rights of way be approved which involve the storage or diversion of the waters of the upper Rio Grande and its tributaries, except applications of two kinds: First, those in connection with which there is a showing that the rights of the parties were initiated prior to the beginning of active operations by the Reclamation Service for the Rio Grande project, namely, March 1, 1903; second, applications which involve the diversion or storage of not exceeding 1,000 acre-feet of water per annum.

"When it becomes possible to determine the effect of the approved applications upon the water available for storage for the Rio Grande project it may be possible to allow the use of rights of way to a greater extent than is now proposed."

A copy of the order of April 25, 1907, marked "Exhibit R," is attached hereto.

SIXTH MODIFICATION OF EMBARGO, MARCH 2, 1923

By letter dated March 2, 1923, the Director of the Reclamation Service reviewed the history of the embargo and recommended that that service be authorized to—

"negotiate for the release of specific areas of public land for purposes of water storage under conditions that will best conserve and utilize the water resources and will protect vested rights in all parts of the Rio Grande Basin, such negotiations to be subject to the approval of the Secretary of the Interior, and, prior to such approval, to be subject to the scrutiny of all interested parties."

This recommendation was approved by Secretary of the Interior Albert B. Fall on the date of the letter. A copy of this letter, marked "Exhibit S," is attached hereto.

RIGHTS OF WAY IN COLORADO WHICH HAVE BEEN APPROVED

While the embargo applies to New Mexico as well as to Colorado, there are few irrigation possibilities in the former State that could conflict with the embargo. From a compilation made from the records of the General Land Office in February, 1923, it appears that since the embargo went into effect irrigation rights of way over public lands in the Rio Grande Basin in Colorado have been approved by the Government as follows:

Applicant:	Capacity, acre-feet
Alta Lake Reservoir	414
Balmon Reservoir	40
Botofur Reservoir	8
Bristol Head Reservoir (2)	569
Clemons & Biesler ditch	
Cole Reservoir	19
Colton Creek Alr Line ditch	
Colton Creek Reservoir	76
Continental Reservoir	38,196
Cove Lake Reservoir	10,683
Davis Bros. ditch	
Dear Lake Reservoir	203
Haton Reservoir	95
Lost Lake Reservoir	194
Pouge Reservoir	260
Pond Lily Reservoir	142
Regan Reservoir	1,375
Rio Grande Reservoir & Ditch Co.	48,567
Road Canyon Reservoir	915
San Antonio Reservoir. (See Alta Lake.)	
San Isabel Reservoir (2)	451
San Jose ditch No. 2	
San Luis Valley Reservoir	3,283
Santa Maria Reservoir. (See Rio Grande.)	
Short Creek Reservoir	112
Silver Blance Reservoir	184
Swift Co. Reservoir	139
Tabor ditch No. 1	
Tabor ditch No. 2	
Taos Valley Canal	
Terrace Reservoir	13,000
Wild Cherry Reservoir	684
Total	114,609

OBJECTIONS TO THE EMBARGO

Frequently, since the embargo was made effective in 1896, protests have been filed against its continuance. These have come principally from landowners in the San Luis Valley, in the State of Colorado, where the burden of the embargo is most keenly felt.

On the part of the complainants it has been urged (a) that the embargo is a restriction on the use of water and is in conflict with the enabling act of March 3, 1875 (18 Stat. 474), under which Colorado was admitted to the Union; (b) that the right of way act of March 3, 1891 (26 Stat. 1095), makes a grant, and the Secretary of the Interior has no authority to withhold this grant, as demanded by the embargo; and (c) that diversions in Colorado will not adversely affect the Government project.

On the other hand, the United States contends (a) that the enabling act of March 3, 1875, reserves to the Federal Government full authority over its public lands; (b) that the right of way act of March 3, 1891, gives the Secretary of the Interior a discretion to refuse to approve an application for a right of way when in his opinion it is contrary to the public interest to do so; and (c) that as a condition precedent to the approval of any application it must appear clear that the Government project will not be injured thereby. The subject is discussed at some length by First Assistant Secretary Pierce in the Wagon Wheel Gap Reservoir case (39 L. D. 104).

RIO GRANDE COMMISSION

Complaints against the embargo finally brought forth the suggestion that a commission should be named to make a study of the water supply and draft a form of compact between the States affected under which an equitable allocation of the use of the waters of the Rio Grande would be made to each State. This would follow the precedent of the Colorado River compact signed at Santa Fe, N. Mex., November 24, 1922.

On March 12, 1923, the State of New Mexico enacted a law (N. Mex. Sess. Laws, 1923, p. 175) authorizing the appointment of a representative on such a commission. Under this act the governor appointed Mr. J. O. Seth, an attorney at law, of Santa Fe, N. Mex. A copy of the statute, marked "Exhibit T," is attached hereto.

On March 20, 1923, the State of Colorado enacted a statute (Colo. Sess. Laws, 1923, p. 702) for a similar purpose, and under its authority the governor appointed Mr. Delph E. Carpenter, an attorney at law of Greeley, Colo., to represent that State. A copy of the act, marked "Exhibit U," is attached hereto.

In December, 1923, President Coolidge named Mr. Herbert Hoover as the representative of the United States on the Rio Grande Commission.

It is anticipated that at the January, 1925, session of the Texas Legislature the governor of that State will be authorized to name a representative on the commission.

Dated November 11, 1924.

EXHIBIT A

(Copy of concurrent resolution of April 29, 1890)

Concurrent resolution concerning the irrigation of arid lands in the valley of the Rio Grande River, the construction of a dam across said river at or near El Paso, Tex., for the storage of its waste waters, and for other purposes.

Whereas the Rio Grande River is the boundary line between the United States and Mexico; and

Whereas by means of irrigating ditches and canals taking the water from said river and other causes the usual supply of water therefrom has been exhausted before it reaches the point where it divides the United States of America from the Republic of Mexico, thereby rendering the lands in its valley arid and unproductive, to the great detriment of the citizens of the two countries who live along its course; and

Whereas in former years annual floods in said river have been such as to change the channel thereof, producing serious avulsions and oftentimes and in many places leaving large tracts of land belonging to the people of the United States on the Mexican side of the river and Mexican lands on the American side, thus producing a confusion of boundary, a disturbance of private and public titles to lands, as well as provoking conflicts of jurisdiction between the two Governments, offering facilities for smuggling, promoting the evasion and preventing the collection of revenues by the respective countries; and

Whereas these conditions are a standing menace to the harmony and prosperity of the citizens of said countries, and the amicable and orderly administration of their respective Governments; Therefore,

Resolved by the Senate (the House of Representatives concurring), That the President be requested, if in his opinion it is not incompatible with the public interests, to enter into negotiations with the Government of Mexico with a view to the remedy of all such difficulties as are mentioned in the preamble to this resolution, and such other matters connected therewith as may be better adjusted by agreement or convention between the two Governments. And the President is also requested to include in the negotiations with the Government of Mexico all other subjects of interest which may be deemed to affect the present or prospective relations of both Governments.

EXHIBIT B

(Sections 18, 19, 20, and 21 of the act of March 3, 1891 (26 Stat. 1095), entitled "An act to repeal timber-culture laws, and for other purposes," granting a right of way through the public lands and reservations of the United States for the use of canals, ditches, or reservoirs.)

SEC. 18. That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation, and duly organized under the laws of any State or Territory, which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation and due proofs of its organization under the same to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and 50 feet on each side of the marginal limits thereof; also the right to take from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the department of the Government having jurisdiction of such reservation, and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.

SEC. 19. That any canal or ditch company desiring to secure the benefits of this act shall, within 12 months after the location of 10 miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands within 12 months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats of said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of, subject to such right of way. Whenever any person or corporation in the construction of any canal, ditch, or reservoir injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

SEC. 20. That the provisions of this act shall apply to all canals, ditches, or reservoirs heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals, on the filing of the certificates and maps herein provided for. If such ditch, canal, or reservoir has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals to file with the Secretary of the Interior and with the register of the land office where said land

is located a map of the line of such canal, ditch, or reservoir, as in case of a corporation, with the name of the individual owner or owners thereof, together with the articles of association, if any there be. Plats heretofore filed shall have the benefits of this act from the date of their filing, as though filed under it: *Provided*, That if any section of said canal or ditch shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any uncompleted section of said canal, ditch, or reservoir to the extent that the same is not completed at the date of the forfeiture.

SEC. 21. That nothing in this act shall authorize such canal or ditch company to occupy such right of way except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch.

EXHIBIT C

(Letter from the Mexican minister, M. Romero, to Secretary of State Richard Olney)

LEGATION OF MEXICO,
Washington, October 21, 1895.

MR. SECRETARY: I have addressed your department on various occasions, communicating the instructions which I have received from my Government to endeavor to secure the adoption of an arrangement designed to remedy the evils which are suffered by the inhabitants of the Mexican bank of the Rio Grande from Paso del Norte to a distance of about 200 kilometers below.

Paso del Norte and the adjacent region down the river are situated in the center of the dry zone and consequently can not depend upon the rains for their agricultural operations, but are obliged to depend upon irrigation. From a report of the Weather Bureau at El Paso, Tex., dated August 25, 1894, a copy of which is herewith inclosed, it appears that the total rainfall registered from August 15, 1893, to August 14, 1894, was 4.97 inches, or next to nothing at all.

The city of Paso del Norte has been in existence for more than three hundred years, and during (almost) all that time its people have enjoyed the use of the water of the Rio Grande for the irrigation of their lands; and as that city and the districts within its jurisdiction did not need more than 20 cubic meters of water per second, which is almost an infinitesimal portion of the amount of water which flowed down the river, even in times of the severest drought, they had sufficient water for their crops until about ten years ago, when a great many trenches were dug in the State of Colorado (especially in the St. Louis Valley) and in the Territory of New Mexico, through which the Rio Grande and its affluents flow. The volume of water thus taken has so greatly diminished that which is brought by the river to Paso del Norte that, when the rains are not very abundant, there is a scarcity of water from the 15th of June of one year till the month of March of the next, which is the very time when water is most needed for the crops.

In the year 1894 the river became dried up entirely by the 15th of June, and only when it rained in New Mexico was there any water in it, and that lasted, of course, for but a short time. In that year the farmers were unable to raise any Indian corn, vegetables, or grapes, and the scarcity of water was such that even the fruit trees began to wither.

This state of things has naturally reduced the price of the land, which was good until that time, to an extremely low figure, and has diminished the population of that region very considerably. In 1875 there was at Paso del Norte, Zaragoza, Tres Jacales, Guadalupe, and San Ignacio, a population of about 20,000, which, in 1894, was reduced to half that number. Farms no longer produced enough to support their owners, and the situation of the people is wretched in the extreme, because, as they are unable to raise vegetables or other articles necessary to support life, they are obliged to send for them a distance of from 500 to 1,000 miles, their cost being thus increased while the people's means of paying for what they need are greatly diminished.

The United States Congress recognized the serious injury suffered by the Mexicans in a concurrent resolution approved April 29, 1890, whereby it recommended to the President of the United States to enter into negotiations with the Mexican Government with a view to deciding upon such means as might tend to remedy the difficulties occasioned by the scarcity of water in the Rio Grande from the point where it serves as the boundary between Mexico and the United States of America.

The Mexican Government, to which the United States minister in Mexico communicated the aforesaid resolution in pursuance of the instructions of his Government, authorized me to take steps here to secure the arrangement proposed in the resolution, and I so informed the Department of State in a note dated October 26, 1893. It has not, however, thus far been possible to make much progress in this matter.

The Government of Mexico thinks that according to Article VII of the treaty of Guadalupe Hidalgo of February 2, 1848, the inhabitants of one country can not, without the consent of the other, build any

works that obstruct or impede navigation in international rivers, and nothing could impede it more absolutely than works which wholly turn aside the water of those rivers. It is true that Article IV of the treaty of Mesilla of December 30, 1853, annulled Article VII of the treaty of Guadalupe Hidalgo, but at the same time it left its stipulations in force, as far as the Rio Grande is concerned, from the point where that river begins to be the boundary line between the two countries, and, moreover, by Article V of the convention of November 12, 1884, the right of both countries to that river was again recognized, and it was again stipulated that one could not construct any works that obstructed navigation therein without the consent of the other.

From a report of the Assistant Quartermaster General addressed to the General in Chief of the United States Army and dated Brazos de Santiago, Tex., September 5, 1850, it appears that Captain Lowe, United States Army, ascended it with a vessel, reaching a point several kilometers above Paso del Norte, which shows that it was navigable at that time.

Still, even supposing, without admitting it, that the Mexican Government's interpretation of the treaties were not well founded, and even if there were no stipulation on this subject between the two countries, the principles of international law would form a sufficient basis for the rights of the Mexican inhabitants of the bank of the Rio Grande. Their claim to the use of the water of that river is incontestable, being prior to that of the inhabitants of Colorado by hundreds of years, and, according to the principles of civil law, a prior claim takes precedence in case of dispute.

The circumstance that that river serves as the boundary between the two countries, and that it is consequently an international river, gives it a special character, which considerably restricts the freedom and rights of the inhabitants of both banks, and does not permit them to construct works that reduce the volume of water in the river to such an extent that it is no longer navigable, and even, at last, is dried up entirely.

I should fear to cast a reflection upon your knowledge of such matters if I were to quote the various doctrines laid down by writers on international law which are applicable to the present case and which support my asseverations.

These considerations, and the terrible situation in which the inhabitants of Paso del Norte and the neighboring districts now are, render the Government of Mexico exceedingly desirous to conclude an arrangement with that of the United States on this subject as speedily as may be possible; and I therefore repeat the request which I have verbally made on several occasions, viz, that the antecedents may be examined, and that the necessary steps may be taken to effect an arrangement with the Government of Mexico that will facilitate the fulfillment of international obligations and remedy existing evils as far as possible.

Be pleased to accept, etc.

M. ROMERO.

EXHIBIT D

(Letter dated November 30, 1896, from Secretary of State Richard Olney to Secretary of the Interior D. R. Francis)

DEPARTMENT OF STATE,
Washington, November 30, 1896.

The honorable the SECRETARY OF THE INTERIOR.

SIR: I have the honor to invite your attention to the inclosed copy of a letter dated November 17, 1896, and accompanying papers from Col. Anson Mills, of the United States Army, who is a member of a joint commission appointed by the United States and the Republic of Mexico to report upon the best and most-feasible mode—whether by a dam across the Rio Grande River near El Paso, Tex., or otherwise—of so regulating the use of the waters of the Rio Grande River as to secure to each country and its inhabitants their legal and equitable rights and interests in said waters for irrigation purposes.

This examining board was appointed in pursuance of a concurrent resolution of Congress, approved April 29, 1890, which recites the fact that by reason of the irrigating ditches and canals leading from the upper waters of the Rio Grande in the State of Colorado and Territory of New Mexico, an insufficient quantity of water remains in the river to irrigate the land adjacent to the river after it leaves New Mexico, thereby rendering the lands arid and unproductive, to the great detriment of the citizens of both countries who live along the Rio Grande below the line of New Mexico. The resolution then authorizes the President to enter into negotiations with the Government of Mexico with a view to remedying this condition. I inclose a copy of the resolution.

The duty imposed upon this board of examiners was to ascertain—

- (1) The amount of water taken from the Rio Grande by the irrigation canals constructed in the United States.
- (2) The average amount of water in said river year by year before the construction of said irrigation canals and since their construction.

(3) The best and most practicable mode of regulating the use of the waters of the Rio Grande so as to secure to each country and to the border landowners on both sides of the river their legal and equitable rights and interests in said waters.

August 4 last the Mexican minister to the United States transmitted to this department a copy of a petition forwarded by the inhabitants of the city of Paso del Norte, Mexico, calling attention to the distressing situation in the towns on the Mexican side of the Rio Grande caused by the immoderate use of the waters of the river for irrigation purposes by the adjacent owners in the United States above the boundary line. This petition states that the efforts of the two Governments to remedy this condition will be fruitless if, in addition to the 40 dams already existing in Colorado, the Rio Grande Irrigation & Land Co. (Ltd.) should be permitted to construct, as it proposes, a dam across the Rio Grande at Elephant Butte, N. Mex. The Mexican minister said that his Government regarded this petition as well founded, and requested the United States to adopt such measures as may be in its power to put a stop to the works undertaken by the Rio Grande Irrigation & Land Co. (Ltd.) until the effect of that company's proposed works upon the practicability of the international scheme could be considered by the examining board and determined upon to the satisfaction of the two Governments. A copy of the Mexican petition was sent to Colonel Mills for his suggestions. The inclosed letter of November 17, 1896, to which your attention is invited, is his reply.

Colonel Mills says that the proposed dam and reservoir of the Rio Grande Irrigation & Land Co. (Ltd.) is located about 125 miles above El Paso, and that it will be useless at that distance to furnish water for irrigation in the vicinity of El Paso and below. He says, furthermore, that he is informed that the same company has on file in the Interior Department applications for two additional dams and reservoirs—one at Rincon, N. Mex., about 100 miles above El Paso, and another at Fort Seldon, about 60 miles above; also that at the latter place a man named Ernest Dale Owen has applied for permission to erect a dam and reservoir.

It is understood that the Rio Grande Irrigation & Land Co. (Ltd.) acquired its right to build the reservoir it is now constructing from a corporation existing under the laws of New Mexico under the name of the Rio Grande Dam & Irrigation Co., to which company the right of way for the construction of the storage dam at Elephant Butte was granted by the Secretary of the Interior February 1, 1895, under the provisions of the act of March 3, 1891.

Colonel Mills gives it as his opinion that the probable flow of water in the river will be sufficient to supply the proposed international reservoir after deducting for all the small reservoirs now in operation and likely to be constructed above, but that the flow will not be sufficient to supply the proposed international reservoir and allow for the supply of the proposed reservoir of the Rio Grande Irrigation & Land Co. (Ltd.) at Elephant Butte or any other reservoirs upon the same scale, and that the scheme of building an international reservoir will have to be abandoned unless the completion of the works proposed by the Rio Grande Irrigation & Land Co. (Ltd.) and by Owen is prevented. Colonel Mills' letter suggests that the rights obtained from the United States by the Rio Grande Irrigation & Land Co. (Ltd.) may be subject to conditions in favor of the rights of those who live below, which, on a proper showing, might enable the Secretary of the Interior to cancel the grant made to that company. The other applications for permission to build reservoirs for storage of the waters of the Rio Grande mentioned by Colonel Mills have not, it is assumed, yet been finally acted upon.

The circumstances being as above stated, I desire to suggest the propriety of declining to grant any additional rights to build dams and reservoirs as applied for—certainly until the negotiations now pending between Mexico and the United States have reached a final conclusion. I desire also to suggest that an investigation may be made of the rights already granted to the Rio Grande Irrigation & Land Co. (Ltd.) and of any acts or proceedings done by that company by virtue of such rights, with a view to ascertaining whether there is any legal power to cancel those rights, and, if the power exists, whether it can be exercised without injustice to the parties directly and indirectly interested in that enterprise.

With a request for your earliest practicable attention to this matter,

I have the honor to be, sir, your obedient servant,

RICHARD OLNEY.

EXHIBIT E

(Order, dated December 5, 1896, of the Secretary of the Interior, placing the embargo on the upper Rio Grande)

DEPARTMENT OF THE INTERIOR,
Washington, December 5, 1896.

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

SIR: Your office is hereby directed to suspend action on any and all applications for right of way through public lands for the purpose

of irrigation by using the waters of the Rio Grande River or any of its tributaries in the State of Colorado or in the Territory of New Mexico until further instructed by this department.

Very respectfully,

D. R. FRANCIS, *Secretary*.

EXHIBIT F

(Letter dated December 19, 1896, from the Secretary of the Interior to the Secretary of State)

DEPARTMENT OF THE INTERIOR,
Washington, December 19, 1896.

The honorable the SECRETARY OF STATE.

SIR: I have the honor to submit, in response to your communication of November 30, the inclosed paper, prepared under the direction of the Assistant Attorney General, which fully sets forth the claims and contentions of the Rio Grande Dam & Irrigation Co., and discusses at considerable length the laws of the State of Colorado and Territory of New Mexico relating to waters, and the acts of Congress and rulings of this department relating to irrigation.

The application of the Rio Grande Dam & Irrigation Co. was approved by my predecessor on the 1st day of February, 1895. In my opinion I have no right under the law to revoke this approval. It has been decided by the Supreme Court of the United States in the case of *Noble v. Union River Logging Railroad Co.* (147 U. S. 165) that the approval by the Secretary of the Interior of a right of way for railroad purposes over the public land can not be revoked by his successor, and upon the principle therein declared I deem it beyond my authority to revoke my predecessor's approval of the map filed by the Rio Grande Dam & Irrigation Co.

Assuming that I had such power, I submit to you whether or not the exercise of it would be proper in view of the opinion of the Attorney General of your department under date of December 12, 1895. (21 Op. Att. Gen., p. 274.)

It is not the duty of this department to protect the citizens of the United States against unlawful appropriation of the waters of the States and Territories by the inhabitants thereof, and if no treaty obligations of the Government are involved, I do not believe that I should assume to interfere.

Since the receipt of your communication, complaints have been made to this department by parties now having applications for irrigation privileges pending for the vacation of my order of December 6 upon the ground that the effect of such order is to imperil their rights by subordinating them to the claims of persons who may hereafter, for lawful or nefarious purposes, enter lands along the rights of way applied for. Very grave inconvenience would arise if such claims are filed, and I therefore submit for your consideration whether or not there is further need for continuing the suspension heretofore declared.

Immediately upon receipt of your communication I addressed to the Commissioner of the General Land Office directions that he suspend all applications for right of way through the public lands for the purposes of irrigation by using the waters of the Rio Grande River or any of its tributaries in the State of Colorado or the Territory of New Mexico until further instructed by this department. A copy of said order is hereto attached.

Very respectfully,

D. R. FRANCIS, *Secretary*.

EXHIBIT G

(Letter of January 11, 1897, from the Secretary of State to the Secretary of the Interior)

DEPARTMENT OF STATE,
Washington, January 11, 1897.

SIR: In your letter of December 19, 1896, relative to the reservoir which the Rio Grande Dam & Irrigation Co., or another corporation claiming the rights of that company, intends to build at Elephant Butte, N. Mex., you informed me that you had, in compliance with my suggestion of November 30, 1896, directed the Commissioner of the General Land Office to suspend action on any and all applications for right of way through public lands for the purpose of irrigation by using the waters of the Rio Grande River or any of its tributaries in the State of Colorado or in the Territory of New Mexico until further instructions from you. The request of this department, upon which your order was based, was made at the suggestion of Col. Anson Mills, a copy of whose letter, dated October 29, 1896, was transmitted to you October 31 of that year.

The attorneys of parties who have made application to your department for the approval of rights of way to build dams and reservoirs on the Pecos River have made verbal complaint to this department that the order has been applied by the General Land Office to the river Pecos, as well as to the tributaries of the Rio Grande which join that river above El Paso. Upon receipt of this complaint

I made inquiry of Colonel Mills as to whether his request that action be suspended on all applications for permits to build additional dams across the Rio Grande or its tributaries was intended to apply to the Pecos, and whether the building of additional reservoirs on that river would affect the plan which this department has under consideration of building an international reservoir at El Paso. He has replied, under date of January 7, 1897, that he had not intended to stop the granting of permits for reservoirs on the Pecos or on any stream which empties into the Rio Grande below the proposed location of the international reservoir. He does not believe that further use of the waters of the Pecos for irrigation purposes will affect the international question pending between the United States and Mexico, as that river falls into the Rio Grande at a point where the diminution of its waters will have little, if any, perceptible effect upon the volume passing downward from that point.

I have the honor, therefore, to suggest that the order to the Commissioner of the General Land Office, referred to in your letter to me of December 19, 1896, be limited in its application to the tributaries of the Rio Grande which pour into that river above the point where it becomes the boundary between the United States and Mexico, and that it be no longer applied to applications for dams and reservoirs on the Pecos.

There is another phase of this question which, it has occurred to me, may have an important bearing upon the rights of parties now applying for permission to erect dams across the Rio Grande, and also upon the international question involved. I have information which indicates that the Rio Grande River in some parts above the international boundary line is and has been used as a waterway for navigation between the United States and Mexico and possibly between the State of Colorado and the Territory of New Mexico. If it be true that this stream in its natural condition is capable of use for the transportation of commerce between two States of the Union or between the United States and a foreign country, the river is a navigable water of the United States and as such subject to the laws of Congress enacted for the maintenance, protection, and preservation of the navigable waters of the United States. One of the principal matters of complaint by Mexico is that the diversion of the upper waters of the Rio Grande for irrigation purposes has affected the usefulness of that stream as a waterway for commerce.

The Attorney General, in his opinion of December 12, 1895 (21 Op. 274), held that the river was not navigable above the boundary in the sense of the treaty between the United States and Mexico; but the question here is whether it is navigable within the meaning of the laws of the United States. The conditions of navigability within the meaning of our statutes are well defined in the decisions of the Federal courts. Many of these are referred to in 10 Op. Att. Gen. 101.

If the Rio Grande River is in the part under consideration a navigable water of the United States, the question arises whether the erection of the proposed dams across it will not interfere with its navigability and bring those dams within the prohibition of the statutes enacted for the preservation of navigable waters. I refer particularly to the act of September 19, 1890, sections 7 and 10 (26 Stat. L. 426), and to the act of July 13, 1892, section 3 (27 Stat. L. 110). It is true that the enforcement of these statutes devolves primarily upon the Secretary of War and that at first view it may not appear to be a part of the duty of the Secretary of the Interior to take care of the navigability of the streams on the public lands, but in a case where the act of the Secretary of the Interior approving the right of way to build a dam across a river on the public lands may operate, as it must if the river is a navigable water of the United States, as a grant of Executive sanction to a proceeding which is in violation of law, it would seem to be the duty and within the jurisdiction of the Secretary of the Interior to ascertain before sanctioning the erection of the dam whether it would constitute an obstruction to a navigable water of the United States and be within the prohibition of the statutes.

As the erection of the dams under consideration is now the subject matter of a complaint of the Government of Mexico, I feel it my duty to lay this question before you in order that you may determine in the first place whether you have the power and, in the second place, whether it is a part of your duty to withhold approval of the pending applications for rights of way to build dams across the Rio Grande River and its tributaries above the boundary line until the applicants have satisfied you that the river in the part affected by these dams is not a navigable water of the United States or that the dams will not interfere with the navigation of the river. It must be observed that the obstruction to navigation may result not only from the intervention of the dams across the course of the river but also from the diversion of the waters, leaving an insufficient quantity below the dam for the purposes of navigation.

I have, etc.,

RICHARD OLNEY.

EXHIBIT H

(Order, dated January 13, 1897, of the Secretary of the Interior, modifying the embargo on the upper Rio Grande)

DEPARTMENT OF THE INTERIOR,
Washington, January 13, 1897.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

SIR: By departmental letter of December 5, 1896, you were directed to suspend action on all applications for right of way for irrigation purposes by the use of the waters of the Rio Grande or any of its tributaries in Colorado or New Mexico till further instructed.

I now hereby modify the above order by limiting its application, so far as the tributaries of the Rio Grande are involved, to those tributaries which empty into that river above the point where it becomes the boundary between the United States and Mexico.

Very respectfully,

D. R. FRANCIS, Secretary.

EXHIBIT I

(Letter dated January 13, 1897, from the Secretary of State to the Secretary of War)

DEPARTMENT OF STATE,
Washington, January 13, 1897.

The honorable the SECRETARY OF WAR.

SIR: August 4, 1896, the Mexican minister in Washington presented to this department the inclosed petition from Mexican citizens in and about Paso del Norte, Mexico, protesting against the immoderate use of the waters of the Rio Grande River and its tributaries by residents of Colorado and New Mexico. The Mexican minister called attention to article 7 of the treaty of Guadalupe Hidalgo, of February 2, 1848; to article 1, last clause, of the treaty of December 30, 1853; to article 3 of the convention of November 12, 1884; and to article 5 of the convention of March 1, 1889, between the United States and Mexico, and relying upon those treaty provisions, requested that the United States Government prevent the erection and operation of a dam by a company known to the complainants as the Rio Grande Irrigation Co., at Elephant Butte, N. Mex., about 125 miles above Paso del Norte, designed to store all the surplus waters of the river and turn it into irrigating ditches and canals.

The complaint of Mexico was sent August 8, 1896, to Col. Anson Mills, of the United States Army, who was then engaged, under the direction of this department, in an investigation of the volume of water in the Rio Grande and the feasibility of a plan under consideration by both Governments of erecting an international reservoir. Colonel Mills reported November 17, 1896, the erection of the dam at Elephant Butte and of other dams below there, which the same company contemplated building, would stop practically all the water coming into the Rio Grande above those points. The complaint and Colonel Mills's report were referred to the Secretary of the Interior November 30, 1896, with a view to ascertaining whether there was any legal power to cancel the rights claimed by the said Irrigation company, and if the power to cancel existed, whether it could be exercised without injustice to the parties directly or indirectly interested in the enterprise. The Secretary of the Interior had been previously requested to suspend temporarily all applications for rights of way to build dams across the river in all pending cases. December 5, 1896, he suspended the applications not already approved, but in a letter of December 19, said, with reference to the dam at Elephant Butte to be built by the corporation referred to in the Mexican complaint, the proper name of which is "The Rio Grande Dam & Irrigation Co.," that his predecessor had approved the application of that company for a dam and reservoir at Elephant Butte, and that he had no power to revoke his predecessor's action. The law under which the Secretary of the Interior acts in approving rights of way and maps for dams and reservoirs on public lands is contained in sections 18 to 21 of the act of March 3, 1891. (26 Stat. L. 1095, 1101, and 1102.)

The Secretary of the Interior is, for the reason above given, powerless to intervene or inquire further into the lawfulness of the proposed dam across the Rio Grande at Elephant Butte. The act of July 13, 1892 (27 Stat. L. 88-100), provides, however, in section 3, amending section 7 of the act of September 19, 1890:

"That it shall not be lawful to build any wharf, pier, dolphin, boom, dam, weir, breakwater, bulkhead, jetty, or structure of any kind outside established harbor lines, or in any navigable waters of the United States where no harbor lines are or may be established, without the permission of the Secretary of War." * * *

As the proposed erection of this dam across the Rio Grande at Elephant Butte has given rise to an important and international question, I have the honor to inquire whether the parties engaged in this enterprise, or others whose rights they enjoy, have obtained from you, as Secretary of War, the permission required by the act first above quoted. If your permission has not been obtained for the placing of

this obstruction across the Rio Grande River, I have the honor to request that you will ascertain whether the river in the parts which will be affected by the dam and the diminution of the volume of water consequent upon its erection is not a navigable water of the United States within the meaning of the statutes above quoted, so as to make your sanction a necessary prerequisite to the lawful erection of the dam. I have received information tending to show that the Rio Grande River is navigable for commercial purposes between the United States and Mexico, and possibly between the State of Colorado and the Territory of New Mexico. It probably will not float water craft of great size, but I understand that it has been used in the timber commerce of the country, and is, in its natural state, capable of regular, periodical, if not perennial, use as a waterway for commercial traffic between the two States of the Union or between the United States and a foreign country. If that be true, the river is a navigable stream of the United States within the meaning of the laws for the protection of such waters.

In case it should be ascertained as a fact that the Rio Grande Dam & Irrigation Co., or persons exercising the rights obtained by that company, are without the permission required by the act of July 13, 1892, building or about to build a dam across a navigable river of the United States in a manner that will obstruct or impair the use of that river as a highway for commerce between the United States and a foreign country, or between States of the Union, I have the honor to request that you will adopt such measures as are most effective to open the river and keep it open to such navigation as it is naturally capable of affording for commercial traffic between the States or between any portion of the United States and Mexico.

Section 10 of the act of September 19, 1890, is a general provision enforceable in the courts under the direction of the Attorney General of the United States, and his aid would necessarily be invoked by you should you determine to put this provision of law in force against the Rio Grande Dam & Irrigation Co.'s obstruction of the river at Elephant Butte. In this connection I desire to call your attention to an opinion of the Attorney General delivered December 12, 1895 (20 Op. Atty. Gen. 274), in which he holds that the Rio Grande is not a navigable river above a point 150 miles below Paso del Norte in so far as the treaty obligations of the United States with Mexico are concerned. He did not consider the question whether the river where it lies wholly in the United States is a navigable water of the United States within the meaning of the Federal Statutes. This latter question is, I believe, a new one, dependent upon facts not yet fully ascertained, facts which I have no doubt your department can readily obtain and furnish to the Attorney General in case they, in your opinion, justify or require the intervention of his office.

To put you in a more complete possession of the facts relating to the dam at Elephant Butte, I inclose copy of the letter of the Secretary of the Interior, dated December 19, 1896, referred to above, and of the accompanying report of the assistant attorney general for the Interior Department. From these papers it appears that the Secretary of the Interior has acted upon the assumption that the Rio Grande River above the boundary line is not a navigable river of the United States, without requiring proof or otherwise ascertaining that it is not navigable.

I have the honor to be, sir, your obedient servant,

RICHARD OLNEY.

EXHIBIT J

(Bill to provide for an international dam and distribution of waters of Rio Grande, introduced in Congress in 1909)

A bill to provide for the equitable distribution of the waters of the Rio Grande River between the United States of America and the United States of Mexico and for the purpose of building an international dam and reservoir on said river at El Paso, Tex.

Whereas the Republic of Mexico has made reclamation of the United States to the Secretary of State, through its legation in Washington, for a large indemnity for water alleged to have been taken and used by the citizens of the United States in Colorado and New Mexico, on the headwaters of the Rio Grande to which citizens of Mexico had right by prior appropriation, in violation of the spirit of article 7 of the treaty of peace of Guadalupe Hidalgo; and

Whereas an investigation directed jointly by the State Departments of the two Republics and carried out by the International Boundary Commission, organized under the convention of March 1, 1889, discovered the fact that the flow of the river has gradually diminished for the past 15 years in an increasing ratio, so that the ordinary summer's flow in the lower river is inadequate to supply the wants of irrigation, domestic, and other purposes, as has been supplied in previous years; and

Whereas a remedy has been proposed by the two Governments for this deficiency by impounding in an international dam and reservoir near the boundary line between the two Republics the annual flood waters of the spring season, which are greatly in excess of the wants

of irrigation, domestic, and other purposes in those seasons, such waters to be equitably distributed between the two Republics; and

Whereas it was afterwards discovered that other like projects of large dams and reservoirs were contemplated above said proposed international dam and reservoir; and

Whereas the two Governments jointly directed the International Boundary Commission hereinbefore mentioned to investigate and report upon the feasibility of the project; and

Whereas said commission reported that, in their judgment, the project was feasible, but that the flow was insufficient for more than one reservoir; and

Whereas the two Governments were unable to agree upon the construction of said proposed international dam and reservoir until some method of restraining the building and use of other dams and reservoirs which would destroy the usefulness of said proposed international dam and reservoir has been devised; Now therefore be it

Enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the acts of March 3, 1891, January 21, 1895, February 26, 1897, and May 11, 1898, shall be so construed as to authorize the appropriation and storage of the waters of the Rio Grande or its tributaries in the Territory of New Mexico, to which others have right by prior appropriation, and every person and every corporation which shall be guilty of thus unlawfully appropriating and storing said waters in this act mentioned shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$5,000 or by imprisonment (in the case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court. The unlawful appropriating and storing of water in this act mentioned may be prevented, and the dam, reservoir, or other means used for impounding the water may be removed by the injunction of any circuit court exercising jurisdiction in any district in which said water may be appropriated or stored, and proper proceedings in equity to this end may be instituted under the direction of the Attorney General of the United States.

SEC. 2. That the Secretary of State is hereby authorized to proceed with the consummation of the proposed treaty between the United States of America and the United States of Mexico, and if the United States of Mexico shall accept the construction of the proposed dam and reservoir, with the conditions that the flood water impounded by it shall be equally distributed between the two countries as liquidation of all past and future claims for water appropriated in the past or to be appropriated in the future by citizens of the United States otherwise than by impounding it in large dams and reservoirs in New Mexico, then the Secretary of State is further authorized to proceed with the construction of said dam and reservoir according to the plans and specifications submitted in the report of the International Boundary Commission, as published in Senate Document No. 229, Fifty-fifth Congress, second session, and the sum of \$2,317,113.36 is hereby appropriated for that purpose.

EXHIBIT K

(Letter dated June 27, 1904, from the Secretary of State to the Secretary of the Interior)

WASHINGTON, D. C., June 27, 1904.

MY DEAR MR. SECRETARY: I have this day sent you a copy of a note from the Mexican ambassador in relation to the diversion of the waters of the Rio Grande. It has been informally suggested that a practical solution of this question might be accomplished under the national irrigation act.

I am informed that the engineers of the Hydrographic Bureau of the Geological Survey have already made some examination of the Rio Grande drainage basin with a view to devising some plan to provide a water supply for the irrigation of all the lands of the valley. I am also informed that the reservoir site known as Elephant Butte has been set aside as a reclamation project. It has been suggested that by establishing the main storage reservoir at Elephant Butte in New Mexico and a secondary reservoir near El Paso to catch the surplus flood waters and back up the overflow of the river, which is said to be heavy and perpetual, a sufficient supply of water can be obtained for irrigation in New Mexico, Texas, and Mexico. It has occurred to me that you might be able under the national irrigation act to provide an ultimate solution of the question presented by the Mexican ambassador. If so, I should be happy to cooperate in accomplishing that desirable object. I have accordingly transmitted to you a copy of the note of the Mexican ambassador, and have asked for any suggestion which you may be pleased to make in order to aid the department in making an answer to the ambassador's note.

Sincerely yours,

HON. ETHAN ALLEN HITCHCOCK,
Secretary of the Interior.

JOHN HAY.

EXHIBIT L

(Treaty between the United States of America and the United States of Mexico, dated May 21, 1906 (34 Stat. 2953), concerning irrigation from the Rio Grande)

The United States of America and the United States of Mexico being desirous to provide for the equitable distribution of the waters of the Rio Grande for irrigation purposes, and to remove all causes of controversy between them in respect thereto, and being moved by considerations of international comity, have resolved to conclude a convention for these purposes and have named as their plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

The President of the United States of Mexico, His Excellency Señor Don Joaquín D. Casasus, ambassador extraordinary and plenipotentiary of the United States of Mexico at Washington;

Who, after having exhibited their respective full powers, which were found to be in good and due form, have agreed upon the following articles:

"ARTICLE 1. After the completion of the proposed storage dam near Engle, N. Mex., and the distributing system auxiliary thereto, and as soon as water shall be available in said system for the purpose, the United States shall deliver to Mexico a total of 60,000 acre-feet of water annually in the bed of the Rio Grande at the point where the headworks of the Acequia Madre, known as the Old Mexican Canal, now exist above the city of Juarez, Mexico.

"ART. 2. The delivery of the said amount of water shall be assured by the United States and shall be distributed through the year in the same proportions as the water supply proposed to be furnished from the said irrigation system to lands in the United States in the vicinity of El Paso, Tex., according to the following schedule, as nearly as may be possible:

	Acre-feet per month	Corresponding cubic feet of water
January.....	0	0
February.....	1,000	47,480,400
March.....	5,400	257,837,600
April.....	12,000	522,720,000
May.....	12,000	522,720,000
June.....	12,000	522,720,000
July.....	8,180	356,320,800
August.....	4,370	190,357,200
September.....	3,270	142,441,200
October.....	1,090	47,480,400
November.....	540	23,220,400
December.....	0	0
Total for the year.....	60,000	2,613,600,000

"In cases, however, of extraordinary drought or serious accident to the irrigation system in the United States the amount delivered to the Mexican Canal shall be diminished in the same proportion as the water delivered to lands under said irrigation system in the United States.

"ART. 3. The said delivery shall be made without cost to Mexico, and the United States agrees to pay the whole cost of storing the said quantity of water to be delivered to Mexico, of conveying the same to the international line, of measuring the said water, and of delivering it in the river bed above the head of the Mexican Canal. It is understood that the United States assumes no obligation beyond the delivering of the water in the bed of the river above the head of the Mexican Canal.

"ART. 4. The delivery of water as herein provided is not to be construed as a recognition by the United States of any claim on the part of Mexico to the said waters; and it is agreed that in consideration of such delivery of water Mexico waives any and all claims to the waters of the Rio Grande for any purpose whatever between the head of the present Mexican Canal and Fort Quitman, Tex., and also declares fully settled and disposed of, and hereby waives, all claims heretofore asserted or existing, or that may hereafter arise or be asserted, against the United States on account of any damages alleged to have been sustained by the owners of land in Mexico by reason of the diversion by citizens of the United States of waters of the Rio Grande.

"ART. 5. The United States in entering into this treaty does not thereby concede, expressly or by implication, any legal basis for any claims heretofore asserted or which may be hereafter asserted by reason of any losses incurred by the owners of land in Mexico due or alleged to be due to the diversion of the waters of the Rio Grande within the United States; nor does the United States in any way concede the establishment of any general principle or precedent by the concluding of this treaty. The understanding of both parties is that the arrangement contemplated by this treaty extends only to the portion of the Rio Grande which

forms the international boundary, from the head of the Mexican Canal down to Fort Quitman, Tex., and in no other case.

"ART. 6. The present convention shall be ratified by both contracting parties in accordance with their constitutional procedure, and the ratifications shall be exchanged at Washington as soon as possible."

In witness whereof the respective plenipotentiaries have signed the convention both in the English and Spanish languages and have thereunto affixed their seals.

Done in duplicate at the city of Washington this 21st day of May, 1906.

ELIHU ROOT. [SEAL]

JOAQUIN D. CASASUS. [SEAL]

EXHIBIT M

(Notice of appropriation of 750,000 acre-feet of water per annum from the Rio Grande, filed by the United States in the office of the Territorial engineer of New Mexico on January 23, 1906)

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Carlsbad, N. Mex., January 23, 1906.

Mr. DAVID L. WHITE,
Territorial Irrigation Engineer, Santa Fe, N. Mex.

DEAR SIR: The United States Reclamation Service, acting under authority of an act of Congress known as the reclamation act, approved June 17, 1902 (32 Stat. 358), proposes to construct within the Territory of New Mexico certain irrigation works in connection with the so-called Rio Grande project. The operation of the works in question contemplates the diversion of water from the Rio Grande River.

Section 22 of chapter 102 of the laws enacted in 1905 by the Thirty-sixth Legislative Assembly of the Territory of New Mexico, an act entitled "An act creating the office of Territorial irrigation engineer, to promote irrigation development and conserve the waters of New Mexico for the irrigation of lands, and for other purposes," approved March 16, 1905, reads as follows:

"Whenever the proper officers of the United States authorized by law to construct irrigation works shall notify the Territorial irrigation engineer that the United States intends to utilize certain specified waters, the waters so described and unappropriated at the date of such notice shall not be subject to further appropriations under the laws of New Mexico, and no adverse claims to the use of such waters, initiated subsequent to the date of such notice, shall be recognized under the laws of the Territory, except as to such amount of the water described in such notice as may be formally released in writing by an officer of the United States thereunto duly authorized."

In pursuance of the above statute of the Territory you are hereby notified that the United States intends to utilize the following-described waters, to wit:

A volume of water equivalent to 750,000 acre-feet per year, requiring a maximum diversion or storage of 2,000,000 miner's inches, said water to be diverted or stored from the Rio Grande River at a point described as follows:

Storage dam about 9 miles west of Engle, N. Mex., with capacity for 2,000,000 acre-feet, and diversion dams below in Palomas, Rincon, Mesilla, and El Paso Valleys, in New Mexico and Texas.

It is therefore requested that the waters above described be withheld from further appropriation and that the rights and interests of the United States in the premises be otherwise protected as contemplated by the statute above cited.

Very truly yours,

B. M. HALL,
Supervising Engineer.

EXHIBIT N

(Notice of appropriation of all the unappropriated water of the Rio Grande, filed by the United States in the office of the Territorial engineer of New Mexico on April 8, 1908)

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Phoenix, Ariz., April —, 1908.

Mr. VERNON L. SULLIVAN,
Territorial Engineer, Santa Fe, N. Mex.

DEAR SIR: Claiming and reserving all rights under our former notice of January 23, 1906, addressed to David L. White, Territorial engineer of New Mexico, which said notice advised him of the intention of the United States to use the waters of the Rio Grande for the purpose of irrigation, and is now filed in your office, I do now hereby give you the following notice in addition to said former notice and supplemental thereto:

The United States, acting under authority of an act of Congress, known as the reclamation act, approved June 17, 1902 (32 Stat. 358), proposes to construct within the Territory of New Mexico certain irrigation works in connection with the so-called Rio Grande project. The operation of the works in question contemplates the diversion of the water of the Rio Grande River.

Section 40 of chapter 49 of the laws enacted in 1907 by the Thirty-seventh Legislative Assembly of the Territory of New Mexico, an act entitled "An act to conserve and regulate the use and distribution of the waters of New Mexico; to create the office of Territorial engineer; to create a board of water commissioners, and for other purposes," approved March 19, 1907, reads as follows:

"Whenever the proper officers of the United States authorized by law to construct works for utilization of waters within the Territory, shall notify the Territorial engineer that the United States intends to utilize certain specified waters, the waters so described, and unappropriated, and not covered by applications or affidavits duly filed or permits as required by law, at the date of such notice, shall not be subject to a further appropriation under the laws of the Territory of New Mexico for a period of three years from the date of said notice, within which time the proper officers of the United States shall file plans for the proposed work in the office of the Territorial engineer for his information, and no adverse claim to the use of the water required in connection with such plans, initiated subsequent to the date of such notice, shall be recognized under the laws of the Territory, except as to such amount of water described in such notice as may be formally released in writing by an officer of the United States thereunto duly authorized: *Provided*, That in case of failure to file plans of the proposed work within three years, as herein required, the waters specified in the notice given by the United States to the Territorial engineer shall become public water, subject to general appropriations."

In pursuance of the above statute of the Territory you are hereby notified that the United States intends to utilize the following-described waters, to wit:

All the unappropriated water of the Rio Grande and its tributaries, said water to be diverted or stored from the Rio Grande River at a point described as follows:

Storage dam about 9 miles west of Engle, N. Mex., with capacity for 2,000,000 acre-feet, and diversion dams below in Palomas, Rincon, Mesilla, and El Paso valleys in New Mexico and Texas.

It is therefore requested that the waters above described be withheld from further appropriation and that the rights and interests of the United States in the premises be otherwise protected as contemplated by the statute above cited.

Very truly yours,

LOUIS C. HILL,
Supervising Engineer.

EXHIBIT O

(Order dated May 25, 1906, of the Secretary of the Interior, modifying the embargo on the upper Rio Grande)

DEPARTMENT OF THE INTERIOR,
Washington, May 25, 1906.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

SIR: In a letter of January 25, 1906, to the department, Mr. F. C. Goudy, president of the Rio Grande Reservoir & Ditch Co., made complaint that the proposed construction of a reservoir by the company in Colorado for reclamation purposes and the procuring of a right of way therefor is being prevented by the Government.

In a report of February 26, 1906, on this letter the Director of the Geological Survey recommended that—

"If there be no objection on the part of the State Department, at whose instance the order of December 5, 1896, was made, the same be modified to permit the approval of rights of way for irrigation purposes on the tributaries of the Rio Grande which were initiated by actual field surveys based upon notices of appropriation of water filed under the laws of Colorado prior to March 1, 1903."

The Acting Secretary of State, in a letter of March 7, 1906, to the department, stated that—

"The Department of State approves the recommendation of the Director of the Geological Survey modifying the order of suspension in accordance with the request of the Rio Grande Reservoir & Ditch Co."

In a letter of the 22d instant to the department the Acting Secretary of State has extended the approval covered by the letter of March 7, supra—

"so as to include all companies or applicants whose rights of way for irrigation purposes on the tributaries of the Rio Grande . . . were initiated by actual field surveys based upon notices of appropriation of water filed under the laws of Colorado prior to March 1, 1903."

In view of the foregoing the departmental order of December 5, 1896, directing you to suspend action on all applications for right of way through the public lands for purposes of irrigation by using the waters of the Rio Grande or any of its tributaries in Colorado or New Mexico, and the order of January 13, 1897, modifying the original order so far as the tributaries of the Rio Grande are concerned by

limiting its application to tributaries emptying into the Rio Grande above the point where it becomes the boundary between the United States and Mexico, are hereby modified so as to exclude from their operation all applications for right of way covered by the approval in the letter of the 22d instant from the Acting Secretary of State, quoted above.

The letter of Mr. Goudy is transmitted herewith.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

EXHIBIT P

(Order, dated July 10, 1906, of the Acting Secretary of the Interior, modifying the embargo on the upper Rio Grande)

DEPARTMENT OF THE INTERIOR,

Washington, July 10, 1906.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

SIR: In departmental letter of May 25, 1906, to you, departmental orders of December 5, 1896, and January 13, 1897, were modified so as to exclude from their operation all applications for rights of way through the public lands for purposes of irrigation by using the waters of the Rio Grande or any of its tributaries in Colorado and New Mexico initiated by actual field surveys based on notices of appropriation of water filed under the laws of Colorado prior to March 1, 1903, such modification being favored by the Acting Secretary of State in a letter of May 22, 1906, to the department.

In view of this modification of the orders mentioned you are directed that in acting on this class of applications, now on file or that may be filed hereafter in your office, to submit them to the Director of the Geological Survey to ascertain whether they will conflict with the obligations of the United States, under the treaty with Mexico, recently ratified, or with the Rio Grande or any other project of the Reclamation Service, and to transmit the reports of the director, with the applications, when they are submitted, for departmental action.

Very respectfully,

THOS. RYAN,

Acting Secretary.

EXHIBIT Q

(Order, dated September 27, 1906, of the Acting Secretary of the Interior, modifying the embargo on the upper Rio Grande.)

DEPARTMENT OF THE INTERIOR,

Washington, September 27, 1906.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

SIR: In a letter of the 24th instant to the department, the Acting Secretary of State has stated, with respect to applications for right of way through public lands for purposes of irrigation by using the waters of the Rio Grande or any of its tributaries in Colorado and New Mexico, that the Department of State perceives no reason for the further suspension of action on any application of such character.

He has stated further that the intent of the original departmental order of suspension dated December 5, 1896, was to conserve the interests of the Mexican Government in the waters of the Rio Grande pending an agreement between the United States and Mexico on the question, and that such an agreement has been reached and is embodied in the treaty signed May 21 last, by which the United States obligates itself to deliver to the Mexican Government 60,000 acre-feet of water annually.

He has accordingly recommended that the order of December 5, 1896, and all modifying orders be rescinded, thus removing so far as the Department of State is concerned, all restrictions on the consideration of applications involving any enterprise of a character which, on investigation by the Reclamation Service, is found to be not prejudicial to the treaty interests of Mexico.

In view of this recommendation the departmental order of December 5, 1896, and the several modifying orders are hereby revoked, and it is hereby directed that before any applications involving the use of the waters mentioned in Colorado and New Mexico are submitted for final departmental action by you they be first submitted to the Director of the Geological Survey to ascertain whether favorable action thereon would interfere with any project of the Reclamation Service or with the obligations of the United States under the treaty of May 21, 1906, with Mexico.

Very respectfully,

THOS. RYAN,

Acting Secretary.

EXHIBIT R

(Order dated April 25, 1907, of the Secretary of the Interior, modifying the embargo on the upper Rio Grande)

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,

Washington, D. C., April 22, 1907.

The honorable the SECRETARY OF THE INTERIOR.

SIR: The situation on the Rio Grande requires careful consideration and determination of policy by the Secretary. Briefly stated, the conditions are these:

The United States has entered into a treaty with Mexico, proclaimed by the President on January 16, 1907, by which it is agreed that the United States shall deliver to Mexico 60,000 acre-feet of water at the head of the Mexican canal near El Paso. In order to carry out this part of the treaty Congress has appropriated by act approved March 4, 1907, the sum of \$1,000,000 toward the construction of a dam on the Rio Grande, this being assumed to furnish water for 25,000 acres, at \$40 per acre. The total estimated cost of this project, including the dam, will be \$7,200,000, of which amount \$200,000 has been set aside and is now being used in the construction of subsidiary works, notably, a diversion dam above Las Cruces, N. Mex. The remaining amount—\$6,000,000—must be obtained from the reclamation fund.

It is estimated that for this expenditure of \$7,200,000 it will be possible to irrigate 180,000 acres at \$40 per acre. Deducting the 25,000 acres in Mexico, this leaves 155,000 acres in New Mexico and Texas to refund the \$6,200,000. By storing all the water of the Rio Grande, including storm floods, this acreage can be supplied. If the flow of the stream is notably diminished the area to be served will be correspondingly reduced and the cost per acre increased. This increase of cost will probably be at the expense of the lands in the United States, as Congress has already made the appropriation for the building charge to comply with the terms of the treaty.

The headwaters of this river are in the State of Colorado, surrounding the San Luis Valley. For several years after December 5, 1896, the Department of the Interior refused to grant rights of way for reservoirs or canals on these headwaters because of the effect on the international problem below. The departmental order was first modified May 25, 1906, to permit approval in cases where the applicants made a showing of priority over the United States. After the Senate had advised the ratification of the treaty on July 10, 1906, these orders of the department were revoked and the Reclamation Service was required to pass upon each case as to conflict with the treaty or the Rio Grande project. Most of the older cases have been reported on favorably by the Reclamation Service. In some of the cases, especially the later ones, the conditions involved some doubt as to the advisability of approval and the questions of policy to be considered by the department were reported to the General Land Office for submission to the department when the cases were presented for your consideration.

Recently a few exceptions have been made as to small reservoirs located high in the mountains where it appeared that the construction of works would not interfere notably with the supply of water which could be had in the lower reservoir. In view of the fact, however, that the treaty above mentioned has been concluded and an appropriation has been made by Congress for constructing the works in part, it appears probable that any considerable extension of the reservoir system at the headwaters may interfere with the plans of the Government.

Wide publicity has been given to the fact that the department has in a few cases permitted the location of small reservoirs on the headwaters of the Rio Grande. As a result a considerable number of applications are being made for other reservoir sites. If it were practicable to lay down a general rule by which the smaller of these sites could be approved, the results would probably be beneficial, but a practical difficulty arises in the possibility of defining the limits between the large and small projects. It is unquestionably true that if all of the large projects on the headwaters of the river which are planned by private parties could be actually constructed the water supply for the Government reservoir would be to a large extent cut off. It is important, therefore, to have a general rule which can be applied to all cases.

RECOMMENDATIONS

I therefore recommend that the department lay down the general policy that until the development of irrigation on the upper Rio Grande in the State of Colorado and the Territory of New Mexico shall furnish sufficient data to determine the effect of the storage and diversion of water in that vicinity upon the water supply for the Engle Reservoir of the Rio Grande project no further rights of way be approved which involve the storage or diversion of the waters of the upper Rio Grande and its tributaries, except applications of two kinds; first, those in connection with which there is a showing that the rights of the parties were initiated prior to the beginning of active operations by the Reclamation Service for the Rio Grande project, namely, March 1, 1903; second, applications which involve the diversion or storage of not exceeding 1,000 acre-feet of water per annum.

When it becomes possible to determine the effect of the approved applications upon the water available for storage for the Rio Grande project, it may be possible to allow the use of rights of way to a greater extent than is now proposed.

Very respectfully,

F. H. NEWELL.

APRIL 25, 1907.

Approved:

J. R. GARFIELD, *Secretary.*

EXHIBIT S

(Order, dated March 2, 1923, by the Secretary of the Interior, modifying the embargo on the upper Rio Grande)

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., March 2, 1923.

THE SECRETARY OF THE INTERIOR,

MY DEAR MR. SECRETARY: In the hearings on the problems of the Colorado River held in San Diego December 12, 1921, the Reclamation Service was criticized by the delegate from Colorado for the attitude of the United States concerning the reservation of public lands in Colorado for the protection of the water supply of the Rio Grande. In reply to his remarks you made the following rejoinder:

"It may be that the Reclamation Service has been dilatory in not having ascertained and reported heretofore that there was sufficient water falling within that basin to fill the Elephant Butte Reservoir and to enable us to perform our international obligations and our obligations to the prior users below that reservoir and yet to release certain of the waters in the State of Colorado—it may be that they have been dilatory, as I say, in the performance of that duty. I have suggested as much myself, and it shall be my pleasure to see that at an early date a report is made upon this proposition."

In response to your wishes thus expressed I have the honor to make the following report concerning this question:

The policy of the department in regard to the approval of rights of way for the use of public lands in the Rio Grande drainage was initiated upon a request of the Department of State through the Department of Justice on December 5, 1896, in pursuance of which the Secretary of the Interior directed suspension of applications for rights of way upon public lands for irrigation purposes by the use of waters of the tributaries of the Rio Grande entering it above where it becomes the international boundary. Soon after the organization of the Reclamation Service a study of the situation was made which resulted in recommendation for the construction of Elephant Butte Reservoir. The treaty with Mexico regarding the furnishing of 60,000 acre-feet for the Mexican lands was proclaimed January 16, 1907.

A letter from Director Newell to the Secretary of the Interior, dated April 22, 1907, was closed with the following recommendations:

"RECOMMENDATIONS"

"I therefore recommend that the department lay down the general policy that until the development of irrigation on the upper Rio Grande in the State of Colorado and the Territory of New Mexico shall furnish sufficient data to determine the effect of the storage and diversion of water in that vicinity upon the water supply for the Eagle Reservoir of the Rio Grande project, no further rights of way be approved which involve the storage or diversion of the waters of the upper Rio Grande and its tributaries, except applications of two kinds; first, those in connection with which there is a showing that the rights of the parties were initiated prior to the beginning of active operations by the Reclamation Service for the Rio Grande project, namely, March 1, 1903; second, applications which involve the diversion or storage of not exceeding 1,000 acre-feet of water per annum.

"When it becomes possible to determine the effect of the approved applications upon the water available for storage for the Rio Grande project, it may be possible to allow the use of rights of way to a greater extent than is now proposed."

These recommendations were approved by the Secretary of the Interior on April 25, 1907.

The recommendation and the accompanying letter indicate that the purpose of the reservation of the lands in Colorado was to protect the water supply of the Rio Grande project as a whole, including prior rights in the United States and Mexico and extension of irrigation as contemplated by the construction of the Elephant Butte Reservoir.

The filings of the Reclamation Service upon the waters of the Rio Grande for storage and use in New Mexico, Texas, and Mexico were designed to cover all the waters of the river at that time unappropriated and to include, of course, such waters as had been appropriated by the lands included within the project. Information at that time indicated, and subsequent experience has confirmed, the fact that the Elephant Butte Reservoir of the large capacity constructed is sufficient to control and store the flood waters of the Rio Grande in all years except a few extraordinary floods of rare occurrence, which may be partially wasted; also that the amount of water that can thus be conserved and beneficially used is insufficient to supply all of the lands that might be reached with those waters. Or, in other words, that needs of the available lands exceed the water supply made available by the reservoir.

An important fact in this connection is that the dependable low water and ordinary flow of the river have long been appropriated and used for irrigation in Colorado and New Mexico above the Elephant Butte Reservoir, and nothing important remained for appropriation for the Elephant Butte project excepting freshets and floods, which could

not be intercepted and used commercially above this point without storage. Obviously such waters can not be made available except by large storage works.

The appropriation of these waters for the use of the Rio Grande project has been diligently followed by the expenditure of public funds in the construction of reservoir, diversion works, canal, and distribution systems, and the consequent drainage systems, with a total investment of over \$10,600,000 therein by the United States. Probably an equal amount has been invested by the settlers in clearing, leveling, and otherwise improving suitable for appropriate use the lands to utilize this water supply. So far as the formalities and the diligence of construction are concerned, the rights of the United States and of the settlers on the project have not been and can not be questioned.

The diversion and use of the dependable natural flow of the river and its tributaries has been so complete in Colorado and northern New Mexico that it may be stated broadly that any further feasible extension of such diversions can not materially cripple the water supply of the Rio Grande project unless accompanied by storage of the flood waters at or above such diversion.

The treaty with Mexico guarantees the delivery of 60,000 acre-feet of water annually at the diversion dam near El Paso for use in Mexico. The records indicate a dependable supply from the Elephant Butte Reservoir of 720,000 acre-feet annually, or twelve times the amount required to fulfill the treaty. A general knowledge of the basin indicates that there is no practical possibility of so depleting the supply that the Elephant Butte Reservoir could not receive and conserve sufficient of the flow of the river to fulfill the obligations of the treaty. If the entire shortage were imposed upon the American lands in the Rio Grande project. Any material decrease in the amount available for storage would react upon the project and cause a loss to the water users due to the deficiency in the water supply.

In view of the above the question resolves itself about as follows: Is it legal, and if legal, advisable, for the Secretary of the Interior to decline to approve the use of the public lands for storing and diverting for irrigation the waters of the Rio Grande, for the purpose of protecting the water supply of the lands developed under the Elephant Butte Reservoir in New Mexico and Texas?

It may be physically possible in some cases to store and use the waters of the upper Rio Grande without the use of public lands, but the opportunities for such development on exclusively private lands are believed to be few and meager and not seriously to affect the main question. It is possible to build storage reservoirs on the upper Rio Grande and its tributaries that would intercept sufficient flow to deplete materially the supply of the Elephant Butte Reservoir, and that the waters thus stored could be used for irrigation below such storage and above Elephant Butte.

There are, of course, legal means, by injunction and otherwise, by which the valid rights of the irrigators under the Elephant Butte Reservoir may be protected, but these are slow of operation, and to depend upon them may be an injustice to possible investors in storage works who might undertake storage works in good faith if such were approved by the Secretary of the Interior, and later find their investment wasted for lack of valid rights to the necessary water.

The above questions of law and of policy are of so fundamental a character that they demand consideration and decision directly by the Secretary of the Interior. It may, however, be in order for this office to venture a few suggestions.

It is believed that the best use of the waters for irrigation is the proper object of the policies and proceedings of this service, and such use must be determined at any given time with full consideration of existing legal and physical conditions. Practically complete appropriation of the dependable flow of the river was accomplished many years before the construction of the Elephant Butte Reservoir, and no material increase of the use of the river could be feasibly accomplished except by the provision of large storage works. Manifestly, to be complete and make the best use of the water supply, these works must be constructed at a point low enough to intercept practically all the drainage of the river which could not be otherwise conserved. The Elephant Butte site was selected as one which combined this advantage of location with the physical condition that at no other place in the basin could a reservoir of sufficient capacity be constructed to intercept the flow of all the unappropriated waters above the Mesilla Valley. Had the reservoir been built at such higher point as White Rock Canyon or above, many large and important tributaries, such as the Gila, Puerco, and numerous other streams would have continued to waste large quantities of water which are intercepted and conserved at the Elephant Butte site.

In order to make such a large reservoir commercially feasible it is necessary that it receive the benefits of practically all of the unappropriated waters, and these were accordingly appropriated for such use.

Even though the wisdom of the construction of the Elephant Butte reservoir might be questioned by some, the situation now is that the investment has been made and is a physical success. The lands are served and are developed. To take away its water supply would not only violate existing moral and legal rights but would destroy large investments in proportion to the magnitude of the deprivation.

On the other hand, it is manifestly wise and just to encourage any developments that may be carried out in the basin above that will not materially deplete the supply of the reservoir or otherwise jeopardize the interests it has built up. Extensive studies have been made by the Reclamation Service, as well as by the Geological Survey, the State of New Mexico, and other public and private agencies, and these have developed the fact that large areas now or formerly irrigated in Colorado and New Mexico have produced underground conditions where large bodies of land have been deprived of their fertility by the rise of ground water, and hundreds of thousands of acres are for this reason now unavailable for cultivation from this cause, although most of the area is still available for grazing, and some of it produces a low grade of coarse hay.

More than half a million acres of land in the San Luis Valley, Colo., and various small valleys in New Mexico require expensive drainage systems to bring back their fertility.

These water-logged lands now discharge immense quantities of water into the air through evaporation, a part of which would be conserved by proper drainage systems and returned to the streams, because, with the lower ground water, the natural evaporation from those lands would be decreased. If such drainage works were carried out in Colorado and the water returned to the stream and not used locally, it would follow down the stream, and unless diverted would increase the supply to the Elephant Butte reservoir. It would, however, pass by many small ditches which divert water from the river, and during the irrigation season most of it could be diverted by these ditches, and in dry times all of it. It would be extremely difficult to distinguish this from other waters of the river and to prevent its diversion by such ditches.

The valley lands in New Mexico which have been cultivated in the past are largely in need of drainage works also, and the proper drainage of these lands would also conserve much water now lost and convey it into the river, where, if not intercepted, it would flow into the Elephant Butte Reservoir. The drainage of practically all of the land in Colorado and New Mexico would be available as inflow to the Elephant Butte Reservoir at all times outside of the irrigation season, unless storage works so located as to intercept such waters were provided.

No Government authority has any right or power to interfere with the vested rights of the irrigators under the Elephant Butte Reservoir or elsewhere. These rights, whatever they are, can be, and if necessary will be, defended in the courts by the people most interested; that is, the farmers themselves. But it is believed that the Secretary of the Interior, as the head of the Reclamation Service, is in a position to assist in the full development and conservation of the water resources of this basin without local interest, bias, or prejudice and that much can be done in the way of encouraging such development and removing jeopardy from investments made for this purpose.

It is believed that under present conditions the department would be justified, with the approval of the interests below, in assuring prospective investors in Colorado and northern New Mexico that they would be protected in the storage of waters in the same quantity that the construction of drainage works might deliver water into the river at a point low enough to insure its flow into the Elephant Butte Reservoir. Each individual project should be worked out after careful study of the local, physical, and other conditions surrounding it. But the announcement of this general principle, it is believed, would remove some of the timidity of proposed investors, either public or private.

The effect of an approval by the Secretary of an application for irrigation right of way under the act of March 3, 1891 (26 Stat. 1095), upon the interests of the United States under the reclamation law has not been decided by the courts. The view has been expressed that as the regulations require applications to be accompanied by evidence of ample water right the Secretary's approval may commit the Government to a recognition of the validity of the water right claimed in connection with the application, with a possible estoppel of the United States to assert any water right in conflict therewith. Accordingly any approval of right of way as herein suggested should be carefully guarded by a reservation of all rights claimed by the United States for the Rio Grande project and for the Mexican lands under the treaty.

RECOMMENDATION

It is recommended that this office be authorized to negotiate for the release of specific areas of public land for purposes of water storage under conditions that will best conserve and utilize the water resources and will protect vested rights in all parts of the Rio Grande Basin—such negotiations to be subject to the approval of the Secretary of the Interior, and, prior to such approval, to be subject to the scrutiny of all interested parties.

Respectfully,

A. P. DAVIS, *Director.*

Approved:

ALBERT B. FALL, *Secretary.*

EXHIBIT T

(New Mexico act of March 12, 1923, authorizing representation on Rio Grande Commission)

An act providing for the appointment of a commissioner on behalf of the State of New Mexico to negotiate a compact or agreement respecting the use, control, and disposition of the waters of the Rio Grande River and for other purposes (S. B. No. 104 (as amended); approved March 12, 1923)

Be it enacted by the Legislature of the State of New Mexico—

SECTION 1. The Governor of the State of New Mexico shall, with the advice and consent of the Senate, appoint a commissioner who shall represent the State of New Mexico upon a joint commission, to be constituted as hereinafter provided for the purpose of negotiating and concluding a compact or agreement fixing and determining the rights of the signatories to the use, control, and disposition of the waters of the Rio Grande River, and of the streams tributary thereto, excepting as to all waters appropriated to the use appurtenant and necessary to the full and complete operation of the Rio Grande project in southern New Mexico, being an irrigation project constructed by the United States Reclamation Service: *Provided*, That settlers and land-owners under said project shall not be put to any additional expense by reason of the passage of this act.

Said joint commission shall include either:

(a) Commissioners for the States of Colorado and New Mexico, and a duly authorized representative of the United States of America; or

(b) Commissioners for the States of Colorado and New Mexico: *Provided, however*, That any such compact or agreement shall not become operative and shall not bind any of the signatories thereto, unless and until the same shall have been ratified and approved by the legislature of each of the signatory States and by the Congress of the United States.

SEC. 2. The Governor of the State of New Mexico shall notify the Governor of the State of Colorado of the appointment of the commissioner for New Mexico pursuant to the provisions hereof. The commissioner for New Mexico shall commence the performance of his duties upon receipt of notice by the Governor of New Mexico from the Governor of Colorado of the appointment of a commissioner for said State, and unless the Governor of Colorado shall have officially communicated notice of such appointment to the Governor of New Mexico on or before October 1, 1924, the appointment of the commissioner for New Mexico hereunder shall cease and determine without further act.

SEC. 3. When the commissioner for New Mexico shall enter upon the performance of his duties he shall be furnished such engineering, legal, stenographic, and other assistants as may be necessary or essential to the proper performance of his duties, and it shall be the duty of the State engineer and his deputies to aid and assist the commissioner for New Mexico whenever requested by him so to do.

SEC. 4. The compensation of the commissioner for New Mexico, and of his assistants, shall be fixed by the governor and attorney general, and the State of New Mexico shall pay all necessary traveling and other expenses incurred in the performance of the duties of the commissioner and his assistants both within and without the State of New Mexico, and also all other necessary costs, charges, and expenses hereunder, including the payment of an equitable portion of the costs and expenses of any such joint commission. Such compensation and expenses shall be paid monthly, upon vouchers approved by the governor and attorney general, by warrants drawn by the State auditor.

For the purpose of carrying out the provisions of this act there is hereby appropriated out of the water reservoir for irrigation purposes income fund the sum of \$5,000, or so much thereof as may be necessary.

SEC. 5. The commissioner for New Mexico shall have full authority to make any and all investigations of the Rio Grande River and the drainage area thereof, of the conditions obtaining upon said stream, and of the present and future needs relative to the use, control, and benefit of the waters of said stream, and to make such other investigations as may be necessary to the proper performance of his duties hereunder, and said commissioner shall have the authority to administer oaths and to examine and require the attendance of witnesses.

EXHIBIT U

(Colorado act of March 20, 1923, authorizing representation on the Rio Grande Commission)

An act providing for the appointment of a commissioner on behalf of the State of Colorado to negotiate a compact or agreement respecting the use, control, and disposition of the waters of the Rio Grande River, and for other purposes

Be it enacted by the General Assembly of the State of Colorado—

SECTION 1. The Governor of the State of Colorado shall appoint a commissioner who shall represent the State of Colorado upon a joint commission, to be constituted as hereinafter provided, for the purpose of negotiating and concluding a compact or agreement fixing and deter-

mining the rights of the signatories to the use, control, and disposition of the waters of the Rio Grande River, and of the streams tributary thereto. Said joint commission shall include either:

(a) Commissioners for the States of Colorado, New Mexico, and Texas, and a duly authorized representative of the United States of America; or

(b) Commissioners for the States of Colorado and New Mexico and a duly authorized representative of the United States of America; or

(c) Commissioners for the States of Colorado and New Mexico: *Provided, however,* That any such compact or agreement shall not become operative and shall not bind any of the signatories thereto unless and until the same shall have been ratified and approved by the legislature of each of the signatory States and by the Congress of the United States.

SEC. 2. The Governor of Colorado shall notify the Governors of the States of New Mexico and Texas of the appointment of the commissioner for Colorado pursuant to the provisions hereof. The commissioner for Colorado shall commence the performance of his duties upon receipt of notice by the Governor of Colorado from the Governor of either of the States of New Mexico or Texas of the appointment of a commissioner for said State, and unless at least one of said States shall have named its commissioner and shall have officially communicated notice of such appointment to the Governor of Colorado on or before October 1, 1924, the appointment of the commissioner for Colorado hereunder shall cease and determine without further act.

SEC. 3. When the commissioner for Colorado shall enter upon the performance of his duties he shall be furnished such engineering, legal, stenographic, and other assistants as may be necessary or essential to the proper performance of his duties, and it shall be the duty of the State engineer and his deputies, the division engineer of irrigation division No. 3, and the water commissioners whose districts are included within said irrigation division to aid and assist the commissioner for Colorado whenever requested by him so to do.

SEC. 4. The compensation of the commissioner for Colorado and of his assistants shall be fixed by the governor, and the State of Colorado shall pay all necessary traveling and other expenses incurred in the performance of the duties of the commissioner and his assistants, both within and without the State of Colorado, and also all other necessary costs, charges, and expenses hereunder, including the payment of an equitable portion of the costs and expenses of any such joint commission. Such compensation and expenses shall be paid monthly, upon vouchers approved by the governor, by warrants drawn for the payment thereof upon the State treasurer by the State auditor in the ordinary manner, out of any funds appropriated under the provisions of an act entitled "An act to enable the State of Colorado to protect the waters of its natural streams and to maintain the right of appropriation and use of such waters for beneficial purposes within this State, and making an appropriation therefor of the first class" or out of any appropriation of the first class made for the protection of the waters of the State.

SEC. 5. The commissioner for Colorado shall have full authority to make any and all investigations of the Rio Grande River and the drainage area thereof, of the condition obtaining upon said stream and of the present and future needs relative to the use and benefit of the waters of said stream, and to make such other investigations as may be necessary to the proper performance of his duties hereunder, and said commissioner shall have authority to administer oaths and to examine and require the attendance of witnesses.

SEC. 6. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

SEC. 7. In the opinion of the general assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

Approved, March 20, 1923.

A PROJECT TO ESTABLISH A PARK IN THE SOUTHERN APPALACHIAN MOUNTAINS

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a report that was made last night to the Secretary of the Interior on the subject of a national park in the Southern Appalachian Mountains.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

Mr. TEMPLE. Mr. Speaker, it gives me pleasure to bring to the attention of the Members of the House, in accordance with a suggestion made to me by Doctor Work, Secretary of the Interior, the report made to him last evening by the Southern Appalachian National Park committee, together with a few introductory sentences prepared in the Interior Department concerning the committee and the work for which it was created.

The Southern Appalachian National Park Committee was appointed by Secretary Work, of the Interior Department, last February for the purpose of choosing the most typically scenic area in the East as a national park. The membership was composed of outstanding experts on parks and students of outdoor life. It included: W. A. Welch, chief engineer and general manager of the Palisades Interstate Park of New York and New Jersey; Harlan P. Kelsey, former president of the Appalachian Mountain Club of Boston, and a well-known landscape architect; William C. Gregg, a prime mover of the National Arts Club of New York and a student of recreational development through parks and a director of the National Park Association; Glenn S. Smith, acting chief topographic engineer of the Geological Survey and representing the Secretary of the Interior on the committee, and as chairman, Hon. H. W. TEMPLE, Member of the House of Representatives from Pennsylvania. All of the members served without remuneration. The report of the Southern Appalachian National Park Committee in full follows:

"The members of the committee appointed by you and designated as the Southern Appalachian National Park Committee, in accordance with your instructions, have spent the past eight months investigating the southern Appalachian Mountain region with a view of determining whether areas exist of sufficient size, containing scenery of such grandeur, and at the same time typical of the region, which are suitable to be considered as a site for a national park.

"Nature calls us all, and the response of the American people has been expressed in the creation, so far, of 19 national parks. All but one are west of the Mississippi River. The two-thirds of our population living east of the Mississippi has contented itself with a few State parks, not knowing that in the southern Appalachian Ranges there are several areas which fill the definition of a national park, because of beauty and grandeur of scenery, presence of a wonderful variety of trees and plant life, and possibilities of harboring and developing the animal life common in the precolonial days but now nearly extinct.

"It has not been generally known that eastern parks of national size might still be acquired by our Government. The committee has been impressed with the amount of interest manifested in all sections of the East in the proposed establishment of a national park in the southern Appalachian region, and this interest has resulted in numerous requests that the committee inspect various areas. Many of these requests pertained to localities that have abundant scenic features, but which are not of sufficient size to warrant their being considered for a national park. Every effort has been made to consider carefully the merits of the various proposed sites, and wherever there was evidence that an area seemed to justify the committee in making a personal inspection, visits have been made either by the committee as a whole or by a delegation from it. Many of the areas in these mountains having unquestionable national-park features are now in the national forests under Government control and so available for recreational use; the committee is not disposed to suggest a change in their present status.

"We inspected the northern part of Georgia whose fine mountains blend with the highland region of southern North Carolina. We ascended Mount Mitchell and viewed the splendid Black Mountain Range north of Asheville. We went over carefully the Grandfather Mountain region, which for our study included the beautiful country from Blowing Rock to remarkable Linville Gorge. We responded to the call of the poet—to see Roan Mountain if we would really see the southern Appalachians. We went to Knoxville and from there to the tops of "The Big Smokies," which carry on their crest the boundary line between North Carolina and Tennessee. We went into Virginia to inspect that portion of the Blue Ridge on the east side of the Shenandoah Valley, which extends from Front Royal to Waynesboro. Some members of the committee also visited Cumberland Gap, southern West Virginia, northern Alabama, and eastern Kentucky. Several areas were found that contained topographic features of great scenic value, where waterfalls, cascades, cliffs, and mountain peaks with beautiful valleys lying in their midst gave ample assurance that any or all of these areas were possible for development into a national park which would compare favorably with any of the existing national parks in the West. All that has saved these near-by regions from spoliation for so long a time has been their inaccessibility and the difficulty of profitably exploiting the timber wealth that mantles the steep mountain slopes. With rapidly increasing shortage and mounting values of forest products, however, we face the immediate danger that the last remnants of our primeval forests will be destroyed, however remote on steep mountain side or hidden away in deep, lonely cove they may be.

"The conditions in the East where all land is held in private ownership, as compared with those existing in the West when national parks were created from Government-owned lands, has

made our problem a difficult one. The density of population, together with the commercial development in progress or in prospect, often practically prohibited the selection of areas of great natural beauty which if located remote from such development would have been seriously considered.

"It is the opinion of the committee that a park in the East should be located, if possible, where it will benefit the greatest number, and it should be of sufficient size to meet the needs as a recreational ground for the people not only of to-day but of the coming generations. The committee therefore decided that no site covering less than 500 square miles would be considered. This eliminated a large number of proposed areas and allowed the committee to concentrate its efforts on a few that appeared to be possible sites on account of their size, location, and favorable scenic features. These sites have therefore been thoroughly examined.

"The committee laid down a few simple requirements for its guidance in seeking an area which could be favorably reported to you for the possible consideration of Congress:

"1. Mountain scenery with inspiring perspectives and delightful details.

"2. Areas sufficiently extensive and adaptable so that annually millions of visitors might enjoy the benefits of outdoor life and communion with nature without the confusion of overcrowding.

"3. A substantial part to contain forests, shrubs, and flowers, and mountain streams, with picturesque cascades and waterfalls overhung with foliage, all untouched by the hand of man.

"4. Abundant springs and streams available for camps and fishing.

"5. Opportunities for protecting and developing the wild life of the area, and the whole to be a natural museum, preserving outstanding features of the southern Appalachians as they appeared in the early pioneer days.

"6. Accessibility by rail and road.

"We have found many areas which could well be chosen, but the committee was charged with the responsibility of selecting the best, all things considered. Of these several possible sites the Great Smokey Mountains easily stand first, because of the height of mountains, depth of valleys, ruggedness of the area, and the unexampled variety of trees, shrubs, and plants. The region included Mount Guyot, Mount Le Conte, Clingmans Dome, and Gregory Bald, and may be extended in several directions to include other splendid mountain regions adjacent thereto.

"The Great Smokies have some handicaps which will make the development of them into a national park a matter of delay; their very ruggedness and height make road and other park development a serious undertaking as to time and expense. The excessive rainfall also—not yet accurately determined—is an element for future study and investigation in relation both to the development work, subsequent administration, and recreational use as a national park.

"The Blue Ridge of Virginia, one of the sections which had your committee's careful study, while secondary to the Great Smokies in altitude and some other features, constitute, in our judgment, the outstanding and logical place for the creation of the first national park in the southern Appalachians. We hope it will be made into a national park and that its success will encourage the Congress to create a second park in the Great Smokey Mountains which lie some 300 miles distant southwest.

"It will surprise the American people to learn that a national park site with fine scenic and recreational qualities can be found within a three-hour ride of our National Capital and within a day's ride of 40,000,000 of our inhabitants. It has many canyons and gorges with beautiful cascading streams. It has some splendid primeval forests, and the opportunity is there to develop an animal refuge of national importance. Along with the whole southern Appalachians, this area is full of historic interest; the mountains looking down on valleys with their many battle fields of Revolutionary and Civil War periods and the birthplaces of many of the Presidents of the United States. Within easy access are the famous caverns of the Shenandoah Valley.

"The greatest single feature, however, is a possible skyline drive along the mountain top, following a continuous ridge and looking down westerly on the Shenandoah Valley from 2,500 to 3,500 feet below, and also commanding a view of the Piedmont Plain stretching easterly to the Washington Monument, which landmark of our National Capital may be seen on a clear day. Few scenic drives in the world could surpass it.

"We therefore recommend the creation of a national park in the part of the Blue Ridge Mountains of Virginia above described and shown approximately on the accompanying map.

"We have not attempted to estimate the cost of acquiring this area, as we are not sure that it falls within the scope of our committee's work. We suggest, however, that a spirit of constructive cooperation on the part of the State of Virginia and among some

of the large landowners of this region with whom we have been in touch promises reasonable prices and perhaps a number of donations.

"We suggest that if Congress thinks favorable of this proposed park site, a commission be appointed to handle the purchase and to solicit contributions and to arrange condemnation proceedings if the State of Virginia deems it wise. The creation of such a park may well be made contingent on a limited total land cost."

ROBERT J. OWENS, A PROHIBITION AGENT

Mr. LAGUARDIA. Mr. Speaker, I press my motion for consideration of House Resolution 365, reported by the Committee on the Judiciary December 11.

The SPEAKER. The gentleman from New York demands the right to call up as a matter of privilege a resolution, which the Clerk will report by title.

The Clerk read as follows:

House Resolution 365, requesting the Secretary of the Treasury to furnish to the House of Representatives certain information regarding Robert J. Owens, a prohibition agent.

Mr. BLANTON. Mr. Speaker, I reserve a point of order.

Mr. BEGG. I make the point of order, unless the gentleman desires to be heard.

Mr. DYER. Mr. Speaker, I make the point of order that the gentleman's motion is not in order. The Committee on the Judiciary has given consideration to this resolution. The gentleman from New York [Mr. LAGUARDIA] appeared before the committee, and the committee unanimously reported adversely on the resolution, and under the rules of the House the gentleman is not privileged to call it up, not being a member of the Committee on the Judiciary.

Mr. LAGUARDIA. Mr. Speaker, may I be heard on the point of order?

The SPEAKER. The Chair will hear the gentleman from New York.

Mr. SANDERS of Indiana. Mr. Speaker, my understanding is if there are any additional points of order, they ought to be made at the same time. There are additional points of order from those suggested.

Mr. DYER. There are, but I make that one on behalf of the Committee on the Judiciary.

Mr. LONGWORTH. Mr. Speaker, I desire to make an additional point of order. I can make it now or later.

The SPEAKER. The gentleman can state his point of order now.

Mr. LONGWORTH. I make the point of order, Mr. Speaker, that even if it was in order for a Member other than a member of the Judiciary Committee to call up this resolution as a privileged matter, the resolution is not in fact privileged, because on line 4 it asks for the reason and cause, which involves a matter of opinion. I make that further point of order.

Mr. SANDERS of Indiana. And the additional point of order that on yesterday, by unanimous consent, the House fixed the procedure for to-day and there was no exception made. This is not a matter of personal privilege, certainly, but just a question of legislative procedure, and having fixed the procedure for to-day this is not privileged in advance of the other matter.

The SPEAKER. The Chair would first like to hear the gentleman on the point of order raised by the gentleman from Missouri.

Mr. LAGUARDIA. The resolution of inquiry was introduced December 1, and on December 11 was reported by the Committee on the Judiciary with an adverse report. The rules, Mr. Speaker, clearly give a privileged status to resolutions of this kind. The rule has been in existence since 1879, and it has been repeatedly held that a resolution of inquiry calling upon the head of a department for facts is a privileged resolution and so provided and repeatedly held under the rules of the House.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SANDERS of Indiana. I would like to ask the gentleman to cite the rule which makes that provision.

Mr. LAGUARDIA. The gentleman is familiar with the rules, and he will find in sections 834 and 835 of the Manual the authority I have cited. It has been repeatedly held that the committee has eight days within which to make a report, and that during that period of eight days it is not privileged to move to discharge the committee. But any time after the eight-day period the Member introducing the resolution may move the discharge of the committee, and since 1870 that has been held to be privileged.

On July 15, 1892, where a premature motion for the discharge of a committee was made the Speaker held that it was not privileged during the eight-day period, but once it is reported its consideration is privileged, and in the failure of the committee to report within the eight-day period a motion to discharge the committee is privileged. If a motion to discharge a committee after the eight-day period is privileged, surely a report of the committee for consideration is likewise privileged, and the fact that it is an adverse report should not take from the resolution its privileged character.

On the other hand, in reply to the point of order made by the gentleman from Missouri, if only a member of the committee may move for consideration, and as we have in this case an adverse report, that in and of itself would destroy the purpose of the rule, because if only a member of the committee can move for consideration and you have an adverse report of the committee, it stands to reason that the resolution would never be called up.

Mr. LONGWORTH. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. LONGWORTH. The gentleman would not deny that it would be within the province of the Committee on Rules to make it in order.

Mr. LA GUARDIA. No.

Mr. LONGWORTH. The gentleman stated that it would be impossible to consider it, but it stands in the same position as any other bill or resolution.

Mr. LA GUARDIA. I think the gentleman would find great difficulty in finding any instance where the Committee on Rules has ever brought in a rule for the consideration of a resolution under these circumstances.

Mr. LONGWORTH. If the gentleman would appear before the Rules Committee and present a good case, as I am sure he always does, he would get the rule.

Mr. LA GUARDIA. I am inclined to think that the gentleman from Ohio is not serious in making that suggestion. I think, Mr. Speaker, under the rules and precedents my motion at this time is clearly in order.

Mr. CRAMTON. Mr. Speaker—

The SPEAKER. Is the gentleman in favor of or against the point of order?

Mr. CRAMTON. I am in favor of the points of order only in part.

The SPEAKER. The Chair is ready to rule.

Mr. CRAMTON. Unless the Chair is going to overrule all the points of order, I want to be heard.

The SPEAKER. The Chair will hear the gentleman.

Mr. CRAMTON. Mr. Speaker, I am not interested in the subject matter of the resolution. I am willing to assume that the action of the Judiciary Committee is entirely correct. I am, however, somewhat jealous of the protection of the rights of Members and the protection of the rights of minorities with reference to resolutions of inquiry. If it should be held that the point of order made by the gentleman from Missouri is correct, as I understand his point of order, it means to do away with the right which a minority heretofore has had with reference to resolutions of inquiry. I do not believe that is desirable.

The point of order of the gentleman from Missouri, as I understand, is that a report having been made upon the resolution, that report having been adverse, that no one now can call up that resolution and the report on it except a member of the committee. I am not sure whether he makes the point that any report being made, the resolution is not entitled to privileged consideration. I am not sure how far his point went. I do not see where they get the authority for the statement that no one but a member of the committee can call up the resolution in view of an adverse report. The procedure adopted in the last session with reference to the discharge of a committee from consideration of measures only applies to bills and joint resolutions and does not apply to resolutions of inquiry, which is simply a House resolution. The only provision of the rules that has to do with this subject is as follows:

All resolutions of inquiry addressed to the heads of executive departments shall be reported to the House within one week after presentation.

Under that rule has grown up the practice of the House giving to the resolution of inquiry a privileged status. All that the rule definitely requires is that the committee shall report, but the report of the committee is an idle ceremony unless it does lead to possible consideration by the House. If it is to be held that the resolution itself when reported has no privilege, then it is easy to see how a majority in this House can entirely put the lid on resolutions of inquiry. The majority in the House having control of the Rules Committee,

having a majority on the committees, can secure an adverse report, we will say, upon a resolution of inquiry. Is it to be understood that that adverse report absolutely prevents the getting up of a resolution for a vote by the House?

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. In a moment. If it is to be so held, then a minority no longer can get a vote in this House upon a resolution of inquiry perhaps addressed to an administration that is politically opposed.

Mr. BEGG. Conceding the resolution to be a privileged resolution, does the gentleman contend that the privilege carries to every Member in the House?

Mr. CRAMTON. Absolutely. I have not been able to find anything to the contrary, and it would be strange, indeed, if a man who introduces a resolution shall be held to lose the right to call it up in this House—a right equal to that of any other Member—unless there is something explicit in the rules to that effect, and there is not.

Mr. BEGG. Mr. Speaker, will the gentleman yield further?

Mr. CRAMTON. I want first to answer the gentleman's first question.

Mr. BEGG. That is sufficiently answered—that the gentleman believes that. That being true, let us say that on the calendar there is an appropriation bill, which is privileged, on next Monday or Tuesday. What is the difference between the appropriation bill and this resolution, so far as the rights of the membership of the House are concerned, other than the committee membership? Would the gentleman contend that if he had an appropriation bill in hand, which had the right of way on Tuesday next, and for some reason or other did not want to call it up, that I, as a nonmember of the committee, could call it up before the House?

Mr. CRAMTON. That has nothing more to do with the pending situation than has the old question of how old is Ann. The rule that applies to the present situation is the one that I have just read with reference to resolutions of inquiry and which does not apply to bills generally. There is a rule that provides that when there is an adverse report upon any bill, that bill shall lie upon the table, unless within three days some Member of the House—not only a member of the committee, but some Member of the House—asks to have that bill put on the calendar, where it belongs, and any Member of the House has the right to have that bill put on the calendar, notwithstanding an adverse report. I ask the gentleman from Ohio to show me a line here that restricts to a member of the committee the right to call up a bill on which there has been an adverse report.

Mr. BEGG. And I answer the gentleman in this way: That has nothing to do with it. The gentleman from New York [Mr. LA GUARDIA] had a perfect right under the rules to put his bill on the calendar, even though adversely reported.

Mr. CRAMTON. Where is there in the rules any statement restricting to a member of the committee the right to call up a bill or resolution on which there is an adverse report?

Mr. BEGG. The adverse report does not give it any higher privilege than would a favorable report.

Mr. CRAMTON. Where is there anything in the rules to give to a member of a committee any right that the gentleman from New York does not have?

Mr. BEGG. And I ask the gentleman where there is anything in the rules that gives them the right?

Mr. CRAMTON. I say that he has the right that goes with the introducer of a bill, which is at least equal to the right of any other Member of the House, and the only rule that I know of—and I am not at all infallible; I thought I could get some enlightenment from the gentleman—is that which provides that when an adverse report is presented on a bill that bill shall go to the table, unless within three days any Member of the House puts it on the calendar; but if there is any restriction as to the rights of the gentleman I think it is incumbent upon those who allege such restrictions to point them out. In the absence of them, if they are to hold that an adverse report from a committee on a resolution of inquiry shall deny to its introducer an opportunity to get a vote of this House upon the resolution, then you have done away with that outlet, which has been in this House historic as to the protection of the rights of the minority. The precedents are not numerous as to the rights of any Member to call up a resolution of inquiry after there has been a report, regardless of whether that report is favorable or adverse. I do not find any difference in the rules in the situation whether the report of the committee on a resolution of inquiry is favorable or adverse. I do not understand there is any difference in the situation. I can see that there may be a question in the minds of some as to whether a resolution of inquiry, having been reported either favorably

or adversely, then takes a privileged status in the House that would enable anyone to call it up for consideration as a privileged matter. The rule is very vague. This is a matter very largely of the practice of the House which has grown up rather than of express language in the rule. Logically it would seem an idle ceremony to require a committee to report within seven days and then not give any opportunity for consideration of the report after it should be made. If it was intended to give this a privileged status, it was necessary to insist upon an early report, and that having been done, that should not throw away that privilege by not giving consideration to the resolution.

The precedents are not numerous, because generally this has come up when the committee has refused to report, but in 1892, under Mr. Speaker Crisp, the Speaker overruled a point of order made upon a motion to discharge the committee in a certain matter, and in doing so "held that the duty to report within one week carried with it the right to report at any time during that period and, if delayed, the right to report at any time thereafter, and consequently the right of consideration when reported."

So, Mr. Speaker, I repeat. I am not concerned about the resolution. I assume that I shall not vote for it if it comes up for consideration, but I do not want a ruling that will put an end to any opportunity of Members or of a minority to call upon the administrative heads for information.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. SANDERS of Indiana. In the precedent cited by the gentleman was it an adverse or favorable report?

Mr. CRAMTON. There was no report.

Mr. SANDERS of Indiana. I thought the gentleman cited a case where there was—

Mr. CRAMTON. There was no report, but there was a motion to discharge the committee and consider the bill. But let me suggest this, Mr. Speaker: If a motion for consideration is not privileged, then when you join that motion which is not privileged with the motion to discharge which is held to be privileged, the whole thing would necessarily fall as not being privileged. If it is assumed that there is no privilege of consideration and only a privilege of securing a report, then you could not join that in one privileged motion.

Mr. SANDERS of Indiana. Is the gentleman able to cite any precedent where an adverse report has been made and held to be privileged?

Mr. CRAMTON. I will ask the gentleman from Indiana, who is one of the best authorities in the House, equal to my friend from Ohio who could give me no information on this point, where is there in the rules any provision restricting to a member of a committee the right to call up a bill or resolution to which there has been an adverse report?

Mr. SANDERS of Indiana. I would say to the gentleman there is not anything in the rules giving the right to anybody, and certainly there being no affirmative giving the right to anybody there would be no exception for such an imaginary rule, and I want to know if the gentleman will answer the question which I have propounded to him?

Mr. CRAMTON. Let us have it in the light of what information has been imparted.

Mr. SANDERS of Indiana. Can the gentleman state to the Chair any precedent where it has been held where an adverse report was made by a committee on a resolution of inquiry where the Chair held that the report has a privileged status and could be brought up as a privileged matter?

Mr. CRAMTON. I can not, but it is absolutely immaterial because the purpose of the resolution of inquiry, its very nature, is to be used by the minority. The majority in harmony with the administration can generally get their information, but if you are to hold that an adverse decision of a committee of this House shall prevent the House itself from having the right to decide the question, then you have done away with the resolution of inquiry. It has been urged that no one but a member of the Committee on the Judiciary can call this up. That is the first point, and I have demonstrated here by the evidence of these well-versed gentlemen that there is nothing to that point of order, that the committee reporting a bill adversely have done all that they can do, and that the right to call up that measure is not restricted to them now.

The SPEAKER. The Chair would like to have the authority in reference to that; the Chair has no authority on that point.

Mr. CRAMTON. As to what?

The SPEAKER. As to the fact that when there is an adverse report only members of the committee can call it up.

Mr. CRAMTON. I have been trying to get that information. There is nothing in the rule.

The SPEAKER. The Chair understood the gentleman to say that he had proven there was nothing on that point.

Mr. CRAMTON. I understand I have proven there is nothing on that point. I do not understand that there is anything in the rule giving to a member of the committee any right in reference to a bill or resolution on an adverse report which right is not shared with every other Member of the House.

The SPEAKER. Is there any other rule that gives such a right to any other bill?

Mr. CRAMTON. I may have overlooked some rule, but the only rule I find in reference to an adverse report—

The SPEAKER. The Chair means a report that was adverse. Where is there any rule that gives any member of the committee the right to call it up and not a Member outside of the committee?

Mr. CRAMTON. The precedents are that a man who introduces a resolution can call it up, and that right never has been challenged.

The SPEAKER. After an adverse report?

Mr. CRAMTON. Generally the motion is to discharge the committee and consider it, and I have not found any exact precedent to cover the case, any case where the right to consideration has been passed upon without a motion to discharge. Whether it is a favorable or adverse report is immaterial. There may be a chance to argue whether any Member has a privileged right to call it up after it has been reported. But if it should be held that a privileged right to consideration does not exist, then why should there be, first, a provision in the rule to require a report which could not be brought before the House? And, secondly, if it is not privileged, how could a joint motion to discharge the committee and call up a bill for consideration, to have both joined in one privileged motion, and both when joined together repeatedly sustained as privileged?

Mr. BLANTON. Will the gentleman yield for a question?

Mr. CRAMTON. I will.

Mr. BLANTON. If the gentleman from New York failed within three days to move to place this adverse report on the calendar, did not that bill go on the table, did not this whole matter go on the table?

Mr. LAGUARDIA. Mr. Speaker, permit me to say that "the gentleman from New York" has not failed to put it on the calendar.

Mr. BLANTON. But he has not moved within three days.

Mr. LAGUARDIA. Yes; I have.

Mr. CRAMTON. It was reported yesterday.

Mr. BLANTON. He has not moved to put it on the calendar. He has no right to move consideration.

Mr. CRAMTON. That is with reference to a bill, not a resolution.

Mr. BLANTON. They occupy the same status.

Mr. LONGWORTH. Mr. Speaker, it seems to me, on the other point of order, that this discussion is beside the mark if this resolution is not privileged. In my view it is clearly not privileged. This is not a resolution merely of inquiry, to ascertain certain facts, which is the only thing that gives it privilege. It asks for very much more than facts. For instance, in the very first sentence it asks for the "reason and cause for the dismissal of Robert J. Owens." Now, the words "reason and cause" plainly ask for information. It is a matter of discretion, discretion exercised with reference to the dismissal. And further along it asks for "proof for the legality of the possession of the said liquor," and so forth. Proof of legality is plainly a question involving the judgment of various men, the opinions of various men. This goes far beyond a resolution asking for facts. It is not a privileged resolution.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. DYER. I will say to the gentleman from Ohio that the report filed by the Committee on the Judiciary contains a letter from the Secretary of the Treasury giving all the information, no doubt, available or possible, even, under the resolution voted up for consideration and sent to the Secretary.

Mr. LONGWORTH. Certainly. The word "reason" involves more than a mere detail of fact. It involves an opinion, questions of judgment, far more than any mere statement of fact.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. GARRETT of Texas. I will ask the gentleman if the words "reason and cause," called for in the resolution of inquiry, were not words simply descriptive of the documentary evidence they wanted from the department?

Mr. LONGWORTH. The gentleman's reason for doing or not doing a particular thing might be a very different reason

from mine. His might be right and mine might be wrong. This can not be a question of fact—the reason for dismissal. The gentleman might have thought that his reasons were such and such, while mine might be otherwise. It goes clearly beyond an inquiry as to facts.

Mr. LA GUARDIA. Mr. Speaker, in reply to the point raised by the gentleman from Ohio [Mr. LONGWORTH], I am sure he can not seriously urge upon the Speaker that the wording in any resolution asking for "the reason or the cause" of the discharge of an employee, an act which had been accomplished, is asking for an opinion. The discharge in this case is something that has happened, and the resolution inquires for the reason and cause which resulted in the conduct of the department, not what they believe. Was this man disobedient? Did he violate the law? Just what was the "cause and reason" for the dismissal? The resolution asks for any reason that is in their possession that goes to the dismissal of this particular employee. There is no other way in the English language to frame a question to ascertain the cause of the dismissal of an employee. It is the same as asking for a bill of particulars on an indictment in a criminal action or a complaint in a civil action. You ask in such a case for the cause and reason, and the overt acts are stated in reply. That is what this resolution does, and nothing more. This inquiry asking for the cause and reason is nothing else than asking for a bill of particulars concerning the discharge of the employee named in the resolution.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. DENISON. This calls for proof of the legality of the act of an officer. That calls for argument.

Mr. LA GUARDIA. There is no such question involved in my resolution calling upon the Secretary of the Treasury for this information.

Mr. DENISON. It says "the legality of the possession of the said liquor."

Mr. LA GUARDIA. I am not charging that the Secretary of the Treasury had any liquor.

Mr. DENISON. You are asking for the proof that the law requires, as to the character of the proof; what proof they had upon which the legality of the possession of the liquor was based.

Mr. LA GUARDIA. Exactly. Matter of proof presented is a matter of fact.

Mr. HOCH. Mr. Speaker, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. HOCH. If the words "reason and cause" signify simply cause, then what is the meaning of these words on line 6, "facts, evidence, and proof of the legality of the possession of the said liquor," upon which the action was based?

Mr. LA GUARDIA. The gentleman, as a lawyer, knows that this is not asking for a conclusion or an opinion, but simply demanding the facts upon which an act was based.

Mr. HOCH. If that is all, why did not the gentleman simply say, as in paragraph 1, "the facts and evidence upon which the dismissal of Mr. Robert J. Owens was based"?

Mr. LA GUARDIA. The facts and the evidence would be limited to certain acts and conduct on the part of the department. The consideration of these facts as the reason for dismissal is all limited to matters of fact. It does not call for an opinion or a conclusion. The point of order raised that this resolution itself now is not privileged simply shows the hopelessness of the argument of the gentleman who raised the point of order, first, that it could not be called up by anybody but the committee. Now, they are relying upon this last point of order, that it is not privileged in itself, to prevent its consideration.

Mr. TINCHER. Mr. Speaker, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. TINCHER. What is the meaning of these words, "and proof of the legality of the possession of the said liquor"?

Mr. LA GUARDIA. The gentleman knows that under the law, when liquor is seized, the burden of proof establishing the legality of possession is upon the owner. Now, there must have been some evidence or proof to justify the return of this liquor within 24 hours after the seizure. That is what my resolution calls for. [Cries of "Vote!"]

The SPEAKER. It seems to the Chair that this question is rather academic. It is certainly so if what the gentleman from Missouri [Mr. DYER] states is the fact, that in the report are given the full reasons of the department. But it is none the less to be decided.

Three points of order are made. As to the day, the Chair finds that the order yesterday was simply that bills on the Private Calendar, reported from the Committee on Claims,

be in order for consideration to-morrow. It seems to the Chair that does not prevent the consideration of other privileged business, if the House so desires.

The second point of order is: Can it be brought up by the gentleman from New York [Mr. LA GUARDIA], he not being a member of the committee which made the report? This rule was adopted in 1880, and when it was first reported by Mr. Randall it simply provided that any motion of inquiry should be referred to a committee. Then it was contended by some Members that there should be some constraint on that committee, and, therefore, the addition was made that such committee should report within one week, and since then, without any special provision in the rule, it has been held that if the committee did not report within that week the Member who offered the resolution should have the right to bring it up as a matter of privilege. There is no special reason, given in any decision the Chair has been able to find, for establishing that right, but the Chair supposes it is to compel the committee to do its duty. It is logical, if the committee does not do its duty, that the House should have the right, without the action of the committee, to immediately proceed to consider the subject. But there is nothing in the rule which provides what shall be done when the committee does report, and consequently it has been held that such a report is privileged, and, it seems to the Chair, it must stand just like any other privileged report of a committee. The Chair can see no reason for any difference in the privilege, whether it is adverse or whether it is favorable. But the Chair is unable to see any reason why this case should be held by decision to be different from all other cases. It is always held that the only person who can bring up a bill is the Member authorized by the committee. There are some privileged bills now on the calendar which are subject to be brought up, but nobody can bring them up except the member of the committee authorized to do so, and in the absence of any expression in the rules or of any precedents by a decision the Chair does not feel authorized to hold that there is any different right in this case than in any other case.

Then as to the point that is made by the gentleman from Ohio [Mr. LONGWORTH], the rulings have been continuous that such a resolution must call simply for the facts and not for opinions. It does seem to the Chair that calling for the reason why the act was done is calling for an opinion by the official who performed that act. It is asking his motive. Of course, the language could be drawn so as to ask the facts on which he based his action, but to ask the motive and the reason of his action, it seems to the Chair, also makes this resolution subject to the point of order. So the Chair sustains the point of order.

SETTLEMENT OF THE INDEBTEDNESS OF THE REPUBLICS OF POLAND AND LITHUANIA

Mr. CRISP. Mr. Speaker, by direction of the Committee on Ways and Means I present two privileged reports from that committee for reference to the calendar, one recommending the settlement of the indebtedness of the Republic of Poland to the United States of America and the other recommending the settlement of the indebtedness of the Republic of Lithuania to the United States of America.

The SPEAKER. The gentleman from Georgia presents two privileged reports from the Committee on Ways and Means, which the Clerk will report.

The Clerk read as follows:

Report to accompany the bill H. R. 10650, to authorize the settlement of the indebtedness of the Republic of Lithuania to the United States of America.

The SPEAKER. Referred to the Union Calendar.

The Clerk read as follows:

Report to accompany the bill H. R. 10651, to authorize the settlement of the indebtedness of the Republic of Poland to the United States of America, and for other purposes.

The SPEAKER. Referred to the Union Calendar.

CLAIMS ON THE PRIVATE CALENDAR

Mr. EDMONDS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the further consideration of claims upon the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for the consideration of claims upon the Private Calendar, with Mr. SANDERS of Indiana in the chair.

WILLIAM J. OLIVER

Mr. EDMONDS. Mr. Chairman, when we closed the House last night we had under consideration Private Calendar No.

133, H. R. 3122. I ask for the further consideration of that bill at this time.

Mr. MILLER of Washington. Mr. Chairman, may I ask whether any bills of any character, except those reported by the Claims Committee, will be considered at to-day's session?

The CHAIRMAN. The order is that claims on the Private Calendar be in order for consideration on Saturday.

Mr. MILLER of Washington. And none reported by the War Claims Committee will be considered at to-day's session is the understanding?

The CHAIRMAN. The Chair does not recall what the Record shows.

Mr. BLANTON. Mr. Chairman, I make the point of order that the order asked for by the majority leader was that bills reported by the Claims Committee on the Private Calendar should be in order, and that would exclude bills reported by the War Claims Committee.

Mr. CHINDBLOM. Mr. Chairman, I make the point of order that we are acting under the order of the House made to-day, and that was that the House resolve itself into the Committee of the Whole House for the consideration of bills from the Committee on Claims on the Private Calendar. Whatever may have been prior orders, we are now acting under that order made to-day.

The CHAIRMAN. The Chair thinks that the point made by the gentleman from Illinois [Mr. CHINDBLOM] is well taken. The motion was made that the House resolve itself into the Committee of the Whole House for consideration of claims on the Private Calendar, and upon that suggestion the Chair will respond to the parliamentary inquiry of the gentleman from Washington by stating that they are the only ones that will be considered by the Committee of the Whole House at this sitting. The Chair will call the gentleman's attention to the fact that that applies only to this sitting and does not necessarily apply to the entire day.

Mr. BLANTON. Mr. Chairman, a parliamentary inquiry, if the Chair will permit. The order agreed upon by the majority leader yesterday was, "Mr. Speaker, * * * I ask unanimous consent that bills reported from the Committee on Claims be in order for consideration to-morrow." That limited bills that could be considered to-day to those which were reported by the Committee on Claims, and none other. That was the order that was agreed upon by the House and made in order yesterday.

The CHAIRMAN. The Chair thinks that was the order. Of course, at the present time, as pointed out by the gentleman from Illinois [Mr. CHINDBLOM], irrespective of any order, we are operating upon the motion carried by the House to which there was no point of order directed, and that motion operates and binds the Committee of the Whole House so far as the present sitting is concerned.

Mr. EDMONDS. Mr. Chairman, last evening when the committee rose I had half an hour's time coming to me out of my time, which I had reserved. I will now yield as much time as he may need out of that time to the gentleman from Oklahoma [Mr. THOMAS] to continue his discussion of the bill that is before the House.

Mr. THOMAS of Oklahoma. Mr. Chairman and gentlemen of the committee, what I shall have to say will be in supplementing what I had to say on yesterday. I do not take the floor for the purpose of making a speech, but only for the purpose, if possible, of assisting the committee in arriving at a just conclusion in relation to this claim.

I desire to call the attention of the committee to a peculiar proposition, that the Congress is the only tribunal that a citizen can go to in a case of this kind. When a citizen has been injured by his Government or by its agents, there is no court that he can go to and claim redress. He must depend upon the Congress of the United States. In this case, whether Mr. Oliver has been injured or not, is a question for this jury to determine, and in this particular case the Congress is the jury.

Briefly I want to call attention to the conditions that prevailed around Mr. Oliver and his plant at the time this injury was alleged to have been done. Mr. Oliver, in Knoxville, Tenn., had a prosperous manufacturing plant. He was engaged in both commercial manufacturing and munitions making or manufacturing. Because, as he claims, of the injury that was done him at this time the plant he had then is now in idleness. It has been dismantled, and it is a bankrupt concern. Mr. Oliver at that time had a railroad in operation in Tennessee. He had paid something like \$700,000 for this railroad in its building. When he was done the injustice that he claims was done him these properties were taken over and put in the hands of a receiver and finally into bankruptcy.

His railroad was sold for \$50,000 and his manufacturing plant did not sell for enough to pay the obligations existing against it.

Mr. COLLINS. Will the gentleman yield?

Mr. THOMAS of Oklahoma. Gladly.

Mr. COLLINS. If any damage was done, it seems to me it was done the Oliver Manufacturing Co. Why should this claim be payable to W. J. Oliver?

Mr. THOMAS of Oklahoma. The testimony shows that Mr. Oliver was practically the sole owner of the stock of the company, and Mr. Oliver having suffered damage personally in addition to his financial damage, the committee thought it would be right that any judgment rendered in his favor by the Congress should be made to Mr. Oliver personally and not to the corporation.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. THOMAS of Oklahoma. Yes.

Mr. LAGUARDIA. What is there to prevent the corporation bringing in a claim for damages later on?

Mr. THOMAS of Oklahoma. Any claim that the corporation might bring in must be brought before the Congress, and the Congress having heard and adjudicated the claim of Mr. Oliver, I think we can be safe in assuming that with such careful considerations of claims as we have upon the Claims Committee of this House the corporation would not get very far in prosecuting a claim of that kind.

Mr. LAGUARDIA. There is no provision in the bill that covers all claims of all of these concerns.

Mr. THOMAS of Oklahoma. I think you are right so far as the bill is concerned.

Mr. TAYLOR of Tennessee. If the gentleman from Oklahoma will allow me to interrupt, I would suggest that the corporation is now out of business and has been wound up.

Mr. LAGUARDIA. It is out of existence now?

Mr. TAYLOR of Tennessee. Yes.

Mr. COLLINS. But the damage was done to the corporation, as I understand it, and not to Mr. Oliver, and yet the bill is for the relief of some one who was not damaged.

Mr. THOMAS of Oklahoma. Mr. Oliver suffered the entire damage that was done to the corporation.

Mr. STEPHENS. Is it not a fact that Mr. Oliver was the corporation?

Mr. THOMAS of Oklahoma. In effect that is true.

Mr. LAGUARDIA. That could not be legally true, of course.

Mr. BLANTON. Will the gentleman yield?

Mr. THOMAS of Oklahoma. Yes, sir.

Mr. BLANTON. If I understood the gentleman correctly yesterday, the gentleman stated that within a few days after the taking over of the property by the Government Mr. Oliver was struck by a truck and injured.

Mr. THOMAS of Oklahoma. That is correct.

Mr. BLANTON. That was not a Government truck; that was a private truck.

Mr. THOMAS of Oklahoma. The record is silent on that proposition.

Mr. BLANTON. But, as a matter of fact, within the knowledge of the gentleman, that was a private truck.

Mr. TAYLOR of Tennessee. It was a private truck.

Mr. BLANTON. It was a private truck, so the gentleman from Tennessee [Mr. TAYLOR] says. I understood the gentleman further to say that intermittently since then Mr. Oliver has been in such a mental condition he did not know what was going on from time to time; is that the case?

Mr. THOMAS of Oklahoma. At different times; that is correct.

Mr. BLANTON. Then, if that is the case, how does the gentleman know, and how does the gentleman from Tennessee [Mr. TAYLOR] know, and how does the committee know that this alleged \$8,000 worth of Liberty bonds have never been returned to Mr. Oliver?

Mr. THOMAS of Oklahoma. I will answer that question by saying the records are conclusive, and there is nothing suggested to the contrary, that these bonds have not been returned to Mr. Oliver or his agents. At the time when he was ill and injured, and suffering in the hospital, he had agents, of course, representing him, and if these bonds had been returned the records would have so shown.

Mr. BLANTON. If Mr. Oliver has had a lapse of memory, which occurs frequently when a man is in such a condition as he is reported to be in, how is he now able to tell you, if he did lose \$8,000 in bonds, that they have not been returned to him? He at some time may have hypothecated them or used them or sold them and now has a lapse of memory concerning same—how are we to determine when he is subject to inter-

mittent loss of memory, that these bonds have not been returned to him? How do we know but that he has used them?

Mr. THOMAS of Oklahoma. It is my opinion, and I think the evidence is conclusive, that these bonds have not been returned; that Mr. Oliver suffered the loss of the bonds and in the sum of \$8,000.

Mr. RAMSEYER. Will the gentleman yield?

Mr. THOMAS of Oklahoma. Yes.

Mr. RAMSEYER. I would like to ask the gentleman how much weight are Members supposed to give to the letter from the Secretary of War incorporated in this report. Is it to be given weight as a reliable and truthful statement?

Mr. THOMAS of Oklahoma. I think so.

Mr. RAMSEYER. On page 5 in the second paragraph of the report the Secretary of War says:

During the recent war the United States entered into three shell-manufacturing contracts with the William J. Oliver Co. and one additional supplemental contract for overruns or excess production under an original contract. All of these contracts were fully performed. All shell manufactured to the total amount covered by contract were received and accepted by the United States, the full contract price paid therefor, and subsequently claim settlements were negotiated between the Oliver Manufacturing Co. and the Government for extras, increased facilities, etc., amounting to approximately \$66,000 in addition to the contract price of the shell and including practically the full amount of every item claimed at the time.

Mr. THOMAS of Oklahoma. Answering that proposition I will say that Mr. Oliver's claims were submitted in two classes—class A and class B. In class A there were three items covering three contracts that he had with the Government. The committee decided after considering these three items that because they were covered by contract claimant should come to Congress and ask the privilege of going into the Court of Claims.

Mr. RAMSEYER. Is it true or not that every claim for extras of the Oliver Manufacturing Co. presented to the department has been settled?

Mr. THOMAS of Oklahoma. No; that is not true. At a later date the claims were referred to the department, when Mr. WAINWRIGHT was Assistant Secretary. Mr. WAINWRIGHT turned them down because they were not filed in time. All claims under the Dent Act were to be filed by June 30, 1919. These claims were not filed during that time.

Mr. RAMSEYER. That is a different proposition. The claims that you claim in this bill would not be considered anywhere except in Congress, and the gentleman stated yesterday that the Government took charge of this plant in October, 1918, and did not return the plant until February, 1920; that it was under the charge of Government agents, and because it was under the charge of Government agents the expense of making the shells was greatly enhanced. Now, the Secretary of War says in the third paragraph on page 5:

On October 4, 1918, during the progress of work under these contracts, Mr. Oliver was arrested by agents of the Department of Justice as a result of charges said to have been instigated by labor representatives, alleging conspiracy to defraud the Government by the making of defective shell and certain overt acts in pursuance of such conspiracy. Mr. Oliver and other executives of the plant were placed under arrest and books and records of the company were seized. The Oliver Manufacturing Co. designated a trustee to carry on the business of the company, who continued in charge until approximately March 1, 1919, by which time the contracts had been completed. The claim settlements mentioned above were negotiated either by the trustee or other authorized representatives of the corporation.

That is, the contract the Oliver Co. had with the Government was completed March 1, 1919. Of course, the Government had no further interest in it. So it seems that the claim made here yesterday that the Government continued after that in charge of the plant is absolutely without foundation and is contrary to the statement of the Secretary of War. I do not see how we can go on the assumption that the Secretary sent a letter to the committee full of inaccurate statements. If I had time I would like to read other parts of the report.

Mr. THOMAS of Oklahoma. The testimony shows that on the 4th of October this plant was surrounded by soldiers, entered by deputy marshals, accompanied by Army officials and the district attorney. Mr. Oliver was arrested and with 11 of his foremen taken to the customhouse. While there under arrest in the presence of the Army officials representing the Ordnance Department of the Government they did agree on a trustee. Mr. Oliver was placed in a position where he had to accept the suggestion of the Ordnance Department and the district attorney.

Mr. RAMSEYER. Who named the trustee?

Mr. THOMAS of Oklahoma. The district attorney and agents of the Ordnance Department of the Government.

Mr. RAMSEYER. The Secretary of War says positively that the corporation named the trustee.

Mr. THOMAS of Oklahoma. I want to read from the hearings, page 23. This is from the testimony of Mr. Oliver himself.

Mr. BLANTON. Mr. Chairman, this bill as introduced seeks to pay out \$1,438,000. We surely ought to have a quorum here to consider this matter, and I make the point of order that there is no quorum present. I think the whole membership should hear the discussion.

The CHAIRMAN (Mr. CHINDBLOM). The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and four Members present, a quorum.

Mr. THOMAS of Oklahoma. Mr. Chairman, on page 23 of the hearings we have the following language taken from the contract of trusteeship itself. In the trusteeship there is this provision:

For sufficient and satisfactory reasons between the parties and those in interest, the president of the said W. J. Oliver Manufacturing Co. hereby agrees that during the term of this trust agreement he will not have or assume any direction or control over the operation of said plant or to interfere with the trustee in any manner in his operation of said properties, under the terms of this agreement, and will refrain from going in or on the premises covered by this contract.

Later on in the testimony we have the following conditions surrounding the making of the contract:

Now, I will ask you, Mr. Oliver, what were the conditions under which you signed this trust agreement?

Mr. OLIVER. There were a number of Army officers in the room and I was under arrest, and I had to do anything they wanted me to do.

Mr. HUMPHREY. What, if anything, did they say they would do if you did not sign it?

Mr. OLIVER. They said, "Sign, you ———; you will not need any of this when we get through with you."

Mr. HUMPHREY. What did they say they would do if you did not sign this?

Mr. OLIVER. They arrested me.

Mr. HUMPHREY. I mean, what did they say, if anything, they would do with your plant if you did not sign?

Mr. OLIVER. They had the plant. They had the men there with drawn pistols, 35 deputy marshals in the room.

Mr. RAMSEYER. Right there, if I may interrupt the gentleman, does the gentleman claim that that happened the day that he was arrested?

Mr. THOMAS of Oklahoma. The record shows that this contract was entered into the afternoon of the day of his arrest. It appears this trusteeship agreement had been worked out in the minds, if not on paper, of those responsible for this atrocity.

Mr. RAMSEYER. He said certain Army officers stood there and made him do this. Did the committee get the names of those officers and subpoena them as witnesses?

Mr. THOMAS of Oklahoma. The record can be had on that proposition, but it makes no difference so far as I can see what the names were. If these Army officers were there with drawn revolvers, as the evidence shows, what their names were is inconsequential and immaterial. We did not get their names.

Mr. RAMSEYER. If we had the names, their testimony would corroborate either Mr. Oliver or the Secretary of War.

Mr. EDMONDS. Mr. Chairman, if the gentleman will permit, we are not proposing in this bill to pay anything that has already been paid. We are proposing to pay the difference occasioned by the trusteeship in the cost of the manufacture of the shells. In other words, the \$101,000 is the difference of \$3.25 per shell in the cost of the manufacture between what Mr. Oliver would have manufactured them for, or was manufacturing them for, at the time they took the plant over and what they cost under the management of the trusteeship.

Mr. RAMSEYER. I assume that there is a conflict in the evidence before the House as to whether this trustee was appointed by the corporation or by the Government. The Secretary of War said that this trustee was appointed by the corporation. Therefore, for anything that happened under him certainly you could not hold the Government liable.

Mr. EDMONDS. But it will be remembered that this man was appointed trustee by force, not by the desire of the corporation. The corporation was bound, of course, to protect this property, but the War Department insisted upon the appointment of the trustee.

Mr. RAMSEYER. That statement again is sharply contradicted by the Secretary of War.

Mr. EDMONDS. The Secretary of War had nothing to do with that. The Department of Justice had that in hand.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield for a question?

Mr. EDMONDS. The gentleman from Oklahoma has the floor.

Mr. THOMAS of Oklahoma. I yield.

Mr. MORTON D. HULL. I would like to know how the gentleman determines what it would have cost.

Mr. EDMONDS. By the actual cost in the books.

Mr. MORTON D. HULL. What it would have cost?

Mr. EDMONDS. We have to take his performance before that and what it was costing him at the time he was making them.

Mr. STEPHENS. They have the statement of an expert accountant.

Mr. MORTON D. HULL. But the loss was due to his absence from the business.

Mr. EDMONDS. As I understand the matter, the production went away down.

Mr. MORTON D. HULL. His absence was due to the accidents that happened to him, was it not?

Mr. EDMONDS. Not at all. They would not allow him to go on the property.

Mr. TINCHER. Does not the agreement provide that he shall not have anything to do with this business during the time that they were there?

Mr. THOMAS of Oklahoma. Certainly.

Mr. TINCHER. They barred him from his business.

Mr. THOMAS of Oklahoma. Answering the question of the gentleman from Iowa [Mr. RAMSEYER], I want to make it clear that this bill is not seeking to recover any damages that could have arisen from the contract itself. The Secretary of War has settled all damages arising under the contract. The Secretary of War said that if there be additional damages, those damages are up to Congress, that he can not consider them because he had not jurisdiction, and it is that particular class of damage that can not be considered by the Secretary of War that Mr. Oliver is presenting to the Congress.

Mr. GILBERT. Mr. Chairman, if the gentleman will yield, answering the gentleman from Iowa, it does not seem to me to make any difference who named this trustee, whether Mr. Oliver or the Government. If the trustee was unnecessarily and unjustly forced upon this man, and this loss as a consequence was sustained, it is really immaterial who had the naming of the trustee.

Mr. THOMAS of Oklahoma. Answering the suggestion made by the gentleman from Texas that Mr. Oliver was injured and as a result of his injury he could not claim damages from the Government, the record shows that Mr. Oliver was going to the courthouse from his home some 2 miles in the country, over a road which probably had no sidewalk upon it; he was walking in the road; that in going to the courthouse he got out of the way of one automobile, but stepped in the way of a truck. This truck struck him on the head. For many months he lingered between life and death. He survived. His physical body has been wrecked. His mind at times, at least, has been injured.

When Mr. Oliver came before the committee he could only come by the assistance of a cane and an attendant. I understand his condition now is worse than then. From a man physically sound and mentally alert at that time, through this incident he has been rendered a man physically broken and rendered mentally, I might say, unfit. Now, had it not been for this transaction he would not have been in the road; had he not been in the road he would not have been hit by this truck, and had he not been hit by the truck he would not have been injured as he is to-day.

Mr. DOWELL. Will the gentleman yield?

Mr. THOMAS of Oklahoma. I will.

Mr. DOWELL. Does the gentleman believe that this House can consider the question that this man was a wreck and prosecuted for something of which we may concede he was not guilty, and by reason of things pending at the courthouse he got on the street and was run over by a truck, and that therefore the Government should pay by reason of the negligence of somebody for that injury?

Mr. THOMAS of Oklahoma. Mr. Oliver has not contended before this committee that he should be compensated for injury. It is only the question—

Mr. DOWELL. No; but the gentleman is making that as a reason why this should be paid, because if it had not been for this this accident would not have been.

Mr. THOMAS of Oklahoma. I did not so intend. I was only answering the gentleman from Texas that Mr. Oliver was

mentally deficient, and possibly during some of his mental confusion he may have received some of the bonds back from those who took them.

Mr. TINCHER. Will the gentleman yield?

Mr. THOMAS of Oklahoma. I will.

Mr. TINCHER. I understand it is proposed to pay Mr. Oliver in this bill the amount which cost this plant extra to manufacture these shells by reason of taking it away from him and turning it over to the Government, and the gentleman is mentioning the fact of his injury in defense of the intimation, perhaps, that he would not need the money here because of the injury or should not recover because he might have done something which he did not remember.

Mr. THOMAS of Oklahoma. Let me say further on this point before yielding. I realize this is not in that class of claims which could be presented upon the written code. I realize that neither the Government nor the State can be sued without their consent. I realize when a Government, National or State, arrests a man under a charge and presents its case in court and that case fails, the fact that the man was arrested and damaged gives no claim against the State or Government. But, gentlemen, this is a war-time proposition. It is not in that class of cases that might arise in peace times, for in peace times no owner or manager of a company would be taken, a cordon of cavalry thrown around his place of business, his property placed in the hands of an agent not appointed by the confiscating power. That only occurs in war times. This is a war-time case, and such a one I have not seen before.

Mr. BURTNESS. Will the gentleman yield?

Mr. THOMAS of Oklahoma. I will.

Mr. BURTNESS. I am a little curious to ascertain this. The person placed in charge of this plant I believe was named McCoy?

Mr. THOMAS of Oklahoma. That is the name in the record.

Mr. BURTNESS. Who was he?

Mr. THOMAS of Oklahoma. He was the man selected or agreed upon by the Ordnance Department, the district attorney, and the bankers of Knoxville, Tenn.

Mr. BURTNESS. Was he a banker in Knoxville?

Mr. THOMAS of Oklahoma. If my memory serves me, he was a banker there.

Mr. BURTNESS. Was he a banker that the Oliver Co. had been doing business with?

Mr. THOMAS of Oklahoma. I could not say on that proposition.

Mr. BURTNESS. Mr. Oliver, page 6 of the testimony says this in answer to a question put to him by his own attorney, Mr. Humphrey.

He was a banker that I was doing business with. He was put in with the consent of the Government officials.

If you read Mr. Oliver's testimony correctly apparently Mr. McCoy was selected by the corporation and the Government consented to his selection rather than selected by the Government and consented to by the Oliver people.

Mr. THOMAS of Oklahoma. I have just read the testimony, and it is for the committee to determine for themselves whether such appointment would have been made had this been in peace time rather than war time.

Mr. BURTNESS. Does the gentleman know whether or not the creditors of the Oliver Co. were willing for Mr. McCoy's selection as trustee?

Mr. THOMAS of Oklahoma. There is no record of that as far as I know.

Mr. BURTNESS. Who was Mr. Humphrey who appeared before the committee?

Mr. THOMAS of Oklahoma. If I am correctly advised he was for a long time an honored member of this body and at the time mentioned was acting in behalf of Mr. Oliver as his attorney in presenting his claim before the committee.

Mr. BURTNESS. On page 2 of Mr. Oliver's statement appears the following:

On the day following, October 5, 1918, in order to prevent the War Department from commandeering the plant and taking exclusive control and charge of the same, and in order to protect, as they believed, the commercial business of said plant, as well as to facilitate the carrying out of Government contracts, and upon the urgent solicitation of the largest creditors of said manufacturing company, said company made a deed of trust appointing William J. McCoy as trustee, and turned over to said trustee the plant and business of every kind and character connected therewith.

Now, that is a fair summary of the testimony, in so far as the turning of the plant over to the trustee is concerned.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Oklahoma. I yield to the gentleman from Tennessee.

Mr. BYRNS of Tennessee. As the gentleman from Kentucky [Mr. GILBERT] very pertinently suggested a while ago, it seems to me it makes no difference who appointed the trustee, whether he was appointed by the company or by the Government with the consent of the company. The fact of the appointment of the trustee was made necessary by the unwarranted action of the Government, regardless of who appointed him. If the Government had not taken over this plant the appointment of a trustee would not have been necessary.

Mr. THOMAS of Oklahoma. I will just say in conclusion that the claims submitted to the committee embrace numerous items. The total of the claims is something like \$1,400,000. The committee in considering these items decided that many of them could not be considered or recommended for the consideration of the Congress. The committee came to the conclusion that certain of these claims should be embodied in a jurisdictional bill giving Mr. Oliver the right to go into the Court of Claims. The committee picked out three items which it was willing to recommend for the consideration of this Congress.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. THOMAS of Oklahoma. I ask unanimous consent, Mr. Chairman, to proceed for five additional minutes.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The gentleman from Oklahoma [Mr. THOMAS] asks unanimous consent to proceed in his own time for five minutes. Is there objection?

There was no objection.

Mr. THOMAS of Oklahoma. The first item was the loss occasioned because of the increased cost of production of these shells. The testimony shows that when the plant was taken over by the Government there were 31,300 shells yet to be made, and that the cost of producing these shells increased \$3.25 per shell under Government supervision over and above the cost under Mr. Oliver's supervision, and by multiplying the 31,300 by \$3.25 you derive the amount of the first item. We recommend that that element of damage be allowed.

The second element is for the loss of Liberty bonds that were taken away and not returned. Mr. Oliver is clearly entitled to be reimbursed for the loss of those Liberty bonds, in the sum of \$8,000. That is item No. 2.

Mr. ROMJUE. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Oklahoma. Yes.

Mr. ROMJUE. May I inquire of the gentleman were those bonds registered?

Mr. THOMAS of Oklahoma. The record does not state that they were registered.

Element No. 3 was the loss of salary. The record shows that Mr. Oliver was drawing \$50,000 a year salary from this company as president and managing officer and that he had been drawing that sum for some time. The record shows that at about this time Mr. Oliver was offered \$100,000 for his services by a shipbuilding company in Florida and that at the request of the War Department, or officers thereof, he turned that offer down. He was receiving \$50,000 per annum. That is \$4,158 per month. The record shows that he was deprived of the possession of his property for something like 14 months, during which time he did not receive his salary. It was for the loss of salary that item No. 3 covers, figured for the time he was deprived of same. Those three items—the loss in the manufacture of the shells, the loss of the Liberty bonds, and the loss of his salary—make up the amount recommended by the committee.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Oklahoma. Yes.

Mr. HUDSPETH. Does not the record also show that when the Government took over this man's plant he was a wealthy man and had all this property and that now he is a hopeless invalid and is not worth a dollar in the world?

Mr. THOMAS of Oklahoma. Yes.

Mr. BLANTON. Does the gentleman dissent from this statement made by Secretary Weeks?

In order to remove any misapprehension that might be occasioned by the language of this bill I feel constrained to point out that the plant was not seized or held by the War Department. Mr. Oliver and his associates were arrested, the plant was searched, and certain records were seized by officials of the Department of Justice, but the Oliver Manufacturing Co. retained possession of the plant and operated

it under the immediate direction of a trustee appointed by the company. Officers of the Ordnance Department remained at the plant in an advisory capacity during operation by the trustee, just as they had been at the plant in the same capacity prior to Mr. Oliver's arrest.

Does the gentleman dissent from that?

Mr. THOMAS of Oklahoma. The committee takes the view that while the War Department did not seize the plant, it was seized under the order of the Department of Justice by deputy marshals who were under the Department of Justice. The committee takes the view that it is immaterial what department took charge of the plant. Possession was taken by the Department of Justice at the instance of the War Department.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. BLANTON. Mr. Chairman, I ask that the gentleman from Oklahoma may have two minutes more.

Mr. KETCHAM. Make it five minutes.

The CHAIRMAN. Five additional minutes is asked for. Is there objection?

There was no objection.

Mr. BLANTON. I would like to ask the distinguished gentleman from Oklahoma this question: The Government claims that whatever it did, it did it believing that this man was engaged in a conspiracy to manufacture defective shells. Here is what the Secretary of War says:

It is possible that the arrest and prosecution of Mr. Oliver was characterized by incidents that gave rise to justifiable criticism and that financial loss may have resulted therefrom.

The department holds, the Secretary of War holds, that whatever criticisms were made of Mr. Oliver and his friends were justifiable. What does the gentleman say as to that?

Mr. THOMAS of Oklahoma. The worst thing that is shown against Mr. Oliver is this: When these shells were made it was necessary to put a thin disk of lead between the outer shell and the inside contents, and when the supply of these disks ran out it became a question whether to lay off the men until a further supply of disks could be obtained or continue in operation by making his own disks. Mr. Oliver, with the consent of the Government inspectors, obtained the equipment necessary to make his own disks, and by means of those appliances he cut out the disks himself. That is the worst thing that was brought out against Mr. Oliver as to the manufacture of "defective shells."

Mr. KETCHAM. Mr. Oliver was engaged in filling a contract for the manufacture of 100,000 shells, and he had 60,000 shells completed and 30,000 yet to complete. Does the testimony in the record show any evidence at any point of any difference in the character of the shells manufactured before and after the time the shells were seized?

Mr. THOMAS of Oklahoma. Everything that was done was done under the inspection of agents of the Ordnance Bureau.

Mr. BOX. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, in order that the gentleman may be heard, I make the point of no quorum. It is very evident there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point of order there is no quorum present. The Chair will count. [After counting.] One hundred and seven gentlemen are present, a quorum.

Mr. BOX. Mr. Chairman and gentlemen of the committee: The facts in this case are many and much confused. I especially request that Members permit me to proceed until I have finished my effort to state the facts to the House and thereafter, if I have time, I shall be glad to make an effort to answer any question.

This is just such a state of facts as is most difficult to deal with. They are foggy, inconsistent, broken in every way, and of the kind that it is most difficult to ascertain and properly estimate. If I as an attorney were called upon to inquire into the facts in this case and to ascertain them and report upon them satisfactorily, I think the time required would be measured by months. I am the only member of the committee objecting to the payment of the claim, but it seems to me positively absurd to propose to pay this money on this claim upon the showing made.

The claim grows primarily out of labor troubles which began in Mr. Oliver's plant something like a year and a half before his arrest. There had been a strike; a labor man had been

assaulted on the premises or somewhere about them. There was a suit, I believe, against Mr. Oliver for \$25,000 damages, in some manner connected with that. Then came the making of a large number of complaints by certain employees of Mr. Oliver, apparently with the advice and assistance of the attorney representing the local labor union, resulting finally in his arrest. Then on the day of his arrest, when the plant was seized for the time being, or the next day, Mr. Oliver, probably because of his arrest and because of the urgent insistence of creditors, executed a deed of trust turning his plant over to a trustee to operate it. Then four or five days afterwards, or within 30 days—some of the statements are that it was within 30 days and some 4 or 5 days, but I think it is about 34 days—Mr. Oliver suffered a personal injury. The only theory on which the Government can be held liable for his personal injury is that he had a complaint lodged against him and was going to the courthouse to appear before the commissioner on the hearing. While he was in the road going to the courthouse to answer this complaint some person, to your committee unknown, ran over him with a truck and seriously injured him, since which time it is said, I think correctly, he has been a physical wreck and, to a large extent, a mental wreck; he has been paralyzed. That condition began within either 4 or about 34 days after his arrest.

The concern was financially. It had not paid a dividend since 1913. Mr. Oliver was indebted to the plant. He was its principal stockholder. I think these facts are not shown in the report, but papers in the files in the case show that he held all but about 5 shares of about 575 shares, of \$100 each, issued by the corporation.

There was a claim first made of \$1,438,095.61, and my judgment is that all of it is as well established as any of it.

First, I call your attention to the fact that the concern was heavily indebted; that Mr. Oliver was merely a stockholder in it, the principal stockholder, and its president and general manager. I suggest to you as business men and as lawyers that Mr. Oliver has no right to any of the proceeds of that corporation or any of its assets until upon liquidation its general creditors, to say nothing of the holders of bonds secured by mortgages, have received their compensation.

The gentleman who presented this bill proposed that the corporation be paid \$1,438,095.61. The committee has amended it, providing this proposed payment of \$170,757.86 to Mr. Oliver, the principal stockholder of this insolvent corporation, which passed into the hands of a trustee the next day because of these difficulties and because of the urgent insistence of creditors—that trustee being a banker, Mr. McCoy, connected with the bank where the company did business.

To indicate how complicated, confused, and difficult of ascertainment the state of the concern's affairs has been and is in, I call your attention to the fact that \$44,101.62 has been incurred as auditors' fees in efforts to straighten out the affairs of that concern.

Three or four different firms of auditors, whose fees amounted to that, have been engaged in efforts to ascertain and state its condition, so tangled were its affairs. I only mention that to show you the utter absurdity of a committee sitting for two or three hours and hearing a few ex parte statements and then undertaking, at the expense of the Treasury of the United States, to make good the items of damages involved in the bill as amended and reported by the committee.

Mr. BEEDY. Will the gentleman yield?

Mr. BOX. I would like very much to yield, but I have to decline because I want to finish my statement, and then I will try to yield to every gentleman.

There were outstanding, according to the record, at some time since then—I do not know that they were outstanding at that time, but there were outstanding more than \$110,000 worth of bonds. My information is that the amount of these bonds was \$300,000, but the record shows merely that the amount of them was more than \$110,000. I read from the testimony of the auditor, Mr. Smethurst, on page 44 of the hearings:

As a matter of fact, I do not think the creditors will get anything, because there is a bond issue outstanding, and the plant when offered for sale only brought an offered price of \$110,000, which will not pay the bond issue outstanding, let alone any creditors or anything for Mr. Oliver himself.

Then it owes attorneys' fees and auditors' fees. I must take the time of the House to call attention to some of these.

There is another item that we did not get in—the fees of Richard Smethurst & Co., \$17,152.99. They have not been paid, and neither have these engineers' fees of \$15,000.

That appears on page 45 of the hearings. On page 43 the statement is made that the firm of Lindsay, Young & Young has a claim of \$10,000, \$1,000 of which, one member of the firm said, had been paid.

That is enough to illustrate to you gentlemen the fact that you are dealing with a bankrupt corporation; whatever the cause of this bankruptcy may have been you are now dealing with the affairs of a bankrupt corporation, whose creditors are entitled to all its assets—first, under the mortgage, and next under their rights as creditors—before any stockholder is entitled to anything.

Mr. Oliver had elected to do business under the advantages which the incorporation of his business gave him, and he has not the right to come here now and say, "Though I did business as a corporation, though this was a corporation subject to all the laws and giving me as a stockholder of that corporation all the benefits of incorporation, I now ask that its affairs, its interests, and the rights of its bondholders and creditors be ignored, and that Congress strike out all compensation to the corporation and pay it to me personally."

Another thing that makes it sound ridiculous to me, with all respect to all the other members of my committee, is that Mr. Oliver himself was indebted to the corporation at that time to the extent of something like \$60,000. He owed it. Its creditors shall recover nothing, but these claims due it, at least chiefly, shall be paid to him, its insolvent debtor. I do not know the exact amount, but he was indebted to it in a very large amount. I read from page 42 of the hearings and again from a statement made by Mr. Smethurst:

Mr. Oliver was paid during 1918 the sum of \$44,849 for salary at the rate of \$50,000 per year as president and general manager of the company up to the date of his arrest, except for which it is evident his salary would have readily offset his liabilities to the company, which under the circumstances became a total loss, amounting to \$61,032.86.

I read from the statement of Auditor Smethurst:

He never received any interest on such payments and drew no dividends except one of 9 per cent paid in 1913. The balance finally due the company represents the difference between such advances and countercharges which accrued later in connection with work performed by the company for some of Mr. Oliver's various other interests. (Hearings, p. 43, top.)

Now, he owed it and the corporation lost his services, and because it did not collect the debt Congress is asked to pay him what he owed the corporation in this salary item.

I may not get to the salary item again, and there is another reason why the Treasury of the United States ought not to pay this item. I am anticipating, but I do not want to omit it. This salary is to be paid to Mr. Oliver for what he would have earned as its president thereafter. His wages would have gone on his indebtedness, and it is claimed that the man was injured within 4 or 34 days thereafter and rendered incapable of attending to his business. That because thereof the company failed to collect the \$61,032.86 which he would have paid in services at the rate of \$50,000 per year. That disability is the excuse they give in the hearing for not being bound by their settlement with the War Department; that he had no capacity to handle business and did not know anything about it, and that is true. It is pathetic. But how are you going to say that he is entitled to that \$61,000, even if it had been coming to him instead of going to the corporation, on the theory that he would have earned it, except upon the theory that the Government is liable for the acts of an unknown party on the street or on the road in running over him and injuring him. Mr. Oliver was going to court, it is true, but certainly the Government is not liable because a man is injured going to court in a Federal proceeding. The theory that it is liable for the injury so suffered is the only basis for any claim of liability against the Government of the United States for the salary item.

There were some \$8,000 worth of Liberty bonds and stamps in Mr. Oliver's possession at the time they seized his company's plant. I pause here long enough to say that in the manner in which this is presented, upon this ex parte showing, there were some very high-handed things done there. If this ex parte consideration of it is to bind us, nobody would stand ready to apologize for a lot of things that were done.

Somebody, after Mr. Oliver left his plant, got his bonds and stamps. Who? The trustee, his banker, suggested by him and the creditors, and we will say by those participating in the seizure, whoever they were, took charge the next day. A letter from the Department of Justice shows that soon thereafter—I

would like to have that letter, if the chairman of the committee will permit—we have got very little information from the Department of Justice. There has been an effort made to get it, but information is shy.

Mr. EDMONDS. They are ashamed of it. They do not want to give it to us.

Mr. BOX. They ought to give it. There are a lot of papers that should be now in the custody of the Department of Justice which would help us. I read from the letter of the Attorney General's department to the chairman of the committee:

Shortly after the hearings on the search warrant case before the United States commissioner on November 30, 1918, counsel for the defendants entered into a written stipulation that the records and the property which had been seized under the warrant might be retained by the Government and used before the grand jury in all criminal prosecutions.

I do not offer this for any purpose except to show you why I do not see any clear proof as to who got Mr. Oliver's and the corporation's \$8,000 worth of bonds. It may have been a thief in his office; it may have been a thief connected with the group sent there by the Department of Justice. They may have been lost through the lapse of his memory, they may have gone in some other way, or they may have gone into the hands of this trustee.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. BOX. I can not yield, and the gentleman will understand why. I will try to answer any questions later, but I do not know that I will have the time.

Mr. TAYLOR of Tennessee. This would be a very appropriate time.

Mr. BOX. But this record does not show that anybody connected with the Government got them. The record shows that numbers of people had opportunities to get them. It shows that people whom he placed in charge or helped to place in charge were in charge. If we allow this, we do it on the theory that every doubt must be resolved against the Government and every uncertain and unknown factor must by presumption be charged to the Government.

The bill consists of three items. The next is the item of \$61,032.86 for salary, that I have mentioned and already discussed—the salary that Mr. Oliver was giving to the corporation in payment of his debt to it, and which it lost, and therefore the Government should pay Mr. Oliver.

The next item is \$101,725, loss on shells claimed to have cost more, and shown in an ex parte manner to have cost more, because they were manufactured under the jurisdiction or administration of the trustee, his banker, appointed by creditors and by him and others. The record also shows that this was on a contract which, as has been stated here many times, was between him and the War Department, which contract and claims for damages arising from it were presented to the War Department on a claim for adjustment and a sum of some \$66,000 paid and a full release from the company obtained.

I call your attention to a letter of Secretary of War Weeks in the majority report at page 5:

All shell manufactured to the total amount covered by contract were received and accepted by the United States, the full contract price paid therefor, and subsequently claim settlements were negotiated between the Oliver Manufacturing Co. and the Government for extras, increased facilities, etc., amounting to approximately \$66,000 in addition to the contract price of the shell and including practically the full amount of every item claimed at the time.

Owing to the fact that full, complete, and final claim settlements had been negotiated and accomplished between the War Department and the Oliver Manufacturing Co., and the United States had received a final discharge from all claims and obligations of every nature arising out of the contract, it was considered that the War Department had no jurisdiction to entertain an additional claim arising out of the contract, and, of course, the War Department would have no jurisdiction to consider any claim for damages predicated upon the arrest or prosecution of Mr. Oliver.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. BOX. I will have to decline to yield.

The \$101,725 ought not to be paid, first, because it ought not to be paid to Mr. Oliver in any event, and next, it ought not to be paid because the items that constitute it and the manner in which it was computed are not shown. The items of this settlement between Mr. Oliver and the Government are not shown. What items were charged and what were not, whether he got credit for this increase in cost or a part of it in his settlement with the War Department are not shown. All those

facts are left in such a state of doubt and uncertainty that those of us who feel responsible for the manner and amount in which we adjudicate claims and appropriate the Government's money do not feel that the facts justify such an award. In the next place, it is shown that these claims arising out of this contract were presented to the Government for settlement just as we said they should go. Oh, there is confusion I grant you; there is fog and some uncertainty; but there is no doubt that the whole matter of this contract and claims under it went to the War Department for settlement and full relief obtained. How do we know what entered into that? Where do we get justification for saying that we should pay him another \$101,725, notwithstanding the fact that the Government paid him \$66,000 in that settlement above the contract price, we do not know for what, but now we will pay Mr. Oliver \$101,725 more on account of that contract, notwithstanding the settlement it and he or the representatives of his concern made. There you are.

It is only fair to say that there is a contention throughout the record that Mr. Oliver should not be bound by this settlement. On page 46 of the hearings my colleague, Judge THOMAS, of Oklahoma, then apparently understanding this part of the case as I have it in mind, asked this question:

Just a question right there. The Government has settled, has it not, with the company for its liability in all of the contracts it had with Mr. Oliver or his company?

Mr. Smethurst answered:

Yes, sir.

Mr. THOMAS then asked:

And the claim you are presenting is a claim against the Government because of the illegal and wrongful act of the Government and its agents against Mr. Oliver as the owner and manager of his company, is that correct?

Then Mr. Smethurst said:

Not entirely—

He then mentioned some things to which I want to call your attention. At the bottom of page 46, the last paragraph under the title "Errors in law," it is said:

The contractor was not advised of his rights and settlement was entered into in accordance with a claim filed by the trustee who was appointed under the direction of the Ordnance Department.

Remember that Mr. Oliver and his creditors had at least a leading part in naming and constituting that trustee.

I have an idea that there are thousands of men holding war claims in the United States who can say that they "were not advised of their rights."

Uncle Joe Cannon, in discussing a bunch of war claims that came up here, dangerous and very threatening because of those to follow, said:

If you open up this class of demands you will have claims enough to patch hell a mile.

[Laughter.]

Now, gentlemen, if you open this settlement made through the War Department under the Dent Act, which fixed the time within which the claims should be presented, where are you going to end? How many more like this will come trooping in here saying, "You considered Mr. Oliver's claim and paid it, and Mr. Oliver was only a stockholder; now consider mine."

Another reason they give why the settlement should not bind, as claimed by Mr. Smethurst, "they were unable to present the facts at that time." (Hearings, p. 47.) There is another excuse why the settlement with the War Department should be reopened by special act of Congress. "Errors in findings of facts." (Hearings, p. 47.) That is another reason for opening up this settlement, because they committed some error in findings of facts. It is very easy for attorneys to insist that an error of fact was made in order to get a claim or case reopened. The auditor was laboring to overcome the force of the question asked by my colleague, Judge THOMAS. These are the results of that effort. Then Mr. Oliver's attorney speaks up and says:

I want to make plain to the Government that while these contracts were settled we do not think that Mr. Oliver was bound by them; but all of these items are additional and what we would have a right to have taken under consideration under the Dean Act. (Hearings, p. 47.)

That is what the attorney said about it. They should know more than the overworked Members of Congress, who get only three hours to delve into these old records. I am not alone when I tell you that I have read these old records until I have the headache.

The whole amount was made up of three items—\$8,000 worth of bonds, \$61,000 salary, and \$101,000 in damages on a contract which I have discussed.

Now, gentlemen, there are other considerations in connection with this. If you should conclude that you are to unsettle the War Department settlement: If you should conclude that you ought to pay the \$61,000 that Mr. Oliver owed the corporation and that he did not pay it because he got hurt; If you should conclude that the item of \$8,000 is one that you could safely allow as damages, then I ask you to consider with me two or three other suggestions in connection with the claim. First, the items of damage I mentioned are the result of a series of calamities that befell Mr. Oliver. In the first place, beginning about a year and a half before this and while his plant was engaged in the manufacture of shells for the Italian Government, serious labor trouble arose. This is not a case of joint torts. You can not charge the United States with all this liability, including what somebody did a year and a half before anyone in the service of the Government had any connection with it.

You can not award him, as I take it, damages because of the personal injuries. I want you now to listen to an account of the labor troubles. Mr. Chairman, I ask that the Clerk read from the record the portion which I have had marked.

The CHAIRMAN. Without objection the Clerk will read. There was no objection, and the Clerk read as follows:

STATEMENT OF MR. HAL H. CLEMENTS

Mr. CLEMENTS. At the time of and for a number of years prior to the seizure of the Oliver plant, I was the official attorney for the Central Labor Union of Knoxville, which is the parent labor body of all of the rest of the labor unions of the city, as you gentlemen probably have had occasion to find out in politics.

Some months prior to the seizure of the Oliver plant, there was a determined drive, not only in Knoxville, but all over the United States, on the part of organized labor, to organize each and every industry, and they were really taking advantage of war conditions to carry out their program.

Several months prior to the time when the Oliver plant was actually seized I was approached by an organizer for the machinists' union, by the name of Matt J. Robinson, whose home was at that time in Chattanooga, Tenn., or at least his headquarters were there.

Before Matt Robinson came to Knoxville there had been an organizer there by the name of Gilmore, who had made some effort to organize the Oliver plant and had failed. Gilmore later committed suicide in a hotel in another city.

Matt Robinson came to me and said that he wanted me to meet him and a number of the employees of the Oliver plant at my office for the purpose of taking certain affidavits from them in regard to the way the business was being conducted at the Oliver plant.

I met these gentlemen and prepared, in legal form, affidavits setting out the fact that they claimed that Mr. Oliver was manufacturing shells in violation of his contract; in other words, that he was making defective shells.

The federation held a banquet that night at the Atkin Hotel, and I remember that I was toastmaster on this occasion. I mention that fact because at that time I delivered to this representative of the Department of Labor, or, rather, Mr. Robinson delivered, in my presence, these affidavits, which were taken by him to Washington and turned over, so he stated, or were to be turned over to the Department of Labor.

Mr. W. T. Kennerly, who was at that time United States district attorney, and with whom I am on most intimate terms—I was before, and have been since, as a brother lawyer—has stated enough to me since that time for me to know and state that that was the real beginning of the trouble, which finally culminated in the seizure of the Oliver plant.

Mr. CLEMENTS. These affidavits set out the fact that there were additional lead disks being placed in the shells, as I recollect—it has been a good many years ago—and there were certain sand holes, or something, that they were welding up, in violation of the Government rules, etc., in some of the cast-iron shells.

I do not remember all of the various things stated in the affidavits, but from what I have learned since, I think that later the Department of Justice must have received these first affidavits; in other words, the Department of Labor must have referred them to the Department of Justice, and they sent certain secret service officers and other Government agents, who did not have anything to do with me, and whose presence I did not know of at the time, and have only learned since, and that they probably took additional affidavits, which were probably much stronger than the original affidavits taken by me.

Mr. HUMPHREY. Do you remember well enough to state whether or not the affidavits charged a crime against Mr. Oliver, if the statements were true?

Mr. CLEMENTS. Yes; they charged that he was secretly defrauding the Government, or words to that effect, by making defective shells.

I want the record to show that, as a result thereof, Mr. Oliver and I became estranged, and I am here now feeling that he has been done a great injustice. I am here without hope of any reward, as a volunteer, not paid counsel, but to try to right a wrong that I think has been done him, and of which I was an interested party as a lawyer.

Mr. SEARS. Do you think that any of those men came there for the purpose of carrying out a preconceived plan?

Mr. CLEMENTS. I do not know about that, Judge. Those organizers who came there were strangers to me, of course, and simply came to my office, because I was the official attorney of the Central Labor Union of Knoxville. Probably they made inquiry, and found out, and that is the reason they came to me.

Mr. CLEMENTS. Let me add this to my statement: I do know that Mr. Oliver discharged a man by the name of Leek and his son, and these men were very bitter in their attitude toward Mr. Oliver and probably helped work out a good deal of this evidence.

AFFIDAVIT OF T. A. WRIGHT

While the manufacture of high-explosive shells for the Ordnance Department of the United States Government was going on, and, in fact, while the Italian shells were being manufactured, the Oliver Manufacturing Co. was at many times greatly annoyed by labor troubles and disputes, not coming from within the factory but by agitators or people who apparently were moved by bad motives, interfering with the labor organization of the William J. Oliver Manufacturing Co. The plant was kept, however, fairly free of troubles of this kind during the year 1917, until some time near the middle of the summer of that year, when strenuous efforts were made, as was believed at the time, to seriously handicap the plant in its operations by agitators from the outside, and Mr. Oliver, the head of the Oliver Manufacturing Co., in resisting this apparently incurred very serious enmity of a number of these agitators and leaders in the movement to handicap and interfere with operations of the plant, as then understood.

All of this culminated in the early part of October, 1918, when, without warning and when the plant was operating to a high degree of efficiency, warrants were sworn out through the Department of Justice, and a number of deputy marshals, together with a platoon of soldiers, went to the place of the William J. Oliver Manufacturing Co., closed the plant against any of the employees leaving it for a considerable time and anyone from the outside entering the plant, and arrested Mr. Oliver and nine of his principal foremen on a charge of sabotage and fraud, as stated in these warrants. After some little time I went to the plant as attorney for the company and found this condition of affairs existing, and found the deputy marshal engaged in seizing and taking into their control and away from the plant all the records and files of the same, correspondence, books, etc., and also taking into their possession and control some 400 or more of the practice cast-iron shells, all of which were removed to the custom-house here in Knoxville.

Mr. BOX. Mr. Chairman, this is a grievous state of affairs. I refer to the occurrences shown by what the Clerk has just read and to others which I have mentioned, consisting of personal quarrels, strife, assault or alleged assault against labor men, suit for damages for personal injuries brought against Mr. Oliver because thereof; indeed, a protracted series of labor troubles extending over a year and a half. The corporation had not paid a dividend since 1913, which was the only one it ever paid. It was heavily in debt. It had "largest" creditors, who insisted on its executing a deed of trust naming Mr. McCoy, who was connected with its local bank, as trustee and placing the plant and business in his charge on the day of or the day following the seizure. The trusteeship caused much of the loss. The receivership following later caused more of it.

Another element that entered into it is the personal injury, to which I have referred. We can not award judgment or make an appropriation to satisfy a demand for personal injuries on that account. I have heretofore insisted that the Government of the United States ought not to be held liable for any criminal prosecution. We have not had all of the facts from the Department of Justice. There has been a call for them, and the response has been regrettably brief—very unsatisfactory. They have not been satisfactory to me. They give you no information. If an outrage has been committed by that department, the facts should not be concealed. Certainly they should not be withheld in aid of an effort to get money out of the

Government on an unjustified demand. So that we have the personal injury and the labor trouble and the prosecution. There is no joint tort there. It is true that they all entered into a general result, but so do all disconnected misfortunes. There has not been any joint tort here which would make the United States liable for all damages Mr. Oliver or his corporation claims to have suffered. If you conclude that you ought to hold the United States liable on this ex parte presentation, you will have great difficulty in ascertaining, even approximately, how much of the damages resulted from any one of the several causes.

There was labor trouble for a year and a half, with strikes, discharges, personal assault, a damage suit for personal injuries, several affidavits against Mr. Oliver charging the fraudulent manufacturing of defective shells; finally came the arrest, followed immediately, or on the next day, by the execution of a deed of trust for the benefit of creditors. Then came the personal injuries. Later came a receivership. If my colleagues on the committee are thoroughly familiar with the facts, as I would expect them to be, they would tell you that those \$300,000 worth of bonds were placed after this seizure. Creditors after the seizure evidently did not think him ruined, if they extended new credit. If the bonds merely funded old indebtedness, then it had heavy old indebtedness. Whether the bonds were placed then or at some other time, all of the assets of the corporation belong to these creditors now. I know I am correct about that; the House can express its own views when it votes.

These facts are very voluminous. I have not been able to present them all as I would like to have presented them. I have the right to extend, and I shall add some matters that I have omitted, but this is substantially all of the case which I can present now. Neither my information nor the statements which I and my colleagues of the committee can make to the House is sufficient to enable its membership to pass intelligently on the claim; but I have given you the best statement the limitations of circumstances will permit.

Mr. BOWLING. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. BOWLING. I would like to ask the gentleman perhaps a half dozen questions for my own information.

Mr. BOX. The gentleman will be very lucky if he is able to answer one of them.

Mr. BOWLING. At the time of this seizure was this a going concern?

Mr. BOX. It was, according to what I gather from the record.

Mr. BOWLING. Was this strike the proximate cause of Mr. Oliver's arrest?

Mr. BOX. I think the strike was not. I believe that the grievance, the trouble with labor, the trouble with the labor agitators caused the complaint and the prosecution and ultimately resulted in the arrest.

Mr. BOWLING. If I understand the reading by the Clerk, he was arrested at the instance of these labor agitators. If I am correct in that assumption, was Mr. Oliver responsible for his own arrest in any way?

Mr. BOX. The labor agitators, according to the affidavit, made complaints, and the witness Clements, then the attorney for the union, expressed the opinion, in which the gentleman from Texas shares, that that was the beginning of this trouble. I think there were other affidavits. I think there was an investigation by the United States Secret Service at the time, and that all of it together culminated finally in this arrest.

Mr. BOWLING. He was indicted and charged with some offense which was finally dismissed upon hearing in the courts?

Mr. BOX. Yes; but not all unsuccessful criminal prosecutions are from bad motives or even without probable cause.

Mr. BOWLING. Were all of those charges upon which he was finally dismissed included in the charge that he was making defective ammunition down there?

Mr. BOX. I do not know of any other charge except that and the things incident to it.

Mr. BOWLING. The gentleman stated in his remarks that this concern went into bankruptcy.

Mr. BOX. If I stated it in that way, let me make a correction. The concern, at the instance probably of the Government, and certainly of the creditors, executed a deed of trust and turned the plant over to Mr. McCoy, the local banker, who became the trustee.

Mr. BOWLING. About how long after this seizure was it until this concern became bankrupt?

Mr. BOX. If the gentleman may express his personal conviction, based on all his investigation, he thinks that it was at that time seriously involved. The record indicates that

there was later a receivership. At first this trustee and the administration by him, and later a receiver and a great volume of attorney fees and receiver fees and many things like that. The gentleman, as a practicing lawyer, knows how those things accumulate about an insolvent corporation.

Mr. BOWLING. I have just one other question, and I thank the gentleman very much for his indulgence. Does the record show these Liberty bonds in question were seized at the time the place was raided?

Mr. BOX. To be exactly accurate, the gentleman from Texas is not clear on that. He knows Mr. Oliver testified he had the bonds there in the office at that time and has never seen them since. If he is in error about the substance of the testimony, he would be glad to have any Member correct his statement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDMONDS. Mr. Chairman, can we get some understanding with regard to the time on this bill?

Mr. BLANTON. Well, I want considerable time on it, because I have given close study to this case.

Mr. EDMONDS. How much time does the gentleman desire—15 minutes?

Mr. BLANTON. We helped the gentleman to get to-day with the understanding there should be liberal debate.

Mr. EDMONDS. I want to be liberal.

Mr. BLANTON. Let us proceed along under the rules of the House; the rules of the House are all right.

Mr. WINGO. May I inquire of the gentleman when he expects to get a vote; this week or next week?

Mr. EDMONDS. It looks like next week.

Mr. McREYNOLDS. Mr. Chairman and gentlemen of the committee, I have listened for some time very attentively to the argument of the distinguished gentleman from Texas. I am sure that he did not wish to be unfair, but many of the deductions which the gentleman makes from this testimony I feel are unwarranted; and, permit me to say, he is one of the most conscientious members of our committee, in whom we all have great confidence and for whom we have great respect; but he is so conscientious about many of these claims and he is so much interested with the fear that the Government will not be properly treated that he has often grown suspicious of their consideration. I was very much surprised to hear his complaint on yesterday when he was almost calling in question the revival of the old rule of this House giving Friday for the consideration of claims. I remember that several members of the committee, the gentleman from Tennessee being one of them, requested at the last term that we be given a hearing of these claims other than by unanimous consent that have been reported out of committee. When a claim is reported out of the committee I feel like that claimant is entitled to the consideration of that claim before this House upon its merits, and I am very glad indeed that they have given us opportunity to consider these claims. I feel that the House gave due consideration to the claims on yesterday, although I did not agree with them on some; but these matters are to be decided by the House, and there is no imputation of wrongdoing whenever the House decides as they see proper. This case before you is very important. It is a very important claim, and, according to my ideas after due and proper consideration of it, it is but a small amount of what should really be allowed. The distinguished gentleman a few minutes ago made the statement that when this company was taken over by the Government—or leaving that impression—that it was heavily involved.

I can not see the testimony in this record from which he can draw such conclusion. For the first part of the argument he cited you to the record in reference to these bonds, and later, about 20 minutes later, after that had time to soak in, he stated that perhaps those bonds were placed in this company that had gone into the hands of a receiver.

Mr. BOX. Will the gentleman yield?

Mr. McREYNOLDS. Certainly—

Mr. BOX. I read—

Mr. McREYNOLDS. Do not read.

Mr. BOX. I want to say the record shows evidently Mr. Oliver was heavily indebted to the plant himself at that time.

Mr. McREYNOLDS. I will come to that.

Mr. BOX. Can I ask one question more?

Mr. McREYNOLDS. Perhaps I should show the gentleman the same courtesy and say, wait until I get through.

Mr. BOX. I shall do so.

Mr. McREYNOLDS. I claim that the record in this case does not show that this concern was heavily involved at the time this property was taken over, but the record does show that it was a going concern, and that he was discounting his bills at the time this property was taken. Another peculiar

argument—that the labor organizations were responsible for Mr. Oliver's arrest and therefore the damages incurred were so connected between the Government and the labor organization that there is no chance for this body to do justice in this case. If there was trouble with the labor organizations, and there was, and they had been fired by Mr. Oliver, then those people who signed this affidavit, the Government officials, was it not more incumbent upon them to be a little more careful about the consideration of the class of evidence upon which they were put out and these warrants which practically and absolutely ruined this man?

It was in war time. There was labor trouble. This record shows that in the room of the officials of the Government at a hotel, Mr. Snyder being present, these men who had been discharged by Mr. Oliver were brought together and there these affidavits were made, and that it was upon these affidavits later that the Government issued the warrant that caused this arrest.

Now, was there probable cause at the time for the arrest of Mr. Oliver? Was that arrest based upon sufficient facts warranting a reasonably prudent man to issue this warrant and take charge of that plant? What is the answer? Justice McCall, from Memphis, came there and tried this case, an indictment with 26 counts presented by the Attorney General, and after a week's presentation the judge from the bench dismissed 23 of these counts and the Attorney General nol-prossed the other three.

Does that show that there was a probable cause for taking charge of the plant?

In this record is this:

A few days later these discharged employees met with Captain Avery, chief of ordnance, stationed at the Oliver plant, and Trazzere, who was at the head of the Military Intelligence Bureau, stationed at Atlanta, and a man by the name of J. S. Snyder, who was connected with the Government service in some way, at the rooms of Captain Avery at the St. James Hotel in Knoxville, where the discharged employees made statements that they had been discharged for joining the union, and also referred to certain irregularities carried on by Oliver and his superintendents at the plant.

That is from the record, pages 16 and 17.

I say that these officials of the Government, knowing the conditions that existed with reference to the labor trouble, ought to have been more careful about acting upon affidavits made by those people.

The facts are these, that they came there and took charge of Mr. Oliver's plant without any knowledge on his part that that would be done. With no notice they surrounded the plant, and rushed in while Mr. Oliver was sitting at his desk and arrested him, and not only him, but also nine of his superintendents or foremen in that plant.

The question is raised as to whether or not those \$8,000 of stamps and Government bonds were taken. The proof shows that they were there in Mr. Oliver's desk, and that these men, in charge of these officials, came in and took charge and emptied the desk of everything and took this property. That is what happened, gentlemen.

Now to give you, gentlemen, a very clear and concise statement of just what occurred at this arrest and the putting in of Mr. McCoy as trustee, I want to read to you that portion of the testimony of Hon. T. A. Wright which the gentleman from Texas did not have read, showing what occurred when Mr. McCoy was appointed trustee.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. HUDSPETH. Who was Mr. T. A. Wright?

Mr. McREYNOLDS. Hon. T. A. Wright at that time was one of the most prominent men in east Tennessee. He has since died. He was an attorney. I knew him personally. Almost every man in his portion of Tennessee knew him.

Mr. BULWINKLE. That is on page 64 of the hearings.

Mr. McREYNOLDS. Yes; pages 64 and 65. Here is the part of the testimony of Mr. Wright that I referred to. He first describes the situation in that portion of the testimony that was read, and then he continues his statement of what was occurring. He says:

My recollection is that that was October 4, 1918. After the bond was made, or about the time they were completed, I learned that the control of the plant, and, in fact, the entire operation there, had been taken charge of by the district ordnance department of Cincinnati. There were present Mr. G. S. Haydock, of the ordnance department, Cincinnati; also, Mr. Lampson, as I recall, and, I think, Major McClellan, and some four or five others—Army officers—who had apparently taken part in the seizure of the plant. I understood from Mr. Haydock, who was, according to my understanding at the

time, the assistant to Mr. Harrison, of the district ordnance department at Cincinnati, that the plant had been commandeered and would be taken over and operated, so far as the shell manufacturing department of it was concerned, for the use and benefit of the Ordnance Department of the Government.

I was in conference with Mr. Haydock and his associates, including these Army officers, most all of the remainder of the day of October 4—if that was the correct date, and I think it was—and which conference was renewed on the morning of October 5. I pointed out to the ordnance and Government officials that the William J. Oliver Manufacturing Co. was not only engaged in manufacturing or machining high-explosive shells, but that there was a very large foundry also being operated by the company, and also a very large machine shop, wherein many castings and other foundry products were being made for public utilities and various industries, the running of which was quite essential to the successful prosecution of the war, and that especially in the machine shop or car part of the plant of the William J. Oliver Manufacturing Co. the company was making a very large number of cars, and especially mining cars, which it was delivering to the coal operators of east Tennessee and Kentucky, and that if the plant was commandeered by the Government, and it used it only for the purpose of machining the shells for the United States Government, that they would close down a half or more of the entire operations of the plant, which would be extremely injurious and detrimental to the coal operators of the country, and would tend to prevent or greatly decrease the coal production of the sections referred to, and perhaps other sections, and would prove very detrimental to the United States Government.

The fact of it, gentlemen, is that only about one-third or one-half of this foundry was taken up with the manufacture of shells; but when the Government took charge they proposed to run only the shell department, and they did run the shell department.

Mr. Wright says in this statement that he insisted that it would be of great damage to this company if they were not allowed to run the commercial side of it. He continues:

I was advised by the representative of the Ordnance Department who then had charge of the plant that they would not expect to operate any part of it except that part which was engaged in the machining of shells and preparing them for use, and we then negotiated for some considerable time to see if we could not allow the William J. Oliver Manufacturing Co. to continue to use its foundry and machine shops and all that part of it not engaged in the manufacture and preparation of these shells for the Ordnance Department and to continue its operation of these departments. Many objections were found to this on the part of the Government representatives, and, among other things, they declined and refused to allow Mr. William J. Oliver or any of the other nine defendants, who were, as stated, the principal foremen, to go into or about the plant, and after negotiating practically all day it was finally agreed by Mr. Haydock and his associates that if some person who would be satisfactory to them could be secured to act as trustee that they would agree for the William J. Oliver Manufacturing Co. to transfer or turn over to such trustee the entire plant of the company and all of its operations, and through this trustee they would permit the operations of the shell department to be continued, provided they were allowed to designate and name a man to have charge of these operations under this trustee, and that they would permit this trustee to continue to operate the other departments of the William J. Oliver Manufacturing Co. plant.

Mr. F. L. Fisher, of the East Tennessee National Bank, was present part of the time and participated in some of the conferences held, and after finding that this was the best and perhaps the only thing that could be done to prevent the entire plant being commandeered and used only for the operation of the shell department under the Ordnance Department, we advised the directors of the William J. Oliver Manufacturing Co. that it was the only thing that could be done to prevent not only the entire destruction, as it seemed to us, of the William J. Oliver Manufacturing Co., but to also prevent very serious loss to the Federal Government in having this very large, well-equipped, and successfully operated plant from being shut down upon all character of work that it was doing, except the manufacture of shells, which I do not think occupied much over one-third, if any more, of the entire plant.

The directors, you will notice—not the creditors, but the directors—were advised. And permit me to say right there that the proof in this case shows that Mr. Oliver owned practically all of that stock, all except, as the gentleman from Texas says, about \$500 of the stock. Under the laws of Tennessee for a man to be a director in a corporation of this character he must have some stock, and of course Mr. Oliver, it is to be presumed, had placed that stock in their hands although it was his, for the purpose of complying with the law and having them serve as directors.

Mr. COLLINS. Will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. COLLINS. He does not own that stock now, does he?

Mr. McREYNOLDS. Who does not own it?

Mr. COLLINS. I say he does not.

Mr. McREYNOLDS. I understand there is no stock.

Mr. COLLINS. I understand; but it is in the hands of a receiver, and if any money is due anybody it is due to the corporation, is it not?

Mr. McREYNOLDS. The fatal blow which was given was to W. J. Oliver, the owner of that concern. He is the man they crept up on at this time and took charge of his property and ruined his credit and ruined his name, of course, under those conditions.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. LAGUARDIA. Does the corporation owe any money now?

Mr. McREYNOLDS. From this statement, I presume it does. I understand that after it went into the hands of the trustee—it first went into the hands of a trustee and then into the hands of a receiver later—that these bonds and this indebtedness were incurred afterwards. But they were dealing with the trustee at the time, and it afterwards went into the hands of a receiver.

Mr. LAGUARDIA. The corporation has not been liquidated, has it?

Mr. McREYNOLDS. I do not know whether it has or not.

Mr. TAYLOR of Tennessee. Yes; it has.

Mr. SCHAFER. Will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. SCHAFER. I note the report says that—

On the 4th day of October, 1918, the Oliver Manufacturing Co.'s plant, situated at Knoxville, Tenn., was of the physical value of approximately \$1,500,000.

Where were those figures obtained?

Mr. McREYNOLDS. I shall have to ask the gentleman from Oklahoma [Mr. THOMAS], who made the report, to answer the gentleman.

Mr. EDMONDS. That was testified to in the hearings.

Mr. McREYNOLDS. I think the auditor employed gave those figures in his testimony, but I am not sure.

Mr. SCHAFER. Was it testified in the hearings as to what value was placed upon the plant, what physical value, for the purpose of an assessment for taxes?

Mr. McREYNOLDS. I do not know whether it was put in in that way, but there are figures in here showing that there was a valuation placed upon it of \$1,400,000. How they reached that figure I do not know. Now, further, Mr. Wright says in this affidavit that after much effort on his part he succeeded in getting the directors to agree to the proposition of making Mr. McCoy the trustee. So it went into the hands of a trustee because there was nothing else they could do. The Government proposed to operate only a part of that plant, which, as I stated, was only one-third or one-half, and naturally they wanted to get full operation, if possible, but with the understanding that W. J. Oliver and none of these other men should go around that plant taking away the men who had carried out these contracts and who had made it a going concern. Some one asked whether it was a going concern. It was a going concern at the time it was taken over, and the proof shows it was not only a going concern but that Mr. Oliver was discounting his bills at that time.

Mr. BURTNESS. Will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. BURTNESS. In any of the documents presented to the committee was any balance sheet included showing the condition of the business immediately before the arrest, or shortly before the arrest, so we could get at the net worth of the concern?

Mr. McREYNOLDS. I will state to the gentleman that there is nothing of that kind in the report.

Mr. BURTNESS. I know there is nothing in the printed hearings bearing on that, but I noticed there were a lot of documents filed but not printed, and I wondered whether those documents contained any such information.

Mr. McREYNOLDS. There might be such information in some of the documents.

Mr. BURTNESS. Does the gentleman know how much the concern owed at the time the arrest was made?

Mr. McREYNOLDS. I do not.

Mr. BURTNESS. We have been advised as to the physical valuation of the plant; and if we had an inventory of the personal property on hand and knew approximately what the

plant owed, we would be able to judge what Mr. Oliver's interest in the plant was.

Mr. McREYNOLDS. I could only judge from this statement, and I presume, naturally, being a big operator, he had perhaps a line of credit with the banks in order to carry on his business, and it appears from the proof he was discounting his bills and had already collected from the Italian Government \$1,000,000 for shells he had made for that Government.

Mr. LAGUARDIA. If it were a going concern at the time of the arrest, was there any effort made to ascertain its going value?

Mr. McREYNOLDS. At that time?

Mr. LAGUARDIA. Yes.

Mr. McREYNOLDS. I believe there is an estimate of \$1,400,000.

Mr. LAGUARDIA. Of going value?

Mr. McREYNOLDS. I do not know, but I do not think that much.

Mr. BURTNESS. That was the physical valuation of the plant.

Mr. McREYNOLDS. Now, attention has been called to the letter written by the Secretary of War. The letter of the Secretary of War is not inconsistent, if you take it as a whole. In the first part of the statement which was read by the gentleman from Texas it was said that these matters have been settled. Those were the matters that were ex contractu matters. But I am unable to place the same construction on the sentence which the other gentleman from Texas read; that is, the sentence read from the letter written by the Secretary of War. Now, the first part of Mr. Weeks's letter deals with those matters which the committee has not allowed, and the auditor in his statement says that there was no item passed on by the Secretary of War which is claimed in this claim. But the committee did not allow those matters which should have been settled by the Secretary of War. This sentence was read by the gentleman from Texas [Mr. BLANTON]:

It is possible that the arrest and prosecution of Mr. Oliver was characterized by incidents that gave rise to justifiable criticism and that financial loss may have resulted therefrom.

What was subject to justifiable criticism? Not, as I construe it, that Mr. Oliver was subject to justifiable criticism, but that the Government in making the arrest was subject to justifiable criticism and that financial loss may have resulted therefrom. So you see the letter written by Secretary of War Weeks is not inconsistent, and it is not inconsistent with the allowance of this claim, because he does not express himself on those matters over which he did not have jurisdiction.

Mr. WATKINS. Will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. WATKINS. Does the gentleman know the amount paid by the Government on claims ex contractu in the settlement by the War Department with the Oliver people?

Mr. McREYNOLDS. I only know what this report shows; that according to those statements they paid \$66,000 more than the contract price. Those are the matters arising out of the contract.

Mr. WATKINS. This claim, stripped of everything and brought down to its last analysis, really means giving money to Mr. Oliver in the way of damages for malicious prosecution. Is not that just about what it means?

Mr. McREYNOLDS. No, sir; it does not. Here are the facts and here is what we insist upon:

The Government has wrongfully and without right, and even without probable right, taken charge of this plant, forced a trustee, conducted the making of shells under Mr. Snyder, placed there by the Ordnance Department, and in doing that and taking out the organization which Mr. Oliver had, men who were trained, it cost them \$3.25 more to make these shells than it did Mr. Oliver, and the Government settled at that price.

Mr. WATKINS. Will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. WATKINS. I understand from the letter of the Secretary of War that the War Department never did take possession of that plant and that it was retained in the possession of Mr. Oliver's people throughout.

Mr. McREYNOLDS. I have tried to make that plain. The Secretary of War could say that it was run by Mr. Oliver; that is, by the trustee, because the trustee was in charge; but by whom was the trustee named, and what caused him to be named, and under what conditions? Here are the statements.

Mr. WATKINS. The trustee was appointed by the company.

Mr. McREYNOLDS. Appointed by the company, of course; but at the suggestion of these men who had charge of the plant, to wit, the Government officers, and with the understanding that Mr. Snyder, a representative of the Government, would be in charge; and there is in this record a letter from Mr. Snyder, written to the ordnance department in Cincinnati on November 10, in which he signs himself "W. J. Oliver & Co., superintendent of the shell department." That shows you who was in charge.

Mr. COLLINS. Will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. COLLINS. Will the gentleman vote for an amendment to this bill submitting this claim to the Court of Claims for adjudication?

Mr. McREYNOLDS. I will not. I will vote for a bill to bring other matters of this kind to the Court of Claims, but here is damage that has been done this man on account of the extra cost of these shells and on account of the \$8,000 which they took, not to speak of the estimated damage of \$150,000 which they did to his commercial plant, because it is said by one of these witnesses that it lost \$30,000 a month after they took charge.

Mr. RAMSEYER. Who took the \$8,000 of bonds, and were they registered or coupon bonds?

Mr. McREYNOLDS. That is not shown, but there is proof in the record that many of Mr. Oliver's employees had bought bonds and had failed to pay for them, and when they failed to pay for them he took them up. I presume, under those conditions, they were not registered. They were in his desk. What was in his desk was taken out upon the orders and by command of the men of the Army.

Mr. RAMSEYER. Then it is to be presumed that some of these deputy marshals who took the papers as agents of the Government stole them. Suppose the sheriff in your county should do the same thing, would the remedy of the person that is injured be against the county treasurer, to be reimbursed from public funds, or would his remedy be against the sheriff and his bondsmen for the value of the property which he took?

Mr. McREYNOLDS. That is not a similar question at all.

Mr. RAMSEYER. It is absolutely identical. If it was a deputy marshal, he is under bond and is responsible for the property he takes and is liable for any that he misappropriates.

Mr. McREYNOLDS. I just yielded for a question.

Mr. RAMSEYER. I would like to ask another question.

Mr. McREYNOLDS. Since the gentleman is going to make a speech, I do not believe I will yield to him.

Mr. RAMSEYER. I would like to ask the gentleman just one other question. Does not the letter of the Secretary of War go to the element of damage, which you claim amounts to \$101,000, when he says, on page 5 of the report, that they paid him everything he claimed on the contracts and in addition to that paid him \$66,000, which included practically the full amount of every item claimed at the time?

Mr. McREYNOLDS. Absolutely not, because this question arose afterwards.

Mr. RAMSEYER. Oh, no.

Mr. McREYNOLDS. That was on the contract, and this is for damages.

Mr. RAMSEYER. The \$66,000 was outside of the contracts.

Mr. McREYNOLDS. I think the Secretary of War makes that plain, if you will read the entire letter, wherein he says, toward the last of the letter, that these other claims he has not considered.

Mr. RAMSEYER. That is the claim for \$8,000 of Liberty bonds.

Mr. McREYNOLDS. The letter refers to these three claims.

Mr. RAMSEYER. That is the claim for \$8,000 of Liberty bonds and for salary. Of course, there are not any legal grounds for allowing anything there.

Mr. SCHAFER. Will the gentleman yield for a question about the bonds? What other testimony besides the testimony of Mr. Oliver is there to show there were \$8,000 worth of bonds?

Mr. McREYNOLDS. There is the testimony here of Mr. Jennings, I believe, who testified about that. He was the superintendent.

Mr. SCHAFER. And he knew that of his own personal knowledge?

Mr. McREYNOLDS. I do not know. I just know what his statement was.

Mr. SCHAFER. In view of the statements of the proponents of this bill as to the mental and physical condition of Mr. Oliver, does the gentleman think the committee could place a great deal of weight on his testimony unless it is pretty well corroborated?

Mr. McREYNOLDS. On Mr. Oliver's testimony?

Mr. SCHAFER. Yes.

Mr. McREYNOLDS. I would think so from the report of the subcommittee. Having seen him and knowing him and having heard him testify, I think they could place confidence in what he has said.

Gentlemen, I am not going to take up more of your time, but I do feel that these items should be paid by the Government. I think this was one of the most outrageous procedures or occurrences that ever took place in this country. When they can seize a man's plant, destroy him and destroy his property, which has meant the destruction of his mind and body, in a free American country, I say that this country is a country of conscience, and while he has no right to go to the courts, they will not permit their citizens to be treated in this way without compensation.

Mr. BURTNESS. Will the gentleman yield for a couple of questions on matters that have not been covered?

Mr. McREYNOLDS. Yes.

Mr. BURTNESS. This plant, as I understand it, has been sold in some way or other since these occurrences?

Mr. McREYNOLDS. It went into the hands of a trustee and I presume it has been sold. The gentleman from Tennessee [Mr. TAYLOR], who lives in this district, would know about that, and I will yield to Mr. TAYLOR to answer you.

Mr. BURTNESS. Does the gentleman know what it was sold for?

Mr. TAYLOR of Tennessee. One hundred and ten thousand dollars, and was bought in by the bondholders.

Mr. BURTNESS. Do you know how much the general creditors of the corporation have received on their claims?

Mr. McREYNOLDS. I have no knowledge of that whatever.

Mr. BURTNESS. Is it the contention that the creditors have been taken care of or not?

Mr. McREYNOLDS. I think not from this proof.

Mr. BURTNESS. If the creditors have not been taken care of, on what theory did the committee amend the bill so that the sum regarded as fair is to be paid to Mr. Oliver personally instead of to the creditors of the corporation?

Mr. McREYNOLDS. I understand that this indebtedness, which caused the company to go into the hands of a receiver, occurred after it went into the hands of the trustee, and this blow was a direct blow at Mr. Oliver when he had it as a going concern, when he was making money, and when he was able to pay everything and more than he owed.

Mr. BURTNESS. Would it not be a direct blow at the creditors of the corporation?

Mr. McREYNOLDS. It would if they had it at that time, but they dealt with the trustee.

Mr. BOX. Will the gentleman yield?

Mr. McREYNOLDS. I will.

Mr. BOX. I want to call the gentleman's attention to the statement of Mr. Humphrey on page 2 of the hearings:

And upon the urgent solicitation of the largest creditors of said manufacturing company said company made a deed of trust—

And so forth.

Mr. McREYNOLDS. I am thoroughly familiar with Mr. Humphrey's statement. That statement of Mr. Humphrey was made to the committee. What I read was from the testimony of Asbury Wright, the lawyer.

Mr. BOX. And the gentleman says that Mr. Humphrey's statement is not correct?

Mr. McREYNOLDS. Not as I understand it.

Mr. BLANTON. Mr. Chairman, for the information of the committee, I ask the Clerk to read an amendment which I propose to offer.

The Clerk read as follows:

Proposed amendment by Mr. BLANTON: Page 1, line 3, strike out all after the enacting clause and insert in lieu thereof the following:

"That the Court of Claims be, and it is hereby, authorized to hear and determine the claim against the United States of William J. Oliver, for himself individually and for the equities inuring to him as the former president and principal owner of the stock of the corporation, the William J. Oliver Manufacturing Co., of Knoxville, Tenn., and of such corporation itself, now dissolved, and to award to him such damages, if any, as he may have actually incurred, based solely upon actual loss sustained, if any, without interest, resulting directly and proximately from the seizure of the business of said corporation in October, 1918, and the restraint thereafter held by the Government upon such property, which exceeds, if it does do so, payments heretofore made by the Government. But no remuneration shall be allowed for wrongful arrest, if any, of the person of said William J. Oliver. All questions of law, equity, and fact are hereby expressly submitted to said Court of Claims for adjudication."

Mr. BEGG. Mr. Chairman, I reserve a point of order against that.

Mr. BLANTON. It has not yet been offered. Mr. Chairman and gentlemen, this is one of the most remarkable cases that has ever been brought before this Congress. If the facts presented to this committee in the record are true, it is an indictment against two big governments. First, it is an indictment against the Government of the United States, and second, it is an indictment against every labor union in it and its officers. If labor union organizers and a few disgruntled employees in a plant where 1,100 other satisfied nonunion men are working to produce war munitions for American soldiers to defend the civilization of the world, without any justification whatever therefor, can make the Government of the United States forcibly take charge of a man's plant, turn him out, turn all of his foremen out, take charge of all of his personal property, and ruin him, then I say it is an awful indictment against the Government.

Mr. UNDERHILL. Was not that done in Massachusetts in the case of Smith & Wesson and in Georgia in Columbus, and many other cases?

Mr. BLANTON. That is just exactly what made me stand here on this floor during the war and protest against such union tactics and thereby incur the enmity of a great man that has just passed beyond to-day. It was because of that fact that I incurred the enmity of a great man, Samuel Gompers, and he was a great man, because for 46 years he led the organized labor unions of this country and in many respects led them ably. I differed with him on many questions, but after all I had a very high regard indeed for his many good qualities. There are no differences now between myself and this great man who to-day has gone beyond. I freely forgive all injuries.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I did want to complete my discussion of the bill without further diversion.

Mr. SCHAFER. The gentleman made a statement in which I think he has strayed from the real facts when he prefers an indictment against labor unions. Does not the gentleman realize that these men who made the affidavits which were turned over to the Department of Justice were nonunion employees of the Oliver Manufacturing Co.?

Mr. BLANTON. Oh, the gentleman from Wisconsin has not read the record. Mr. Clements, of Knoxville, Tenn., who admits that he used these affidavits to bring on all this trouble, was a leader of all the labor unions in the State of Tennessee. He was a union leader and he said he took these affidavits—

Mr. SCHAFER. Will the gentleman yield further?

Mr. BLANTON. In just a moment. He said he knew at the time he took them that it was calculated to force the unionization of this plant against the will of the man who owned it, and that they had been trying to unionize it but could not do it, and it never was unionized.

The gentleman from Massachusetts [Mr. UNDERHILL] speaks of the Smith & Wesson plant. That plant was manufacturing munitions of war for the Government. It was furnishing the Smith & Wesson revolvers for a little over \$17 apiece and worked upon the open-shop plan. The men were satisfied, they were being paid higher wages than they ever drew before in their lives. The labor agitators were trying to force Smith & Wesson to unionize the plant, and they would not do it. There was such a pressure brought to bear upon the United States Department of Labor at Washington that through it the Government went to Smith & Wesson and said, "You have got to unionize. We are not going to have any trouble here." Smith & Wesson said, "Here is our plant, you can take it, you can take us, you can take everything we have, but you can not take our principle, we do not believe in a closed shop." The Government then took their plant away from them and unionized it. Instead of the Government afterwards getting the revolvers at \$17 apiece they had to pay \$33 apiece for them. Oh, I could tell the gentleman lots of things if I had time.

Mr. SCHAFER. Will the gentleman yield now?

Mr. BLANTON. In one minute. I want the gentleman to take the evidence of this great labor leader at Knoxville, Tenn., Mr. Clements. I want him to read it, and if that is not an indictment against labor-union agitators I never read one stronger. But I am not discussing unions just now.

I am discussing the equities of this case, Mr. Chairman. What are the equities of the case? If the Government took this plant wrongfully and if it caused the ruin of this man financially, the ruin of his health, breaking him down, it ought to pay him, and I am not going to stand here in the way of a proper adjudication. Talk about us adjudicating this case!

It is foolishness. What do we know about the facts? Every time a man gets up here to speak for the claimant and we ask him some questions he replies that he does not know. No one here knows all of the facts. Who of you knows the facts in this case? Nobody. We ought to send this case to the Court of Claims and confer jurisdiction, and let them hear and determine it properly. Let Mr. Oliver present his testimony to a fair-minded court. Let him present his equities and let the Government present its side of the matter and let that court of fair-minded judges, as they are, pass on the equities of the case and render a righteous judgment. Who is afraid of that? I am not.

Mr. WATKINS. If that agreement were not entered into under duress, would not the fact that the Government and Mr. Oliver, or its representatives, had entered into an agreement extinguish all matters of dispute and prevent him from going before the Court of Claims?

Mr. BLANTON. I think there are some equities in this case that ought to be heard before a court. Just because these labor leaders attempted to force this plant to be unionized and because Mr. Oliver would not do it, and because he was an open-shop man, I am not taking sides with him. I am an open-shop man, it is true, and I believe in it as a principle, but I am not for paying Mr. Oliver unless he is entitled to it.

Mr. DEAL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. DEAL. If, as has been stated, the closing of that shop, the seizure, was due to the agitation of labor unions, does the gentleman not think that it was the duty of the Government to have protected its property rather than to have seized and destroyed it?

Mr. BLANTON. Of course it was. The Government ought to have done it. If I had been the Secretary of Labor, I would have gone down there and told those union agitators to stand back and let this man run his business, and I would have told them, "If you have not anything to do while war is going on except to agitate here and cause trouble, then I shall send you over to the trenches of France and let you fight for your country."

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. The gentleman will please not divert me. I want to discuss this case. Did the Government coerce Mr. Oliver? Let us see what he says about it himself. Let us see not what he said the day before yesterday, or some six years after the transaction, but let us see what he said about the time or just a few years after that time. What actually occurs and what is said and done by a defendant shortly after the transaction in question, before his mind has time to cool is called *res geste* in the case. And the defendant is permitted to rehearse it on the trial. Then much credence is given to it. Great weight is given to it. It is the *res geste* of the transaction. What was in the mind of Mr. Oliver before he filed his claim? Mr. Edmonds here, chairman of this committee, before this claim was filed sent him a telegram congratulating him on the outcome of his case when it was dismissed, and Mr. Oliver wrote back quite a long article, which Mr. Edmonds had published in the *Manufacturers' Journal*.

Let us read it and see what Mr. Oliver says about what the Government did, and let us see what Mr. Oliver then said about bonds being in the sum of \$8,000 and about whether or not the Government took them away. And what does he then say about this man who was put in charge? Was it a man put in there by the Government, or was it a man that he agreed to put in there at the instance of his own corporation? Here is this statement, signed by Mr. Oliver himself, that passed through the hands of the chairman of the committee, who has kindly permitted me to use it. Mr. Oliver says:

A company of soldiers was brought from Chattanooga. The United States marshal and all of his deputies, the district attorney, and other agents of the Department of Justice and the Ordnance Department all came down in a body, deprived us of every means of communication, cut our telephone wires, placed men with drawn revolvers at the office and plant entrances, seized and stuffed into mail pouches, sacks, waste baskets, etc., our valuable office books, papers, and records, and a number of them went through the plant and sought certain of the employees who had made affidavits secretly but who had not been discharged, and with their assistance went to the different locations in the plant where parts of shell and other evidence which had been prepared in support of their evidence was hidden.

We were not given a receipt at that time for the papers, records, shells, and other material taken from the plant, but after application had been made at the preliminary hearing, which was never finished on account of my injury, we were permitted to review these papers and

other things in their possession, or at least those that had not been removed by them; and our factory stock book, minute book, some Liberty bonds, and war-savings stamps have never been accounted for, and of course they deny their seizure.

"Some" bonds and "some" war-savings stamps have never been accounted for, but he said that even then the Government denied their seizure. Has not the Government the right to still deny that seizure?

Mr. EDMONDS. That was written two or three years ago. Mr. BLANTON. That is what I say. It was written quite a while before he filed this claim in Congress. Does he write our friend the chairman of the Committee on Claims that he had \$8,000 worth of bonds lost? No. He said there were some bonds missing, but he says even then that the Government denied the seizure of them.

Mr. TAYLOR of Tennessee. The gentleman would not expect the Government officials to admit their seizure, would he?

Mr. WATKINS. They would admit it if they pay this claim.

Mr. RAMSEYER. What is the gentleman reading from?

Mr. BLANTON. From a signed statement of Mr. W. J. Oliver, the claimant, which he voluntarily made and sent to our chairman, in response to a congratulatory telegram, long before he ever filed a claim.

Mr. RAMSEYER. I see it is printed.

Mr. BLANTON. The chairman, Mr. EDMONDS, let a manufacturer's journal have it to print, and Mr. Oliver made it, knowing it would be so printed. I want to read a little part of it.

Mr. BEGG. If the gentleman will yield, does the gentleman think the facts in that newspaper article, he knowing it was to be printed, that using the term "some" ought to work against him in his statement?

Mr. BLANTON. Does the gentleman from Ohio believe that because he used the word "some" we ought to give him \$8,000?

Mr. BEGG. That all depends upon the proof of loss.

Mr. BLANTON. He has not proven it yet to my satisfaction and belief, and I have seen everything that any man here has seen in the record. Why can not we leave this for the court to settle? Why can not we have these things adjudicated on evidence and not on theoretical possibilities? Why are we not doing this man full justice by saying, "You have not got any claim against the United States legally. You can not go to the Court of Claims and sue, but nevertheless we will let you do it. We will confer jurisdiction on the Court of Claims and let you and your attorneys go there and have the processes of the court and bring your witnesses there and let them be sworn and let the court hear the testimony and render a righteous judgment as to what you are entitled to under the facts in the case." What more could you ask? Are we going to sit here and decide these cases on "may be so"? I never repeat anything I overhear, and call names, but when my friend from Texas [Mr. Box] got up here to begin his argument against this case I heard an awfully good friend of ours, a fine man, get up and say, sotto voce, "If I am going to vote for this bill I have got no business to sit here and listen to Box's argument that may change my decision"; and he got up and walked out [laughter], got up and walked out, and he is going to vote for a bill and does not want to be convinced that it is not right.

Of course, he laughed when he said that, but he is out now and a friend right here near me heard him when he said that. What are you going to do in a case like that? If you pass this bill giving this man \$170,000, as provided for in this committee amendment, do you know what is going to happen? It will go across the hall here, and it will probably come back to us and have a paragraph here containing not \$170,000 but \$1,438,000, as claimed in the bill, and there is not one of us who can force a rehearing of this matter before our colleagues, and it will be passed without further argument and the money paid.

Mr. WEFALD. Will the gentleman yield?

Mr. BLANTON. I yield to my friend because I notice he is on my side of the aisle.

Mr. WEFALD. At present.

Mr. BLANTON. I am satisfied if he keeps on it.

Mr. WEFALD. I want to see if I understood the gentleman from Texas [Mr. Box] correctly. Am I to understand that this concern was practically insolvent at the time of the seizure?

Mr. BLANTON. No; I do not think Mr. Box went that far. He is a very fair man.

Mr. WEFALD. Wait until I make my statement.

Mr. BLANTON. He said Mr. Oliver owed a large amount of money to his corporation.

Mr. WEFALD. I say it was my impression gathered from his remarks, and I was listening very attentively.

Mr. BLANTON. The gentleman did not understand it correctly.

Mr. WEFALD. I find one of the items that the committee feels it should reimburse for is an item of \$61,000.

Mr. BLANTON. For salary.

Mr. WEFALD. Based upon salary.

Mr. BLANTON. And that is foolish.

Mr. WEFALD. It is \$50,000.

Mr. BLANTON. I will not entertain that proposal at all.

Mr. WEFALD. Let me make my statement or ask the question. I want to know—the gentleman says he examined all of the records—if there was anything in the record to show, if the concern that was in that financial condition, that a man was entitled to draw a salary of \$50,000 a year? I ask the question, and I would like an answer.

Mr. BLANTON. I will try to answer the question. Our friends, who were behind this claim in pushing it, seem to think it is a circumstance in favor of this man that he was drawing from the W. J. Oliver Corporation \$50,000 a year and have argued that that was a great big thing in his favor during the war. I think it is a circumstance against him. I think in war time when a man owns a corporation—and they admit he practically owned it all himself—that when he owns it and he is making munitions for the Government at a time when contracts were made by the Government allowing cost plus 10 per cent as the profit a man should get, that he should agree to pay himself \$50,000 a year—and he is the only man to decide that question that he is to allow himself \$50,000 a year, and in war times—he was asking a great deal from the Government. There is not a man on God's earth who is worth \$50,000 a year, especially during war time.

I want to say this, that at the very first opportunity that I get I am going to vote for a measure which in war times will give the President of the United States the right to draft every man he wants, to draft every bit of material he wants, and all the money and property he wants, and to draft labor, and tell them where he wants them to work, and if a man gets up and rebels against it shoot him against the wall. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. EDMONDS. Mr. Chairman, I would like to ask the gentleman two questions. One is, Does he not think that during the war the men who got \$50,000 a year did better service than the men who got \$1?

Mr. BLANTON. I think that some of the men who got \$1 a year cost the Government more money than if they had been paid \$50,000 a year.

Mr. EDMONDS. The second question is this, whether the undue and enlarged activity around Knoxville, Tenn., in regard to the Oliver plant by the intelligence department and other activities of the Government drew all the men away from the aircraft plants out in Ohio and let things go on the way they did?

Mr. BLANTON. I am not prepared to answer that. I do not know.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KETCHAM. Does the gentleman think it is quite a fair statement to make, questioning this man's patriotism for having drawn this unusual salary, in view of the fact that the record shows, I believe, that he was offered \$100,000 by another concern, and at the request of the Government he remained on the job to see this shell contract through?

Mr. BLANTON. Well, I think he deserved much credit for turning down that offer, but I do not think he deserves as much as the gentleman believes he does. Probably the very busy concern that offered him \$100,000 was operating on this cost-plus 10 per cent basis, as was done in some places where the cantonments were being constructed, where contractors were telling the men to work only an hour a day or two hours a day, and that it was all right, and that there was more money in it for them, and that it would make the jobs last longer. That was going on all over the country; not only in one place, but all over the country. The President could not keep it down. Human nature asserts itself, the average greed of human kind. That is what the President had to contend with. It was not the President's fault. Some of his apparent friends turned out to be enemies. He could not depend upon them—Republicans and Democrats alike. They were grasping all over the country. He had confidence in them, but they did not measure up to the standard that he gave them credit for.

Mr. KETCHAM. I would like to ask the gentleman another question.

Mr. BLANTON. Yes.

Mr. KETCHAM. In view of the fact that the record shows that after this man's leadership in the direction of that plant was given over to the trustee the cost of these shells was increased \$3.25 each, does the gentleman think his characterization of Mr. Oliver is quite fair?

Mr. BLANTON. I will say that whenever the Government takes over anything it costs more. It was so with the railroads. I knew it would be. It costs me nearly twice as much now to go to Texas as it used to cost before the war.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCHAFER. How about the Post Office Department? If the Government did not own and operate the Post Office Department what would it cost to-day?

Mr. BLANTON. The gentleman is diverting me again. I would like to yield. I sit here with the gentleman from Wisconsin and with the gentleman from Minnesota, and we differ on some labor questions, but we are, notwithstanding that, good friends all the time. I appreciate them, and I believe they appreciate me in the work I am trying to do.

Mr. WEFALD. I do.

Mr. BLANTON. There is no very great antagonism between any of us in this House. We disagree only on a few fundamentals. But I am discussing this particular case now. Shall we sit here as a court and jury, without any witnesses, without testimony, and try this case, and give a man \$170,000 or \$1,430,000—which could be done by another body—or should we send the case to a court, where a righteous verdict would be rendered under the rules of law and equity?

Mr. WEFALD. I want to say that I think the gentleman from Texas is one of the most useful Members on the floor of this House.

Mr. BLANTON. While I do not deserve that tribute, I thank the gentleman.

Mr. WEFALD. The gentleman said something about the labor unions and the efforts of those men to unionize the shop. I would like to know whether you think that the fact that these union men knew that this man was drawing \$50,000 a year might not have had something to do with their attempt to unionize the shop?

Mr. BLANTON. Yes. He set a bad example for them; there is no question about that. But I want to say that human nature is such that, as the gentleman knows, there are labor-union leaders right now that are drawing salaries of almost as much. Did the gentleman know that? They are drawing salaries away up in high figures. That is the reason why bricklayers in Chicago are demanding \$25 a day. It is because some of the officers of the unions are drawing big salaries of \$25,000 a year.

Mr. WEFALD. But none of them make \$50,000 a year, and they are performing a very useful service.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. STEVENSON. I agree with the gentleman, and I indorse entirely his statement a while ago, that if the Government owes this man anything it ought to pay him, and you make provision for payment in your amendment. But if we owed this man something six years ago, why do you deny him the interest on it? If the Government owed him something six years ago, why do you impose that limitation?

Mr. BLANTON. Because it is bad for the Government ever to pay a man for a tort, any kind of a tort. It is bad policy, and the law recognizes that. Under the law you can not recover from the Government for a tort by the Government. You ought not to include that in allowing for a claim. If Mr. Oliver's claim is based upon the facts he presents, he will get enough money from the judgment of the Court of Claims to relieve him very materially and make him feel pretty well satisfied, now that the war is over.

Mr. STEVENSON. Then the idea of the gentleman's amendment is that we are saying to the Court of Claims they are not to allow interest, but we are serving notice on them that they can put enough on the claim to cover interest? Is that not about it?

Mr. BLANTON. No. As I said the other day, I am acquainted with the personnel of this court. The judges are fair-minded men; they are unusually fair-minded men of high integrity and high purpose. They are going to do what is right, and at the same time I believe they are going to protect the people's Treasury. The President had confidence in them when he appointed them, and we have confidence in them. It is a court created to pass upon these matters; so let us send this claim to it and have it pass on it.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. UNDERHILL. Will the gentleman let us decide here whether we will send it to the Court of Claims or whether we do not desire to do so, but pass upon it as reported by the committee?

Mr. BLANTON. I am going to do that in five minutes, if I am not interrupted, and after I make one or two other statements.

Mr. WATKINS. Will the gentleman yield to me for a question?

Mr. BLANTON. I will yield for one more question.

Mr. WATKINS. I agree somewhat with the Secretary of War wherein he says this claim is in the nature of damages for malicious prosecution. If the gentleman does not agree with that, I would like to know if he can understand why the committee drew a bill in which it pays to one identity, William J. Oliver, a certain sum of money for the holding of property of another identity, the William J. Oliver Manufacturing Co. Did the gentleman hear my question?

Mr. BLANTON. I regret that my attention was diverted by the chairman of the committee, who was privately asking me some questions.

Mr. WATKINS. I will repeat it. I agree somewhat with the Secretary of War that this claim is in the nature of allowing damages for malicious prosecution, for which, the chances are, Mr. Oliver could not recover damages if he went into court. If that is not true, then why does the committee draw a bill giving to one identity, William J. Oliver, in person, a sum of money which really ought to go to the William J. Oliver Manufacturing Co. for the benefit of creditors?

Mr. BLANTON. Well, I will answer the gentleman. The committee seemingly wants to pay him for what they think was his loss, first, in wages, amounting to \$50,000 a year; then they want to pay him for \$8,000 worth of bonds which they think he lost; and then they want to pay him because they say he owned all the property of the corporation, and, as a matter of fact, William J. Oliver was the corporation; then they want to pay him for these other things.

But I want to tell you something the gentleman does not know, and I am not telling any secrets, because when a Member of Congress finds out things which affect the people of the country it is not a secret; it is Government business. If you pass this bill and allow this money, you are not done with this case. Do you know what the committee is going to do? It is going to bring in another bill which will provide for the sending of his case, on another feature, to the Court of Claims, and allow him \$200,000 more. That is what they are going to do, and that is one of the very purposes and one of the very reasons that actuates me in offering this amendment to send it in the first instance to the Court of Claims and let them determine it from every angle and not here decide this matter by piecemeal.

Mr. BURTNESS. Will the gentleman yield?

Mr. BLANTON. I am going to yield this time, and then I want to read something which has never been read into the Record yet.

Mr. BURTNESS. My question pertains to your proposed substitute. Should the substitute be limited to the equitable rights of Mr. Oliver? Why should it not include any rights the corporation, as such, might have, so as to clear up everything?

Mr. BLANTON. The gentleman overlooks one feature of the amendment, which is that jurisdiction is conferred on the Court of Claims to hear the law, the equity, and facts of the case, both as to Mr. Oliver and his corporation.

Mr. BURTNESS. As I heard it read it referred to Mr. Oliver as president of the corporation. Why not give the same rights to the corporation as such?

Mr. BLANTON. Well, I have framed it in that way. The corporation is now defunct and that is the reason I drew it like I did; the corporation is dissolved.

Mr. BURTNESS. I think the corporation still exists as far as creditors are concerned.

Mr. BLANTON. No; the gentleman from Tennessee told us it was dissolved and was defunct. I want to read you one other paragraph and then I am done. Here is what Mr. W. J. Oliver himself says, not to-day, but several years ago, before he filed this claim, when it was fresh in his mind. They have asked who was Mr. Wright and what connection he had with Mr. Oliver, and here is what Mr. Oliver says:

Hon. T. A. Wright, of this city, met with the representatives of the Ordnance Department the day following the arrest and by persistent effort succeeded in having the plant put in charge of a trustee, acceptable to both the Government and to my interest, and in this way prevented them from actually taking possession of it.

He says that his attorney, Mr. Wright, went to them and had them appoint a trustee who was acceptable to him and in that way prevented them from actually taking over the plant. Now, don't you think that you should hear the War Department's side of this question? Before you reach any conclusion you ought to hear the Department of Justice's side of this question. If there is blame attaching to the Department of Justice, I want the Court of Claims to fix the blame and give this man the benefit of it in the way of remuneration for everything he has suffered in the way of his business relations with the Government, not for his arrest but for his business relations with the Government.

It has been said that the court down in Tennessee decided that the Government did not have any reason for arresting this man and taking charge of his property, and that he was blameless.

Here is the judgment of the court:

In the United States District Court at Knoxville, Tenn. United States of America v. W. J. Oliver et al.

There are 26 counts to this indictment, as to each of which each defendant pleads not guilty. The pleas placed on the Government the burden of proving the guilt of the defendants beyond a reasonable doubt. The Government has introduced all its evidence, at the close of which the defendants ask the court to direct a verdict of not guilty under every and each count of the indictment as to each of the defendants on the ground that the evidence, if true, does not establish their guilt or that of either of them beyond a reasonable doubt.

The presumption of law is that the defendants are not guilty, but are innocent of the offenses charged against them. This presumption is evidence in their favor, and they must be acquitted in the absence of substantial evidence, which, if true, meets and overcomes this presumption and so establishes their guilt.

For the purpose of this motion the evidence must be taken to be true, and in considering it it must be given the strongest construction against the defendants it will bear. The question then arises if when so considered does it, as a matter of law, prove the guilt of the defendant or either of them under all or either of the counts in the indictment beyond a reasonable doubt? Each of the first four counts charges the offense of conspiracy to defraud the United States and also alleges certain overt acts of the defendants done in furtherance of the purpose and object of each of the alleged conspiracies. There is no direct evidence of a conspiracy. That fact, like any other fact, may, and oftentimes is, conclusively established by circumstantial evidence. In such case the circumstances must be so strong as to exclude every reasonable hypothesis consistent with innocence. To state the rule another way, if the circumstances proven can be as reasonably reconciled with innocence as with guilt, then the law requires that it be reconciled with innocence. And again, if the circumstances be as consistent with innocence as with guilt, the defendant must be acquitted.

I think the circumstances in evidence in this case relied upon by the Government as proving the charges of conspiracy fall far short of meeting the requirements of the rule thus stated.

From like consideration, the evidence offered tending to prove the allegations in counts 5, 6, 7, 8, 9, 15, 16, 17, 18, 19, and 25, which charge the defendants with having done certain things specifically stated in those counts, with the intent to injure, interfere with, and obstruct the United States in prosecuting and carrying on the war in which it was engaged by the commission of the alleged unlawful acts, I think, also is as consistent with innocence as with guilt, and in the light of a presumption with innocence can be as reasonably reconciled with a conclusion of lawful intent as with a conclusion of unlawful intent.

The evidence is voluminous, and it would serve no useful purpose to review it here further than to say that many witnesses introduced by the Government testified, among other things, that while at work in the plant of the W. J. Oliver Manufacturing Co. under the direction of and with the defendants, they heard nothing and saw nothing that gave them reason to believe that the defendants, or either of them, intended by what they did or said that they were doing the things to which the witnesses testified with the intent to injure or interfere with or obstruct the United States in the prosecution of the war. By introducing these witnesses the Government said they were worthy of being believed.

For present purposes it is sufficient to say that the motion for a directed verdict in favor of all the defendants as to the first four counts of the indictment and also counts 5, 6, 7, 8, 9, 15, 16, 17, 18, 19, and 25 must be allowed, and the jury is directed to return verdicts of not guilty as to each of the defendants under each of the counts named, and that will be your verdict, so say you all.

The evidence is, at this time, as I think, such as requires the submission of the case to the jury on counts 10, 11, 12, 13, 14, 20, 21, 22, 23, 24, and 26, and as to these counts the motion is overruled.

MCCALL, Judge.

You will note that this judge mentioned almost a dozen counts which he said he was going to submit to the jury where he thought the facts in the case warranted a submission of them to the jury on those counts, and the very minute he rendered that decision the district attorney got peeved, I imagine. I have seen them get peeved when courts would sustain demurrers to indictments, and I have seen them come in and say, "Well, if the court is going to hold in that way, I will not go on any further with the case and will just nol-pros the balance of the counts." The record shows that is just what happened in this case. If you will read the succeeding judgment, you will find that as soon as the court attempted to submit these other counts in the indictment to the jury, the district attorney came in and nol-pros the balance, showing some peevishness, and would not submit the 11 counts to the jury for determination.

Now, gentlemen, I am not going to take up any more time. I hope my colleagues will see fit to do justice to both this man Oliver and to the Government, and they can do that only by submitting this case to the Court of Claims for hearing and determination.

I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. EDMONDS. Mr. Chairman, I ask unanimous consent to close all debate in one minute.

Mr. LOZIER. I want half a minute.

Mr. LA GUARDIA. I want some time.

Mr. BOX. I object to closing debate in one minute.

Mr. WINGO. May I suggest to the gentleman that he had better find out whether he can pass the bill this afternoon. If it runs on much longer, we are going to find ourselves without a quorum.

Mr. EDMONDS. I ask unanimous consent that all general debate close in 10 minutes.

Mr. LA GUARDIA. Reserving the right to object, I am going to ask recognition, and I will be glad to limit myself to 10 minutes.

Mr. EDMONDS. Will the gentleman not limit himself to nine minutes and give the gentleman from Missouri one minute?

Mr. LA GUARDIA. Yes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that general debate on this bill close in 10 minutes. Is there objection?

There was no objection.

Mr. LOZIER. Mr. Chairman, I am unwilling to vote to send this measure to the Court of Claims, because I think it bad policy to load the Court of Claims with bills and demands which we believe have no legal, ethical, or equitable foundation.

I am unwilling to vote for this measure because, when reduced to its last analysis, it calls for an allowance of \$61,000 for salary, when the undisputed facts show that the physical and mental condition of Mr. Oliver was such that he could not, during the time in question, have rendered any services of any kind or character or earned anything whatsoever.

I am unwilling to vote to reimburse claimant for the alleged \$101,000 damages, for the reason that the evidence shows that the Secretary of War made a settlement with Mr. Oliver's company, and the company executed a release in full settlement and discharge of all claims and damages.

I am unwilling to vote for the reimbursement on account of the alleged \$8,000 worth of Government bonds and war savings stamps, because there is no persuasive, or at least no convincing, evidence that he had that amount of bonds or savings certificates in his desk when the Government took possession of the factory, and for the additional reason that there is no evidence to show who, if anyone, appropriated those bonds, and for the still further reason that there is no well-considered precedent or sound public policy which will justify our appropriating money to reimburse some one for a tort or embezzlement of an agent or officer of the United States Government.

Mr. LA GUARDIA. Mr. Chairman and gentlemen, in passing upon bills from the Committee on Claims this House is very much in the position of an appellate court. The least we can do is to take the facts as presented by the committee and pass upon the law applicable to those facts, the matter of policy, of course, to be likewise considered.

Assuming all of the facts as contained in the majority report of the committee to be true, have they stated facts sufficient to

warrant this House in appropriating the sum asked for in the bill?

In the first place, as just stated by my colleague, the gentleman from Missouri [Mr. LOZIER], Mr. Oliver comes in and seeks equity. Some of us learned in law school that when you come into court seeking equity you should use hand Sapolio, I believe it is, before the court will grant equity.

It is undisputed that this corporation has many creditors with claims against it. Whether it has been liquidated or is insolvent or defunct makes no difference. If you award compensation to Mr. Oliver, these creditors can not reach that money.

If they had asked for compensation for the corporation by reason of the wrongful acts alleged, then the corporation would be confronted with two situations, one a general release signed by it and its proper authorized officials to the Government of the United States in payment of \$66,000; and, second, the lien of these creditors on any fund obtained from Congress. This is why the corporation is set aside, although it is admitted that Mr. Oliver owned all the stock of the corporation, and the claim is made by Mr. Oliver in personam.

Second, unfortunately Mr. Oliver was injured a few days after the seizure, but the Government had nothing to do with that, and we may properly disregard all of the damages flowing from the truck injury of Mr. Oliver at the time.

Third, it is not denied that this corporation was making defective shells at the time the Government stepped in. Whether the attention of the Government was brought by improper motives, by labor agitators or by anyone else, the fact remains it was making improper and defective shells, and the Government was justified in stepping in.

Mr. BYRNS of Tennessee. Where is the evidence the gentleman has of that fact? Is it not a fact that not a single shell that was manufactured by this company or corporation was ever rejected by the Government?

Mr. LAGUARDIA. It was my understanding, I will say to my colleague, that the shells were defective and a large amount of the shells were rejected. Is not that correct?

Mr. BYRNS of Tennessee. My understanding of the evidence is that there is no proof that this company was manufacturing defective shells and, on the contrary, it was thoroughly demonstrated later that it was not making defective shells.

Mr. LAGUARDIA. I will say to my colleague that after new specifications were presented to this corporation they complained that the specifications were impossible of compliance. That is in the record.

Mr. BYRNS of Tennessee. That does not prove that the company was doing anything wrong or was making defective shells.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. BYRNS of Tennessee. I want to say, if the gentleman will pardon me, as I am just reminded by my colleague, the Secretary of War in his statement said that all the shells that were made were accepted and paid for.

Mr. TAYLOR of Tennessee. Every single, solitary shell was accepted. There was not a single defective shell.

Mr. LAGUARDIA. They were accepted and paid for up to October 4.

Mr. BLANTON. If the gentleman will yield, I want to correct one statement. The statement that Mr. Oliver sent to the chairman of the committee [Mr. EDMONDS] shows that all the shells were accepted except 2 per cent. Two per cent were rejected by the ordnance inspector.

Mr. LAGUARDIA. There surely was some question as to the quality of the shells. The factory was seized on October 4, 1918. On November 11, 1918, the armistice was declared. The trustee at that time could have elected to terminate his contract, but instead they continued to manufacture shells for several months. A part of the claim is for the difference in cost of manufacture under the operation of the trustee—not the Government—and the operation of Mr. Oliver himself—the difference in cost of production, which is nothing less than loss of profits, when they could have terminated and stopped the operation November 12, after the armistice.

Now, gentlemen, if this bill is passed at the next session you will have claims from the manufacturers of rotten rain-coats, manufacturers of defective shoes, manufacturers of defective airplanes, and every profiteering contractor whose contract has been canceled for any reason. They are all going to come in and claim reimbursement. That is something that we must bear in mind. You will recall that in the closing days of the session, when we passed an amendment to the Veterans' Bureau bill, some of us wanted to provide compensation for veterans suffering from tuberculosis from the date of affliction, and it was claimed on the part of many gentlemen of this

House that the Government did not have the money. The compensation was fixed in the bill from the time the act went into effect. Veterans suffering with tuberculosis for months, in some instances for over a year, were deprived of compensation which they did not receive owing to defects of the old law, and the new law passed for the purpose of doing justice to these suffering veterans would not even reach back and give them back allowance. Yet here it is intended not only to make up the difference in the cost of production, reimburse for alleged loss of Liberty bonds, pay for lost salary, but even to go so far as to provide in part "additional consequential costs and damages," as embracing as that item might be.

Gentlemen, I will concede that Mr. Oliver suffered the greatest wrong that is possible for an American to suffer—to be charged with defrauding the Government in time of war. But he has been vindicated by a jury, and it is difficult in the face of the adjustment made by the corporation with our Government after all this happened, to see how Mr. Oliver can be compensated further as an individual.

Do we want to establish now a precedent for compensation to every individual who is indicted for a Federal offense and acquitted by a jury? I sought to inquire from the gentlemen supporting this bill what had been done in the past six years to fix the responsibility for the alleged wrongful acts committed by the Government's agents in this case. On page 360 of yesterday's RECORD I put the question to my colleague the gentleman from Tennessee [Mr. TAYLOR], as follows:

Mr. LAGUARDIA. This bill and the compensation is based entirely, I take it, on the unjustifiable conduct of the Government. Has anything been done since 1918 to fix the responsibility, either in the Intelligence Department of the War Department or the Department of Justice, on the person or official who brought about this seizure?

Mr. TAYLOR of Tennessee. No; there has been nothing of that kind, of course.

Mr. LAGUARDIA. Somebody must have blundered if the gentleman's contention is correct.

I was then startled by the gentleman's reply which I read:

Mr. TAYLOR of Tennessee. We do not criticize the War Department and we do not criticize the Department of Justice; I think they were acting in good faith so far as they were concerned, but they were relying on misrepresentation by those German spies who were seeking not only in Knoxville at Oliver's plant but all over the country to wreck industry.

If there is no criticism of any department of the Government and if they acted in good faith there is no cause of action, legal or equitable, upon which Mr. Oliver can now claim damages.

I am inclined to believe that some one acted hastily. I will concede the terrible embarrassment and mental anguish suffered by Mr. Oliver at the time. But, gentlemen, if you stop to consider according to the evidence the financial condition of this company, the unfortunate accident to Mr. Oliver shortly after the Government stepped in, the fact that his company continued to manufacture shells when they could not have been compelled to do so after Armistice Day, and the important fact that there are still creditors with claims unpaid against this corporation, how can you justify your vote in giving Mr. Oliver the sum provided in this bill?

I repeat what I stated a few moments ago, that I dread the thought of the flow of bills that will follow if this one is approved by Congress. It was our belief and understanding in the Sixty-sixth Congress that we had provided the ways and means for settling all equitable claims against the Government, and the Members will recall that appropriations were provided generously for satisfying such claims. There were boards and commissions in the War Department and the Navy Department working for years in the settlement of these claims. Are we now and henceforth to consider every claim settled as in this case, or rejected by the departments after we provided the means for their adjustment? Claims will surely run into the hundreds of millions if every contractor who is dissatisfied with the settlement heretofore made or the rejection of his claim after all the facts have been considered will hear that they can get away with a bill of this kind.

In deference to the able argument made by the gentleman from Tennessee [Mr. TAYLOR], I will vote to give his constituent an opportunity to present this case to a court, but I conscientiously can not vote for the bill as it now stands or even if the committee amendments are approved. I serve notice now on my colleagues that I will scrutinize every single bill which will be brought in in this and the next Congress, and will do my one four hundred and thirty-fifth part to prevent a raid on our Treasury by dissatisfied, disgruntled war contractors.

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,438,095.61 to the William J. Oliver Manufacturing Co. and William J. Oliver for damages sustained by said company and said Oliver growing out of the seizure and holding by the Government of the William J. Oliver manufacturing establishment at Knoxville, Tenn.

The Clerk read the following committee amendment:

Page 1, line 5, after the word "of," strike out "\$1,438,095.61 to the William J. Oliver Manufacturing Co. and" and insert "\$170,757.86 to," and in line 8 strike out the words "by said company and said Oliver."

Mr. BLANTON. Mr. Chairman, I offer the following amendment as a substitute for the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 1, line 3, strike out all after the enacting clause and insert in lieu thereof the following:

"That the Court of Claims be, and it is hereby, authorized to hear and determine the claim against the United States of William J. Oliver, for himself individually and for equities inuring to him as the former president and principal owner of the stock of the corporation, the William J. Oliver Manufacturing Co., of Knoxville, Tenn., now dissolved, and of such corporation itself, and to award to him such damages, if any, as he may have actually incurred, based solely upon actual loss sustained, if any, without interest, resulting directly and proximately from the seizure of the business of said corporation in October, 1918, and the restraint thereafter held by the Government upon such property which exceeds, if it does do so, payments heretofore made by the Government. But no remuneration shall be allowed for wrongful arrest, if any, of the person of said William J. Oliver. All questions of law, equity, and fact are hereby expressly submitted to said Court of Claims for adjudication."

Mr. BEGG. Mr. Chairman, I make a point of order that the amendment is not germane to the bill. It has been so decided a number of times, and I should be very glad to call the attention of the Chair to the precedents.

The CHAIRMAN. The Chair is inclined to think the gentleman from Ohio is correct, but he will hear the gentleman from Texas.

Mr. BLANTON. I want to call attention to the title of the bill itself. It is "For the relief of the William J. Oliver Manufacturing Co. and William J. Oliver, of Knoxville, Tenn." That is the subject matter of the bill.

The CHAIRMAN. The Chair is governed by the text of the bill itself and not the title.

Mr. BLANTON. Here is a bill which sets forth that it is for the relief of William J. Oliver and a corporation now defunct, that the Government did a wrongful act to him and his business and he suffered a loss. It seeks to remunerate Mr. Oliver according to law and equity for the wrongful act by the Government. It seeks by the committee amendment to pay Mr. Oliver \$170,000. The bill itself which the committee seeks to amend provides for the payment to Mr. Oliver of \$1,438,000. I want to submit to the Chair that there is a very wide discrepancy between what the bill seeks to pay Mr. Oliver in settlement of his claim and the amount the committee seeks to pay him by amendment. It is the difference between \$170,000 and \$1,438,000.

Now, what is my substitute? My substitute says that on this bill which seeks to pay him \$1,438,000, in lieu of the amendment which the committee offers to pay him \$170,000 I propose as a substitute to send the case for adjudication to the Court of Claims and let the court settle it according to law and equity. If that is not germane, if a settlement offered in some other way is not germane, I do not know anything about germaneness. The purpose of this bill is to settle a claim. Various means of settlement when proposed are germane.

In my 25 years around courthouses I have represented many litigants in cases where they had involved large sums of money. I have stood at a table in front of the court and before juries in the determination of cases, and I have sat around a table outside in a compromise. We sometimes reached a compromise in settlement very different from the pleadings and contentions before the court and the jury, and then had the court enter the compromise into a judgment. This is a proper compromise that I am proposing, of giving him a hearing in court instead of paying him \$1,438,000, as the bill proposes, or \$170,000, as the committee amendment proposes.

The CHAIRMAN. The Chair would like to hear the gentleman from Texas on the point of order.

Mr. BLANTON. Mr. Chairman, my mind is not as finely educated in parliamentary law as that of the distinguished Chairman, but I thought I was discussing the point of order. If I am not, I will submit the question without further argument to the Chair for his parliamentary mind to determine.

The CHAIRMAN. The point of order made by the gentleman from Ohio is that the amendment of the gentleman from Texas is not germane to the bill. The same question has arisen a number of times. In Hinds' Precedents, section 5851, it says that—

To a proposition to pay a claim an amendment proposing to send it to the Court of Claims was held not to be germane.

The specific question involved here was decided in the citation just given.

Mr. BLANTON. Mr. Chairman, would the Chair permit me to ask the gentleman from Ohio a question?

The CHAIRMAN. Relating to the point of order?

Mr. BLANTON. Yes.

The CHAIRMAN. Yes.

Mr. BLANTON. The gentleman from Ohio stands here as the administration's representative to protect the Treasury. Does he want to make the point of order here and force it to be sustained by the Chair, and let another body place in this bill \$1,438,000 to give this man when under the facts of the case there may be nothing due him? If he does, let him make the point of order.

Mr. BEGG. I say to the gentleman from Texas that the gentleman from Ohio is perfectly willing to proceed in order.

The CHAIRMAN. Further proceeding in the decision, the Chair directs attention to a decision by Chairman Campbell, on October 3, 1919, in which it was decided:

To a proposition to pay a claim an amendment to permit the claimant to sue the United States in the United States district court was held not to be germane.

In that decision the Chair cited with approval the former decision referred to by the Chair.

Based on those two decisions and upon the general principle that an amendment must be germane, the Chair sustains the point of order.

Mr. BURTNESS. Mr. Chairman, I offer the following amendment to the committee amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BURTNESS: In the committee amendment strike out the figures "\$170,757.86" and insert in lieu thereof the figures "\$61,032.86."

Mr. BURTNESS. Mr. Chairman, the theory of the entire committee amendment, as I understand it, is this, that they are limiting or intending to limit the recovery in this case of the damages suffered by Mr. Oliver himself and not damages suffered by the William Oliver Manufacturing Co., on whose behalf, in part at least, the bill was introduced by the author. It seems to me that the items that have been recommended by the committee with reference to the loss of bonds and the item with reference to the loss to the corporation because it cost them more to manufacture these shells after the corporation was in the hands of the trustee are items which concern only the corporation as such and are not items which concern Mr. Oliver individually. I recognize also the force of the argument made by a number of Members who have spoken here, to the effect that, with reference to the items as to this additional cost, that has been fully settled by the War Department. I think if this bill is passed by this House it is largely because of the feeling of sympathy for Mr. Oliver personally and for the loss which he personally suffered.

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. BOX. If Mr. Oliver was personally injured and incapacitated to attend to this business, even to present his claim to the War Department properly, as was contended here, upon what theory does the gentleman think he is entitled to the salary?

Mr. BURTNESS. I am frank to say to the gentleman that I doubt whether upon any legal theory he is entitled to the salary under any circumstances, but I am inclined to think that the sentiment of the House is such that the Members feel that this man was treated very harshly by the Government, and that his organization was, and I think there is a good deal of sympathy here for the condition in which this man finds himself at this time; and if by any stretch of the imagination it can be claimed that this injury which he suffered was the proximate cause, or if not the proximate cause the moral cause, due to the action of the Government in seizing the plant, due to the fact that he was asked by the district attorney to go to the

courthouse on that particular day, that it can be argued with at least some show of reasonableness that he lost his salary after that, and the committee, as I understand it, claims that the salary amounted to \$61,000 and odd, and it is upon that theory that I suggested the amount.

Mr. BOX. May I call attention to the fact that the auditor said that if Mr. Oliver had been permitted to work that the corporation would have been paid what he owed it in his services?

Mr. BURNES. Yes; I understand that that is really the situation, although the theory that the majority report is written on is the theory that Mr. Oliver actually lost this amount in salary. Of course, it is rather peculiar that that amount happens to be the figure that Mr. Oliver was owing to the corporation, and that is one of the peculiar things about this bill. I am frank to say that unless this bill is cut down to about the figure that within reason it may be claimed Mr. Oliver lost personally, I shall be inclined to vote against the bill.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. TINCHER. Mr. Chairman, I think the item in the bill allowing Mr. Oliver for the difference in the cost of manufacturing his shells is perhaps as just a matter as could be in a bill.

I do not think there is any record of our Government ever treating any citizen any worse than Mr. Oliver was treated. [Applause.] There was a written agreement demanding that he stay away from his business and let another man manage it. It was signed when he was surrounded by officers of the Government, and the statement was made in the room and undated that it was by force. They said to him, "You do it at once." They proceeded to manufacture shells at \$3.25 more than he manufactured them for after he had signed a written agreement to stay out of his own plant. You cut out that item and I do not understand that the Government is going to be fair. He has been treated so manifestly unfairly that I think that the American Congress should go on record as saying that we are willing to atone, in a way, not fully. This man was said to have been worth around a million dollars, and it is only proposed in this bill to give him \$170,000, and I want to say to my friend who offers this amendment I think, perhaps, the item he seeks to retain in the bill is the weakest item, and that is the salary item.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from South Dakota.

Mr. BLANTON. Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from South Dakota; that is, to strike out the "\$61,000" and insert in lieu thereof the following: "\$10,000, payable in monthly payments of \$57.50." I want to be heard when the Clerk reports the amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amendment by Mr. BLANTON to the amendment offered by Mr. BURNES: Strike out "\$61,032.86" and insert in lieu thereof "\$10,000, payable in monthly payments of \$57.50."

Mr. BLANTON. Mr. Chairman, whatever the Government did to Mr. Oliver it did it while the World War was in progress. During this same time, when we needed men over in the front-line trenches of France, the Government sent a little note to a splendid young man in my district, who was married, and said to him, "No matter how well qualified you are to conduct your private business and enjoy the proceeds of your earnings, you quit your business and your home and wife and family and your friends and go to France." And he did go and he did not come back, and he is in his poppy-covered grave there now; but to his little widow the Government granted \$10,000, which it pays to her in installments of \$57.50 a month.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Why should we treat Mr. Oliver, of Knoxville, Tenn., any better than we do the little widow of the man who went to France?

Mr. SCHAFER. Will the gentleman yield there?

Mr. BLANTON. I will yield.

Mr. SCHAFER. I agree with the gentleman's statement.

Mr. BLANTON. But will not vote for my amendment?

Mr. SCHAFER. I will vote for it.

Mr. BLANTON. Good; I have at least one other vote for my amendment.

Mr. SCHAFER. But the gentleman neglected to mention one fact that the soldier, out of the \$1.25 a day, had to pay somewhere around \$7 or \$7.50 for insurance.

Mr. BLANTON. Yes; it was taken out; and also out of this salary of \$33 a month he had to have some more taken

out by the Government to keep up his little widow, because she was dependent upon him. Now, why make fish of one and fowl of another? Why not treat all alike? The great administration's watchdog of the Treasury [Mr. BROS.] would not let my amendment go through here to send this case to the Court of Claims to be adjudicated according to equity, the law, and the facts. This is one of the particular cases that he wants to go through for some reason, and a large sum be paid without proper adjudication.

Mr. SCHAFER. Will the gentleman yield there?

Mr. BLANTON. The gentleman from Ohio seemingly wants the House to grant \$170,000 to this man, and then he wants that bill to go to the other end of the Capitol, where somebody else will have the power and authority to change it, and put in \$1,438,000; and then it will come back here, and there is not a man here who can stop it.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes; but please do not take up all my time.

Mr. SCHAFER. The passage of this bill is carrying out the administration's so-called policy of economy, is it not?

Mr. BLANTON. I am not in a partisan mood right now. I am trying to be a statesman. [Laughter.] But I want to say this to the majority leader: His President has spoken for economy. His President believes in paying the just debts of this Government. His President wants every dollar to be paid to William J. Oliver that ought to be paid. But the President, I know, wants the matter to be adjudicated in a court on the basis of law and according to the rules of equity. I am going to make a motion for the committee to rise, and if my motion prevails it will stop the passage of this bill and give the absent Members an opportunity to find out something about it.

The CHAIRMAN (Mr. BURTON). The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I move that the committee rise, and I hope the majority leader will help us rise and let us come back here at some other time on this bill.

Mr. BEGG. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BEGG. Did the Chair recognize the gentleman from Texas for that purpose?

The CHAIRMAN. The gentleman from Texas moves that the committee do now rise.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BLANTON. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 14, noes 57.

The CHAIRMAN. The motion is lost.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. LONGWORTH. Mr. Chairman, I demand tellers.

The CHAIRMAN. Tellers are demanded. Those in favor of taking the vote by tellers will please rise and stand until they are counted.

Tellers were ordered, and the Chairman appointed Mr. LONGWORTH and Mr. BLANTON to act as tellers.

The committee divided; and the tellers reported—ayes 4, noes 82.

The CHAIRMAN. The question now is on the motion—

Mr. BLANTON. Mr. Chairman, I move that the committee rise. No; I will withdraw that motion and give the gentleman from Pennsylvania [Mr. EDMONDS] an opportunity to make that motion.

Mr. EDMONDS. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Pennsylvania moves that the committee do now rise. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BLANTON. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 22, noes 51.

Mr. BLANTON. Mr. Chairman, I make a point of order on that vote. I made a motion to rise. It was defeated on a rising vote. The gentleman from Ohio [Mr. LONGWORTH] asked for tellers on the motion to rise. The committee, according to the tellers' report, decided not to rise, but there was not any quorum present. I had made a point of order that there was not any quorum present.

The CHAIRMAN. The gentleman from Texas is entitled to claim that there is not a quorum present, but the Chair can not be sure that all who were present voted.

Mr. BLANTON. I now make the point of order that there is no quorum present.

Mr. LONGWORTH. Let the Chair count.

The CHAIRMAN (after counting). One hundred and nine Members are present—a quorum.

Mr. EDMONDS. Mr. Chairman, I move that all debate on the bill and amendments thereto be now closed.

The CHAIRMAN. The gentleman from Pennsylvania moves that all debate on the bill and amendments thereto be now closed.

Mr. BLANTON. I make a point of order against that motion, that it is not in order when we are considering the bill under the five-minute rule; that it is not in order at this time as to other amendments that may be offered to this bill. It has always been so held that when there is a legitimate amendment to be offered it is not in order to move to close debate. I call the attention of the Chair to what happened in the consideration of the war resolution. In that debate Mr. Speaker Clark held that so long as there were members in the Committee of the Whole seeking to offer legitimate amendments a motion to close the debate was not in order.

Mr. BEGG. Mr. Chairman, I wish to call the Chair's attention to the fact that we are proceeding under the five-minute rule. We have just completed reading a paragraph, and it is customary—and it is done every day—to close debate on a paragraph and amendments to a paragraph.

Mr. BLANTON. This is an entire bill.

Mr. BEGG. It is all one section, and it is not an unusual motion to make. I will call the attention of the Chair to the fact that we are proceeding at the present time under the five-minute rule, and when operating under the five-minute rule, after five minutes' debate or five words of debate, it is in order to close debate on that paragraph and all amendments thereto; and that was the gentleman's motion, as I understand.

The CHAIRMAN. The Chair will state that this is decided by section 6 of Rule XXIII:

The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.

There is but one section in this bill, and it seems to the Chair the motion, so far as closing debate is concerned, is in order.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now is on the substitute motion of the gentleman from Texas for the committee amendment.

The question was taken, and the Chair announced that the yeas appeared to have it.

Mr. BLANTON. Mr. Chairman, I demand a division, and, Mr. Chairman, may I have the substitute read again for the benefit of those Members who have just come in?

The CHAIRMAN. Without objection, the substitute will be again read.

There was no objection.

The substitute was again read.

The committee divided; and there were—ayes 6, noes 74.

So the substitute was rejected.

Mr. BLANTON. Mr. Chairman, I offer a substitute for the Burtness amendment, striking out \$61,032.82 and inserting in lieu thereof \$75,000.

The CHAIRMAN. The Chair calls attention to the fact that there is a limit to the right of amendment, and the substitute seems to the Chair beyond the right of amendment.

Mr. BLANTON. Mr. Chairman, may I offer this to the Chair? There is a main proposition, an amendment, and a substitute always in order on every proposition.

The CHAIRMAN. The Chair would rather err on the side of giving a chance to offer a substitute. If the gentleman has a substitute ready he may present it. What is the substitute?

Mr. BLANTON. The Clerk has it.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Substitute offered by Mr. BLANTON for the amendment offered by Mr. BURTNESS: Strike out \$61,032.86 and insert in lieu thereof \$75,000.

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Texas for the amendment offered by Mr. BURTNESS.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now recurs on the amendment proposed by the gentleman from North Dakota [Mr. BURTNESS].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment proposed by the committee.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the second committee amendment.

The Clerk read as follows:

Page 1, line 8, strike out the words "by said company and said Oliver."

The CHAIRMAN. The question is now on agreeing to the second committee amendment.

The question was taken, and the amendment was agreed to.

Mr. EDMONDS. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose, and the Speaker resumed the chair.

The SPEAKER. The House will be in order.

Mr. BLANTON. Mr. Speaker, I make a point of no quorum.

The SPEAKER. Will the gentleman withhold that for a moment?

Mr. BLANTON. I prefer to make it at this time, if the Speaker will hold it in order.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that it is not in order to make that point at this time. The House has no official knowledge of the fact that the committee has risen until the Chairman of the Committee of the Whole has reported to the Speaker.

The SPEAKER. The Chair has stated that the House will be in order. The Chair appreciates the question of propriety which the gentleman makes, but the Chair does not think he is entitled to hold that the House is not in session.

Mr. GARRETT of Tennessee. But, Mr. Speaker, there is a slight transitory period between the Speaker taking the chair and the Chairman of the Committee of the Whole reporting, and I think there is nothing in order in that period until the Chairman of the Committee of the Whole has reported. No constitutional propositions are involved and no rights are lost. It is the transitory period of the Committee of the Whole passing back into the House.

Mr. CRAMTON. Mr. Speaker, might I suggest that if the gentleman from Tennessee is right and if it is his theory that nothing is in order until we have the report of the Chairman of the Committee of the Whole, that if the Chairman of the Committee of the Whole left the room the House would not even be able to adjourn, in that extreme case.

Mr. GARRETT of Tennessee. Well, there is no reasonable probability of any such thing as that ever occurring. Of course, we can think of many absurd things that might happen, but that is one that will probably never occur.

The SPEAKER. The Chair finds, he regrets to say, there are precedents which hold that if the point of no quorum is made the Chair can not receive the report of the Chairman of the committee.

Mr. BLANTON. Mr. Speaker, I insist upon the point of order.

The SPEAKER. The gentleman from Texas makes the point of order there is no quorum present. It is clear there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 9]

Ackerman	Butler	Dickstein	Gallivan
Aldrich	Byrnes, S. C.	Dominick	Gambrell
Anderson	Campbell	Doyle	Garber
Andrew	Carew	Drewry	Garner, Tex.
Anthony	Carter	Dyer	Garrett, Tex.
Bacon	Celler	Eagan	Geran
Bankhead	Clague	Evans, Iowa	Gifford
Barkley	Clancy	Evans, Mont.	Glatfelter
Beedy	Clark, Fla.	Fairchild	Goldsborough
Berger	Cole, Iowa	Fairfield	Graham
Bixler	Cole, Ohio	Faust	Green
Black, N. Y.	Connery	Fenn	Greenwood
Black, Tex.	Connolly, Pa.	Fish	Griffin
Bloom	Cooper, Ohio	Fitzgerald	Hall
Boylan	Cooper, Wis.	Fleetwood	Hardy
Brand, Ga.	Corning	Foster	Harrison
Britten	Croll	Frear	Hawes
Browne, N. J.	Cullen	Fredericks	Hawley
Browne, Wis.	Cummings	Free	Hayden
Brumm	Curry	Freeman	Hersey
Buchanan	Davey	Frthingham	Hill, Md.
Buckley	Davis, Minn.	Fuller	Holaday
Burdick	Dempsey	Funk	Howard, Nebr.

Howard, Okla.	McSwain	Prahl	Thomas, Ky.
Hudson	Madden	Purnell	Thompson
Hull, Iowa	Magee, Pa.	Quayle	Tilson
Hull, Wm. E.	Major, Mo.	Rainey	Tinkham
Humphreys	Manlove	Raker	Treadway
Jacobstein	Mansfield	Ransley	Tucker
James	Mead	Rayburn	Tydings
Jeffers	Merritt	Reed, W. Va.	Vinson, Ga.
Johnson, Ky.	Miller, Ill.	Reid, Ill.	Volgt
Johnson, S. Dak.	Miligan	Richards	Wainwright
Johnson, Wash.	Mills	Rogers, Mass.	Ward, N. C.
Johnson, W. Va.	Montague	Rogers, N. H.	Ward, N. Y.
Jost	Mooney	Rosenbloom	Watres
Kahn	Moore, Ill.	Sabath	Watson
Kearns	Morgan	Sanders, N. Y.	Wefald
Kelly	Morin	Schall	Weller
Kendall	Nelson, Wis.	Schneider	Welsh
Kleas	Newton, Minn.	Seger	White, Me.
Knutson	Nolan	Sherwood	Williams, Ill.
Kunz	O'Brien	Sinnot	Williams, Mich.
Lampert	O'Connell, N. Y.	Smithwick	Winslow
Langley	O'Connor, N. Y.	Snell	Winter
Larson, Minn.	O'Sullivan	Snyder	Wolf
Lee, Ga.	Oliver, N. Y.	Spearing	Wood
Lilly	Palge	Stalker	Woodruff
Lindsay	Parker	Steagall	Woodrum
Lineberger	Patterson	Sullivan	Wright
Linthicum	Peavey	Summers, Tex.	Wyant
Logan	Perkins	Sweet	Yates
McBride	Perlman	Swing	Zihlman
McKenzie	Phillips	Swoope	
McLeod	Porter	Taber	
McNulty	Pou	Tague	

Mr. LONGWORTH. Mr. Speaker, is it permissible to interrupt the announcement by making a parliamentary inquiry?

The SPEAKER. The Chair will make the announcement. Two hundred and eleven Members have answered to their names; not a quorum.

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry. In case a motion to adjourn was carried, when would this bill be next in order? Would it be in order on the next day upon which claims were considered?

The SPEAKER. The next day upon which claims were in order.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House, in accordance with the order previously made, adjourned until Monday, December 15, 1924, at 11.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

726. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of waterway between Peconic Bay and Jamaica Bay, N. Y.; to the Committee on Rivers and Harbors.

727. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Bayou Lacombe, La.; to the Committee on Rivers and Harbors.

728. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Double Creek, N. J.; to the Committee on Rivers and Harbors.

729. A letter from the Secretary of the Federal Board for Vocational Education, transmitting statement showing the names of officers of the vocational education and civilian vocational rehabilitation divisions of the Federal Board for Vocational Education who traveled on official business from Washington to points outside the District of Columbia during the fiscal year 1924, with their official titles, total expenses charged to the United States under each case; to the Committee on Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CRISP: Committee on Ways and Means. H. R. 10650. A bill to authorize the settlement of the indebtedness of the Republic of Lithuania to the United States of America; without amendment (Rept. No. 1045). Referred to the Committee of the Whole House on the state of the Union.

Mr. CRISP: Committee on Ways and Means. H. R. 10651. A bill to authorize the settlement of the indebtedness of the Republic of Poland to the United States of America, and for other purposes; without amendment (Rept. No. 1046). Re-

ferred to the Committee of the Whole House on the state of the Union.

Mr. FRENCH: Committee on Appropriations. H. R. 10724. A bill making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes; without amendment (Rept. No. 1044). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WINSLOW: A bill (H. R. 10722) to provide for retirement for disability in the Lighthouse Service; to the Committee on Interstate and Foreign Commerce.

By Mr. FREDERICKS: A bill (H. R. 10723) to provide for the construction of a dam on the Colorado River for the purpose of river regulation and control, and for other purposes; to the Committee on Flood Control.

By Mr. FRENCH: A bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. AYRES: A bill (H. R. 10725) to amend the Federal reserve act; to the Committee on Banking and Currency.

By Mr. COLTON: A bill (H. R. 10726) conferring jurisdiction on the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Creek Indians may have against the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEHLBACH: A bill (H. R. 10727) placing certain positions in the Postal Service in the competitive classified service; to the Committee on the Civil Service.

By Mr. McFADDEN: A bill (H. R. 10728) to amend the Federal farm loan act and the agricultural credits act of 1923; to the Committee on Banking and Currency.

By Mr. SPEARING: A bill (H. R. 10729) authorizing the construction of additional hospital facilities for the port of New Orleans, La., and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. COLTON (by request): A bill (H. R. 10730) to authorize the consolidation of corporations having franchises to operate street cars in the District of Columbia; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 10731) to establish uniform car rates and class rates for the transportation of freight by railroad carriers in commerce between the States; to the Committee on Interstate and Foreign Commerce.

Also (by request), a bill (H. R. 10732) to prohibit conspiracies to monopolize commerce between the States; to the Committee on Interstate and Foreign Commerce.

Also (by request), a bill (H. R. 10733) to exclude certain foreign publications from second-class mailing privileges, to increase second-class postal rates, and for other purposes; to the Committee on the Post Office and Post Roads.

Also (by request), a bill (H. R. 10734) to provide for the disposition of merchant vessels owned by the Government; to the Committee on the Merchant Marine and Fisheries.

Also (by request), a bill (H. R. 10735) to amend sections 3513 and 3515 of the Revised Statutes prescribing the weights of the silver and minor coins of the United States; to the Committee on Coinage, Weights, and Measures.

Also (by request), a bill (H. R. 10736) to rectify, coordinate, and simplify the weights and measures of the United States; to the Committee on Coinage, Weights, and Measures.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 10737) authorizing the Secretary of Commerce to construct and equip a light vessel for the Passes at the entrances to the Mississippi River, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. TEMPLE: A bill (H. R. 10738) to provide for the securing of lands in the southern Appalachian Mountains for perpetual preservation as a national park; to the Committee on the Public Lands.

By Mr. BRITTEN: A bill (H. R. 10739) to authorize the Secretary of the Navy to proceed with the construction of certain public works at the naval air station, Pensacola, Fla.; to the Committee on Naval Affairs.

By Mr. COLTON (by request): A bill (H. R. 10740) for the promotion of commerce, the provision of revenue, and the reduction of the public debt; to the Committee on Banking and Currency.

By Mr. JAMES: Joint resolution (H. J. Res. 308) authorizing the Secretary of War to loan cots, bedding, and camp equipment, not including tentage, for use of the Modern Woodmen of America Foresters at their national quadrennial encampment to be held at Milwaukee, Wis., in June, 1925; to the Committee on Military Affairs.

By Mr. McKEOWN: Joint resolution (H. J. Res. 309) proposing an amendment to the Constitution of the United States fixing the terms of Members of Congress; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 10741) granting an increase of pension to Bethena Starkey; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 10742) granting an increase of pension to Millie Burton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10743) granting an increase of pension to Mell A. Jones; to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 10744) granting an increase of pension to William H. Duncan; to the Committee on Invalid Pensions.

By Mr. CAREW: A bill (H. R. 10745) granting a pension to Harriet I. Gardner; to the Committee on Invalid Pensions.

By Mr. DEAL: A bill (H. R. 10746) for the relief of G. Ferlita; to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 10747) granting an increase of pension to Mersilvia A. Quaid; to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 10748) granting a pension to Claud F. Dunn; to the Committee on Pensions.

Also, a bill (H. R. 10749) granting a pension to Maude Grinstead; to the Committee on Pensions.

Also, a bill (H. R. 10750) granting a pension to Sallie A. Hooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10751) granting a pension to Mary Million; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 10752) for the relief of Horace G. Wilson; to the Committee on Claims.

By Mr. HUDSON: A bill (H. R. 10753) for the relief of Charles H. Reed; to the Committee on Military Affairs.

By Mr. HULL of Iowa: A bill (H. R. 10754) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing bubonic plague in the Territory of Hawaii in the years 1899 and 1900; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 10755) granting an increase of pension to Anna McCann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10756) granting an increase of pension to Lucinda D. Woods; to the Committee on Invalid Pensions.

By Mr. LOGAN: A bill (H. R. 10757) granting an increase of pension to James O. Ladd; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 10758) granting an increase of pension to Helen Underwood; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 10759) granting a pension to Mahala D. Heriford; to the Committee on Invalid Pensions.

By Mr. PRALL: A bill (H. R. 10760) for the relief of Robinson Newbold; to the Committee on Claims.

By Mr. RUBEN: A bill (H. R. 10761) granting a pension to Anna Lee Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10762) granting a pension to Anna Hudson; to the Committee on Invalid Pensions.

By Mr. SINCLAIR: A bill (H. R. 10763) for the relief of William Lentz; to the Committee on Military Affairs.

By Mr. WILLIAMS of Michigan: A bill (H. R. 10764) granting a pension to Evvah A. Dickson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10765) granting an increase of pension to Katherine Whitaker; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 10766) granting an increase of pension to Eva Briggs; to the Committee on Invalid Pensions.

By Mr. MOORE of Illinois: Resolution (H. Res. 381) to pay Minnie Conway, widow of William Conway, late laborer of the House of Representatives, a sum equal to six months' salary and \$250 for funeral expenses; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3195. By the SPEAKER (by request): Petition of the Susan B. Anthony Foundation, Washington, D. C., favoring distribution by Congress of literature dealing with the perils of the narcotic question; to the Committee on Printing.

3196. By Mr. ANDREW: Petition of the Virginia State Chamber of Commerce, advocating the federalization of the Cape Cod Canal, Mass.; to the Committee on Interstate and Foreign Commerce.

3197. Also, petition of the Massachusetts Department of the Army and Navy Union, United States of America, favoring the immediate enactment of House bill 5934, the so-called Knutson bill, proposing to increase the pensions of Civil and Spanish War veterans and their widows and children; to the Committee on Pensions.

3198. By Mr. BIXLER: Petition of residents of Sheffield, Pa.; and vicinity, opposing compulsory Sunday observance laws, etc.; to the Committee on the District of Columbia.

3199. Also, petition of residents of Youngsville, Irvine, and Warren, opposing Sunday observance laws, etc.; to the Committee on the District of Columbia.

3200. Also, petition of residents of Youngsville and Warren, in Warren County, Pa., opposing compulsory Sunday observance laws; to the Committee on the District of Columbia.

3201. By Mr. GALLIVAN: Petition of Hon. James M. Curley, mayor of the city of Boston, Mass., recommending extension of the Air Mail Service to Boston, Mass.; to the Committee on the Post Office and Post Roads.

3202. By Mr. GARBER: Petition of the National Industrial Traffic League, New York City, N. Y., expressing its opposition to statutory rate making; to the Committee on Interstate and Foreign Commerce.

3203. Also, petition of citizens of Gate and Knowles, Okla., opposing the passage of Senate bill 3218; to the Committee on the District of Columbia.

3204. By Mr. GIBSON: Petition of citizens of Jamaica, Windham County, Vt., protesting against the passage of compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3205. By Mr. GREEN: Petition of Soren C. Chrestensen and others, of Atlantic, Iowa, in opposition to Senate bill 3218; to the Committee on the District of Columbia.

3206. Also, petition of H. M. Robinson and others, of Council Bluffs, Iowa, in opposition to Senate bill 3218; to the Committee on the District of Columbia.

3207. By Mr. JOST: Petition of retired Federal postal employees, praying for passage of House bill 8202; to the Committee on the Civil Service.

3208. By Mr. SHREVE: Petition of Erie Tent, No. 1, the Maccabees, Erie, Pa.; Erie Lodge, No. 327, Knights of Pythias, Erie, Pa.; Harriet V. Gridley Auxillary, Army and Navy Union, Erie, Pa.; and John Braden Post, No. 488, Grand Army of the Republic, North East, Pa., that pension of Civil War veterans be increased to \$72 per month, their widows to \$50, those that are totally disabled to \$125, and that these increase ratings include veterans of Indian wars and their widows; that the Knutson bill (H. R. 5934) be passed by Congress, providing for increase in pensions for veterans of Spanish War, Philippine Insurrection, China relief expedition, and their widows; to the Committee on Pensions.

3209. By Mr. STRONG of Pennsylvania: Petition of residents of Indiana County, Pa., opposed to the compulsory Sunday observance bill and any other national religious legislation; to the Committee on the District of Columbia.

3210. By Mr. TAYLOR of West Virginia: Petition of Z. M. Trowbridge and 59 others, against the enactment of Senate bill 3218; to the Committee on the District of Columbia.

3211. By Mr. TILLMAN: Petition of citizens of Arkansas against the passage of Senate bill 3218; to the Committee on the District of Columbia.

SENATE

MONDAY, December 15, 1924

(Legislative day of Wednesday, December 10, 1924)

The Senate met at 11.50 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferlis	McKellar	Shortridge
Bayard	Fess	McKinley	Simmons
Brookhart	Fletcher	McNary	Smith
Broussard	Frazier	Mayfield	Smoot
Bruce	George	Means	Spencer
Bursum	Glass	Metcalf	Stanfield
Butler	Greene	Moses	Stanley
Capper	Hale	Neely	Sterling
Caraway	Harrell	Norbeck	Trammell
Copeland	Harris	Norris	Underwood
Couzens	Harrison	Oddie	Wadsworth
Cummins	Hedlin	Overman	Wash. Mont.
Curtis	Howell	Pittman	Warren
Dial	Jones, N. Mex.	Ralston	Watson
Dill	Jones, Wash.	Randsdell	Weller
Edge	Kendrick	Reed, Pa.	Wills
Edwards	Keyes	Robinson	
Ernst	King	Sheppard	
Fernald	Ladd	Shipstead	

Mr. SHIPSTEAD. I desire to announce that my colleague, the senior Senator from Minnesota [Mr. JOHNSON], is necessarily absent on account of illness in his family.

The PRESIDENT pro tempore. Seventy-three Senators having answered to their names, there is a quorum present.

Mr. CURTIS. I am advised by the Sergeant at Arms of the House that they would like to have the Senators leave at 5 minutes after 12 for the joint meeting of the two Houses. I therefore move that the Senate take a recess—

Mr. SMOOT. I ask the Senator from Kansas to yield to me that I may submit two reports from the Committee on Finance.

Mr. CURTIS. Very well; I yield to the Senator from Utah.

DEBT SETTLEMENTS WITH LITHUANIA AND POLAND

Mr. SMOOT. Mr. President, I have two bills to report from the Finance Committee which must be passed and become a law before the first of the year. One provides for the settlement of our debt with Poland, the other for the settlement of our debt with Lithuania. I ask leave to report them favorably from the committee, and if there is no objection, I think they can be passed before we go to the House.

Mr. ROBINSON. Mr. President, I understand that the settlements provided for with respect to the nations just mentioned are practically the same as that heretofore made with Great Britain.

Mr. SMOOT. They are substantially the same as that made with the British Government.

Mr. ROBINSON. I have no objection to the passage of the bills.

Mr. NORRIS. Before consent is given for their consideration, let us see what the bills are. Let them be read.

Mr. ROBINSON. Let the bills be reported.

Mr. SMOOT. Mr. President, I report back favorably without amendment from the Committee on Finance Senate bill 3554, authorizing the settlement of the indebtedness of the Republic of Lithuania to the United States of America, and I submit a report thereon (Rept. No. 811). I ask for the immediate consideration of the bill.

Mr. NORRIS. Mr. President, as far as I am concerned, I do not care for the reading of this bill if it is stated by the chairman of the committee that the settlement is just the same as the settlement we made with Great Britain.

Mr. SMOOT. It is approximately the same. The only question is as to the first payment. The principal of the debt was \$4,981,628.03 and the interest to June 15, 1924, amounted to \$1,049,918.94, making the total obligation \$6,031,546.97. They paid in cash on September 22, 1924, \$1,546.97, and the bonds which will be issued will amount to \$6,030,000.

Mr. NORRIS. Is the rate of interest to be the same as that fixed in the case of Great Britain?

Mr. SMOOT. The rate of interest for 10 years will be 3 per cent, and after that 3½ per cent.

Mr. NORRIS. Just the same?

Mr. SMOOT. Just the same as with Great Britain, and it is the same with regard to Poland.

The PRESIDENT pro tempore. The Senator from Utah has asked for the immediate consideration of the bill which he has just reported from the Committee on Finance. Is there objection?

There being no objection, the bill (S. 3554) to authorize the settlement of the indebtedness of the Republic of Lithuania to the United States of America was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the settlement of the indebtedness of the Republic of Lithuania to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the following terms and conditions is hereby approved:

The amount of the indebtedness to be funded, after allowing for cash payments made by Lithuania, is \$6,030,000, which has been computed as follows:

Principal amount of obligations to be funded, \$4,981,628.03. Interest accrued thereon from June 30, 1919, to June 15, 1924, at the rate of 4½ per cent per annum, \$1,049,918.94. Total principal and interest accrued and unpaid as of June 15, 1924, \$6,031,546.97. Paid in cash by Lithuania September 22, 1924, \$1,546.97. Total indebtedness to be funded into bonds, \$6,030,000.

The principal of the bonds shall be paid in annual installments on June 15 of each year up to and including June 15, 1986, on a fixed schedule, subject to the right of the Government of the Republic of Lithuania to make such payments in three-year periods. The amount of the first year's installment shall be \$30,000, the annual installments to increase until in the sixty-second year the amount of the final installment will be \$227,000, the aggregate installments being equal to the total principal of the indebtedness to be funded into bonds.

The Government of the Republic of Lithuania shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' advance notice.

Interest on the bonds shall be payable semiannually on June 15 and December 15 of each year at the rate of 3 per cent per annum from June 15, 1924, to June 15, 1934, and thereafter at the rate of 3½ per cent per annum until final payment.

The Government of the Republic of Lithuania, at its option, upon not less than 90 days' notice, shall have the right to pay up to one-half of the interest accruing between June 15, 1924, and June 15, 1929, on the \$6,030,000 principal amount of bonds first to be issued, in bonds of Lithuania dated and bearing interest from the respective dates when the interest to be paid thereby becomes due, with maturities arranged serially to fall on each June 15, in the succeeding years up to June 15, 1986, substantially in the manner provided for the original issue of bonds and bearing the same rates of interest and substantially the same in other respects as such original issue of bonds.

Any payment of interest or of principal may be made, at the option of the Government of the Republic of Lithuania, in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. From the Committee on Finance I report back favorably without amendment Senate bill 3553, authorizing the settlement of the indebtedness of the Republic of Poland to the United States of America, and submit a report thereon (Rept. No. 810). I ask for immediate consideration of the bill, and I will make just a brief statement regarding it.

The principal owing us from Poland was \$159,666,972.39. The interest to December 15, 1922, at 4½ per cent, just the same rate the English paid, was \$18,898,053.60, and the total owing on December 25, 1922, was \$178,565,025.99, and they paid cash on November 14, 1924, \$5,025.99.

The amount of the indebtedness funded into bonds will be \$178,560,000. The payments are to run for 62 years, just the same as in the case of Great Britain, and for the first 10 years the interest is to be 3 per cent, and after that 3½ per cent.

Mr. NORRIS. I would like to inquire of the Senator from Utah about the first payment, and also the payment made by the Government of Lithuania.

Mr. SMOOT. The payments made were just to make the amounts to be issued in bonds even.

Mr. NORRIS. I was wondering why they happened to pay the odd number of cents.

Mr. SMOOT. That is the reason.

Mr. NORRIS. In order to make the balance due an even number of dollars?

Mr. SMOOT. Yes; so that the bonds could be issued in an even amount.

Mr. NORRIS. These amounts were paid in cash?

Mr. SMOOT. They were all paid in cash.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 3553) authorizing the settlement of the indebtedness of the Republic of Poland to the United States of America was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the settlement of the indebtedness of the Republic of Poland to the United States of America, made by the World War Foreign Debt Commission and approved by the President upon the following terms and conditions, is hereby approved:

The amount of the indebtedness to be funded, after allowing for cash payments made by Poland, is \$178,560,000, which has been computed as follows: Principal amount of obligations to be funded,

\$159,666,972.39. Interest accrued and unpaid thereon to December 15, 1922, at the rate of 4½ per cent per annum, \$18,898,032.60. Total principal and interest accrued and unpaid as of December 15, 1922, \$178,565,025.99. Paid in cash by Poland November 14, 1924, \$5,025.99. Total indebtedness to be funded into bonds, \$178,560,000.

The principal of the bonds shall be paid in annual installments on December 15 of each year up to and including December 15, 1984, on a fixed schedule, subject to the right of the Government of the Republic of Poland to make such payments in three-year periods. The amount of the first year's installment shall be \$560,000, the annual installments to increase until in the sixty-second year the amount of the final installment will be \$9,000,000, the aggregate installments being equal to the total principal of the indebtedness to be funded into bonds.

The Government of the Republic of Poland shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' advance notice.

Interest on the bonds shall be payable semiannually on December 15 and June 15 of each year at the rate of 3 per cent per annum from December 15, 1922, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum until final payment.

The Government of the Republic of Poland shall have the option with reference to payments on account of principal and/or interest falling due on or before December 15, 1929, under the terms of the agreement to make the following payments on the dates specified: June 15, 1925, \$500,000; December 15, 1925, \$500,000; June 15, 1926, \$750,000; December 15, 1926, \$750,000; June 15, 1927, \$1,000,000; December 15, 1927, \$1,000,000; June 15, 1928, \$1,250,000; December 15, 1928, \$1,250,000; June 15, 1929, \$1,500,000; December 15, 1929, \$1,500,000; total, \$10,000,000; and to pay the balance, including interest on all overdue payments at the rate of 3 per cent per annum, in bonds of Poland, dated December 15, 1929, bearing interest at the rate of 3 per cent per annum from December 15, 1929, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum, such bonds to mature serially on December 15 of each year up to and including December 15, 1984, substantially in the same manner and to be substantially the same in other respects as the bonds of Poland received at the time of the funding of the indebtedness.

Any payment of interest or of principal may be made, at the option of the Government of the Republic of Poland, in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHANGE OF REFERENCE

On motion of Mr. JONES of Washington, the Committee on Commerce was discharged from the further consideration of the bill (S. 3663) to amend section 7 of an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911, and it was referred to the Committee on Agriculture and Forestry.

JOINT RESOLUTIONS INTRODUCED

Mr. SMOOT introduced the following joint resolutions, which were severally read the first time, and, by unanimous consent, the second time, and referred to the Committee on Finance:

S. J. Res. 154. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress; and S. J. Res. 155. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress.

MEMORIAL SERVICES FOR THE LATE WOODROW WILSON

The PRESIDENT pro tempore. The hour having arrived for the joint session of the House and the Senate, the Senate will proceed to the Hall of the House of Representatives, and on the conclusion of the joint session it will reassemble in its Chamber.

Thereupon (at 12 o'clock and 3 minutes p. m.) the Senate, preceded by its Sergeant at Arms, the President pro tempore, and the Secretary, proceeded to the Hall of the House of Representatives.

At 1 o'clock and 45 minutes p. m. the Senate returned to its Chamber, and the President pro tempore resumed the chair.

Mr. SWANSON. Mr. President, as a further mark of respect to the memory of Woodrow Wilson, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and the Senate (at 1 o'clock and 45 minutes p. m.) adjourned until to-morrow, Tuesday, December 16, 1924, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, December 15, 1924

The House met at 11 o'clock and 30 minutes a. m. The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O hear us, our blessed, Heavenly Father, at the threshold of the day's duties. May the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord, our Strength and our Redeemer. Establish the work of our hands: the work of our hands establish Thou it. Amen.

The Journal of the proceedings of Saturday, December 13, 1924, was read and approved.

RECESS

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that the House stand in recess subject to the call of the Speaker.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the House stand in recess subject to the call of the Speaker. Is there objection?

There was no objection.

Accordingly, at 12 o'clock and 5 minutes p. m., the House stood in recess subject to the call of the Speaker.

MEMORIAL SERVICES FOR WOODROW WILSON

The program of arrangements by the joint committee of the House and the Senate follows:

PROGRAM OF ARRANGEMENTS

The Capitol will be closed on the morning of the 15th day of December, 1924, to all except Members and officers of Congress.

At half past 10 o'clock the east door leading to the rotunda will be opened to those to whom invitations have been extended under the concurrent resolution of Congress, and to those holding tickets of admission to the galleries.

The Hall of the House of Representatives will be opened for the admission of those who have invitations, who will be conducted to the seats assigned to them, as follows:

The President of the United States and his Cabinet will occupy seats in front of and on the left of the Speaker.

The Chief Justice and Associate Justices of the Supreme Court will occupy seats in front of and on the right of the Speaker.

The retired General of the Armies will be seated on the left of the Speaker.

The ambassadors and ministers of foreign governments will occupy seats on the left of the Speaker in section A—west.

The former Vice President and Senators will occupy seats back of the President and his Cabinet and the Supreme Court, and on the east and west side of the main aisle.

Governors of the several States will occupy seats on the right of the Speaker in section A—east.

Representatives will occupy seats on the east and west side of the main aisle and back of the Senators and governors of the several States.

The executive gallery will be reserved exclusively for the family of the President, the families of the Cabinet and of the Supreme Court, and the invited guests of the President.

The diplomatic gallery will be reserved exclusively for the families of the ambassadors and ministers of foreign governments. Tickets thereto will be delivered to the Secretary of State.

The House of Representatives will be called to order by the Speaker at 12 o'clock.

The Marine Band will be in attendance at half past 11 o'clock.

The Senate, five minutes after 12 o'clock, will proceed to the Hall of the House of Representatives.

The ambassadors and ministers will meet at half past 11 o'clock in the Ways and Means Committee room in the Capitol and be conducted to the seats assigned to them in section A, on the left of the Speaker.

The President pro tempore of the Senate will occupy the Speaker's chair.

The Speaker of the House will occupy a seat at the left of the President of the Senate.

The Secretary of the Senate and the Clerk of the House will occupy seats next the presiding officers of their respective Houses.

The other officers of the Senate and of the House will occupy seats on the floor, at the right and left of the Speaker's chair.

The chairmen of the joint committee of arrangements will occupy seats at the right and left of the orator, and next to them will be seated the officiating clergymen.

Prayer will be offered by the Rev. James Shera Montgomery, Chaplain of the House of Representatives.

The presiding officer will then present the orator of the day.
The benediction will be pronounced by the Rev. J. J. Mulr, Chaplain of the Senate.

CLAUDE A. SWANSON,
ISAAC BACHARACH,
Chairmen Joint Committee.

The Doorkeeper, Mr. Bert W. Kennedy, announced:
The President pro tempore and the Senate of the United States.

The Chief Justice and the Associate Justices of the Supreme Court of the United States.

The ambassadors and ministers of foreign governments.

The President and the members of his Cabinet.

The PRESIDENT pro tempore of the Senate. The two Houses of Congress with their invited guests are assembled to render our tribute to the memory of a great man, a great President, a great patriot, a towering figure in the history of mankind. We will be led in prayer by the Chaplain of the House of Representatives, Doctor Montgomery.

The Rev. James Shera Montgomery, D. D., Chaplain of the House of Representatives, offered the following prayer:

Almighty God, we would say, "Thy will be done." We are humbled amid Thy manifold mercies. We would find peace in the love and simplicity of the divine Teacher of men. Do Thou help us to behold marvelous things out of Thy law and qualify us to obey its precepts. We are grateful for our country's blessing and for the power and might of many of her noblest sons. They have turned our eyes to high ideals and may they spur us to deeds of valor. With the deepest reverence, bathed in the heart's emotion, we now wait in memory of one whose superb statesmanship guided our country through the earth's greatest conflict. He has honored her the world over. He studied her history; he learned her lessons; he knew her value and loved her always. We bless Thee for a life so full of teaching and renown. Consider and remember her, O Lord, the one who never failed. Bless her with many years and happy days and with the sweet consciousness of having ministered in heavenly love and devotion. God bless our flag—the harbinger of universal peace, the standard of humanity, and the symbol of liberty. O God, bless our flag. Amen.

The PRESIDENT pro tempore of the Senate. The committee of the Congress has invited Edwin Anderson Alderman, president of the University of Virginia, to deliver an address on this occasion. It is my privilege to present Doctor Alderman.

MEMORIAL ADDRESS IN HONOR OF THE LATE PRESIDENT WILSON

Dr. Edwin Anderson Alderman delivered the following address:

In his oration in memory of the first Athenians who fell in the Peloponnesian War, Pericles commended the fitness of the Athenian public funeral, but doubted the wisdom of any speech, declaring that where men's deeds have been great they should be honored in deed only, and that the reputation of many should never depend upon the judgment or want of it of one, and their virtue exalted or not, as he spoke, well or ill. I can, in some faint measure, comprehend what was passing in the mind of the great Athenian as I stand here to-day in this Chamber which has often resounded with his own lucid eloquence, to seek to make clear in brief speech the character and achievements of Woodrow Wilson, the twenty-eighth President of the United States.

In the case of a statesman, all experience warns us not to attempt to fix his final place in history until the generation that knew him and loved him, or hated him, shall have passed away and a new generation, to whom he was not a familiar figure, shall have come upon the stage, capable of beholding him with eyes undimmed by emotion and judging him with minds unclouded by prejudice or by passion. Loyalty and duty and reverence none the less urge us to set down, while memory is clear and events are fresh, what we know of men upon whom their fellow men placed great burdens of power, to whom whole races and nations turned in moments of peril and disaster, and upon whose decisions, from time to time, rested the courses of history. Woodrow Wilson was such a man; and in such a spirit I undertake to discover the sources of his power and to perceive the bases of his far-shining fame, more widespread about the earth in his lifetime than the fame of any of his predecessors in office, and more interwoven into the fabric of civilization than any of those who have gone before him, save Washington, the founder of the Republic, Jefferson, the fountain of its idealism, and Lincoln, the exemplar of its magnanimity and the preserver of its internal unity.

The presidential office constitutes one of the glories of the framers of our Government and the presidential succession a miracle of good fortune in the hazard of democratic politics and a constant tribute to the sober instincts of popular judgment. The makers of the Constitution apparently forgot their fear of tyranny when they created the Presidency and seemed to proceed on the principle that if you place immense authority in a man's hands you kill his greed for usurpation and awake in him a magic capacity and a solemn purpose to transform his weaknesses into strength and his unworthiness into worthiness.

Some American Presidents have been commonplace men, but none of them has ever betrayed his trust or stained his honor; and from George Washington to the present hour the line of American Presidents have surpassed in character, ability, and devotion any line of kings and prime ministers known to me in modern history. They have not always been scholars. Indeed, few of them have been scholars, but when chosen—and the method of their choice sometimes bewilders the reflective and grieves the judicious—they have dug out of their latent forces and brought to bear upon their awful tasks such common sense, strong wills, noble industry, uprightness of purpose, that the great office still wears a more than imperial quality to enrich the imagination and to enlist the faith of mankind.

It would have been wiser to intrust this task of interpretation to one closer to Woodrow Wilson, when he was the head of the State and his will shaped the destinies of men. Such was not my privilege. My qualifications are of a simpler and a more unpretentious nature. I studied the shorter catechism, a drastic, bracing, moral tonic, with him in the Presbyterian Church of which his father, Joseph R. Wilson, was pastor, in the old city of Wilmington, N. C., my birthplace, where from time to time Thomas Woodrow Wilson would appear at home from college, to my younger eyes a tall, slender youth of curious homeliness, detachment, and distinction.

As a child, sitting in the pew of my father, who was an officer in that church, and looking into the finely molded face of Joseph R. Wilson and listening to the words he spoke, I had my first perception that beauty and music and power to move even young hearts lay in the English tongue when fitly joined to substantial thought and serious eloquence; and he has remained to me, as he did to his famous son, through the discipline of a generation of sermons, a standard of good preaching to which it is a delight and a comfort now and again to repair. The world owes a great debt to Joseph R. Wilson; for though the son studied under many masters, none influenced him so strongly as his father, who bred in him an impatience of dullness and diffuse thinking, a precise sense of word values, a scorn of priggishness and formal piety, the power to proceed straight to the core of a subject under discussion, and to utter measured thoughts with a vigor and beauty that in later days, and on a grander stage, was destined to awaken the pride of his countrymen and to command the attention of the world.

I do the day's work at the University of Virginia, where Woodrow Wilson "learned the law and the reason thereof." It came to pass that we were associated in the task of training American youth, and I became his friend by reason of the ties that bind men together in such endeavor; and further, because I thought I saw in him, in a new era in the evolution of American democracy, a promise of liberal leadership and of sympathy that never slept for the disadvantaged men who bear the burdens of the world. The sturdiest romantic tradition of American public life has been the rise into power and fame of the youth who struggled up to his heights from humble and unlovely beginnings. The career of Woodrow Wilson is no part of such tradition, for his racial inheritances and cultural opportunities were about as strong and fine as an American youth can have. His forbears for eight generations belonged to the Scotch race, perhaps the most active of the intellectual aristocracies which govern the United States, modified in the direction of a kindling imagination and a quickened joy of life and battle by Celtic admixture and residence. His parents, his ancestors on both sides, and his associates on all sides were religious men and women of Presbyterian faith.

He was the son, as I have said, of a Presbyterian minister of such distinction that it was in his house that the Southern Presbyterian Church was organized when the Civil War came to rend even the religious life of the Nation. His mother was the daughter of a Presbyterian minister, in Carlisle, England. He married, in his young manhood, the daughter of a Presbyterian minister. His grandfather, Thomas Woodrow, for whom he was named, was a learned, doughty servant of God, and his

uncle, James Woodrow, was a modern-minded Presbyterian minister, who, in his day, upheld stoutly against the allegation of heresy itself the banner of liberal thought and religious tolerance. His elementary and undergraduate education were under Presbyterian influences and in Presbyterian colleges—Davidson College, North Carolina, and Princeton, the college of New Jersey. Later, at the University of Virginia, in the study of law, and at Johns Hopkins University, in the study of politics and jurisprudence, he was to broaden his training and to establish a just claim as the most carefully educated man whom the people of this democracy, somewhat wary of learning and fearful lest intellectual subtlety dull the edge of common understanding, ever dared to place at the head of the Government.

Chester A. Arthur, Grover Cleveland, and Woodrow Wilson, alone, of our long presidential line, issued out of the preacher's home into public life. Cleveland and Wilson may be called the direct contributions of the Presbyterian manse to the Nation's service; and it is not without significance that the only two great successes, since 1860, of the Democratic Party, in which they now rank as titular saints, were achieved under their leadership. They were quite dissimilar in background and qualities, as a curious fate which opposed them to each other, face to face, in dour antagonism in later life made very clear, but alike in the firmness of their wills, the fixity of their conclusions, and the sensitiveness of their consciences. Surely, the great religious faith that sent forth these two American Presidents is justified of its children.

Woodrow Wilson was born in Virginia in the year 1856, in the middle period of the nineteenth century, and, with the exception of his undergraduate years at Princeton, the first 29 years of his life were passed in five Southern States, in the study of literature, history, and jurisprudence. He did not obtain at any of the colleges in which he studied a high reputation as a technical scholar. There surrounds his college career a legend of mature culture, an impression of pursuing a steadfast aim in realms of thought not included in the curriculum, an air of self-reliance untouched by eccentricity or exclusiveness; for he could be gay and charming with the choicest of his fellows, and bold and assertive enough in the rough and tumble of college affairs. He had a way, even in youth, of moving amid the things of the mind and of demeaning himself in the society of books as if they had always been friends of his and he knew where he was going with them. The habit of respecting his mind and using it sternly and reverently clung to him throughout life. The sum of the college tradition about him is, that he was a high-minded, proud-spirited, reflective, ambitious youth, never sturdy of body, eager to learn about men and affairs, and intent upon putting learning to use in action. The era in which he grew to manhood and the mood of the society in which his formative years were passed did much to fashion his ideals and to determine his ambitions.

The echoes of the great debate over the nature of the Union filled the air, and the towering figures of Calhoun and Webster yet dominated the imagination of opposing political schools. His early youth was passed away from, yet in the midst of, the tumult of the war which lay inherent in the logic of that debate. I am loath to praise any war, for all war is the collapse of human reason; but no sincerer war than this has occurred in human history. It was a war of ideals, of principles, of loyalty to ancient axioms of freedom, held dearer than life by both sides. The influence of the Civil War upon the youth of the man who was destined to be the Commander in Chief of all the forces of the undivided Republic in the greatest war of all time illustrates alike the calmness of his own mind and the sincerity of the mighty struggle itself. His people, postrevolutionary in American origin, had become southern in sentiment. He records, with deep feeling, how the passing sight of the grave face and regnant figure of Robert E. Lee, long after the war, stirred the emotions of his young heart; but there was developed in him no fierce passion of sectionalism, but rather a stern and cool will to comprehend the historic forces at play within American life, and to direct those forces toward the fulfillment of the longings of democratic society.

He was of the group of young southern-born men who knew the contributions of the South to American history, who had no apologies to offer for its part in the great struggle, enabled by so much valor and self-sacrifice, but who felt that the South must again become whole-heartedly a part of the Federal Union it had done so much to establish. He saw about his hearthstone the faces of grim men who were subjected to such a test of manhood as our poor human nature has seldom been forced to endure. They were not men of the broadest

social imagination, but they were men of intense and romantic loyalties to causes, and of an elevation of thought about the State as something to love and serve, and not something to batten on or to profit by. War did not unfold to him in his far southern home any of its marching splendors and waving banners. He saw only the filthy backwash of war, its ruin and its bitterness, cities in ashes, ignoramuses in power, revenge in action, and great leaders led away to imprisonment and obloquy.

It is true, that he had heard the civil struggle ended upon a sweet, clear note of "charity to all and malice to none"; and nothing in his life shows the balance of his mind better than his quiet perception of the fact that to his youth a challenge had come to help complete unfinished social and moral tasks, unpoisoned by hate and unwasted by vengeance. It might well have been within the Almighty's inscrutable purpose to give such a man such a preparation and such a social background for a supreme far-off test, when a distraught world would have sore need of the man of faith and will who would see clearly and reason accurately, and who would not falter or turn back when once he had set his feet upon a path.

Woodrow Wilson was 29 years old when he quit the formal life of a college student. One may treat as negligible the single year he spent vainly seeking to use a mind absorbed in the philosophy of law and its application to government, in the gainful practice of that profession. The span of his life was yet to stretch over 37 years, and he was to spend 25 of those years in teaching American youth politics and government in four different institutions of learning—Bryn Mawr College, Wesleyan College, Johns Hopkins University, Princeton University. Thus the man who was to be intrusted with the most stupendous administrative task in American history, spent three-fourths of his life as student, teacher, educational administrator, and writer of books. It was not the training adapted to equip for his work a prophet of force or a master of political intrigue; Ulysses would not have prescribed it for Tele-machus nor Machiavelli for his prince, but I fancy that all of us who hold the democratic faith will one day be grateful for these studious, reflective years in the life of Woodrow Wilson, when he pondered over the comparative merit of forms of government and modes of culture, when his practical mind, with its adventurous and romantic passion for action received unfolding for a mighty purpose.

It was in the still air of these laborious days that he reflected how to get things done after the fashion of his dreaming; when he nurtured enthusiasm for men and saw himself as their servant, when looking deep into the life of the social organism, he saw that not ideas, but ideals, conquered men's souls; when he learned calmness from Wordsworth, concentration of energy from Walter Bagehot, and with Edmund Burke discovered the real difference between a statesman and a pretender in the circumstance that one lives by the way and acts on expediency, the other lives on principles and acts for immortality; when he came to see faith as life's most substantial heroism and finally, pursuing a lonely road, gained a wide, luminous view of this world, as a world ordered of God, moved by the tides of His spirit, and thus laid the basis of a fame, which one day

Full high advanced

Shone like a meteor streaming to the wind.

Woodrow Wilson was the first professional teacher to pass almost directly from the classroom to the White House. Thousands of Americans to-day recall with gratitude his high gifts as a teacher; and as a fellow teacher, I would care to commemorate that element of his enduring service to his countrymen. To me and to the hosts of those who teach in this land, those quiet, busy years at Princeton, as a teacher, characterized by great personal happiness in a home of culture, of intense charm, energy, and growing insight, seem to constitute his real golden age. Large classes flocked to his lecture hall to applaud his varied knowledge, and to gain from him new phases of life and truth. There was beauty in the cadences of his voice and power to arouse and persuade the intellect in the clarity and orderliness of his talk, brightened by bland humor and tingling wit. When he entered upon the presidency of Princeton, a new aspect of his qualities appeared. It was clear that he had thought deeply of the meaning of education and of universities, as molding forces in a democracy. The problem of education was to him the problem of enriching the Nation's life with minds of maturity, integrity of character, and social sympathy. "What a man ought never to forget with regard to a college," he once said at Swarthmore, "is that it is a nursery of honor and principle."

He inaugurated new principles of educational contact, which now lie at the core of the development, not alone of his own university, but of all institutions of liberal culture in his country.

A dramatic struggle, marked by unusual phases of bitterness and ill will, characterized his administrative career at Princeton. Universities are little worlds in themselves; and, like the greater world about them, have a way of refusing to be reformed, and of preferring to be let alone, or to be reborn into new aims and processes, only under tremendous pressure and the passage of slow time. The total effect on him of all this academic warfare was the hardening of his resolution, the acquisition of formidable political skill to gain his ends, the arousing of his passion for democracy, and the fixing of his purpose to rescue universities from material control. He was born to fight for the goodness which is at the heart of things, and this ideal quickly grew into an objective of freedom which caught the eye of the Nation at the precise moment, when a great tide of liberal hope and opinion was flowing in and over a generation of self-satisfaction and contentment with things as they are. Unlike most cultivated southerners of his generation, Woodrow Wilson had the impulse to write as well as to talk, and became a writer of eminence, fit to claim a place in the literature of his country along with Jefferson, Madison, Lincoln, and Roosevelt.

At 29, he published his first book, *Congressional Government*, a postgraduate thesis, revealing the actual operations of our Government, and outlining, with a touch of genius, his theory of the wisest and most efficient relation of the Executive to Congress. This book contained a definite system of political philosophy which he put into practice, and to which he clung till the end of his career. In this respect, a likeness to Thomas Jefferson appears, for each of them had developed before he entered office a definite theory of government and applied its doctrines to the solution of national problems. A series of seven volumes on political and historical subjects—*Congressional Government*, *A Study in American Politics*; *The State—Elements of Historical and Practical Politics*; *Division and Reunion*; *George Washington*; *A History of the American People*; *Constitutional Government in the United States*; and four volumes of literary and social studies—*An Old Master* and *Other Political Essays*, *Mere Literature and Other Essays*, *Free Life*, *The New Freedom*, *When a Man Comes to Himself*—came from his pen in these days. It is impossible to read these books without concluding that the guiding motive of all his studies pointed toward political life and the goal of political office.

The opportunity to enter politics seemed worlds away to the man who was writing "mere literature" of this quality in 1895—

There is more of a nation's politics to be got out of its poetry than out of all its systematic writers upon public affairs and constitutions. Epics are better mirrors of manners than chronicles; dramas often-times let you into the secrets of statutes; orations stirred by a deep energy of emotion or resolution, passionate pamphlets that survive their mission because of the direct action of their style along permanent lines of thought, contain more history than parliamentary journals. It is not knowledge that moves the world, but ideals, convictions, the opinions or fancies that have been held or followed; and whoever studies humanity ought to study it alive, practice the vivisection of reading literature, and acquaint himself with something more than anatomies which are no longer in use by spirits.

In the year 1910, Woodrow Wilson withdrew from university direction and entered active politics. His last service to education was an effort, far from successful, to give to American universities what he considered a democratic regeneration in spirit, and to bring it about that the "voices of common men should murmur in their corridors." His first political declaration was an avowal that the time had come to reconceive the liberties of America, to break the dominance of cliques and machine, to confer on candidates for high office power and responsibility for leadership, to secure for all men a fairer adjustment of human relationships; and, further, that he was entering the field of politics in a new era, with no pledges to bind him and no promises to hinder him. Upon such a platform he was elected Governor of New Jersey, and in that office, and through his policies and principles, set forth in public speeches, this historian of his country, this southern-born Scotch-Irish Presbyterian teacher, an awkward circumlocution but a deadly definition of stubborn idealism, became, in 1912, the nominee of the Democratic Party for President, received a great majority in the Electoral College, and became President of the United States on March 4, 1913.

In 1916, he was renominated and reelected in the very midst of the greatest crisis in the secular history of mankind. I am

conscious that I am summing up, in bald sentences, revolutionary transformations in the career and fortunes of an American citizen such as have seldom happened to any man in our annals, and never before to the teacher or scholar—the nearest approach in breathless action being the transfer of Abraham Lincoln from a Main Street, second-story, law office to unimagined burdens of authority. Both stories will forever enrich and adorn the epic of democracy.

Woodrow Wilson once said that the true teacher or the true artist or historian must always work for the whole impression. Working in this spirit, I can not, at this time and place, attempt even to enumerate the legislative measures which, under his leadership, went forward in the Sixty-third Congress; but I venture to claim that no such well-thought-out program of financial, social, and industrial reform, no such inspiring spectacle of governmental efficiency and concentrated energy, no such display of fearless devotion to public interests, moving high above the plane of partisan advantage or of private gain, has been spread before the eyes of this generation as is afforded by the list of enduring enactments which crowned the accession to power of Woodrow Wilson; and I set up the further claim, that a President had come upon the great scene, at a time of one of those strange failures of government to redress public grievances, who had not only the will and purpose to change the note of industrial life in the Nation, and to halt the domination of American politics by its privileged financial interests, but also the sense of direction and skill to carry to some sort of fulfillment a policy of practical emancipation from materialism, and the restoration of equality of opportunity. The Congress that furnished the teamwork in this memorable period of legislative energy, was admirable and intelligent; but leadership lay in the President, not by use of patronage or by social amenities, but by the steady drive of intellectual force which his opponents, within and without his party, could not resist.

The new President concluded his first inaugural with these words:

The Nation has been deeply stirred; stirred by a solemn passion, stirred by the knowledge of wrong, of ideals lost, of government too often debauched and made an instrument of evil. The feelings with which we face this new age of right and opportunity sweep across our heartstrings like some air out of God's own presence, where justice and mercy are reconciled and the judge and the brother are one. We know our task to be no mere task of politics, but a task which shall search us through and through, whether we be able to understand our time and the need of our people, whether we be indeed their spokesman and interpreters, whether we have the pure heart to comprehend and the rectified will to choose our high course of action. This is not a day of triumph; it is a day of dedication. I summon all honest men, all patriotic, all forward-looking men, to my side. God helping me, I will not fail them, if they will but counsel and sustain me!

Passionate sincerity shines out of these moving words. It was a spiritual moment in our history. Men were looking at life with kinder and juster eyes. A new spokesman of humanity had appeared in our politics, with a will and a purpose and a program. An eager and a nipping air seemed to blow away the atmosphere of materialism which had in varying degree hung over the Capital since Lincoln's day. Not since Jefferson had a leader with such a program dwelt at Washington. If in 17 months a World War had not come to turn the thoughts of mankind to the defense of civilization itself, it is not immoderate to believe that the great reforms already inaugurated would have been followed by others equally vital, and the domestic policy of the Nation ordered in accordance with the best liberal thought of modern, self-governing communities.

But war came, apparently falling out of the blue, like some tragic drama of the high gods, upon a busy and peaceful people, bent upon working out here in a favored land some scheme of life by which every man should have liberty, without hindrance, to be what God made him. In reality, there had arrived the moment of explosion of confined passions and forces long gathering through the ages, the awful fruitage of centuries of human greed and incompetence, of malignant nationalistic ambitions, of scientific progress diverted from high ends to purposes of destruction, of vain and feeble puppets in places of power, of a European polity based on fear and balance of power, rather than reason and concert of action. In the twinkling of an eye, our gain-getting age became a brawling age of terror and revolution, to be thought of hereafter as the end of an old epoch and the beginning of a new epoch in human annals.

It has been often predicted that this greatest drama in history must needs be one day really written as a drama by some

Æschylus who will paint the darkening sky, the rushing of the wind, the tension of the time, as catastrophe leaped to catastrophe, the movements of the bewildered antagonists amid the muttering of the storm and the lightning. In such a drama alone could one hope to find a just portrait of the peace-loving figure of the American scholar President, as he lifts his shoulders to the burdens, seeks to readjust his mind and nature absorbed in purposes of new freedom for common men to the tasks of the dreadful hour, and with tragic loneliness and patience grapples with events.

I saw President Wilson for the last time in the fullness of his strength on the evening of April 2, 1917. He was standing at this desk, speaking the momentous words which were to lead this democracy into war, and to teach to all free peoples, then bewildered and depressed, the meaning of the conflict, and to lift up their hearts. All mankind was his audience. The air of this Hall was tense with emotion, and the dullest sensed the historic significance of the great scene. There were then etched into my mind, in lines never to be erased, the face and form and manner of Woodrow Wilson—the lithe figure, the bony structure of the forehead, the lean, long visage as of a Covenantant, somber with fixed purpose. The culture of generations was in his tones, the scholar's artistry in his words, the inheritance of a gentleman's breeding in his manner, and calm courage in his discerning eyes. I was somehow reminded of the unbending lineaments and figure of Andrew Jackson, whom Woodrow Wilson resembled physically; and, in the very soul of him, morally exhibiting the same grim resolution, as of a stranger to the fear that weaklings feel.

The direction of American affairs, as the Republic swept into the current of the Great War, was in the hands of a liberal statesman, bred of democracy, firm of will, jealous of his country's honor, gifted with power to argue with cogency, capable of seeing far ahead the movements of social progress, incapable of fear, unmoved by passion or greed of conquest, intent upon justice, dreaming of peace and the righting of immemorial wrongs. I do not intend a résumé of the events of the two years and eight months intervening between the onset of war and the entrance of America into the struggle, but rather an analysis of what Prof. L. P. Jacks, a thoughtful English scholar to whom I am indebted for a better understanding of Woodrow Wilson, once called the "war mind" of Woodrow Wilson. To have taken any other primary step than the issuance of a declaration of neutrality in August, 1914, would have been the act of a madman or a superman, and Mr. Wilson was merely the trustee of the most powerful country on earth hitherto dedicated to the tradition of its own nonintervention in foreign affairs and the noninterference of European nations in cis-Atlantic problems.

The country was unfamiliar with European complications and unaware of the new international position decided for them, in Theodore Roosevelt's words, by fate and the march of events. Even the intellectuals who grasped the truth that the war was a conflict between two opposing schools of civilization would have been shocked by any other initial policy than the policy of neutrality. Military glory as an end in itself held no lure for President Wilson and no power to confuse his judgment, as his course in Mexico and his Mobile declaration had shown. I have little doubt as to where lay his sympathies from the first hour of the conflict, but he was not the man in a position of vast responsibility to be swayed by sympathy or prejudice or self-interest. Rather, he was the man, careless of fleeting judgments, to seek the position of moral responsibility imposed upon the United States and to so place its power at the service of mankind that other ages would hold it in grateful remembrance. I have read the speeches of President Wilson from the beginning of the war to its end, and I find in them an amazing strength and unity. I am not troubled by the inconsistency of his early advocacy of peace and his later proclamation of "force to the limit," for there is no inconsistency.

As Lincoln, with supreme wisdom, planted his policy not on slavery but on union, Woodrow Wilson, with a similar greatness, tied his policy to the idea that the United States, the most powerful of all States, should be a servant, a minister, a friend, not a master among the nations. Never before in the history of mankind has a statesman of the first order made the humble doctrine of service to humanity a cardinal and guiding principle of world politics. As long as he thought this principle was best served by neutrality, we kept out of the war. The long series of diplomatic papers, the patience that endured the barbarism of the *Lusitania* and bore without flinching the contumely of foes and the misgivings of friends may justly be thought of as mere incidents in the evolution of this great

idea. When at last the insolent brutality of the renewal of submarine warfare taught him that force alone could advance his doctrine, he took us into war. His much-derided Notes to the Imperial German Government deserve rank among the enduring documents of international history, and constitute one of the most decisive arguments ever addressed to the conscience of civilization, to illustrate the solemn hesitation that ought to mark the course of rulers who carry nations into war, to give proof that in such a collapse of civilization at least one nation should retain its poise, and to unite his countrymen while he taught the world.

When on March 5, 1914, before the war, in discussing the Panama tolls, he said:

We are too big, too powerful, too self-respecting a Nation to interpret with too strained or refined a reading the words of our own promises, just because we have power enough to give us leave to read them as we please—

he made clear all that subsequently possessed his mind. When a year later he said:

We do not want anything that does not belong to us. Is not a Nation in that position free to serve other nations?

he revealed the heart of his policy; and so when, on the memorable night of April 2, he asked Congress to acknowledge a state of war, it was to a crusade, not to a war, that his statesmanlike policy had brought his countrymen; and they could not doubt that the diplomatic victory was his, the moral victory was his, that a mighty people were behind him, that the leadership of mankind rested where democracy on a continental scale had begun, in the American Republic.

In December, 1916, the President had sought through a statement by each side of its war aims to discover if any basis of peace might be found. This inquiry exhibited diplomatic genius of the first order, for it enraged the Germans and aided the Allies to consolidate their moral position before the world. The great achievement was obscured for a moment by a storm of obloquy from superheated patriots who misread the grim humor and misinterpreted his precise language when he declared that all sides, according to their own general statement to their own people, had the same aims.

Again, on January 22, 1917, Mr. Wilson for the last time sought mediation in a speech in which he defined the fundamental conditions of a permanent peace. No greater state paper than this exists in the records of modern states. The result of this masterstroke was to bring us nearer war, but also nearer to lasting peace, to establish him still more closely as the one dispassionate voice of mankind, and again to bring upon him an outburst of condemnation for his noblest pre-war utterance in which he used, but explained none too skillfully, the phrase "peace without victory," by which he meant that only a reconciled Europe could be a tranquil and stable Europe, and that community of power must succeed balance of power.

Still preoccupied with the thought of lasting peace, Mr. Wilson appeared before the Congress in the early winter of 1918, at the darkest moment of the allied fortunes and formulated 14 points of peace. These generalizations were almost revolutionary in their scope and idealism and ultimately formed the general basis of the peace to be drafted; but they carried, too, a political adroitness aiming directly at putting an end to the fighting. They planted new seeds of aspiration and new hopes of justice between nations in the minds of men; and it is not easy to ostracize such ideas. Its timeliness, as well as its strength, gives to this document a place among the great charters which have marked the progress of mankind. Our other great papers, the Declaration, the Farewell Address, Virginia Bill of Rights, the Constitution, were local or continental in their application. This paper, and the complementary addresses following it, aimed at nothing less than to endow the broken and weary nations with a new order and a new life. Desperate peoples for an hour looked into the shining face of Hope, and had sight of an old heaven and a new earth, arising out of horror, but ennobled by the self-sacrifice of millions. In Burke's vivid phrase, he was now the Lord of the Ascendant; his speeches had the strength of battalions along the front of battle; his voice was the voice of free peoples; and all over the earth, in the great capitals, among the tribes of the desert, in the islands of the sea, men felt the molding of his thought and sensed the grandeur of his aims.

The conversion of American energies into war energies, the transformation of the American spirit and philosophy of life into war spirit and war philosophy, the actual throwing into the furnace of modern war, across 3,000 miles of sea, the re-

sources of men and money and resolution of the American people, takes rank among the greatest practical enterprises of mankind. It may well be conceded that mistakes were made and that judgments went wrong; but "it is the grim silence of facts that counts." Military experts impartially chosen, not political generals, commanded armies in this war. No congressional committees, as in former wars, directed its strategy and confused its processes. No serious bickerings or scandals or conflicts marred the unity of its course. Far-seeing fiscal and economic legislation gave steadiness to the Nation in the vast undertaking. Men and materials flowed to the armies in the field. The genius of the Army and Navy displayed itself in war. The genius of the President struck down the enemy morale and laid the foundations of peace. No democracy in history and few autocracies have ever given such an exhibition of efficient cooperation or earned such triumphant success.

The logic of events, to which Wilson's matchless skill in exhortation and argument had contributed so much, now decreed that in 10 months ancient dynasties would abdicate and flee, and that under American leadership the mighty war would come to an end, an armistice would be declared, and a peace conference come into being. Long generations hence we shall warm our hearts at the fire of the glory that then shone about this Republic, won for it by the steadfast mind of its President, the unity of its people, the disinterestedness of its purposes, and the valor of its youth unafraid to die.

On December 12 the *George Washington*, steaming through long lines of gray battleships over a gray sea amid the roar of guns and shoutings, dropped anchor at Brest, and an American President, for the first time, appeared in Europe to take part in a parliament of nations assembled to determine for years to come the course of history. Whether he should have gone at all, or only once, or by whom he should have been accompanied is a sea of fascinating but futile conjecture, upon which I shall not embark. Woodrow Wilson was not a master of manipulating men or of dramatizing himself, but a master, and in some sense, a slave of ideas and ideals. It seemed to him that it was his moral responsibility, under God, to go to Europe, heedless of the rocks ahead of him and the whirlpools behind him. It was a fearful responsibility to assume, for all the peace congresses of civilization, from Westphalia and Vienna to Paris, had satisfied nobody and had generally broken their creators. This Congress was the gigantic legatee of the failures of all past congresses, and in none of these congresses of the past did any one man ever occupy a position of such terrible greatness.

I am sure Aristotle's fine summary of tragedy must often have visited his mind as his ship wended her way across the seas—

Tragedy, in its pure idea, shows us a mortal will engaged in an unequal struggle with destiny, whether that destiny be represented by the forces within or without the mind. The conflict reaches its tragic issue when the individual perishes; but, through his ruin, the disturbed order of the world is restored and the moral forces reassert their sway.

Three underlying ideas and purposes, all born of American daring and American experience, guided his mind and drove him on. The first was faith in the whole kindling length and logic of democracy itself; faith in men, faith in the supremacy of spiritual force, given new sacredness by what he saw about him of suffering and death. The second was the essential democratic idea of the right of men everywhere to determine their own affairs. The third was the idea of cooperation of peoples, the partnership of opinion among democratic nations, which once had welded discordant States in a new world into a Federal Union, and might again weld discordant peoples in an old world into a parliament of man.

For six months, at the Congress of Paris, in an alien air surcharged with cynicism and suspicion, almost single-handed he fought for these principles, buoyed and sustained in the first period of his struggle by high tides of hope and faith that surged up to him out of the bruised hearts of peoples who trusted him to lead them over the failure of brute force into God's peace, and in the second period buffeted by the ebb tides of fading enthusiasm, of disintegrating unity, of selfish dominion, and ancient fears.

He had gone to Paris with the "fourteen points of peace," accepted alike by his Allies and by the Central Powers, as the basis for the coming settlement. The "fourteen points" lived in his mind as a doctrine of international justice and the League of Nations was an integral part thereof, conceived as the medium to interpret and administer those principles of justice, and to introduce into the relations of modern states the idea of organic international cooperation based on reason. No man could have achieved this program in its entirety, or secured a

perfect peace of justice at Paris. Statesmanship of the most transcendent form could not have diagnosed, much less healed, that tremendous ailment of the world. The Versailles treaty, though a huge advance over any one of the five great treaties since Westphalia in sympathy and counsel with the peoples concerned, in the redress of bitter wrongs, in consideration for the weak, and thought of the future, proved to be not God's peace. It was a peace shot through with the fear and resentment of suffering and ill-used men; a settlement corrupted by previous bargains among the allied powers made under the lure of traditional policies and the stern necessities of war and inconsistent with the high purpose of the charter which Wilson had presented for the guidance of the Congress.

When the odium of nations and races began to beat upon him because he could not perform a task beyond mortal achievement, Wilson saw himself confronted with the alternative of world-wide chaos and disintegration, or an imperfect peace with the League of Nations. He could not, with his vast sense of political and social institutions, postpone by headstrong and willful conduct the normal and peaceful ordering of men's lives.

Woodrow Wilson was not a revolutionist. Political reform by "red ruin and the breaking up of laws" was not in his blood. He chose the League of Nations, surrendering, in the anguish of compromise, such portions of his doctrine of international justice as he could not get. I am of those who believe that he gained more than he sacrificed at Versailles, and I know that he alone among mortal men could have salvaged out of that sea of passion the League of Nations, the bravest and most reasonable effort to rationalize national relations in political history. The statement sometimes made that he fell beaten down by the superior adroitness and intelligence of his European colleagues is a piece of analysis entitling its author to a high place in any hierarchy of inferior minds. What was liberal in the Versailles treaty Wilson's faith and courage helped to put there. What was reactionary he fought against to the limit of his strength, and accepted only to gain an instrument which he believed had in it power to purge and correct.

He had the heart to match the moral hopes of mankind against their passions. He sought to give the twentieth century a faith to inspire it and to justify the sacrifice of millions of lives; and if there was failure, in Jan Smuts' words, it was humanity's failure. To make him, the one undaunted advocate of those hopes, the scapegoat of a world collapse, is to visit upon him injustice so cruel that it must perish of its own unreason. Therefore, I do not envisage Woodrow Wilson as a failure as he came back to these shores bearing in his hands the covenant of the league and the imperfect treaty itself. I envisaged him rather as a victor and conqueror as he returned to America, untouched by sordidness or dishonor, unsurpassed in moral devotion, and offering to his country leadership in the broadest and worthiest cause in all the story of human struggle for a better life. What statesman in the history of world adjustment in defense of a code of shining, if unattainable, idealism, had ever borne himself more stoutly or battled with such foes or achieved, with so little support at home or abroad, so astounding a result?

When President Wilson first sailed for Europe in December, 1918, American sentiment, irrespective of party, generally approved his declared purpose to incorporate in the treaty of peace some sort of league covenant. The heart of the time was then in tune with the age-old dream. The President of the United States had a right to assume that the American people were behind him on the League of Nations, notwithstanding the adverse verdict of the electorate on his general policies. Eight years before, in 1910, in his Nobel lecture, Theodore Roosevelt himself said:

It would be a master stroke if those great powers honestly bent on peace would form a league of peace, not only to keep the peace among themselves, but to prevent, by force if necessary, its being broken by others. The man or statesman who should bring about such a condition would have earned his place in history for all time and his title to the gratitude of all mankind.

A list of eminent Americans of all parties then in line with that pronouncement in 1918 would be an illuminating contribution to the higher impulses of that era.

When he returned, a different spectacle met his eyes. The great cause for which he had even then given his life had become confused with a group of political policies given by his enemies the generic name of Wilsonism, and about this raged the wrath, despair, and hatred of the overstrained time. The

tired warrior of the common good, who had kept the faith, fought the fight, and won a victory, instead of hearing the acclaim of his own people, "Well done, thou good and faithful servant," saw himself ringed about with foes of mind to rend and destroy him.

I can not give time here to determining whether Wilson himself was to blame, in tactical judgment alone, or how much he was to blame for the change in American opinion; nor do I deny that honest men opposed the league and the treaty; nor do I undertake the task of apportioning with nice justice the responsibility for the caldron of heat and "sweater'd venom" of deadlock and indecision, of partizanship and passion, in which for weary months this largest question of modern times boiled and bubbled. Other ages will make that solemn appraisal. I may be permitted the reflection that something less of malice in the hearts of his enemies, and something more of compromise in his own heart, and something more of political genius and firm purpose in the hearts of those who held the faith, and there might have been another world!

I have lately been reading, and I wish all of his countrymen might one day quietly read, the 30 speeches made by the President on that fateful western tour, which he undertook in September, 1919, in order to secure from the American people the stamp of approval which he desired for his work in Europe, and which the American Senate was unwilling to give. There is no series of political speeches, made under circumstances of such strain, in our annals attaining a higher level of oratory and exposition. He was forewarned, as he fared forth, that his life might be the forfeit of his enterprise. He replied, "I would forfeit my life to attain the end I seek," and he meant it; for he was incapable of melodramatic pose, and the consecration of that statement runs like a thread of gold through the sustained appeal.

Undeterred by the stabbing of physical pain and failing strength, Woodrow Wilson here reveals the scope and depth of his conviction that national isolation for America or any country is forever ended; that the outlawry of war is democracy's next great task; that suicide hovers over civilization in the present system of the relation of States and the present potentialities of destructive warfare; that the hour has struck for the creation of an instrument to gather behind it the organized manhood of the world, bent upon evolving a clearer international conscience, a firmer international law substituting reason for passion in human affairs, and that the covenant of the League of Nations is such an instrument. If mankind will but adapt it to its uses. This is the Wilsonism that the quiet justice of humanity will remember throughout the ages. But all this force and eloquence and martyrdom were to avail nothing. Woodrow Wilson fell stricken as if in battle at Pueblo, Colo., on September 25, 1919, and came home shorn of his unmatched strength to persuade and move the hearts of his countrymen.

The American Senate, in the plain discharge of its constitutional duty, discussed the treaty for a period of eight months, during five months of which period the President struggled against mortal illness, rejected it on March 20, and elected to remain outside the first organized scheme of international cooperation in modern history.

The last words spoken to the people at Pueblo by the President were these:

Now that the mists of this great question have cleared away, I believe that men will see the truth, eye to eye and face to face. There is one thing that the American people always rise to and extend their hand to, and that is the truth of justice, liberty, and peace. We have accepted that truth, and it is going to lead us, and through us the world, out into pastures of quietness and peace such as this world never dreamed of before.

The prophecy of the stricken advocate of reason has not yet come true. There are those who hope and believe that it will never come true. It is not seemly that I should here attempt any controversial discussion; but I should lack the courage of the man I seek to interpret if I did not, as an American citizen, cry out, even in this chamber, God grant that it may come true, and gain new authority to protect mankind against its imminent dangers!

It is commonly said that the historic rank of Woodrow Wilson is wrapped up in the destiny of the covenant; that if it fails, his rank will be merely that of one more radiant spirit whose reach exceeded his grasp, and if it succeeds, his apotheosis in history is secure. I find the formula too glib and automatic for the forces and ideas it presumes to envelop.

Apotheosis and immortality are weighty words that ill fit our poor flesh, so foredoomed to the iniquity of earthly oblivion; but surely the fame of Woodrow Wilson does not rest upon an instrument the orderly growth of which into final usefulness may so change its structure and modify its form as to cause it to become another and an even better instrument. It depends upon an unconquerable idea, so greatly conceived and set forth, that it must continue to grow, and is now growing, into new and finer form, and his fame must grow with it into whatever bright renown it may attain.

Posterity will be eager to have knowledge of the personality and the salient qualities of a statesman set apart to play such a rôle in the world's affairs. I shall picture him as I knew him—not the Wilson whom mankind will remember as the stern war leader of a mighty nation; but another Wilson, known to me—a Wilson of sprightliness and humor and handsome courtesy, of kindly countenance and fascinating conversation with power to "beguile you into being informed beyond your worth, and wise beyond your birthright." The sensitive shyness and reserve that clings to men who can not capitalize their personal advantages to win friends, clung to him. Intimacies were sacred relations to his spirit, but these intimacies could not overflow into inveterate amiability. He did not wear his heart on his sleeve for daws to peck at; but tenderness governed his demeanor with those he trusted; and he wore about him a quiet grace of dignity.

Woodrow Wilson was a deeply religious man. Men who do not understand the religious spirit need not even try to understand him. No man in supreme power in any nation's life, since Gladstone, was so profoundly penetrated by the Christian faith. He was sturdily and mystically Christian. He took God Almighty in earnest as the Supreme Reality, and he carried Him into his home and saw His immanence and guidance in private and public life. He had the habit of prayer, and he read and reread the English Bible. Through all his speeches flamed the glory of an insistent belief that morality and politics should march hand in hand. Many of his tendencies, perhaps the most of them that occasioned debate and censure, sprang from his pragmatic belief in God. There was actually such a thing as God's will to this man; and when he thought he had divined that will, he knew the right, the absolute right, and he was prepared to stand on that, if friends deserted him or he parted company with friends, if applause came or if the blow fell. "Interest divides men; what unites them is the common pursuit of right," was one of his great utterances, and not unlike the stout-hearted old mediæval bishops, he stood ready to wield sword or bludgeon if the foe showed his face. "God save us from compromise," "Let's stop being merely practical, and find out what's right," were phrases often on his lips.

It was the Christian philosophy at work in his spirit that placed him almost instinctively on the side of the common man and against the privileged and the powerful. Wilson could be, and sometimes was, aloof and unrelenting to this or that friend or foe; but mankind, in the mass, never failed to soften his spirit and awaken his emotions. He would have gone to the stake to protect mankind, as a whole, from tyranny and injustice; but the ambitions of any individual man, even a friend, stirred him slightly. His greatest defect as a leader of men was this shrinking from human contacts at close range. When he had proved the rightness of his case and stated it boldly, a strange, moral fastidiousness and loyalty to the overlordship of reason prevented him from seeking to win men to his side by talking it over in whispers or by sweet and soothing persuasiveness. As Augustine Birrell said of Carlyle, "It seemed to him to be his duty to teach, not to tickle mankind." This inhibition left him a master of ideas, but not a master of using men, and substituted admiration and respect for love and enthusiasm in the nature of the mass of his followers.

Wilson evoked no such popular devotion as did Henry Clay or James G. Blaine or Theodore Roosevelt. Men of his prophetic quality rarely do. Edmund Burke once said of Charles James Fox, with a deep sigh, "He was made to be loved." That sigh often, no doubt, stirred in Woodrow Wilson's heart. He was a selfless man in so far as personal glory or profit was concerned. It was "perfection, not renown" that allured him. It was God's praise, not men's praise that gave him strength. The ambition which drove him to preeminence was the ambition to create new ideals or to reilluminate old, neglected ones. Intellectually he does not belong with Kant or Burke or Hamilton or John Marshall; but he had a brain of high order, functioning in a different atmosphere and a broader field, a

brain which worked straight and quick; and he suffered ill, fools and those of untidy minds. I should call his greatest mental gifts the power to look into the future, to assemble facts, to marshal his propositions in due order, to generalize fairly, and to state his interpretations with such terseness and soundness that they sank into minds that listened.

As an Executive, he was not an incarnation of action like Napoleon or Roosevelt. The lightning decision was not after his manner; but his industry was tireless, his judgment of men sound, and his mind did its own thinking, and men could not frighten or deceive or cajole him. The possession of a tenacious memory enabled him to keep the whole before him, to dispense with threshing around, and to dread irrelevance and bombast. No dogmatism or abruptness controlled his relations to men who approached his problem from the same angle. He gave his entire trust to those who worked with him, defended them against injustice, and upheld them against slander or misrepresentation.

The world used to be full of people busy in discerning, imagining, and cataloging the faults of Woodrow Wilson. Dogmatist and hermit, rhetorician and pacifist, egocentric and ingrate, dreamer and drifter were some of the milder coinages of his more civil and restrained enemies. Well, he had his faults. I am not here to portray or to defend his faults. Some of them were protective devices to conserve physical strength, and others lay buried deep in the impulses in his blood; but inhibitions born of pride and courage and high ambition are such as nations learn to forget and to forgive, and even to love and cherish. Posterity is incurious about the minor faults of its heroes. England does not concern itself with the flaws of Nelson and William Pitt. Men do not remember Andrew Jackson's stubbornness and prejudice. They recall only the fury and fire of his purpose to preserve the Federal Union.

His countrymen will not forever remember the volubility and histrionic arts of Theodore Roosevelt, but they will never let die the memory of the valiant force of him penetrating the Nation's spirit, increasing the sum of its energies, awakening youth to high adventure, and stridently proclaiming the glory of upright living. They do not tattle about Washington's blazing profanity at Monmouth, but see his stately figure riding into the storm of battle beneath the tattered flag of a new nation he would fain bring into the world. They do not whisper about Lincoln's choice of companions or his taste in anecdotes or his cunning in politics; but they read incised on white marble walls the sacred poems which his literary genius has left to posterity, behold him in the night watches correcting his mistakes and using even his humility as a sword with which to carve out the victory of his cause. And so it will be with Woodrow Wilson in the long perspective of the years. The destiny in his blood decided that he should possess—

The unconquerable will
And courage never to submit or yield
And what is else, not to be overcome.

His ambition to serve his country was as intense as Cromwell's. It was not easy for him to forget or to forgive. The pride of righteousness sometimes froze the more genial currents of his soul, but he was willing to die, and did die to guarantee to humble men a fairer chance in a juster world, and therefore the savage assaults of his enemies will shrivel into the insignificance of Horace Greeley's editorials against Lincoln's policies, or the futility of the early century pamphleteers against Thomas Jefferson as iconoclast and antichrist, and his mere detractors will themselves either attain a repellent fame as detractors of greatness or else they will pass out of memory and no one will ask

Who or what they have been
More than he asks what waves
Of the midmost ocean have swelled,
Foamed for a moment and gone.

The four closing years in the life of Woodrow Wilson were harsh, unheroic, uninspiring years in public affairs, such as generally follow the emotional climaxes of war, and it is a commonplace to describe them as years of personal tragedy to him. A vast disillusionment, a chaos miscalled peace, a kind of shamefacedness and cynicism in the recollection of its dreams, and faith in the triumph of moral ideals, seemed to hold the Nation and the world in its grasp. As far as Woodrow Wilson himself was concerned, it is well perhaps not to confuse the bodily pain, the palsied side, and all the cold

malignities of the time with the essential meaning of those years. Adversity had been wanting in his career, and now it was come upon him, and he was to have acquaintance with its sublime refinement, and the country was to gain knowledge of its power to smite the hearts of just men with love for the baffled fighter who had known none too much of popular affection in his career of self-reliant conquest.

He carried his head high in the dying days of his public service, omitting no duty his strength could bear, meeting the gracious courtesy of his successor at the end with an equal courtesy, as they rode away from the White House, so deeply associated in American history with memories of sorrow and pain, as well as pomp and power, while unseen of human eyes to each of them alike, "tragedy with sceptered pall comes sweeping by."

In the days left to him as the first private citizen of the Republic, unlike Burke, he did not waste his strength in windy opposition or factious controversy. He wrote no memoirs. "With my historical sense, how could I be my own biographer," he said. He exploited in no way his wide fame, uttered no complaint, suffered no pity, displayed no vainglory. It was as if a great gentleman, "weary of the weight of this unintelligible world," sought his peace at last in a quiet home luminous with love and perfect care, and shut out at last from the noises and the storm. From this sanctuary, day by day, it was given him to behold the processes of his own immortality, as simple men and women gathered about his home and perceived in his wan image the poignant symbol of their great days and the historic link forever binding them to noble enthusiasms.

The very depth and dignity of his silence won through to the imagination of men, and when he spoke, the world stood at attention heartened to have knowledge that his high hopes for mankind were undimmed, and that there was no faltering in that firm faith of his that liberty guided by reason and not by force was the contribution of his century to human advancement. I doubt not that regrets visited his mind for lost opportunities that might have been better used as he reviewed the pageant of his life in these long sequestered days; but a durable satisfaction must needs have fortified his soul, that even the devil's advocate must bear witness that—

He had loved no darkness,
Sophisticated no truth,
Allowed no fear.

A grace which his heart craved came in the exaltation and excitement of the vision of a valiant new generation on the march, intent to light its torches at the still burning fire of his purpose to substitute for the arbitrament of war and death the reign of law, to restore to the land of his love and his loyalty its surrendered ascendancy, and to guarantee to the principles he had fought for eternal validity. The puzzle and complex of his dual nature seemed at last to fall into a mold of simplicity and consistency. "We die but once, and we die without distinction if we are not willing to die the death of sacrifice. Honor and distinction come only as rewards for service to mankind." Thus Woodrow Wilson had spoken in the days of his strength to high-hearted American youth, and now he could of right claim the supreme distinction as his very own! And so even as death enfolded him in its shadows, men paused in their busy lives and came to comprehend that a man of great faith had lived in their era akin in heart and blood to John Milton and John Hampden, Mazzini, and Luther, that a prophet had guided their country and stirred the heart of mankind in an hour of destiny, and that an incorruptible liberal aflame with will to advance the slow ascent of man had joined those whom men call immortal and stood among that high fellowship,

Constant as the Northern Star
Of whose true, fixed, and lasting quality,
There is no fellow in the firmament.

[Applause.]

The PRESIDENT pro tempore of the Senate. The Chaplain of the Senate will pronounce the benediction.

The Rev. J. J. Muir, Chaplain of the Senate, pronounced the benediction as follows:

May the grace of God which passeth all understanding guard our hearts and minds and grant unto us at this time and all times the consciousness of His grace, and may the love of God and the fellowship of the Holy Spirit be with us now and always. Amen.

The PRESIDENT pro tempore of the Senate. The purpose of the assembly having been accomplished, it will be dissolved. Thereupon the President and his Cabinet, the Diplomatic Corps, the Chief Justice and the Associate Justices of the Supreme Court, and the Senate retired.

EXPIRATION OF RECESS

The recess having expired, at 1 o'clock and 42 minutes p. m. the Speaker resumed the chair and called the House to order.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, as a further mark of respect to the memory of the late President Wilson, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 43 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 16, 1924, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BARBOUR: A bill (H. R. 10767) providing for Federal inspection, under rules and regulations to be promulgated by the Secretary of Agriculture, of all manufactured canned food products to be marketed in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: A bill (H. R. 10768) authorizing an appropriation for road and bridge construction within the Hopi Indian Reservation, Ariz.; to the Committee on Indian Affairs.

Also, a bill (H. R. 10769) authorizing an appropriation for the construction of a fence on the east boundary of the Papago Indian Reservation, Ariz.; to the Committee on Indian Affairs.

By Mr. HILL of Washington: A bill (H. R. 10770) granting certain lands to the State of Washington for public park and recreational grounds, and for other purposes; to the Committee on the Public Lands.

By Mr. SALMON: A bill (H. R. 10771) authorizing the acquisition of land and suitably marking the site of the Battle of Franklin, Tenn.; to the Committee on Military Affairs.

By Mr. TAGUE: A bill (H. R. 10782) to amend the act entitled "An act to provide revenue, to regulate commerce in foreign countries, and to encourage the industries in the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARBOUR: A bill (H. R. 10772) for the relief of Dean Rhoads; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 10773) granting an increase of pension to Emily J. Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10774) granting an increase of pension to Clorinda Moore; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 10775) granting an increase of pension to Evelina C. Gross; to the Committee on Invalid Pensions.

By Mr. LAGUARDIA: A bill (H. R. 10776) granting a pension to Edith Bolling Wilson; to the Committee on Pensions.

By Mr. O'CONNELL of New York: A bill (H. R. 10777) for the relief of Frances E. Martin; to the Committee on Claims.

By Mr. ROGERS of New Hampshire: A bill (H. R. 10778) granting an increase of pension to Lutheria Bachelder; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 10779) granting a pension to Cecil C. Cardinal; to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 10780) granting a pension to Francis Payne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10781) granting an increase of pension to John William Stringer; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII,

3212. Mr. O'CONNELL of New York presented a petition of the metal trades department of the American Federation of Labor, to make adequate provision for the building up and maintaining a well-balanced Navy based on the treaty ratio, which was referred to the Committee on Naval Affairs.

SENATE

TUESDAY, December 16, 1924

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, the author and giver of life, we look unto Thee this morning grateful for the manifold mercies with which Thou hast crowned our days. We humbly beseech Thee, as we turn to the duties awaiting immediate attention, that we may be guided by Thy heavenly wisdom to know Thy will and to follow in the paths of duty, recognizing the higher authority as indicated by Thyself who has to do with the affairs of men. Be very near and gracious to each, answer the prayers for our country, and glorify Thyself in and through the Nation. We humbly ask in Jesus Christ's name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday, December 10, 1924, when, on request of Mr. JONES of Washington and by unanimous consent, the further reading was dispensed with and the Journal was approved.

READJUSTMENT OF POSTAL SALARIES AND RATES

Mr. STERLING. Mr. President, accompanying the draft of the bill reclassifying salaries and readjusting the rates on certain classes of mail matter there is a letter from the Postmaster General giving some analysis of the bill and the grounds upon which the bill is based. I ask that the letter be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The letter is as follows:

POST OFFICE DEPARTMENT UNITED STATES OF AMERICA,
OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., December 12, 1924.

HON. THOMAS STERLING,
United States Senate.

MY DEAR SENATOR STERLING: In compliance with your request for the suggestions of the Post Office Department as to the sources from which may be derived revenues approximately aggregating the additional cost the department would be compelled to meet in the event of the passage of the bill increasing the pay of post-office employees, I transmit herewith the following in the form of a bill, which will, in the judgment of the department, meet the desired end. It will be observed that the suggestions affect every class of mail on which the department now sustains a loss, as revealed by the result of the cost ascertainment just completed by direction of Congress, except foreign mails, and it is the purpose to distribute these with due regard to equity.

By practice of every economy possible consistent with good service and by reason of the gradual increase in the volume of business, the department has been slowly approaching the point where its receipts would balance its expenditures. According to departmental estimates the postal pay bill will add approximately \$68,000,000 to the annual expenditures and it is at once obvious that the money to meet this must come from somewhere. The question is whether it shall be assessed against the general taxpayer or whether it shall be obtained by providing increased rates for mail now carried at a loss. It is my belief that the latter is the correct method.

Inasmuch as these suggestions are based upon the conclusions arrived at by the cost ascertainment, I desire to say that I have implicit faith in their accuracy. It has been made by some of the most efficient and experienced experts in the Postal Service and has later been most carefully analyzed by two of the best known firms of expert accountants in the country, and both the accountants and the department are prepared to explain and defend it if attacked.

The loss incurred by fourth-class mail, or parcel post, is much less than had been popularly believed. Most extravagant statements have been repeatedly made concerning the deficit incurred through carrying parcel post, but the figures demonstrate these exaggerations. In submitting the rates proposed herewith, the department proceeds upon the theory that while the handling of this class of mail is a very useful and in fact indispensable feature of the Postal Service, it is, nevertheless, commerce and should be regarded as such when it comes to making rates for carrying it. Fourth-class mail is made up of commodities and not of intelligence. It should pay its full way and leave a slight margin of safety sufficient to provide for unforeseen changes. The loss sustained on this class of mail closely approximates \$7,000,000. In order to wipe this out and provide the margin referred to, the department suggests increases amounting to about \$12,000,000. However, after the cost of the salary bill is

added to the expense of the department, the proportional share chargeable to fourth class will practically balance this margin.

Third-class mail consists largely of circulars and of direct mail advertising. It has to some extent the treatment of first-class mail. Concerning it, it is the view that, like parcel post, it also should pay its way and leave a slight margin. The loss on this class is \$16,000,000. It is proposed to increase receipts by \$18,000,000 by means of the new schedule of rates herein proposed.

First-class mail as a whole yields a profit in excess of \$80,000,000, but the postal card feature of it is carried at a loss of about .45 of a cent on each card. It is proposed to cover this by increasing the price of postal cards to 1½ cents. There will be those who will regard this as much more difficult of accomplishment than the department believes will prove the case. Postal cards are principally used by those who buy them in considerable numbers and employ them in sending out notices of various kinds and the individual sales are not nearly so numerous as is popularly believed. By this means we estimate added revenues of \$12,500,000.

Second-class mail consists entirely of publications, newspapers, and periodicals, and the loss on it is placed at \$74,712,000. Notwithstanding this, the recommendation for increases on second class calls for \$19,876,000. One million of this is expected to be derived from newspapers mailed by individuals and not by the publishers.

In holding the increase on this class within the limits named the department has been governed by numerous considerations. It has been the traditional policy of the Government to give publications the benefit of low rates, recognizing them as distributors of general information. It always has and still does recognize the desire of the public for daily news and current information and reading matter. The increases proposed will apply to the advertising pages of both newspapers and magazines, with a slight increase on the reading portion of magazines.

About \$4,000,000 is estimated from registered letters and about \$3,500,000 from money orders, on which under present rates there are very substantial losses. These features are more or less in the nature of banking transactions and may be fairly so regarded, but the rates fixed can not be so large as to make them greater than those charged by the banks and express companies for a similar service, and it is believed that the sums are as large as can be justified.

On insurance and collect-on-delivery services increases of \$3,058,000 and \$1,103,000, respectively, are estimated for.

The total increases provided by the rates in this bill are estimated to yield \$96,390,750.87 and will approximately cover the \$68,000,000 estimated as the cost of the bill S. 1898, providing the increased schedules for the pay of employees.

The department will be glad through the Postmaster General, and still better through the experts of the department, to give to your committee any further information desired.

Very truly yours,

HARRY S. NEW,
Postmaster General.

POSTAL RATES ON SECOND-CLASS MATTER

Mr. SMOOT. I have been asked to have printed in the RECORD several articles on the matter of second-class postal rates. I make that request.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The articles are as follows:

(From the Editor and Publisher, New York, December 6, 1924)

HOT SENATE FIGHT TO FOLLOW POSTAL REPORT CREDITING BIG DEFICIT TO SECOND CLASS—BRUNT OF HEAVY LOSSES CHARGED TO NEWSPAPERS AND MAGAZINES—ALLOCATION OF COSTS QUESTIONED—REPORT CARRIES NO RECOMMENDATION AND IS OPEN TO INVESTIGATION IN COMMITTEE MEETING—GENERAL NEW DEFENDS ACCURACY OF REPORT

(By J. Bart Campbell)

Postmaster General Harry S. New sent to Congress this week a report on the cost of handling the several classes of mail which, in so far as it concerned second-class matter, amazed newspaper and magazine publishers, and is said, according to close observers, to have created the biggest rumpus that the Post Office Department has witnessed in years.

The first important fact in the report is that the department lost nearly \$40,000,000 in 1923, its revenues totaling \$534,413,171.78, against expenditures of \$574,218,873.96.

Second-class mail, according to the report, paid into the Government \$31,214,425.47 and cost \$103,927,294.14, the startling alleged deficit being \$74,712,868.67.

Parcel post returned revenues, according to the report, of \$120,649,662.42, and this class of Postal Service is represented as having cost the department \$127,556,416.24, a loss of only \$6,916,753.82.

The remarkable alleged deficit charged to second-class mail is the bone of contention.

How were those figures arrived at? What items of postal expense were charged against second-class matter, what against parcel post and other divisions?

It is known that the matter was carried to the White House, that the Postmaster General stood firmly behind the postal officials who made up the figures, and that he insisted upon sending the report to Congress, although the allocations of cost were being hotly disputed.

There is a persistent report in Washington that General New and President Coolidge are not in agreement on the report as it was submitted to Congress. It is carefully pointed out at the White House that the report is not an administration document but a congressional report made as a result of a Senate resolution. As Editor and Publisher indicated last week, the responsibility for acting on the report or making any recommendation with it as a basis will rest with the Senate.

General New by no means indicates that there is any division of view among administration officials as to the proper allocation of postal charges in the report.

That a fight will be made in the Senate there is not the slightest doubt. Hearings before the Senate Post Office Committee are expected to air the whole matter of whether the charges made against second-class matter, showing it to lose the Government \$74,712,868.67 in a single year, were properly ascertained, or whether other classes of mail matter, particularly parcel post, were favored in their showing by arbitrary allocation of cost charges.

General New and his subordinate officials are expected to stand firmly for their report, aided by two firms of certified public accountants who were called in to check the report and approve it.

Postmaster General New's report shows daily and weekly newspapers are charged \$68,301,054.55, or 64.48 per cent of the total expenditures for second class. Daily newspapers are assigned 43.69 per cent of the total expense, as the cost of handling this class of mail was estimated at \$46,273,540.09. The weekly newspapers are charged with \$22,027,514.46, or 20.79 per cent of the total cost of second-class matter.

The report asserts publications listed as scientific, agricultural, religious, fraternal, or trade journals cost the Government \$20,464,473.59, or 19.49 per cent of the total second-class expenditures. The so-called popular magazines are included under a heading "all other publications," and the department states these periodicals are charged with \$13,449,813.96, or 12.70 per cent of the total cost of second-class mailings.

Another subclass of second-class publications, known in the report as "transient," are assigned \$3,611,706.19, or 3.41 per cent of the total second-class costs. "Transient" is a term assigned to publications not made up at the offices of publishers, but which are given to the Post Office Department for delivery.

The Postmaster General states the deficit on fourth class, or parcel post, amounts to \$6,916,753.82. Some time ago the then Postmaster General, Hubert Work, sent a communication to the Interstate Commerce Commission stating parcel post had grown from 4 per cent in 1911 to approximately 65 per cent of the total volume of the mails.

The report assigns second-class matter \$34,375,097.11 as its share of rural delivery charges. The daily newspapers are charged \$18,019,508.42 and the weekly newspapers \$10,904,179.69. Scientific, religious, trade journals, etc., cost the Government \$3,658,472.49 in the rural mails, and the "transient" papers \$215,969.89. "All other publications" \$1,576,965.62, according to the report.

The daily newspapers are assessed \$8,425,454.93 out of a total of \$9,823,048.17 chargeable to second class under the item "Railway Post Office."

Mr. Joseph Stewart, who signed the report as executive assistant to the Postmaster General, states: "This amount is apportioned to the subclasses of second class on ratios of volumes of the respective subclasses of second class distributed during the statistical period in railway post office space."

In the general post-office overhead the daily newspapers are charged \$9,447,754.49 out of a total of \$34,252,175.33. The weekly newspapers are assessed \$8,455,954.04; scientific, agricultural, trade, etc., publications, \$9,862,502.89; "all other publications," \$4,383,060.05; "transient" publications, \$2,102,902.92.

An analysis of the expenditures under "transportation" shows the daily newspapers are charged \$14,182,699.21 out of a total of \$27,621,743.59. The weekly newspapers are assessed \$1,731,145.34; scientific, agricultural, trade, etc., publications, \$4,694,606.28; "transient" publications, \$941,319.51; "all other publications," \$5,471,973.25.

There is considerable speculation as to when or how Congress may act on the report which has apparently become inextricably interlocked with the most question of when or how postal employees are to get the promised fattening of their pay envelopes.

The Washington Times this week set forth clearly the prevailing situation when it stated:

"An attempt will be made in the Senate to override the presidential veto of the postal wage bill granting salary increases amount-

ing to \$68,000,000 to 800,000 postal workers throughout the United States. Approximately 4,000 Washington men and women who work at the City Post Office and at the Post Office Department are anxiously following this measure, the passage of which would be an acceptable Christmas gift, inasmuch as the increases average \$240 a year."

Senator WALTER EDGE, of New Jersey, chairman of the Joint House and Senate Post Office Committees which drafted the salary bill, made it plain that he will try to starve off immediate overriding of the President's veto, but also made it plain he will favor overriding of the veto rather than see the measure lost.

"I had several talks with President Coolidge regarding the postal pay bill."

Chairman EDGE said—

"I know he vetoed it because it did not raise revenue to provide for the increases. I am hopeful that he will be amicable to the overriding of the veto. However, through the introduction of a separate bill which will increase postal rates to the extent of \$43,000,000 per annum, this is within \$20,000,000 of the amount necessary to pay the increased salaries.

"I do not agree with the plan to incorporate revenue-producing provisions in the increased salary bill. We have never coupled these two items before, and I think that all salaries should be absorbed in the same manner as in the past.

"Why destroy the vetoed postal increased wage bill, after it has gone nine-tenths of the way, by inserting some revenue-producing clauses which may not be accepted?"

Chairman EDGE said that he is hopeful that the Senate leaders will agree not to act on the veto until after the cost ascertainment report has been forwarded to Congress by the Postmaster General. "With the cost ascertainment report in hand," Senator EDGE said, "we will be able to draft a separate revenue producing bill and put it through immediately following the enactment of the one now before the Senate."

In short, it is the intention of Chairman EDGE to secure the early enactment of the postal wage increase bill in a manner which will not embarrass President Coolidge. He feels that if the separate revenue producing bill is introduced before the veto is overridden, that the President will let it be known that he is now reconciled to the measure which he vetoed in the dying days of the last session.

The increased wage bill for postal workers probably has had more unified support both in the House and Senate than any other bill of its kind ever before introduced. When joint hearings were held on the wage bill between 300 and 400 Senators and Congressmen personally appeared before the committee at the behest of their constituents and unqualifiedly let it be known that it had their hearty support.

Postmaster General New's report has been ordered printed by the Senate, which means at least two weeks in the Government Printing Office, and no action by the Senate can come until after the Christmas holiday.

This is the first cost ascertainment report made to Congress in a decade and is the one to which President Coolidge referred in his veto of the postal salary bill on June 7 last.

The postal salary bill which the President vetoed would add approximately \$68,000,000 to the annual expenditures of the Government.

The last official ascertainment of the cost of carrying and handling the mails was made by the Post Office Department in 1909 and was carried forward by the Hughes Commission in 1911. Much of the data obtained for that ascertainment was from the special weighings of the mails of 1907 authorized by Congress. Since the findings of the Hughes Commission extensions of estimates have been made by the department from time to time, but have become unsatisfactory because of radical changes in the condition of the service, both with reference to increased expenditures and increases in the weight and volume of the mails as a whole, and of particular classes, which have radically affected their relations to each other.

Postmaster General New points out that the report is merely a fact finding statement. It does not make any recommendations whatever with respect to postage rates. That matter is left in the hands of Congress.

SUMMARY OF REMARKABLE FINDINGS IN POSTAL REPORT

The following table shows in detail the revenues and expenditures of the Post Office Department in each branch of the service in 1923, according to a report of Postmaster General New now before Congress:

Classes	Revenues	Expenditures	Gain or Loss
Paid first class.....	\$271,894,051.49	\$191,476,335.17	Gain
Postal savings.....	5,409,504.00	708,092.95	4,701,411.05
Total gain.....			85,119,127.37
Second class.....	31,214,425.47	105,927,294.14	Loss
Third class.....	43,844,940.77	60,136,516.25	16,291,575.48

Classes	Revenues	Expenditures	Gain or Loss
Fourth class.....	\$120,649,662.42	\$127,566,416.24	Loss
Franked matter.....		357,819.45	\$6,916,733.82
Penalty matter.....		6,214,131.44	357,819.47
Free for blind.....		27,315.29	6,214,131.44
Foreign.....	12,871,746.39	17,591,003.59	27,315.29
Receipts foreign mail transit.....	115,419.03		4,603,838.17
Money order.....	11,601,425.82	21,141,936.99	9,540,511.17
Registry.....	8,005,579.20	18,379,593.01	10,374,013.81
Special delivery.....	8,175,648.33	8,237,645.67	121,997.34
Insurance.....	7,185,771.14	8,331,730.60	1,145,959.46
Collect on delivery.....	4,079,143.35	5,904,580.74	1,825,437.39
Treasury savings.....		221,806.28	221,806.28
Total.....	525,047,317.41	572,282,220.81	
Total loss.....			132,354,030.17
Loss, excluding unassignable and unrelated items.....			47,234,903.40
Less unassignable revenues.....	7,773,776.74		7,773,776.74
Net loss, excluding unrelated.....			39,461,126.66
Unrelated.....	1,592,077.67	1,936,653.15	344,575.42
Grand total.....	534,413,171.78	574,218,873.96	39,805,702.18

Members of the postal committee of the American Newspaper Publishers' Association plan to hold a special meeting with Postmaster General New in Washington, D. C., December 9, Editor and Publisher learned this week. It is understood the postal cost report which has just been lodged with the Senate will be discussed.

L. B. Palmer, A. N. P. A. manager, declined to discuss the proposed meeting and refused to either affirm or deny that it was to be held.

J. D. Barnum, Syracuse Post-Standard, is postal committee chairman, and A. G. Newmyer, New Orleans Item, vice chairman.

[Editorial from the Editor and Publisher for December 13, 1924]

THE POSTAL CASE

The United States Post Office does not pay its way and there is no valid reason why it should. That is the key fact in the postal situation as revealed by the voluminous cost ascertainment report which the Postmaster General last week submitted to Congress, indicating a loss of \$40,000,000 for 1923.

Since the advent of Burleson the public mind has been confused and official Washington has been astray on the fundamental principles of post-office operation. The fact that it is a public accommodation, a business and social convenience, a public communications service, has been lost sight of in a vain pursuit of a totally false ideal.

Make the post office break even or pay a profit!

That standard has been set up to supplant the ancient, fundamental principle of public accommodation and good service at any reasonable cost. Confusion is the harvest.

The post office is not a commercial institution, created to make profit or necessarily pay its way. No business man would accept it as a safe private venture if he were compelled to conserve the social and business obligations which the public has for more than a century been encouraged to impose upon this branch of Government service. It would be a wild speculation. No private individual or corporation could do for the people, through postal service, what the Government may do and very well do. The year that the post office earns the least operating "profit" may very well be the most profitable year of its career, from the general viewpoint of public welfare. Corporations deal in the concrete elements of cost, revenue, and profit. Uncle Sam deals in elements of service, both direct and indirect, and regardless of expense when the cause is worthy.

Hence, all of the talk we have been hearing, and sometimes cheering, during the past 10 years of "great statesmanship," because in this or that political régime the post office was made to pay a "profit" on operations, has been absurd. It has dropped the curtain on the highest ideals of Government service. Whether the post office lost \$40,000,000 in last year's operations is of no more importance to the public than whether the Agricultural Department "lost" on every package of seed it handled, or cultured soil it examined, or hog remedies it experimented with. Did the Army show an operating profit? Did the Department of Justice close its books at the end of the year with a profit?

For 30 years, until 1911, the gross expenses of the post office exceeded revenues, and we were not in despair. Then politicians began to tell us that the post office was "just a great big business," which might be made to shower golden gains every year if operated by a simon-pure business man. When Burleson of Texas, whooped up this idea and finally made a "profit" of \$61,000,000 in 1918, he was acclaimed a business giant, in some quarters, but we know that he almost wrecked the machine.

In 1921 postal receipts were \$163,000,000 less than postal revenues. In 1922 the operating deficit was \$61,000,000. But the question on the lips of the public was not concerning these "losses," but con-

cerned inadequate, confused mail service. However, and it is queer, the theory persists that a postmaster is efficient according to his "profit" showing.

Postmaster General New tells us now that \$40,000,000 was "lost" last year and shows that second-class mail was largely responsible. There is a great ado about it. Congress is to consider the question of recommending increased rates. Something must be done. It appears, to make the business idea of the post office work out. Yet, there is no public demand for a superbusiness "success" of the post office.

According to the cost ascertainment figures second-class mail is costing more than three times the revenue paid in. The logic of "business" therefore calls for tripled rates.

The question of increased wages for postal employees is dragged in by the heels. It is supposed to be a trading point between the Postmaster General and the publishers. "How can we pay the employees living wages if we lose money on second-class mail?" The answer is: According to your figures, if you triple second-class rates you are still only "breaking even." If you add \$70,000,000 in wage increases to your operating deficit and expect the users of second-class privileges to yield their percentage you will multiply present rates seven or eight times.

But the big question is, Would there be any real equalization of the matter if you were to pass off to the public, in the form of increased cost of printed matter, your "problem" of deficit in postal operations?

Who paid the \$40,000,000 postal deficit in 1923?

The public, in the form of taxes.

Who paid the postal deficit of \$163,000,000 in 1921?

The public, in the form of taxes.

Did anyone hear of any complaint about it?

No; but we think we do remember some talk about incompetent service, and a zone system which had as an evil effect the segregation of public thought according to localities.

Many of the heaviest and largest circulating magazines are using express and railroad service, and multiple mailing points, to escape present rates and the abominable zone system. Those whose circulations warrant it have this way out. If postal rates are made excessive. Small publications, which can not sustain express delivery, will be the ones to pay. That fact may not be important because of any economic reason, but we believe that it hits at the very heart of this question. A post office, conducted as a business, would let the little minority expressions of public opinion perish. A great Government, recognizing the truth that it is minority opinion which is the very essence of the life of our form of government, would foster and encourage the small publication on terms equal to the great.

There are many valid elements to be considered. But the premise must be: The post office is a public institution, not for "profit" but for service.

[From the Editor and Publisher for December 13, 1924]

ONE HUNDRED AND FIFTY PER CENT RISE IN SECOND-CLASS RATES SEEN—ALL PUBLISHING INTERESTS "LINING UP FOR A FIGHT" AS NEW PROPOSES TO PLACE ADDED BURDEN ON NEWSPAPERS AND MAGAZINES IN BILL NOW BEING DRAFTED—CLAIM POSTAL REPORT "FILLED WITH ABSURDITIES"

(By J. Bart Campbell)

(By telegraph, to Editor and Publisher)

WASHINGTON, D. C., December 11.—Second-class postal rates would be increased between 100 and 150 per cent in the first and second zones, and in the other zones proportionately, to help meet the contemplated \$68,000,000 wage boost of postal employees, by a bill being drafted Thursday at the Post Office Department at the request of United States Senator THOMAS STERLING, chairman of the Senate Post Offices and Post Roads Committee.

One spokesman for the American Newspaper Publishers Association is authority for the statement the proposed legislation would involve an increase of "more than 75 per cent" in second-class rates.

The most direct estimate that could be obtained, however, placed the threatened increase at "about 100 per cent."

Postmaster General Harry S. New was understood to have singled out second-class rates for such a purpose on the basis of the Post Office Department's report on the ascertainment of mail costs which staggered newspaper and magazine publishers by its glaring exaggerations and inconsistencies when it was sent to the Senate last week.

It was reported authoritatively Mr. New figured the handling of second-class mail as shown by the report to represent a deficit of about 250 per cent. Conceding if an attempt were made to increase second-class rates to meet completely such an alleged deficit many newspapers and magazines would not only be driven out of the mails, but some of them would face actual bankruptcy. Mr. New is said to have decided on the supposed 250 per cent being cut in about half to arrange for an approximate increase which, in his judgment, would help overcome

partly the reported deficit and add considerably to the pay of postal employees at the expense of newspaper and magazine publishers.

Mr. New's latest proposal in particular and the report on the ascertainment of mail costs in general have apparently created a strong new alignment of the newspaper and magazine publishing interests which promises a solidarity in their front lines not existing before the whole situation was described by Editor and Publisher last week.

The Postmaster General received Wednesday at the Post Office Department leading representatives of the American Newspaper Publishers' Association and kindred organizations who included: A. L. Miller, Battle Creek, (Mich.) Enquirer-News, representing the Inland Daily Press Association; Charles E. Jenkins, Farm Journal, Philadelphia, representing the Agricultural Publishers' Association; V. S. Hayden, executive secretary of the latter; Cranston Williams, of the Southern Newspaper Publishers' Association; Howard Davis, New York Herald-Tribune; Urey Woodson, Owensboro (Ky.) Messenger; Jerome D. Barnum, Syracuse (N. Y.) Post-Standard.

The entire situation was threshed out thoroughly with Mr. New, who is understood to have admitted the bill he was having drafted to provide the long agitated wage increase for postal employees was certain to meet with stiff opposition, but who insisted newspaper publishers in particular had invited just such a situation by advocating the proposed wage boost in their news and editorial columns before revenue for the purpose was in sight.

After their conference with the Postmaster General the representatives of the newspaper publishing interests foregathered in the office of Elisha Hanson, Washington spokesman for the American Newspaper Publishers' Association, for a protracted meeting. On Thursday Mr. Hanson announced the interests he represented were "lining up for a fight," and made it plain Mr. New had been so informed.

Mr. Hanson explained further that representatives of his interests had completed a preliminary examination of some of the so-called schedules accompanying the report on the ascertainment of mail costs and had discovered a "number of absurdities which convinced them the report was not a true representation of actual conditions."

Mr. Hanson, who as secretary to United States Senator MARSHALL MCCORMICK, of Illinois, became versed thoroughly in post-office appropriations and similar matters, declared the representatives of the newspaper publishing interests were agreed second-class rates had already been stretched to a point "beyond saturation," and the Post Office Department's report evidently "shed no real or accurate light upon postal conditions."

Mr. Hanson also stated the examination of the report was still under way, and in a few days the interests he spoke for would probably make a more extended explanation of their position. He indicated clearly, however, enough had been learned from the report already to justify the opinion the report was by no means what the Post Office Department had reported it to be.

As foreshadowed previously by Editor and Publisher, the proposed postal wage increase legislation has become inextricably interwoven with the mail-costs report, and the two will unquestionably become the center of one of the hottest legislative battles Congress has witnessed in years.

It was further pointed out while the new postal wage increase measure Mr. New is having drafted will probably embrace all classes of mail, including parcel post, second-class rates will be by far hardest hit if such legislation is to be enacted.

Representatives of the American publishers' conference have already gone on record as being opposed to the mail-costs report as largely "pure bunk" and, with the American Newspaper Publishers' Association and kindred organizations now in the front-line trenches, some hot-shot is sure to be poured into both the proposed Sterling-New bill and the mail-costs report upon which it is being based, once the entire subject is gone into thoroughly before the Senate Post Offices and Post Roads Committee, to which it will undoubtedly be referred.

A peculiar phase of the situation is that President Coolidge has not yet indicated approval of either the report or the proposed bill that is expected to emerge from it. Apparently the whole matter is to be threshed out between Congress and the Post Office Department in compliance with White House intimations that the President does not desire to interfere in what may be regarded now as a congressional situation.

It is known the President is desirous of having a postal pay increase bill worked out on a "scientific basis," so there will be no necessity for Congress to override his veto of the still-pending Edge bill.

It was learned in the judgment of administration leaders of the Senate and House the President will probably have his wish, although the danger point has not by any means yet been passed.

In the meantime the obvious effort of certain Members of the Senate and House to justify the proposed legislation, and the palpable move of the Post Office Department to bolster up its mail-costs report, at the expense of the newspaper and magazine interests principally, can no longer be camouflaged.

POSTAL CRISIS DEMANDS PUBLISHERS ACT NOW—S. E. THOMASON,
AMERICAN NEWSPAPER PUBLISHERS' ASSOCIATION CHIEF

Enactment of the legislative program will drive newspaper country circulation out of the mails, S. E. Thomason, president of the American Newspaper Publishers' Association, warned his colleagues in a statement given to Editor and Publisher before his return to Chicago Thursday. Immediate action by publishers to change the intentions of Congress is imperative, Mr. Thomason indicated in his message, which follows:

The postal committee of the American Newspaper Publishers' Association, together with officers and directors of the association and representatives of the Southern and Inland Daily Press Associations, met with Postmaster General New in Washington December 10. In a frank statement the Postmaster General informed them of the fact that American newspapers are threatened with a legislative program at the present short session of Congress which, if carried through, will prove to be one of the most serious blows ever dealt by Congress to the distribution of newspapers outside of the metropolitan centers.

The cost finding report, which the joint congressional committee and the Post Office Department have been working on for three years, was filed with Congress last week. According to this report, 75 per cent of the annual loss of the Post Office Department is attributable to second-class mails.

The publishers Wednesday pointed out that the most casual study of the report disclosed serious errors in the allocation of expenses against second-class mails, and they took direct issue with the conclusions reached, but Mr. New replied that the report, in the opinion of the Post Office Department, was correct, and that it would necessarily be made the basis for increased mail rates in all classes of mail on the assumption that the postal salary increases might be carried over the President's veto by the present Congress. Mr. New outlined to the American Newspaper Publishers' Association committee that increases of almost 100 per cent in the first four zones would be necessary to provide the revenues for higher wages.

It appears certain that a bill will shortly be introduced in Congress for increased zone rates along the lines of the Postmaster General's recommendations.

These increases, if made law, will be ruinous to the country circulations of all newspapers now distributed by mail. If these rates become effective, newspapers are confronted with the practical necessity of a complete revision of delivery methods in the country. It means a practical withdrawal of newspapers from the mails, having in mind that newspapers have almost no circulation outside the fourth zone, and that publishers using the mails outside of the fourth zone will have to bear practically no increased rates.

The situation appears to be intolerable. The American Newspaper Publishers' Association is analyzing the cost finding report, and its fallacies will be made apparent to Congress, but unless daily and weekly newspapers, large and small, are immediately made alive to the dangers of the present situation we are all faced with the necessity of devising a new method of distribution to country readers. We will not be able to afford the mails.

PENSIONS AND INCREASE OF PENSIONS—CONFERENCE REPORT

Mr. BURSUM. Mr. President, I submit a conference report on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 6941. The report is in order at this time under Rule XXVII, and I move that the Senate proceed to its immediate consideration.

The motion was agreed to, and the Senate proceeded to consider the conference report, which was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6941) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 79 and 100.

That the House recede from its disagreement to the amendments of the Senate numbered 1 to 78, inclusive, and 80 to 99, inclusive, and agree to the same.

H. O. BURSUM,
DAVID I. WALSH,
BERT M. FERNALD,

Managers on the part of the Senate.

CHAS. E. FULLER,
RICHARD N. ELLIOTT,
SAMUEL E. COOK,

Managers on the part of the House.

Mr. HARRISON. Mr. President, will the Senator from New Mexico state what is the conference report?

Mr. BURSUM. The conference report is on a pension bill which passed both Houses of Congress. It was not acted upon during the last session on account of the filibuster which occurred in this Chamber. The report is one which is unanimously agreed to by the conferees on the part of both Houses. This is the first opportunity I have had to submit it.

Mr. DIAL. Mr. President, this is a bill which passed at the last session and went to conference, and the conference report was not then agreed to on account of congestion of business at the end of the last session. To my mind, the time has come when this kind of bill ought not to be permitted to pass. It is called, I believe, the omnibus pension bill. The law as it exists takes care of all people who are properly entitled to a pension, and we should content ourselves with following the general law. The custom has grown up in Congress of allowing bills to come in every year for increased pensions and to put people on the roll who are not entitled under the general law to draw pensions. It occurs to me at this long distance after the Civil War that everybody who was entitled to a pension has been placed on the regular roll long since.

Instead of coming here and increasing pensions we should endeavor to decrease the pensions. We have had another war, and there are other people who have to be taken care of. I very much fear, indeed, I believe, that many names appear upon the pension roll who are in no wise entitled to a pension. The Congress has resolved itself into a sympathetic society. We have people all the time looking over the country who were on the other side in the Civil War, bringing some alleged needy case here to submit to a sympathetic committee simply because that person's ancestor's name was on the Civil War roll. It is not right. It is not moral. It tends to make Bolsheviks out of the people of our country.

Under the law as it now stands every person whose name was on the northern roll for 90 days, irrespective of the condition of his health and irrespective of his means, draws a pension whether they were in danger or not in danger. They each draw a pension of \$50 a month. During the last session of Congress a bill passed the Senate and the House giving those people \$72 a month. The President of the United States saw proper to veto the bill, and I am glad to say we sustained the veto. Now, in order to get around the principles of that veto we are asked here to pass an omnibus pension bill. Everyone perhaps has some one's name there who gets a benefit, but it is not right to legislate in that way merely because we are interested in some individual.

The bill even gives a pension to the children of some man whose name was on the Civil War roll for a certain length of time, not necessarily 90 days, but who was able to connect back in some way with the Civil War. The neighbor of that person may be in desperately distressed circumstances and drawing no pension, and when he sees this person handed out a generous allowance by the Government he becomes dissatisfied with the law of our country. The practice ought to be stopped. I fear that Senators do not consider these matters as carefully as they should. It seems that they all get stage fright when the word "pension" is mentioned. If I had my way the bill would not pass. I hope the President of the United States will veto it and put us to thinking and let the country realize how we dish out the money here to favorites. The time has come when it ought to stop. There is no excuse for it. Year before last we paid out \$263,000,000 in pensions, the largest sum that has been paid out since the Civil War, and now with all the expenses of the recent World War on us with the bonuses and other expenses we should attempt to reduce instead of increasing Civil War pensions.

I reiterate that this kind of legislation ought to be stopped. It ought not to be continued. Senators ought to unite in killing any such bill as this. I know it is almost hopeless to attempt to say anything or to get the attention of anybody, but I hope the taxpayers of the country will realize the great injustice that is being perpetrated upon them through these various pension bills. This is an excuse or merely a means to evade the general law, which is very liberal toward disabled Civil War veterans, and that is as far as the bounty of the Government ought to go. I hope, Mr. President, the Senate will even now at this late hour reject the conference report and kill the bill.

Mr. BURSUM. I ask that the conference report be agreed to. The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

The report was agreed to.

PETITIONS AND MEMORIALS

Mr. FERRIS presented a petition of sundry veterans of the Spanish-American War and of wives and widows of veterans of that war, all of Grand Rapids, Mich., praying for the passage of House bill 5934, the so-called Knutson bill, providing increased pensions for veterans of the Spanish war and their dependents, etc., which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Big Rapids, Muskegon, Grant, Hillman, Long Lake, Hale, Omer, Twining, Flint, Turner, Standish, Stanwood, and Mecosta, all in the State of Michigan, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. COPELAND presented the memorial of C. S. Longacre, general international secretary of the Religious Liberty Association, of Takoma Park, D. C., and 101 other citizens of Brooklyn and Long Island, N. Y., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. DILL presented a memorial (numerously signed) of sundry citizens of Touchet, Spokane, Rockford, Penawawa, Ellensburg, Thorp, Cle Elum, Camas, and Vancouver, all in the State of Washington, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BROOKHART presented the memorials of Harry W. Long and sundry other citizens of Davenport; of Linda Nelson and sundry other citizens of Ruthven; of J. A. Webster and sundry other citizens of Woodburn; of W. M. Robinson and sundry other citizens of Council Bluffs; and of William Philpott and sundry other citizens of Albia, all in the State of Iowa, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. SPENCER presented a memorial (numerously signed) by sundry citizens of Carthage, Mo., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WILLIS presented the memorial of Rev. V. A. Joseph and 31 other citizens of Dayton, Ohio, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the memorial of W. H. Cowdery, of Cleveland, Ohio, remonstrating against the passage of the so-called Hay-Quesada treaty, proposing to cede the Isle of Pines to Cuba, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

Mr. PEPPER, from the Committee on the Library, to which was referred the joint resolution (H. J. Res. 257) providing for the procurement of a design for the use of grounds in the vicinity of the Mall by the United States Botanic Garden, reported it without amendment.

Mr. LADD, from the Committee on Commerce, to which was referred the bill (S. 3428) authorizing the construction of a bridge across the Ohio River to connect the city of Portsmouth, Ohio, and the village of Fullerton, Ky., reported it without amendment and submitted a report (No. 812) thereon.

He also, from the same committee, to which was referred the bill (S. 3545) granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a highway and street-railway toll bridge across the Ohio River, between the city of Huntington, W. Va., and a point opposite in the State of Ohio, reported it with amendments and submitted a report (No. 813) thereon.

REPORTS FROM THE COMMITTEE ON CONTINGENT EXPENSES

Mr. KEYES. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably three resolutions. I feel that there will be no opposition to them, and I therefore ask unanimous consent for their immediate consideration.

The PRESIDENT pro tempore. The resolution will be received and read in order.

MAY RONSAVILLE

Mr. KEYES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 280, submitted by Mr. SHORTBRIDGE on the 8th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay out of the contingent fund of the Senate to May Ronsaville, daughter of Robert H. Maguire, late an employee of the Senate, under the Sergeant at Arms, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

HEARINGS BEFORE COMMITTEE ON THE LIBRARY

Mr. KEYES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 281, submitted by Mr. PEPPER on the 8th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on the Library or any subcommittee thereof is hereby authorized during the Sixty-eighth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expense thereof to be paid out of the contingent fund of the Senate; and that the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate.

GEORGEANNA GETCHELL

Mr. KEYES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 282, submitted by Mr. WALSH of Massachusetts on the 9th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay out of the contingent fund of the Senate to Georgeanna Getchell, widow of Edwin P. Getchell, late a messenger in the employ of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

TERMS OF DISTRICT COURT IN SOUTH CAROLINA

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 3509) to change the time for the holding of terms of court in the eastern district of South Carolina. I call the attention of the Senator from South Carolina [Mr. DIAL] to the bill.

Mr. DIAL. Mr. President, I ask unanimous consent for the present consideration of the bill just reported by the Senator from North Carolina from the Committee on the Judiciary. It merely proposes to change the time for holding court in the eastern district of South Carolina. It is a local matter, and I think there can be no objection to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 5 of an act entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes,' approved September 1, 1910, so as to provide for the terms of the district court to be held at Spartanburg, S. C.," approved March 4, 1923, be, and the same is hereby, amended by changing the times for the terms of the District Court for the Eastern District of South Carolina, so as to read as follows:

"SEC. 5. That the terms of the District Court for the Eastern District of South Carolina shall be held at Charleston on the second Monday in October, the third Monday in January, and the fourth Monday in May; at Columbia on the first Monday in November and the third Monday in March; at Florence on the first Monday in December and the fourth Monday in April; and at Aiken on the fourth Monday in September and the third Monday in February.

"Terms of the district court of the western district shall be held at Greenville on the first Tuesday in April and the first Tuesday in October; at Rock Hill, the second Tuesday in March and September; at Greenwood, the first Tuesday in February and November; at Anderson, the fourth Tuesday in May and November; and at Spartanburg, on the third Tuesday in February and second Tuesday in December.

"The office of the clerk of the district court for the western district shall be at Greenville, and the office of the clerk of the district court for the eastern district shall be at Charleston.

"This act shall take effect on the 1st day of July next ensuing its passage."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF TERM OF THE FOREIGN DEBT COMMISSION

Mr. SMOOT. From the Committee on Finance I report favorably without amendment the bill (S. 3493) to amend an act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, as amended February 28, 1923, and I ask unanimous consent for the present consideration of the bill.

Mr. OVERMAN. Will the Senator from Utah kindly state the object of the bill?

Mr. SMOOT. I will say to the Senator that the bill proposes to extend for two years the life of the World War Foreign Debt Commission, which was constituted February 9, 1922.

Mr. OVERMAN. I have no objection to that.

Mr. BORAH. Does the Senator from Utah ask unanimous consent for the immediate consideration of the bill?

Mr. SMOOT. I do. It merely proposes to extend the life of the commission for two years.

Mr. BORAH. Would the Senator from Utah object to letting the bill go over for a day?

Mr. SMOOT. No.

Mr. BORAH. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. BORAH subsequently said. Mr. President, the Senator from Utah [Mr. Smoot] a few moments ago asked that the bill reported by him from the Finance Committee proposing to extend the life of the Foreign Debt Funding Commission be considered. I then objected. I merely wanted to ask a question of the Senator from Utah, and, perhaps, if he may answer at the present time, there will be no objection to the consideration of the bill. I should like to know if there is any definite proposition before the commission upon the part of France with reference to the settlement of the French debt?

Mr. SMOOT. I will gladly answer the Senator's question. There is no definite proposition from France in regard to the settlement of her debt to the United States.

Mr. BORAH. Has there ever been?

Mr. SMOOT. There has never been, Mr. President.

Now, Mr. President, if there is no objection to the consideration of the bill, I ask unanimous consent that it may be considered and acted upon at this time.

The PRESIDENT pro tempore. The Senator from Idaho withdraws his objection to the request of the Senator from Utah for unanimous consent for the present consideration of the bill. Is there objection to its present consideration?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3493) to amend an act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, as amended February 28, 1923, which was read, as follows:

Be it enacted, etc., That the act of February 9, 1922, as amended, creating and establishing the World War Foreign Debt Commission, be, and hereby is, further amended so that section 4 of said act of February 9, 1922, shall read as follows:

"SEC. 4. That the authority granted by this act shall cease and determine at the end of two years from February 9, 1925."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. SMOOT. From the Committee on Finance I report favorably without amendment the joint resolution (S. J. Res. 155) providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress. I ask unanimous consent for the present consideration of the joint resolution. It merely provides for the reappointment of Judge Gray, of Delaware, as a member of the Board of Regents.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, which will occur on February 25, 1925, by reason of the expiration of the term of George Gray, of Delaware, be filled by the reappointment of said George Gray for the ensuing term.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. From the Committee on Finance I report favorably without amendment the joint resolution (S. J. Res. 154) providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress. I ask unanimous consent for the present consideration of the joint resolution, which provides for the reappointment of Mr. Robert S. Brookings, of Missouri, as a member of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, which will occur on January 6, 1925, by reason of the expiration of the term of Robert S. Brookings, of Missouri, be filled by the reappointment of said Robert S. Brookings for the ensuing term.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time and passed.

READJUSTMENT OF POSTAL SALARIES AND RATES

Mr. STERLING introduced a bill (S. 3674) reclassifying salaries of postmasters and employees of the postal service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, which was read the first time by its title.

Mr. ASHURST. Mr. President, with reference to the bill just introduced I make a point of order.

The PRESIDENT pro tempore. The Senator from Arizona will state his point of order.

Mr. ASHURST. The Senator from South Dakota [Mr. STERLING] has just introduced a bill. I object to its second reading at this time, and, therefore, it can not be referred to a committee to-day. At the appropriate time I will explain why I object, but I can not do so now under the rule.

The PRESIDENT pro tempore. The position of the Senator from Arizona is correct. The bill has been read merely the first time.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CARAWAY:

A bill (S. 3670) granting a pension to Isaac Pierce (with accompanying papers); to the Committee on Pensions.

By Mr. BROOKHART:

A bill (S. 3671) granting an increase of pension to Charles J. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 3672) to provide for exchanges of Government and privately owned lands in the additions to the Navajo Indian Reservation, Ariz., by Executive orders of January 8, 1900, and November 14, 1901; to the Committee on Indian Affairs.

A bill (S. 3673) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing bubonic plague in the Territory of Hawaii in the years 1899 and 1900; to the Committee on Claims.

By Mr. BRUCE:

A bill (S. 3675) to amend the Judicial Code by adding a new section to be No. 274D; to the Committee on the Judiciary.

By Mr. COPELAND:

A bill (S. 3676) for the relief of Harry Newton; to the Committee on Naval Affairs.

By Mr. BORAH:

A bill (S. 3677) to extend the time for making expenditures and for filing annual proof on desert-land entries; to the Committee on Public Lands and Surveys.

By Mr. JONES of Washington:

A bill (S. 3678) granting certain lands to the State of Washington for public park and recreational grounds, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. STANFIELD:

A bill (S. 3679) to transfer to the classified civil service postmasters in charge of the post offices of the first, second, and third class; to the Committee on Civil Service.

A bill (S. 3680) to extend the time for final entry on desert-land grants; to the Committee on Public Lands and Surveys.

By Mr. McKINLEY:

A bill (S. 3681) granting an increase of pension to Effie Fatheree; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 3682) for the relief of M. Barde & Sons (Inc.), Portland, Oreg.; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 3683) to amend the seventieth article of war; to the Committee on Military Affairs.

A bill (S. 3684) for the relief of the New Jersey Shipbuilding & Dredging Co.; to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 3685) for the relief of Elizabeth Jane Ann West; to the Committee on Claims.

A bill (S. 3686) granting an increase of pension to Juna Powell (with accompanying papers);

A bill (S. 3687) granting a pension to Isabelle Raber (with accompanying papers);

A bill (S. 3688) granting a pension to Belle Cochran (with accompanying papers);

A bill (S. 3689) granting an increase of pension to Alice Browning (with accompanying papers);

A bill (S. 3690) granting a pension to Helen M. McCauley (with accompanying papers);

A bill (S. 3691) granting an increase of pension to Esther Dunlap (with accompanying papers);

A bill (S. 3692) granting an increase of pension to Julia Martin (with accompanying papers);

A bill (S. 3693) granting a pension to Ida Overman (with accompanying papers);

A bill (S. 3694) granting a pension to James Hogan (with accompanying papers);

A bill (S. 3695) granting a pension to Eugene S. Mattoon (with accompanying papers); and

A bill (S. 3696) granting a pension to Rosa E. Postel (with accompanying papers); to the Committee on Pensions.

By Mr. PEPPER:

A bill (S. 3697) for the relief of Percy S. Ransom; to the Committee on Claims.

ELECTION OF PRESIDENT AND VICE PRESIDENT

Mr. JOHNSON of California. Mr. President, I introduce a joint resolution, proposing a constitutional amendment, and with the permission of the Senate, I wish to occupy about three minutes in explaining its purpose.

I seek by the amendment to avoid a situation with which recently we became familiar. I endeavor to preclude the contingency by which a presidential election would be, under the mode now designated by the Constitution, ultimately determined in the House of Representatives. I propose to do it by amending the Constitution so that a plurality rather than a majority of the electors shall elect. I would prefer, Mr. President, the majority mode, but, weighing the advantages and the disadvantages, understanding, as we did in the past few months, the influence upon the people of the suggestion of throwing a presidential election into the House of Representatives, I feel that we may safely intrust to a plurality of the electoral college the election of a President of the United States rather than suffer the ills and uncertainties of the present method.

I do not like the plan of presidential succession which has been suggested by some gentlemen wherein an individual who has not been selected by any number of our people, an official who holds his office merely as an official and would not under any other circumstances be chosen President, might be designated for an indefinite time as President. In such a contingency the selection would represent neither party nor principles nor policies nor any considerable number of the electorate at all.

So I present the proposed constitutional amendment in the hope that the matter may be discussed and that we may arrive at a just solution of it. It is the only feasible amendment that appears at the moment, this I present, providing that a plurality of the Electoral College shall elect a President of the United States, just as a plurality of our voters elect our presidential electors and the various officials in the different States.

I may say parenthetically that I should prefer that the President of the United States be elected by a direct vote of the people and by a majority of the people themselves. That, however, seems not to be feasible nor possible at the present time; but now, when the subject is fresh in our minds, when we understand the arguments that may be made concerning the

presidential succession, and when the possibilities have been painted to us in the fashion that they have painted in the past few months; when fresh in our minds is the description of the evils which may arise by the succession going into the House of Representatives for determination, I do hope that we at least attempt to remedy the situation and not allow it to rest in abeyance until another presidential election. I therefore introduce the joint resolution proposing this constitutional amendment and ask that it may be referred to the Judiciary Committee.

The joint resolution (S. J. Res. 156) proposing an amendment to the Constitution of the United States relative to the election of President and Vice President was read twice by its title and referred to the Committee on the Judiciary.

AMENDMENTS TO MUSCLE SHOALS BILL

Mr. BRUCE submitted sundry amendments and Mr. McKELLAR submitted an amendment intended to be proposed by them to House bill 518, the so-called Muscle Shoals bill, which were severally ordered to lie on the table and to be printed.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. McNARY submitted an amendment intended to be proposed by him to House bill 10020, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

Umatilla Rapids project, Oregon: For investigations of the feasibility of irrigation by gravity or pumping, water sources, water storage, and related problems on the Columbia River and its tributaries, and for cooperative and miscellaneous investigations of the feasibility of reclamation projects, including personal services in the District of Columbia and elsewhere, and incidental expenses, the unexpended balance of this appropriation contained in the act of March 4, 1923 (42 Stat. p. 1540), is hereby reappropriated and made available for 1926.

To be inserted at the proper place in the bill.

MEMORIAL ADDRESS ON WOODROW WILSON

Mr. SWANSON. I ask unanimous consent to have printed as a public document the wonderful speech made yesterday by Doctor Alderman at the memorial services for the late President Wilson.

The PRESIDING OFFICER (Mr. WILLIS in the chair). In the absence of objection that order will be entered.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on December 13, 1924, the President had approved and signed the following acts:

S. 116. An act to amend section 196 of the Code of Law for the District of Columbia;

S. 933. An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia; and

S. 1343. An act to authorize the widening of Fourth Street, south of Cedar Street NW., in the District of Columbia, and for other purposes.

RECLASSIFICATION OF POSTAL SALARIES—VETO MESSAGE

Mr. ASHURST. Mr. President, I ask the indulgence of the Senate whilst I give reasons for my objection to the second reading of the bill introduced by the able Senator from South Dakota [Mr. STERLING]. I have an affection for the Senator from South Dakota, who is soon to leave us. He has to his credit excellent work, to which he and his constituents may point with pride; but the greatest episode in his senatorial career is that, single-handed and alone, he has prevented the Senate of the United States from exercising its constitutional right and from performing its constitutional function in reconsidering and voting upon S. 1898, the bill "reclassifying salaries of postmasters and employees of the Postal Service."

The veto message came to the Senate on the 7th day of last June. Manifestly we could not proceed to a reconsideration of that bill until the Journal clerk had entered the veto message upon the Journal; hence, tediously and accurately inscribing each word carefully, so that the entire message might be entered upon the Journal, the clerk did his whole duty; but before he could perform that duty the hour arrived for final adjournment, on June 7 last, and, because of the diligence, prudence, and care of the clerk, the veto message of the President went over for six months. Now that the veto message has been entered upon the Journal, there is nothing to prevent the Senate from exercising its constitutional privilege and performing its duty.

I must hurry along, because I could not to-day, under the rule, make a long speech. I seize this opportunity to draw

the attention of the country to the services of the Senator from South Dakota [Mr. STERLING]. It so happens that I agree with him on some public questions, but I disagree with him in his attempt, which has thus far been successful, to compel the Senate of the United States to agree with his demand that a motion to rerefer must be made before he will permit a vote on the veto message. No other Senator in my time has had the temerity to demand that the Senate shall make terms with him before he will permit the Senate to vote upon a veto message.

Mr. President, the Christmas holidays will soon be here and the veto of the postal bill remains undisposed of. Like peripatetic volcanoes in constant eruption, during the recent elections many Senators of the majority went about promising that as soon as the Senate met in December you would vote on the veto message on the postal salary bill. Make good on that promise. You split the ears of groundlings, you filled the earth and sky with loud speeches, promising that the first thing that would be done when Congress convened would be to have a vote on this veto message.

The Republican Party to-day sits prettily and cynically, triumphant. One of the greatest victories in its history crowned its efforts at the recent elections. All it had to do during the campaign was to sound the alarm and a golden stream of revenue poured into its coffers to pay rents, pay clerks, expenses, and pay for propaganda. The Democrats suffered a crushing defeat. We were obliged, instead of expanding, to restrict the expenses of our national committee and finally to take modest quarters. Sound the alarm to the favored interests and your coffers overnight overflow. You have a huge surplus in your treasury. We have a huge deficit. You are to-day triumphant, victorious; but remember how sinisterly fate deals with political parties and with men. Remember with what startling frequency she reinstates the vanquished. Sitting now so cynically at the pinnacle of the greatest victory of your career, I will give you a word of friendly warning: Unless you make good on your promises you will be convicted in the public mind of having been guilty of a flagrant disregard of the use of words during the campaign, and I know it would wound your feelings very much to be convicted upon that charge.

Therefore, in order that we may know how many in this Chamber are in favor of proceeding to a vote on this veto message, I shall soon move—and that is a privileged motion—to proceed to the reconsideration of this postal bill and veto message. One of the most cynical expressions that ever fell from the lips of a President fell from the lips of Calvin Coolidge in this veto message when he said, in substance, "We can not afford to pay larger salaries to these postal employees." He thereby put profit above human service.

Let me say to the President that the post offices are not conducted for profit; they are conducted to transport letters and papers for the people. The public schools of the United States are not conducted for money profits; our profits there are informed, educated young ladies and young gentlemen, far above money profits.

The national parks, the lungs of the country, are not maintained for profit. They are maintained so that the people may there regain and recreate their exhausted strength. The Navy is not maintained for money profit; the Army is not maintained for money profit.

The postal employees, in rain and in sunshine, in storm and in fair weather, without default, delay, or neglect, bring to us the messages of business and messages of consolation. We should be prompt, quick to vote upon this message. The dignity, the courage, of the Senate is in question by further delays. There is not a man here but who knows that if the veto message on the soldiers' bonus had been allowed to be delayed seven or eight days, mythology would have during that period destroyed any hope of passing the soldiers' compensation over the veto. So in the past few days I have given myself the pleasure of rereading mythology.

Therefore, Mr. President, I move that the Senate proceed to consider the veto message on the bill for the reclassification of postal salaries, S. 1898, and upon that I ask for the yeas and nays.

Mr. STERLING. Mr. President, as against the motion made by the Senator from Arizona, I make the point of order that it is in violation of the unanimous-consent agreement.

The PRESIDENT pro tempore. The Chair has given a great deal of consideration to the proper procedure in a matter which is reasonably sure to arise, and the Chair is of the opinion that the motion is in order. The Chair therefore overrules the point of order.

Mr. McKELLAR. I call for the yeas and nays upon the motion.

The yeas and nays were ordered.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Shortridge
Ball	Fess	McKinley	Simmons
Bayard	Fletcher	McNary	Smith
Borah	Frazier	Mayfield	Smoot
Brookhart	George	Means	Spencer
Broussard	Glass	Metcalf	Stanfield
Bruce	Greene	Moses	Stanley
Butler	Hale	Neely	Sterling
Capper	Harrell	Norbeck	Swanson
Caraway	Harris	Norris	Trammell
Copeland	Harrison	Oddie	Underwood
Couzens	Heflin	Overman	Wadsworth
Cummings	Howell	Pepper	Walsh, Mass.
Curtis	Johnson, Calif.	Phipps	Walsh, Mont.
Dale	Jones, N. Mex.	Pittman	Warren
Dahl	Jones, Wash.	Ralston	Watson
Dill	Kendrick	Ransdell	Wheeler
Edge	Keyes	Reed, Mo.	Willis
Edwards	King	Reed, Pa.	
Ernst	Ladd	Sheppard	
Fernald	McCormick	Shipstead	

Mr. CARAWAY. I wish to announce that my colleague [Mr. ROBINSON] is ill. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Eighty-one Senators have answered to the roll call. There is a quorum present. The question is upon the motion of the Senator from Arizona [Mr. ASHURST].

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state the inquiry.

Mr. CURTIS. Is the motion to proceed to the consideration of the bill, or to pass the bill over the President's veto?

The PRESIDENT pro tempore. The motion, stated in the language of the Chair, is that the Senate proceed to the reconsideration of Senate bill 1898.

Mr. STERLING. Then, Mr. President, if it is in order at this time—I did not quite understand the motion—I move that the bill vetoed by the President, together with the veto message of the President, be referred to the Committee on Post Offices and Post Roads.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

Mr. NORRIS. I make a point of order against the motion of the Senator from South Dakota.

The PRESIDENT pro tempore. The Senator from Nebraska will state the point of order.

Mr. NORRIS. The point of order is that his motion is out of order until the Senate has decided whether or not it will proceed to consider the bill.

The PRESIDENT pro tempore. The Chair is of the opinion that the motion made by the Senator from Arizona must first be disposed of, and that then the motion made by the Senator from South Dakota will be in order.

Mr. STERLING. Very well. It was just a question as to whether or not I should make that motion at the present time or not. I will wait, then, until the disposition of the pending motion.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Arizona [Mr. ASHURST] to proceed to the consideration of the bill and message, on which the yeas and nays have been ordered.

The reading clerk called the roll.

Mr. NORRIS. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate by a slight illness. If he were present, he would vote "yea" on this question.

Mr. CARAWAY. I wish to announce that my colleague [Mr. ROBINSON] is detained from the Senate by illness. If present, he would vote "yea."

Mr. HARRISON. I desire to announce that my colleague [Mr. STEPHENS] is unavoidably absent on account of sickness. If present and permitted to vote, he would vote "yea."

I desire further to announce that the senior Senator from Rhode Island [Mr. GERRY] is unavoidably absent, and that if present, he would vote "yea."

Mr. McNARY. I desire to announce the absence of the junior Senator from Idaho [Mr. GOODING] on account of sickness. If he were present and voting, he would vote "yea."

Mr. SHIPSTEAD. I desire to announce that my colleague [Mr. JOHNSON of Minnesota] is necessarily absent on account

of illness in his family. If he were present and voting, he would vote "yea."

Mr. GLASS (after having voted in the affirmative). I have a general pair with the Senator from Connecticut [Mr. McLEAN], but, understanding that he would vote as I have voted on this question, I permit my vote to stand.

Mr. JONES of Washington. I desire to announce that the senior Senator from West Virginia [Mr. ELKINS] is paired with the senior Senator from Oklahoma [Mr. OWEN].

The roll call resulted—yeas 51, nays 30, as follows:

YEAS—51

Ashurst	Frazier	McKinley	Shortridge
Bayard	George	McNary	Simmons
Brookhart	Glass	Mayfield	Smith
Bronssard	Harris	Neely	Stanfield
Caraway	Harrison	Norris	Stanley
Copeland	Heflin	Overman	Swanson
Couzens	Howell	Pittman	Trammell
Cummins	Johnson, Calif.	Ralston	Underwood
Dill	Jones, N. Mex.	Ransdell	Wadsworth
Edge	Jones, Wash.	Reed, Mo.	Walsh, Mass.
Edwards	Kendrick	Reed, Pa.	Walsh, Mont.
Ferris	Ladd	Sheppard	Wheeler
Fletcher	McKellar	Shipstead	

NAYS—30

Ball	Ernst	McCormick	Smoot
Borah	Fernald	Means	Spencer
Bruce	Fess	Metcalf	Sterling
Butler	Greene	Moses	Warren
Capper	Hale	Norbeck	Watson
Curtis	Harrell	Oddie	Willis
Dale	Keyes	Pepper	
Dial	King	Philips	

NOT VOTING—14

Bursum	Gooding	McLean	Stephens
Cameron	Johnson, Minn.	Owen	Weller
Elkins	La Follette	Robinson	
Gerry	Lenroot	Shields	

So Mr. ASHURST's motion was agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (S. 1898) reclassifying salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, and the question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. HARRISON. On that I ask for the yeas and nays.

Mr. STERLING. I move that the bill, together with the message of the President, be referred to the Committee on Post Offices and Post Roads.

Mr. NORRIS and Mr. HARRISON addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Dakota has the floor until he yields.

Mr. STERLING. In connection with my motion, I wish to be heard.

Mr. HARRISON. Will the Senator yield for one moment?

Mr. STERLING. I will yield for a question.

Mr. HARRISON. I merely wanted to serve notice that I desire to offer an amendment to the motion. Will the Senator permit it to be read now, so that it will be before the Senate?

Mr. STERLING. I yield for that purpose.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The reading clerk read as follows:

I move that the motion of the Senator from South Dakota be amended by adding the following instructions, namely, that the said committee be instructed to report the same back immediately with the recommendation that the bill be passed over the President's veto.

Mr. STERLING. Mr. President, in making this motion to refer the bill, together with the veto message, to the committee—

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. NORRIS. I ask the Chair whether, during the morning hour, a motion to refer a bill to a committee is debatable?

The PRESIDENT pro tempore. The Chair is of the opinion that the motion is debatable, unless some rule of the Senate can be pointed out to the contrary. But the Chair desires to say, having studied this question somewhat, that the amendment proposed by the Senator from Mississippi is not in order and could not be received. That has been decided a great many times.

Mr. STERLING. Mr. President, in moving to refer this bill, together with the message of the President, at this time—

Mr. HARRISON. Mr. President—

Mr. STERLING. I decline to yield.

Mr. HARRISON. The Chair was merely making an observation and not making a ruling on the proposition, I hope. I would like to be heard. The amendment has not been offered yet. I only served notice that it would be offered.

The PRESIDENT pro tempore. That is the present view of the Chair.

Mr. HARRISON. I hope I can convince the Chair he is wrong in his observation.

The PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. STERLING. Mr. President, let me repeat, in making this motion to refer the bill and the veto message to the Committee on Post Offices and Post Roads I thought, and still think, that I was proceeding in the most natural and logical way, under all the circumstances of the case.

The bill was vetoed by the President, and in his very able and comprehensive veto message, he stated the grounds fully for his veto of the bill. They were very clearly and succinctly stated, and it seems to me they are such grounds as under the circumstances ought to appeal to every Senator. We are well aware of the policy of economy advocated by the President of the United States and we are well aware of the fact—I need not recur to the evidence of it—of the approval of the public of that policy of economy. But let the vote at the late election say whether or not the President's great policy meets with the approval of the people of the United States.

A part of that program of economy is involved in a consideration of the postal salary bill. The cost of increasing the salaries, as the President pointed out in his message and as the examination made by the Post Office Department will show, is approximately \$68,000,000. Under a policy of retrenchment and reform, when the administration is trying to relieve the people of the excessive burdens of taxation under which they have been groaning for many years, it is proposed by the bill to increase the burden upon the people by taxation for this purpose to the extent of \$68,000,000 annually. Is there need of it, Mr. President? Is there need of it in the first place from the standpoint of the employees of the Postal Service of the Government? I submit that question to the candid consideration of Senators. What is needed, if anything, is not a general increase of salaries all along the line in the Postal Service, but a readjustment of salaries, the making of a differential in the salaries of post-office employees so that those living in the great cities of the United States and who feel the high cost of living more than those living elsewhere, might receive compensation adequate to their needs rather than that there should be a general increase. I mean by that to say that there is no urgent necessity existing at the present time for a general increase in postal salaries. What are the facts?

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Nebraska?

Mr. NORRIS. I wish to make a point of order and I do that because the Chair in deciding in answering my parliamentary inquiry invited reference to a rule. I make the point of order that the motion is not debatable, and I cite the Chair to section 7 of Rule VII, on page 13, as follows:

The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

Mr. STERLING. The motion has been determined and was determined without debate. The question of the reconsideration of the President's veto of the bill was decided without debate. What I am discussing is the motion made to refer to the committee, and that is debatable.

The PRESIDENT pro tempore. The Chair probably will have to announce his view in regard to the amendment of the Senator from Mississippi, and that will be held in reserve, but that the present motion is in order and is debatable the Chair has no doubt.

Mr. STERLING. Mr. President, while I have presented a bill this morning which provides for exactly the same salaries as the bill vetoed by the President, yet I think it is worth while to call the attention of the Senate to the question of the urgency of the need of the enactment of legislation, and in this connection to the fact that beginning in 1918 and running to 1920, inclusive of those two years, there have been three material increases in the salaries of all postal employees, averaging in each increase over \$200 and averaging in the three increases made within that period of time, a period of two years, over \$600 throughout the entire Postal Service. Until now

the average salary received is, I think, in excess of \$1,800 for the rural carriers, for the city carriers, and for the clerks. For the supervisory officials the average, of course, is more than that.

How does that average compare with the salaries received by other employees in the Federal service? Take the salaries of those who range now between \$1,040 or \$1,140 and \$2,040, embracing, as those figures do between those limits, the great body of fiscal, administrative, and clerical employees now in the Government service? As compared with the salaries of postal employees, their salaries average about \$1,540. Is there an urgent need that the rural carrier now, taking the country over, who is now getting in excess of \$1,800, shall receive any very material increase, not to say whether or not it might be reasonable to grant such an increase—not to say that, but is there such an urgent necessity that we are now justified in voting upon the people of the United States \$68,000,000 annually to be raised by general taxation? I can not think there is.

As I said in the beginning, what we need more than a general increase is a readjustment, so that we shall make a differential between those who are employed in the great cities, and where the cost of living is so high, and the other employees who are not so situated.

Mr. REED of Missouri. Mr. President, will the Senator yield for a question?

Mr. STERLING. I yield for a question.

Mr. REED of Missouri. The Senator has just stated that this \$68,000,000 increase must be paid out of general taxation. Are we to understand that the Senator is not going to present a bill to raise the money in another way by increasing postal rates?

Mr. STERLING. The bill has already been presented. I want to call attention to it a little later.

Mr. ASHURST. Mr. President, I rise to a point of order, a point of order which I make with reluctance and regret; but, of course, every Senator knows of the unanimous-consent agreement entered into yesterday which provides specifically—

That on said calendar day no Senator shall speak more than once or longer than 10 minutes.

With reluctance and regret I make the point of order, but the learned Senator from South Dakota began to speak at 1 o'clock p. m., and it is now 11 minutes after 1. He yielded 1 minute to the Senator from Nebraska, and he has exhausted his 10 minutes. I therefore make the point of order.

The PRESIDENT pro tempore. Does the Senator make the point of order that the question is not debatable?

Mr. ASHURST. No. But no Senator under our unanimous-consent agreement entered into on Saturday last shall speak prior to 3 o'clock more than 10 minutes. I ask that the clerk read the unanimous-consent agreement.

The PRESIDENT pro tempore. The Chair is of the opinion that the unanimous-consent agreement does not apply to the pending question.

Mr. ASHURST. I ask that the clerk read it. It says, "on that calendar day."

The PRESIDENT pro tempore. The clerk will read the unanimous-consent agreement.

The principal legislative clerk read as follows:

Ordered, by unanimous consent, that on the calendar day of Tuesday, December 16, 1924, at not later than 3 o'clock p. m., the Senate will proceed to vote, without further debate, upon the amendment of Mr. SMITH to the bill H. R. 518, relating to the disposal of Muscle Shoals, etc., and that on said calendar day and prior to the vote no Senator shall speak more than once or longer than 10 minutes.

Mr. CURTIS. Mr. President, that was intended entirely for the Muscle Shoals bill when it comes before the Senate, and that bill will not be laid before the Senate until 2 o'clock under the rule.

Mr. ASHURST. But the unanimous-consent agreement says "on that calendar day."

The PRESIDENT pro tempore. The Chair will rule that the unanimous-consent agreement just read does not apply to the debate now proceeding.

Mr. REED of Missouri. Mr. President, I wish the Chair would indulge me a moment until I call his attention to a fact. I proposed the unanimous-consent agreement, and it was expressly stated at the time on the floor that the agreement ought to be so phrased as to prevent anybody getting the floor and taking up the time of the Senate with a long discussion. It was the sense of the Senate, as I understood the sense of the Senate at that time, that on this day we were to shut off debate on any question except within the limit of 10 minutes.

Now, if that were not true, then the unanimous-consent agreement would have resulted in no protection whatever for the discussion of the Smith amendment, because any Senator upon any other question could rise at any time and take as long as he wanted to.

The PRESIDENT pro tempore. The Chair does not so understand it. At 2 o'clock the Muscle Shoals bill will be laid before the Senate.

Mr. REED of Missouri. Let me call the attention of the Chair to a further matter. There was even a request preferred that the Senate should meet at 11 o'clock in order to allow three hours of discussion of the particular amendment which is here known as the Smith amendment. We all understood that. Then, in lieu of agreeing to meet at 11 o'clock and to vote at 2 o'clock, which was the original proposition, the agreement was modified so that we should vote at 3 o'clock, leaving three hours for the discussion of this amendment. Now, if the Chair shall rule, as he now is inclined to do, that the two hours, which constitute the morning hour, could be taken up in one speech upon another subject, the entire purpose of stipulating three hours of debate on the Smith amendment would be defeated. That was not the understanding of the Senate; at least it was not as I understood it.

The PRESIDENT pro tempore. The Chair desires to state that the Senate could very easily have avoided this situation by refusing to take up the veto message of the President and the bill to which the message refers. The Senate, however, chose to take up the bill, and the Chair knows of no way by which debate upon the bill can be prevented until 2 o'clock.

Mr. ASHURST. Mr. President, will the Chair indulge me in a question?

Mr. SMITH. I wish to make one statement in reference to what the Senator from Missouri [Mr. REED] has said. The specific question having been raised as to whether or not we should confine debate to this particular amendment, it having been suggested that some Senator might debate some other question and debate it at length, the agreement entered into was that we would in the 10-minute speeches not confine debate to the amendment alone, but that if any Senator got the floor and wanted to speak on another subject, he should be confined to the 10 minutes, regardless of what subject he was speaking on. That was the unanimous-consent agreement which was entered into.

The PRESIDENT pro tempore. The Chair does not so understand.

Mr. SWANSON. Mr. President, it seems to me that the Chair ought to rule that the agreement was made with the understanding that Senators knew that a motion of the kind which has been made was in contemplation. Consequently the unanimous-consent agreement was entered into with a full knowledge of the rules of the Senate, which permitted to be made motions of the character of the one which has been made at this time. Therefore, to avoid extended discussion on motions of this character, which were known to be in order, the unanimous-consent agreement states "on said calendar day." When did the calendar day start? It started at 12 o'clock, and the time for debate extended until 3 o'clock. The unanimous-consent agreement does not specify debate on any motion in connection with Muscle Shoals. It is evident that the unanimous-consent agreement was made under the impression that a motion such as the one which has been made might prevail and be before the Senate during the morning hour. In order to eliminate extended discussion during the morning hour and during the transaction of routine morning business, the unanimous-consent agreement distinctly refers to debate "on said calendar day."

The PRESIDENT pro tempore. Did the Senator from Virginia have in mind that this subject would arise during the morning hour?

Mr. SWANSON. Mr. President, it is presumed that in entering into the unanimous-consent agreement some Member of the Senate knew that this motion would be in order; and so as to prevent delay and time being consumed on motions that were in order, and Senators knowing of this motion in reference to a consideration of the President's veto message being in order, the debate was limited to 10-minute speeches. When a unanimous-consent agreement is made it must be construed as having had in contemplation a knowledge of the rules of the Senate which permit a motion like this. In order to prevent a long debate on this motion when made, the unanimous-consent agreement states that it shall apply "on said calendar days."

A suggested previous unanimous-consent agreement referred to amendments and the bill, but this unanimous-consent agree-

ment, in order to prevent this very situation arising and time being consumed provides that the 10-minute rule shall apply "on said calendar day."

Mr. REED of Missouri. Mr. President, if the Chair please, and if the Senator from Virginia will pardon me, let me read the colloquy which occurred at the time the unanimous-consent agreement was entered into. I omit the preliminary part of it, and read as follows:

Mr. REED of Missouri. Then I propose that at not later than 3 o'clock on the calendar day of Tuesday, December 16, the Senate shall proceed to vote upon what is known as the Smith amendment, or any amendments thereto, and that upon Tuesday no Senator shall speak more than once or longer than 10 minutes upon the Smith amendment.

Mr. UNDERWOOD. Or upon any subject before us.

Mr. REED of Missouri. Or upon any other subject.

The PRESIDENT pro tempore. The Secretary will report the proposed unanimous-consent agreement.

The reading clerk read as follows:

"It is agreed by unanimous consent that on the calendar day of Tuesday, December 16, 1924, at not later than 3 o'clock p. m., the Senate shall proceed to vote without further debate upon the amendment of Mr. SMITH to House bill 518, and that no Senator shall speak more than once or longer than 10 minutes upon said amendment or upon any other subject."

Or upon any other subject.

Mr. CURTIS. Prior to 3 o'clock.

Mr. REED of Missouri. Let it read, "and prior to the final disposition of said amendment no Senator shall speak more than once or longer than 10 minutes."

The PRESIDENT pro tempore. The Secretary will again report the proposed agreement.

The reading clerk read as follows:

"It is agreed by unanimous consent that on the calendar day of Tuesday, December 16, 1924, at not later than 3 o'clock p. m., the Senate shall proceed to vote without further debate upon the amendment of Mr. SMITH to House bill 518, and prior to the vote no Senator shall speak more than once or longer than 10 minutes upon said amendment or upon any subject."

Then this occurred—

Mr. REED of Missouri. Strike out "upon said amendment" and all the rest of it and let it conclude "shall speak more than once or longer than 10 minutes."

Mr. SMITH. That is all right.

Mr. STERLING. Mr. President—

Mr. REED of Missouri. In other words, when we struck out those words we left the absolute inhibition; there was no use saying anything about the Smith amendment or any other proposition if Senators were to be limited absolutely to 10 minutes. I say the colloquy that took place in the Senate and the language of the unanimous-consent agreement in view of that colloquy can not be mistaken. The Senator from Alabama [Mr. UNDERWOOD] sat here determined that his bill should not be put aside by improvident discussion of other measures; we were stipulating here for discussion on this amendment, and 10 minutes was the ultimate that any Senator was to consume of the time, to the end that we might get to a vote. I say that if the President pro tempore will read that colloquy, it makes perfectly plain our understanding that no Senator was to stand up here this morning and take up the time of the Senate in an hour or two-hour speech during the morning-hour discussing some other question.

Mr. STERLING. Mr. President, I suppose we shall have to be governed by the unanimous-consent agreement itself and not by the colloquy that preceded the entering into that unanimous-consent agreement. As printed on the calendar the agreement itself reads:

Ordered, by unanimous consent, that on the calendar day of Tuesday, December 16, 1924, at not later than 3 o'clock p. m., the Senate will proceed to vote, without further debate, upon the amendment of Mr. SMITH to the bill H. R. 518, relating to the disposal of Muscle Shoals, etc., and that on said calendar day and prior to the vote no Senator shall speak more than once or longer than 10 minutes.

No reference is made to any other subject at all in the unanimous-consent agreement. Now, Mr. President, it still seems to me that—

The PRESIDENT pro tempore. The Senator from Arizona has made a point of order, and it is necessary for the Chair to dispose of it. The Chair understands the unanimous-consent agreement to apply only to the bill which has been pending before the Senate. The Chair regrets very much that this difference of opinion has arisen, but there is an easy way to correct the Chair if he is in error.

Mr. McKELLAR. Mr. President, I appeal from the decision of the Chair.

The PRESIDENT pro tempore. The Senator from Tennessee appeals from the decision of the Chair.

Mr. McKELLAR. And on that appeal I ask for the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays are demanded. [A pause.] The demand as yet is not sufficiently seconded.

Mr. STERLING. Mr. President, is the appeal from the decision of the Chair a debatable question? I think it is.

The PRESIDENT pro tempore. The Chair understands that it is a debatable question.

Mr. STERLING. I have the floor, Mr. President.

Mr. ASHURST. Mr. President, it is true the question is debatable, but it will only be debatable for a moment. I move to lay the appeal on the table.

Mr. CURTIS. The Senator from South Dakota has the floor.

Mr. STERLING. I have the floor; nor have I yielded it.

Mr. ASHURST. I withdraw my motion.

The PRESIDENT pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. STERLING. Mr. President, the question being debatable, I believe I have the floor and I may discuss that question.

The PRESIDENT pro tempore. When a point of order is made it must be disposed of notwithstanding the fact that a Senator has the floor. The Chair holds that the demand for the yeas and nays is sufficiently seconded, and the clerk will call the roll.

The reading clerk called the name of Mr. ASHURST.

Mr. CURTIS. Mr. President—

Mr. ASHURST, responding to his name, voted in the negative.

The PRESIDENT pro tempore. The Senator from Kansas.

Mr. CURTIS. Mr. President, I understood the Chair to say that the question of the appeal from the decision of the Chair was debatable, and I call attention to the fact that a Senator had addressed the Chair.

Mr. SWANSON. I make the point of order that the roll call can not be interrupted.

Mr. CURTIS. I had the floor and no Senator had answered at the time I addressed the Chair.

Mr. McKELLAR. The Senator from Arizona [Mr. ASHURST] had answered.

The PRESIDENT pro tempore. The Senator from Kansas addressed the Chair before any Senator had answered to his name.

Mr. CURTIS. I addressed the Chair before any Senator had answered to the roll call. The Chair has ruled, as the Senator from Kansas understands, that the question of the appeal is debatable, and the Senator from South Dakota has the floor to debate that question.

The PRESIDENT pro tempore. The Chair is of the opinion that the question of order is debatable on an appeal from the decision of the Chair. That has been held, the Chair thinks, many times.

Mr. REED of Missouri. But if the Chair please, the Chair ordered the roll be called and the Senator from Arizona [Mr. ASHURST] answered to his name.

The PRESIDENT pro tempore. The Chair, on the contrary, understands that the Senator from South Dakota insisted upon proceeding before the Senator from Arizona had answered to his name.

Mr. REED of Missouri. The Record will show that the Chair ordered the roll to be called and the Senator from Arizona distinctly answered when his name was called. Now the roll call is in progress.

Mr. SWANSON. It is a question of fact, and the Record will show.

The PRESIDENT pro tempore. The Chair will ask the Reporter or ask the clerk whether the Senator from Arizona had answered to the roll call before the Chair was addressed by the Senator from South Dakota.

Mr. CURTIS. Mr. President, the Senator from Kansas also addressed the Chair before the Senator from Arizona answered to his name.

The PRESIDENT pro tempore. The Chair does not remember whether the Senator from Arizona answered before the Senator from Kansas addressed the Chair.

Mr. REED of Missouri. Let the Record be read.

The PRESIDENT pro tempore. The Chair is informed that the Senator from Kansas addressed the Chair before the Senator from Arizona answered to his name; so the Senator from South Dakota will proceed.

Mr. STERLING. Mr. President, upon the question of the appeal from the decision of the Chair I have very little to say. The understanding on the part of the Senator from South Dakota was that the Senator from Tennessee [Mr. McKELLAR] had withdrawn his motion.

Mr. McKELLAR. Oh, no. I have not withdrawn my motion. The Senator from Arizona [Mr. ASHURST] withdrew the motion he made, but my appeal is before the Senate.

Mr. STERLING. Very well.

I was proceeding, Mr. President, to discuss the question of the urgent need for an increase of the salaries of post-office employees.

Mr. SMITH. Mr. President, I rise to a point of order.

Mr. STERLING. And I want to suggest—

The PRESIDENT pro tempore. The Senate will be in order.

Mr. SMITH. I rise to a point of order. I should like to inquire of the Chair whether on the appeal from the decision of the Chair the debate must not be confined to the subject before the Senate, namely, whether or not the Chair shall be sustained?

The PRESIDENT pro tempore. The debate ought to be confined to the subject before the Senate, but, unfortunately, it is not the custom of the Senate so to confine the debate.

Mr. SMITH. I thought the Chair had ruled a moment ago that it must be confined to the question.

The PRESIDENT pro tempore. The Chair has no power to enforce a suggestion of that kind, no matter how wise it may be.

Mr. STERLING. Mr. President, while I was not present in the Senate Chamber nor in the city of Washington either during the consideration of the postal salary bill, I know of one difficulty, at least, that confronted the subcommittee, as well as the full committee, and that was as to whether or not means could be provided, without a general tax, with which to pay increased salaries.

For a long time prior to the consideration by the committee of the postal salaries bill, the Post Office Department, in conjunction with special experts employed by the Joint Postal Commission, were engaged in the work of cost ascertainment to endeavor to find accurately and precisely the cost of handling, carrying, and distributing the different classes of mail.

Mr. BRUCE. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Maryland?

Mr. STERLING. I yield to the Senator for a question.

Mr. BRUCE. I thank the Senator. I wish to ask whether it is or is not true that the representatives of the postal employees affected by this bill desire the bill to be referred to the Committee on Post Offices and Post Roads. The statement was made by the Senator from New Jersey [Mr. EDGE] a few days ago, not once but, as I recollect, twice, that it was the desire of the representatives of the postal employees, to whom this bill relates, that the bill should be referred to the Committee on Post Offices and Post Roads, as I recollect, or some other committee. Now, is that or is not that true? I ask because I want to vote on the merits of this proposition.

Mr. STERLING. Replying to the Senator from Maryland, I understand that it is. I can not speak from personal knowledge with reference to the entire service, but as to one particular branch of the service—the Rural Carrier Service—a representative of that branch told me that they were quite satisfied that the bill should be referred to the Committee on Post Offices and Post Roads, with the idea that that committee would bring out a bill for the increase of salaries, as in the vetoed bill, and which would also provide the means by which the salaries should be paid.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. STERLING. I yield.

Mr. EDGE. If I correctly understood the statement of the Senator from Maryland, he stated that he had understood the Senator from New Jersey to have made such a statement in the course of his remarks. The Senator from Maryland must be entirely mistaken. I am quite sure that in the course of any of my remarks I have in no way implied, directly or indirectly, as the sponsor of the bill or as representing in any way the wishes of representatives of the postal organizations, that they desired the bill to be referred to the Committee on Post Offices and Post Roads; and I am waiting at this moment, if opportunity is afforded and the Senator from South Dakota has concluded, to oppose the motion he has made.

Mr. ASHURST. Mr. President—

Mr. BRUCE. The Senator from Maryland may have misunderstood, but on this side of the Chamber it was distinctly

understood that the Senator from New Jersey meant to say that the representatives of the postal employees were in favor of the reference of this bill to that committee. I suppose the question could be settled by a reference to the Record.

Mr. EDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Dakota yield; and if so, to whom?

Mr. STERLING. I yield.

The PRESIDENT pro tempore. To whom?

Mr. STERLING. I yield for a question.

The PRESIDENT pro tempore. The Chair does not know whether the Senator from South Dakota is yielding to the Senator from Maryland or to the Senator from New Jersey.

Mr. BRUCE. The Senator was so kind as to say that he would yield to me.

Mr. STERLING. I have yielded to the Senator from Maryland, and if he is through with his inquiry I yield to the Senator from New Jersey.

Mr. BRUCE. I want to vote on the merits of this proposition without any secondary consideration whatsoever; and I, as one Member of the Senate, should like to be dealt with with perfect frankness so far as it is concerned. It is a disagreeable task to me.

Mr. STERLING. I have given the Senator from Maryland my answer.

Mr. BRUCE. Yes; the Senator has, and I do not think I have a right to ask anything more.

Mr. STERLING. I may say, in addition to what I have already said, that I think the post-office employees generally will be quite reconciled to this disposition of the bill when they understand that it is the intention of the Senator who introduced the bill this morning to push the matter just as rapidly as possible in committee.

Mr. EDGE. Mr. President, will the Senator yield to me now?

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from New Jersey?

Mr. STERLING. I yield to the Senator from New Jersey.

Mr. EDGE. There is not a possible chance for a misunderstanding as to what the Senator from New Jersey said; and if the Senator from Maryland will give me his attention for a moment, I am sure that he will clearly understand my presentation. The Record will clearly set it forth as well.

I stated, when the Senate some four or five days ago had before it the requested unanimous-consent agreement which provided for a consideration of this matter on February 2, as I recall, giving an opportunity for the committee in the interim to consider a revenue bill, but in no way referring the veto message or the bill to the committee, but keeping that in its same preferred position on the table, that that met the unanimous approval of all the representatives of the Postal Association at a meeting I had attended a few hours before.

Mr. BRUCE. Of course, the Record will speak for itself, but I am not prepared at the present time to say that that is not a perfectly correct version of what happened.

Mr. ASHURST. Mr. President, will the Senator from South Dakota yield to me for a moment just to make a short statement?

Mr. STERLING. I yield to the Senator from Arizona for that purpose.

Mr. ASHURST. In view of the fact that I made the motion, I think I ought to say that so far as I have been able to observe the Senator from New Jersey [Mr. EDGE] has moved with manful candor and commendable frankness and diligence in every way with his bill, and I congratulate him. He has done a man's work; he has shown himself to be a capable legislator; and if the bill can not be voted upon, no blame can be laid at the door of the esteemed Senator from New Jersey [Mr. EDGE], because he has done all that can be done to hurry a vote on this bill.

Mr. STERLING. I join with the Senator from Arizona in that testimony to the efforts of the Senator from New Jersey in regard to it. He has on every occasion when he could, I think, asked that this matter be taken up and considered by the Senate.

Mr. President, a moment ago I was speaking about the efforts at cost ascertainment. I stated that officials of the Post Office Department, together with experts recommended by the Senate Committee on Post Offices and Post Roads, have been at work, I think, for at least six months last past, if not longer, trying to ascertain the cost of handling, distributing, and carrying different classes of mail matter. One difficulty encountered by the committee who framed the bill which was vetoed by the President was that they did not have any report before them on cost ascertainment. It was

waited for, it was expected, almost up until the time the bill was introduced here in the Senate, but was not forthcoming. It was a long and a tedious work, requiring great care and great scrutiny on the part of the persons engaged in that work; and so, being desirous that the bill should pass at the last session of Congress, it was presented without any cost ascertainment having been made. Meanwhile, Mr. President, and very lately, too, a report has been made by the persons engaged in the Post Office Department and other experts and accountants showing the cost of carrying the different classes of mail.

This morning I had inserted in the RECORD, without reading, a letter from the Postmaster General, which letter accompanied the draft of a bill increasing the rates on certain classes of mail matter, and I want to call attention to some of the provisions of that letter:

In compliance with your request for the suggestions of the Post Office Department as to the sources from which may be derived revenues approximately aggregating the additional cost the department would be compelled to meet in the event of the passage of the bill increasing the pay of post-office employees, I transmit herewith the following in the form of a bill, which will, in the judgment of the department, meet the desired end. It will be observed that the suggestions affect every class of mail on which the department now sustains a loss, as revealed by the result of the cost ascertainment just completed by direction of Congress, except foreign mails, and it is the purpose to distribute these with due regard to equity.

By practice of every economy possible consistent with good service and by reason of the gradual increase in the volume of business the department has been slowly approaching the point where its receipts would balance its expenditures. According to departmental estimates, the postal pay bill will add approximately \$68,000,000 to the annual expenditures, and it is at once obvious that the money to meet this must come from somewhere. The question is whether it shall be assessed against the general taxpayer or whether it shall be obtained by providing increased rates for mail now carried at a loss. It is my belief that the latter is the correct method.

Inasmuch as these suggestions are based upon the conclusions arrived at by the cost ascertainment, I desire to say that I have implicit faith in their accuracy. It has been made by some of the most efficient and experienced experts in the Postal Service and has later been most carefully analyzed by two of the best-known firms of expert accountants in the country, and both the accountants and the department are prepared to explain and defend it if attacked.

The loss occurred by fourth-class mail, or parcel post, is much less than had been popularly believed. Most extravagant statements have been repeatedly made concerning the deficit incurred through carrying parcel post, but the figures demonstrate these exaggerations. In submitting the rates proposed herewith the department proceeds upon the theory that while the handling of this class of mail is a very useful and, in fact, indispensable feature of the Postal Service, it is, nevertheless, commerce and should be regarded as such when it comes to making rates for carrying it. Fourth-class mail is made up of commodities and not of intelligence. It should pay its full way and leave a slight margin of safety sufficient to provide for unforeseen changes. The loss sustained on this class of mail closely approximates \$7,000,000. In order to wipe this out and provide the margin referred to, the department suggests increases amounting to about \$12,000,000. However, after the cost of the salary bill is added to the expense of the department the proportional share chargeable to fourth class will practically balance this margin.

Third-class mail consists largely of circulars and of direct mail advertising. It has to some extent the treatment of first-class mail. Concerning it, it is the view that, like parcel post, it also should pay its way and leave a slight margin. The loss on this class is \$16,000,000. It is proposed to increase receipts by \$18,000,000 by means of the new schedule of rates herein proposed.

First-class mail as a whole yields a profit in excess of \$80,000,000, but the postal-card feature of it is carried at a loss of about 0.45 of a cent on each card. It is proposed to cover this by increasing the price of postal cards to 1½ cents. There will be those who will regard this as much more difficult of accomplishment than the department believes will prove the case. Postal cards are principally used by those who buy them in considerable numbers and employ them in sending out notices of various kinds, and the individual sales are not nearly so numerous as is popularly believed. By this means we estimate added revenues of \$12,500,000.

Second-class mail consists entirely of publications, newspapers, and periodicals, and the loss on it is placed at \$74,712,000. Notwithstanding this, the recommendation for increases on second class calls for \$10,876,000. One million of this is expected to be derived from newspapers mailed by individuals and not by the publishers.

In holding the increase on this class within the limits named, the department has been governed by numerous considerations. It

has been the traditional policy of the Government to give publications the benefit of low rates, recognizing them as distributors of general information. It always has and still does recognize the desire of the public for daily news and current information and reading matter. The increases proposed will apply to the advertising pages of both newspapers and magazines, with a slight increase on the reading portion of magazines.

About \$4,000,000 is estimated from registered letters and about \$3,500,000 from money orders, on which under present rates there are very substantial losses. These features are more or less in the nature of banking transactions and may be fairly so regarded, but the rates fixed can not be so large as to make them greater than those charged by the banks and express companies for a similar service, and it is believed that the sums are as large as can be justified.

Mr. HARRISON. Will the Senator yield?

Mr. STERLING. For a question.

Mr. HARRISON. I suggest to the Senator that we have now about 11 minutes before 2 o'clock, when this matter will go over. Will he not permit a vote to be taken on his motion now?

Mr. STERLING. I would like to discuss the matter a little further—

Mr. HARRISON. The Senator then does not want a vote to-day?

Mr. STERLING. Because there are some very important features of this question which I have not yet had time to discuss because of the interruptions of Senators.

Mr. HARRISON. I had hoped that the Senator would accept our cooperation to get a vote on his proposition.

Mr. STERLING. No—

Mr. HARRISON. He does not want a vote to-day?

Mr. STERLING. I want to present the matter a little more fully before a vote is reached. I continue the reading:

On insurance and collect-on-delivery services increases of \$3,058,000, and \$1,103,000 respectively, are estimated for.

The total increases provided by the rates in this bill are estimated to yield \$60,390,750.87 and will approximately cover the \$68,000,000 estimated as the cost of the bill S. 1898 providing the increased schedules for the pay of employees.

The department will be glad through the Postmaster General, and still better through the experts of the department, to give to your committee any further information desired.

I call attention again, Mr. President, to what seems to me to be a challenge on the part of the Postmaster General himself, where he says that this cost ascertainment has been made by some of the most efficient and experienced experts in the Postal Service, and has later been most carefully analyzed by two of the most expert firms of expert accountants of the country, and both the accountants and the department are prepared to explain and defend it if attacked.

Mr. WILLIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Ohio?

Mr. STERLING. I yield to the Senator from Ohio.

Mr. WILLIS. I am interested in the reference the Senator makes to this detailed information which, it seems to me, would be of the very greatest importance in the consideration of this question. Has that been printed in documentary form so that it is available to Senators? The Senator has been reciting it with great ability, but we have had no opportunity to read it.

Mr. STERLING. I can not say, but I do not think all the detailed information has yet been furnished to the Senate. I presented a report several days ago, and I am not sure that even that report has been printed; but the detailed information, or at least a great deal of it, is in the form of an appendix which properly goes with the report of the Postmaster General on the cost ascertainment.

Mr. WILLIS. If the Senator will further yield, it seems to me that it is exceedingly important that before we pass upon this question finally we shall have opportunity to examine that information. I personally have sought to get copies of this document, but they are not available. Yet we are urged to act upon this question, when the report has been made, but in such form that no one is able to get it in order to read it.

Mr. STERLING. Mr. President, I can read the summary and conclusions of the department with reference to the various classes of mail, and I was about to proceed to do that when the Senator from Ohio asked me the question. This is prepared at the Post Office Department, giving the revenues and expenditures with reference to each class of mail, the loss, and the gain. In the case of first-class mail the gain is \$80,417,716.32. Notwithstanding that gain on the part of

first-class matter, we are \$39,000,000 behind in the Postal Service, all told, or have that much of a deficit. Add \$68,000,000 more, and you have a deficit of \$107,000,000.

What is there about this matter of mail service? It is a service for the most part for which the people of the country gladly pay, a service rendered by the Government, and it ought to be self-sustaining. I am satisfied that the common sentiment of the people would stand in favor of such increases as would make the Postal Service pay its way.

Mr. EDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from New Jersey?

Mr. STERLING. I yield.

Mr. EDGE. This may help the Senator to consume the time, but in the interest of accuracy, if I understood the Senator's statement a moment ago, he said that there was a deficit of some \$39,000,000. I read from the annual report of the Post Office Department presented early in December, as I recall it:

As a result the annual deficit amounted to only \$14,428,137, a reduction of \$9,601,000 from the deficit resulting from the previous year's operations.

In other words, that the department had reduced a deficit, as I recall it, of some \$150,000,000 four years ago, to approximately \$14,000,000 the past year, simply through the ordinary advance of business.

Mr. WILLIS. Mr. President—

Mr. STERLING. I yield.

Mr. WILLIS. If the Senator will permit me to ask a question of the Senator from New Jersey, what was the document which the Senator was reading?

Mr. EDGE. I was reading from a review of the Postmaster General's report in a morning newspaper printed, I think, on December 1. I have not the date on my clipping. It is an article merely reviewing the report. It says:

Postmaster General New Informa President Coolidge in his annual report made public to-day—

Then it goes on to note those figures.

Mr. WILLIS. Mr. President, if the Senator from South Dakota will permit—

Mr. STERLING. Certainly.

Mr. WILLIS. The newspaper clipping from which the Senator reads is, of course, interesting, but I chance to have here the statement made by the President, which is an official document, I suppose, and in his message he uses this language, in part:

For the fiscal year 1923 the postal revenues were \$32,000,000 less than the cost of the service that year.

All of which illustrates what I have suggested upon this floor, that we ought to have opportunity to get at these facts instead of relying, as the Senator from New Jersey does, upon a newspaper résumé or something which Senators have not had an opportunity to examine.

Mr. EDGE. Mr. President, the Senator from New Jersey will not rely on newspaper clippings when he has the floor in his own time to discuss the financial situation of the Post Office Department; but in passing it might be interesting to the Senator from Ohio and the Senator from South Dakota—I again clip from a newspaper, which I think is absolutely accurate—to know that the postal revenues of the past year jumped 7.53 per cent, while the expenditures to take care of this growing business increased only 5.4 per cent, showing the steady increase of income over expenditures in the Post Office Department.

Mr. STERLING. The table I have before me, Mr. President, gives the revenues and expenditures for the fiscal year 1923, and the deficit, according to these figures, is \$39,805,702.18.

Mr. WILLIS. Will not the Senator have that table printed in full in the RECORD?

Mr. STERLING. I am going to quote from it. On second class the loss is \$74,712,868.67. On third class the loss is \$16,291,575.48. On fourth class, which would include parcel post, the loss is \$6,916,753.82. On franked matter there is a loss of only \$357,819. On penalty matter there is a loss of \$6,214,131.44. On foreign matter there is a loss of \$4,603,838.17.

Mr. CARAWAY. May I ask the Senator a question?

Mr. STERLING. I yield for a question.

Mr. CARAWAY. Of course, there are always some services the Government renders which do not result in any monetary return. The thing I wanted to ask the Senator was this, if he did not think the Government could very well afford to carry a loss, while enabling the farmer to reach the markets by the use of the parcel post, and the newspapers and periodicals to

reach the people. As I understood, there is a provision in the Senator's proposed bill to increase the zone rates, is there not?

Mr. STERLING. Yes; slightly to increase the zone rates.

Mr. CARAWAY. Inasmuch as the Government is not a business institution, does it owe to the man living in the remotest corner the same service that it does to the man who lives within 15 feet of the Capitol? In other words, would it not be a discrimination against people living farther from the centers of population to penalize them by increasing the postal rate on newspapers, magazines, and things upon which they must rely for their information?

MUSCLE SHOALS

The PRESIDENT pro tempore. The morning hour has expired. The Chair lays before the Senate House bill 518.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Mr. HARRIS obtained the floor.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Ladd	Shipstead
Ball	Ferris	McKellar	Shortridge
Bayard	Fess	McKinley	Simmons
Borah	Fletcher	McNary	Smith
Brookhart	Frazier	Mayfield	Smoot
Broussard	George	Means	Spencer
Bruce	Glass	Metcalf	Stanfield
Bursum	Gooding	Moses	Stanley
Butler	Greene	Neely	Sterling
Capper	Hale	Norbeck	Swanson
Caraway	Harrell	Norris	Trammell
Copeland	Harris	Oddie	Underwood
Couzens	Harrison	Overman	Wadsworth
Cummins	Heflin	Pepper	Walsh, Mass.
Curtis	Howell	Phipps	Walsh, Mont.
Dale	Johnson, Calif.	Pittman	Warren
Dial	Jones, N. Mex.	Ralston	Watson
Dill	Jones, Wash.	Ransdell	Wheeler
Edge	Kendrick	Reed, Mo.	Willis
Edwards	Keyes	Reed, Pa.	
Ernst	King	Sheppard	

The PRESIDING OFFICER (Mr. WILLIS in the chair). Eighty-two Senators having answered to their names, there is a quorum present. The question is on the amendment offered by the Senator from South Carolina [Mr. SMITH] to the substitute proposed by the Senator from Alabama [Mr. UNDERWOOD], on which the yeas and nays have been ordered. The Senator from Georgia [Mr. HARRIS] is recognized.

Mr. HARRIS. Mr. President, there is no difference of opinion among Senators about the development of Muscle Shoals for national defense, but there is a very great difference among us as to what shall be done with this great power when it is not needed for war purposes. Heretofore the bills that have passed Congress have provided for Government operation during war times and for the manufacture of fertilizer, or, rather, of nitrate, during peace times, to be supplied to farmers at cost.

During the last war Germany discovered that our weakest point was in the matter of nitrate. We were dependent upon a foreign country—Chile—to supply this. We are the only Government in the world of any size that is really dependent upon another country in that respect. So we are all in agreement that the project should be developed to produce nitrate for the manufacture of munitions during war. Muscle Shoals was selected by a board of Army officers appointed by the President, upon the recommendation of the Secretary of War, and without any favoritism whatever. It is the greatest power that can be utilized for this purpose east of the Mississippi River and away from the seacoast where it could not be exposed to attack. The bills that have passed heretofore have not only taken care of national defense but have protected the farmer. As I understand the pending bill it does not do that, and the amendments which I and others have offered to give preference to the farmers in the sale and distribution of fertilizers manufactured at

Muscle Shoals were objected to by the Senator from Alabama [Mr. UNDERWOOD] and have been defeated.

I had hoped that I might be able to vote for the Underwood bill, and still hope that it may be amended so that I may do so. Objection to the amendment offered by the Senator from South Carolina [Mr. SMITH], which I shall support, has been made on the ground that President Coolidge would probably veto it.

I do not think there is anything in the President's message that can be construed in that way. He stated that he favored a desirable lease, but failing in that he urged the Government to develop the power. The Smith amendment is not one providing for Government operation. It simply provides for the Government to develop the best way to manufacture nitrate so as to manufacture fertilizers cheaper in time of peace and for the manufacture of munitions during war, and then the property can be leased. It is not intended by the Smith amendment, as I understand it, to have Government operation permanently. I am opposed to Government operation as a rule, but there is no more of Government operation involved in the Smith amendment and the Government developing a way to get cheap and abundant nitrate in time of war and peace than there is in the Government developing the submarine or aircraft or in building and maintaining the Panama Canal. There is no difference whatever in the two propositions. Neither one involves Government operation—both are for national defense.

One objection I have to the Underwood bill is the defeat of an amendment I introduced, which allowed the farmers to have the preference or rather allowed the Secretary of Agriculture to distribute the fertilizer to the farmer. As I understand, the bill of the Senator from Alabama, unless it is amended, instead of being a benefit to the farmers of the South in giving them cheaper fertilizer, a lease could be made under the bill to the Fertilizer Trust, who could raise the price of fertilizers to the farmers. The Federal Trade Commission investigated the Fertilizer Trust and found that a few companies fixed the price, or rather controlled the price and the other smaller companies followed. There is nothing in the Underwood bill as I see it that would prevent half a dozen of the large fertilizer corporations from leasing the property, and instead of lowering the price of fertilizer to the farmer they could raise it and the farmers would be helpless.

The same thing is true in the matter of power. I have an amendment which I shall offer to prevent leasing it to any power corporation that would come in competition with the Muscle Shoals plant, because, just as in the case of the Fertilizer Trust, as I have suggested, the power companies in that section could get control of the property by a lease, and instead of it being a benefit to our people and lowering the cost of power, they could raise the price to the consumers. I have an amendment that will allow them to lease the power at a price lower than other corporations if necessary. The reason I shall offer such an amendment is this: Suppose we have to lease this surplus power to the Alabama Power Co. and the other power companies, if they had a surplus of power at times from their own plant they would not take the Government surplus power. They would sell their own power and leave ours to go to waste. During the rainy season there would be twice as much power as at other times. I think we ought to be protected and we ought not to allow one of the power companies in competition with us to take the property for that reason.

The Senator from Alabama objected to another amendment of mine which I think very important. It could be used to prevent the transferring of the lease of the property to the Fertilizer Trust or the Power Trust. My amendment provided that no lease made under this act could be transferred to another without the consent of our Government. No one in leasing a one-story building on a back street for 50 years would fail to reserve the right to cancel that lease if it should get in the hands of undesirable persons, and yet the Senator from Alabama objected to that provision being placed in the bill relating to the lease of Muscle Shoals when on this plant so much depended for our national defense. We know that at one time a foreign corporation was trying to get control of the property and trying, through their agents, to interfere with the leasing of it to others. They have been open in their opposition.

I am going to discuss the price of the cotton, because that concerns New England and the western people as it does my own section. The high cost of labor makes it absolutely necessary for us to have cheaper fertilizer to meet the competition of the world in the production of cotton. England for two years has put a tax on every bale of cotton used by her cotton factories and is using that money in her colonies where they

have cheap labor to develop the production of cotton. The time is not far distant when they are going to take from the South the monopoly of cotton raising which we now have unless we can get cheaper fertilizers. We can not compete with those people, because their labor and many other things are cheaper than ours. When that time comes the purchasing power of the South is going to be so reduced that New England and the farmers of the North, as well as the farmers of the West, who sell us their products are going to feel it very severely. When the South can not raise cotton at a profit, the New England cotton mills will be compelled to go out of business, and other manufacturing companies will have to reduce their production, as they will be unable to find customers to take the place of the people of the South. When the southern people fail to raise cotton they will have to plant grain, much of which they buy from the West. If the western farmers should lose their market in the sale of wheat in the South, they would have a large surplus on hand and the price would go below the cost of production, as it always does when there is an overproduction. The North and West are interested in cheap fertilizer in the South and the cheap production of cotton as much as our section is.

The present President of the United States, the preceding President of the United States, Mr. Harding, and I think also President Wilson, recommended the St. Lawrence Canal. One of the reasons for urging that project was to get lower freight rates to help the wheat growers of the West. That was the principal argument used. I believe that project is coming rapidly, and if that is true, why should not the Senators from that section of the country favor the development at Muscle Shoals in peace time to help the cotton growers down in my section of the country? It is just as important to help agriculture in the South as it is to help it in the North or the West.

I shall not take longer time to discuss this matter, Mr. President, but I want to call the attention of the Senate to the importance of cotton to the United States. Except for the gold brought into our country in payment of cotton exported from the South our gold reserve now would not be much more than one-half of what it is. The southern cotton growers compete with the world, and it is necessary to have cheap fertilizer to raise it at a profit, as much of the land is wearing out. In two-thirds of the South where cotton is produced fertilizer is an absolute necessity, and they will have to raise other crops unless we can get cheaper fertilizer to use in connection with the growing of cotton. There can be no general prosperity in our country until the farmers are prosperous. When the farmer receives a good price for his products it helps all business trades and professions. We have too long neglected the needs of the farmer, and now is the time to begin by providing in this bill terms that will give the farmer cheaper fertilizer. The farmer gets less benefit from the protective tariff than anyone. He is taxed heavily because of the tariff and gets little benefit. Let us do justice to the farmer in this Muscle Shoals development. Regardless of anything, I shall continue my efforts to help the farmer in this matter and every other way possible. Let us amend this bill to give the farmer the preference under its terms.

THE PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Carolina [Mr. SMITH], upon which the yeas and nays have been ordered.

Mr. DIAL. Mr. President, the Senate has before it a big question with which to deal, but I do not think the solution of it is so hard as it has been appearing to the Senate. The time has come when it is necessary for us to act, and it is not mainly for us to shirk the issue.

There are only four things which we can do in reference to the pending legislation.

The first thing we can do is to do nothing; to let the water run over the dam and go to waste and to return nothing into the Treasury of the United States for the large outlay of money which the Government has already made on the Muscle Shoals property. I do not think that is practical. The second proposition is to let the Government operate the property; the next proposition is to let the Government lease the property; and the fourth is to sell the property.

I do not suppose that any of us, or at least many of us, would advocate developing Muscle Shoals if the Government had not already undertaken the work, but we have the property. I am almost unalterably opposed to Government going into business; I feel that such operation has always failed and always will fail in connection with business enterprises; in fact, that is not the function of government. But, Mr. President, we erected this plant for the purpose of procuring nitrates in time of war. Having done that, and the Govern-

ment needing nitrates—and it will need more hereafter—I think we should hold on to the property and should demonstrate whether nitrates can successfully be made there, and at what cost.

Personally I should like to see every horsepower of which Muscle Shoals is capable of developing used in the manufacture of fertilizer to be sold to the farmers of this country at a cheap price.

I do not believe we could pass that kind of a bill, nor do I believe that the President of the United States would approve it. I favor manufacturing nitrates and proving that we can do so, putting this country in the same position as are the other great countries of the world in this respect, so that we may have them in time of war in case we should need them. I favor manufacturing nitrates even if it should cost more than it now cost to procure them elsewhere.

However, Mr. President, after all that shall have been done, we should then utilize the property for the greatest good to the greatest number. Almost all of us occupy different positions, representing different States. I presume that some Senators here would not care to have the Government put any more money into Muscle Shoals. I do not blame the Senators from Alabama for wanting the power there developed utilized in Alabama to build up that great State, to create employment for the people, to build property for taxation, and so forth; I do not blame Senators in the adjoining and near-by States for recommending that the surplus power be transmitted to their States so that their people may get some of the benefit of the property; but, Mr. President, we represent first the people of the United States; that is our first duty, and I feel that the Government should hold onto this property and should put it in such shape that we can manufacture nitrates at any time we may need them.

It does seem to me that the proposal of the Senator from Alabama is about the best that we can agree upon. I am not particularly enthused over that, but I believe it is about the best and most practical proposition which we can get enacted into law. Under it the lessee, if we can get one, will be compelled to make a large quantity of nitrates in the next few years, which can be employed in the manufacture of fertilizer and be sold. The demonstration of the ability to do that I feel would be worth a great deal to the people of this country. Whether or not the results will prove of sufficient magnitude seriously to affect the price of fertilizer, I very much question; but that can be decided later.

Mr. President, if the property should be sold—and that was in the mind of the President of the United States when he recommended a long-term lease or sale—perhaps none of this power would be put to the use of making nitrates and other ingredients of fertilizer. Therefore our section would lose all the benefits along that line.

Mr. President, unless Congress shall act before final adjournment of the present session, it is said that the Secretary of War will lease this property or sell the power for manufacturing purposes and allow it to be transmitted to wherever that can be done. That, however, is not an easy proposition. As I understand, the Government has not provided a pole line, has not provided the great transformers that would be necessary to "step up," as the electricians call it, this power from the voltage which has been created to the voltage which will have to be transmitted. It will be a tremendous expense to do that, and that will have to be provided for. One can not sell power as he can sell a carload of wheat or a carload of bacon. Preparation has to be made for the transmission of power, and arrangements have to be made at considerable expense by the purchaser, the consumer. He will have to expend money in order to convert his machinery so that it may be driven by electricity instead of by steam. So it is not a question of a day or of a year, but it is a question of a long time before a potential customer will consent to entail the large expense which will be necessary to convert his power from one kind of drive to another. Such a customer would want to know that he would have some assurance of a long-time contract, or certainly a contract for a reasonable time in which to get the use of this power in order to justify such a transversion of his method of operations. Therefore, I repeat, it is not an easy matter at all. The hands of the Secretary of War would in a great measure be tied, the water would be running to waste, and the Government would get no return upon it.

I think the time has come when we ought to act. We have had this property for a long time, and the question of its disposition has been debated and considered for several years. Each Senator should make up his mind. I am frank to say that I would be glad, if all of the power to be developed is not to be converted into the manufacture of fertilizer, to have

the surplus power transmitted, and I would be glad to have some of it transmitted to my State in order to help build up industries there.

It does not do to say that the Government is going to sell the property to some power company. I have no interest in any power company that would transmit this power, and I have no interest in any great company at all and am not the spokesman for them; but I have no ill will against power companies which have put their money into dams and into machinery and have turned water into electricity and thereby saved thousands and millions of tons of coal for future generations. Those organizations should not be criticized without cause but, on the other hand, should be encouraged. If it is not proposed to lease the power to some company, to whom would we lease it? It can not be leased to a merchant or a lawyer, but will have to be leased to some one who is prepared to transmit the power and to handle it or to some one who will prepare to do so.

We have public utilities commissions in all of the Southern States that would regulate the distribution of the power and regulate the charges to be made for its use. Therefore I can see nothing else to do but to go along and act on the matter. The time has come to act, and there is no good reason why we should want further information and delay. We should use it now and depend upon greater developments in the future to convert more of the power into munitions in case we have need of them.

As I understand, after the lessee, if we can get one, has used a certain proportion of the power in the manufacture of nitrates, he will have a right to transmit the remainder of the power; but there is a provision that such excess power may be recalled in time of need for the manufacture of nitrates.

Mr. President, I am glad the controversy is drawing to a close. I hope we may dispose of the bill and put this magnificent property to use, so that the Government may begin to get some return upon its splendid investment and the people of that section of the United States may receive some benefit from it.

THE PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. McKELLAR. Mr. President, I am going to take only a few moments of the time of the Senate. The Senator from South Carolina [Mr. DIAL] has said "let us regulate the use of this property in the hands of the corporation to which it is going to be leased"; and yet the Senator cast his vote against any regulation except that of the Alabama Public Utilities Commission.

Mr. DIAL. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. DIAL. The public utilities commissions of the various States would regulate it.

Mr. McKELLAR. There can be no regulation outside of the State of Alabama until the power gets out of the State, so that primarily the Senator wants the Alabama Public Utilities Commission to regulate it. Let us see how they will regulate it. In the city of Cleveland a municipally owned plant sells 40 kilowatt hours of electricity for \$1.20. The cities of Bessemer, Birmingham, and Montgomery, Ala., are supplied with electric energy from water power, which was originally given by the Government, at a cost of \$3.06 for 40 kilowatt hours in comparison with the charge of the Cleveland municipally owned plant of \$1.20. So the charge is nearly three times as much under the regulation of the Alabama Public Utilities Commission as it is in Cleveland, Ohio.

By the way, let me say that the Government of the United States has already dealt in an exceedingly kindly manner with the Alabama Power Co. It gave them one of the greatest water powers in this country, and, as I remember, gave it to them perpetually, in 1912, when the Coosa Dam act was passed. That company has the right for all time to generate water power. It is regulated by the Alabama Public Utilities Commission, and the Alabama Public Utilities Commission is regulating it by permitting that water-power octopus to charge nearly three times as much as is charged for electricity generated by steam power in another city.

Mr. President, when the Senate the other day voted down, at the request of the senior Senator from Alabama [Mr. UNDERWOOD], the proposal to retain the power in the Government to regulate this great project if it shall be leased, they destroyed absolutely any good that could come from that plant by putting it in the hands of a lessee. We all know that to be the case. I want to say that, in my judgment, if this company shall obtain the plant, even under the stringent provisions in this bill, not only will the price of water power not

come down but there will be no fertilizer manufactured for the farmers of the country. What will happen will be that they will find that it is impracticable to manufacture fertilizer; so there will not be any manufactured, and the Alabama Power Co. will continue to generate current at a price fixed by the Alabama Public Utilities Commission, which will be about three times as much as it ought to have.

Everybody who is familiar with the situation in Alabama knows that the Alabama Power Co. to-day is charging nearly three times as much for current created by water power as it ought to charge even for current created by steam power.

Mr. DIAL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from South Carolina?

Mr. McKELLAR. Yes; I yield to the Senator from South Carolina.

Mr. DIAL. Does the Senator think there is enough demand in Alabama to consume all the power, or would they have to transmit some of it to other States—to the Senator's State or mine?

Mr. McKELLAR. If the Alabama Power Co. has determined to use this power in building up the three towns around the shoals, as it looks as though it has, it is probable that all the power that is developed will be used there. In addition to that, under the provisions of this bill the Tennessee River will not be opened to navigation, which is a very important matter. Dam No. 3 will not be built, reservoirs along the Tennessee River will not be built, the power will not be completely and properly produced, and the river will not be opened to navigation. It is an important thing for the navigation of that great river to be opened up. It is an important thing to produce as much power as this water will afford. It can not be done under this bill. It will not be done under this bill. This bill simply provides for turning over this property, without adequate compensation, to a power company that has not dealt fairly with the people of Alabama or anywhere else up to this date, and I hope the amendment offered by the Senator from South Carolina may be agreed to. It ought to be agreed to.

Mr. HEFLIN. Mr. President, I want Senators on this side, especially the southern Senators, to know exactly what they are doing when they vote for the amendment of the Senator from South Carolina [Mr. SMITH].

I regard the adoption of his amendment as the final blow toward defeating our purpose to manufacture fertilizer at Muscle Shoals. I want Senators to realize that we are in grave danger of having the President veto the bill. I do not think there is the slightest doubt that he would veto the bill if the amendment of the Senator from South Carolina should be adopted.

The President is not going to consent to have all the power developed at Muscle Shoals used for the manufacture of fertilizer. The Underwood bill as amended—and I want the Senator from Tennessee to bear this in mind—does not say that "if practicable" they shall make fertilizer. It directly and specifically orders them to make fertilizer, 40,000 tons of fixed nitrogen, which would equal the total amount of Chilean nitrates used annually by the farmers of the United States.

Let Senators bear that in mind when they are voting for the proposition of my good friend from South Carolina. I know that he does not want to do what I believe his amendment will do—kill this fertilizer proposition. However, I am convinced that if his amendment is adopted, the President will veto it just as soon as it reaches him; and then my good friends on this side from the South can hug to their souls the flattering unction that they have killed the opportunity to compel the manufacture of fertilizer at Muscle Shoals. If the amendment is adopted and the President vetoes the bill, as he will, Secretary Weeks would lease the Muscle Shoals property and all chance of getting fertilizer for the farmer will have been deliberately thrown away.

I voted for the amendments of my good friend from Georgia [Mr. HARRIS]. I wanted to see them adopted, but the Senate did not adopt them. I trust he will vote against this amendment, because I believe it is killing the thing that he and others of us on this side have been trying to do; and surely we on this side, whose people in the South are sorely afflicted by the burdensome prices of the fertilizer trust, can unite our forces and stand together at this hour for the relief of our people.

The Senator from Tennessee [Mr. McKELLAR] has fought against just such a proposition as that contained in the amendment of my good friend from South Carolina. He has from the beginning ably and enthusiastically opposed the Norris bill. Why is it that the Senator from Nebraska [Mr. NORRIS] and the Senator from Iowa [Mr. BROOKHART], who have

always been against our plan of compelling the manufacture of fertilizer at Muscle Shoals, are now supporting the Smith amendment? Oh, Mr. President, it is plain to me that if we of the cotton-growing South really want cheap fertilizer for the farmer, we should vote against this amendment and vote for the Underwood bill, which has the Ford fertilizer provision in it, and put it through. That is the only sure chance that we have. The President will sign it, because he has indicated in his message to Congress that he would sign a bill that used a portion of the power for making fertilizer; and here you are in the Smith amendment proposing to use all of the power at Muscle Shoals to make fertilizer. It seems to me we all ought to know that the President will not sign the bill if it contains such a provision; and when we over here are dividing on this vital matter we are killing the very thing that the Senators from South Carolina and Tennessee have advocated here for three years, and that I and my good friend from Georgia have advocated. Three-fourths of us on this side have been strong for the Ford offer, and that offer contained the same provision that the Underwood bill now contains for making fertilizer for our farmers at Muscle Shoals, and yet when we come to a final showdown on this all-important question to our southern farmers we find ourselves divided—drifting apart—and, strange to say, with such an opportunity at hand to serve our people.

We lack foresight, unity of purpose, and concerted action. My good friend from Tennessee offered an amendment here which I think would take out of the hands of a State the right to control power coming into the State. I do not think he intended that and I fear that he did not fully understand the full effect of his amendment. I voted against his amendment. I want each State to determine what it shall do with this power when it comes into the State. I am a strong believer in the rights of the State.

I have not any pride of authorship in regard to any amendment. If I had offered a dozen amendments, and they had not been agreed to, I would support the bill if I thought it was the best thing in sight, as I know this bill is. The Senator from South Carolina [Mr. SMITH] and myself, and the Senator from Louisiana [Mr. RANDELL] and others signed a minority report in which we said that we did not think Muscle Shoals was a place for the Government to experiment with the manufacture of fertilizer. Here it is. I have it in my hand. Now we are turning around and some of us are back tracking and undertaking to set up the very thing that all of us condemned in our position in support of the Ford offer.

Let me say this in conclusion to my good friends on this side: Henry Ford's offer was in favor of the farmer. The Underwood bill embodies in it the very fertilizer provisions of the Ford offer. In fact, as amended, it is better and stronger in that particular, because the Ford offer said they would manufacture fertilizer, "if practicable, upon demand." We have stricken that out, and this bill says "shall" manufacture it, and then some gentlemen express doubt of being able to get fertilizer under it. Can the English language be clearer and stronger than that which requires fertilizer to be made at Muscle Shoals?

Let us understand and let the farmers of the South understand just what we are doing here to-day. We have the opportunity to manufacture fertilizer at Muscle Shoals under private control as Ford intended to do it, or we have it in our power to put this Government into this business in competition with individual enterprise and effort.

I am on the side of individual enterprise. I do not want the Government going into business in competition with the citizen, and I do not want any socialistic program to go through. I am standing where I have always stood, fighting as best I can the battle of the farmers of the country. I want them to have cheaper fertilizer. The 40,000 tons of fixed nitrogen provided for in this bill, let me repeat, is equal to all the Chilean nitrate that comes into the United States annually—I mean that which is used by the farmers.

Mr. President, it pains and grieves me to see this division amongst the Senators from the South when the opportunity is at hand to deliver our people from the high and burdensome prices of fertilizer under which they have so long suffered. This is the only great water-power development we have had. Here is an opportunity to use it for supplying nitrates to the Nation in time of war and cheap fertilizer to our farmers in time of peace.

I beg of you to fling away petty differences and join hands with us about a common center for the good of the Government and the farmers of the South.

Mr. SMITH. Mr. President, I shall not take even 10 minutes in what I have to say.

The Senator from Alabama [Mr. HEFLIN] and every other Senator on this floor will bear testimony that I have spent about 16 years in the Senate trying to do what I could for the benefit of the agricultural interests of this country. Therefore I am not now open to the charge of intending to do anything detrimental to their interests. It may be that my judgment is at fault, but my purpose is not.

The Senator from Alabama says that the President would veto this bill if my amendment should prevail, which is simply to take from the Underwood bill one of the alternatives that are in it. If the Senator from Alabama is correct, then the bill is not sincere, and the President's support of it is not sincere. There is a provision in it which says that if a lessee can not be found, then the other alternative shall be taken, namely, a Government corporation to carry on operations there. If the Senate in its judgment says: "You, Mr. President, have said that the bill in its present state is agreeable to you; we after mature consideration believe that we ought to eliminate the idea of leasing," and he vetoes the bill in that form, he convicts himself of condemning one proposal and using it as a mere inducement for getting over the other. There is no escape from that conclusion. You put it there simply as an inducement for us to vote, when the intent and purpose, as announced by the Senator from Alabama, is to lease it.

I have come here with the proposition that it is perhaps the most sacred function of our Government, and certainly the greatest duty of this body, to provide for the national defense, not in any piecemeal way, but by demonstrating at Muscle Shoals whether a sufficient quantity and quality of nitrogen can be produced to liberate this great, proud country from dependence on a little strip of country on the west coast of South America. Now, that we are on the threshold of the realization of the purpose of the original bill enacted in 1916, namely, that the Government should take that water power or water powers and there produce sufficient explosive material to protect this country against the frightful condition in which she found herself in 1917—now that we are on the threshold of doing that thing you propose to back track and turn over all the water-power potentialities of this country to the experimentation of a few individuals whose primary interest necessarily is in that which would produce the greatest reward to them, namely, power; and even the bill of the Senator from Alabama proposes that whatever nitrogen is produced shall be sold at a certain percentage of profit to the party producing it, no matter what it costs. Therefore it is a cost-plus measure, with no promise of any help to the farmer.

The junior Senator from Alabama [Mr. HEFLIN], who has stood by me from time to time in the fight for the betterment of the condition of the farmer, has sadly mistaken the intent and purpose of this legislation and has gone far afield on the small inducement of 40,000 tons of fixed nitrogen, when the department tells us that there are processes already past the empirical stage by which they can take nitrate plant No. 2 and by the installation of the new process produce with 10,000 horsepower what it now takes 100,000 horsepower to produce.

That being true that plant, in place of producing 40,000 tons, will produce, with the same horsepower, 400,000 tons, and that 400,000 tons would be equivalent to the nitrogenous content of the 8,000,000 tons now used by the American farmer. Does the Senator from Alabama propose that it should be limited to 40,000 tons because it should be immediately available? Would the 40,000 tons of nitrogen there produced at 8 per cent profit relieve the farmers of this country and fulfill the hopes that they have had that it would be demonstrated at Muscle Shoals that the thirty-odd million tons of nitrogen free in the air can be fixed at such a price and in such a form that the burden which they bear now may be relieved?

My amendment proposes that the Government shall use the entire possibilities at Muscle Shoals for the relief of the Government in time of war and for solving the problem of adequate fertilization in times of peace, with no delegation to a private corporation until the Government has demonstrated what it has there for national defense and what it has for leasing.

We do not know what we would lease now, except that we would lease about \$200,000,000 worth of the Government's property and there is a proposition here to lease it under certain fractional requirements. Let us carry on until the farmers of this country know the possibilities there, both for the defense of their country and for the production of foodstuffs for America. My proposition does not bind us to Government ownership. It does bind us to carry on until we know what we have there to be leased.

Senators stand here and attempt to put me and any Senator who proposes to vote for my amendment in the position of joining forces, wittingly or unwittingly, with those who would deny this country the benefits which would be afforded along the line of agriculture and defense. The proposition I have made is whether or not we shall delegate at this stage of discovery and production the fulfillment of that for which we have established this plant, namely, to determine whether it is possible to produce enough explosives to protect this country in time of war, and have the same ingredient that does that enrich our land in the interim, during this production; to turn it over to the farmers of this country, not at 8 per cent, but at the cost, during that period.

Mr. UNDERWOOD. Mr. President, at this point in the record, assuming that the farmers know, or think they know, what they want, I send to the desk a resolution in regard to Muscle Shoals, passed by the National Grange, favoring a lease of these properties, and ask that it be printed in the Record.

The PRESIDING OFFICER. Without objection, that order will be made.

The resolution is as follows:

Resolved, That the National Grange favors the leasing of Muscle Shoals on the most favorable terms obtainable, which should require that nitrates be manufactured for commercial fertilizer purposes and that the plant be kept available for the Government at all times as a general emergency; but that no lease be granted for a longer period than 50 years and not in harmony with the water power act.

Mr. UNDERWOOD. I also send to the desk a letter under date of this morning from the American Farm Bureau Federation, stating that they favor the so-called Underwood bill, the proposal now before the Senate, and ask that that be printed in the Record.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The letter is as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., December 15, 1924.

MY DEAR SENATOR UNDERWOOD: The American Farm Bureau Federation is not, and never has been, interested in Muscle Shoals as a water-power development solely for the production of electric power for public utilities distribution to a favored locality. The primary interest of the American farmers in Muscle Shoals is cheaper fertilizer materials, a result that will benefit the entire Nation. At last the group who have advocated Government operation of the Muscle Shoals development have been forced to show their hand and admit that their main purpose is to operate Muscle Shoals for power production and that they are not deeply interested in the production of fertilizer.

This attitude taken by those advocating Government operation confirms and strengthens the position the American Farm Bureau has taken in advocating the private operation of Muscle Shoals under certain restrictions that protect the public interest.

These restrictions are: The manufacture of a minimum of 40,000 tons of nitrogen annually; the limitation of profit of fertilizer manufacture to a maximum of 8 per cent; the complete development of the entire Muscle Shoals project at this time; the use of Federal money at 4 per cent interest in constructing the development; the adoption of the amortization plan for returning capital investment.

To secure the economic production of fertilizer materials at Muscle Shoals has been the main purpose of the American Farm Bureau Federation in advocating the Muscle Shoals development. This can be best accomplished by private operation under suitable regulation, and is not guaranteed to us by those advocating Government operation of the Muscle Shoals development.

Because of the turn that the Muscle Shoals controversy has taken in the last few days it becomes necessary for us to again call upon the friends of the fertilizer-using farmers in the United States Senate to give to us the last chance we may have to secure cheap fertilizer materials from Muscle Shoals by voting to give the authority to have this plant leased for private operation in the manufacture of fertilizer materials; and if no such offer is forthcoming, that the same restrictions and regulations shall apply to Government operation of Muscle Shoals as we are insisting shall apply to any lease for private operation.

Very truly yours,

AMERICAN FARM BUREAU FEDERATION,
E. B. REID,
Acting Washington Representative.

Mr. UNDERWOOD. Mr. President, on Saturday last the Washington Herald printed a libelous editorial charging me with crimes and misdemeanors because I supported this bill. I will not discuss that question further now, except to say this, that at that time I said I knew there was a lobby behind the

opposition to this bill, and I felt assured that ulterior motives prompted the writing of that editorial.

To-day I have the proof as to a part of the lobby, at least. I have in my hand a bulletin issued by the National Fertilizer Association from their Washington office, at 540 Woodward Building, Fifteenth and H Streets NW. The bulletin is signed by Mr. John I. Tierney, who styles himself "assistant to the president" of the association. It is Bulletin No. 146, and it bears date December 13, 1924, the hour and day that this libelous editorial was given to the public.

Now, I ask my friends, especially those from the South, who say that they want to serve the farmer in making fertilizers and that this bill would not accomplish that, to read the letters which came in their mail this morning from the American Farm Bureau Federation, a copy of which I have had printed in the Record, favoring the so-called Underwood bill, and the resolution which I have asked to have printed in the Record from the National Grange, favoring a leasing proposition such as I have proposed, and then listen to the tale of the enemy.

The National Fertilizer Association is the association in which the various fertilizer companies of the United States join themselves together to do such work as may build up the association and lift the prices; and the farmers of America have always regarded this association as the Fertilizer Trust, the head of it, the controlling influence of the Fertilizer Trust. I ask you to listen to what they have to say. When you listen to the reading of it you will see where the editorial came from, and the motive behind the editorial which attacked me on Saturday last:

(540-541 Woodward Building, Fifteenth and H Streets NW. John I. Tierney, assistant to the president)

WASHINGTON OFFICE THE NATIONAL FERTILIZER ASSOCIATION,
Washington, D. C., December 13, 1924.

[Bulletin No. 146]

MUSCLE SHOALS

With the support of the administration influence behind him Senator Underwood is driving through his Muscle Shoals bill, and at present writing it looks as though he will command a majority when final vote is taken in the Senate. The bill as it stands is little if any improvement over the Ford bill and, so far as the fertilizer industry is concerned, it is fully as objectionable.

The first part of the bill would turn all the properties over to a lessee at an annual rental of 4 per cent on the total sum of money expended in the building and construction of Dam No. 2, which will be about \$50,000,000, making the rental \$2,000,000 a year.

Assuming that the Alabama Power Co. will be the lessee—

This is where the Alabama Power Co. came in. It was given out to the opponents of the bill to charge that the Alabama Power Co. was going to be the lessee. You hear the master's voice—

Assuming that the Alabama Power Co. will be the lessee, and it is openly charged on the floor of the Senate that such is the case, and, in fact, that the Underwood bill is in reality an Alabama Power Co. bill, there will be available to the company, according to Senator HOWELL, upward of 250,000 primary horsepower. The bill imposes no limitations upon the rates which may be charged for the power beyond the control which would be exercised by the State utilities commissions. In consideration of this favorable power contract the lessee is to be required to produce 10,000 tons of fixed nitrogen the third year of the lease, 20,000 tons the fourth year, 30,000 tons the fifth year, and thereafter 40,000 tons a year. It is stipulated that this nitrogen shall be converted into fertilizer, mixed or unmixed, and in the debates Senator UNDERWOOD has assured his colleagues that the 40,000 tons of nitrogen would be converted into 2,000,000 tons of mixed fertilizer. This is a fanciful picture, which careful reading of the bill does not warrant, but it is one of the main arguments that Senator UNDERWOOD has employed during the week that has passed.

In the event no lease can be executed under the terms of the bill, it is provided that a Government corporation shall be created with a Government guaranteed bond issue of \$50,000,000, and the same requirements as to nitrogen production are to apply in the case of the corporation. A limitation of 8 per cent profit on the fertilizer operation is provided for, but that, of course, is meaningless, as all the experts have testified that nitrogen production at plant No. 2 would be carried on at a loss.

Debate began on December 3 and seems to be growing stronger with the passing of each day. Undoubtedly the opposition is gaining in numbers, and the longer discussion proceeds the better chance there is to hold off the Underwood bill. On the other hand, administration Senators have received word that it would be very acceptable to pass the bill and get it out of the way. In fact, the chief dan-

ger of the bill's passing is due to the weariness of Senators who have listened to Muscle Shoals debates for more than four years and who have not the inclination to study the subject so that they might vote intelligently upon it.

Listen to this:

The writer has interviewed many Senators during the last week and has been assured that opposition will be carried to the last ditch. It is suggested that southern members, especially, wire their Senators to protest against this menace to the fertilizer industry. At the present time there are nearly a score of amendments pending on the measure, and the Senators who are hoping to prevent the power company's gaining this valuable property promise to make full exposition of the purposes of the bill.

The balance of the bulletin is about other matters. It is signed by John I. Tierney, who styles himself "assistant to the president."

Senators, there is no doubt about the meaning of this proposition. The representatives of the great farm organizations and the organizations themselves assembled have declared in favor of the development of this great plant for the production of nitrogen for national defense and for fertilizer.

The PRESIDING OFFICER (at 3 o'clock). The time of the Senator from Alabama has expired. All time for debate has expired. The yeas and nays have been ordered on the pending amendment to the amendment.

SEVERAL SENATORS. Let it be read.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Carolina [Mr. SMITH] to the substitute submitted by the Senator from Alabama [Mr. UNDERWOOD] will be read.

The reading clerk read as follows:

On page 3 strike out line 1 down through line 2, on page 6, and insert in lieu thereof the following:

"SEC. 3. In order to supply the United States Government with nitrogen for uses by it in time of war, and in order to produce nitrogen and balanced commercial fertilizers for the national needs in time of peace, the properties enumerated in the first section of this act shall be developed and utilized to their fullest capacity. It shall be the duty of the Secretary of War and of the corporation organized under authority of section 4 to develop and utilize all such properties primarily for the production of nitrogen for war and commercial fertilizer purposes and to produce balanced fertilizers for agricultural and commercial purposes. The Secretary of War and the corporation may make such secondary uses of the properties and power as are not inconsistent with the primary purpose of this act."

On page 6, line 3, strike out "Sec. 7" and insert in lieu thereof "Sec. 4."

On page 10, line 25, strike out "3, and 4" and insert in lieu thereof "and 3."

On page 15, line 17, strike out "Sec. 8" and insert in lieu thereof "Sec. 5."

On page 16, line 1, strike out "Sec. 9" and insert in lieu thereof "Sec. 6."

On page 16, line 6, strike out "Sec. 10" and insert in lieu thereof "Sec. 7."

On page 16, line 11, strike out "Sec. 11" and insert in lieu thereof "Sec. 8."

The PRESIDING OFFICER. The roll will be called on agreeing to the amendment to the amendment.

The reading clerk proceeded to call the roll.

Mr. NORRIS (when Mr. LA FOLLETTE's name was called). I desire to state that the senior Senator from Wisconsin [Mr. LA FOLLETTE], whose absence I announced on a former call of the roll, if present, would vote "yea" on this question. On this vote he is paired with the senior Senator from Arkansas [Mr. ROBINSON]. As I understand it, if the senior Senator from Arkansas were present, he would vote "nay."

The roll call was concluded.

Mr. SHIPSTEAD. I desire to announce that my colleague [Mr. JOHNSON of Minnesota] is necessarily absent on account of illness in his family. He is paired with the Senator from Rhode Island [Mr. GERRY]. If the junior Senator from Minnesota were present and permitted to vote, he would vote "yea." If the Senator from Rhode Island were present and voting, I am informed that he would vote "nay."

Mr. GLASS (after having voted in the affirmative). I have a general pair with the Senator from Connecticut [Mr. McLEAN], who is unavoidably absent. Therefore I feel compelled to withdraw my vote.

Mr. ELKINS (after having voted in the negative). I transfer my pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from Maryland [Mr. WELLER] and let my vote stand.

The result was announced—yeas 32, nays 49, as follows:

YEAS—32			
Asbust	Harrell	Neely	Shipstead
Borah	Harris	Norbeck	Simmons
Brookhart	Howell	Norris	Smith
Copeland	Johnson, Calif.	Overman	Swanson
Conzans	Jones, N. Mex.	Pittman	Trammell
Dill	Kendrick	Ralston	Walsh, Mass.
Frazier	McKellar	Ransdell	Walsh, Mont.
Gooding	Mayfield	Sheppard	Wheeler
NAYS—49			
Ball	Edwards	King	Smoot
Bayard	Elkins	Ladd	Spencer
Broussard	Ernst	McKinley	Stanfield
Bruce	Fernald	McNary	Stanley
Bursum	Ferris	Means	Sterling
Butler	Fletcher	Metcalf	Underwood
Capper	George	Moses	Wadsworth
Caraway	Greene	Oddie	Warren
Connors	Hale	Pepper	Watson
Curtis	Harrison	Phipps	Willis
Dale	Healin	Reed, Mo.	
Dial	Jones, Wash.	Reed, Pa.	
Edge	Keyes	Shortridge	
NOT VOTING—14			
Cameron	Johnson, Minn.	McLean	Stephens
Fess	La Follette	Owen	Weller
Gerry	Lenroot	Robinson	
Glass	McComick	Shields	

So Mr. SMITH's amendment to Mr. UNDERWOOD's substitute was rejected.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Alabama [Mr. UNDERWOOD] as modified.

Mr. HARRISON. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. NORRIS. Mr. President, if we are ready to vote on this question and Senators who have prepared some amendments do not care to offer them, I have some observations I want to make. Unless they offer their amendments before this vote is taken as between the Underwood amendment and the Norris substitute, their amendments will be out of order. I do not want to interfere with anybody's amendment.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I am going to yield the floor if some one wants to offer an amendment.

Mr. WALSH of Montana. Some days ago I presented an amendment to the amendment offered by the Senator from Alabama. If my amendment to the amendment is now in order I move its adoption.

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator from Montana yield to the Senator from Maryland?

Mr. WALSH of Montana. I yield for a question.

Mr. BRUCE. I would like to present some amendments to the Underwood substitute.

Mr. WALSH of Montana. I yield to the Senator for the purpose of presenting his amendments.

The PRESIDING OFFICER. The amendments submitted by the Senator from Maryland will be received and lie on the table. The Senator from Montana offers an amendment to the amendment proposed by the Senator from Alabama, which will be reported.

The READING CLERK. Strike out section 10 and in lieu thereof insert:

SEC. 10. That as a condition of any lease, entered into under the provisions of this act, every lessee hereunder which is a public-service corporation, or a person, association, or corporation developing, transmitting, or distributing power under the lessee either immediately or otherwise, for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged. That in case of the development, transmission, or distribution, or use in public service of power by any lessee hereunder or by its customer engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the services to be rendered by such lessee or by its customer engaged in public service, or the rates and charges of payment therefor, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of such lease that jurisdiction is hereby conferred upon the commission created by the act of Congress approved June 10, 1920, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have

provided a commission or other authority for such regulation and control: *Provided*, That the jurisdiction of the commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

SEC. 11. That when said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such lessee, or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such lessee, or by any person, corporation, or association purchasing power from such lessee for sale and distribution or use in public service shall be reasonable, nondiscriminatory, and just to the customer and all unreasonable discriminatory and unjust rates or services are hereby prohibited and declared to be unlawful; and whenever any of the States directly concerned has not provided a commission or other authority to enforce the requirements of this section within such State or to regulate and control the amount and character of securities to be issued by any of such parties or such States are unable to agree through their properly constituted authorities on the services to be rendered or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, jurisdiction is hereby conferred upon the said commission, upon complaint of any person aggrieved, upon the request of any State concerned, or upon its own initiative to enforce the provisions of this section, to regulate and control so much of the services rendered, and of the rates and charges of payment therefor as constitute interstate or foreign commerce and to regulate the issuance of securities by the parties included within this section, and securities issued by the lessee subject to such regulations shall be allowed only for the bona fide purpose of financing and conducting the business of such lessee.

The administration of the provisions of this section, so far as applicable, shall be according to the procedure and practice in fixing and regulating the rates, charges, and practices of railroad companies as provided for in the act to regulate commerce, approved February 4, 1887, as amended, and that the parties subject to such regulation shall have the same rights of hearing, defense, and review as said companies in such cases.

In any valuation hereunder for purposes of rate making no value shall be claimed or allowed for the rights granted by this act or under any lease executed thereunder.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Montana [Mr. WALSH] to the amendment. The Senator from Montana is recognized.

Mr. UNDERWOOD. I do not desire to interrupt the statement of the Senator from Montana, but I wish to ask him a question concerning his amendment, which I can do now, and he can answer when he makes his speech.

Mr. WALSH. I yield to the Senator from Alabama.

Mr. UNDERWOOD. Instead of proposing the Federal water-power amendment as it was proposed the other day in full the Senator from Montana has proposed a part of it. I wish to ask the Senator if I clearly understand his proposal. Under the first part of section 10, which I take it should be renumbered as it is placed in the bill, although that is not material, there is provided a regulation of intrastate commerce in electrical power until a State commission shall take over the matter.

Mr. WALSH of Montana. The Senator is quite right as to that.

Mr. UNDERWOOD. But after a State commission takes charge of the matter, then there is no further regulation, as I understand, under the Senator's proposal?

Mr. WALSH of Montana. That is the substance of section 10.

Mr. UNDERWOOD. Under section 11, which relates to interstate commerce, if I understand that correctly—and I ask the Senator for information, because I may be mistaken—when the electrical power passes the State line of Alabama, then it is subject to regulation by the Federal Government?

Mr. WALSH of Montana. Not unless the States which are concerned are themselves unable to agree on the regulation.

Mr. UNDERWOOD. Now, we may lessen the debate, because I have no objection to Federal regulation if a State itself will not provide regulation. My amendment now provides for State regulation. Will the Senator from Montana make that clear to me? If that shall be made clear, I shall have no objection to his amendment.

Mr. WALSH of Montana. Mr. President, that is the purport and substance of the amendment proposed. It will be recalled that this subject was considered, reconsidered, and thrashed out; that every aspect and phase of the matter was considered in connection with the general water-power legislation; and

after much debate and the expression of many conflicting opinions this was the consensus of the opinion of both Houses with respect to the matter of the regulation of the rates of the water-power companies. I can see no reason whatever for not applying exactly the same rules with respect to the sale of power from the Muscle Shoals property as obtains under the general water power act for the sale of power from properties subject to that act.

The amendment which I propose strikes out section 10 of the so-called Underwood substitute, which provides for State regulation, but contains exactly the same provision. I will read it for the information of the Senate. I will say that I have followed the very language of the water power act, except that it will be recalled that in the instrument evidencing the rights of the person with whom the Government deals in that case he is called the licensee, while in the pending bill he is called the lessee. The Underwood amendment refers to "said commission," and I insert instead of "said commission" the words "the commission created by the act of Congress approved June 10, 1920." Those are substantially the only changes in section 10, and are the only changes in section 11 except such as I shall hereafter state.

Mr. UNDERWOOD. Section 10 is very clear to me. Under it, if the State appoints a commission to operate, the matter will come under the State law; but section 11 is what I should like the Senator to make clear to me.

Mr. WALSH of Montana. If the Senator will pardon me, I will read section 10 of my amendment, so as to call attention to the authority therein given to the States to regulate, because the Senator from North Carolina [Mr. OVERMAN] felt some apprehension on that subject. Section 10 of my amendment reads as follows:

Sec. 10. That as a condition of any lease entered into under the provisions of this act every lessee hereunder which is a public-service corporation, or a person, association, or corporation developing, transmitting, or distributing power under the lessee either immediately or otherwise, for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged.

So that gives full power to the States. The amendment continues:

That in case of the development, transmission, or distribution, or use in public service of power by any lessee hereunder or by its customer engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the services to be rendered by such lessee or by its customer engaged in public service, or the rates and charges of payment therefor, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of such lease that jurisdiction is hereby conferred upon the commission created by the act of Congress approved June 10, 1920, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control.

I observe there is a typographical error in the printed amendment at that point. After the word "commission" the word should be "or" instead of "of," as printed in the amendment, so as to read "a commission or other authority for such regulation and control." The amendment continues:

Provided, That the jurisdiction of the commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

That contemplates the regulation and control within a particular State.

Mr. UNDERWOOD. If the Senator will allow me, I will suggest that that section relates practically entirely and only to Alabama, as this plant is located in Alabama.

Mr. WALSH of Montana. I presume that is correct.

Mr. HARRISON. That would apply to my State, for instance, if the power were sold in that State, would it not, the same as it applies to Alabama when the power is sold in Alabama?

Mr. UNDERWOOD. I am not sure about that. That is the reason I have asked the question of the Senator from Montana.

Mr. WALSH of Montana. Now we will pass to the consideration of section 11.

Mr. UNDERWOOD. Section 11 undoubtedly would relate to Alabama, Georgia, Tennessee, and the surrounding States. Of course, Alabama has its commission, and section 10 means nothing so far as Alabama is concerned. Section 11 relates to the adjoining States. That is what I wanted the Senator to make clear.

Mr. WALSH of Montana. I am not so sure it does not relate to Alabama. I have here the Alabama statute which leaves us in some considerable doubt as to whether there is any power of regulation in the commission of the State of Alabama. However, that is a matter of no particular consequence.

Mr. UNDERWOOD. Of course, the Alabama commission is regulating it; but if it is not regulating it, it is within the power of the legislature to adopt a regulation. So that is not material.

Mr. WALSH of Montana. The Alabama statute contains the following provision:

Sec. 5. Limitations: None of the provisions of this act shall apply to the generation, transmission, or distribution of electricity, to the manufacture or distribution of gas, to the furnishing or distribution of water, or to the production, delivery, or furnishing of steam for heat or power by a producer who is not otherwise a utility, for the sole use of such producer, or for the use of tenants of such producer, nor shall they apply to any person not otherwise a utility who manufactures and supplies such products to a utility for its use or distribution without participation by such manufacturer in such use or distribution. * * *

Mr. UNDERWOOD. I will say to the Senator I understand that provision of the statute, and that relates to certain corporations, such as furnace companies and steel mills which supply their own businesses with power, light, and heat, but the public utilities that serve the public are regulated; so that is not material.

Mr. WALSH of Montana. Of course, if the producer of power does not sell it, it would not be under the regulatory power of the commission, because there would be nothing for it to regulate, but if it sells it—

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. NORRIS. I will wait until the Senator finishes his sentence.

Mr. WALSH of Montana. If it regulates at all, it must, of course, regulate the rates under which the power is sold.

Mr. NORRIS. I am moved to interrupt the Senator by the statement he has just made. As I understand the Senator's amendment, it does not change the so-called Underwood substitute in any particular if the lessee utilizes all the power for his own use in any business in which he might be engaged?

Mr. WALSH of Montana. It does not touch that at all.

Mr. NORRIS. In other words, if Muscle Shoals were leased to some one and the lessee utilized all of the surplus power in his own individual business or the corporation in its own manufacturing business, the amendment of the Senator would not touch it any more than does the substitute which he seeks to amend.

Mr. WALSH of Montana. It would not. It was not intended to reach that.

Mr. NORRIS. I wanted to be sure. As I read it, I thought that was the result. But so as to make certain of the intention, suppose the lessee did lease it, let us say to a subsidiary company, and that subsidiary company used all the power in its own business, would the Senator's amendment have any effect in a case of that kind?

Mr. WALSH of Montana. I should think not.

Mr. NORRIS. It would not be material in that case what the rates charged were.

Mr. WALSH of Montana. That is quite right. The subsidiary company would merely figure that in as one of its fixed charges.

Mr. NORRIS. Yes.

Mr. WALSH of Montana. And would regulate the prices of its products accordingly.

Mr. NORRIS. If it were purely a subsidiary company, owned by the lessee, the subsidiary company would not care whether the rate was high or low.

Mr. WALSH of Montana. Not a bit.

Mr. NORRIS. It would be just taking it out of one pocket and putting it in the other.

Mr. WALSH of Montana. Exactly.

Mr. NORRIS. There is not any intention, on the part of the Senator, at least, in the amendment that he has offered to provide for any regulation whatever, either as to service or as to

the cost, if the lessee retains all of the power for his or its own individual use?

Mr. WALSH of Montana. No; this amendment is not intended to reach such a condition as that at all, but that is to be taken care of—

Mr. HARRISON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Mississippi?

Mr. WALSH of Montana. I will yield in just a moment. If it is to be taken care of at all, it is to be taken care of by some other provision. For myself I am unable to see how it can be taken care of except by regulating the price that may be charged for the product of the subsidiary company. I did not want to go into the question of regulating the prices of commodities that are produced by the power thus developed.

Mr. NORRIS. I do not care to lead the Senator to a phase of the case that his amendment does not apply to, and that he does not care to debate; but his own suggestion has led me rather to make another inquiry, if the Senator will permit me. Assuming that it is true, as has been claimed by Senators in the debate, that the lessee here would be getting a great amount of power for a good deal less than its real value—in other words, that this would be somewhat of a bonanza, a subsidy—does not the Senator think that there ought to be some power with somebody in official authority to regulate rates in that case? It would hardly be right, it seems to me, for the Government of the United States in effect to give a subsidy to a manufacturer in some particular business, giving him cheaper power than any of his competitors would get at a less rate than that power is worth, and thus result in giving such lessee a subsidy.

Mr. WALSH of Montana. I must say to the Senator that I have not given that matter sufficient study to feel justified in answering the Senator's question categorically. It would lead us into a very wide field. For instance, upon very modest terms, as you read the statute, the Government gives a piece of agricultural land to a man, and upon very modest terms it gives a piece of mineral land to a man—\$5 an acre for a quartz claim, and \$2.50 an acre for a placer-mining claim. Whether or not that would justify fixing the price of copper that might be extracted from the claim is a question upon which probably we would differ. Heretofore we have fixed the terms upon which the grantee or concessionaire gets the property of the United States, and we take the chances on the results.

Mr. NORRIS. I am moved to suggest to the Senator that in my humble opinion his illustration hardly explains away the importance of the question that I have asked him.

Mr. WALSH of Montana. I appreciate, of course, if the Senator will pardon me, that there is a great deal of difference between giving a man a piece of undeveloped land and giving him a property in which the Government has already invested \$130,000,000.

Mr. NORRIS. Oh, yes. There are thousands of placer mines; there is only one Muscle Shoals. A placer mine is wild and undeveloped; the lessee goes out and hunts it and develops it; but we have developed Muscle Shoals, and have invested hundreds of millions of the taxpayers' money in it.

Mr. WALSH of Montana. Yes; but it might be answered that although there is only one Muscle Shoals there are many other sources of power. The Keokuk Dam is only a short distance away.

Mr. NORRIS. There are many other sources of power, but there is no other that I know of that the Government now owns and in which it has invested so many millions of the taxpayers' money.

Mr. WALSH of Montana. I realize that difference.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Mississippi?

Mr. WALSH of Montana. I yield to the Senator from Mississippi.

Mr. HARRISON. Does this amendment do anything more, and was it the intention of the author that it should do anything more, than to make the Federal water power act, so far as rates were concerned, apply to the particular situation there?

Mr. WALSH of Montana. That was my express purpose. I took out the provisions of the water power act which deal with the subject of rates.

Mr. HARRISON. And there is nothing in it except that, and that alone?

Mr. WALSH of Montana. That is all that I understand to be in it.

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH of Montana. I yield to the Senator from Georgia.

Mr. GEORGE. I have offered an amendment which provides that the surplus power—that is, all power not used for the manufacture of nitrates for explosives in war time, or of nitrates for commercial purposes in peace time—shall be sold for distribution. If that amendment should become a part of the bill, then the amendment which the Senator proposes would take charge of that electric energy or power when sold for distribution, would it not?

Mr. WALSH of Montana. Yes; I should say so. But, if the Senator will permit me, it seems to me that that matter was taken care of by a clause in section 5 which appears on page 5:

The lease shall also provide the terms and conditions under which the lessee may sell and dispose of the surplus electric power created at said plants.

Mr. GEORGE. I think so; but there is no condition that the surplus power shall be sold for distribution.

Mr. WALSH of Montana. No.

Mr. GEORGE. That is what I had in mind, and I think it is the situation that the Senator from Nebraska contemplated.

Mr. WALSH of Montana. The two would be entirely consistent.

Mr. UNDERWOOD. Mr. President, unless the Senator desires to proceed, I do not think I have any issue with him; and if the Senate would like to push the bill along, as I understand from the Senator that all there is in this proposal is to have the power of regulation by the Government in the event that the State does not regulate—

Mr. WALSH of Montana. That is section 10; and section 11 provides for regulation by the commission in interstate commerce if the States involved do not agree.

Mr. UNDERWOOD. My purpose in the bill—and I have an amendment in it—is to have State regulation. If a State is not willing to assume regulation, then I have no objection to Federal regulation; and, so far as I am concerned, I am willing to raise no objection to the amendment.

Mr. HARRIS and Mr. COPELAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Montana yield; and if so, to whom?

Mr. WALSH of Montana. I yield the floor, in view of the statement made by the Senator from Alabama.

Mr. HARRIS. Mr. President, I should like to ask the Senator from Montana a question. The other day I sent to the desk an amendment, which I will read, and I want to ask the Senator a question about it:

Nothing in this act shall prevent the surplus power not required under the terms of this act for the manufacture of nitrogen for fertilizer from being sold at a rate lower than that being charged by other companies, individuals, or corporations. In the distribution of this surplus power no discrimination shall be made in favor of any territory.

I wonder if the Senator's amendment will cover that. I should like to submit this case: Suppose we have a surplus power and are dependent upon the transmission lines of the power company near there, and they can sell only a small part of it, and they should say to us, "We do not want that power; we will sell our power." If we had reserved the right to sell at a lower rate than they did, they, of course, would sell our power rather than have us compete with them and put up our own lines.

Mr. WALSH of Montana. I will say to the Senator that I think these two amendments perhaps will harmonize, and yet I am not entirely satisfied that they will, for I dare say that the statutes of some States would prevent a power company from selling its power at a rate lower than the rate fixed by the utilities commission, because, as the Senator well knows, that is one method of driving a competitor out of business. So I am not sure that such an amendment as that would not be incompatible with the amendment giving to the State commission the power to regulate the rates.

Mr. HARRIS. What I was trying to prevent was putting ourselves under a State commission so that we would not be allowed to compete with other independent companies. I wanted the Government to be independent, if necessary, and sell at a lower rate than the other power companies, so that we will have so much more power than the others; and I think, in the matter of making the lease, that it would be a good thing to have that in it. I think it would help the Government to make the lease.

Mr. WALSH of Montana. I should think that if that were done, if the amendment offered by the Senator were adopted after the amendment offered by myself, his amendment would control, and it would give the corporation the right to sell its power at a rate below that fixed by the regulatory body; and to that extent it would militate against the policy of the State statute, which is that the rates should be fixed the same for all, so that one can not drive the other out of business.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, announced that the House had passed the following-entitled joint resolution and concurrent resolution, in which it requested the concurrence of the Senate:

H. J. Res. 310. A joint resolution authorizing payment of salaries of the officers and employees of Congress for December, 1924, on the 20th day of that month; and

H. Con. Res. 35. A concurrent resolution providing for the printing of 25,000 copies of the proceedings on the occasion of the Woodrow Wilson memorial exercises.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 310) authorizing payment of salaries of the officers and employees of Congress for December, 1924, on the 20th day of that month, was read twice by its title and referred to the Committee on Appropriations.

CREDENTIALS

The PRESIDING OFFICER (Mr. Moses in the chair). If the Senator from Montana will permit the Chair, the Chair lays before the Senate the certificate of election of CHARLES L. McNARY, of Oregon, which, under the statute, will be read, printed in the Record, and ordered to be filed.

The credentials were read and ordered to be placed on file, as follows:

CERTIFICATE OF ELECTION

STATE OF OREGON,
EXECUTIVE DEPARTMENT.

To all to whom these presents shall come, greeting:

Know ye, that it appearing from the official canvass of the vote cast at the general election held within and for the State of Oregon on Tuesday, the 4th day of November, A. D. 1924, that CHARLES L. McNARY, of Marion County, State of Oregon, received the highest number of votes cast for the office of United States Senator in Congress at said general election:

Now therefore I, Walter M. Pierce, Governor of the State of Oregon, by virtue of the authority vested in me under the laws of the State of Oregon, do hereby grant this certificate of election and declare said CHARLES L. McNARY, of Marion County, State of Oregon, to be duly elected to the office of United States Senator in Congress of the State of Oregon for the term of six years.

In testimony whereof I have hereunto set my hand and caused the seal of the State of Oregon to be hereunto affixed.

Done at the capitol at Salem, Oreg., this 29th day of November, A. D. 1924.

[SEAL]

By the governor:

WALTER M. PIERCE, Governor.

SAM A. KOZER, Secretary of State.

Mr. KENDRICK presented a certificate of the Acting Governor of the State of Wyoming certifying to the election of F. E. WARREN as a Senator from that State for the term commencing on the 4th day of March, 1925, which was read and ordered to be filed, as follows:

CERTIFICATE OF ELECTION

THE STATE OF WYOMING,
EXECUTIVE DEPARTMENT.

Whereas, according to the official returns of a general election held in the State of Wyoming on the 4th day of November, A. D. 1924, regularly transmitted to the office of the secretary of state and duly canvassed by the State board of canvassers, it appears that F. E. WARREN was lawfully elected United States Senator of the State of Wyoming:

Therefore I, Frank E. Lucas, Acting Governor of the State of Wyoming, do hereby certify that F. E. WARREN is duly elected United States Senator of the State of Wyoming for the term of six years from the 4th day of March, A. D. 1925.

In witness whereof I have hereunto set my hand and caused the great seal of the State to be hereunto affixed. Given at Cheyenne, the capital, this 10th day of December, A. D. 1924, and of the independence of the United States the one hundred and forty-ninth.

[SEAL]

By the acting governor:

F. E. LUCAS.

F. E. LUCAS, Secretary of State.

THE ALASKA RAILROAD

The PRESIDING OFFICER laid before the Senate a report of the Secretary of the Interior, submitted, pursuant to law, relative to proceeds from the sale of surplus and obsolete material and equipment during the fiscal year ended June 30, 1924, in connection with the operation of railroads in the Territory of Alaska, which was referred to the Committee on Territories and Insular Possessions.

MEMORIAL ADDRESS ON WOODROW WILSON

The PRESIDING OFFICER. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The concurrent resolution (H. Con. Res. 35) was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there shall be compiled, printed with illustrations, and bound, as may be directed by the Joint Committee on Printing, 25,000 copies of the oration delivered by Dr. Edwin Anderson Alderman in the House of Representatives during the exercises held in memory of the late President Woodrow Wilson on December 15, 1924, including all the proceedings and the program of exercises, of which 8,000 copies shall be for the use of the Senate and 17,000 copies for the use of the House of Representatives.

Mr. SWANSON. I ask that the Senate agree to the concurrent resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

PAY OF EMPLOYEES

Mr. WARREN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. WALSH of Montana. I yield to the Senator from Wyoming?

Mr. WARREN. From the Committee on Appropriations I report back favorably without amendment a joint resolution and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 310) authorizing payment of salaries of the officers and employees of Congress for December, 1924, on the 20th day of that month, which was read, as follows:

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives, including the Capitol police, the legislative drafting service, and employees paid on vouchers under authority of resolutions, their respective salaries for the month of December, 1924, on the 20th day of that month.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17, on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New York?

Mr. WALSH of Montana. I yield to the Senator.

Mr. COPELAND. I would like to ask the Senator from Montana a question. In the laws of Alabama prescribing the authority and powers of the Alabama Public Service Corporation there is this limitation:

Sec. 5. Limitations: None of the provisions of this act shall apply to the generation, transmission, or distribution of electricity, to the manufacture or distribution of gas, to the furnishing or distribution of water, or to the production, delivery, or furnishing of steam for

heat or power by a producer who is not otherwise a utility, for the sole use of such producer or for the use of tenants of such producer, nor shall they apply to any person not otherwise a utility who manufactures and supplies such products to a utility for its use or distribution without participation by such manufacturer in such use or distribution.

Would the amendment submitted by the Senator from Montana give protection to the users of electricity or power developed under these circumstances?

Mr. WALSH of Montana. If there is any particular regulation not covered by the statute of the State of Alabama, that power of regulation would be in the water power commission under this amendment.

Mr. COPELAND. So, if there is any weakness here or any failure of protection by reason of this particular provision in the law, the amendment proposed by the Senator would afford such protection?

Mr. WALSH of Montana. That is my belief.

Mr. HEFLIN. Mr. President, I send to the desk a telegram addressed to me by the public utilities commission of my State and ask to have it read.

The PRESIDING OFFICER. Without objection, the Secretary will read the telegram.

The reading clerk read as follows:

MONTGOMERY, ALA., December 15, 1924.

Hon. J. THOMAS HEFLIN,

Congress Hall Hotel, Washington, D. C.:

Answering references in Senate to Alabama's public utility laws we submit our law is comprehensive and is effectively administered. The inferences and insinuations that this commission is not actively functioning in protection of the public interest are untrue, unfounded, and unjust. Sharp differences have arisen between this commission and the Alabama Power Co., and such differences have been settled upon commission's terms. Please read this telegram into the RECORD.

ALABAMA PUBLIC SERVICE COMMISSION,

By A. G. PATTERSON,

H. F. LEE,

F. P. MORGAN,

Members.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. WALSH] to the substitute of the Senator from Alabama [Mr. UNDERWOOD].

Mr. WADSWORTH. Mr. President, I did not take part in the discussion which took place at the time an amendment very similar to this was before the Senate, offered by the Senator from Oregon [Mr. McNARY]. My recollection is that in general terms he proposed that the lessee should be regulated just about as is now proposed it shall be regulated under the amendment of the Senator from Montana.

Mr. UNDERWOOD. If the Senator will allow me, the Senator from Oregon proposed the insertion of the whole water power act.

Mr. WADSWORTH. When applicable.

Mr. UNDERWOOD. That carried with it the amortization of this dam, and this dam does not have to be amortized, because it belongs to the Government.

Mr. WADSWORTH. Therefore it would not apply.

Mr. UNDERWOOD. It might have applied, and that would have made an additional charge. Then there was another amendment, offered by the Senator from Tennessee [Mr. McKELLAR], which left out the part of the amendment which allows it to go to the States.

Mr. WADSWORTH. I am aware of that.

Mr. UNDERWOOD. I will say to the Senator from New York that I think the provision in the substitute authorizing State regulation is sufficient, but I do not care to contest what seems to me to be substantially the same thing.

Mr. WADSWORTH. Here is the difference, as I see it. I may be wrong; I must confess that I have never made a careful study of the Federal water power act. The amendment offered by the Senator from Montana would impose upon a lessee of the power, for example, at Muscle Shoals, the regulatory power of the Federal Government, or of the States, as the case may be, under the terms of the Federal water power act; but would not impose it upon the Government corporation which may be organized under the terms of the amendment of the Senator from Alabama.

I do not know what the pleasure of the Senate is in a matter of this sort, but as I read it now, if the amendment of the Senator from Alabama shall be adopted, and the Government later on shall establish a Government corporation, and operate the power plants, and distribute and sell electric power

through that corporation, there will be no regulation over it at all.

Mr. UNDERWOOD. The Senator means as it stands?

Mr. WADSWORTH. No; I am speaking now of the amendment of the Senator from Montana, which I understand the Senator from Alabama is about to accept.

Mr. UNDERWOOD. I will say to the Senator from New York that that proposition did not enter my mind.

Mr. WADSWORTH. The Senator's section 10 preserves regulatory power, as I read it, even over a Government corporation.

Mr. UNDERWOOD. It does, and I think that should be the case. I am in accord with the Senator.

Mr. WADSWORTH. Then we have quite a situation.

Mr. UNDERWOOD. I did not have that in mind, and I suppose the Senator from Montana desires that the power shall be regulated if the Government sells it.

Mr. WALSH of Montana. No; I had not thought of that for a moment. The idea of a State regulating the rates to be charged by a Government corporation seems to me so utterly contrary to fundamental principles that I did not imagine anyone ever thought that section 10 in its operation would be applicable to a Government corporation, notwithstanding its general language.

Mr. UNDERWOOD. Mr. President—

The PRESIDING OFFICER. The Senator from New York has the floor. To whom does he yield?

Mr. WADSWORTH. I yield to the Senator from Alabama for a question.

Mr. UNDERWOOD. I will say to the Senator that I agree with him. I think that in the sale of this power in the States, whether it is by the Government corporation or not—which is a corporation and not the Government—it should be subject to the same regulations as if the lessee had it.

Mr. WADSWORTH. Mr. President, I might emphasize the idea just expressed by the Senator from Alabama, and which I rose to express myself, by reminding the Senate of the state of affairs, which I think will be about like this: If the Government, through a corporation created by itself under the terms of the Underwood amendment, is to operate this entire project—that is, operate both the chemical industry side and the power distribution and sale side—I assume, and my assumption is based upon the testimony of a very large majority of the witnesses, the chemical industry side will have to be supported financially for several years to come, especially if they are going to produce 40,000 tons of nitrates every year, by the power and distribution side of the project. It is inevitable, unless we are going to have crazy men in charge of the Government's corporation, that the corporation will endeavor to make all the money it can out of power in order to finance and support the chemical industry side, and having some acquaintance with the representatives of the Government and with their habits of dominating a situation, I for one am not willing to trust a Government corporation in a situation of that kind.

I believe it is perfectly possible under a situation of that kind, if we are going to have Government operation—and, incidentally, I am opposed to that—to build up here a Frankenstein which can extend its arms across these States and do anything it wants just because it is the Government, or represents the Government in corporate form.

Original section 10 of the Underwood amendment reads as follows—

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Montana?

Mr. WADSWORTH. May I read this clause first?

The surplus power not required under the terms of this act for the manufacture of nitrogen or fertilizer, when sold or used, shall be subject to the laws, rules, and regulations relating to the sale and use of electric power in the several States in which said power is used.

If that is not the situation, we might add to that section words to the effect that it shall be subject to the laws of the United States and of the several States. But if we are going to put the Government into business it ought to conduct its business just as fairly and just as squarely in its relation to citizens as every private corporation is compelled to do.

Mr. WALSH of Montana. Mr. President, the Frankenstein metaphor is an interesting one. I understood that the peculiar characteristic of the real Frankenstein was that the creator was unable to destroy it, but this particular Frankenstein is a sort of a Frankenstein which the creator can destroy any time it sees fit to do so. It can regulate its prices

and its charges; it can direct its operations just exactly as it sees fit.

I do not think a Federal corporation engaged in an operation of this kind should be regulated by any State authority. The State authority might actually put it out of business by putting burdensome exactions upon its operation, those operations being involved in the national defense.

The Senator contemplates just exactly such a condition of things. He thinks that the chemical end of the thing will end in disaster under Government operation, or at least that the resources from the sale of power will have to be utilized for the purpose of holding up the chemical end of the enterprise; in other words, that we will have to rely upon the revenue we derive from the sale of power in order to keep going in the production of the fixed nitrogen for fertilizer in time of peace and for the production of explosives in time of war. In other words, he is going to let the Government, in the production of nitrogen for the national defense, be impeded and obstructed in its operations by State regulations concerning the disposition of power.

Mr. President, if that is the view which ought to be taken by the Senate, with which I do not concur at all, it will be very easy, when this amendment is adopted, for the Senator from New York to add a section to the effect that "the foregoing section shall also apply to the disposition of power by the Federal corporation provided for in the act."

Mr. WADSWORTH. May I ask the Senator his object in striking out section 10 instead of perfecting it in that way?

Mr. WALSH of Montana. As I have indicated, all there is in section 10 is the regulation by State authority of the sale and use of the power, and that is applicable only, of course, to the case of the disposition of the power by the lessee.

Mr. UNDERWOOD. Section 10 applies to the corporation.

Mr. WALSH of Montana. Section 10 by its terms applies to either the lessee or the corporation.

Mr. WADSWORTH. Yes, it does.

Mr. WALSH of Montana. I did not intend that it should apply to the Federal corporation. I think that is fundamentally wrong; but, of course, many may differ with me. But we may adopt this, making this regulation apply to the lessee, and then the sense of the Senate would be tested out by another amendment, which the Senator from New York apparently would like to have adopted, that these provisions shall also apply to the corporation the creation of which is provided for in the bill.

Mr. WADSWORTH. My suggestion was that section 10, as it now stands in the Underwood amendment, could be amended with the greatest simplicity by adding the words "Federal Government," or words to that effect, in next to the last line. Then the Federal laws as well as the State laws would apply to the regulation of any body, Government corporation or otherwise, that would sell power to the customers at Muscle Shoals.

Mr. REED of Missouri. Mr. President, it seems to me to be an undefendable position that the Government should spend a large amount of money to build public works for the purpose of manufacturing fertilizer or selling power, or both, and that the Government should then relinquish its right, while it is the owner of the property and operating it, to control the rates. That would be to say that the Federal Government can make all this expenditure and then, by adverse rulings of State authorities, it might be hampered in the development of its project.

Why do we have State boards to fix rates and regulate, and so forth? The basic thought is that here is a selfish private interest; that it comes into a position of more or less monopolistic control; and that therefore the only protection of the people is to have a Government agency fix the charges and rates. Accordingly, in the various States we have set up public commissions of different kinds for that purpose. But that is because the public is upon the one side and a selfish private interest upon the other side, and the selfish private interest has a more or less perfect monopoly, and hence is in a position to make exactions.

That is not the case here. I am speaking now of that situation which would arise if the Government should continue to operate the property. We propose to set up a public agency of our own, an arm, if you please, of the Federal Government itself, which in turn is controlled by the Congress, and yet we propose to say that we can not trust that public agency to do justice, and hence we will have it supervised by other public agencies appointed by the States. We would have two kinds of public control. That to my mind would be an anomaly and an absurdity. It is a direct challenge

by the Congress of the United States itself of its own discretion, its own authority, and its own wisdom.

Moreover, the natural effect would be to have the States constantly engaged in an interference with this public utility in an effort to reduce rates in their own States, and unlike the situation which arises where there is a private control and ownership constantly on the defensive, we would find the Federal Government probably not in a position to so well set forth and look after its rights as a private company would be. I think that is too clear for debate.

I want, however, to call the attention of the Senator from Montana to the amendment which he has proposed and to ask him whether or not it does not in the last analysis meet with the difficulty which I have just discussed. I am not certain that I am right. I am directing the Senator's attention to it. It proposes:

That as a condition of any lease, entered into under the provisions of this act, every lessee hereunder which is a public-service corporation, or a person, association, or corporation developing, transmitting, or distributing power under the lease either immediately or otherwise, for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged.

That is to say, if the Government owning this property seeks to lease the property, instead of naming in the lease the terms and conditions upon which the property is to be leased and reserving to the Federal Government, the owner, a regulatory right, we propose to transfer that right of regulation to the boards of the various States. In effect are we not committing the same error that we would in the instance I first discussed? In the first instance, we own the property, and we propose while owning and operating the property to permit an interference with the rates we fix by the public service commissions of the various States. In the second instance when we go to lease the property, instead of fixing the terms and conditions of control in the lease so that we reserve them to ourselves, we turn that power over to the public service commissions of the various States. So that when we make our lease the man or the company who signs it knows in advance that it will not be regulated by the Federal Government, but will be regulated by the various State boards or commissions, and accordingly it will bid less for the lease and give a less favorable lease than it would if it was subject to control by an arm of the Federal Government which would act upon all of its properties in the same manner.

I am not certain that I have made myself clear, but it seems to me there is little difference between the two propositions.

Mr. WALSH of Montana. Mr. President—

Mr. REED of Missouri. Will the Senator permit me to finish my statement so he may clearly understand my point?

It seems to me when the Federal Government embarked on this great undertaking it had in mind two things. One, of course, was the creation of a power that would make nitrates that could be used in time of war. The other was the hope that we would make some fertilizer to be used in time of peace. But no thoughtful man on this floor ever had the idea, in my judgment, that we were to make fertilizer unless that business could be made a success, or that we would make nitrates in time of war unless we could really develop some kind of plan that would in a practicable way make those nitrates. Accordingly it must have been in everybody's consideration that this great plant would be utilized for the benefit of the people of the United States.

We are confronted with that situation to-day. Talk as we please, and assert as much as may be asserted, there is no man who can say with any degree of positiveness that it is not possible that the effort to make fertilizer may be a great economic failure and utterly impracticable, and there is no man, I think, who can say with absolute certainty that we can manufacture nitrates at this plant, even for use in time of war, except at an enormous expense. I hope all the hopes of all the friends of fertilizer and of nitrates will be realized, but I think there are very few men here who would be willing to invest their own money in that kind of a venture upon the showing now made.

That being the case and those being the considerations, it seems to me it is the business of the United States to take this great plant, to put it under an efficient management, to use a reasonable amount of money in order to demonstrate the nitrate proposition. If it can be demonstrated so that it be-

comes an economic success, then the whole question is answered, because it will be continued on account of its profitable character.

If, upon the other hand, it should turn out to be a failure, of course this mighty water power ought to be employed for the benefit of the people of the country. It is our business to conserve it, to hold it within our own hands in one form or another. That might possibly be done by a lease. It might possibly be better done by a direct Government manipulation. But in either event, I say that the Federal Government ought to maintain a complete dominance and control. If it leases the property, it ought to retain the right to fix rates for this Congress or for some agency appointed by this Congress. I have no such faith in public service commissions as to make me willing to turn over to State boards the right to regulate rates either up or down in an enterprise owned by the public at large of the United States. I do not desire to criticize those boards, especially since a telegram came here couched in insulting language and challenging the truthfulness of Senators, a telegram that never should have been permitted to go into the Record, because it reflected upon a Senator.

Mr. McKELLAR. What was that? I was out at the time, apparently.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. REED of Missouri. The Senator had better look at the telegram, and he can make up his mind better in that way.

Mr. McKELLAR. I was not aware it had been put in the Record. I thank the Senator for calling my attention to it. I will look it up now.

Mr. REED of Missouri. I have known public service commissions to make mistakes, grievous mistakes, both in establishing rates entirely too high and again in establishing rates entirely too low. When did it happen to the Congress of the United States, which represents all of the people of the United States and which is a mere trustee for the time being along with the President of the United States of this great governmental investment, that it became wise to turn any part of the control or management of that great property over to the agencies of the State? Nor does it make any difference in my judgment whether we control the property and manage it and operate it ourselves, or whether we do it through a lease, because I call attention to the fact that if we lease it, and make the lessee subject to the control of the States instead of retaining that control for ourselves, then the whole enterprise will suffer in the same way from any unjust interference on the part of the State authorities as it would if we still owned it. The Senator arose, but I wished to complete what I had to say in order that he might get my thought.

Mr. WALSH of Montana. Mr. President, there is no doubt of the resemblance between the two cases, but the distinction I think is clear enough. In the case supposed—that is, the case to which the amendment offered by me is addressed—the Government leases the property; a private corporation or a private individual takes it over. As disclosed by the inquiries addressed to me by the Senator from Nebraska [Mr. NORRIS], if such a corporation itself utilizes all of the power in industrial operations conducted by itself, the amendment does not affect the operation; but if that corporation itself becomes a public utility corporation, and itself engages in supplying the public generally with electricity, if it constructs transmission lines and itself acts as its distributing agency, or if it sells and disposes of its power to such a distributing agency, it then becomes subject to the regulatory power.

I did not want to introduce into this discussion the question, which was very spiritedly debated in connection with the Federal water power act, of Government regulation of rates and conditions of operation as contrasted with the State regulation. It will be remembered that when we had the water-power legislation under consideration there was no inconsiderable body which stoutly insisted that the power to fix the rates to be charged by any licensee under that act should be retained by the Federal Government, but the overwhelming sentiment of the Congress was that that would be unwise, and chiefly because, the city of Washington being distant some 3,000 miles from some sections of the country—it is 2,500 miles from my own locality—it would be difficult, if not impossible, to get speedy, inexpensive, and satisfactory hearings away down here in the city of Washington, but rather that these matters should be regulated locally. At that time the opinion was very general at least that investors would be very much more desirous of investing in such properties if the rates were subject to regulation only by the State authorities and not by Federal authority or agency here in the city of Washington.

So I do not apprehend, as the Senator suggests, that better terms could be secured from a lessee if in the disposition of the power to a subordinate that subordinate were subject to regulation by some authority here in Washington rather than by the State authority. As a practical proposition, I believe that better terms could be secured from the lessee if the power distributed by him through sublessees or otherwise should be subject to the regulation in the matter of the rates by the local authorities than by the Federal authorities; and I speak what I think was the general conviction at the time the water-power legislation was under consideration. I apprehend that if it were now proposed to make all of those rates, by whomsoever the power should be distributed, subject to regulation by Federal authority a very stout opposition would be aroused, and I did not want to renew that controversy.

Mr. President, the situation is not exactly the same, because, as heretofore indicated, we are not turning over to the lessee, if the property should be leased, simply an undeveloped power site as is the case under the water power act. We are turning over not only the site but we are turning over a plant on which the Government has already expended an enormous amount of money; but in principle it is exactly the same. The power site, however, in the case of many of the power sites which come under the jurisdiction of the Federal Government is a thing of very great value.

In some instances, perhaps, such sites have as great value as the money that will be required to be expended for their development which is furnished by the licensee, as he is designated under the water power act. So in principle the two are practically the same and present exactly the same problem, only the proportion which is put in by the Government is greater in this case than in the other. I apprehend that a very strenuous opposition would be aroused against the proposal to introduce into this measure a policy of having the rate controlled in the city of Washington here, while in the case of all other powers developed under the water power act the control rests in the local authorities.

Mr. BROUSSARD. Mr. President, will the Senator from Montana yield to me?

Mr. WALSH of Montana. I yield.

Mr. BROUSSARD. I should like to ask the Senator from Montana a question concerning his amendment. First, I call his attention to this language in his amendment—

and whenever any of the States directly concerned has not provided a commission or other authority to enforce the requirements of this section within such State or to regulate and control the amount and character of securities to be issued by any of such parties or such States are unable to agree through their properly constituted authorities on the services to be rendered or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, jurisdiction is hereby conferred upon the said commission—

I understand that language to mean, I will say to the Senator from Montana, that if the State has no regulatory commission the Federal commission shall regulate.

Mr. WALSH of Montana. Yes.

Mr. BROUSSARD. If the State has such a commission, then the State would regulate within its jurisdiction; but here is a provision to the effect that if the "States are unable to agree through their properly constituted authorities on the services to be rendered, or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, jurisdiction is hereby conferred upon the said commission." I wish to follow that up with what I understand to be the proviso governing all water-power plants under the Federal water power act. The last part of section 10 contains this proviso:

Provided, That the jurisdiction of the commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

I do not understand that under the Federal water power act as to any plant which is relieved of the jurisdiction of a Federal commission any condition is imposed except that the State shall assume jurisdiction over the matter. There is nothing, so far as I am informed, under the Federal law which requires as an additional condition that the State within which it is doing business must agree with another State on the outside in order to relieve it of the jurisdiction of the commission. In other words, as I understand the meaning of the amendment, it places the Muscle Shoals plant in an entirely different class from all other plants carrying on the same line of business under the Federal laws, because, not—

withstanding that the State within which it is doing business has assumed control, and therefore the Federal commission shall have withdrawn its jurisdiction as to Muscle Shoals, there is an additional condition proposed to be imposed, namely, that the commission of the State of Alabama must agree with the commissions of the States adjoining it in order to deprive the Federal commission of jurisdiction. I do not know that I have made myself clear.

Mr. WALSH of Montana. I think so; but the Senator is confused because he has read the proviso in section 10 in connection with the provisions of section 11. The Senator is in error in thinking that there will be any distinction whatever between the operation under this language and the operation in the case of a property developed under the provisions of the water power act. Both sections 10 and 11 of the amendment are taken from the water power act. Exactly the condition to which the Senator adverts as occurring under this act occurs now under the water power act.

Mr. BROUSSARD. As I understand, I may say to the Senator from Montana, the water power act imposes the single condition that unless the State assumes jurisdiction over the matter the power of the Federal commission shall attach.

Mr. WALSH of Montana. Yes. Section 10 of this amendment is a reproduction of section 19 of the water power act; section 11 of the amendment is a reproduction of section 20 of the water power act.

Mr. BROUSSARD. Then the verbiage in section 11 of the Senator's amendment is the same as it is in the water power act?

Mr. WALSH of Montana. It is the same as that in section 20 of the water power act.

Mr. BROUSSARD. Requiring the authorities of the adjoining States to agree as to rates?

Mr. WALSH of Montana. Exactly.

Mr. BROUSSARD. That is what I desired to know.

Mr. WALSH of Montana. Yes, the two sections are taken from the water power act. I will also say for the further information of the Senator and those who are interested that section 10 of the amendment and section 19 of the water power act contemplate the case of the State in which the power is actually generated. Section 11 contemplates the case of the power being transmitted from that State to another State.

The Senator can very readily understand that there will then be a competition among the States into which the power is carried to get that power in order to induce industrial establishments to come within their States rather than within the adjacent States. This power is likely to be carried through three or four or five States. We will suppose that it is carried into the State of Tennessee and into the State of Kentucky. If Kentucky establishes a rate lower than the rate established in the State of Tennessee, the industrial plants will establish themselves along the border within the State of Kentucky, and accordingly there will be a competition among the regulatory commissions of the various States to reduce the rates in their particular States. In that situation of affairs it becomes necessary, as the Senator will see, to have some kind of uniformity in the rates through all the States which the power traverses; and if in those conditions the States are unable to agree upon the rates which should obtain, then the Federal commission interposes and fixes the rates. That is the condition to which section 11 of the amendment and section 20 of the water power act apply.

EXECUTIVE SESSION

Mr. CURTIS. Mr. President, it is not likely that we can reach a vote on the pending amendment to-night and, as a short executive session is desired, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, December 17, 1924, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 16, 1924

COMPTROLLER OF THE CURRENCY

Joseph W. McIntosh, of Illinois, to be Comptroller of the Currency, in place of Hon. Henry M. Dawes, resigned.

COMMISSIONER OF IMMIGRATION

John B. McCandless, of Pennsylvania, to be commissioner of immigration at the port of Philadelphia, Pa.

UNITED STATES DISTRICT JUDGE

Charles A. Boynton, of Texas, to be United States district judge, western district of Texas, vice William R. Smith, deceased.

POSTMASTERS

FLORIDA

Harry W. Thurber to be postmaster at Lake Worth, Fla., in place of Rex Holley, removed.

GEORGIA

Thomas A. Bulloch to be postmaster at Ochlocknee, Ga., in place of E. A. Sills, deceased.

Edith A. Herrington to be postmaster at Millen, Ga., in place of G. G. Brinson. Incumbent's commission expired July 28, 1923.

Henry C. Hays to be postmaster at Mansfield, Ga., in place of H. C. Hays. Incumbent's commission expired June 4, 1924.

Walter L. Turner to be postmaster at Lagrange, Ga., in place of W. L. Turner. Incumbent's commission expired July 28, 1923.

Minnie Parker to be postmaster at Fairburn, Ga., in place of Paul Latimer. Incumbent's commission expired June 4, 1924.

George M. Greely to be postmaster at Decatur, Ga., in place of B. M. Shive, resigned.

John W. Moore to be postmaster at Crawford, Ga., in place of J. W. Moore. Incumbent's commission expired February 4, 1924.

Minnie E. Nance to be postmaster at Arlington, Ga., in place of W. J. Roberts. Incumbent's commission expired September 28, 1922.

ILLINOIS

Nicholas F. Stellen to be postmaster at McHenry, Ill., in place of T. J. Walsh. Incumbent's commission expired June 5, 1924.

MASSACHUSETTS

Andrew J. Maguire to be postmaster at Randolph, Mass., in place of W. L. Hickey. Incumbent's commission expired February 4, 1924.

MICHIGAN

Joseph D. Norris to be postmaster at Turner, Mich., in place of R. P. Eymmer, resigned.

Samuel Perkins to be postmaster at Norway, Mich., in place of J. C. Wickstrom. Incumbent's commission expired September 13, 1922.

NEBRASKA

J. Lyndon Thornton to be postmaster at Fairbury, Nebr., in place of Daniel Kavanaugh. Incumbent's commission expired June 4, 1924.

NEW JERSEY

Philip E. Rockafellow to be postmaster at Stockton, N. J., in place of P. E. Rockafellow. Incumbent's commission expired June 5, 1924.

WEST VIRGINIA

Jerome Akers to be postmaster at Kenova, W. Va., in place of G. A. Porter. Incumbent's commission expired June 5, 1924.

Lewis E. Winston to be postmaster at Ethel, W. Va., in place of J. M. Cress, resigned.

WISCONSIN

Eugene S. Tradewell to be postmaster at Antigo, Wis., in place of Edward Cody. Incumbent's commission expired August 29, 1923.

Frank C. O. Muenich to be postmaster at Argyle, Wis., in place of S. E. Nelson, declined.

Jay E. Lundmark to be postmaster at Balsam Lake, Wis., in place of H. W. Radcliff. Incumbent's commission expired March 22, 1924.

Minnie B. Dixon to be postmaster at Bristol, Wis., in place of M. B. Dixon. Office became third class July 1, 1922.

Andrew Crahen to be postmaster at Brooklyn, Wis., in place of Andrew Crahen. Incumbent's commission expired August 29, 1923.

Rudolph Zimmer to be postmaster at Hilbert, Wis., in place of Joseph Marx. Incumbent's commission expired June 5, 1924.

Otto J. Ahnert to be postmaster at Kewaunee, Wis., in place of M. J. Rice. Incumbent's commission expired August 29, 1923.

Frank Wachter to be postmaster at Melrose, Wis., in place of P. B. Bartlett. Incumbent's commission expired March 22, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 16, 1924

POSTMASTERS

ILLINOIS

William D. Garriss, Dowell.

NEW YORK

Leslie E. Daniels, Chaumont.
Edward J. Murphy, Forestport.
George C. Myer, Highland Falls.
Harmon A. Ranous, Minetto.

PENNSYLVANIA

Harold C. Fry, Camp Hill.
Alexander G. Dunlap, Delta.
Maxwell L. Byerly, Embreeville.
Thomas M. Brown, Glen Rock.
Jennie S. Curren, Gordon.
Ward P. Landis, Hummelstown.
Christian S. Clayton, Huntingdon Valley.
Ellen M. Brown, Kelson.
William W. Robertson, Mount Carmel.
Claude S. Yeager, Orwigsburg.
Bertha C. Eshleman, Pequea.
William K. Pearce, Rutledge.
Charles S. Mayhugh, South Mountain.
David L. Bly, Watstown.
Annie Smith, Waverly.
Norman H. Koch, Weatherly.
Boies M. Boyer, Weissport.

RHODE ISLAND

Alfred Lacaille, Anthony.
Charles D. Carlin, Conimicut.
Bertha M. Brayton, Hope.
William F. Caswell, Jamestown.
Louis G. Picard, Natick.
Harry A. Bartlett, North Scituate.
John A. Hazard, Warwick.

WEST VIRGINIA

Mary B. Carman, Bethany.
John V. Taft, Nutter Fort.
Roy C. Glick, Pemberton.
Benjamin F. McGinnis, Pennsboro.
Earle Reger, Weston.

HOUSE OF REPRESENTATIVES

TUESDAY, December 16, 1924

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, who art in heaven, be not far away, for we would speak to Thee. Thou hast not forgotten us; having loved us, Thou wilt surely love us to the end. We thank Thee for this miracle of Thy mercy! Continue to create in us the noblest conceptions of life, character, and duty. Throughout our broad land give righteous truth power and victory. Keep us in the serene faith of its progress and destiny. In all things may we gain in knowledge, in wisdom, and in all other virtues that make good men and wise citizens of our Republic. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

SALARIES OF EMPLOYEES FOR DECEMBER, 1924

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 310, authorizing payment of salaries of the officers and employees of Congress for December, 1924, on the 20th day of that month, which I send to the desk and ask to have read.

The Clerk read as follows:

House joint resolution (H. J. Res. 310) authorizing payment of salaries of the officers and employees of Congress for December, 1924, on the 20th day of that month

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the

officers and employees of the Senate and House of Representatives, including the Capitol police, the legislative drafting service, and employees paid on vouchers under authority of resolutions, their respective salaries for the month of December, 1924, on the 20th day of that month.

Mr. MADDEN. Mr. Speaker, this is the usual holiday resolution which provides for paying the employees of the legislative branch of the Government. If we do not pass it at this time, they will not be able to get their pay before the holidays begin.

The SPEAKER. Is there objection to the present consideration of the resolution.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MADDEN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, Mr. FENN was granted leave of absence for one week on account of important business.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 353) for the relief of Reuben R. Hunter, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CAPPER, Mr. SPENCER, and Mr. BAYARD as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3553. An act to authorize the settlement of the indebtedness of the Republic of Poland to the United States of America:

S. 3554. An act to authorize the settlement of the indebtedness of the Republic of Lithuania to the United States of America; and

S. J. Res. 152. Joint resolution to accept the gift of Elizabeth Sprague Coolidge for the construction of an auditorium in connection with the Library of Congress and to provide for the erection thereof.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6941) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they this day had presented to the President of the United States for his approval the following bills:

H. R. 8687. An act to authorize alterations to certain naval vessels and to provide for the construction of additional vessels; and

H. R. 7052. An act for the relief of Geston P. Hunt.

DANIEL SHAW WILLIAMSON

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to the claim presented by the British Government for indemnity on account of death of Daniel Shaw Williamson, a British subject, at East St. Louis, Ill., on July 1, 1921. I recommend that Congress authorize an appropriation and that an appropriation be made to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE,

Washington, December 13, 1924.

REPORT OF GOVERNOR GENERAL OF THE PHILIPPINE ISLANDS (H. DOC. NO. 485)

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Insular Affairs and ordered printed:

To the Congress of the United States:

As required by section 21 of the act of Congress approved August 29, 1916 (39 Stat. 545), entitled "An act to declare

the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands." I transmit herewith, for the information of the Congress, the Report of the Governor General of the Philippine Islands, including the reports of the heads of the departments of the Philippine Government, for the fiscal year ended December 31, 1923.

I concur in the recommendation of the Secretary of War that this report be printed as a congressional document.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 13, 1924.

PERRY'S VICTORY MEMORIAL COMMISSION

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on Military Affairs:

To the Congress of the United States:

I transmit herewith the Fifth Annual Report of the Perry's Victory Memorial Commission, dated December 1, 1924, which was submitted to the Secretary of the Interior, pursuant to section 5 of the act entitled "An act creating a commission for the maintenance, control, care, etc., of the Perry's Victory Memorial on Put in Bay Island, Lake Erie, Ohio, and for other purposes," approved March 3, 1919 (40 Stat. 1322-1324).

CALVIN COOLIDGE.

THE WHITE HOUSE, December 13, 1924.

INDEBTEDNESS OF THE REPUBLIC OF POLAND

Mr. CRISP. Mr. Speaker, by direction of the Committee on Ways and Means, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10651, which is a bill approving the settlement of the indebtedness of Poland to the United States. Pending that I ask unanimous consent that the Senate bill (S. 3553) upon the same subject, which has just passed the Senate and has been messaged over to the House, be considered in lieu of the House bill, that the bill be considered in Committee of the Whole, and that there be one hour of general debate, 30 minutes to be controlled by myself and 30 minutes to be controlled by the chairman of the committee, the gentleman from Iowa [Mr. GREEN].

Mr. HAWLEY. Mr. Speaker, will the gentleman yield?

Mr. CRISP. Yes.

Mr. HAWLEY. Is the Senate bill identical with the House bill?

Mr. CRISP. The only difference is that in the House bill the Committee on Ways and Means amended the bill as drafted by the Treasury Department by naming by number the executive document which contains the report of the President, and the report of the commission thus identifying the executive document and making it a part of the bill. The Senate bill which has been passed is exactly the bill as drafted by the Treasury Department, and it is identical with the bills this Congress has heretofore passed approving the settlement of the indebtedness with England, with Finland, and with Hungary.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the Senate bill be substituted for the House bill.

Is there objection?

Mr. GARNER of Texas. Mr. Speaker, I reserve the right to object, and ask the Speaker this question: If we give unanimous consent to consider the Senate bill in lieu of the House bill, would I waive the right to make the point of order because the bill originated in the Senate? I want to call the attention of the Chair to the provisions of this bill, and the point of order is that if the Senate bill is to be considered, that the Senate did not have authority under the Constitution to originate it.

The SPEAKER. The Chair is inclined to think that the gentleman would waive the point of order if he granted unanimous consent.

Mr. GARNER of Texas. I do not want to interfere with the passage of this legislation, but I am anxious to have the Speaker pass on the question as to whether or not the Senate had the right to originate this legislation. I think I can point out to the Chair conclusively that this is revenue legislation, that it changes the amount to be received by the Government and the policy of the Government from what the present law provides. I merely have to say to the Speaker that he refers these bills to the Committee on Ways and Means, realizing that they are revenue bills. This proposition changes the basis of settlement from what is now due the Government under the law to what this contract provides. I do not think the Senate

had a right to originate the legislation under the Constitution. I am advised by the gentleman from Georgia [Mr. CRISP] that section 7, Article I, of the Constitution provides that all revenue bills must originate in the House of Representatives, and this is undoubtedly a revenue measure. One reason I call attention to this is that my attention has been called to a little error that was made in the last day of the last session of Congress, which is very unfortunate but for which probably no one is particularly to blame. A revenue bill did originate in the Senate, was passed by the Senate, sent to the House of Representatives, and was passed by the House of Representatives without its ever having been referred to a committee even. So far as I can, I must assert the constitutional right of this body to consider first all questions pertaining to the revenue of the Government; and if it is necessary to object, unless I can get a ruling of the Speaker otherwise, I shall be compelled to object to the request of the gentleman from Georgia.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. GARRETT of Tennessee. If the gentleman will permit, I think it involves a question much more serious than merely the question of pride that might exist. If I am correct in my recollection, just a few years ago the Supreme Court of the United States held unconstitutional an act because it did originate in the Senate, being in the nature of a revenue act. If this be in violation of the Constitution, it might get into the courts and be a matter of grave trouble. I think the gentleman from Texas acts wisely in objecting to the request.

Mr. GREEN. Mr. Speaker, if the gentleman will permit, I think I can suggest a way of disposing of this matter. I think this point of order, Mr. Speaker, is too important and serious to be decided at this time, and I realize how important the principle is that the gentleman from Texas has in mind, and therefore I am going to ask my friend from Georgia to withdraw his request that the Senate bill be substituted for the House bill, and let us proceed with the House bill to which I presume there will be no objection.

Mr. CRISP. Of course, I heartily acquiesce in the suggestion of the chairman of my committee. I appreciate the majority trusted me with the handling of the matter, and therefore I ask unanimous consent that the House bill be considered in the House as in Committee of the Whole House on the state of the Union, and that there shall be one hour general debate, 30 minutes to be controlled by myself and 30 minutes by the chairman of the Ways and Means Committee.

Mr. GARNER of Texas. If I may have the permission of the gentleman from Georgia, there are a number of countries that have to be dealt with in these settlements. This is the fifth, I believe. There were some, I do not recall the number now, that we deal with as a whole. Now, this is a very important matter and it will arise in the future in the same way it has arisen now if the Senate undertakes to make these settlements. I wish the Chair would find it convenient to examine into the question thoroughly and render an opinion, if need be, so the Senate may be informed as to the opinion of the Presiding Officer of the House or as speaking for the House itself in the premises.

Mr. GREEN. Whatever time is yielded to me I expect to yield to the distinguished gentleman from Ohio [Mr. BURTON]; as far as I know, no one else on this side wants any time for general debate. How much time does the gentleman from Ohio desire?

Mr. BURTON. Not more than 15 minutes. But possibly questions or something might make it necessary for me to occupy more time.

The SPEAKER. The gentleman from Georgia asks unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union and that there shall be not exceeding an hour's debate, half to be controlled by himself and half by the gentleman from Iowa. Is there objection?

Mr. BLANTON. Reserving the right to object, in order to ask a question, I want to ask the distinguished gentleman from Georgia if this settlement is within the authorization made by the Congress?

Mr. CRISP. The settlement, of course—yes; it is within the authorization of the Congress.

Mr. BLANTON. Does it go beyond it?

Mr. CRISP. No; it does not. Congress authorized the commission to enter into negotiations and make a settlement to be submitted for approval to the Congress, and that is what this bill now seeks, to have the congressional approval of the settlement. And I will say to the gentleman that the substance of both of these settlements of Poland and Lith-

naia are based on the settlement with Great Britain, and I do not think there is any substantial change.

Mr. BLANTON. And does not enlarge its terms at all or make—

Mr. CRISP. Only as to Poland by giving Poland the right to pay a definite sum for five years instead of paying the full amount, the rate of interest on her bonds being the same.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none. As to the comment made by the gentleman from Texas [Mr. GARNER] the Chair will be glad to give the subject his attention. The Chair also thinks it is fair to the House that the Chair should state that the bill to which the gentleman refers, which passed the last day of the last session, was brought to the attention of the Chair, and the Chair regrets to state that he thinks that was a bill that was clearly beyond the jurisdiction of the Senate. It came up in the last hurried hours of the session. It was brought to the attention of the Chair and the attention of several Members of the House, but in the haste of the moment no one thought of questioning that it should originate in the House and it unfortunately passed and it was signed by the President, or otherwise the Chair would have ruled.

Mr. GARNER of Texas. I am satisfied it was an oversight, but I am anxious in the presentation of legislation for these settlements with the Nation that this House should advise the Senate as to our views as to the constitutionality of the method pursued in the passage of these bills.

Mr. CRISP. Mr. Speaker, may I suggest to the Speaker one thing? I am sure he already knows it, but in considering them it should be remembered that these bills are supposed to settle the indebtedness that the Government now has, drawing 5 per cent interest, I think. They are now past due. The bill reduces the rate of interest from 5 per cent to 3 and 3½ per cent.

PRINTING THE MEMORIAL ADDRESS ON LATE PRESIDENT WOODROW WILSON

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield before the bill is taken up?

Mr. CRISP. Yes.

Mr. GARRETT of Tennessee. I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 35

Resolved by the House of Representatives (the Senate concurring), That there shall be compiled, printed with illustrations, and bound, as may be directed by the Joint Committee on Printing, 25,000 copies of the oration delivered by Dr. Edwin Anderson Alderman in the House of Representatives during the exercises held in memory of the late President Woodrow Wilson on December 15, 1924, including all the proceedings and the program of exercises, of which 8,000 copies shall be for the use of the Senate and 17,000 copies for the use of the House of Representatives.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

INDEBTEDNESS OF THE REPUBLIC OF POLAND

The SPEAKER. The gentleman from Georgia [Mr. CRISP] is recognized for 20 minutes.

Mr. CRISP. Mr. Speaker, the bill has not yet been read.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10651) to authorize the settlement of the indebtedness of the Republic of Poland to the United States of America, and for other purposes

Be it enacted, etc., That the settlement of the indebtedness of the Republic of Poland to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 169, Sixty-eighth Congress, second session, is hereby approved in general terms as follows:

The amount of the indebtedness to be funded, after allowing for cash payments made by Poland, is \$178,560,000, which has been computed as follows: Principal amount of obligations to be funded, \$159,066,972.39; interest accrued and unpaid thereon to December 15,

1922, at the rate of 4¼ per cent per annum, \$18,898,053.60; total principal and interest accrued and unpaid as of December 15, 1922, \$178,565,025.99; paid in cash by Poland November 14, 1924, \$5,025.99; total indebtedness to be funded into bonds, \$178,560,000.

The principal of the bonds shall be paid in annual installments on December 15 of each year up to and including December 15, 1984, on a fixed schedule, subject to the right of the Government of the Republic of Poland to make such payments in three-year periods. The amount of the first year's installment shall be \$560,000, the annual installments to increase until the sixty-second year the amount of the final installment will be \$9,000,000, the aggregate installments being equal to the total principal of the indebtedness to be funded into bonds.

The Government of the Republic of Poland shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' advance notice.

Interest on the bonds shall be payable semiannually on December 15 and June 15 of each year at the rate of 3 per cent per annum from December 15, 1922, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum until final payment.

The Government of the Republic of Poland shall have the option with reference to payments on account of principal and interest falling due on or before December 15, 1929, under the terms of the agreement, to make the following payments on the dates specified:

June 15, 1925, \$500,000; December 15, 1925, \$500,000; June 15, 1926, \$750,000; December 15, 1926, \$750,000; June 15, 1927, \$1,000,000; December 15, 1927, \$1,000,000; June 15, 1928, \$1,250,000; December 15, 1928, \$1,250,000; June 15, 1929, \$1,500,000; December 15, 1929, \$1,500,000; total, \$10,000,000, and to pay the balance, including interest on all overdue payments at the rate of 3 per cent per annum, in bonds of Poland, dated December 15, 1929, bearing interest at the rate of 3 per cent per annum from December 15, 1929, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum, such bonds to mature serially on December 15 of each year up to and including December 15, 1984, substantially in the same manner and to be substantially the same in other respects as the bonds of Poland received at the time of the funding of the indebtedness.

Any payment of interest or of principal may be made, at the option of the Government of the Republic of Poland, in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

Mr. CRISP. Mr. Speaker and gentlemen of the House, I am very glad to present to you for your approval a bill authorizing a settlement made by the Foreign Debt Funding Commission with the Republic of Poland, which settlement has been sanctioned by the President of the United States and which you are now asked to ratify. I may say that there will follow this bill one approving a funding of the indebtedness of Lithuania to the United States.

I know you are impatient for the settlement of all of these foreign debts, and I may say to you that each member of the World War Foreign Debt Commission is also anxious for all of them to be funded. I know I am.

The Foreign Debt Commission, gentlemen, has many almost insurmountable barriers to overcome. This foreign indebtedness is not such a case as one where one citizen or one corporation is indebted to another, and if the debtor does not pay the creditor can go into court and get a judgment and recover his money. There are only two ways by which a foreign debt can be settled; one is by voluntary payment, and the other by arbitrament of arms; and no sane man or woman in the United States wants this Government to pursue the latter course. To me it is unthinkable. Therefore the only way your commission can act in these matters is through diplomatic channels, presenting to the foreign nations the fact that this Government is anxious for the settlement of their indebtedness; and I assure you this has been done and is being done by the Foreign Debt Funding Commission.

Now, as a member of that commission it would be improper for me to go into details as to what occurred in the executive sessions of the commission. But I do feel that when any settlement has been made and you are called upon to act upon it you, as Members of Congress, representing the taxpayers of the Nation, are entitled to full knowledge of all the facts that led the commission to recommend the settlement. I assure you, as long as I am on the commission, I shall frankly and freely tell you, my colleagues, of anything that has transpired and that I think is pertinent to the question of whether or not you will vote to ratify any settlement made by the commission. I do not believe protracted or acrimonious discussion relative to our foreign indebtedness is for the best interests of the country. I do not believe it is conducive to the maintenance of cordial, friendly relations between this country and

our European debtors. Therefore I shall not myself engage in any lengthy discussion of it.

I do want to say to you, notwithstanding what you may have read in the press, that France has made no concrete, definite proposition to this Government relative to funding her indebtedness. I have been a member of the commission for two years and during that period no representative of the French Government has appeared before the commission. A few weeks ago the French ambassador had several conversations with Secretary Mellon, who is the chairman of the World War Debt Commission, and Secretary Mellon very courteously called a meeting of the debt commission and apprised us of the substance of those conferences. I do not consider I am at liberty to go into the details as to what transpired, but I can say to you that the French ambassador merely sought to ascertain how the commission would view certain proposals. There was no definite proposition made, no suggestion made for the funding of the indebtedness of France to the United States that for a moment would be accepted by this country. The suggestions were of such a nature that they did not meet with the approval of the Debt Funding Commission, and certainly did not meet with mine, so that there is nothing definite pending as to the settlement of the French indebtedness with the United States.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CRISP. I yield this time, and then I will ask gentlemen to let me first make my statement. Then I will answer questions.

Mr. BLANTON. Does the gentleman from Georgia know whether the French ambassador was specially authorized by his Government to make any overtures of any kind?

Mr. CRISP. Of course, I assume that he was or he would not have conferred with the Secretary of the Treasury.

Concluding my statement, I may say to you that the Debt Funding Commission is earnestly hoping that France will almost immediately, if not instantaneously, through her duly authorized representatives, make to the Debt Funding Commission a definite proposition for the settlement of the French indebtedness, for the Debt Funding Commission is most anxious to have the French indebtedness funded.

Now, a good deal has been said in the newspapers as to the actions and discussions in England relative to the statement that was broadcast to the effect that France was making a proposition to settle her indebtedness to the United States. Now, gentlemen, I want to say to you that I have respect and admiration for His Britannic Majesty's Government. The English Government has always observed all of its obligations and agreements, whether those agreements were by treaty to aid an ally in defense against an unjust war or whether it was to pay her financial obligations. Great Britain is our largest creditor. Right after the armistice, or within a reasonable time thereafter, Great Britain entered into negotiations with this Government to fund her indebtedness.

Negotiations were concluded, and the present Premier of England, Mr. Baldwin, as Chancellor of the Exchequer, conducted the negotiations for Great Britain, and England has met every payment under the terms of that agreement. [Applause.] She was the first nation, being our greatest debtor, to fund her indebtedness. I think she is entitled to our highest respect and admiration.

I may say in passing that Great Britain to-day pays the highest taxes of any nation on earth. Great Britain will keep her covenant and pay every cent she owes the United States.

Now, it is perfectly natural that Great Britain should desire to have France settle with her, and Great Britain is doing exactly as you or I would do if we had a debtor who was proposing to settle with some of his creditors—you and I would want to take steps to see that our indebtedness was also paid. Many people have been put into the bankruptcy court for trying to give preference to some creditors over others.

Now England is in no wise interfering or attempting to interfere with any settlement this country may make with France. She has no right to do it, and I, in common with all the citizens of the United States, would resent such an unjustifiable interference with us in the conduct of our own affairs. England simply wants to have her own indebtedness also settled, and I don't think she is censurable in the least for pursuing that course. It is the duty of every government to protect its own interests and to look after the welfare of its own citizens, and this alone I conceive to be England's object.

I believe a just, honorable, and fair basis for the settlement of all our foreign indebtedness is the English settlement, and I do not see how our debtors can ask for or expect more liberal terms. [Applause.] The Congress of the United States has approved that basis of settlement; the country has acquiesced

in it, and it is honorable and generous on our part. We hold the notes of these debtor nations for the principal due, with 5 per cent interest, and all of the obligations are long since past due. We all know the nations can not pay those colossal sums at once, so the generous Government of the United States has agreed to fund them over a period of 62 years and has reduced the rate of interest from 5 to 3 and 3½ per cent, and I do not see how any of our foreign debtors could ask more liberal terms. And speaking to you, my colleagues, I say to you I will not, either as a member of the Debt Commission or as a Member of this House, vote to settle the indebtedness of any of these other countries in any way which will substantially vary from the basic settlement made with Great Britain. [Applause.]

Now I am going to discuss, so as to try to save time, the bill now before the House and also the one which will follow, approving the settlement of the indebtedness of Lithuania. The settlement with Lithuania is on all fours with the settlement made with Great Britain, so there is not much to be said about it.

The bill you are now called upon to consider, settling the indebtedness of Poland, is substantially the same; it in no material way varies and does not lose the United States one cent over what it is receiving under the British settlement. The only difference is that for the first five years Poland is required to pay only \$10,000,000 in cash. Under the terms of the agreement the remainder of principal and interest due during those five years in excess of \$10,000,000 can be paid in bonds of Poland. Poland is a new Republic and weak financially. Since the armistice she has been engaged in war; Poland's economic condition is bad, her revenue does not meet her expenditures, and she is a young, struggling Republic. Therefore the commission agreed to recommend to you that for the first five years she pay \$10,000,000 and give her bonds for the remaining part of the principal and interest due for those five years, those bonds to draw the same rate of interest as the original bonds, to wit, 3 and 3½ per cent. The only deviation from the British settlement is for the first five years. She pays \$10,000,000 in cash and then gives her bonds for the remainder which would be due the United States within those five years, and the bonds draw the same rate of interest as the original bonds held by our Government. Therefore there is no variation from the British settlement in principle, in substance, in results, or in the amount of money to be collected and received. They are only allowed a little longer time, and the deferred payments draw interest. Now, that is the only difference or variation between the settlements made with Great Britain and Poland, and, in fact, that is no variation or deviation.

Under the terms of this bill the amount to be funded is \$178,560,000. The amount of the principal due to the date of funding, December 15, 1922, is \$159,666,972.39, and on that principal interest is computed at 4½ per cent up to the date of funding, the amount of interest due at the date of funding being \$18,898,053. On November 4 Poland paid \$5,025,99, which leaves the amount of principal and interest to the date of funding, December 15, 1922, \$178,560,000. Poland is to give her bonds for this sum. The debt is amortized to cover 62 years, and this is the way the debt of Great Britain was amortized. For the first 10 years they are to pay 3 per cent interest, and during the remaining time they are to pay 3½ per cent interest, just as the English settlement provided. The indebtedness is to be paid in gold coin of the present weight and fineness, or it can be liquidated by the surrender to this Government of any of the United States bonds issued after April 6, 1917, the Government accepting its own bonds at par and accrued interest. Surely no one can object to that, for the bond and obligation of the United States is worth 100 cents on the dollar anywhere in the world. [Applause.] For the first three years half of the amount due can be funded for one year, the postponed payment to draw interest.

The United States has been officially advised by the Republic of Poland that the President and ministers of Poland have ratified this settlement, so the only thing necessary to make it conclusive is congressional action ratifying it. It is important that such action be taken at once, for the minister of Poland at Washington, who represents his Government, is duly authorized by it to execute bonds in behalf of Poland provided the matter is closed before the 1st of January, 1925. His authority to act for his Government in the premises ceases then, and unless the matter is disposed of before that date a delay will be necessary for the Polish ambassador to receive additional authority from his Government to act.

Now, gentlemen, I think that covers the whole situation. The Lithuanian bill is exactly as the British bill. The only

difference in the Polish agreement is as to the deferred payments, and I am sure you will agree that it is no deviation in substance from that of Great Britain. I believe, all things considered, you will be glad to give your approval to this settlement, and I hope as each one of these debts is settled it will be notice to all the other debtors of the United States of America that America expects them to keep their honest and legal obligations; that they should take steps to at once fund their indebtedness to the United States and begin payments on the same, so that the United States Government can reduce the

taxes of its already overburdened taxpayers who are being taxed to pay the interest on United States bonds sold to raise the money loaned to our debtors. [Applause.]

At the suggestion of my colleague on the Debt Funding Commission, Senator BURTON, of Ohio, I am attaching hereto, under the leave granted me to extend my remarks, a statement showing in detail the amounts owing to the United States by the foreign governments. Also, attached is a copy of the agreement made by the Foreign Debt Funding Commission with the Republic of Poland:

Obligations of foreign governments held by the United States Treasury, together with interest accrued and remaining unpaid thereon, as of the last interest period prior to or ending with November 15, 1923

Country	Obligations representing cash advanced under Liberty bond acts		Obligations received from the Secretary of War and the Secretary of the Navy on account of sales of surplus war material (act of July 9, 1918)		Obligations received from the American Relief Administration on account of relief supplies furnished (act of Feb. 25, 1919)	
	Principal	Interest (including interest due Nov. 15, 1923)	Principal	Interest	Principal	Interest
Armenia					\$8,028,412.15	\$1,605,682.44
Belgium	\$347,210,808.68	\$77,431,602.90	\$29,818,761.38	(1) (2)		
Czechoslovakia	61,974,941.10	13,234,843.87	20,604,302.49	\$3,988,408.38	6,428,089.19	1,283,617.84
Estonia			12,213,377.88	2,442,675.60	1,785,767.72	346,907.35
Finland					8,281,926.17	718,073.89
France	2,933,265,231.96	650,051,228.67	407,341,145.01	(1)		
Great Britain	4,600,000,000.00	1,500,000.00				
Greece	15,000,000.00					
Italy	1,647,997,050.16	367,082,346.73				
Latvia			2,521,869.32	378,107.66	2,610,417.82	522,083.56
Lithuania	26,000.00	4,818.85				
Lithuania			4,159,491.96	831,898.40	822,126.07	164,427.20
Nicaragua			175,590.28	(1)		
Poland			79,946,692.24	12,044,000.47	51,671,749.36	10,334,349.88
Rumania	23,206,819.52	5,085,993.98	12,922,675.42	2,584,535.12		
Russia	187,729,750.00	48,559,853.07	406,082.30	30,456.18	4,465,465.07	711,465.81
Yugoslavia	26,059,865.40	5,918,019.27	24,978,020.99	4,631,250.84		
Total	9,842,498,566.82	1,168,870,707.34	595,088,009.27	26,931,332.65	84,093,963.55	15,688,607.01

Country	Obligations received from the United States Grain Corporation on account of sales of flour (act of Mar. 30, 1920)		Total		Total indebtedness
	Principal	Interest	Principal	Interest	
Armenia	\$3,931,505.34	\$697,596.50	\$11,959,917.40	\$2,303,278.94	\$14,263,196.43
Austria	24,055,708.92	4,330,027.62	24,055,708.92	4,330,027.62	28,385,736.54
Belgium			377,029,570.06	77,433,692.90	454,463,172.96
Czechoslovakia	2,873,238.25	517,182.90	91,879,671.03	19,026,052.99	110,905,724.02
Estonia			13,999,145.60	2,789,582.95	16,788,728.55
Finland			8,281,926.17	718,073.83	9,000,000.00
France			3,349,606,376.97	650,051,228.67	3,999,657,605.64
Great Britain			4,600,000,000.00		4,600,000,000.00
Greece			15,000,000.00	1,500,000.00	16,500,000.00
Hungary	1,685,835.61	303,450.42	1,685,835.61	303,450.42	1,989,286.03
Italy			1,647,997,050.16	367,082,346.73	2,015,079,396.89
Latvia			5,132,287.14	900,191.22	6,032,478.36
Lithuania			26,000.00	4,818.85	30,818.85
Lithuania			4,581,628.03	926,325.60	5,507,953.63
Nicaragua			175,590.28	(1)	175,590.28
Poland	24,312,514.37	4,161,997.53	155,930,955.97	26,540,347.88	182,471,303.85
Rumania			36,128,494.94	7,670,529.10	43,799,024.04
Russia			192,601,297.37	40,301,775.06	232,903,072.43
Yugoslavia			51,037,886.39	10,549,270.11	61,587,156.50
Total	56,858,802.49	10,010,254.97	10,578,509,342.13	1,221,500,902.87	11,800,010,245.00

¹ No interest due on Nicaraguan notes until maturity, as is also the case of certain Belgian obligations aggregating \$2,284,151.40.

² Interest has been paid as it became due.

³ Agreement providing for refunding of these obligations as to both principal and interest executed, subject to approval of Congress, on May 1, 1923. Bonds of Finland amounting to \$9,000,000 will be delivered to the Treasury in exchange for the obligations now held if the agreement is approved.

⁴ Refunding bonds received under terms of agreement concluded pursuant to the act of Congress approved Feb. 9, 1922, as amended by act of Congress approved Feb. 28, 1923.

AGREEMENT MADE THE 14TH DAY OF NOVEMBER, 1924, AT THE CITY OF WASHINGTON, DISTRICT OF COLUMBIA, BETWEEN THE GOVERNMENT OF THE REPUBLIC OF POLAND, HEREINAFTER CALLED POLAND, PARTY OF THE FIRST PART, AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA, HEREINAFTER CALLED THE UNITED STATES, PARTY OF THE SECOND PART.

Whereas Poland is indebted to the United States as of December 15, 1922, upon obligations in the aggregate principal amount of \$159,666,972.39, together with interest accrued and unpaid thereon; and

Whereas Poland desires to fund said indebtedness to the United States, both principal and interest, through the issue of bonds to the United States, and the United States is prepared to accept bonds from Poland upon the terms and conditions hereinafter set forth:

Now, therefore, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. Amount of indebtedness: The amount of the indebtedness to be funded, after allowing for cash payments made or to be made by Poland, is \$178,560,000, which has been computed as follows:

Principal amount of obligations to be funded.....	\$159,666,972.39
Interest accrued and unpaid thereon to December 15, 1922, at the rate of 4½ per cent per annum....	18,898,027.60
Total principal and interest accrued and unpaid as of December 15, 1922.....	178,565,000.00
To be paid in cash by Poland November 14, 1924.....	5,025.00

Total indebtedness to be funded into bonds..... 178,560,000.00

2. Repayment of principal: In order to provide for the repayment of the indebtedness thus to be funded, Poland will issue to the United States at par, as of December 15, 1922, bonds of Poland in the aggregate principal amount of \$178,560,000, dated December 15, 1922, and maturing serially on each December 15 in the succeeding years for

62 years, in the amounts and on the several dates fixed in the following schedule:

December 15—

1923	\$560,000
1924	925,000
1925	950,000
1926	975,000
1927	1,000,000
1928	1,025,000
1929	1,050,000
1930	1,075,000
1931	1,100,000
1932	1,125,000
1933	1,150,000
1934	1,200,000
1935	1,225,000
1936	1,250,000
1937	1,275,000
1938	1,300,000
1939	1,325,000
1940	1,350,000
1941	1,400,000
1942	1,450,000
1943	1,500,000
1944	1,550,000
1945	1,600,000
1946	1,675,000
1947	1,750,000
1948	1,825,000
1949	1,900,000
1950	1,975,000
1951	2,075,000
1952	2,200,000
1953	2,300,000
1954	2,400,000
1955	2,500,000
1956	2,600,000
1957	2,700,000
1958	2,800,000
1959	2,900,000
1960	3,000,000
1961	3,100,000
1962	3,200,000
1963	3,300,000
1964	3,400,000
1965	3,500,000
1966	3,600,000
1967	3,700,000
1968	3,800,000
1969	3,900,000
1970	4,000,000
1971	4,100,000
1972	4,200,000
1973	4,400,000
1974	4,600,000
1975	4,800,000
1976	5,000,000
1977	5,200,000
1978	5,400,000
1979	5,600,000
1980	5,800,000
1981	6,000,000
1982	7,400,000
1983	8,200,000
1984	9,000,000
Total	178,560,000

Provided, however, That Poland, at its option, upon not less than 90 days' advance notice to the United States, may postpone any payment falling due as hereinabove provided, except those falling due on or before December 15, 1929, hereinafter referred to in paragraph 4 of this agreement, to any subsequent June 15 or December 15 not more than two years distant from its due date, but only on condition that in case Poland shall at any time exercise this option as to any payment of principal, the payment falling due in the next succeeding year can not be postponed to any date more than one year distant from the date when it becomes due unless and until the payment previously postponed shall actually have been made, and the payment falling due in the second succeeding year can not be postponed at all unless and until the payment of principal due two years previous thereto shall actually have been made.

All bonds issued or to be issued hereunder to the United States shall be payable to the Government of the United States of America, or order, shall be issued in such denominations as may be requested by the Secretary of the Treasury of the United States, and shall be substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit A." The \$178,560,000 principal amount of bonds first to be issued hereunder shall be issued in 62 pieces, in denominations and with maturities corresponding to the annual payments of principal hereinabove set forth.

3. Payment of interest: All bonds issued or to be issued hereunder shall bear interest, payable semiannually on June 15 and December 15 in each year, at the rate of 3 per cent per annum from December 15, 1922, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum until the principal thereof shall have been paid.

4. Method of payment: All bonds issued or to be issued hereunder shall be payable, as to both principal and interest, in United States gold coin of the present standard of value or, at the option of Poland, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to

be taken at par and accrued interest to the date of payment hereunder: Provided, however, That with reference to the payments on account of principal and/or interest falling due hereunder on or before December 15, 1929, Poland, at its option, may pay the following amounts on the dates specified:

June 15, 1925	\$500,000
Dec. 15, 1925	500,000
June 15, 1926	750,000
Dec. 15, 1926	750,000
June 15, 1927	1,000,000
Dec. 15, 1927	1,000,000
June 15, 1928	1,250,000
Dec. 15, 1928	1,250,000
June 15, 1929	1,500,000
Dec. 15, 1929	1,500,000

Total..... 10,000,000

and the balance, including interest on all overdue payments at the rate of 3 per cent per annum from their respective due dates, in bonds of Poland dated December 15, 1929, bearing interest at the rate of 3 per cent per annum from December 15, 1929, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum until the principal thereof shall have been paid, such bonds to mature serially on December 15 of each year up to and including December 15, 1934, substantially in the manner provided in paragraph 2 of this agreement, and to be substantially similar in other respects to the bonds first to be issued hereunder.

All payments, whether in cash or in obligations of the United States, to be made by Poland on account of the principal or interest of any bonds issued or to be issued hereunder and held by the United States, shall be made at the Treasury of the United States in Washington or, at the option of the Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York, and if in cash shall be made in funds immediately available on the date of payment, or if in obligations of the United States shall be in form acceptable to the Secretary of the Treasury of the United States under the general regulations of the Treasury Department governing transactions in United States obligations.

5. Exemption from taxation: The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for, and shall be exempt from, any and all taxes or other public dues, present or future, imposed by or under authority of Poland or any political or local taxing authority within the Republic of Poland, whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Poland, or (c) a corporation not organized under the laws of Poland.

6. Payments before maturity: Poland, at its option, on any interest date or dates, upon not less than 90 days' advance notice to the United States, may make advance payments in amounts of \$1,000 or multiples thereof, on account of the principal of any bonds issued or to be issued hereunder and held by the United States. Any such advance payments shall first be applied to the principal of any bonds which shall have been issued hereunder on account of principal and/or interest accruing between December 15, 1922, and December 15, 1929, and then to the principal of any other bonds issued hereunder and held by the United States, as may be indicated by Poland at the time of the payment.

7. Exchange for marketable obligations: Poland will issue to the United States at any time, or from time to time, at the request of the Secretary of the Treasury of the United States, in exchange for any or all of the bonds issued or to be issued hereunder and held by the United States, definitive engraved bonds in form suitable for sale to the public, in such amounts and denominations as the Secretary of the Treasury of the United States may request, in bearer form, with provision for registration as to principal, and/or in fully registered form, and otherwise on the same terms and conditions, as to dates of issue and maturity, rate or rates of interest, exemption from taxation, payment in obligations of the United States issued after April 6, 1917, and the like, as the bonds surrendered on such exchange. Poland will deliver definitive engraved bonds to the United States in accordance herewith within six months of receiving notice of any such request from the Secretary of the Treasury of the United States, and pending the delivery of the definitive engraved bonds will deliver, at the request of the Secretary of the Treasury of the United States, temporary bonds or interim receipts in form satisfactory to the Secretary of the Treasury of the United States within 30 days of the receipt of such request, all without expense to the United States. The United States, before offering any such bonds or interim receipts for sale in Poland, will first offer them to Poland for purchase at par and accrued interest, and Poland shall likewise have the option, in lieu of issuing any such bonds or interim receipts, to make advance redemption, at par and accrued interest, of a corresponding principal amount of bonds issued or to be issued hereunder and held by the United States. Poland agrees that the definitive engraved bonds called for by this paragraph shall contain all such provisions and that it will cause to be promulgated all such rules, regulations, and orders as shall be deemed necessary or desirable by the Secretary of the Treasury of the United States in order to

facilitate the sale of the bonds in the United States, in Poland, or elsewhere, and that if requested by the Secretary of the Treasury of the United States it will use its good offices to secure the listing of the bonds on the stock exchange in Warsaw.

8. Cancellation and surrender of obligations: Upon the execution of this agreement, the payment to the United States of cash in the sum of \$5,925.99, as provided in paragraph 1 of this agreement, and the delivery to the United States of the \$178,560,000 principal amount of bonds of Poland first to be issued hereunder, together with satisfactory evidence of authority for the execution of the agreement and the bonds on behalf of Poland by its envoy extraordinary and minister plenipotentiary at Washington, the United States will cancel and surrender to Poland, at the Treasury of the United States in Washington, the obligations of Poland in the principal amount of \$159,666,972.39, described in the preamble to this agreement.

9. Notices: Any notice, request, or consent under the hand of the Secretary of the Treasury of the United States shall be deemed and taken as the notice, request, or consent of the United States and shall be sufficient if delivered at the Legation of Poland at Washington or at the office of the Minister of Finance in Warsaw; and any notice, request, or election from or by Poland shall be sufficient if delivered to the American Legation at Warsaw or to the Secretary of the Treasury at the Treasury of the United States in Washington. The United States in its discretion may waive any notice required hereunder, but any such waiver shall be in writing and shall not extend to or affect any subsequent notice or impair any right of the United States to require notice hereunder.

10. Compliance with legal requirements: Poland represents and agrees that the execution and delivery of this agreement and of the bonds issued or to be issued hereunder have in all respects been duly authorized and that all acts, conditions, and legal formalities which should have been completed prior to the making of this agreement and the issuance of bonds hereunder have been completed as required by the laws of Poland and in conformity therewith.

11. Counterparts: This agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

In witness whereof Poland has caused this agreement to be executed on its behalf by its envoy extraordinary and minister plenipotentiary at Washington, thereunto duly authorized, and the United States has likewise caused this agreement to be executed on its behalf by the Secretary of the Treasury, as chairman of the World War Foreign Debt Commission, with the approval of the President, all on the day and year first above written, subject, however, to the approval of Congress, pursuant to the act of Congress approved February 9, 1922, as amended by the act of Congress approved February 28, 1923, notice of which approval, when given by Congress, will be transmitted in due course by the Secretary of the Treasury of the United States to the legation of Poland at Washington.

THE GOVERNMENT OF THE
REPUBLIC OF POLAND,

[SEAL.] By WLADYSLAW WRÓBLEWSKI,
Envoy Extraordinary and Minister Plenipotentiary.

THE GOVERNMENT OF THE
UNITED STATES OF AMERICA,

For the Commission:
[SEAL.] By A. W. MELLON,
*Secretary of the Treasury and Chairman of
the World War Foreign Debt Commission.*

Approved:
CALVIN COOLIDGE,
President.

Mr. CRISP. Mr. Speaker, how much time have I left?
The SPEAKER. The gentleman has used 22 minutes.

Mr. CRISP. Mr. Speaker, I am going to yield the remainder of my time to the gentleman from Alabama [Mr. HUDDLESTON], and I would like to ask the chairman of my committee [Mr. GREENE] whether he would prefer that the gentleman from Alabama use his time now or wait until after the chairman has used some time?

Mr. GREENE. I would prefer that the gentleman from Alabama proceed at this time.

Mr. CRISP. Then I will yield 10 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, I believe it can not be too often reiterated that America did not enter the World War in partnership with any other nations.

As a coincidence other nations were at war with Germany. It was a coincidence fortunate for us and for them. Their causes for war were not our causes. Their war aims were not our war aims. We owed them no duty to enter the war. We did not enter the war because we owed them the duty to enter. We did not enter the war because of sympathy with them in their efforts or their war aims. America entered the war for her own reasons and for her own causes and for her own na-

tional purposes. There were groups which were moved by racial feeling and social and commercial interests, but to the extent that they remembered other nations they forgot their own country.

The main and chiefest of our war purposes was to secure for ourselves the freedom of the seas, the right to travel the highways of the world in pursuit of our peaceful purposes and trade with all the nations. That had been fundamental in American policy from the very beginning. It was for the violation of that right that we declared war upon Germany. It is a strange fact that although we were victors in the war, although we won the freedom of the seas upon the battlefields, we lost it at Versailles. It was the one particular subject which it was not permitted to us even to discuss in writing the treaty. Nothing better illustrates than that fact that our war aims were not the aims of the other nations and that they were not our partners in the war, for they thwarted us in our chief aim.

We did not owe the other nations at war with Germany any duty to lend them money or to furnish them supplies for their civilian inhabitants or for their armies. We did not do so in recognition of any duty that we owed them. We loaned them money and furnished them supplies because it served our national interests to do so. They did not borrow because they were fighting our battles. They were fighting their own battles. They borrowed the money not to enable them to stay in the field to fight for America, but that they might stay in the field to fight for themselves.

Many of our people, out of the exuberance of sentimentality and love for romance and for rhetoric, from time to time have spoken of those who were at war with Germany at the same time with ourselves in terms of sympathy and of favoritism and lauding their aims and purposes, and many for themselves have chosen to assume the posture that we failed in some duty we owed to civilization and ourselves by not entering the war at some earlier time. It can not be said too often that we owed the other nations no duty whatsoever. They fought for themselves, we for ourselves. It served our national purposes to lend them money, and it served them exceedingly well to borrow it in the time of their distress. Let us have done with posturing!

We should carry to the nations that owe us the definite and distinct message that we expect them to pay their debts, irrespective of the fact that at the time of the loan they were engaged against an enemy which was our enemy. [Applause.] We must urge upon them that they disrobe themselves of the false garment that they were in some way battling for America before we chose to enter the war. It was primarily their war; none of them were wholly without fault in causing it. The fundamental causes of war were complicated questions of European jealousies and balances of power, racial and religious antagonisms, and the desire upon the part of the great commercial nations to secure for themselves trade advantages and exclusive commercial opportunities for the purpose of adding to their own wealth as nations and to advance the selfish interests of their citizens—matters in which America had no interest and with which we were not concerned. Let us have done with this false attitude that America had neglected her duty in not entering the war or that America owed the allied nations some duty which we did not perform.

They owe us some money, which they borrowed when they needed it badly. The duty is upon them to pay, unless they choose to put themselves before the world as those who refuse to pay honest debts.

As for myself, I feel that our position is identical with that of any creditor dealing with his debtors. He has, without asking leave, a right to be merciful if he wills. He has a right to discriminate at discretion among his debtors. He has a right to collect from them according to their ability to pay and according to terms that they are able to meet.

The nations of the world are not upon an equal economic footing. Some are much better able to pay than others. The people of Great Britain are taxed heavily, as the gentleman from Georgia [Mr. CRISP] has pointed out, but the reason for that is that they are able to pay the taxes. They are able to pay heavy taxes because they have great wealth. That is their affair and not ours.

There are nations to which loans were made that should never have been permitted to borrow from us. It was a blunder to lend to them. It did not aid or serve our cause to advance them money. Some of the loans were made even after the war was over. Nevertheless, they owe us and some of them are only remotely able to pay and some will perhaps never be able to pay in full. There is no reason, in common sense nor in our duty to other debtors, why we should

not extend, to poor nations and those who are unable to pay in full, terms which they can meet. There is no reason in common sense nor in our duty to other nations why we can not give terms to one nation better than those given to others. Let me say, in all frankness, in the American commercial vernacular, it is nobody's business what terms we give to our debtors. We may give such terms as we choose. [Applause.]

Mr. WAINWRIGHT. Will the gentleman yield for a question?

Mr. HUDDLESTON. May I first finish this statement and then I will be pleased to yield.

I hope it will not be thought ungracious of me, nor as showing lack of respect and admiration for the great man who was eulogized in this Chamber on yesterday, to say that the monumental blunder of statesmanship of modern times, and perhaps of all times, was in allowing this country to go to war in association with other nations thereby putting ourselves at the mercy of our associates, without some definite understanding as to their war aims and what those nations were seeking to accomplish. Our great leader did not fail as a diplomat at Versailles. He did all there that man could have done. The failure was far back of that—when we entered the war without requiring the other nations to whose cause we thereby inevitably committed ourselves to renounce their secret agreements, to clean themselves of their entanglements, and to declare what their war aims really were, so that there might be a meeting of minds, both before and during the war, which might have been written into the treaty of Versailles.

Mr. GREEN. Mr. Speaker, in the limited time left to me I will yield to the gentleman from Ohio [Mr. BURTON] such time as he may desire.

Mr. BURTON. Mr. Speaker and my colleagues, I can not agree with the gentleman from Alabama [Mr. HUDDLESTON] that our entrance into the Great War was a mere coincidence or because of the assertion of special rights of our own. When the impartial judgment of history is made up it will be to the effect that this war was a conflict between freedom on the one side and despotism on the other [applause], between justice and peace and the power of might and of the sword. And so our joining with England, with France, with Belgium, with Italy in this great struggle was because their cause was our cause. [Applause.]

If the power of the Kaiser had prevailed and his army had driven the allied armies to the sea, I firmly believe that here in the New World an army would have been formed mighty enough to have entered the contest and emerge from the conflict undefeated. For we certainly would have been driven to take such a course for the protection of our own rights, in case our allies had been overpowered, against the movement which threatened liberty and all the best possessions of the human race.

That does not mean that the obligations incurred by the respective nations should not be paid. Do not let me be understood for a moment as favoring a cancellation of these obligations. The reasons for that position, I at another time and in another place set forth very fully, and while I do not wish to take the time of the House, I ask unanimous consent that some remarks of mine made in the city of London, on the 26th of September, 1922, and published in the London Times, may be inserted with my remarks, also that an editorial appearing in the London Times on the same date be inserted.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the Record by printing the articles referred to. Is there objection?

There was no objection.

The following is the material to which reference is made:

[From the London Times, September 27, 1922]

ALLIED DEBTS—STANDPOINT OF AMERICA—DISARMAMENT AND PEACE

Mr. THEODORE E. BURTON, an ex-Senator of the United States of America and a Member of the House of Representatives, who is also a member of the commission appointed by the United States Government to deal with the funding of the Allies' debts to America, was entertained at luncheon at the Hotel Cecil yesterday by the American Chamber of Commerce in London. Mr. BURTON, during a visit of some weeks' duration to Europe, has attended the conference of the Inter-parliamentary Union in Vienna and has been studying present conditions in continental countries generally. He will leave England on his return to the United States within the next fortnight.

In the absence of Mr. G. M. Cassatt, the president of the chamber, Mr. G. K. Weeks (of the National City Bank of New York), a director of the chamber, occupied the chair, and among the guests were Sir

Robert Horne, M. P., Chancellor of the Exchequer; Sir A. Shirley Bann, M. P.; Sir Felix Schuster; Mr. H. L. Symonds, the chairman of the council of the London Chamber of Commerce; Mr. H. A. Payne, joint permanent secretary of the Board of Trade; Mr. E. C. Granfell; Sir G. Faish; and Mr. G. Roberts, M. P.

The chairman said that the members of the American Chamber of Commerce showed by their presence that they were not of those Americans who believed in a policy of isolation for the United States. They realized that it was impossible for any nation in this generation to separate itself from participation in international affairs, and, realizing that, they were prepared to pay tribute to the wise statesmanship of their distinguished guest, ex-Senator BURTON, in crossing the Atlantic in order to study the problems of reconstruction and finance and the political conditions which were bound up in the task of bringing the world back to a more normal and healthy existence. They were greatly favored in having among their guests the Chancellor of the Exchequer and a number of directors of some of the most important British banks, who had gathered to hear Mr. BURTON speak on the foreign relations of the United States and on the Allies' debts.

Mr. BURTON said:

"It affords me sincere pleasure to meet so representative a gathering of citizens of the two great English-speaking nations. This is my sixteenth visit to old London; the first was made 42 years ago. In the meantime, I have had occasion to see a growth in this metropolis equaling that of many of the younger cities in the New World. At the same time the visitor can recognize old-time landmarks and a gratifying continuance of the attractions characteristic of the long ago. To-day I think I can render no more important service than by speaking frankly of relations between the United States and European nations. I am giving the American viewpoint, and it is my intention to speak very plainly. I am prompted, in some degree, to do so by the friendly, but sometimes immaturely considered, statements which have been made by visitors from my native land during the last few months. I do not claim any more genuine Americanism than they, but speak as one for many years familiar with currents of popular opinion and having a disposition to employ greater freedom of expression. Let it be understood that whatever I may say is said upon my own responsibility, rather than as a member of the so-called Debt Commission or as a Member of Congress.

AMERICA AND THE LEAGUE OF NATIONS

"The question is asked, 'Why has America kept aloof from the League of Nations and other international movements in recent years?' Certainly we did not keep aloof when the great struggle between autocracy and popular government impelled us to take up arms in 1917, nor have we been lacking in those measures, public or private, which tend to relieve the suffering of humanity in a war-torn world. In a recent attendance upon the sessions of the League of Nations at Geneva, I must confess that I was disappointed by the absence of reference to our activities in the line of international benevolence. It was stated that it was very difficult to aid Russia. England had generously given some £250,000, and had conditionally offered another £100,000. The fact was overlooked, however, that notwithstanding that we had many needy at home, and feared that aid to Russia under the present régime would promote a political control altogether alien from our ideas, \$20,000,000 were appropriated by the Congress of the United States for the suffering and starving in the Volga Valley. This appropriation, reinforced by private agencies, it may be confidently asserted, saved millions of lives. In the discussion at the same gathering of measures for the advancement of peace and for lessening the burdens of militarism, only a passing reference was made to the recent Conference for Limitation of Armaments at Washington. The spirit which prompted the call for that conference was intensely practical. While idealistic conceptions were at no time absent, it was thought best to undertake nothing more than that in which there was assurance of success. Disarmament on land was regarded as impracticable at the time, and it was thought best to deal with the competition of navies. The number of participating countries was limited to nine, each having an especial interest in the questions to be considered. The calling of a general conference was avoided because of the delay, the complications, and the clash of conflicting interests which must inevitably result. Unstinted praise is due to the representatives of other nations for the spirit of concession which they manifested, and for their readiness to abandon cherished ambitions. Of none is this more to be emphasized than in the case of the delegates from the British Empire, headed by Mr. Balfour.

"The reasons for a certain degree of aloofness on the part of the United States are not far to seek. Let us name some of them. First, our geographical isolation. This creates a tendency to be politically as well as geographically distinct from the rest of the world. Second, a prevalent conviction among the early founders of the Republic that in their great experiment, based on liberal ideas and popular control, we were confronted by a disposition on the part of other nations not altogether friendly. It was believed that in Europe combinations were formed and ambitions and antagonisms existed, participation in which

we should sedulously avoid. Thus, as stated by Washington, permanent alliances were opposed, and entangling alliances were condemned by John Adams and Thomas Jefferson. This tradition—and it is more than that—still survives and retains a very strong hold upon the American people. Third, an economic fact creates an exceptional condition, in that the United States, in a degree beyond, no doubt, any other country in the world, is self-sufficient in the supplies for the maintenance of her population. Our domestic trade far and away surpasses our foreign trade, and in the investment of capital and our manifold activities, internal development has thus far absorbed the attention of the great majority of the people.

A UNITED STATES OF EUROPE

"We have 48 States possessed of an unlimited variety of resources and capabilities, and among them there is unhampered freedom of intercourse. In 1861 a division was sought by the attempted secession of certain States. Had this attempt succeeded, the division would only have been temporary. Either the stronger would have subdued the weaker, or by amicable arrangement they would have gravitated toward unity. For fate had decreed that the United States were to be one geographical and political entity, with the promise of colossal wealth and power. This land, stretching from the lesser to the greater ocean, must be one country with one purpose and one destiny. How incalculable would be the benefit of a similar union to a large part of the continent of Europe organized on economic lines, within which, whatever the political boundaries or barriers, there might be free interchange of commodities. Such a Zollverein or economic United States in Europe would surely go far to remedy the distress now pressing upon the world. Before leaving this subject, it is hardly necessary to add that the people of the United States cherish a policy of peace, and there is constant apprehension lest any foreign entanglement or association might lead to war.

"All that has been said does not mean that our vision has not been broadened or that we shall refuse to play such part in movements for closer cooperation between countries in every continent under the sun so far as we can consistently with home interests and our settled convictions in regard to measures which promote the general welfare of all nations. But there is a prevalent impression on the other side of the Atlantic that much remains for Europe to do, such, for example, as settling the problems of reparation, and, may be, in the modification of treaties made, before the good offices of the United States could be altogether helpful. When the time is ripe, possibly another conference may be asked to convene at Washington to consider the economic conditions of the world. In the meantime it should be understood that whatever occurs in London or Constantinople, in far-off Peking or Bagdad, now awakens the keenest interest in the United States. The sacrifices of the Allies have not been forgotten. I remember most distinctly an address made at New York after America's entry into the war by Senator, now President, Harding. The audience rose to their feet and applauded when he said, in substance: 'If our Allies in western Europe, defeated and broken in spirit, should fall down in the contest, nevertheless, with grim determination, we would gather our forces on this side of the Atlantic to fight on in the cause in which they so valiantly engaged and continue in that contest until victory should be achieved and the heritage of freedom be preserved for our Allies and for us.'

ALLIES' DEBTS TO UNITED STATES

"There is another subject on which I will speak frankly. That is, upon the Allies' debts in the United States. I must say that the disposition of the people of the United States is to require the payment of these debts. It is not difficult to trace the reasons which have led to this conclusion. They are: First, a feeling that international credits, especially the debts of nations, have a certain degree of sanction, I may say, of sacredness. No one can exaggerate the importance of credit in the modern financial and industrial world. It renders the resources of those who do not engage in enterprise available for the benefit of all for the promotion of wholesome activity. Credit bridges the chasm between early and sometimes unpromising beginnings and the development of helpful enterprise. In brief, it renders the hopes of to-day the realizations of to-morrow. The cancellation or repudiation of debts would create not merely confusion and distrust in the financial world but—quite as dangerous—would seriously impair future development. The result would rest with special weight upon such a country as England, where for centuries past English currency and English obligations have been the very synonym of stability and of assurance of payment. Common fairness dictates that this record for meeting obligations should create no discrimination to her disadvantage.

"Another reason is that the amounts advanced to foreign countries were provided by loans obtained from the people, and that with no small degree of difficulty. The advances made were not from an abounding revenue but by the action of the United States in becoming a borrower alike with these debtors at the time. The burden of taxation is extremely heavy in our own country, and in proportion to the burdens existing before the late Great War the increase in national indebtedness has been far greater and in taxation quite as great as

if not greater than in the countries of Europe whose obligations we hold. We do not like the idea that we should have a permanent national debt. There is a burning desire for the maintenance of peace. In case of cancellations what assurance is there that the resources which otherwise would be applied upon payments might not be utilized for the expansion of military and naval establishments, and thus create an ever-present threat of future conflict and destruction?

MAINTENANCE OF PEACE

"There is still another point in this connection. A very considerable fraction of the advances was made after the actual close of the war, and was for rehabilitation and the creation of new enterprises rather than for the prosecution of the war in the time of great emergency. It must be said that at the time these loans were made the legislation authorizing them and the popular expectation alike contemplated payment. It was the universal expectation that the loans would be repaid. In the war itself the United States was not subjected to the same surpassing dangers as her allies and in the peace she sought no acquisition of territory. Large indemnities are not expected by her.

"I can not too strongly emphasize the fact that the only effective means for the payment of debts and the healing of the economic life of nations must depend upon progressive disarmament and the maintenance of peace. The burdens of war and of preparation for war have demoralized the finances of nations and spread their withering blight everywhere. In our own country we can point to the startling fact that the expenses of the so-called Civil War from 1861 to 1865 were more than all the expenses of the Federal Government from its beginning in 1789 for 72 years, and, what is still more striking, that the expenses of the late war, with its aftermath and immediate results, were greater than all the expenses of the Federal Government in the 128 years preceding. There can be no more forcible illustration of the desirability of providing means which justice and the common sense of mankind may devise for the amicable settlement of controversies among nations."

ANGLO-AMERICAN COOPERATION

In conclusion Mr. BURTON said that notwithstanding his abhorrence of war he could not refrain from uttering a tribute of praise for the heroism and self-sacrifice so wonderfully displayed in the late war. He referred to the long record of achievements by the British Army and Navy, and expressed the hope that equal might and prowess would be exerted in the cause of peace and an advancing civilization. In the future, with all its uncertainties and dangers, he said, let the influence of the British Empire and the United States coincide, and, although there might be no alliance, prove potent in affecting the destinies of the world by acting in harmony and with a common purpose. Then, after all the welter and confusion, they might look into the future with hope that after the blows of conflict there would come a better day in which peace, justice, and advancing civilization would be the rule. [Cheers.]

[Editorial of same date]

THROUGH AMERICAN EYES

We commend to our readers the thoughtful speech made by Mr. THEODORE E. BURTON yesterday, at the luncheon given in his honor by the American Chamber of Commerce. He spoke upon the foreign relations of the United States and upon the debts owed by the European Allies to America. As Mr. BURTON—who again sits for an Ohio district in the House of Representatives, after having been for six years a member of the Senate—has been nominated by President Harding to the Debt Funding Commission, his words are something more than an expression of individual opinion. Though he disclaimed any wish or any title to interpret the views of his eminent colleagues on the commission—Mr. Hughes, Secretary of State; Mr. Hoover, Secretary of Commerce; Senator SMOOT, of Utah; and Mr. Mellon, Secretary of the Treasury—his long record as lawyer, legislator, and authority on financial questions entitles his statement to special consideration. Moreover, he is one of those thoroughly American Americans from beyond the Alleghanies who know Europe, and this country in particular, almost as well as they know the United States. As he said yesterday: "This is my sixteenth visit to old London, the first of which was made 42 years ago." It is gratifying, therefore, that he should have had an opportunity of speaking to a British audience, and that the Chancellor of the Exchequer, who is shortly to go on a mission to the United States in connection with the funding of the British debt, should have been among his hearers. Men of his standing and experience can certainly render no greater service than by speaking frankly in Europe of relations between the United States and European peoples. The disappointment which he confesses at the absence of recognition, during the League of Nations' meetings at Geneva, of the help given by the American Congress to the starving inhabitants of the Volga Valley, is as natural as its expression may be beneficial. There is a distinct danger that European opinion may be unjust to the people of the United States—not, indeed, of deliberate purpose, but from ignorance and lack of imagination. Be-

fore complaint is made or resentment cherished on the score of American failure to understand the position and problems of Europe, public men and publicists in Europe should at least endeavor to understand the position and the problems of the United States. If they will begin by admitting the probability that they are as ill acquainted with American affairs as Americans can be with the affairs of Europe, their judgments may be formed with a caution and stated with a moderation that may help to maintain the good will which is essential to true comprehension.

Geographical distance, of which the sundering influence can be realized only by those who traverse it, different political and climatic conditions, and the economic circumstance that the United States is exceptionally self-sufficing, combine to keep America and Europe apart. Mr. BURTON's reference to the unhampered freedom of intercourse between the 48 States of the Union, and his suggestion that a similar removal of economic restrictions between the States of Europe might go far to remedy present distress, may sound to European ears like a superficial simplification of European problems.

Does this distinguished American, they may feel tempted to ask, deliberately ignore the history of European countries, the differences in their traditions, ideals, and economic necessities, the density of their populations, and the incompatibilities of temperament, which put union between them beyond the bounds of economic possibility? He does, and he does not. The story goes that when a recent British visitor to the United States was asked to define the main difference between Englishmen and Americans, he said, on reflection, that while for him Julius Caesar was still a historic reality, because he was born by the side of a road made by Caesar's legionaries, he had been unable to discover in typical American citizens of the Middle West and of the West—who are now the most representative Americans—any conscious tendency to look back upon their own or any other history farther than a few decades. "In a word," he is said to have averred, "Europeans are up to their necks in history, whereas most Americans are in it only up to their ankles and look forward to the future with their whole being." If this suggestion contains any element of truth, it may be that Americans, with their sense of futurity, may deserv more clearly than Europeans the ideal direction of European development, while Europeans, with a cautious instinct born of secular experience, may be tempted to qualify the clear-cut judgments of Americans upon European affairs.

The practical question for European and American statesmanship is how to evolve a synthesis, or, at least, a working compromise between standpoints so diverse. The impression on the other side of the Atlantic, to which Mr. BURTON refers, that much remains for Europe to do in settling reparations, and, may be, in the modification of treaties, before the good offices of the United States could be altogether helpful, should remind European governments once again that their concordant action alone can provide any real basis for American cooperation. At the same time it would be well for the European debtors of the United States to take into account the American view of allied debts which Mr. BURTON expounded. That view is strongly held, however moderately it may be stated. The American public is not disposed to be argued out of it, least of all by documents like the Balfour note, of which the effect in the United States has been, as it was bound to be, deplorable. There are, in fact, only two ways of removing the debt question from its present position as an irritant in the relations between Europe and America, and in particular between Great Britain and the United States. One is for the European allies quickly to agree upon a sound and far-sighted plan for the extinction of European inter-allied indebtedness, concurrently with the reduction of the German reparations debt to manageable proportions, if possible, on a business basis. The other is for this country frankly to recognize its indebtedness to America and to arrange to pay it off in such time and by such means as the American Funding Commission may agree to hold just and feasible. Then, with some prospect of greater harmony in European political and economic affairs, and with a consequent prospect of assured peace and reduction of armaments, the average American view of Europe and of American relations to Europe may develop in so salutary a direction as to bring within the range of practical solution problems which to-day seem intractable. That, we take it, is the true lesson of Mr. BURTON's speech.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. BURTON. I will.

Mr. HUDDLESTON. The gentleman used the expression "our allies." The gentleman did that inadvertently, I presume.

Mr. BURTON. I do not think so; I think the criticism that President Roosevelt used of the word "associates" and his substitution of the word "allies" was a very appropriate one. [Applause.]

Mr. HUDDLESTON. How does the gentleman account for the fact that we had no agreement or understanding with the Allies with reference to war aims?

Mr. BURTON. That, perhaps, was a mistake of the administration; perhaps the legislative branch was in some degree responsible for that, but when the fate of governments was hanging in the balance, when the dreadful emergency required immediate action, it is very likely that our State Department and that our President with Congress overlooked those assurances for the future, which it might, as we now look back, have been better to obtain. When the world is full of the din of arms and there is danger that the whole fabric of civilization will be overthrown it is not a time for all the niceties of diplomacy.

Mr. HUDDLESTON. Does not the gentleman think that, because of the fact that we had absolutely no agreement or understanding with the administration, they were not our allies?

Mr. BURTON. I do not think so; when people fight together and assist each other no term I can think of will so properly apply as the word "allies." We were not working at cross purposes, we were working together for a common end, to overthrow invading armies that threatened the whole world.

I agree fully with what the gentleman from Georgia [Mr. CRISP] said, and there is very little to add to his remark upon this subject.

It may perhaps clarify the situation if I review the action of the Debt Commission and legislation pertaining to debt settlements. The standard settlement is that with Great Britain, approved by this House nearly two years ago. What are the general terms of that settlement? Interest on the advances made on the indebtedness from the respective countries was computed at the rate of $4\frac{1}{4}$ per cent, the prevalent rate on our own bonds up to the 15th of December, 1922. That is the basic date. Provision was made for the payment of the principal in 62 installments, beginning with a relatively small amount but sufficient to include by steady increases the whole amount of indebtedness in 62 years. The rate of interest was made 3 per cent for the first 10 years and thereafter $3\frac{1}{2}$ per cent payable semiannually. Four concessions or limitations were made in the settlement with Great Britain—first, that for the first 5 years half of the interest installments might be postponed and funded as principal; second, that during the whole term of the payments there might be accumulations of principal for 3 years, giving leniency in that regard. Then there are two others, comparatively unimportant, but for our own advantage—that payment on 90 days' notice might be made on any installment of principal when interest payments are to be paid. Also that payment might be made in bonds of the United States issued after April 6, 1917. We could not well refuse to make these provisions in a debt settlement.

The settlement with Poland provides for payments of only \$10,000,000 in the first five years. The commission thought, in view of the conditions in that country, that this was a concession which we might very reasonably make. Poland is entitled to the greatest credit for her action. The settlements thus far made have conformed to the standard settlement with Great Britain—\$4,600,000,000 with Great Britain and \$9,000,000 with Finland—and I think I may say that although that is a very much smaller amount, yet when we count the relative resources of the two countries, it was quite as commendable a settlement as that of Great Britain. Then came the settlement with Hungary for a very much smaller amount, \$1,939,000. In this settlement a further concession is made in that the indebtedness was so adjusted as to enable Hungary to obtain loans for rehabilitation and placed those loans on the same footing with the indebtedness to us. In view of the very troubled conditions there, and the necessity in Hungary, just as in Austria, for immediate advances of money, this concession was thought to be reasonable and desirable.

Then comes the settlement which is before you to-day with Lithuania, for \$6,030,000, which is absolutely on all fours with the settlement with Great Britain, except that the initial date for the bonds is different, June 15, 1924.

You now have immediately before you the settlement with Poland, for \$178,500,000, which is quite the same as that with Great Britain, except that payments on the principal and interest for the first five years are to be limited to \$10,000,000. I have already explained that. I think I have clearly stated the situation as to the foreign debts of which settlements have thus far been made.

I agree with my friend from Georgia [Mr. CRISP] that these standard settlements must not be varied from in future settlements made with other countries. All possible leniency should be shown, the granting of moratoriums, if you may call them such, for the earlier payments, but it would not only be unjust to our debtors with whom we have made settlements to make

other adjustments with other countries, it would be unjust to ourselves; so I feel that it is the sentiment of Congress and of the people that these standard settlements should be observed with all other countries.

In view of some things which have recently been said in this country with regard to the attitude of Great Britain in her asking that if we make settlements with our debtors, she may make settlements with hers, I feel that in simple fairness I ought to say a few words here. I speak in the interest of international comity and of justice. We are asking that from reparations to be paid by Germany indebtedness to us shall be met; and how can we, in the name of that which is fair, complain because Great Britain, the creditor of France and other nations, is also asking that payments to her may be considered at the same time.

I should not for a minute approve any interference with a settlement or transaction between our own country and France; but if any criticism rests upon any country for making claims similar to those which we are making, I can not agree with it. We stand for our own country first, but we also must stand for that which is fair and right among nations; and let us never forget that the beginning in this settlement of debts was made by Great Britain; that when she was struggling under an almost intolerable load of debt and taxation she agreed to the payment of \$1,600,000,000; and although she has had the option to fund half of the interest, although she has had the option to postpone payments of principal, her obligations under the debt settlement have been fulfilled to the last nickel, and no postponement has been asked; and so if there is any country toward which we should have feelings of friendliness because of this debt settlement, it is Great Britain. I say this not with any partiality for any country and with primary regard for our own interests, but only because this great country of ours must always be fair and recognize with approval the course of any country in meeting its obligations to us. I now waive the remainder of my time, unless somebody wishes to ask me a question.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. BURTON. Yes.

Mr. HASTINGS. I have not been on the floor, and I have not heard the remarks of the gentleman from Georgia; but if there has not been inserted in the Record during this debate the amount of debts due and owing the Government of the United States from other countries which are not funded, has the gentleman the figures at hand so that he could insert them?

Mr. BURTON. I have them right at hand, but it would take some time to read them. I can perhaps have them inserted in the Record.

Mr. CRISP. I have them, and I can hand them to the gentleman.

Mr. BURTON. They appear on page 255 of the annual report of the Secretary of the Treasury for 1923. In the two right-hand columns in the computation of interest and total indebtedness, the figures are somewhat different from those at which settlements were made, because in this table 5 per cent was the computed rate of interest, while our settlements have been made upon the basis of 4½ per cent. May I ask my friend from Georgia to insert those in his remarks?

Mr. CRISP. If the House will give me leave, I shall insert them in my remarks.

The SPEAKER. The gentleman from Georgia asks unanimous consent to insert these in his remarks. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. BURTON. Yes.

Mr. DENISON. Under this bill Poland is to pay \$10,000,000 in five years?

Mr. BURTON. Yes.

Mr. DENISON. That has been referred to as a concession?

Mr. BURTON. Yes.

Mr. DENISON. Will the gentleman state to what extent it is a concession?

Mr. BURTON. The amounts are given in the Senate document transmitted by the President, on page 3. I have not the figures exactly in mind. It is a very considerable concession, however. Payment of principal the first year begins with \$30,000. The interest, however, would be nearly \$5,200,000 per year, so the payments for five years would be about \$26,000,000. The concession in the way of postponement would be approximately \$16,000,000. That amount, of course, is not released.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. BURTON. Yes.

Mr. HUDSPETH. What was the original rate of interest which the obligation that the debtor countries owed to the United States bore?

Mr. BURTON. It was originally 3 per cent, and then in October of 1918, I think it was, the rate on all these loans was fixed by our Treasury Department at 5 per cent, effective from May 15, 1918.

Mr. HUDSPETH. I understood the gentleman from Georgia to say 4½ per cent.

Mr. BURTON. The rate at which we are settling is 4½ per cent up to the date when a definite adjustment is made.

Mr. HUDSPETH. But the original obligation bore a rate of 4½ per cent?

Mr. BURTON. No. It was on a sort of sliding scale based on rates we were paying, beginning with 3 per cent, and that was raised and finally fixed at 5 per cent some time before the basic date for settlement. As the loans or advances were made to Poland in 1918 or later, I take it the rate was at first computed at 5 per cent.

Mr. RATHBONE. Will the gentleman yield for a question?

Mr. BURTON. Yes.

Mr. RATHBONE. Some portions of the debts of which the gentleman has spoken have been incurred by countries which were not our allies but enemy countries during the World War; for instance, Hungary. Does her relation to us during the World War, in the gentleman's opinion, bear upon this subject or not, or should they all be treated alike?

Mr. BURTON. I think all should be treated alike. Of course, the advances to Hungary were in supplies. This is given on page 255 and consists of obligations for supplies received from the United States Grain Corporation on account of sales under the act of March 30, 1920.

Mr. RATHBONE. Subsequent to the conclusion of the World War?

Mr. BURTON. Yes; and the indebtedness of Poland is of that sort, also subsequent to the World War. The indebtedness of Poland is made up of three classes: Obligations received from the Secretary of War and the Secretary of the Navy on account of sales of surplus war material. That is No. 1. No. 2, commodities received from the American Relief Association. No. 3, sales made by the United States Grain Corporation.

Mr. RATHBONE. What I want to arrive at is this. Is it the opinion of the gentleman and the commission that all countries, no matter whether they are Allies or enemy countries or did not participate in the World War, should be treated the same as far as the matter of these settlements are concerned?

Mr. BURTON. I do not see how we can make any distinction between them. Perhaps if there is any distinction there should be a greater degree of insistence on the indebtedness incurred since the war, because that was not under an emergency; but I do not see how we can make different rules.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. LaGUARDIA. Do these settlements made in these matters go into the General Treasury or are they kept separate?

Mr. BURTON. To pay off our indebtedness. That is in the original act authorizing the loans to be made.

Mr. TREADWAY. Will the gentleman yield?

Mr. BURTON. I will.

Mr. TREADWAY. Has the gentleman any information as to the difference between the interest to be paid to us and what we are paying to our borrowers or the people who have loaned money under the Liberty Loan act?

Mr. BURTON. It is the difference between 3 and 4½ per cent, generally speaking. Rates on our different kinds of indebtedness are not altogether uniform. I do not know that any figures have been made upon it. But we felt that the House, having approved the same rates by a vote of 291 to 44, a concession making the interest 3 per cent for the first 10 years and 3½ per cent thereafter was a reasonable settlement in view of all of the facts in the case.

Mr. TREADWAY. I agree with the gentleman fully on that score, but it seems to me to be a matter of interest as to how much that amounted to as showing our Government's liberality in the settlements.

Mr. BURTON. I yield back the remainder of my time.

Mr. GREEN. Mr. Speaker, I desire just to say a word in closing the debate. I fully concur in all that the gentleman from Georgia [Mr. CRISP] and the gentleman from Ohio [Mr. BURTON] said both with reference to the general purpose of the commission in making this settlement and in expressing their personal views. I want to add, I think the commission is entitled to high praise in obtaining these settlements. Further

on, when the bill for the extension of the term of the commission comes up, I desire and expect to speak more fully in commendation of the work of the commission. I wish also to explain the circumstances under which this bill was first called up by the gentleman from Georgia. The fact is that the Polish minister is only authorized to sign this settlement in case it is approved prior to the 1st of January. There was, therefore, and is now, much urgency with reference to the time in which this settlement is ratified. This is one reason why it was brought up at this time, and also why the gentleman from Georgia thought it was better to agree to the Senate bill in order that it might sooner become the law. However, I think there will be no trouble in the Senate in ratifying the action of the House in the matter. I agree with the gentleman from Texas [Mr. GARNER], who made the point of order that bills of this kind ought to be introduced in the House first, and that the Senate has exceeded its right in taking up and passing such bills prior to the time they have been introduced in the House. For that reason I asked the gentleman from Georgia to withdraw his request for the consideration of the Senate bill, thinking possibly it might involve us in still more difficulties in the matter and, after all, save no time.

The remainder of my time may be used by the gentleman from Georgia if he so desires.

Mr. CRISP. Mr. Speaker, I demand the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read the third time; was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. GREEN. Mr. Speaker, for the purpose of getting a record vote, I demand a division.

The House divided; and there were—ayes 114, noes none.

SETTLEMENT OF THE INDEBTEDNESS OF REPUBLIC OF LITHUANIA

Mr. CRISP. Mr. Speaker, I call up H. R. 10650, approving the settlement of the Government with Lithuania, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10650) to authorize the settlement of the indebtedness of the Republic of Lithuania to the United States of America.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. CRISP. Mr. Speaker, a similar bill has been read, and I ask unanimous consent that the first reading of this bill be dispensed with.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, I want to ask the gentleman from Georgia if he does not think that as a matter of record this bill should go into the RECORD and show just exactly what settlement was made?

Mr. CRISP. I do.

Mr. BLANTON. It will not go into the RECORD unless it is read.

The SPEAKER. It will be read the second time.

Mr. BLANTON. In that case it will go into the RECORD, and I will withdraw my objection.

Mr. CRISP. Mr. Speaker, I withdraw my request. Let the Clerk report it.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the settlement of the indebtedness of the Republic of Lithuania to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 168, Sixty-eighth Congress, second session, is hereby approved in general terms as follows:

The amount of the indebtedness to be funded, after allowing for cash payments made by Lithuania, is \$6,030,000, which has been computed as follows:

Principal amount of obligations to be funded, \$4,981,628.03. Interest accrued thereon from June 30, 1919, to June 15, 1924, at the rate of 4½ per cent per annum, \$1,049,918.94. Total principal and interest accrued and unpaid as of June 15, 1924, \$6,031,546.97. Paid in cash by Lithuania September 22, 1924, \$1,546.97. Total indebtedness to be funded into bonds, \$6,030,000.

The principal of the bonds shall be paid in annual installments on June 15 of each year up to and including June 15, 1986, on a fixed schedule, subject to the right of the Government of the Republic of Lithuania to make such payments in three-year periods. The amount of the first year's installment shall be \$30,000, the annual installments to increase until in the sixty-second year the amount of the final installment will be \$227,000, the aggregate installments being equal to the total principal of the indebtedness to be funded into bonds.

The Government of the Republic of Lithuania shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' advance notice.

Interest on the bonds shall be payable semiannually on June 15 and December 15 of each year at the rate of 3 per cent per annum from June 15, 1924, to June 15, 1934, and thereafter at the rate of 3½ per cent per annum until final payment.

The Government of the Republic of Lithuania, at its option, upon not less than 90 days' notice, shall have the right to pay up to one-half of the interest accruing between June 15, 1924, and June 15, 1929, on the \$6,030,000 principal amount of bonds first to be issued, in bonds of Lithuania dated and bearing interest from the respective dates when the interest to be paid thereby becomes due, with maturities arranged serially to fall on each June 15, in the succeeding years up to June 15, 1986, substantially in the manner provided for the original issue of bonds and bearing the same rates of interest and substantially the same in other respects as such original issue of bonds.

Any payment of interest or of principal may be made, at the option of the Government of the Republic of Lithuania, in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

Mr. CRISP. Mr. Speaker and gentlemen of the House, I shall not detain you more than a few moments. I am conscious that you want to go on to another bill, the naval appropriation bill, and I can add very little to what I have already said.

This will be the fifth one of the foreign countries that has funded its indebtedness to our Government—Great Britain, Finland, Hungary, Poland, and Lithuania. The amount to be funded in this bill is \$6,030,000. The principal amount of the debt is \$4,981,628.03, and the interest is \$1,049,918.94. There has been a payment by Lithuania of \$1,546.97, which leaves the amount that this bill covers to be funded and bonds issued for it, \$6,030,000.

Now, this indebtedness arose not by reason of money being furnished to our allies to aid in the prosecution of a common war but was for surplus war material and foodstuffs and supplies furnished to Lithuania after the war. It may be interesting for me to give you the principal of these amounts. Four million one hundred fifty-nine thousand four hundred and ninety-one dollars was for surplus war material sold to Lithuania, for which the Secretary of War received the obligations of that Government, and which he has turned into the Treasury Department. Eight hundred and twenty-two thousand one hundred and thirty-six dollars was from the American Relief Society. Those are the two items of principal, the remainder due being interest. So you will see that this indebtedness arose for material, food, and supplies furnished to Lithuania.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. CRISP. Yes.

Mr. SABATH. The \$822,000 that you state is for relief—is that for relief given by the Red Cross?

Mr. CRISP. No. That was for relief given by this Government. Of course, this Government did not make any charge upon any country for any supplies furnished them when the supplies were purchased from funds raised by the charitable people of the United States.

Mr. SABATH. Has any charge been made for the expenditures made by the Red Cross?

Mr. CRISP. No, sir. The only charge that has been made by this Government is where the Government, through one of the Government bureaus, furnished the supplies, where the money was raised from the taxpayers to purchase the supplies sold. That is my understanding.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. CRISP. Yes.

Mr. GREEN. The gentleman is quite correct. Perhaps it would be a little more accurate with reference to this particular sum to say that it was loaned to Lithuania to be used for relief purposes.

Mr. CRISP. A rose by any other name smells as sweet.

Mr. SABATH. I will give the reason why I propounded the question. I was informed some time ago that the Lithuanian-Americans had raised a great deal of money, which they for-

warded to the Red Cross for relief work, and later on some charges were made that the amount that was raised by Lithuanian-Americans and forwarded to the Red Cross was charged to the Lithuanian Government. I have denied it, and I have tried to secure positive information. In view of that report, I would ask if there was any foundation for that charge?

Mr. CRISP. None whatever. It is unthinkable that this great, generous Government would make a charge against any other Government on earth for funds that the charitable people of the United States had raised by public subscription to buy supplies for a suffering people and donated to them.

Mr. SABATH. The charge was made against the Red Cross and not against the Government.

Mr. CRISP. I hold no brief for the Red Cross; I know nothing of what the Red Cross does. But I know that these obligations funded in this settlement are for supplies furnished by the Government of the United States through one of its agencies—supplies purchased by taxes collected out of the taxpayers of the United States to meet a Government expenditure.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. CRISP. Yes.

Mr. DENISON. I assume that all these obligations of these various governments are nonnegotiable. Is that right?

Mr. CRISP. Well, the Government holds, I will say to my friend, promissory notes—

Mr. DENISON. I refer to the bonds.

Mr. CRISP. They are negotiable.

Mr. DENISON. They are negotiable?

Mr. CRISP. Oh, yes. I can not enumerate all of the details of the settlement, but the settlement enumerates how Lithuania is to deliver bonds duly engraved and in different denominations, with the view that this Government may dispose of them as with any other property.

Mr. DENISON. The Government could dispose of them if it had opportunity?

Mr. CRISP. Oh, yes.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. CRISP. I will.

Mr. HUDDLESTON. I am informed that after the close of the war our Government sold to Mr. Serge Ughet, who at that time was attaché of the Russian Embassy of the Kerensky government, a quantity of war supplies, which he shipped out of the port of Vladivostok for the use of the Wrangel and Kolchek forces, which were battling with the soviets.

Can the gentleman give us any information about what has been done with that debt?

Mr. CRISP. I regret to say I can not. Since I have been on the commission I have heard nothing about the Russian indebtedness. The amount Russia owes the United States is set out in the report of the Secretary of the Treasury, which I will incorporate in my remarks, but I know nothing about the transaction to which the gentleman refers.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the Record.

The SPEAKER. The gentleman from Georgia asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

There was no objection.

Mr. CRISP. Mr. Speaker, if no one desires to speak, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is now on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CRISP, a motion to reconsider the vote whereby both bills (H. R. 10650 and H. R. 10651) were passed was laid on the table.

NAVY DEPARTMENT APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes; and pending that motion I want to see if the House can agree upon a program as to time. I ask unanimous consent that general debate be limited to four hours. I understand from a previous conversation with the gentleman from South Carolina [Mr. BYRNES], of the minority, that he believes that time will be ample; half of that time to be controlled by the gentleman from South Carolina [Mr. BYRNES] and half by myself.

Mr. BYRNES of South Carolina. I think four hours will be sufficient.

The SPEAKER. The gentleman from Idaho moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Navy Department appropriation bill, and pending that asks unanimous consent that the time for general debate be limited to four hours, two hours to be controlled by himself and two hours by the gentleman from South Carolina [Mr. BYRNES].

Mr. SEARS of Florida. Mr. Speaker, reserving the right to object, I wonder whether all of that time has been allotted, and if so, what would be the attitude of the chairman of the subcommittee when we begin the reading of the bill as to debate. It might be that some of us would want to offer amendments and would like to have more than five minutes to discuss them.

Mr. FRENCH. I am satisfied we could be generous with the Members of the House during general debate. That would be my attitude.

Mr. SEARS of Florida. I thought that would be the attitude of the chairman, and I never have objected, Mr. Speaker; but there are some very vital points affecting my district that I might want to speak about, and I might not. With the statement of the chairman I withdraw my reservation.

The SPEAKER. Is there objection?

There was no objection.

The motion of the gentleman from Idaho, Mr. FRENCH, was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CHINDBLOM in the chair.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. BLANTON. Mr. Chairman, reserving the right to object—and I think the reading of the bill can be obviated by an agreement—this bill proposes an appropriation of \$290,485,578. The Senate has just recently passed a bill granting the Navy Department another \$110,000,000. The people of the United States ought to know what is in this bill, and they will not know what is in it unless it is put into this Record. If the gentleman's request is granted, this bill will not be printed in the Record. Would the gentleman mind its going into the Record without being read, but as if it were read? If he will couple with his request that the bill be printed in the Record as if it were read, I shall not object.

Mr. FRENCH. I shall be glad to include that in my request.

Mr. BLANTON. Then I shall not object.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to modify his request. Is there objection? [After a pause.] The Chair hears none. The request of the gentleman from Idaho is that the first reading of the bill be dispensed with but that the bill be printed in the Record as if it had been read. Is there objection?

There was no objection.

The bill follows:

A bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Navy Department and the naval service for the fiscal year ending June 30, 1926, namely:

OFFICE OF THE SECRETARY

SALARIES, SECRETARY'S OFFICE, NAVY DEPARTMENT

Secretary of the Navy, \$12,000; Assistant Secretary, and other personal services in the District of Columbia in accordance with the classification act of 1923, \$146,400; in all, \$158,400: *Provided*, That in expending appropriations or portions of appropriations contained in this act for the payment for personal services in the District of Columbia in accordance with "the classification act of 1923" the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate

higher than the maximum rate of the grade when such higher rate is permitted by "the classification act of 1923" and is specifically authorized by other law.

GENERAL BOARD

Salaries, Navy Department: For personal services in the District of Columbia, in accordance with the classification act of 1923, \$9,920.

NAVAL EXAMINING AND RETIRING BOARDS

Salaries, Navy Department: For personal services in the District of Columbia, in accordance with the classification act of 1923, \$9,880.

COMPENSATION BOARD

Salaries, Navy Department: For personal services in the District of Columbia, in accordance with the classification act of 1923, \$22,000.

CONTINGENT EXPENSES, NAVY DEPARTMENT

For professional and technical books and periodicals, law books, and necessary reference books, including city directories, railway guides, freight, passenger, and express tariff books, for department library, \$3,000.

For stationery, furniture, newspapers, plans, drawings, and drawing materials; purchase and exchange of motor trucks or motor delivery wagons, maintenance, repair, and operation of motor trucks or motor delivery wagons, and one motor-propelled passenger-carrying vehicle, to be used only for official purposes; garage rent; street-car fares not exceeding \$500; freight, expressage, postage, typewriters, and computing machines; and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, \$77,000; It shall not be lawful to expend, unless otherwise specifically provided herein, for any of the offices or bureaus of the Navy Department in the District of Columbia, any sum out of appropriations made for the naval service for any of the purposes mentioned or authorized in this paragraph.

PRINTING AND BINDING

For printing and binding for the Navy Department and the Naval Establishment executed at the Government Printing Office, \$500,000, including not exceeding \$85,000 for the Hydrographic Office.

PAY, MISCELLANEOUS

For commissions and interest; transportation of funds; exchange; for traveling expenses of civilian employees; for the expenses of the attendance of representatives of the Navy Department who may be designated as delegates from the United States to attend the meetings of the International Research Council or of its branches; actual expenses of officers while on shore patrol duty; hire of launches or other small boats in Asiatic waters; for rent of buildings and offices not in navy yards; expenses of courts-martial, including law and reference books, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks, and witnesses' fees, and traveling expenses and costs; expenses of naval defense districts; stationery and recording; religious books; newspapers and periodicals for the naval service; all advertising for the Navy Department and its bureaus (except advertising for recruits for the Bureau of Navigation); copying; ferrage; tolls; costs of suits; relief of vessels in distress; recovery of valuables from shipwrecks; quarantine expenses; reports, professional investigation; cost of special instruction at home and abroad, including maintenance of students and attachés; information from abroad and at home, and the collection and classification thereof; all charges pertaining to the Navy Department and its bureaus for ice for the cooling of drinking water on shore (except at naval hospitals), and not to exceed \$200,000 for telephone rentals and tolls, telegrams and cablegrams; postage, foreign and domestic, and post-office box rentals; for necessary expenses for interned persons and prisoners of war under the jurisdiction of the Navy Department, including funeral expenses for such interned persons or prisoners of war as may die while under such jurisdiction, and for payment of claims for damages under naval act approved July 11, 1919; and other necessary and incidental expenses; in all, \$1,725,000; *Provided*, That no part of this appropriation shall be available for the expense of any naval district unless the commandant thereof shall be also the commandant of a navy yard, naval training station, or naval operating base: *Provided further*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, inspection, and messenger service in navy yards and naval stations, for the fiscal year ending June 30, 1926, shall not exceed \$560,000.

CONTINGENT, NAVY

For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper, \$40,000.

TEMPORARY GOVERNMENT FOR WEST INDIAN ISLANDS

For expenses incident to the occupation of the Virgin Islands and to the execution of the provisions of the act providing a temporary

government for the West Indian Islands acquired by the United States from Denmark, and for other purposes, approved March 3, 1917, to be applied under the direction of the President, \$270,150, plus so much of \$29,850 additional as may equal the sum of revenue collected and paid into the treasuries of said islands in excess of \$270,150; toward the construction of permanent water-supply system for the town of St. Thomas, \$45,000; in all, \$315,150.

STATE MARINE SCHOOLS

To reimburse the State of New York, \$25,000; the State of Massachusetts, \$25,000; and the State of Pennsylvania, \$25,000, for expenses incurred in the maintenance and support of marine schools in those States in accordance with section 2 of the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911; in all, \$75,000.

CARE OF LEPERS, ETC., ISLAND OF GUAM

Naval station, Island of Guam: For maintenance and care of lepers, special patients, and for other purposes, including cost of transfer of lepers from Guam to the Island of Cullion, in the Philippines, and their maintenance, \$18,000; for educational purposes, \$12,000; in all, \$30,000.

NAVAL RESEARCH LABORATORY

For laboratory and research work and other necessary work of the naval research laboratory for the benefit of the naval service, as authorized in the naval appropriation act approved August 29, 1916, including operation and maintenance of a laboratory, additions to equipment necessary properly to carry on work in hand, maintenance of buildings and grounds, and the temporary employment of such scientific civilian assistants as may become necessary, to be expended under the direction of the Secretary of the Navy, \$150,000; *Provided*, That \$10,000 of this appropriation shall be available for the temporary employment of civilian scientists and technicians required on special problems: *Provided further*, That the sum to be paid out of this appropriation for technical, drafting, clerical, and messenger service shall not exceed \$40,000 in addition to the amount authorized by the preceding proviso.

OFFICE OF NAVAL RECORDS AND LIBRARY

SALARIES, NAVY DEPARTMENT

For personal services in the District of Columbia in accordance with the classification act of 1923, \$25,160.

NAVAL WAR RECORDS

Toward the collection or copying and classification, with a view to publication, of the naval records of the war with the Central Powers of Europe, including personal services in the District of Columbia in accordance with the classification act of 1923, not to exceed \$19,320, and including the purchase of books, periodicals, photographs, maps, and other publications, documents, and pictorial records of the Navy in said war, and other necessary incidental expenses, \$19,720.

OFFICE OF JUDGE ADVOCATE GENERAL

SALARIES, NAVY DEPARTMENT

For personal services in the District of Columbia in accordance with the classification act of 1923, \$102,000.

OFFICE OF CHIEF OF NAVAL OPERATIONS

SALARIES, NAVY DEPARTMENT

For personal services in the District of Columbia, in accordance with the classification act of 1923, \$68,000.

BOARD OF INSPECTION AND SURVEY

Salaries, Navy Department: For personal services in the District of Columbia in accordance with the classification act of 1923, \$22,000.

OFFICE OF DIRECTOR OF NAVAL COMMUNICATIONS

Salaries, Navy Department: For personal services in the District of Columbia in accordance with the classification act of 1923, \$130,000.

OFFICE OF NAVAL INTELLIGENCE

Salaries, Navy Department: For personal services in the District of Columbia in accordance with the classification act of 1923, \$36,520.

BUREAU OF NAVIGATION

TRANSPORTATION AND RECRUITING

For mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers of the Navy and Naval Reserve Force while traveling under orders, and officers performing travel by Government-owned vessels shall only be entitled to reimbursement of actual and necessary expenses incurred; for mileage, at 5 cents per mile, to midshipmen entering the Naval Academy while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen; for actual traveling expenses of female nurses; for travel allowance or for transportation and subsistence as authorized by law of enlisted men upon discharge; transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers on route, or cash in lieu thereof; transportation to their homes, if real-

dents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation; expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties; transportation of dependents of officers and enlisted men; in all, \$4,000,000.

RECREATION FOR ENLISTED MEN

For the recreation, amusement, comfort, contentment, and health of the Navy, to be expended in the discretion of the Secretary of the Navy, under such regulations as he may prescribe, \$500,000: *Provided*, That the amount paid from this appropriation for personal services of field employees shall not exceed \$64,000.

CONTINGENT

For continuous-service certificates, commissions, warrants, diplomas, discharges, good-conduct badges, and medals for men and boys; purchase of gymnastic apparatus; transportation of effects of deceased officers and enlisted men of the Navy, and of officers and men of the Naval Reserve Force who die while on duty; books for training apprentice seamen and landsmen; packing boxes and materials; books and models; stationery; and other contingent expenses and emergencies arising under cognizance of the Bureau of Navigation, unforeseen and impossible to classify, \$15,000.

GUNNERY AND ENGINEERING EXERCISES

For trophies and badges for excellence in gunnery, target practice, engineering exercises, and for economy in fuel consumption, to be awarded under such rules as the Secretary of the Navy may formulate; for the purpose of recording, classifying, compiling, and publishing the rules and results; for the establishment and maintenance of shooting galleries, target houses, targets, and ranges; for hiring established ranges, and for transporting equipment to and from ranges, \$45,850.

INSTRUMENTS AND SUPPLIES

For supplies for seamen's quarters; and for the purchase of all other articles of equipment at home and abroad; and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; all pilotage and towage of ships of war; canal tolls, wharfage, dock and port charges, and other necessary incidental expenses of a similar nature; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments and repairs to same, and pay of chronometer caretakers; libraries for ships of war, professional books, schoolbooks, and papers; maintenance of gunnery and other training classes; compasses, compass fittings, including bin-nacles, tripods, and other appendages of ship's compasses; logs and other appliances for measuring the ship's way and leads and other appliances for sounding; photographs, photographic instruments and materials, printing outfit and materials; and for the necessary civilian electricians for gyrocompass testing and inspection; in all, \$640,000.

OCEAN AND LAKE SURVEYS

For hydrographic surveys, including the pay of the necessary hydrographic surveyors, cartographic draftsmen, and recorders, and the purchase of nautical books, charts, and sailing directions, \$95,000.

NAVAL TRAINING STATIONS

For maintenance, including labor and material, heat, light, water, general care, repairs, and improvement; school books; and all other incidental expenses for the naval training stations that follow:

San Diego, Calif., \$160,000.

Newport, R. I., \$250,000.

Great Lakes, Ill., \$250,000.

Hampton Roads, Va., \$260,000.

Provided, That the amount to be paid out of each of the foregoing sums under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1926, shall not exceed \$12,600, except for Great Lakes, which shall not exceed \$13,500.

NAVAL RESERVE FORCE

For expenses of organizing, administering, and recruiting the Naval Reserve Force and Naval Militia; for the maintenance and rental of armories, including the pay of necessary janitors, and for wharfage, \$170,000; for pay and allowances of officers and enrolled men of the Naval Reserve Force, other than class 1, while on active duty for training; mileage for officers while traveling under orders to and from active duty for training; transportation of enrolled men to and from active duty for training, and subsistence and transfers en route or cash in lieu thereof; subsistence of enrolled men during the actual period of active duty for training; pay and allowances of officers of

the Naval Reserve Force and pay, allowances, and subsistence of enrolled men of the Naval Reserve Force when ordered to active duty in connection with the instruction, training, and drilling of the Naval Reserve Force; and retainer pay of officers and enrolled men of the Naval Reserve Force, other than class 1, \$3,409,820; for aviation material, equipment, fuel, and rental of hangars, \$320,180; in all, \$3,900,000, not more than \$1,232,060 of which amount shall be available, in addition to other appropriations, for fuel and the transportation thereof and for all other expenses in connection with the maintenance, operation, repair, and upkeep of vessels and aircraft assigned for training the Naval Reserve Force: *Provided*, That no part of the money appropriated in this act shall be used for the training of any member of the Naval Reserve Force except with his own consent: *Provided further*, That retainer pay provided by existing law shall not be paid to any member of the Naval Reserve Force who fails to train as provided by law during the year for which he fails to train.

NAVAL WAR COLLEGE, RHODE ISLAND

For maintenance of the Naval War College on Coasters Harbor Island, including the maintenance, repair, and operation of one horse-drawn, passenger-carrying vehicle to be used only for official purposes; and care of ground for same, \$91,800; services of a professor of international law, \$2,000; services of civilian lecturers rendered at the War College, \$1,200; care and preservation of the library, including the purchase, binding, and repair of books of reference and periodicals, \$5,000; in all, \$100,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, drafting, and messenger service for the fiscal year ending June 30, 1926, shall not exceed \$62,500.

NAVAL HOME, PHILADELPHIA, PA.

For pay of employees, at rates of pay to be fixed by the Secretary of the Navy, \$66,971: *Provided*, That the rates of pay prevailing on the date of approval of this act for inmates of the home employed in various capacities shall not be increased.

Maintenance: For water rent, heating, and lighting; cemetery, burial expenses, and headstones; general care and improvements of grounds, buildings, walls, and fences; repairs to power-plant equipment, implements, tools, and furniture, and purchase of the same; music in chapel and entertainments for beneficiaries; stationery, books, and periodicals; transportation of indigent and destitute beneficiaries to the Naval Home, and of sick and insane beneficiaries, their attendants, and necessary subsistence for both, to and from other Government hospitals; employment of such beneficiaries in and about the Naval Home as may be authorized by the Secretary of the Navy on the recommendation of the governor; support of beneficiaries and all other contingent expenses, including the maintenance, repair, and operation of one horse-drawn, passenger-carrying vehicle, two motor-propelled vehicles, and one motor-propelled, passenger-carrying vehicle, to be used only for official purposes, \$123,020.

In all, Naval Home, \$190,000, which sum shall be paid out of the income from the naval pension fund.

SALARIES, NAVY DEPARTMENT

For personal services in the District of Columbia, in accordance with the classification act of 1923, \$423,000.

HYDROGRAPHIC OFFICE

SALARIES, NAVY DEPARTMENT

For personal services in the District of Columbia, in accordance with the classification act of 1923, \$310,000.

Contingent and miscellaneous expenses, Hydrographic Office: For purchase and printing of nautical books, charts, and sailing directions, copperplates, steel plates, chart paper, packing boxes, chart portfolios, electrotyping copperplates, cleaning copperplates; tools, instruments, power, and materials for drawing, engraving, and printing; materials for and mounting charts; reduction of charts by photography; photolithographing charts for immediate use; transfer of photolithographic and other charts to copper; purchase of equipment for the storage of plates used in making charts and for the storage of Hydrographic Office charts and publications; modernization, care, and repairs to printing presses, furniture, instruments, and tools; extra drawing and engraving; translating from foreign languages; telegrams on public business; preparation of pilot charts and their supplements, and printing and mailing same; purchase of data for charts and sailing directions and other nautical publications; books of reference and works and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, and to other professional and technical subjects connected with the work of the Hydrographic Office, \$68,800.

CONTINGENT EXPENSES, BRANCH HYDROGRAPHIC OFFICES

For contingent expenses of branch hydrographic offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oreg.), Portland (Me.), Chicago, Cleveland, Buffalo, Duluth, Sault Ste. Marie, Seattle, Panama, San Juan (P. R.), and Galveston, including furniture, fuel, lights, works, and period-

icals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, stationery, miscellaneous articles, rent and care of offices, care of time balls, car fare and ferriage in visiting merchant vessels, freight and express charges, telegrams, and other necessary expenses incurred in collecting the latest information for pilot charts, and for other purposes for which the offices were established, \$13,620.

For services of necessary employees at branch offices, \$32,550.

NAVAL OBSERVATORY

SALARIES, NAVY DEPARTMENT

For personal services in the District of Columbia, in accordance with the classification act of 1923, \$82,000.

CONTINGENT AND MISCELLANEOUS EXPENSES, NAVAL OBSERVATORY

Miscellaneous computations: For personal services in the District of Columbia, in accordance with the classification act of 1923, \$9,300.

For professional and scientific books, books of reference, periodicals, engravings, photographs, and fixtures for the library, \$1,000.

For apparatus and instruments, and for repairs of the same, \$2,500.

For repairs to buildings, fixtures, and fences; furniture, gas, chemicals, and stationery, including transmission of public documents through the Smithsonian exchange, foreign postage; plants, fertilizers, and all contingent expenses, \$3,500.

For fuel, oil, grease, pipe, wire, and other materials needed for the maintenance and repair of boilers, engines, heating apparatus, electric lighting and power plant, and water-supply system; purchase and maintenance of teams; maintenance, repair, or operation of motor truck and passenger automobile and of horse-drawn passenger-carrying vehicles; material for boxing nautical instruments for transportation; paints, telegraph and telephone service, and incidental labor, \$12,000, of which amount not to exceed \$3,058 may be expended for personal services in the District of Columbia.

For cleaning, repair, and upkeep of grounds and roads, including personal services in the District of Columbia, in accordance with the classification act of 1923, \$6,030, of which amount not to exceed \$4,920 may be expended for personal services in the District of Columbia.

For expenses in preparing for and conducting observations of total solar eclipse of January 14, 1926, \$3,670.

SALARIES, NAUTICAL ALMANAC OFFICE

For personal services in the District of Columbia, in accordance with the classification act of 1923, \$28,460.

For pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, \$2,500.

BUREAU OF ENGINEERING

ENGINEERING

For repairs, preservation, and renewal of machinery, auxiliary machinery, and boilers of naval vessels, yard craft, and ships' boats, distilling and refrigerating apparatus; repairs, preservation, and renewals of electric interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus; searchlights and fire-control equipments for antiaircraft defense at shore stations; maintenance and operation of coast signal service; equipment, supplies, and materials under the cognizance of the bureau required for the maintenance and operation of naval vessels, yard craft, and ships' boats; care, custody, and operation of the naval petroleum reserves; purchase, installation, repair, and preservation of machinery, tools, and appliances in navy yards and stations, pay of classified field force under the bureau; incidental expenses for naval vessels, navy yards, and stations, inspectors' offices, the engineering experiment station, such as photographing, technical books and periodicals, stationery, and instruments; services, instruments and apparatus, supplies, and technical books and periodicals necessary to carry on experimental and research work; in all, \$19,500,000, of which \$1,100,000 shall be available immediately: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service in navy yards, naval stations, and offices of United States inspectors of machinery and engineering material for the fiscal year ending June 30, 1926, shall not exceed \$1,475,000.

ENGINEERING EXPERIMENT STATION, UNITED STATES NAVAL ACADEMY, ANNAPOLIS, MD.

For original investigation and extended experimentation of naval appliances, testing implements, and apparatus; purchase and installation of such machines and auxiliaries considered applicable for test and use in the naval service, and for maintenance and equipment of buildings and grounds, \$175,000.

SALARIES, NAVY DEPARTMENT

For personal services in the District of Columbia in accordance with "the classification act of 1923," \$256,000.

BUREAU OF CONSTRUCTION AND REPAIR

CONSTRUCTION AND REPAIR OF VESSELS

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank and wind tunnel; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy yards, inspectors' offices, such as photographing, books, professional magazines, plans, stationery, and instruments for drafting room, and for pay of classified field force under the bureau; for hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; specifications for purchase thereof shall be so prepared as shall give fair and free competition; canvas for the manufacture of sails, awnings, hammocks, and other work; interior appliances and tools for manufacturing purposes in navy yards and naval stations; and for the purchase of all other articles of equipment at home and abroad; and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; naval signals and apparatus, other than electric, namely, signals, lights, lanterns, running lights, and lamps and their appendages for general use on board ship for illuminating purposes; and oil and candles used in connection therewith; bunting and other materials for making and repairing flags of all kinds; for all permanent galley fittings and equipment; rugs, carpets, curtains, and hangings on board naval vessels, \$17,000,000: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, watchmen (ship keepers), and messenger service in navy yards, naval stations, and offices of superintending naval constructors for the fiscal year ending June 30, 1926, shall not exceed \$1,700,000.

SALARIES, NAVY DEPARTMENT

For personal services in the District of Columbia in accordance with the classification act of 1923, \$315,000.

BUREAU OF ORDNANCE

ORDNANCE AND ORDNANCE STORES

For procuring, producing, preserving, and handling ordnance material: for the armament of ships; for fuel, material, and labor to be used in the general work under the cognizance of the Bureau of Ordnance; for furniture at naval ammunition depots, torpedo stations, naval ordnance plants, and proving grounds; for technical books; plant appliances as now defined by the "Navy Classification of Accounts"; for machinery and machine tools; for maintenance of proving grounds, powder factory, torpedo stations, gun factory, ammunition depots, and naval ordnance plants, and for target practice; not to exceed \$10,000 for minor improvements to buildings, grounds, and appurtenances, and at a cost not to exceed \$750 for any single project; for the maintenance, repair, and operation of horse-drawn and motor-propelled freight and passenger-carrying vehicles, to be used only for official purposes at naval ammunition depots, naval proving grounds, naval ordnance plants, and naval torpedo stations; for the pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots, and for care and operation of schools during the fiscal year 1926 at ordnance stations at Indianhead, Md.; Dahlgren, Va.; and South Charleston, W. Va., \$10,125,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for chemists, clerical, drafting, inspection, watchmen, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots for the fiscal year ending June 30, 1926, shall not exceed \$900,000.

For purchase and manufacture of smokeless powder, \$772,000.

For the purchase and manufacture of torpedoes and appliances, to be available until expended, \$500,000.

EXPERIMENTS, BUREAU OF ORDNANCE

For experimental work in the development of armor-piercing and other projectiles, fuses, powders, and high explosives, in connection with problems of the attack of armor with direct and inclined fire at various ranges, including the purchase of armor, powder, projectiles, and fuses for the above purposes and of all necessary material and labor in connection therewith; and for other experimental work under the cognizance of the Bureau of Ordnance, in connection with the development of ordnance material for the Navy, \$190,000.

SALARIES, NAVY DEPARTMENT

For personal services in the District of Columbia in accordance with the classification act of 1923, \$145,000.

BUREAU OF SUPPLIES AND ACCOUNTS

PAY OF THE NAVY

For pay and allowances prescribed by law of officers on sea duty and other duty, and officers on waiting orders—pay \$25,796,006; rental allowance \$5,339,920; subsistence allowance \$3,316,720; in all \$34,452,646; officers on the retired list, \$4,145,769; for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, and hire of quarters for officers and enlisted men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable, \$1,000; pay of enlisted men on the retired list, \$1,433,012; extra pay to men re-enlisting after being honorably discharged, \$1,459,775; interest on deposits by men, \$7,500; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineer's force and men detailed for duty with the Fish Commission, enlisted men, men in trade schools, pay of enlisted men of the Hospital Corps, extra pay to men for diving and cash prizes for men for excellence in gunnery, target practice, and engineering competitions, \$66,588,000; pay of enlisted men undergoing sentence of court-martial, \$498,000; and as many machinists as the President may from time to time deem necessary to appoint; and apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law, \$1,512,000; pay and allowances of the Nurse Corps, including assistant superintendents, directors, and assistant directors—pay \$718,000; rental allowance \$24,000; subsistence allowance \$20,805; in all \$762,805; rent of quarters for members of the Nurse Corps, \$2,900; retainer pay and active-service pay and allowances of members of the Naval Reserve Force, class 1 (Fleet Naval Reserve), \$6,277,496; reimbursement for losses of property under act of October 6, 1917, \$10,000; payment of six months' death gratuity, \$150,000; in all, \$117,000,000; and the money herein specifically appropriated for "Pay of the Navy," shall be disbursed and accounted for in accordance with existing law as "Pay of the Navy," and for that purpose shall constitute one fund: *Provided*, That additional commissioned, warranted, appointed, enlisted, and civilian personnel of the Medical Department of the Navy, required for the care of patients of the United States Veterans' Bureau in naval hospitals, may be employed in addition to the numbers appropriated for in this act: *Provided further*, That no part of this appropriation shall be available for the pay of any midshipmen whose admission subsequent to December 13, 1924, would result in exceeding at any time an allowance of three midshipmen for each Senator, Representative, and Delegate in Congress; of one midshipman for Porto Rico, a native of the island, appointed on nomination of the governor, and of two midshipmen from Porto Rico, appointed on nomination of the Resident Commissioner; and of two midshipmen for the District of Columbia: *Provided further*, That nothing herein shall be construed to repeal or modify in any way existing laws relative to the appointment of midshipmen at large or from the enlisted personnel of the naval service: *And provided further*, That in computing for any purpose the length of service of any officer of the Navy, of the Marine Corps, of the Coast Guard, of the Coast and Geodetic Survey, or of the Public Health Service, who was appointed to the United States Naval Academy or to the United States Military Academy after March 4, 1913, the time spent at either academy shall not be counted.

PROVISIONS, NAVY

For provisions and commuted rations for enlisted men of the Navy, which commuted rations may be paid to caterers of messes in case of death or desertion upon orders of the commanding officers, at 50 cents per diem, and midshipmen at 80 cents per diem, and commuted rations stopped on account of sick in hospital and credited at the rate of 75 cents per ration to the naval hospital fund; subsistence of men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); quarters and subsistence of men on detached duty; subsistence of members of the Naval Reserve Force during period of active service; expenses of handling provisions and for subsistence in kind at hospitals and on board ship in lieu of subsistence allowance of female nurses and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement; in all, \$19,800,000: *Provided*, That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed 30 cents per diem for each ration so commuted; and for the purchase of the United States Army emergency rations as required.

MAINTENANCE

For fuel; the removal and transportation of ashes and garbage from ships of war; books, blanks, and stationery, including stationery for commanding and navigating officers of ships, chaplains on shore and afloat, and for the use of courts-martial on board ships; pur-

chase, repair, and exchange of typewriters for ships; packing boxes and materials; interior fittings for general storehouses, pay offices, and accounting offices in navy yards; expenses of disbursing officers; coffee mills and repair thereto; expenses of naval clothing factory and machinery for the same; laboratory equipment; purchase of articles of equipage at home and abroad under the cognizance of the Bureau of Supplies and Accounts, and for the payment of labor in equipping vessels therewith, and the manufacture of such articles in the several navy yards; musical instruments and music; mess outfits; soap on board naval vessels; tools, ferrage, yeomen's stores, safes, and other incidental expenses; all freight and express charges pertaining to the Navy Department and its bureaus; labor in general storehouses, paymasters' offices, and accounting offices in navy yards and naval stations, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased and manufactured under "the naval supply account fund;" in all, \$9,800,000: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for chemists and for clerical, inspection, and messenger service in the supply and accounting departments of the navy yards and naval stations and disbursing offices for the fiscal year ending June 30, 1926, shall not exceed \$2,850,000.

The clothing and small-stores fund shall be charged with the value of all issues of clothing and small stores made to enlisted men and apprentice seamen required as outfits on first enlistment, not to exceed \$100 each, and for uniform gratuity to enrolled men of the Naval Reserve Force and for civilian clothing not to exceed \$15 per man to men given discharge for bad conduct, for undesirability, or inaptitude, the uniform gratuity paid to officers of the Naval Reserve Force, and the authorized issues of clothing and equipment to the members of the Naval Nurse Corps.

FUEL AND TRANSPORTATION

For coal and other fuel for steamers' and ships' use, including expenses of transportation, storage, and handling the same; maintenance and general operation of machinery of naval fuel depots and fuel plants; water for all purposes on board naval vessels, and ice for the cooling of water, including the expense of transportation and storage of both, \$15,460,000: *Provided*, That fuel acquired other than by purchase shall not be issued without charging the applicable appropriation with the cost of such fuel at the rate current at the time of issue for fuel purchased: *Provided further*, That the President may direct the use, wholly or in part, of fuel on hand, however acquired, to be charged at the last issue rate for fuel acquired by purchase, when, in his judgment, prices quoted for supplying fuel are excessive.

SALARIES, NAVY DEPARTMENT

For personal services in the District of Columbia, in accordance with the classification act of 1923, \$830,000.

BUREAU OF MEDICINE AND SURGERY

MEDICAL DEPARTMENT

For surgeon's necessities for vessels in commission, navy yards, naval stations, and Marine Corps; and for the civil establishment at the several naval hospitals, navy yards, naval medical supply depots, Naval Medical School and Dispensary, Washington, and Naval Academy, \$1,730,000: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical service in naval hospitals, dispensaries, medical supply depots, and Naval Medical School, for the fiscal year ending June 30, 1926, shall not exceed \$150,000.

CONTINGENT, BUREAU OF MEDICINE AND SURGERY

For tolls and ferrages; purchase of books and stationery; hygienic and sanitary investigation and illustration; sanitary, hygienic, and special instruction, including the issuing of Naval Medical Bulletins and supplements; purchase and repairs of nonpassenger-carrying wagons, automobile ambulances, and harness; purchase of and feed for horses and cows; maintenance, repair, and operation of three passenger-carrying motor vehicles for naval dispensary, Washington, D. C., and of one motor-propelled vehicle for official use only for the medical officer on out-patient medical service at the Naval Academy; trees, plants, care of grounds, garden tools, and seeds; incidental articles for the Naval Medical School and naval dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks; washing for Medical Department and Naval Medical School and naval dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks, dispensaries at navy yards and naval stations, and ships; and for minor repairs on buildings and grounds of the United States Naval Medical School and naval medical supply depots; rent of rooms for naval dispensary, Washington, D. C., not to exceed \$1,200; for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast, including supernumeraries held for transfer to the Government Hospital for the Insane; for dental outfits and dental material; and all other necessary contingent expenses; in all, \$375,000.

CARE OF THE DEAD

For care of the dead; for purchase of cemetery lots; for funeral expenses and interment or transportation to their homes or to designated cemeteries of the remains of officers (including officers who die within the United States and supernumerary patients who die in naval hospitals) and enlisted men of the Navy and Marine Corps, of members of the Nurse Corps, and of officers and enlisted men of the Naval Reserve Force, when on active service with the Navy, who die or are killed in action ashore or afloat, and also to enable the Secretary of the Navy, in his discretion, to cause to be transported to their homes the remains of civilian employees of the Navy Department and Naval Establishment who die while employed outside of the continental limits of the United States, \$90,000: *Provided*, That the sum herein appropriated shall be available for payment for transportation of the remains of officers and men who have died while on duty at any time since April 21, 1898.

SALARIES, NAVY DEPARTMENT

For personal services in the District of Columbia in accordance with the classification act of 1923, \$73,400.

BUREAU OF YARDS AND DOCKS

MAINTENANCE

For the labor, materials, and supplies necessary, as determined by the Secretary of the Navy, for the general maintenance of the activities and properties now, or hereafter, under the cognizance of the Bureau of Yards and Docks, including the purchase, maintenance, repair, and operation of passenger-carrying vehicles for the Naval Establishment not otherwise provided for, and including not to exceed \$950,000 for clerical, inspection, drafting, messenger, and other classified work in the field, \$6,750,000: *Provided*, That during the fiscal year 1926 the Secretary of the Navy is authorized to purchase not more than 2 passenger-carrying motor-propelled vehicles, to cost not to exceed \$2,500 each, 15 passenger-carrying motor-propelled vehicles, to cost not to exceed \$1,500 each, and 30 passenger-carrying motor-propelled vehicles, to cost not to exceed \$500 each, and the Secretary of the Navy shall sell, or exchange in part payment for such new vehicles, not less than a corresponding number of motor-propelled passenger-carrying vehicles in use and of makes which now cost in excess of \$2,000 per vehicle to replace for each new car purchased costing \$1,500 or more: *Provided further*, That expenditures from appropriations contained in this act for the maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, including the compensation of operators, shall not exceed in the aggregate \$100,000, exclusive of such vehicles owned and operated by the Marine Corps in connection with expeditionary duty without the continental limits of the United States, and on any one vehicle shall not exceed for maintenance, upkeep, and repair, exclusive of garage rent, pay of operator, fuel, and lubricants, one-third of the market price of a new vehicle of the same make or class, and in any case more than \$500.

CONTINGENT

For contingent expenses and minor extensions and improvements of public works at navy yards and stations, \$125,000.

SALARIES, NAVY DEPARTMENT

For personal services in the District of Columbia in accordance with the classification act of 1923, \$238,000.

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS

Navy yard, Portsmouth, N. H.: Repairs to coaling plant, \$25,000.
Navy yard, Boston, Mass.: For improvements to water front, \$150,000; replacement of circulating loop, \$125,000; in all, \$275,000.
Navy yard, New York, N. Y.: for gas-plant improvements, \$25,000; improvements to distributing system, \$15,000; replacement of high-tension electric cable, \$25,000; improvements to sanitary facilities, Dry Dock No. 4, \$20,000; in all, \$85,000.
Navy yard, Philadelphia, Pa.: For paving, to continue, \$30,000; improvements to Pier No. 3, \$70,000; dredging, to continue, \$150,000; in all, \$250,000.
Navy yard, Norfolk, Va.: For improvements to fire protection, \$21,000; replacement of hull of 120-ton derrick, \$90,000; in all, \$111,000.
Navy yard, Charleston, S. C.: Dredging, to continue, \$36,000.
Navy yard, Mare Island, Calif.: For dredging, to continue, \$70,000.
Navy yard, Puget Sound, Wash.: Repair and fitting out pier (limit of cost, \$1,190,000), to continue, \$400,000.
Naval station, Guantanamo, Cuba: For replacement of magazine wharf, \$50,000; improvements to fuel-oil plant, \$28,000; in all, \$78,000.
Naval station, Pearl Harbor, Hawaii: For additional moorings, \$45,000; improvement to water front, industrial section, \$200,000; extension of administration building, \$100,000; in all, \$345,000.
Naval station, Tutuila, Samoa: For improvements to wharf, \$28,000.
Naval station, Cavite, P. I.: For moving officers' quarters from Olongapo, \$30,000; moving power-plant equipment from Olongapo and

replacing worn-out equipment at Cavite, to complete, \$54,000; moving dry dock *Decey* from Olongapo, \$400,000; moving water tank from Olongapo, \$7,500; in all, \$491,500.

Naval ammunition depot, Fort Lafayette, N. Y.: For dredging, to continue, \$20,000.

Naval ammunition depot, Puget Sound, Wash.: For additional storage, \$35,000.

Naval hospital, Washington, D. C.: Extension of nurses' quarters, \$75,000, which sum shall be paid out of the naval hospital fund.

Naval training station, Great Lakes, Ill., buildings: For improvements to power plant, \$30,000.

Submarine base, Pearl Harbor, Hawaii: For extension of motor generator building and equipment, \$55,000.

Submarine base, Coco Solo, Canal Zone: For improvements to refrigeration plant, \$36,000; dredging, to continue, \$90,000; in all, \$126,000.

Naval station, San Diego, Calif.: for extension of shop and storage facilities, \$70,000.

Naval fuel depot, Yorktown, Va.: For foam fire-protection system, \$60,000.

The unobligated balance of the appropriation of \$500,000 contained in the naval appropriation act for the fiscal year 1925 on account of the construction of an extensible building for the supply depot, Marine Corps, San Francisco, Calif., is made available for adding two additional floors to said building, such addition to be of permanent construction and made ready for occupancy in all respects within the amount hereby made available.

BUREAU OF AERONAUTICS

AVIATION, NAVY

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1925, \$375,000; for maintenance, repair, and operation of aircraft factory, helium plant, air stations, fleet activities, testing laboratories, and for overhauling of planes, \$6,921,625, including \$300,000 for the equipment of vessels with catapults; for continuing experiments and development work on all types of aircraft, \$1,550,000; for drafting, clerical, inspection, and messenger service, \$700,000; for new construction and procurement of aircraft and equipment, \$5,243,375; in all, \$14,790,000; and the money herein specifically appropriated for "Aviation" shall be disbursed and accounted for in accordance with existing laws as "Aviation" and for that purpose shall constitute one fund: *Provided*, That in addition to the amount herein appropriated and specified for expenditure for new construction and procurement of aircraft and equipment, the Secretary of the Navy may enter into contracts for the production and purchase of new airplanes and their equipment, spare parts, and accessories to an amount not in excess of \$4,100,000: *Provided further*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coasts of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes: *Provided further*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft, where such claim does not exceed the sum of \$250: *Provided further*, That all claims adjusted under this authority during the fiscal year shall be reported in detail to the Congress by the Secretary of the Navy.

SALARIES, NAVY DEPARTMENT

For personal services in the District of Columbia in accordance with the classification act of 1923, \$191,000.

NAVAL ACADEMY

Pay, Naval Academy: Pay of professors and others, Naval Academy: Pay of professors and instructors, including one professor as librarian, \$236,900: *Provided*, That not more than \$36,500 shall be paid for masters and instructors in swordsmanship and physical training;

For pay of employees at rates to be fixed by the Secretary of the Navy, as follows: Administration, \$154,800; department of ordnance and gunnery, \$16,952; departments of electrical engineering and physics, \$17,727; department of seamanship, \$8,880; department of marine engineering and naval construction, \$47,922; commissary department, \$188,993; department of buildings and grounds, \$131,794; in all \$567,008.

Current and miscellaneous expenses, Naval Academy: For text and reference books for use of instructors; stationery, blank books and forms, models, maps, and periodicals; apparatus and materials for instruction in physical training and athletics; expenses of lectures and entertainments, not exceeding \$1,000, including pay and expenses of lecturer; chemicals, philosophical apparatus and instruments, stores, machinery, tools, fittings, apparatus, and materials for instruction purposes, \$77,800.

For purchase, binding, and repair of books for the library (to be purchased in the open market on the written order of the superintendent), \$5,000.

For expenses of the Board of Visitors to the Naval Academy, \$3,000.

For contingencies for the superintendent of the academy, to be expended in his discretion, \$3,000.

For contingencies for the commandant of midshipmen, to be expended in his discretion, \$1,200.

Maintenance and repairs, Naval Academy: For necessary repairs of public buildings, wharves, and walls inclosing the grounds of the Naval Academy, improvements, repairs, and fixtures; for books, periodicals, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants, machinery; purchase and maintenance of all horses and horse-drawn vehicles for use at the academy, including the maintenance, operation, and repair of three horse-drawn passenger-carrying vehicles to be used only for official purposes; seeds and plants; tools and repairs of the same; stationery; furniture for Government buildings and offices at the academy, including furniture for midshipmen's rooms; coal and other fuels; candles, oil, and gas, attendance on light and power plants; cleaning and clearing up station and care of buildings; attendance on fires, lights, fire engines, fire apparatus, and plants, and telephone, telegraph, and clock systems; incidental labor; advertising, water tax, postage, telephones, telegrams, tolls, and ferrage; flags and awnings; packing boxes, fuel for heating and lighting bandmen's quarters; pay of inspectors and draftsmen; music and astronomical instruments; and for pay of employees on leave, \$1,000,000.

For commutation of rent for bandmen, at \$15 per month each, \$13,500.

MARINE CORPS

PAY, MARINE CORPS

Pay of officers, active and class 1, Fleet Marine Corps reserve list: For pay and allowances prescribed by law for all officers on the active and class 1, Fleet Marine Corps reserve list—pay and allowances, \$3,453,174; subsistence allowance, \$486,390; rental allowance, \$703,506; in all, \$4,643,070.

For pay of officers prescribed by law on the retired list, \$493,180.

Pay of enlisted men, active and class 1, Fleet Marine Corps reserve list: For pay and allowances of noncommissioned officers, musicians, and privates, as prescribed by law, and for the expenses of clerks of the United States Marine Corps traveling under orders, and including additional compensation for enlisted men of the Marine Corps qualified as expert riflemen, sharpshooters, marksmen, or regularly detailed as gun captains, gun pointers, cooks, messmen, or holding good-conduct medals, pins, or bars, including interest on deposits by enlisted men, post exchange debts of deserters, under such rules as the Secretary of the Navy may prescribe, and the authorized travel allowance of discharged enlisted men, and for prizes for excellence in gunnery exercises and target practice, and for pay of enlisted men designated as Navy mail clerks and assistant Navy mail clerks, both afloat and ashore—pay and allowances, \$8,609,431; allowance for lodging and subsistence, \$769,711; in all, \$9,429,142.

For pay and allowances prescribed by law of enlisted men on the retired list, \$383,656.

Undrawn clothing: For payment to discharged enlisted men for clothing undrawn, \$250,000.

For pay and allowances of Reserve Force, excepting class 1, Fleet Marine Corps Reserve, \$75,943.

MILEAGE

For mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers traveling under orders without troops, \$125,000: *Provided*, That officers performing travel by Government-owned vessels shall only be entitled to reimbursement of actual and necessary expenses incurred.

In all, \$15,400,000, and the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall constitute one fund.

PAY OF CIVIL FORCE

For personal services in the District of Columbia in accordance with the classification act of 1923, as follows:

Offices of the Major General Commandant and adjutant and inspector, \$61,840;

Office of the paymaster, \$22,800;

Office of the quartermaster, \$74,300; in all, \$159,000.

For personal services in Marine Corps offices located elsewhere than at Marine Corps headquarters, \$15,650.

GENERAL EXPENSES, MARINE CORPS

For every expenditure requisite for, and incident to, the authorized work of the Marine Corps, other than as appropriated for under the headings of pay and salaries, as follows:

For provisions, subsistence, board and lodging of enlisted men, recruits and recruiting parties, and applicants for enlistment, cash allowance for lodging and subsistence to enlisted men traveling on duty; ice, ice machines and their maintenance, \$3,253,000;

For clothing for enlisted men, \$1,279,000;

For fuel, heat, light, and power, including sales to officers, \$600,000;

For military supplies and equipment, including their purchase, repair, preservation, and handling; recreational, school, educational, library, musical, amusement, field sport and gymnasium supplies, equipment, services, and incidental expenses; purchase and marking of prizes for excellence in gunnery and rifle practice, good-conduct badges, medals, and buttons awarded to officers and enlisted men by the Government for conspicuous, gallant, and special service; rental and maintenance of target ranges and entrance fees for competitions, \$256,000;

For transportation of troops and applicants for enlistment, including cash in lieu of ferrage and transfers en route; toilet kits for issue to recruits upon their first enlistment and other incidental expenses of the recruiting service; and transportation for dependents of officers and enlisted men, \$562,000;

For repairs and improvements to barracks, quarters, and other public buildings at posts and stations; for the renting, leasing, and improvement of buildings in the District of Columbia with the approval of the Public Buildings Commission and at such other places as the public exigencies require, and the erection of temporary buildings upon the approval of the Secretary of the Navy at a total cost of not to exceed \$10,000 during the year, \$400,000;

For forage and stabling of public animals and the authorized number of officers' horses, \$50,000;

For miscellaneous supplies, material, equipment, personal and other services, and for other incidental expenses for the Marine Corps not otherwise provided for; purchase, repair, and exchange of typewriters and calculating machines; purchase and repair of furniture and fixtures; purchase and repair of motor-propelled and horse-drawn passenger-carrying and other vehicles; veterinary services and medicines for public animals and the authorized number of officers' horses; purchase of mounts and horse equipment for all officers below the grade of major required to be mounted; shoeing for public animals and the authorized number of officers' horses; books, newspapers, and periodicals; printing and binding; packing and crating of officers' allowance of baggage; funeral expenses of officers and enlisted men and accepted applicants for enlistment and retired officers on active duty and retired enlisted men of the Marine Corps, including the transportation of their bodies, arms, and wearing apparel from the place of demise to the homes of the deceased in the United States; construction, operation, and maintenance of laundries; and for all emergencies and extraordinary expenses, \$1,875,000: *Provided*, That there may be expended out of this appropriation for the purchase of motor-propelled passenger-carrying vehicles not more than \$12,400, as follows: Two vehicles to cost not more than \$1,200 each, 10 vehicles to cost not more than \$500 each, and 20 motor cycles to cost not more than \$250 each;

In all, \$8,375,000, to be accounted for as one fund.

INCREASE OF THE NAVY

The Secretary of the Navy may use the unexpended balances on the date of the approval of this act under appropriations heretofore made on account of "Increase of the Navy," together with the sum of \$6,944,000, which is hereby appropriated for the prosecution of work on vessels under construction on such date, the construction of which may be proceeded with under the terms of the treaty providing for the limitation of naval armament; for continuing the conversion of two battle cruisers into aircraft carriers, including their complete equipment of aircraft and aircraft accessories, in accordance with the terms of such treaty; toward the construction of two fleet submarines heretofore authorized, to have the highest practicable speed and greatest desirable radius of action and to cost not to exceed \$5,300,000 each for construction and machinery and \$850,000 each for armor, armament, and ammunition; for the settlement of contracts on account of vessels already delivered to the Navy Department; for the procurement of gyro compass equipments, and for the installation of fire-control instruments on destroyers not already supplied; for the installation of fire-control apparatus on the *Colorado* and *West Virginia*; and for the completion of armor, armament, ammunition, and torpedoes for the supply and complement of vessels which may be proceeded with as hereinbefore mentioned.

No part of any appropriation made for the Navy shall be expended for any of the purposes herein provided for on account of the Navy Department in the District of Columbia, including personal services of civilians and of enlisted men of the Navy, except as herein expressly authorized: *Provided*, That there may be detailed to the Bureau of Navigation not to exceed at any one time 24 enlisted men of the Navy: *Provided further*, That enlisted men detailed to the

Naval Dispensary and the Radio Communication Service shall not be regarded as detailed to the Navy Department in the District of Columbia.

No part of the appropriation made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and that no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article or articles that at the time of the proposed repair, purchase, or acquirement, can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production, would not involve an appreciable increase in cost to the Government.

The CHAIRMAN. Under the order of the House there will be four hours of general debate, one half to be controlled by the gentleman from Idaho [Mr. FRENCH] and the other half to be controlled by the gentleman from South Carolina [Mr. BYRNES]. The gentleman from Idaho is recognized for two hours.

Mr. FRENCH. Mr. Chairman, every Member of the House of Representatives is interested in the Navy of the United States, because he is interested in our country. At this time the members of the Appropriations Committee, who have had charge of shaping the Budget for the Navy and reporting it to the House, come before you conscious that they have been between two fires aimed at the Congress and the administration from two directions; first, from those who would increase the Naval Establishment of the United States beyond any reason that can find justification under treaty, under policies, and under sound, good administration; and, on the other side, from those who, regardless of international obligations and regardless of other nations' state of preparedness, would scrap our Naval Establishment and set an example thereby, as they say, to the nations of the world.

APPROPRIATIONS AND ESTIMATES

Before asking the Members of the House to consider the pending appropriation bill let me refer to a general statement that I made one year ago in reporting the appropriation bill for the current year. I pointed out at that time that when the World War came to an end the Government found itself in possession of many hundreds of millions of dollars worth of property that had been purchased for the Navy and which was not immediately necessary for the maintenance of the Naval Establishment. The Congress determined to sell several hundred millions of dollars worth of this property and to turn the moneys received into the Treasury. This policy was followed out.

Another policy was adopted which provided for the sale of vast quantities of surplus material by the Navy, with the Navy Department given authority to use large sums in new construction work, these sums being in addition to the regular appropriation for the year within which they were used. Last year, for instance, the Congress authorized the Navy, in addition to the direct appropriation of more than \$278,000,000, to expend \$22,500,000 that would be received from materials sold. For the preceding fiscal year, 1924, we authorized \$35,450,000 in addition to the direct appropriation of \$294,967,200; and for the year before that we authorized the use of something like \$54,000,000, received from surplus-property sales, for increase of the Navy, and this amount did not appear as a direct appropriation against the year 1923. In addition to that, the Navy was authorized to use vast quantities of material that had been purchased during the war without a charge for such materials being made in large part against the direct appropriations for the year in which the materials were used. Thus from these two sources—moneys received from the sale of surplus property and materials purchased during the war—the Navy Department appropriations have been supplemented for each of the last several years without charges being made against the funds appropriated in the annual Budget.

Last year I made the statement to the House that surplus stores had been reduced to such an extent that the bill we then reported would carry, probably, the last blanket authorization for the use of money or materials to supplement the appropriations made by the Congress. In realization of the forecast that I made at that time, the present appropriation bill carries no indirect appropriations, and I make this statement so that as you draw the comparisons between the cost of the upkeep of the Navy to-day and in other years you may follow the correct standard.

For 1924 we made direct and indirect appropriations that aggregated \$330,417,200. For 1925 we made direct appropriations amounting to \$278,175,460.87 and indirect appropriations that amounted to \$22,500,000, a total of \$300,675,460.87. The pending bill carries appropriations in the amount of \$286,385,578 and contract authorization in the amount of \$4,160,000, or a grand total of \$290,485,578.

CRITICISMS

At this point I want to refer to some of the general criticisms that have been directed against the Naval Establishment, not with the object of going into detail either in the presentation of the criticism or into great detail in denials of them. I want to make a general statement which I think will be helpful and that will in a general way answer the criticisms that have been made.

I do not know who is responsible for the propaganda that is going on. At any rate, it appears that there must be some definite organization that is capable of putting out lecturers and writers who with facility obtain a hearing and who on the basis of statements that they make are arousing other comment from editors, publicists, and lecturers, who rely upon the statements put out as though they were facts and upon which statements they proceed to consider the condition of the Navy.

Mr. ABERNETHY. I understood the gentleman wished not to be interrupted, but at this point I want to ask him a question. It worries me, and has other Members of the House, when we saw the actual sinking of the battleship *Washington*, and then the statement of the Secretary of the Navy that it is going to take millions to put the Navy in condition.

Now, I have great respect for the opinion of the gentleman from Idaho, and if the gentleman does not mind I would like to know how he reconciles the demand for large appropriations and at the same time approves of the sinking of so many ships like the *Washington*. Of course, I assume that the answer will be that it was on account of the agreement for the limitation of armament. The gentleman probably remembers the article in last Sunday's paper by Will Rogers, who, it seems, struck a popular chord, and I would be glad if the gentleman would enlighten the House.

Mr. FRENCH. The gentleman from North Carolina gives a very good illustration of what I had in mind when I suggested that I be not interrupted. I had planned to refer to the very thing that the gentleman has asked me about, but since he has put the question let me reply at this time. Reference to it seems to be part of this propaganda. Under the treaty providing for the limitation of armaments it was impossible for the United States to maintain the battleship *Washington* that was in course of construction at the time the treaty was adopted. As a matter of fact when we adopted the limitation treaty the United States had building six battle cruisers and nine battleships, and a number of other craft, not referred to in the treaty. The treaty provided that as to two of the battleships of the nine in the course of construction and nearly completed, we could use them to replace two of the older ones, making up the 18 that we were permitted to retain. We completed these ships, discarded the old, and the two new battleships are a part of the fleet. The treaty also provided that two of the battle cruisers that were being built could be converted into airplane carriers, and we are to-day in the process of converting those two ships. It also provided that the other battle cruisers and battleships that were building should be scrapped. Different ways were provided for their scrapping, but at any rate the end of the scrapping had to be the same. The battleship *Washington*, to which the gentleman refers, was one of these. When it comes to scrapping either the battleship *Washington* or scrapping the treaty, which treaty we adopted and which the country applauded, there ought to be no question as to which one should be scrapped.

We scrapped the *Washington*, and during the process experiments were carried on that will be of greatest help to our Navy. Take another ship, the *Illinois*, well under way at the time of the treaty. This ship was scrapped and turned into

an armory for the State Militia of New York, and there it will serve a useful purpose.

Let me refer to other criticisms. A statement was made in one of the New York papers on Sunday pretending to quote the Secretary of the Navy to the effect that Great Britain has 297 destroyers. As a matter of fact, data that has been furnished to the committee by the Secretary of the Navy and the officers of the department indicate that Great Britain has 182 destroyers instead of 297. It is rather difficult to understand how statements like that can be made.

THE 5-5-3 RATIO

I have here another statement that was made in the press, and which found its way there doubtless through the propaganda that is on at the present time:

The United States . . . has, in fact, only 12 of such ships, (battleships). The other 6 are nearly obsolete and 4 of them are in such a state that the required steam pressure can not be maintained for fear of boiler explosions. They could not keep up with the fleet in last year's maneuvers, and are now laid up.

And hear again—

As matters stand, the battleships *Utah*, *Wyoming*, *Arkansas*, *New York*, *Texas*, and *Florida* are counted as part of the fighting force of the Navy, while actually they are laid up and unable to navigate safely, to say nothing of fighting.

As a matter of fact, all you need to do is to turn to the hearings to find that three of those ships that last year through engine difficulties broke down in attempting to keep up with the fleet are back with the fleet now and the other one is undergoing repairs and could, in fact, proceed with the fleet with her limited speed with little further general reconditioning. In response to a question of my colleague on the committee [Mr. Tamm] as to the condition of the 18 battleships, Secretary Wilbur said:

Secretary WILBUR. Every one of them [the 18 battleships] is fit to fight excepting the *Florida*. The *Florida* can be put in the battle line if a speed of 12 knots will get her there, and of course, that will depend on a lot of other things. It is not such a very long process to put her boilers in a condition so that she could make the necessary speed. We delayed on the *Florida* because under the limitations of the law we could not spend more than \$300,000 without a special authorization. We felt that if we spent up to that amount, there would be an element of waste in it, so we have not done what we could have done with her with the money we have, awaiting this modernization program, which will enable us to do more things at once and save money by doing it. But in case of a war declared, she could be put in condition in a relatively short time. All the ships are in condition to fight to-morrow, and she could with the limitation that I referred to.

There are, as we pointed out in our report, repairs which we class as urgent repairs and repairs which we class as needed. There is the regular overhauling and the regular upkeep of these ships, requiring constant attention. We feel that there has been too little money appropriated to give the necessary repairs and betterments to the ships to keep them in absolutely first-class condition.

So far as being able to fight to-morrow, they can all fight to-morrow.

We have been told, and we are told by the propagandists that there never was a time when we occupied the number 5 in the ratio 5-5-3. That statement does not do justice to those who make it. It does not do justice to those who were charged with the responsibility of shaping the treaty under the conference. Gentlemen should remember that the members of that conference on the part of the United States were men of the greatest ability, of sound Americanism, headed by Secretary Hughes. His coworkers were the former masterful Secretary of State, Mr. Elihu Root; the late Senator Lodge, a man of commanding genius; and the great Senator UNDERWOOD, of Alabama, assisted as they were by the officers of the Navy Department and other specialists representing in superlative degree the best thought of our Government in arranging the 5-5-3 program. When we adopted that treaty we adopted it upon the basis of the conditions that were worked out by those men who were our commissioners at the conference. We have a right to assume that those men knew what they were doing and the contents of the contract to which they had subscribed on behalf of the United States. More than that, it not only had the approval of this commission, but it had the approval of the Senate when the treaty was ratified.

When Secretary Wilbur was before our committee, speaking upon this subject, he said:

I have absolutely no sympathy with the claim that we were over-generated in that limitation of armaments treaty. The fact is that we got exactly what we proposed, and I am perfectly willing to accept

the judgment of those who participated in that treaty that the battleship strength at the conclusion of the treaty and of the scrapping was substantially in the ratio stated in the treaty.

The conclusion of Secretary Wilbur was the conclusion of those who represented the United States in the armament conference. I believe their conclusion was correct. So far as ships were concerned, exclusive of certain limitations touching upon tonnage, the treaty defined the number of battleships and the tonnage for the United States, for Great Britain and Japan, for France and for Italy. The ships of these different nations were not alike but they were substantially alike; they were comparable. Some of them were older than others; some of them were very modern. We were compelled to provide in the treaty that the United States could substitute new battleships for two of the older ships that we counted among the 18 when the treaty was written. We also provided that Great Britain could retain certain battle cruisers and certain tonnage in excess of 18 and in excess of the tonnage that will ultimately be allotted to each nation for the reason that Great Britain's ships were older than ours, and it seemed that the only fair basis that could be attained was one that could provide for adjustment that could be made within a comparatively short period of time. The battleships of the United States, generally speaking, were newer than the battleships of Great Britain. I remember when Colonel Roosevelt nearly one year ago was before our committee, I asked him whether or not our capital ships are not more modern and better ships than the capital ships of Great Britain. Colonel Roosevelt, and remember he was the Assistant Secretary of the Navy at the time, replied, "Yes, on an average."

Continuing, Colonel Roosevelt said:

I remember the expression used by Admiral Chatfield at the time we were talking about that. He said, "The tail of your column is not as good as the tail of our column, but the body of your column and the head of your column are very much better than any of the rest of our column."

Mr. McKEOWN. If the gentleman will yield, are we to understand that the result of the armament conference was simply to fix a ratio up to which we must maintain or could maintain the Navy, and also above which we must not go, but we were permitted to go below as much as we wanted to?

Mr. FRENCH. Well, there are those who contend that the treaty means that it fixes a maximum above which we can not go, and that we should constantly maintain that maximum. The former is the essence of the treaty, namely, that our country shall not exceed the ratio fixed; the latter, namely, what we may do under the maximum, rests with the good judgment of the United States. For the present I believe we should maintain the ratio in the interest of world peace, striving constantly for the consummation of further agreements of the world powers that will mean the reduction of armaments and thereby the lessening of the burden of military and naval establishments.

All of the British capital ships are not in full commission, and I am sure we may assume that with the older of the capital ships of Great Britain there are similar difficulties due to increasing age that pertain to the ships of the American Navy and that pertain to the ships of all navies. So far as I am concerned, I believe it the part of wisdom for the present Congress to provide for the modernization of the six battleships. We have not had opportunity to go into this question upon the basis of Budget estimates. Estimates have not come to us from the Budget, but I believe that the normal looking-forward program for the United States to follow would be to provide for the modernization of these essential ships of our fleet.

We asked the Secretary when he was before the committee whether there were those in this country who had better opportunity for knowing the condition of the Navy than did the officers of the Navy itself. Secretary Wilbur very frankly told us it would be impossible for others to have such opportunity to know the condition of the ships of the Navy. Manifestly that must have been his answer. He gave it. We then followed the question up by asking the responsible heads of the different bureaus what was the condition of the Navy, and I am going to refer to just a few of the answers which were given. In the reference I shall make now I am going to turn to the hearings for a moment. We had before us Admiral Robison, the head of the Bureau of Engineering. Admiral Robison discussed what he called the pending load of accumulated repairs that would need to be kept up in the Navy. He indicated that the pending load amounted to some-

thing like \$49,000,000 plus, a part of which could be regarded as for items for putting in modern equipment, more modern radio, for instance. I remember, as to radio equipment, the amount was for more than \$7,000,000. The part of the Naval Establishment under the Bureau of Engineering would possibly cost to replace \$600,000,000. When Admiral Robison told us the amount of load that he suggested was being accumulated that would need to be cared for I asked him:

Is that a severe indictment of conditions, or how do you regard it?

Admiral Robison answered:

I think not. It is not, of course, satisfactory, but I do not think that it is bad.

Mr. BYRNES asked:

What is their condition to-day?

Referring to the battleships that were taken out during the fleet maneuvers.

Admiral ROBISON. About 10 per cent better so far in 1925 than they were a year ago.

Mr. BYRNES. I do not know what their condition was a year ago, except that the chief of operations says in his report that they could not hold full power trials.

Admiral ROBISON. They are now safe for operation at full power, and I have so reported. I originally made the report that they were not safe, and I also made a subsequent report that they were safe.

Whose authority are you going to take—the statement of the Bureau of Engineering or the self-appointed critics? Those are the battleships to which criticism has been directed.

Again, on page 487, Admiral Robison, in comparing the condition of the establishment now with its condition a year ago says:

It is my personal opinion, which I give as Engineer in Chief of the Navy, that the engineering efficiency of our fleet is to-day between 3 and 4 per cent superior to what it was one year ago.

Criticism has been directed against the destroyers that are out of commission and that are tied up in Philadelphia and in San Diego. I asked Admiral Robison what of the condition of the destroyers, and the record will indicate the situation. What did Admiral Robison say before the committee a few weeks ago upon the condition of the destroyers? I quote from the hearings:

Admiral ROBISON. I could discuss that [condition of destroyers] at length, but I do not think it is necessary. As to the Pacific coast division, the Board of Inspection and Survey has submitted a very favorable report upon the results of our methods in the handling and the care of the machinery on the vessels out of commission at San Diego, particularly. A recent inspection of the destroyers at Philadelphia was made by Commander Church, who is present, and who can give the details of the results of his inspection to you. They are in satisfactory shape also.

Mr. FRENCH. Commander Church, could you at this time give the committee a picture of the situation touching the care and maintenance of the destroyers out of commission at Philadelphia?

Commander CHURCH. Yes, sir. The machinery is kept up in accordance with instructions issued by the Bureau of Engineering, and those instructions have been in vogue for a year. They were made up as a result of an inspection by the Board of Inspection and Survey and after the machinery had been laid up for a period of about two years, during which time methods for the preservation were carefully watched. They were originally laid up in accordance with the bureau's instructions, and all of those inspections were more or less of a check-up on the original methods.

Mr. FRENCH. What would you say as to the general condition of those ships?

Commander CHURCH. The general condition of the ships at present is excellent.

Mr. FRENCH. You would not agree with the statement in the morning papers to the effect that the ships out of commission are rusting and rotting to pieces?

Commander CHURCH. The machinery on the destroyers is not—emphatically not.

Now let me turn to the report that was made to the committee by Admiral Beuret. He is the Chief of the Bureau of Construction and Repair, and is in a position to know the condition of these ships. Let me quote from the hearings:

Mr. FRENCH. What is the general condition of the oil-burning battleships?

Admiral BEURET. There is a certain amount of accumulated work. I do not think they are yet at the point where the vessels could be considered to have seriously deteriorated other than ordinary obsolescence due to age.

Mr. FRENCH. What about the six coal-burning battleships from the standpoint of construction and repair?

Admiral BEURET. The repairs undertaken on them have been limited more strictly because we did not wish to do work that might be thrown away in case modernization were authorized.

Speaking of cruisers of the first line:

Those ships are in very excellent condition, then, from the standpoint of C. and R.?

Admiral BEURET. Oh, yes; they are practically new ships.

Again, turning to aircraft carriers, touching the amount asked for in the pending bill, I asked this question:

Mr. FRENCH. Then, does this \$63,000 care for you pretty well?

Admiral BEURET. Yes; we estimate so.

As to mine layers, the amount referred to was for their upkeep. I asked Admiral Beuret:

Does this care for you?

Admiral BEURET. So far as we know it does. These vessels also are rather old, and they are gradually deteriorating. They have not arrived at the point where we would want to refit. In fact, I do not know whether we would want to refit those particular ships. As you know, they are converted merchant vessels.

Or, again, referring to destroyers of the first line, after referring to the amount asked for, I propounded this question:

Will that care for them in very good shape?

Admiral BEURET. So far as we can determine at the present time, it will. That does not provide for many alterations. It provides what we estimate is a sufficient amount for repairs, however.

As to light mine layers, I asked this question:

Are they in very good condition from the standpoint of their age?

Admiral BEURET. They are in reasonable condition from the standpoint of age, so far as construction and repair is concerned. That is based on our best information.

As to submarines, first line, I asked this question:

From the standpoint of construction and repair, what is the condition of those vessels?

Admiral BEURET. We estimate that that will keep them in reasonably good condition, considering their age.

As to hospital ships, referring first to the *Relief*, my question was—

What would you say as to its condition?

Admiral BEURET. She is in reasonably good condition, so far as I know.

Mr. FRENCH. How about the *Mercy*?

Admiral BEURET. The *Mercy* could have a considerable amount expended on her with benefit; but it is a question of policy as to just how far you want to go with those expenditures.

In other words, I have called to the witness stand the responsible heads of the several bureaus having charge of these ships that are a part of the active fleet of the Navy. The report is, generally speaking, that the ships are in good condition, and I hope the Members of the House may have time to examine the hearings closely.

Now let me refer once more to our critics.

Some of them are demanding inquiries and investigations. Well, I have no objections to any inquiries that may be made, and constantly the Members of the Congress must give closest study to all the varied activities that have to do with public defense and the Nation's welfare. But we must not let ourselves be swept from our feet by exaggerated statements and half truths. More than that, if any inquiry shall be deemed necessary in addition to the inquiry that the regularly appointed committees of the House and the Senate conduct from year to year we should know who it is that is speaking. It will not be enough to know the name of the witness; we must know for whom the witness speaks. If he represents a society or organization that is engaging in the propaganda for the scrapping of the limitation of armaments treaty and the projecting of our country into limitless naval programs, we should know who are supporting the groups or individuals that are carrying on the propaganda. If he is trying to foment suspicion upon the part of friendly nations, we should know his purpose. In short, the welfare of our country and humanity should be the objective, and that alone.

I commend to the Congress the words of President Coolidge in his message to the Congress on December 3:

We have been constantly besought to engage in competitive armaments. Frequent reports will reach us of the magnitude of the military equipment of other nations. We shall do well to be little impressed by such reports or such actions. Any nation undertaking

to maintain a military establishment with aggressive and imperialistic designs will find itself severely handicapped in the economic development of the world. I believe thoroughly in the Army and Navy, in adequate defense and preparation. But I am opposed to any policy of competition in building and maintaining land or sea armaments.

THE BUILDING PROGRAM

The pending bill does not provide extensively for a building program. We carry for increase of the Navy \$6,944,000. We provide for continuing construction on the mine-laying fleet submarine that was authorized by the last Congress. We provide for continuation of work on the two aircraft carriers and we provide for laying down two additional fleet submarines.

Over and over I have been asked what we proposed to do in the way of a cruiser-building program, the construction of gunboats, and the modernization of the six coal-burning battleships. In deference to these questions and because of the interest in this subject at this time, I desire to make a brief statement. The modernization bill that provided the authority for appropriations for eight additional cruisers, for six gunboats, and for the modernization of the six coal-burning battleships passed the House of Representatives and the Senate last spring. As the Members know, the bill was held up in the Senate on a motion to reconsider that was not disposed of until last week. This is the short session of the Congress. We have less than 90 legislative days. When the chairman of the Appropriations Committee laid out the program for the session it could not be foreseen when the modernization measure would pass the Senate, or when, if it should pass, estimates could be made to the Congress under the general legislation. Estimates for cruisers, for gunboats, and for modernization of the battleships have not come as yet to the Congress. Should estimates be made, as I have assumed will be the case, it will then devolve upon the committee and the Congress to consider the larger building program touching cruisers, touching gunboats, and touching the modernization of some of our capital ships.

BUREAU OF ENGINEERING

For the Bureau of Engineering the bill carries a total appropriation of \$19,961,000—an increase of \$1,952,200 over the amount appropriated for the current year.

The Members of the Congress will recall that one year ago the committee during the hearings came to the conclusion that more should be appropriated for engineering than had been recommended by the Budget. Accordingly the committee recommended that \$1,962,000 be added to the Budget estimates for improvement of the fleet in such particulars that would have regard to safety of human life, efficiencies, and economies. In addition to that, we carried a provision for \$600,000 for experimental purposes looking to the development of adequate propulsions on power for a fleet submarine. The Senate struck out the latter item and did not see the former item in the important degree in which it had appeared to the House. However, as the result of the action of the Senate and House, we added a sum total of nearly \$2,000,000 last year to engineering in excess of Budget recommendations.

This year the Budget recommendations follow along the line indicated by the Congress of bringing up the physical condition of the fleet to a more satisfactory shape. With this in view, larger appropriations by nearly \$2,000,000 are being asked by the Budget and by the committee.

Probably I should say here that upon the basis of appropriations made for the current year, we are reducing the engineering load of the Navy, and the ships, generally speaking, are in better condition than they were a year ago, and they will be in better condition next year than they are now.

CONSTRUCTION AND REPAIR

For construction and repair, we have followed the recommendations of the Budget in increasing the amount in the current measure over existing law by about \$1,400,000.

Generally speaking, our ships are in excellent condition, but it will not do for them to retrograde in any particular. The amount that we carry in the bill is a sufficient amount to maintain the ships of the United States, from the standpoint of construction and repair, in such condition as is desirable from an economic basis.

NAVAL RESERVE FORCE

For the Naval Reserve Force we have provided \$3,900,000, the same amount that is carried for the current year.

The House will remember that one week ago a bill was passed dealing with the whole reserve question, and it was felt by the committee that as the reserve establishment is not now up to the number of officers and men that may be attained

under current appropriation, it would be well for us to make an appropriation in the same terms for the coming fiscal year pending further consideration of the question upon the passage of the measure that proposes reorganization of our Naval Reserve.

MARINE CORPS

The members of the committee have only the highest words of praise for officers and men of the Marine Corps. The amount carried in the bill is essentially the amount recommended by the Budget and is based upon an enlisted personnel of 18,000 men instead of 19,500 for the current year.

The reason for the reduction of enlisted personnel is on account of the withdrawal of our forces from Santo Domingo, where until recently we had maintained a force of nearly 1,800 men.

With the administration recommending an establishment of 18,000, and with the activities with which the Marine Corps has to do apparently the same for 1926 as for the current year less their service in Santo Domingo, we have not undertaken to disturb the Budget estimates.

AERONAUTICS

For aviation the bill carries a direct appropriation of \$14,800,000. This is approximately the same amount that has been carried for each of the several preceding years.

In addition to that, however, we are providing authorization for construction of new airplanes and for equipment, spare parts, and accessories to an amount not in excess of \$4,100,000.

As to the total amount of direct appropriation and authorization, it will permit the aviation branch of the service to be provided with some 40 or 50 more planes by the end of the fiscal year 1926 than they will have at the beginning. This does not take account of aircraft that must be provided for the aircraft carriers if they shall be completed by July 1 and October 1, 1926.

Mr. BRIGGS. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BRIGGS. I want to ask the gentleman whether those airplanes are thoroughly modern and up to date, or whether they are, according to statements appearing in the newspapers from day to day and emanating from some source—I do not know where—old, antiquated, and not keeping pace with the times and not keeping pace with the developments and improvements of our competitor nations.

Mr. FRENCH. If the gentleman will examine the testimony that was given to our committee he will find it is the judgment of Admiral Moffett, and those who collaborate with him in that great activity, that the United States is not only abreast but is probably in a position of superiority from the standpoint of knowledge of aircraft, the standpoint of designs, and the standpoint of effectiveness of the different craft we have. We are not in the lead from the standpoint of numbers. Great Britain has more than we have; France has more than we have; and so has Italy. A word as to need for quantity production. We do not have the problems to meet that either Great Britain, or France, or Italy, or other nations have to meet. Admiral Moffett told members of the committee that the effective operating radius of an airplane is something like 550 miles. Thus it would be possible for France or Great Britain or Italy to have an enemy, and these countries are surrounded by potential enemies—surrounding them within comparatively short ranges—it would be possible for either one of those countries to have a potential enemy within her bounds in the air within 30 minutes or an hour, while no such condition, thank God, touches the United States, the radius of effective operation of airplanes being 550 miles. I do not believe it is sound business for our Government to engage in quantity construction when it comes to airplanes; we are abreast in design; we are abreast or superior in everything pertaining to aircraft, with the exception of numbers alone.

When it comes to the question of whether the airplanes we now have are the most up to date, let me say that the life of an airplane is approximately 3 years. We have at this time about 512 planes that are serviceable. Of that number about 158 will be subtracted during the fiscal year 1926 on account of obsolescence. We will add during the year 212 new planes, and our total at the end of the fiscal year 1926 should be about 557.

Mr. BRIGGS. Will the gentleman tell me what the present ratio is between our airplane strength and the strength of the leading nations of Europe?

Mr. FRENCH. Does the gentleman mean from the standpoint of numbers of ships?

Mr. BRIGGS. I mean numbers of ships and general efficiency.

Mr. FRENCH. From the standpoint of efficiency, I have already answered the gentleman. I believe we are second to none.

Mr. LAZARO. Before the gentleman leaves the airplane subject, would he tell the House how we compare with England, France, and Japan in respect to personnel?

Mr. WAINWRIGHT. In air service?

Mr. LAZARO. Yes; the Air Service—the number of men trained to handle these planes?

Mr. MILLER of Washington. While discussing the question of aviation in the Navy, how are we keeping pace with the countries of Europe?

Mr. FRENCH. I think I can best answer these questions by making a general statement.

As to number of planes and their effectiveness, it is always difficult to furnish information touching foreign countries. Yet members of the committee have not failed to give some attention to the subject.

In Great Britain, where there is a combined air service, I understand about 3,250 officers are attached to the service and in addition 112 cadets and some 28,880 men.

In France, where there is a combined service, there are about 1,970 officers and slightly less than 35,000 men, including 2,777 pilots.

In Italy again we find a combined service, and there are about 683 officers and 6,000 men.

It must be remembered that in all of these countries there is a combined air service; likewise it must be remembered that many of these men are civilians who are employed as ground men and in various activities that have to do with repair of airplanes and fabrication to some extent.

In the United States we have separate Air Service for the Navy and for the Army.

What part of aviation establishments of different countries should be regarded as corresponding to the aviation service of our Naval Establishment it is not possible to say. We have fairly approximate estimates of officers and men of the air service of the different countries that are detailed apparently to strictly naval work, but our problems are different.

Great Britain has only about one-half the number of planes allocated to her fleet as has the United States, and Japan has less than that.

These countries are developing their air service apparently with the thought that the radius of action from the mainland should be accentuated over a radius of action from the fleet.

In the United States, as of the 15th of October, we had 611 officers listed in Aviation Service, of whom 361 were qualified aviators, 83 students, and the remaining ground officers. Of enlisted men we had 3,623, including 1,763 of aviation rating. In the Marine Corps we had 65 officers, of whom 42 were qualified aviators, and 908 enlisted men, of whom 157 were assigned to duties that involve flying.

Mr. BACON. Are those 5,000 all for heavier-than-air machines?

Mr. FRENCH. Oh, no. The number includes both lighter-than-air and heavier-than-air activities.

Mr. BACON. What proportion of those 5,000 are being used for the *Shenandoah* and the *Los Angeles*?

Mr. FRENCH. It requires a crew of something like 41 for the *Shenandoah* and a few more than that, as I recall, for the *Los Angeles*. About 300 men on the ground can handle either one.

Turning to the question of planes, the general information that I have and which may not be quite accurate is to the effect that Great Britain has about 636 planes in active service, the same number in reserve, and an unknown number in what is called "war stock."

France has about 1,400 planes in active service and about 3,100 in reserve.

Italy has about 900 planes in active service and 500 in reserve.

I have understood that as to Great Britain, the budget contemplates an increase of 192 active planes with a similar number added to the reserve. Here again it must be remembered that we can not know with definiteness how many of the planes of different nations that are regarded in active or reserve service are of latest designs and how many while not of latest design are suitable to some extent for training purposes.

Turning to Japan, I do not have data showing specifically the number of officers and men assigned to this service. I understand that for the fiscal year 1920-21 her budget for aircraft was approximately 43,000,000 yen, or about \$21,500,000; the next year, 1921-22, it was about \$21,000,000, of which a small amount—about \$15,000—was devoted to purposes other than the navy or for a subsidy in the development of aircraft;

during the fiscal year 1922-23 the total budget was slightly less, or about \$21,200,000, and the amount for subsidy was considerably greater, or \$300,000.

Great Britain's budget for aircraft for the fiscal year 1923 was £15,663,500, of which £571,000 was devoted to subsidy and purposes other than military.

The budget of France for the same year was 947,352,550 francs, of which the sum of 179,963,550 francs was devoted to subsidy and purposes other than military.

In Italy the budget for 1923 carried 220,000,000 lire, of which a part was for subsidy and nonmilitary objectives.

Mr. BRIGGS. What do you mean by a united service, if I may ask?

Mr. FRENCH. I mean that in Great Britain there is no air service connected with the navy or with the army. There is an air service, but it is independent, a separate establishment, cooperating with the army and the navy, but independent of them.

Mr. BRIGGS. I would like to ask the gentleman one further question. How do the appropriations in this bill with reference to aircraft conform with the recommendations or the estimates of the Navy Department on that subject?

Mr. FRENCH. As coming to the committee through the Budget?

Mr. BRIGGS. To the Budget first, and then from the Budget to the committee.

Mr. FRENCH. I would say that the Navy Department would prefer to increase the Air Service by building about 300 more airplanes to be regarded as reserve. This would give us a total of 870 planes, whereas we have upward of 500. Airplane development is in such state, however, that the Budget first, and the committee later, felt that it was not a desirable thing to build up a large surplus of airplanes. Should that be done, in a very few days or years, some one like my friend the gentleman from New York [Mr. LA GUARDIA] would rise and point out the hundreds of obsolete airplanes that we had somewhere in the country just as he points out the number of obsolete motors that we now have in the Air Service, although it is a new thing comparatively.

We are making tremendously rapid gains in air development. We have believed in stressing the proposition of development, of working out designs in type, of trying, if we can, to be ahead of any other nation in the world, but when it comes to quantity production I would say that at the present time that has not appealed to the members of the committee. It did not appeal to the Budget. I do not believe it is sound business.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. HILL of Maryland. Is it not the case that our Navy has more actual planes assigned to the Navy for the exclusive use of the Navy than any other Navy?

Mr. FRENCH. Oh, that is true; but I suppose there again we get into the question of a united and a divided air service. Let me say in that connection that there is to-day a drive on in Great Britain looking to the separation of the air service and giving to the naval establishment of Great Britain an independent air unit. More than that, if you will read the program as outlined by the new Premier of Great Britain, Mr. Baldwin, you will find that it is part of his program to establish an aviation service in connection with the Navy.

Mr. HILL of Maryland. I would like to ask the gentleman if France has a separate aviation unit, or is it assigned to the Navy?

Mr. FRENCH. In France it is a separate unit.

Mr. WINGO. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. WINGO. Getting back to the airplanes, I understand that 20 per cent of our planes are obsolete, but we have about 900, and only about 500 are not obsolete.

Mr. FRENCH. The old ones we hardly count at all. Many of them are effective for training.

Mr. WINGO. How many planes of the 500 that they do not count defective will become obsolete during the next fiscal year?

Mr. FRENCH. About 158 will be subtracted on account of obsolescence and usual wear and tear.

Mr. WINGO. Will not there be over 200, have not you got 305 planes that will be more than three years old during the next fiscal year.

Mr. FRENCH. Possibly.

Mr. WINGO. You propose to build 200 the next year.

Mr. FRENCH. Over 200. The replacement will more than equal the separation on account of obsolescence.

Mr. WINGO. It is a mathematical fact that the number of machines you propose to build during the next fiscal year is smaller than the number of machines that will become obsolete during the next fiscal year. That is true mathematically, is it not?

Mr. FRENCH. If you regard a machine obsolete that is not of the latest type, your statement might be accurate or it might not. I have indicated to you the number—we propose to be somewhat ahead in adequate planes another year from the point where we now are if everything runs normally.

Mr. WINGO. That is what I want to get at. The gentleman made a statement a while ago, and as I figure it out you will have fewer adequate planes in the Navy at the end of the next fiscal year than you have now because by the gentleman's own rule of what may constitute an obsolete plane, you do not provide for replacement for machines that will become obsolete next year by 25 or 30?

Mr. FRENCH. The gentleman must remember that a plane does not collapse at the end of a three-year cycle. I was using that as a broad general statement. We have not only done better than the gentleman says but we are providing a program that will give us 50 more planes at the end of the fiscal year than we shall have at the beginning.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. FRENCH. Mr. Chairman, I will take 10 minutes more.

Mr. WINGO. Is not this true? Of course, the question when a plane becomes obsolete is more or less arbitrary, but is it not true that you have now some planes among your 300 and some odd, counted as obsolete, that are of a later manufacture than some of the 500 you count effective? Is it not true that some planes will not become obsolete; but, on the other hand, there are going to be about the same number during the fiscal year become obsolete less than 3 years old, as in the past? Does not that fact offset the other?

Mr. FRENCH. No; I do not think it offsets it. I think we have cared for the situation so that the Air Service will be provided for.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. FRENCH. I shall be glad to yield.

Mr. LA GUARDIA. In connection with the relative strength of our air force and the radius of planes, how many plane carriers has England?

Mr. FRENCH. She has three and three are under construction.

Mr. LA GUARDIA. How many have we?

Mr. FRENCH. We have the *Langley*, and we have two under construction.

Mr. LA GUARDIA. Out of the \$14,000,000 that is set aside for aviation in this appropriation bill, how much of it is allotted for experimental purposes?

Mr. FRENCH. About \$1,550,000.

Mr. LA GUARDIA. Has anything been done in the last year to coordinate and cooperate with the Army experimental stations?

Mr. FRENCH. There is that coordination going on constantly. Each service is receiving the benefit of experimentation, and both are working in close harmony in the development program.

Mr. LA GUARDIA. But they both have their overhead forces?

Mr. FRENCH. We try not to duplicate, and that is to be desired. We do not want duplication where it can be avoided.

Mr. LA GUARDIA. Is such duplication avoided at this time?

Mr. FRENCH. For the most part it is. There, of course, must be a boundary line, over which there is some overlapping.

Mr. LA GUARDIA. Following up the statement of the gentleman that as far as development and science of the air go the United States is leading, can the gentleman inform the House how many new types of motor have been adopted by the Navy in the last three years?

Mr. FRENCH. Some five or six, I would say, with several additional modifications of each type.

Mr. LA GUARDIA. As a matter of fact, is it not true that while there has been progress and improvement in air matters we are still using an old-type motor in the majority of our ships?

Mr. FRENCH. To some extent that is true. On the other hand, we have developed five or six very fine motors, and as we build new planes we use the latest and best motors that we have.

The CHAIRMAN. The gentleman from Idaho has consumed one hour.

Mr. FRENCH. Mr. Chairman, I yield myself 10 minutes more.

Mr. LA GUARDIA. Has anything been done now to put in production the new types of motors which have been developed in this country?

Mr. FRENCH. As we need them, yes; and we will have the more modern motors in the airplanes that will be built out of the moneys carried in this bill.

Mr. LA GUARDIA. May I ask the gentleman this further question? Does the gentleman know whether the Navy has taken into consideration the possibility of using aircraft in connection with other departments of the Government for useful purposes?

Mr. FRENCH. In just what way?

Mr. LA GUARDIA. For instance, take the Alaskan mail service. We found there that we can carry mail by aircraft in a few hours that otherwise would take 18 days by dog train. Could not the Navy assign some of its ships to carrying the mail in that region and also in some of our insular possessions?

Mr. FRENCH. It would be a possible thing to do, but it would require legislation to carry out any program of considerable size. The Navy Department under present law may experiment, and if as a by-product of the experiment good shall result, so much the better; but when it comes to any general policy of the Navy going into the mail-carrying business, either on the mainland or in Alaska or elsewhere, the department would be exceeding its authority, in my judgment.

Mr. LA GUARDIA. It is a problem worth studying.

Mr. FRENCH. It is an interesting question, and probably I should say that many by-products are resulting from the aircraft service of the Navy.

Aircraft everywhere must share in improvements to ship designs, motor power, economics to be attained in fuel consumption and in safety devices. This is true of the lighter-than-air activities as well as the heavier than air.

May I say that great strides have been made in economies in helium production within the last few years. Within a year the cost has gone down 40 per cent and we are developing better methods of storing this wonderful product that will be of benefit from military, commercial, and scientific points of view.

Or, again, there has recently been developed what is known as the water-recovery apparatus through which the weight of fuel consumed during the flight of an airship may be recovered by combining the gases from the exhaust of the engines with elements from the air and thus producing such quantity of water as will equal the weight of the fuel supply at the beginning of the trip. This device alone means economy, because it will save the valving of helium in holding an airship to a constant level.

Mr. MILLER of Washington. I am wondering whether the committee took into consideration the recommendations of the Chief of the Bureau of Operations for the establishment of a naval reserve station on Puget Sound; and if they did not, would you tell the committee why? There is now one station on the Great Lakes and two on the Atlantic coast, and the Chief of the Bureau of Operations has recommended the establishment of one on the Pacific coast, and I understand that the committee did not consider it.

Mr. FRENCH. Before referring to the question raised by my distinguished colleague I believe I may say that if the gentleman could have his way he would make Puget Sound the center of our country's Naval Establishment. I am thoroughly familiar with the wonderful harbor and natural conditions in Puget Sound for a large Naval Establishment. I am familiar with our navy yard at Bremerton and with the proposed naval reserve station at Sand Point, and if I were not familiar with them my persistent colleague would see to it that I became acquainted; in fact, he lets me forget nothing.

The recommendation of the Chief of Operations for the establishment of a naval reserve station at Sand Point probably went to the Budget, but it was not before our committee. The members of the committee realize the importance of an air station in Puget Sound. However, the Government has not acquired the site at Sand Point, and we felt that action by our committee would be premature. Again, last week the House passed a bill for the reorganization of the reserve force. That bill is now in the Senate. It seemed to members of the committee that the orderly and logical thing to do was to await the passage of the reorganization bill touching the reserve force and possibly the acquisition of an air station on the Puget Sound.

Mr. MILLER of Washington. I would say that if the Navy could make its principal base at Puget Sound it would use rare, good judgment, and the establishment of a naval reserve

station in the great Northwest should be one of our first considerations.

Mr. FRENCH. Now let me make a further observation and then I must hasten on to another part of the bill. I did not complete mention of the entire program that I have in mind touching the air establishment. At this time we are in process of converting into airplane carriers the *Lexington* and the *Saratoga*. When those ships were authorized as airplane carriers there was a limit of cost fixed at \$23,000,000.

The limit of cost is too low. It must be raised to \$33,000,000 if we are to have carriers. The Appropriations Committee does not have authority to bring in an item for expenditures on those two ships in excess of \$23,000,000. The Congress during the present session should provide legislation for the increase of the limit of cost. If it does, we must then consider another sizeable item. The Budget Bureau did not recommend to Congress any money for the aircraft that will be needed on the two carriers. If the limit of cost shall be increased and the money made available, one carrier should be completed on July 1, 1926, and the other by October 1 following.

We shall need to provide something like \$5,900,000 for airplanes, and this would give 80 planes to each. I do not think we need to make a direct appropriation for the entire amount. Probably we could handle it in the same way we provide for planes in the pending bill—part by appropriation and part by authorization of contract. The number of manufacturing plants capable of producing planes in the United States is not large and they could not turn out the number indicated until well along in 1926.

Mr. FROTHINGHAM. I judge from what the gentleman says about airplane carriers that they are well over half completed.

Mr. FRENCH. Yes; they are running right along, the *Lexington* 56 per cent plus and the *Saratoga* about 55 per cent, and we carry money in the bill for their continuation.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. GARNER of Texas. I want to ask the gentleman a statistical question. Has he the figures with reference to the amount of money that England spends each year for the maintenance of her navy?

Mr. FRENCH. Approximately £59,000,000.

Mr. GARNER of Texas. How does that compare with the United States?

Mr. FRENCH. About the same.

Mr. GARNER of Texas. What is it with Japan?

Mr. FRENCH. About \$120,000,000.

Mr. GARNER of Texas. In other words, we are maintaining our Navy as cheaply as England?

Mr. FRENCH. We are maintaining a comparable institution in my judgment.

Mr. CARTER. Is it the gentleman's contention that when we had this reduction in arms agreement, or whatever it is called, our ratio as 5-5-3 was fair? That is, did the United States get a fair 5-5-3?

Mr. FRENCH. Absolutely; I have no doubt we did.

Mr. CARTER. Does the gentleman contend that that has been maintained, or does he agree with the Navy Department that it has been reduced to 5-4-3?

Mr. FRENCH. If a battleship—that is, one of the 18 necessary to be maintained by us to keep up the ratio—should for some reason go out of commission, to that extent you would weaken the ratio of the United States. If it should go out of commission permanently, of course you would have to subtract a little more than 5 per cent, providing the capital ships of other nations were in better shape. When the four temporarily failed to meet the maneuver tests, the department estimated that the ratio had been reduced to 5-4-3. Gentlemen, at no time can ships be kept in absolutely perfect condition. One of the officers was before our committee and I asked him, jovially, whether he could tell the committee how the ships of the Navy could be kept in perfect condition and he said he could. I leaned forward in order to catch his answer, because I saw how enthusiastic the House would be when I related it to this body. He said, "Do not use them." He then followed that up by saying that if you were to put them all away in heavy oil deficiencies would creep in. So then if we are to use the Navy, machinery will break down, delinquencies will occur, and it is up to our Government to replace them constantly.

Mr. CARTER. The gentleman has not quite answered my question, although he has given a very interesting discussion. I want to know the gentleman's opinion as to what at the time the hearings were had was the relative ratio?

Mr. FRENCH. Oh, substantially the same as when it was written.

Mr. CARTER. 5-5-3?

Mr. FRENCH. I think substantially the same. We have reached the point where we all recognize that we ought to modernize several of our older battleships. It is foolish to put money into rehabilitation this year when we think that next year we are going to engage in more extensive improvements. But I think that substantially we are maintaining the 5-5-3 ratio.

Mr. VINSON of Georgia. I understand the gentleman to say that there is no doubt in his mind, and in the minds of the experts that he has examined, that the ratio actually existed at the time of the conference?

Mr. FRENCH. I think so.

Mr. VINSON of Georgia. The chairman of the Naval Affairs Committee last May, in discussing the naval bill there, stated this:

Excepting as to battleships and aircraft carriers, the 5-5-3 ratio with Great Britain and Japan was never in existence.

If the ratio did exist at the time of the conference, why was it necessary for this Congress to appropriate \$30,000,000 for the modernization of our ships? Is it the intention then when we modernize our ships to put them above those of Great Britain?

Mr. FRENCH. Not at all. On the other hand, the United States has the right to assume that Great Britain and Japan will constantly keep their battleships in the best of condition—the same battleships with the replacements permitted under the treaty; and it occurs to the members of the committee, as it does to the heads of the department, that the money recommended could be well expended, or at least that we should withhold money for temporary improvements until we can consider whether or not it would be an economic waste to spend large amounts for more comprehensive improvements.

Mr. VINSON of Georgia. Is not it a fact that the only equality was with reference to the tonnage?

Mr. FRENCH. I think not.

Mr. VINSON of Georgia. That there was never any equality with reference to gun fire or speed of ships?

Mr. FRENCH. Those two elements are not in the written text of the treaty. The treaty speaks in terms touching the number of ships and tonnage.

Mr. VINSON of Georgia. Exactly—

Mr. FRENCH. We recognized that the ships of the two nations were not exactly equal, and therefore Great Britain was allotted 22, including 4 battle cruisers, because she did not have 18 battleships which were comparable to our battleships.

Mr. VINSON of Georgia. I will state to the gentleman he is the only authority I have read or heard who ever has taken the position that when the conference adjourned we were on an equality with reference to the ratio with England except in reference to tonnage. Now, is it not a fact we were called upon to modernize our ships and to put blisters upon them, to deck protect them, and convert the coal burners into oil burners, to bring them up to the ratio of 5-5-3, and is not that the reason this Congress appropriated \$30,000,000 to do it?

Mr. FRENCH. Oh, no; not at all.

Mr. VINSON of Georgia. Then why the bill to modernize the ships?

Mr. FRENCH. Because it is necessary for us to expend money to keep our ships in the best condition that they ought to be in upon the assumption that Great Britain and the other nations are doing the same. We do not know precisely what is occurring in the engine rooms of the battleships there, and we have the right to assume that the machinery is being kept fit.

Mr. VINSON of Georgia. Well, there is a difference between keeping up the machinery and putting on blisters and deck protection. The deck protection is put on to protect the ship, and the blisters are put on to protect it from submarines. Now, when the conference adjourned, not expecting these conditions, we did not have that protection and the speedy cruisers, and we could only get the 5-5-3 when we modernized the fleet. Is it not a fact that our fleet as a fleet has not the range which the British fleet has?

Mr. FRENCH. We have five battleships that have a greater range than any ships of Great Britain. We have five more that are nearly equal in range. The other eight are outranged by the British ships.

Mr. VINSON of Georgia. Is not this the fact, that we have only 10 ships out of our 18 with a range of 24,000 yards, where Great Britain has 13 ships with a range of 24,000 yards?

Mr. FRENCH. That statement is correct.

Mr. VINSON of Georgia. But the total fleet of England can get in action with their 22 before we can get in action with our 18. Is not that the fact?

Mr. FRENCH. The whole question must be considered—not by fragments, but by totals.

Mr. VINSON of Georgia. Does not that go into the making up of the ratio, or does the gentleman contend the ratio is based exclusively on the actual tonnage?

Mr. FRENCH. No; I do not.

Mr. VINSON of Georgia. When the gentleman says that the question of the ratio is based upon the question of tonnage, it necessarily takes into consideration the efficiency and the range of the fire and speed of the ships?

Mr. FRENCH. Let me say to the gentleman that tonnage and numbers were the two most important elements in fixing ratios.

Mr. VINSON of Georgia. Let me state what is in my mind. After the modernization of the fleet has been authorized by Congress, is our fleet now better than it was at the end of the conference?

Mr. FRENCH. The gentleman has a right to his own conclusions, but I prefer to state the conclusions that are mine.

The part of the treaty which had to do with limiting battleships dealt with tonnage and with number of ships. I repeat that, in my judgment, at the conclusion of the conference the nations that were signatory to the treaty were upon the substantial parity indicated for the United States, Great Britain, and Japan by the figures 5-5-3.

Under the treaty we are not at liberty to increase the number of our battleships. Under the treaty we are not at liberty to increase the tonnage of a capital ship above 35,000 tons or the total tonnage of capital ships above 525,000 tons.

Within those bounds there is considerable liberty permitted to the several nations. One nation may prefer less deck and hull protection and devote the saving thus attained in tonnage to development of engine power in the attainment of greater and still greater speed. Another nation may feel that greatest good can be attained from a course that is distinctly opposite but within the boundaries fixed. There will be competition of the best minds connected with the naval establishments of the different nations to produce the best types of ships consistent with the needs of the respective countries.

Thus it does not follow that the ratio at the time of the adoption of the treaty was an unfair ratio because the United States or Great Britain may determine that for a given battleship the oil type of burner is preferable to a coal burner; nor does it follow that the treaty ratio was not a fair ratio at the time of its adoption if within the tonnage limits better protection may be given to the hulls or to the decks. Rather must we assume that all the nations within the bounds of the treaty will maintain the most effective craft.

THE NAVY GENERALLY

In discussing the pending bill I have tried merely to deal with outstanding features of the measure. The details will be considered under the five-minute rule. Probably I should say one word touching the Navy Establishment generally.

Much has been said in the press and in journals as self-appointed critics have discussed the question that would indicate that our Navy Establishment is on the verge of collapse. I am sure if Members of this House will follow, not broad general statements, but will follow the subject into the detail that is obtained in a committee room, they will be impressed with the fact that the ships of the Navy are splendid ships; that our Navy Establishment is adequate; that it is not being reduced to rust and ruin, but that it is an establishment that may arouse the pride and the enthusiasm of the people of our country.

And as for the officers and men of the Navy, they are of the highest type. The esprit de corps is perfect. Officers believe in their men, and men believe in their officers. They are doing teamwork. They are doing efficient work, and I believe that the morale to-day is greater than it has been at any time when officers and men were not under the sublime impelling force that makes heroes in time of crisis.

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen of the committee, I am not going to occupy very much of the time of the committee. I find myself in agreement with the gentleman from Idaho [Mr. FRENCH] as to many things; first of all, as to the condition of the Navy.

I do not believe that the people of this country need remain awake at night worrying about the condition of the ships that we possess. It is true that in February, 1924, when the man-

euvers were held, four of our ships were unable to keep up with the rest of the fleet, so far as their speed was concerned, and on the recommendation of Admiral Robison, the Chief of the Bureau of Engineering, they were not allowed to increase the pressure of their boilers to enable them to make a speed greater than about 12 knots an hour. But as far back as June that condition was remedied as to three of the four ships, and was not remedied as to the fourth, the *Florida*, because Admiral Robison knew that there was pending in the Congress the so-called modernization bill, which had passed the House and passed the Senate, but was held up in conference, I understand; and he knew that if that bill were enacted into law he would have to place a new deck upon the *Florida*, with resulting expense in wiring, and he very wisely refrained from repairs on the *Florida* until action was finally taken upon that bill.

Notwithstanding that fact, you have been advised by the newspapers that at this time four of our ships can not leave their docks. I must admit that, reading the statements in the Washington press, I was uneasy as to the condition of those ships, and when the Chief of Engineering was before the committee I read to him the statements contained in the leading editorial of the Washington Post that morning, to the effect that four of our ships could not navigate, and I received from the admiral, the Chief of the Bureau of Engineering, an explicit denial of the truth of the statement.

Since that time the Washington newspapers have continued to publish alarming reports as to the condition of the Navy. I simply want to say that I would regard it as extremely unfortunate if either the House or the Senate should respond to the propaganda now being conducted in that newspaper to hold a special investigation as to the condition of the Navy. It would be easy for me, if I wanted to indulge in partisan politics, to declare that notwithstanding the enormous expenditures made, that the money had been so wasted that the condition of the ships we possess is so deplorable that you ought to have a special investigation of conditions. But I know that there is no justification for it, careful investigation having convinced me of it. It would serve only to give some free advertising to a few individuals who are behind this propaganda.

I have in my hand a newspaper containing a statement from the principal propagandist, a man by the name of Shearer, who calls himself a naval expert, but who is a publicity expert. He gives a list of witnesses he will call, and among them is Rear Admiral Twining—he says in parentheses “if physically able.” That list of witnesses was published on December 12 and Rear Admiral Twining died on July 4, 1924. That is about as near accuracy as the other statements he has made from time to time which have been checked up by members of this committee. Just as the statement contained in the report as to the condition of the boilers was six months behind time, so is this list of witnesses just six months behind time. In his list of witnesses he named the chiefs of the various bureaus, all of whom have been before our committee, and their statements appear in the hearings, now available to the public.

But he is not the only one. The gentleman from Idaho [Mr. FRENCH] has referred to statements made by officers of the Navy. That has always been an interesting question for the Congress to determine, to preserve democracy in the service and yet not to encourage ill-advised statements to be made by officers. The American people often fail to distinguish the difference between the statement of the chief of operations and the chiefs of bureaus, who, by official reports, are kept informed daily as to the condition of the entire Naval Establishment, and the statement of a junior officer who has no information except as to the particular duty to which he is assigned, but who wants to make an impression.

When a junior officer is called upon at a banquet, for example, to make a speech, he recognizes the truth of the newspaper adage that if you say a man is bitten by a mad dog it is not news, but if you say that a mad dog is bitten by a man, then it is news. If, instead of saying the Navy is in good condition—a statement which would receive no attention—the officer declares the Navy to be in deplorable condition and the safety of the people endangered, he is assured of a place on the first page, and perhaps in the first column the next morning.

Now, we have not only officers in the service, but we have many retired officers, and the trouble with many retired admirals is that they will not stay retired. [Laughter.] If they did, the difficulties of the Navy would be greatly lessened. But among them there is one who is entitled to particular mention, Admiral Fiske. Of his ability as a naval officer all Americans are proud. He was an inventor and while in the Navy contributed great service to his country. Just as

the failure of Henry Ford as a student of history in no way lessened my admiration for his machine or his ability as an executive, so my admiration for Admiral Fiske as an inventor and naval officer does not prevent me from disagreeing with him when he enters the field of politics, and especially when he discusses the influence of women in that field.

On Sunday morning the press carried a statement from him in which he said that the women of America have an insatiable desire to interfere in matters they do not understand. [Laughter.]

Mr. BLACK of New York. Does the gentleman question that?

Mr. BYRNES of South Carolina. My friend asks whether I question that. I do. Women show no greater desire in this regard than do men, and especially retired admirals. The admiral is quoted as follows:

He spoke of the slump in the preparedness program, evidenced by congressional failure to finance military branches of the Government.

A statement to which I will refer at length in a few minutes.

Congress, however, was only reflecting the pacifist attitude of voters; and women voters not only outnumbered the men, but their influence largely dictated men's votes. This situation, combined with "effeminization that wealth produced" constituted "the enormous danger" of the Nation's position.

So we are informed by this retired admiral that the country is menaced by women and wealth. I am willing to embrace both, and though I may have been disturbed by the first, I have never been disturbed by the latter. He says:

Of all existing matters, the one that women understand the least is war. War is a business of mathematics and machinery, and scientific appliances, and noise, and discomfort, and bloodshed, and many other hard things from which women instinctively recoil.

The article says:

He held that the only possible means of escape when the United States went to war again, was some action by the men that will bring the women to realize realities.

Mr. CONNALLY of Texas. Is he a married man?

Mr. BYRNES of South Carolina. I do not know, but I know this, that when the admiral states that the women of America must be taught to realize realities, he fails to realize that the woman who saw her son go forth to war in 1917 and 1918 never to return, realizes the reality of war and must be pardoned if she asks the statesmanship of the world to devise some method of settling international disputes other than by the shedding of blood. [Applause.] He says:

Perhaps the best way will be to prove to them that it is for the comfort and protection of the women, after all, that wars are fought.

I wish him well in his effort to convince the women that it is for their comfort that wars are fought, especially the women of this day who have so recently endured the anguish inseparable from war. When a man, who is a retired admiral, can go out to indulge in such utter rot as that, it is a matter of sincere regret to those of us who have admiration for his service as a naval officer.

As to the accuracy of his statement that Congress has failed to finance the military branches of the Government, I think that I can show you there is absolutely no justification for his remarks. This bill, you have been told, carries \$290,000,000. That is a part of the story, but only a part.

There was presented to the committee—and you will find it in the hearings—a statement from the Secretary of the Navy and the three admirals charged with the increase of the Navy that the two aircraft carriers now under construction can not be completed unless we appropriate an additional \$20,000,000 for their completion. Very soon after July 1, 1925, this money must be available, because not more than \$750,000 a carrier will then be available. So that at this session of Congress you must provide for the continuation of the work upon those carriers or else abandon them. If you fail to appropriate the money and disorganize the force now working upon them it will prove most expensive. The legislative committee will be called upon to provide legislation increasing the limit of cost by \$20,000,000, and an estimate will be sent in by the Bureau of the Budget, approved by the President, within the next few weeks calling for the expenditure of about \$20,000,000 for carriers and \$5,250,000 to build planes to put on the carriers. And the \$5,250,000 must be provided at this session, else when the carriers are completed about October 1, 1926, there will be no planes to put on them.

As we all know, we passed the so-called modernization bill, and the President signed it a few days ago. I will tell you now that the Navy Department has already submitted to the Bureau of the Budget an estimate for \$40,000,000 to begin the construction of the gunboats and cruisers and \$9,180,000 for the modernization of the battleships provided for in that bill. And while it has not yet been approved either by the Bureau of the Budget or by the President, unless that legislation was but a gesture, then the appropriation must be made at this session. And if you appropriate \$55,000,000 for that purpose and \$25,000,000 for the carriers and planes, it makes a total of \$80,000,000, which \$80,000,000 added to the \$290,000,000 provided in this bill makes a grand total of \$370,000,000. And when Admiral Fiske looks back to the years preceding this he will find that the largest appropriation ever made to maintain the Navy of this country was in 1915, when we appropriated \$157,000,000. As against \$157,000,000 you are going to appropriate approximately \$370,000,000 for the next fiscal year, \$200,000,000 more. As to the Army, for the fiscal year 1916 we appropriated for all purposes—fortifications, Military Academy, and all other Army activities—\$119,530,000, and for the present fiscal year we appropriate \$250,000,000. In the face of those figures, I ask whether Congress is failing to finance the military branches of the Government?

Mr. BLACK of New York. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. BLACK of New York. Does the gentleman happen to know our relative standing as a general fleet proposition now as compared with that year, not only from a ship basis but as a general proposition?

Mr. BYRNES of South Carolina. I would not attempt to state it because so many factors enter into it. But I repeat that in my opinion when all supplemental appropriations have been made, our total naval appropriations for next year will amount to \$370,000,000. And, so far as I am concerned, I am going to vote for it because to my mind it is as plain as a thing can be that unless the President of the United States will either do what this Congress asked him to do and call a conference for the further limitation of armament, or send to Geneva representatives of this Government, there to meet with European governments and other naval powers for the further limitation of naval armament, there is nothing for us to do but to make these expenditures and construct the ships that are necessary to insure to the American people that they will have a Navy equal to any other navy. They ask no more, but will be content with nothing less.

The gentleman from Idaho read from the message of the President to the House in which he said:

I believe in adequate defense and preparation, but I am opposed to any policy of competition in building and maintaining land or sea armament.

I do not know that I understand what the President means. The very purpose of the conference was to prevent competition. We believed that there should be equality between the United States and Great Britain, not only in tonnage of battleships and aircraft carriers, but the American citizen believed that we were entitled to equality in fighting weapons between the United States and Great Britain. When you tell me to-day that you do not believe in competition, I will ask, then, Why maintain a Navy? Why not reduce this enormous expenditure? What is the justification for it if it is not being spent toward giving us a Navy equal in strength to that of Great Britain or as nearly equal to it as it is possible for us to be?

A navy that is second best in an encounter is worse than none at all. No greater tragedy could befall the human race than a conflict between the two English-speaking nations, but we do not maintain a navy for defense against Peru or Switzerland. We maintain a navy because of the existence of the other navies in the world, to protect our country and its commerce. And we do not seek to have the largest navy in the world but ask for the maintenance in fighting strength of the ratio of 5-5-3.

The question asked by the gentleman from Georgia [Mr. VINSON] as to whether or not at the conclusion of the Armament Conference we had a navy of equal strength with Great Britain, I asked of Secretary Wilbur, and we had an extensive inquiry along that line. If prior to this time we had a navy equal in strength to that of Great Britain, then there is no justification or little justification for asking for the elevation of guns and for conducting diplomatic negotiations with Great Britain seeking the settlement of the question as to whether or not it constitutes a violation of the terms of the treaty.

We know that we had tonnage approximately equal, but other factors enter into the question of equality. Neither the

Secretary of the Navy nor any naval officer will deny that the range of the guns is an essential factor in determining the equality of the two battleship fleets.

In 1922 I made an investigation as to the strength of the two fleets, and the information I secured was from the most reliable sources. In the case of Great Britain she had 16 vessels capable of shooting at a range of 25,000 yards or more, and the United States at that time had three. We now have five vessels which, as my friend from Idaho says, greatly out-range the ships of Great Britain. They have a range of 30,000 yards. But as to all of the others, we can not compete with Great Britain in range.

The number of the United States turret guns over 12 inches was 148. The number of British turret guns over 12 inches was 188. The weight of the United States turret broadside at the conclusion of the armament conference was 262,500 pounds, and the British turret broadside was 315,200 pounds. Great Britain had nine vessels capable of steaming 25 knots, Japan had four, and we had none. Of ships capable of making 23 knots, Great Britain had 14, and with her 2 new ships would have 16. Japan had 10, and United States had none. It is true, as my good friend has stated, our experts have taken the position that speed is not an essential factor in a battleship fleet, and they have sought a uniform fleet of 21 knots.

If a man wants to find out what the situation was at the conclusion of the conference, let him turn to what the other fellow said. My good friend said that in Japan it was said they got the worst of it, and that in Great Britain it was said that the English got the worst of it. Let me read from the debate in the House of Commons, from the Civil Lord of the Admiralty (The Marquis of Linlithgow) in advocating the ratification of the treaty. He said:

If the Washington treaty is not ratified the United States of America would have 20 battleships of the dreadnought type, 6 battleships of the predreadnought type, 9 post-Jutland battleships building, 4 battle cruisers building, and 2 battle cruisers which are now being converted into aircraft carriers, a total of 41 capital ships. Japan, assuming that the treaty is not ratified, would have 7 battleships of the dreadnought type, 4 battleships of the predreadnought type, 4 battle cruisers, 2 battleships building, 2 battle cruisers building, 2 battleships projected, and 2 battle cruisers projected, a total of 23 capital ships. Great Britain, assuming the treaty is not ratified, would have 18 battleships and 5 battle cruisers, a total of 23 battleships.

So, you see, that the Civil Lord of the Admiralty said that if the treaty was not ratified Great Britain would have 23 capital ships as against Japan's 23 and 41 for the United States.

This was the argument made to the Commons in behalf of the ratification of the treaty, and, of course, it was correct, for then we had the 1916 program under construction. But for the peace of the world we were willing to sacrifice, when it meant a great sacrifice in money as well as sacrificing the position of superiority in naval power, in order that we might promote peace on earth.

But when it came to cruisers the situation was reversed. Great Britain had the cruisers and we did not, and the treaty does not apply to cruisers at all. Therefore from that date to this I have insistently urged and pleaded that this Government do its part in securing another conference that will serve to put us on equality in cruiser strength and in the strength of other auxiliary craft as well as battleships.

Mr. KINCHELOE. Will the gentleman yield?

Mr. BYRNES of South Carolina. I yield.

Mr. KINCHELOE. The gentleman says the treaty did not apply to cruisers; is it not a fact that at the time of the ratification of this treaty we had four under construction that were scrapped?

Mr. BYRNES of South Carolina. The gentleman is now talking about battle cruisers?

Mr. KINCHELOE. Yes.

Mr. BYRNES of South Carolina. The treaty covered battle cruisers but did not apply to cruisers of less than 10,000 tons. We had our 1916 program under construction and to scrap it we thought it would cost \$75,000,000. We got out at a lower figure. England's battleship program was only on paper. It involved no great expense to them in scrapping battleships, because they were not engaged in any extensive construction program.

Our difficulty is that when it comes to the fleet, to the fighting weapons, battleships do not constitute the entire strength of a navy, and to-day, when we consider all ships, we are not equal in strength to Great Britain, and this country is called upon to determine whether it will accept a position of in-

feriority in naval strength or whether we will go ahead with the program contained in the bill recently passed. But I do not want to go ahead with that program, knowing as I do now and as you know from the figures I have given you, what it will cost.

I believe in appealing now to the naval powers of the world for a further conference in the hope that we may escape the expense of entering upon this program just as Great Britain did.

Mr. LAZARO and Mr. WINGO rose.

Mr. BYRNES of South Carolina. I yield first to the gentleman from Louisiana, who rose first.

Mr. LAZARO. Is it not the gentleman's honest judgment that the United States got the little end of this Conference on the Limitation of Armament?

Mr. BYRNES of South Carolina. I am forced to the conclusion that the Navy we retained, with its deficiency in cruisers and other craft, is not equal to the navy of Great Britain.

The gentleman from Idaho [Mr. FRENCH] referred to five ships we have with superior range. That is true, but I tell you that Great Britain has 16 vessels capable of shooting 25,000 yards and we have 5. As to speed, I know this, that the speed of a fleet is determined by the slowest vessel of the fleet and not by the fastest. That is common sense. That being true, let me remind you that the speed of our fleet is 21 knots, and the speed of the English fleet is 23 knots. If you will give me a fleet of 23-knot vessels with guns that have a greater broadside power and greater range so that we can not only select the place of battle but from a place of safety, out of range, fire at the other ships, I know that I have the superiority. No officer to-day will contest the question of range, although they do contend that the speed is not vital, that battleships are made to fight and not to run.

Mr. WINGO. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. WINGO. The gentleman says that instead of going to the expenditure of bringing our fleet up equal to that of Great Britain he prefers another conference. Judging by the result of the last conference, if we come out of the next conference as we did in the last will we not lose what little Navy we have left? [Laughter.]

Mr. BYRNES of South Carolina. I thought that question might be asked. I want equality by agreement, if possible; but, if necessary, by construction. The principal cause of our inferiority is the inferiority in cruisers and other auxiliary craft. I want the limitation to extend to all auxiliary crafts. Without such an agreement I know we are greatly inferior, and we are certain to improve our situation. I admit that I would like to see our Government send a representative to Geneva, because we are the most courteous people on earth, notwithstanding the views entertained of us in some other countries. When representatives of other governments come to our shores we are so anxious to please, so generous to our guests, or so anxious that a conference called by us shall not fail that we are apt to be too generous and make some agreement that we would not be willing to make at Geneva.

Mr. WINGO. I am trying to find in my mind what basis there is for us to get results at the conference with England, inducing her to surrender her superiority of cruiser strength and agree to do what we so foolishly did, scrap that which gave us the superiority. What incentive would it have? How long would the Government of England last that undertook the scrapping program?

Mr. BYRNES of South Carolina. Only this, that in the absence of agreement, we will proceed to build, and with our wealth there will result competition that will impoverish both peoples. Now, consider the alternative. If we enter upon this program, what becomes of the President's surplus? The President says that at the conclusion of the fiscal year we would have a surplus of \$67,000,000 to go toward the reduction of taxation, provided the Congress does not increase the Budget. I am satisfied that the President, before adjournment, is going to send in here an estimate to increase the Budget for the two purposes I have described, the completion of the aircraft carriers and the carrying out of the modernization program amounting to \$80,000,000. That is \$13,000,000 more than the estimated surplus.

The President said this, in his Budget message:

For the national defense the estimates amount to \$549,000,000, which is \$29,000,000 less than the amount available this current year. This reduction is made in accordance with my belief that we can have adequate national defense with a more modest outlay of the taxpayers' money.

I repeat that in a few weeks he is going to send in an estimate for \$25,000,000 for the aircraft carriers and airplanes to go on the carriers, and before adjournment another estimate for \$55,000,000. I believe from this day on the naval budget of the United States Government is going to be between \$375,000,000 and \$400,000,000. That is the alternative to another conference. It is going to be a continuation of competition in auxiliary craft building. And when you have constructed the ships you have got to put men on the ships, and provide fuel to operate them, and that is going to cost \$20,000,000 or \$30,000,000 in addition to construction, so you will find the naval budget is going to be about \$375,000,000.

When any government refuses to agree to a further limitation of armament I think that government will hear from the taxpayer and I think you would hear from the taxpayers of this country when they come to realize that instead of \$157,000,000 provided by the naval act of 1915, that for the fiscal year of 1926 you are going to provide \$370,000,000.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. WINGO. I do not think the gentleman answered my question as to the incentive to England. As I read the statements and understand what the attitude of the taxpayer of England is now, he is very proud of the fact that they succeeded in getting a superior navy, because they had been told that their cruiser superiority, on account of the developments with reference to the ineffectiveness of battleships, gave them the mastery of the seas and the English taxpayer has never complained about the burdens necessary to maintain British supremacy on the high seas, because the taxpayer there understands that England must do that. That is his viewpoint in order to maintain their trade routes and their world-wide trade. Now, what incentive would there be to England in a conference to surrender that superiority? We went into the last conference with a superiority of battleships on our hands and we yielded that superiority. What incentive would there be for England to yield her present superiority?

Mr. BYRNES of South Carolina. Whatever be the motive the fact is that when this Congress last February adopted the amendment I offered requesting the President to call another conference for the limitation of armament, the debates in the House of Commons show that the government then in control was enthusiastic in its reception of that information, because it held out hopes to them that they would be able to reduce their naval budget. Of course, since then there has been a change of government, but I have no doubt those now in control are entirely willing to make a further agreement because they know that they have got to engage in this competition and they know also that in due time there is but one result to that. That this Nation with its interests is determined to have equality in naval strength and with its wealth is going to have it.

British statesmen of vision know that that means nothing but competition in naval armament, the fruitful source of war. They have had enough of war over there, just as we have had enough of war over here. They are going to be willing to agree, because they know they have nothing to fear from us. But if they did fear us they know that in the absence of agreement, with our wealth, we may build a superior. In any event, we will never know whether we can succeed until we try.

I always have contended that I do not want a Navy superior to that of Great Britain; but give me an equal number of ships and man those ships with American boys and I will take my chance with England, Japan, or any other nation on the face of the earth. [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. VINSON of Georgia. In that connection, it is necessary for the United States to authorize about 22 more scout cruisers in order to be equal to England.

Mr. BYRNES of South Carolina. I do not know the exact number.

Mr. VINSON of Georgia. England has 51, and we have 10 already and 8 authorized.

Mr. BYRNES of South Carolina. Of course, the Navy Department contends our new cruisers are superior to anything Great Britain has. They would like to have four cruisers in addition to those authorized by the so-called modernization bill, of 10,000 tons each, if we are going to establish equality in strength. And that adds but another touch to the picture that I am trying to present to you of what we are going into if the President does not see fit to send a representative to Geneva.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield? Mr. BYRNES of South Carolina. Yes.

Mr. LaGUARDIA. If the appropriation this year is entirely in keeping with the spirit and letter of the last armament conference, unless there is a further international arrangement, our annual appropriation will be about as much as in past years.

Mr. BYRNES of South Carolina. I just told the committee that just as soon as we engage in the program of construction which is already authorized, and the additional expense resulting from it, we can look for a naval budget of \$375,000,000 a year. The Secretary has said that their program of construction would cost possibly \$100,000,000 a year, but you have to man those ships when they are constructed, and I say that from this day on we can look for a naval budget of about \$375,000,000 a year.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. CONNALLY of Texas. As I understand the gentleman, when we had the conference on armament with Great Britain, if we had completed our battleships, we would have been superior in battleships to Great Britain?

Mr. BYRNES of South Carolina. That is correct.

Mr. CONNALLY of Texas. But she was superior to us in cruisers and auxiliary craft?

Mr. BYRNES of South Carolina. Yes.

Mr. CONNALLY of Texas. We limited the number of battleships?

Mr. BYRNES of South Carolina. Yes.

Mr. CONNALLY of Texas. But that left her superior because of her superiority in auxiliary craft and cruisers, and the alternative is that unless we get an agreement out of her to limit her cruisers and auxiliary craft, we have to remain inferior or compete with her in building new cruisers and auxiliary craft?

Mr. BYRNES of South Carolina. That is the alternative. I want to add one word in justice to Great Britain. The statement made to the committee last year and on several occasions by gentlemen who participated in that conference, representing this Government, was that the failure to agree to any limitation as to cruisers and auxiliary craft was due not to Great Britain but to France. The reason which France gave at the time was that her proximity to other naval powers demanded that she should have an unlimited number of submarines and smaller craft, because she could not hope to compete with them in battleships; but I believe that France at this time would most probably agree. I am satisfied that she is going to the conference at Geneva, and my hope is that as a result of that conference there will be such a limitation as the gentleman has referred to. Certainly an effort to agree should be made by all of the governments interested.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. KINCHELOE. I am asking the question for information, because I have great confidence in the gentleman's ability to give it. I am heartily with the gentleman and I am in favor of a naval conference, provided we can have representatives who can hold up our end of the string. Did not this happen at the last disarmament conference, when we agreed on the 5-5-3 ratio? At that time, when it was agreed on, we were constructing seven battleships and four battle cruisers, and had already spent \$153,000,000 on them.

But when this agreement was entered into we were so far above our five in the 5-5-3 ratio that we had to scrap the vessels and did scrap them at an additional cost of \$28,000,000; and now is it not a fact that the same administration comes back and says that we are so far below the 5-5-3 that in the last bill we appropriated \$110,000,000 to build cruisers, and so forth, to build up the Navy and bring us back to the 5-5-3?

Mr. BYRNES of South Carolina. The gentleman is confusing the question of cruisers with the treaty. It refers only to battleships and aircraft carriers, and not to any other craft.

The trouble now is not with our capital ships covered in the agreement but with cruisers, submarines, aircraft, gunboats, and other auxiliaries as to which there is no agreement, and there will be continued competition in cruiser strength up to the 10,000 tons until there is another agreement. Now, let me conclude.

Mr. FROTHINGHAM. If the gentleman will permit, are there any statistics as to how many of these cruisers and lighter craft have been built by these other countries since the conference?

Mr. BYRNES of South Carolina. Great Britain has completed four and at present is building four more. She has a further plan authorized of five cruisers of 10,000 tons each. Japan has added five light cruisers since the treaty and is now building four of 7,000 tons and four of 5,500 tons. And it is understood this year she will lay the keels of four 10,000-ton cruisers.

Mr. FROTHINGHAM. The gentleman possibly knows that a British naval expert, Byswater, recently has written an article in the Atlantic Monthly saying that Great Britain and other countries have built many more cruisers and lighter craft than we have under the terms of the conference.

Mr. BYRNES of South Carolina. It is a fact their program involves the construction of many more cruisers, but the legislation recently enacted by Congress will contribute materially to our cruiser strength, and if we add four more as the department desires it will still further lessen our inferiority.

Mr. LAZARO. Will the gentleman yield?

Mr. BYRNES of South Carolina. I will.

Mr. LAZARO. Is it said that England was willing to scrap more cruisers, and that France prevented it? Am I correct?

Mr. BYRNES of South Carolina. My understanding is France objected not only to limitation of cruisers but particularly of submarines.

Mr. LAZARO. Does the gentleman believe it was wise for us to scrap our new battleships before they agreed to do that?

Mr. BYRNES of South Carolina. Well, that has been done. The question now is whether all craft shall be limited.

Mr. LAZARO. But they were scrapping paper ships and we were scrapping real ships.

Mr. BYRNES of South Carolina. Under construction.

Mr. LAZARO. But when we go into another conference we will be scrapping paper cruisers as against their scrapping real cruisers.

Mr. BYRNES of South Carolina. I have said, and I say again from reading the debates in the House of Commons and from the statements of the British representatives at the peace conference, I have confidence that so far as the British Government is concerned that Government is willing to agree to the limitation of all vessels. They have gone on record in the conference and since that time in welcoming every movement in this country toward the holding of such conferences. I have not any doubt about it. I believe that if given the opportunity they will agree.

I want to conclude—because I do not want to take up any more time—by the reiteration of my position that such an agreement is what I want to see accomplished; but until it is accomplished I am going to vote for this \$290,000,000 and for the additional appropriations that I believe are going to be asked by the President, because I want the Government of the United States to have a Navy equal to any other navy on the face of the earth. I want it by agreement, if possible, but by construction if necessary. [Applause.]

The CHAIRMAN. The gentleman from South Carolina has occupied 45 minutes.

Mr. BYRNES of South Carolina. I reserve the balance of my time. I yield 10 minutes to the gentleman from Texas [Mr. JONES].

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. JONES. Mr. Chairman, I was very much surprised to learn that the gentleman from Alabama [Mr. HUDDLESTON] had taken the position on the floor of the House that there should not be an authorized conscription of property during war times. I would not have been surprised had some Members assumed this attitude, but of all the Members in the House he is one of the last that I thought would adopt such a philosophy. If I understand the purport of this address aright, he takes the position that such a law would be unconstitutional, and then goes much farther and takes the stand that such a policy would be unwise and unworkable even though its legality should be conceded. I desire to take up some of the propositions which he advanced in that connection and undertake to analyze them.

The gentleman directs his attention to House bill 4841, which is a bill which would authorize drafting of both men and supplies in the event of a national emergency, to be declared by the Congress. Some of his objections to the bill as proposed are well taken, but in my judgment these objections may be easily cured by amendment, and they in no wise are fatal to the general policy as outlined in the measure.

The gentleman says that—

To conscript a man and put him at hard, dirty, and monotonous drudgery is quite different from conscription for some light and in-

teresting employment. To conscript a man to perform the duties of a calling he has heretofore followed makes the rule of social maladjustment and inequality into an edict of law.

Concede for the purpose of argument that there is some merit in these suggestions, if we follow his argument to its ultimate conclusion, should we refuse to allow any drafting either of men or property, simply because all work can not be placed on an exactly equal basis? The question of drafting men for service in the Army and Navy may be a debatable question, but in the late war, after thorough discussion, it was adopted as the policy of the United States, and regardless of what may be its merits or demerits, it will probably continue to be the permanent policy of the United States during war times. The same objection which he offers to drafting of men for work in civilian work also applies to the drafting of men for service in the Army. Not all of the men in the Army had the same character of work. There was some very hard and disagreeable work, and other employment that was very easy and agreeable in the Army. All that could be hoped was that in so far as was possible men would be assigned to those tasks which they were best fitted to perform, and it does not follow that because they could not all be made exactly equal that men of wealth and industry should be turned entirely loose to make whatever profit they might desire and could make during the waging of the war. As for the social inequalities, to which the gentleman refers, they exist in peace times and exist to a much greater degree in war times than in peace times, and the logic of the gentleman's position is because he can not have a perfect arrangement he would not have any control whatever. To my mind that is the philosophy he adopts, and if carried to its ultimate conclusion would permit unbridled graft and unhampered profiteering throughout the conduct of a war.

The second objection which he advances is that the conscription of industries and the physical properties of those engaged in the manufacture of essentials of war would be a violation of the fifth amendment of the Constitution of the United States which forbids the taking of private property without just compensation. As the bill is drafted that may be a legal objection, but that objection could be met by allowing a very small percentage of return. What would be a just profit in peace time might be far more than a just profit in the exigencies of war. Everyone must make sacrifices in war times, and when the flower of the young manhood of the country is drafted from every walk of life and required to serve at \$30 per month, it seems to me that a very small profit, say 2 or 3 per cent, would be sufficient, and would meet all the requirements of this objection. This would be infinitely better than allowing the fabulous profits that have heretofore been permitted in war time. If a man owning a munition factory or any plant engaged in the manufacture of the essentials of war were to have his plant drafted into the service and were allowed a profit of even 1 per cent, and were even himself drafted into the service and put to running the plant at approximately the same basis of pay that soldiers in the field were receiving, he would still be making less sacrifice than those in the Army, who not only give up their services but risk their lives for their country. Under those circumstances would any judge or any court hold that that margin of profit was not just compensation for those times of great emergencies when probably the Nation's very existence may be at stake? During peace times a court might hold, and might justly hold, that property taken for public use should be compensated for on a basis of what might reasonably be calculated to be the normal value of such properties, but circumstances alter cases. Every act of man or government must be gauged in connection with the circumstances surrounding which such act is performed. Therefore, at a time when a great body of the mankind of the country is called into service at a tremendous personal sacrifice to each of them, and when every man is subject to call at any time the Government needs him, undoubtedly a very small return of profit would be just compensation for any properties that might be needed to furnish the supplies essential to the activities of these men who are making such a tremendous sacrifice.

Again, the gentleman says that "if only the useful property is seized, there will yet be waste, disorder, and difficult machinery to manipulate, favoritism and every conceivable governmental abuse." That is rather a strong statement to come from one who has suddenly become so solicitous of the property rights of this country. All those things of which he complains occurred during the last war, and does the gentleman think those abuses would be greater if the Government tried to control them than if the Government gave them free

hand to do as they pleased, notwithstanding the emergency through which the Government might be passing?

But simply because a man can not abolish it altogether, the gentleman seems to adopt the fatal philosophy that you ought to turn it foot-loose and fancy free, no matter what sacrifices the citizens of the country may be going through to win the war; that simply because you can not do a thing perfectly you ought not to undertake to do it at all. That seems to me to be the philosophy of despair.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. CONNALLY of Texas. If you did not do that, would not the fact that you took these soldiers out of productive enterprise make their misfortune a source of profit to those who stayed at home, increasing the earning power of those that remained?

Mr. JONES. Absolutely. In time of war the Government can not delay in a dispute over prices, and if you have no limitation a man is enabled to exact a higher price than he could otherwise get.

In other words, to turn them loose puts a premium on disloyalty and puts a premium on the man who is willing to profit on his country's misfortune.

Again he says:

To conscript property either by seizure or fixing prices will not take the profit out of war. It begins with the beginning of war or when it is imminent. Profits which have been made in anticipation are left intact. During the year and a half prior to our entry into the World War greater profits were made than during the period of the war. The year and a half following the signing of the armistice was a continuous orgy of profiteering and profit making.

That, it seems to me, conflicts with the position which he has taken theretofore. He says that profiteering will be worse if we try to control it and then he complains because it does not control both before and after war. He meets himself coming back in that proposition because if, as he says, the abuses will be worse why does he complain of the proposition because it does not cover more territory or a greater extent of time?

Mr. HARDY. Will the gentleman yield?

Mr. JONES. Yes.

Mr. HARDY. Is the gentleman from Alabama a member of the committee?

Mr. JONES. I am not sure whether he is a member of the committee or not. He is a member of the Committee on Interstate and Foreign Commerce.

Mr. BLANTON. Will the gentleman yield?

Mr. JONES. Yes.

Mr. BLANTON. I hope the gentleman will not compromise on his first position of taking profit out of war. That is the correct position, and he must not let speeches of gentlemen like the gentleman from Alabama [Mr. HUBBLESTON] sidestep him on that issue.

Mr. JONES. I am not doing so, and if the gentleman will recall I said conceding, for the purpose of argument, that his position is well taken, that you could not do it in view of the fifth amendment of the Constitution, then at any rate you could reduce the profits in view of the exigencies of war. Of course, if it should become necessary, the Constitution can be amended and thus remove all doubt and discussion. However, I have no doubt that without such amendment we could place the return at so small a figure in war time as to amount to but little.

Mr. BLANTON. You do not even have to allow the 1 per cent, because war is an interruption of all ordinary conditions.

Mr. JONES. However that may be, that phase of the question can be handled in one way or another. The big thing is to give assurance now that the rich harvest of profiteering will not be allowed in the next war.

My colleague from Texas may be correct, but if the court should hold that that position is not well taken, the argument of the gentleman from Alabama falls to the ground, because if you use as a basis of profit that which would be proper and right, in war time it would amount to very little, when the best manhood of the country is fighting for a mere pittance of pay.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. I yield the gentleman five minutes more.

The CHAIRMAN. The gentleman from Texas is recognized for five additional minutes.

Mr. JONES. The gentleman from Alabama [Mr. HUBBLESTON] says:

One reason why I have always opposed conscription of soldiers is that it deprives people of their opportunity for decision upon war by forcing them to serve whether they agree with the justice of the cause. I oppose conscription of property upon the same grounds.

Such a position is untenable from any angle. If that philosophy were adopted and everyone were permitted to determine whether or not he agreed to help his country during conditions of war, no successful war could be waged. Men may differ as to the wisdom of declaring war, but after a war is declared every true citizen should support his country; and if he does not do so willingly, he should be compelled to do so or suffer the consequences. All these matters should be decided in determining the question of whether or not war is to be declared. When war is declared the matter passes out of the realm of debate. [Applause.] When the question of the declaration of war is up there should be perfect freedom on the part of the people of the country and their chosen representatives in the matter of determining whether to enter the war. There should be no undue pressure, nothing akin to duress. Unfortunately, this has not always been true. There has been much propaganda and tremendous pressure which sometimes seems almost irresistible, but, as I believe, one of the fine results that would naturally follow through taking the profits out of war would be to reduce the incentive and propaganda and the motives that are frequently behind a country and its representatives looking toward the declaring of war. This, it seems to me, would leave the representative in a position to fairly determine whether or not a war would be just.

Mr. LOZIER. Will the gentleman yield?

Mr. JONES. Yes.

Mr. LOZIER. The virtue of any law depends upon its proper administration. Would not the net result of this law be to conscript labor, and then when you attempted to conscript property—

Mr. JONES. No, no.

Mr. LOZIER. Wait a minute. Will you not let me state my question?

Mr. JONES. I do not care to have the gentleman include two or three questions in the same question. The net result would not be to conscript labor. I would be opposed to it if it would do that, but I believe this: That when you draft the young men of this country the Government should have the right to draft every other man, I do not care where he is in this country. [Applause.] I believe, in addition to that, you should have the right and privilege of drafting property rights. If it should simply include the conscription of the laboring interests of this country, of course I would not approve it. [Applause.]

It is rather difficult to follow the gentleman's logic all the way through, but I think it can be fairly concluded from a careful reading of his whole speech that the gentleman's fear is not based so much upon the violation of the Constitution on the basis of property rights, but rather that he fears the conscription of labor to work in the various factories and industries which are engaged in the manufacture of essential supplies of war. I thoroughly agree with the gentleman that it would be both unfair and unjust to draft labor to work in any of these factories and supply houses if these same factories and supply houses were left free to make the tremendous profits which they could make in such a momentous time if their profiteering were not curtailed. Likewise it seems unfair to draft soldiers and let those who make their supplies gather unlimited profit. But it seems to me that this objection would surely lose its force if these industries were taken over by the Government and run without profit, or at so small a margin of profit as to be practically negligible.

If the draft system is to be used at all, the Government should have authority to call into service any citizen that might be needed and assign him to that position in which he could serve the best. [Applause.] Alongside this it should also have the right to draft into the service such property rights and interests as it might find advisable. Then the interest of the entire country would be engaged—life, activities, and genius—and all the citizens could be drafted in a united effort to achieve a victory in the shortest possible time. True, some injustice would be done. No government is perfect. No government of men will ever be perfect. There will be some abuses, some inequalities, some injustices in whatever plan or policy the Government pursues, but the plan which has been suggested seems to me more fair and just than any that has thus far been advanced. What is far more important, it would, in my judgment, by taking the profits out of war, tend to promote the permanent peace of the world, which far outweighs any inequalities or injustices that men might temporarily suffer.

I have a high admiration for the intellect, the intelligence, and the courage of the gentleman from Alabama. I do not always agree with him, but this is one time I expected to agree. And I am inclined to think he has permitted his fears along certain lines to become exaggerated and lead him astray.

War is a terrible thing, even for the people of the nation that wins. For them it means debts. It means the breaking of family ties. It means shattered hopes. It means cripples. It means anguish of spirit. But for the nation that loses—and in every war some nation must lose—it is infinitely worse. I know from what I have read and seen of war, and from what my southern ancestry has told me, that for the losing nation war is filled with indescribable horrors, and the aftermath is sometimes almost as bad as the war itself.

Universal peace is the finest hope of every nation in the world. I am somewhat of a dreamer myself—too much so at times. But I have always hoped that lasting peace would not forever remain simply the dream of the enthusiast. I have wished that somewhere across some mountain range of experience we might find that happy valley. I trust it may not be beyond the sunset. I believe there is a way to take the superprofits out of war. I have an abiding faith in the ability of the American people to find that way.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. STEVENSON].

The CHAIRMAN. The gentleman from South Carolina is recognized for 10 minutes. [Applause.]

Mr. STEVENSON. Mr. Chairman, I want to discuss a few minutes the bill which was passed through this House unanimously last spring and nearly unanimously through another body, a bill which has been vetoed by the President and which is now being chloroformed by the indirect method of attempting to load it up with the obloquy of putting an additional rate on second-class mail and an additional rate on the parcel-post system of this country. I refer to the bill providing increased compensation for postal employees, which has been hanging in the other body of Congress ever since the day before we adjourned last June.

The reason assigned for vetoing the bill was principally financial, and the statement was made that it is necessary to accompany that measure with a measure increasing the postal revenues in order to pay the additional salaries.

I want to direct the attention of the Congress to the fact that just a year ago the Interstate Commerce Commission increased by 35 per cent the compensation of the railroads for carrying the mails in the New England territory, consisting of eight great carriers in that territory, by something over \$1,000,000 a year, and there was not anything said about its being necessary to accompany that with additional revenue legislation. They also have before them a petition from these same New England railroads to make that retroactive to the time when they filed the petition, adding several more million dollars to the postal expenses. They have that submitted and there has been no objection raised by the department or by the Government that it will be necessary to raise additional revenue if they grant them that largesse reaching back into the times past and giving them an increase all the way up, although it has to be paid by the same people.

Is there any difference between the young fellow who rides on the railroad, who handles your mail in day and in night, and who is in jeopardy of his life every day? Did you know there were 117 railroad accidents last year in which 201 postal clerks were injured and several of them killed?

Why the difference between the New England railroads and the mailman who rides on them? When you give one additional compensation it does not make any difference where the revenue comes from, but if you undertake to give the human element additional compensation, then you must put on the people, who will rebel and cuss out everybody, including Congress, an additional burden in order to derive the revenue.

Let us look at another matter with relation to it. The reclassification act went into effect on the 1st of July and this raised the compensation of all of the departmental employees here in Washington, and the Postmaster General in his report says:

The reclassification of departmental salaries is a step in the direction of proper appreciation of the value of the services of the officers and employees of the departments. However, in order that salaries paid for the different grades of work may be equalized, sufficient funds should be appropriated for salaries to enable the department to at least pay the standard or average salary rate of the grade to which the work is allocated.

In other words, the people here in the departments have received additional compensation and they are not called upon to come down here to Congress and get us to levy an additional tax upon all the people of this country and raise a great hullabaloo about it. In order to get the money you are simply asked to appropriate it out of the funds usually appropriated from.

I see in the Budget message of the President that we are expected to have a surplus this year of \$67,000,000 and they only claim that the additional compensation for these employees will amount to \$60,000,000, which after paying them, leaves us a surplus of \$7,000,000 without levying an additional tax, and the surplus for 1925, he says, will be \$373,000,000. Why levy an additional tax simply because it is going to flesh and blood instead of the intermountain, the New England, and Pacific coast railroads, for whom they are preparing to raise the rates for transporting the mail?

That question is pending, without objection, before the Interstate Commerce Commission and they say they will decide it soon. Likewise the electric railroads mostly in New England and the Northeast.

Let us look just a moment at the figures. Are we going broke on this mail business? The deficit in 1923, according to the report of the Postmaster General, was \$24,000,000; that is, it cost that much more than the income. The deficit for this year will be only \$14,000,000. In other words, the Post Office Department, with all its great ramifications and its business management, is earning all of its own expenses except \$14,000,000 this year, or \$560,000,000 in round numbers. Who runs it? Why, the men who are on the railroads, the men who are carrying the mails into every home and every hamlet in this country through cold and heat, through wet and dry, and the men in the post offices; the men who are every day on the firing line and who are docked if they get off for a minute. They are the folks who are doing it, and yet before they can have increased compensation we are required to put an odious addition to the tax that the people pay on their parcel post and to what they pay on the news which they get through the mails.

Let us look at another thing just for a minute and see how this is running. Is it necessary? In 1918, for every million dollars that the Post Office Department brought in, they spent \$1,003,133. We heard a great deal of abuse of the Postmaster General for being cheeseparing in those days. Since that time it has run up, but it is coming back. In 1921 it got up to \$1,172,000 for every million dollars that came in. In 1922, we got it down to \$1,140,000 for every million that came in. In 1923 we got it down to \$1,070,000, and for this year they say it will be \$1,042,000 for every million dollars brought in. In other words, this department of the Government is earning practically all it spends, and while we say unanimously that these men, the flesh and blood and the bone and sinew of this great system, are entitled to additional compensation, yet we shut the door in their faces and smother the measure over yonder by precipitating a fight by the press of this country on the question of second-class postage and a fight by all the people who use the parcel-post system because we are going to put a larger tax on them and precipitate a fight by them, and tie up the boy who carries the mail with this demand for an increase of the burdens that go directly to the great publicity engines of this country, and thereby indirectly attempt to smother and destroy that which we promised them last year and which all of us promised them during the election.

We are now going to deny them this increase by this indirect method by chloroforming a tardy piece of justice for these people. Will a righteous people stand for it? [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield one minute to the gentleman from North Carolina [Mr. LYON].

Mr. LYON. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record for the purpose of inserting an article by Hon. Josephus Daniels, former Secretary of the Navy, entitled "What's the matter with the American Navy?"

Mr. LONGWORTH. Mr. Chairman, reserving the right to object, I did not catch what the article was.

Mr. LYON. The article is entitled "What's the matter with the American Navy?" and is by Hon. Josephus Daniels, former Secretary of the Navy.

Mr. LONGWORTH. I have no objection.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the Record by including the article which he describes. Is there objection?

There was no objection.

Mr. LYON. Mr. Chairman, under leave granted to me to extend my remarks in the Record I include the following article

by Hon. Josephus Daniels, former Secretary of the Navy, entitled "What's the matter with the American Navy?" as published in the Raleigh (N. C.) News and Observer December 14, 1924:

WHAT'S THE MATTER WITH THE AMERICAN NAVY?—THE MORALE HAS BEEN SHOT TO PIECES, THE PERSONNEL HAS LOST ITS PRIDE, MORE SHIPS HAVE BEEN LOST AND INJURED, AND MORE MEN KILLED SINCE THE WASHINGTON CONFERENCE DEALT THE NAVY A DEADLY BLOW THAN DURING THE WHOLE PERIOD OF THE WORLD WAR

(By Josephus Daniels, Secretary of the Navy in Wilson's Cabinet)

"What's the matter with the Navy?"

That's the question Mr. Average Citizen hurls at you if you walk down Pennsylvania Avenue in the Capital of the Republic, or pass down Main Street in any town, or stop at any country road to get gas for your flivver.

The universal question shows the people know that something is the matter. More destroyers have gone to the bottom of the sea in the past year than in all the World War, and more lives of the Navy personnel lost by accidents at sea since 1921 than were caused by German submarines in the World War. It is a rare month when some explosion, or sinking, or something else doesn't shock the country.

The real answer is that the deterioration of the Navy can be traced to the Washington conference. It deliberately sacrificed the Navy to make a holiday for so-called statesmen playing to the diplomatic gallery in Britain and in Japan. Unwilling to do anything real to prevent war, to remove the causes of war, to secure international arbitration of disputes, the performing statesmen (or politicians?) undertook to win applause by a sensational destruction of American naval strength and a Svengali cabalistic cry of a hypnotic fiction called "The divine ratio of 5-5-3."

HUMILIATING PRIDE AND WEAKENED MORALE

That putting the cart before the horse, that dooming the American Navy to second place or worse, brought its natural result to the Navy. It mortified and humiliated the proud officers and capable men of the Navy. It killed their pride and destroyed their enthusiasm. The last bitter drop to the cup was the compulsion of being a party to the fantastic sinking of the *Washington*. That humiliation began when the Washington conference was called. They knew it was a diplomatic gesture, an empty grandstand play, with the Navy as the sacrificial lamb to be offered up. At that conference the Secretary of the Navy of the United States was not permitted to be a member, though officials of his rank from all other nations represented their country. As a matter of fact, naval statesmen were not consulted at all. Not one can be found who approved the 5-5-3 farce. The hypnotized country now sees what men of knowledge of naval affairs saw then. But the naval leaders were muzzled and the country bamboozled.

ACCIDENTS AND DISASTERS GALORE

The expected has happened. You can not make our Navy equal to that of any country by oratory, by figures of a certain type of ship, or by misleading treaties. If you deliberately, ignorantly, or some other way kill the spirit of the naval personnel, how can you expect it to function efficiently? You can not crush the spirit and destroy the tools and enforce inferiority and then command the highest efficiency. And the seed of inferiority of naval strength planted in the Washington conference has produced seed after its own kind. Wholesale desertions of enlisted men, wholesale resignations of officers, flotillas of destroyers wrecked, battleship accidents, the scene of more loss of life than wars, casualties and horrors not before known—that is the gruesome story of the Navy since the Washington conference gave it a body blow. I passed by Honda, in California, a short while ago. A conductor on the Southern Pacific pointed out a protruding spar, the last vestige remaining of 29 magnificent destroyers which could not be replaced for less than \$50,000,000 to \$75,000,000.

ONLY ONE BRIGHT SPOT

I have been reading the reports of the officers in the Navy Department and the commander of fleets. It is a dreary recital, almost without a ray of brightness. The coming of the ZR-3 from Germany, not an achievement that is due to what the American Navy did, is the one glorious hope. It is a good thing the men writing the naval policy in the Washington conference did not know that big aircraft was building in Germany. If so, judging by their sinking of the *Washington* and other leviathans of the sea they would probably have doomed it to a like fate. Their theory would have been that, inasmuch as Britain and Japan had no such lighter-than-air craft, the United States Navy, out of consideration for their feelings, ought to have killed the *Los Angeles* (the ZR-3) and the *Shenandoah* while they were a bornin'. It is fortunate, too, they had never heard of helium and did not know that it is produced nowhere in the world except by our Navy in Texas. They'd probably have decided to scrap that plant in excess of love for Britain and Japan, or to advertise America's unwillingness to insure its safety.

THE BURIAL OF HOPES

If the real feeling of the officers and men of the American Navy, when the magnificent 16-gun *Washington* was foundered and sunk by the decree of the Washington conference, could be summed up in the words of the old hymns—

"I've been to the funeral of all my hopes
And entombed them one by one."

It was not so much because that magnificent ship, with the many millions spent on it, bad as it was to sink the new *Washington* (able to sink any ship afloat) by letting the inferior *Texas*, no better if as good, as one of the British or Jap ships, but it was the feeling that the best ships of the Navy were going to Davy Jones' locker, while old and outranged capital ships were being retained.

WILL DIPLOMACY PERMIT?

And now there is a hue and cry to elevate the guns of the old ships so they can shoot as far as British ships. This is like shutting the door of the stable after the horse is out. The Navy feels that having, against wise policy, sunk or scrapped the fine ships which would have given the United States primacy on the seas, at least the range of the old guns should be equal to the range of the guns of Britain and Japan. Not so, says diplomacy. They say it is "agin" the 5-5-3 understanding, and while they are debating whether under the treaty the strength of our Navy can be made equal to that of other nations our fleet deteriorates. Will the guns be elevated? I do not know. Do not ask the Navy Department. It has nothing to do with the Navy. You must ask the American and British and Japanese foreign offices. Having secured the sinking of the ten or more capital ships which we were building which would outrange any guns, these two countries and our foreign office may graciously permit the elevation. The ships are old and will not last very many years.

MUST SPEND MUCH MONEY

The reports of the naval heads disclose the fact it will take millions to repair and refit and make ready for use the *Arkansas* and other old ships we saved while scrapping the *Washington* and *North Carolina* and other superdreadnoughts. The commander in chief had to give up the maneuvers last spring because they were in such bad state of repair. Also the Navy desires to build some scout cruisers. They must be built if we are to have a Navy anything like equal to Britain and Japan. And as to the air, we have been playing with it while France's airy navy in the central blue is the greatest ever. If we do these things, where is the big saving that the Washington conference was to save the taxpayers?

As a matter of fact, that conference instead of reducing competitive navy building accelerated it along every line except in dreadnoughts. Somebody in Congress ought to present the figures and show what a big humbug the Washington conference has turned out to have been.

P. S.: The Judge Advocate General reports that the number of desertions and absences without leave have greatly increased in the past year. That is one additional concrete proof of the loss of morale in the Navy since the 5-5-3 miracle was pulled out of the hat by the prestidigitator.

Mr. FRENCH. Mr. Chairman, I yield 10 minutes to the Delegate from the Philippine Islands [Mr. GUEVARA].

FILIPINOS ARE LOYAL

Mr. GUEVARA. Mr. Chairman and gentlemen of the committee, in the last session of Congress your Committee on Insular Affairs reported out the bill H. R. 8856, entitled "A bill to enable the people of the Philippine Islands to adopt a constitution and form a government for the Philippine Islands and to provide for the future political status of the same," introduced by the distinguished chairman of the Committee on Insular Affairs, Mr. FAIRFIELD, on April 23, 1924. In the same session of Congress there were also introduced H. J. Res. 127, H. J. Res. 131, H. R. 2817, and H. R. 3924, fathered, respectively, by the distinguished gentleman from Mississippi, Mr. RANKIN, Mr. COOPER of Wisconsin, and Messrs. KING and SABATH, of Illinois. Each of these bills has for its purpose the immediate withdrawal by the United States of her sovereignty over the Philippine Islands. But the burden of business of great importance to the American people precluded any one of those bills from reaching the floor of this House for consideration and decision.

It was but natural that this Congress should first concern itself with the consideration of measures directly affecting the life and happiness of the people it represents. Permit me, however, to remind you that there are eleven and a half million people in the Philippines eagerly waiting for a definition of their political status. I know that their interests and happiness are also dear to you. It has been evidenced

during the entire 25 years of our providential association. In recognition of the altruistic purpose of the United States in the Philippines the Filipino people have been and are loyal to you not only in times of peace and prosperity but also in times of need and distress. The Filipino people have learned to love America with an ardor and devotion only surpassed by their love for their own country. [Applause.] We proudly regard our country as the bulwark of the American principles and traditions and as the outpost of your culture in the Far East, and I assure you that this sentiment will forever prevail in the Philippines.

INTOLERABLE SITUATION

The humanitarian task, wonderfully undertaken by the United States in that far country, is not yet complete. The achievements are unparalleled, but the situation is intolerable. The structure of our political institutions is founded on a weak base. The gratitude of my people and the spirit of your institutions are the only support that makes possible the endurance of such a situation.

JUSTICE CAN NOT BE DELAYED

It is improper for me to engage in a general discussion of the bills I referred to a while ago. It is unjust to this House as none of those bills are now under consideration. When the proper time comes I hope for an ample opportunity to express my views on them and to convey to the representatives of the American people the true needs and aspirations of the Philippines. For the present I just wish to appeal to your Committee on Rules to report H. R. 8856 to this House to give its Members an opportunity to express their views and decision on the same.

It is but just that the plea of the Filipino people be decided in one way or another by Congress, the supreme authority of the United States. A question of human right should not be permitted to sleep in the darkness. It is un-American. It is undemocratic. It is against the principles upon which the American Government was conceived.

The Congress of the United States has never been reluctant or negligent in the prompt solution of those problems affecting the life, happiness, and prosperity of human beings. Its records conclusively prove this affirmation. Americans as well as Filipinos are united for a definite solution and adjustment of the present Philippine political status.

Where justice is at stake action can not be delayed. Even political expediency can not justify such a delay.

Your Committee on Insular Affairs so understood it, and did its duty by reporting out a legislation for the Philippines. I wish to express to that committee the appreciation of the Filipino people for its devoted interest in the solution of their problems. Both parties in the committee were united in the common purpose of solving the Philippine problem. They were guided by the high spirit of duty, for which the Filipino people are extremely grateful.

There may have been a difference of opinion regarding the way the Philippine problem must be adjusted, but in the final analysis the best interests, and only the best interests, of the Filipino people was the cause of such disagreement. It is now the right and liberty of this House to render the final decision on the question. But before it can be done it is essential that your Committee on Rules set a date for that purpose. I wish to appeal once more to your Committee on Rules. They are men of vast experience in the transaction of public business and men devoted to the cause of justice and liberty. I know that the members of your Committee on Rules will be more than glad to give the Filipino people a fair chance to submit their case to the American Nation through her constitutional representatives in Congress. They would not deny them that right, for which the American people, whom they represent in this House, have fought in the past.

AN ENCOURAGEMENT TO MILITARISTIC NATIONS

The bill reported by your Committee on Insular Affairs is one of the most important pieces of legislation to be considered by the Sixty-eighth Congress. It will be a call for democracy in the Far East and a call to the good faith of those nations who have associated themselves in the common effort to destroy autocracy and follow the victorious flag of democracy. [Applause.] It will be the beacon of hope for the aspiring people in the Far East. It will be a warning to those nations who purposely want to deviate from the line of those principles for which they fought in the last war. The American Nation should be proud to be the first to launch the challenge by setting the example. She is the only one that can call those nations to their duty.

The nonsettlement of the Philippine political status will undoubtedly encourage the selfish aims of militaristic nations. It will encourage them also to look on the weak as the natural

prey of the strong. And the worst, it will induce them to regard the principles for which the world was thrown into a bloody struggle as a mere thought of a difficult moment, without any moral meaning in the life of nations.

The settlement of the Philippine problem will result in the readjustment of international affairs in the Far East. It is a clear case of duty for all liberty-loving nations to initiate such a readjustment. It will be but the fair and honorable execution of the glorious deeds of those who have fallen in the battle fields.

UNITED STATES CAN NOT RECEDE

It is to be acknowledged that the United States of America has made all efforts to reach such a readjustment: First, by the approval of the Jones bill, and second, by the action taken by your Committee on Insular Affairs. As a sequel to the move for the readjustment of international affairs in the Far East, the Conference on the Limitation of Armament was held under the auspices of this great country, with a very successful result. Under America's leadership, Europe, long insolvent, is almost completely rehabilitated. In all present-day world problems the spirit of American principles and the influence of her moral leadership are evidently seen and felt.

This Nation has already laid the foundation on which to build the new world. Let no man or nation obstruct such a magnificent work. The American Nation can not stop. She has already gone too far to recede. The eyes of the world are fixed on the American people in this critical and historic hour. There are a series of events in the Pacific which call for a prompt solution. While other countries in the Far East are favored with well-defined political status, and therefore can wholly devote their energies to the task of reconstruction, the Philippine Islands is handicapped, with its uncertain status, to devote itself to the same task. It would not be tolerated by this Nation, which "demolished at a stroke the lawfulness of all governments founded upon conquest." The demand of the Filipino people for a prompt and definite settlement of their political status is not based upon any grievances. No ill feeling or hate animates their demand. They are proud of their association with this great Nation. Nevertheless, no matter how happy they might be in their association with this Nation, it will amount to nothing if they do not strive to ascertain definitely their fate and destiny in the days to come. The Filipino people look at this Nation as the beacon of hope to which they can turn their eyes for relief and justice. They have rested their case before the tribunal of American public opinion, and the only thing that remains to be done is for its Representatives in Congress to render the verdict on the same. They have faith in your sense of justice. They are confident that the necessary steps will be immediately taken to end the present provisional status of the Philippines, which has been a check to her progress and development during the last 25 years.

Your Committee on Rules is the one now called upon to respond to the plea of the Filipino people. [Applause.]

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10724, the naval appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, the following leave of absence was granted:

To Mr. REED of New York, on account of illness.

To Mr. WELLER, until December 20, 1924, on account of important business.

To Mr. TAGUE (at the request of Mr. CONNERY), on account of illness.

ADJOURNMENT

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 31 minutes p. m.) the House adjourned until to-morrow, Wednesday, December 17, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

730. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary

examination and survey of New York Harbor, N. Y., Bay Ridge, and Red Hook Channels; to the Committee on Rivers and Harbors.

731. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on Salem River, N. J.; to the Committee on Rivers and Harbors.

732. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation "To authorize the Secretary of the Navy to proceed with the construction of certain public works at the naval air station, Pensacola, Fla."; to the Committee on Naval Affairs.

733. A communication from the President of the United States, transmitting statement showing the names of persons employed in the inspection of meat and meat-food products, the salary or per diem paid to each, where they have been or are employed, together with contingent expenses for the period beginning July 1, 1923, and ending June 30, 1924; to the Committee on Expenditures in the Department of Agriculture.

734. A letter from the chairman of the national legislative committee of the American Legion, transmitting sixth annual report of the American Legion, 1924; to the Committee on World War Veterans' Legislation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. REED of West Virginia: Committee on the District of Columbia. S. 2593. An act for the extension of Rittenhouse Street in the District of Columbia; with amendments (Rept. No. 1047). Referred to the Committee of the Whole House on the state of the Union.

Mr. YATES: Committee on the Judiciary. H. R. 82. A bill to amend an act entitled "An act to amend section 101 of the Judicial Code"; without amendment (Rept. No. 1048). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WAINWRIGHT: Committee on Military Affairs. S. 3170. An act for the relief of Edgar William Miller; without amendment (Rept. No. 1049). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10344) granting an increase of pension to Nancy A. Sumner, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. COLTON: A bill (H. R. 10783) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Uintah and White River Tribes of Ute Indians of Utah may have against the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. McKENZIE: A bill (H. R. 10784) to provide for the promotion of certain officers in the Army by selection; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 10785) granting the consent of Congress to the county of Independence, Ark., to construct, maintain, and operate a bridge across the White River at or near the city of Batesville, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. McLEOD: A bill (H. R. 10786) to provide governmental aid in commercializing aviation in the United States, its Territories, and possessions; to the Committee on Interstate and Foreign Commerce.

By Mr. MORROW: A bill (H. R. 10787) granting to the State of New Mexico 2,000,000 acres of land in said State; to the Committee on the Public Lands.

By Mr. JARRETT: A bill (H. R. 10788) providing for an extension to the Federal building at Honolulu, Hawaii; to the Committee on Public Buildings and Grounds.

By Mr. WAINWRIGHT: A bill (H. R. 10789) to give wartime rank to certain officers on the retired list of the Army; to the Committee on Military Affairs.

By Mr. WATKINS: A bill (H. R. 10790) to authorize the erection of a Veterans' Bureau hospital in Portland, Oreg.,

and authorizing the Director of the Veterans' Bureau to accept by gift a site for said hospital; to the Committee on World War Veterans' Legislation.

By Mr. GRAHAM: Resolution (H. Res. 382) for the consideration of H. R. 7190, to amend the China trade act of 1922; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 10791) granting a pension to Frances E. Andrews; to the Committee on Pensions.

Also, a bill (H. R. 10792) granting an increase of pension to Amanda C. Dunham; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 10793) granting a pension to Laura V. Adams; to the Committee on Pensions.

By Mr. ARNOLD: A bill (H. R. 10794) for the relief of Frederick Leininger; to the Committee on Military Affairs.

By Mr. AYRES: A bill (H. R. 10795) granting an increase of pension to Gideon C. Lewis; to the Committee on Pensions.

Also, a bill (H. R. 10796) for the relief of Warren M. Myers; to the Committee on Claims.

By Mr. BEGG: A bill (H. R. 10797) granting an increase of pension to Addie M. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10798) granting an increase of pension to Flora A. Overmire; to the Committee on Invalid Pensions.

By Mr. CLARKE of New York: A bill (H. R. 10799) granting a pension to Margaret S. Morrall; to the Committee on Invalid Pensions.

By Mr. COLE of Ohio: A bill (H. R. 10800) granting an increase of pension to Mary C. Gleason; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10801) granting an increase of pension to Robert L. Hedges; to the Committee on Pensions.

Also, a bill (H. R. 10802) granting a pension to Mary E. Behmyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10803) granting an increase of pension to Sarah Wurtsbaugh; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 10804) granting an increase of pension to Elizabeth Bradford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10805) granting an increase of pension to Emma J. Burke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10806) granting an increase of pension to Laura J. Hicks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10807) granting an increase of pension to Frances Miller; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 10808) granting a pension to Elizabeth A. Guild; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 10809) granting a pension to Caroline de Witt Flagler; to the Committee on Pensions.

By Mr. FISHER: A bill (H. R. 10810) for the relief of George Campbell Armstrong; to the Committee on Naval Affairs.

By Mr. FITZGERALD: A bill (H. R. 10811) granting a pension to Henry Mayers; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 10812) granting an increase of pension to Marinda Smith; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 10813) granting an increase of pension to Caroline C. Bower; to the Committee on Invalid Pensions.

By Mr. FUNK: A bill (H. R. 10814) granting an increase of pension to Francis M. Phares; to the Committee on Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 10815) granting a pension to Rose Oden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10816) granting a pension to Susan E. Waddle; to the Committee on Invalid Pensions.

By Mr. GREEN: A bill (H. R. 10817) granting an increase of pension to Willard Anthony; to the Committee on Pensions.

Also, a bill (H. R. 10818) granting an increase of pension to Genevra Hathaway; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 10819) granting an increase of pension to Clara Harlan; to the Committee on Pensions.

By Mr. HOWARD of Nebraska: A bill (H. R. 10820) granting an increase of pension to Dorcas Quigley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10821) granting an increase of pension to Sarah Blodgett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10822) granting an increase of pension to Maria A. Breed; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 10823) granting an increase of pension to Priscilla A. Atwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10824) granting an increase of pension to Sarah L. Darr; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 10825) granting a pension to Essie Moore; to the Committee on Pensions.

By Mr. LOZIER: A bill (H. R. 10826) granting an increase of pension to Mary J. Voris; to the Committee on Invalid Pensions.

By Mr. McREYNOLDS: A bill (H. R. 10827) for the relief of Joe Griffith; to the Committee on Claims.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 10828) granting a pension to Sarah R. Miller; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 10829) granting a pension to Minnie J. Jones; to the Committee on Pensions.

Also, a bill (H. R. 10830) granting an increase of pension to Laura S. Herrin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10831) granting an increase of pension to Persiller Parmley; to the Committee on Invalid Pensions.

By Mr. MILLS: A bill (H. R. 10832) for the relief of May Brockway Lang; to the Committee on Claims.

By Mr. MORROW: A bill (H. R. 10833) authorizing the Secretary of War to donate to the town of Dawson, N. Mex., two German cannons or fieldpieces; to the Committee on Military Affairs.

By Mr. NEWTON of Missouri: A bill (H. R. 10834) authorizing and directing the Secretary of War to reimburse the city of St. Louis in part for improvements made in the interest of navigation in the channel of the Missouri River at a point known as Howard Bend, about 8 miles above St. Charles, Mo.; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 10835) to enroll certain persons with the Cherokee Tribe of Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 10836) granting a pension to Mary V. Rankins; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 10837) granting an increase of pension to Harry Brown; to the Committee on Pensions.

Also, a bill (H. R. 10838) granting an increase of pension to John H. Crim; to the Committee on Pensions.

Also, a bill (H. R. 10839) granting a pension to Laura C. Frederick; to the Committee on Pensions.

Also, a bill (H. R. 10840) granting a pension to Nancy Simpson; to the Committee on Pensions.

Also, a bill (H. R. 10841) granting a pension to Peter Workman; to the Committee on Pensions.

Also, a bill (H. R. 10842) granting a pension to Martha J. Crichfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10843) granting an increase of pension to Martha J. Frank; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10844) granting an increase of pension to Newton Goldman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10845) granting an increase of pension to Ellen E. Hermans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10846) granting an increase of pension to Almyra Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10847) granting an increase of pension to Jefferson Lawson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10848) granting a pension to Lou Ogden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10849) granting a pension to Ernest Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10850) granting an increase of pension to William Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10851) granting a pension to Sophia A. Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10852) granting an increase of pension to Daniel M. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10853) granting an increase of pension to Mary Catherine Whitlock; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 10854) granting an increase of pension to Charles N. Cannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10855) granting a pension to Edward Hall; to the Committee on Pensions.

Also, a bill (H. R. 10856) granting a pension to Laura Hendrickson; to the Committee on Pensions.

Also, a bill (H. R. 10857) granting an increase of pension to Benjamin F. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 10858) granting an increase of pension to Robert L. McFarland; to the Committee on Pensions.

Also, a bill (H. R. 10859) granting a pension to Esther Meece; to the Committee on Pensions.

Also, a bill (H. R. 10860) granting an increase of pension to James W. Robinson; to the Committee on Pensions.

Also, a bill (H. R. 10861) granting a pension to Joe H. Ross; to the Committee on Pensions.

Also, a bill (H. R. 10862) granting a pension to Isaac Townsend; to the Committee on Pensions.

Also, a bill (H. R. 10863) granting a pension to Mary A. Wray; to the Committee on Pensions.

By Mr. ROUSE: A bill (H. R. 10864) granting an increase of pension to Emily Plunket; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 10865) granting an increase of pension to Mary Elizabeth Weller; to the Committee on Invalid Pensions.

By Mr. SMITH: A bill (H. R. 10866) granting an increase of pension to Nancy A. Stewart; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 10867) to extend the provisions of the act of Congress approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries in the performance of their duties, and for other purposes," to William J. Casey; to the Committee on Claims.

Also, a bill (H. R. 10868) to grant certain lands to Ketchikan Post, No. 3, of the American Legion, Ketchikan, Alaska; to the Committee on the Public Lands.

By Mr. TEMPLE: A bill (H. R. 10869) to authorize Hoffman Phillip, minister plenipotentiary and envoy extraordinary of the United States to Uruguay, to accept certain gifts from the French and British Governments; to the Committee on Foreign Affairs.

By Mr. THOMAS of Oklahoma: A bill (H. R. 10870) granting a pension to Elizabeth S. Jones; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 10871) granting an increase of pension to Lizzie J. Yeagley; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 10872) granting a pension to Emma C. Hilliard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10873) granting an increase of pension to Sarah E. Madison; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 10874) for the relief of G. Frederic Lincoln; to the Committee on the Civil Service.

Also, a bill (H. R. 10875) for the relief of Joseph A. Naugler; to the Committee on the Civil Service.

By Mr. TREADWAY: A bill (H. R. 10876) granting an increase of pension to Harriet C. Bristol; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10877) granting an increase of pension to Rose E. Cain; to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 10878) for the relief of M. Barde & Sons (Inc.); to the Committee on Claims.

By Mr. WILLIAMS of Michigan: A bill (H. R. 10879) for the relief of Delmore A. Teller; to the Committee on War Claims.

By Mr. WOOD: A bill (H. R. 10880) to authorize the appointment of Maj. Warner A. Ross, retired, to the grade of major, retired, in the United States Army; to the Committee on Military Affairs.

Also, resolution (H. Res. 383) to pay salary and funeral expenses of Thomas H. McKee, late an employee in the Doorkeeper's department of the House of Representatives; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3213. By the SPEAKER (by request): Petition of Lew Gove Post, No. 100, Grand Army of the Republic, concerning the Stone Mountain Confederate Monumental Association and the 50-cent memorial coins authorized by Congress; to the Committee on Coinage, Weights, and Measures.

3214. By Mr. BARBOUR: Petitions of residents of the seventh congressional district of California, in opposition to the Sunday observance bill (S. 3218); to the Committee on the Judiciary.

3215. By Mr. CHRISTOPHERSON: Petition of Mitchell, S. Dak., opposing the passage of the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3216. By Mr. CLARKE of New York: Petition of citizens of New York not to concur in the passage of the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3217. By Mr. CONNERY: Petition of Associated Industries of Massachusetts, requesting passage of House Joint Resolution 98; to the Committee on the Judiciary.

3218. Also, petition of the Massachusetts Department, Army and Navy Union, U. S. A., requesting the passage of House bill 5934 (KNUTSON), pension for veterans; to the Committee on Pensions.

3219. By Mr. DARROW: Petitions of the Philadelphia Chamber of Commerce, opposing the Howell-Barkley bill, the Gooding fourth section bill, and the Hoch-Smith rate revision resolution; to the Committee on Interstate and Foreign Commerce.

3220. By Mr. FROTHINGHAM: Petition of Army and Navy Union, Boston, Mass., praying for the immediate enactment of proposed legislation to increase the pensions of Civil and Spanish War veterans and their widows and children; to the Committee on Pensions.

3221. By Mr. GALLIVAN: Petition of metal trades department, American Federation of Labor, recommending appropriate action by Congress for the building up and maintaining of a well-balanced Navy based on the treaty ratio; to the Committee on Naval Affairs.

3222. By Mr. WILLIAM E. HULL: Petition of citizens of Peoria County, Ill., opposing Senate bill 3218; to the Committee on the District of Columbia.

3223. By Mr. KIESS: Evidence in support of House bill 19063, granting increased pension to Julia Embich; to the Committee on Invalid Pensions.

3224. By Mr. MORROW: Petition of Las Vegas, San Miguel County, N. Mex., Chamber of Commerce; Peoples Bank & Trust Co.; First National Bank of Las Vegas; Las Vegas Savings Bank; Frank J. Wesner, mayor of Las Vegas, for the proposed Federal building in Las Vegas; to the Committee on Public Buildings and Grounds.

3225. By Mr. O'CONNELL of New York: Petition of the official board of the First Methodist Episcopal Church of Hollis, Long Island, N. Y., favoring the postal salary increase bill (S. 1898); to the Committee on the Post Office and Post Roads.

3226. Also, petition of St. Anne's Council, No. 2429, Knights of Columbus, Queens, Long Island, N. Y., favoring the passage of the postal salary increase bill (S. 1898); to the Committee on the Post Office and Post Roads.

3227. Also, petition of the American Federation of Labor, protesting against the violations of law and outrages to American citizenship that took place on the island of Porto Rico in the elections held on November 4, 1924, favoring a joint subcommittee from both Houses of Congress shall proceed to the island to investigate the aforesaid elections and condition of the people, and take the proper measures to grant those people the right to hold a new general election and to insure to said people of Porto Rico an honest and free exercise of the suffrage; to the Committee on Insular Affairs.

3228. Also, petition of the Dunton Masonic Club (Inc.), of Jamaica, Long Island, N. Y., favoring the postal salary increase bill (S. 1898) enactment at this session; to the Committee on the Post Office and Post Roads.

3229. Also, petition of Attilio Ricciardi, of New York City, favoring the Lineberger bill (H. R. 6484) for retirement of disabled emergency Army officers; to the Committee on Military Affairs.

3230. By Mr. SMITH: Petition of Southern Idaho Conference, Boise, Idaho, containing 925 signatures, against the enactment of Sunday rest legislation; to the Committee on the Judiciary.

3231. By Mr. SWING: Petition of residents of San Diego County, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

3232. By Mr. WEFALD: Petition of 41 Chippewa Indians of Ogema, Minn., praying for the passage of the \$100 per capita payment bill to help them through the winter; to the Committee on Indian Affairs.

3233. Also, petition of 21 Chippewa Indians of Bejou, Minn., praying for the passage of the \$100 per capita payment bill to help them through the winter; to the Committee on Indian Affairs.

3234. Also, petition of 12 Chippewa Indians of Waubun, Minn., praying for the passage of the \$100 per capita payment bill to help them through the winter; to the Committee on Indian Affairs.

3235. Also, petition of 39 Chippewa Indians of Minneapolis, Minn., praying for the passage of the \$100 per capita payment

bill to help them through the winter; to the Committee on Indian Affairs.

3236. Also, petition of 20 Chippewa Indians of Elbow Lake, Minn., praying for the passage of the \$100 per capita payment bill to help them through the winter; to the Committee on Indian Affairs.

3237. Also, petition of 75 Chippewa Indians of Callaway, Minn., praying for the passage of the \$100 per capita payment bill to help them through the winter; to the Committee on Indian Affairs.

3238. Also, petition of 23 Chippewa Indians of Pinehurst, Minn., praying for the passage of the \$100 per capita payment bill to help them through the winter; to the Committee on Indian Affairs.

3239. Also, petition of 10 Chippewa Indians of Swan River, Minn., praying for the passage of the \$100 per capita payment bill to help them through the winter; to the Committee on Indian Affairs.

3240. Also, petition of eight Chippewa Indians of Waubun, Minn., praying for the passage of the \$100 per capita payment bill to help them through the winter; to the Committee on Indian Affairs.

3241. Also, petition of six Chippewa Indians of Mahnomen, Minn., praying for the passage of the \$100 per capita payment bill to help them through the winter; to the Committee on Indian Affairs.

3242. By Mr. WELLER: Petition of residents of the city of New York opposing compulsory Sunday observance laws, etc.; to the Committee on the District of Columbia.

3243. Also, petition of residents of New York City opposing the compulsory Sunday observance laws, etc.; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, December 17, 1924

(Legislative day of Tuesday, December 16, 1924)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 10650. An act to authorize the settlement of the indebtedness of the Republic of Lithuania to the United States of America; and

H. R. 10651. An act to authorize the settlement of the indebtedness of the Republic of Poland to the United States of America, and for other purposes.

DEBT SETTLEMENTS WITH LITHUANIA AND POLAND

Mr. SMOOT. Mr. President, the two bills which have just been received from the House are exactly the same as the bills passed by the Senate on Monday. So I ask that the House bills be put upon their passage at this time.

Mr. ROBINSON. The bills relate to the debt settlement with those two Governments?

Mr. SMOOT. Yes; and they are exactly the same as the Senate bills that we passed the other day.

The bill (H. R. 10650) to authorize the settlement of the indebtedness of the Republic of Lithuania to the United States of America was read twice by its title.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent for the present consideration of this bill. Is there objection?

There being no objection, the bill was read and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 10651) to authorize the settlement of the indebtedness of the Republic of Poland to the United States of America, and for other purposes, was read twice by its title.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was read and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS

Mr. ROBINSON presented memorials signed by 228 citizens of Springdale, Huntsville, and Hindsville, all in the State of Arkansas, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. FESS presented a resolution of the Marquette Club of Cleveland, Ohio, favoring the enactment of Senate bill 1898, providing increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. SHORTRIDGE presented memorials (numerously signed) of sundry citizens of King City, Los Angeles, Los Molinos, Santa Ana, Stockton, Tehama County, and Mountain View, all in the State of California, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry veterans of the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, all of the National Soldiers' Home, in the State of California, praying for the passage of House bill 5934, the so-called Knutson bill, providing increased pensions for Spanish War veterans and their dependents, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Roseville, Calif., praying for the passage of the so-called game refuge bill, which was referred to the Committee on Public Lands and Surveys.

He also presented a petition of sundry members of the First A. M. E. Church, of Oakland, Calif., praying for the passage of antilynching legislation, which was referred to the Committee on the Judiciary.

Mr. NORBECK presented memorials of sundry citizens of Mitchell, Chamberlain, Stratford, Aberdeen, Oacoma, Pukwana, Hartford, and Huron and vicinity, all in the State of South Dakota, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. McKINLEY presented the petition of the Council of the City of Chicago, Ill., praying that the flagship *Chicago*, which was used by aviators of the Army Air Service in the historic round-the-world flight, be given into the custody of the city of Chicago to be preserved as a memorial to the courage, ability, and fortitude of the distinguished soldiers who so capably manned it and as a physical evidence of their great achievement and of the commercial and military possibilities of aerial navigation, which was referred to the Committee on Military Affairs.

Mr. JOHNSON of California presented a petition of sundry citizens, all residents of Marin County, in the State of California, praying for the adoption of the so-called equal rights amendment to the Constitution which provides that "men and women shall have equal rights throughout the United States and every place subject to its jurisdiction," which was referred to the Committee on the Judiciary.

He also presented memorials (numerously signed) of sundry citizens of the city and county of Los Angeles, Kings and Shasta Counties, Ocean Park, Santa Monica, Venice, Paradise, Chowchilla, Fresno, Madera, Hanford, Glendale, and Stockton, all in the State of California, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. WILLIS presented letters in the nature of memorials from Tennis Wick, of Elyria, and James H. McKay, of Youngstown, both in the State of Ohio, remonstrating against the ratification of the so-called Hay-Quasada treaty, proposing to cede the Isle of Pines to Cuba, which were referred to the Committee on Foreign Relations.

REPORTS OF THE INTERSTATE COMMERCE COMMITTEE

Mr. SMITH, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 4168) to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same," approved February 13, 1913 (37 Stat. L. p. 670), reported it without amendment and submitted a report (No. 814) thereon.

He also, from the same committee, to which was referred the resolution (S. Res. 283) favoring the allotment of sufficient funds to the Interstate Commerce Commission to enable it to carry on the work of valuation of common carriers, reported it with an amendment.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSES:

A bill (S. 3698) granting an increase of pension to Calvin C. Swormstedt (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3699) for the relief of Amelia A. Swasey (with an accompanying paper); to the Committee on Claims.

By Mr. McNARY:

A bill (S. 3700) for the relief of the city of Astoria, Oreg.; to the Committee on Claims.

By Mr. ERNST:

A bill (S. 3701) granting a pension to Mary E. Grayson;

A bill (S. 3702) granting a pension to Ashley Peak;

A bill (S. 3703) granting an increase of pension to Jacob C. Roberson;

A bill (S. 3704) granting an increase of pension to Jessie D. Rue; and

A bill (S. 3705) granting an increase of pension to Anna Spinner; to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 3706) to provide for the permanent withdrawal of a certain 40-acre tract of public land in New Mexico for the use and benefit of the Navajo Indians; to the Committee on Indian Affairs.

By Mr. SWANSON:

A bill (S. 3707) granting a pension to Edith Bolling Wilson; to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 3708) for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak.; to the Committee on Claims.

A bill (S. 3709) making an appropriation for special research and accounting in matters relating to suits brought by Indian tribes against the United States; to the Committee on Appropriations.

By Mr. COPELAND:

A bill (S. 3710) for the relief of Herbert T. James; to the Committee on Naval Affairs.

A bill (S. 3711) granting the distinguished service medal to Dr. Victor C. Pedersen; to the Committee on Military Affairs.

By Mr. SWANSON:

A bill (S. 3712) to authorize the acquisition of a site and the erection thereon of a Federal building at Boykin, Va.; to the Committee on Public Buildings and Grounds.

By Mr. KENDRICK:

A bill (S. 3713) for the relief of Oscar A. Demple; to the Committee on Public Lands and Surveys.

By Mr. WILLIS:

A bill (S. 3714) to authorize cooperative agreements between the heads of the Executive Departments and the Governor of the Territory of Alaska; to the Committee on Territories and Insular Possessions.

AMENDMENT TO MUSCLE SHOALS BILL

Mr. McKEILLAR submitted an amendment intended to be proposed by him to House bill 518, the so-called Muscle Shoals bill, which was ordered to lie on the table and to be printed.

NAVAL AIR STATION NEAR SAND POINT, WASH.

Mr. JONES of Washington submitted an amendment intended to be proposed by him to the bill (H. R. 2688) providing for sundry matters affecting the naval service, and for other purposes, which was referred to the Committee on Naval Affairs and ordered to be printed.

WARRANT OFFICERS IN THE MARINE CORPS

Mr. FERRIS submitted an amendment intended to be proposed by him to the bill (H. R. 2688) providing for sundry matters affecting the naval service, and for other purposes, which was referred to the Committee on Naval Affairs and ordered to be printed.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. McNARY submitted an amendment intended to be proposed by him to House bill 10020, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

Umatilla Rapids project, Oregon: For investigations of the feasibility of irrigation by gravity or pumping, water sources, water storage, and related problems on the Columbia River and its tributaries, and for cooperative and miscellaneous investigations of the feasibility of reclamation projects, including personal services in the District of Columbia and elsewhere, and incidental expenses, the unexpended balance of this appropriation contained in the act of March 4, 1923 (42 Stat. p. 1540), is hereby reappropriated and made immediately available until used.

To be inserted at the proper place in the bill.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam-power plant to be located and constructed at or near Lock and Dam No. 17, on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Mr. NORRIS obtained the floor.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Shipstead
Ball	Fess	McKinley	Shortridge
Bayard	Fletcher	McNary	Simmons
Borah	Frazier	Mayfield	Smith
Brookhart	George	Means	Smoot
Broussard	Gerry	Metcalf	Spencer
Bruce	Glass	Moses	Stanfield
Butler	Gooding	Neely	Stanley
Capper	Greene	Norbeck	Sterling
Caraway	Hale	Norris	Swanson
Copeland	Harrell	Oddie	Trammell
Couzens	Harris	Overman	Underwood
Cummins	Harrison	Pepper	Wadsworth
Curtis	Heflin	Phipps	Walsh, Mass.
Dale	Howell	Pittman	Walsh, Mont.
Dial	Johnson, Calif.	Raisdon	Warren
Dill	Jones, Wash.	Ransdell	Weller
Edge	Kendrick	Reed, Mo.	Willis
Edwards	Keyes	Reed, Pa.	
Ernst	Ladd	Robinson	
Fernald	McCormick	Sheppard	

The PRESIDENT pro tempore. Eighty-one Senators have answered to the roll call. A quorum is present. The question is upon agreeing to the amendment proposed by the Senator from Montana [Mr. WALSH] to the substitute submitted by the Senator from Alabama [Mr. UNDERWOOD].

Mr. NORRIS. Mr. President, there seems to be not only in the press, but in opinions prevailing among at least some of the Members of this body, a feeling that the vote yesterday upon the so-called Smith amendment was an indication and some think an actual demonstration that eventually the so-called Underwood substitute would be agreed to by the Senate. An examination of that roll call convinces me that such a conclusion is unjustifiable. There are quite a number of Senators who voted against the Smith amendment who are for the committee bill and are against the so-called Underwood substitute.

I realize, however, as fully as anyone can, I think, and I have all the time realized, the wonderful combination of forces arrayed against the committee bill. I know that the skids have been greased and the machinery oiled of the great steam roller, with the idea of putting the substitute across, or at least smothering the life out of the committee bill. I realize the power and the influence of the Executive over legislation either in this body or in the House. I realize that such influence has not been confined to any one President or to any one administration or to the Presidents of any political party, and while I believe it is contrary to the fundamental principles upon which our Government was organized and upon which it is supposed to rest and stand, I make no complaint against those, either in this body or outside, who disagree with me and who think that it is the duty of the President to use all the influence he may possess to control legislation.

I know, Mr. President, that this wonderful legislative ship has been for some time under way, with a view of bringing about the defeat of the committee bill and the turning over of

that great governmental property at Muscle Shoals to some private interest or private corporation, or, if that be not done, that it be turned over to a governmental corporation organized and controlled by those who are opposed to governmental operation. I submit, if we are going to have governmental operation, it ought to be under a bill at least where the voices of those who are friendly to that kind of legislation have been fairly and honestly considered.

This great legislative ship with the American flag at the mast has upon its bridge as the commander no less a personage than the President of the United States. At his right stands the second in command, the Senator from Alabama [Mr. UNDERWOOD]. Down in the hold of that mighty ship, under the command of the boatswain, the Senator from Kansas [Mr. CURTIS], are the Coolidge Republican Senators tugging away at the oars as common sailors. That ship, Mr. President, is headed straight for Wall Street, and carries a deed of conveyance to the electric water power trust of America for one of the greatest inheritances of unborn generations of American citizens.

Oh, President Coolidge, just after having received such a mighty vote of confidence from the American people, how can you give the power of your commanding position to this program? After having received such a great vote of confidence from the farmers of the United States, how can you be a party to this proceeding that ultimately is going to be recognized, no matter what the intentions and however honest of those who are behind it, as a deception of the American farmer? Giving President Coolidge credit for being honest in every move, giving his representative here on the floor of the Senate, the Senator from Alabama, his officer in command, likewise credit for being conscientious in every step that either one or both propose to take, it seems to me that the inevitable conclusion must be that if this administration measure, fathered here by the Senator from Alabama, shall be enacted into law, it will ultimately be recognized as a rape upon the Treasury of the United States, a gold brick to the American farmer, and the giving of a concession of untold value to some corporation, whose identity has not yet been disclosed; a concession so great that it will make Tea Pot Dome look like a pinhead. Doheny and Sinclair will soon realize that they were only pikers when they spent hundreds of thousands of dollars for the corrupting of public officials and the hiring of ex-public officials when a greater property is going to be conveyed to some private interest through the legislative channel without the expenditure of a dollar and without the necessity of any fraudulent methods.

Mr. President, I do not know, if this bill shall become a law and this property shall be leased, who the lessee is going to be, but it is safe to say that it will be one of two kinds of corporations: It will be a public utility corporation like the Alabama Power Co., or it will be some private corporation that will use all the surplus power for its own private benefit and gain without any obligation to distribute a single kilowatt of it to anybody. If the latter turns out to be the case, it will mean giving to some private corporation a governmental subsidy that none of its competitors has. If Muscle Shoals shall be leased to a public utility corporation, whether it shall be the Alabama Power Co. or some similar institution, it is safe to say that it will be a part of the water-power trust; that the property will become the possession of some institution that is controlled, either directly or indirectly, by the General Electric Co., either through the control by stock ownership or through the control of directors holding places upon the directorates of several corporations of this kind, all of which are in one way or another subsidiary to the General Electric Co.

You will not cure the evil, Senators, if you shall provide that this electric energy, if it is to be distributed, shall be controlled by State commissions. There are two ways of providing that the people of the United States shall get cheap electricity in their homes. One is through the regulation of commissions such as all the States have; the other is that some division of Government, the Nation, the State, or the municipality, shall own some of the instrumentalities, at least, by which electric energy is made and distributed.

Public utility regulatory bodies are composed merely of men, and for the sake of my argument now, I want to assume that they are perfectly conscientious and honest; but they are confronted every time they act officially by a set of experts who have made a life study of this one question, who have at their tongue's end every argument pro and con on every conceivable idea that may become important, and they are therefore very often honestly deceived as to the facts. Furthermore, Mr. President, it has been the history that special in-

terests, trusts, and great combinations never sleep, and a board with regulatory powers, honest and incorruptible to-day and to-morrow, perhaps, will become more or less tainted as time goes on because in a thousand, yea in a million, ways the special interests use their influence and their power to control the appointment and even the election of men whose viewpoint is in their direction.

This thought was well illustrated by my colleague [Mr. HOWELL] the other day when he showed that consumers in Birmingham, Ala., which is supplied with electricity generated by the use of water power by the great Alabama Power Co. are paying higher rates than are paid by the consumers of Lincoln, Nebr., where the electricity is generated by coal and also supplied by private corporations.

What makes the difference? They have a State commission in Alabama which regulates the rates and service; they have another one in Nebraska. The State commission controls the rates in Alabama, but the Nebraska commission was not the instrumentality that brought the rates of the private corporation down to 5 cents a kilowatt hour in that city. That was due to the fact that the city, notwithstanding their commission, had established a small electric-light plant and gone into the business. When that was done, immediately down came the rate supplied by the private company to 5 cents a kilowatt hour.

The city of Cleveland is another illustration. A private corporation there was furnishing electric lights and electric power to the people of that city and charging 10 cents a kilowatt hour. A complaint was made that it was too high. The case went through the commission there; it went through the courts there; but the private corporation everywhere won. I do not say that the commission in that instance was dishonest; I do not say that the courts were dishonest; in fact, so far as I know—and I think it is true—they were honest and trying to do their duty; but they were confronted on the field of investigation by a set of experts who were able to outwit and outdo all of them. So the court of Ohio—I think it was the Supreme Court—held that the rates in Cleveland could not be lowered below 10 cents; that it had been demonstrated mathematically in court that the company could not stand a reduction; that a reduction would mean bankruptcy and a receiver for their plant. So the court held that under those circumstances it was not right to cut the rate any lower. But, notwithstanding that, Cleveland established a municipal lighting plant and went into the business. What happened to the private plant? Notwithstanding that they had demonstrated that they could not lower their rates, notwithstanding the fact that they had a judicial interpretation sustaining their position, they immediately cut their rates in two, and have been doing business at that rate ever since, presumably paying the same salaries, making money, and getting along. No one has suggested a receiver since.

The committee bill, Mr. President, goes on the theory that, even though all of the surplus power at Muscle Shoals may be distributed and transmitted to the States under the jurisdiction of the various State commissions, that is not enough, and experience shows it is not enough to give the people the benefit. So it is provided that this great property in which the taxpayers' money to the extent of \$150,000,000 has been invested shall be kept by the Government, shall be held as a key, as a regulatory instrumentality, and it is provided that when it is sold, either to an existing company or to a new company, if it shall be sold, there may be put in the contract of sale a provision guaranteeing the right of control over the rates to the consumer and the right to put them down where they ought to be.

Mr. President, much has been said by the Senator from Alabama on various occasions to the effect that the committee bill is a power bill and that his bill is a fertilizer bill; and yet every Senator knows, every person who has ever studied this question knows that every bidder who ever makes a proposition or whoever has made a proposition to get Muscle Shoals has been moved by the power possibilities that are in the project; and the Senator's bill, while it will not develop as much power, the Coolidge bill, while it does not develop a power as great as the committee's bill—that is true—while it does not improve the navigation of the river, while it does not assist in controlling the flood waters not only of that river but of the Mississippi River, nevertheless is likewise in the main a power proposition. The bidders under that bill will figure out what the profit will be on the water power that they will have to distribute, the electric energy that they can send over the wire, and the possible loss that they may sustain in carrying out that provision which requires them after six years have elapsed to make 40,000 tons of nitrogen; and then, after off-

setting the loss, whatever it may be, to the gain they will figure out a basis that will leave sufficient profit in the transaction to justify them in undertaking it. In other words, the bill proposes that this water power that ought to be owned and now is owned by the people of the United States, developed with their money, developed in the stress and the trial of war, shall be used as a subsidy, and thus to that extent, I think, prevent the people of the country from getting the benefit of the distribution of the power. When these men bid, as any business man would bid, having taken those elements into consideration, and having found a sufficient profit left to go into the business, they will realize, as every man who has ever studied this subject does realize, that the entire world is trying to cheapen the production of fertilizer, that the Government of the United States is spending thousands of dollars to do it, and that if in the meantime such a cheapening takes place they will be able to get the benefit of it. If they discover it, they will get it patented. If the Government discovers it, they will get it for nothing; and then what?

Suppose they discover it. They are getting a profit now, even counting on the loss; and suppose they discover a method that will enable the production of fertilizer down there to be carried on at a profit instead of a loss. Then their profits on the entire transaction will be increased enormously. They take no risk to begin with. They are safe when they make their bid. If within the 50 years the process is cheapened, they will get the benefit of it. The farmer will not get the benefit of a dollar. If it is patented by them, not only will they get the benefit of it but they will prevent any other concern anywhere in the world from doing the same thing. They will have a monopoly backed up by the great profit that will come from the water-power development—a monopoly by virtue of our action here in the Senate, at least in part.

If we had a surplus of fertilizer and were exporting it, there might be some reason for the contention that the farmer could get the benefit of this particular thing in this bill; but when we know that we have not fertilizer enough, that we will not have fertilizer enough after we use 40,000 tons annually at the end of six years when we develop it, it means that the man who has the fertilizer—in this case the corporation, the lessee that has this improved method patented—can put it on the market, and the market will absorb every ton of it without decreasing the price a penny. On the other hand, if this development and this improvement should take place under the committee bill, if it becomes a law, every improvement that might be made would be utilized by anyone who wanted to go into the business. It would be utilized by the Government, with the agricultural interests of the country immediately getting the benefit of it, and through them the consumers. There would be no holding up. There would be no incentive to profit. The only incentive there is to improve and cheapen the method.

Why not be honest with the American farmer? Why not tell to the American farmer the exact truth, however unpleasant it may be? Why not say to him, as we must say if we tell the truth, it seems to me: "We do not yet know. The secrets are still hidden. We want to disclose them, we want to invent new processes, we want to cheapen the product. We are using the money of the people of the United States in order to do it." If you think private parties can do it better than the public, why not then pass a law giving to any inventor who will materially reduce the cost of production of fertilizer ingredients from the air a million dollars, let us say, on condition that when he discovers his method he will not patent it and get a monopoly, but will lay it open before the whole country?

Mr. President, it has been more than two years since the Committee on Agriculture and Forestry commenced to investigate this subject; and if you will look up the records you will find that I made no effort to get that investigation for that committee. I was not anxious to undertake that job, because I knew then some of the difficulties that were going to confront us. I knew that we were going up against a proposition of very great difficulty. I undertook it with fear, I undertook it with trembling, because I knew that our path was going to be beset, on the one hand, by the clamor that we should do something here, even though we knew it would not turn out to be practical, in order to satisfy the present demands; and, on the other hand, as far as the power proposition was concerned, I knew that we would be confronted with the power interests of America, and I shuddered at the undertaking. But, Mr. President, it was put upon us to do, and in the performance of our duty we went forward.

We have devoted months, weary days, and weary nights to listening to volumes of testimony, reading volumes and volumes of authority on the various elements that enter into the equa-

tion. Much of it, it is true, was of no value. A great deal of it was of inestimable value; but we had to wade through it. After that patient and I think conscientious consideration of the subject we bring our deliberations before this body, and with what are we confronted? We are confronted now not with an analysis of our proposition, not with a fair and open debate in the forum of discussion of the things that we asked, but we are confronted with a control of Senatorial votes by the administration in power, votes that are going arbitrarily according to the demands and the wishes of the administration without regard to argument, without regard to logic; and I confess, Mr. President, that it is not a very pleasant experience. I admit, in the first place, that notwithstanding our study, notwithstanding our investigation, we may be wrong. We are only human, and the results that we have brought in here as an end of our investigations may be erroneous; but if they are, in all fairness, here is the place, in this forum, where it should be demonstrated. It is hardly fair, it is not conducive to future investigations by committees of this body, if after they have done the best they could their entire work shall be condemned at a midnight session of outside people, perhaps on the *Mayflower* or somewhere else. Here is the place where the matter should be considered; yet we are confronted with an administration measure that has never yet received the consideration of a committee of this body, a measure that saw the light first when it was divulged here.

The committee heard everybody who wanted to be heard, and I was often criticized and condemned, because when anyone wanted to be heard I asked him to come. I subpoenaed many men who did not want to come, and when they wanted to come and be heard I insisted that they should be heard without limitation of time; that we should try to go clear through to the bottom to get everybody's idea if he wanted to present it. After that is all done we are confronted for the first time on the floor of the Senate with a new proposition. No advocate of it has ever been subjected to an examination. No one proposing it has ever been cross-examined before a committee. The scrutinizing eye of an investigating committee has never perused a line of it. No opportunity has been presented to analyze it by a committee of investigation; but we know that there is behind it an unseen power, a power that controls votes by the very force of its own power, without reason. We can talk and argue as we do to empty benches, and we know that scattered around in the offices are Senators who have not read either proposition but who are going faithfully and obediently to follow their chief.

Oh, President Coolidge, how can you lead these confiding, these trusting, these obedient Senators into this great arena and control their votes as you would count sheep or cattle in a corral!

What does it mean, Mr. President? As great as this question is, one that is going to be remembered by children yet unborn, one that is going to be investigated by the honest citizens who shall follow us a hundred years hence, what have you done with this great inheritance? I outlined in my first address at the beginning of this debate what no one has disputed, but what everyone referring to the argument has admitted—that the economic force of human nature, the economy of God Himself is going to bring what in ordinary language is called the giant power, when there will be a combination of all water powers of the United States, supplemented by steam power, steam generated, as a rule, at the mouth of the mine, and the power and the light and the energy will be carried across the country on wires instead of the coal being hauled by the railroads. When that time comes—and it is coming rapidly—when that time is here, unless we do something to stay the advance of the water-power trust, they will hold the people of this country in their giant fingers as in a vise. There will be no escape. All the regulatory bodies in your States will not help you out. Experience has shown that they have helped out in the past only to a small extent. I admit they have done good. I would rather have them than not have them. I am not attacking that system, but I am trying to convince the Senate, if I can, that when the time comes when all these powers shall be linked up together the regulatory bodies will not save the people of the United States from what will be in effect human slavery, when the power and the light of every home will be controlled by a private interest, having no other incentive than the making of the almighty dollar, making money, working for all the money that is in it; and I do not criticize them when I say that. When that time comes, and they hold the whole country in their mammoth grip, what will we be but slaves? We can not escape that time. We could legislate against it and say it could not be done, but it would come. It is the law

of Almighty God, and a legislative body can not stay its effect. We are coming to it.

I am told that an examination of the applications for power under the Federal power act before the Federal Power Commission will disclose that in the case of all the valuable interests, where application has been made in one way or another, the applicants can be traced back to the head of this gigantic trust, the General Electric Co. We are now asked to pass a bill that will take the property of the United States, which we have already improved, and put it into that great basket.

Our committee has spent two years of time delving into this matter without any hatred or ill feeling toward the private power companies. They are doing what you would do and what I would do; they are in it for money, a perfectly legitimate object. The economy of nature will compel them to combine, because they can get cheaper energy in that way. We should not throw away the key to that situation. It is not like a new proposition. It is not as though we had not spent any money at Muscle Shoals. It is not as though we had not built that mighty dam there, one of the great dams of the world. If everything were new, then you who tremble with such horrible fear at Government operation might have some basis, some foundation, upon which to place your feet. But that is not true. Rightly or wrongly—I think rightly, but others may not agree with me, and it makes no difference—we have invested our money, we have improved this property, we have built this dam, we have three towns down there, all owned by the Government of the United States, with modern homes ready for occupancy to-day. We have electric light distributing systems in those towns. We have sewerage in those towns. We have macadamized streets in those towns. We have heating plants in the houses. Hundreds of thousands of dollars of the people's money has gone to build them up. We own all that. If the Underwood substitute passes we will turn it all over to a lessee, and what will he pay? Not a cent on any of that property, not a cent on one of the greatest steam plants in the world, in perfect order, only a 4 per cent return on what the water power cost, and, after all, that is not half of it. The water-power expenses have not been a third as great as the other expenses; they were somewhere in that neighborhood. When we turn it over, if this Underwood substitute shall pass as it stands now, it will be possible, notwithstanding all your provisions about limitation and control of current by State authorities, for the lessee to defy every single one of them. The lessee can use every kilowatt of that power for his own business. It may be Mr. Mellon. He may manufacture aluminum there, and if he does, he will be getting a subsidy from the Government of the United States in addition to protective tariff protection. There is no reason why the lessee should ever sell a kilowatt or a single horsepower.

Mr. SIMMONS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. NORRIS. I yield.

Mr. SIMMONS. Will the Senator from Nebraska please tell the Senate, if he is in possession of the facts, what has been the cost to the Government of all these properties which he says they now own, and what construction work has the Government done there?

Mr. NORRIS. I can not give the figures to the Senator in detail offhand. In round numbers, I think it is a little over \$150,000,000.

Mr. SIMMONS. That includes the houses, plants, and so forth?

Mr. NORRIS. Yes. I want to be perfectly frank and say that some of this construction will be of no particular value to the lessee; for instance, nitrate plant No. 2 and nitrate plant No. 1. Nitrate plant No. 1 will have to be remodeled to be made a success; but that is about all. The railroad is there. The engines are there. The cars are there. The quarry is there. The steam plants are there. The streets are there. The water mains are there. The water systems are there. The electric-light systems are there, all in perfect order, up to date, as modern as any other plants anywhere in civilization.

Mr. HARRELD. Whole acres of fireproof buildings.

Mr. NORRIS. Yes.

Mr. SIMMONS. Mr. President, I am very much interested in the very illuminating discussion of the Senator from Nebraska. All of us know that Senators are very busy in looking after matters which pertain to the work of the committees of which they are members, and therefore do not care-

fully read the bills and the reports and the testimony taken in the investigations before other committees upon questions, however important they may be. Since the debate on this matter began during this session we all know that the minds of Senators, as the result of the discussion, have been focused, first on the substitute offered by the Senator from Alabama [Mr. UNDERWOOD], and, secondly, upon the amendment offered by the Senator from South Carolina [Mr. SMITH] to that substitute. There has been no discussion of the committee's bill, except such, I think, as has emanated from the Senator from Nebraska. The minds of Senators, therefore, have been very little directed to that, and I was going to ask the Senator if, before he concludes, he will not give the Senate again, although he may have done so before, the benefit of a clear, brief statement of the essential provisions of the committee bill.

Mr. NORRIS. Mr. President, I did not intend to do that this morning, but the Senator's question is a perfectly proper one.

Mr. SIMMONS. I did not mean to ask the Senator to do it now, but before he concludes.

Mr. NORRIS. I had in mind this morning to go over somewhat the interlocking directorates of the water-power organizations, giving the Senate the benefit of some information I had obtained; but I am not through with the investigation. I have had five or six investigators going into it for the last four or five days; and while I knew about it in a general way, I had not gone into the details. I myself had gathered together some evidence. I was going to call attention, for instance, to what I believed to be the connection of the Alabama Power Co. with the Water Power Trust; but I do not think it makes any difference whether it is the Alabama Power Co. or some other company; they are all the same trust.

I was amazed; and if the investigators who are working on the question, who have given me a little information from time to time, are correct, a complete investigation of the matter will be almost a mathematical demonstration of the fact that to-day there is not a place in the United States where this mighty trust does not have its hold. You can trace the electric light in Omaha and the electric light in the South, and they both wind up in Wall Street.

I have a little chart here, and I wish it were large enough so that I could put it on the wall; but I want to give the Senate a bird's-eye view of this chart as it appears in one of our senatorial documents. Here is the General Electric Co., and there upon those two pages is shown just where its tentacles reach. That was several years ago. That is all contained in "Electric-power development of the United States," a letter from the Secretary of Agriculture transmitting a report in response to a Senate resolution, a resolution of which I think I was the author, February 13, 1915.

Mr. SHIPSTEAD. Mr. President—

Mr. NORRIS. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. Does the Senator have any objection to having that printed in the Record?

Mr. NORRIS. I do not suppose I could do that. I would be glad if I could. I may have a better one than that before I get through, because that has not been brought down to date. It may be before the debate is over that we can get some of these things in the Record.

Senators will observe when they look at it that it looks like a spider web reaching out into all sections of the country, and in one way or the other controlling everything in the electrical world. From the little electric bulb that we have in our houses to the giant power where hundreds of thousands of electric energy is distributed to the people their influence is felt. It would not be so awful if, as I said a while ago, we were not facing an electric age, if we were not facing a day not far distant when every humble home, every farmer, every business man would be directly interested in the question. When that day comes we will wake up and find that the whole thing is in the control of Wall Street through one company either directly or indirectly.

I have not had time to gather together all the evidence, as I said, but here are three names. I want to repeat that I am not criticizing these men. I am not claiming that they are dishonorable or bad men—nothing of the kind. I have no fault to find with them. I am not complaining.

First is R. A. Mitchell. He is vice president of the Alabama Power Co. Let us see what else he is. He is a director in the Electric Bond & Share Co. The Electric Bond & Share Co. is owned and every dollar of stock in it is owned by the General Electric Co. He is also a director in the American Gas & Electric Co., and that in turn is owned by the Electric Bond & Share Co. He is also a director in the

American Power & Light Co., another company subsidiary to the Electric Bond & Share Co. He is also a director in the Kansas Gas & Electric Co., away out in Kansas, and that is a subsidiary of the American Power & Light Co., which in turn is a subsidiary of the Electric Bond & Share Co., which in turn is a subsidiary of the General Electric Co. He is also a director in the American & Foreign Power Co., a subsidiary of the Electric Bond & Share Co., the same company. He is also a director in the Lehigh Power Securities Corporation, under the supervision of the Electric Bond & Share Co., which in turn is controlled by the General Electric Co. He is also a director in the Alabama Traction, Light & Power Co., and as I said he is a director in the Alabama Power Co.

E. G. Groesbeck is a director of the Alabama Power Co. He is also a director of the Electric Bond & Share Co., which is now owned completely by the General Electric Co. Mr. Groesbeck is also a director in the American Gas & Electric Co., which is a subsidiary of the Electric Bond & Share Co., which is owned by the General Electric Co. He is also a director in the American Power & Light Co., controlled by the General Electric Co. He is also a director in the Lehigh Power Securities Corporation under the supervision of the Electric Bond & Share Co., which in turn is owned by the General Electric Co. He is also a director in the Alabama Traction, Light & Power Co.

G. M. Dahl is another director of the Alabama Power Co. He is also a director of the Lehigh Power Securities Corporation, which company is under the supervision of the Electric Bond & Share Co. The Electric Bond & Share Co. is owned by the General Electric Co. Mr. Dahl is also a director in the Alabama Traction, Light & Power Co. (Ltd.).

Mr. President, it is a mammoth task to take up the thousands of names connected with the various power companies over the United States. Ninety-nine times out of a hundred, when we trace them to the end, we will find that we have reached the General Electric Co. If we do not run directly to them, we run to some other company where they either own all the stock or control a majority of the stock or at least a large percentage of the stock, and we will have a spider web like I have exhibited here that will cover the entire United States. There is no escape if we are going to give away this great institution down in Alabama which the people's money has developed. There is no place to drop it unless we drop it in the lap of somebody or some corporation that in some way or other is connected with or subsidiary to or owned by the General Electric Co. or some of its subsidiary companies. We are there now. We are in the grip of the Water Power Trust to-day. No matter what we do with it, if we give it to anybody, we are going into their web; we are going under their control. Does that mean cheap fertilizer? Does that mean cheap light and power? Does that mean the distribution to as many people as possible over the country of the electric light and energy that is governed by the water in the streams that are owned in turn by the people themselves? Are we going to give away this vast inheritance which will enable this gigantic trust to gather our children into its tentacles and hold them as subservient slaves in future generations?

Why, Mr. President, it seems to me that there is only one escape; but if there is any other, for God's sake let us have it. If the committee is wrong, point it out. If the committee has not solved the problem, then let somebody else solve it; but do not solve it by throwing all of this great power over into the hands of men who are only there for the purpose of making money out of it. We are considering a question here now, Senators, that involves people who are still in the womb of time. We are considering a question, and this is the beginning of it. We are considering a proposition in which millions and millions of our successors in a hundred years from now are going to be deeply interested. Are we going to throw that over into the control and under the influence and power of one of the most gigantic trusts that was ever conceived by human mind? We must pass on that question now.

I realize the different viewpoints of Senators. Of course, I question no man's conscientiousness or his honesty, but it seems to me we ought to look and see whether we can prevent these men from doing this or save to the people of America the power that comes from their own property. I do not know of any other way to do it than to do as has been done in a small way in municipalities, like they have done in Cleveland, like they have done in Tacoma, like they have done in Lincoln, Nebr.—save enough of the energy, keep our hands on enough of the power, so that through its instrumentalities we will be able to control, by competition if you want to put it that way, the price of all power, and when these mighty projects are

hooked up together and the entire United States perhaps at least under one control, we will hold the key to the situation. We have a right to do it. It is our duty to do it. The property with which we do that belongs to the people of the United States. We ought to save it for their benefit and their children's benefit.

Now, briefly, in answer to the Senator from North Carolina [Mr. SIMMONS], the committee bill provides—

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER (Mr. SWANSON in the chair). Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. NORRIS. I yield.

Mr. STANLEY. Before the Senator leaves that subject and goes to a new subject may I ask him a question? I understand the Senator maintains that a control of the water power at Muscle Shoals will furnish a practical demonstration of the actual cost of producing electricity and in that way will prevent extortion on the part of the General Electric Co. Can the Senator tell me what horsepower the General Electric Co. now controls?

Mr. NORRIS. No; I can not tell the Senator that to-day. I may be able to tell that before the debate is concluded.

Mr. STANLEY. The thought is in my mind that unless the maximum horsepower of the shoals was a considerable part of the total horsepower of the General Electric Co. the retention of it by the Government could not prevent extortion on the part of the General Electric Co.

Mr. NORRIS. The Senator's suggestion has merit in it, I think. Of course, if we had only one horsepower we could not affect the result. If we had two horsepower, we could in theory do twice as much. If we had four, we would double it again, but it would be infinitesimal. I concede that. If there is a weakness in the proposition, the Senator has pointed it out, because it will be a small part of all the power that is generated. But it is one of the great units in America, and if the committee bill is carried out and the Tennessee River is developed like we want it to be developed, the Government will be able to control in the end perhaps more than a million horsepower. As far as the immediate surroundings are concerned in the South it can control the whole situation.

The objection I have to it, and the Senator by his suggestion has called my attention to it, is that it is not enough. I think we ought to go elsewhere to other parts of the country and do the same thing, although there is a reason here that does not exist in other parts of the country. If I had my way, I would go up into the country of the Senator who sits by my side [Mr. JONES of Washington], and I would take possession of the great Columbia River where there is more power than there is at Muscle Shoals, and I would let that be a unit owned by some governmental instrumentality, either the Federal Government or a State government.

But, of course, that is not involved here. If we tried to do that there would be an objection urged to our doing it that can not be urged against such action relative to Muscle Shoals, because we have not done anything up there; we have not spent any public money up there; we have no property up there, while down at Muscle Shoals it is all different. We own that property; we have spent the people's money in order to get it, and there is a reason existing there which does not exist anywhere else for Government action.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. NORRIS. I again yield to the Senator from Kentucky.

Mr. STANLEY. I appreciate the fact that the Senator from Nebraska has made a profound study of this question. I had some occasion to go into it at length when the proposition was before the Senate for the first time to have the Government complete the project for a powder plant. I have received several requests from sources which I knew were closely identified with the great power companies, public utilities which are operating on a great scale, and which are more than probably connected directly or indirectly with the General Electric Co., urging me to insist that the power generated at Muscle Shoals be made available to the country generally by mandatory provisions for the furnishing of power to those needing it, the industrial concerns, for instance, which are in the radius where it could be distributed, and with rigid requirements for State and Federal control. I have some difficulty in reconciling that demand upon the part of the power companies for the use of the power generated at Muscle Shoals by those making the demand and the contention of the Senator from Nebraska. I have not as yet been able to understand just why power companies would

be demanding that this power be made available for industrial purposes generally rather than for the manufacture of fertilizer.

Mr. NORRIS. Mr. President, I have no doubt that the power companies would be glad if the power at Muscle Shoals were not developed at all. I have no doubt, except as to the particular power company which will get it, that those companies would be glad if we should waste all the power there in making fertilizer at a financial loss, because it would keep it out of competition with them. Every kilowatt hour of that power that is used to make nitrates at a financial loss under the administration substitute will be taken out of competition with the Alabama Power Co. They would be glad if it should all be utilized in making something at a financial loss and thus keep the electric energy from coming into competition with their business.

Mr. SIMMONS. Unless they could control it.

Mr. NORRIS. Unless they could control it, of course. I think that is the explanation of their position, if I understand the Senator's suggestion.

Mr. STANLEY. Mr. President, that would appear to be the natural, logical position for those companies to take; but I know of one company which has developed an enormous water power, and the representatives of that company urged me to see that this bill contained provisions for the mandatory distribution of the power generated at Muscle Shoals, within the radius that it could be transmitted, and for strict Federal and State control. I could not reconcile that position with the idea that any power company at Muscle Shoals would come into dangerous competition or any competition that they apprehended with the existing power companies, such as the General Electric Power Co. I do not mean to say that the argument of the Senator from Nebraska is not well founded, but I have some difficulty in reconciling that suggestion with what the Senator has stated, and I thought probably he would understand it. I could not.

Mr. NORRIS. Of course, I do not know the representatives of whom the Senator speaks; I do not know the companies whom they represent. It may be possible that they themselves expected to get this plant, and they would not dare come to the Senator and say, "We want to get it, and we want no regulation." All of the power companies say, "Oh, regulate it"; they cry aloud, "Regulate it!" They themselves are being regulated; but in very few instances where I have been able to find out are they so regulated that the people get the benefit of what they ought to have in electric lighting rates.

The burden of my argument, or one of its burdens, is—and it is one of the points in the committee bill—that we ought to hold a strong governmental hand upon this property and say, "We are going to see that the energy generated at Muscle Shoals is not only distributed but that if it is used, as it must be used, in connection with other power companies it shall be distributed to the lines on which we wish to distribute it, whenever that can be fairly done; but when it is done that we shall be able to hold the whip hand and say that they must do justice to the people or that they shall not have it."

Mr. STANLEY. Mr. President, I entirely agree with the Senator, but under Federal regulation neither the Interstate Commerce Commission nor the Federal Trade Commission nor any other governmental authority has ever been able to prevent extortion at times in the charging of an unwarranted tariff. The only thing that can do that is the natural law of competition.

Mr. NORRIS. I agree with the Senator from Kentucky as to that.

Mr. HARRELD. Mr. President—

Mr. NORRIS. I yield to the Senator from Oklahoma.

Mr. HARRELD. I wish to ask the Senator from Nebraska a question, but it may be best first to make a short preliminary statement.

I agree with the Senator's argument that, of course, almost any contract we should make for the Government at this time would be a sort of leap in the dark, and that we should be giving away a valuable property under almost any terms that we could make or which are proposed to be made. For that reason I am inclined to be sympathetic with the movement to keep our fingers on this property until such time as we may be able to make an intelligent contract, until such time as we may know what we are doing. Those preliminary observations lead to this question: Some time ago I saw a statement in a newspaper quoting Mr. Thomas A. Edison as saying that the time would come when power could be transmitted without the intervention of wires; in other words, by wireless. If we are giving to anybody to whom we may make a contract under the terms of the Underwood bill or

any of the other bills a valuable property under present conditions, suppose that such a situation as I have indicated should arise; suppose it were to become possible to transmit power without wires and to do away with the enormous expenses of building transmission lines and things of that sort—and that is not more impossible than radio transmission seemed a few years ago—how much would we be giving away under conditions of that kind? I simply mention that to show that we have not before us the facts on which we can intelligently make a contract pertaining to the Muscle Shoals property.

Mr. NORRIS. Mr. President, I wonder if the Senator's question leads to the suggestion that we ought to do nothing with the property, but merely keep it there idle. What does the Senator want to do with it?

Mr. HARRELD. My idea is that a Government agency ought to be created to go there and handle this property, to make experiments, and sell the energy that is going to waste, but to hold it there until we know what we want to do and what we can do intelligently.

Mr. NORRIS. Well, that is what the committee bill does.

Mr. HARRELD. If the Senator will pardon me, the committee bill goes a little further than that. That bill proposes to put the Government into the manufacture of fertilizer, which is just a little further than I care to go.

Mr. NORRIS. I have heard the Senator from Alabama say that the committee bill does not do that. I suggest now that the Senator from Alabama, who opposes the committee bill because it does not provide for the making of fertilizer, and the Senator from Oklahoma, who opposes the bill because it does provide for the making of fertilizer, rent a room somewhere and thrash out their difficulties.

Mr. HARRELD. Mr. President, to make myself clear, I am perfectly in accord with the provision of the committee bill which authorizes experimentations there in the making of fertilizer, but I am opposed to that part of it which creates agencies for the sale of fertilizer all over the country and which puts the Government into the business of manufacturing and selling fertilizer. I am perfectly willing for the Government to spend all the money it wants to spend for experimentation and to give to the public the benefit of such experiments, but I am not willing for the Government to be put into the business of manufacturing fertilizer or to provide that it shall create agencies to distribute fertilizer over the country, because I do not think that is the proper duty or function of the Government.

Mr. NORRIS. Mr. President, to a great extent I agree with the Senator as to that. I do not want to put the Government into business where it is not necessary, and under any ordinary circumstances I would not do it.

Mr. HARRELD. I call attention to the provision of the bill which provides that an agency shall be created for the sale and distribution of fertilizer.

Mr. NORRIS. Yes. I am coming to that; but that takes us into the fertilizer field. Although some people have criticized me and condemned me on the ground, as they say, that I am not a friend of the farmer because I do not want to provide enough fertilizer in the bill I have suggested, I believe from my study of the fertilizer question that it is one of the coming important questions affecting the human race. It goes beyond our Nation, for it is a question of profound interest to the entire civilized world. We must use more and more fertilizer, unless some new discovery of science shall make fertilizer unnecessary, and we must cheapen fertilizer in order to get more of it used. I am willing to spend the public money to do that; I am willing to go to any length when it may be done practically on a business basis. I am not willing, however, to say we will use, let us say, this wonderful property at Muscle Shoals to extract nitrogen from the air and pile it up where it will do nobody any good, where it will be dangerous to handle and expensive to store and keep.

I do not want to do that, and if a farmer is so unreasonable as to ask me to do that I turn my back on him, for he is asking me to do something I can not do and will not do if I can help it. But I will go to any length to try to cheapen the production of fertilizer; and in order that there may be no combination that will make it impossible for the farmer to get the benefit of cheapened fertilizer I am willing that the Government should make it and send it anywhere in the United States, for the same reason that I am willing that the Government of the United States shall use this property to develop electric energy in order to cheapen the product of all the electrical energy in the United States or in the vicinity

where the electricity may be generated by it. There is no difference in principle.

It has been stated over and over again that there is a Fertilizer Trust. I will deal with the Fertilizer Trust just as I will deal with the Water Power Trust. Where the Government has a property at which it can make fertilizer I would have the Government make it, and I would have the Government go under or over the Fertilizer Trust and get the fertilizer to the farmer in any way that may be necessary.

The Senator from North Carolina [Mr. SIMMONS] has waited long for an answer to his question, and I hope I shall not be interrupted until I answer it briefly. I have gone over the matter before, of course and I will just sketch it briefly.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, I was just as much interested in the question he has just been discussing as I was in the information that I had sought. I heartily approve of what the Senator has said about the importance of cheap fertilizer. I agree with the Senator as to the effect of a failure of the essential fertilizers or inability on the part of the farmer to get those fertilizers at a reasonable cost. I think it would produce about the same conditions in this country as the lack of fertilizing applications to the land has produced in China and in some other countries of the Old World. If we should not be able to secure these commercial fertilizers for the purpose of preserving the fertility of our soil, I doubt very much whether, with all our vast domain and rich lands, we would be able to produce in this country in 50 years from now enough crops to support our own population.

Mr. NORRIS. I absolutely agree with the Senator's statement.

Mr. SIMMONS. I think, further, that if we can not reduce the price of fertilizer below the present level another situation almost as disastrous will overtake us in a short time. The cost of fertilizer as a part of the total cost of the production of crops in this country is so large as to absorb a large part of the profits, and that ought not to be the case. Therefore, anything that we can do in this country to increase our supply and reduce the price of fertilizer is one of the most essential things that can be done in order to subserve the general welfare of this country. So I am very much interested in what the Senator is saying, and I do not want him to curtail this part of his discussion for the purpose of giving the information which I asked.

Mr. NORRIS. Mr. President, I am glad to have the Senator's viewpoint, with which I most fully agree. I know, as I said before, that some Senators are interested in trying to convey the idea that as chairman of the committee I do not want to develop this fertilizer business. There is not anything nearer to my heart than that. I should be willing to devote my life to the proposition, and sacrifice everything else, if I could devise a way by which I could cheapen the cost of fertilizer to the American farmer, not because I love the American farmer any more than I do the American consumer, for, as I have said before on the floor of the Senate, this is not a farmer's problem any more than it is a consumer's problem. The consumers of America—yea, the consumers of the world—are directly interested in this question. Some solution may come in a way that none of us think of, but something must be done. It is the most important of all questions; but it does not follow, Mr. President, that we should say that in one locality we will make fertilizer at a loss, even if the farmers of that locality got the benefit of it, which they would not under the Underwood bill, as I have demonstrated. If, however, the time comes, as it may come, when the importance of this fertilizer question will be more fully brought home to the people of the world, it may be, I will say to the Senator from Oklahoma, that the Government will have to go into the fertilizer business, not for the farmer any more than for the consumer, and make fertilizer for every farmer in the United States, even though it makes it at a loss. I am opposed to making it at a loss unless all the farmers shall get the benefit of it, and I am opposed to making it at a loss unless we go into the business and make it for everybody alike, and not merely for a few people in one locality.

The committee bill organizes a governmental corporation for the purpose of handling the Muscle Shoals power proposition. I will say to the Senator from Alabama that if he will read the bill he will find that we have undertaken, in a way that has never been undertaken before in the legislative history of the United States, to keep that corporation out of politics. That is done in section 6 of the bill. We realized to begin with that if this concern became a football of politics it would be ruined; and the power companies, the power trust, would like

nothing better, if the Government does go into the business, than to have a governmental corporation that will at once be a partisan football and a pie counter for hungry politicians and partisans. I think that is what the Underwood bill does in its Government proposition. It will be in politics clear up to its neck the first thing.

We think we have devised a way to keep the matter out of politics. We have made it a crime to use political influence in the promotion or the appointment of any official. We have required them under penalty to make public every recommendation, every letter, every request, whether made in writing or not. Even if made orally, they are required to write it down in a record that becomes public, so that the entire world may see whether anybody is trying to dip the hand of politics into the administration of this affair.

We have provided that they can build transmission lines. They can sell this power. They must give preference to States, cities, counties, and municipalities over private corporations. Recognizing that the economy of the situation is a combination of all power concerns, they can enter into an agreement with any existing company to exchange power. That is where the great economy is going to come. When this corporation will have 500,000 secondary power that can be used only part of the year some other corporation on the other side of the mountains will have four or five hundred thousand secondary power that can be used only part of the year, but that part of the year will be a different part of the year from the other one. By touching a button it can be transferred from one section, from one watershed, from one State, from one locality, to another. As I demonstrated once before, here on the floor of the Senate, while we can only carry electricity directly on the wire from 250 to 300 miles without loss, we can, by the exchange of power, in effect carry it an unlimited distance. We can take it from the Atlantic Ocean to the Pacific, with what the scientific men know now, by the shifting of power from one concern to another.

So when the waters of North Carolina were low, when the streams of the Senator's State in 1922, I think, were going dry and some of his factories were going to have to close down, and some of the cities and villages were going to be left in the dark because the dry weather had dried up the streams and the power was giving out, and they did not know what to do, they went over to Georgia. The company over there had no power to spare. They went to the next one, and they had no power to spare. There was no place where there was a surplus; so they said to the Georgia company: "Transfer some of your energy to us, and the company next west beyond you will transfer some of its energy to you, and the next company will transfer some to that company, and that gets it to the Alabama Power Co., and the Alabama Power Co. from the east side of its system will transfer some of that power to you." Thus the Alabama Power Co. was short in the end; and the Alabama Power Co., having leased this great steam plant owned by the United States Government, put the fires under the boilers there, generated the electricity, and supplied themselves with the electricity that they had given away to the Georgia company east of them, and the result was just the same as though electricity had been transferred from Muscle Shoals to North Carolina; and the Senator's factories, the Senator's street railways, the Senator's towns and municipalities continued to get light and power. The effect of getting it was in reality getting it from Muscle Shoals, 600 miles away.

Mr. SIMMONS. Mr. President, I want to say to the Senator that I think he has very correctly described the very distressful situation which occurred in my State in connection with its great industrial operations in the year 1922 and the manner in which they secured relief from that situation.

Mr. NORRIS. I thank the Senator.

Now, I will say to the Senator that we provide that this corporation shall have turned over to it three million seven hundred and some thousand dollars that is now lying in the Treasury that was obtained from the sale of the Gorgas plant. That is its capital. It is provided that there shall also be turned over to it whatever moneys may be received by the Secretary of War from the sale of useless material. That will amount to a million or a million and a half. That is its capital, and there will not have to be any appropriation out of the Public Treasury for it. It is provided that it shall add to its capital from its income until its capital reaches \$25,000,000, and thereafter all profits shall be turned into the Treasury of the United States. Briefly, that is the water-power end of it.

The committee bill provides that the fertilizer end of it shall be turned over to the Secretary of Agriculture. We found in our investigations that the greatest development made in the

same length of time anywhere in the world, we think, was made by the experts of the Agricultural Department in Washington. They are working on this question now up here at what used to be the American University research laboratory. They have been at it ever since they got into it in the war. We are paying for these investigations out of public funds. We provide that nitrate plant No. 1 down there shall be turned over to the Secretary of Agriculture, and used as an experimental plant, because we realize, as I think everyone realizes who has studied either this subject or any other scientific subject, particularly where chemistry enters into its solution, that a laboratory test that seems to be perfect in the laboratory—a new discovery, let us say—may be worked out to perfection in the laboratory, but they have no way in the laboratory, and our Government now has no way, of trying that out on a commercial basis. The experience of the entire world demonstrates that sometimes the most serious problem is to work out and put on a commercial basis a laboratory test that seems to be perfect in the laboratory.

We found during the war when we took over the German patents that while they had the patents it took us a great deal of time and cost a great deal of money to put on a practical commercial basis those patents that had been worked out in the laboratory. So we turn over nitrate plant No. 1 to the Secretary of Agriculture for an experimental plant, so that whenever anything is discovered that looks toward an improvement he can endeavor to work it out on a commercial basis.

The committee bill as it stands now has a limitation of power. All the experts testified that the invention of improved methods of fertilizer production is tending every day to the use of less and less power. The Haber process, which is newer than the cyanamide process, does not use half as much power. The improvements over that process that have been going on all indicate that we are going to use less and less power.

It is my judgment that power will be something that we will not even consider before we get through with the fertilizer proposition. But we had a provision in the bill—one that was not in the bill as I originally introduced it—providing that the Secretary of Agriculture, if he thought better results could be obtained, could lease that property to private corporations or private individuals and let them experiment. We had provided that, without any limitation, whatever power the Secretary of Agriculture needed should be furnished to him by this governmental corporation.

When we put in the power to lease, then the question at once arose, suppose the Alabama Power Co., for instance, or some other company with which we are going to come in competition if we develop and distribute power, should say, "Well, we want to keep this Muscle Shoals power out of competition. We will make application to the Secretary of Agriculture to lease," not with the idea that they were going to improve fertilizer, but with the idea that they were going to use it solely to take the power away from competition with them, and they would say, if they leased it, "We want 100,000 horsepower," and they would cripple this governmental corporation. In reality they would take the power away, and it would do nobody any good. So we provided a limitation. I said then that, as far as I was concerned—and from conversation with every one of the committee with whom I have talked, and I have talked with most of them, they are all willing—this leasing provision should be stricken from our bill, and if it is stricken then the limitation of power that shall be given to the Secretary of Agriculture should also be taken out, because we assume that the Secretary of Agriculture, being a part of the Government of the United States, would never demand any more power than he needed, and everybody wants him to have all the power that he does need.

If the Senator from North Carolina has any other question about the bill, I will be glad to answer it, if I can.

Mr. SIMMONS. What is the primary horsepower of plant No. 1?

Mr. NORRIS. Does the Senator mean nitrate plant No. 1?

Mr. SIMMONS. Yes.

Mr. NORRIS. Nitrate plant No. 1 has a steam plant in connection with it of 5,000 horsepower. That will operate it.

Mr. SIMMONS. I understood the Senator to say that we had dedicated one plant. What plant was that?

Mr. NORRIS. That is nitrate plant No. 1. But the Secretary of Agriculture would not have to operate steam plant No. 1. The corporation is directed to give him the cheapest power they can furnish. They would give him power from the dam.

Mr. SIMMONS. The information I am trying to elicit is what part of this total power does the Senator's bill dedicate to the production of fertilizer?

Mr. NORRIS. If we make the changes I have suggested, which personally I would be glad to have made, there would be no limit. The bill would then say that all the power not used for fertilizer this corporation shall have the power to handle and to sell and to transmit and to use in the way laid down by the bill.

The Senator has used the word "dedicated." I am glad he did, because a good deal of emphasis has been placed by the Senator from Alabama upon his bill because he says, "We dedicate this to fertilizer." It does that in the first section. "We dedicate it to agriculture."

What does that mean? The only part of his measure where it could mean anything is that in which he tells where it shall be used, and that he does in section 4, as far as the fertilizer end of it is concerned. Forty thousand tons of nitrates must be produced, beginning with the sixth year. Under the committee bill, if the Secretary of Agriculture shall be able to make fertilizer without a financial loss, he can get all the power he wants, no matter what its source, from this corporation. But it does not require him to make 40,000 tons of nitrates a year, because we believe if he made it he would lose money on it, and that would not help the farmer a cent.

Mr. SIMMONS. Do I understand the Senator, then, to say that he simply authorizes the making of fertilizer?

Mr. NORRIS. Yes.

Mr. SIMMONS. He does not prescribe any amount which shall be made, nor does he impose any limitation upon the amount which shall be made?

Mr. NORRIS. No.

Mr. SIMMONS. Does the Senator also provide that it shall be made as long as it can be made without loss?

Mr. NORRIS. In substance that is it.

Mr. SIMMONS. Does the Senator think that that would be a wise provision, in view of the statement which he made a little while ago, that there were being developed methods which possibly might eventuate in the production of nitrates at a very much lower cost than that at which they can be produced now? Does the Senator think it would be wise to say that the Government should not produce unless they can produce without a loss, especially when in the first stages we may not be able to produce except at a loss and when our object is to experiment to the extent of demonstrating either that it can not be produced except at a loss or that it can be produced so as to make a good profit?

Mr. NORRIS. It would be the Secretary's duty to proceed with that kind of a demonstration. The committee bill does not say, "You must make 40,000 tons of nitrogen a year without regard to its cost," but it does turn over the biggest plant for experimental purposes of its kind in the world and directs him to proceed with all his force to study and to develop the production of fertilizer, and when he can make it, he has the machinery to make it, and he can get the power which he may need to make it.

Mr. SIMMONS. I agree with the Senator that we do not want to have the Government engage in this business and for an indefinite period of time produce fertilizer at a loss, but I anticipate that in the beginning it would not be possible, probably, to produce it without a loss, and I think that this bill probably inadequately provides for that contingency. It could be met, however, by a provision that the Government shall continue to produce the nitrate until it is demonstrated that it can not produce it without loss.

Mr. NORRIS. I think we have safeguarded it. But I want to say to the Senator, out of respect to Senators who think as he does, that an amendment such as he has suggested would not be opposed by me. I agree with the Senator so fully on the fertilizer question that I am willing to have the Government suffer what seems to me to be a useless loss of money out of respect for somebody else's ideas with which I do not agree, because they may be right and I may be wrong.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER (Mr. COPELAND in the chair). Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield.

Mr. McKELLAR. As the Senator from Nebraska knows, I have already prepared an amendment along that very line, and I believe the Senator has already stated that he would accept it. It provides that, as far as practicable, the amounts of fertilizer indicated in the Underwood substitute should be made under the plan set forth in the committee bill.

Mr. NORRIS. And, of course, that might happen long before the six years provided in the other bill. I do not know about that. It might never happen. I can not say.

Mr. SIMMONS. I do not know whether I understood the Senator correctly or not; but if I did, he referred only to one plant, and that plant with a horsepower of only 5,000.

Mr. NORRIS. Yes; we would turn the other plant over to the Secretary of Agriculture, too.

Mr. SIMMONS. The big plant, No. 2?

Mr. NORRIS. Yes.

Mr. SIMMONS. The Senator did not say that.

Mr. NORRIS. Probably I did not, but that would be turned over to the Secretary of Agriculture, under the committee bill.

Mr. SIMMONS. Under the committee bill that, as well as plant No. 1, with 5,000 horsepower, is set apart, so to speak—I will not use the word "dedicated" again—for experimentation in the production of fertilizer and nitrogen?

Mr. NORRIS. Yes. Let me say to the Senator that the capacity of nitrate plant No. 2 is 40,000 tons of nitrates a year. That is the big plant. Much can be made there now by the cyanamide process, and everybody knows it.

Mr. SIMMONS. But does the committee bill provide that these two plants shall be used for that purpose until it is demonstrated?

Mr. NORRIS. No; we think it is demonstrated now.

Mr. SIMMONS. In other words, under the committee bill, the Secretary of Agriculture could use one or both?

Mr. NORRIS. Yes, Senator.

Mr. SIMMONS. But there is nothing mandatory about it?

Mr. NORRIS. No.

Mr. SMITH. Mr. President, if the Senator will allow me, I want right at this point to make an observation. Plant No. 1 was constructed for experimental purposes. That is what it is used for now. It is not large enough now to be used for other than the experimental work. Plant No. 2 is already prepared to produce in commercial form 40,000 tons of nitrogen, which is equivalent to about 200,000 tons of cyanamide. Suppose that in the prosecution of the work it is discovered that a process is practicable by which 10,000 horsepower can produce 40,000 tons of nitrogen. It takes 100,000 horsepower now to run nitrate plant No. 2 at full capacity. Suppose the process could be so perfected that 10,000 horsepower would produce 40,000 tons of nitrogen at a reasonable cost; that is, very much below what we are paying for it now. Would the Senator's bill then allow the Agricultural Department to utilize all the power that was necessary to produce all the nitrogen that was needed for agricultural purposes?

Mr. NORRIS. With these amendments which I have suggested, it would.

Mr. SMITH. I will state the reason why I am asking it. I want to call the attention of the Senate to the fact that the amount of nitrogen in the air is absolutely unlimited. It is, only a question of our discovering a process by which we can cheaply fix it or extract it. If we can reduce the unit of power and increase the maximum output from that power, it is thinkable, perhaps it is possible, that we can take the power generated at Muscle Shoals and fix enough nitrogen to supply the whole nitrogen demand of this country. That was what actuated me in offering the amendment to the substitute of the Senator from Alabama to give us unlimited use of that power. If we could develop 500,000 horsepower there and produce 100,000,000 tons of fixed nitrogen it would meet the requirements of all the people of this country. The testimony is to the effect that using 100,000 horsepower to produce 40,000 tons you can operate cheaper than under the present process of obtaining the nitrogen.

Mr. NORRIS. Mr. President, I want to say one thing further to the Senator from North Carolina [Mr. SIMMONS], who has been so patiently listening all the time to what I have had to say. So that there may be no misunderstanding, I ought to say this. The committee bill takes this into consideration, that nitrate plant No. 2, capable, when operated to its fullest capacity, of producing 40,000 tons per annum of nitrogen, is a war proposition, a proposition of national defense. If war should break out it would not necessarily follow that we should utilize nitrate plant No. 2, because we might be able to get our nitrates from Chile, even during the war, at a lower cost than that at which we could make them in nitrate plant No. 2. We would adopt the cheapest plan, it is fair to say.

But we might have a war, by reason of which it would be dangerous to be shut off from access to the Chilean fields or to other fields, and we would want to utilize plant No. 2 to its full capacity. Therefore the bill provides that nothing shall be done with plant No. 2 that will interfere with its capacity to produce 40,000 tons of nitrogen until the Secretary of Agriculture through his experiments shall have produced a process and constructed the necessary buildings to

produce an equal amount by some other process, and that he shall retain it in that form until the Secretary of War shall certify that there are other means or other buildings or other processes, there or elsewhere, by which 40,000 tons of nitrogen can be had per year, and until that time comes he must not do anything that will interfere with its capacity to perform that work. Of course, he can operate or add to or do anything of that kind.

Mr. SIMMONS. That provides very well for our requirements for the purposes of war; but when we make that provision to supply the nitrate requirements of the Government in case of war, why not provide at the same time that the power and plant which can be used to supply the war demands shall in peace times be used to supply an equally essential demand for fertilizer for the farmers?

Mr. NORRIS. We do, excepting that we do not require him to produce it unless he can produce it without a loss. We do not require him to produce nitrogen when the value of it after it is produced will be greater than he could buy it for in the market.

Mr. SIMMONS. Am I to understand the Senator to mean that if the Secretary can produce it at cost, then he is to produce it in peace times for the benefit of the farmer to the full extent of the capacity of the plant which he said was set aside for war emergency?

Mr. NORRIS. I will say to the Senator that while I do not think it leaves it to his discretion, I am perfectly willing, if we can do that, to require him to do it. I have no objection to that.

Mr. SIMMONS. I would like to see him required to do it.

Mr. NORRIS. All right. As I have often said on the floor of the Senate, and particularly in various conferences I have had with the Senator from Tennessee [Mr. McKellar], so far as I am concerned—and I think I can say that it is the unanimous wish of the committee—whenever it can be shown that the Secretary can produce it without a loss, then I am perfectly agreeable that he shall be required to produce it and that they shall be required to give him enough power to do it.

Mr. SIMMONS. The Senator's bill as now drawn provides specifically that he shall produce it only when it can be produced without loss.

Mr. NORRIS. That is the meaning of it.

Mr. SIMMONS. I would not complain of that provision if it were qualified as suggested a little while ago by a further provision that he should not produce it if it could not be made at a loss unless and until it has been demonstrated that it can not be produced otherwise. In other words, I do not wish the temporary situation, which is one of loss, as I believe, to apply to the permanent situation, which may be one of profit. I think the qualification is necessary.

Mr. NORRIS. The Senator wants to require him to do it, no matter what it costs, until it is demonstrated that it is at a loss, and then he can quit.

Mr. SIMMONS. Yes; I want the Government to go ahead until that is demonstrated.

Mr. NORRIS. I want him to go to work to discover a way by which he can do it without a loss. If we add the Senator's provision, and they started on that plan, his proposition would be demonstrated in less than 30 days, and then they would quit. I want them to go on.

Mr. SIMMONS. Thirty days would not be any demonstration at all.

Mr. NORRIS. How long does the Senator want to produce it at a loss?

Mr. SIMMONS. That is a matter of discretion.

Mr. NORRIS. When they know what it is going to cost, why go on at a loss? They can tell before they put a fire under the boilers what it is going to cost.

Mr. SIMMONS. I may know now what it is going to cost. The Secretary of Agriculture may easily understand what it will cost by present methods. He will find that he can not produce it at a profit, but this work of experimentation, this research work that is authorized, is for the purpose of seeing if we can not discover some method of cheapening the cost.

Mr. NORRIS. That is true.

Mr. SIMMONS. One of the methods is that just pointed out by the Senator from South Carolina [Mr. Smith]. Another method is by improving the processes or the application of new processes, by which other processes will be discovered that will reduce the cost. We can not do that in a day. Research directed only through a period of 30 days does not amount to anything at all. The experimentation that is limited to a period of 30 days is not of any value at all.

Mr. NORRIS. The Senator must not try to put me in a wrong position. I am not advocating that the research work shall be continued for 30 days and then stopped.

Mr. SIMMONS. I am not doing that. The Senator has misunderstood me.

Mr. NORRIS. I know that research works costs money. It is always done at a loss. It costs millions of dollars to carry it on. I think we can well afford to keep on spending money for that purpose. If the Senator can demonstrate to me that there is any other way that will cost more money I am willing to vote for more money. I will go without practically any limit in that direction, but when we have machinery set up before us and we know that it will produce a ton of fertilizer for a certain expenditure and cost, and we know the cost will be prohibitive, I am not going to compel somebody to keep on operating and making it at a loss. But we can turn over the whole thing to the Secretary of Agriculture and say, "Take all of your scientific men in your bureaus and go to work on the problem as you have been working. Continue the work. Expand it. Make fertilizer. Experiment." They will make it at a loss to begin with. There is no doubt about that.

But what is the use of making 40,000 tons at a loss when we can settle the same question by making 2 tons at a loss? Why say 40,000 tons every time? Is 40,000 tons like the famous 16 to 1, something sacred and having a halo about it? Why not 41,000 tons or 39,500 tons? If we can demonstrate that we can make it at a profit by manufacturing 50 tons or 100 tons, let us do it that way. They can make more than that in nitrate plant No. 1 when they remodel it and put in new machinery.

I have talked with the head of the bureau in the Department of Agriculture who will probably have charge of this matter and to whom experts before the committee have paid tribute as one of the leading lights on the question. If it were turned over to him to-morrow he would not even rebuild plant No. 1 completely to begin with, because he would be afraid if he spent a couple of million dollars to rebuild nitrate plant No. 1, that in the meantime his investigations and experiments might demonstrate that a whole lot of the machinery would be useless. He would put in a furnace and erect some additional buildings there. He would go along just as fast as the experiments showed he could do it, but not with an idea that during his experiments he was going to make a profit at all. He would expect to lose money on it. He would lose millions of money on it. But why should we say to him, "You must produce it at a loss, so now produce 40,000 tons."

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. NORRIS. I yield.

Mr. SIMMONS. I am very much afraid the Senator from Nebraska has wholly misinterpreted the suggestion which I made. I did not suggest, or mean to suggest at least, that the Government, proceeding upon a commission to produce, providing it can produce it at less than cost, should in the very initial stages produce 40,000 tons, and that without regard to whether it could be produced at a loss or not. I think the Senator is entirely right that while they are engaged in the work of demonstration as to whether it can be profitably produced or not, the Secretary ought not to be required to produce to the full extent of the capacity of the plants that are to be dedicated, so to speak, to that purpose. I think he ought to proceed cautiously, working out his experiments, carrying on his research work, trying to discover methods by which he could save water power and by which he could produce at a less cost than by the present accepted methods. But when he has demonstrated that he can produce the product at a low cost, then I would want the first plant and the second plant kept in a condition where they could at once be used for that purpose and for no other purpose.

Mr. NORRIS. I think I have no objection to that, I will say to the Senator. The Senator and I are not in disagreement on that proposition. I may have said something that the Senator thought applied entirely to him. When I was speaking about 40,000 tons I did not have reference to what the Senator himself had said; I had reference to the general talk that has been coming to me for the last six months from all kinds of sources. Forty thousand tons is the figure always used. "Make 40,000 tons, even though we make it at a loss, and we will make the farmer happy and we will get along all right." That is the tenor of the talk. I was think-

ing of that. I had no reference to the Senator from North Carolina. I appreciate the Senator's interruptions.

Mr. SIMMONS. I was thinking myself of those two plants, and I do not want the two plants to be used or so developed or put in condition that they could not, when the experiment eventuated in success, be applied to those purposes. It was to protect against that situation that I made the suggestion which I did to the Senator.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield.

Mr. McKELLAR. Speaking about 40,000 tons, in section 3 of the Underwood substitute that amount is provided for, and then it is said that the 40,000 tons are to be manufactured for war purposes. Nothing is said about the price of it. Is that to be furnished the Government free for the granting of these enormous privileges and properties, or is the Government to pay whatever price it costs the lessee, or is it to be adjusted in the Congress, or is it to be by agreement with the Alabama Public Utilities Commission, or just how would the Senator construe section 3 of that proposal in so far as the 40,000 tons of nitrogen for war purposes may be concerned?

Mr. NORRIS. Of course, the Senator from Tennessee is not speaking about the committee bill.

Mr. McKELLAR. No; I am speaking about the Underwood proposal.

Mr. NORRIS. He is speaking about the administration bill, the Coolidge bill. Section 3 of that bill provides that after the sixth year they shall make 40,000 tons of nitrogen a year for war purposes. It does not say a word about fertilizer.

Mr. McKELLAR. Nor about the price.

Mr. NORRIS. No; nor about the price. They just propose to make 40,000 tons of nitrogen. Section 4, however, provides that they shall make 40,000 tons, which will be used as fertilizer.

Mr. McKELLAR. Are those additional tons?

Mr. NORRIS. That would make 80,000 tons, which is just double the capacity of the plant. Therefore, it can not be done.

Mr. McKELLAR. I thought, perhaps, the Senator from Nebraska, who has very carefully gone into this matter, could tell us just exactly how the production was to be divided. The Government uses a great deal of nitrates for military purposes in time of peace, and I wish to know how will the lessee manufacture 80,000 tons or 40,000 tons.

Mr. NORRIS. He can not do it.

Mr. McKELLAR. Will he receive 8 per cent for one 40,000 tons and charge what he pleases for the other 40,000?

Mr. NORRIS. The administration bill in section 3 and section 4, in effect, provides that you may eat your cake and still have it, for by section 3 it is provided that 40,000 tons of nitrogen shall be made for war purposes, and by section 4 it is provided that 40,000 tons of nitrogen shall be made for fertilizer purposes. I have assumed all the time that after the lessee, following section 3, had made the quantity there required, he would take the same nitrogen which he had made for war purposes and use it for fertilizer purposes. If he does that he will not have any left for war purposes.

Mr. McKELLAR. Does the Government have to pay for it in the first instance?

Mr. NORRIS. I do not know. According to my judgment, and according to my interpretation, the two sections are inconsistent and they can not be easily harmonized. I presume a court would say, "You may use the 40,000 tons, the making of which is provided for in section 3, in complying with the obligations imposed by section 4," and, hence, there will be none left for war purposes.

However, Mr. President, I anticipate that the Secretary of War in buying explosives will buy them where he can get them the cheapest, or will make them in the cheapest way, and that he will not use this plant until we have cheapened the process unless it is necessary. The defense for nitrate plant No. 2 is that it is a war proposition, because in the case of war the cost is a secondary consideration. We can make nitrates at Muscle Shoals in quantities of 40,000 tons per year. That has been demonstrated; the plant has been operated sufficiently to know that it can be done. We do not want to take away that power; we want that to remain until the process is cheapened, even though we never use it, as may be the case as to a battleship.

Mr. McKELLAR. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. I yield.

Mr. McKELLAR. In reference to sections 3 and 4 of the Underwood substitute, suppose a lessee shall receive this plant and undertake to manufacture nitrates for fertilizer, and it shall be found to be impracticable; that it can not possibly be done; that the fertilizer can not even be sold for cost; with the conflict and the inconsistency between section 3 and section 4, would not those sections afford a very excellent ground for the lessee coming into court and having a court determine whether under the circumstances any nitrates should be manufactured either for war or for farm purposes? I want to say to the Senator in all frankness, that sections 3 and 4 of the Underwood substitute seem to me to be so deftly arranged as to afford ample opportunity for any good lawyer to enable the lessee to get entirely out of the undertaking to make fertilizers in the event it should not prove profitable to make them.

Mr. NORRIS. I do not care at this time to discuss the matter; I had not intended to go into the details of the substitute, although I expect to do that before the debate shall be concluded. I respectfully refer the Senator from Tennessee to the Senator from Alabama and to President Coolidge.

Mr. McKELLAR. I can not very well talk with the President about the matter, but when the Senator from Alabama again discusses his substitute I hope to get information from him.

Mr. NORRIS. I think the Senator from Tennessee could easily enough talk with the President.

Mr. McKELLAR. I mean I could not talk with the President on the floor of the Senate. Of course, I understand that I can talk with him somewhere else.

Mr. UNDERWOOD. Mr. President, I will, with the leave of the Senator from Nebraska [Mr. Norris], say that the Senator from Alabama is very much mistaken, although, of course, I know the Senator from Nebraska may deny it, if an organized filibuster is not going on to prevent action on the pending bill. Therefore the Senator from Alabama has not been replying to arguments which have been made in the debate, because he did not wish to consume the time. However, at a time when it will not unduly occupy the attention of Congress and delay action, the Senator from Alabama will be delighted to discuss the question with the Senator from Tennessee and to explain fully the terms of his proposed substitute.

Mr. NORRIS. Mr. President, let me return to a reference I made in the beginning that to my mind involves a question almost as serious as the questions involved in this important legislation. I speak with perfect respect to everybody; I wish to criticize only constructively; I have no personal feeling of ill will; I freely concede the right of all Senators to do just what they have done; but this bill is a demonstration of a situation which has grown up in this country which to my mind implies a very material interference with the liberties of the people of the United States and a very material interference with the very foundations of our Government. The President of the United States simply by announcing that he is for this measure or that measure commands in an instant enough votes perhaps to turn the scales. A Senator on the floor talks to empty seats. Senators, busy, every one of them, in some line of official business or studying some public question, are not required to study, to analyze, and to investigate a particular matter of legislation because the Chief Executive has spoken, perhaps privately, perhaps not publicly at least, and they know what he wants; they have heard the master's voice and they recognize it.

This is no more true in the case of President Coolidge than in the case of other Presidents who have preceded him; but, Mr. President, as a logical result of such procedure, if we are going to follow it, if it is the right kind of government, if that is what we ought to do, then we ought to amend the Constitution of the United States, abolish the Senate, abolish the House of Representatives, and elect a President every four years, giving to him supreme executive and legislative authority, and probably it would follow judicial authority as well. Make him supreme for the term of his office. To a great extent he is supreme already, because with his wonderful power, particularly of the control of appointments to office all over the land, he has only to express his wish to have at least a certain percentage of Members of Congress carry it out.

I wish to add that that may be right, although it is not my idea of a republic or a democracy. I do not criticize the man who believes in that kind of government; he has a right to believe in an absolute monarchy with a limited term if he wants so to believe; but this bill is illustrative of such a situation. Mr. President, I have had Senators tell me confidentially that they have not read either the committee bill or the ad-

ministration substitute but that they are going to vote for the administration substitute.

I wish to say that without criticism, but if that is the way to proceed, then we ought to go out in the open and have that kind of a government. It may be that the Senate is a nuisance; it may be that the legislative branch of our Federal Government ought to be abolished. We ought to abolish it or we ought to draw the line and keep what our forefathers believed they were establishing, a well-defined division between executive and legislative authority. We can do either one and be patriotic; we can do either one and be honest; but we ought not to do one while we are pretending to stand for the other. It is not conducive to Senators to do their best work when they know that when the crucial test comes the decision is going to be made somewhere else and that that decision will control rather than the logic of the situation. That amounts to the control of one branch of the Government over another in its official capacity.

Mr. President, on this question I may be entirely wrong, the committee may be entirely wrong, but I confess to a sense of humiliation, I confess to a feeling of discouragement when after a Senator has done the best he knows how, wearing his life out in studying some legislative problem as to which he has and could have no selfish interest, his work is overthrown in a secret meeting or in a secret conference or even in a public conference which controls the legislative assembly where the work is going on. Perhaps that is no more the case in this instance than in others in years gone by, but we have seen the practice growing from year to year.

Personally no man has a higher regard for the great office of President of the United States than have I; but I do not believe I ought to be considered as being disrespectful to the President because I can not see something as he sees it. I do not understand how a Member of the National Legislature can fully perform the functions of his office if he permits the President, no matter how great, no matter how wise, to control his official action by a wish, by a sign, or even by a request.

The great questions involved in the measure pending before us I think are of vast importance. We are not legislating for to-day, Senators; we are setting up a mile post in the history, not only of our country but of civilization. We are going to say by our action on this bill when we get through with it whether it shall be a marker for human progress, more happiness, and greater democracy, or whether we are going to relegate ourselves and our posterity to the control of combinations and trusts.

It will do no good to talk about the law of supply and demand. It has been repealed a million times by combinations and trusts; and unless we save the national resources of our country that ought to belong to all the people, posterity is going to suffer. Unless we preserve these fundamental rights of human happiness and of humanity, we are going to a certain extent to enslave posterity and make them subject to a combination, to a trust, that in its effect is going to reach every fireside and every home in this land.

It will be no defense to say that we believed in it unless we have carefully considered it and have met the demands of our own consciences as to what action we should take. The effect will be just the same. I appeal to Senators, take these bills home, study them, go over them, look to the bottom of them, because something fundamental is involved here. If I am wrong, if the committee is wrong, change our work; but do not follow somebody else's command and vote down our bill arbitrarily and by brute force.

Mr. UNDERWOOD. Mr. President, I shall not detain the Senate long.

I have listened with much patience to the address of the Senator from Nebraska, and I give him credit for sincerity of heart but not for accuracy of fact. The Senator from Nebraska dreams dreams as to what might be accomplished, and in his argument states them as if they were existing facts.

What has surprised me in the Senator's argument is, first, his attack on the President of the United States, and the candor with which he has made the attack. I want to say, from my long acquaintance with the Senator from Nebraska, that he has always been candid and open; but what surprises me is that he has candidly laid the goods on the table when those who are trying to accomplish the same result, but who, unlike the Senator from Nebraska, are fighting not for a theory but for an ulterior result, have been hiding behind a camouflage that they were not willing to disclose.

I am surprised that the Senator should have made the attack that he has made on the President. So far as I am aware, the President of the United States has not in any way

violated the Constitution of the United States, as the Senator from Nebraska charges, nor has he violated his plain duty to advise the Congress as to the national questions that may come before it.

It is not only his privilege but his duty on the assembling of the Congress to advise them of the conditions that confront the United States that require their attention. Here is a great dam that will be completed in a few months and several great nitrate plants that are ready for operation; and the Congress has been derelict in its duty in not preparing the way for operation and achievement of results. So I say that the President of the United States is not to be criticized but is to be commended for calling to the attention of Congress the fact that now we should act to cover the failure of action at the last session of Congress.

The Senator complains of the viewpoint that the President has taken; but I wish to call to his attention the fact that this question was settled legislatively in 1916. At that time, when the black cloud of war was floating on the horizon, the Congress passed the national defense act, and in that act wrote the provision that has brought about the development of the great dam at Muscle Shoals and the nitrate plants there; and it said in that legislation, in language that no man can misunderstand, that the purpose of erecting those plants and building the dam was for the production of nitrogen for the national defense in time of war and the production of fertilizers in time of peace.

In accordance with the law of the land, the President of the United States, in the message he delivered to Congress a short time ago, stated that this proposition needs legislative action, and that he favors carrying out the purpose of the national defense act, and that this dam should continue to be used for national defense in time of war and the production of fertilizers for the farmers in time of peace.

I do not object to the Senator from Nebraska charging that I am aboard the ship, so far as this legislation is concerned, and working under the commands of the President of the United States. There is no politics in this bill, or should be none. I think the President is right. He is the Chief Executive of this land, and I am glad that his viewpoint and mine agree in reference to the legislation that should be enacted.

There is much difference of opinion here as to what should be done. There are but three things that can be done, so far as the operation of these great plants is concerned. One is to sell and permanently dispose of the property. Another is to lease it. The third is to have permanent Government operation. That is all that can be brought before the legislative mind. You may dive and delve and drift and swim as you want in theory, but there are three practical things that confront us.

The President advises that we lease the property for private operation so long as national defense is accomplished, and a real production—not a theoretical one, but a real production—of fertilizer is also accomplished; but he says in the end that if a lessee can not be obtained, he advises that the Government do it itself.

I think he is correct. I agree with him thoroughly in his viewpoint, and I do not think there is any danger of future generations being deprived of their birthright because we lease one dam and one nitrate plant on the Tennessee River to a private corporation or to an individual and tell them the terms on which they must work to carry out the Government's objective.

Of course, I understand the gentlemen who belong to the school of thought to which the Senator from Nebraska belongs, and he is entitled to his viewpoint. I do not criticize that in any man. They belong to the school of thought that did not have its birth in the Republican Party and is contrary to the fundamental principles of the Democratic Party. Their ideals were originally born on the western plains in a party that then called itself the Populist Party. It believed that the Government, because it was the Government, had more sense and more capacity to do business than private individuals. The Senator from Nebraska belongs to that school of thought, and I do not criticize him for belonging to it. That is his right. I do not agree with him. That is all he has in this bill. He wants to turn over all of this Government improvement to a so-called Government corporation so far as operating and developing water power is concerned, and turn the nitrate plants over to the Secretary of War and a bureau selected under civil-service rules and regulations—which determine how a man can write and spell but not how he can work the mechanics of a great plant—to operate and produce results in time of war for the Government and in time of peace for the farmers.

That is all the difference in these propositions. The President is making recommendations along a practical business line to accomplish a desired result. The Senator from Nebraska is dreaming a dream about how he can develop the headwaters of the Tennessee River and produce a million horsepower. I want to say freely that I think there is a million horsepower in that river, but I fear it will be a long time before the Senator from Nebraska can convince the Congress that they should spend the money to develop it. So far as the production of horsepower at this particular dam is concerned—the only dam that is concerned in the bill that I have introduced as a substitute for the Senator's bill—there is 87,000 horsepower available every day for 12 months in the year on the lowest flow of the river, and 141,000 horsepower for 10 months, and 205,000 horsepower for eight months, according to the testimony of Col. W. J. Barden, an officer of the Army in charge of the work, who testified on the subject after making the measurements.

But practically speaking, I am free to say, and we are all agreed, supplementing the water power in the low flow of the river with the steam power that is there, you can produce 200,000 horsepower.

If the purposes of national defense and of making fertilizer in time of peace are carried out, 100,000 of that horsepower will be gone. The Senator talks about this substitute as if there would be a limitation on the production of nitrogen and fertilizer under it. There would be no limitation as to the amount produced. There is a declaration that any lessee with whom the President shall make a contract must produce not less than 40,000 tons of nitrogen and fertilizer in time of peace sufficient to consume that amount.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. UNDERWOOD. I yield.

Mr. SIMMONS. I just want to get the Senator's opinion about this: If this plant is leased with the minimum production of 40,000 tons of nitrates a year provided, does the Senator believe that the lessees during the whole 50 years of their leasehold would ever make more than 40,000 tons a year?

Mr. UNDERWOOD. Yes; if it is profitable, and if it is not profitable, nobody would make it.

Mr. SIMMONS. Suppose it is leased by a corporation that is primarily interested in power development. Does the Senator suppose such a corporation would ever exceed the minimum in any year during its lease? I am just asking the Senator his opinion about that. It has worried me somewhat.

Mr. UNDERWOOD. I will answer the Senator. In the first place, this bill does not fix the terms of the lease. It merely authorizes the Secretary of War, with the approval of the President, to make the lease, which means the President making it. I assume that when the President, who has announced that it was his purpose to use this power for national defense and the production of fertilizer, comes to make the lease, he will make that the primary object of his lease, and he will not lease the plant to persons desiring primarily to secure water power, but will make it in accordance with the message which he sent to the Congress.

Mr. SIMMONS. I have felt exactly the same way about the matter. If the Senator from Alabama will pardon me a moment, the junior Senator from Nebraska [Mr. HOWELL], in a very illuminating speech, one that evidenced great study and research on his part to get at the bottom of this, contended that the minimum terms provided in the bill were practically negligible, so to speak, compared with the actual value of this property, and while he was making that speech it occurred to me that the President of the United States would not precipitately make a lease, and I assume that what is known to the Senator from Nebraska, if his information is correct, is likewise known to the great business interests of this country, whose operations relate to the subject of power and the manufacture of fertilizer. If they are advised fully as to the value of this property, and should appraise it as highly as does the junior Senator from Nebraska, it occurred to me that unless it were precipitately leased, this plant would not go for less than its value, because there would be competition among the business interests of this country for the property, and they would not be willing to let it be leased for less than something like its reasonable value.

I hope that situation will develop if the Senator's substitute passes. I hope the President will be deliberate, and will give ample opportunity for every interest in this country which may be disposed to bid upon this property to make a bid. If he shall do so, I think we may get at its actual value, may get a price more commensurate with its actual value than the

minimum price fixed in the Senator's bill. But in order to make it certain that the President will pursue that course, and will not lease the plant at the minimum provided, if any American business interest is willing to give more than such minimum price, would the Senator from Alabama be willing to incorporate in his substitute a provision requiring that any lease the President might make should be submitted to Congress for its approval?

Mr. UNDERWOOD. No, I would not; because we have thrashed this question out before Congress for the last 10 years, and if the Congress has demonstrated its inability to handle, as a business proposition, any subject that ever came before it, it has demonstrated its incapacity, so far as this single proposition is concerned. There has been delay and theory and yielding to propaganda year in and year out, and I think the President of the United States is more capable of making a contract in the interest of the American people than the Congress of the United States is, acting collectively. I am not reflecting on the personal business ability or character of my colleagues or myself. All my colleagues are honest, of course. I have often raised the challenge as to whether a number of men could be found with more personal integrity than the men under the dome of this Capitol. Many of them are good business men; some are not. But they are given to more wild theories than men in any other branch of this Government. The Congress can chase off onto theories that are not business-like and accomplish no result, further than any other set of men I have ever known in my life.

I think the President of the United States is a practical man. To charge that he will not make an honest contract when it goes to his hands to make it, is to charge dishonesty to the Chief Executive of the land, and I know that no man on the floor of the Senate would do that intentionally.

Mr. SIMMONS. The Senator knows I was not charging anything of that kind.

Mr. UNDERWOOD. I know the Senator was not.

Mr. SIMMONS. The Senator knows it has been a common practice here, when we have authorized Secretaries of the different departments and heads of branches of the Government, with the approval of the President, to carry out certain business plans of the Congress, to require them to submit their action to the Congress for ratification.

Mr. UNDERWOOD. Not often, but at times.

Mr. SIMMONS. The facts, figures, and statements of the junior Senator from Nebraska did impress me as very powerfully tending to show that the minimum price fixed in the Senator's substitute was a very small price for this power, far below its actual value. Has the Senator any information or data to confute the statements made by the Senator from Nebraska with regard to that matter?

Mr. UNDERWOOD. Certainly.

Mr. SIMMONS. I have not heard any.

Mr. UNDERWOOD. The bill provides a minimum price. The President can charge as much as he wants to. I assume that the President is going to be honest in making the contract and that he is going to get the very best he can for the Government. The reason I put in the minimum price of 4 per cent is because I favored the offer of Mr. Ford, and I wish it were before the Congress to-day. The price Mr. Ford was to pay for this property was about what I fixed as the minimum price. It was expressed in a different way, but 4 per cent on the value of this dam would be about what Ford would have paid for the project. I have incorporated the Ford proposition to make nitrogen as fertilizer in the limitations of this substitute. I think that if the President of the United States can get something better than the Ford offer, he ought to be given a chance, and I am giving him every chance, because I am only fixing a minimum, and not a maximum.

The difficulty with the proposition which the Senator from Nebraska presents, and has presented from the beginning, is that he agrees with every proposition that is suggested on the floor about making fertilizer, but in his bill there is not one constructive line, except that he would turn the plant over to the Secretary of Agriculture without a dollar of appropriation. He may say that we will get it afterwards. We may or we may not. He would turn it over without any directing hand or instruction as to what should be done, and says that he hopes that all the power in the Tennessee River will ultimately be harnessed up in order that it can make a million tons of nitrogen for fertilizer. It is hope and theory and indefinite talk. There is not a constructive line in that section of his bill.

I have said from the beginning that the Senator from Nebraska has written a great power bill. He has. He has written a bill which, if it goes through, would develop the power

of the Tennessee River to its highest waters. I am only trying to deal with a practical question, which is the question before Congress.

I should be very glad to see the headwaters of the Tennessee developed, but I do not know when Congress is going to do it. I know we have a business proposition before us, to operate this plant, and either make fertilizers for the farmers or not. If my bill goes through, whoever operates the plant will have to make as a minimum 40,000 tons of nitrogen every year to be converted into fertilizer.

Mr. BROOKHART. Mr. President—

Mr. UNDERWOOD. I ask the Senator not to interrupt me. I am just about to finish and I do not want to be diverted.

The real issue is before us, and we might as well wipe the scales away. For 10 years those gentlemen who have been interested in the manufacture of fertilizer have opposed any legislation on this subject. They had a right to do so if they did it legitimately, if they used no sinister influence or effort at corruption, and I do not charge them with that. But shall we yield to their demands?

Yesterday I read to the Senate the bulletin they have just issued appealing to Senators to prevent action. What they want is to carry the Congress of the United States off on a sidetrack, to develop water power, with an indefinite, theoretical, glorious statement about how much they love the farmer, and how much in theory they would like to do for him, but they do not want a practical proposition written into the law that whoever takes charge of this plant, Government or lessee, must produce so much nitrogen for national defense and so much for fertilizers.

That is the real problem. The Senator from Nebraska said he might put that in his bill. Yes; he might, but he has not done so. He did not report the bill that way. He reported the bill to the Senate as he believed in it, as he wished it to be. In the contest of legislative action he may be willing to yield if he strengthens his bill, but his purpose is power. It is idle to talk about using surplus power of Dam No. 2 for regulating or fighting the great Power Trust. There is not enough power there to do it unless we are going to abandon the farmers and abandon national defense. We are going to consume it in the manufacture of nitrogen and fertilizer. Of course, if we are going into Government ownership and operation in the development of the great waters of the country, and if we are going to spend millions and millions of dollars in dams and electric lines to convey the power to the cities, even then we would meet the Power Trust at the door of the city with its own lines and communications in the streets of the city unless we intended to take the power from the river and carry it to the home of the consumer. If we start to do that then we are engaging in a business on which this generation would not see us through.

What I am trying to accomplish is a practical business proposition about a thing that is in hand and not to run off on a theory that will never be accomplished in our day or our time. I think, so far as the so-called Fertilizer Trust is concerned, they are in the business, and if they want to openly fight our legislation they have the right to do it. Up to this time they have been fighting it under cover. I am glad I turned up their bulletin and brought them to light. But I want to say this about the Fertilizer Trust: I have no criticism of legitimate business interests; and I think when great business serves the people well it is doing a public duty, but there has not been one advance in the fertilizer business in 50 years. They have fixed prices, as far as they could under the Sherman antitrust law, through their secretaries and dinners and even have a corporation here in Washington through which they can assemble their data. They have exacted the last penny from the American farmer for 50 years. They have adopted no new methods of reducing the amount of dirt that they haul over the railroads and sell to the farmers, no new methods about the concentration of fertilizer so it would be cheapened for the benefit of the farmer. Instead of their bringing down the prices, prices have gone up; and now, when the Government, for national defense and the only defense of the Nation in time of peace, is compelled to dispose of the surplus nitrogen and sell it as fertilizer, they stand as an obstruction in the way of the passage of the bill; not even content to let it come to a vote, because that is what they said in their bulletin which I read to the Senate yesterday. I think it libeled the membership of this body when they issued that bulletin; but they claim they have men who are standing here to block the passage of the bill, a bill for national defense.

I recognize, Mr. President, that under the rules of the Senate there is no power to close debate and there is no power to

secure action. I am glad to say that the bill has the right of way that nobody can take from it, and I am content if we have to stay here until the 4th of March to wait to get a vote on it. But I do think that we are entitled, and the country is entitled, after reasonable consideration—and we have had more than 10 days of debate in consideration—to a disposition of the bill one way or another, so it may go to the House of Representatives and we may have action before the 4th of March. If we do not, we will have a great dam down there capable of producing power that could be sold for \$2,000,000, with the water running over the spillways, and nothing happening whatever. It will be dead to the world if that should happen, because the Congress of the United States was not able to pass creative legislation.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER (Mr. DIAL in the chair). Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. UNDERWOOD. Certainly.

Mr. SIMMONS. As I understand the Senator, his bill deals with nothing except plant No. 2 and plant No. 1 and certain contiguous property.

Mr. UNDERWOOD. It turns over all the property and Dam No. 2. It does make an authorization for the building of Dam No. 3, but does not couple it into the project of the lease and does not carry any appropriation for the building of Dam No. 3.

Mr. SIMMONS. It does not, therefore, interfere with the right of the Government to establish and sell power outside of those two dams?

Mr. UNDERWOOD. Outside of the one dam. There is nothing in my amendment that limits the Government at all to anything but Dam No. 2 if it makes a lease.

Mr. SIMMONS. The Government might sell the balance of its interests down there to some other concern?

Mr. UNDERWOOD. It can.

Mr. HOWELL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. UNDERWOOD. I yield.

Mr. HOWELL. The bill does provide that Dam No. 3, if constructed, shall be operated in conjunction with Dam No. 2?

Mr. UNDERWOOD. Under such terms as the Congress shall establish.

Mr. HOWELL. But any contractor taking over Dam No. 2 would hold, I am sure, that he is to have Dam No. 3.

Mr. UNDERWOOD. On such terms as the Congress may prescribe. If the Congress prescribes that he shall take that power and sell it at such rates and in such way as the Congress wants, the Congress can make him do it. There is nothing in the authorization for Dam No. 3 that does not leave it entirely in the hands of Congress to determine what shall be done.

Mr. HOWELL. Then does the Senator hold that Congress would have the right to operate Dam No. 3 independently of either Dam No. 2 or Dam No. 1?

Mr. UNDERWOOD. Certainly.

Mr. HOWELL. But in the bill it is provided in section 9—

Mr. UNDERWOOD. I understand what the Senator is getting at. The bill provides that it shall cooperate with Dam No. 2 upon such terms as the Congress shall fix.

Mr. HOWELL. Section 9 of the Senator's bill reads as follows:

That upon the completion of Dam No. 2 by the United States the dam, power plants, machinery, and appurtenances thereto shall be leased or operated in conjunction with Dam No. 2.

Mr. UNDERWOOD. Certainly, but the Senator has not read all of it.

Mr. HOWELL. Just a moment.

As provided for in this act on such terms as Congress shall hereafter provide.

But could not the lessee of Dam No. 2 hold that it was his understanding under the terms of the act that he should have the right to operate Dam No. 3 also?

Mr. UNDERWOOD. Without he is blind and deaf and can not think, he will understand that he must take it on the terms that Congress provides.

Mr. SIMMONS. And that the consideration prescribed in the bill is no part of the consideration he will have to pay for Dam No. 2.

Mr. UNDERWOOD. Certainly.

Mr. HOWELL. Will the Senator from Alabama accept an amendment to section 9 as follows:

But no contract herein provided for shall bind the United States to construct said Dam No. 3.

Mr. UNDERWOOD. No; and I will tell the Senator why I would not—because if the Senator does not want Dam No. 3 operated and the Congress do not want it, he can move to strike it out. That is a simpler way to accomplish the same result. What is the use in saying we are going to authorize Dam No. 3 and then adopt an amendment saying we recommend striking it out?

Mr. HOWELL. It does not say that. Let me read my amendment again.

No contract herein provided for shall bind the United States to construct said Dam No. 3.

That does not interfere with the United States constructing that dam if it sees fit to do so, but what I am urging is that nothing in the contract entered into with the lessee shall bind the United States to construct the dam. I ask the Senator if he will not accept the amendment.

Mr. UNDERWOOD. I will say to the Senator that I will not accept it. I do not want to do what legislatively would be—I will not use the word "silly," but it would be to do something that would be unnecessary. Of course, the Senator from Nebraska is not for it.

Mr. ROBINSON. Mr. President, will the Senator yield to me?

Mr. UNDERWOOD. Certainly.

Mr. ROBINSON. Does the Senator from Nebraska hold that anything in the bill binds the United States to construct Dam No. 3?

Mr. HOWELL. The bill states—

Mr. ROBINSON. Does he hold that anything in the bill requires the United States to construct Dam No. 3?

Mr. HOWELL. I am not clear that that is true, but I do hold that if the United States constructs Dam No. 3, under the bill it must be operated in conjunction with Dam No. 2.

Mr. ROBINSON. Is the Senator opposed to striking out the provision relating to Dam No. 3?

Mr. HOWELL. I think probably it is questionable as to whether we want to strike out Dam No. 3 until we find out—

Mr. ROBINSON. Why does not the Senator propose an amendment that will forbid the United States to construct Dam No. 3?

Mr. HOWELL. I do not propose that.

Mr. ROBINSON. Why not?

Mr. HOWELL. My amendment does not propose it.

Mr. ROBINSON. I know; but why does not the Senator, if he thinks it should not be constructed, propose an amendment to that effect?

Mr. HOWELL. I do not want to propose an amendment to that effect. I want the United States to construct Dam No. 3 if it is to the interest of the United States to do so.

Mr. ROBINSON. The Senator admits that nothing in the bill commits the United States to the construction of Dam No. 3, but he is not willing to propose an amendment that forbids the construction of Dam No. 3.

Mr. HOWELL. Section 8 reads as follows:

That the Secretary of War is hereby authorized and directed to complete the construction of Dam No. 3.

Mr. ROBINSON. Does the Senator oppose the completion of Dam No. 3?

Mr. HOWELL. I think Dam No. 3 ought to be constructed, but we ought not to spend another \$25,000,000—

Mr. ROBINSON. Then why does not the Senator propose an amendment to strike out Dam No. 3?

Mr. HOWELL. Will the Senator let me finish my statement?

Mr. UNDERWOOD. I think I can straighten this out for the Senator in a moment if he will allow me.

Mr. HOWELL. May I finish my statement?

Mr. UNDERWOOD. Certainly; but I would like to yield the floor.

The PRESIDING OFFICER. Does the Senator from Alabama yield further to the Senator from Nebraska?

Mr. UNDERWOOD. I yield.

Mr. HOWELL. In my opinion the Government should not go ahead and put \$25,000,000 into Dam No. 3 if the proposed results therefrom are to be what they have got so far from Dam No. 2 and as proposed under the amendment of the Senator from Alabama.

Mr. UNDERWOOD. If the Senator will allow me to make a statement, I think the main difference between the junior

Senator from Nebraska and myself on this proposition is that the Senator is not a lawyer, but he is an engineer. He is not familiar with law phrases, as some of the others of us probably are. More than that, there are certain phrases in legislation enacted in Congress that mean something to men who have been here a while and served on the committees which I am sure the Senator does not grasp at this time. An authorization does not build anything and does not create anything. It merely leaves it within the power of the Congress to put an appropriation in the Budget if it wants to do so. I have not put in any constructive words with reference to Dam No. 3 and have provided for no appropriation for it. I have merely made an authorization that if hereafter Congress wants to build this dam it can appropriate the money, and that has to be done in advance. If the Senator does not want to leave it in that condition where the Congress hereafter can appropriate money for the construction of Dam No. 3, then, of course, he should move to strike out the provision.

But, as I said before when the Senator interrupted me, I understand our difference. Many men do not understand the difference between a congressional authorization and an appropriation. I do not say that in criticism at all. It is a legislative proposition that we only get used to after we have been here some time. What I said before to the Senator from North Carolina is that there is nothing in the bill except Dam No. 2 and the nitrate plant.

Mr. SIMMONS. Except, as I understand the Senator's statement, that if the Government does construct Dam No. 3—and the time within which it must do or not do it is not fixed—then it has to give the lessee of plant No. 2 and plant No. 1 an opportunity to buy, provided they can agree upon terms.

Mr. UNDERWOOD. On such terms as the Congress shall see fit to impose.

Mr. SIMMONS. In other words, the Government would not have absolute control over that property if it should build that dam until it had given a lessee an opportunity to make a bid and then determined whether or not it would accept it.

Mr. UNDERWOOD. I think it would be proper, so far as that goes, to coordinate these dams if we ever build them; we would thereby get more power; but I do not think the Government is bound in any way. That is all I think there is in this proposition. I think that the principal opposition comes from the very gentlemen who do not want the Government possibly to get into any competition with their line of business.

Mr. REED of Missouri. Mr. President—

Mr. WALSH of Montana rose.

Mr. REED of Missouri. I merely wish to propose a unanimous-consent agreement.

Mr. WALSH of Montana. I wish to address an inquiry to the Senator from Alabama [Mr. UNDERWOOD] before this matter shall have passed over.

Mr. REED of Missouri. Very well.

Mr. WALSH of Montana. I should like to have the views of the Senator from Alabama concerning the significance of section 9 of his substitute. By section 8 of the substitute the Secretary of War is authorized and directed to complete the construction of Dam No. 3. Of course, as the Senator has very properly stated, that would require an appropriation by Congress and the lack of the appropriation would prevent the prosecution of the work. Let us assume, however, that the appropriation is made. When the dam shall have been completed, it is provided that it "shall be leased or operated in conjunction with Dam No. 2 as provided for in this act on such terms as Congress shall hereafter provide." That contemplates, of course, the leasing to the same lessee, who is to operate it in conjunction with Dam No. 2; but let us suppose that Congress and the lessee can not agree on terms; that Congress proposes certain terms and the lessee thinks those are too onerous and he will not accept them, or that he proposes certain terms that are entirely unsatisfactory to Congress; then what happens to Dam No. 3?

Mr. UNDERWOOD. Mr. President, I think the Government could go on and operate it. Section 9, however, is not material to me; I inserted it merely to coordinate the bill, and I ask unanimous consent that the section be stricken out of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

RECLASSIFICATION OF POSTAL SALARIES—VETO MESSAGE

Mr. REED of Missouri. Mr. President, a day or two ago a unanimous-consent agreement was proposed by the Senator from New Jersey [Mr. Egan] providing for a vote on the 8th day of January on what is known as the postal employees'

bill. At that time I objected to the unanimous consent being given, because the agreement contained a clause that permitted in lieu of a vote on the bill, the final disposition of the bill, a motion to refer to the committee. That clause had been added after the Senator from New Jersey had made his proposal, which did not contain it. Since that time we have had a vote in the Senate which convinces me that there is not much danger of that bill being referred to a committee; and, after consideration and consultation with other Senators, I desire to propose a unanimous-consent agreement which is in harmony with the general plan of that proposed by the Senator from New Jersey, and which I think will give us the opportunity finally to dispose of the bill unless, indeed, enough votes can be mustered to refer it to a committee. I sent to the desk the unanimous-consent agreement which I propose, and I ask that it may be read.

The PRESIDING OFFICER (Mr. DIAL in the chair). The Secretary will read the proposed unanimous consent agreement.

The reading clerk read as follows:

It is agreed by unanimous consent that at the conclusion of routine morning business on the calendar day of January 5, 1925, the Senate will proceed to the reconsideration of the bill (S. 1898) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, and for other purposes, heretofore returned by the President of the United States without his approval; that on that calendar day no Senator shall speak longer than one hour on the bill or any subject, and that if the bill is not finally disposed of on that day, then thereafter no Senator shall speak more than once or longer than 20 minutes upon the bill or any subject, and the bill shall be finally disposed of not later than 4 o'clock on the calendar day of January 6, 1925. *Provided*, That this unanimous consent shall not prevent a motion to be made and disposed of on January 5, 1925, to recommit the bill and the message of the President to the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER. To enter into the unanimous-consent agreement requires the presence of a quorum, and the Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Ladd	Shipstead
Ball	Fletcher	McKellar	Shortridge
Bayard	Frazier	McKinley	Simmons
Broussard	George	McNary	Smith
Bruce	Gerry	Mayfield	Smoot
Bursum	Glass	Means	Spencer
Butler	Gooding	Metcalf	Stanley
Capper	Hale	Moses	Sterling
Copeland	Harold	Neely	Swanson
Cowzens	Harris	Norbeck	Trammell
Cummins	Harrison	Norris	Underwood
Curtis	Hedlin	Oddie	Wadsworth
Dial	Howell	Overman	Walsh, Mont.
Dill	Johnson, Calif.	Ralston	Warren
Edge	Jones, Wash.	Ransdell	Weller
Edwards	Kendrick	Reed, Mo.	Wheeler
Fernald	Keyes	Robinson	Willis
Ferris	King	Sheppard	

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, there is a quorum present.

Mr. EDGE. Mr. President, of course it is entirely unnecessary for me to state that I am thoroughly in accord with the unanimous-consent proposal suggested by the Senator from Missouri, which in effect is practically the same as the one heretofore offered by me. I have all along held that this is the only businesslike method that can be adopted to assure a vote on the bill and to give Senators what I consider proper notice as to when the bill will be taken up. I sincerely hope the unanimous-consent agreement may be entered into.

Mr. ROBINSON. Mr. President, I hope the agreement will be entered of record; otherwise, great confusion may arise. Senators will have no means of knowing when the matter is to be considered and disposed of and may be unable to vote on the passage of the bill over the President's veto. I repeat, I hope the agreement will be entered into.

Mr. STERLING. Mr. President, I have not as yet heard the proposed unanimous-consent agreement read. I should like to have it read.

The PRESIDING OFFICER. The Secretary will read the request for unanimous consent presented by the Senator from Missouri.

The reading clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

It is agreed by unanimous consent that at the conclusion of the routine morning business of the calendar day of January 5, 1925, the Senate will proceed to the reconsideration of the bill (S. 1898)

reclassifying salaries of postmasters and employees of the Postal Service and readjusting their salaries and compensation on an equitable basis, and for other purposes, heretofore returned by the President of the United States without his approval; that on that calendar day no Senator shall speak longer than one hour on the bill or any subject and that if the bill is not finally disposed of on that day, then thereafter no Senator shall speak more than once or longer than 20 minutes upon the bill or any subject, and the bill shall be finally disposed of not later than 4 o'clock on the calendar day of January 6, 1925: *Provided*, That this unanimous consent shall not prevent a motion to be made and disposed of on January 5, 1925, to recommit the bill and the message of the President to the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent presented by the Senator from Missouri? The Chair hears none, and the agreement is entered into.

READJUSTMENT OF POSTAL SALARIES AND RATES

Mr. CURTIS. Mr. President, I understand that the Senator from Arizona [Mr. ASHURST] withdraws his objection to the second reading of the bill introduced by the Senator from South Dakota [Mr. STERLING]. I ask that it may be read the second time and referred to the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER. Is there any objection to the second reading and reference of the bill?

Mr. ASHURST. Mr. President, the Senator from Kansas has correctly stated the situation.

Mr. STERLING. I thank the Senator.

The bill (S. 3674) reclassifying salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, was read the second time by its title and referred to the Committee on Post Offices and Post Roads.

CONSTRUCTION OF PUBLIC BUILDINGS

Mr. ASHURST. Mr. President, I ask unanimous consent to have printed in the RECORD a statement issued for publication by the senior Senator from Florida [Mr. FLETCHER] on December 6 on the subject of a public buildings bill. I am sure that some misapprehension exists, if not in the Senate certainly throughout the country, as to the scope and effect of the bill which the Senator from Florida introduced on December 2. This is a short statement authorized by him, I think—written by him, of course—and sent out by the press. I ask that it be printed in the RECORD as explaining his bill.

The PRESIDING OFFICER. Is there objection to printing this matter in the RECORD? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

WASHINGTON, December 6.—Commenting on the public buildings bill which he introduced on 2d instant, Senator DUNCAN U. FLETCHER, of Florida, to-day said:

"The bill provides:

"That the following sums be, and the same are hereby, appropriated for the objects hereinafter expressed, namely:

"(a) For increase in the limit of cost of construction of those certain public buildings heretofore authorized by Congress to be constructed and for which appropriations were made, referred to in Senate Document No. 28, Sixty-eighth Congress, first session, \$15,130,780, or so much thereof as may be necessary.

"(b) For the construction of public buildings on those certain sites heretofore acquired, for the construction of which buildings no appropriations were made, referred to in Senate Document No. 28, Sixty-eighth Congress, first session, \$23,557,500, or so much thereof as may be necessary."

"I introduced a similar bill during the last session of Congress, and the Secretary of the Treasury advised the chairman of the Committee on Appropriations of the Senate, under date May 17, 1924, in part as follows:

"The passage of this bill would permit the construction of those buildings authorized and limits of cost fixed under act of March 4, 1913, which on account of the increased cost of labor and materials can not now be erected within such limits. The completion of these projects and the erection of Federal buildings in many places where sites only have been authorized would be a substantial help in relieving the congestion in the Postal Service.

"In connection with the foregoing you are advised that the department is informed that the appropriations contemplated by this bill are in conflict with the financial program of the President."

"The Postmaster General, in his annual report for the fiscal year ending June 30, 1922, said:

"The Postal Service is growing steadily, and its requirements are difficult to meet without constant recourse to enlarged quarters, which are secured on a rental basis, at an expense much greater than that which would result from Government construction and ownership. A vast sum is paid annually for these rentals. The reasons in favor of some plan of Government ownership of post-office buildings for postal use where an economy would be realized are set forth in detail in my letter to the Joint Commission on Postal Service."

"In his report for the fiscal year ending June 30, 1923, he said:

"Attention again is invited to the unbusinesslike method of securing quarters for post offices and postal stations under the leasing system. In many cases the Government is paying in annual rent from 10 to 17 per cent of the value of the premises occupied. On August 21, 1922, a letter was addressed by the then Postmaster General to the Joint Commission on Postal Service, setting forth very fully the department's views with reference to Government ownership of post-office buildings. This letter was published in full in the last annual report, and the conclusions contained therein have been considered by me and receive my full approval."

"And in his report for the fiscal year ending June 30, 1924, the Postmaster General says:

"I desire again to invite attention to the unbusinesslike method of securing quarters for post offices and postal stations under the leasing system. In many cases the Government is paying in annual rent a large per cent of the value of the premises occupied. In 1922 the then Postmaster General addressed a letter to the Joint Commission on Postal Service setting forth fully the department's views with reference to Government ownership of post-office buildings. In the last report mention was made of my full approval of those recommendations."

"The bill which I introduced is not a 'pork barrel' bill—as has been inferred by those unacquainted with the facts, for it provides for the construction of public buildings on sites heretofore acquired or appropriated for by the Congress, as follows:

"In Alabama, 6; Alaska, 2; Arizona, 3; Arkansas, 9; California, 7; Colorado, 5; Connecticut, 4; Delaware, 1; Florida, 5; Georgia, 11; Idaho, 4; Illinois, 16; Indiana, 13; Iowa, 7; Kansas, 1; Kentucky, 13; Louisiana, 2; Maine, 3; Maryland, 1; Massachusetts, 9; Michigan, 7; Minnesota, 3; Mississippi, 2; Missouri, 14; Nebraska, 1; Nevada, 2; New Hampshire, 1; New Jersey, 9; New Mexico, 1; New York, 16; North Carolina, 10; North Dakota, 2; Ohio, 16; Oklahoma, 2; Oregon, 1; Pennsylvania, 17; Rhode Island, 1; South Carolina, 2; South Dakota, 3; Tennessee, 7; Texas, 15; Utah, 2; Vermont, 1; Virginia, 5; Washington, 3; West Virginia, 4; Wisconsin, 6; and Wyoming, 4.

"It is a well-known fact that these sites acquired by gift and purchase have not since produced any revenue to the Federal, State, county, or city governments, but are lying idle and are, in most if not all cases, a source of expense to the community and the Government.

"Reference to Senate Document No. 28—the same information appears in the CONGRESSIONAL RECORD of 2d instant—discloses that Congress appropriated \$115,000 for the purchase of a site and the construction of a building thereon at Waltham, Mass.; that the site was acquired October 17, 1911, at a cost of \$46,051, and that the estimated cost of constructing the building is now \$178,900. Therefore, in order to construct a building on that site—purchased and held by the Government since 1911—it will be necessary for the Congress to appropriate \$110,000 additional. This situation illustrates the general object and purpose of my bill—favorable action on which should not be delayed to the continued detriment of the service and further inconvenience and loss to the taxpayers of the country. Furthermore, Congress should provide funds for the purchase of sites and the construction and remodeling of buildings in many other cities and towns where the actual needs of the service justify. *The buildings are going to be erected some day, and the sooner the better for all concerned. The longer such action is delayed the greater will be the cost for sites, material, and labor. And so it would certainly be more economical to proceed without delay.*"

Senator FLETCHER has also offered his bill as an amendment to the bill introduced by Senator REID SMOOT, of Utah, which proposes to appropriate \$50,000,000 for the construction of certain public buildings in the District of Columbia, but does not provide for the construction of buildings elsewhere.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be

incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Mr. FLETCHER. Mr. President, I have here a short editorial from the New York World of to-day, December 17, entitled "What is important at Muscle Shoals." I ask to have it read by the Secretary.

The PRESIDING OFFICER. Without objection, the Secretary will read the editorial.

The reading clerk read as follows:

WHAT IS IMPORTANT AT MUSCLE SHOALS

It is not accurate to say that in voting down the Smith amendment the Senate has decided against Government operation of Muscle Shoals. The Senate has simply decided against the theory that Government operation and nothing else will do.

The Underwood bill for Muscle Shoals is so drawn that the Government first attempts to find a bidder ready to meet the terms carried in the bill. If no such bidder is forthcoming, then the Government operates the dams and nitrate plants itself. In either case ownership remains with the public. The point at issue is operation. The amendment offered by Mr. Smith, of South Carolina, proposed to strike out the entire leasing terms and leave only the provisions for Government operation. This the Senate has refused to do.

The Senate prefers private management, provided that this management accords with certain minimum terms drawn to protect the public interest. And provided those terms are high enough, provided the public interest in both water power and factories at the shoals is adequately and specifically protected. The World believes that the Senate is right. What matters at Muscle Shoals is not so much who does the work as on what terms the work is done. The World is less interested in the pros and cons of a theory, less interested in an argument which starts from a point in space, than in urging that, whether the shoals are operated privately or by the Government, the terms which actually set the standard for public service are wisely drawn and clear.

Mr. HOWELL. Mr. President, since last Saturday I have been able to go more into the details of the Muscle Shoals development, and I find, by way of correction, that while 200,000 primary horsepower may be depended upon for most of the time from a combination of the hydroelectric and steam plants at Dam No. 2 and nitrate plant No. 2, yet, strictly speaking, these plants together may be properly rated at but 167,000 horsepower. Upon this basis and the further assumption that the interest charge would be 4 per cent on \$45,800,000—the estimated cost of Dam No. 2—the charge per horsepower on account of interest would be about \$11 per annum instead of \$9. Assuming the cost of operation and maintenance to be \$6 per horsepower, we have a total cost of \$17 instead of \$15. On this basis 167,000 horsepower would cost the lessee approximately \$2,839,000 per annum, while to produce this amount of power by steam, assuming a cost of nine-tenths cent per kilowatt-hour, would cost about \$9,900,000 per annum.

Respecting the combination of power plants at Muscle Shoals and on the Tallapoosa River, the following is an excerpt from a statement by an official of the Alabama Power Co.:

Consider first Muscle Shoals operated independently in a year of low flow; 1904 has been selected as the year of practically the lowest flow. Take Dam No. 2, with an installation of 600,000 horsepower, and Dam No. 3, with an installation of 250,000 horsepower, the Sheffield steam plant—steam-electric installation at nitrate plant No. 2—with an installation of 90,000 horsepower (this is evidently an error, as 80,000 horsepower only is developed at this plant), and the Warrior steam plant, with an installation of 40,000 horsepower—a total of 980,000 horsepower. Now, in the year of low flow, on a 100 per cent load factor, there is available in this combination only 222,000 horsepower—absolute primary power—that is, Muscle Shoals operated independently, but in connection with the steam plants that have been associated with it. * * * In the operation of the Tallapoosa River as a storage proposition, absolutely independent, not connected with any other generation plant, there will be available 85,000 horsepower of absolute primary power. * * * If we combine the two and operate them jointly in connection with the transmission lines, whereas we had approximately 310,000 horsepower—222,000 and 85,000—with independent operation, when we join them together we get 465,000 horsepower * * * and in the energy produced on a 60 per cent load factor we will show a gain of 1,711,000,000 horsepower-hours of energy, or nearly 75 per cent.

Mr. President, as I understand it, this suggests that this contemplated combination of plants would afford not 310,000 primary horsepower but 465,000 primary horsepower on a 100 per cent load factor, or a gain of 50 per cent. Assuming, on a 60 per cent load factor, a gain of 1,711,000,000 horsepower hours of energy, as intimated, the gain added to the 310,000 horsepower would equal about 510,000 horsepower. However, it should be noted that in the statement of the Alabama Power Co.'s official he is only crediting the Muscle Shoals hydroelectric development with 92,000 horsepower, whereas evidence otherwise elicited indicates a practical minimum of 121,000 horsepower. Using this figure and 80,000 horsepower as the energy that can be developed at nitrate plant No. 2, we find, using similar reasoning, that this suggested combination results in 489,000 horsepower on a 100 per cent load factor, or 534,000 horsepower on a 60 per cent load factor. However, let us merely consider 489,000 horsepower as the available power resulting from such combination. Subtract from this 489,000 horsepower, the primary energy due to Tallapoosa River development and the Warrior steam plant, and we have remaining the power that may be credited to the Muscle Shoals development because of the proposed combination, or 364,000 horsepower. This is 163,000 horsepower more than the primary water and steam power attributable to Muscle Shoals. Assuming that Dam No. 3 would be responsible for 39 per cent as much power as Dam No. 2, then that portion of this additional power due to Dam No. 3 would be 46,000 horsepower, leaving 117,000 horsepower attributable to Dam No. 2. Therefore we may assume that the combination proposed, excluding Dam No. 3, would mean that the acquisition of the present Muscle Shoals plants by the Alabama Power Co. would add to its resources, not merely 167,000 initial horsepower attributable to the Muscle Shoals development but 284,000 horsepower. The interest charge on this, however—assuming 4 per cent on \$51,000,000—would be about \$7.18 per horsepower. Adding to this the cost of operation and maintenance—\$6 per annum—we have a total cost of \$13.18 per horsepower per annum, instead of \$7.50, or a total for the 284,000 horsepower of \$3,748,000 per annum. If this could be sold at the cost of the production of electrical energy by steam, say, nine-tenths cent per kilowatt-hour, the income therefrom would amount to approximately \$16,800,000.

Include Dam No. 3 and the horsepower attributable to Muscle Shoals amounts to 364,000 horsepower at a cost, including interest at 4 per cent and an operation and maintenance charge of \$6, of \$14.35 per horsepower per annum, or a total of about \$5,200,000. The annual value of 364,000 horsepower, at nine-tenths cent per kilowatt-hour, or \$59.18 per horsepower per annum, is about \$21,400,000.

Mr. HARRELD. Mr. President, I should like to ask the Senator from Nebraska what is the net result of this calculation? How much does it show that it is possible for this power plant to produce, and how much do we get out of it per annum under any contract that it proposed?

Mr. HOWELL. I have assumed that the lease will be made at 4 per cent per annum. On that basis the Government would receive on account of Dam No. 2 and all other property now at Muscle Shoals, which has cost the people of this country about \$140,000,000, about \$1,832,000 a year.

Mr. HARRELD. How much is it capable of producing if the power were simply sold?

Mr. HOWELL. I have pointed out that, assuming but 167,000 primary horsepower is due to Dam No. 2 and the electric-steam plant at nitrate plant No. 2, the rental or interest, plus the cost of operation, would amount to about \$2,839,000 per annum. Further, that if this power could be sold for what it cost to produce electric energy by steam, say, at nine-tenths of a cent per kilowatt hour, the annual income therefrom would be approximately \$9,900,000. But I wish it understood that I am not stating that this power can all be sold at the present time for that price. What I have been endeavoring to do is to give Senators an idea of the limits of this proposition, the lower and the upper limits. I have further shown that if the present plants at Muscle Shoals were combined with the Tallapoosa River development and the Warrior power there might be attributed to Muscle Shoals 284,000 horsepower.

Mr. NORRIS. I would like to call my colleague's attention to the fact that he must not include the Warrior power, of course. That must be eliminated.

Mr. HOWELL. No; that is subtracted. I think I have stated my deductions in my previous remarks as clearly as they can be set forth.

Mr. HARRELD. If the Senator feels that was as concise as he could make it, I can read that in the Record. I thought he might sum up the net results of it.

Mr. HOWELL. I have set forth the net results attributable to the primary power at Muscle Shoals; also two other similar deductions.

Mr. HARRELD. The purpose I had in asking the question was that I want to emphasize that if this is turned over to a governmental agency to run, and to simply dispose of the power, it will not be a white elephant. It will produce more than you could get out of it by the terms of the contract which is proposed. That is true, is it not?

Mr. HOWELL. Mr. President, in my opinion if the Government operates this great power plant it will enjoy a greater return therefrom than can possibly be obtained from a lessee. Furthermore, it will ultimately cause marked reduction in light rates, at least, all throughout that southern region that naturally will be supplied by this power. Moreover, by example, it will ultimately affect light rates elsewhere in the country.

Mr. FESS. Mr. President, I have been in the Chamber almost every hour since this debate started, and I think the debate has touched the high level, from the standpoint of argumentation, of the best that has gone heretofore on great questions. So far as I know, while this bill has been pending during this session, not over one or two addresses made were not on the subject before the Senate.

I have listened to the discussion of the Muscle Shoals proposition for 12 years. The first speech which attracted my attention in the body at the other end of the Capitol was a speech by the author of this substitute. He was then the majority leader of the House, and the chairman of the Ways and Means Committee. It was then proposed as a water-power project entirely. There was no suggestion of the manufacture of nitrogen.

As I recall, the amount of the appropriation was \$12,000,000. The debate was of a high order, but when the vote came the project was voted down. Every year after that, up to 1916, the same proposal was made, and the appropriation asked for had been as high as \$150,000,000; but just as often as it was proposed it was voted down.

Mr. McKELLAR. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. FESS. I yield.

Mr. McKELLAR. I just wanted to ask the Senator from what he read. I did not catch it. From what book or document was the Senator reading?

Mr. FESS. I read no book. I was speaking about what I heard. In 1916, when the war was imminent and we knew we were going into it, the proposal was made to develop nitrates, and we had an additional interest added to the Muscle Shoals proposition. As I recall, the initial appropriation was \$20,000,000. As a national defense proposal I voted for it. I also voted for the emergency fund of \$100,000,000 to be expended at the President's suggestion to meet such emergencies as might arise in time of war. Before we knew what we were doing there was an immense amount of money applied to this proposal down at Muscle Shoals, until it had reached \$80,000,000. It now has reached \$140,000,000, and we are told that it will be useless unless we expend \$60,000,000 more, making the enormous figure of half the cost of the construction of the Panama Canal.

If this were a new proposition, if it were de novo, I would vote against it, just as I voted against the original proposal for the development of water power there under the suggestions heretofore made; but that stage is past. In the language of a great statesman, it is not a theory now, it is a condition that faces us. We have represented there now an appropriation of such an enormous amount that it seems to me there is no choice for the Government unless we are willing to junk the plant, and I do not believe any responsible legislator, or really any responsible citizen, is willing to take that step. I know I would not vote for a proposal to junk it as so much loss of war, to be marked off.

I do not believe any measure has come up in either House that has enlisted such general interest. It first appealed to the commercial instinct, on the basis of profit from the development of hydroelectric power. Then it appealed to the patriotic instinct, which went to the national defense in time of war, when the world was on fire, and with the war over, so that that instinct did not play longer, it then appealed to the sympathy of the American people for the farmer, who was sorely distressed in time of depression, due to the war. So we have all the elements playing for action upon this proposal.

As I see it, there are only two alternatives. One is to junk the plant, the other is to go on with it, and I think the universal agreement is that we shall go on with it. If we do that, then we will be limited, as it appears to me, to three

ways. It will be to go on with it through the direct action of the Government, as a Government process in operating a Government property, or to sell it outright and convey a fee simple title and wash our hands from further responsibility, or to keep the title to the property, lease it under conditions specified, and operate it in that way. Those are the three methods open. It is not a new thing with the Senate or with the people. It has been before the country for years.

I am against Government operation of this plant, because I am against political operation of industry. The author of the committee bill says that they have it so fixed that the Government operation would not be political operation. I wish I could believe that Government operation could be prevented from going into political operation, but I do not see how that can be accomplished.

If I wanted any evidence of the inefficiency and the hopelessness of the Government in operating a business, all I would need to look at would be what we have undertaken to do as a Government. We had an experience with the railroads, and that experience was not long ago. It seems to me it would be sufficient to satisfy anybody the balance of his days.

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. FESS. I yield.

Mr. NORRIS. Can the Senator discern no difference between the committee bill, which we have before us, and the law that authorized the taking over of the railroads?

Mr. FESS. Yes; there is a difference.

Mr. NORRIS. Is it not apparent on the face of it that the committee bill would prevent the turning of this property over to any political influences, and will the Senator not likewise admit that private ownership of railroads at the time we turned them over to the Government was an acknowledged failure and we turned them over to the Government because private operation had fallen down? There was no other reason for turning them over.

Mr. FESS. I think the Senator is not justified in that last statement. We had passed various legislation touching the railroads. One piece of legislation was that giving a Government agency the power to fix what the railroads could take in, by determining the rates, and another was that giving another agency, Government in character, the power to say what the railroads would have to pay out; so that the Government was determining both the outlay and the income and leaving to the railroads about the only thing left—to pay the bills. The Senator will recognize that with that sort of limitation on the power of the owners of the roads they could not very well become efficient in time of war. If the Senator would permit just a further statement, it should not be overlooked that in time of war we wanted the roads run as a system, and under the Sherman antitrust law the owners could not do that. If they had combined to run the roads as a system, they would have been subject to the penalties of the law, and we literally took the roads over to run them by the Government in order that we might violate the law which we had passed and not hold the roads responsible for violating it. I think everyone will admit that is a fact.

Mr. NORRIS. Mr. President, will the Senator yield at that point?

Mr. FESS. I yield.

Mr. NORRIS. With much that the Senator has said I do not take issue, but I would like to suggest to him that the argument he has made now about the railroads is an argument against Government regulation.

Mr. FESS. No.

Mr. NORRIS. He has shown that Government regulation failed, that we regulated wrongfully. Government regulation, at least under the Senator's argument, had fallen down. If it was economy or a good thing, if we could accomplish something by the Government taking over the railroads in time of war, why could we not accomplish the same thing if we took them over in time of peace and did it by a law that would take them out of politics when we did it?

Mr. FESS. I would like to remind the Senator that it is easier to say we will take them out of politics than it is to do that thing. That is a thing I can not see how we will accomplish. Also I would like to say to the Senator that Government regulation might fail. I can very easily see how it would. The modern tendency of industry is concentration, and while we pass laws forbidding it, we must recognize that the law of progress in modern times is the privilege of bodies or industries to combine in the interest of saving waste on behalf of the people. But when we permit concen-

tration we must hold the power to regulate. The order, of the day, as I see it, would be concentration and control, but control must not become strangulation, and our difficulty is that when we exercise governmental control we might go to the point where it breaks down.

Mr. President, I have the greatest possible respect for the Senators who have been arguing for Government operation. I think the argument here by the two Senators from Nebraska has been on as high a plane and with as great force as any argument I have ever heard on the subject. They have made a pretty strong case out of Government operation. But neither of them has convinced me that the dangers inevitable in Government operation, which is bound to become political operation, have been averted, and they will be imminent if we go on with it, as I think.

Mr. NORRIS. I hope the Senator will not criticize my colleague and myself for not performing an impossibility. We have not expected to convince the Senator.

Mr. FESS. The Senator from Ohio has an open mind on these subjects. I recognize that theory is wonderfully enticing, and even the theory of socialism, where the Government will indicate what the production shall be in order that they may save us from overproducing beyond the necessary consumption, is a beautiful theory, but it does not work and never will work. So the Government-operation plan is a beautiful theory. But the difficulty is we do not work it out. Why should we entangle our feet in the meshes of theory and bump our brains out against the wall of facts as we place them in Government operation?

Mr. NORRIS. Mr. President, may I interrupt the Senator again?

Mr. FESS. Certainly.

Mr. NORRIS. The Senator is very kind in permitting interruptions.

Mr. FESS. I am glad to yield to my friend.

Mr. NORRIS. I do not want to intrude on him too much, but when the Senator says it is all theory I wish he would go up against the fact of Lincoln, Nebr., with 5-cent electric rates with municipal competition. I wish he would perform the same act in the city of Cleveland, where they used to have 10-cent rates and now, by virtue of this socialistic, imperfect system, have reduced it to 5 and 3 cents. I wish he would take up Seattle and do the same thing. I wish he would go to Canada, where on the largest scale anywhere in the world the same thing was performed for several hundred municipalities, taking advantage of Government operation and development of water power in Canada. Those are not all theories. Those are not all dreams of the dreamers, but over there is a combination entirely of business men, men of business principles, for the purpose of getting cheap current, and they have the best and the cheapest.

Mr. FESS. I think we have a point nearer home than Cleveland or Lincoln, Nebr., or Omaha or any of the cities mentioned by the Senator. We only need to look at Government operation and by the Federal Government. That is right at home. The railroads are one thing I have mentioned. Our shipping industry is another. Why, Senators, think of it—1,500 ships built by the Government, 1,100 of them tied up at the wharves, evidently going into a condition in which they will not be of any use in time, and 400 of them on the sea operated by the Government, and when first operated they were operated at a loss of \$200,000,000 a year. It is true we have reduced that loss to something like \$50,000,000 a year. There is Government operation, and it is right at home.

Mr. COUZENS. Mr. President—

Mr. FESS. I yield to the Senator from Michigan.

Mr. COUZENS. Does the Senator think it is fair to compare war-time activities with peace-time activities? I observe that he just referred to Federal operation of activities during war times, when it was a well-known fact that every degree of efficiency and profit making was sacrificed to win the war.

Mr. FESS. My friend was not in either the House or the Senate when we were having that experience. Had he been where I was when the question came up for fulfilling the agreement that the Government made with the railroads to return them to the owners at the expiration of the war, and had he listened to the same sort of argument that we must not turn the roads back, that we had not yet had a sufficient period of experimentation to determine whether it was fruitful or profitable, and, on the other hand, a propaganda which went everywhere that the Government should permanently launch into Government operation of railroads, he would understand the situation to which I refer vastly better.

I admit that it is not quite fair to compare in peace times an operation we had in war time. But I would remind my

friend from Michigan that I am not comparing the operation of the shipping industry in war times. I am speaking of what we are doing now, this very hour. We are running those ships, which are a mere fraction of our merchant marine, at a cost that the Nation itself will have to meet.

Mr. COUZENS. Assuming that private industry had built all those ships in lieu of the Government having done so, and the title had remained with private interests all during the war, could private interests have done any different since the war than the Government has done with the same identical property?

Mr. FESS. Probably the private interests could if they were not tied down by legislative acts, as the Senator very well knows they are at present.

Mr. COUZENS. Does the Senator claim that there is tonnage enough for all the ships that are now in existence to be operated profitably?

Mr. FESS. No; probably not for 1,500 of them, but there ought to be tonnage enough for 400.

Mr. REED of Missouri. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. FESS. I yield.

Mr. REED of Missouri. The Senator has referred to wartime activities, about which we all know something. I have not heard him refer to the ghastly failure of the Federal Government in running the post office and in furnishing the cheapest postal rates on earth, nor to the failure of the Panama Canal. I was wondering what he thinks of those two operations.

Mr. FESS. My observation upon the post office is a pertinent one. We heard only yesterday the statement in flaming tongue that the Government was not running the post office for profit.

Mr. REED of Missouri. Certainly not.

Mr. FESS. That the Government should run the post office, paying living wages, whatever that might mean, without any regard to the equities or inequities existing between different places, and we were indicted for asking the privilege of finding the revenue for the meeting of the deficit. The reply came to us that no matter what the deficit be it should be made up by the Government. That is political operation, and it would not happen in any other business in the world except Government business.

Mr. REED of Missouri. I do not want to interrupt the Senator too much. I do not want, of course, to interfere with his speech.

Mr. FESS. The Senator is not interfering with my speech.

Mr. REED of Missouri. We do run the post office as a public benefaction without profit. We never try to make a profit because we want to furnish at actual cost the machinery for the transmission of information and messages from one part of our people to another. We have made the post office pay its way. Occasionally there is a miscalculation and we have a deficit, and then we remedy that by a slight increase of rates.

We are now asked to increase the pay of the employees. It is said that it will cost \$68,000,000 a year. No one indicts any person for wanting to provide that the deficit which will thus be created shall be made up out of the earnings of the post office, and undoubtedly it will be done.

The only objection I heard—and I was the one who made it—was that we should postpone action upon the bill, which has lain here for months, until we should first make the raise in postal rates, the idea being that if this is an act of justice we should perform it now, and as we had unlimited power to fix the rates, that we should then meet the financial question by raising the rates. I do not know, but I think that the right way to run the post office is not to run it for profit, but for the benefit of the people.

I shall not object, so far as the pending bill is concerned, if the great plant at Muscle Shoals is so managed, either by private companies that may lease it or by the Government, that the Government never makes any profit, but only receives a fair return upon its investment, provided the property is so controlled and managed that the people of the United States get the benefit of cheaper rates. I still ask the Senator if he would abolish the post office, and does he claim it to be a failure? Does he claim the Panama Canal to be a failure? There are at least two examples which, in my humble judgment, have vindicated the proposition, not that the Government shall engage generally in business, but that there are particular cases where the Government can engage in what we may term a business, and that would refer us back again on

this particular question as to whether this case falls in one classification or the other.

Mr. FESS. Mr. President, the Senator from Missouri has gone to the core of my objection to Government operation; he has touched the very spot to which my objection applies. If we launch into this project as a Government undertaking, the plea will be made that the farmers need fertilizer, and although the production of fertilizer at Muscle Shoals may cost far beyond what it can commercially be sold for, and it will be stated that the Government can not afford it, we shall hear on this floor and elsewhere the same sort of statement we have heretofore heard, namely, "It is the Government that is doing it; the Government is doing it for the people; the people need it; the farmers must have it; it does not make any difference how much it costs, the Government is rich enough to do it and it must do it." That will be heard here on this floor and on the floor of the other House. That is political operation, and that is what I object to.

Mr. REED of Missouri. So far as that phase of the matter is concerned, I shall be found as stoutly as will any other person opposing the running of the Muscle Shoals plant at a loss, with the single exception that during an experimental period when it is necessary to develop an industry the Government, like any private institution, frequently is unable to make money until the industry gets properly started. With that exception, I would insist as strenuously as would the Senator from Ohio that this project must be put upon a paying basis. I do not mean a profit basis, but a paying basis.

The objection that is constantly recurring to me is in the thought that is borne of some arguments which have been made here that it is our duty to make fertilizer, no matter what it may cost. I do not propose to give my assent to that kind of a proposition.

Mr. FESS. I am glad to hear the Senator from Missouri say that.

Mr. REED of Missouri. But I do believe that the Government can well afford to spend a reasonable amount of money in order to determine the question whether or not fertilizers can be made successfully, and in accordance with economic laws.

Mr. FESS. I agree with the Senator as to that.

Mr. REED of Missouri. I still do not understand why this small plant—for it is small—that is now owned by the Government falls within the general argument that can be adduced against the Government embarking in ordinary business, and I am disappointed that the Senator does not make the distinction. To begin with, the furnishing of light and power and its distribution constitute a public service coming within the same principles of law as do the highways. Therefore it is not, properly speaking, a private business. Aside, however, from the technical argument we have this situation: We have this property, and I am informed that, so far as employees are concerned, merely to produce the power—I am not discussing now anything beyond that—probably 20 men can run the entire plant. If we shall undertake to make fertilizer, of course, it will be necessary to employ more men; if we undertake to distribute power we shall have to employ more; but, so far as the mere production of power is concerned, it is a very small institution, and is not comparable in its complications and management with the management of the Mississippi and Warrior lines, whose boats are now plying upon the Mississippi and Warrior Rivers. Yet with all the adversities that have confronted that management, with inadequate channels, without wharves, without railroads and a general interchange of railroad freights, and notwithstanding the fact that the boats were a matter of experimentation, they have brought the Mississippi lines to a paying basis, and they saved last year to the shippers direct approximately a million dollars, while the reflex action upon other freights probably resulted in a saving of many millions of dollars.

Mr. NORRIS. Mr. President—

Mr. REED of Missouri. I am asking the Senator to direct his attention to this question, if I may. I am not asking it in a controversial spirit, for I have not made up my mind about this bill. I ask whether this particular plant down there, being owned by the Government, falls within the general sweeping condemnation of socialism or of General Government operation?

Mr. BRUCE. Mr. President, with permission of the Senator—

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield; and if so, to whom?

Mr. FESS. Will Senators desist for just a moment?

Mr. NORRIS. Very well.

Mr. BRUCE. I merely wished to ask the Senator from Missouri one question.

Mr. FESS. I respect the candor of the Senator from Missouri, and believe that he stands precisely upon what he has stated, that he would not favor going ahead and manufacturing fertilizers merely to meet a clamor if it could not be done within reason. If every legislator had the same stamina, I do not think we should have any great fear or that there would be danger of doing what we heretofore have done.

In illustration of my view let me say that transportation is another agency without which we can not get along. It has got to be in operation, no matter what the cost; we could not maintain our present social and industrial life without it; and yet we hear promises constantly repeated on the platform, "We will pay higher wages," thus increasing the outgo, and then, turning to the farmer, it is said, "We shall reduce the freight rates and thus benefit you"; to one class we are making a promise of an increase of operating expenses and to the other class a decrease of freight charges. That is mere politics; but such statements are heard everywhere, and I do not like to hear them.

Mr. REED of Missouri. That is true of railroads under private management to-day just as it was true when the Government controlled them, and why will it not be true of this plant if it shall be leased or if it shall be operated by the Government?

Mr. FESS. The Government will not have the operation of it under a lease except under specified conditions. The clamor influences little except where the Government operates instead of private enterprise.

Mr. REED of Missouri. Certainly, but the Government is going to specify certain conditions; and either we have got to turn that plant over to a corporation, and allow it to make all the money that it can make out of this wonderful stream which we have harnessed, or else we have got to put in the lease some regulatory provisions, and are we not then brought again directly to what the Senator calls politics? How are we going to escape it unless we give this plant away or sell it altogether?

Mr. FESS. The Government would not have any influence if the property were leased under a contract, because the Government would have nothing to do with it, save to compel respect for the conditions of the lease. While clamor for cheap rates to the farmer and higher wages to the railroad employee means little to the country while private enterprise controls, Senators must see what it would mean if the Government operated the roads. We would then hear what was heard yesterday in this Chamber on postal salaries, that deficits mean nothing, the Government must pay.

Mr. GLASS. Mr. President, right on that point—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Virginia?

Mr. FESS. I yield.

Mr. GLASS. I should like to ask the Senator this question: Suppose we should pass the substitute for the committee's bill and we should fail to get a private lessee under the terms of the bill by the 1st of September next, what would be the situation then?

Mr. FESS. I will vote for Government operation as a last resort, and only that, rather than junk the plant.

Mr. GLASS. Is there not some middle ground? Nobody is more opposed than I to Government ownership and operation in either commercial or industrial enterprises; but as the Senator from Missouri [Mr. REED] has indicated, and as the Senator from Alabama four years ago indicated, this is not primarily a question of Government ownership and operation in general. The Government already owns this property; it will have soon expended approximately \$150,000,000 on it. Are we, merely because we are opposed in general to Government ownership and operation of commercial or industrial enterprises, to give the property away, to sacrifice it, to lease it upon terms that are not at all adequate or compensatory to the Government? Is that the Senator's notion as to what we should do, simply because he, as am I, is opposed to Government ownership and operation in general?

Mr. FESS. I will say to the Senator from Virginia that my notion is that it is a better plan for the Government to lease rather than to operate the property as a Government institution.

Mr. GLASS. To lease it at a figure that is not compensatory to the Government for its vast expenditure there?

Mr. FESS. For that reason I was rather inclined to favor the Ford offer, notwithstanding the fact of the small consideration embodied in that offer and the 100-year lease, and not

withstanding the fact that there was not any guaranty of production of fertilizer at a price that would permit the product to be sold commercially. Rather than for the Government to embark on the ownership and operation of that plant I was inclined to vote for the Ford proposal, although it never reached a position where I had a chance to express myself by a vote. I am speaking now, however, of my impression as to which would be the better alternative. I have a reason for my opinion. Ford stands for efficiency if he stands for anything in the world; he does not permit disintegrating elements in his organization; he looks for results; he has the confidence of legislators; and if Muscle Shoals could be made a profitable enterprise, he would make it so. I assure my friend from Virginia that the small consideration was rather startling to me; it seemed to me it was almost giving the property away. I regard this proposal now before us as very much better than the Ford proposal, as it gives a leeway to secure the best terms.

Mr. GLASS. Let me say to the Senator that I recall the appearance before the Appropriations Committee of the Senate four years ago of Colonel Cooper, presented to the committee by the Senator from Alabama [Mr. UNDERWOOD] as the greatest hydraulic engineer in the world; and upon this point I should like the Senator from Alabama to give me some information, because I do not know how I am going to vote, and I want to vote right. I recall very distinctly that Colonel Cooper said that the Government could complete this plant at the estimated cost and, after paying the interest on the bonds, after paying operating expenses and all expenses of repair, and after amortizing the property and getting its money back at the end of a series of years, could operate it at 5 per cent net profit to the Government; and could do that and sell the power at \$15 per horsepower at the dam, which was \$4 per horsepower less than the Keokuk Dam was selling its power for. If that be the fact, I want to inquire why the pending measure should authorize the leasing of this plant at 4 per cent on only one of the dams to be operated?

Mr. FESS. Mr. President, I can make my position on the bill clear in a few words. If there is a profit that is potential, such a man as Ford, with the character of research men and engineers that he has about him upon whom to depend, would quite certainly know what it is.

Mr. GLASS. Colonel Cooper made it perfectly plain that no research engineers are required; that no experts are required; that the masonry is there, the water is flowing over the dam, and he stated in text and in terms that it would be impossible for the Government to lose money on it.

Mr. FESS. I read what Colonel Cooper has said on other occasions, and recognize that he claimed that there was the potentiality of profit in the water-power feature. My contention is this: While there are two arguments offered on Government operation that are very strong, those arguments, I think, can be answered and cared for by the leasing plan. The one is to avoid monopoly. If there is to be a monopoly in which great profit is to accrue, it is argued that the Government ought to have the advantage of it. That, I agree, is sound. In other words, I hesitate to vote, and would not vote, to give a monopoly that would deny the people rights to which they are entitled; but that can be avoided, and will be avoided, under the provision here with regard to leasing which limits the maximum profit, especially in the manufacture of nitrogen or of fertilizer.

Mr. REED of Missouri. Mr. President, if the Senator will permit me an interruption, it limits the profit in the fertilizer branch.

Mr. FESS. Yes. The other is simply paying interest on the amount of money invested.

Mr. REED of Missouri. No; there is no limit upon the profit which can be made except in the fertilizer branch. Outside of that the lessee may make any amount of profit he sees fit. I think I am correct on that.

Mr. UNDERWOOD. Mr. President, as the bill stands the Senator is correct. If the Senate wants to limit the profit on the power I have no objection. I have always said that if we confine ourselves to Dam No. 2 there will not be very much additional power.

Mr. FESS. Let me ask the Senator from Alabama, if a limit of that sort is put on the power, is there any possibility of getting a lessee?

Mr. UNDERWOOD. I think we will limit the power of getting a lessee; that is the difference.

I listened to what the Senator from Virginia [Mr. GLASS] said a minute ago about Colonel Cooper's testimony. Colonel Cooper was testifying solely in regard to the dam, and not the nitrate plant, when he came before the Senator's committee. He did say that in his opinion this power could be sold for

5 per cent on the investment, and I understand now that it can be done. If we are willing to abandon the production of nitrogen for national defense and fertilizer, to wipe it out and just make it a power plant, there are bidders who will come before the Secretary of War and agree to lease it for an indefinite time and pay 5 per cent on the cost of the dam. Colonel Cooper was right. I heard one gentleman say that myself, and the Secretary of War informed me that there were others; so that Colonel Cooper was right.

Mr. GLASS. But Colonel Cooper said the 5 per cent profit would inure on the sale of power at \$15 per horsepower at the dam.

Mr. UNDERWOOD. I think that is right.

Mr. GLASS. As I understand, there is not any limitation in the Senator's bill upon what may be charged for the power, and the \$15 per horsepower at the dam mentioned by Colonel Cooper was \$4 per horsepower less than was at that time being derived by the Keokuk Dam people for the sale of their power.

Mr. UNDERWOOD. The Senator from Virginia probably was not in the Chamber when I made my original speech when my bill was presented. I stated then that I fixed a minimum of 4 per cent on the sale of power, but left the contract to the President and the Secretary of War to make, so that they can adjust it to meet the situation. I think the President will get as much for the power as he can.

Mr. GLASS. Does the Senator think he can get more than 4 per cent for it?

Mr. UNDERWOOD. He may, but of course we put on the lessee the burden of making fertilizer and making nitrogen; and, as I said in the debate, I would not be willing to make a plant run at a loss solely for an industrial purpose, but for the purpose of national defense I would run it at a loss, just as I would a battleship, rather than not run it at all.

Mr. GLASS. I do not understand that the Senator proposes to accumulate this war material in time of peace.

Mr. UNDERWOOD. No; I do not.

Mr. GLASS. And in time of war it is the province of the Government to take possession of the works upon an instant's notice.

Mr. UNDERWOOD. Undoubtedly; but, with the permission of the Senator from Ohio—

Mr. FESS. I yield.

Mr. UNDERWOOD. Let us visualize a battleship, which will give the Senator from Virginia my point.

Mr. GLASS. I heard the Senator's argument on that line, and it was very plausible and very persuasive.

Mr. UNDERWOOD. That is the whole thing about this nitrate plant. It has been lying idle for six years; and if we let it lie idle for another six years without working it, when we need it probably it will be obsolescent. At any rate, we would not know that it was in efficient working condition.

It is a great industrial plant. It covers acres of ground. It takes skilled men to operate it. It is necessary to have the key men in the various positions for it to run; and if we simply let it lie there without manning it and operating it in time of peace, we do not know, if the war gong ever sounds, whether we would have anything to rely on or not. My purpose and the purpose of this bill is to operate it in time of peace, and, of course, to dispose of the nitrogen in the only way it can be disposed of in time of peace, and that is to sell it for fertilizer, but to keep the source of supply and build it up in accordance with the modern and newer methods, so that if war does come we will have it prepared to go into action as a battleship is prepared to go into action.

Mr. GLASS. Yes; that was the only justification I had in voting for the \$20,000,000 asked for four years ago to complete this enterprise.

I should like the Senator from Alabama, and also my colleague from Ohio, to believe that I am not approaching the question in any critical mood. If I ever wanted to understand a problem, I want to understand this, and I want to vote right, but I do not know just now what is right. If, according to the testimony of Colonel Cooper, a great engineer, the Government of the United States could operate property which it now owns at 5 per cent net profit and sell power at a vastly less cost than similar power is now being sold by private enterprises, it seems to me that we should not lease this great property to a private enterprise at a profit to the Government of merely 4 per cent.

Mr. UNDERWOOD. If the Senator will allow me to interrupt him just a minute—

Mr. NORRIS. Mr. President, the Senator from Missouri [Mr. REED] was just about to leave the Chamber; and I

wanted to get permission to have him answer a question, if the Senator from Ohio would permit it, before he goes.

Mr. FESS. I yield to the Senator.

Mr. UNDERWOOD. Just a moment.

Mr. NORRIS. All right.

Mr. UNDERWOOD. I want to suggest this to the Senator from Virginia: The testimony of Colonel Cooper related to the sale of power at the plant. Of course, a private concern has to build transmission lines. It has to distribute the electricity. There is a good deal of additional cost before it gets to the consumer.

Mr. GLASS. That was true of the collateral plants distributing the power of the Keokuk Dam. The Keokuk Dam, as testified by Colonel Cooper, was getting \$19 a horsepower at the dam, and he insisted that the Government could not fail to be able to sell its power at \$15 at the dam and derive a profit of 5 per cent.

Mr. UNDERWOOD. Undoubtedly; but Colonel Cooper also called attention in that testimony to the fact that the Keokuk Dam was very much closer to large industrial developments and it was easier to sell the horsepower, and that is true. I do not mean to say that the minimum price fixed in this bill is to be the basis of making the lease. I fixed a low price to give the President a wide latitude in making a lease. It does not bind him.

Mr. GLASS. But if the President should fail to make the lease at a higher rate than 4 per cent, then the Senator concedes that he has leased the property at a pretty low rate?

Mr. UNDERWOOD. I do not know what it will cost to make the nitrogen into fertilizer. That all depends on that side of the equation. Of course, I want the nitrogen made for defense and for fertilizer.

Mr. GLASS. Yes; but what I apprehend is that after that shall have been done these private interests will have a great monopoly of power and will extort unfair rates from the users of power.

Mr. UNDERWOOD. They can not do that under this bill, because the bill provides for the regulation of the sale of power by the States.

Mr. GLASS. By the State commissions. Well, we have had an illustration here—to be accurate, a startling illustration here—of just how much the decisions of State commissions are worth in matters of this kind. In at least two or three instances that have been cited these State commissions insisted, and not only the State commissions but the courts up to the Supreme Court insisted, that a reduction in rate would be confiscatory; and it afterwards developed that these rates were cut in half, and the properties have not yet gone into the hands of receivers.

Mr. UNDERWOOD. That does not go to the question of regulation. It goes to the judgment of men.

Mr. GLASS. But we must rely upon the judgment of men for regulation.

Mr. UNDERWOOD. We will have to; but their judgment is worth just as much as ours. We are looking into the future; and the President will probably know more about the fair rate than we would, I suspect.

I beg the pardon of the Senator from Ohio.

Mr. FESS. Mr. President, I said in the outset that if this were a matter de novo I would not think of supporting it, because it would involve the question of Government operation. Everyone knew that that was inevitable; but it is here, and now our choice between the alternatives must be made. I am quite clear in my own view what I ought to do. I would not vote to have the Government operate this as a Government institution, except as the very last resort, where the other alternative would be to junk it.

I should prefer the former to the latter. On the other hand, I would not be in favor of selling it outright and conveying the fee simple title, because then there might be all of the danger of monopoly which would grow out of a tremendous development that may produce what none of us think is possible; but because in these times, when miracles in invention and discovery are being realized, a great field like hydroelectric power is one as to which no one knows whether we have more than touched the fringes. I would not want to convey a fee simple title, but I would much prefer to hold the title in the Government and make a lease of the property under the regulation of the Government, as we do in the case of other water powers. If leasing is wrong, then our former legislation has its errors. I would endeavor to still retain the title, so that it could be recaptured and the Government go on with the development, with the assurance that while it is proceeding we will be possessed of the elements of national de-

fense, because that is the purpose of the measure; and if fertilizer can be produced it will be. In the meantime this hydro-electric power will be used by the people under the regulation of the States in which it is used.

I do not see any danger in that, and it seems to me it is perfectly clear. The first time I read the Underwood substitute I stated to a friend, "There is the thing I will vote for, unless it has something in it I do not see." I have not seen anything in it that is dangerous, and I do not care a whit that it is being offered on the other side of the aisle. I would just as leave follow the Senator from Alabama on this thing as to follow anyone else in the Senate. I shall vote against the committee proposal and for the Underwood substitute.

MEMORIAL ADDRESSES ON THE DECEASED SENATORS

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent for the adoption of the order which I send to the desk.

The order was read, considered, and unanimously agreed to, as follows:

Ordered, That Monday, January 19, 1925, at 3 p. m., all pending business be set aside and the Senate proceed with memorial addresses on the lives, characters, and public services of the Hon. HENRY CABOT LODGE, late a Senator from the State of Massachusetts; the Hon. FRANK B. BRUNDAGE, late a Senator from the State of Connecticut; and the Hon. LEBARON B. COLT, late a Senator from the State of Rhode Island.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker of the House had affixed his signature to the enrolled joint resolution (H. J. Res. 310) authorizing payment of salaries of the officers and employees of Congress for December, 1924, on the 20th day of that month, and it was thereupon signed by the President pro tempore.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

After five minutes spent in executive session, the doors were reopened.

MARGARETHE MURPHY

Mr. ROBINSON. From the Committee on Foreign Relations I report back favorably without amendment the bill (S. 3576) for the relief of Margarethe Murphy, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Margarethe Murphy, widow of the late George Herbert Murphy, late American consul general at Zurich, Switzerland, the sum of \$9,000, being one year's salary of her deceased husband, who died of illness incurred while in the Consular Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate took a recess until to-morrow, Thursday, December 18, 1924, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 17 (legislative day of December 16), 1924

MEMBERS OF BOARD OF TAX APPEALS

Adolphus E. Graupner.	Benjamin H. Littleton.
Charles D. Hamel.	John J. Marquette.
J. S. Y. Ivin.	Charles P. Smith.
A. E. James.	John M. Sternhagen.
Jules Gilmer Korner, jr.	Charles M. Trammell.
W. C. Lansdon.	Sumner L. Trussell.

COLLECTOR OF CUSTOMS

Walter W. Wilde to be collector of customs for customs collection district No. 27.

UNITED STATES DISTRICT JUDGE

Charles A. Boynton to be United States district judge, western district of Texas.

POSTMASTERS

CALIFORNIA

Leigh M. Rothenburg, Burbank.
Joseph C. Beard, Burlingame.
Irene Pierce, Burnett.
Charles M. Grist, Covelo.
Clement J. McDonald, Firebaugh.
William W. Ware, Fort Bragg.
Charles F. Evers, Fortuna.
Wallace B. Sawyer, Galt.
Charles W. Conrad, Huntington Beach.
Josephine C. McCabe, Imola.
John E. Nolan, Jamestown.
Jay K. Battin, La Jota.
Edna M. Sheridan, Monte Rio.
Frank B. Clark, Mount Lowe.
Carolyn M. Kell, Niles.
Harvey P. Rogers, Quincy.
Charles J. Funk, Redondo Beach.
William J. Martin, Salinas.
John W. S'Renco, Santa Fe Springs.
Ruth A. Hamilton, San Ysidro.
Charles R. Fuller, Sunnyvale.

COLORADO

Isadore D. Bronfin, Sanatorium.

CONNECTICUT

William Krause, Westport.
Hal B. Kellogg, Woodmont.

GEORGIA

Edith A. Herrington, Millen.

IDAHO

Catherine J. Craig, Avery.
Golda O. Esveltdt, Bovill.
Robert R. Coon, Emmett.
Joseph B. Newbury, Mullan.
Effie Taylor, White Bird.

IOWA

Myrtle M. McNelly, Haniontown.
Ida Kelly, Harpers Ferry.

MASSACHUSETTS

Albin K. Parker, Norwood.

MISSOURI

Ida A. Sack, Bosworth.
Kenneth C. Dixon, Creighton.
Hobart Lewis, Downing.
Bertha D. Marling, Elsberry.
Irene Shibley, Gorin.
Delph C. Simons, Grant City.
Delphia Johnson, Jerico Springs.
John A. Mills, Jonesburg.
Mattie A. Campbell, King City.
Stephen C. Accola, La Grange.
Amos E. Jennings, Miami.
Thomas M. Fowler, Nelson.
J. Frank Wilson, Palmyra.
Clyde S. Jones, Polo.
Luther C. Brower, Queen City.
Charles E. Traylor, Richmond.
George R. Hendricks, Rutledge.
Joseph A. Davis, Waynesville.

NEBRASKA

Leroy L. Ambler, Holbrook.

OHIO

George H. Scheetz, Bridgeport.
John M. McConnell, Mingo Junction.
Harriett E. Craig, Neffs.
Elizabeth F. Kelley, North Olmsted.
Will B. Maynard, Olmsted Falls.
Charles F. Shoemaker, Pickerington.

PENNSYLVANIA

Sarah V. Patton, Aliquippa.
Charles L. McNett, Clarendon.
Margaret E. Warnock, Darlington.
Carey W. Huff, Durant City.
Laura E. Rich, Enola.

Edwin H. Cliff, Glen Olden.
Harry B. Henderson, Kittanning.
Judson C. Norris, New Castle.
H. Oscar Young, Plymouth Meeting.
Eli H. Shockey, Stoyestown.
Charles M. Wilkins, Wayne.

SOUTH CAROLINA

Lawrence D. Hagan, Due West.
Elijah Lee, Paolet.
Paul G. Barnett, Westminster.

HOUSE OF REPRESENTATIVES

WEDNESDAY, December 17, 1924

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

To the God of our fathers we lift our hearts in prayer. We would yield to Thee the right of sovereignty and accept Thy law. Let it touch all our purposes and motives, and thus shall we know what things to value. Enlarge our charity and keep us free from all prejudice. Teach us that the best that we can do for Thee is to be kindly and helpful to the unfortunate, to live upright in the presence of great truths, and allow nothing to come between us and the wisdom of Jesus of Nazareth. In His name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed bills and resolutions of the following titles:

S. 3493. An act to amend an act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, as amended February 28, 1923;

S. 3509. An act to change the time for the holding of terms of court in the eastern district of South Carolina;

S. J. Res. 154. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; and

S. J. Res. 155. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The message also announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 310. Joint resolution authorizing payment of salaries of the officers and employees of Congress for December, 1924, on the 20th day of that month; and

H. Con. Res. 35. Joint resolution that there shall be compiled, printed with illustrations, and bound, as may be directed by the Joint Committee on Printing, 25,000 copies of the oration delivered by Dr. Edwin Anderson Alderman in the House of Representatives during the exercises held in memory of the late President Woodrow Wilson on December 15, 1924, including all the proceedings and the progress of exercises, of which 8,000 copies shall be for the use of the Senate and 17,000 copies for the use of the House of Representatives.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ROSENBLUM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 310. Joint resolution authorizing payment of salaries of the officers and employees of Congress for December, 1924, on the 20th day of that month.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the roll of committees.

PROHIBITING THE SENDING OF PISTOLS, ETC., THROUGH THE MAIL.

Mr. RAMSEYER (when the Clerk called the Committee on the Post Office and Post Roads). Mr. Speaker, by direction of the Committee on the Post Office and Post Roads, I call up the bill H. R. 9093, declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty.

The SPEAKER. The gentleman from Iowa calls up the bill H. R. 9093, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That pistols, revolvers, and other firearms capable of being concealed on the person, are hereby declared to be nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the Postal Service: *Provided, however,* That such articles may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe for use in connection with their official duty, to officers of the Army, Navy, or Marine Corps; to officers of the National Guard or Militia of the several States, Territories, and Districts; to officers of the United States or of the several States, Territories, and Districts, or to peace officers thereof; to officers of the United States or of the several States, Territories, and Districts whose official duty is to serve process of warrants of arrest or mittimus of commitment to employees of the Postal Service; to watchmen engaged in guarding the property of the United States, the several States, Territories, and Districts; and also to manufacturers of firearms or dealers therein in customary trade shipments from one to the other. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, any pistol, revolver, or firearm, declared by this act to be nonmailable, shall be fined not exceeding \$1,000 or imprisoned not more than two years, or both.

With the following committee amendments:

Page 1, line 9, after the word "prescribe" insert a comma.

Page 2, line 7, after the word "commitment" insert a semicolon.

Page 2, line 11, after the word "other" strike out the period and insert: "other, under such rules and regulations as the Postmaster General may prescribe."

Mr. RAMSEYER. Mr. Speaker and gentlemen of the House, I shall take only a few minutes in informing you of the attitude of the committee upon this bill and also of the Post Office Department. Then I intend to yield time to the author of the bill, the gentleman from Washington [Mr. MILLER], to go into the purposes of the bill more fully.

This bill simply makes firearms such as pistols and revolvers, capable of being concealed on the person, nonmailable. I presume every State in the Union has laws making the carrying of concealed weapons a criminal offense. We have other things declared by law nonmailable, for instance, poisons, intoxicating liquors, explosives, and then matters pertaining to lotteries; schemes intended to defraud are prohibited from the mails, and we are seeking now to exclude this class of firearms from the mail. The bill was reported out unanimously by the Committee on the Post Office and Post Roads, and the Post Office Department is unreservedly back of the bill. The Postmaster General on two different occasions indorsed the purpose of the bill and then in a letter on May 9, of this year, indorsed the specific proposition that is before you. In a letter to the chairman of the committee he said:

MAY 9, 1924.

Hon. W. W. GRIEST,

Chairman Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR MR. GRIEST: I beg to acknowledge the receipt of your letter of the 8th instant, referring for my consideration and recommendation bill H. R. 9093, declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty.

In line 9, page 1 of the bill, a comma should be inserted after the word "prescribe."

In line 7, page 2, a semicolon should appear after the word "commitment."

I have carefully considered this matter and from my observations it is my opinion that the public welfare demands this legislation. I therefore recommend the favorable consideration of this bill.

Very truly yours,

HARRY S. NEW,
Postmaster General.

This bill is specially designed to help corral or control the lawless elements in the large cities. Nearly all of the cities have ordinances and some of the States have laws preventing the sale of these firearms unless the person wishing to buy a pistol or a revolver has a permit from either the mayor of the city or the chief of police or the county sheriff or some other official. Because of the ease with which this kind of firearms can be acquired from the mail-order houses through the mails it is impossible to prevent them from getting into the hands of the lawless element and thugs and those who make a living by violating the law. Of course every lawyer here knows how much more unsafe is human life in this country than in any

other country in the world, and that is partly due to the ease with which persons can acquire these very instruments of death and destruction. The Post Office Committee and the Post Office Department think it is advisable in so far as a Government department can prevent delivery of these instruments of death, to do so by positive law.

There are a few exceptions made to this bill. That is, firearms can still be obtained through the mail under such regulations as the Postmaster General shall prescribe, by officers who by virtue of their duty as such officers are required to carry firearms of this kind. Then, of course, the bill provides for a penalty for violating its provisions.

Mr. STENGLE. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. STENGLE. I notice on the last line, first page of the bill, that the exceptions are begun by reference to officers of the Army, Navy, and Marine Corps. Would not the committee be willing to add there the officers of the reserve training corps, because at certain periods each year they are called upon to go from place to place or to transfer arms, and it seems to me that they come clearly within the provisions of the intention of the committee. They are really during that period of training in the summer time actually engaged in the service of the military arm of the Government.

Mr. RAMSEYER. Are not they officers of the Army? They are simply a branch of the Army. The bill names the officers of the Army, the Navy, and the Marine Corps.

Mr. STENGLE. Yes; but that refers to the permanent part of our Army and Navy and not to those who temporarily are engaged in this work.

Mr. RAMSEYER. If the gentleman is sure that this language does not cover what he is after, personally I would have no objection to the amendment.

Mr. STENGLE. Oh, I am not after anything personally, but I have reference to the strong arm of the Government that works in the summer time, and I do not want to cripple a very good work in behalf of our country.

Mr. RAMSEYER. If the gentleman is personally certain that this does not apply to the class of officers to whom he refers, then, so far as I am concerned personally, I would have no objection to such an amendment. I did express the view that I thought the language here covered the officers to whom the gentleman refers.

Mr. STENGLE. It may, but I only want to remove any doubt.

Mr. OLDFIELD. Would it not be better to cut out these officers of the Army and the Navy and the Marine Corps. I judge that they can get firearms without sending to Sears-Robuck and other places.

Mr. RAMSEYER. It was thought that officers might sometimes be away from the base of supply and might have to acquire firearms in this way. I doubt whether very many firearms will be shipped to officers of the Army, Navy, or the Marine Corps under the provisions of this bill.

Mr. OLDFIELD. Personally, I think that ought to be cut out of the bill.

Mr. RAMSEYER. I now yield to the gentleman from Alabama.

Mr. BANKHEAD. I would state I am in general sympathy with the purposes of this bill, but it seems to me that it might militate or operate in favor of the express companies of the country.

Mr. RAMSEYER. Let me right here say that a similar bill is pending before the Committee on Interstate and Foreign Commerce to regulate the shipment of pistols, revolvers, and other firearms capable of being concealed on the person through the express companies. This Committee on the Post Office and Post Roads has jurisdiction only of mail matter, and we felt that we could not couple the provision the gentleman has in mind to this bill without invading the jurisdiction of the Committee on Interstate and Foreign Commerce, but such a bill is now pending before that committee, introduced by the gentleman from Washington [Mr. MILLER], who introduced this bill, and I am going to call upon Mr. MILLER in just a minute or two now to explain the general purposes and needs of this kind of legislation.

Mr. BANKHEAD. I am very glad to know such an effort is being made by the gentleman from Washington.

Mr. RAMSEYER. The purpose of the bill is to make it more difficult for the lawless to get firearms and committing crimes of violence against the law-abiding. Mr. Speaker, I reserve the remainder of my time, and I yield 15 minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker and gentlemen of the House, I presume that every Member on the floor is cogni-

zant of the enormous amount of law violations taking place just now. This bill, and the companion bill forbidding the shipment of firearms that are capable of being concealed on the person through interstate carriers, it is hoped will minimize the prevalence of firearms in the hands of the undesirable criminal element of the country. I think we are all acquainted, generally speaking, with our State laws on the question and also with many of our municipal regulations governing the sale of firearms in cities. Most all States, I think every one, makes the carrying of a concealed weapon a crime, in some States a felony and in some a misdemeanor. Most all cities have municipal regulations prohibiting the sale of firearms within the city limits of the cities except where application is made and a permit granted by public officials authorizing a citizen to purchase firearms and retain them in his home. Every criminal, of course, carries concealed weapons. Every robber, every highwayman, every highjacker, every bootlegger in the country is armed with a pistol, and when a policeman or officer of the law gets after and pursues them the first thing they do is to get rid of their firearms, and then they just simply get one through the mail-order house or through the express to take the place of the one which they have thrown away. This is to stop their replenishing themselves from the mail angle, through the mails, and in conjunction with the companion bill, which forbids their transportation over common carriers, those two put together, we hope, will stop the prevalent use of these weapons.

There is nothing more dangerous to the community than this criminal element having the liberty on any and all occasions to buy concealed weapons. If a man criminally inclined or with a bad police record can not get a permit in the town or city in which he lives, he simply orders a weapon from the mail-order house, and the weapon is delivered to his door, and thus he evades all the municipal regulations intended to stop the sale of firearms. I think every Member appreciates the need of a law such as this.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Washington. I yield.

Mr. BLANTON. Does the gentleman believe that this law, if passed, will prevent any of the criminals he has mentioned from carrying firearms, from obtaining them and carrying them unlawfully?

Mr. MILLER of Washington. Why, I certainly do, and that is the opinion of the Post Office Department; else the bill would be absolutely useless.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Washington. Yes; glad to yield to my North Carolina friend.

Mr. ABERNETHY. In our State a man has to have a license before he can buy a pistol. As I understand now, a man can not order one without the permission of the State authorities.

Mr. MILLER of Washington. He can under the State law.

Mr. ABERNETHY. He can not do that under your bill?

Mr. MILLER of Washington. The bill makes it absolutely unobtainable.

Mr. ABERNETHY. Suppose he has permission. Can he get it?

Mr. MILLER of Washington. With permission, he can buy it locally. He can not get it through the mails.

Mr. ABERNETHY. This protects the State law?

Mr. MILLER of Washington. Yes.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Washington. Yes; glad to.

Mr. BANKHEAD. I assume that the pending bill will pass, and also the one now pending before the Interstate and Foreign Commerce Committee, prohibiting common carriers from transporting weapons. In the course of time, in States where firearms are not manufactured, the supply will be exhausted; and in that event what means would be available for the peaceable, law-abiding citizen to buy a weapon for protection in his home?

Mr. MILLER of Washington. The bill provides that manufacturers and dealers in firearms are privileged to continue their customary trade shipments from one to the other.

Mr. ABERNETHY. I understand the provisions of the bill; but I would like to see if it conforms to the ideas that our people have. Your bill as it stands now makes it unlawful to order a pistol through the mail, and it can only be obtained from a local dealer. It does not interfere with the local dealer having his shipments made to him?

Mr. MILLER of Washington. Absolutely not. Dealers and manufacturers in firearms can continue shipping firearms to each other.

Mr. ABERNETHY. This is to aid the local authorities?

Mr. MILLER of Washington. Yes; that is the effect of the bill.

Mr. Speaker, the pistol is the favorite weapon of the assassin; it is the pet of the highwayman, of the robber, the burglar, and the thief. It is an especially designed weapon with which to take human life. It is not like the shotgun, the rifle, or any firearm used in hunting or by the sportsman. Its very purpose is to kill people. It is the handy weapon for the suicide as well, and likewise it is the source of more fatal accidents than any firearm use in our country.

The bill is aimed primarily at the thug, the criminal class, to make it more difficult for this class of people to obtain them.

The Post Office Department strongly approves of this bill, as it recognizes the enormous traffic in firearms of this character sent into communities where the addressees are undoubtedly barred from making local purchases.

This measure is likewise indorsed by the Police Commissioner of New York City and by the police authorities of substantially every large city in America.

It will do much toward suppressing the general sale and distribution of firearms of this class and will be of infinite assistance to local authorities throughout the country in suppressing crime and violence.

My judgment is that it is one of the most commendable measures of its character ever before the Congress. [Applause.]

Mr. BLANTON. Mr. Speaker, I desire recognition in opposition to the bill unless some member of the committee claims the time.

The SPEAKER pro tempore. Does any member of the committee desire time in opposition to the bill?

Mr. BLANTON. Mr. Speaker and gentlemen, I am with the gentleman in his desire to prevent the unlawful carrying of arms. If I could I would help the gentleman to prevent every thug and violator of the law from carrying arms. But I do not believe this bill will do it. I do not believe that this bill would stop a single thug or a single bootlegger or a single murderer from carrying firearms unlawfully.

I want to read to you what the Constitution, the fundamental law of the land, says about firearms. It says:

The right of the people to keep and bear arms—

To keep arms and bear them: that means lawfully to keep and lawfully to bear arms, of course—shall not be infringed.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield right there?

Mr. BLANTON. I yield.

Mr. RAMSEYER. The gentleman knows, too, that every State constitution—I will not say every one, but it is true of the constitution of my State and the constitution of the State of Texas—contains that identical provision, and yet every law that has been passed prohibiting the carrying of concealed weapons has been declared to be constitutional.

Mr. BLANTON. Those prohibitory laws have reference to carrying concealed weapons in public and on public highways. There has been no law passed by any State that prevents any citizen of the United States from having firearms in his home and keeping them there.

Mr. RAMSEYER. Laws have been passed prohibiting the sale absolutely, unless the person who makes the purchase has a permit from the authorized officials.

Mr. BLANTON. Yes. But I want to discuss this bill from the standpoint of the Constitution and what the Constitution means when it says that "the right of the people to keep and bear arms shall not be infringed." I am arguing from that one standpoint. To keep arms in their homes; that right "shall not be infringed."

Mr. STENGLE. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. STENGLE. While you are discussing the constitutionality, you should bear in mind the Sullivan law in New York State, which does exactly what you say can not be done.

Mr. BLANTON. I will ask the gentleman, does the Sullivan law say that the gentleman from New York can not keep firearms in his home?

Mr. STENGLE. Most assuredly, and they would put me in jail if they caught me with them.

Mr. BLANTON. Well, if the gentleman is arrested and should appeal to the United States court, they would hold that the Sullivan law is not worth the paper it is written on, because it is violative of the Federal Constitution if it prevents the gentleman from keeping firearms in his home.

Mr. STENGLE. We must get a license or permit from the court in order to have it in the home. Otherwise we can not have it.

Mr. BLANTON. Oh, the gentleman is an easy mark if he and other law-abiding New Yorkers submit to a law like that. That must be a strong-arm law, passed back in the days of John L. Sullivan. [Laughter.]

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WINGO. I want to suggest this to the gentleman: I have not looked into it particularly, but I think in all these laws you will find an exception in favor of officers or in favor of such arms as are used in the Army and Navy of the United States. Take it in my own State, for instance, and I think it is typical of other States. We have a law against pistol toting.

There is one exception as to carrying it openly, and the other is that it must be such a weapon as is used in the Army or Navy, and I think another allows arms to be carried when you are going upon a journey. But the gentleman is right in his proposition, that there is a limit to the regulatory power. This bill not only makes a constitutional distinction, but it makes an exception as to the officer and the type of gun, that is, an armed-defense gun.

But the gentleman overlooks that this is one only of a series of measures to meet the continuous demand that everything shall be regulated here from Washington. That carries with it the implication that the people of the States, or their State agencies, or their State courts or legislatures are either incompetent or else they are corrupt.

Mr. BLANTON. I am not contending, I want to say to my colleagues, for the right of any individual to carry a revolver on his person publicly. I am against it. It is not necessary. Men have no business sticking revolvers in their hip pockets. I am not contending for that at all, but I am contending for the constitutional right of a citizen to have a revolver or any other firearm in his home, if he wants it, and I am contending for that under the Constitution of the United States.

Mr. STEAGALL. Will the gentleman let me interrupt him?

Mr. BLANTON. Certainly.

Mr. STEAGALL. The gentleman would not favor a law which would deny the right of the citizen to have firearms of any kind he might select for the purpose of self-defense, would he?

Mr. BLANTON. No. That is what I am contending for.

Mr. STEAGALL. So far as I have ever observed, all the laws in the States which attempt to prohibit the carrying of weapons make an exception in favor of the man who bears arms for purposes of defense.

Mr. BLANTON. Why, certainly, and I am going to touch on that in a minute.

Mr. STEAGALL. This bill would deny a man that right in so far as the right to transport such arms through the mails is concerned.

Mr. BLANTON. That is true.

Mr. STEAGALL. Is not this true, too? The gentleman's first statement is absolutely correct to the effect that this bill will not prohibit any criminal from obtaining pistols or any firearms that may be concealed about his person, for the reason that this bill denies him the use of the mails and turns him over to the tender mercies of the express companies.

Mr. BLANTON. I will tell the gentleman from Washington [Mr. MILLER] what the criminal will do when he wants a revolver and can not get it through the mails—if he can not get it in any other way he will break into a dealer's store and steal it. The criminal is going to have a revolver. You can have Congress and the legislatures of the States pass all the laws they want to but you will never keep a criminal from having and carrying firearms. I am not going to sit here and let a law be passed that will take away the right or infringe upon the right of a citizen to keep arms lawfully in his home—which is his castle and where his family resides—or a revolver, if he wants one, or a double-barreled shotgun, if he wants it. That is his right and it is for the protection of his family, under certain circumstances. Let him keep a rifle, if he wants one. The Constitution gives him that right. He should be permitted to keep arms in his home, but he has no right to carry them abroad.

Now, what is this bill going to lead to?

Mr. BLACK of New York. Will the gentleman yield?

Mr. BLANTON. Not just now. I will gladly yield directly.

Mr. BEGG. Will the gentleman yield?

Mr. BLANTON. Not just now. I will be glad to yield later. I do not want to take up too much time, but I want to get

these ideas before my colleagues. In every State there is a law which provides for a posse comitatus. When an officer of the law needs the citizenship to help him arrest dangerous criminals he can call on you and every other person to help him make such arrests. What good would be the right of an officer to call on you if you did not have arms available to assist him? Why, the very idea of the posse comitatus is that the citizen has arms available to which he may turn when he goes to the assistance of an officer. If you are going to make it impossible for the citizen to get them, what is the aid from that source? Why, here is what this law would result in: You allow the dealers under this law to transport firearms and revolvers through the mails; you let officers transport revolvers through the mails, and you let everybody else except the law-abiding individual himself do it, and here is what you are going to have: In certain parts of the State of New York, in West Virginia, in Alabama, in Tennessee, in Texas, and in the State of Washington there will be certain cities where there will be only one dealer accessible, and when a citizen wants to buy a revolver, even though he conforms to the regulations of the State laws, he is at the mercy of that one dealer, and he will have to pay not \$20 for a good revolver, or \$25, but he will have to pay \$50 or \$75 or \$100 for it, and it will be beyond his reach financially, and we will be depriving a citizen of a right given him by the Constitution to keep a revolver in his home.

Mr. BLANTON of New York. Will the gentleman yield now?

Mr. BLANTON. Yes.

Mr. BLACK of New York. I just want to remind the gentleman that there is something else that a great number of the citizens would like to have in their homes and on their hips that you will not let go through the mails. [Laughter.]

Mr. HUDDLESTON. Will the gentleman yield?

Mr. BLANTON. In just a moment. I want to answer first the gentleman from New York [Mr. BLACK]. Here is the Constitution, upon which I am standing to-day. I am upholding the Constitution, which affirmatively says that you shall never take away from the gentleman from New York the right to keep firearms in his home; it says that Congress shall not infringe upon that right; it says the Legislature of New York shall not infringe upon it, and that is the reason why I told the gentleman's colleague [Mr. STENGLE] that if the Sullivan law attempted to do that it was not worth the paper it was written on. But there is another section in the Constitution which goes on to say that the gentleman from New York has not the right to stick a private flask in his hip pocket.

Mr. BLACK of New York. What about his home?

Mr. BLANTON. It says he has not the right to keep a private flask in his home under certain circumstances.

Mr. BLACK of New York. That is different.

Mr. BLANTON. The Constitution says also that the gentleman from New York has not the right to give liquor out to others from his home. The Constitution says that, and when the gentleman complains about the apparent inconsistency of the position taken by the gentleman from Texas he is complaining about the Constitution, because I am upholding the Constitution.

I want to say this: I hope that every American boy, whether he is from Texas, New York, or Washington, will know how to use a six-shooter. I hope he will learn from his hip to hit a dime 20 paces off. It would be their only means of defense in combating that deadly art of jiu jitsu in close quarters should war ever face them with such danger. It is not brave men who know how to shoot straight that violate laws or carry concealed weapons.

I hope every woman in America will learn how to use a revolver. I hope she will not use it but I hope she will know how. It will be for her safety; it will safeguard her rights and it will prevent her rights from being jeopardized. That is what the framers of this Constitution had in mind when they said the Congress should never infringe upon the right to keep firearms in the home.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MORTON D. HULL. Does the gentleman object to a more careful regulation of the distribution of firearms?

Mr. BLANTON. No. I am in favor of it.

Mr. MORTON D. HULL. Will it not tend to a more careful regulation of the distribution of firearms if the distribution can be localized to dealers and if mail and express company distribution can be blocked?

Mr. BLANTON. It would immediately double and treble their selling price. Let me ask the gentleman this question:

Does the gentleman believe a law like this is going to prevent bootleggers from having firearms?

Mr. MORTON D. HULL. Probably not.

Mr. BLANTON. Does the gentleman believe it is going to prevent murderers from having firearms?

Mr. MORTON D. HULL. The gentleman believes it will tend to a more careful regulation of the distribution of firearms and that may help to answer some of the gentleman's questions.

Mr. BLANTON. Is the gentleman in favor of taking away from a citizen a constitutional right to keep a revolver in his home whenever he wants to?

Mr. MORTON D. HULL. There is not a single line or word in the proposed act that prevents a man having a firearm in his home under any constitutional guaranty that he has.

Mr. BLANTON. But it infringes upon the right. I do not believe in mail-order houses. I want to say that here, when I am at my home town in Texas I do not buy from Montgomery Ward & Co. and Sears-Roebuck. I buy from the merchants of my home town. They are entitled to my trade. [Applause.]

Mr. MORTON D. HULL. Are you not afraid you are going to pay more than you ought to?

Mr. BLANTON. But let me say that the mail-order houses safeguard the people from profiteering, which otherwise might be indulged in by some of the local merchants.

Mr. HUDSPETH. Will my colleague yield for a question?

Mr. BLANTON. Certainly.

Mr. HUDSPETH. The gentleman made the statement that he believed the women of the country should be familiar with the use of firearms. Does the gentleman make that statement in view of the fact that they have been using them on their husbands in our State very recently?

Mr. BLANTON. I want to make this statement, and I will give it to you as my solemn, good judgment, that whenever a woman has used one on her husband down in the State of Texas or anywhere else, he deserved it. [Laughter and applause.]

I am going to now conclude my remarks with this criticism of the committee report. You would imagine that before infringing upon a right guaranteed by the Constitution, this great Committee on the Post Office and Post Roads would give us some good reason for taking away this constitutional right and for making it harder for the people to exercise a right which the Constitution gives them. I have read the report carefully. Here is all it contains. The report says that the Post Office Department has sent the committee a list of mail-order houses which are advertising the sale of pistols. Then in addition to that they print a letter from some man down in Tennessee who says that his son, under 16 years of age, one morning received from a mail-order house a pistol, and that day he shot himself with it. Based on that alone, and nothing else, this great committee has asked us to infringe upon the constitutional rights of the people.

One boy shot himself with a pistol! Why, do you not know that probably if he had not gotten it from the mail-order house for \$6.70—which I think it cost him—that boy would have had a pistol bought from some other place at a higher price? He would have gone to the nearest store that sold pistols and probably would have paid twice \$6 or three times that amount and would have been a dead boy anyhow, and there would have been a greater loss to the old gentleman's exchequer of about twice that sum.

Gentlemen, I do not believe in this kind of a bill. I know there is a disposition on the part of the House to back up a great committee like the Committee on the Post Office and Post Roads, and usually I follow them, and usually I vote for their bills.

Mr. RAGON. Will the gentleman yield?

Mr. BLANTON. I was about to conclude, because I do not want to take up any more time of the House, but I yield to the gentleman.

Mr. RAGON. I want to call the gentleman's attention to this case in Tennessee. The writer of this letter says:

As I understand the law of Tennessee, it is a violation of the law to ship, buy, or sell a pistol in the State of Tennessee.

In the State of Arkansas it is a violation of the law for a man to sell a pistol within that State. Do you think, for instance, that Sears-Roebuck ought to be given a privilege to sell a pistol in Arkansas and use an instrumentality of the United States Government in delivering that pistol when that is a privilege—if it is a privilege; I say it is not or should

not be one at least—when the privilege is denied the merchant or the hardware man in the State of Texas? This law has been, by the Supreme Court of the State of Arkansas, held constitutional, and you can not lawfully sell a pistol in the State of Arkansas. This letter refers to the State of Tennessee.

Mr. BLANTON. Has that law ever been tested in the Supreme Court on the constitutional question involved?

Mr. RAGON. The Supreme Court of the United States?

Mr. BLANTON. Yes.

Mr. RAGON. I could not say as to that, but I know it has been before the supreme court of my State.

Mr. BLANTON. I mean before the United States Supreme Court on the question of constitutional right and privilege.

Mr. RAGON. I could not say about that.

Mr. MILLER of Washington. Many others have.

Mr. STEVENSON. If the gentleman will yield, I want to ask, apropos of that question, if it is a criminal offense to sell a pistol in Arkansas, the fact that the motion is started in Chicago and the pistol is delivered in Arkansas—does not that still make it a crime in Arkansas, and why do they not indict those who do that?

Mr. BLANTON. Of course, that makes it a crime in Arkansas; and it would have been a crime in Tennessee.

Mr. STEVENSON. They extradited a man from this city and took him down to my State and tried him and convicted him and put him in the penitentiary for selling certain powders to a young lady down there, holding it was an offense against the law of that State, although the United States mail transmitted the package and he simply mailed it in Washington.

Mr. RAGON. Let me answer that by saying that if you will take away from Sears-Roebuck the United States mail as an instrumentality of delivery which sends the pistol down there to this young fellow who is 15 years of age, then they can make delivery through the express company.

Mr. BLANTON. The supreme court of my State held several times that where liquor was purchased outside of the State of Texas and it was shipped into the State of Texas, where sales were prohibited, through the United States mail, it was a sale in the State of Texas at the place of delivery, and that would also apply to the Tennessee case.

Mr. WINGO. If my friend will yield, I would suggest to him that he ask my colleague from Arkansas if he believes that all the pistols in Arkansas come by mail, and that they have stopped the sale of pistols in the stores in Arkansas.

Mr. RAGON. Does the gentleman want me to answer that question?

Mr. WINGO. Yes; when did they stop the sale of pistols in our State?

Mr. RAGON. If the gentleman has kept up with the State papers, he knows there has been a crusade made against them. I do not know how it is in his district, but in my district they do not sell them.

Mr. BLANTON. But does the gentleman believe in taking away from the people of Arkansas the right under the Constitution to keep pistols in their homes?

Mr. RAGON. I would like to say to the gentleman in answer to that question, I can not think of any purpose in the world that a pistol serves except to kill somebody.

Mr. BLANTON. I mean as a matter of defense.

Mr. RAGON. I want to say that I am unequivocally opposed to pistols in any connection whatever. If you want, something in the home for defense, there is the shotgun and the rifle, but a pistol is primarily for the purpose of killing somebody.

Mr. BLANTON. This is a clause in our Bill of Rights. This is a right that was reserved to the people in the Constitution. You may submit the repeal of that to the legislatures of the States some day and they may repeal it, but until they do repeal it we ought to uphold the Constitution.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LAGUARDIA. Does the gentleman construe the provision of the Constitution in the light of changed conditions, and was it not put in at the time when most of the population lived in the rural communities where they had no police department and firearms were necessary for every individual?

Mr. BLANTON. I want to ask the gentleman from New York if in New York he knows of any lawbreakers who do not carry firearms and pistols?

Mr. LAGUARDIA. The gentleman from New York is not on speaking acquaintance with lawbreakers.

Mr. BLANTON. Does the gentleman from New York believe that this regulatory measure sought to be passed is going to stop lawbreakers from getting possession of revolvers?

Mr. LAGUARDIA. It will tend to do it, and that is all we can do about it.

Mr. BLANTON. Tend to do it! I do not believe it will even tend to do it. And those of you who have been around the courthouses and seen criminal cases tried I do not think believe it. Thugs are going to get a pistol whenever they engage in nefarious business, so that they can shoot their way out when they have to do it. I will say, in conclusion, that I will go as far as you want to go to stop the lawbreaker from carrying firearms. I will even help you pass a law, if you are with me on the subject, making it a death penalty where the lawbreaker carries firearms. I will help you pass a law providing that where a man engages in breaking the law and puts a firearm in his hip pocket he shall suffer the death penalty, but I am not willing to visit the punishment upon the law-abiding citizens and prevent them from keeping arms in their homes and defending their own homes when necessary.

Mr. McKEOWN. Is there anything in this bill that will prevent the citizens of Oklahoma from buying sawed-off shotguns to defend themselves against these bank-robbing bandits?

Mr. BLANTON. That may come next. Sometimes a revolver is more necessary than a sawed-off shotgun.

Now, gentlemen, there is going to be another bill brought up here from the Post Office Committee. You are going to pass it, I suppose, because it comes from a great committee. There is a bill coming up here after this bill—and you will pass this in a few minutes, I suppose—that is going to give carte blanche authority to the Postmaster General to establish an air mail service all over the United States wherever he wants to that may cost \$100,000,000.

Mr. LAGUARDIA. Oh, the gentleman is in error.

Mr. BLANTON. Well, it is a bill with only two short paragraphs, and I submit to my colleagues that that is the effect of it. I hope you gentlemen will read it before it is called up; I hope you will pass your judgment on it; I hope you will see the unlimited and unrestricted power that it puts in the hands of the Postmaster General. It could cost the Government \$100,000,000 a year if the Postmaster General sees fit to make it cost that amount.

Mr. LAGUARDIA. Where is he going to get the money?

Mr. BLANTON. It is a legislative bill. It is a bill that gives him authority to act, and when he once engages in the enterprise of increasing obligations on behalf of the Government Congress always gives him the money, for we pay our Government debts. I want to call your attention to what is coming up so that you will be prepared to meet it in a few moments. Now, I am not going to vote for that bill, and I am not going to vote for this bill.

REPORT ON THE WORLD WAR VETERANS' LEGISLATION

Mr. SNELL. Mr. Speaker, from the Committee on Rules I submit a privileged report, House Resolution 370, on a resolution extending the time for rendering the report of the Committee on the World War Veterans' Legislation under House Resolution 351, to February 15, 1925.

The House resolution was referred to the House Calendar.

PROHIBITING THE SENDING OF PISTOLS THROUGH THE MAILS

Mr. BLANTON. Mr. Speaker, I yield 10 minutes to the gentleman from Arkansas [Mr. Wingo].

Mr. WINGO. Mr. Speaker, we all of us want to stop the evil of pistol toting, to use a common expression. The question is, Are you going to do it this way; will it be effective; and if so, is it the proper way? I think I live in as law-abiding a State as any State in the Union, and with all due respect to my colleague [Mr. Ragon], I venture the assertion that in his district I can buy a revolver at half a dozen places. The criminal characters can and do get hold of all the guns they want in Arkansas and the other States under the present state of public opinion.

Gentlemen, you are not going to wipe out the evil in this country by saying to the local community under the local courts that the way we will check all evil will be by turning the matter over to the Federal Government.

Oh, but you say, this simply protects my State and other States by saying that they can not bring the pistols in by mail! Ah, gentlemen, you may say what you please, but if you want to stop pistol toting and the evil results flowing from it you must have an awakened public conscience which will enforce the local laws of the States, not alone against the unlawful sale of firearms, but against the carrying of them. We have a law down in my State that you have to register your six-shooter, and while every law-abiding citizen registers his six-shooter, no criminal ever does. That is my observation.

I never bought a six-shooter in my life. One of my clients gave me one once, but I never did discover how to make the thing shoot.

I have no desire to buy one. I want to stop pistol toting, but I want to go to the root of the matter. The way to stamp out crime in this Nation, the way to enforce your local laws against the sale of firearms and against the carrying of firearms, is for the law-abiding citizens of the different communities first to have respect for the laws themselves and then to enforce their own laws. You are not going to do it by piling statute on statute. This country has a multiplicity of laws, and it has a paucity of sane, sensible, consistent, persistent law enforcement.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. RAMSEYER. The gentleman understands that this bill does not undertake to regulate the States. The only thing it undertakes to do is to tell the person who wants a pistol that he can not use an agency of the Federal Government to transport the pistol.

Mr. WINGO. Oh, I understand that. This does not interfere with a single law. It just creates another law for the same evil, when you are not enforcing the laws that you already have.

Mr. RAMSEYER. Oh, well; it is on the same principle that we years ago made intoxicating liquors nonmailable, that we made explosives nonmailable, and poisons nonmailable. We are just adding to the list of nonmailable matter.

Mr. WINGO. Oh, I can not agree with the gentleman that they are on all fours. They are entirely different.

Mr. RAMSEYER. I do not say they are exactly alike.

Mr. WINGO. Then because we have piled one law on the Federal Government that is no reason why we should pile on others. You will have to have more inspectors. You have already got it so that you can not send a pair of Christmas socks by mail without having some inspector probably open the package and look at it to see whether or not it is something that ought not to go through the mails or properly classed. It is a matter of common knowledge and daily occurrence that the privacy of the people is invaded by these Federal agents under the guise of enforcing the law. They even open your private mail, and if some whipper-snapper representing the Federal Government or some department of it conceives the idea that somebody has committed a crime he says, "Yes; I can do that, even though it be a violation of law, and nobody will punish me." Why, if they have an idea that you are making a little more money than you ought to, as shown by your bank account, and they have a desire to see whether or not you are getting it unlawfully, they will go down and make one of the national banks show them your bank account. I have seen that done within six months, without authority of law, in violation of law.

Mr. MORTON D. HULL. Was the gentleman in favor of the publicity provisions of the income tax law?

Mr. WINGO. I was in favor of the bill as it passed the House.

Mr. MORTON D. HULL. The gentleman is opposed to the publicity provisions as incorporated in the bill?

Mr. WINGO. Oh, well, I think a "tempest in a teapot" has been raised about it. I can not see that it is going to disturb the whole business world if somebody knows how much the gentleman or I pay as income tax. I think there is a clear distinction between knowing how much we pay and knowing where we get the money and seeing our returns.

Mr. MORTON D. HULL. I was trying to see how consistent the gentleman is in his statement.

Mr. WINGO. If the gentleman will stay here a little bit longer, he will find that the only mark of genius here is for a man to try to be consistent. Then nobody pays any attention to him, and he is referred to finally as an eccentric genius, who tries to be consistent. The gentleman entirely misses the force of my argument. I am against pistol toting, and as a member of the State senate and as a citizen I tried to stop the evil. If I thought this bill would do it, I would hail it with delight, but you will still have the criminal with the six-shooter in his pocket after you pass this law, just as you have now, and at the same time you will have more post-office inspectors on the pay roll; you will have new officers running up and down the land; and I tell you that right now in the State of Arkansas there are more Federal agents camped on its soil nosing into the private affairs of individuals than we have State, county, township, and municipal officers. You can not turn around without rubbing your elbow against some inspector of some department of the Government. What are they doing? The principal thing they are doing is drawing

their salary and riding the backs of the already overburdened taxpayers. All right! We are going to stop all evils by passing a Federal statute. We are going to make people good by a Federal statute. We are going to regulate their mail. As it is now, when you want to send your wife a Christmas present of a pair of stockings, some clerk will want to look at the package to see whether or not you are sending something through the mail that ought not to be sent through the mail. Oh, pass the bill. Of course, you are going to pass it, and why? Because it has a moral sentiment back of it. The man whose heart has been wrung, the woman whose life has been wrecked by some scoundrel with a six-shooter in his pocket, or some boy using it and getting himself into trouble, thinks that this will wipe out the evil and that the moment we stop the mail from carrying pistols, then every pistol pocket will be empty; that criminals will be left without their guns, and that the millennium will be rushed in. But, gentlemen, that will not do it. This will pile on a little bit more law. I tell my constituents they need more enforcement of the laws which they now have, and not to ask the Federal Government to usurp, not alone the right but the duties of the local organizations.

What is the result? You know what the result is. You enforce the law in my State and everywhere else against the sale of firearms, enforce the law against the carrying of those firearms, and you will stop these tragedies. Sears, Roebuck Co. and Montgomery Ward are not the source of all the pistol toting in this country.

Mr. MILLER of Washington. Will the gentleman yield?

Mr. WINGO. I will.

Mr. MILLER of Washington. What does the gentleman think of this state of affairs where in the State of Ohio, which requires a permit to be obtained to carry a pistol, within the last 18 months 3,000 pistols were shipped into that town through the United States mail? That is what this bill is trying to prohibit.

Mr. WINGO. How does the gentleman know that?

Mr. MILLER of Washington. The Post Office authorities made the statement.

Mr. WINGO. What authority did they have to dig into the mail to ascertain?

Mr. MILLER of Washington. I do not know. The gentleman can ascertain the facts as well as myself.

Mr. WINGO. They say they are digging into it. You stop it by mail and you stop it by express, then you stop it by freight, and then they are going to carry it in their pockets on the train. That is what they are going to do. Gentlemen, of course you ought to see that there is a sensible regulation of the sale of firearms to necessary police officers and the different peace officers, but I submit the States can do it better. It is not going to make the grand jury any more efficient in my State, it is not going—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLANTON. I yield the gentleman five additional minutes.

Mr. WINGO. It is not going to make the man who keeps his six-shooter hidden in the drawers of his store from doing so by prohibiting the sale of firearms. It is not going to prohibit the sale of firearms to the criminal. If they want to come and get them they will come and get them. It is not going to stop the bootlegging of pistols in the States where they are sold unlawfully. There is just one thing that is going to stop it, and that is an awakened and aroused public sentiment in those States and communities to enforce and maintain the laws which they have, and if a man carries a gun or brings it in by mail and goes and carries it he is violating the law. This will not make it any easier for you to detect the man who is carrying. But if you shut off one convenience for getting it he will get it through another avenue.

Mr. BEGG. Will the gentleman yield for a question?

Mr. WINGO. Yes.

Mr. BEGG. I am very much in sympathy with what the gentleman is saying. If this bill were enacted into law and another cutting off the express companies and another cutting off the transportation by freight, if we continue to permit the manufacture what is to prevent a man driving 100 miles and bringing back 5 gross of firearms?

Mr. WINGO. If you start on this road, start the Federal Government undertaking to suppress pistol toting, you have got to go the whole length. You prohibit its coming through the mails, by express, by interstate commerce, and then whenever you have made it a matter of interstate commerce that

Includes transportation by automobile, airship, or by train, or in the pocket, you will just add to the Federal enforcement officers of the Nation, require more officers, more employees on the pay rolls, and you will not stop the evil, gentlemen. But, as I repeat, you will pass your bill. Those of us who vote against it will be criticized by some good people. I wish your hopes could be realized by this bill. I have seen tragedies in reference to pistol toting. I repeat, I never bought one. I would like to see the law in my State more rigidly enforced, but I do not believe a Federal statute is going to make them any more vigilant. I regret to say my observation has been when the Federal Government invades this field, I have seen the tendency on the part of the local authorities to be more lax and say, "Let George do it; let Uncle Sam do it." Gentlemen, this Federal machine is big enough now—

Mr. BLANTON. Will the gentleman yield?

Mr. WINGO. I will.

Mr. BLANTON. Is not after all the revolver under the teller's counter a protection against the bandit every day that they do business?

Mr. WINGO. Oh, yes.

Mr. BLANTON. They are afraid of that revolver under the teller's counter. It is that which keeps most of them out.

Mr. WINGO. I will say to the gentleman, they will get it; they will get the six-shooter. They will buy it in some way; and the criminal, most of all, will get it, because the man who started out to run the risk of carrying a six-shooter in his pocket will not hesitate to violate the procurement statute. The pistol in his pocket is more apt to be carried according to the subterranean methods by which he gets the pistol. Take the pistols out of the pockets; enforce the local laws against the sale of them. That is the way to stop this evil. You can not do it by employing a horde of Federal officials to open the packages in the mail.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. WAINWRIGHT. What is the use of enforcing the local laws and regulations with regard to carrying pistols if it is perfectly easy to get them through the mails?

Mr. WINGO. The gentleman is well versed in the law. They tell me I am wrong about my view of it. But if you want to protect local law I will vote with you to settle the dispute, if there is any dispute about it, and say that the transportation of firearms through the mail shall be governed by the law of the State where they are delivered. I will go with you on that if there is any dispute about it, and then say to the local communities, "Do not cry out to Washington to save us from our own indifference." That is not the way to save the great institutions which our fathers founded. [Applause.]

Mr. RAMSEYER. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia [Mr. UPSHAW].

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 10 minutes.

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent to address the House out of order.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to address the House out of order. Is there objection?

There was no objection.

Mr. UPSHAW. Mr. Speaker, with Woodrow Wilson gone and Henry W. Grady dead, I had not supposed that there lived on the American Continent a man who could make such a speech—such a masterful compass of thought and language, eloquence, and statesmanship—as we heard in that wonderful memorial address of President Edwin Anderson Alderman, of the University of Virginia. [Applause.] Gray-haired men on both sides of Congress declare with unmingled and unrestrained enthusiasm that the speech was the very greatest message, viewed from every angle of estimate, that has been heard in this historic Chamber in this generation. If the greatest in this generation, then why not the greatest in all generations since this Republic began its mighty processes of growing patriots and building statesmen of heroic stature and gigantic mold?

Known for a quarter of a century in the educational life of America, and especially the South, as an educator-statesman of towering proportions, Edwin A. Alderman has reflected a signal honor upon his native North Carolina—a State that has a way of giving a marvelous plenitude of outstanding men to the world; but whether at the helm of the University of North Carolina or Tulane in Louisiana, or in the crowning work of his brilliant and fruitful life on that inspiring spot where the Sage of Monticello thought and wrought—where

the Father of the Declaration of Independence laid the foundation of that shining pyramid of freedom that will pierce the ages as they pile themselves upon its deathless glory, it remained for this great national and international hour to unchain the latent forces of his greatness and challenge the "pinioned powers" of Virginia's scholar-statesman to their most marvelous achievement.

And it was an honor of first magnitude, gentlemen, a premier victory of superb isolation, for a private citizen to be summoned to the mighty task—the priceless privilege of speaking the "in memoriam" of America's great war President before the President and his Cabinet, the diplomats of all nations, and the assembled Congress of the United States. But, rich as were the materials with which the speaker had to deal, deep as were the crystal springs of his sacred inspiration, he had a task that was as delicate as it was difficult. Truly, as he said, he would have been lacking in the courage of the leader whom he memorialized if he had failed to treat with personal candor those controversial points of sharp contention that were the positive pivots of Woodrow Wilson's regnant ideals and the glowing arena of his most stirring activities.

And yet, at the very altar of Wilson's supremest dedication, and in the very presence of the opposing but honest leaders whose variant views and efforts had thwarted his passionate dreams, Edwin A. Alderman moved with a cautious and yet a dauntless frankness that disarmed criticism and commanded a fascinated and fascinating reverence that awed and subdued and exalted all who hung upon his magic words.

His courage was superb; and yet it was matched only by a courtesy as winsome and as gentle "as down from some high angel's wing."

His language! I stand almost dumb at the threshold of its contemplation.

It is said that "no man can be argumentative who is not historical." The orator of that memorial hour seemed at once the maker of history, the wizard of literature, and the master of logic all in one. There was radiance with reason, vision with virility, vigor and victory in the resourceful treatment of every theme. When and where did we ever hear before such balanced sentences of beauty and power? When and where did we ever drink in before such minstrelsy and music and majesty of words? And yet there was never a lost motion, a lost sentence, or a lost word in all that mighty torrent of human thought, human history, human ideals, and human and divine achievement. It took a statesman as well as a scholar and an orator to meet that wonderful hour; but the man and the hour met. And because of that high and holy trusting place that seemed the antechamber of the eternities, we are a better company of lawmakers, the Nation is a better Nation, and this world is a better world. I thanked God while the speaker moved, as John Temple Graves said of Grady, "from easy effort to success," that the supreme consideration was not subordinated to histrionic power and literary charm. God was honored as the Supreme Builder of character, and the "stately steppings" of the Almighty were heard in the deep recesses of every listening soul. It was the radiance of God's own vocal skies and the threnody of heavenly harmonies that fell into our hearts "like the benediction that follows after prayer."

As this marvelous masterpiece shall go into our permanent literature and be proclaimed in shining segments by ambitious young Americans in many a mimic contest, I rejoice that its glorious evangel of uplifting reverence will flow like a veritable gulf stream of spiritual enrichment, fructifying the character, the ideals, and the aspirations of every plastic youth that it shall touch, "through God's restless tide of years." Verily, it was a throne of sceptered truth, and that scepter was waved by such a master hand that I found myself involuntarily coveting such a master man for the White House of my country! I kept saying in my soul: Why not make that man President of the United States?

Are we so bound by the unwritten dictum of sectional bias that he would have to move to New Jersey or Massachusetts or Ohio in order to place him on the "eligible list"? Surely. If those super-Virginians, Washington and Jefferson, Madison and Monroe, Tyler and Wilson, "rule us from their urns," we should rejoice to place this premier scholar-statesman where his princely powers and Alpine personality would stir the pride of all American patriots regardless of party lines.

Fellow Americans in Congress, I propose that master American, the present president of the University of Virginia, for President of the United States! [Applause.]

Mr. RAMSEYER. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. BLACK].

The SPEAKER pro tempore (Mr. LUCE). The gentleman from New York is recognized for five minutes.

Mr. BLACK of New York. Mr. Speaker, I think this bill is a fairly good measure, designed to do the very thing that a great number of men associated with the prosecution of the criminal law want to see done. But I do not think it goes half far enough; I do not think it goes half far enough under the provisions of the Constitution, even. I do not think there is anything that the ordinary householder has to be afraid of in this bill. I do not think there is anything that the man who likes the Constitution has to be afraid of in this bill. As a practical proposition, how often has a householder been called upon in the large cities to defend himself by the use of a firearm against a bandit? I venture to say that the bandits who use guns are more afraid of little Skye terriers in the homes than they are of all the guns in the world.

Only once can I recall a case where a gun was used in the city of New York to stop a bandit, and on that occasion a fight or scuffle ensued by the use of the gun by the householder, in which a woman in the house was accidentally shot. Very seldom do you have a bandit entering the home with a gun. They still respect the household. It is on the open streets that they use the guns in the big cities. How often have you heard of any man on the open streets using a gun to protect himself against a bandit?

What the householder wants, and what the man on the street wants, and what the citizen wants is police service against the bandit, and he can have the police service against the bandit when the policemen of all the cities are released from other things that have been brought down upon them by this House requiring them to devote their time to other regulations that the people do not want, keeping them away from real police duty.

As to the business man and the gun, every big business house has a watchman; and every big business house has a watchman because his burglary-insurance provisions practically require him to have a watchman. There is nothing in this bill preventing a watchman from getting a gun. There is nothing in this bill preventing a man who has a right to have a gun from having it. As a good citizen, a man is free to have a gun if he procures a license for it. This bill simply supplements those things that we try to do in the States against the bandit.

Make it hard for him to get a gun; make it as hard as possible for him to get a gun. And I say that if we want to really help the people against the violators of the law and our affairs we should strike out the language of the eighteenth amendment as that now stands and after the word "prohibit" insert "the manufacture, sale, and transportation of concealed weapons." And that has back of it the thought of a number of our best jurists. I have heard judges in New York City say that the way to stop the use of guns, and the only way to stop their use effectively, is by prohibiting the manufacture and sale of guns.

Mr. BLANTON. Will the gentleman yield?

Mr. BLACK of New York. Surely.

Mr. BLANTON. Does not the gentleman know that in every one of the many banks in New York to-day there are at least a half dozen revolvers right at hand under the tellers' desks?

Mr. BLACK of New York. I want to say to the gentleman from Texas that if this bill passes those guns will be there as they are to-day. They can get guns and they can buy guns under this bill from legitimate dealers, and they are the only ones who can get them. I will say to the gentleman that there would be no use for those guns were it not for the fact that bandits can now get guns through the mail, although the State laws prohibit the sale and use of guns. The householder does not need a gun unless the bandit has one. Take guns away from the bandits and you will take away the necessity of householders needing guns, and if he can not use a gun he can do no harm and will harm nobody about him. I will say to the gentleman that you should not prohibit temperance but prohibit murder, and that is in very large measure accomplished by this bill.

Mr. BLANTON. Will the gentleman yield further?

Mr. BLACK of New York. Yes.

Mr. BLANTON. Does the gentleman—who is quite an able lawyer from the great metropolis—believe that this bill will stop thugs from having guns?

Mr. BLACK of New York. No; but it will tend to stop them from having guns. This measure is a step in the right direction, but I say you ought to go all the way and enact a constitutional amendment prohibiting the manufacture and sale of concealed weapons. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. BLANTON. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. STEAGALL].

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 10 minutes. [Applause.]

Mr. STEAGALL. Mr. Speaker and Members of the House, the provision in our Constitution which attempts to guarantee to the citizen the right to keep and bear arms lies deep at the root of our liberties. The men who framed our Constitution were fresh from the struggle for American freedom and independence, and they had read with understanding the lessons of human history. They recognized that the right to bear arms was not only essential to the protection of the individual citizen and the defense of the home of the individual citizen but that that right is essential to the preservation of self-government and the liberties for which they had fought and which they desired to hand down to those who were to come after them.

This bill would give to the military and to the constabulary the unqualified right guaranteed by the Constitution, but would infringe upon that right as to the individual citizen of the country.

Mr. BLACK of New York. Will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. BLACK of New York. The gentleman realizes that the second section only guarantees to the people the right to bear arms through a well-regulated militia, which, I take it, is a militia created under the laws of the several States.

Mr. STEAGALL. But my friend does not catch the first great fundamental thought underlying this provision in our Constitution, which was to safeguard the citizen in the right of self-government and enable the people to protect themselves against the encroachment, usurpation, and oppression of the military, which had overawed and held down the masses in all the ages of human history. [Applause.] That is the great fundamental thought underlying this principle in our Constitution, and it was founded upon the unmistakable lessons of human history in all ages throughout the world.

Mr. BLACK of New York. Will the gentleman yield further?

Mr. STEAGALL. Yes.

Mr. BLACK of New York. Does the gentleman understand it is left to the people, with guns in their homes, to decide when oppression was coming and when tyranny was coming, and that it is not left to the officers of the land to say that?

Mr. STEAGALL. Well, the gentleman makes a speech that is all interesting, but it does not bear directly on the thought that I am attempting to pursue in this argument. What is going to become of the citizenship of America if you disarm them and then turn over to your Military Establishment the unlimited right to bear arms? There is no possibility of such danger right now, but what would be the situation if we should ever unwisely see fit to elevate and enlarge the Military Establishment to the point that it would become an instrument of oppression to the masses of the American people? The thought of this danger is the principle which guided the framers of our Constitution, who attempted to write this safeguard into the organic law of the land.

Gentlemen, this bill attempts to infringe upon that right in a way which, I dare say, has never been attempted in any other legislative body anywhere in this Union. If it has been attempted, it has escaped my attention.

Mr. WAINWRIGHT. Will the gentleman give way?

Mr. STEAGALL. In just a little bit. I do not know of any State and I have never heard of any legislature that ever attempted to go as far as this bill seeks to go. The only thing any State has ever done, so far as I am informed, that in the least infringes upon the rights vouchsafed by the Constitution is to require the citizen who bears arms to carry them openly, so that those with whom he comes in contact may be put on notice that he is armed. That is as far as the law has ever gone.

The right to possess arms of any sort has never been denied to responsible citizens anywhere in this country, so far as I am informed. I have never heard of an attempt before to infringe upon the guaranty of the citizen in the right to keep arms. That is just as essential as the right to bear arms.

This bill not only attempts to infringe upon the right to bear arms but, as has been pointed out, would, in so far as its effect will prevail, deny every citizen of the country the right to have firearms in his home or about his person for the protection of his family or for purposes of self-defense.

The framers of this bill were not content with attempting to restrict the keeping of arms or the bearing of arms but

would deny the citizen the right to purchase firearms of this character or to deal in them at all, because if they may not be transported they can not be had. So far as I am informed, no other legislative body, in dealing with the question, has ever gone further than to say that the citizen in bearing arms should carry them openly so as to put those with whom he came in contact upon notice that he was armed. That is not unreasonable nor unjust nor does it take away any substantial right.

Mr. HOCH. Will the gentleman yield there?

Mr. STEAGALL. I yield.

Mr. HOCH. Under this bill, as it is written, a reputable citizen living, we will say, 15 or 20 miles from town calls up his dealer, whom he knows and who is known to the dealer, and asks him to send out by parcel post a certain revolver; that dealer could not do that under this proposed law without violating the law?

Mr. STEAGALL. No; he could not, and it is not true that this bill will not accomplish anything. It will deny the use of the mails for the purpose of transporting firearms; and the logical and consistent thing to do would be to follow it up with other laws which would prohibit the transportation of firearms by other methods, and another logical step would be to deny to the citizen the right to keep or to own or to possess firearms of this character at all; and the logic back of this would really deny the citizen the right to arm himself at all or to put firearms in the home for protection of himself or the family. It would disarm the citizen while conferring especial favor upon the constabulary. It is fundamentally vicious in principle.

Mr. WAINWRIGHT. Will the gentleman give way?

Mr. STEAGALL. I yield to the gentleman.

Mr. WAINWRIGHT. May I ask the gentleman what is his conception of the constitutional provision? The gentleman has referred to it as a provision guaranteeing to the individual citizen the right to bear arms. May I ask the gentleman if he himself would have any objection to reading the constitutional provision.

Mr. STEAGALL. I think I know what the Constitution contains. It was read here a few moments ago. I do not think I need to be refreshed, but I will be glad to yield to the gentleman for that purpose.

Mr. WAINWRIGHT. May I read the constitutional provision:

A well-regulated militia—

I am now reading article 2 of the first amendment to the Constitution—

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

I doubt if that has ever been construed to mean that the individual citizen has any constitutional right to bear arms.

Mr. STEAGALL. The gentleman is totally in error, because all the decisions of the courts are to the contrary and the purpose of the framers of our Constitution was to accomplish the very opposite of what the gentleman has in mind. It was not their thought to arm the Military Establishment with a power that could be used to destroy and override the citizen, but to give the people the right to bear arms, in order that they might defend themselves and their liberties and enforce the inalienable right of self-government. That was the principle involved. The right given the military was not to supplant the right of the citizen, but was intended to further and protect the right guaranteed the citizen.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. BLANTON. I yield the gentleman three minutes more.

Mr. KETCHAM. Right there, would the gentleman be kind enough to yield for a question?

Mr. STEAGALL. Yes; I yield.

Mr. KETCHAM. I want to direct the gentleman's attention to the statement of a very distinguished jurist upon the very point that has been read. I am reading from Thomas M. Cooley, one of the most outstanding judges Michigan has ever known, and it bears directly upon this point. He used these words:

The arms intended by the Constitution of the United States are such as are suitable for the general defense of the community, and the secret carrying of those suited merely to deadly individual encounters may be prohibited.

Mr. STEAGALL. Yes; there is no question about that. Everybody understands that and there is nothing new in it whatsoever. Carrying weapons concealed has often been pena-

lized and properly so. Such statutes rest upon entirely different grounds as I have already attempted to explain.

Mr. MOORE of Virginia. May I suggest to the gentleman that this particular provision of the Constitution is restrictive of congressional action.

Mr. STEAGALL. Certainly.

Mr. MOORE of Virginia. And it leaves to the States to do what the States think proper in this regard.

Mr. STEAGALL. Absolutely. I was coming to that point, and, as has been well said before in this argument, this is merely another step by which the Federal Government is to trespass upon the rights of the States, the thing first set down to be preserved inviolate by the framers of our Constitution, and I believe our gradual departure from this great fundamental principle is the most dangerous tendency in our national life.

The suggestion has been made here in this discussion that this bill is itself the child of bureaucratic government at Washington. If I am correctly informed, the bill is sent here by one of the bureaus dealing with the petty details of a department, yet it is an enactment which departs from one of the most fundamental, far-reaching, and sacred principles in our Constitution.

Let me say to you, Members of the House, that if there is any one thing upon which the people of the United States are surfeited and which all thoughtful people deplore, it is the regulation and control of affairs by Federal boards and agencies and the tendency to center all authority in the Government at Washington. [Applause.] What the citizen of this country wants, above all things, is to have the Federal Government take its hands off of him and out of his pocket.

Mr. MILLER of Washington. Will the gentleman yield for a short question?

Mr. STEAGALL. I yield to the gentleman.

Mr. MILLER of Washington. Can you imagine the law of any State in the American Union forbidding the delivery of firearms through the mails in their States? As a lawyer, can you imagine that?

Mr. STEAGALL. That is a proposition—

Mr. WINGO. May I make a suggestion to the gentleman? Since I spoke a while ago I have been refreshed by one of the ablest lawyers in this House and have had recalled to me a case which arose right in the District of Columbia, where a man was extradited and sent to the State of South Carolina that had never been in that State, because he sent through the mails the thing which caused the commission of a crime in the State of South Carolina, and the defense was that he had not committed any crime in South Carolina, but he was held guilty in that State. You can now prosecute them in the State for sending pistols through the mail.

Mr. STEAGALL. Yes. I discussed that very case with the same gentleman from South Carolina, and the decision reached in that case was unquestionably sound. [Applause.]

Mr. RAMSEYER. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore (Mr. LUCE). The gentleman has 15 minutes remaining.

Mr. RAMSEYER. I yield five minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY. Mr. Speaker, I am sure after this debate we will be convinced that the enactment of this law will not bring the millennium, but after all its only purpose is to make it more difficult for the thug and murderer to get his weapons with which to commit crimes. It will make it easier for the law-abiding citizen to live in the peaceful possession of his life and his property. I do not believe that the representatives of the law in this great Republic need to be concerned more than those who are financially interested in this proposition.

I was rather forcibly impressed less than 60 days ago to read in the public print a statement by Julius Rosenwald, head of Sears-Roebuck Co., the greatest mail-order house in the country, on this proposition. I have myself never been charged with being a supporter of mail-order houses. But this manager stated that the revenue of that house from firearms through the mail amounted to many millions of dollars, and he believed that patriotism required a determined action on their part, and they had fixed the policy that never again would they send through the mail a revolver or pistol because of their menace to law and order in the local communities.

Now, when a great organization, which is interested in getting all the revenue it can, without any compulsion of law sees fit to adopt a policy cutting down their own revenues through such a motive, it seems to me that we need not have too much compunction, as the representatives of law and order, to say that it shall not be done by any individual or interest in the United States. [Applause.]

Mr. BLANTON. Mr. Speaker, I yield the balance of my time to the gentleman from Alabama [Mr. HUDDLESTON].

The SPEAKER pro tempore. The gentleman from Alabama is recognized for two minutes.

Mr. HUDDLESTON. Mr. Speaker, that is not time in which I can speak. I will say, however, that the worst thing in this bill is its discriminatory features. The fact that it permits certain classes to receive weapons through the mails, weapons not required in the performance of their duties, while the same privilege is denied to all others, embodies a discrimination which is bad. Discriminatory legislation is vicious in principle and ought never to be tolerated except under extraordinary conditions. Here we have a bill that exempts certain classes from the operation of the law to do whatever they please with reference to sending or receiving firearms, whereas other classes are forbidden. These preferred classes are not restricted to obtaining arms necessary in the performance of their duty as officers. They may buy pistols from the mail-order houses and sell them to their neighbors or anybody else, and there is nothing in the bill to prevent it. You will put these officers practically in the business of dealing in these firearms, while other people of good repute are not permitted to do it. It is a discrimination that ought not for a moment to be tolerated. If we are to pass a bill forbidding the purchase of pistols through mail-order houses, we should make it apply to everybody alike. [Applause.]

Mr. RAMSEYER. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. RAGON].

Mr. RAGON. Mr. Speaker, I can not see that violence to the Constitution which my friend from Texas sees in this bill. I think if you will take the statistics of the murders or homicides that occur in the United States and compare them with the number of homicides in Great Britain or Canada, it will be enough to bring the blush of shame to the cheek of any American. Something is vitally wrong either with our system, jurisprudence, and administration of criminal laws in this country or else there is something fundamentally wrong in not ridding ourselves of the opportunity of committing homicide.

Much has been said here about the use of these pistols as a defense of the home, and so forth. I can not subscribe to any such maudlin sentiment when these firearms are primarily used in taking human life. In my State it is a violation of the State law to sell a pistol within the borders of the State. The same law prevails in the State of Tennessee. I undertake to say that within the borders of the United States there are a score of States which have laws to the same effect. In other words, the merchant in my community can not sell a pistol lawfully. Oh, there may be bootleggers. It is a violation to sell liquor in Arkansas, but we occasionally have sales. It is a poor argument to make against any proposed law that there are violations of other laws in the community. It will not hold water. I say to you that under the present conditions we have that prohibits the sale of weapons in my State you are permitting the United States Government, you might say, to commit a criminal offense when it delivers within the borders of the State an article of commerce prohibited by an act of the State. In other words, if you permit a mail-order house to sell to a citizen of that State and use the United States mail as an instrumentality for delivering the article and the consummation of that sale, then you are permitting your own Government to do an act that is held unlawful if done by a citizen of my own State.

Mr. BLANTON. Will the gentleman yield?

Mr. RAGON. I will, although I have only five minutes.

Mr. BLANTON. If I should mail a revolver into the gentleman's State to-day, would I be guilty of a criminal offense?

Mr. RAGON. Absolutely; there is no question about that, but that is dodging the question. The argument that they are using—that he would be violating the law in the State of Arkansas if you in the District of Columbia ship a pistol there—reminds me of the old antiprohibition cry when they said, "Don't go to state-wide prohibition, because you can't enforce it." Of course you can do that. Suppose we take Sears, Roebuck & Co. The gentleman says that they have quit the sale of firearms. However, they used to sell them. Suppose they should sell some 15-year-old boy in my State a pistol. He could do with it as the Tennessee boy did—blow his brains out. The sale of a pistol is only a misdemeanor, and you indict them. I think it carries a fine of \$20 or \$50. Are you going to the State of Illinois, where Sears, Roebuck & Co. are situated, and there go through the proceeding of extraditing some member of that firm and bringing him to Arkansas and prosecuting him for a misdemeanor? That shows you the utter folly of the position the gentleman takes. I say that you have an oppor-

tunity in the passage of this bill of taking the first step, as I see it, in the total extermination of the most deadly weapon that human beings know anything about. The farmer does not go out and kill his hogs with a pistol. The man who walks out on a hunting trip through the woods does not go hunting game with a pistol. He does not go out to do any of the other things which ordinarily we call sport with a pistol. The primary purpose that the pistol serves and has served in America is that of killing human beings, and I would say for the unktion of some gentlemen who have been discussing this that statistics will show that more than 50 per cent of the murders that happen in the United States happen as a result of the misuse of a pistol.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired.

Mr. RAMSEYER. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Speaker, if this bill becomes a law it will materially strengthen the several States and increase their power to enforce their police regulations, without being crippled by the action of citizens of other States in shipping revolvers into such States, thereby rendering the enforcement of those laws exceedingly difficult. Nearly all of the States have laws that forbid the sale of firearms to minors. These are salutary legislative enactments, but under the present system, which permits revolvers to be transported by mail, any boy of 10 or 12 years of age can order a revolver from a mail-order house in another State, and having in that manner acquired possession of a revolver he in many instances uses it to violate the law and sometimes take human life. This law will remedy those conditions and enable the States to efficiently function, exercise their wholesome police power, and enforce local police regulations. This bill, if enacted, will prevent young boys all over the United States from buying these revolvers and using them very frequently for unlawful purposes. It is a wholesome and salutary bill, and it ought to be adopted by this House without serious opposition.

Mr. RAMSEYER. Mr. Speaker, I suggest that the amendments be disposed of.

The SPEAKER. The Clerk will report the amendments. The Clerk read as follows:

Page 1, line 9, after the word "prescribe," insert a comma.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 7, after the word "commitment," insert a semicolon.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 11, at the end of the line after the word "other," strike out the period, insert a comma, and add the following words: "under such regulations as the Postmaster General may prescribe."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STENGLE. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. STENGLE: Page 2, line 1, strike out the words "or Marine Corps" and insert in lieu thereof the words "Marine Corps or Reserve Officers' Training Corps."

The SPEAKER. The question is on agreeing to the amendment.

Mr. WINGO. Mr. Speaker, does the gentleman want to be heard in favor of this amendment?

Mr. STENGLE. I do, if the gentleman desires to oppose it. Otherwise, I am willing to go to a vote.

Mr. WINGO. I merely rise to ask the gentleman whether he proposes to throw this open to everybody who belongs to the Reserve Corps?

Mr. STENGLE. If the gentleman will read on page 1, line 10, he will find that none of these exceptions is provided for except in connection with official duty, and the Reserve Officers' Corps has no official duty except at specified periods in each year.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. STENGLE. Yes.

Mr. RAMSEYER. As I stated in opening the debate, I think this bill covers everything. I think it covers the officers that the gentleman seeks to designate in his amendment. I am not

sure that the gentleman has properly designated them. May I ask to have the amendment again reported?

The SPEAKER. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again read the Stengle amendment.

Mr. LAGUARDIA. Mr. Speaker, I think the term the gentleman should use is "Reserve Officers' Corps."

Mr. STENGLE. Very well; I shall accept that.

Mr. LAGUARDIA. The other is a students' organization.

Mr. NEWTON of Minnesota. Mr. Speaker, if the gentleman's point is correct, he should also include the members of the Naval Officers' Reserve Corps.

Mr. STENGLE. I have no objection to the gentleman offering such an amendment. I had no intention, Mr. Speaker, when I offered the amendment to take up the valuable time of this House to discuss the reasons why I believe this addition should be made to the bill. It seems to me self-evident that there might at some time be a question raised, technically, which would prevent in our training camps the permission to transport certain firearms for the use under official duty of the reserve officers in the camps. I am not surprised that there seems to be some question as to what the corps is and what it does. General Pershing requested many Members of this House two years ago to visit the camps in training near their homes. I was officially informed at the conclusion of that summer that I was one of only two Members who did what General Pershing had requested.

Mr. RAMSEYER. Will the gentleman yield?

Mr. STENGLE. I will.

Mr. RAMSEYER. After conferring with some members of the committee, if the term is a proper one I do not think there will be any objection.

Mr. STENGLE. I will accept any term the gentleman suggests, if it covers what is desired. All I desire is to clear up any question that might arise.

Mr. RAMSEYER. It should be "Officers' Reserve Corps."

Mr. STENGLE. I accept the suggestion; it should be the Officers' Reserve Corps.

The SPEAKER. Without objection, the Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. STENGLE: On page 2, line 1, strike out the words "or Marine Corps" and insert in lieu thereof the following: "Marine Corps or Officers' Reserve Corps."

Mr. WINGO. Mr. Speaker, I ask unanimous consent to proceed for five minutes additional.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. Mr. Speaker, as I gathered from the remarks of my friend from New York, his amendment will take care of the constitutional rights of himself and one other man. [Laughter.] Because—

Mr. STENGLE. Will the gentleman yield?

Mr. WINGO. I can not, because the gentleman had five minutes of my time.

Mr. STENGLE. My time. I had the floor and the gentleman took up my time.

Mr. WINGO. Now, my friend stated that he and one other officer complied with something, I do not know what. Now, this will permit him and that other officer in the Marine Corps to buy their pistols from Sears, Roebuck & Co. by mail. [Laughter.] Gentlemen, at first I was opposed to the amendment, but now that I see the force of it I appeal to all the Members of the House to support it. Think of it! Here are two prominent officers of the Reserve Corps who will have the right to patronize Sears, Roebuck & Co.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. WINGO. I do.

Mr. HILL of Maryland. Could the gentleman tell the House how many additional post-office inspectors will be necessary to enforce this act?

Mr. WINGO. What difference does it make? We are approaching that beautiful stage in the evolution of our Government where we will get as many people as we can on the payroll and try to see how many of us can shift the burden of taxation to support it.

Mr. HILL of Maryland. It will make necessary several additional inspectors?

Mr. WINGO. Yes. If they have the right to search the mail for one purpose, they have it for all, because if they want to nose into your mail and find out what is in a package they will and say, "We do it because we have grounds to believe that there was a six-shooter in there." Of course, my col-

league from Arkansas [Mr. RAGON] says it will be the first step. The gentleman is right. My young friend made a wonderful appeal to the House to stop murder, and he summoned the Federal Government to aid to suppress murder. I am an old-fashioned Democrat, and I well recall, with a failing memory, the days when murder, larceny, and other crimes were the peculiar province of the State and the local force to suppress, but we are reaching that beautiful state where Washington will have a bureau to regulate all the citizens of the States and let a bureaucrat, under regulations prescribed by the chief bureaucrat—the Postmaster General in Washington in this case—determine when some one has committed a crime and when he has not; and the people of the States will have nothing under the sun to do except dodge the Federal officials, because the local force will have nothing to do because this Federal Government shall apply its own methods and suppress murder and other crimes. Murder is bad, grand larceny is bad, and petit larceny is bad and ought to be stopped; and here is a body that will step in and by Federal aid stop these crimes. There is the robbing of a chicken roost. That is bad—we will stop that. The robbing of a chicken roost is a crime, and we call upon the Federal grand jury to help prosecute the chicken thief. Gentlemen, this is the first—no; this is not the first step. For years continually upon the statute books we have placed Federal statutes taking over duties that should be discharged by local courts.

I believe the people of Arkansas can protect themselves against murder and every other crime by their own courts, judges, and machinery if the law-abiding people will stand together to do it; if the grand jury, if the petit jury, will do their duty. God keep this Nation when you have a department down here, with a bureaucrat in charge with authority, under such regulations as he shall prescribe, to say that he will protect the community and peace and order and property rights and personal rights of all the citizens of the Republic. And God pity the Democratic Party when it comes to the day when gentlemen, to meet a passing breeze of popularity, desert the time-honored principles of the Democratic Party and say, "On to Washington! To Washington! To the Federal Government!"

We yield all the power, we yield all the rights for which once our historic party contended. Go and tear down the statue of Jefferson or remove the picture of Washington. [Applause.] Abandon your party if you propose to turn for the suppression of murder and every other crime to Federal agents and have a bureaucrat in Washington undertake to prescribe the regulations to prevent it! [Applause.]

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. RUBEY. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RUBEY: Page 1, line 4, after the word "person," insert "and newspapers, circulars, pamphlets, or publications of any kind containing any advertisement for the sale of any pistol, revolver, or other firearm." Also, on page 2, line 18, after the word "firearm," insert "or any newspaper, circular, pamphlet, or any publication of any kind containing any advertisement for the sale of any pistol, revolver, or other firearm."

Mr. BLANTON. Mr. Speaker, I make a point of order against that.

Mr. RAMSEYER. Mr. Speaker, I make a point of order on that because it is not germane to the provisions of the bill. This bill simply makes firearms nonmailable. That is all it does. Now, then, the gentleman from Missouri undertakes to prevent advertisements of firearms from going through the mails. There is certainly no kinship or germaneness or relevancy one to the other at all.

The SPEAKER. The Chair will hear the gentleman from Missouri.

Mr. RUBEY. Mr. Speaker, this bill declares firearms capable of being concealed unmailable. My amendment refers to nothing except advertisements telling fellows where to get the firearms. I want to go to the root of the trouble and stop the source from which the firearms are obtained. The gentleman's bill is to prevent them from going through the mail.

The SPEAKER. The Chair sustains the point of order. The bill refers to mailing revolvers. I do not think the provision as to advertisements is germane.

Mr. HILL of Maryland. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HILL of Maryland: Page 2, line 21, insert: "Provided, That no firearm shall be mailed to any person unless such person is required to wear a prescribed and distinctive uniform when armed with such firearm."

Mr. HILL of Maryland. Mr. Speaker, I hope the committee will accept that amendment.

Mr. RAMSEYER. Mr. Speaker, I make a point of order against that. It is not germane.

Mr. HILL of Maryland. It is a limitation.

Mr. RAMSEYER. No; it is not a limitation. This is not an appropriation bill.

The SPEAKER. The Chair will hear the gentleman from Iowa on the point of order.

Mr. RAMSEYER. Mr. Speaker, this bill is a very important one. The purpose of it is to make firearms capable of being concealed nonavailable. It does not undertake to say what the fellow at the other end shall wear in order to get firearms. I do not recall the exact wording of the gentleman's amendment, which was evidently offered in a facetious manner.

Mr. HILL of Maryland. No; there is nothing in the amendment except to protect the public rights.

Mr. RAMSEYER. The gentleman's amendment is somewhat indefinite. But this bill has to do with nothing except that the forbidden articles shall not be carried in the mail, with certain exceptions to classes of officers who may receive them through the mails under regulations prescribed by the Postmaster General.

Mr. WINGO. Mr. Speaker, will the gentleman yield right there?

Mr. RAMSEYER. Yes.

Mr. WINGO. The gentleman has overlooked something else in the bill. He says, "in connection with their official duties." In other words, you undertake to make an exception of a certain class who may have a certain thing. If you do that, you may put on another provision with reference to that class.

Mr. RAMSEYER. Furthermore, Mr. Speaker, it is not only not germane to the bill, but it is not germane to the particular portion of the bill to which it is offered, attaching it onto the penalty provision in the bill.

The SPEAKER. The bill is all in one section. The part pertaining to the mailing of firearms is an exception. The Chair can not see why there can not be another exception. The Chair overrules the point of order.

Mr. HILL of Maryland. Mr. Speaker, may we have the amendment again reported?

The SPEAKER. Without objection, the Clerk will again report the amendment offered by the gentleman from Maryland.

The amendment was again read.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. BLANTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 1, line 9, strike out the words "Postmaster General" and insert in lieu thereof the word "Congress."

Mr. BLANTON. Mr. Speaker, if this bill is passed it will confer upon the Postmaster General the right to control the procurement of firearms, and therefore hamper the people in their right to keep them in their homes, when the right of keeping them in the home is assured and guaranteed to the people by the Constitution of the United States. I am not willing to confer that power upon the Postmaster General.

It has been less than 10 days since the Postmaster General in Washington has appealed to the Senate committee and also to the House committee to let his employees, hundreds of them, here in Washington keep their automobiles on the streets of Washington with their engines running and nobody in attendance upon them; to let them disregard and violate an important, serious regulatory provision of the District of Columbia law. He wants to let all of his employees drive their automobiles just as he wants them to drive them, without any control whatever by the District law.

He wants his employees to be given the right to violate every provision of the traffic laws of the District of Columbia, without any control whatever by the police of Washington.

The Postmaster General, I am reminded, has placed upon the hip of every employee who drives a mail wagon in the

United States a big 44-caliber automatic; he has placed on the hip of the postmasters all over the United States, the men in charge of post offices, 44-caliber automatics. He must have had some reason for doing it; he must have had some reason for arming all of the post-office employees. He knew it would protect Government property. And I approve of his action, which was begun by Postmaster General Hays. If he can arm his own men, hundreds of them and thousands of them, why should he want to take away the inherent constitutional right of the individual citizens to keep firearms in their own homes? Whenever you prevent law-abiding people from procuring them you are infringing upon their constitutional right to keep them.

I am reminded of the fact that every bank in the city of Washington, D. C., and every bank in every State in this Union to-day depends primarily for its protection and the protection of the money of its depositors not upon the police force of the town, and not upon the insurance companies altogether, but it depends upon those automatic pistols under the teller's counter, and there have been many hold-ups which have been prevented by the fact that there were revolvers right under those counters. That is what deters criminals from holding up banks every day in the United States more than anything else; it is a fear of being shot, not by the immediate cashier just in front of them, but by some other teller or clerk in that bank from some other window or from some other angle. They have learned that the bankers have armed themselves. But under the provisions of this bill not a bank and not a teller or cashier could procure a pistol except from some dealer in the immediate vicinity, and when you pass this bill it will double and treble the price of every pistol locally.

It may force law-abiding men to get in an automobile and drive 100 or 200 miles to get one.

Not so long ago I was coming down a long hill in the Cumberland Mountains in Pennsylvania, and about halfway down that hill, a steep incline—it took both brakes to hold my car—I was stopped by two fellows who were standing out in the road and wearing uniforms. At first I thought they were chauffeurs, because they looked like chauffeurs' uniforms, but they said "Stop," and I stopped as well as my brakes would hold me. My brakes began to slip a little and my car was moving a little bit when one of them said, "Stop immediately or I will blow your tires out with my pistol." I stopped, and they said they were Pennsylvania prohibition officers, and they wanted to see what I had in my car. [Laughter.] I said, "All right, gentlemen; I am with you on that subject; I am a prohibitionist and I believe in the enforcement of the law; help yourselves; here is my car; look into it." They said, "We are not prohibitionists, but we are enforcing the law nevertheless." [Laughter.] And they went through my car, examining the contents. What is going to happen if we pass this law?

You are going to have inspectors everywhere on the roads stopping you whenever they please to see whether or not you have a pistol in your car, when, maybe, you are a bank cashier and it is necessary for you to procure one. Those officers from Pennsylvania had no right to stop my car under the law; they had no right whatever to go through my car, as they had no warrant. But I did not protest, because I was a law-abiding citizen. They said they had stopped and examined several hundred cars there that day. I want to say this: They have no right to stop all automobilists along the road and go through their cars, and yet these Pennsylvania officers were stopping every automobile on that road when there was no law for it and no right to do it. The people are getting tired of it. I am as strong a prohibitionist as ever lived; I am as strongly in favor of the enforcement of the law as any man who ever lived; I do not believe in pistol toting; I believe, like the gentleman from Illinois [Mr. RATHBONE] believes, that we ought to stop it if we can, but we ought not to curtail the rights of law-abiding citizens; it is the rights of the thugs we ought to curtail.

I am not willing to place this great constitutional power in the hands of the Postmaster General, who has placed upon the hip of every employee in his department an automatic six-shooter, and yet, at the same time, he is trying to take away from the law-abiding people the constitutional right to keep firearms in their homes.

Mr. ROACH. Mr. Speaker, I would like to speak in opposition to the amendment.

The SPEAKER. The gentleman from Missouri is recognized.

Mr. ROACH. Mr. Speaker and gentlemen of the House, I did not have the benefit of hearing the general debate on this bill, but it seems to me, gentlemen, that if we expect the several States of our Union to enforce the laws which they

now have prohibiting the indiscriminate carrying of concealed weapons we should enact this law. It has often occurred to me that the States are impotent to enforce their pistol laws under present conditions. I can not conceive or imagine a more stringent law upon antiaugun toting, as we call it, than we have in Missouri, yet our laws are being nullified every day by reason of conditions which now exist, but which this bill, if enacted into law, will greatly remedy if not entirely cure.

Illustrating, if a person in our State wishes to purchase a pistol or a revolver he goes to a dealer, as the law requires, makes his application and states the purposes for which the revolver is to be purchased; that application is then submitted to the sheriff, is indorsed and approved by him or rejected, as the case may be; a record is kept of it, and if the applicant is deemed to be a citizen worthy of and entitled to the privilege the firearm is sold to him. If the person is unworthy the privilege, his application is denied. In that way the police officers of the several cities in our State can keep a check on those having these firearms in their possession, and renders it impossible for the "holdup man" to obtain these firearms unbeknown to our officers, and gives our officers a complete check on those having pistols in their possession, the value of which information is inestimable in enforcing the law. But that law is absolutely nullified by the fact that any person who wishes to purchase a pistol or revolver for purposes of offense or holding up some one, can write to a catalogue house in Chicago or some neighboring city and procure the firearm without the knowledge of the officers of our State and without having complied with the very good law which our State has upon the statute books. The enactment of this bill will correct that evil and will make it possible for the law-enforcing officers of our State to keep track of and to keep tab upon those who have these deadly firearms in their possession, both as to the citizen who buys for lawful purposes and the thug or stick-up man who buys for unlawful purposes. It will greatly check and reduce crime.

It is all nonsense to talk about denying to any person the right of personal privileges to own these firearms in the enactment of this bill, because it does not do anything of the sort. It does not in any way hamper the many splendid laws of the various States upon this very important subject. It is simply an aid to them so they can enforce those laws and make them mean what the citizenship of the particular States who have good laws want them to mean, and make such State laws enforceable.

I sincerely hope this bill will be enacted into law. [Applause.]

The SPEAKER. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

Mr. RAMSEYER. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 112, noes 19.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present, and I object to the vote on that ground.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. It is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. The question is on the passage of the bill.

The question was taken; and there were—yeas 281, nays 40, not voting 111, as follows:

[Roll No. 10]
YEAS—281

Abernethy	Berger	Burtness	Clardy
Ackerman	Black, N. Y.	Burton	Cole, Iowa
Aldrich	Bland	Busby	Collier
Allen	Bloom	Butler	Collins
Allgood	Boles	Byrnes, S. C.	Colton
Almon	Bowling	Byrns, Tenn.	Connery
Anderson	Box	Cable	Connolly, Pa.
Arnold	Boyce	Campbell	Cook
Aswell	Boylan	Candler	Cooper, Wis.
Bacharach	Brand, Ga.	Cannon	Crauton
Bacon	Brand, Ohio	Carter	Crisp
Barbour	Briggs	Casey	Croll
Barkley	Browne, N. J.	Chindblom	Crosser
Beck	Browne, Wis.	Christopherson	Crowther
Beers	Buchanan	Clague	Cullen
Bell	Bulwinkle	Clancy	Darrow
	Burdick	Clarke, N. Y.	Davey

Davis, Tenn.	Hull, M. D.	Michener	Speaks
Denison	Hull, W. E.	Miller, Wash.	Sprout, Ill.
Dickinson, Iowa	Humphreys	Minahan	Sprout, Kans.
Dickinson, Mo.	Jacobstein	Moore, Ohio	Stalker
Dickstein	James	Morgan	Stedman
Doughton	Jeffers	Morrow	Stengel
Dowell	Johnson, Ky.	Nelson, Me.	Stephens
Drane	Johnson, Tex.	Nelson, Wis.	Strong, Kans.
Drowry	Johnson, Wash.	Newton, Minn.	Strong, Pa.
Evans, Iowa	Johnson, W. Va.	O'Connell, R. I.	Summers, Wash.
Fairfield	Just	O'Connor, La.	Summers, Tex.
Favrot	Keams	Ohlfield	Swank
Fish	Keller	Oliver, Ala.	Sweet
Fleetwood	Kelly	Park, Ga.	Swing
Fleear	Kendall	Parks, Ark.	Taber
Free	Ketcham	Patterson	Taylor, Tenn.
Frothingham	Kincheloe	Peery	Thatcher
Fulbright	Kopp	Perkins	Thompson
Fuller	Kurtz	Perlman	Timberlake
Fulmer	Kvale	Prall	Tincher
Funk	LaGuardia	Purnell	Treadway
Gallivan	Lampert	Quayle	Underwood
Garber	Lanham	Quin	Upshaw
Gardner, Ind.	Lankford	Ragon	Vaile
Garner, Tex.	Lea, Calif.	Rainey	Vestal
Garrett, Tex.	Leach	Raker	Vincent, Mich.
Gasque	Leatherwood	Ramseyer	Vinson, Ky.
Gibson	Leavitt	Rankin	Volgt
Gifford	Lehlbach	Ransley	Walawright
Gilbert	Lilly	Rathbone	Wason
Gistelfler	Lindsay	Reece	Watkins
Goldborough	Linthicum	Reed, Ark.	Watres
Green	Lowrey	Reid, Ill.	Watson
Greenwood	Lozler	Richards	Waver
Griest	Luce	Reich	Wesford
Griffin	Lyon	Robinson, Iowa	Welsh
Guyer	McClintic	Robinson, Ky.	Wertz
Hadley	McFadden	Romjue	White, Kans.
Hammer	McKeown	Rouse	White, Me.
Hardy	McLaughlin, Mich.	Rubey	Williams, Ill.
Harrison	McLaughlin, Nebr.	Sabath	Williams, Mich.
Hastings	McLeod	Sanders, N. Y.	Williams, Tex.
Haugen	McReynolds	Sanders, Tex.	Williamson
Hawley	McSwain	Sandlin	Wilson, Ind.
Hayden	McSweeney	Schafer	Wilson, La.
Hersey	MacGregor	Schneider	Wilson, Miss.
Hickey	Magee, Pa.	Sears, Fla.	Wood
Hill, Wash.	Magee, N. Y.	Seger	Woodruff
Holaday	Major, Ill.	Shreve	Wurzbach
Hooker	Major, Mo.	Simmons	Wyant
Howard, Okla.	Manlove	Sinclair	Yates
Hudson	Mansfield	Sites	
Hull, Iowa	Mapes	Smith	
Hull, Tenn.	Martin	Snell	

NAYS—40

Andrew	Faust	MacLafferty	Sears, Nebr.
Bankhead	Hawes	Milligan	Stengall
Begg	Hill, Ala.	Moore, Ga.	Taylor, W. Va.
Blanton	Hill, Md.	Moore, Va.	Thomas, Ky.
Browning	Hoch	Moore, Ind.	Tilson
Brunum	Huddleston	Morehead	Tucker
Celler	Hudspeth	Newton, Mo.	Underhill
Connally, Tex.	Kent	Phillips	Wingo
Deal	King	Rayburn	Winslow
Elliott	McLuffe	Rogers, N. H.	Woodrum

NOT VOTING—111

Anthony	Fredericks	Mead	Schall
Beedy	Freeman	Merritt	Scott
Bixler	French	Michaelson	Shallenberger
Black, Tex.	Gambrell	Miller, Ill.	Sherwood
Britten	Garrett, Tenn.	Mills	Sinnott
Buckley	Geran	Montague	Smithwick
Carew	Graham	Mooney	Snyder
Clark, Fla.	Hall	Moore, Ill.	Spearing
Cole, Ohio	Howard, Nebr.	Morin	Stevenson
Cooper, Ohio	Johnson, S. Dak.	Morris	Sullivan
Corning	Jones	Murphy	Swoope
Cummings	Kahn	Nolan	Tague
Curry	Kerr	O'Brien	Taylor, Colo.
Dallinger	Kless	O'Connell, N. Y.	Temple
Davis, Minn.	Kindred	O'Connor, N. Y.	Thomas, Okla.
Dempsey	Knutson	O'Sullivan	Tilman
Dominick	Kunz	Oliver, N. Y.	Tinkham
Doyle	Langley	Palge	Tydings
Driver	Larsen, Ga.	Parker	Vare
Dyer	Larsen, Minn.	Peavey	Vinson, Ga.
Eagan	Lazaro	Porter	Ward, N. Y.
Edmonds	Lee, Ga.	Pou	Ward, N. C.
Evans, Mont.	Lineberger	Reed, N. Y.	Weller
Fairchild	Logan	Reed, W. Va.	Winter
Fenn	Longworth	Rogers, Mass.	Wolff
Fisher	McKenzie	Rosenbloom	Wright
Fitzgerald	McNulty	Salmon	Zihlman
Foster	Madden	Sanders, Ind.	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. Beedy with Mr. Tydings.
Mr. Curry with Mr. Kunz.
Mr. Murphy with Mr. Corning.
Mr. Dyer with Mr. Eagan.
Mr. Fredericks with Mr. Clark of Florida.
Mr. Sinnott with Mr. O'Connell of New York.
Mr. Winter with Mr. Geran.
Mr. Larson of Minnesota with Mr. Taylor of Colorado.
Mr. Zihlman with Mr. Kerr.
Mr. Tinkham with Mr. Wolff.

Mr. Kahn with Mr. Thomas of Oklahoma.
 Mr. Freeman with Mr. O'Connor of New York.
 Mr. Hall with Mr. Lee of Georgia.
 Mr. French with Mr. Oliver of New York.
 Mr. Scott with Mr. Shallenberger.
 Mr. Fairchild with Mr. Ward of North Carolina.
 Mr. Britten with Mr. Sherwood.
 Mr. Fitzgerald with Mr. Logan.
 Mr. Ward of New York with Mr. Vinson of Georgia.
 Mr. Paize with Mr. Mooney.
 Mr. Snyder with Mr. Stevenson.
 Mr. McKenzie with Mr. Mead.
 Mr. Cole of Ohio with Mr. Smithwick.
 Mr. Longworth with Mr. Garrett of Tennessee.
 Mr. Johnson of South Dakota with Mr. Cummings.
 Mr. Fenn with Mr. O'Sullivan.
 Mr. Lineberger with Mr. McNulty.
 Mr. Vane with Mr. Evans of Montana.
 Mr. Davis of Minnesota with Mr. Salmon.
 Mr. Anthony with Mr. Wright.
 Mr. Mills with Mr. Fisher.
 Mr. Dallinger with Mr. Jones.
 Mr. Sanders of Indiana with Mr. Kindred.
 Mr. Swaine with Mr. Weller.
 Mr. Tilson with Mr. Buckley.
 Mr. Madden with Mr. Dominick.
 Mr. Porter with Mr. Sullivan.
 Mr. Foster with Mr. Larsen of Georgia.
 Mr. Graham with Mr. Tague.
 Mr. Kless with Mr. Lazaro.
 Mr. Temple with Mr. Montague.
 Mr. Rogers of Massachusetts with Mr. Posa.
 Mr. Morin with Mr. Howard of Nebraska.
 Mr. Reed of New York with Mr. Spearling.
 Mr. Bixler with Mr. Gambrell.
 Mr. Michaelson with Mr. Tillman.
 Mr. Parker with Mr. Morris.
 Mr. Merritt with Mr. O'Brien.
 Mr. Cooper of Ohio with Mr. Carew.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. RAMSEYER, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE AIR MAIL SERVICE

Mr. LAGUARDIA. Mr. Speaker, by direction of the Committee on the Post Office and Post Roads, I call up for consideration the bill H. R. 6942, establishing transmission and carrying of mail by airplanes and flying machines.

The SPEAKER. This bill is on the Union Calendar.

Mr. BLANTON. Mr. Speaker, I rise to a question of consideration.

The SPEAKER. The gentleman from Texas raises the question of consideration.

The question was taken; and, on a division (demanded by Mr. BLANTON) there were 106 ayes and 23 noes.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair overrules the point of no quorum. The House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LEHLBACH in the chair.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman and gentlemen of the committee, this bill simply authorizes the transportation of mail by means of airplanes or flying machines. In other words, it establishes authority permanently to do that which the department is now doing temporarily by means of annual appropriation. Gentlemen will recall that when the last Post Office appropriation bill was being considered, when it came to the item of carrying the mail by air, a point of order was raised, I believe, by the gentleman from Michigan [Mr. CRAMTON], and each year previously a point of order has been raised against that particular item in the appropriation bill. Such a situation simply leaves a vast undertaking at the mercy of the whim of anyone of 435 Members.

In order to permit the Postmaster General to carry the mail by air, now that it has passed the experimental stage, this bill was introduced and has received the unanimous support of the committee and the Post Office Department. I want to make it clear to the gentleman from Texas [Mr. BLANTON], who has given advance notice of his opposition to this bill, that this does not carry any appropriation. It is simply a legislative bill. Neither does it in any way increase the authority of the Postmaster General. This bill does not disturb the limited authority of the Postmaster General or any Cabinet officer in spending money not appropriated. Every Member of the House

knows that the Postmaster General is required by law to obtain appropriations each year from Congress. He can not and would not dare to go outside the limits of duly appropriated funds in expanding the Air Service or any other service.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. Section 2 of this bill, which the gentleman did not have read by the Clerk, reads as follows:

SEC. 2. The Postmaster General is authorized to operate and maintain Air Mail Service in any part of the United States and Territories that he may from time to time designate.

Under that authority suppose the Postmaster General tomorrow were to designate as Air Mail Service routes over every single contract that is now held by the railroads. He has the authority to do it. Does not the gentleman know that if he entered into a contract of that kind this Congress would have to pay the debt and appropriate the money to pay every dollar, although it might amount to five hundred millions?

Mr. LAGUARDIA. Oh, the gentleman in his customary solicitude for the railroads—

Mr. BLANTON. That is not fair, I have no solicitude for the railroads. I have no interest in a railroad in the United States. I never represented any of them, and I don't own a dollar of stock in any.

Mr. LAGUARDIA. Well, the gentleman has no solicitude for railroads, let us get that clear. Let me say to the gentleman that he should have no misapprehension of the Postmaster General taking all the business away from the railroads; that he can not possibly extend this service to that extent on the appropriations which Congress gives him. He is now under the law limited in the operations for this fiscal year to the appropriation we gave him. He will be limited in the next fiscal year to the appropriation that Congress gives him. It makes no difference whether you are carrying the mail by air, by rail, or by boat, the Postmaster General is limited by the appropriations which Congress gives him. I hope I make that clear to my friend from Texas. There is nothing in the bill that can possibly give the Postmaster General the authority which the gentleman fears.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JACOBSTEIN. Under what authority are the experiments now being made?

Mr. LAGUARDIA. By the item in the appropriation bill.

Mr. JACOBSTEIN. Then the Postmaster General is expending money which he was not authorized to spend?

Mr. LAGUARDIA. Oh, no. We appropriate each year a certain amount to carry the mail by air. But it is simply an appropriation item subject to a point of order each year and that point of order has been raised each year.

Mr. JACOBSTEIN. Can the Postmaster General continue this Air Service without a special appropriation?

Mr. LAGUARDIA. No; he can not. Now, on the subject of aviation, if you will bear with me a few moments, I will endeavor to demonstrate to you that it can not possibly be carried on or developed if we make it a temporary proposition and the appropriation subject to a point of order each year.

As far as carrying the mail by air is concerned it is past the experimental stage. We have demonstrated the practicability of this new means of transportation and I will give you some figures in regard to it. The Air Mail Service of the Post Office Department is the one department of the Government dealing with aviation that has made a complete success. Yesterday you heard the discussion in general debate on the naval appropriation bill that carries \$14,000,000 for that department with \$24,000,000 more to come for airplane carriers, and \$550,000 for planes to put on those carriers. During that discussion the need of developing an air industry and keeping a permanent trained personnel were stressed and emphasized. In the report from the Committee on Appropriations the President's message transmitting the Budget is quoted and it is quite opportune that I read from that message now: "Aside from the important factor of training personnel," said the President, speaking of aviation, "our national defense is largely an industrial problem. To-day the outstanding weakness in the industrial situation as it affects national defense is the inadequacy of facilities to supply Air Service needs. The airplane industry in this country at the present time is dependent almost entirely upon Government business. To strengthen this industry is to strengthen our national defense." Here gentlemen is an opportunity to do just that and in a productive, useful manner. In a few days you will have the military appropriation bill, carrying with it fifteen or sixteen million dollars for aviation, yet in all of the time that

the Post Office Department has been carrying the mail by airplane, since 1918, you have given them but \$10,000,000, of which we have at the present time in property \$3,000,000.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. LANHAM. Will the gentleman distinguish between this bill, H. R. 6942, and the provisions of H. R. 7004? I understand that the gentleman made the report of the committee on that bill, which provides for the limit of cost.

Mr. LA GUARDIA. I am coming to that in a moment.

Here are some of the outstanding facts relative to the Air Mail Service, which may be of interest to you.

It was started in 1918. In 1920 it began transcontinental operation, relaying on and off railway trains and flying only during the daylight hours. In 1923, after having lighted an airway from Chicago to Cheyenne, we operated for four days as a continuous movement service in both directions across the country. This test was successful and, beginning with July 1 this year, we have operated on a similar schedule each day.

As I said before, counting this year's appropriation, the Air Mail Service has spent less than \$10,000,000 since it was inaugurated in 1918, and we now have on hand over \$3,000,000 worth of tangible property in the shape of buildings, motor equipment, flying equipment, tools, and so forth. This inventory is made up on the basis of going value prices.

There are 580 people in the employ of the Air Mail Service, of whom 49 are pilots. Since July 1, although our performance has not been 100 per cent, we have been unusually fortunate in being on time a substantial percentage of the whole time, we have had no fatal service accidents, and we have only been off schedule badly when the weather has been clear against us. Fogs, heavy snowstorms, and like disturbances, of course, result in our being unable to get through on schedule time.

Let me pause but a few moments to read from a speech made by Col. Paul Henderson, the Second Assistant Postmaster General, before the College of Engineering of the New York University on October 22, 1924. He gives in a few words the history and development of our Air Mail Service that it is well worth while reading here:

There have been several distinct steps in the Post Office Department's use of the airplane. A start was made in 1918 by the establishment of a route from Washington to New York. This is approximately 200 miles by air line. Later, other independent and disconnected routes were established between such points as Cleveland and Chicago, New York and Cleveland, Chicago and Omaha, Chicago and St. Louis; Chicago and St. Paul and Minneapolis. None of these comparatively short, disconnected routes was sufficiently long to permit the airplane carrying for itself sufficient gain over rail operation to develop any marked advantage. For example, it took about two hours to fly to New York from Washington. The trains run in five hours. It took the better part of an hour to carry the mail out to the field just outside of Washington, ready for its departure, and it consumed almost, if not quite, an hour to get it in from the flying field at New York to the post office ready for distribution. This cut down the advantage to just about an hour, which is not sufficient to make it worth while.

Much advantage was gained in the way of experience in the matter of operating these disconnected routes.

A nucleus of organization was developed. Pilots were trained. The operation of several types of airplanes was studied and methods of maintenance, inspection, and repair were arrived at.

The public began to think of the airplane as a possible postal transport agency. People within the postal organization saw enough of the new vehicle to begin to have some little degree of faith in its possibilities. These lines were certainly valuable as entering wedges, and from their operation the Air Mail Service has been able to grow. But for these comparatively small starts and but for the foresight and the courage of those responsible for them, there would be no Air Mail Service to-day.

It soon became quite apparent to those who studied the subject that the airplane could not really begin to mean much in the matter of postal transportation until the distances covered were at least 1,000 miles.

Basing its action upon the experience which it had derived from these operations, in 1920 plans were made for a transcontinental service with New York as one terminus and San Francisco the other. These plans were reasonably well matured in 1921, during which year this transcontinental service was actually placed in operation.

This was a relay service operated in connection with the railway trains. By that I mean that mail was flown during the daylight hours from station to station across this route and that during the night this mail continued its forward movement in the railway-mail cars. With this service the airplane came to really mean something to the

Post Office Department. It operated with an increasing degree of regularity and dependability until, in the spring of 1922—when as it happened I came into the service of the department—I found this service operating with a remarkable degree of regularity, well established in the minds of the people as a serious postal function, well organized as to its personnel, and really moving forward beautifully.

It became apparent to me that the next forward step should be that of conducting these flights during the night time as well as during the daylight hours. Much of the advantage which the airplane was able to take to itself in competition with the train was lost because of our inability to operate at night. Feeling confident that night operation could be made practical, in June, 1922, the department inaugurated what might be termed a laboratory experiment in night flying. Land lighthouses of varying types were examined, purchased, and tested; pilots were asked to pass judgment upon advance plans for a practical night airway. These experiments and this laboratory work of ours culminated in August, 1923, in a four-day test of continuous flight operation in each direction across the continent.

To make this test possible, an airway had been lighted from Chicago to Cheyenne, approximately 1,000 miles. This test was 100 per cent successful. Mail was carried eastbound on one day of the test in 26 hours and 14 minutes. The average for both directions those four days was well under 30 hours. Everything about the test seemed to indicate that our laboratory work and experimenting had been thoroughly done. However, it was not until July 1 of this year that we were able to undertake, as an every-day job, to repeat what we did in those four days of August a year ago. Part of the reason for this interval of delay was our lack of available funds. Now, and since July 1 last, we are operating seven-days-a-week continuous service from New York to San Francisco. This operation is running along very smoothly. Our schedules are approximately four hours longer than our experiment of a year ago would indicate as practical. There is no hysteria in the service. Pilots no longer fear flying at night. It is just taken for granted that night flying is here and here to stay. People in New York are no longer astounded when they get letters which left San Francisco early the day before. Every day the service becomes more popular with the people, and consequently better patronized. Every day we learn new, important things in connection with the details of this operation. I am confident, from what I have seen, that this transcontinental service—which is now about 4 months old—is here to stay.

Here is a public official who not only has ability, courage, and vision, but the required enthusiasm to make possible a great transcontinental air line.

We have, therefore, moved San Francisco up to within 34 hours of New York. Congress does not want the Post Office Department to stand still. Let us give the department the power, the authority to add to their transcontinental route by the scheduling of other operations over it during the 24-hour period. It is necessary to operate out of New York each night for delivery in Chicago the next morning. We will retain control of appropriations. Nothing in this bill takes that power away from Congress. But let us not hamper aviation development by uncertainty, by hand-to-mouth existence. Let us not hold back Colonel Henderson, this splendid, energetic official. Permit him to develop his department in keeping with progress and development in aviation. It is certain that as the designers of airplanes develop better type planes and as better motors are invented and produced, we will be able to reduce the time between New York and San Francisco. As we grow and learn we will be able to expand this wonderful service. Give the department a chance is all we ask in this bill.

The line between New York and San Francisco functions daily. The plane leaves New York at 10 o'clock in the morning, eastern time, and arrives at San Francisco at 5:45 Pacific time, the next day. The country divided into three zones—New York to Chicago, Chicago to Cheyenne, Cheyenne to San Francisco. We are charging 8 cents extra on each letter for each zone, making a total charge of 26 cents from New York to San Francisco, or of 10 cents within the zone.

We have landing fields, which are the relay points, and take mail at New York City; Bellefonte, Pa.; Cleveland, Ohio; Bryan, Ohio; Chicago, Ill.; Iowa City, Iowa; Omaha, Nebr.; North Platte, Nebr.; Cheyenne, Wyo.; Rawlins, Wyo.; Rock Springs, Wyo.; Salt Lake City, Utah; Elko and Reno, Nev.; and finally San Francisco. The total length of the route is 2,680 miles.

Since July 1, in excess of the 2-cent rate, we have had an income of approximately \$50,000 a month. In other words, during the first five months of operation this fiscal year we collected approximately \$250,000.

I want now to call your attention to what has been actually accomplished by the Post Office Department. We have extended a lighted airway from Chicago east to Cleveland, and

from Cheyenne west to Rock Springs, and we are now endeavoring to extend it from Cleveland to New York. Our lighted airway, I believe, is the most ingenious and safest that has ever been operated since aviation has been developed. We have permanent lighted airways, the territory covered by night flying. The system provides towers with 36-inch arc lights throwing a beam 150 miles. The towers are placed approximately 250 miles apart. Then in between we have 18-inch arc lights, throwing a beam 40 miles, 25 miles apart. So that at all times the machine is within the ray of these beam lights. Then at intervals of 3 miles we have a ground light, such as you see in the picture on this board. There is a picture here also of the beacon lights, which are 250 miles apart, and the other lights, which are 25 miles apart. Every 25 miles we have an emergency landing field, and that is surrounded by lights. So that the plane at all times is within gliding distance of an emergency field by reason of a very carefully thought-out landing and lighting system.

A great deal of the credit for this lighting system should be given to the Second Assistant Postmaster General, Colonel Henderson, and the superintendent of air mails, Mr. Egge. Because of that carefully thought out system we have had no accidents at night. We have been able to fly up to 97 per cent of efficiency all through the time since July 1 to date, and, as I have just stated, we have brought San Francisco within 32 hours of New York by mail. That is an actual accomplishment.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. GRIFFIN. All of these beacon lights and landing places have been established by the United States Government?

Mr. LAGUARDIA. Absolutely; and that is out of the limited appropriations that we have had. We have something to show for the money which the Congress gave us.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. The statistics show that 90 per cent of all of the commercial mail of New York is actually mailed between the hours of 1 and 7 p. m.

Mr. LAGUARDIA. That is correct.

Mr. BLANTON. And that there are fast mail trains leaving New York from 7 o'clock p. m. until 1 o'clock a. m., going in the direction of Chicago, bound westward.

Mr. LAGUARDIA. Yes.

Mr. BLANTON. And the air mail does not leave New York until 10 o'clock the next morning?

Mr. LAGUARDIA. No.

Mr. BLANTON. When these trains could have carried the mail fully the distance that the airplane could travel in order to pick it up the next morning.

Mr. LAGUARDIA. The gentleman is correct.

Mr. BLANTON. And the trains carry the mail for about one-twentieth of the cost that the airplanes do?

Mr. LAGUARDIA. One-tenth.

Mr. BLANTON. It was one-thirty-sixth when the gentleman from Illinois, Mr. MADDEN, first made his splendid speech against all the money we are wasting upon it.

Mr. LAGUARDIA. Oh, we are not wasting any money in the Post Office Department. In reply to the gentleman, let me say that we concede that for short hauls the transportation of mail by air is not successful, but when you take a line from New York to San Francisco, or from New York to Chicago, and when we will have our lighted airway from New York to Chicago, as we will very soon, we can beat the train time by 70 per cent, and that is exactly what we are trying to do. Air mail leaving New York at 10 a. m. is landed in Chicago at 6 p. m. the same day. No train can beat that. If we authorize as a permanent establishment the carrying of mail by this up-to-date modern means of transportation I assure the gentleman that we will establish in this country a system of air mail transportation which will be of great benefit to the commerce, to the industry, and to the happiness of the people of this country.

Notwithstanding the train schedules, let me read from Aviation, December 1, 1924, which will give an idea of the valuable and important mail carried by this service:

Millions of dollars each week are being sent from Kansas City to New York and other eastern cities by air mail.

The use of air mails for the transfer of money, according to the officials of the Commerce Trust Co., results in the saving of thousands of dollars in interest that would be lost if the transfers were made

by train. The bank forwards daily a letter containing all New York checks of \$1,000 or more. The amount varies from \$500,000 to \$2,500,000 in each letter.

While the Federal reserve bank has not yet adopted the use of air mail, many other Kansas City banks make all transfers to cities along the air routes by the more modern method.

The safety of sending money shipments by air also appeals to bankers and insurance companies. This factor they say makes it a desirable medium, even to such points as St. Louis, Chicago, Cleveland, and Cincinnati, only an overnight run from Kansas City by train.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SNELL. I am interested in the general proposition; but it seems to me that we are giving a pretty wide scope of authority to the Postmaster General. Would it not be possible to authorize something in the line of the work that he is doing at the present time, with perhaps some reasonable extension, and stop there, rather than to give him permission to establish air mail service in any part of the United States or its Territories?

Mr. LAGUARDIA. In reply to that I looked up the history of air mail legislation and we have it here. I will say to the distinguished gentleman from New York, when the first railroad mail service was established, at the time the statute passed, I think in 1838, it designated certain lines. It seems that the Postmaster General in those days had a great deal of trouble in being limited to certain routes, so in 1872 a general statute was passed authorizing the Postmaster General to designate any railway as a post road, and we have simply followed the history, the experience, and almost the wording of railway mail legislation in drafting this bill.

Mr. SNELL. Of course, that is taking advantage of a system that exists at the present time, and it is a little different in establishing a new means of transportation over a new territory.

Mr. LAGUARDIA. It does not. The air is here; we are not limited by tracks or roadbeds. There is unlimited possibility, as the result of the tests made and the experience since 1918 has demonstrated that the Post Office Department has sufficient experience that they are not going to embark in short hauls or lines where there is a distinct loss. I am sure there can be no abuse under the law.

Mr. SNELL. Right there, the gentleman does not expect it to be carried at a profit, does he?

Mr. LAGUARDIA. I do not believe there will be anything like the losses we have in other classes of mail. Let me read the Postmaster General's report, the last report for the fiscal year ended June 30, 1924, in which he says:

The appropriation for the year for the service was \$1,500,000. The expenditures were \$1,495,996, and we carried 60,001,360 pieces of first-class mail.

I think that is a pretty good showing. Out of that money we purchased considerable equipment.

Mr. SNELL. It does not state how much was received for carrying the mail?

Mr. LAGUARDIA. No.

Mr. SNELL. It does not show anything except the number of pounds.

Mr. LAGUARDIA. It shows out of that limited amount of money—

Mr. SNELL. The receipts might not have come within 40 apple trees of paying the expenses.

Mr. LAGUARDIA. We have got everything to show for it. If the gentleman has seen the report of the cost-ascertaining committee, he will see that several classes of mail were carried at a great loss, and this is nothing like that.

Mr. SNELL. If the gentleman will yield further, I do not expect them to pay the cost, but I thought the inference of the gentleman's remark was that it pretty nearly paid its own expenses.

Mr. LAGUARDIA. I believe in 1925 and 1926, when we have better equipment and more lines, it will carry its own expenses. I am sure the gentleman has confidence in the Postmaster General, and I do not believe he will question that it is now very near the point of being self-sustaining.

Mr. SNELL. I think we ought to have some limitation on the general proposition; otherwise I am in favor of the proposition.

Mr. LAGUARDIA. I really do not believe it is necessary. I am sure the general law covers that, and that no expenditures not specifically authorized in an appropriation bill could be incurred by any Postmaster General.

Mr. CRAMTON. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. CRAMTON. If I understand the gentleman's remark just now, I believe he stated this service was about self-supporting.

Mr. LAGUARDIA. In 1925-26.

Mr. CRAMTON. And that the bill urges that this authority be given for an extension on the theory it is practically self-supporting; am I correct?

Mr. LAGUARDIA. Exactly.

Mr. BLANTON. Will the gentleman yield for one other question?

Mr. LAGUARDIA. I will.

Mr. BLANTON. I was wondering by what chain of circumstances the gentleman from New York was selected as the administration floor leader to put this bill through the Congress?

Mr. LAGUARDIA. I will say for the gentleman's information and enlightenment that prior to last November the gentleman was chairman of the subcommittee on air mail and had given a great deal of thought and study to this subject, and in accordance with the custom of the committee he was intrusted with reporting this bill.

Mr. BLANTON. I am glad the gentleman has still the confidence of the steering committee.

Mr. LAGUARDIA. Oh, well; do not worry about that, I will say to the gentleman.

Mr. KELLY. In connection with the question asked by the gentleman from New York [Mr. SNELL], which is an important question, as to the revenues now being received from this Air Mail Service, I think it would be well to read here an official statement made by General Henderson to me under a letter which I received this morning at my request. He said:

Also starting on July 1, special postage rates have been charged. Since July 1 the income of the Post Office Department, as a result of this operation in excess of the ordinary 2-cent postage charge, has been approximately \$50,000 each month. In other words, during the first five months of this continuous transcontinental operation the department has collected approximately \$250,000 as excess postage.

In other words, they have collected \$250,000 as excess postage.

Mr. LAGUARDIA. I had already given that figure.

Mr. SNELL. How much did it cost?

Mr. KELLY. It has a clear excess of over \$600,000 a year.

Mr. SNELL. I would like to know for the information of the House how much it costs to maintain the service?

Mr. KELLY. In excess of the appropriation given?

Mr. SNELL. I thought perhaps you people knew. It is an important question, and I would like to know what it costs.

Mr. KELLY. I think it might be pertinent to say that the clear profit over the 2 cents is \$600,000 a year.

Mr. SNELL. Would the gentleman call it a clear profit if it costs \$2 to get one?

Mr. LAGUARDIA. Of course, our initial expenditures would not be a fair test, permit me to say to the gentleman, because we had to go out and survey this ground first, buy equipment, buildings, and get the service started.

Mr. SNELL. A reasonable allowance ought to be made for your equipment.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CRAMTON. In regard to receipts, if they could be shown by months, showing the decrease in the latter months as compared with July, that would be informing.

Mr. LAGUARDIA. That averages from July, I will say to the gentleman, \$50,000 a month.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. LANHAM. The gentleman from New York made a report on the bill H. R. 7064, a bill introduced by the gentleman from Pennsylvania [Mr. KELLY], to encourage commercial aviation and authorize the Postmaster General to contract for Air Mail Service.

Now, the conditions of that bill are such that in establishing air service between various points the Postmaster General is authorized to pay only four-fifths of the revenue derived from the service performed. Now, if this mail is being carried at a loss, does the gentleman think it will encourage commercial aviation to pay it only four-fifths of the revenue? And does he think that there is any likelihood that commercial companies will take the risk?

Mr. LAGUARDIA. Yes. If the gentleman will read the hearings he will find that all the commercial companies favor

that bill. We have a great many distant points in the United States where private contractors would be glad to come in and give daily Air Mail Service on these terms.

Mr. LANHAM. Can the Government carry the mail at a profit between those points itself?

Mr. LAGUARDIA. Well, we have the equipment now. We do not want to stifle this business entirely. The Air Mail Service between San Francisco and New York can absorb my branch lines as feeders.

Mr. LANHAM. I am trying to make the distinction between governmental operation and commercial operation.

Mr. LAGUARDIA. We have not had enough operation to make that comparison at this time.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. RAKER. Could not the gentleman tell the committee what it costs the Government approximately, now to equip a man so that he will be capable to use an airplane?

Mr. LAGUARDIA. During the war we thought it would take about \$20,000.

Mr. RAKER. Outside of what the gentleman has said, to the effect that the expenses may be a little more than the revenue, but in a year or so he hopes the revenue will equal the expenses, is it not one of the best investments that this Government could make to have on hand a large number of well-equipped and qualified aviators? [Applause.]

Mr. LAGUARDIA. I tried to make that clear when I opened my remarks. Not only that, but this department, with its meager appropriations, has not only developed a successful transcontinental line but is training real navigators of the air. It is one thing to make spectacular circles over an air field, and another thing to make a night flight across the country.

Mr. RAKER. That is the thing I wanted to emphasize. It is one thing to practice over the fields, and another thing to navigate 3,000 miles.

Mr. LAGUARDIA. Yes.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLACK of New York. I wonder if any of the business interests oppose this bill at this time?

Mr. LAGUARDIA. I am trying to pass this bill.

Mr. RAKER. Mr. Chairman, will the gentleman yield for just one more question?

Mr. LAGUARDIA. Yes.

Mr. RAKER. Then every aviator who becomes competent and qualified to deal with the Government in this way or privately is an asset worth millions of dollars to this country. Is not that correct?

Mr. LAGUARDIA. Yes. I am going to read, with the permission of the House, a list of air lines throughout the world and the subsidies given to them by their respective governments.

We are not asking for a governmental subsidy. We do not want to subsidize anybody. But I will say that our Government is not doing a fraction of what other countries are doing for the development of aviation. At the present stage of aviation individuals are not buying airplanes. The lack of flying fields, the timidity of shippers and passengers, and the limited trade make it impossible for private enterprise to embark to any great extent in commercial aviation. That is only temporary. Eventually the carrying of passengers and freight will be as common as railway transportation. The gentlemen will recall the early days of the railroads. Was it not necessary then for the Government to subsidize new railroad lines? Did we not give grants of land to the various railroad companies? Did not the State give tax exemption for years and ground terminal centers? Yet we hesitate to do anything practical and definite for the promotion and development of the greatest means of transportation, the greatest invention that human mind has evolved in the history of the world. Why, gentlemen, I said a moment ago that we are not doing anything in comparison to what other countries are doing, and yet, since 1917, this Government has spent more for aviation than any other Government and has less to show for it. Most that we have to show for the hundreds of millions of dollars spent for aviation is scandals, inefficiency, graft, favoritism, investigations, special investigations, congressional investigations, reports, and statistics of what we failed to do. Let us now do something real, something definite, something concrete. Let us establish the policy of transportation of mail by airplanes or other flying machines, thereby making it a permanent institution.

To give an idea of the advancement made by other countries in the manufacture of airplanes, air motors, as well as practical use of aviation and the direct subsidies or assistance given by various nations, let me read from page 2 of the Aircraft Yearbook, 1924, published by the Aeronautical Chamber of Commerce of America (Inc.):

(From Aircraft Yearbook, 1924, p. 2)

THE LEADING MILITARY FLYING NATIONS

The four leading military flying nations of the world to-day are: France, Great Britain, Italy, and Germany; with Russia and Japan as significant potential powers looming more clearly in the near background. The commercial fields into which this policy has led are to be found in all the markets of the world, not even excluding the United States, as is seen by the following:

COUNTRIES INTO WHICH FRENCH, BRITISH, ITALIAN, AND GERMAN AVIATION HAS PENETRATED

From France: Argentina, Austria, Belgium, Bolivia, Brazil, China, Czechoslovakia, Denmark, Ecuador, Greece, Guatemala, Japan, Yugoslavia, Mexico, Peru, Poland, Rumania, Russia, Siam, Spain, and United States.

From Great Britain: Argentina, Australia, Brazil, Canada, Chile, China, Czechoslovakia, Ecuador, Egypt, India, Japan, Lithuania, New Zealand, Peru, Rumania, Russia, Spain, Switzerland, and United States.

From Italy: Argentina, Brazil, Guatemala, Yugoslavia, Peru, Russia, Spain, and United States.

From Germany: Argentina, Austria, Colombia, Denmark, Finland, Guatemala, Hungary, Italy, Japan, Latvia, Mexico, Norway, Russia, Sweden, Switzerland, and United States.

Although American commercial aviation has made numbers of attempts at exporting in not a single country of the world has it had even the passive assistance of its own Government, while in at least one region—Asia—it has been specifically barred, although the industries of France, Great Britain, Italy, and Germany have been permitted to enter.

Furthermore, our own Government, through military purchases, has, possibly unwittingly, assisted foreign aircraft manufacturers to penetrate the coveted American field and actually to establish themselves in this country.

Sixteen of the fifty-five nations, the aviation activities of which are recorded in this volume, are pursuing a deliberate policy of establishing air transport. Just as Great Britain, by means of preferential laws, mail contracts, and grants built up a preponderance in merchant shipping, which in turn became the bulwark of sea power; and just as Germany, by means of tariffs and dumping, constructed an enormous world-wide trade machine, which in the late war was the severest obstacle to allied victory, so France, Great Britain, Italy, and Germany, among others, are extending air lines, like an invisible web, across Europe and into Africa, Asia, and South America.

Air lines of the world, 1923, exclusive of the United States

Contracting or operating nation	Route	Civil air funds or subsidies by each nation
Argentina.....	Buenos Aires-Montevideo (twice daily).....	\$4,500 monthly.
Australia (British).....	Geraldton-Derby (weekly).....	Substantial
Austria (Germans and French).....	Charleville-Cloncurry (weekly).....	
Belgium.....	Vienna-Budapest (daily).....	8,100,000 francs.
	Brussels-Paris (daily).....	
	Brussels-London (daily).....	\$100 a trip.
	Brussels-Amsterdam (daily).....	
Brazil.....	Congo River, Belgian Congo (mail schedule).....	\$100 a trip.
Colombia (Germans).....	Rio de Janeiro-Porto Alegre.....	
	Magdalena River between Barranquilla and Cartagena (several times a week).....	\$14,700.
Denmark (Germans).....	Copenhagen-Hamburg (occasional).....	
Estonia (Russians and Germans).....	Reval-Helsingfors (frequent).....	\$14,700.
Finland.....	Helsingfors-Reval (occasional).....	
	Paris-London (daily except Sunday).....	179,963,550 francs.
	Paris-Brussels (daily except Sunday).....	
	Paris-Strassburg-Prague-Warsaw (daily except Sunday).....	
	Paris-Strassburg-Prague-Vienna-Budapest-Belgrade-Bucharest-Constantinople (daily to Vienna; thence twice or thrice weekly).....	
	Antibes-Ajaccio (thrice weekly).....	
	Marseille-Toulouze (mails).....	
	Toulouse-Barcelona-Alicante-Malaga-Rabat-Casablanca (frequent, mails).....	
	Casablanca-Oran (frequent).....	
	Algiers-Biska (frequent, mails, military).....	
	Biskra-Tougourt (occasional).....	
	Tougourt-Ouargia (occasional).....	
	Dakar-Kayes (frequent).....	
	Saigon-Canton (frequent).....	

Air lines of the world, 1923, exclusive of the United States—Continued

Contracting or operating nation	Route	Civil air funds or subsidies by each nation
Germany (Russians, Dutch, English, Poles, Finns, Letts, Swiss, and Hungarians).....	Hamburg-Copenhagen (occasional).....	Indirect, but generous.
	Berlin-Hamburg-Bremen-Amsterdam-London (daily).....	
	Koenigsburg-Smolensk-Moscow (daily, mails).....	
	Koenigsburg-Memel-Riga-Reval-Helsingfors (frequent).....	
	Munich-Zurich-Geneva (several times a week).....	
	Munich-Vienna-Budapest (daily).....	
	Danzig-Warsaw-Lemberg-Warsaw (frequent).....	
	London-Manchester (daily).....	
	London-Paris (daily).....	
	Paris-Basle (occasional).....	
Great Britain.....	Basle-Zurich (occasional).....	£571,000.
	London-Brussels (daily).....	
	Brussels-Cologne (daily).....	
	London-Rotterdam-Hanover-Berlin (daily).....	
	Southampton-Guernsey (frequent).....	
Hungary (Germans and French).....	Cairo-Bagdad (frequent, military and mails).....	45,000,000 kronen.
	Budapest-Vienna (daily).....	
Italy.....	Milan-Rome (frequent).....	£34,000.
	Rome-Ancona (frequent).....	
	Rome-Brindisi (frequent).....	
Japan.....	Tokio-Osaka (daily, experimental mail).....	\$300,000.
	Osaka-Shikoku Island (intermittent).....	
Netherlands (British).....	Amsterdam-London (daily).....	1,400,000 florins. 1923-1926.
	Amsterdam-Hamburg-Copenhagen (frequent).....	
Poland.....	Warsaw-Cracow (intermittent).....	Slight.
Russia (Germans).....	Moscow-Koenigsberg (daily, mails).....	Heavy.
	Moscow-Riga (experimental).....	
	Moscow-Rostov-Tiflis (experimental).....	
	Moscow-Baku (experimental).....	
Siam (French).....	Korat-Roi Echi-Ubon (weekly, mail).....	\$235,000.
Spain.....	Continental Spain-Canary Islands (experimental).....	
Sweden.....	Seville-Larache-Morocco (daily).....	450 francs each flight, Geneva-Munich.
	Malmo-Copenhagen-Warneunde-Berlin-Hamburg (experimental).....	
Switzerland (Germans and British).....	Geneva-Munich (several times a week).....	
	Zurich-Basle-Paris-London (occasional).....	

Now, let me call your attention, gentlemen, to the report of the National Advisory Committee on Aeronautics:

A few days ago the President of the United States, in compliance with the provisions of the act of Congress approved March 3, 1915 (Public, No. 273, 63d Cong.), submitted the Tenth Annual Report of the National Advisory Committee for Aeronautics. This report in a few pages records the advancement in the art of flying, in the science of real dynamics, and the progress in practical aviation. The scientific branch of aviation in our Government is way ahead of the practical development. I recommend the report of the Aeronautics Advisory Committee to my colleagues. It is now printed as Senate Document No. 158, Sixty-eighth Congress, second session.

Let me here read what it says about the Air Mail Service:

The Air Mail Service was inaugurated May 15, 1918, the first route being between Washington and New York. It has been supported by annual congressional appropriations without having been definitely established by law.

It is a transportation service directly operated by the Post Office Department under the immediate control of the Second Assistant Postmaster General.

The personnel of the Air Mail Service totals 580, including 42 regular airplane pilots and 5 reserve pilots. The airplane pilots, as well as the other personnel, are secured direct from civil life without examination.

The flying equipment of the Air Mail Service comprises a total of 94 airplanes, of which there are 82 DH-4's, used for carrying the mails, 4 inspection airplanes in good condition, and 8 others that are not serviceable.

The air-mail stations in operation number 15, extending across the country on the route from New York to San Francisco. There is also an air mail general repair depot located at Chicago employing 115 men. At this station airplanes are overhauled and rebuilt, and spare parts are stocked for all flying equipment and ground equipment, especially that needed for night flying.

In a special report of the National Advisory Committee for Aeronautics submitted to President Harding on December 20, 1922, at his request, it was stated that—

The fundamental purpose of the Air Mail Service is to demonstrate the safety, reliability, and practicability of air transportation of the mails, and incidentally of air transportation in general. In particular it should—

(a) Develop a reliable 36-hour service between New York and San Francisco, and make that service self-supporting by creating the necessary demand for it and charging a rate between ordinary postage rates and night-letter telegraph rates.

That we have already accomplished.

(b) Keep strict records of the cost of the service and strive in every way to reduce such costs to a minimum, thereby demonstrating the value of air transportation from an economic point of view, and in particular making it possible for private enterprise eventually to contract for the carrying of mails by airplane at a rate which not only would not exceed the income from such a service, but would permit the Post Office Department to provide other postal airways to meet the demands of the people for the more rapid transportation of mail.

We provide for that in a separate bill, which we will consider to-day.

In the present undeveloped state of the art it would be wholly impracticable to operate an air mail service by contract.

The Air Mail Service at the present time is conducting an experimental demonstration of the practicability of night flying in the transportation of mail between New York and San Francisco by air. The ground equipment for night flying extends from Bryan, Ill., near Chicago, to Rock Springs, Wyo., near Cheyenne, and mail is being transported regularly on an approximate average of 41 hours for westbound mail and 36 hours for eastbound. The use of the service is gradually increasing, and the developments to date indicate that in a reasonable time the service will be fully self-supporting.

We believe it will be in a very short time.

The development of the Air Mail Service has been a credit to American aviation. It is a practical means for aiding the development of commercial aviation, as well as a means for expediting the transportation of mail. Mail is bound to be carried eventually by the fastest means available, and it is safe to say that in this age of progress the American people will demand and will support a more or less general use of aircraft in the future for carrying the mails.

That there should be opposition to establishing the policy of carrying mail through the air and establishing regular permanent air-mail lines, of course, is not surprising. Progress is always opposed, whether by science, art, mechanics, or even in politics. The same sort of opposition now presented against this bill was raised and urged in 1835 or thereabouts when we were first considering the transportation of mail by rail. The gentlemen will recall the time the Post Office appropriation bill was under consideration the first session of this Congress a point of order was raised against the item providing appropriations for maintaining the transcontinental air line. I have referred to that before, but I want to recall the attention of my colleagues to an authentic record read by my colleague from Iowa [Mr. RAMSEYER] at that time. The gentlemen will recall that he read from "A History of the Railway Mail Service," and to refresh the memory of the House and to emphasize the point which I am trying to make, that the present opposition is due to lack of vision or misinformation or neglect to be informed or perhaps inspired by those who see this new means of transportation as a real competitor that will put them out of business, as the locomotive put the stage coach out of business in the early thirties, let me read from the CONGRESSIONAL RECORD of February 12, 1924, page 2320, where you will find a few paragraphs taken from the history I have just mentioned, prepared in 1885, which was read on that day by the gentleman from Iowa [Mr. RAMSEYER]:

At this time grave doubts were entertained as to whether the railway service could ever be made acceptable to the public or the department, and frequent threats are on record that the contractors will be remanded to the stage coaches.

February 18, 1835, on account of many complaints of gross irregularity in the transportation of the newspaper mail between Philadelphia and Harrisburg and Carlisle, the contractors were informed by the department that if the irregularities were repeated "this mode of transportation by the railroad must be at once abandoned, and you will be required to resume your double daily line of four-horse post coaches between Philadelphia and Chambersburg."

March 27, 1835, a letter from the department reveals the fact that the contractors, after having used the railroad from Baltimore to Frederick for some time, ask permission to resume their trips by stage coach. On this request the Postmaster General made the following indorsement: "The contractors will go by railroad or otherwise, so that the mail is carried in due time."

A letter addressed by the department, March 28, 1835, to James Reeside, contractor, complains that "The mail from New York to Philadelphia, by railroad, is usually late, taking more than 13 hours from Jersey City. . . . This was hardly the case in the worst of bad staging."

The intimation is given to the contractor that a repetition of these evils will be followed by directions from the department to abandon this mode of conveyance and to resume his former route; that is, go back from the railway to the stages.

Dated April 30, 1835, there is a paper in the department which reads like this:

"There have been two failures of the mail from beyond Philadelphia at this city in the course of the present week, occasioned, it is said, by accidents to the locomotives on the Amboy & Camden Railroad. These occurrences are peculiarly annoying at this time and have become the subject of public notice and complaint. From the experiences we have had, the adoption of the railroad to the purpose of mail transportation is becoming every day more and more questionable. It is very apparent that it can not be relied on with that degree of certainty which is all important in the transmission of the mail, and without which disappointments occur to the public and complaints are rung in the ears of the department from every quarter of the country."

Then, too, with regard to contracts, I find in this history:

"The early notices of acceptance of proposals on lines where railroads were in course of construction were, many of them, qualified by the phrase, 'On condition that in case any arrangement shall hereafter be made under the authority of Congress to carry the mail for the whole or any part of the route on railroad, then your contract to be annulled, or there shall be a pro rata deduction, as the case may be.'"

"February 26, 1836, the contractor on route between Augusta and Charleston is authorized to make a subcontract with the railroad company if he desires to do so. The letter notifying the contractor says: 'The Postmaster General will not object to your making a subcontract with the railroad company, provided all the offices be supplied, and provided the expedition furnished by the railroad involve no extra expense.'"

We can truly say history repeats itself, and our predecessors were as afraid of the railways as some of my colleagues seem to be afraid of the airplanes. Still, we have the benefit of nearly a hundred years of advancement; and while there might have been some justification for the timidity and lack of vision on the part of our predecessors of the thirties, there surely can be no justification for any well-informed, well-read gentleman who wants to keep abreast of the times.

We have a demonstration, a living, existing demonstration, of what can be accomplished, so that there is no reason to hesitate any longer.

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. FROTHINGHAM. Are the subsidies which the gentleman speaks of as being granted in various countries given for carrying the mail?

Mr. LAGUARDIA. Absolutely.

Mr. FROTHINGHAM. Are they given also to concerns which carry passengers?

Mr. LAGUARDIA. They are given to private concerns which carry both passengers and mail.

Mr. FROTHINGHAM. Do they have to carry the mail in order to get the subsidy?

Mr. LAGUARDIA. No. For instance, Buenos Aires-Montevideo, \$4,500 monthly; in Belgium, Brussels-Paris, Brussels-London, Brussels-Amsterdam, and Congo River, Belgian Congo, 8,100,000 francs, and Magdalena River, between Barranquilla and Cartagena, \$100 a trip, and so on. I have the whole list here.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. Is the gentleman and his party in favor of granting subsidies to corporations?

Mr. LAGUARDIA. Which party?

Mr. BLANTON. And if they are, since when?

Mr. LAGUARDIA. They are not. I will say to the gentleman from Texas that personally the gentleman from New York is not urging a subsidy; he is doing exactly the opposite and is trying to impress upon the gentleman from Texas the fact that you appropriate \$20,000,000 and \$50,000,000 to the Army and the Navy for experimental purposes, for the training of personnel and for being prepared, while here you appropriate \$2,000,000 a year, or \$3,000,000 a year, to be used for useful purposes. In this way you train personnel and do something real. It is not a subsidy; it is an economy, a governmental economy in the highest sense of the word.

Mr. SEARS of Florida. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SEARS of Florida. In reading section 2, it would appear to me that the Postmaster General could authorize other routes, but I notice from your report that this bill simply authorizes the Postmaster General to carry on the present Government owned and operated Air Mail Service.

Mr. LAGUARDIA. He has not the money to do anything else.

Mr. SEARS of Florida. But the bill would lead us to believe that he could establish other routes.

Mr. LAGUARDIA. But he has not the money to do it, I will say to the gentleman.

Mr. SEARS of Florida. I am glad the gentleman is frank, because I thought that must be the case. In the letter written by the Postmaster General to the chairman of the Post Office Committee, it is stated that a bill was introduced by Mr. KELLY on the 18th of February and that this bill was not reported until May 13. I was wondering why the great Post Office Committee struck out section 3 and did not incorporate Mr. KELLY's bill in this bill.

Mr. LAGUARDIA. The Post Office Department asked to have those bills separately reported. The next bill to be called up will be the bill to which the gentleman refers, and we will have another day because this is our first day.

Mr. KETCHAM. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. KETCHAM. Before the gentleman concludes, I would like to have him make a statement with reference to the reliability of the schedules that have been maintained in operating the Air Mail Service.

Mr. LAGUARDIA. Ninety-seven per cent.

Mr. KETCHAM. Also the freedom from accidents.

Mr. LAGUARDIA. We have had no serious accidents. Probably we should touch wood.

Mr. SNELL. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SNELL. Are the aviators doing this work Army or naval aviators?

Mr. LAGUARDIA. No; they are paid by the Post Office Department.

Mr. SNELL. They have nothing to do with the Army or the Navy?

Mr. LAGUARDIA. No. I will say to the gentleman from Texas—

Mr. SNELL. I am not from Texas.

Mr. BLANTON. It would be an honor to the gentleman if he were.

Mr. LAGUARDIA. Pardon me. Then I will say to the gentleman from New York that I have been trying to urge since the Sixty-sixth Congress, when I left the Army and came back to the House, the use of the aviators we may have in the Army and the Navy, assigning them for duty with the Post Office Department, but that has not been agreeable to the Army or the Navy.

Mr. SNELL. Would that result in cutting down the expense of the service?

Mr. LAGUARDIA. Of course it would, but they will not do it. Now, gentleman, I hope you will give this bill your very serious consideration. It is absolutely necessary and it is in keeping with the progress of the times. Now, gentlemen, everything that is progressive has opposition, whether it is in science, medicine, or even in politics. I may be wrong on some of my political views; I may be wrong on some of my economic ideas, but on this subject I am right, and I hope the House will agree with me, at least on this bill. [Applause.]

Mr. BLOOM. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLOOM. I would like to know whether there is any limit to the expenditures which the Postmaster General may make?

Mr. LAGUARDIA. Yes; that is under the control of Congress. Now, gentlemen, in closing I just want to say that I believe that the congratulations of this House should be extended to Col. Paul Henderson, Second Assistant Postmaster General, and his able general superintendent of air mail, Mr. C. F. Egge. These men have succeeded in developing a transcontinental service. The praise of this House is also deserved by the cooperation given them by the zone superintendents, pilots, mechanics, radio men, and the personnel of the Air Mail Service. The esprit de corps of this service is excellent; their efficiency of the highest. Together they have demonstrated to the world the great possibilities of aviation for useful, peaceful purposes. We are proud of them all. They have done well. [Applause.]

Mr. BLANTON. Mr. Chairman, I rise in opposition to the bill.

The CHAIRMAN. Does any member of the committee desire time in opposition to the bill? If not, the gentleman from Texas is recognized for one hour.

Mr. BLANTON. Mr. Chairman and gentlemen, I have but one interest in this bill, and that is in behalf of the people of the United States. The inference that was made by the gentleman from New York that some railroads might have objection to this bill had no application to me whatever. I have no connection—and never have had in my life, of any kind, nature, or description—with any corporation or with any railroad. I own not a dollar's worth of stock in any corporation and never have owned a dollar's worth of stock in a corporation. I oppose this bill only because I feel sure that it is against the best interests of the people.

Is this bill as restricted as the gentleman from New York seems to think it is simply because the Postmaster General has not yet been given the money? Why, a man does not have to be a scientific expert to know what this language means. It plainly authorizes the Postmaster General to operate and maintain new air mail routes anywhere in the United States. I know that the committee can and will push this bill through. They had that purpose in mind, I presume, when they favorably reported this bill introduced by the gentleman from New York [Mr. LAGUARDIA]. They knew they would have the help, at least, of two parties to put it through—the Republican Party and his new party—because he and the gentleman from Wisconsin [Mr. BERGER] constitute the new party here. Therefore, with added strength thus given to the bill they bring it here.

I want to read this bill:

That the Postmaster General shall arrange the air routes on which the mail is carried by airplane or other flying machine.

SEC. 2. The Postmaster General is authorized to operate and maintain air mail service in any part of the United States and Territories that he may from time to time designate.

You see that this bill authorizes him to operate and maintain new routes everywhere at his own discretion, without coming to Congress. Does not that language mean it? Why, the language is as plain as English can make it.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLANTON. In just a moment, and then I will yield all time the gentleman wants me to yield. Now, I want to submit this to the Committee on Rules, whose distinguished chairman [Mr. SNELL] honors the committee here to-day with his presence. [Laughter and applause.]

The gentleman knows, because he is well versed in such matters, that if the Postmaster General were to see fit tomorrow to establish a mail route from Washington down through Atlanta, Ga., to New Orleans and Dallas, Tex., and then on to El Paso, he would have a right to do it under this bill, and Congress would have to pay its debts. He could enter into a contract after this bill is passed even though it might cost twenty times as much as the contracts with railroads now call for, and we would have to furnish the money to pay the bill because we authorize him here in this bill "to operate and maintain" new air-mail routes without limit, and he has a right to do everything that we authorize.

Mr. BOYLAN. Will the gentleman yield for a question?

Mr. BLANTON. I promised first to yield to the gentleman from New York.

Mr. LAGUARDIA. I am sure the distinguished legislator, the gentleman from Texas, would not want to go on record as saying that this bill would authorize the Postmaster General to do anything he wanted to, when the gentleman knows he is limited to the appropriations which we give him.

Mr. BLANTON. When the Congress passed the war act authorizing the President to conduct war and to use the resources of this Government, we did not first have to appropriate the billions of dollars before he made contracts. We did that afterwards. The President entered into the contracts, however, under that authority.

Mr. LAGUARDIA. The gentleman would not press that as a proper comparison.

Mr. BLANTON. Whenever we authorize the Postmaster General "to operate and maintain new air-service routes without limit," the presumption to all contractors all over the United States is that we are going to pay the bill. I may not be as distinguished a lawyer in the country as the gentleman from New York, because I do not hail from New York—

Mr. LAGUARDIA. It is a good place to be trained.

Mr. BLANTON. It is a good place to be trained in subtlety sometimes.

Mr. LAGUARDIA. Let us analyze that. Will the gentleman yield for a moment?

Mr. BLANTON. I am used to reading language for what it means, and that is what this language means.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman. I did not mean to be offensive, because I think a great deal of the gentleman from New York.

Mr. LaGUARDIA. The gentleman knows that the Secretary of War and the Secretary of the Navy are authorized by law to buy aviation equipment or contract for battleships and yet they are limited to the appropriations which Congress gives them.

Mr. BLANTON. The gentleman from New York knows that this is legislation—

Mr. LaGUARDIA. Exactly.

Mr. BLANTON. Legislation that authorizes the Postmaster General to do anything he wants to do in Air Mail Service.

Mr. LaGUARDIA. Within the limits of the appropriation that Congress may make.

Mr. BLANTON. But the gentleman did not put that language in this bill, which is language that appears in lots of legislative bills. If the gentleman had wanted to restrict the Postmaster General, he should have added the language, "within the limitations of appropriations made by Congress"; but the committee did not do that, and the gentleman has not offered any amendment to that effect.

Mr. CARTER. Will the gentleman yield for a question?

Mr. BLANTON. I yield to the gentleman.

Mr. CARTER. Would not this be the case: This bill authorizes the Postmaster General to contract for mail routes?

Mr. BLANTON. Yes.

Mr. CARTER. And having contracted for them, could Congress in good faith refuse to make good those contracts?

Mr. BLANTON. That is the very point I am making. The clear, incisive, legal mind of the gentleman from Oklahoma has seen the point I am trying to make here, and that is exactly the situation, gentlemen.

Whether you gentlemen want to put this great power into the hands of the Postmaster General or not, I do not know. I know one thing. I know that if the party of the gentleman from New York [Mr. LaGUARDIA]—that is, the political party now constituted here in the persons of the gentleman from New York and the gentleman from Wisconsin [Mr. BERGER]—was in power, the Republican steering committee would never for one minute pass this bill and thus place this power in the hands of one of their Cabinet officers; and I do not say that offensively. That is quite a growing party. It now has two representatives here. But I can go further than that, because I sat here in this House and watched Republicans when my side was in power. If the Democrats of this country, who have ably shown their ability to run a government rightly, were now in power, the Republican steering committee on the other side of the aisle would never let a bill like this pass, giving such unlimited power to any Cabinet officer of that party. Oh, because you are now in power, you pass this bill and think it is all right. I think a great deal of your Postmaster General personally. He has never yet turned me down on any reasonable proposition I have requested of him.

Mr. LaGUARDIA. That is more than the gentleman from New York can say.

Mr. BLANTON. He has never turned me down on a reasonable proposition, because I do not ask for anything except what is reasonable and proper. I do not ask him for patronage jobs like the gentleman does.

Mr. LaGUARDIA. We do not get any, either, and the gentleman knows it.

Mr. BERGER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BERGER. This simply shows that the Republican Party has good reason to trust the Socialist Party and it could not trust the Democratic Party. [Laughter.]

Mr. BLANTON. Oh, but the gentleman from Wisconsin could never make the American people believe that.

Mr. BLACK of New York. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BLACK of New York. Of course the Republican Party will trust the Socialist Party with the air.

Mr. BLANTON. Yes; with the air, but with nothing else.

Mr. BERGER. But not with the hot air of the gentleman.

Mr. LOWREY. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. LOWREY. The gentleman from New York spoke a while ago of carrying air by mail, and now the gentleman from Texas speaks of running a line of this kind to Dallas, Tex.—

Mr. BLANTON. Oh, the gentleman from Mississippi now is getting facetious, and I have not time to yield for facetiousness.

Mr. LOWREY. Does not the gentleman think that even a Republican Postmaster General would be too wise to establish a line to carry air to Texas? [Laughter.]

Mr. BLANTON. He certainly would not go through the swamps of Mississippi or over them. [Laughter.]

I want to say this to my colleagues without taking up further time: This bill ought not to pass without some kind of restriction. If you are going to pass it at all, you ought to put a limitation in here providing that the money spent shall be within the limitations of the appropriations made by Congress. You ought to do that to protect yourselves, to protect the Appropriations Committee and the people.

Mr. RAMSEYER. Will the gentleman yield for a question on that point?

Mr. BLANTON. On that point; yes.

Mr. RAMSEYER. There is to be another bill brought up under which the Postmaster General is authorized to make contracts with private carriers without any cost to the Government, and that will have nothing to do with the appropriations made by Congress.

Mr. BLANTON. But every bill should stand on its own footing. The gentleman may not get a chance to pass another bill.

Mr. RAMSEYER. Oh, yes; we will.

Mr. BLANTON. What is the use of passing legislation by piecemeal? Why do you not cover the situation in one bill? I am surprised that the Republican steering committee would permit a bill of this kind to be taken up in the absence of the gentleman from Illinois [Mr. MADDEN], whose time now is taken up in the Appropriations Committee in properly framing the appropriation bills. I do not believe that you could pass this bill if the gentleman from Illinois [Mr. MADDEN] was on the floor. I heard the finest argument from him I ever heard in my life when you first started in this air mail service from New York to San Francisco; he came on the floor and defeated it. He showed that it cost then—regardless of what it costs now—about 36 times as much as under the present mail contract with the fast trains coming out of New York every night.

Here is the foolish situation we find ourselves in. Most of the commercial mail from New York—at least 90 per cent of it gets into the post office by 7 o'clock p. m., and the mail for California stays in the post office all night when a dozen fast trains that night are coming out of New York going toward Chicago and could be in Chicago the next morning at 9.30 o'clock. The mail stays there all night, then it is picked up by airplane and leaves at 10 o'clock the next morning and is carried west. I believe you should save that air run from New York to Chicago. The mail that leaves New York at 4 o'clock in the afternoon gets into Chicago the next morning at 9.30. It gets to Chicago the next morning before the airplane leaves New York.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LaGUARDIA. The fast train for Chicago leaves New York at 3.40 and gets to Chicago about 9 o'clock the next morning. We leave New York at 10 o'clock and the air mail gets to Chicago at 6 o'clock that day.

Mr. BLANTON. Why can not you New Yorkers deposit this mail that you want transported to San Francisco in the post office by 3 o'clock p. m. and let it go from New York to Chicago on this Broadway Limited fast mail train that leaves New York at 3.45 p. m. and arrives in Chicago at 9.30 the next morning?

Mr. LaGUARDIA. The mail that leaves at 10 o'clock gets into Chicago that night at 6.

Mr. BLANTON. Let me ask the gentleman how much commercial mail is mailed in New York in the morning prior to 10 o'clock? Very little, and the gentleman knows it. Some of the business houses in New York are not open much before 10 o'clock in the morning.

Now, I am not against experimental airplane service conducted in a proper manner. I will not raise my voice against the experimental service between New York and San Francisco. That is all right. It has been of service and worth the money to the Government as an experimental matter. But I know what will come from the passage of this bill. I know that the friends of the Postmaster General, political and otherwise, would get his ear, bring their tremendous influence to bear upon him, and make him see their way, and under this authorization he could establish and operate and maintain new contracts for as many new air mail routes as he saw fit. Now, you colleagues ought to hesitate before you pass this bill.

Mr. LAGUARDIA. If the restriction was put on this bill would the gentleman vote for it?

Mr. BLANTON. I will if you put the restriction on, as long as the gentleman from Illinois [Mr. MADDEN] is chairman of the Committee on Appropriations. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, I yield to the gentleman from Michigan [Mr. McLEOD].

Mr. McLEOD. Mr. Chairman and gentlemen, for many months I have hoped that some bill tending to encourage commercial aviation would be reported favorably by a House committee, that the House of Representatives might be given an opportunity to discuss the necessity of going to the limit in every way possible in behalf of commercial flying in the United States.

The two bills reported back to the House by the Committee on the Post Office and Post Roads, and which you now have under consideration, are steps in the right direction. One of them legalizes the granting of contracts by the Postmaster General, and its passage will result in the establishment of air mail lines with private individuals and planes under contract to carry the mail.

One of the most important questions of the day is the extension of aviation, both military and commercial. Other countries have recognized this fact and have spent huge sums on aerial development. I am at a loss to understand why the United States, the largest and most prosperous of all nations, should be reluctant to enter into competition with lesser nations in perfecting and extending aviation. This country at the present time has set the pace for commercial enterprise in everything except aviation. It has made it extremely difficult for its neighbors to keep this pace; yet at the same time it is ignoring the most important commercial enterprise—it is allowing countries unable to compete in every other commercial field to far surpass it in the most important one.

While other countries, notably England, are doing everything in their power to bring about ventures into the commercial aviation field by private individuals and corporations, the United States has been standing idly by, making no progress, making no effort to keep pace, contented with a dilapidated and inadequate Army and Navy air force, and thoughts of commercial aviation yet unborn.

The desire to compete with other nations in the commercial aviation field is grasping a firm hold on public sentiment. A start is all we need, and in a short time we will set the pace in aviation just as we have kept it in other commercial fields.

The passage of the two bills pending before you to-day will be only a start—but the right kind of a start—and the complete awakening will see established passenger and freight air lines second to none in the world; large corporations engaged in commercial aviation, and a fleet of planes that in times of stress may be converted into battle types in an hour.

There are a number of persons in the United States who are interested in commercial aviation and who would spend large sums in the establishment of air lines and in the development of commercial aviation. All they need is a little encouragement—recognition by the Government of this country of the value and necessity of commercial aviation to a great and prosperous Nation.

This bill may properly be termed the first official recognition of commercial aviation by the United States, and therefore this is an historical occasion. Its significance is very broad in that it marks the entry of our country into better and larger fields of endeavor.

I would like to see this bill passed unanimously, and I would like to see more bills of this nature, wider in scope, perhaps, reported from committees and passed by the House. I am eagerly looking forward to the day when this body of wise legislators will enact into law a bill providing for governmental aid to those responsible individuals and corporations who are willing to establish air lines for the transportation of passengers and freight. Such action by the House of Representatives and the Senate is inevitable. It is bound to come eventually, because it is extremely necessary to the successful operation of commercial planes. It would only be in keeping with the general policy of the Government practiced in the past to encourage entry by private capital into new fields. It would be only what other countries have done and are doing for commercial aviation; countries which are much less prosperous than the United States. England has done it. France has done it. And why, if you please, should this Nation be backward?

General Mitchell, of the Army Air Service, for whom I have the highest admiration, has advanced a plan whereby, if I properly understand it, the Government would operate air lines for the carrying of passengers and freight, and upon the lapse of a certain period would sell these lines to private individuals and corporations.

While General Mitchell's idea is along the right line, I feel that such action on the part of the United States would involve a large expenditure. It would compel our country to spend vast sums during the period prior to the time when the lines might be placed on a paying basis. I am afraid that this plan would not be in keeping with the commendable economy policy of the present administration, nor would it meet with the approval of the citizens, already overburdened with taxes, who are crying tax reduction.

Would it not be a better plan to set aside a sum—say, for example, \$100,000,000—and provide that the Secretary of Commerce, after careful investigation, loan amounts not exceeding two-thirds of the total amount required to establish lines, the individual or corporation desiring such governmental fiscal aid providing the rest and agreeing to repay the Government the amount borrowed within a period of seven years? I am of the opinion that in that time every line established upon the provisions of such a bill would be on a paying basis and that those who took advantage of the governmental-aid clause would be in a position to refund the amount borrowed. In this manner the Government would lose nothing. The money it loaned to responsible corporations and individuals would be secured by the holdings of these individuals and corporations. Overtaxed citizens would not be called upon to pay for this new venture and it would serve to put this Nation on a basis with other nations in the commercial aviation field. It would, indeed, have the desired results, and there are many who would avail themselves of the Government's offered aid.

Perhaps this is not the best plan that could be advanced after careful study of the aviation field, but it is the most economical, and it is a plan that would meet with the approval of the general public and would permit this country to immediately enter into aerial competition with its neighbors.

Let us not call this plan a subsidy plan. It is not that. I want to make this point clear, because I realize that those who are opposed to the encouragement of commercial aviation would sing the subsidy song and would try in every way possible to make the public believe that such a plan, if adopted, would cost them large sums of money. It is merely a plan advanced for the purpose of providing Government aid or loans for commercial aerial development, these loans to be repaid in seven years. I am fully aware that were such a plan put in bill form it would meet with a great deal of opposition, but I am also fully confident that there are enough men in this lower House who know the necessity of encouraging passenger and freight air lines to put such a measure through.

Let us study carefully the aviation subject—it is very broad—and let us do something immediately to enter the air-plane into the commercial aviation field. It is essential that this be done at once, for every day we delay it is putting us that much further behind other countries in the aviation field.

My reason for supporting the two bills before us to-day is that they are stepping-stones to greater ventures in commercial aviation. Their consideration here, I feel confident, will cause wise legislators to awaken to the crying need of encouraging further commercial aviation, which they have considered lightly in the past. For that reason and the reason that they are good bills they warrant the support of every Member of this House.

I congratulate the chairman and the members of the Post Office Committee on their handling of these bills, and sincerely trust that many more bills encouraging commercial aviation will be reported favorably by House committees in the future, and that the House itself may see fit to enact many of them into law.

Mr. BLANTON. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Chairman, during the previous session of Congress some of you may remember that one day I stood on the floor and advocated the raising of this appropriation, and the distinguished chairman of the Appropriations Committee [Mr. MADDEN] made a point of order against this very thing. At that time the gentleman from New York [Mr. LAGUARDIA] and several others of us service men were trying very hard to put this provision through in favor of air mail. I look upon this as not only a proposition for carrying the mails from New York to San Francisco and Chicago and St. Louis or any other place, but I look upon it as a provision connected with the national defense. I am glad to see in the naval appropriation bill and the Army appropriation bill appropriations for real aviation in the United States and real aviators. We who were in France during the war know what it means to be up in the Argonne and see these German planes come over and point out our position to the Germans, and we with no adequate planes to fight them. We had

plenty of American aviators ready to go up in the air but we had no airplanes for them to go up in, while the French and the Belgians had plenty of them.

I do not want to see any other war. I do not want to see any war at any time, and I hope that we will never have any war at any time, but if it does come I do not want to see it come when we are in the same position. I do not want to be placed in the position where the enemy will have the airplanes, the eyes to show our position, and we not be in a position to have any adequate planes for American aviators.

That is what we went through in the last war and we do not want to go through it again. It seems to me that the economic side of the question should be very plain to us as Members of Congress. Whether or not we pass this legislation at this time, the airplane service is bound to come. I was reading an article last night in the Liberty Magazine which said that while Congress is passing legislation, tinkering with railroads, or is not, inventions take care of these things, and whether Congress likes it or not, the different inventions take care of these propositions, and that progress comes along and that before Congress passes legislation the thing is all settled. Whether we pass this legislation or not at this time, it is coming. Let us have vision. The day is coming when the mails are going to be carried all over the United States by airplanes. The day is coming when we are going to have express packages carried by airplane. We are going to have Zeppelins or different kinds of planes like Z-3 carrying these things.

Mr. LAGUARDIA. We take packages now up to 50 pounds.

Mr. CONNERY. Yes. We ought to have vision and be glad to pass legislation like this, that gives opportunity not only from an economic standpoint, but from the position of national defense, to have our aviators and airplanes ready, provided not only by the United States, but if necessary by private corporations—and those of you who have heard me in the past know that I have never been very strong and have never fought very much for large corporations. But I am for anything, whether private or Government-owned, that will take care of our national defense and see that we have trained aviators ready to carry the mail in time of peace and in time of war to keep enemies off these shores. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. CLANCY].

Mr. CLANCY. Mr. Chairman, it seems to me that there is an almost anxious effort upon the part of the gentleman from Texas [Mr. BLANTON] to play upon the prejudices that some Members of the House must feel against the gentleman from New York [Mr. LAGUARDIA] because of his political affiliations. He says that just two parties, Progressive and Republican, are for this measure. In rebuttal I wish to call attention to the fact that the Second Assistant Postmaster General, in charge of this item, Mr. Henderson—who, by the way, is a son-in-law of the gentleman from Illinois [Mr. MADDEN], whom Mr. BLANTON quoted against the air mail—said that the credit for putting through the measure last year belonged to Detroit and in a large measure to the Detroit Board of Commerce. Through the efforts of at least one Member of the Michigan delegation, and he a Democrat, who made a fight for it, the item was kept alive after being struck out on a point of order in this House.

The matter went to the Senate, and it was put through there at double the amount it was killed at in the House, and when it came back here for a vote at \$2,750,000 there were enough Members on this side of the House at least, with Members on the other side, to insure the continuation of the United States Air Mail Service with all its equipment across the continent, and to insure the vocations of its aviators, many of whom risked their lives in the World War, and are accounted World War heroes. Thus the Democrats materially helped to save the United States air mail last year.

I hold in my hand a picture taken from the Detroit Free Press of an airplane just made in an airport, donated by Henry Ford and Edsel Ford, and sold to the United States Air Mail Service for operation between Cleveland and Chicago.

In a report made to the President by the United States National Advisory Council it is declared that the United States air mail is the most important development of aviation to-day, and aviation is one of the most tremendous facts before the public of America or of the world to-day.

The Air Mail Service of the United States is the most important development we have in aviation as stated, and this legislation merely seeks to protect it against any capricious Member who wishes to make a point of order and kill this

essential enterprise. The fact is that if you get aviation to the point where our private capital will invest, then America will lead the world, because, as General Mitchell, of the Army Air Service, says, America has the personnel, the industry, based on the automotive industry and the raw material, as no other country has. So far as the personnel is concerned, in the United States Air Mail Service are to be found the finest aviators in the world.

Henry Ford and Edsel Ford, Detroit, and the Detroit Board of Commerce are very much interested in this development. You do your part in carrying along the United States Air Mail Service, which, as the reports to the President said—and President Coolidge concurred with this—is the nub of the whole aviation situation, and many of you will live to see the day when the bulk of the freight and passenger business in the United States is carried by airplane and other air machines.

Europe has seen the necessity of building up and encouraging aviation, and through subsidies, which are quite taboo in our system of government, is building up various lines which operate on the Continent. Some other lines reach out from Cairo to Bagdad, under the English system, and in Europe we have the international line from Berlin to Moscow under the German-Russian system. The United States is the birthplace of aviation and we should not fail to take advantage of the opportunity that is presented to us. Aviation will develop particularly the great States of the West and of the South, who have not the population nor the industry to support railroads. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LAGUARDIA. Will the gentleman from Texas use up some of his time now?

Mr. BLANTON. I do not care to use any further time.

Mr. LAGUARDIA. Then, Mr. Chairman, I call for the reading of the bill.

The CHAIRMAN. If no one else desires to discuss the bill, the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General shall arrange the air routes on which the mail is carried by airplane or other flying machine.

Mr. MOORE of Georgia. Mr. Chairman, I move to strike out the last word. Representing the first district of Georgia, I desire to say that the folks whom I represent are in favor of this kind of legislation. [Applause.] The board of trade down there recently passed resolutions insisting that I should get busy up here, and the people that I represent down there want this kind of legislation. It seems to me that this thing is coming. Those of you who stand in the way of it to-day will see in the course of time the mistake that you are making here to-day. When the rural-carrier routes were first started they met with much opposition in this country. The delivery of the mail to the people on the farms was a slow process, and all of these new processes are slow. People hang back. They get in ruts, and they do not want to try a new thing.

Just a few years ago in Georgia I was mayor of a little town when the automobile first came out. There were three of them in the town, and along came a great petition, signed by lots of folks in that town, asking that those things be denied the use of the streets. If the mayor and the council had agreed with those petitioners where would we be in the march of progress to-day? We saw the thing was coming, and we decided to let the automobiles stay in Statesboro, Ga., where I happened to be mayor at that time. [Applause.] The man who stands here to-day and opposes the carrying of the mail by airplane is just simply getting in his own shadow, and that is all there is about it. You might as well come along and vote for this kind of legislation. It is just a question of a short time.

Now, I believe in economy as much as anybody and I believe in protecting the taxpayers of this country, but here is a thing needed, a thing we need in this country, and that is men who can go in the air and manage a plane. You talk in this country about not fighting, about not having any more wars! You might just as well get down and crawl in a hole and stay there. Wars will go and come. We have had them for 6,000 years and will have them in the future. I am in favor of training the boys of this country to handle the airplane, because the future fighting is going to be done very largely in the air. Let us have mail by air. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General shall arrange the air routes on which the mail is carried by airplane or other flying machine.

Sec. 2. The Postmaster General is authorized to operate and maintain air mail service in any part of the United States that he may from time to time designate.

The committee amendments were read, as follows:

Section 2, page 1, line 6, insert the word "Sec." Page 1, line 8, after the word "States," insert the words "and Territories."

The question was taken, and the amendments were agreed to.

Mr. CRAMTON. I offer an amendment at the close of the paragraph to insert the language I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. CRAMTON: At the end of line 9, page 1, insert: "Provided, That additional air routes shall not be arranged, operated, or maintained until transportation by air mail has passed the experimental stage and is substantially self-supporting."

Mr. CRAMTON. Mr. Chairman, at the present time we have under operation an experimental route from New York to San Francisco. We have an appropriation for that purpose this year of \$2,750,000. I do not know of anyone who is opposed to this experimentation or any necessary experimentation. The bill before us proposes to give the department authority to extend this service anywhere in the United States. That means an expenditure would be authorized that would run into many, many millions of dollars. The gentleman from Georgia [Mr. MOORE], who has just spoken, expressed the pride of his community in having this service. Every community will feel the same way and will call upon their Representatives to have this service extended. When Mr. MADDEN spoke on this subject in the House on the 7th of June, in connection with the proposed Boston extension, he said:

The plan has been to run an air mail service between New York and San Francisco simply for experimental purposes. Anything more than that is pork barrel, ought not to be done, ought not to be tolerated.

He said at that time:

Mr. Speaker, to extend the Air Mail Service to Boston is nonsense [applause], nothing more or less. In the first place, air mail service is impracticable on any distance less than 1,000 miles. If you can not run the Air Mail Service for 1,000 miles or more, you had better not run it at all, because the trains will get the mail to points covering a distance of 500, 600, or 700 miles quicker than the airplanes will, because the trains run at night, while the airplanes run only in the daytime, except on the specified route that is lighted between New York and San Francisco.

The plan has been to run the Air Mail Service between New York and San Francisco simply for experimental purposes, and anything more than that is pork barrel, ought not to be done, and ought not to be tolerated. You can not carry mail at \$5.35 a ton-mile as a commercial proposition, and that is what it has been costing. It is true they have reduced the cost to \$2.40 a ton-mile, and it may be true that some time in the distant future they will reduce that cost to 60 cents a ton-mile; but to say that we will send mail by air instead of by train over a route where the train can arrive sooner than the airplane can is not only expensive but unwise and nonsense. It ought not to be done, and this bill ought not to pass. [Applause.]

The present time to carry mail by air costs \$2.60 per ton-mile. It is claimed if the planes carry the full capacity of 1 ton that will reduce the cost per ton-mile to a little over 60 cents, six times the rail rate. The increased rate for this special service, it is alleged, will make the service self-sustaining, but that will depend upon there being enough of the special-rate mail to fill the planes to capacity.

The proposed New York to San Francisco program gives ample opportunity for this sort of experiment.

The fact is at the present time they only carry about one-fourth of that anticipated capacity, so they have not yet reached the point where it cost them, in my judgment, anything less than \$2, as against 11 cents by rail. Now, there are some gentlemen very ready to raise some question of a Member's motives; but, as we all seek to do our duty here, we have to face any aspersion of that kind that may arise.

I have no objection now to extending this mail service just as the importance of the service justifies it and the revenue produced by the demand for it makes it reasonably more self-supporting. But I do not believe just to satisfy local pride that we ought to pay \$2 per ton-mile if it can be done for 11

cents and when existing mail routes will give equally good service.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. CRAMTON. I do not want to take up much time.

Mr. HULL of Iowa. Does the gentleman mean to estop an extension of the service if it is not self-sustaining by his limitation?

Mr. CRAMTON. I want to place the limitation here until it is substantially self-supporting.

Mr. RAMSEYER. If the gentleman will permit, the interpretation of the amendment would be when it passes the experimental stage.

Mr. CRAMTON. The balance of the amendment clears that, when it is substantially self-supporting.

Mr. RAMSEYER. Who is to judge of when it passes the experimental stage; Congress?

Mr. CRAMTON. The Postmaster General ought to be able to judge whether it is self-supporting or not.

Mr. RAMSEYER. Does the amendment so state?

Mr. CRAMTON. Yes—

Mr. RAMSEYER. Does it state the Postmaster General is to judge?

Mr. CRAMTON. No. This bill gives authority to the Postmaster General.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. CRAMTON. Later, if you please. The present service extends from New York to San Francisco and benefits the entire country. If the business men mail a letter in Detroit at night, it can connect with the Air Mail Service at Cleveland or Chicago in the morning and get the benefit of the Air Mail Service beyond that point. An air-route extension to Detroit might flatter Detroit but would not improve their mail facilities.

What will happen if this bill goes through unamended is that every gentleman here who represents a city district will feel impelled to force an extension of the service to his city. The gentleman from Savannah is not the only one. I have newspaper clippings showing that there is a movement fostered by the boards of trade and chambers of commerce in every large city in the United States along that line.

The CHAIRMAN (Mr. LEHLBACH). The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. CRAMTON. Gentlemen join together, as is always the history of those matters, and force appropriations; \$5,000,000, \$10,000,000, any amount. The bill of the gentleman from Pennsylvania [Mr. KELLY], which I suppose will follow this one, is a much better bill, and if this bill were framed along similar lines, no one could object to it. Every purpose for military use in war, every purpose for the development of aviation, would be served by the development of commercial aviation as proposed by the Kelly bill for use of private lines in the feeders for the Air Mail Service. When it comes to commercial aviation and its development, the Kelly bill reported by this committee provides that private carriers shall receive not more than four-fifths of the revenue and net one-fifth to the Treasury. But in this bill on lines to be Government operated the lid is off entirely. They will cost under present conditions five times the revenues or more, and a network of such lines may spread over the country.

If my amendment does not accomplish the purpose that the language in the Kelly bill accomplishes, it might be modified. The proposition of the gentleman from Texas [Mr. BLANTON] would not cure the situation at all. It would simply invite combines here in behalf of appropriations.

Money is needed in the Postal Service. A bill is now pending in this Capitol to increase the pay of postal employees some \$60,000,000. That bill is being held up because the postal revenues are not sufficient to care for it. When a bill is proposed to increase the postal rates to produce the needed additional \$60,000,000 to take care of that, there is opposition to the increased rates. There is opposition to the increase of pay without increase of rates. What right have we, when this question of adjustment of pay for postal employees is under way, to put an added burden of \$3,000,000 or \$5,000,000 or \$10,000,000 upon the Postal Service?

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BOYLAN. Would the gentleman be willing to transfer some of the funds voted for the enforcement of prohibition to this service?

Mr. CRAMTON. If I were willing, it would probably be the first time the gentleman from New York and I had agreed upon any proposition relating to prohibition. I think there should be some more substantial reason for it than that. [Laughter.]

I hope the amendment which I have offered may be adopted in order to safeguard the Treasury. I was not last session opposed to an appropriation for the existing experiment. I am not now opposed to the experimental route, but I was opposed to combines for extensions everywhere. I have had my mail flooded by appeals from motor manufacturers in Detroit asking me to support that measure. We make the best planes and the best motors in Detroit that are made anywhere. But we ought to act here from the national viewpoint and not be influenced wholly by locality. [Applause.]

I will ask unanimous consent, Mr. Chairman, to extend my remarks in the Record and include the remarks of the gentleman from Illinois [Mr. MADDEN].

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GALLIVAN rose.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. GALLIVAN. Mr. Chairman, this amendment does not mean anything, after all, and it is hardly worth while to take up the time of the committee in opposing it.

It says:

Provided, That additional air routes shall not be arranged and operated or maintained until transportation of air mail has passed the experimental stage and is successfully self-supporting.

Well, the gentleman from Iowa [Mr. RAMSEYER] asked the gentleman from Michigan [Mr. CRAMTON], who is the sponsor of this amendment, who was to be the official to say whether or not the transportation of mail through the air had reached the successful stage, and he was quite unable to answer.

As a member of the subcommittee of the Committee on Appropriations, which only to-day finished the drafting of the appropriation bill to take care of all of our postal facilities, may I say to the gentleman from Michigan and to those who are giving me attention that the one man in the Post Office Department who ought to know, the Second Assistant Postmaster General, Col. Paul Henderson—and, parenthetically, I might add that there is no finer official in the entire Government of this Republic—has convinced our committee that the transportation of mail by air has passed the experimental stage, and Col. Paul Henderson is substantiated by the Postmaster General. If they can not convince a committee of Congress, and if that committee subsequently can not convince this Congress, then it would be for Congress to cancel any further appropriations for air-mail transportation.

But, as I said in the beginning, this amendment itself means absolutely nothing, and I am rather surprised that my distinguished friend from Michigan, who usually, except when he talks on prohibition [laughter], says things worth while, should take up the time of the committee at this hour in presenting such an amendment to the House. [Applause.]

Just here I want to read an editorial from the Indianapolis News of a few days ago which is rather appropriate to this whole subject:

AVIATION'S FUTURE

When Col. Paul Henderson, Second Assistant Postmaster General, was placed in charge of the department's Air Mail Service he became convinced that unless night flying were possible the movement might as well stop. No other country had tried night flying, except in war and under the pressure of military necessity. Night service was established and has been maintained with few interruptions since the initial flight in August, 1923.

Colonel Henderson says that the first consignments obviously were "publicity junk." People wished to patronize a novelty. Then the freak mail stopped and the weight of mail carried diminished. After a full business men began to appreciate the economic value of saving time by air mail, and there has been a constant increase in bulk, with the result that the planes now are loaded to about 75 or 80 per cent of their capacity.

The Air Mail Service will succeed, says Colonel Henderson, only as the business world realizes its importance. He believes that the country should think more about commercial aviation than aviation as an arm of national defense. "National defense in the air," he says in the New York Times, "must be the outgrowth of commercial aviation; never can commercial aviation, in an economic sense, grow out of military flying. Therefore, instead of persistently harping on the need for more appropriations so that it can be profitable to manufacture aircraft, we must work out some national policy whereby the public will find it profitable to use aircraft. And having done this, we shall have solved

the whole problem." Colonel Henderson throws out the hint that although aviation is flourishing abroad, largely because of heavy government subsidies, it is, from a commercial standpoint, practically on the verge of collapse in this country. As will be noted, he does not wish Federal appropriations. He wishes the public to use airplanes for business profit, and in that event there would be plenty of reserve in time of war—a very sensible view.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan [Mr. CRAMTON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. BLANTON. I offer an amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 1, line 6, after the words "Postmaster General", add a comma and insert the following: "within the limit of appropriations now or hereafter to be made therefor by Congress."

Mr. RAMSEYER. Mr. Chairman, I make a point of order that we have passed that section.

Mr. BLANTON. No; we have not passed section 2.

The CHAIRMAN. Nothing has been read beyond section 2 of the bill.

Mr. RAMSEYER. I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. BLANTON. Mr. Chairman, the author of this bill says there is no intention on his part or on the part of the committee to permit the Postmaster General to go beyond the authorizations of appropriations made by Congress. If there is no such intention, why not pass this amendment?

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SNELL. Is it not a fact that the law now prohibits any executive officer of the Government from making a contract where there is no appropriation or a contract beyond the appropriation?

Mr. BLANTON. Not where by legislation we specially authorize him to do something, such as is done in this bill.

Mr. SNELL. In these general appropriation bills there is a general authorization carried in the bills, but it is the distinct law of Congress that an executive officer must not exceed the appropriations made in carrying out any proposition.

Mr. BLANTON. But that applies to appropriation bills.

Mr. SNELL. I know; then this would not add anything if we passed it again.

Mr. BLANTON. But this is a legislative bill, and it specifically authorizes the Postmaster General to do a specific thing; that is to operate and maintain any and all air mail routes he may determine upon.

Mr. SNELL. But all of these things are original and definite authorizations, and then they are appropriated for afterwards, and there is a definite law against a Cabinet officer going beyond the amount appropriated.

Mr. BLANTON. If I thought like the gentleman from New York, I would not offer this amendment. But my experience since I have been here is this: That whenever Congress specifically authorizes a bureau chief to do a specific thing he can and does go ahead and do that very thing and make it a charge upon the Government.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WAINWRIGHT. I want to ask the gentleman whether he thinks it is perfectly plain that this bill, if enacted into law, will authorize the Postmaster General to contract unlimitedly within his discretion?

Mr. BLANTON. That is my idea.

Mr. WAINWRIGHT. The bill provides that he shall operate and maintain. Does that mean—

Mr. BLANTON. To save time I want to ask the gentleman from New York [Mr. SNELL] one question.

Mr. SNELL. I want to ask the gentleman from Texas whether he meant what he just said, namely, that it authorizes him to contract without regard to the appropriations made.

Mr. BLANTON. I do think that. Now, I want to ask the gentleman from New York this question: If there were any attempt on the part of the Postmaster General to go beyond the limit of the appropriation allowed him by the Appropriations Committee, would the gentleman stop him?

Mr. SNELL. I would try to; I certainly would.

Mr. BLANTON. The gentleman would try to stop him?

Mr. SNELL. I certainly would.

Mr. BLANTON. Then I withdraw the amendment, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Clerk read as follows:

3. The Postmaster General is authorized to contract with any individual, firm, or corporation for the transportation of mail by aircraft between such points and in accordance with such regulations as he may prescribe.

With the following committee amendment:

Strike out all of section 3.

Mr. BOYLAN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Does the gentleman from New York move to strike out the last word of the committee amendment?

Mr. BOYLAN. Yes.

The CHAIRMAN. Then the gentleman from New York is recognized for five minutes.

Mr. BOYLAN. Mr. Chairman, I want to say that I am for this bill, and I hope it will pass, but another thing I would like to say is that last June, before we adjourned, we raised the hopes of the employees of the Postal Service; we painted a picture for them which led them to hope for a happy Christmas. In a few days we will disperse from the august and historic precincts of this Hall of the House of Representatives to our firesides and in the bosoms of our families enjoy the festive times and days of Christmas and the succeeding holidays. How will these postal employees enjoy their holidays, overworked, as they will be, by the excessive demands made upon them, made by you and by me and by every other citizen in this great country. The little hope they had in looking forward to a bright and cheerful Christmas has been dissipated by Congress doing nothing to bring about what this House voted to do before Congress adjourned. Are we going to break those promises? Are we going to forget what we said to these men during the campaign? Is the honor of basking at the feet of the illustrious and genial President at the breakfast table to result in dissipating the promises we have made to these faithful employees? Are we not going to give them at least the hope that the \$300 increased pay we promised and voted for them will materialize in the near future?

Mr. STENGLE. Will the gentleman yield?

Mr. BOYLAN. I will.

Mr. STENGLE. It is not the intention of my colleague to create the impression that this delay in giving justice to the postal employees is due to any inactivity, voluntarily performed, on the part of this House, is it?

Mr. BOYLAN. Well, by indirection; yes.

Mr. STENGLE. Is it not a fact that the body at the other end of the building has gone to sleep and that we are wide awake? [Applause.]

Mr. BOYLAN. Very true, but when I look around and see the influential men sitting in this body—the distinguished gentleman from Ohio [Mr. LONGWORTH] and the distinguished gentleman from New York [Mr. SNELL]—

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BOYLAN. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. BOYLAN. I know that if the powerful influences that are wielded by Members of this House would go over to the other side of the Capitol and put an entering wedge under some of the illustrious gentlemen holding down seats there, then action might be had.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. LA GUARDIA. I understand the other body has agreed to vote on the bill the gentleman is discussing on January 5.

Mr. BOYLAN. I think the vote should be to-morrow in order that a Christmas joy and a Christmas spirit might be brought home to the employees of our great Postal Service, and having the knowledge that it was coming would make the day better and happier and would inculcate in the minds of the faithful employees a greater desire to perform service satisfactory to the country.

Mr. GALLIVAN. Mr. Chairman, I ask unanimous consent to revise and extend the remarks just made by myself.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to revise and extend the remarks he has just made. Is there objection?

There was no objection.

Mr. LA GUARDIA. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from New York makes the same request. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I rise in opposition to the committee amendment.

I rise primarily to ask the gentleman in charge of the bill the theory they have in striking out section 3.

Mr. LA GUARDIA. Because the purpose of section 3 is covered by language contained in the bill introduced by the gentleman from Pennsylvania, which has been favorably reported.

Mr. RAKER. And the Postmaster General reports favorably upon it?

Mr. LA GUARDIA. He does.

Mr. RAKER. In substance, that is the same language as section 3, is it not?

Mr. LA GUARDIA. It is substantially the same as section 3, except it provides that the Postmaster General shall pay not more than four-fifths of the income on any particular line.

Mr. RAKER. That is just a technical perfection. Do you expect to call up that bill this afternoon?

Mr. LA GUARDIA. We do.

Mr. RAKER. You are going to call it up and pass it before we adjourn to-day?

Mr. LA GUARDIA. We hope so.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. LA GUARDIA. Mr. Chairman, I move that the committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6942) establishing transmission and carrying of mail by airplane and flying machines, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. LA GUARDIA. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LA GUARDIA, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. LA GUARDIA. Mr. Speaker, by direction of the Committee on the Post Office and Post Roads I call up the bill (H. R. 7064) to encourage commercial aviation and to authorize the Postmaster General to contract for air mail service.

Mr. BLANTON. Mr. Speaker, I make the point of order we have not a quorum.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. It is clear there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 11]

Abernethy	Browne, Wis.	Crowther	Favrot
Ackerman	Buckley	Cummings	Fenn
Aldrich	Bulwinkle	Curry	Fisher
Anthony	Burdick	Dallinger	Fitzgerald
Ayres	Butler	Davey	Foster
Barkley	Byrnes, S. C.	Dickstein	Frear
Beedy	Carew	Domlnick	Fredericks
Black, Tex.	Clark, Fla.	Doyle	Freeman
Bowling	Clarke, N. Y.	Dyer	French
Brand, Ga.	Cole, Ohio	Eagan	Funk
Brand, Ohio	Cooper, Ohio	Edmonds	Gambrell
Britten	Corning	Evans, Mont.	Garrett, Tenn.
Browne, N. J.	Croll	Fairchild	Gasque

Geran	Lilly	O'Sullivan	Sherwood
Glatfelter	Lineberger	Oliver, N. Y.	Simmons
Graham	Logan	Paige	Smithwick
Green	McDuffie	Parker	Snyder
Greenwood	McKenzie	Peavey	Sparring
Hawley	McNulty	Peery	Stevenson
Hoch	Madden	Phillips	Sullivan
Holiday	Magee, Pa.	Porter	Swoope
Howard, Nebr.	Mead	Pou	Tague
Hudson	Merritt	Purnell	Taylor, Colo.
Hull, Tenn.	Michaelson	Quayle	Thomas, Ky.
Johnson, S. Dak.	Miller, Ill.	Rainey	Tincher
Johnson, W. Va.	Mills	Reed, N. Y.	Tinkham
Kahn	Montague	Reed, W. Va.	Tydings
Kindred	Mooney	Roch	Voigt
King	Moore, Ill.	Robison, Ky.	Ward, N. Y.
Kunz	Morgan	Rogers, Mass.	Ward, N. C.
Kurtz	Morin	Rogers, N. H.	Weller
Langley	Morris	Sabath	White, Kans.
Larsen, Ga.	Nelson, Wis.	Sanders, Ind.	Williams, Mich.
Larson, Minn.	Nolan	Sanders, N. Y.	Wolff
Lazaro	O'Brien	Schall	Wright
Lee, Ga.	O'Connor, N. Y.	Shallenberger	Zihman

The SPEAKER. Two hundred and eighty-seven Members have answered to their names—a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

RIVERS AND HARBORS APPROPRIATION BILL

Mr. DEMPSEY, chairman of the Committee on Rivers and Harbors, by direction of that committee, reported the bill (H. R. 10894, Rept. No. 1053) authorizing construction, repair, and preservation of certain public work in rivers and harbors, and for other purposes, which was read a first and second time and, with accompanying papers, referred to the Committee of the Whole House on the state of the Union.

CONTRACT AIR MAIL SERVICE

Mr. LAGUARDIA. Mr. Speaker, I call up the bill H. R. 7064, to encourage commercial aviation and to authorize the Postmaster General to contract for air mail service.

The SPEAKER. The gentleman from New York calls up the bill H. R. 7064 on the Union Calendar. The House will automatically resolve itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LEHLBACH in the chair.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. BLANTON. Reserving the right to object, I want to ask the gentleman from New York if he does not think the bill ought to be read for the information of the House, in view of the fact that it is a great departure from the present policy of the Government carrying its own mail?

Mr. LAGUARDIA. The bill is short and can be read while the gentleman is talking.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read the bill as follows:

Be it enacted, etc., That this act may be cited as the air mail act.

SEC. 2. That when used in this act the term "air mail" means first-class mail prepaid at the rates of postage herein prescribed.

SEC. 3. That the rates of postage on air mail shall be not less than 10 cents for each ounce or fraction thereof.

SEC. 4. That the Postmaster General is authorized to contract with any individual, firm, or corporation for the transportation of air mail by aircraft between such points as he may designate at a rate not to exceed four-fifths of the revenues derived from such air mail, and to further contract for the transportation by aircraft of first-class mail other than air mail at a rate not to exceed four-fifths of the revenues derived from such first-class mail.

SEC. 5. That the Postmaster General may make such rules, regulations, and orders as may be necessary to carry out the provisions of this act: *Provided*, That nothing in this act shall be construed to interfere with the postage charged or to be charged on Government operated air-mail routes.

Mr. LAGUARDIA. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY. Mr. Chairman and gentlemen of the committee, I sincerely hope that this measure which is really a companion or rather supplemental measure to the one just passed, may speedily be enacted.

It is the result of more than two years study and conference on the part of the Post Office Committee. We have had the leaders in the aviation industry, the officials of the department, and public-spirited citizens before us at extended hearings,

and this bill seems to be the consensus of opinion of all interests as to the most practical bill we can frame.

Our efforts in this new field resulted in the formulation of principles underlying the proper establishment and encouragement of commercial transportation of mail by aircraft.

These might be stated as follows:

1. The controlling factor in the initiation of any service by or through Government agencies is assumed to be the public interest in or demand for such service.

2. If regular, reliable, and safe transportation of mail by aircraft performs a service more valuable in certain respects to a portion of the public than is rendered by existing modes of mail transport, it is reasonable to assume that such a service will be supported by that public, who will readily subscribe a fair proportion of the increased value which the service yields them in order to support and sustain it. Anyone who believes honestly in the future of aeronautical transportation must subscribe to the belief that mails can be transported by aircraft in manifold instances in such ways as to perform a service of much greater value than can be rendered by existing modes of transportation. If this were not true, then the basis of hope in the future of air transport is false, or one is forced to admit that the present state of the art is inadequate.

3. If the public, however, can not be encouraged to patronize a reliable and safe air mail service offered at reasonable rates, it may be fairly assumed that such lack of support is evidence that said air mail transportation does not perform a more valuable service than existing modes of transportation.

4. The transport of mail by aircraft being more costly in almost every instance than its transport by other means, it follows that if it does not perform a more valuable service to the public, which they recognize and for which they are willing to pay, there is no reason to support it, except upon a subsidized basis, for military or other purposes.

5. Therefore a bill to authorize contracts for air mail service should give encouragement to the establishment of routes where the carriage of mail by aircraft will result in an obvious and direct value to the public, and the rates prescribed should represent a fair proportion of this special value sufficient to encourage and sustain the commercial operation of such routes.

6. Now, the transport of mail by aircraft during the hours between the close of one business day and the opening of the next, where the points of origin and destination of the mail are separated such a distance that an equivalent service can not be or is not performed by other modes of transportation, represents at once a service wherein the public recognizes an obvious and direct value. Moreover, the value of such service to the public may often be so great that the cost of the service becomes immaterial or of secondary importance.

7. Where the distance between the points of origin and destination of the mail is great enough to permit of a saving of more than one business day by air transportation the value of such service to the public is proportionately greater, as is the cost of rendering such service, and the rates prescribed may be correspondingly higher. The advantages of air mail service are more obvious the longer the routes. The bill therefore should provide for the encouragement of proper extensions to routes wherever a contractor shall have demonstrated satisfactory service in his initial operations.

8. A charge for the transportation of mail by aircraft, based on the value to the public of such air transport, results in a direct stimulus to the contractor to strive to render a service of maximum possible benefit to the public. In addition, it relieves the Postmaster General from exercising an arbitrary decision as to what air routes shall be authorized, placing the burden upon the parties seeking the contract to demonstrate to the satisfaction of the Postmaster General that they propose to carry mail by aircraft in such a way as to result in an obvious public benefit. It is to be expected that the Postmaster General will cooperate with the contractor in the encouragement of public patronage in such ways as are open and proper to him.

9. The initial charge should be sufficiently high, so that any revisions which in the future may be deemed advisable will result in lowering and not in increasing the rates. The proportion of the revenue from air mail allotted to the contractor should be sufficient to attract responsible organizations of sufficient capital and enterprise to assure continued success, while the proportion allotted to the Post Office should be adequate to provide for facilities for collection and delivery.

Now, Mr. Chairman, we have endeavored to carry out these principles in this bill.

We authorize the Postmaster General to contract with private companies and fix the maximum compensation at four-fifths of the revenues.

We fix a minimum postage rate of 10 cents an ounce and permit the making up of a capacity load out of ordinary first-class mail.

The gentleman from New York raised the question of the cost of carrying the mail by Government planes. I did not have at hand what I was looking for, certain testimony which appeared in the hearings on the bill of 1922, when a somewhat similar measure was under consideration. At that hearing Mr. Shaughnessy, Second Assistant Postmaster General, requested the passage of such a bill. His statement was as follows:

The CHAIRMAN. Have you any figures on the cost of this carrying mail from New York to San Francisco by air mail now?

Mr. SHAUGHNESSY. Yes; we know what it costs.

The CHAIRMAN. What does it cost?

Mr. SHAUGHNESSY. We put it this way: In the last fiscal year, charging every dollar that could be charged against the air mail properly, it cost \$1.43 a mile to operate it. This fiscal year, right now, charging every dollar against the air mail that can be charged, it is costing us \$1.04 a mile to operate.

The CHAIRMAN. For how many pounds, on the average?

Mr. SHAUGHNESSY. On the average, it would not be over 350 pounds—about 350 pounds. We can increase that next year to perhaps 800, but right now it is 350.

The CHAIRMAN. And 350 pounds cost \$1.04?

Mr. SHAUGHNESSY. \$1.04, or 3 mills a pound a mile.

Now, we established through the transcontinental route a rate of \$1.04 for carrying 350 pounds of mail. That was the basis we had in fixing the rate of postage and compensation to contractors.

The Postmaster General and the department do not expect to own all the airplanes in this country which are to be used in transportation of mail. It would not result in the greatest benefit for national defense. What we desire to do is to get private companies to put their ships in the air carrying the mail at a profitable rate to them and the Government and make the improvements that must be made in aircraft, and that is the basis of this bill.

As to what may be accomplished, I give the following memorandum prepared for me by the Post Office Department some years ago:

PITTSBURGH AND KANSAS CITY

By rail: Direct route, 902.94 miles; west, 24 hours and 50 minutes; east, 30 hours and 25 minutes. Via Cincinnati, 931.84 and 936.04 miles; west, 33 hours and 30 minutes; east, 32 hours and 50 minutes.

By air: Pittsburgh via Cincinnati and St. Louis to Kansas City, 850 miles; 11 hours.

TRAIN SCHEDULES AND MILEAGE (Central time shown)

WESTBOUND

Direct route: Leave Pittsburgh 8.40 a. m., arrive St. Louis 1.30 a. m.; 620.50 miles. Leave St. Louis 2.05 a. m., arrive Kansas City 9.30 a. m.; 282.44 miles. Total miles, 902.94.

Via Cincinnati: Leave Pittsburgh 7.50 a. m., arrive Cincinnati 5 p. m.; 310.40 miles. Leave Cincinnati 9 p. m., arrive St. Louis 7.45 a. m.; 339 miles. Leave St. Louis 9 a. m., arrive Kansas City 5.20 p. m.; 282.44 miles. Total miles, 931.84.

EASTBOUND

Direct route: Leave Kansas City 9 a. m., arrive St. Louis 5.45 p. m.; 282.44 miles. Leave St. Louis 7.45 p. m., arrive Pittsburgh 3.25 p. m.; 620.50 miles. Total miles, 902.94.

Via Cincinnati: Leave Kansas City 9 a. m., arrive St. Louis 5.45 p. m.; 282.44 miles. Leave St. Louis 8.56 p. m., arrive Cincinnati 7.30 a. m.; 339 miles. Leave Cincinnati 8.30 a. m., arrive Columbus 12.05 p. m.; 123.70 miles. Leave Columbus 12.40 p. m., arrive Pittsburgh 5.50 p. m.; 190.90 miles. Total miles, 936.04.

AIR ROUTE SCHEDULE AND MILEAGE

(Central time shown)

WESTBOUND

Leave Pittsburgh 4.30 a. m., arrive Cincinnati 8 a. m.; 270 miles. Leave Cincinnati 8.15 a. m., arrive St. Louis 12.15 p. m.; 330 miles. Leave St. Louis 12.30 p. m., arrive Kansas City 3.30 p. m.; 250 miles. Total miles, 850.

EASTBOUND

Leave Kansas City 5 a. m., arrive St. Louis 8 a. m.; 250 miles. Leave St. Louis 8.15 a. m., arrive Cincinnati 12.15 p. m.; 330 miles. Leave Cincinnati 12.30 p. m., arrive Pittsburgh 4 p. m.; 270 miles. Total miles, 850.

ADVANCED DELIVERY OF MAIL

West: From New York, New England, New Jersey, Pennsylvania, and Washington, D. C., for delivery in Cincinnati, 22 hours; for Kentucky and Tennessee, 12 hours; for St. Louis and connections, 12 to 16 hours; for Kansas City and connections, 16 to 20 hours. Mail from

Cincinnati for delivery in St. Louis advanced 16 hours, and Kansas City and connections 12 to 16 hours. Mail from St. Louis for Kansas City and connections advanced 6 to 16 hours.

East: Mail from Kansas City for delivery in St. Louis advanced 20 hours; for Cincinnati, 16 hours; for Pittsburgh and connections, 24 hours. From St. Louis for delivery in Cincinnati, 16 hours, and for Pittsburgh and connections, 12 hours. From Cincinnati to Pittsburgh and connections, from 7 to 12 hours.

That means it would be possible to cut the time down for a trip of 850 miles from Pittsburgh via Cincinnati and St. Louis to Kansas City from 33 to 11 hours. In other words, there would be a saving of 22 hours in the delivery of mail between those points. At a cost of not \$1.04, which it is costing the Post Office Department, but a higher rate, estimating it \$1.50 for 350 pounds carried 850 miles, there would be a cost to the contractor of \$1,275. That is, he would have to pay that much out for gasoline, pilot, equipment, and so forth. If he could get the entire load made up of this special air mail at 10 cents an ounce, he could make a big profit, but the trouble is that we are faced with the practical proposition that probably at no place in the United States can we start out and get a load of 350 pounds of air mail. That is something that has to be worked up. At first we would start in probably with 50 pounds, and it would be impossible for the airplane company to carry 50 pounds alone and live commercially. So we came to the next practical proposition of filling up the load with regular first-class mail, so that he would be sure of a capacity load, and on that we would pay him exactly the same percentage that we pay him on the other. If we could give him half a load at the 10-cent rate and half at the 2-cent rate, he would get a little over cost probably; but if we could give him the total, he would be able to get about \$1,000. The companies agreed that that would furnish a fair basis at least for an experiment.

It does not interfere with the rate on the route which we have provided for in the bill just passed. That is a transcontinental route, established by the Government, with every detail of it handled by the Government.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. KELLY. Yes.

Mr. BLACK of New York. What is the term contemplated for these contracts by the Postmaster General?

Mr. KELLY. The matter will be in the hands of the Postmaster General. The suggestion was made that there ought to be a contract for four years, the same as made by the star-route contractors at the present time. That is a matter that will have to be worked out. We could not say that it should be one year, two years, or four years. We had to leave it finally to the discretion of the Postmaster General, and that discretion will be exercised by him in the light of the knowledge and experience gained.

Mr. Chairman, this is a most appropriate day on which to pass this bill. Just 21 years ago to-day, on December 17, 1903, the Wright brothers made their first successful flight by airplane.

We are now embodying, I hope, that great triumph into the permanent Postal Service of the United States.

It is the longest stride we have ever made in binding the Republic into a neighborhood by the lessening of time and distance. By rail and the stagecoach, in the fifties, the mail was carried across the continent in 565 hours average time. In 1850 it required 3 days by rail and 21 days by stage, or 24 days from New York to San Francisco. In 1860 two and one-half days by rail from New York to St. Joseph, Mo., brought the mail to the eastern terminus of the pony express; from there by horse to San Francisco took eight more days.

In 1876, when locomotives were more efficient, a special train carried mail from New York to the west coast in 100 hours. Continued improvement in rolling stock, rails, and locomotives brought the time of the transcontinental mail by special train down to 87 hours in 1923. This is the acme of the speed by rail, but the average time by rail is 120 hours from coast to coast. By relay flying, day and night, the air mail made the trip in less than 27 hours. Moreover, during the week of experimental flying the air mail made a round-trip flight, including a lay-over of 11 hours and 36 minutes at San Francisco, in 18 hours and 47 minutes less time than the minimum time required for a letter to travel one way by train.

What is in effect a daily mail service between New York and San Francisco is one of those achievements which are so spectacular that it is almost impossible for the lay mind to grasp its significance. To be able to cut from three to five business days from the time required to do business by mail between any two industrial centers is a performance of incal-

culable benefit and one which, as time goes on and its advantages become better known, is but the forerunner of a network of such day and night air-mail routes which will be established as a result of popular demand throughout the country.

The passage of these two measures will make this one of the greatest days for aviation in the history of the United States. [Applause.]

Mr. GRIFFIN. Mr. Chairman, I rise in opposition to the bill.

The CHAIRMAN. Is the gentleman a member of the committee?

Mr. GRIFFIN. No.

The CHAIRMAN. The gentleman is recognized.

Mr. GRIFFIN. Mr. Chairman and gentlemen, we are at the parting of the ways. The Government has borne the burden and the heat of the day in developing the airplane industry. As Major LAGUARDIA indicated in the pictures which were on the floor a few moments ago, while the other bill was under consideration, the so-called companion bill, you saw how the Government has laid out millions of dollars in establishing beacon lights and in constructing hangars and landing places from the Atlantic to the Pacific.

It has developed the airplane industry not only in the Postal Service but in the War Department, in the Navy Department, and even in another branch of our Government—the Bureau of Standards. Altogether we are spending millions of dollars annually on airplane experimentation. The Government has paved the way.

Now we have come to the point where airplane navigation has been developed to such an extent that it is safe—in the opinion of some—to turn the industry over to profiteers and commercial exploiters. There have been hovering about Washington for several years men who have mulcted this Government out of vast sums during the war in unscrupulous airplane adventures. The Government's experimentation has made the air feasible. These foxes have been watching the tree blossom and ripen. They have only one idea, and that is that the fruit is ready to be eaten. They want to grab the air mail transportation service.

Mr. CONNERY, of Massachusetts, in his very fine speech while the other bill was under consideration, said that we ought to have vision with respect to aviation. That is true. Airplane navigation has passed the experimental stage, and in a few years will not only be carrying the mail but property and persons as well. In short, we ought to see that we are in the beginning of a great epochal transformation of transportation. Now we are confronted with this proposition: Shall we, by our action here to-day, dedicate this Nation to a policy which proved to be so unsatisfactory in the past with respect to railroad transportation?

Comparison is made to the opposition which developed in 1838 against the suggestion of allowing the railroads to carry the mails. My opposition does not come in that category. That ancient opposition was against any innovation. On the contrary, I take a liberal and progressive attitude in regard to air transportation. I am for the innovation, but I want the Government—not private, selfish interests—to profit by it.

We ought to retain the business of air transportation, as we have paid dearly for it, and ought not to relinquish it just as it is on the eve of a great and profitable development. After having spent millions of dollars in perfecting it, is it right that we should turn this great industry in its infancy over to men who will use it for their personal profit and mulct the Government and the people alike? I think, gentlemen, we ought to halt; we ought to hesitate before we proceed further. The gentleman from Pennsylvania [Mr. KELLY] confesses that the Government does not intend to continue the business of air mail transportation. Well, if the Government did not intend to carry on the air mail transportation, why did it commit us to such a tremendous outlay in expenditure?

Mr. SNELL. Will the gentleman yield for a short question?

Mr. GRIFFIN. I yield first to the gentleman from Illinois.

Mr. DENISON. The gentleman is making a very interesting talk about profiteers, saying they want to get hold of this service. Now, I am interested in that statement, and I would like the gentleman to be a little more specific if he can and inform the committee who the men are—the profiteers—who are trying to get this service. Can he give some of them, so we may know better in respect to this matter?

Mr. GRIFFIN. The gentleman has doubtless seen the Year Book of the Aeronautical Chamber of Commerce. In that is a list of scores of airplane manufacturers and concerns that are claiming to be in a position to carry mails as well as persons and property.

Mr. DENISON. Does the gentleman know of any firms not doing a legitimate business? Are they not doing a legitimate business?

Mr. GRIFFIN. Of course, they are doing a legitimate business. I do not object to their business aspirations, but I do not think that it is good policy for this Nation to surrender to these men the postal facilities of our Nation.

Mr. DENISON. Does the gentleman think we are surrendering to them the control of the postal facilities of the Nation by making contracts for the delivery of mail? We make contracts for the delivery of mail on the surface of the ground.

Mr. GRIFFIN. In my opinion, to be frank with the gentleman, I think we are opening the door for a repetition of the star-route scandals.

This bill is not drawn carefully; it is not drawn with sufficient concern for the welfare of this country or for the Government interest, but permits the Postmaster General now, of his own volition, at his own discretion, to hand out these air-mail contracts for the carrying of the mail. There ought to be limitations put upon it; and furthermore, he should not be permitted to allow these men to take four-fifths of the proceeds of the service.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. SNELL. From the statement as to the cost that has been made here, does the gentleman think there is a prospect of letting out a great amount of contracts for the future?

Mr. GRIFFIN. Indeed I do, because these figures are rather padded. The gentleman from Pennsylvania [Mr. KELLY] has disclosed the admission of the postal authorities as to the expense of carrying the mail. I have other figures that are even less than that, figures obtained from the same source; that is, from Mr. Shaughnessy, quoting 75 cents.

Mr. KELLY. A year ago it went up to \$1.04.

Mr. GRIFFIN. And it might go up to \$2.04 for the purposes of this bill.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. MURPHY. The gentleman was not serious when he said that because the Government had gone to the expense of developing the airplane for the carriage of mail we ought to cut out competition?

Mr. GRIFFIN. No. I say that since the Government has laid out millions of dollars in the establishment of landing fields and beacon lights all over the country and developed and educated navigators of the air, and since the Government is familiar with all the intricacies of the air mail transportation, it ought to retain its advantage; and I am sure that when the final figures are announced as the result of the operation of the Air Mail Service at the end of the next fiscal year you will be surprised perhaps to learn that it will show a material profit.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. JACOBSTEIN. Do I understand, then, that it is your idea that the Government ought permanently to remain in the transportation business so far as the Air Mail Service is concerned?

Mr. GRIFFIN. I think I am perfectly justified in taking that stand.

Mr. JACOBSTEIN. That is the policy you want to lay down, so far as the Air Mail Service is concerned, that the Government permanently shall be the transporter of its own mail?

Mr. GRIFFIN. That is my belief and conviction, founded upon past experience.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. LAGUARDIA. There is no intention on the part of the department to turn over the transcontinental routes and other large routes to private transportation. Two or three contracts are now being carried on by private enterprise, one in Louisiana and one in Alaska.

Mr. GRIFFIN. There is nothing in this bill to prevent the Postmaster General from entering into a contract with some of these airplane companies to carry the mail even on this transcontinental air route.

Mr. LAGUARDIA. There is not a company in the United States that is equipped to carry on a route between Washington and New York or from New York to San Francisco.

Mr. GRIFFIN. How long will that last? There is no assurance that it will last for any time.

Mr. LAGUARDIA. The industry has been in a deplorable condition for the last four or five years.

Mr. MURPHY. Mr. Chairman, will the gentleman again yield?

Mr. GRIFFIN. Yes.

Mr. MURPHY. Is the gentleman serious when he thinks that the Government should not spend money in developing the air service along this theory, that citizens of the United States may compete for the carrying of the air mail? Now, if the gentleman's contention is correct, of course, the Government ought then to stop spending money at New York, developing the harbor facilities there for carrying on the commerce of the world. One argument is just about as good as the other. Private enterprise could not develop the air service, but private enterprise has the right to go into it once it is developed.

Mr. GRIFFIN. By the Government?

Mr. MURPHY. Certainly. The Government develops all our harbors and all our canals.

Mr. GRIFFIN. And reaps much from the Government outlay.

Mr. MURPHY. I do not say that the Government is prepared now to compete in every way everywhere, but I am sure the gentleman does not want to use the air mail as an entering wedge for Government ownership and operation of public facilities of all kinds.

Mr. GRIFFIN. Well, that is a moot question. I do not think that that question ought to be taken up just at this stage.

Mr. MURPHY. Well, the gentleman took the position—

Mr. GRIFFIN. When that question arises I will be prepared to meet it, but I am looking now at the fate of this bill and its wisdom as a legislative enactment, in protecting the interests of the people. In my opinion, I solemnly declare to you that this bill is loosely drawn, aimed only in the interest of a few men who are standing ready to take contracts. Take a look at the hearings. You gentlemen here have the hearings and you have the report. Read what the report says:

These hearings were attended by representatives and individuals, firms, and corporations interested in commercial aviation.

Where were the people represented? Except by the Members of this House sitting on the subcommittee, who were supposed to represent their interest, only one side was heard. There was no demand from the general public for the transfer of this activity from the hands of the Postal Service into the hands of individuals. Why are they in this game? They are in it for profit not for the benefit of the Postal Service and not for the benefit of the people. It is too early as yet for us to venture upon the trial of transferring the airplane service to private individuals or corporations.

Mr. BLANTON. Will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. BLANTON. Would not the gentleman from New York prefer to see our Government follow Great Britain and unite all of the various branches of our air service, utilizing such as should be used by the Army, such as should be used by the Navy and by the Marine Corps, and by the Postal Department, but under one united air service, at the same time letting it be under the control and direction of the Government itself? Would not the gentleman prefer to see that done?

Mr. GRIFFIN. That is a policy with which I am very much in sympathy. I do not believe it is the part of wisdom for this Government to continually fritter away money in the different departments for the same activity. They could very well be consolidated. The men who are spending their time flying about the air in circles and trying to make speed records could better be employed in carrying useful articles of mail to other parts of this country. [Applause.]

Mr. BLACK of New York. Will my colleague yield to me?

Mr. GRIFFIN. Yes.

Mr. BLACK of New York. I am wondering how the gentleman would create air routes that might be used for private transportation purposes.

Mr. GRIFFIN. They are already created by our Government.

Mr. BLACK of New York. And in no other way could they be created. Then is the gentleman opposed to any commercial organization going into the business of air transportation for any purpose?

Mr. GRIFFIN. No. I hope I have not permitted myself to be misunderstood to that extent. I have no objection to men joining themselves together in the form of a corporation or other business unit for the purpose of carrying on business. The field is open to them. What I do object to is men taking advantage of the effort, the industry, and the expenditure laid

out by the Government and commercializing it for personal profit.

Mr. SUMMERS of Washington. Will the gentleman yield to me?

Mr. GRIFFIN. Yes.

Mr. SUMMERS of Washington. The Pacific Northwest is very far removed from New York and other great commercial centers of the East. We would like very much to have our mail service connect with the New York and San Francisco service, but the Government is not willing to do that. Could there be any objection to a commercial company tapping the Northwest—Oregon, Washington, Idaho, and Utah—and connecting with the main line in Nevada, as has been proposed, and act as a feeder to that Government line? What objection could there be to that?

Mr. GRIFFIN. There would not be any objection at all.

Mr. SUMMERS of Washington. We would like to have it.

Mr. GRIFFIN. In fact, under the bill just passed, which I did not oppose, the Postmaster General is permitted to maintain and operate lines of Air Mail Service wherever he may designate. That bill has been passed and it will probably be passed in the Senate, and if it becomes a law it will have two results: First, it will get rid of the annual objection to this item in the appropriation bill, and, in the second place, it will open up, such as you indicate ought to be opened up, new lines of Air Mail Service. The Postmaster General can do that. Under that bill he is empowered to designate a line, say, from San Francisco up to Portland, Oreg. He can do that, but under the limitation or understanding which we had on this floor when the bill was passed, as to the interpretation of the bill, the Postmaster General can not designate an airplane course or route without coming to Congress for the authorization or for the requisite funds to carry it out. But the Postmaster General can designate the route and then can come to Congress and get the money to operate it.

I am in favor of the extension of the airplane service to every part of the United States. Last year when this measure came up and it was proposed to extend it to Boston, I stood in favor of that proposition. I believe that it ought to be extended generally throughout the country, but here is where the rub comes. The gentlemen who are standing by waiting to grab this new activity of the Government want to get into the game before the Government shows that the postal airplane service can be operated economically and at a profit. They want to get in now, and I do not believe they ought to be permitted to reap the advantage of the Government's work before the Government has had an opportunity to give all parts of this country a fair deal.

Then when the Postmaster General indicates a route from San Francisco up along the Northwest into the territory of the gentleman from Washington, we will put it up to the people of your district and put it up to the gentleman himself to answer in his own heart whether he would want to see that service discontinued and turned over to private operation.

Mr. LOZIER. Will the gentleman yield for a question?

Mr. GRIFFIN. I yield.

Mr. LOZIER. In principle and as a governmental policy, is there any difference in the Government contracting with a commercial aviation company for the transportation of mail by air than in contracting with a railroad company for the transportation of mail by rail?

Mr. GRIFFIN. Absolutely none; no difference whatever, and that is just the rub.

We do not want to open the door. We do not want to open a Pandora's box of scandals. We had an experience with the star-route scandals in the past in the granting of postal contracts to favorites of this or that administration. We do not want to have a recurrence of that situation.

It does not require a vast expenditure of money for the Government to develop the airplane service as it has been developed in the past, intelligently, quietly, conservatively, going step by step, showing that it can be operated economically, and then when it is operated economically ask yourselves whether you want to turn it over to private corporations and to private individuals.

The phase of trained navigators has been accentuated in the debate on the other bill. Is it desirable to have trained navigators familiar with the navigation of airplanes? Then why not maintain control of them? We have them in the Army, and we have them in the Navy. Why not retain them in the Postal Service?

Gentlemen, in short, if you pass this bill, you are going to divest yourselves of a great opportunity for the conservative, honest development of airplane transportation. You are going to turn it over to a lot of struggling, snarling, competing con-

tractors, who will use every device and intrigue in order to get fat contracts. The time is not ripe for it. We are not ready for that step as yet.

I do not think the gentleman from Pennsylvania was quite candid in saying that this bill is a companion of the other bill. It is not a companion of the other bill. It is a supplement to the other bill. The other bill laid the foundation for the extension of these air mail routes, but none of us felt justified in asserting, although we were inclined to suspect, that the other bill was simply laying the foundation for this bill and to open up this avenue of fraud and intrigue and commercial exploitation of the Air Mail Service.

Mr. Chairman, I reserve the balance of my time.

Mr. LAGUARDIA. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman, compared with the preceding bill, so far as concerns the Treasury, this bill is a life-saver. The other bill permits carriage by the Government at about 400 per cent of the revenue; that is, it costs four times as much as the Government receives. This bill proposes to encourage commercial aviation by turning over to them four-fifths of the revenue. I am not sure the bill goes far enough. We might better turn over 100 per cent of the revenues than have the Government operate all of these extensions. The experimental lines the Government has operated and may continue to do so, but I hope the extensions will be under the Kelly bill, and therefore save the Government millions of dollars.

Mr. LAGUARDIA. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. MOORE].

Mr. MOORE of Ohio. Mr. Chairman, I am venturing to speak as a member of the committee for just a minute or two and call attention to the mail service in Alaska as indicating the desirability and necessity for this legislation and that contained in the bill just passed.

To illustrate, from Fairbanks to McGrath, in Alaska, mail is being carried by sled now. The round-trip distance between these places is 544 miles by air line. By sled route it is approximately 700 miles. By sled route to-day it takes 18 days to make the round trip in carrying the mail between these points. The Post Office Department made an experiment and by air mail route that trip was made in one day. It costs approximately \$1,000 per trip now, and the Post Office Department believes it can carry the mail there by air route at a less cost if these two bills become laws. This is a good illustration of the desirability of carrying the mail by airplane.

Mr. TREADWAY. Mr. Chairman, I make the point of order that there is no quorum present. I will withdraw that; I thought the gentleman from Illinois had finished.

Mr. GRIFFIN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from New York makes the point of order that no quorum is present. The Chair will count. [After counting.] One hundred and eighteen Members present, a quorum. The Clerk will read the bill for amendment.

The Clerk read the bill for amendment.

Mr. LAGUARDIA. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7064) to encourage commercial aviation and to authorize the Postmaster General to contract for Air Mail Service, and had directed him to report the same back with the recommendation that it pass.

Mr. LAGUARDIA. Mr. Speaker, I move the previous question on the bill to final passage.

The motion was agreed to.

Mr. GRIFFIN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present, and evidently there is no quorum present.

ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p. m.) the House adjourned until to-morrow, Thursday, December 18, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

735. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1925, for continuing work on Dam No. 2, Muscle Shoals, Ala., \$3,501,200 (H. Doc. No. 487); to the Committee on Appropriations and ordered to be printed.

736. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department, for the fiscal year ending June 30, 1925, pertaining to the Public Health Service, \$275,000 (H. Doc. No. 488); to the Committee on Appropriations and ordered to be printed.

737. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the legislative establishment of the United States, office of Architect of the Capitol, for the fiscal year 1926, in the sum of \$5,058.80 (H. Doc. No. 489); to the Committee on Appropriations and ordered to be printed.

738. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1925, pertaining to the Internal Revenue Service, for refunding taxes illegally collected, \$50,000,000 (H. Doc. No. 490); to the Committee on Appropriations and ordered to be printed.

739. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Justice for the fiscal year ending June 30, 1925, amounting in all to \$20,000; also a draft of proposed legislation extending and making available until June 30, 1925, the appropriation of \$9,000 contained in the second deficiency act, fiscal year 1924, for supplies for the United States courts and judicial officers (H. Doc. No. 491); to the Committee on Appropriations and ordered to be printed.

740. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior, National Park Service, for the fiscal year ending June 30, 1925, to remain available until June 30, 1926, for the control and prevention of insect infection of growing timber within the confines of national parks, \$25,000 (H. Doc. No. 492); to the Committee on Appropriations and ordered to be printed.

741. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the District of Columbia for the fiscal year ending June 30, 1925, amounting to \$20,500 (H. Doc. No. 493); to the Committee on Appropriations and ordered to be printed.

742. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year ending June 30, 1925, \$223,500 (H. Doc. No. 494); to the Committee on Appropriations and ordered to be printed.

743. A communication from the President of the United States, transmitting a draft of proposed legislation making available the sum of \$15,000 from the unexpended balances of the appropriation of \$20,000,000 provided by the national defense act of June 3, 1916, as amended, for the purpose of defraying such expenses as may be necessary and incidental to the arbitration of the rate of royalty to be paid the American Cyanamid Co. on patents owned by said company (H. Doc. No. 495); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 370. A resolution extending the time for rendering the report of the Committee on World War Veterans' Legislation to February 15, 1925; without amendment (Rept. No. 1050). Referred to the House Calendar.

Mr. BUTLER: Committee on Naval Affairs. H. R. 10685. A bill to authorize the Secretary of the Navy to extend the nurses' quarters at the naval hospital, Washington, D. C., and to construct necessary additional buildings at certain naval hospitals; without amendment (Rept. No. 1051). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 10739. A bill to authorize the Secretary of the Navy to proceed with the construction of certain public works at the naval air station, Pensacola, Fla.; without amendment (Rept. No. 1052).

Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on Rivers and Harbors. H. R. 10894. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; without amendment (Rept. No. 1053). Referred to the Committee of the Whole House on the state of the Union.

Mr. DREWRY: Committee on Naval Affairs. H. R. 9540. A bill to authorize the purchase by the city of Norfolk, Va., of the bridge across Boush Creek and approaches thereto; without amendment (Rept. No. 1054). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10403) granting a pension to James H. Osburn; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10610) granting an increase of pension to Abbie Osborn; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PAIGE: A bill (H. R. 10881) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM: A bill (H. R. 10882) providing for punishment of assaults upon letter or mail carriers; to the Committee on the Judiciary.

By Mr. MORROW: A bill (H. R. 10883) for the development of the Carlsbad Cave in the Carlsbad Cave National Monument, N. Mex.; to the Committee on the Public Lands.

By Mr. GRAHAM: A bill (H. R. 10884) granting an increase of pension to certain Civil War veterans; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 10885) to amend the World War veterans' act of 1924; to the Committee on World War Veterans' Legislation.

By Mr. SHERWOOD: A bill (H. R. 10886) to promote the erection of a monument in honor of Gen. Anthony Wayne and his legion in Lucas County, Ohio, on the site of the Battle of Fallen Timbers, which was fought August 20, 1794, and was followed by the treaty of Greenville in 1795 and years of peaceful settlement of the Northwest Territory; to the Committee on the Library.

By Mr. ALLGOOD: A bill (H. R. 10887) granting the consent of Congress to the State of Alabama, through its highway department, to construct a bridge across the Coosa River at Gadsden, Etowah County, Ala., on State road No. 1; to the Committee on Interstate and Foreign Commerce.

By Mr. BULWINKLE: A bill (H. R. 10888) to provide for the securing of lands in the southern Appalachian Mountains for perpetual preservation as a national park; to the Committee on the Public Lands.

By Mr. HOWARD of Nebraska: A bill (H. R. 10889) to provide for the purchase of a site and the erection of a building thereon at Madison, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 10890) to extend the time for the exchange of Government lands for privately owned lands in the Territory of Hawaii; to the Committee on the Territories.

By Mr. REECE: A bill (H. R. 10891) to provide for the securing of lands in the southern Appalachian Mountains for perpetual preservation as a national park; to the Committee on the Public Lands.

By Mr. THOMAS of Kentucky: A bill (H. R. 10892) to correct the military record and provide for the granting of pensions to survivors of certain battalions of Kentucky Militia; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 10893) to provide for a suitable national park in the Appalachian Mountains for the perpetual preservation of the forests and wild life of the Appalachians and for recreational purposes; to the Committee on the Public Lands.

By Mr. DEMPSEY: A bill (H. R. 10894) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. RUBEY: A bill (H. R. 10895) to prohibit the carrying by mail of the United States of any newspaper, circular, pamphlet, or publication containing any advertisement for the sale of any pistol or revolver, and to provide penalties; to the Committee on the Post Office and Post Roads.

By Mr. FREE: Resolution (H. J. Res. 311) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 10896) granting an increase of pension to Samantha A. Carnefix; to the Committee on Pensions.

Also, a bill (H. R. 10897) granting an increase of pension to Reuben Waller; to the Committee on Pensions.

Also, a bill (H. R. 10898) granting an increase of pension to Clarence L. Wimer; to the Committee on Pensions.

By Mr. BELL: A bill (H. R. 10899) for the relief of N. H. Strickland; to the Committee on Claims.

By Mr. BOX: A bill (H. R. 10900) granting a pension to Theo Dorsett; to the Committee on Pensions.

By Mr. CHRISTOPHERSON: A bill (H. R. 10901) for the relief of W. H. King; to the Committee on Claims.

By Mr. CONNERY: A bill (H. R. 10902) granting a pension to John A. Powers; to the Committee on Pensions.

By Mr. COOK: A bill (H. R. 10903) granting a pension to Edward Jones; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 10904) granting a pension to Samuel Andrew; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 10905) granting an increase of pension to Andrew Long; to the Committee on Invalid Pensions.

By Mr. GREEN: A bill (H. R. 10906) granting a pension to Ralph Lotz; to the Committee on Pensions.

By Mr. HASTINGS: A bill (H. R. 10907) for the relief of A. B. Cameron; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 10908) for the relief of Mrs. Frank G. Sanford; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of West Virginia: A bill (H. R. 10909) for the relief of James L. Barnett; to the Committee on the Civil Service.

By Mr. KEARNS: A bill (H. R. 10910) granting an increase of pension to Kate Sherman; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 10911) granting an increase of pension to Helena Bunt; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 10912) granting an increase of pension to Christena E. Waitman; to the Committee on Invalid Pensions.

By Mr. McDUFFIE: A bill (H. R. 10913) granting an increase of pension to Samuel A. Holt; to the Committee on Pensions.

Also, a bill (H. R. 10914) granting an increase of pension to Sidney S. Pugh; to the Committee on Pensions.

Also, a bill (H. R. 10915) for the relief of James A. DeLoach; to the Committee on Claims.

By Mr. McKEOWN: A bill (H. R. 10916) for the relief of Isaac M. Wood, also known as J. M. Wood; to the Committee on Military Affairs.

By Mr. McLEOD: A bill (H. R. 10917) for the relief of William H. Crampton, formerly a captain, United States Army; to the Committee on Military Affairs.

By Mr. MANLOVE: A bill (H. R. 10918) granting a pension to Thomas A. Heard; to the Committee on Pensions.

Also, a bill (H. R. 10919) granting a pension to Bertha O. Hammer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10920) granting an increase of pension to Mary A. Hester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10921) granting an increase of pension to Elizabeth M. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10922) granting an increase of pension to Amelia Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10923) granting an increase of pension to Jennie McQueen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10924) granting an increase of pension to Eady Elizabeth Ripple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10925) granting an increase of pension to Charles McCarthy; to the Committee on Pensions.

Also, a bill (H. R. 10926) granting an increase of pension to William S. McGaha; to the Committee on Pensions.

Also, a bill (H. R. 10927) granting a pension to Elda Leota Rutherford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10928) granting an increase of pension to Katharine K. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10929) granting an increase of pension to Margaret A. Saunders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10930) granting an increase of pension to Mary P. McIntyre; to the Committee on Pensions.

Also, a bill (H. R. 10931) granting an increase of pension to Susan O. Adams; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 10932) granting an increase of pension to Lydia F. Barkley; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 10933) for the relief of Martin L. Duffy; to the Committee on Military Affairs.

By Mr. REECE: A bill (H. R. 10934) for the relief of William Jones; to the Committee on Military Affairs.

Also, a bill (H. R. 10935) granting an increase of pension to Roy Elrod; to the Committee on Pensions.

By Mr. SIMMONS: A bill (H. R. 10936) granting an increase of pension to Archie A. Warner; to the Committee on Pensions.

Also, a bill (H. R. 10937) granting an increase of pension to Mary A. Webbitt; to the Committee on Invalid Pensions.

By Mr. SPROUL of Illinois: A bill (H. R. 10938) for the relief of Wilder B. Thompson; to the Committee on Claims.

By Mr. STRONG of Pennsylvania: A bill (H. R. 10939) granting a pension to Maria L. Stewart; to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 10940) granting an increase of pension to Christopher T. Grinstead; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 10941) granting an increase of pension to William H. Poindexter; to the Committee on Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 10942) granting a pension to Mary E. Marvin; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10943) granting an increase of pension to Charles M. McDonald; to the Committee on Pensions.

By Mr. WILLIAMSON: A bill (H. R. 10944) for the relief of Benjamin Ghostbear; to the Committee on Claims.

By Mr. WILSON of Indiana: A bill (H. R. 10945) granting an increase of pension to Rachel Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10946) granting an increase of pension to Mary Wolven; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3244. By the SPEAKER (by request): Petition of Nettle Creek congregation and Sunday School of the Friends Church, Hagerstown, Ind., urging Congress to distribute literature dealing with the narcotic question; to the Committee on Printing.

3245. Also (by request), petition of M. A. Cooper, Austin, Tex., urging Congress to give favorable consideration to the claim of the Hunter Brown Co.; to the Committee on Claims.

3246. Also (by request), petition of W. S. McCrea, executive secretary of the Intermediate Rate Association, Spokane, Wash., urging that action be taken this session of Congress on the Gooding bill; to the Committee on Interstate and Foreign Commerce.

3247. Also (by request), petition of Laughlinton United Brethren Christian Endeavor Society, Laughlinton, Pa., favoring the distribution of literature by Congress relative to the drug menace; to the Committee on Printing.

3248. Also (by request), petition of the City Council of Chicago, Ill., requesting that the United States airplane flagship *Chicago* be placed in the custody of the city of Chicago; to the Committee on Military Affairs.

3249. Also (by request), petition of Army and Navy Union, Boston, Mass., favoring the passage of pending legislation to increase the pensions of Civil and Spanish War veterans and their widows and children; to the Committee on Pensions.

3250. By Mr. ABERNETHY: Petition of George A. Nicoll, W. T. Brinson, G. Lewis, W. H. Lee, W. H. Horton, Z. V. Parker, D. W. Richardson, R. B. Lane, T. D. Warren, W. L. Hand, William Dunn, Jr., Thomas O. Moore, A. J. Gaskins, D. P. Henry, Hellen Huff, L. H. Cannon, G. A. Barden, J. S. Miller, William T. Hill, F. M. Hahn, Edward Clark, W. W. Chadwick, L. H. Cutler 3d, Robert P. Lane, W. F. West, A. F. Patten, Lee N. Reed, William B. Lane, G. R. Fuller, J. H. Ziegler, C. M. Kehoe, T. P. Ashford, O. W. Lane, W. Henderson, and others favoring the game refuge bill (S. 2913, H. R. 745); to the Committee on Agriculture.

3251. By Mr. CELLER: Petition of residents of Patchogue and East Patchogue, for the dredging of Swan River; to the Committee on Rivers and Harbors.

3252. By Mr. CULLEN: Petition of metal trades department of the American Federation of Labor, favoring a well-balanced Navy in accordance with the ratio agreed to by the International Conference on Limitations of Armament; to the Committee on Naval Affairs.

3253. By Mr. FREDERICKS: Petition of citizens of Santa Monica, Calif., protesting against the passage of Senate bill 3218, providing for Sunday observance; to the Committee on the District of Columbia.

3254. By Mr. GALLIVAN: Petition of Cornelius A. Parker, Boston, Mass., recommending early and favorable action on House bill 5195, which provides for the establishment of the probation system in the Federal courts; to the Committee on the Judiciary.

3255. Also, petition of Local No. 25, National Federation of Federal Employees, Boston, Mass., urging early and favorable action on House bill 8202 and Senate bill 3011, to amend the present Federal employees' retirement act; to the Committee on the Civil Service.

3256. By Mr. GRAHAM: Petition of residents of Philadelphia, Pa., protesting against the passage of the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3257. By Mr. SHREVE: Petition of residents of Titusville, Pa., and vicinity; residents of Spartansburg, Pa.; and residents of Corry, Pa., opposing the passage of the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

SENATE

THURSDAY, December 18, 1924

(Legislative day of Tuesday, December 16, 1924)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 6942. An act establishing transmission and carrying of mail by airplanes and flying machines;

H. R. 7064. An act to encourage commercial aviation and to authorize the Postmaster General to contract for air mail service; and

H. R. 9063. An act declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty.

SAMUEL GOMPERS

Mr. DILL. Mr. President, I desire to avail myself of the privilege of not discussing the subject now before the Senate, by speaking for a few minutes regarding the life and work of Samuel Gompers, late president of the American Federation of Labor, who was buried to-day in Sleepy Hollow Cemetery at Tarrytown, N. Y.

For 40 years he has been president of the American Federation of Labor. He was not merely the titular head, but the real leader of the union-labor forces of this country. As leader he wrought such profound changes in the economic and industrial life of this country that the American people had come to consider him almost as an institution.

He stood always for the weak and the poor who were forced to live lives of toil, but compelled the respect of those to whom he was opposed. His funeral cortege across the country from Texas to Washington and from here to New York has

been second only to those of American presidents who died in office.

Another reason why it is fitting that some words be spoken of him in this Chamber is that he has been a tremendous influence in the political life of the country. For more than a quarter of a century now he helped to elect and defeat more Members of both House and Senate than any other single individual in the Nation. These fights were not personal fights. They were labor fights.

He cared nothing about the party politics of a man. It was their attitude on labor questions that determined his course. The dominating passion of his life was to unite and solidify the working people into organizations that would stand together "all for one and one for all." He knew the power of united action by those who toil, and to this end he bent every energy, and for this purpose he championed every labor cause. He was as tireless as the tide and had the courage of the lion.

He was fitted to represent those for whom he spoke, because he came from the ranks of labor. He was able to lead them successfully because he understood their needs and could appeal to them in terms of their own experiences.

Those who knew him personally will recall his short but stocky figure. He often said he would have been a tall man had his growth not been stunted by the child labor he was forced to perform to help make a livelihood for the family. Yet he seemed to make up in personality what he lacked in stature and was the tallest short man I ever saw.

He believed in the dignity of labor. As a representative of labor he did not beg or brag. He did not flatter nor abuse. In all his conferences and contests he stood foursquare to all the world, insisting firmly for justice to the rights of labor and prepared to fight for the cause of those for whom he spoke and acted. When he entered a meeting with his body erect, his massive head and shoulders thrown back and his level gaze meeting the eyes of all those who looked at him, he was the impersonation of his own conception of the dignity of labor.

Throughout all his turbulent and aggressive life his critics were many and severe, but he held always before the world the justice of the cause of those who toil. Sometimes he seemed unreasonable and uncompromising in his attitude, but that was in furtherance of his single purpose to hold the labor forces together and increase their power. The increase of membership of the American Federation of Labor from a few thousands when he became head of it to four millions attests how well he succeeded.

Not only that, but unorganized labor profited as much as and often more than union men as a result of the fights which Mr. Gompers made. He always maintained that he was fighting the battles of all who toil, whether they belonged to unions or not, and to-day the better wages and working conditions of nonunion labor as well as union labor are directly traceable to the work done by Mr. Gompers in the past 40 years.

His greatest service to those who toil was his successful struggle to secure acceptance by the general public of his contention that labor is not a commodity but a human thing. Labor can not be separated from those who perform it. When a man sells his labor he sells a part of himself and to that extent he goes with the sale. Labor is perishable, too, and must find a ready buyer. It can not stand and wait for favorable prices. Wives and mothers at home are dependent upon its sale. The destinies of little children are determined by the terms of its disposal. In a democracy like ours, the future of the Republic is often in the balance when the relation of labor and capital is involved.

The crowning glory of Mr. Gompers's life is the conceded and established right of American laboring men and women to-day to organize and bargain collectively through agents of their own choosing as to the terms upon which they will sell their labor.

Although he believed he was his brother's keeper and his heart went out to the wage slaves of the world, he was always truly and thoroughly an American. He contended that the constitutional rights of free speech, free press, free assembly, and freedom of religious belief were the greatest guarantees ever given the masses of the citizens of any country and he insisted they be maintained inviolate. While foreign born himself, he was more sturdy in his Americanism than many of native origin.

During recent years he has stood like Gibraltar against the proposals that labor organizations endorse socialism and communism. His last words, which he knew would be often quoted by his followers, were spoken advisedly. He said, "God bless our American institutions. May they grow better day by day."

Samuel Gompers is gone, but the hopes and aspirations of those who toil will be brighter and nobler and more likely of fulfillment because he lived. The road over which he led the hosts of labor was not pleasantly shaded nor smoothly paved. Instead it had to be built as they went, under the heat of bitter attacks, through canyons of disappointment, misunderstanding and suffering, and over mountains of opposition. But the way is easier and better now and it leads out toward the plains of the equality, independence, and contentment which he envisioned for all the toilers of earth.

Mr. HEFLIN. Mr. President, I listened with a great deal of interest to the speech of the Senator from Washington [Mr. DILL] paying tribute to Samuel Gompers. He was the able head or commander in chief of the great army of organized wage earners of America. He was the true and tried friend of those who toil. John Ruskin said truly—

There is an idle class among both rich and poor—weak, wicked, and miserable. There is a working class among both rich and poor—strong, healthy, and happy.

As the able Senator from Washington proceeded with his splendid speech I called to mind a few lines from Eliza Cook which I desire to quote just here:

There's glory in the shuttles' song,
There's triumph in the anvils' stroke,
There's merit in the brave and strong
Who dig the mine or fell the oak.

I doubt if he who lolls his head
Where idleness and plenty meet
Enjoys his pillow or his bread
As those who earn the meals they eat.

Hold up your brow in honest pride,
Though rough and swarth your hands may be,
Such hands are sap veins that provide
The lifeblood of the Nation's tree.

All honor to the millions of men and women who work with their heads and hands. I remember an incident in the life of General Pettus, who ably represented my State as one of its Senators in this body for 11 years. At the age of 82 on one occasion he was trying law cases in western Alabama while he was still a Member of the Senate. Some one said, "General, what are you doing over here?" The general said, "I am here looking after some cases that I have in court." His friend said, "I thought you were old enough to quit work." The general replied, "No; a man should never quit work. A few years of idleness and he loses his health. A few years of idleness and his mind is gone. It takes work, activity of some kind, to keep the body strong and the mind in good condition." General Pettus was right. Samuel Gompers believed in the gospel of work. He preached it and lived it to the day of his death. In fighting communism and advising the Federation of Labor against going off after socialism when a few of its members wanted to do so he rendered signal service to the American home, to American labor, and to the country as a whole. He had a big, sympathetic heart and mentally he was a very strong man. He loved our free institutions, and the reports of the press tell us that his last words were: "God bless the American institutions; may they grow better and better as the years come and go."

Mr. President, every patriotic American will applaud that prayer, and God grant that it may be answered.

Mr. STANLEY. Mr. President, the late lamented Samuel Gompers, in his passing, will be regretted by capital and by labor alike. He was a great democrat in the broadest sense. He was profoundly devoted to American institutions. He was a sincere patriot. He was the staying hand against the vagaries of bolshevism and socialism, always sane, well poised, clear of vision, firm of purpose. Whether we agree or disagree with him in his theories and in his policies, few will question his disinterested devotion to his country or to the great organization which he so ably represented for nearly half of a century. Tireless, astute, indomitable, he was without a rival or a peer in the great organizations which for 50 years made him their titular head. We may well say that it is more than probable we "shall not look upon his like again."

Mr. NORRIS. Mr. President, in the busy life we live and in the earnestness with which we engage in legislative controversies here we almost forget, I think, some of the finer sensibilities of this life. I confess, almost with a feeling of shame, that I should become so engrossed in the things that pertain to our duty here as to forget the passing of one of the great characters of our age. I am only reminded of it by what the three Senators who have recently spoken have said.

We quarrel and wrangle over things that often are only of a day or a night in the span of human existence, and we become so interested, so engrossed in them, that we forget the passing of time, and that while we are so engaged those who have likewise toiled and have done what they thought and what they believed was for the happiness and benefit of mankind have passed away.

I think Samuel Gompers was one of the leading minds of the age in which he lived, but like all the rest of mankind he was human. It is no injustice to him to say that as a human being he made his mistakes. That only demonstrated his humanity. His great heart, however, always beat for the downtrodden; his mighty voice was always lifted in behalf of those who toiled and those who suffered. He always spoke for the disadvantaged, who, after all, are the ones who bear the burdens of the world. As he passes beyond the veil it seems to me it can well be said of him as was said at the open grave of Brutus centuries ago:

His life was gentle, and the elements
So mix'd in him, that nature might stand up
And say to all the world, "This was a man!"

I think it could be said of his life, in the words of the poem written by Caroline A. Briggs:

When I am old—and oh, how soon
Will life's sweet morning yield to noon,
And noon's broad, fervid, earnest light
Be shaded in the solemn night!
Till like a story well-nigh told,
Will seem my life, when I am old.

When I am old my friends will be
Old and infirm and bowed like me;
Or else, their bodies 'neath the sod,
Their spirits dwelling safe with God.
The old church bell will long have tolled
Above the rest, when I am old.

Ere I am old, oh, let me give
My life to learning how to live!
Then shall I meet with willing heart
An early summons to depart;
Or find my lengthened days consoled
By God's sweet peace, when I am old.

Mr. ASHURST. Mr. President, in Waterloo Place, in London, is a statue of Gen. John Fox Burgoyne. On its pedestal is carved the eloquent line from Coriolanus:

How youngly he began to serve his country,
How long continued!

Paraphrasing that inscription and applying it to the life of Mr. Gompers, we can truly say—

How youngly he began to serve mankind,
How long continued!

REPORT OF THE ALASKA RAILROAD

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and, with the accompanying report, referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

In accordance with the provisions of section 4 of the act of March 12, 1914 (38 Stat. 305), entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," I transmit herewith the report of the Alaska Railroad covering the period from January 1 to December 31, 1923.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 18, 1924.

SENATOR FROM MASSACHUSETTS

The PRESIDENT pro tempore laid before the Senate the certificate of the Governor of the State of Massachusetts certifying to the election of FREDERICK H. GILLET as a Senator from that State for the term commencing on the 4th day of March, 1925, which was ordered to be placed on file and to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES, Greeting:
This is to certify that on the 4th day of November, in the year of our Lord 1924, FREDERICK H. GILLET was duly chosen by the qualified voters of said Commonwealth a Senator, to represent said Commonwealth of Massachusetts in the Senate of the United States for the term of six years, commencing on the 4th day of March, A. D. 1925.

Witness his excellency, Channing H. Cox, our governor, and our great seal, hereunto affixed, at Boston, this 26th day of November, in the year of our Lord 1924, and of the Independence of the United States of America the one hundred and forty-ninth.

[SEAL.]

CHANNING H. COX.

By his excellency the governor:

F. W. COOK,

Secretary of the Commonwealth.

PETITIONS AND MEMORIALS

Mr. LADD presented a memorial of sundry citizens of Dogden, N. Dak., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. SPENCER presented memorials of sundry citizens of Carthage and Jasper County, all in the State of Missouri, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. WILLIS presented a resolution of the Chamber of Commerce of Portsmouth, Ohio, favoring the participation of the United States in the World Court as proposed by the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

Mr. WARREN presented the petition of Local No. 590, Musicians' Protective Association, A. F. of M., of Cheyenne, Wyo., praying for the passage of legislation increasing the pay and allowance of Army musicians, which was referred to the Committee on Military Affairs.

Mr. CAPPER presented a memorial of sundry citizens of Rush County, in the State of Kansas, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

REPORTS OF THE COMMERCE COMMITTEE

Mr. LADD, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3621) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Monroe, La. (Rept. No. 815);

A bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry (Rept. No. 816);

A bill (H. R. 9518) to authorize the State of Alabama, through its highway department, to construct and maintain a bridge across the Coosa River at or near Leesburg, Ala., and Center, Ala., on the primary road system of the State (Rept. No. 817); and

A bill (S. 3584) to extend the time for completing the construction of a bridge across the Delaware River (Rept. No. 818).

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 3715) authorizing the issuance of patent to the Pioneer Educational Society and its successors for certain lands in the diminished Colville Indian Reservation, State of Washington; to the Committee on Indian Affairs.

By Mr. BALL:

A bill (S. 3716) to make available an officer of the Army of appropriate grade for service in charge of public buildings and grounds in the District of Columbia and for the exercise of certain other functions; to the Committee on Military Affairs.

By Mr. STANLEY:

A bill (S. 3717) conferring jurisdiction upon the Court of Claims of the United States or the district courts of the United States to hear, adjudicate, and enter judgment on the claim of Solomon L. Van Meter, jr., against the United States, for the use or manufacture of an invention of Solomon L. Van Meter, jr., covered by letters patent No. 1192479, issued by the Patent Office of the United States July 25, 1916; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 3718) granting leave of absence to officers and employees of the Government who attend the Citizens' Military Training Camps; to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 3719) creating a Federal marketing board to encourage and aid in the formation of cooperative marketing associations, cooperative clearing-house associations, and terminal market associations handling agricultural products; to correlate the activities of such associations; to develop efficient and economical methods of distributing and marketing such products; and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. GEORGE:

A bill (S. 3720) for the relief of Lillie F. Evans; to the Committee on Claims.

By Mr. PHIPPS:

A bill (S. 3721) authorizing the Secretary of the Treasury to exchange the present customhouse building and site located in Denver, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. WATSON:

A bill (S. 3722) to authorize the States of Indiana and Illinois in the States of Indiana and Illinois to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind., and connecting Lawrence County, Ill.; to the Committee on Commerce.

By Mr. TRAMMELL:

A bill (S. 3723) providing for a survey of the natural oyster beds in the waters within the State of Florida; to the Committee on Commerce.

By Mr. FESS:

A bill (S. 3724) for the relief of Washington County, S. C. Kile estate, and Martha Frye estate; to the Committee on Claims.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 157) extending appropriation in connection with Columbia Basin investigations; to the Committee on Appropriations.

By Mr. FERRIS:

A joint resolution (S. J. Res. 158) for survey of public-school needs in the District of Columbia; to the Committee on the District of Columbia.

AMENDMENTS TO MUSCLE SHOALS BILL

Mr. McKellar, Mr. Wadsworth, and Mr. Jones of Washington each submitted an amendment, and Mr. Smith submitted two amendments intended to be proposed by them to House bill 518, the so-called Muscle Shoals bill, which were severally ordered to lie on the table and to be printed.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. Jones of Washington submitted the following amendment intended to be proposed by him to House bill 10020, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed:

Columbia Basin project: For investigation of the feasibility of irrigation by gravity or pumping, water sources, water storage, and related problems in connection with the Columbia Basin project, the unexpended balance of this appropriation contained in the act of March 4, 1923 (42 Stat. p. 1540), for the above purpose, for the year 1924, is hereby reappropriated and made available immediately and until used.

To be inserted at the proper place in the bill.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Post Offices and Post Roads:

H. R. 6942. An act establishing transmission and carrying of mail by airplanes and flying machines;

H. R. 7064. An act to encourage commercial aviation and to authorize the Postmaster General to contract for Air Mail Service; and

H. R. 9003. An act declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty.

REPORT OF THE NATIONAL FOREST RESERVATION COMMISSION

Mr. LADD. The Committee on Public Lands and Surveys has had under consideration the report of the National Forest Reservation Commission. It has approved this report. I ask that the Committee on Public Lands and Surveys be discharged from the further consideration of this report, and that it be referred to the Committee on Printing.

The PRESIDING OFFICER (Mr. MEANS in the chair). Is there objection to the receipt of the report? The Chair hears none. It will be received and, without objection, the Committee on Public Lands and Surveys will be discharged from the further consideration of the report, and it will be referred to the Committee on Printing.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam-power plant to be located and constructed at or near Lock and Dam No. 17, on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. WALSH] to the amendment of the Senator from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. President, I merely desire to say a word. I think, although there is considerably more language in the amendment offered by the Senator from Montana than there is in the provisions of the substitute which he seeks to amend, the result would be the same except in one respect. The Senator from Montana seeks to take two of the clauses of the Federal water power act and insert them in the substitute in place of section 10. Section 10 provides for State regulation. The paragraphs taken from the Federal water power act provide for Government regulation unless there is State regulation, and then Government regulation shall be superseded by State regulation. So I am not concerned about the amendment except in this respect. The bill itself requires State regulation, whether the power is in the hands of the lessee, or, failing a lessee, is in the hands of a national corporation. I think the bill should so provide. The amendment as proposed by the Senator from Montana provides for substantially the same regulation as to a lessee, but provides no regulation whatever for a national corporation.

In answer to a question the other day the Senator from Montana said that a national corporation was the Government, and he did not think the Government should be regulated. Of course, I recognize that if the Government were functioning as a government, exercising primarily its government functions, it should not be regulated; but when the Government organizes a corporation for the purpose of performing acts and doing business as would any private corporation I see no reason why it should not be regulated just as are all private corporations. Therefore I hope the amendment will not be adopted.

Mr. BRUCE. Mr. President, I have been waiting patiently for an opportunity to say a few words in behalf of the amendments which I have offered to the pending measure; but it seems to me that the flow of speech in this debate is likely to prove almost as unceasing as the flow of the Tennessee River itself; so I feel warranted in adding just a few tributary drops to it at this time.

For the most part, the Underwood substitute meets with the entire approval of my judgment. I agree with the author of that substitute in thinking that its most important provisions by far are those proposing to create an abundant and a constant supply of nitrogen for the manufacture of war explosives. This country can not afford to rely merely upon a foreign source of supply for this commodity, for such a source of supply might at any time be cut off by a hostile fleet. So, if I did not favor the substitute for any other reason, I should do so because it proposes to establish a great domestic source of supply for such nitrates as we may need in time of war. Taking that view of this bill, I quite concur with the Senator from Alabama in believing that we might as well complain that a battleship is not profitable in a pecuniary sense as complain that this great plant at Muscle Shoals, if leased by the Government or operated by the Government, would not be so.

I also favor those features of the Underwood substitute which provide for the sale of any surplus nitrogen that may be produced at the plant. The only alternative to sale, as the Senator from Alabama has well said, would be to dump the surplus into the Tennessee River; and that, I imagine, is an idea that no reasonable man would regard for a moment with the slightest degree of toleration.

Nor do I object to the substitute because it contains contingent provisions for governmental operation. The provisions in it that relate to governmental operation are simply alternative provisions. They will not go into effect except

in the event of the Government being unable to lease the plant to advantage. I have reached these conclusions, notwithstanding the fact that if there is a Member of this body who cherishes a profound distrust for Government operation, it is I. I think that in industrial relations it is usually nothing but a snare, a delusion, and a cheat; and one of the things that have filled me with a sense of infinite amazement since I have been a Member of this body is the unquestioning, the bland, I had almost said the childlike faith which certain Members of this body seem to entertain with respect to Government operation. They push their confidence in it to a point that seems to me hardly to fall short of the credulity of a medieval monk in his relations to the philosopher's stone, or some secret process by which dross was supposed to be convertible into gold.

The history of the public operation of industrial enterprises in this country is nothing but a long trail of miscarriages and administrative disasters. It is not necessary to go back, as suggested by the Senator from Michigan, to the period of the World War to find illustrations of the utter inefficiency of the Government to conduct such enterprises.

The Emergency Fleet Corporation at this moment is as striking an example of that as anyone might ask for. Year after year since the conclusion of the great World War we have had it vainly attempting to grow marine orchids, with no results except abuses of patronage and huge pecuniary deficits.

I am not so familiar with the history of the Panama Canal service, but I infer from what was said by the Senator from Missouri [Mr. REED] yesterday that that, too, aside from the Panama Railroad, has been conducted at a loss to the Government; and this is true, if I am not mistaken, of every other enterprise in the nature of an industrial undertaking which the Government has ever attempted to carry on in my time.

It was said by the Senator from Missouri that the post-office operations of the United States constitute an exception. They do not. Everybody knows that a large part of the expenses of the Post Office Department are charged up to the General Treasury of the United States, and that it is only because of that fact that a deficit in the postal operations of the Government is not disclosed from year to year.

A few years ago Mr. Bursleson, who had a strong bias in favor of Government operation of public utilities, testified before an investigating committee of Congress that if the Rural Mail Delivery Service of the United States were let out to private contract there would be a saving to the Government of \$18,000,000 a year. I venture to say that there is no such thing as a large industrial enterprise carried on by the public that has resulted in anything except a pecuniary deficit.

Of course, I am not unmindful of the fact that the junior Senator from Nebraska [Mr. HOWELL] thought that he had found a conspicuous illustration to the contrary in the operation of an electric plant in the town of Lincoln, in Nebraska. Well, if that is an exception, then I say that it ought to be placed in the same class with a white crow or a black swan. I do not believe personally that it constitutes any exception. I should like to know whether in the management of that municipally conducted electric plant any allowance whatever is made for depreciation. I should like to know whether it is accorded any special privileges, perquisites, or concessions of any kind from the general treasury of the town of Lincoln. I should like to know whether its shortcomings are covered up in any respect in the general tax rate. I have often heard of these extraordinary municipal enterprises, but when I have run them down—

Mr. HOWELL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Nebraska?

Mr. BRUCE. At the present time I ask the Senator to pardon me; I would rather not yield, because, after all, that is simply an isolated instance bearing upon the question that I am discussing.

Why, not to go any farther, take the city of New York. A few years ago—and the Senator from New York will bear me out, I am sure, when I say what I do, notwithstanding any reluctance that he may have to do so—there were a number of ferries plying in the waters adjacent to that city, and all of them were conducted by private agencies with a single exception, and all of them were conducted with a pecuniary profit except that one ferry operated by the city of New York or the city of Brooklyn. All the other ferries came out with a clean balance sheet at the end of the year. Every year that municipally conducted ferry was involved in a grave deficit.

The experience of England has been exactly the same. A short time ago I read a book giving a history of municipally conducted enterprises in England, and it was nothing but a

story of tragic results. To such an extent was this true that municipally conducted industrial enterprises in that country were largely abandoned.

One apparent instance of success on the part of a municipality in conducting an industrial enterprise was the city of Glasgow. That city was heralded all over the world as furnishing proof of the fact that such an enterprise can, after all, occasionally be carried on with a pecuniary profit; but recently I have seen that even Glasgow is losing its character as an honorable exception. Be that as it may, I recollect that a few years ago, when one of the leading officials of Glasgow came to this country and went about and looked into our different industrial enterprises of one sort or another, he afterwards stated in an interview with one of our newspapers that in his opinion nothing could be more ruinous than the fate which would befall municipal industrial enterprises in this country if they were undertaken upon any considerable scale.

Mr. COPELAND. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from New York?

Mr. BRUCE. I shall have to ask the Senator to excuse me just now. He said that if they did not fail for any other reason they would fail because of the abuses of patronage arising out of the spoils system of administration that is only too well known to us all in the United States.

What is the philosophy of all this? It is perfectly manifest to any man who has ever had anything to do, as I have, with the practical tasks of public administration or who has ever entered into any real comparative study of the energy and efficiency with which private business enterprises are conducted and the languor and the inefficiency with which public business enterprises are conducted. The motives in the two cases are altogether different.

The strongest incentive to which any human breast can respond is that of selfish pecuniary gain. Everybody knows that is true. One of the sayings of Poor Richard was that "the eye of the master is worth both hands of the servant"; and so it is, because his eye is rendered vigilant by incessant self-interest, by pecuniary necessity, by knowledge of the fact that if he succeeds he must succeed by his own efforts, and not by any artificial aid of any kind that he may obtain from the State. So, when an industrial enterprise is managed by a private agency, everyone is keyed up to the highest pitch of activity. The owner of the enterprise has his eye upon the foreman; the foreman has his eye upon the laborer; and everything moves along, so to speak, in an unremitting rhythmical way.

How different is the animus that lies back of an industrial enterprise conducted by the public. In the first place, the public is utterly unable, under the practical conditions which surround government, to obtain the proper sort of a superintendent for such an enterprise. Everybody who is familiar with industrial projects knows that the character of the superintendents who supervise them spells the difference between success and utter disastrous failure. A great private business concern is willing to pay its superintendent \$25,000 or \$30,000 or \$40,000 or \$50,000 for his services, because it knows that these services are worth that much to it. The public, whether city, State, or National Government, is not in a position to give any such compensation.

Then, as I have said, how inert, how indolent, how languid, in comparison with the activity of the employees of a private industrial concern, is the activity of Government subordinates and employees. Their chief, unless he is a man gifted to an unusual extent with public zeal, does not keep up the same kind of alert, incessant oversight over those who are under him that a private superintendent does. For a large part of the time during the day the eye of the public subordinate is on the clock almost as much as on his work.

Of course, there are conspicuous exceptions to this. Every now and then we find some conspicuously honorable, able, and public-spirited man giving himself up with the most ardent measure of devotion to the public service; and the art of public administration mainly consists in getting as many men of that kind into the public service as you can. Then, of course, along the lower levels of the public service there are thousands of patient, conscientious drudges who do their work as faithfully as similar work is done in connection with the operations of any private enterprise.

That is the philosophy of the thing. You might as well endeavor to infuse the spirit of a woman into a man or the spirit of a man into a woman as to attempt to infuse the spirit of an alert private industrial enterprise into the sluggish veins of a municipally or State or Government conducted industrial enterprise.

But, as I have intimated, I do not feel that it is necessary to apply these considerations to the Underwood substitute at

all. We must have nitrates for war explosives from a lessee under that substitute if we can find one, and if we can not from a lessee then we must have them from Government operation itself, even though this operation should be conducted at a loss. I shall therefore vote for the Underwood substitute when the time for voting on it comes, and I shall do so even though my own amendments should fail to receive the approval of the Senate.

To repeat, I have no objection to the production of nitrogen at Muscle Shoals for war explosives; I have no objection to the production of such nitrogen for sale to the trade, to be converted by it into full commercial fertilizers; I have no objection to the sale of surplus electrical power generated at Muscle Shoals; but what I do object to, what I sternly, inflexibly object to, is that the Government or its lessee should utilize the nitrogen produced at Muscle Shoals for the purpose of manufacturing commercial fertilizers in competition with its own citizens.

In the city of Baltimore we have, I am told, \$75,000,000 invested in the business of making commercial fertilizers, and in Philadelphia, as I understand it, a great sum is invested in the same business. Indeed, doubtless the industry is a thriving one in still other cities. The fertilizers made in the city of Baltimore are distributed all over the United States, and especially throughout the South. The business of making them has been built up by patience, by industry, by honest dealing, by vision, and in some instances by industrial genius. Is this great business to be stricken to the ground by the hand of the National Government? Its owners have no general tax rate, no Public Treasury to fall back upon. They can not afford to suffer one tithe, one one-hundredth of the pecuniary loss that the Government could suffer and yet go on with the manufacture of commercial fertilizers. Year after year these great fertilizer enterprises in Baltimore have been paying immense sums in taxation to the General Government, contributing to its maintenance both in time of war and in time of peace. Have they not the right, the undeniable right, to believe that the Government should not be quick to forget its correlative obligation of protection? The justification for taxation is the protection which is accorded to the citizen and his property by the State in return for it.

Should this plant be operated by the Government, of course not a private fertilizer enterprise in the city of Baltimore could hope to compete effectively with the Government. They would all go to the wall; they would all pass into the hands of receivers. Nor do I forget that if the Government under this substitute should enter into competition with its own citizens it could extend the range of competition far beyond the manufacture of commercial fertilizers and make it include any other form of private industrial enterprise in the United States.

Indeed, should the Government directly or through a lessee operate that great plant at Muscle Shoals itself and use all of its tremendous pecuniary resources in competition with its own citizens it could practically put out of business a large portion of all the thrifty and prosperous citizens of the United States. What sort of treatment is that for any respectable government to mete out to its own people? Could any conduct on its part be better calculated to sow the seeds of disaffection, not to say of revolt, in the bosom of its citizens?

Of course, I know, and the fact, I am sure, has not escaped the attention of any of you, that the reasoning of the Senator from Missouri [Mr. RIED] yesterday fell entirely without the scope of the line of thought that I am pursuing. I agree with him that the Postal Department should be conducted by the Government and not by private enterprise. Unity of control, the more or less confidential nature of mail delivery, and other considerations besides mere pecuniary ones have to be taken into account when a community determines whether its post office department shall be a publicly conducted department or shall be a private enterprise. The Postal Department of the United States, even when it was in embryo during the colonial period, was conducted by the public. There is nothing back of it except primitive conditions, under which if a man wanted to send a letter he would go down to a coffee house or to a tavern and lay it on the table and ask the keeper of the house to be so kind as to see that it went by some passenger on the next ship. That was the way epistolary intercourse was maintained during the youth of Benjamin Franklin. The illustration of the Senator from Missouri is obviously not an apt one as respects such a case as I am discussing. There is no private post office agency of any sort in the United States competing with the Federal Post Office Department. Nor was the illustration of the Senator from Missouri de-

rived from the Panama Canal service a timely one. There is no private canal service in the United States competing with the Panama Canal service. Those cases differ toto coelo from the present one, where it is proposed that the Government or its lessee shall establish a great manufactory of fertilizers at Muscle Shoals and enter into competition with its own citizens.

And now, Mr. President, I need but call attention a little more specifically to the amendments that I have offered. The general effect of them all, there being five of them in number, is to prohibit the Federal Government or its lessee under the Underwood substitute from utilizing any nitrogen produced at Muscle Shoals for the manufacture of the full commercial fertilizers, of which nitrogen is but a single ingredient.

But before I take my seat I wish to revert to another phase of the general discussion which is not connected in any way with my present amendments. The Senate will remember that a few days ago I unavailingly endeavored to persuade the Senate to adopt an amendment that would bring any employees of the Government employed at Muscle Shoals under the provisions of the laws and rules and regulations relating to the Federal classified service. The wisdom of that, of course, was sharply and decisively challenged. One Senator, the Senator from Alabama [Mr. UNDERWOOD], for whom I repeat I entertain the profoundest respect, said he does not purpose to go to any school-teacher for the selection of employees of the Government at Muscle Shoals. The Senator from North Carolina [Mr. SIMMONS] said to me in this debate, "Do you mean that chemists for the Muscle Shoals enterprise are to be selected under the civil-service system?" Then the Senator from Mississippi [Mr. HARRISON], if I am not mistaken, said that these great works at Muscle Shoals had all been conducted free from the trammels of the merit system of appointment, and so on.

One of the truest things that ever was said by Disraeli was that knowledge is the soul of eloquence. I regret, and deeply regret, that when I offered that civil-service amendment my own knowledge of the subject that I was hastily called upon to deal with was not as ripe and full as it might have been, though I think that it would compare quite favorably with that on the same subject of the Senators to whom I have just referred. But I can speak with knowledge now. Such feeble eloquence as I may possess can be said at the present time to be animated by the knowledge which is the soul of eloquence, because I have just received a letter that I propose to read from an official in the employment of the Government who does know and knows precisely and accurately just what the Federal merit system of appointment had to do with the construction of that great plant at Muscle Shoals, and how far that system was tested by actual practical results there.

I ask that the Members of the Senate give their attention to this letter, and especially those Senators to whom I referred by name a moment ago. Mr. B. H. Clemmons, district secretary of the Civil Service Commission, under date of December 15, wrote to me as follows:

MY DEAR SENATOR: I desire to take this occasion to express my appreciation of the manner in which you have championed the merit system in your recent utterances on the floor of the Senate in connection with the Muscle Shoals bill. Of course, being connected with the Civil Service Commission as one of its field representatives, I am and have been for a number of years deeply interested in the progress of this great movement, and I noted with considerable regret some of the statements that were made by Senators who were not in agreement evidently with the things you had to say. It is quite evident to me that some of those who oppose the extension of the merit system to projects of the character of that under discussion have not gone to the trouble to fully inform themselves regarding the situation. One statement, for instance, was made as follows: "These great plants and dams and locks have so far been erected and constructed without the application of the civil-service rules."

If my memory serves me right that statement was made by the Senator from Mississippi [Mr. HARRISON] but I may be wrong, as I have had no opportunity to refer to the RECORD.

Evidently, the Senator who made this statement did not know that the Wilson Dam has been constructed entirely by civil-service employees.

I had the honor to represent the United States Civil Service Commission at Muscle Shoals during the construction of nitrate plants 1 and 2 and a large part of the Wilson Dam. During my handling of civil-service matters there a maximum of over 5,000 employees was recruited through civil-service tests and placed on the work of building the dam.

Five thousand employees selected under the civil-service system for the purpose of constructing that dam! I call the attention of the Senator from North Carolina [Mr. SIMMONS] especially to this statement:

These employees covered every class from the highest-skilled professional engineers and technicians through the clerical and skilled-trades positions to that of common laborer. I do not believe that a higher grade of artisan and workman has ever been placed on any job handled either by the Government or private contractors.

Mr. SIMMONS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from North Carolina?

Mr. BRUCE. I yield.

Mr. SIMMONS. I have no desire to continue the discussion which I inadvertently precipitated with the Senator from Maryland a few days ago, but I want to ask the Senator if he sees no distinction or difference between the Federal Government doing work of this kind by persons selected through the civil service by its own officials and a private corporation which may lease from the Government being compelled to employ only such persons as may be selected by a Government agency upon such tests as that agency may see fit to apply instead of selecting them by itself and upon such tests as it may see fit to employ?

Mr. BRUCE. I have already made the statement, and it is hardly necessary for me to make it again, that my amendment did not contemplate the idea at all of any lessee under the Underwood substitute being required to select his employees with reference to the civil-service system of the United States. That situation takes care of itself. No lessee would be fool enough when he came to the selection of his agents and employees to ask whether they were Republicans or Democrats or to permit the paralyzing influence of the Federal spoils system of politics to creep into his private operations as lessee or contractor. No abuses of patronage whatever would cluster about the work if carried on by a lessee. If the Senator from North Carolina or I, the Senator from Maryland, were to go to such a lessee and ask him to appoint some one because he was a Democrat, he would laugh in our faces, and that is what he would do if any Republican were to approach him and ask him to appoint some one as an employee because he was a Republican. It is only in the event of this great work being carried on by the Government itself, with the danger of abuses of patronage springing up in connection with it, that my civil-service amendment would have any meaning.

I continue the reading of the letter:

The tests of the Civil Service Commission are so practical that they developed the highest class of employees. Besides this, there has never been any scandal regarding the employment and payment of the persons engaged on this work, as there was on other war-time projects, which you may recall, built for the Government without regard to civil service. It would seem from some of the statements made in the debates on this proposition that a number of the Senators are of the opinion that the Civil Service Commission at Washington would pass directly on the qualifications and employment of the employees at Muscle Shoals. They refer to the apportionment rule, when, as a matter of fact, the field service of all the departments of the Government is unapportioned, and I remember distinctly that employees were placed on those projects from practically every State in the Union, and this would be done very probably if the arrangement as proposed by you should be made effective.

With reference to the nitrate plants, I might say that plant No. 1 (the experimental plant) was completed and turned over to the Government before the war was concluded. While the construction of the plant was by contract, its operation after it was turned over by the Government was done by civil-service employees. Among these were included high-grade chemists and technicians and all of the other employees from that down to laborer.

I call the attention of the Senator from North Carolina, if he will allow me to invoke his attention, that the writer also states as follows:

While the construction of the plant was by contract, its operation after it was turned over by the Government was done by civil-service employees. Among those were included high-grade chemists—

That is the very class of persons that the Senator asked me whether I was willing to bring within the scope of my amendment—

chemists and technicians and all of the other employees from that down to laborer. Nitrate plant No. 2 was not operated to any extent under Government ownership but was turned over to the Government; and after this was done a great amount of research work was

carried on at the plant, and these employees, all highly trained, were selected under the merit system, except, of course, a few who were covered into the service having come with the plant from the contractor. The commanding officers at both of these plants, as well as the district engineer in charge of the construction of the dam, all said to me at different times that they were well satisfied with the operation of the merit system and appeared to be very appreciative of the results obtained under the commission's rules.

Not only has the merit system been tried particularly in the Muscle Shoals district but it is in operation, as is well known, at all navy yards, flying fields, and armor plants that are operated by the Government and, so far as I have ever been able to determine, has operated with the greatest satisfaction to the departments. I might also add that in the many veterans' hospitals that have been established throughout the United States practically all of the employees covering the skilled medical and surgical men, technicians, and lesser employees have been recruited through the merit system.

I hope that you will pardon this long letter from me, but I could not do otherwise than write it, having been as closely connected with the building of the plants at Muscle Shoals and the Wilson Dam as I was. I sincerely trust that you, as well as many other Senators, will continue in your good work looking to the extension of this system, which has proved practical, economical, and successful.

Believe me, I am,

Very respectfully,

B. H. CLEMMONS, District Secretary.

So I think that there is very little doubt that when my civil service amendment was voted down a few days ago it was voted down with a very imperfect understanding on the part of the Members of the Senate of the extent to which the Federal merit system of appointment had actually been carried into effect in the operations of the Government at Muscle Shoals.

I know that one of the most conspicuous things in the history of Congress, notwithstanding the gradual expansion of the scope of the merit system of appointment, has been the reluctance with which it has from time to time extended that system; but sooner or later, under the pressure of public opinion, it has always extended it. It can at least be said that not since the time of General Grant have we ever had a President, either Republican or Democrat, who did not have a sufficient sense of the exalted nature of his office to extend further such a wise, fair, and beneficent system of appointment.

I am going to bring this subject up again in the Senate from time to time; the Senate may rest assured of that. I shall not do so at this session; it would be useless for me to do that; the time is too short; but at the next session of Congress, and at the next session after that, if necessary, I shall do so. There is no reason why the merit system of appointment should not be applied in full to the entire Panama Canal service; there is no reason why it should not be applied in full to the Emergency Fleet Corporation service, if that service is to be continued; there is no reason why it should not be applied in full to the Muscle Shoals project, if the Muscle Shoals project shall be carried on by the Government. At the next session of Congress I propose to introduce a bill seeking to extend the merit system of appointment to every one of these branches of the Federal service. Unless I mistake the character of the sensible, practical, and patriotic President who now occupies the office of the Presidency, we may at some later session of this body have still another recommendation from him that the Federal merit system of appointment be extended even further than he has already recommended.

Mr. COPELAND. Mr. President, before the Senator from Maryland takes his seat I should like to say a word about his reference to the ferry service of New York. If I understood the Senator, he stated that perhaps the Senator from New York would confirm his statement that the ferry service at the present time is operating at a deficit, which it did not do when it was under private ownership. Undoubtedly that statement is true, but you could not get the people of the city of New York to turn the ferry service back to private ownership, because, if I am properly advised, the public was so mistreated and exploited during private ownership that under no circumstances would the people consent to have the bad service which they endured in order that any theory of government in regard to public ownership might be carried out.

I am in full sympathy with the Senator from Maryland in his opposition to public ownership and operation, in general, but I think the reference to the ferry service was very unfortunate. I desired merely to say that much to the Senator before he took his seat.

Mr. BRUCE. I can not agree with the Senator from New York at all. For all practical purposes he has confirmed what I stated, except that some of his observations as to what I

said are not entirely accurate. What I said was—and, of course, my knowledge is derived entirely from the public press—that at one time in New York all ferry lines were being conducted by private enterprise, with a single exception, and that exception was the only one of those lines whose operations were marked by a grave deficit at the end of every year.

The Senator is probably adhering just a little too closely to his own bias in favor of publicly conducted utilities when he says that the people of New York would not tolerate any privately conducted ferries. May I ask the Senator from New York whether, even at the present time, there are not privately conducted ferries between Brooklyn and New York?

Mr. COPELAND. I think not.

Mr. BRUCE. The Senator "thinks not"; but I rely on the legal presumption that when one establishes the existence of a state of things at a particular time it is incumbent upon the other party to the controversy to show that there has been a change.

Mr. COPELAND. Mr. President, if I may be permitted to interrupt further, I think there are some rowboats, perhaps, that go across the river, but no public ferry, as that term is generally understood.

Mr. BRUCE. Of course, the Senator, as I understand it, is himself an advocate of Government operation; at least his votes, so far as they have fallen under my attention here have been usually inspired by that prepossession; but, even if it be true that at the present time there is any reluctance in any quarter in New York to go back to the private operation of any ferry, I should like to know how far that fact is due to the incumbency in the office of mayor of New York at the present time of an individual with such views as those of Mayor Hylan.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER (Mr. MEANS in the chair). Does the Senator from Maryland yield to the Senator from New York?

Mr. BRUCE. Certainly.

Mr. COPELAND. There is not any question, Mr. President, which could be put to me which I would more gladly answer than the one which has been suggested by the Senator from Maryland.

I recall that when he was first a candidate for the office, the present mayor of the city of New York was elected by a very handsome majority—I think about a quarter of a million. Four years later, after having given the people of the city an honest and very capable administration of the office, he appeared again before the people and was elected by a majority of almost half a million. He received, if I remember correctly, all the votes of the city except about 300,000; and I venture to say, Mr. President, that if Mayor Hylan were to be a candidate to-morrow for that office he would be reelected by a larger majority.

This great popularity of his is dependent largely upon the fact that he has stood out in that great city against the encroachment of private interests and has insisted that our public service corporations should be so conducted that the people should be served and not that capital alone should be served.

I think I am right in saying that we have a 5-cent carfare in New York City largely because of the activities of our present mayor; and I am here to state further that, in my judgment, there is no more popular public official in my city or State than is Mayor Hylan, who now holds that office, and who in my judgment next year will be reelected by a larger majority than he has ever before received.

Mr. BRUCE. Well, Mr. President, I am certainly not disposed to test the extent to which the Senator from New York is endowed with the gift of prophecy. I have never been in the slightest degree inclined to accept anyone as a prophet so far as election returns are concerned.

My information with reference to the present popularity of the Hylan administration is very different from that which the Senator seems to possess. We all know what are his general convictions on all subjects relating to the larger private enterprises of the city of New York. As I look at it, the street transportation service of New York has been most unwarrantably impaired by unfair and unjust treatment on the part of the city administration of New York, and I confess that when I have read the attacks of his honor, the mayor of New York, on Wall Street—his savage, truculent attacks—my disposition has been not so much to side with his ideas as with those of the good old lady in the recent Democratic convention, Mrs. Barrett, who said she believed that Wall Street was just as much a part of the United States as Main Street. So do I, except I think it has to be watched just a little more vigilantly.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from New York?

Mr. BRUCE. I had concluded, but I will resume my feet for the purpose of accommodating the Senator from New York.

Mr. COPELAND. Mr. President, I was simply going to comment to this extent, that I look upon the Senator from Maryland as a very able lawyer, but I am sure, at least I hope, that the Senator formed his opinion about the pending bill not by such hearsay evidence as he has formed his opinion about the mayor of the city of New York.

Mr. President, we have had very much discussion of the pending measure, and in my judgment the time has been well spent. There is at stake here the future of a great enterprise, vital in many ways to the welfare of our country. It is vital because it will supply fixed nitrogen for explosive purposes in time of war. It is vital because it will supply fertilizer to the depleted farms of the country in time of peace.

At times the debate has been somewhat heated, and why? As I have discussed the matter with my colleagues it has seemed to me that the question uppermost in every mind is the theory of government involved in public ownership. They are asking whether or not it is wise under any circumstances for the Government to own and operate a plant of this sort.

I think I take second place to no one in the Chamber in opposition in general to the idea of public ownership and public operation; but we have here a property upon which the Government has expended already \$135,000,000. Before the plant is completed it will cost \$150,000,000. At this late moment, after this great expenditure, there are some in the Chamber who would vote for anything in the way of a lease or sale of the property in order that the Government might be relieved of its continued ownership and operation.

If a case of smallpox has been in a house for three weeks, there is no use in taking the patient out. The family is already exposed to the disease. If there is a case of smallpox just reported in the community, certainly take it away, so that nobody may be exposed. We have already been exposed to public ownership and operation of this enterprise. I do not think it would hurt us a bit if we should continue the public ownership and operation until we determine what is the ultimate good of the country in the final disposition of the property.

I favor the Norris bill in preference to the Underwood bill. That is, I prefer the Norris bill, with certain amendments which I should insist upon having if I were to support it. I want to speak of one of them now, while I have it in mind.

There is a proposition in the Norris bill to lease certain property, which is placed first under the Secretary of Agriculture. If he so wishes, he can lease it, which, to my mind, is a fatal defect in the bill. Until we have determined what should be the ultimate fate of the property it seems to me a wicked thing to tie ourselves up by a long lease of 50 years of any part of it. It is particularly absurd to do this simply because we do not now know what else to do with the plant.

My judgment is, Mr. President, that it is wise to let the Secretary of War finish the dam, complete the work. In the meantime, as the Norris bill provides, let the Secretary of Agriculture go forward with his experimentation in the making of fertilizer, in order that that product may be cheapened for the farmer.

After this experimentation has been completed, after it has been determined how much power is needed by the Secretary of Agriculture for the experimentation and ultimately for the manufacture of fertilizer, it can then be determined whether the remaining power shall be sold or leased. It can then be determined whether the manufacture shall be increased and the Government continue in the making of fertilizer on a larger scale than we now consider possible.

The point I have in mind and the thing I want to say to Senators is that, as I view it, we have not yet found out what is the wise thing to do in the final disposition of this property. We do not know whether it is wise to lease it or sell it. We do not know whether the making of fertilizer should be turned over to private hands.

Every expert who has testified has spoken of the work of Doctor Cottrell and the splendid investigation which has been made by the Agricultural Department—work which has cheapened the making of fertilizer, work which has resulted in methods of making fertilizer so that a reduced quantity of power is necessary in its making. So I say let us go forward with this work for the next 2 or 3 or 4 or 5 or 10 years, until we know what really should be done. As I view the matter, it

is unwise to enter into a long-term lease. If we do that, the property is out of our hands, and we do not now know what should be done with it ultimately.

Mr. McKELLAR. Mr. President—

Mr. COPELAND. I yield to the Senator from Tennessee.

Mr. McKELLAR. Does the Senator know of any power company that is now manufacturing nitrates for fertilizer purposes?

Mr. COPELAND. No, sir. I know that in my own State, at Syracuse, as a by-product, there is some fertilizer being made, but not by a power company.

Mr. McKELLAR. I take it that none of the power companies are manufacturing. There is no provision in this bill by which they shall experiment or manufacture.

Mr. COPELAND. Why should they use their power for the making of fertilizer when they can sell it and turn it to so much greater financial advantage by using it for power purposes exclusively?

Mr. McKELLAR. Mr. President, if the Senator will yield to me—

Mr. COPELAND. I yield.

Mr. McKELLAR. In 1912, when the Coosa power act was being debated in the House—and, by the way, that was a bill by which the Alabama Power Co. was given the right to dam the Coosa River in Alabama at the Coosa Shoals—the Senator from Alabama [Mr. UNDERWOOD] and I were both in the House, and here is what was said by the Senator from Alabama on that subject:

Now, what they propose to do—

That is, the Alabama Power Co.—

is to spend \$1,600,000 to help make this river navigable and allow the Government to use all the water it needs for navigable purposes and then take the balance of the power created, not for the purpose of selling electricity for light or heat, but for the purpose of manufacturing cyanamide, or lime nitrogen, and fertilizer for the benefit of the farmers of Alabama and of the South.

In 1912 the Alabama Power Co. was given the Coosa power site by the Congress on the argument that that company was going to manufacture nitrates for the use of the farmers of Alabama and the South. I have never heard of that company manufacturing a pound of fertilizer. It is selling the power, just as it said it would not do in that case. So I want to say to the Senator that sections 3 and 4, which require probably this very company to make nitrates for farmers, do not appeal to me very much. The same argument was used 12 or nearly 13 years ago—that the Alabama Power Co., if given this great grant of power on the Coosa River in Alabama, by which 60,000 horsepower was generated, were going to make fertilizers for the farmers of the South. It has not been done.

Mr. COPELAND. It must be assumed, Mr. President, that the reason why it has not been done is because it was not found to be profitable to make fertilizer. They could use that power to much greater financial advantage in another way. That is what would happen at Muscle Shoals, probably. We have had only one witness before us testifying to the effect that fertilizer could be cheaply made at Muscle Shoals. I think the Senator from South Carolina read into the Record a letter from one of the Government experts stating that it can be cheaply made, but it is the opinion of the Committee on Agriculture and Forestry, if I rightly understand the statement of the Senator from Nebraska, that the processes of manufacture of fixed nitrogen have not yet been so perfected and so cheapened that it can be made commercially and advantageously at Muscle Shoals.

So, then, it must follow that if this property were leased, and granting that the lessee would carry out the contract to the extent of making the 40,000 tons per year provided by the Underwood bill at the end of six or eight years, there is no reason to believe at this moment that any more than that quantity would ever be made.

We are not yet prepared to make final disposition of this property. Let the experimentation go forward. That is the most valuable thing, outside of the development of power itself. The experimentation at Muscle Shoals is the valuable thing for the country. Let that go forward. It can not go forward in a laboratory. The same thing which is successful in a test tube is rarely successful when applied commercially, when applied on a large scale. It strikes me that the wise thing is to continue our work there through the Department of Agriculture, in order that there may be developed, as undoubtedly there will be developed, cheaper methods and

better methods of making fertilizer. When we have settled that question, when we have demonstrated that fertilizer can be made cheaply, that it can be made commercially a profitable product, then the natural thing for the lessee, if we ever get one, will be to use the power for making fertilizer. So out of a wait of two or three or four or five years we may develop the knowledge of fertilizer making so that all the tremendous power at Muscle Shoals shall be used for this thing. That is what the farmers of this country are crying for, and to attain that is my appeal to the Senate.

Mr. WALSH of Montana. Mr. President, I regret that the Senator from Alabama seems to have changed his mind about the advisability of incorporating in his substitute bill the amendment proposed by me a few days ago.

Mr. UNDERWOOD. Mr. President, if the Senator from Montana will yield, I will say to him that if he will make his amendment extend so far as to apply both to a lessee and to the Government corporation I shall have no objection to it.

Mr. WALSH of Montana. No; I could not consent to that; but, Mr. President, if that is the only objection the Senator has to the amendment, it can be easily obviated by adopting the suggestion made by me the other day to the Senator from New York, namely, to add another brief section saying that "the provisions of the foregoing two sections shall equally apply to the corporation to be created under the provisions of the bill."

Mr. UNDERWOOD. I will say to the Senator that I think his amendment and the language of the bill will result in practically the same thing; and therefore, I am not willing, unless I am compelled to do so, to take any risk of striking out the provisions of the bill which apply to the corporation.

Mr. WALSH of Montana. I wanted to show to the Senator, and I think I can, that the provisions of section 10 are by no means equivalent to those offered by me. As a matter of course, if in my judgment they were, I never should have offered the amendments.

There are, therefore, two considerations to be borne in mind in connection with the determination of the advisability of adopting the amendments proposed by me. First, does section 10 cover the case as completely and effectually, so far as the lessee is concerned, as do the amendments offered by me? Second, is it advisable to put the Federal corporation, in its operations, under the control of the local authorities? If that is desirable, as I have indicated, it would be a very easy thing to make the provisions of sections 10 and 11 as proposed by me applicable to that corporation. I shall address myself to that presently.

I want to call attention to the fact that there is a very essential difference between section 10 as it appears in the substitute and sections 10 and 11 as proposed by myself. I might say, in this connection, that these two propositions represent concretely one of the most spirited contests waged in connection with the passage of the water-power legislation. Section 10 of the amendment known as the Underwood amendment is substantially the same as was the provision in the so-called Shields bill which was adopted by the Senate, but which the House at that time declined to concur in. That bill contained a simple provision that in the matter of rates to be charged, they should be subject to regulation by the States in which the power was used. The controversy went on for a long time, and the record is a very lengthy one. Eventually the two houses of Congress rejected that provision of the Shields bill, and incorporated in the water power act the provisions which have become the basis of this amendment proposed by me.

If I may have the attention of the Senator from Alabama, the first sentence of section 10 of my amendment is substantially the same as section 10 in the Underwood amendment. Section 10 in the Underwood amendment contains no such provision whatever as is found in the second sentence of section 10 in the amendment proposed by me. That amendment reads as follows:

That as a condition of any lease, entered into under the provisions of this act, every lessee hereunder which is a public-service corporation, or a person, association, or corporation developing, transmitting, or distributing power under the leases either immediately or otherwise, for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged.

With the use of a few more words that is substantially section 10 of the Underwood amendment, which reads:

The surplus power not required under the terms of this act for the manufacture of nitrogen or fertilizer, when sold or used shall be subject to the laws, rules, and regulations relating to the sale and use of electric power in the several States in which said power is used.

But the amendment proposed by me goes on as follows:

That in case of the development, transmission, or distribution, or use in public service of power by any lessee hereunder or by its customer engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the services to be rendered by such lessee or by its customer engaged in public service, or the rates and charges of payment therefor, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of such lease that jurisdiction is hereby conferred upon the commission created by the act of Congress approved June 10, 1920, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control: *Provided*, That the jurisdiction of the commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

Mr. President, it is said that is entirely unnecessary here, because the only State in which the power will be produced is the State of Alabama, which already has a regulatory authority, or commission. But it by no means follows that the act establishing that authority may not be repealed by the legislature of the State of Alabama at any time, and then there would be no regulation. Moreover, it may be that the act is not sufficiently comprehensive, that it does not touch some specific matter referred to whereby the jurisdiction over that specific matter would be lodged in the Federal commission. For instance, under this the Federal authority is authorized to regulate the amount of securities which may be issued by any corporation which secures power from this source for distribution as a public utility, and that was put in the act because it was unfortunately a very common thing that securities of these utilities companies were scattered all over the country, and passed into the hands of what might be spoken of as innocent holders, and to regulate the price upon the basis of the actual investment would result in great hardship and injury to such so-called innocent purchasers. Accordingly, there was always a great pressure brought to bear upon the commission or regulatory authority to take into consideration the perplexing situation of these so-called innocent holders. So it was deemed wise that the Federal commission should have the authority to superintend the issuance of securities, at least as to the amount that was to be issued by these companies which were to become the ultimate distributors of the power thus developed. Whether or not the statute of the State of Alabama authorizes the commission to exercise any such authority my study has not fully convinced me. However, as I have indicated before, that commission may be abolished at any time by the Legislature of the State of Alabama, or its powers may be restricted in one way or another. I think it unwise not to have a provision of that character in the bill.

Section 11 of the amendment proposed by me covers a situation that is not touched at all by section 10 of the Underwood amendment, and that contemplates the case of a conflict between the laws or regulations of two or more States through which the power passes. As I indicated in a colloquy with the Senator from Louisiana a few days ago, the Underwood substitute provides that the rates shall be regulated by the regulatory authorities of the States in which the power is used, respectively. That is to say, it will be carried, we will say, into the State of Tennessee for distribution in the State of Tennessee, and the rates there will be regulated by the authority of the State of Tennessee. It will be carried into the State of Kentucky, for instance, and the rates will be regulated by the regulatory authority of the State of Kentucky. But there may be the most serious conflict between the acts of the regulatory bodies of these two States, and the tendency of course will always be to make the rates, for instance, in the State of Kentucky less than the rates in the State of Tennessee, for the purpose of attracting industrial enterprises to the State of Kentucky, and of course the State of Tennessee will come back at them and reduce their rates below the rates exacted in the State of Kentucky, and there will be constant competition between these various States to

reduce the rates and to reduce them to such a point as will threaten the success of the governmental enterprise.

Thus it becomes necessary to institute some kind of machinery that will harmonize the regulations of the various States through which the power is to go, and that is the condition that was contemplated by section 20 of the water power act, which has become section 11 of the amendment tendered by me, which reads as follows:

That when said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such lessee, or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such lessee, or by any person, corporation, or association purchasing power from such lessee for sale and distribution or use in public service shall be reasonable, nondiscriminatory, and just to the customer, and all unreasonable, discriminatory, and unjust rates or services are hereby prohibited and declared to be unlawful; and whenever any of the States directly concerned has not provided a commission or other authority to enforce the requirements of this section within such State or to regulate and control the amount and character of securities to be issued by any of such parties, or such States are unable to agree through their properly constituted authorities on the services to be rendered or on the rates or charges of payment therefor or on the amount or character of securities to be issued by any of said parties, jurisdiction is hereby conferred upon the said commission, upon complaint of any person aggrieved, upon the request of any State concerned, or upon its own initiative to enforce the provisions of this section, to regulate and control so much of the services rendered, and of the rates and charges of payment therefor as constitute interstate or foreign commerce, and to regulate the issuance of securities by the parties included within this section, and securities issued by the lessee subject to such regulations shall be allowed only for the bona fide purpose of financing and conducting the business of such lessee.

Two other formal provisions, of no consequence here, I do not read. These provisions were at that time all regarded as entirely necessary for the protection of the public interests. They are carefully thought out; they are the result of earnest debate and of very sincere consideration of the entire subject by both Houses of Congress, and I particularly desire to impress upon the Members of the Senate who do me the honor of listening to these remarks the view that these provisions were adopted by the Senate in substitution for exactly the provision which is now incorporated in the Underwood substitute and becomes section 10 thereof. So much for that.

With respect to the other phase of the question, I insist that if there is no other objection to these provisions than that they do not apply in the case of the operation of the property by the corporation, the creation of which is provided for in this bill, that can be easily taken care of by a simple provision making them applicable to that kind of a corporation. But I am convinced that that is fundamentally wrong. I am convinced that we should never invest forty-five million or a hundred and thirty-five million or a hundred and fifty-five million dollars, whatever the sum may be, in an enterprise of this character by the United States through a corporation which it itself creates, the managing authority of which is the Secretary of War and four other men to be appointed by the President of the United States, and then to turn over to some local authority the matter of the rates that shall be charged for the power thus developed. I do not know how that kind of a proposition can be sustained before a body as reflecting as this.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Arkansas?

Mr. WALSH of Montana. Certainly.

Mr. CARAWAY. The Senator's proposed amendment would regulate the use and distribution and sale of power by the lessee. He recognizes the wisdom of the State in controlling the conduct of a business if it is to be done by some one to whom the Government has leased the property. Ought the Government to want any advantage in itself? Ought it to be willing to hamper a citizen and make the citizen carry a handicap it would not carry itself if it were engaged in the business?

Mr. WALSH of Montana. That is not the situation at all.

Mr. CARAWAY. Why is it not?

Mr. WALSH of Montana. Simply because the Government is not going to engage in this business for the purpose of enriching itself. A private corporation is going to engage in it for no other purpose. The Government is not going to make a dollar out of the thing. It is going to create a corporation not for the purpose of pecuniary gain at all, and it is to be supposed that the Government corporation, directed by a board

of directors consisting of the Secretary of War and four officers of the Government appointed by the President of the United States and confirmed by the Senate, is not going to make rates which will be oppressive in any character. But if they are oppressive the consumer of the power has an opportunity to go before that board and complain and insist that the prices he pays are too high, and they have no interest whatever to observe, so far as anybody can discover, except to do what is just in the premises.

Mr. CARAWAY. Then if it does not intend to do it, why does it object to regulation? The principle underlying it is the unwillingness to permit the State to have anything to do with the regulation of business within its borders.

Mr. WALSH of Montana. Oh, no. The Senator really could not attribute that to me, and I do not think he can entertain any such an idea himself.

Mr. CARAWAY. Oh, Mr. President—

Mr. WALSH of Montana. Just a moment.

Mr. CARAWAY. Do not say I did not mean what I said without being willing to allow me to make a statement.

Mr. WALSH of Montana. I do not think the Senator meant that.

Mr. CARAWAY. I do not understand the English language, then.

Mr. WALSH of Montana. I regret always that the Senator and I never seem to engage in controversies about these matters without some heat being displayed. The Senator entertains a different view about the matter from my own.

Mr. CARAWAY. I was perfectly willing to concede that the Senator was entirely right, but the Senator said I could not entertain such an idea and could not get it from the language he used. I think I did.

Mr. WALSH of Montana. The remark of the Senator that the principle is that we do not want to allow the States to conduct business within their own borders could be hardly attributed to me.

Mr. CARAWAY. That is not exactly what I said, either. I said that it was unwilling to permit a State to regulate business within its borders. I do not think there is anything sacred about the National Government that it ought to be permitted to override State regulations and conditions under which private individuals do business in the States. The Government ought itself to be willing to accept them. I have never been able to make up my mind that all the wisdom there is is within the possession of those who happen to be upon the Federal pay roll.

Unless I do not just comprehend anything at all—and I am perfectly willing to concede the Senator knows much more about it than I do—I do not know what other theory there is than that we are not willing to let the State have anything to do with the business if the Federal Government is conducting it, and yet write into the bill that if the Federal Government turns it over to a private individual the State may regulate that business.

Mr. WALSH of Montana. I was trying the best way I could to point out the difference between the two situations. I think the situation was clearly put before the Senate the other day by the senior Senator from Missouri [Mr. REED]. The only purpose that was ever intended to be subserved by these regulatory bodies, the only occasion for their existence, arises from the fact that powers will be given to the public utility corporation. They exist for the sole purpose of making money for their stockholders and naturally it is to be expected that they will fix the rate with special regard to their own interests and to subserve their own purposes and regardless of the interests of the consumers. The Government of the State therefore steps in to preserve its citizens and the users of the service in the State from the greed and rapacity of the public utility corporation.

Mr. CARAWAY. May I suggest that the regulation goes beyond the question of fixing prices? It goes to its distribution, and I am persuaded, however mistaken I may be, that a board created in the State might have more information about what would be a wise and just and economic distribution of power in the State than somebody who never saw the State and who happens to be clothed for the time being with a little brief authority from the Federal Government. That is the idea I had.

I certainly beg the Senator's pardon, because I was wrong in what I said a moment ago. I had no intention when I said it of antagonizing the Senator personally. I have felt that the Federal Government ought to be big enough to recognize the rights of the States and not seek to thrust itself into business through the form of a corporation, and then say to the State, "You may regulate all other people, but when I come in I am

sovereign and you must not touch me. I can do no wrong." It is to me at least treating the States without proper consideration, without any regard to whether or not the State is inclined to be fair or unfair. It is just saying, "I will not trust you at all. When I create a business and put it into competition with people who are doing business in your State, I am not going to let you touch me. I will distribute the power and sell the power, and I will favor this and discriminate against that, and you can not prevent it. You can regulate everybody else's business, but you are not to be consulted how I do business in your State." That is the impression I have of the purpose.

Mr. WALSH of Montana. That argument has no force with me.

Mr. CARAWAY. I understood that.

Mr. WALSH of Montana. None whatever.

Mr. CARAWAY. I understood that.

Mr. WALSH of Montana. It has no force with me because the very basis of it is wanting. What reason is there for supposing that a State in reference to a matter of this kind will exercise a greater degree of judgment and wiser discretion than the Federal Government?

Another thing I should like to understand is where and when a sovereign has ever submitted its operations to the regulation of another sovereign authority. I do not speak of it on technical grounds at all, but there is something entirely repugnant in the idea. Go back to the establishment of the United States Bank. When the Government of the United States engaged in the banking business, would it tolerate for a moment that the operations of the United States Bank should be regulated and controlled by laws enacted in the various States? We all know that many of the States enacted laws that were inimical to the operations of that bank and intended to destroy its efficacy as a business institution and to drive it out of business.

It is not to be imagined that any of the States will do anything of the kind here, but here is a great enterprise into which the Government of the United States has put an enormous amount of money. More than that, the prime object of the entire enterprise is to permit the production of fixed nitrogen as a safeguard against exigencies that may confront us in case of a war. In order to do that it becomes necessary to conduct the enterprise with some degree of business success. The production of nitrogen is inextricably intertwined with the production of power, if not distribution, for industrial and other uses. It follows that the State authorities can not have the information and the knowledge concerning the relation which the one part of the plant bears to the other to do what is just and right concerning the whole enterprise. So that I think we would imperil the whole thing by placing under the control of the States the regulation of the prices if the whole thing is to be conducted by the Federal Government.

But, as I said, if that is the only objection to it, we can take care of that all right. Of course, the real objection to it is the objection that these regulatory features go further in the amendment proposed by myself than section 10 in the Underwood amendment. I believe the results achieved in the struggle through which we went in connection with the water-power legislation ought not now to be abandoned with respect to the great water power that is here to be developed, and that we ought to throw around the distribution of it exactly the same safeguards that we thought wise to provide for in connection with that legislation. That can only be done by the adoption of provisions such as those I propose.

Mr. HOWELL. Mr. President, the junior Senator from Maryland [Mr. BRUCE] during his remarks referred to the comparisons I had made between electric-light plants in Cleveland and Lincoln on the one hand and electric-light plants in certain other cities of the country, and suggested that the favorable showing for the two cities named might be due to the fact that their plants were municipally operated and therefore not operated in accord with business principles. I assume this much because he inquired whether provision had been made for depreciation and suggested that there might possibly have been other omissions. I call attention to the fact that with the exception of the Cleveland municipal plant my comparisons were between privately operated plants only. True, I did compare the rate for 40 kilowatts a month afforded by the municipal plant in Cleveland with rates in certain other cities, but otherwise my comparisons were between the rates charged by privately operated plants affected by and unaffected by public competition.

Let us consider the electric-light rates in Maryland, in the city of Baltimore, in which the junior Senator from Maryland [Mr. BRUCE] resides. The city of Baltimore has a population of about 775,000, and there are probably in that city

160,000 consumers of electric light. The energy supplied is secured from steam and water, and the charge for 40 kilowatts per month is \$3.20 net. Compare that rate with the rate charged by the publicly owned plant in Cleveland, and we find that it costs 166 per cent more in the city of Baltimore for 40 kilowatts per month than it does in Cleveland, which enjoys public competition. Comparing the rate charged in Baltimore with the rate charged in Cleveland by the privately owned plant, we find that the people in Baltimore pay 60 per cent more for 40 kilowatts a month than do the people of Cleveland to the privately owned plant, and 52 per cent more than do the people of Lincoln, Nebr., a city of 58,000 inhabitants, pay to a privately owned plant. I am using for comparison only one public enterprise, the Cleveland publicly owned plant; my other comparisons being wholly between privately owned plants, some of which are located in cities where there is public competition.

Mr. WATSON. If I understand, in Cleveland there are both publicly and privately owned plants?

Mr. HOWELL. Yes, sir. One-third of Cleveland is supplied by a publicly owned plant.

Mr. BRUCE. Mr. President, may I ask the Senator from Nebraska a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. HOWELL. Certainly.

Mr. BRUCE. If electricity is supplied by the publicly owned plant in Cleveland on such satisfactory terms, why should there be any privately owned plants at all there? There must be some inferiority of service or something else that keeps the privately owned plants alive and active.

Mr. HOWELL. One of the reasons why the people enjoy a lower rate in Cleveland or elsewhere where there are two plants, one owned by the public and one by private individuals, is because of public competition. It appears that the lower rate is obtained in various cities by merely affording competition for a part of the business. Potential, threatened competition as a result of partial service gives a lower rate to the entire city.

Now, let me give the Senator another example in his own State of Maryland. I find that in Cumberland, Md., with a population of 32,000, the consumers pay the same rate as in Baltimore, but I find that in Hagerstown, Md., a town of 30,000 inhabitants, the consumers pay the same rate there that they do, for instance, in Omaha, where the rate has been reduced from 14 cents to 5½ cents per kilowatt hour; in other words, in Hagerstown, Md., in spite of the rate charged in Baltimore, the people have this low rate. Why? Because there is in Hagerstown a publicly owned plant, and as a consequence the privately owned plant serves Hagerstown, Md., at \$2.20 for 40 kilowatts per month.

Mr. BRUCE. Mr. President, may I interrupt the Senator for a moment?

Mr. HOWELL. Certainly.

Mr. BRUCE. Does the Senator know whether the publicly owned plant in Hagerstown derives any special advantages or privileges or perquisites of any kind from the general municipal government of Hagerstown? Does he know what rent it pays for the space that it occupies? Does he know whether it makes any proper allowances for depreciation, such as a private concern has to do?

It is no uncommon thing—and I am sure the Senator has had such instances brought to his attention—for a publicly conducted utility or industrial enterprise to exist in a community and for private enterprises of the same description to be in active competition with it, notwithstanding that they charge higher rates, because very often the service of the public plant is so inferior and so unsatisfactory that the people of the town prefer to pay the higher rate to the private enterprises. I have known that to be true in Maryland more than once. It is true in a measure of the competition between the Federal parcel post and the express companies. Why do not the express companies all go out of existence, notwithstanding their rates, if I am not mistaken, are higher than those of the Federal parcel post? It is because their service is more efficient and satisfactory on the whole than is the parcel-post service, if I can believe the testimony that has come to me from many different sources. I personally feel that way myself about the matter. When I want to send something that is very valuable to any great distance, I usually intrust it to the hands of the express company rather than to the parcel post, because I know that the express service is a highly satisfactory and efficient service.

It seems to me that the error of the Senator from Nebraska consists in the fact that he does not tell us what special

conditions environ each one of these publicly conducted plants. There are all sorts of things we must know before we can enter into the comparative merits of publicly owned plants and privately owned plants which are engaged in business enterprises. As I have said, we want to know how much space the municipally conducted plant gets free of cost, or practically free of cost, and what other concessions are made to it.

In the State of Maryland we have some considerable exemptions from taxation in the case of enterprises of one sort or another. I should also want to know whether or not proper allowances are made for depreciation; but the Senator from Nebraska does not enter into those factors at all. He selects a municipal plant in Cleveland and compares it with a private plant in Baltimore, or he selects a municipal plant in Lincoln, Nebr., and compares it with a private plant in Cumberland, Md., or in some other town. The Senator does not let us know what are the factors which we must consider before we can make the comparison.

Mr. HOWELL. The Senator misunderstands me. I am not merely comparing a municipal plant in Cleveland with a privately owned plant in Baltimore. I am comparing a private plant in Cleveland with a private plant in Baltimore. I am not comparing a public plant in Hagerstown, Md., with a privately owned plant in Baltimore. I am comparing a privately owned plant in Hagerstown, Md., with a privately owned plant in Baltimore. I am showing that in Hagerstown, Md., 40 kilowatts a month are supplied by a private plant for \$2.20 a month, whereas in Baltimore the charge is \$3.20 a month; further, that the reason why the private plant in Hagerstown supplies 40 kilowatts at that rate is because there is a municipal plant in Hagerstown which is in competition with the private plant. If such a reduction were made in Baltimore, Md., assuming a saving per service of merely 50 cents a month and not \$1, it would save the people of the Senator's city about \$1,000,000 a year.

Mr. BRUCE. Hagerstown, of course, I remind the Senator, is a relatively small town. Rents doubtless are lower there than they are in Baltimore. Less is paid there for street franchises, I imagine, although I do not know that such is the case, and I would have to inform myself on that subject. But the several elements of expense that enter into the operation of a plant in Hagerstown are different in scale of magnitude from the elements of expense that enter into the operation of an electric plant in a great city of 750,000 inhabitants. One great difference, I suspect, is the matter of taxation. As is true of every great city in the country, we have a high tax rate in Baltimore.

Mr. HOWELL. Do I understand the Senator to suggest that it costs less to furnish electrical energy in Hagerstown, a city of 30,000 inhabitants, than it does in Baltimore?

Mr. BRUCE. I want precise assurance as to that.

Mr. HOWELL. The Senator is suggesting that it is so, and I presumed he knew.

Mr. BRUCE. I say I wish to know what the peculiar special conditions in each case are. It may be true.

Mr. HOWELL. I wish to say that the larger the units engaged in developing electric energy the cheaper the energy can be produced. I wish to state further that in Baltimore the electrical energy is supplied by both water power and steam, while in Hagerstown it is supplied by steam alone. Such facts should call to the attention of the Senate the tremendous rates that are being charged throughout the country for electrical energy—unreasonable rates, rates that apparently can not be, as they have not been, justly regulated by public-utility commissions. Such bodies seem to have utterly failed in this respect.

I am further pointing out and drawing the lesson that the only way the people of this country can be rescued from these excessive rates is through public competition or threatened public competition. That is why I am urging that this great plant at Muscle Shoals shall be maintained by the public for the purpose of bringing down electric-light rates throughout the country. Mr. President, if such competition were made effective in a single year there would be saved throughout the country the \$140,000,000 which the plants at Muscle Shoals have cost. Consider the city of Baltimore, with 160,000 consumers, assuming that the saving would not be a dollar per month—although that is the difference between the rate in Hagerstown and the rate in Baltimore for 40 kilowatts—but that it would be 50 cents, that would equal \$80,000 a month or about a million dollars a year saved to the people of Baltimore alone.

When we realize that here in the city of Washington the consumers are paying 10 cents a kilowatt-hour while in Balti-

more they are paying 8 cents, or in Washington the consumers are paying \$4 for 40 kilowatts while in Baltimore they are paying \$3.20, and in Hagerstown, Md., a little town of 30,000 inhabitants, but \$2.20, is it not apparent the unnecessary burden the people of Washington are laboring under? It must further be borne in mind that the public-service commission has been endeavoring since 1917 to reduce the rates for, say, 40 kilowatts here in Washington from \$4 to \$3.20, and the commission's impotency is illustrated by the fact that it has not been able to accomplish it yet.

Mr. BRUCE. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. HOWELL. I yield.

Mr. BRUCE. Does not the Senator think that if the people of Baltimore city could get their electricity more cheaply through a public plant they would do so, in place of the present Consolidated Gas & Electric Light Co. of Baltimore?

The people of Baltimore city have a reasonable measure of intelligence. They are not under the compelling sway of any sinister political influences, I am happy to say, in the administration of their government. They have, on the whole, a judicious, honest, efficient government. They most assuredly would set up a municipal electric plant in Baltimore but for the fact that they think that if they did their electricity would cost them a great deal more than under the present conditions.

As to the contrast between Hagerstown and Baltimore, I have in my lifetime known many a citizen of Baltimore in rather declining circumstances to leave Baltimore and go out and take up his residence in one of the provincial towns of the State because it was so much cheaper to live there than it was in Baltimore. Comparatively speaking, it is just as expensive for a corporation to live in Baltimore as it is for an individual. The whole scale of expenses of operation in Baltimore is different from the scale in Hagerstown, or Annapolis, or Frederick, or any small town in Maryland, of course.

Mr. HOWELL. Mr. President, it must be recognized that it costs less to develop electrical energy in great units, such as are possible in Baltimore, than in a city like Hagerstown, Md., with 30,000 people.

Mr. BRUCE. Mr. President, may I interrupt the Senator again?

Mr. HOWELL. Just a moment, if I may continue.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. HOWELL. Then, further, I want to assure the Senator from Maryland that the people in Baltimore and the people in Omaha are not different. They are quite alike. For years they submitted to tremendous charges for electrical energy—in Omaha, 14 cents a kilowatt-hour in 1912, in the piping times of peace; but there were forces in Omaha that rebelled and said: "We will not stand for this longer. We will put in our own plant." Down came the rate to 12 cents, then to 11 cents, and then in 1916, just before the war, down to 8½ cents; and the day before the legislature met in 1917, fearing that authority would be granted the city of Omaha to put in a municipal plant, the rate went down to 6 cents, right in the midst of war, and since has gone down to 5½ cents, because of the fear of public competition. If the people of the city of Baltimore knew this lesson as they ought to know it, if the able men of Baltimore would lead their people in a fight for reasonable rates, they could have 5½-cent electricity in Baltimore—if not less—just as we have it in the city of Omaha.

Mr. BRUCE. Mr. President, may I interrupt the Senator just once more? Then I shall have nothing more to say on this subject.

We attempted once, on a very small scale, to set up a public electric plant in Baltimore. We set up one in our courthouse building for the purpose of illuminating the courthouse, the city hall, and municipal buildings generally. As small, comparatively, as that plant was, the results were so unsatisfactory that we abandoned it. We found that only with difficulty could the city of Baltimore run a small electric-light plant requiring a high degree of technical skill as a private corporation would have run it.

In other words, the operation even of that small plant was attended with the usual waste and inefficiency and pecuniary loss which, so far as my observation goes, invariably attends an attempt on the part of a city or of a State or of a government to conduct an industrial enterprise.

Mr. HOWELL. Mr. President, the mere suggestion that the installation of a plant sufficient to light a courthouse or one or two other municipal buildings would afford effective competition in connection with a great plant provided to light a great city is all but absurd. Such a plant could not be expected to result in that way. There is only one condition under which you can afford to put in a small plant of that kind, and that is with a view of using the exhaust steam for heating. However, in great cities, with great plants, they will often make the rate so low for electrical energy that a big building owner can not even afford to put in such a plant. When it comes to dealing with the common people, however, the man in the cottage, those who need to save, there they boost the rates; there they bear down, just as they do here in Washington.

Mr. GLASS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. HOWELL. I do.

Mr. GLASS. I am a little curious to know why it is, if the public plant in Cleveland sells its electricity so much cheaper than the private plant in Cleveland, that the public plant supplies only one-third of the city, and the private plant two-thirds of the city.

Mr. HOWELL. The reason for that, as stated to me when in Cleveland last summer and on previous visits, is that all they have desired in Cleveland was an automatic regulator of rates; that the municipal authorities did not care to go further. Had ex-Secretary Baker continued as mayor of the city, he undoubtedly would have covered the city; but the big interests in Cleveland, just as in the case of the big interests in other great cities of the country, are against that sort of thing; as, for instance, we generally know that in some way, somehow, the chambers of commerce throughout the country are usually controlled by men who are opposed to the public doing anything for themselves. I know that, because we have had the experience in Omaha. Whatever has been done in public ownership in my city has been done in spite of the big interests. As you travel along the route this opposition becomes strong enough to hold you, at least for a time; and that I believe is the situation that has developed in Cleveland.

Mr. UNDERWOOD. I ask for the yeas and nays on the pending amendment to my substitute.

Mr. WATSON. Mr. President, may we have the amendment to the amendment read?

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment.

Mr. WALSH of Montana. Mr. President, if the Senator will yield for a moment—

Mr. WATSON. Certainly.

Mr. WALSH of Montana. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Ferris	Ladd	Shipstead
Bayard	Fess	McKellar	Simmons
Borah	Frazier	McKinley	Smith
Brookhart	George	McNary	Smoot
Broussard	Gerry	Mayfield	Stanfield
Bruce	Glass	Means	Stanley
Capper	Hale	Metcalf	Swanson
Caraway	Harris	Neely	Trammell
Copeland	Harrison	Norbeck	Underwood
Couzens	Heflin	Norris	Wadsworth
Cummins	Howell	Oddie	Walsh, Mass.
Curtis	Johnson, Calif.	Pittman	Walsh, Mont.
Dial	Jones, N. Mex.	Ralston	Warren
Dill	Jones, Wash.	Ransdell	Watson
Edwards	Kendrick	Reed, Mo.	Weller
Ernst	Keyes	Reed, Pa.	Wheeler
Fernald	King	Sheppard	Wills

The PRESIDENT pro tempore. Sixty-eight Senators have answered to the roll call. There is a quorum present. The yeas and nays have been demanded upon the amendment offered by the Senator from Montana [Mr. WALSH] to the amendment in the nature of a substitute proposed by the Senator from Alabama [Mr. UNDERWOOD].

The yeas and nays were ordered.

Mr. WALSH of Montana. A request has been made that the amendment to the amendment be read.

The PRESIDENT pro tempore. The Secretary will read the amendment to the amendment.

The READING CLERK. The Senator from Montana proposes to strike out section 10 of the substitute submitted by the Senator from Alabama and in lieu thereof to insert:

SEC. 10. That as a condition of any lease, entered into under the provisions of this act, every lessee hereunder which is a public-service corporation, or a person, association, or corporation developing, transmitting, or distributing power under the lessee either immediately or otherwise, for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged. That in case of the development, transmission, or distribution, or use in public service of power by any lessee hereunder or by its customer engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the services to be rendered by such lessee or by its customer engaged in public service, or the rates and charges of payment therefor, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of such lease that jurisdiction is hereby conferred upon the commission created by the act of Congress approved June 10, 1920, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control: *Provided*, That the jurisdiction of the commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

SEC. 11. That when said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such lessee, or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such lessee, or by any person, corporation, or association purchasing power from such lessee for sale and distribution or use in public service shall be reasonable, nondiscriminatory, and just to the customer and all unreasonable discriminatory and unjust rates or services are hereby prohibited and declared to be unlawful; and whenever any of the States directly concerned has not provided a commission or other authority to enforce the requirements of this section within such State or to regulate and control the amount and character of securities to be issued by any of such parties or such States are unable to agree through their properly constituted authorities on the services to be rendered or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, jurisdiction is hereby conferred upon the said commission, upon complaint of any person aggrieved, upon the request of any State concerned, or upon its own initiative to enforce the provisions of this section, to regulate and control so much of the services rendered, and of the rates and charges of payment therefor as constitute interstate or foreign commerce and to regulate the issuance of securities by the parties included within this section, and securities issued by the lessee subject to such regulations shall be allowed only for the bona fide purpose of financing and conducting the business of such lessee.

The administration of the provisions of this section, so far as applicable, shall be according to the procedure and practice in fixing and regulating the rates, charges, and practices of railroad companies as provided for in the act to regulate commerce, approved February 4, 1887, as amended, and that the parties subject to such regulation shall have the same rights of hearing, defense, and review as said companies in such cases.

In any valuation hereunder for purposes of rate making no value shall be claimed or allowed for the rights granted by this act or under any lease executed thereunder.

Mr. CARAWAY. Mr. President, I dislike very much to delay a vote on this amendment, but I wanted to say with reference to it that as it stands I shall vote for it unless some amendment might be accepted to it. But I had thought and still think that if the Government wishes to assume the guise of a business corporation and engage in an industry which has heretofore been conducted by private individuals it should do so under such conditions as the private individual must meet. I had not thought the Government ought to tax individuals to raise capital to finance a corporation and put that corporation into business in competition with those who contributed the capital by taxation and then say to those engaged in private business, "You shall submit to certain regulations, but the corporation which you furnish the capital to create, a part of the sovereignty that delegates itself to the conduct of private business, shall be exempt from all those handicaps you carry."

It seems to me, the Senator from Montana to the contrary notwithstanding, that it is indefensible for us to insist upon a citizen dividing his earnings with the Government, in the nature of a tax, and then take the capital which we get from him and organize and finance with it a corporation to go into business against him and exempt it from any contribu-

tion to the Federal upkeep and strip it of every regulation, so that it may compete with an individual who is compelled by the same sovereign to contribute to the capital that put its competitor into business and submit to all regulations in the conduct of its business.

That may be perfectly understandable to some Senators. It is utterly beyond my understanding.

In the first place, I have not been able to convince myself that the minute one ceases to be a private citizen and goes upon the public pay roll as a Federal employee all selfishness and all limitations as to clarity of understanding fall away from him and he can make no mistakes. That is the assumption we must indulge in if we say it is preposterous that the State should seek to control the activities of a corporation which comes within its borders to conduct business in opposition to private citizens and at the same time write into the very same measure a provision that if a private citizen shall become the lessee he shall submit to all these regulations.

I have for a number of days listened to some very remarkable deductions. It seems perfectly clear to the junior Senator from Nebraska [Mr. HOWELL] that a man engaged in private business who expects to make a profit is already outside the pale. It was emphasized over and over again that the crime of private industry was that it expected to make a profit. Yet I have heard urged right upon the floor of the Senate by a representative from the same State that the monumental crime of the ages was that the farmers had been denied the opportunity to make a profit.

I believe that any man engaged in a lawful industry ought to have the right to make a reasonable profit. If his business is of such a nefarious character that profit should not be permitted to be made from it, it ought to be suppressed. It seems to me it is unthinkable that we should announce as a solemn declaration of the Senate that private business is utterly outside the pale of respectability if it seeks a reasonable profit. I am sure that the way they conduct business in Lincoln, Nebr., is very much better than the way it is carried on anywhere else, because I remember that Mr. Charlie Bryan was the mayor of that city, and evidently put it upon the road to righteousness. I am told he is to be mayor again, and of course he will still further perfect it, and lead it in the way it ought to go.

Let me say this, too. Some Senators who, ever since I have been a Member of this body, have been weeping over the condition of the farmer and the injuries he received from the Government, are now doing everything they can to prevent the Government from doing something for the farmer. Let us take the proposition of making this a power bill. If there is anybody here who believes that if it shall become a part of a superpower system, or a power plant standing alone, it is going to contribute very materially to the health and wealth and comfort of the farmer, I am curious to have him stand up and give his reasons for his belief.

I know that if the committee amendment should become the will of the Senate, and should be accepted in conference, it would not result in any advantage to the farmers. It would not result in power lines being strung out to the little farm houses along the highways in Alabama, Georgia, and Tennessee. It would result in the sale of power to industries located in towns. It might be that some municipality would contract with it so that industries within that particularly favored town would have a lower rate than other less fortunately situated communities, but there is no use presuming that the farmer does not know that it is not there for him. He knows, if he knows how to read, that making this a power project would not do the farmer any particular good. It would not offer him anything, because he would not be upon the lines of distribution. Everyone knows there is no intention, if the committee substitute be adopted, of stringing power lines from Muscle Shoals to the individual homes of the little farmers in those States adjacent to it.

Therefore let us be honest with the farmers. If we do not intend to give the farmer anything, and let us just say, "You do not fall within the scope of our particular benevolent institution called the Muscle Shoals power plant. We are reaching out now to do something for your more fortunate neighbor who lives in more populated communities, and who is engaged in more lucrative business." Everybody knows that is what it means.

You are not deceiving a single farmer. I know, and say, with an apology to everybody who has participated in the debate, that two facts have run side by side with but a single purpose in this repeated effort to amend this bill, the first to make it lend itself to a theory that the Federal Government alone ought to be permitted to engage in business; that the

farmer must find some means to pay taxes with, but nothing shall be done for him; that we are going to create a benevolent institution called the Government to look after the business of the country, to do all the business in the country. The Lord knows somebody may profit by it. I am curious to know who it will be. Nobody has pointed that out very specifically.

That is not all. There is going side by side with it that other legislative ghost stirrer, the so-called postal increase bill. Nobody believes Congress is going to write into law a provision to increase the postage on parcel post. If they attempt that, they certainly think that the people living in the rural communities are without friends in this body, because that is the only means the farmer has of getting his produce to the market and getting things from the town to his home. Therefore, unless they want to tax the very means by which the farmer lives and increase the cost of living to people who live in towns by increasing the cost of distribution they are not very serious when they propose that other provision to increase the cost of postage on newspapers and periodicals unless they think it is wise to make ours a country of isolated communities, stirred by local prejudices, without national spirit, without national information, because they want to deny us a source of information that comes from a wider distribution of newspapers and periodicals. It was not seriously brought here. It was brought here to give some one an excuse to vote against overriding the President's veto on the postal salary bill. That is all. Those who are lending themselves to the same purpose by filibustering against the bill under the pretense that they think there is some way of making it a power plant and helping the farmer are unconsciously aiding the same purpose.

Now, let us be frank with ourselves. We do not get anything by trying to deceive the American public. We do not deceive anyone but ourselves. If the honest conviction of the people who are fathering the so-called committee substitute is that it ought to be the duty of the Government to create a great power company at Muscle Shoals—some of them think for possibly as much as 500,000 horsepower—and distribute that to the industrial users of power, let us say we now are not looking after the interests of the farmer. It is not his day in court; but we are lending ourselves for the time being to the creation of a big power plant. That we expect it to sell power to users of power at very low rates because the taxpayers of America are to furnish the capital and it is to be free of all regulation and control; that the Government, without any overhead charges and without capital charge, shall distribute power to the users of power at a very phenomenally low sum, and all the taxpayers are to absorb its losses. That would be understandable. It might be wise to do it. If that is our intention, we ought so to declare.

I have been somewhat grieved to hear Senators here proclaim with so much fervor that to lease this power plant would be a crime, and yet those Senators wanted not to lease it but almost to give it to Henry Ford, and there was not then a suggestion that there ought to be any kind of regulation or condition attached to the grant. It was not to be a crime of 50 years. It was to be for a whole century. Title to all except the dam was to be in Ford or in a corporation which he was to create. There was to be an absolute transfer of title to him, and he then was to have a lease for 100 years of the power and do whatever he saw fit with it, subject only to a vague and uncertain provision that he was to manufacture fertilizer.

I do not question other men's motives. They have a right to pursue whatever course they prefer. I am a member of the committee that dealt with this measure and attended its sessions with a great deal of care. I voted for the Henry Ford lease. I would do it again. I am not protesting against private individuals going into business. I have never thought it was a crime for them to do so. If there is a crime at all, it is in the Government invading the field of private industry, because again I want to say that because somebody has gotten on the Federal pay roll and has a lifetime job it does not make him any more patriotic, and it does not make him any wiser than was he while a private citizen. I will venture the assertion that it leaves him less wise, because it takes away the incentive that goes with the struggling of matching one's wits with other men in order to succeed, and it thereby stops intellectual development. When a man gets on the Government pay roll and all in God's world he has to do to stay there is to live, he is not quite as active as those who have to match their wits in the field of private industry to succeed or fail by reason of their ability and character.

Coming back again to the "crime" and to the "absurdity" of wanting to regulate Government industry when it takes upon itself the form of a private corporation and engages in

private business, I want to say this: To a large extent we recognized that principle when we created the shipping corporation and made it subject to certain provisions that the individually owned company or corporation had to carry. If it was not wise to do that, we ought to repeal that law.

Mr. President, I do not know whether this plant will be leased or not. I am under no compulsion to say what I am about to say, because I belong to a different party, but I have quite a great deal of respect for the judgment and character of the Secretary of War. I have found him to be a man of unusual ability. The few times I and my State have had occasion to deal with him we have found him honest and exceedingly generous. If he can not be trusted to lease Muscle Shoals I am curious to know how the Senate can justify itself in having voted for his confirmation when it was known that we were putting into his hands not the management of a power plant in the State of Alabama but the entire defense of the country, so far as the Army is concerned, with all of its hundreds of millions of dollars worth of property, with all of the perplexing problems that come with Army control and regulation. If any Senator knew he could not be trusted to lease a project like Muscle Shoals, I think he ought to have made it known to the Senate when he was nominated to be Secretary of War and before the Senate was asked to vote to confirm him in that high office.

It is being charged and the question of Tea Pot Dome is now being raised on the floor of the Senate. That was referred to in a statement made by a Senator. There can be but one purpose in associating the Muscle Shoals matter with that question and that is to convey to the listener the belief that Muscle Shoals is also a national resource that is being sold by some public official to some private individual and that corruptly, because that is the only reason why the two would be coupled together. No one would speak of a gentleman as Benedict Arnold, and then say he did not intend to charge that he, too, was a traitor. The statement carries its own charge. I want to say now if any Senator has any evidence that there is to be a corrupt leasing of this property he owes it to himself, he owes it to the Senate of the United States, he owes it to the American people whose commission he bears, to point out that evidence so that all may know it. It is not right, and I say it with deference, to undertake by so coupling one measure with another to leave the impression that there is something morally wrong about this measure, unless the evidence exists, and if any Senator has such evidence he can not withhold it and be honest because of his position as a trustee of the American people in this body.

I do not know who is to get this property, and I want to say again I am under no obligation to defend the present President of the United States, because if anybody took pains to read what little I had to say about him they will remember that I insisted very earnestly that the American people ought to substitute another whose name I mentioned for that high office which he held. I honestly think they made a mistake in not doing so, but the great majority of American people did not agree with me and they made Mr. Coolidge President of the United States. While perfectly willing to vote for him and make him the Chief Magistrate of 110,000,000 people and give to him all the influence and power that goes with that high office, to now insist at the very first opportunity that he can not be trusted to be a party to the leasing of a power plant in Alabama, which a majority of those sitting here voted at one time to abandon because it was absolutely worthless, is a remarkable situation.

I ought not to have to come here and defend the Secretary of War and the President against charges made by Senators who voted for him, but I feel impelled to do it because I have not a question of doubt in my mind that both are intelligent, that both are honest, and both are patriotic. I believe that either one of them could be trusted to lease Muscle Shoals. I believe if Muscle Shoals were leased and the plant put into operation the American farmers would get some relief from the exorbitant prices now charged for fertilizer. I know that if it is converted into a power project, no farmer now living would get one ounce of fertilizer cheaper because of the fact that we had created a power plant at Muscle Shoals.

Mr. PROOKHART. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Iowa?

Mr. CARAWAY. I yield.

Mr. BROOKHART. Nobody has explained to me, and I can not understand how under the Underwood proposition the farmer is going to get any cheaper fertilizer.

Mr. CARAWAY. I am sure that if nobody has been able to explain it to the Senator, considering the many Senators who have tried to do so, there is no use of my trying.

Mr. BROOKHART. There is not anybody who has tried to do it.

Mr. CARAWAY. If there is not, then of course the Senator does not expect me to try it. I can say this to the Senator, however, that he was one who was willing to create a corporation to ship wheat out of this country because it was thought that the surplus was breaking the price of the commodity and destroying the farmer and that if the Government would go into the pockets of all the people to get the money to buy the surplus wheat and ship it to Europe and take the loss the farmer then could sell the remaining part of his crop at a profit.

Mr. BROOKHART. Mr. President, the difference between those two propositions—

Mr. CARAWAY. Just a moment. Then the Senator said that was sound economics because it is the surplus that breaks the price. Now, if there is so much fertilizer in the country and we add to it, it tends to create a surplus; and if there is logic in the first proposition that the surplus breaks the price, I do not know of any reason why it will work with wheat and will not work with fertilizer. Of course I know that proposition will not satisfy the Senator from Iowa.

Mr. BROOKHART. The Senator is always referring to 40,000 tons of fertilizer as making a surplus.

Mr. CARAWAY. The 40,000 tons of nitrogen to be made at this plant would result in nearly a quarter of a million pounds of fertilizer, and it would tend to be a surplus unless there is something wrong with the theory that a surplus of fertilizer is never a surplus while a surplus of wheat is always a surplus.

Mr. BROOKHART. The Senator's own explanation shows that it would not be a surplus.

Mr. CARAWAY. I know when I deal with a proposition that runs counter to the Senator's convictions I am wrong. I know that reason has no standing in a court that is already committed to the idea of putting the Government into all private business.

Mr. BROOKHART. Does the Senator claim as a matter of fact that the 40,000 tons will create a surplus?

Mr. CARAWAY. The Senator does claim that the 40,000 tons would be that much more than we now have.

Mr. BROOKHART. But the Senator came at me with a surplus, and I want to know if that 40,000 tons will make a surplus.

Mr. CARAWAY. It never will make a surplus with the Senator from Iowa. I concede that. If it were 500,000,000 tons it never would be a surplus so long as it was fertilizer, but if it were a million bushels of wheat it would be such a surplus as would destroy every farmer in Iowa unless the Government bought the wheat and shipped it to Europe.

I am perfectly willing for a man to stand by his local industries, and it looks like that is all there is here. Everybody stands by his prejudices and his home town. If a man has an interest in a manufacturing plant, or if he wants to see people get cheap power, and thinks he will be justified in taxing all the American people, even the downtrodden farmer, who has been wept over here for four years, in order to lighten the burden of men who buy power, why, God bless his soul, I expect him to do it; but I do not want him to insist that he thinks he is doing something for the farmer by so doing. That is all I am protesting against.

I come from a State of agriculturists; I come from a family of farmers; I am myself a farmer, and I do not want to be reflected upon by a pretense that in creating a power plant here we are going to aid the farmer. I know that nobody who has studied the question and who really wants to do something for the farmer is deceived by it. Therefore, all I want is that those who assume the attitude to which I have referred shall stand up and say, "This is not the farmer's day; but now that there is a chance to do something for some one, we have decided to do it for the manufacturing industry and not the farmer. We are going to give that industry cheap power and tax everybody else in America to do it."

Let me go further. There is a sentiment here that indicts the intelligence of the people of every State in the Union. When it is suggested that the States have patriotism and intelligence to be trusted to regulate their own affairs, it is said "you can not trust the States"; and long lists of statistics have been read here to show how corrupt the commissions are in the various States; how little they may be trusted. There never has been, so far as I have been able to learn here, a single honest administration except in the case of one or two cities. Lincoln, Nebr., was one that shone out very

brightly on the firmament of intelligent and honest administration. The State of Nebraska unfortunately could not live up to the high standard set by Lincoln, and therefore the State could not be intrusted with the power to regulate its own affairs.

Mr. HOWELL. Mr. President, did not the Democratic Party try to spread Governor Bryan out from Lincoln?

Mr. CARAWAY. Yes; and I thought inasmuch as Governor Bryan had made Lincoln such a wonderful city the Senator from Nebraska ought to have supported him, but he did not do it. [Laughter.] That is why I rise now to express my surprise that after Governor Bryan had demonstrated that he was the only man in the country who knew how properly to administer a public office, the Senator from Nebraska should have appealed to the people to turn him down. [Laughter.] Of course, that is as understandable as is the other proposition. I think I understand it perfectly also, but I would rather like to express my surprise that it should have happened.

Mr. BROOKHART. Mr. President, for the Senator from Nebraska having to turn Governor Bryan down in that way is not any worse than for the Senator from Arkansas to turn him down right now.

Mr. CARAWAY. Oh, no; but you have already defeated him, and why should I go out how and weep over his grave? [Laughter.] You folk have crucified him while he was alive and now you complain because I am not weeping at his grave. It does not profit us, but if it affords us any intellectual stimulus to play the farce to the last, why, we ought to do it. Do not, however, let us try to fool the audience, which is the American farmer. He knows, I repeat, if he knows anything—and those farmers with whom I have come in contact do—that he is not to be enriched by creating a power company at Muscle Shoals. He knows that will not offer him cheap light or fertilizer. He knows that it will be in the interest of the people living in the urban communities.

I think the committee hearings were dragged on for months and months not so much to get light as to get time to kill Henry Ford's offer. Those of us who were for Henry Ford's offer were there day in and day out insisting upon a vote. The hearings were had upon perfectly nefarious schemes, as it now turns out. Private individuals were asked to come and submit bids and offer evidence that the committee would be wise to accept them, and now we discover that those who asked them to come knew from the beginning that it would be a crime to let them have the plant. Why were they asked to submit bids? If private business was to be driven out of the field, why not have closed the hearings, and said, "There is no use for you gentlemen to make your offers, because we have made up our minds to create a corporation and put it in business against you, and therefore save whatever you have to pay taxes in order to help finance our business that we are to create to compete with you."

I hope that the Senator from Montana will accept an amendment to his amendment providing for the regulation of the proposed corporation that is to go into business at Muscle Shoals. Let it be like any other corporation. I do not see anything so tremendously foolish about asking a corporation that has been created to engage in a private business to subject itself to all the limitations which a private business would have to encounter if it engaged in the same business. I think it ought to be suable in the courts of the various States like any other corporation that does business there. I think it ought to be compelled to answer to the people under all the regulations that any other business is compelled to submit to if it engages in a similar enterprise.

Let me say briefly that the greatest part of the regulation is not in connection with fixing the price to be charged, but is in connection with distributing the power; in deciding who shall be favored and whose application shall be denied; in determining into what States the power shall be transmitted and into what States its transmission shall be denied; what towns shall have it and what towns shall not have it. Those are going to be the greatest fields of regulatory action. The Government here at Washington, I submit, does not know as much about those questions in Arkansas as do the people living in Arkansas.

I have not found the Government to be superwise in such experience as I have had with it. It has done a good many things in my State; it has done some of them well, and it has done some of them in an exceedingly clumsy way. I have heard—and I repeat it with an apology—some of the very people who have most continuously and consistently condemned the Government when it undertakes river and harbor improvements, saying, "the Government is making recommendations for the improvement of rivers on which a fire insurance policy

has to be taken out in order to keep it from burning up because there is no water in it," claim that as to this matter the Government can make no mistake, that in Government agencies wisdom and virtue dwell. It is a curious thing to me that the Government knows all about power plants and can make no mistake as to them, but does not know a river from a dry fish pond. Senators insisting that the Government enterprises must not be regulated in this matter will vote against every river and harbor improvement that comes before the Congress, because, they will say, the Government is not to be trusted in these matters.

Mr. President, there is no profit in pointing out the inconsistencies. We all have them. But let us do something for the American agriculture with this plant.

Mr. REED of Missouri. Mr. President, I want to address myself to what is known as the Walsh amendment for a few moments, but, first, I desire to make a few general observations.

This debate has taken a turn which I regret. I can see no reason for any man to impugn the motives of any Senator on this floor or to accuse those who may favor this bill in any form of endeavoring to work in the interest of any power monopoly or of being inspired with any improper motives. Differences of opinion exist here, and they ought to be expressed wholly without attacking the motives of any man.

I know well the Senator from Alabama [Mr. UNDERWOOD] who has proposed this amendment, and I know that his public life has been as clean as that of any man who has lived in our country during my time. I know that his motives in presenting his proposition are dictated only by what he believes to be the public good. I attribute the same sentiments to the Senator from Nebraska [Mr. NORRIS]. I accord the same high motives and purposes to those who may agree with me or who may differ from me touching this measure, and I think that a moment's analysis will show that there is no man who is in favor of either of these propositions who has any right to throw bricks at any other man.

What are the points of difference?

The Senator from Nebraska [Mr. NORRIS] brings in a bill in which he proposes that the public authorities shall manage and control this great plant. He is at once attacked by certain Senators upon this floor as being the protagonist of a wicked and vicious doctrine, to wit, public control of a business enterprise; and one would think, as he listened to these dissertations, that he was a socialist, a bolshevist, and that everybody who was for his measure was a bad, wicked, or misinformed man. Yet the gentlemen who make those charges are in favor of the Underwood proposition; and what, pray, is the Underwood proposition? It is that we shall run this plant by public management and control unless we can lease it upon terms that are acceptable.

Whenever you put in the alternative that in the event this plant is not leased it shall be run by public control, you have on that alternative placed yourselves exactly in the same category with the Senator from Nebraska and with this wicked plan of public ownership; so that the man who stands and proposes to vote for a bill which proposes public control and public ownership if a lease can not be made may well argue that a lease is more advantageous and that it is hoped that it might be made, but he certainly ought not to go to the extent of denouncing the man who proposes that which is found in his own bill as one of the alternatives.

So I think we might just as well quit abusing each other. The Underwood bill concedes the propriety of public ownership and public control just as much as the bill of the Senator from Nebraska, save and except that the Underwood bill prefers a leasing proposition.

There is another observation: It is said that those who favor leasing are putting an unjust power in the hands of the Secretary of War; and some of those who favor the Norris amendment have charged that that will result in making a very bad bargain, and there have been even insinuations here that I think reflect indirectly upon the Secretary of War. I do not think that is just. I know John W. Weeks. Many of us served with him here in the Senate. I question whether any man would seriously raise any possible kind of criticism against his honesty or his intelligence or his patriotism. I should not hesitate to make him my executor without bond to-morrow, and I would know that my estate would receive as honest an administration as he was capable of giving it and that he would bring to the task a high degree of intellectuality. If the proposition submitted by the Senator from Alabama were to turn over the matter of handling this property to the Secretary of War to make the best bargain he could make, and, if he could not make a bargain which was

advantageous, then to manage and control this plant, I should be much better satisfied than I am in the present situation. The difficulty I find in the Underwood proposition is that it ties the hands of the Secretary of War and ties the hands of all the public authorities in a way which, it seems to me, may contain many elements of disadvantage, if not danger.

By this bill the Secretary of War is commanded to use the plant, if it is run as a Government enterprise, or to lease the plant, conditioned upon the manufacture of fertilizer to the extent of 40,000 tons of fertilizer per annum. This lease is to run for 50 years. I hope that what I say will not be taken as an unkindness; but which one of us, owning a great property of this kind, would for a moment think of requiring a proposed bidder to agree to manufacture 40,000 tons of fertilizer per annum for a period of 50 years, regardless of the question whether the manufacture could be carried on without being done at a terrific loss? If we pass this bill as now framed and the Secretary of War starts to lease the plant, he must require the lessee after the first three or four years to make 40,000 tons of fertilizer per annum regardless of whether it can be done at a profit, regardless of the amount of loss that is to be sustained, regardless of whether in the meantime some process for making fertilizer may have been invented entirely different from this, not requiring the employment of this great power in its production. For 50 years, for the lifetime of an individual, we are to go on making fertilizer willy-nilly, without regard to loss and without regard to changed conditions.

Mr. UNDERWOOD. Mr. President, will the Senator allow me to interrupt him just at that point?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. REED of Missouri. I do.

Mr. UNDERWOOD. If we get a lessee who is willing to make us nitrogen for national defense for 50 years at his own risk the Senator would not object, would he?

Mr. REED of Missouri. Yes, I would, under the terms of this bill.

Mr. UNDERWOOD. But let me continue one step further. At least it seems to me that there would be no ground for objection. If a lessee wants to do it, and agrees to furnish this amount of nitrogen to the Government, this bill does not confine him in any way as to how he shall do it, but it says that he must agree to furnish 40,000 tons of nitrogen with which to make our powder for national defense, and that in time of peace he must convert that nitrogen into fertilizer to build up our depleted soil. If the lessee wants to do that and is willing to do it, I do not see that there is any objection.

On the other hand, the Senator may say, "But the corporation is compelled to do it." It is true that the corporation is compelled to do it in this bill; but it is a Government corporation, and any session of Congress can recall its hand if it is a Government corporation. It merely makes the corporation start, but every share of stock is in the name of the President. There are no outside contracts that would bind the corporation, and therefore Congress can recall it if it thinks a mistake has been made.

Mr. GLASS. Mr. President, the Senator does not exactly mean that his bill requires a corporation to furnish 40,000 tons of nitrogen?

Mr. UNDERWOOD. To manufacture it.

Mr. GLASS. The Senator means to manufacture it?

Mr. UNDERWOOD. Yes.

Mr. GLASS. "Furnishing it" might mean buying it from Chile.

Mr. UNDERWOOD. I meant to say "manufacture." I am using general terms. Of course, the bill contemplates the manufacture of 40,000 tons of fertilizer.

Mr. REED of Missouri. Mr. President, upon the statement I have just made, the bill requires the production in this plant of 40,000 tons of nitrogen annually.

Mr. UNDERWOOD. No; if the Senator will allow me, if he will look at the bill I am sure he will see that it requires the production on this property—

Mr. REED of Missouri. Very well.

Mr. UNDERWOOD. Not in this plant, because it is left so that under changing conditions the plant can be changed.

Mr. REED of Missouri. The Senator does not really mean to tell us that he interprets this bill to mean that the man who gets this power is not to use the power in making fertilizer, but that he may set up some independent device on that same ground for making fertilizer? The Senator does not mean that?

Mr. UNDERWOOD. I certainly do, and that is done with my reading of the testimony of the experts. Everybody ex-

pects advances to be made in the production of nitrogen, and possibly in the production of fertilizer; and if the Senator will read the bill he will see that the lessee is compelled to make it on this property. The bill furnishes him with a great nitrate plant that he can use, but if he makes the 40,000 tons of nitrogen on that property by any other process and furnishes it to the Government or to the farmers he has lived up to his contract.

Mr. REED of Missouri. Mr. President, I do not so construe this contract. I must differ from my distinguished friend, and it is the first time it has been intimated in this debate that it was not intended that the contract should provide that this plant should be employed to make this fertilizer, and that is why we are leasing the plant. I refuse to discuss a chimera of the kind that has been suggested.

Mr. President, I have stated that the fertilizer that is to be made here might be made during all of the years at a tremendous loss; but the Senator meets that by saying: "Suppose a company is willing to make that contract." Well, if a company were willing to make that kind of a contract and to give a good bond for its execution, and the execution of it were to cost the people of the United States nothing, but the lessee took the risk, that would be one proposition; but that is not this proposition. The proposition here is that we are going to lease to the lessee all of this water power that is now produced, and he agrees to use a part of it to make fertilizer, and he agrees that he shall not make more than 8 per cent profit on his fertilizer, but the surplus power he can sell at his own price; and it has been plainly understood throughout this debate that it was intended that if the fertilizer was made at a loss, that loss would be recouped through the sale of power. Otherwise, nobody but a lunatic would make the lease. So the proposition is to tie up this property for a half-century of time, compel the person who makes the lease to make the fertilizer without regard to loss, and during that entire period of time, to place him in possession of the power so that out of the surplus power he can recoup those losses.

That is to say, if there are any losses made they are to come out of the pockets of the Government of the United States, which means out of the pockets of the people.

I say that is not a sound proposition, in my judgment. After hearings lasting for months, there is an honest dispute and an honest difference of opinion, not only among those who heard the evidence, but among those who testified, and I think it is fair to say that the best we can assert with reference to the manufacture of nitrogen by the processes contemplated is that it is a fairly seductive prospect. It may work out; it may fail. To undertake to say that we would tie up this great property for 50 years, and tie it to a proposition which may fail, and then make the profit up by adding it to the cost of the power which is to be sold to the American people, seems to me to be bad business. I am not saying that something along the line of the Senator's bill might not be worked out, but I am pointing out what seems to me a very great difficulty.

Mr. President, that is not all. There is another feature in this bill which would lead me, if I were the attorney for a client who owned this property, to almost take him in a corner and choke him before I would let him sign a lease. We are told that the total production of power at the present time is how much?

Mr. UNDERWOOD. Some people estimate the direct primary power at 87,000 horsepower. I think it is fair to say, though, during a period of five days less than a year the lowest flow of the water has shown 120,000 horsepower as primary power outside of the use of steam, but, of course, if you came down to the last analysis of an engineer for the 365 days, he would tell you 87,000 horsepower; but that would not be a real accurate estimate.

Mr. REED of Missouri. It is estimated that if the whole plan is carried out and completed we will have how many horsepower? I have heard so many figures that my mind is confused.

Mr. UNDERWOOD. Under this bill—

Mr. REED of Missouri. No; I mean if the entire plan is carried out; not what would happen under this bill.

Mr. UNDERWOOD. This bill relates to Dam No. 2, but the Norris bill relates to the whole Tennessee River—includes Dams Nos. 2, 3, and the dams on the upper waters. The Senator from Nebraska stated that that would produce about a million horsepower; and I do not think he is far wrong in that; but that is not contemplated by my substitute.

Mr. REED of Missouri. I understand. We have a project partially completed, and in its incomplete state it furnishes 87,000 horsepower, but the plan contemplates improvements so that there will be 1,000,000 horsepower produced. We

propose to lease the 87,000 horsepower for 50 years, and then we propose, if we go on and carry out the great plan of improvement, which I think should be carried out, to say that upon the completion of Dam No. 3, the dam, power plants, and appurtenances thereto shall be leased or operated in conjunction with Dam No. 2, as is provided for in this act, on such terms as Congress shall hereafter provide.

Mr. UNDERWOOD. If the Senator will yield just a moment, there was some objection to that clause, and as I did not think it was essential to the bill, several days ago, when the Senator was not here, it was stricken out by unanimous consent.

Mr. REED of Missouri. Very well; it is now out by unanimous consent, and then where are we? Is not this the situation, that you have leased that part of this plant which must be used when the greater power is created above, and having given to a lessee the control of the key of the situation, does it not follow that the United States has placed itself in a position so that when it completes the work it deals with the lessee, and being in a place where it must deal with that man, and he having a contract for 50 years, are we not in fact obliged to deal on his terms?

Mr. UNDERWOOD. I will say to the Senator that he treats my bill as if it were a contract. The bill I have introduced is drawn identically on the terms he suggested, to allow the Secretary of War to make a contract, subject to the approval of the President, with only three limitations; that is, the limitation that a lessee must make 40,000 tons of nitrogen, that he must convert it into fertilizer, and that the lease must not be made for less than so much money. I agree with all the Senator has said, but I am sure that the Secretary of War, with the approval of the President, will in his lease cover the very questions the Senator is arguing, as anybody else would.

Mr. REED of Missouri. Of course, the striking out of this clause removes from the bill one positive command which I think was very inimical. With it in, the question would arise in my mind whether we would have left a condition where it would be fair to ask if it would be possible for the Government to lease the key to the house and not at the same time practically turn over the control of the house. I say frankly that the taking of that language out has improved the bill. I think the bill would be improved more if some other things were taken out.

In the present development of affairs, in the march and progress of science, a 50-year contract to make any particular thing for war purposes or for peace purposes is a pretty doubtful proposition. To-morrow some man may discover a means for making explosives that will do away with the use of nitrogen for that purpose. We may not hear of it five years from now as an element to be used in the making of explosives. Not only is that possible, but I think we may almost say it is probable. In like manner, fertilizer may be produced by processes entirely different from the present method, which will be so much cheaper than anything that can be produced in any power plant that it would be utterly ridiculous to run a power plant. So I suggest, in the spirit of one who has had a kindly attitude toward this legislation, that you have dangers to confront which it seems to me argue strongly against making any half-century contract.

Again, Mr. President, there have been many attacks made here upon the mere matter of public ownership, yet this bill contains the proposition of public ownership and public control. It is true that it offers another alternative, and prefers another alternative, but it seems to me that all of the argument that is made against public ownership would carry us to the point, if the arguments be admitted, of striking out of the Underwood substitute every single thing except the proposition to lease, and force us, if those arguments be sound, if these denunciations are to be entertained, to strike from the Underwood substitute all except the leasing clause, and to stand here solely as the champions of private control and the denouncers of all kinds of public control.

So far as I am concerned, I do not believe generally in the proposition of government entering business. I think I am as thoroughly wedded to the doctrine of individualism as almost any man. I know I am as far removed from the doctrine of socialism as I know how to get, but I do not believe in the doctrine that it is impossible for government to engage in certain affairs which are ordinarily called business. We need not discuss Cleveland or any other particular city. The fact is—and I think I am safe in making the statement, as it was true a few years ago—that the majority of American cities to-day own their waterworks plants. When it was proposed to begin taking them over the cry was raised that they could not be suc-

cessfully operated by the municipality. They were in their nature monopolies, and because they were in their nature monopolies the people had to decide between being under the heel of a monopoly or being subjected to the somewhat imperfect management that is called political, and they preferred the political management, which they could control, to the monopolistic management, which they could not control. So in these cities they have acquired their own waterworks plants, and I think it is safe to say that in the vast majority of them the rates have been reduced and the service has been improved.

Mr. WALSH of Montana. Mr. President, I was a little curious to know what the situation was in the city of Baltimore. Perhaps the Senator from Maryland will be able to tell us. Does the city of Baltimore own its waterworks?

Mr. BRUCE. Yes; it does. I had hoped the Senator would ask me what profit was derived from it.

Mr. REED of Missouri. Of course, I will yield if the Senator wants to make the statement.

Mr. BRUCE. Never mind.

Mr. REED of Missouri. I want to hurry through, because I do not want to take much time with this discussion. In fact, my time is limited.

In my own city we had a waterworks plant that was simply an abomination. The rates were extortionate. The city acquired the plant, and was required, under a decree of a Federal court, to pay about two or three times what the plant could have been reproduced for, as nearly as I can recollect, the Federal court making them pay for good will. Notwithstanding that, as I now recall, the rates have been reduced nearly 40 per cent. The property is being amortized. A sinking fund is being created to take care of the bonds as they mature.

I think I can call it a first-class service; at least a service two or three hundred per cent better than we had before has resulted. It is true we do not always have perfect management, but when we do not have perfect management we can discharge the management. We are not under the control of the president of a foreign corporation as we were before. What I am saying now with reference to my city can be extended in many directions.

It has been said here with great vehemence that we failed in the matter of our shipping, that we have many ships tied to the docks and not in use, and that is a condemnation of the Government's business. Mr. President, I think that other nations, where they have had privately owned boats, have many of them tied to the docks. I think we have had bad enough management in the Shipping Board. I think we had a management there at one time that was absolutely indefensible. But I think, sir, that when any one undertakes to apply to the shipping of the United States the rule that is being here applied it is a great injustice. The boats were built during the war. They were literally thrown together. I saw some of them in process of building. One plate would be made in one mill and another in another mill hundreds of miles away. They were trying to build boats not to make first-class ships, but to make something that could carry material over to Europe where they had to have it. It was a rush order. The expense was enormous. The work was of an imperfect character and we produced a surplus of ships, more ships than we could reasonably expect to use. If a private individual had been put in the same situation he would have been compelled to make about the same kind of ships. He would have had the same amount of surplus on his hands. He would have had to tie them to the docks as those ships of ours are tied to the docks. Now, to say that that is any test is utterly ridiculous. I am not advocating the Government staying in the shipping business. I am not discussing that proposition, but I am discussing the illustration.

Again, we are told there was a great loss in the management of our railroads. Why, Mr. President, when we started into the war one of the first things the President did was to assemble the presidents of all the roads and ask them to agree upon and work out a plan for the coordination of the railroad systems. They undoubtedly did the best they could, but they had to meet conditions they had never seen before and the result was not satisfactory. Then the roads were turned over to Mr. McAdoo and he struggled with the proposition. For Mr. McAdoo I hold no brief, but Mr. McAdoo had no chance to run the enterprise as an ordinary business enterprise. He was obliged to move men and metal, material and guns, to handle the commerce of the country that had multiplied overnight, and to hope to do it without an economic loss was an absolute absurdity. So that is no test of the proposition of public ownership.

But what about the post office? We do not have to make profits out of an enterprise of a public character in order to

justify it. We run the post office not for the purpose of making money but for the purpose of furnishing service to the people of the United States. It is the largest single business in the world. It does business with 110,000,000 people at home and I do not know how many abroad. It comes in contact with almost every conceivable sort of problem relating to the transportation of information. It is the cheapest service furnished in the world by public or private individual. There is no comparison with it anywhere in the world. If we make our rates a little too low one day, we raise them a little the next day; but we try to give the people the service at cost, and that is what ought to be done. That is what ought to be done with the power plant at Muscle Shoals, in my opinion.

We had the Panama Canal constructed as an experiment, in a way. Nobody knew how much commerce would move through it. Nobody knew how many slides were to come down from the mountains. Nobody knew much about it, except as they could gather information from experiences with other canals. And yet is there a man here who would turn the canal over to a private corporation to-morrow? Although mistakes were probably made, is there an individual here who would turn it over to some private concern to use as an instrumentality of profit? I take it there is not.

It is suggested to me by the Senator from Virginia [Mr. GLASS] that private control of the Panama Canal was a failure when it was attempted. De Lesseps had some trouble down there and bankrupted thousands of people.

The singular thing about all of those who argue against the pending bill and argue vehemently against every kind of public control is that they forget all of the mistakes and all of the enormities of private control, but they can see every mistake of public control and magnify it a hundredfold. If a single city failed to make money out of its waterworks, that fact is held up as an eternal condemnation of all municipal ownership. Yet if we look along the pathway of commercial enterprises we find it strewn with the records of corporations that have been mismanaged and have gone down to their death, but we never hear of those.

This sort of unfair argument, it seems to me, we ought to abandon. There are certain enterprises that can be run by the public better than they can be run by private citizens. I do not mean that the management will be as perfect. I do not mean that there will not be some mistakes in management. But against that I put the overcapitalization, the enormous salaries, the wastefulness and the excessive prices that are charged by all of those ventures which are in their nature monopolies.

I think the true line of demarcation is this: Bear in mind that the Government ought not to thrust itself into ordinary business enterprises. Bear in mind the disadvantages of what is termed here "political control." Also remember that when a thing is a natural monopoly we must choose between remaining under the heel of the monopoly and subject to its exactions or we must appoint some one to represent the public. Bearing those facts in mind, we ought to apply the principle to each particular case.

Now, what are the facts in this case? They are absolutely unique. We entered upon the construction of this great work on the Tennessee River for war purposes. We had a war on then. We have not one on now. We needed nitrates then for war purposes. It may be we will need them again, but the mere fact that we started in for the purpose of making nitrates during the war does not furnish any conclusive argument that we should continue the process at the present time, so far as war is concerned. But I waive that. I do not care to dwell upon it. It seems to me to be inconsequential, at least to a degree. But, first and last, we invested \$135,000,000 of the people's money in the enterprise. We undertook something nobody else would undertake. Private enterprise has stood by and watched the water flowing down that river for a century and a half of time. It had seen all this mighty power going to waste, and it had never done anything to harness it and to make it of benefit to man.

The Government began construction of the works, partially completing them. Now, we are told on what seems to be good authority that with the expenditure of not nearly so much money a million horsepower can be created on this stream. Having invested this money and owning the property to-day, the sole question is, What are we going to do with our own property that we now own? Are we going to junk it as was suggested here by some extremists a few years ago? Are we going to give it to Henry Ford, as was almost done here not many months ago? I was opposed to that proposition so that nobody can charge me with being a party to it. Are we going to lease the property for a term of 50 years and tie our hands

by an improvident contract, as it is laid out in the bill, compelling the employment of the plant for the purpose of making fertilizer and nitrates, regardless of whether it is done at a loss or done at a profit? Or are we to hold the property still firmly in our own hands, directing some agency of the Government to begin its employment, and then directing that agency of the Government to use any reasonable amount of energy and money to see whether or not they can perfect a nitrate that will enable the farmers really to be benefited, and in the event they can not do that to go on and employ the power?

There are the two propositions. I confess, much as I regret to see Government agencies extended even over its own property, that my mind is drifting very rapidly toward the conclusion that in view of the slight knowledge we have of the business of making fertilizer, and in view of the fact that it is practically admitted that no one would be willing to make a contract to make fertilizer unless the lessee had the opportunity to make great profits out of the power, which is only another way of our paying him a bonus for the fertilizer, and in view of the fact that we are required to make a contract for 50 years of time, I doubt the wisdom of the proposition. I doubt it very seriously.

We can not speak by the card, sir. I remember reading in the Record the other day—my attention having been called to it by a Senator—that when the Coosa Dam proposition was before the Senate the distinguished Senator from Alabama [Mr. UNDERWOOD] asserted with great positiveness that the Alabama Power Co. was in no manner under the control of the General Electric Co. He undoubtedly asserted what he believed to be true, but it transpired in a very short space of time that he was mistaken in the fact at that time, or that subsequently and very shortly thereafter the General Electric Co. did gain control of that company.

Mr. McKELLAR. The Senator from Alabama also had something to say about the regulation of rates at that time which I think is very pertinent to the controversy over this amendment; and with the Senator's permission, I will read it. It is very short. This statement was made on August 22, 1912, in the House of Representatives:

Mr. UNDERWOOD. I will say to the gentleman that the principal objection I have to his amendment—

That was an amendment by Mr. B. G. Humphreys, of Mississippi, providing for the national regulation of rates—

there may be some smaller objections—is that I deny the right of the Federal Government to tax the people of the State for the use of water running in a stream in their State. If the Government itself builds a dam, I admit the right, if it has created power by building that dam, to charge what it pleases for that.

Here is a case, I may point out, if the Senator will permit me, where the Government has built the dam; and the Senator from Alabama, in 1912, in discussing the Coosa Dam act, as it was then known, admitted the right of the Government to control rates, while here he is opposing the Government's right to control rates.

Mr. REED of Missouri. Mr. President, without taking the time to draw together the points that I have tried in a very imperfect way to make, I come to what is known as the Walsh amendment. I sincerely trust that the Senator from Montana will either withdraw or modify that amendment. It really pains me to be found at difference with him in regard to it. My opinion is that he gave to my question of the other day the best answer that anyone could give, but I think the answer unsatisfactory. As I remember the question, it was, in effect, whether the Senator was willing if the Government operated the property to give the public service authorities of the different States the right to control the property. Some other Senator had asked that question, indeed, and the Senator from Montana answered emphatically, "No." Then I asked the Senator the question whether his proposition was not, in substance and effect, subject to the same objection, his proposition being that if the property shall be leased, in that event it shall come under the control of the public service commissions of the States.

It seems to me, Mr. President, that the United States being now the proprietor of this property has the right to operate it, and, being a governmental power, it has the right to fix its own rates. If it were to turn the right over to State boards to regulate the rates upon its property we would have the situation of one governmental agency regulating and controlling another governmental agency. That might be destructive of the Government's whole plan of work, and is untenable because it is unnecessary, for all that is obtained from any public board is the decision of a supposedly disinterested body touching the

rates that are to be charged. The Federal Government can be trusted as well as the State agencies not to demand extortionate rates from the people or to put any imposition upon them. I do not say "better," but I say the Federal Government can be trusted quite as well. That seemed to be the view of the distinguished Senator from Montana.

If we propose to lease this property and then attach the condition that the lessee shall immediately come under the control of these State agencies we shall be doing to our property in the second degree exactly that which we allege ought not to be done in the first degree, to wit, when we control it ourselves.

What we ought to do is to retain in the Federal Government, whether the property is leased or not leased, the right to control. Then we can make regulations that not only will protect the people from extortion but that will protect our property so that it may be redelivered to us at some time intact.

Mr. President, before we turn the property of the Federal Government now subject to Government control—and it can be kept subject to Government control as to rates even though we lease it, for we can reserve the right to revise rates—over to State control it would be well to give ourselves pause. We say when we do that that the States can better regulate the rates than can we, which is an admission I should not want to make. But we do more than that. The State boards now have enormous powers, and the Almighty alone knows how soon those powers will be magnified and multiplied.

Among the powers held by many of the State boards is the power to determine whether a line for the distribution of electricity can or can not be laid or whether a new railroad can or can not be built. The State board being empowered to pass upon the question as to whether there is a public necessity, it can, if it sees fit, refuse to grant a certificate of public necessity, in which event not a line of wire can be put up and not a single rail can be laid on the right of way of a railroad.

That is one power among many. Suppose that the Government were to finish the plant; suppose we wiped out all intervening difficulties and were making nitrates and using but a small part of the power and had a large surplus to dispose of which we wanted to distribute to the farmers, the beloved and wept-over farmers, as well as to other people, and we wanted to put up lines in the State of Alabama or Tennessee or any other place, and a State board told us we could not put up those lines, that there was no public necessity, that there were already enough lines in the State. Do we want to tie that sort of a hobble to our Government agency or to a lessee who is going to operate this Government property? I think it would be highly unwise.

Mr. WALSH of Montana and Mr. BRUCE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED of Missouri. I do.

Mr. BRUCE. Excuse me. I did not see the Senator from Montana had risen.

Mr. WALSH of Montana. I will wait until the Senator from Maryland has concluded.

Mr. BRUCE. Mr. President, there is not a Member of this body of whom I am in the habit of thinking as being a sounder Democrat, to say nothing more, than the Senator from Missouri. I do not know of anyone who is so constantly faithful to the old Democratic creed. Of course, I am not saying anything about the Wilson attachments. I should like to ask the Senator this question: Does he think that the Government ought to enter into competition in the manufacture of full commercial fertilizers at Muscle Shoals with its own citizens? I called attention to-day to the fact that in Baltimore city we have no less than \$75,000,000 invested in the business of making such fertilizers. In other words, does the Senator think that the Government would be justified in setting up a great commercial fertilizer factory, or a dozen of such factories, at Muscle Shoals for the manufacture of full commercial fertilizers and in entering into crushing competition with its own people who have been paying taxes to it and discharging their duties of every kind to it and who naturally deem that they have a right to look to the performance by the Government of its correlative obligations?

Mr. REED of Missouri. I will answer the Senator in this way: I see the objections that he has in mind, and I appreciate them, but we have this plant and we must do something with it. It ought, however, to be handled in such a way that would be fair to honest investment; but if it be true that a process can be developed at Muscle Shoals which will cut the price of fertilizer in two, I think we would be justified in going ahead and working that problem out,

although as a mere matter of entering into general competition, of course, I would agree with the Senator as to that.

Mr. BRUCE. I will say to the Senator from Missouri that I am not opposed to the Government producing nitrates at Muscle Shoals, nor am I opposed to its lessee producing nitrogen there for sale to the trade, to be converted by it into full commercial fertilizers, because, as the Senator from Alabama has said, when the Government or its lessee undertakes to produce nitrogen for war explosives of course it would not be reasonable to expect it to dump any surplus nitrogen that it may produce into the Tennessee River. There is, I think, some confusion on that point in the Senate; I do not know that there is any in the mind of the Senator from Missouri. I am not opposed at all to the production of nitrates by the Government or to the sale by the Government of the nitrates that it produces to ordinary purchasers of such commodities, nor as I opposed at all to the sale of the surplus electric energy that may be generated at Muscle Shoals. What I am opposed to is the establishment by the Government, directly or indirectly, of commercial fertilizer factories at Muscle Shoals, or the establishment of any other kinds of industrial factories and to the Government entering into competition with its own citizens with all its gigantic power and capacity for absorbing pecuniary deficits, no matter how great.

Mr. REED of Missouri. I think I have already expressed my view in regard to it. As a general proposition, the Government ought not to be engaged in a competition of that kind; but if a condition exists in the country where a great improvement can be made, and private enterprise has not done it, and the Government has a plant, it seems to me the Government might well employ its plant.

Mr. WALSH of Montana. Mr. President—

Mr. REED of Missouri. I yield to the Senator from Montana.

Mr. WALSH of Montana. I simply wanted to inquire concerning the attitude of the Senator, that his position might be made entirely clear. I understand that he takes the view that whether the property is leased as provided by the Underwood bill, or whether it is operated by the corporation the creation of which the bill contemplates, in neither event should the rates be regulated or the service rendered in obedience to regulations of the local authorities; that the Government of the United States ought to keep in its own hands the control of that matter, and that these rates should be regulated either by the directors of the corporation or by the Water Power Commission or by some other Federal authority rather than the State authority.

Mr. REED of Missouri. That is the point I was making.

Mr. WALSH of Montana. I may say in that connection, Mr. President, that much can be said in favor of the contention made by the Senator, and were it not for the fact that the other system has been established by the water power act and is now in operation I dare say I might be found agreeing with the Senator; but I call attention to the fact, and I should like to have the Senator address his thought to it, that there is not so much difference between the two—not enough, as it seems to me, to require the institution of two different systems. It is true that we put more into this particular development than we do into a development made under the water power act; but under the water power act we contribute the site, in the case of lands owned by the Government in the West, or, in the case of a navigable stream, we contribute the right thus to obstruct the navigable stream. In both of those instances we have devised a system for the regulation of rates and service and that kind of thing which is actually now in operation; and it did seem to me that when we do the same thing here and give to some one a lease of this particular property, the systems ought to be in harmony.

Mr. REED of Missouri. Mr. President, that was the argument made by the Senator when the colloquy occurred, I believe on yesterday; and it is, as I have stated, as powerful a statement of that view as any man could make. I am impressed by the distinction between the two much more strongly than the Senator from Montana, however.

Here is a stream that has been running down hill ever since creation. Nobody has done anything with it. It runs through a State. The Government's sole jurisdiction over it is to regulate navigation. A man comes along and proposes to put in a dam, and he is going to run that business for profit, and the Government permits him to go in and utilize that which has never before been utilized. It may have a great potential value, but it certainly did not have a very great investment value, or it would not have lain in an unused condition.

That is the kind of case that the Senator—who, if I recall aright, had much to do with the water power bill—had in mind when he was dealing with the water power legislation; and I agreed with him fully at that time that if the Government yielded to a private party the right to go in and take possession of a valuable water site, and he obtained that for nothing, he simply then had a private business which he was running for profit, and that, like any other private business, the Government having no interest in the profit and no interest in the management, he should come under the control of the same boards and bureaus that control similar enterprises within the State. That seemed to me to be sound.

Mr. GEORGE rose.

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED of Missouri. In one moment I will. The Senator will pardon me until I complete the sentence. In this case, however, the Government took the water power, and has spent this immense sum of money to develop it. It is not proposed by the Government to run this as a money-making venture in the ordinary sense. The most the Government can ever hope to get out will be a return upon its investment, I think. I think it is not worthy of debate that we will ever get more than that. We shall not be out here, like the ordinary private enterprise, trying to make a large profit upon our stocks and to pay off our bonds; and if we lease the property it will undoubtedly be, I think, on terms that at the best will enable us finally to get an interest upon our investment. Having that great investment, it seems to me we are entitled to protect it. The other property went from us when we yielded it. We had no further concern in it. We had no particular reason to want to control it. We had not put any money in it. It was simply a natural advantage which somebody saw fit to employ, and we permitted him to do it.

I think there is a great difference between the two cases—so much that it impresses me, and I again express the hope that the Senator will not press his amendment. If it is in, and if the bill of the Senator from Alabama goes through, then bear in mind that the man who makes this contract, when he goes to bargain with the Federal Government, must take into consideration the fact that he has to meet whatever conditions are put in the lease, that he then has to go down into these various States and become subject to the State courts, and that if there be such things as great monopolies of power in the South, as has been intimated, those monopolies may be powerful enough to place so many obstacles in the way of this new venture or its development that in the end any man about to contract with the Government would hesitate, and at least insist upon very favorable terms.

Mr. WALSH of Montana. Mr. President, will the Senator suffer a further interruption?

Mr. REED of Missouri. Yes; I will.

Mr. WALSH of Montana. If the amendment offered by myself should be withdrawn, in accordance with the suggestion of the Senator, or if it should be defeated, section 10 of the bill will remain, and that provides for regulation by the State authorities without any other restriction. Of course, the Senator must contemplate, in that event, the presentation of some amendment which will express his views as now so interestingly put.

Mr. REED of Missouri. I certainly think that an amendment should be put into this bill providing for regulation by the Federal Government, but leaving in the lessee the right to look only to the Federal Government for his control.

Mr. WALSH of Montana. Exactly. Now I want to call attention to the fact that the only objection made to the amendment tendered by me is that it does not go far enough, and include as well operation under the Government corporation, if the corporation operates it. The Senator from New York was the originator of that objection to the amendment. Of course, the Senator will appreciate that his amendment will evoke more powerful opposition than even mine. Can he give us any kind of assurance that his amendment will command any more support than mine?

Mr. REED of Missouri. I hardly know how to answer that question, because it is not quite susceptible of an answer.

Mr. WALSH of Montana. I mean is it practical at this time, in the state of sentiment in this body, to get an amendment which would divorce the whole thing from local control? That is the one objection that the Senator from Alabama urges to my amendment, namely, that it is not sufficiently comprehensive; it does not include the regulation of service and rates by the Government corporation.

Mr. UNDERWOOD. Mr. President, I have repeatedly said to the Senator from Montana that, in my judgment, there is so

little difference between his amendment and the clause in my bill that if he would make it extend to the Government corporation as well as to the lessee I would raise no objection; but I think that the Government corporation should be regulated if we are going to regulate the lessee.

Mr. REED of Missouri. I agree to the proposition that if we turn over this great power somebody must possess a right to limit the charges that may be made. That right could be reserved in a lease to the Federal Government; but between the Federal Government regulating the rates and the rates being regulated by a State commission, when we are told that great power monopolies exist in those States, and when we know that the laws of some of the States, if not those particular States, provide that you can not put up a wire or a pole without a certificate of public necessity, it seems to me that we would be wise to retain the control in ourselves, whether we lease it or whether we run the property as a Government proposition.

That is my judgment on it. I may be wrong. I am not gifted with any infallibility. If I were making this contract for a private individual—if, in other words, a private individual stood in the place of this Government, and I hoped to make a good lease, I would very much rather agree with the lessee upon the conditions under which he was to operate and hoped to get a good contract than to turn him over to the tender mercies of commissions, when he knows that he must go into a territory already occupied with wires and poles and power plants, and that that property is controlled by great and powerful institutions. I think under those conditions you will find some difficulty in making a lease.

If the Senate please, I have, as usual, taken about five times as much time as I wanted to take. I am obliged to leave the Chamber. I wanted to express these views and let them be considered for what they are worth.

Mr. CURTIS. Mr. President, I should like to have the attention of the Senator from Alabama and the Senator from Nebraska, if I may, for a minute.

I desire to ask if there is not some way in which we can enter into a unanimous-consent agreement to have a vote on this measure some time on Saturday. I know that it is a very important one, probably one of the most important that has ever been here, and that the debate has been largely limited to the measure, probably more so than in the case of any other measure we have had up; but it seems to me that in the two weeks during which it has been under consideration the Members have about made up their minds how they are going to vote, and I should like to have some understanding, if possible, as to a final vote.

Mr. UNDERWOOD. Mr. President, I will say to the Senator from Kansas that so far as I am concerned I should be very willing to agree to enter into an agreement now to limit the debate on all the amendments to a certain time—5, 10, or 15 minutes to each amendment for each speaker—or I should be willing to fix an hour for voting on Saturday.

Mr. CURTIS. What does the Senator from Nebraska say?

Mr. NORRIS. Mr. President, the Senator himself said in his opening statement what has been conceded by every one, that the debate has been going along with everybody talking to the questions involved. It is conceded that it has been enlightening, has been casting more light every day on the subject, and inasmuch as the principal contention of a large number of Senators on both sides of the Chamber is for a bill that has never been considered a moment by a standing committee of the Senate, I think it is out of the question, in the midst of a debate which every one concedes is going along all right, to think of such a thing as a limitation.

I want to say frankly to the Senator from Kansas that I myself will not agree at the present time to fixing a time for a vote. There will be a dozen amendments proposed which have not been offered yet. We may reach a final vote, it is true, at any time, but I want the debate to go along until there is at least an indication that it is not going on fairly.

Mr. CURTIS. Would the Senator consent to a limitation of debate to, say, 20 minutes on an amendment?

Mr. NORRIS. No; there may be many amendments as to which no objection would be raised if a limit were fixed. For instance, I have no objection, if the Senator from Montana has none, to having the debate on his amendment limited to 10 minutes, or 20 minutes, or 5 minutes. As far as I am concerned, I do not want to take any time on it. But until an amendment is before us and we know what it is, I am not willing to make an agreement in advance that speeches shall be limited to 20 minutes.

Mr. CURTIS. Mr. President, I want to give notice that I shall ask Senators to stay here for a night session to-morrow night.

Mr. NORRIS. Mr. President, if that is the position the Senator is going to take—and of course he has the approval of the real leader on the other side of the Chamber—I want to give notice that if that is attempted I shall move that the Senate adjourn after we have been in session until 5 o'clock, say, and the Senate then can take its choice and vote as it pleases. But, because I am not willing to agree to the fixing of a definite time for a final vote, it is not fair, it is contrary to all precedents of this body, to do anything now to force a vote by a test of physical endurance. A final vote will not be secured by that means. I notify Senators now that that attempt will not succeed.

Mr. CURTIS. It was not the intention to try to wear anyone out, but I thought that if we should have a night session to-morrow night we could get rid of some of the amendments. There are some important amendments pending, and there are some not so important. It does seem to me that we ought to get down to a debate on the two or three important amendments. The Senator knows as well as I do that there are only two or three very important questions in connection with this measure. Many of the other amendments are virtually immaterial, and I do not suppose it will make much difference whether they are voted up or voted down, and I would like to get rid of them. I have no intention of trying to wear anybody out.

Mr. NORRIS. There are some of the amendments the debate on which will probably not exceed 5 or 10 minutes when they are reached. Some I have in mind now will probably really be adopted by unanimous consent. But the Senator knows that under the rules of the Senate a Senator may talk about the general bill and the general proposition involved here when any amendment is pending; he need not discuss the particular amendment.

If there were a tendency to discuss outside matters, I would lend my assistance, what little it might be, to try to curtail the debate, but if a Senator wants to talk, say, about the Underwood amendment or the committee bill, and takes the opportunity to elucidate some part of it while some little unimportant amendment is pending, he will be giving the Senate information, and we will receive the information he could give us just the same as though he waited until that particular question were before the Senate. If we could control the Senate and have everybody talk to the particular amendment pending, it would be different; but we do not do that here.

Mr. HEFLIN. Mr. President, I make the point of order that the discussion is not pertinent to the question before the Senate, and if Senators are not going to agree I desire recognition.

The PRESIDENT pro tempore. The question before the Senate is the amendment proposed by the Senator from Montana to the amendment in the nature of a substitute submitted by the Senator from Alabama.

Mr. CURTIS. May I ask the Senator from Nebraska one question? Could we enter into an agreement that debate shall be limited on all the amendments except the Underwood amendment, and—

Mr. NORRIS. No—

Mr. CURTIS. Wait until I finish; also the Norris amendment, the Jones amendment, and the amendment of the Senator from New York. I think those are the four principal amendments. Could we agree that debate shall be limited to, say, 10 minutes on all other amendments?

Mr. NORRIS. No, Mr. President. I have given my reason for refusing to consent to such an agreement. I do not know but that some Senator would want to talk an hour on some amendment, and perhaps some other Senator would want to talk an hour on another. I am not going to differentiate between Senators and say that the debate on the amendment of the Senator from New York shall be unlimited and on some one else's amendment shall be limited.

Mr. CURTIS. If any Senator desired to talk longer, he could say he wished to talk on the bill.

Mr. NORRIS. Then, what is the use of making an agreement if it is to have no effect?

Mr. CURTIS. I think in that way we could get some of these amendments out of the way.

Mr. NORRIS. I do not believe we could make any headway.

Mr. CURTIS. I withdraw my request.

Mr. HEFLIN. Mr. President, a few days ago the Senator from Tennessee [Mr. McKellar] made some criticism of the public service commission of my State. I received a telegram from the commission replying to the attack made by the Senator from Tennessee, which I had read into the Record yesterday. I received another telegram to-day from the public service commission of my State stating that the criticism

made by the Senator from Tennessee was unjust to the commission.

The gentlemen who compose that commission in my State are splendid men. All three of them are Democrats. They were nominated in the Democratic primary and elected at the polls by the people of the State. The chairman of the commission was nominated recently by an overwhelming majority, and was reelected on the 4th of November to the position which he now holds. He is a man of rigid integrity and of very high character, and so are his associates.

I feel that my friend from Tennessee has labored under a misapprehension as to the facts regarding the public service commission of my State.

I have never heard a complaint against one of them. They set out in the telegram which they sent to me that they had had sharp differences with the Alabama Power Co., and that the commission had always settled the questions at issue according to what the commission thought was right and just. I simply rose for the purpose of saying, so far as I know, no complaint has ever been made against these men, and no attack has ever been made before upon their integrity.

Mr. McKELLAR. Mr. President—

Mr. HEFLIN. I yield to the Senator.

Mr. McKELLAR. I hardly know that it is necessary for me—

Mr. HEFLIN. The Senator has complained about the high rates in my State, and he has them in his own State. If they are too high in Tennessee and Alabama, and they may be, they ought to come down. I have been informed that in Toledo, Ohio, the local plant belongs to the community and that they charge 8 cents per kilowatt-hour, so that 40 kilowatts would be \$3.20. That is a community-owned concern I am told. I do not know what it costs to produce electric power in one community or another, nor do I know the difference in the cost of supplying it. I hope to have an opportunity to study that question. I rose merely to say that these gentlemen in my State are high-toned men, men of courage, of rigid integrity, and very high character, and I do not think that anybody can induce them to do an unfair or unclean thing. They are capable, honorable, trustworthy men. I believe the commission is doing its best to faithfully serve the people of my State.

Mr. SMITH. Mr. President, I submit several amendments to the committee amendment, which I ask may be printed and lie on the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JONES of Washington. Mr. President, a few days ago I proposed a substitute. I have modified it by making some additions to it and corrections in it. I desire to resubmit it in the modified form and have it printed and lie on the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WADSWORTH. I ask permission similar to that just granted the Senator from Washington. I desire to modify the amendment which I have introduced and have it reprinted and lie on the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 5 o'clock and 10 minutes p. m.) took a recess until to-morrow, Friday, December 19, 1924, at 12 o'clock m.

NOMINATIONS

Executive nominations received by the Senate December 18 (legislative day of December 16), 1924

APPOINTMENTS IN THE REGULAR ARMY

GENERAL OFFICERS

To be major generals

Brig. Gen. William Ruthven Smith, from July 23, 1924, vice Maj. Gen. Ulysses G. McAlexander, retired from active service July 22, 1924.

Brig. Gen. William Hartshorne Johnston, from November 3, 1924, vice Maj. Gen. Mark L. Hersey, retired from active service November 2, 1924.

Brig. Gen. William Weigel, from November 20, 1924, vice Maj. Gen. George W. Read, retired from active service November 19, 1924.

Brig. Gen. Charles Henry Martin, from January 16, 1925, vice Maj. Gen. Charles G. Morton, who will be retired by operation of law January 15, 1925.

Brig. Gen. Douglas MacArthur, from January 17, 1925, vice Maj. Gen. Robert L. Bullard, who will be retired by operation of law January 15, 1925.

To be brigadier generals

Col. LeRoy Eltinge, Cavalry, from July 19, 1924, vice Brig. Gen. Grote Hutcheson, appointed major general July 19, 1924.

Col. Ewing E. Booth, Cavalry, from July 21, 1924, vice Brig. Gen. Ulysses G. McAlexander, appointed major general July 21, 1924.

Col. Campbell King, Infantry, from July 23, 1924, vice Brig. Gen. William R. Smith, appointed major general July 23, 1924.

Col. William Wright Harts, Field Artillery, from September 20, 1924, vice Brig. Gen. Mark L. Hersey, appointed major general September 20, 1924.

Col. Edgar Thomas Collins, Infantry, from November 3, 1924, vice Brig. Gen. William H. Johnston, appointed major general November 3, 1924.

Col. George Sherwin Simonds, Infantry, from November 20, 1924, vice Brig. Gen. William Weigel, appointed major general November 20, 1924.

Col. Thomas Quinton Donaldson, Cavalry, from January 16, 1925, vice Brig. Gen. Charles H. Martin, nominated for appointment as major general.

Col. Alfred William Bjornstad, Infantry, from January 17, 1925, vice Brig. Gen. Douglas MacArthur, nominated for appointment as major general.

JUDGE ADVOCATE GENERAL'S DEPARTMENT

To be Judge Advocate General, with the rank of major general, for a period of four years from November 16, 1924, with rank from November 16, 1924

Col. John Adley Hull, Judge Advocate General's Department, vice Maj. Gen. Walter A. Bethel, Judge Advocate General, retired from active service November 15, 1924.

POSTMASTERS

ARKANSAS

Marion M. Parker to be postmaster at Griffin, Ark. Office became presidential July 1, 1924.

John H. Martin to be postmaster at Russellville, Ark., in place of J. S. Bowden, resigned.

Luther H. Presson to be postmaster at Mansfield, Ark., in place of C. H. Dixon, resigned.

Nettie M. O'Neill to be postmaster at Earl, Ark., in place of T. A. Binford, resigned.

Viola Lenke to be postmaster at Altheimer, Ark., in place of S. I. Garrett, resigned.

Andy R. Chentham to be postmaster at Stephens, Ark., in place of Lulu Brown. Incumbent's commission expired June 4, 1924.

Arrie M. Wood to be postmaster at Marshall, Ark., in place of F. G. Hollabaugh. Incumbent's commission expired January 23, 1924.

CALIFORNIA

Ada K. Harris to be postmaster at McKittrick, Calif., in place of M. R. Faber, resigned.

Pearl C. Snider to be postmaster at Fellows, Calif., in place of J. H. Bacon. Incumbent's commission expired June 4, 1924.

Eva L. Snyder to be postmaster at Moorpark, Calif., in place of E. C. Graham, resigned.

Lewis P. Temple to be postmaster at Capitola, Calif., in place of M. T. Monsport, resigned.

Edward W. Vodden to be postmaster at Los Gatos, Calif., in place of Lee Darneal. Incumbent's commission expired June 4, 1924.

GEORGIA

Lucius L. Dean to be postmaster at Smithville, Ga., in place of Agnes Wells, resigned.

Clyde S. Young to be postmaster at Rebecca, Ga., in place of E. E. Sego, resigned.

Charles P. Colclough to be postmaster at Maxeys, Ga., in place of C. P. Colclough. Office became third class October 1, 1923.

Floyd P. Jones to be postmaster at Leslie, Ga., in place of E. S. Burnett, resigned.

Lula Plowden to be postmaster at Edison, Ga., in place of W. T. Adkins. Incumbent's commission expired July 28, 1923.

Annie H. Thomas to be postmaster at Dawson, Ga., in place of W. B. Cheatham. Incumbent's commission expired February 4, 1924.

Cleone M. Fincher to be postmaster at Culloden, Ga., in place of M. S. Holmes. Incumbent's commission expired June 4, 1924.

Walker M. Cobb to be postmaster at Carrollton, Ga., in place of S. B. Pace. Incumbent's commission expired June 4, 1924.

George F. Whigham to be postmaster at Bartow, Ga., in place of D. A. McMillan. Incumbent's commission expired June 4, 1924.

Nellie B. Brimberry to be postmaster at Albany, Ga., in place of N. B. Brimberry. Incumbent's commission expired September 26, 1922.

Annie R. Hutcheson to be postmaster at Buchanan, Ga., in place of C. D. Stewart, resigned.

Gertrude Wingard to be postmaster at Aragon, Ga., in place of J. M. Lawson, Jr., resigned.

George A. Poche to be postmaster at Washington, Ga., in place of R. I. Fanning. Incumbent's commission expired June 4, 1924.

Lausang B. LeRoy to be postmaster at Tignall, Ga., in place of E. F. Boyd. Incumbent's commission expired July 28, 1923.

Johnnie B. Roddenbery to be postmaster at Thomasville, Ga., in place of J. B. Roddenbery. Incumbent's commission expired September 26, 1922.

Ulysses C. Combs to be postmaster at Sylvester, Ga., in place of A. H. Overton. Incumbent's commission expired August 29, 1923.

Albert S. J. McRae to be postmaster at McRae, Ga., in place of A. S. J. McRae. Incumbent's commission expired July 28, 1923.

Jane M. Wilkes to be postmaster at Lincolnton, Ga., in place of J. M. Wilkes. Incumbent's commission expired July 28, 1923.

Robert S. Franklin to be postmaster at Adairsville, Ga., in place of J. M. Gray. Incumbent's commission expired July 28, 1923.

ILLINOIS

Lucy H. Renich to be postmaster at Woodstock, Ill., in place of G. W. Frame. Incumbent's commission expired June 5, 1924.

Americus Gasaway to be postmaster at Herrin, Ill., in place of J. D. Perrine. Incumbent's commission expired August 29, 1923.

IOWA

Joseph J. Clark to be postmaster at Portsmouth, Iowa, in place of K. F. Elder, resigned.

Verne T. Herrick to be postmaster at Bridgewater, Iowa, in place of Bessie Bricker, resigned.

Bruce R. Mills to be postmaster at Woodbine, Iowa, in place of E. E. Cole. Incumbent's commission expired June 5, 1924.

Clarence D. Bourke to be postmaster at Primghar, Iowa, in place of J. G. Geister. Incumbent's commission expired June 5, 1924.

John T. Bargenholt to be postmaster at Orient, Iowa, in place of L. H. Neville. Incumbent's commission expired June 5, 1924.

Orwin W. Masching to be postmaster at Exira, Iowa, in place of W. H. May. Incumbent's commission expired June 5, 1924.

William W. Gundrum to be postmaster at Casey, Iowa, in place of J. B. Thompson. Incumbent's commission expired June 5, 1924.

Homer C. Thompson to be postmaster at Bayard, Iowa, in place of A. D. Ocheltree. Incumbent's commission expired March 22, 1924.

Samuel A. Garlow to be postmaster at Avoca, Iowa, in place of F. M. Beymer. Incumbent's commission expired June 5, 1924.

Gay S. Thomas to be postmaster at Audubon, Iowa, in place of Kathryn McGuire. Incumbent's commission expired June 4, 1924.

Samuel W. Campbell to be postmaster at Anthon, Iowa, in place of L. R. Hudgel. Incumbent's commission expired June 5, 1924.

Clyde W. Edwards to be postmaster at Adair, Iowa, in place of P. J. Grace. Incumbent's commission expired June 5, 1924.

KANSAS

George E. Crawford to be postmaster at Whiting, Kans., in place of Olive Green. Incumbent's commission expired June 4, 1924.

Clarence G. Hart to be postmaster at Perry, Kans., in place of Dale Stark. Incumbent's commission expired June 4, 1924.

Clitus B. Hosford to be postmaster at Lawrence, Kans., in place of C. S. Finch. Incumbent's commission expired April 1, 1924.

Theodore C. Conklin to be postmaster at Mulvane, Kans., in place of Alexander Burgess. Incumbent's commission expired June 4, 1924.

Robert E. Chapman to be postmaster at Belle Plaine, Kans., in place of J. T. Kneeland. Incumbent's commission expired June 4, 1924.

MAINE

Frank P. Freeman to be postmaster at Harrison, Me., in place of J. T. Kneeland. Incumbent's commission expired June 5, 1924.

Lawrence A. Brown to be postmaster at Brunswick, Me., in place of I. G. Elder. Incumbent's commission expired June 5, 1924.

MARYLAND

Helen G. Rawlings to be postmaster at Rising Sun, Md., in place of P. A. Gibson, resigned.

Daniel W. Babcock to be postmaster at Berlin, Md., in place of E. M. Layton, deceased.

MINNESOTA

Leonore M. Thorp to be postmaster at Shevlin, Minn., in place of J. C. Thorp, deceased.

Arthur F. Johnson to be postmaster at Dent, Minn., in place of B. L. Burgess, resigned.

Frank L. Hoagland to be postmaster at Marshall, Minn., in place of Steve Blanchett. Incumbent's commission expired June 5, 1924.

Frederick A. Cooley to be postmaster at Heron Lake, Minn., in place of Jerry Sullivan. Incumbent's commission expired June 5, 1924.

Bernhard E. Anderson to be postmaster at Elbow Lake, Minn., in place of John Engebretson. Incumbent's commission expired June 5, 1924.

Zenas V. Johnston to be postmaster at Atwater, Minn., in place of Oliver Erickson. Incumbent's commission expired June 5, 1924.

NEBRASKA

Lulu C. Brown to be postmaster at Stockville, Nebr. Office became presidential October 1, 1922.

Lucy L. Mendenhall to be postmaster at Elk Creek, Nebr. Office became presidential October 1, 1923.

Herbert L. Wichman to be postmaster at Norfolk, Nebr., in place of B. C. Gentle, removed.

James J. Green to be postmaster at Moorefield, Nebr., in place of W. R. Cross, resigned.

Charles H. Fueston to be postmaster at Dakota City, Nebr., in place of G. M. Best, deceased.

Franz J. Riesland to be postmaster at Wood River, Nebr., in place of D. D. O'Kane. Incumbent's commission expired June 4, 1924.

George A. Ayer to be postmaster at Oxford, Nebr., in place of T. O. Norman. Incumbent's commission expired June 4, 1924.

Charles E. Cook to be postmaster at Franklin, Nebr., in place of John Wilson. Incumbent's commission expired June 4, 1924.

William C. Coupland to be postmaster at Elgin, Nebr., in place of W. A. Nyrop. Incumbent's commission expired June 4, 1924.

Joe G. Crews to be postmaster at Culbertson, Nebr., in place of J. M. Crews. Incumbent's commission expired June 4, 1924.

Marcus H. Carman to be postmaster at Cook, Nebr., in place of H. O. Paine. Incumbent's commission expired April 9, 1924.

Archie E. Cates to be postmaster at Beemer, Nebr., in place of H. A. Crosby. Incumbent's commission expired June 4, 1924.

Laurence N. Merwin to be postmaster at Beaver City, Nebr., in place of Clarence Dillon. Incumbent's commission expired May 11, 1924.

NEW YORK

Eleanor C. Griffing to be postmaster at Shelter Island, N. Y., in place of A. R. Smith. Office became third class April 1, 1923.

OHIO

Horace G. Randall to be postmaster at Sylvania, Ohio, in place of C. D. Calkins, removed.

Wellington T. Huntsman to be postmaster at Toledo, Ohio, in place of G. W. Lathrop. Incumbent's commission expired June 4, 1924.

George P. Foresman to be postmaster at Circleville, Ohio, in place of O. L. Gessley. Incumbent's commission expired March 2, 1924.

W. Clifton Reeker to be postmaster at Leavittsburg, Ohio. Office became presidential July 1, 1924.

Aisina Andrews to be postmaster at Risingsun, Ohio, in place of W. R. White, resigned.

Samuel B. Moffett to be postmaster at Alger, Ohio, in place of Ruth Seabert, deceased.

James G. Tuttle to be postmaster at Chatfield, Ohio, in place of E. M. Loyer. Incumbent's commission expired February 24, 1924.

UTAH

John E. Lunt to be postmaster at Nephi, Utah, in place of G. A. Allen. Incumbent's commission expired June 4, 1924.

Joseph Odell to be postmaster at Logan, Utah, in place of J. M. Blair. Incumbent's commission expired June 4, 1924.

VERMONT

Henry D. Rolfe to be postmaster at Brandon, Vt., in place of Burt Merritt, appointee failed to qualify.

Archie S. Haven to be postmaster at Vergennes, Vt., in place of J. H. Donnelly. Incumbent's commission expired June 5, 1924.

Charles E. Hall to be postmaster at Swanton, Vt., in place of A. B. Anderson. Incumbent's commission expired June 5, 1924.

Avery G. Smith to be postmaster at St. Albans, Vt., in place of W. H. Finn. Incumbent's commission expired June 27, 1920.

Ernest W. Gates to be postmaster at Morrisville, Vt., in place of C. L. Gates. Incumbent's commission expired June 5, 1924.

Charles H. Stetson to be postmaster at Enosburg Falls, Vt., in place of J. B. Kimball. Incumbent's commission expired June 5, 1924.

WEST VIRGINIA

John W. Lamon to be postmaster at Bunker Hill, W. Va., in place of M. O. Rogers. Office became third class July 1, 1924.

Arthur N. McKeever to be postmaster at Romney, W. Va., in place of E. J. Loy. Incumbent's commission expired June 5, 1924.

Edward M. Tucker to be postmaster at Moorefield, W. Va., in place of Willard Williams. Incumbent's commission expired June 5, 1924.

William B. Murray to be postmaster at Minden, W. Va. Office became presidential October 1, 1924.

Conrad H. Forst to be postmaster at Mount Hope, W. Va., in place of W. R. Moore, deceased.

John Brash to be postmaster at Glen Jean, W. Va., in place of Charles Ash, resigned.

Martin B. Taylor to be postmaster at Gauley Bridge, W. Va., in place of G. H. Brackland, resigned.

WISCONSIN

William W. Goynes to be postmaster at National Home, Wis., in place of J. B. Thelen, resigned.

William F. Pflueger to be postmaster at Manitowoc, Wis., in place of H. C. Schuette, resigned.

Bertha S. Johnson to be postmaster at De Soto, Wis., in place of Mae Caldwell, removed.

Magnus Magnusson to be postmaster at Detroit Harbor, Wis., in place of J. A. Gudmundsen, resigned.

Russell D. Stouffer to be postmaster at Shell Lake, Wis., in place of R. D. Stouffer. Incumbent's commission expired June 5, 1924.

Alfred H. Fischer to be postmaster at Ripon, Wis., in place of A. H. Fischer. Incumbent's commission expired June 5, 1924.

James R. Stone to be postmaster at Reedsburg, Wis., in place of F. H. Metcalf. Incumbent's commission expired August 29, 1923.

Wilber E. Hoels to be postmaster at Random Lake, Wis., in place of W. E. Hoels. Incumbent's commission expired May 28, 1924.

Lynn L. Merrill to be postmaster at Princeton, Wis., in place of J. E. Hennig. Incumbent's commission expired June 5, 1924.

Jessie S. Hammond to be postmaster at Onalaska, Wis., in place of B. S. Shove. Incumbent's commission expired August 29, 1923.

William Denomie to be postmaster at Odannah, Wis., in place of William Denomie. Incumbent's commission expired August 29, 1923.

William F. Sommerfield to be postmaster at Oakfield, Wis., in place of J. H. Belrne. Incumbent's commission expired March 22, 1924.

Fred M. Neumann to be postmaster at Norwalk, Wis., in place of J. B. Kerrigan. Incumbent's commission expired June 5, 1924.

Harriet N. Apker to be postmaster at North Freedom, Wis., in place of H. N. Apker. Incumbent's commission expired August 29, 1923.

Anton C. Martin to be postmaster at Neillsville, Wis., in place of A. C. Martin. Incumbent's commission expired May 28, 1924.

Edward W. LeRoy to be postmaster at Marinette, Wis., in place of L. J. Evans. Incumbent's commission expired March 22, 1924.

Albert H. Fries to be postmaster at Lone Rock, Wis., in place of Galen Moore. Incumbent's commission expired March 22, 1924.

Samuel P. Van Dyke to be postmaster at Kilbourn, Wis., in place of A. A. Kleimnhausen. Incumbent's commission expired March 22, 1924.

Alexander E. Matheson to be postmaster at Janesville, Wis., in place of J. J. Cunningham. Incumbent's commission expired March 22, 1924.

Emy M. Mollenhoff to be postmaster at Iron River, Wis., in place of J. G. A. Mollenhoff. Incumbent's commission expired March 22, 1924.

Wells G. Hartson to be postmaster at Greenwood, Wis., in place of C. A. L. Varney. Incumbent's commission expired August 29, 1923.

John W. Kane to be postmaster at Fredonia, Wis., in place of J. W. Kane. Incumbent's commission expired March 22, 1924.

Louis E. Homsted to be postmaster at Dorchester, Wis., in place of Herman Kronschnabl. Incumbent's commission expired June 5, 1924.

Miles M. Shepard to be postmaster at De Pere, Wis., in place of J. A. Kuypers. Incumbent's commission expired August 29, 1923.

Selmer J. Tilleson to be postmaster at Clintonville, Wis., in place of Julius Prenzlow. Incumbent's commission expired March 22, 1924.

Hilda Wick to be postmaster at Catawba, Wis. Office became presidential October 1, 1923.

Maude Adams to be postmaster at Eagle River, Wis., in place of J. A. Zimpelmann. Incumbent's commission expired June 5, 1924.

William N. White to be postmaster at Waterloo, Wis., in place of C. J. Janisch. Incumbent's commission expired August 29, 1923.

George F. Fiedler to be postmaster at Seymour, Wis., in place of J. A. Stewart. Incumbent's commission expired August 29, 1923.

Harry W. Field to be postmaster at Rice Lake, Wis., in place of W. H. Dunn. Incumbent's commission expired June 5, 1924.

Paul Herbst to be postmaster at Park Falls, Wis., in place of Paul Herbst. Incumbent's commission expired May 28, 1924.

Joseph G. Miller to be postmaster at Muscoda, Wis., in place of F. J. Egan. Incumbent's commission expired August 29, 1923.

Edward J. Blum to be postmaster at Monticello, Wis., in place of I. B. Pierce. Incumbent's commission expired June 5, 1924.

John H. McNow to be postmaster at Mauston, Wis., in place of T. F. Powers. Incumbent's commission expired August 29, 1923.

Marie D. Host to be postmaster at Lake Geneva, Wis., in place of L. G. Brown. Incumbent's commission expired March 22, 1924.

Raynold G. Lidbom to be postmaster at Grantsburg, Wis., in place of R. V. Lidbom. Incumbent's commission expired June 5, 1924.

Herbert B. Linde to be postmaster at East Troy, Wis., in place of Lawrence Clancey. Incumbent's commission expired June 5, 1924.

Ernest R. Nickel to be postmaster at Chippewa Falls, Wis., in place of E. R. Nickel. Incumbent's commission expired May 28, 1924.

John W. Bell to be postmaster at Chetek, Wis., in place of Carl Whitaker. Incumbent's commission expired June 5, 1924.

Herman F. Barth to be postmaster at Cashton, Wis., in place of John Cremer. Incumbent's commission expired June 5, 1924.

Homer J. Samson to be postmaster at Cameron, Wis., in place of H. J. Samson. Incumbent's commission expired May 28, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 18 (legislative day of December 16), 1924

COMPTROLLER OF THE CURRENCY

Joseph W. McIntosh, to be Comptroller of the Currency, in place of Hon. Henry M. Dawes, resigned.

PROMOTIONS IN THE NAVY

MARINE CORPS

To be colonel

Frank E. Evans.

To be lieutenant colonels

Gerard M. Kinade.

James J. Meade.

Jesse F. Dyer.

To be majors

George W. Martin.

David L. S. Brewster.

David S. Barry.

To be captains

Gilbert D. Hatfield.

Donald J. Kendall.

Thomas E. Kendrick.

Lewis B. Reagan.

Alfred W. Ogle.

To be first lieutenants

Ralph D. Leach.

Ervin R. Whitman.

George W. McHenry.

Marvin V. Yandle.

William L. McKittrick.

George L. Maynard.

Charles W. Pohl.

Brady L. Vogt.

Bernard W. Pravitz.

Harry P. Smith.

Stanley E. Ridderhof.

Chesley G. Stevens.

Edward A. Robbins.

Lawson H. M. Sanderson.

Thomas McK. Schuler.

Jacob F. Plachta.

Morris L. Shively.

Harold E. Rosecrans.

Max D. Smith.

Louis F. Knorr.

David A. Stafford.

Leo Sullivan.

William J. Stamper.

Hayne D. Boyden.

Jay D. Swartwout.

Franklin G. Cowie.

George H. Towner, jr.

Christian F. Schilt.

Leslie H. Wellman.

Henry T. Nicholas.

Walter A. Wensinger.

Frederick S. Chappelle.

To be second lieutenants

Alexander W. Kreiser, jr.

Edwin C. Ferguson.

John L. Allen.

Walter I. Jordan.

John Groves.

Tilghman H. Saunders.

Arthur W. Ellis.

Thomas J. McQuade.

Kenneth B. Chappell.

Thomas C. Perrin.

William A. Hamilton, jr.

Robert B. Payne.

Le Page Cronmiller, jr.

St. Julien R. Marshall.

Leonard B. Cresswell.

Otto Lessing.

Samuel K. Bird.

Charles S. Forbell, jr.

POSTMASTERS

ALABAMA

Luannie C. Law, New Brockton.

Minnie V. Compton, Pine Apple.

GEORGIA

John W. Moore, Crawford.

Minnie Parker, Fairburn.

Walter L. Turner, Lagrange.

Henry C. Hays, Mansfield.

Thomas A. Bulloch, Ochlochnee.

NEW JERSEY

Edna Dalrymple, Alpha.

Edwin Condit, Essex Fells.

Vivian O. Walters, Franklin.

Berta Brown, Leonardo.

Clair MacFarland, Monroeville.

Sanford W. Souders, Riegelsville.

Jessie M. Patterson, Union.

Louis Meretta, Zarephath.

SOUTH CAROLINA

Lona Mae LeCroy, Langley.

HOUSE OF REPRESENTATIVES

THURSDAY, December 18, 1924

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O love of God and love divine, Thou art always near. Dependent on Thy bounteous mercy as we are, we seek Thy grace to cleanse, Thy power to heal, and Thy wisdom to direct. The best evidence of Thy presence is not in the world without, but in the goodness that Thou inspire in the lives of men. It is not a gift, but a choice. Let our selection be an index to more perfect strength and greater achievement. Let the unknown to-morrow bring us peace, health, and the continued gladness of our firesides, through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE LATE MARTIN H. GLYNN

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. BOYLAN. Mr. Speaker and gentlemen of the House, yesterday, amid his native hills, in northern New York, a distinguished American was laid to rest. Martin H. Glynn was a Member of the Fifty-sixth Congress. Afterwards he was elected controller of the State of New York, lieutenant governor, and then Governor of the State of New York. During his administration as governor the workman's compensation bill was passed in our State, and the direct primary law was enacted.

He instituted such measures of economy that he has been rated as one of the four great governors of the Empire State. He was a distinguished scholar, a successful editor, starting at the very lowest rung of the ladder, achieving a success recognized by the entire press of the country. He was a brilliant orator. He delivered the keynote speech at the convention that nominated Woodrow Wilson at St. Louis in 1916 for the Presidency, at that time making a speech that will go down in the annals of American oratory among those of the most famous orations of his time.

He was a man who loved his State, a man who loved humanity in general. He was successful as an arbiter in settling the dispute between the Free State and the Republican Party in Ireland. He was a profound scholar, and his chief hobby was his library.

With all and through all he suffered from an infirmity of physical disability which would have caused an ordinary man to give up his task in despair, but nevertheless he carried on. In the passing of Martin H. Glynn the State of New York has lost a distinguished citizen, and the country as a whole has suffered in the loss of a noble, patriotic, and devoted American. [Applause.]

At a meeting of the New York delegation in Congress the following resolution offered by Congressman THOMAS H. CULLEN was adopted:

Resolution

Whereas the Members of Congress from the State of New York have learned with profound sorrow of the tragic and untimely death of the Hon. Martin H. Glynn, who served as a Member of the House of Representatives from March 4, 1899, to March 3, 1901, and who afterwards was controller of the State of New York, and who during the years 1913 and 1914 was Governor of the State of New York; and

Whereas in his death the State and Nation have lost a fearless and militant citizen of splendid achievements, and the world a fearless champion of justice and freedom for all nations; Now therefore be it

Resolved, That we mourn the loss of the Hon. Martin H. Glynn, our friend, a splendid citizen, Representative in Congress, governor, and advocate of international justice; that we tender to his family our sincere condolence and sympathy in their bereavement, and that this expression of our grief be sent to his widow and members of his family.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10650. An act to authorize the settlement of the indebtedness of the Republic of Lithuania to the United States of America; and

H. R. 10651. An act to authorize the settlement of the indebtedness of the Republic of Poland to the United States of America, and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3576. An act for the relief of Margarethe Murphy.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message in writing from the President of the United States was presented by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved bill and joint resolution of the following titles:

On December 16:

H. R. 7652. An act for the relief of Geston P. Hunt.

On December 17:

H. J. Res. 310. Joint resolution authorizing payment of salaries for the officers and employees of Congress for December, 1924, on the 20th day of that month.

PENSIONS

Mr. FULLER. Mr. Speaker, I call up the conference report upon the bill H. R. 6941, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The gentleman from Illinois calls up a conference report, which the Clerk will read.

The Clerk read the conference report.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6941) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 79 and 100.

That the House recede from its disagreement to the amendments of the Senate numbered 1 to 78, inclusive, and 80 to 99, inclusive, and agree to the same.

CHAS. E. FULLER,
RICHARD N. ELLIOTT,
SAMUEL E. COOK,

Managers on the part of the House.

H. O. BURNUM,
DAVID I. WALSH,
BERT M. FERNALD,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments to H. R. 6941, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and to certain widows and dependent children of such soldiers and sailors of said war, submit the following statement explaining the matters agreed upon by the conference committee, the effect of which agreement is to agree to all of the Civil War private pension bills which comply with the rules of the Senate Committee on Pensions, and of the House Committee on Invalid Pensions, and to eliminate from the bill the Senate amendment No. 100, which has no relation whatever to the subject matter of the bill providing for special pensions only on account of service in the Civil War.

CHAS. E. FULLER,
RICHARD N. ELLIOTT,
SAMUEL E. COOK,

Managers on the part of the House.

Mr. FULLER. Mr. Speaker, this is a unanimous report from the committee of conference. The report was held up in the Senate in the last session in the closing days and has now just been adopted by the Senate. The effect of the report is simply to strike out a rider which was added by placing a general bill on a private bill.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

REFORESTATION

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein, in

S-point type, an address delivered by the gentleman from New York [Mr. CLARKE] before the Indiana Conservation Convention, on reforestation.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. KIESS. Mr. Speaker, I object to the S-point type part of the request. Under the rules at present that can not be done.

Mr. ELLIOTT. If it can not be done, I withdraw it.

The SPEAKER. The gentleman from Indiana withdraws his request that it be printed in S-point type. Is there objection to the request of the gentleman from Indiana so modified?

There was no objection.

Mr. ELLIOTT. Mr. Speaker, under the leave granted to extend my remarks in the RECORD I insert the following address delivered by Hon. JOHN D. CLARKE before the Indiana Conservation Convention on the subject of reforestation, the national policy established under the Clarke-McNary bill:

SPEECH DELIVERED BEFORE STATE OF INDIANA CONSERVATION CONVENTION, DECEMBER 9, 1924, ON REFORESTATION—THE NATIONAL POLICY ESTABLISHED UNDER THE CLARKE-McNARY BILL—BY HON. JOHN D. CLARKE

My text will be found in the picture Bryant had in mind when he wrote:

"Before these fields were shorn and till'd
Full to the brim our rivers flow'd
The melody of waters fill'd
The fresh and boundless wood;
And torrents dash'd and rivulets played
And fountains spouted in the shade."

My inspiration cometh from my boy, typical of the youth of America, when, knowing of my interest in and work for a national reforestation law, reared and living in the enchanted land made famous by Cooper in his Leather Stocking Tales, the land of the Glimmerglass and Glimmerglass, of Uncas, and Chingachgook and a myriad of the boyhood heroes, he came to me after a forestry committee meeting at my farm, the Last of the Mohicans in his hand, and remarked, "Daddy, would not it have been wonderful if our granddaddies had not cut all the trees to make money and left to us boys more hunting and fishing, health and happiness?" That boy had the picture in his mind, as it should be brought back into our minds, and its reality we, if worthy of our trust, are called on to lend our best efforts toward bringing back.

Your conservation commission, through its splendid chairman, W. A. Guthrie, has been kind enough to invite me here, asking me for helpful hints and constructive suggestions on how to play your part, as a forward-looking State, in getting going a State reforestation program that will keep step with a national reforestation program made possible under the Clarke-McNary reforestation bill.

The picture, as I see it, of your great State of Indiana, is about as follows:

1. Your original forest area, God's endowment, was about 20,000,000 acres, nearly all hardwoods, now reduced to about 3,500,000 acres, very little of virgin growth, mostly farm woods.

2. In 1920 you had an average of about 7,300 wage earners employed in the lumber industry of the State, and the value of the products was thirty-five millions.

3. The average stumpage value of saw logs was—

1899	\$5.39
1904	7.65
1919	15.59

4. Indiana uses over three times as much timber as she grows.

5. Over 95 per cent of the lumber you use in the building trades is imported.

6. Indiana contains possibly 2,500,000 acres (the definite acreage is not known because there has been no adequate, detailed survey and classification) that is better suited to growing trees than to growing crops, and no definite program ahead to take this almost total economic loss to your State from such a vast, unused acreage, and transfer it into a big, live, growing asset.

Thousands of acres, like Topsy, "just grow'd," you still continue to "let nature take her course," with practically no forest management, and just one woodland lot in your whole State with good business management.

Thousands of other acres of hilly, impossible-to-farm lands in southern Indiana that should be set to work growing trees instead of allowing the soil to be carried off by erosion to impede navigation in the Ohio and Mississippi and finally help fill up the Gulf of Mexico. Soil is a valuable asset, and yet you continue to "let her go Gallagher," as if God's heritage was not worth preserving, and do not forget, "as you sow your children will reap," even down to the "third and fourth generations." Even where forests are attempting to come back those tender young trees have no fair chance, because livestock is permitted to graze there, practically destroying

any possibility of growth. Your wood lot owners need educating in the perniciousness of this practice, and if your legislature will provide the funds this forward-looking conservation commission will help in educating them.

I understand from the Indiana Yearbook of 1923 that you have a small, new nursery, wholly inadequate to your needs, seeking to do its best, with mighty little encouragement from your State legislature, and only a very small appropriation to do with. A sum unworthy of so great and so rich a State as Indiana. I do not blame the State legislature, however, as much as I blame the citizenship that is so wrapped up in its own self-centered problems that it has allowed its conscience to go to sleep with no picture in your general public's minds of the needs and necessities of all the to-morrows. Under the Clarke-McNary bill you can get helpful co-operation with the Federal Forest Service that will assist your nurseries to greatly enlarge and more widely distribute tree seeds and trees. Why not get busy?

My own State of New York has been for over 20 years working on its forest problems. It has established nurseries that in 1924 distributed over 8,000,000 trees all through the State. It is building up great forest preserves that already contain over 2,000,000 acres in the Adirondacks and Catskill regions, and at the last election we voted a bond issue of \$5,000,000, to be used for the purchase of additional land within these areas. This will provide funds for a five-year purchase program. In addition to these two great parks there are 8,500 acres in the Alleghany State Park, around 38,000 acres in the Palisades Interstate Park, approximately 1,000 acres in the Letchworth Park, and there are 38 other parks with smaller areas scattered throughout the State. In making the purchases for forest-preserve purposes the State has paid from \$1 per acre for land entirely denuded of timber and severely burned over to \$200 per acre for land covered with a heavy growth of pure, virgin, softwood timber. The average price for all lands is somewhere between \$15 and \$20 per acre, and the basis for land purchases, for unburned land and young growth, is about \$4 per acre plus the value of the standing timber of merchantable size and quality. We have the cooperation of individuals, fish and game clubs, farm and home bureaus, women's clubs, chambers of commerce, and by next spring we hope to have a forest day that will see every school child in my district with a tree to plant according to a definite plan—and not any old kind of tree, but a suitable one—if our good women, under Mrs. Clarke's leadership, can bring it to pass.

What is the answer for your almost treeless State?

You need a definite, adequate, scientific survey, classification, and mapping of your lands so as to ascertain with certainty where you are at.

(a) The acreage that may properly be found better adapted to the growing of trees than agriculture.

(b) A study of the lands and soils, the land better suited for growing trees, so as to know the kind of trees that it will grow best, looking to the location of the land—high land or low land—drainage, etc.

(c) You need a policy that will provide for the establishment of State, county, town, and school-district forests to serve as demonstration forests and at maturity provide a future supply of timber.

You need a permanent forestry organization, enlarged to meet your pressing needs. The small amount of your experimentation work you have already done should help to make a beginning. You already know something of the kind of trees that do best in certain locations, the enemies of the trees, etc., and you need greatly enlarged State parks, more of them; think of it, the great State of Indiana with only 2,000 acres in your parks, and New York State has over one thousand times greater acreage in its parks. Wake up, dear old Hoosiers!

Another question that is first in importance in forest areas is the question of adequate fire prevention and suppression, for about 75 per cent of the Nation's losses in timber are due to fire. You will find under the Clarke-McNary bill that the Federal Government will help to cooperate with the States and with private agencies under the States in fire protection and suppression, once you get going forward, and even now you could cooperate under the Weeks law in the protection of your timber in the southern part of the State, but are not doing so.

I doubt if your present tax law meets the situation, and while it exempts classified woodland from any increase in the tax rates and does encourage individuals and organizations to grow trees, yet I think, in justice to the State and the counties where your forests are to be developed, you should possibly provide for a yield tax. The Forest Service in the Department of Agriculture will gladly study and suggest tax laws, for there is a provision in the Clarke-McNary bill for the study of the tax laws of the respective States, and while the authority for taxation is within the States, it is well to get the results of this study of the tax laws of the various States, such as is to be made by the Secretary of Agriculture under the provisions of my bill so as to make certain you have the tax law best adapted to your needs and certain to promote the growing of trees.

There is provided in my bill, under section 4, an authorization for the Secretary of Agriculture to cooperate with the various States in

the procurement, production, and distribution of forest trees, seeds, and plants, for the purpose of establishing windbreaks, shelter belts, and farm wood lots upon denuded or nonforested lands, with co-operating States, as well as the provision under section 5 to assist the owners of farms in establishing, improving, and renewing wood lots, shelter belts, windbreaks, and other valuable forest growth, and in growing and renewing useful timber crops, and your commission should seek the development of a policy that will bring you under this bill and thus obtain the benefits of the law.

An appropriation to meet the authorization of the Clarke-McNary bill, and make it effective, will soon come up for consideration in the House of Representatives. Your forward-looking commission and State forester could, by appropriate resolution, urge upon your Representatives in the House and Senate of the United States, that they support the appropriations necessary to make thoroughly effective this bill, that seeks to establish a national leadership in a national reforestation policy adequate to the demands of this day, for our youngsters are in sight of the treeless age such as we behold in the tragedy of a treeless China, due to its lack of foresight in not developing a national reforestation policy.

It is peculiarly fitting at this time that I should make acknowledgment to the "home folks" of the invaluable aid given us by that splendid Representative in Congress from your State, EVERETT SANDERS. At my earnest solicitation, he sat with our distinguished chairman of the Agriculture Committee, GILBERT N. HAUGEN, and myself, when we were presenting the Clarke-McNary reforestation bill to the House of Representatives, and contributed materially to its successful passage. I should also add my meed of praise to your other Representatives who were as a unit in its support.

In the New England States, largely in New Hampshire, is the White Mountain National Forest. Why a national forest instead of a State forest, is the question that naturally propounds itself, and here is my explanation: It was my privilege to be invited by the select committee of the United States Senate to accompany it in its investigations that were carried on in 18 different States. We held our meeting in New York State and journeyed to Boston; from Boston our objective was this White Mountain National Forest.

As we journeyed toward it, we traveled for miles along the Merrimack River. We found community after community with their great manufacturing establishments dependent upon that stream for the employment offered to many thousands of people, dependent upon the evenness of the flow of that river for power that was harnessed, used, then harnessed and used again. We found the increase in the flow of the water and the steadiness of the flow of the Merrimack, even to its lowest reaches in Massachusetts, was due to this national forest, way up in the New Hampshire hills. Looking to the west you could see the Vermont hills, and trickling down through the valleys were streams, feeders of the mighty Connecticut. With extreme fluctuation in the flow of the river largely eliminated because the run-off of the water was slower, due to the forests, with a greater amount of water in the river during the entire year, meaning increasing the depth of the flow by 5 or 6 inches, thanks to a national forest in the hills of New Hampshire. As we journeyed from the Androscoggin River into Maine, we found history again repeating itself, mills and more mills, water power after water power, employment and more employment to thousands of people. We also learned that during the summer, in that national forest, well over 2,000,000 people spent their vacations. So it follows, as the day the night, that every New England State shared in the benefits of a national law that is gradually building up a greater White Mountain forest that will prove of immense service in every phase of the economic and industrial life of the New England States, as well as in the commerce of the nation. We need such national forests established in and about this State, and in and about many of the other forest regions to the north, south, and west, and it is up to the State of Indiana and the other States to enlarge on and broaden out their State policy of reforestation and get it going so that they can join hands with the National Government in a program that shall tell the world of to-day that they are not falling down in their great opportunity to bring back to our hills and dales the trees, to adorn and make more helpful the to-morrows under that national leadership offered in the Clarke-McNary bill.

I desire to bring to your attention the fact that your State has not passed an enabling act to grant the proper authority to the Federal Government to buy lands in the State of Indiana and establish a national forest or, if you wish, a State forest. There is a vast acreage that is estimated to contain from 200,000 to 500,000 acres of land that your own State could purchase for a State forest. It certainly is no great burden upon so great and rich a State, and the endless benefits that would accrue in a variety of ways are almost beyond the possibility of compilation. For recreational purposes alone it would be invaluable to your people. Think what it would mean to the people of the southern section of your State because of the great number who would visit there and make it their vacationing ground. It would bring added income; it would bring health; and its development would prove the same great boon to Indiana that such forests have proven to the peoples of other States.

Great changes are going on in our life that are equally astounding, that paint the same picture I am trying to paint. Wasting our inheritance. Lack of a forward-looking conservation policy in States, as in the Nation. Lack of thought by our public, its representatives, and therefore lack of funds and failure to appreciate the position we are in now with reforestation.

Once the passenger pigeon numbered billions, within the lifetime of men not yet past middle age; to-day there is not one passenger pigeon left. Great herds of buffalo and elk once roamed our plains, and yet they, too, have reached almost the vanishing point. Our native flora, if it could speak a language, would tell the same sad, tragic story, for the process of annihilation is going on. Some species are practically extinct, and entire sylvan families are in dire danger of disappearance.

Where is the white pine that sheltered the hardy pioneer upon the bleak New England shores or protected the emigré and his family when breaking through the Alleghenies to the west and south to people the now great industrial center, the Ohio Valley and to its south? Where is the southern yellow pine that a brief 30 years ago was called upon to fill the gap when the rapidly dwindling white pine became scarce? From a boasted 650,000,000,000 feet strong it has found itself within sight of exhaustion within the next 30 years.

In southern swamps the cypress, too, is making its last stand and commercialism and the demand for the dollar is speeding up its tragic end.

The sinister interests that used to run their sleek and sinuous way, their selfish ends to achieve, are rapidly disappearing from the timber industry. The old swashbuckling days of Coal Oil Johnny and the speedy and splendidly successful spenders of God Almighty's heritage in the to-day draw to an end. There cometh a John out of the wilderness crying to the Representatives in State and National Legislatures, "You are your brothers' keepers and you have a duty not only to this day and its people but even a far greater duty to all children of all the to-morrows."

I do not intend to insinuate that the majority of the lumbermen were not honest, did not serve a definite public, though no one can deny that many great timber tracts were built up through sharp practices, bogus entrymen, and criminal conspiracy. There was a day they tell us when some thought regarding a future reforesting policy for the Government was scoffed at by the lumbermen and newspapermen, but a welcome change has come over their dreams, and the president of the California White and Sugar Pine Manufacturers' Association says:

"We lumbermen are quite able to take care of ourselves. We have followed the receding forests from the Atlantic to the Lakes, to the South, and on to the Pacific. We can go no farther, but we can cut our forests and let the blackening fires lick up the undergrowth and culls beneath. We come here not to beg but because we feel that the public has commanded us to put ourselves in line with the new age and a new policy or be run over. We realize that henceforth forests must be as perpetual as farms. Give us fire protection and give us taxes adjusted to a crop that matures but once in 120 years."

George W. Sisson, a very extensive forest owner and paper maker in my own State, says:

"We now concede that a forest has become analogous to a public utility. It is no longer a private enterprise."

Time prevents my painting to you the picture of the great gains that follow indirectly from an enlarging State and National forest policy in game and wild life that have a great value in economies as well as from a utilitarian viewpoint, nor can I tell you of the great progress being made through our laboratories in the utilization of all the debris or left overs of the lumberman or other phases of progress. Nor can I further impose on your time and patience by taking up the direct relation of the quantity to the quality of the water, not alone in its bearing on healthfulness but in its economic and industrial relation, for the quality of water chemically or otherwise pure and reforesting in its final analysis are inseparably bound up in this problem.

The forest primeval, noble, majestic, and inspiring, has almost disappeared, and left in its place a wilderness, ragged, stunted, and unkempt. Truly a tragedy, with people so centered upon the to-day that they could not think of the to-morrow and our duty to our children and children's children. Citizens of Indiana, the story of this great State is one in which you can take just pride; every national crisis has found you playing your heroic part, catching step with the spirit of the age. I look to your citizenry, confident that in this great reforestation program, State and national, you will measure up to your duty and obligation to all the to-morrows.

WHAT DO WE PLANT?

What do we plant when we plant the tree?
We plant the ship, which will cross the sea.
We plant the mast to carry the sails;
We plant the planks to withstand the gales—
The keel, the keelson, the beam, the knee;
We plant the ship when we plant the tree.

What do we plant when we plant the tree?
We plant the houses for you and me.
We plant the rafters, the shingles, the floors;
We plant the studding, the lath, the doors,
The beams and siding, all parts that be;
We plant the house when we plant the tree.

What do we plant when we plant the tree?
A thousand things that we daily see.
We plant the spire that out-towers the crag;
We plant the staff for our country's flag;
We plant the shade, from the hot sun free;
We plant all these when we plant the tree.

(Henry Abbey, 1842-1911.)

CHILD LABOR

Mr. KIESS. Mr. Speaker, I present a privileged report from the Committee on Printing, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 371

Resolved, That the hearing held before the Committee on the Judiciary, Sixty-eighth Congress, first session, on the proposed child labor amendments to the Constitution of the United States be printed as a House document, and that 2,000 additional copies be printed for the use of the House Committee on the Judiciary.

Mr. BLANTON. Mr. Speaker, I make the point of order so as to get a ruling of the Chair, that that is not a privileged report from the Committee on Printing. It does not come within the rule which grants the privilege to reports from this committee.

The SPEAKER. The Chair will hear the gentleman.

Mr. BLANTON. The Committee on Printing was created for the purpose of prescribing general rules with respect to the printing of the Record and documents, and so forth. This request is to have certain hearings before a House committee printed as a House document. That is not a matter specially referred to the committee for action, but could come with equal privilege from any Member of the House with respect to a hearing before any committee of Congress. Anyone could request to have a particular hearing printed as a House document. I submit it does not come within the general rule that gives a privilege to a report from the Committee on Printing.

The SPEAKER. The Chair does not see why it does not come within the rule. Clause 56 of Rule XI provides:

The following-named committees shall have leave to report at any time on the matters herein stated, viz—

Then the rule gives the list of committees. The rule mentions the Committee on Printing and provides:

on all matters referred to them of printing for the use of the House or the two Houses.

The Chair overrules the point of order.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. KIESS. Yes.

Mr. RAMSEYER. What is the purpose, then, of having these hearings printed as a document? Is it for the purpose of propaganda for or against the ratification of the proposed amendment?

Mr. KIESS. The chairman of the Judiciary Committee, the gentleman from Pennsylvania [Mr. GRAHAM], is flooded with requests for copies of these hearings. The question of the child labor amendment, of course, is a live question all over the United States. While we are through with it here in Congress, we have submitted it to the States, and naturally there is a lot of interest in the matter. It is only because of the urgent request of the gentleman from Pennsylvania [Mr. GRAHAM], chairman of the Judiciary Committee, that the Committee on Printing decided to report the resolution favorably. It is the unanimous report of the committee.

Mr. RAMSEYER. Does the gentleman think that 2,000 copies will supply the demand? Should not we provide for a copy for every State legislator in the United States who will be called upon to pass on the amendment this year?

Mr. KIESS. Of course, the usual number will be printed and go to the document rooms, and the resolution provides for 2,000 additional copies to go to the Committee on the Judiciary.

Mr. RAMSEYER. These hearings contain arguments for and against the proposed amendment?

Mr. KIESS. Yes. It is not propaganda for or against the amendment.

Mr. HASTINGS. Will the gentleman permit me to say I think a great many Members have received requests for in-

formation on this subject? It is not only being considered by members of legislatures but the people generally, by debating societies in the country, and I know I have received a great many requests and I hope the request will be granted.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. KIESS. I will.

Mr. BLANTON. The gentleman, I am sure, knows that practically all the large farm organizations of the United States are against this amendment, against it being adopted by the legislatures in the different States. Now, this particular hearing before the committee, I am sure the gentleman must admit, is largely in favor of the adoption of the amendment. The other side is not presented until it reaches the floor of the Congress, and this scattered over the land with the legislators of the country would have an undue influence on that matter, and I think that is rather taking advantage of those who are opposed to the amendment.

Mr. KIESS. Mr. Speaker, I have nothing to say at this time for or against the amendment. This resolution provides for the printing of the hearings as they were held by the committee, and I think it should be passed on account of the demands throughout the country for these hearings.

Mr. DOWELL. Will the gentleman yield?

Mr. KIESS. I will.

Mr. DOWELL. What is the number the committee asks to have printed, 2,000?

Mr. KIESS. The usual number, 1,247 and 2,000 additional copies for the use of the Committee on the Judiciary.

Mr. DOWELL. But the gentleman will realize that it will not supply the great demand that has been manifested, and is it not possible if it is printed it will be much less expensive to print a larger number of copies at the present time than it will be to reprint it again as soon as the demand is made greater by having a few sent out?

Mr. KIESS. I will say in reply, it is my intention to see that it is kept in type at the Printing Office until we know whether additional copies will be needed. I do not think we should print more than the resolution authorizes at the present time.

Mr. LAGUARDIA. If the gentleman will permit, the suggestion was made that these hearings contain only one side of the argument. That is not correct, is it? Those opposed to this legislation were given days before the committee and their arguments are contained in this document?

Mr. KIESS. That is correct. The hearings contain arguments on both sides of the question.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

EXTENDING REPORT OF COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

Mr. SNELL. Mr. Speaker, I call up House Resolution 370, which is privileged, being reported from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 370

Resolved, That the time for rendering the report of the Committee on World War Veterans' Legislation under H. Res. 351 shall be extended to February 15, 1925.

Mr. SNELL. Mr. Speaker, there has been considerable discussion among Members of the House in the last two or three years relative to the care of soldiers of the various wars in Government hospitals, and also in contract hospitals. There has been a feeling among some of the Members that the general policy of the Government in regard to the maintenance and care and charge of these hospitals must be materially changed. Several resolutions were introduced during the first session of this Congress providing for investigation committees in regard to this proposition. It was considered by the Rules Committee and finally it was decided the best thing to take care of it was to grant the Committee on World War Veterans' Legislation the right to make investigation during the summer vacation. It was understood that that committee would make up subcommittees from their own committee. They would be made up on a geographical basis so as not to be obliged to spend much money or time in travel, and these small committees were to visit the various institutions in their section of the country and in turn report to the full committee and the full committee report to the House. This work has practically all been done except the work in hospitals in some of the Southern States, and I understand that subcommittee will visit them during the Christmas vacation, but they will not be able to make a com-

plete report by December 31 as provided in the old or original resolution, and this is simply to extend the time for making their report until February 15.

Mr. GARNER of Texas. If the gentleman will yield—is that a unanimous report of the Rules Committee?

Mr. SNELL. It is and, as far as I know, there is no opposition.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

PLACING THE U. S. AIRPLANE FLAGSHIP "CHICAGO" IN THE CUSTODY OF THE CITY OF CHICAGO

Mr. RATHBONE. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. RATHBONE. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the Record a memorial adopted by the City Council of the City of Chicago on December 3, 1924, in reference to placing the U. S. airplane flagship *Chicago* in the custody of the city of Chicago.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. RATHBONE. Mr. Speaker, pursuant to permission granted to extend my remarks in the Record I submit the following memorial:

To His Excellency the President, and the Senate and House of Representatives of the United States in Congress assembled:

The people of the city of Chicago recall with great pride and gratification the recent performance of the distinguished aviators of our Army Air Service in their historic round-the-world flight, the premier accomplishment of aeronautic navigation thus far achieved. They are deeply appreciative of the honor conferred upon the city of Chicago in the naming of the flagship of the expedition, the *Chicago*, and of the selection of the city of Chicago as one of the stopping places of the flyers on their triumphant return to the United States, and of the opportunity thus afforded to welcome and greet these able and distinguished men and extend to them the hospitality of the city.

The people of Chicago are keenly mindful of the growing importance of aviation to the military and commercial supremacy and stability of our country, and feel that no opportunity should be lost to foster and encourage the development and progress of the science of aviation.

In order to perpetuate, therefore, the recollection of this historic achievement, marking, as it does, the commencement of a new era of development in the field of transportation and science, it is believed and considered by the people of Chicago that the flagship *Chicago* should be kept and maintained in this city properly preserved in some museum or other suitable place, as a memorial to the courage, ability, and fortitude of the distinguished soldiers who so capably manned it, as a physical evidence of their great achievement, and of the commercial and military possibilities of aerial navigation.

Accordingly, the City Council of the City of Chicago, acting for and on behalf of the people of Chicago and of the great Middle West, many thousands of whom periodically visit this city, respectfully suggest as a fitting and suitable disposition of the flagship *Chicago* that it be given into the custody of the city of Chicago to be kept and preserved for the uses and purposes herein set forth.

STATE OF ILLINOIS,

County of Cook, ss:

I, AL. F. GORMAN, city clerk of the city of Chicago, do hereby certify that the above and foregoing is a true and correct copy of the certain memorial adopted by the City Council of the City of Chicago at a regular meeting held Wednesday, the 3d day of December, A. D. 1924.

Witness my hand and the corporate seal of the said city of Chicago this 15th day of December, A. D. 1924.

[SEAL]

AL. F. GORMAN, City Clerk.

COMMERCIAL AVIATION

The SPEAKER. The gentleman from Idaho.

Mr. LAGUARDIA. Mr. Speaker, is not the unfinished business of yesterday the vote on the bill?

The SPEAKER. Yes; the previous question was ordered. The gentleman is correct. It is the unfinished business. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7064) to encourage commercial aviation and to authorize the Postmaster General to contract for air mail service.

The SPEAKER. The previous question had been ordered on the bill last evening. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GRIFFIN. A division, Mr. Speaker.
The SPEAKER. The gentleman from New York demands a division.

The House divided; and there were—ayes 102, noes 3.

Mr. GRIFFIN. Mr. Speaker, I object to the vote, and make a point of order on the ground that there is no quorum present.

The SPEAKER. The gentleman makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll. As many as are in favor of the passage of the bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 15, answered "present" 1, not voting 124, as follows:

[Roll No. 124]

YEAS—292

Abernethy	Drewry	Lea, Calif.	Rouse
Ackerman	Driver	Leatherwood	Rubey
Aldrich	Elliott	Leavitt	Sanders, Ind.
Allen	Evans, Iowa	Leibach	Sanders, N. Y.
Allgood	Fairfield	Lindsay	Sandlin
Almon	Faust	Linthicum	Sears, Fla.
Andrew	Favrot	Longworth	Seger
Anthony	Fisher	Lowrey	Shreve
Arnold	Fleetwood	Lozler	Sinclair
Aswell	Frear	McDuffie	Sinnott
Ayres	Freeman	McFadden	Sites
Bacharach	Frothingham	McKenzie	Smith
Bacon	Fulbright	McLaughlin, Mich.	Snell
Bankhead	Fuller	McLaughlin, Nebr.	Speaks
Barbour	Fullmer	McReynolds	Sproul, Ill.
Beedy	Gambrell	McSweeney	Sproul, Kans.
Beers	Gardner, Ind.	MacGregor	Stalker
Begg	Garner, Tex.	MacLafferty	Stedman
Berger	Garrett, Tex.	Magee, Pa.	Stengle
Bixler	Gasque	Major, Ill.	Stevens
Black, N. Y.	Gilbert	Major, Mo.	Stevenson
Bland	Glatfelter	Manlove	Strong, Kans.
Bloom	Goldsbrough	Mansfield	Strong, Pa.
Bowling	Graham	Mapes	Summers, Wash.
Box	Green	Martin	Sumners, Tex.
Boyer	Greenwood	Michener	Swank
Brand, Ga.	Guyer	Miller, Wash.	Sweet
Briggs	Hadley	Milligan	Swing
Browne, N. J.	Hammer	Minahan	Taber
Browne, Wis.	Hardy	Montague	Taylor, Colo.
Brumm	Haugen	Moore, Ga.	Taylor, Tenn.
Buchanan	Hawley	Moore, Ill.	Taylor, W. Va.
Burdick	Hayden	Moore, Ohio	Temple
Burtness	Hersey	Moore, Va.	Thatcher
Burton	Hickey	Moores, Ind.	Thompson
Busby	Hill, Ala.	Morehead	Tillman
Butler	Hill, Wash.	Morgan	Tilson
Burnes, S. C.	Hoch	Morrow	Timberlake
Byrns, Tenn.	Holaday	Nelson, Me.	Treadway
Cable	Hooker	Nelson, Wis.	Tucker
Campbell	Howard, Okla.	Newton, Minn.	Tydings
Candfield	Huddleston	Newton, Mo.	Underhill
Cannon	Hudson	O'Connell, N. Y.	Underwood
Carter	Hudspeth	O'Connell, R. I.	Upshaw
Casoy	Hull, M. D.	O'Connor, La.	Vaile
Chandlomb	Hull, W. E.	O'Connor, N. Y.	Vestal
Clague	Hull, Iowa	Oldfield	Vincent, Mich.
Clancy	Hull, Tenn.	Oliver, Ala.	Vinson, Ga.
Clarke, N. Y.	Humphreys	Park, Ga.	Wainwright
Cleary	Jacobstein	Parker	Ward, N. Y.
Cole, Iowa	James	Patterson	Watson
Cole, Ohio	Jeffers	Peery	Watkins
Connally, Tex.	Johnson, Ky.	Phillips	Watres
Conner	Johnson, Tex.	Pou	Watson
Connolly, Pa.	Johnson, Wash.	Prall	Weaver
Cook	Johnson, W. Va.	Purnell	Welsh
Cramton	Jones	Quayle	Wertz
Crisp	Jost	Ragon	White, Kans.
Croll	Kearns	Rainey	White, Me.
Crowther	Kelly	Raker	Williams, Mich.
Cullen	Kent	Rameyer	Williams, Tex.
Darow	Kerr	Rankin	Wilson, Ind.
Davey	Ketcham	Ransley	Wilson, La.
Davis, Tenn.	Kiehn	Rathbone	Wingo
Deal	Kincheloe	Rayburn	Winalow
Dempsey	Kopp	Reece	Winter
Denison	Kurtz	Reed, Ark.	Wood
Dickinson, Iowa	LaGuardia	Reid, Ill.	Woodruff
Dickinson, Mo.	Lampert	Richards	Woodrum
Dickstein	Langham	Robinson, Iowa	Wurzbach
Doughton	Lankford	Robson, Ky.	Wyant
Dowell	Lazaro	Rogers, N. H.	Yates
		Romjue	Zihlman

NAYS—15

Beck	French	McKeown	Sanders, Tex.
Blanton	Griffin	McSwain	Stengall
Collins	Hall	Parks, Ark.	Thomas, Ky.
Cooper, Wis.	Keller	Quinn	

ANSWERED "PRESENT"—1

Hastings

NOT VOTING—124

Anderson	Britten	Christopherson	Crosser
Barkley	Browning	Clark, Fla.	Cummings
Bell	Buckley	Collier	Curry
Black, Tex.	Bulwinkle	Colton	Dallinger
Boies	Carew	Cooper, Ohio	Davis, Minn.
Brand, Ohio	Celler	Corning	Dominick

Doyle	Kahn	Miller, Ill.	Scott
Drane	Kendall	Mills	Sears, Nebr.
Dyer	Kindred	Mooney	Shallenberger
Egan	King	Morin	Sherwood
Edmonds	Kabison	Morris	Simmons
Evans, Mont.	Kunz	Murphy	Smithwick
Fairchild	Kvale	Nolan	Snyder
Fenn	Langley	O'Brien	Spearing
Fish	Larsen, Ga.	O'Sullivan	Sullivan
Fitzgerald	Larson, Minn.	Oliver, N. Y.	Swoope
Foster	Leach	Paige	Tague
Fredericks	Lee, Ga.	Peavey	Thomas, Okla.
Free	Lilly	Perkins	Tincher
Funk	Linberger	Periman	Tinkham
Gallivan	Logan	Porter	Vare
Garber	Luce	Reed, N. Y.	Vinson, Ky.
Garrett, Tenn.	Lyon	Reed, W. Va.	Volgt
Geran	McClintie	Roach	Ward, N. C.
Gibson	McLeod	Rogers, Mass.	Wefald
Gifford	McNulty	Rosenbloom	Weller
Harrison	Madden	Sabath	Williams, Ill.
Hawes	Magee, N. Y.	Salmon	Williamson
Hill, Md.	Mead	Schafer	Wilson, Miss.
Howard, Nebr.	Merritt	Schall	Wolff
Johnson, S. Dak.	Michaelson	Schneider	Wright

So the bill was passed.

The Clerk announced the following pairs:
On this vote:

Mr. Dallinger (for) with Mr. Peavey (against).
Mr. Cummings (for) with Mr. Davis of Minnesota (against).

Until further notice:

Mr. Garber with Mr. Hastings.
Mr. Fenn with Mr. O'Sullivan.
Mr. Johnson of South Dakota with Mr. Drane.
Mr. Morin with Mr. Carew.
Mr. Williams of Illinois with Mr. Gallivan.
Mr. Swoope with Mr. Wright.
Mr. Simmons with Mr. Bell.
Mr. Roles with Mr. Corning.
Mr. Kendall with Mr. Salmon.
Mr. Merritt with Mr. Weller.
Mr. Fairchild with Mr. Clark of Florida.
Mr. Mills with Mr. Mead.
Mr. Porter with Mr. Doyle.
Mr. Hill of Maryland with Mr. Garrett of Tennessee.
Mr. Scott with Mr. Sullivan.
Mr. Gifford with Mr. Morris.
Mr. Madden with Mr. Browning.
Mr. Cooper of Ohio with Mr. Larson of Georgia.
Mr. Linberger with Mr. Wilson of Mississippi.
Mr. Luce with Mr. Celler.
Mr. Fish with Mr. Bulwinkle.
Mr. Kahn with Mr. Wolff.
Mr. Paige with Mr. McClintie.
Mr. Britten with Mr. Crosser.
Mr. Magee of New York with Mr. Dominick.
Mr. Free with Mr. Geran.
Mr. Tinkham with Mr. Barkley.
Mr. McLeod with Mr. Lee of Georgia.
Mr. Dyer with Mr. Mooney.
Mr. Foster with Mr. Harrison.
Mr. Perkins with Mr. Ward of North Carolina.
Mr. Rogers of Massachusetts with Mr. Sabath.
Mr. Vare with Mr. Oliver of New York.
Mr. Snyder with Mr. Thomas of Oklahoma.
Mr. Tincher with Mr. Hawes.
Mr. Sears of Nebraska with Mr. Kindred.
Mr. Larson of Minnesota with Mr. Lilly.
Mr. Michaelson with Mr. Black of Texas.
Mr. Fredericks with Mr. Egan.
Mr. Murphy with Mr. Lyon.
Mr. Periman with Mr. Buckley.
Mr. Reed of New York with Mr. Smithwick.
Mr. Gibson with Mr. Howard of Nebraska.
Mr. Roach with Mr. Shallenberger.
Mr. Colton with Mr. O'Brien.
Mr. Brand of Ohio with Mr. Logan.
Mr. King with Mr. Evans of Montana.
Mr. Curry with Mr. Sherwood.
Mr. Christopherson with Mr. Vinson of Kentucky.
Mr. Fitzgerald with Mr. Tague.
Mr. Funk with Mr. Kunz.
Mrs. Nolan with Mr. McNulty.
Mr. Williamson with Mr. Wefald.
Mr. Miller of Illinois with Mr. Kvale.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. KELLY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CHANGE OF REFERENCE

The SPEAKER. House bill 10624, a bill to enlarge the powers of the Washington Hospital for Foundlings and to enable it to accept the devise and bequest contained in the will of Randolph T. Warwick, was referred by the Chair to the Committee on the District of Columbia. The Chair thinks that in all propriety it could go either to that committee or to the Committee on the Judiciary, but the chairmen of both committees agree it should go to the Committee on the Judiciary. Without objection, the Chair will change the reference to the Committee on the Judiciary.

There was no objection.

ALASKA RAILROAD

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on the Territories:

To the Congress of the United States:

In accordance with the provisions of section 4 of the act of March 12, 1914 (38 Stat. 305), entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," I transmit herewith the report of the Alaska Railroad covering the period from January 1 to December 31, 1923.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 18, 1924.

LEAVE OF ABSENCE

By unanimous consent, the following leave of absence was granted:

To Mr. EVANS of Iowa, for two days, on account of sickness.

To Mr. BULWINKLE, for four days, on account of official business.

To Mr. SIMMONS, for four days, on account of official business.

To Mr. SHALLENBERGER (at the request of Mr. RUBEN), for four days, on account of illness.

To Mr. BROWNING, for three days, on account of official business.

NAVY DEPARTMENT APPROPRIATIONS

Mr. FRENCH. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CHINDELM in the chair.

The CHAIRMAN. When the House adjourned on Tuesday the gentleman from Idaho [Mr. FRENCH] had 19 minutes remaining, and the gentleman from South Carolina [Mr. BYRNES] 49 minutes.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. LANHAM].

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes. [Applause.]

Mr. LANHAM. Mr. Chairman, as one interested in the proper development of aviation in this country, I think it pertinent in the consideration of this bill to refer to the wonderful progress that has been made in the short space of a few years in the helium project. I shall devote to such discussion the brief time at my disposal.

Seven years ago there were in the whole world but a few cubic feet of helium which had been separated from its chemical associates. It was a mere chemical curiosity and an expensive plaything of the laboratory. Not very much longer ago an eminent scientist made the prophecy that it would be as difficult to get enough of it to float one small dirigible as to find a store of diamonds that would cover completely the Washington Monument. Only seven years have elapsed since our initial effort to extract helium from its gaseous host: and yet, since we were last in session at the Capitol, we have seen two large dirigibles, each containing more than 2,000,000 cubic feet of helium, float serenely and majestically above us. And the Army and Navy have many other smaller ships that are also inflated with this wonderful gas.

One of these leviathans of the air, the *Shenandoah*, recently completed successfully a trip from Lakehurst, N. J., to the Pacific coast and return. Another, the *Los Angeles*, came to our shores from across the Atlantic and was christened a short time ago here in Washington.

I say that the results achieved in this project have been phenomenal, and there have been also many attendant advantages to other industries. It seems that invention follows very closely upon the heels of necessity. Naturally, in the operation of lighter-than-air craft, the weight of a ship is lessened very considerably when a great quantity of fuel has been consumed. This results in a greater tendency to ascend, and the consequent strain and stress upon the mechanism is necessarily great. To obviate the customary valving of the gas, that is made necessary by this lightening of the load, the ingenuity of the American mind has given us apparatus which condenses the exhaust from the motors and recovers in water

more than the weight of the fuel used in the operation of a dirigible. This recovery of water for ballast is one of the remarkable discoveries of the helium project, and its importance is found in the fact that it obviates the necessity of valving this valuable gas under the usual conditions of ordinary flight.

Another thing of interest closely connected with the progress of the helium project is the development in this country of the duralumin industry. Of course, it is expedient in the successful operation of lighter-than-air craft, especially in the rigid type, to have the ships as light as possible, with due regard to safety and durability, and this has led to the discovery and use of duralumin, an alloy which has all the tensile strength of steel with just one-third of its weight. A piece of duralumin that may be balanced upon one's finger will bear the weight of eight men if placed upon upright supports. This alloy is used in the construction of the framework of our large dirigibles. This discovery is of value in the making of automobiles and the manufacture of all those things which call for a light metal of great tensile strength.

Helium-filled airships have been in operation only since December 5, 1921. On that date the first flight was made by the Navy blimp C-7 from Norfolk, Va., to Washington and return, in a snowstorm. In the brief intervening time we have evolved this method of water recovery and have profited by the use of this wonderful alloy, and perhaps these things are but an earnest of the accomplishments yet to come.

It should be borne in mind, also, in this connection, that the *Shenandoah* was built in this country, and that we are taking our place as the foremost nation in the construction and operation of dirigibles.

We have developed also within this period the mooring mast. We have four of these masts in the United States—one at Lakehurst, N. J., one in my home city of Fort Worth, Tex., one at San Diego, Calif., and one at Camp Lewis, in the State of Washington. By the use of the mooring mast, it is possible for large dirigibles to conclude or resume a flight under weather conditions usually considered unfavorable. These masts are less expensive than hangers and they have the additional advantage of being more feasible for actual operation, because, by reason of cross currents of air, a ship may be injured in taking it in or out of a hangar. So the mooring mast is another element of progress that has followed in the wake of this great project.

When recently the *Shenandoah* made its transcontinental flight, it was my good fortune to see it moor at the mast in the city of Fort Worth. Here was a ship 680 feet long. It had never been to Fort Worth before; it had never tied up to this mooring mast. If a ship 680 feet long, a trans-Atlantic liner, were to come into New York Harbor to-night, despite the facts that it had docked there many times before and would have a tug or two to assist it, it would remain outside and wait for the light of day to-morrow morning before proceeding to the dock. It was half after seven in the evening when the *Shenandoah* reached Fort Worth for the first time. The world was in darkness and the crew unfamiliar with the site, and yet this great leviathan of the air docked with ease in this strange port. We are living, gentlemen, in an age of progress, and the history of the helium project affords a notable example of the fact.

A number of new uses are being found for helium. What may yet be done is entirely conjectural, for this new element is a chemical infant. It has been found that the use of it may give us more effective electric-light globes. It may prove valuable as a refrigerating agent. It seems that those who labor in various kinds of subterranean work, like the building of the tubes in New York and the operations in caissons under water, frequently suffer as a result of their efforts from a dire malady known as "the bends." It is now thought that the pumping of helium into the air which they breathe may prevent the possibility of contracting this disease.

What may yet be done, I repeat, is altogether problematical. A year or two ago a gentleman came into my office and said he wanted to talk to me because I was interested in helium. He told me he had an invention that would nullify the resistance of the wind in the use of dirigibles, and that his discovery would enable an airship to go just as fast against a wind as it could with a wind pushing it along. This sounds incredible, and yet I understand that he has acquired a patent on that invention. He had a little working model which was most startling in its revelations to me and brought to my attention some physical principles of which I had never heard. On a subsequent visit he surprised me all the more with a device that seemed to indicate that a contrary wind might even be used to accelerate the speed of an airship.

In the light of what has been done, I am no longer a doubting Thomas as to what may yet be achieved. When I reflect that seven years ago helium was a chemical curiosity, costing at a minimum of \$1,500 per cubic foot, and that to-day we are getting it at our Government plant for from 5 to 7 cents per cubic foot, I am prone to agree that perhaps the wonderful things we have done are but an inkling of the accomplishments the future holds in store for us.

I make at this time, gentlemen, these brief references to the progress made in this project because of the fact that one-half of the appropriation to carry on this work is carried in the pending Navy bill. The other one-half is carried in the Army supply bill, the plant being operated on a 50-50 basis by the Army and the Navy.

But there are some other matters of prime concern with reference to the helium project besides the annual appropriations for maintenance, upkeep, production, and research. I refer principally to the important matter of the conservation of helium. Our country is a favored nation in the possession of this wonder gas. Other nations have searched for it within their borders in vain. Just a little was found in Canada, a little in Italy, a little in Czechoslovakia, but not in sufficient volume to be of much practical value. But in the United States we have, relatively, an abundance of it, and it is estimated that we are wasting about 500,000,000 cubic feet a year. Why, I understand they regard it so highly in Japan that a naval commission was appointed there to undertake the hazardous experiment of trying to find it in volcanic gases. And I fear that while the other nations are looking assiduously for it we are allowing it to go to waste with what some one has termed our customary and proverbial prodigality. So I say that the matter of conservation of this great asset, valuable both in peace and war, is one of prime importance in view of the fact that we have in this country a practical monopoly of the known sources of the world's supply.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BYRNES of South Carolina. I yield to the gentleman three minutes more.

Mr. JONES. Will the gentleman yield?

Mr. LANHAM. I will.

Mr. JONES. Is it not a fact that other nations are trying to discover and develop this gas, while we in this country are allowing large quantities to go to waste?

Mr. LANHAM. That is true.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. HOWARD of Oklahoma. What suggestion has the gentleman to make for conserving this gas? I ask because, in my district, the great Osage Nation has millions of feet of gas containing helium that is being consumed without extracting the helium.

Mr. LANHAM. I shall be glad to answer the gentleman's question as well as I may in the short time I have left. Practically all of the helium-bearing gas in this country is privately owned. You understand that we get our supply from natural gas, but not all natural gas contains helium. Why it appears in some gas and not in others the scientists themselves have not yet been able to determine. But the fact remains that very little gas with helium content has been discovered on public lands. We did find a field on public lands in Utah and the President has set it aside as a reserve. That reserve will hardly be useful in times of peace as a source of helium supply, because it is so remotely situated that it is difficult to get sufficient water and power for its development within a reasonable limit of cost.

There is pending on the calendar of the House a bill reported from the Committee on Military Affairs, which deals, among other things, with the subject of conservation. This measure may need amendment in some particulars, but it seeks to give authority for helium conservation. It seems to me that it would be advantageous to the Government to get control of some geological structure containing a large volume of gas with high helium content, and at the same time low in British thermal units, and keep that supply of gas for necessary war purposes stored in the ground. I understand that there are such fields in this country which are of practically no present commercial value. It is possible, even probable, that by removing the helium and certain other constituent elements which are taken out in the process of extraction these stores of gas which are now almost useless may also be made profitable commercially. The saving of such gas for our future needs will entail no great sacrifice. Until a necessity for its use arises, of course, we shall have to continue

to get our current supply from the sources most available under the conditions which exist. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman, the conflicting reports that have come from varying sources as to what should or should not be done with respect to our Navy are, I am sure, regarded by many Members of both the House and Senate as making necessary a thoroughgoing investigation by Congress before additional money is appropriated for modernization or new construction. It is suggested that such an investigation should be proposed by the Senate Naval Committee in the near future. I understand from the Record and the public prints that it will be urged that Congress has not sufficient information for it to outline a comprehensive plan for the Navy or for future naval development. It is said that some of the things that Congress will be asked to inquire into are:

Why the 5-5-3 naval ratio treaty has not been lived up to.

Whether Great Britain and Japan have altered gun elevations upon capital ships.

Whether any American battleships are obsolescent or whether they are in condition justifying the spending of millions on them in repairs.

As to the number of submarines, cruisers, airplane carriers, and other auxiliaries necessary to balance the fighting fleet.

As to the number and types of airplanes required and whether there should be cooperation in designing and construction between the Army and Navy.

Whether there is a sufficient number of naval bases.

As to the plans of the Navy for the protection of the Philippines and Guam.

Whether the Naval College and the general board have projected a rational plan of naval development.

Whether the Government should construct its own warships in its own yards or depend upon private builders.

Whether the present method of promotion in the Navy is wise and whether it has affected the morale of the Navy.

The cause of so many resignations of officers and desertions of enlisted men from the Navy.

Why, with an expenditure of from \$300,000,000 to \$400,000,000 annually on the Navy since the war, the Navy is not in as good condition as it was before such large expenditures were inaugurated.

I certainly hope that the inquiry, if ordered, will go a step further and endeavor to ascertain whether or not the naval stations and all other shore establishments of the Navy Department are located to the best advantage from the standpoint of national defense. I for one would like to know why the North Atlantic and the Pacific coasts have so many shore stations and establishments and what good reason can be given for there not being a single navy yard from Charleston down along the South Atlantic and the Gulf coast to the Rio Grande.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of Louisiana. Yes.

Mr. BYRNES of South Carolina. In making out his case could not the gentleman as well say from Norfolk down, because the gentleman knows that the navy yard at Charleston has been practically abandoned during the last two years?

Mr. O'CONNOR of Louisiana. I am very glad the gentleman suggested that, and I hoped it would be made by some one. The Charleston yard is a negligible thing. It is an outrage that it should be neglected. That condition fortifies the remarks that I have made, and I am making them only in the interest of the Navy, because I believe in preparedness. I wish I could believe that the millennium was at hand. Until I get some evidence of its proximity I will fight for a strong Naval Establishment and a strong Military Establishment. But such an unequal distribution and location of the first aids to the Naval Establishment that we have necessarily arouses the thought that it is purely sectional in its view and not nationalistic, as a broad-minded vision would make it. Such a distribution and such locations as exist suggest to many Americans that political considerations count heavily and that shipbuilding interests and industrial plants which have made hundreds of millions out of construction are the guiding influence of the present order instead of a purpose with an eye single to the national defense of our country or offensive action, if necessary, to the honor and welfare of this Union. I speak more in sorrow than in anger of this situation, for I am a thorough and firm believer in naval and military preparedness. It has been my song by day and by night. I have felt it to be my duty to my countrymen to yell with all the force that resides in me, "Millions for defense, but not one cent for tribute," and the

elaboration that may go with that sublimely lofty and patriotic declaration to all the world. But I want a scientific, broad-visioned, far-sighted preparedness that will command a full support of all the people of this country and not a policy that will be suspected by the people as one shaped by shipbuilding and industrial interests. [Applause.]

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of Louisiana. Yes.

Mr. WATKINS. Is not the same indefensible policy being pursued on the Pacific, where for approximately a thousand miles no attempt is made to protect this Nation along the Pacific coast?

Mr. O'CONNOR of Louisiana. I understand that is true.

Mr. WATKINS. And on the second largest river in the United States, the Columbia River, no adequate attempt is made to protect this country in case of a hostile attack?

Mr. O'CONNOR of Louisiana. I understand that to be true. I was endeavoring to put the case as strongly as possible, and hoped that my argument would be supplemented by the interrogatories which have been propounded.

Why is it that the New Orleans Navy Yard is not maintained and supported by the Naval Establishment like navy yards of the North Atlantic and Pacific coasts? And do not misunderstand me. I am not hostile, not antagonistic to either coast. As a member of the Naval Affairs Committee, for several years I persistently endeavored at every meeting, when an opportunity presented itself, to secure from officers of the Naval Establishment who were before the committee, some satisfactory reason for not operating the New Orleans yard on a proper scale. I failed in every instance most dismally to get a ray of light on a subject that was apparently as inkly to naval officers as to myself. It was useless to suggest to them that if ever there be a great naval engagement between this country and any European nation, that action would be fought in the Caribbean Sea, or in the Gulf of Mexico. I do not think there is much dispute about that statement. If an Asiatic power took the Panama Canal the controlling engagement would then be fought in the same waters. In the event that an oriental power did not take the canal but would come by the Horn or the Straits of Magellan, the final theater of war, on sea anyhow, would be in the same waters. There is no use saying that a fleet could not make such a long trip. The *Oregon* made it and possible combinations or seizures of coal and oil would make now for a successful trip. For we must contemplate probabilities of this sort when figuring upon naval engagements. The idea that the country could not be invaded via the Gulf and Mississippi River is untenable. That is the way Pakenham came when it was the purpose of England to take the entire Louisiana Purchase for her ally Spain, possibly for herself, on the ground not only of military conquest and occupation, but because Great Britain and Spain both asserted that the transfer of that great territory to France was a fraudulent one, ultra vires, and beyond the delegated authority of the Spanish commissioners who in a secret treaty made the transfer. And that when we made the purchase from France we knew of that so-called fraudulent transfer and were merely pretending to acquire that which we knew France had no lawful title to. Of course, Jackson's victory on the plains of Chalmette, below New Orleans, settled that question once and for all.

It was fear of an invasion by way of the Gulf and the Mississippi River or Lake Borgne and Lake Pontchartrain, which are arms of the Gulf of Mexico, that led to the construction in 1818 or thereabouts of forts on the Mississippi River, on the Rigolets, on Chef Menteur in Lake Borgne, and in the Mississippi Sound. It was up the Mississippi River that Farragut came when he and Butler took New Orleans and dealt the Confederacy a mortal blow. The statements that big battleships would not go up the Mississippi River is ridiculous when considered in the fact that there is 32 feet of water in the South Pass and nearly 35 in Southwest Pass, and these are the lowest and shallowest places for hundreds of miles up the big river. But why would it be necessary to send big battleships up the river when smaller ones—light cruisers, submarines, submerged torpedo destroyers, and similar vessels—could do just as effective work as a big battleship. The nearest I ever got to anything like a recognition of this most palpable fact in respect to any naval engagements that would be fought out on sea by this country and any enemy that might challenge us was a statement from one of the big wigs of the Naval Establishment that a naval base in the Caribbean Sea and a shore station on the Gulf of Mexico or the Mississippi River in support of it was being discussed within the inner circle. I am for the investigation that I have outlined, and I hope most fervently that it will be a far-reaching inquiry that will be

made, for I am sure that the investigation will not only make for efficiency and economy but will advance our thought considerably along the line of what will make for a proper defense for the country through a scientifically planned location of our shore yards and stations. I am strong for national defense. I want a Navy second to none. I want an Army that can promptly answer whatever demand that may be made upon us by the challenge of any country to martial conflict. It may be a brutal law that is announced in "Kingdoms by blood gained must be by blood maintained," and "They shall take who have the power; they shall keep who can." But it is a law that has never been suspended, altered, or amended; it is ceaseless in its operation and as fixed as the northern star in the firmament or as the sun in the solar system. Wee be to the people that ever become unmindful of that law, grim and brutal as it is in its operation. When they do forget, the hymn of the conquered will become their mournful refrain. Then they will pass on to the tomb of time and oblivion.

So runs the scroll of human destiny,

Written in fire and blood and scalding tears,

Scrawled with wrecked hopes and blasted visionings,

The weary record of ten thousand years,

The dreary record of peoples and of kings,

Of empire and of race,

Which to the law that ruleth earthly things

In ruin yielded place.

I hate to differ from the President of the United States on this matter, for, according to the newspapers, he deprecates any investigation. He apparently believes that no good results can flow from such an inquiry, and generally seems to think that the proposition is lacking in wisdom. I repeat, I am reluctant, extremely reluctant, in expressing my different viewpoint, because, after all, the responsibility of the President in the case is an unusually heavy one. I feel, however, that in all probability his attitude and those of a similar mind will be used against the very position he occupies. It will not be long before it will be whispered first and then thundered that those who are opposing an investigation are doing so because they are afraid that an inquiry would show the miserable condition into which the Navy has fallen and that we are not only not as strong as Great Britain on the seas but not as strong even as Japan.

I have no doubt that the professional agitators who have for years past sought to alarm the public just before any great naval bill came to the Congress are now at work, and will continue to work in order to secure their own ends. I have no doubt that they are abusing and misusing the patriotism of the American people in order to make another financial killing out of the vast armaments they hope to see come into existence as a result of their agitation and a sinister agitation by men of their own kidney in England and Japan. The investigation proposed would uncover the propagandist, and whether or not the Navy is being run from the inside or unconsciously swayed by big business, shipbuilding and industrial plants through emissaries who know how to throw the public mind into a delirium over a picture painted in words that convince the unthinking and unwary that we are woefully and menacingly inferior on the seas, and in that way bring pressure on Congress. I believe that it would be the part of wisdom to investigate naval conditions and the Navy Department thoroughly. For through the knowledge secured from such an investigation we would make a better showing at the next conference suggested by the gentleman from South Carolina [Mr. BYRNES] than we did at the first conference, which has been ridiculed, laughed at, jested at, and sneered at by national humorists and wits, who have blistered with fine irony and satire that historic but lamentable attempt at diplomacy on our part. Will Rogers cut to the bone and aroused the laughter, and at the same time, the indignation of the American people by declaring that we agreed to sink one vessel for every one that was constructed by England or Japan, and that in a mood of side-splitting humor the representatives of those two countries exhibited blue prints of what they intended to build, and said they would destroy the prints if we would destroy as many real vessels. This evidence of their self-abnegation and sacrifice was received with tears of sympathy and we agreed to destroy war vessels in course of construction upon one of which we had spent \$35,000,000.

Feeling that they had obtained a magnificent victory, our representatives could not conceal their triumph and rejoiced openly, to the amusement of the sly, foxlike, astute, shrewd, cunning, and highly trained diplomats from abroad, according to the great humorist.

Yes; I believe it would be the part of wisdom to investigate and ascertain what follies were committed in order to avoid blunders that may lie ahead. Let us find out whether we were outclassed, outgeneraled, outtricked, and outwitted at the conference; and if so, to what extent. Perhaps we were not hoodwinked to the extent that the American people were led to believe we were and that our representatives at that conference were not the chumps that editorial writers, pamphleteers, wits, and humorists have pictured them to be. I reiterate I am reluctant to differ from the President of the United States on any matter, because his is a great responsibility and he has a fearful burden to bear and carry. I am reluctant to admit that I am not convinced, though I have every confidence in them, by the report of the members of the subcommittee, for upon the heels of that report came the statement from the Secretary of the Navy that that establishment required an expenditure of a billion dollars within 10 years in addition to the annual appropriation, in addition to the modernization bill that is in conference, in addition to the construction bill that recently passed and which will cost one hundred and ten million more at least. Is there any wonder that there is proposed an investigation that will go from top to bottom and inquire into every phase and activity of the Naval Establishment and its future developments? Both the gentleman from South Carolina [Mr. BYRNES] and the gentleman from Idaho [Mr. FRENCH] in their attitude and expressions would be convincing on ordinary occasions. Of their intense sincerity and their high patriotism and their lofty purpose in endeavoring to reassure their countrymen there can be no question; there can be no doubt. But this is not an ordinary case. It is an extraordinary situation. Newspapers, national in their circulation, scope, and power, have suggested an investigation as the way to ascertain the facts. Newspapers, local in their influence, have taken the cry up. If the inquiry is not made, we might expect soon to see headlines suggesting that we were afraid to investigate and thereby expose the weakness of our naval condition. In my judgment we will be ultimately driven to the inquiry that we are urged to avoid.

A raging controversy is now on, and the irrepressible conflict between the forces looking to partial disarmament and those who believe in the maxim, "semper paratus," and a navy at least as large as that of any afloat confronts the Nation.

I will support the amendment that I understand will be offered by the gentleman from South Carolina [Mr. BYRNES] looking to another conference. I have no great faith in it, however. But as it is a motion apparently in the right direction and may produce results, I will vote for it. I do not believe that the people of our country want disarmament, for if they did they would enter the League of Nations and would, by their influence, ultimately, if not immediately, dwindle and reduce the armies and navies of the earth to mere police establishments. But the League of Nations is another story, as Kipling would say, and may well await discussion at some time in the future.

But my time is limited and I must hurry on. In asking practically for a reopening of the New Orleans Navy Yard, I ask for it not as one sighing for the fleshpots, but as one urging a national defense policy on scientific lines. I am not interested in public positions. I wish the entire Federal service and State and municipal service from every imaginable standpoint were covered by civil service laws that would be a relief to Congressmen and make for the protection and complete independence of public employees. But I am interested in promoting my country's welfare, and in urging you not to neglect the vast coast lines of the South Atlantic and the Gulf of Mexico from Charleston to the Rio Grande. I am urging a policy that will remove the Naval Establishment from the suspicion that must dwell in the minds of millions that the attitude of the Navy is not broad and national enough to inspire that whole-souled and sympathetic confidence which should be the basis of so great an institution. New Orleans is a great city and is destined to be one of the greatest cities of the world. Our Navy is designed to protect our commerce and destroy that of any enemy that we may have to engage in war. To accomplish that purpose with certainty and quickly it is necessary to destroy as soon as possible the enemy naval establishment. New Orleans is the second port in the United States. Its imports and exports are tremendously large. For that reason an enemy would seek to destroy it. For that reason we should seek to protect it and destroy the enemy who would endanger it. New Orleans is near the entrance of the Gulf of Mexico and is the great port for the Mississippi Valley. By its doors and over the waters of the Gulf of Mexico and through the seven seas the commerce of that empire of wealth and territory must pass to final destination. The navy yard

at New Orleans would take care of the vessels that would have to guard and protect our southern lanes whenever those vessels were in need of repairs and overhauling. As long as its claims for recognition as a part of the scheme of national defense are ignored just so long will the Navy Department be on the defensive and have to try to explain that which is apparently unexplainable.

With the permission of the House, I am going to make a part of this address a brief prepared for me by Walter Parker, of New Orleans, in which he by masterly touches shows the future greatness of the southern metropolis. From that splendid paper you will draw as a corollary, which will be more convincing than my feeble attempts, showing the necessity of a proper naval establishment in the Gulf of Mexico.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of Louisiana. Yes.

Mr. LOZIER. Does not history conclusively demonstrate that more nations have been destroyed by great armies than were ever preserved by them, and that more people have been enslaved by great armies than were ever freed by them? Is not that the truth of history?

Mr. O'CONNOR of Louisiana. I never heard anyone in my life make that statement until the distinguished gentleman from Missouri just now announced it on this floor. [Laughter and applause.]

The brief prepared by Walter Parker, above referred to, is as follows:

AMERICA'S NEW STATUS

North America, long the farm and the forest for the Old World, must now become the factory for the New World and the Orient and must readjust its industrial and transportation economy.

Western Europe will continue to take North America's cotton, lumber, foodstuffs, and the like in so far as its finances will permit, but North America will desire more and more to sell the finished articles of commerce rather than raw materials, and to this end there will be an ever-increasing favoring spirit for the development of new overseas markets in those overseas regions where raw materials are to be had.

Such regions available exist in Mexico, Central and South America, where the overflow populations of Europe may seek homes, and in the Orient, where huge populations and a relatively undisturbed economic life permit the creation of exchangeable products.

It is from the great valleys of the country, particularly of the Mississippi and its tributaries, that the food and the raw material supply of the United States must come. Within such valleys easy grade railroads and navigable waterways may be made to supply efficient transportation at low cost.

By centering the processes of industry within those valleys in close juxtaposition to food supply, raw materials, and the means of low-cost transportation along trade channels of low natural resistance, a new and lower cost equation is created, and when such processes be carried to their logical goal, a new economic margin for business is evolved just as surely as was done when steam power and machinery replaced hand labor.

When to these processes in the interior there be added the factor of scientifically coordinated port economy, the net saving to commerce and industry should prove great enough to offset in overseas markets, lower labor cost levels in less-favored regions which long have been strong competitors of the United States in foreign fields.

Changing world trade routes made Carthage, developed Venice, forced the Panama Canal, and now give New Orleans a world port opportunity of a new order—an opportunity to serve the Mississippi Valley efficiently and at low cost.

To capitalize that opportunity New Orleans, with public money, has built wharves, warehouses, elevators, and terminals, and, at the beginning of 1923, completed an inner ship harbor and industrial canal at a cost of \$20,000,000. This makes possible complete coordination between transportation, factory, and warehouse and clears the way for continuing uninterrupted development under the following four-phase policy:

Public ownership of river harbor front commercial sites and facilities available to all users on equal terms—the system long in operation.

Public ownership of inner harbor sites and commercial facilities thereon subject to short-term leases by business enterprises.

Public ownership of inner harbor sites, subject to long-term leases, and business ownership and operation of commercial facilities thereon.

Private ownership of sites on ship laterals of the main canal and private ownership and unhampered use of industrial facilities thereon.

WORLD CHANGES

This world-port opportunity of a new order arises as a result of several major causes.

The war curtailed Europe's buying power, hastened the period in which Latin America must develop, greatly augmented the industrial

capacity of the United States, increased the cost of rail transportation, forced a return of inland-water transportation, and left the world more largely dependent than before upon the Mississippi Valley, the only producing region of the first magnitude capable of fully functioning at this time.

The huge debt imposed by the war upon all enterprise has forced men to reduce waste and lost motion, and to develop and use new economies.

Commerce can no longer be moved over indirect routes or mountain grades, when direct routes and easy grades are available, except at an uneconomic cost, which means loss of advantage in competitive fields.

The United States now needs overseas markets for the finished articles of its factories. Such markets, of great promise, now lie in Latin America, Asia, and Africa, and not in Europe.

Europe will continue to need raw material from North America, but more and more North America will manufacture its own raw material at home and seek to sell the products of its mills abroad.

Competition will be keen, keener than ever before, and so the process of translating raw material into finished products must take place within easy reach of the raw material, food supplies, and low-cost transportation.

THE MISSISSIPPI VALLEY

Broadly, the region lying between the Appalachians, the Rockies, Canada, and the Gulf is an economic entity. It is called the Mississippi Valley. Within it are produced 80.8 per cent of all the wheat yield of continental United States; 86.9 per cent of all the corn; 97 per cent of the iron ore; 82 per cent of the agricultural implements; 95.8 per cent of the coal; 61.6 per cent of the cotton; 52.9 per cent of the lumber; 74.8 per cent of the livestock; 97.5 per cent of the sulphur; 66.4 per cent of the salt; 79.8 per cent of the oil.

Navigable waterways radiate from New Orleans to Pittsburgh, to St. Paul and Minneapolis, to Kansas City, and soon will reach Chicago.

An intracoastal canal for barges will, in a short while, extend complete from Pensacola to Brownsville, Tex., crossing the Mississippi at New Orleans.

Easy-grade railroads radiate from New Orleans to Atlanta and beyond; to Chicago and St. Paul, to St. Louis, to Kansas City, Omaha, and beyond.

The valley and its transportation lines, all capable of the most effective economy of operation, form a great funnel down to the port at the mouth of the Mississippi, thence by short sea routes to the world's new markets of great promise.

That port, both with far-visioned policy and carefully worked out project, has planned its facilities in such a way as to assure safety from congestion and the development of a character of economy possible only where ample space permits efficient coordination.

New Orleans has many miles of yet unused river harbor frontage, 11 miles of inner harbor ship frontage, and 96,000 acres of now unused and very low-value lands capable of being changed into private harbors at a mere expense for dredging ship channels through it to connect with the great now ready ship locks on the river's bank.

In this way the four-phase port policy is made possible, and the valley is given its choice of sites and facilities.

PUBLIC OWNERSHIP

Public ownership of harbor sites as practiced at New Orleans is not confined to the mere building and operation of port facilities, but embraces a complete policy under which both public and private enterprise may find free play under the most wholesome conditions. The idea is to supply with public funds facilities for shippers and transportation lines who are not ready to create facilities for themselves, leased sites for those who desire temporary occupancy, and an opportunity for fee simple ownership of harbor sites for those who desire to invest in facilities for permanent occupancy.

The working out of this broad policy has required many years of effort. Prior to 1896 the public owned all the river harbor frontage but had not created any machinery for the practical operation of the port under public ownership.

A board of commissioners of the port of New Orleans was created by law in 1896. It sold some bonds against the revenues of the port and built some covered wharves, then some warehouses and other facilities. Ultimately this board was taken out of politics and given enormous powers in the constitution of Louisiana. Its vision developed as its work progressed.

To-day the board is composed of five of the strongest business men, appointed by the governor for definite terms. This board serves without pay and acts as a board of directors. It names a general manager, who need not at the time of his appointment be a resident of the State, and empowers him to operate the port in the same way any other large enterprise is operated. He employs his staff, who in turn employ the workers. The surest way for an applicant to fail to obtain employment is for such applicant to attempt to bring political influence to bear.

Department heads are employed because of executive ability and salaries are paid accordingly. There is nothing in the law to prevent a proper salary reward for merit and service.

The world's greatest cotton warehouse and terminal has been built on the river front by the board. Similarly the world's most efficient grain elevator and a splendid coal tipple and storage plant have been created.

Many miles of wharves, with inclosed steel sheds over them, have been built.

INNER HARBOR AND INDUSTRIAL CANAL

Now the opening of the inner ship harbor and industrial canal, a facility which was paid for by the people of New Orleans, with no Federal aid whatever, makes possible the leasing of harbor-front sites to business enterprise, and the fee simple ownership of harbor sites on ship channels by business enterprise.

Under the conditions of public ownership of the river harbor front, business enterprise can not lease sites there.

New Orleans covers an area of 196 square miles—all of Orleans Parish or county. Much of this area has not been needed by the city and has remained undrained and unused. This area, part of which has recently been drained, lies between the Mississippi River and Lake Pontchartrain, an arm of the Gulf of Mexico, and large portions of it are within 3 miles of the center of New Orleans's business district. Lake Pontchartrain is 5 miles from the river.

Because of the rise and fall of the river a ship lock was necessary in order to adjust the levels in the canal and inner harbor, between the Gulf and the river.

The area of low-value land adjacent to the canal and inner harbor, which is available for development into privately owned harbor frontage through the dredging of lateral ship channels and canals, is 96,000 acres in extent. The land is low and level. There are no rocks in it. Spoil from the dredging of laterals and harbors raises the remaining land, giving it natural drainage.

The value of this land as harbor frontage so greatly exceeds the present value, plus the cost of changing it into harbor sites, that there should be ultimately enough profit out of the increment alone to pay off the \$20,000,000 cost of the lock and primary canal and inner harbor. At least, that is the basis upon which port economists are now working.

DRIFT OF TRADE

Because the markets of great promise now lie in Latin America, the Orient, and Africa;

Because the bulk of the resources of raw material and food supply and low-cost transportation are in the Mississippi Valley; and

Because of a port policy which is open and all-embracing, New Orleans, on the valley's direct trade route to the new markets, anticipates a sharp, favorable diversion from the normal tonnage graph of commerce and industry, and has planned its development only after comprehensive study and thorough analysis to take care of this increase.

It has sought all the good there is in public ownership and all the good in private ownership of facilities, and is using its great powers to so guide and influence both as to avoid the limitations of the one and the tendency toward monopolization in the case of the other.

NEW SHIP CHANNEL TO THE SEA

Silt and current create a channel problem at the mouth of the river, 110 miles below New Orleans. South Pass, where the Eads Jetties are, has served as a 31-foot channel since 1879. Some years ago the Government began work on a 35-foot channel through Southwest Pass, but has not yet succeeded in getting the desired depth there.

The completion of the inner harbor and industrial canal lock now makes possible the dredging of a ship channel of 40 or 45 feet depth direct to the Gulf through Lake Pontchartrain which will be free from silt and currents. Such a channel would strike the Gulf many miles east of the mouth of the Mississippi. Ninety per cent of the ships coming to New Orleans approach from the east. Through such a channel 9 out of every 10 ships would save possibly 24 hours' time on every voyage to and from New Orleans. The money value of such saving, it has been estimated, would equal the cost of such a channel in a period of less than three years.

By opening such a channel the Federal Government would greatly facilitate the commerce of the Mississippi Valley and ultimately save much monetary outlay. Sailing ships could then reach the main harbor of New Orleans under their own sails. The inner harbor lock into the river harbor would also serve the new channel to the sea, which would reduce the cost of such a channel by half. Such a channel is a probability of the near future.

PORT ECONOMY

As a rule bulk commodities are produced and made ready for market at one season of the year, and must rest in store somewhere until gradually consumed by the world. The producer needs money, and so must call upon the middleman to carry the load until consuming markets become available. It follows that the greater the cost, risk, and difficulty ahead of the middleman, the greater the margin of profit and expense required by him. This means lower returns to the producer and higher prices to the consumer.

It also follows that where world-used commodities are rapidly passed into consuming markets before required for actual consumption they often lose relative value because they can not again be offered for sale

in world markets, as would be the case were they held in store in primary supply markets until actually required in some consuming market. This is well illustrated by the case of cotton. Once cotton crosses the ocean to Liverpool, it must carry the cost of ocean transportation, and it can not be resold to American or oriental mills. But so long as such cotton remains in a primary supply market such as New Orleans, it maintains its parity and may be resold into any consuming market. In most years cotton values in winter, spring, and summer reflect a greater increase over fall values than the mere carrying charges amount to.

Lost motion in handling, unnecessary drayage, high costs of insurance and money, and delays, which impose a burden on transportation, are factors of moment in every American port and reduce the advantage American traders should naturally enjoy by reason of an abundance of raw material, unimpaired credit, and potentially low cost of transportation.

Port congestion, resulting from lack of proper planning, from personal greed, and from an absence of unselfish guidance and authority, has resulted in high charges in many American ports, which in turn narrow world competitive markets for American products.

Knowing these facts, and given a wide-open opportunity for the testing out of schools of thought and competitive policies, and for encouraging enterprise and business endeavor, the New Orleans port authorities have planned for to-day and to-morrow and are in position to provide policies under which any wholesome tendency in commerce and industry may be fostered.

A market of deposit for the products of the valley on their way abroad and for the products of the world on their way to the valley is on the cards. The facilities for such a market of deposit embrace complete coordination between rail, highway, and inland water and ocean transportation, storage, and mill. There is provision for certificates of storage, bearing the guaranty of the sovereign State of Louisiana, showing character, class, weight, and condition of commodities in store. This means low-cost money. Fireproof water-side warehouses means low-cost insurance. Coordination means low-cost handling.

Such warehouses may be built on leased harbor frontage by warehousemen or built by the port authorities and leased to warehousemen or be both owned and operated by the public through the port board, as the case may require.

A municipally owned and operated belt railway system coordinates all rail lines entering the city, all wharves and warehouses, and all factory sites.

Through privately owned harbors and harbor sites on ship laterals of the inner harbor industry using either the raw products of the valley or of foreign fields and coordinated with all port facilities and transportation by publicly owned belt railroad and by lighter may, singly or in combination, develop and employ economies of a very rare character.

GROUND WORK

Before port development plans on such a scale and so complete in policy could be made effective New Orleans had to do many important things. It had to devise a sewerage and drainage system for a region devoid of natural grades. This it did, in the case of sewerage, through the installation of underground automatic electric pumps which created pipe-line grades between each station. In the case of drainage a new type of low-lift, high-capacity pump, many of them 10 feet in diameter, had to be designed for this work.

With a mighty but muddy river passing its front door, New Orleans had relied on a rain-water supply for domestic use. Wells would not do, because they yield salt water only. A real water supply was required, and so a monster filtration plant, depending primarily upon coagulation and precipitation, was built, which now delivers a filtered pure water supply so cheaply that it is freely used to wash the streets and put out fires.

Then there was the old yellow-fever problem. This problem was solved through mosquito elimination. Two hundred and fifty thousand surface cisterns were destroyed by law. These cisterns afforded the only great breeding place for the particular mosquito which can transmit the poison from one sufferer to another. The fever does not originate in any portion of the United States. It is not contagious. With no *stegomyia facialis* mosquito to transmit it there can be no transmission. And so yellow fever, if brought into the port, can not now become epidemic.

The same is true of bubonic plague. This is a rat disease, and is transmitted through the rat flea to the human when the rat dies.

To make bubonic plague impossible in New Orleans every residence, building, wharf, warehouse, and terminal has been rat-proofed. More than 2,000,000 rats have been trapped and millions more have been poisoned. The saving in goods alone not destroyed by rats justifies the cost of rat-proofing, aside from its value as a health measure.

With safety from yellow fever and bubonic plague, New Orleans, a semitropical port, need maintain no more stringent health regulations against other ports than are required by the ports in the colder climate far to the northward. This means open commercial movement.

BARGE LINES

Prior to 1846 boats on the Mississippi, Ohio, and other rivers enjoyed a monopoly of Mississippi Valley commerce, and none destined for a seaport could escape New Orleans. The boat owners, never fearing competition from artificial transportation, fought among themselves, but no terminals, through bills of lading, or truly economical methods were developed. They wasted steam, gave over space they needed for freight to promenade decks, and relied on the muscles of men to do work machinery should have done. Their patrons welcomed the railroads as a relief from an arbitrary monopoly which had never made effective the basic economy of water transportation.

The valley was developing, resources were abundant, and the residents were wasteful in many ways.

And so the railroads, building out fanlike from the North Atlantic ports, tapped the valley at many points. The public was agreeable, and the boat lines fell fairly easy victims. Midnight tariffs, and sometimes unfair competition, finished the job. Railroad exploiters of those days did not believe there would ever be commerce enough for rails and boats, too. Anyway, the valley's foreign markets were then almost solely in western Europe, which is nearer New York than New Orleans.

Finally the Civil War permitted a situation to develop which fostered the North Atlantic ports and retarded New Orleans.

Out of it all came rate structures, laws, and other factors which stood as a barrier to private enterprise whenever it attempted to redevelop inland water transportation.

THEN THE GREAT WAR CAME

At the request of the people of the Mississippi, Ohio, Missouri, and other great valleys the Federal Government created a barge-line service between New Orleans and St. Louis, on the Mississippi, and between New Orleans, Mobile, and Birmingham, on the Warrior River. There was a double purpose. First, to augment rail transportation. Next, to wipe out actual service handicaps on inland waterway use which had developed through long abuse. The idea was and is for the Government to complete a practical demonstration of the feasibility and economy of inland water transportation, and then sell out its equipment to business enterprise.

The demonstration thus far has proven successful, more freight is being offered than the barge line can carry, and on every pound of freight moved the shipper saves a very material percentage of the normal rail rate.

This saving applies through joint rail and water rates between inland towns and ports, as well as between ports.

With the completion of the lock and dam system on the Ohio, the channel-improvement projects on the upper Mississippi and Missouri Rivers, and the Lakes-to-the-Gulf channel from Chicago, the former largely completed and the latter fully provided for, there will be water interchange between Minneapolis, Chicago, Kansas City, Pittsburgh, St. Louis, New Orleans, Pensacola, Birmingham, Mobile, Galveston, Houston, and Brownsville, Tex., the last four being on the now nearly completed Intracoastal canal. New Orleans is the main junction point of this waterway system.

NATURAL RESOURCES

The world's largest sulphur deposits are on the Intracoastal canal. So are the world's largest salt mines.

The Mesaba iron mines are about as near Minneapolis on the Mississippi as they are to Duluth on Lake Superior.

Pittsburgh's coal and iron supply is on the Ohio and its navigable tributaries.

Similarly, Alabama's iron and coal are on the Warrior, which is a part of the system, as is also much of Alabama's limestone.

The wheat of the upper valley and the cotton of the lower valley are now finding their way to shipside over joint rail-and-water routes at material saving in transportation costs, and these savings should increase.

Louisiana's sugar, molasses, and rice and Brazil's coffee are being moved up the river on barges at low rates.

Nicaragua's mahogany is moving along the same route, while agricultural implements, automobiles, and many other export products are coming down.

Early in 1923 a great fleet of towboats loaded with export steel for the Orient arrived at New Orleans from Pittsburgh. It was the first of a series.

The facts all appeal strongly to the economist and to the industrial and transportation engineers, and, more or less to their surprise, the people of New Orleans are now hearing much about plans and projects for basic steel industries on their just completed inner harbor; about projected lumber and timber harbors which contemplate a trade in Central and South American hardwood and hardwoods and pine from the Southern States; woodworking plants; and waste material for paper pulp, the chlorine to be available from a planned chemical harbor near by.

This chemical-harbor project has received a great deal of attention. Oil, sulphur, gas, and salt are available from near-by sources of

abundant supply. There are cotton, coal-tar products, limestone, and gypsum near, in addition to foreign chemicals.

Plans for these great basic enterprises include coordination each with the other and the maximum use of waste material.

Mr. BYRNES of South Carolina. I yield 13 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, this naval bill, providing all together \$290,000,000, was framed by bureau chiefs in the Navy Department, and that bill was then submitted to the admiral who is the budget officer in that department for presentation to the Budget Commission. They cut down some items and changed some provisions, and then the bill came to five Members of Congress who are on the subcommittee of the Appropriations Committee, and they made some little changes in phraseology and amounts, which, after all, may be designated insignificant changes, and thus they introduced the bill into the House, which is the bureau bill after all, and they now cause it to be read to us for passage; and we take up some time in general debate talking about every kind of subject on the face of the earth, and then it is going to be read hurriedly under the five-minute rule and passed substantially as it has been presented. If any Member raises his voice against any part of it, these 5 men will summon the other 30 members of the Committee on Appropriations, who by some kind of an implied agreement are bound to help each other, and they all combine together and put it over us anyway.

My judgment is that the membership of this House does not agree with the gentleman from Louisiana who has just spoken. They are not for spending this tremendous sum of \$290,000,000. They are not for a big Navy, and if they could, my judgment is that the majority of the Members would change it and they would reduce it, but they can not. They are helpless and powerless to do it.

What are the great influences that surround these big Navy and big Army measures that force their passage? Ever since the armistice was signed I have many times sat in my office for hours at night thinking over the way these bills are handled and trying to find out what is it that causes these bills to pass when I know that they are against the judgment of the Membership of Congress. I have reached some conclusions and I want to put them before you in the Record. I will tell you the first thing that keeps us from changing them. We are more or less subdued and intimidated and held in check by criticism.

You let one of us get up here and protest against passing these bureau bills and we are immediately—in the press, from the floor, and everywhere else—called narrow-visioned, short-sighted men and that we have not the best interest of the Republic at heart. We do not like to be thus criticized, and that deters us to a certain extent. And then there are some irrepressible influences that surround us with overwhelming propaganda. The first is the Army and Navy Club of Washington. There is no man on earth who knows just how far-reaching that influence goes in this Nation, the influence of that great Army and Navy Club, with all of its big Army and Navy officers, and its influence through their many friends permeates every district in the United States. The naval officers and Navy Department are no longer satisfied with just the big salaries we give them, the emoluments of office, their pleasant surroundings, their retirement privileges, their connection with big enterprises, the pleasant lives we permit them to live on land in many instances; they are not satisfied with all that, but they want big sums of money to spend for the Government in their leisure time and in peace time. They like to spend money. That is human nature, and they want to spend it, especially if it is Government money. They want to build big battleships, cruisers, and so forth, and they are continually pushing such enlargements before us. They are continually insisting on our giving them more money to spend and bringing every kind of propaganda to bear upon us to make us see their way.

Let me mention a second influence. Did you notice in the paper the other day a little item which looked insignificant but means much? It said if this building program was not adopted, why, the Government would have to lay off numerous workers in the navy yards over the country. Did that mean much to you? It meant much to me as part of the influence that passes this bill through. Why, it is the influence of these workers in our navy yards scattered over the United States; they do not want to be laid off. They want to continue in their jobs, and in order to continue in their jobs they want to continue with the big building program.

Then there is another influence. It is the influence of the big shipbuilding corporations; the New York Shipbuilding Cor-

poration, with yards at Camden, and the other big companies scattered over the country want fat contracts. Why, if you stop this building program, they do not have these thirty and fifty million dollar contracts. We must continually enlarge this building program to keep their yards going and keep their employees in jobs and keep their exchequers filled and permit them to have large income taxes that are not paid because probably the income is in bonds that are not taxable.

Mr. HUDDLESTON. If the gentleman will yield, will the gentleman tell us something about the Navy League?

Mr. BLANTON. I was just getting to that. The gentleman from Alabama never overlooks anything. He is alert all the time, smart as any man in the United States, although his method of doing business might be on somewhat different lines and I can not always agree with his economic policy; but I admire him greatly because he is everlastingly seeing things all the time. Everyone of you this morning got an envelope half an inch thick with propaganda, propaganda from this Navy League, insisting on us carrying out the big naval program; and who, if you please, is this Navy League of America? I can not forget, because it is a record of Congress, undenied and undeniable, that the founders of that league—a majority of the founders of it—were men who profited by these big preparedness programs, profiting in it by dollars and cents; and I can not help but remember that some of their connections are still on the official register of this great Navy League of America.

How long are we Members of Congress going to stand for this system? Why do not we effect an organization of our own, an organization of Congressmen to protect the people and the Treasury? It is easy to defeat these five men on this Appropriations Committee that bring in a bill we do not want, and their committee, if we make up our minds; and we can do it if we will act together and are willing to stand a little criticism from the press and our colleagues on the floor.

Are you afraid of criticism? Are you afraid to take a little of it once in a while? It does not hurt you. It does not hurt you to vote by yourself if you are right, because after a while your people find out about it and commend you for it. Vote by yourselves when necessary, if you are right.

Just let me show you exactly what battleships were scrapped under our disarmament conference. I just want to recount again the list, lest you should forget. We scrapped the *Washington*, the *South Dakota*, the *Indiana*, the *Montana*, the *North Carolina*, the *Iowa*, and the *Massachusetts*. They were brand-new ships. None of them had ever been used. They had cost the taxpayers of this country millions upon millions of dollars. What else did we scrap? We scrapped the *Virginia* and the *Nebraska* and the *Georgia* and the *New Jersey* and the *Rhode Island*, the *Connecticut*, the *Louisiana*, the *Vermont*, the *Kansas*, the *Minnesota*, the *New Hampshire*, the *South Carolina*, and the *Michigan*; and we have also scrapped the *Lexington*, the *Constitution*, the *Constellation*, the *Saratoga*, and the *Ranger*. Last, but not least, we have scrapped the ship "United States." We scrapped them.

Did you hear from any of these influences that I have mentioned a single protest against those scrapping procedures? No; not one. They are always willing for you to scrap valuable battleships. They know that whenever you scrap them, you will have to build new ones. The Army and Navy Club did not object. The Navy League of America did not object. The New York Shipbuilding Corporation did not object. The men in our own navy yards did not object. The private employees in those private shipyards did not object. They were all anxious to scrap what we had and to build new ones.

Mr. KVALE. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KVALE. Does the gentleman think that the United States Steel Corporation objected?

Mr. BLANTON. Not at all. They never will object to scrapping a vessel and sinking the steel under water, because they know they will furnish new steel to build new ones.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BANKHEAD. Along this line of destruction and scrapping, it is now proposed by those high authorities to scrap three or four hundred of our first-class steel cargo ships.

Mr. BLANTON. Yes. Let me tell you, my colleagues, that in 1916, when all of the countries of Europe were not yet demoralized, because they were still in good shape financially, many of them, and still able to muster armies, many of them—why, in 1916 the appropriations for our Army, with the World War in progress, were only \$119,000,000. In 1916 they were \$119,000,000, and this very fiscal year the Army appropriations are \$250,000,000. In 1915 the appropriations for our Navy,

the entire appropriations in 1915, were \$157,000,000. And what were they for the fiscal year that ended last June, the fiscal year 1924? They were \$330,000,000. What is it for the fiscal year ending this coming June 30, 1925? It is over \$300,000,000.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Will the gentleman give me a little more time?

Mr. BYRNES of South Carolina. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes more.

Mr. BLANTON. What is it in this bill? This bill carries \$290,000,000. The bill passed the other day by the Senate provided for a program of \$110,000,000. The gentleman from South Carolina [Mr. BYRNES] told you day before yesterday, truthfully, that there have already been prepared estimates from the Navy Department for an additional \$45,000,000, and an additional \$9,000,000 on top of that, which makes the stupendous sum for this coming fiscal year of over \$370,000,000 for our Navy Department alone. Yet we sit here like a bunch of mocking birds and swallow it all and pass it. I do not say that offensively, but that is what we are doing.

Why do we not stop it? The United States Government ought to set an example to the peoples of Europe. We ought to cut in two both our Army and our Navy. We are separated from England by 3,122 nautical miles. We are separated to-day from Japan by 4,536 nautical miles. What great danger is there from across those oceans? If we would disarm, the other countries would. Yet we spend the tax money of the people keeping up a tremendous Army and a tremendous Navy. As long as we keep it up, Japan is going to keep it up, and England is going to keep it up, and France is going to keep it up. Every European country is going to burden its people with taxes so great that they can hardly bear them. And you say that we will keep it up as long as they do. As the gentleman from Illinois [Mr. BRITTEN] is reported by the press to have said that he will permit an investigation of the Navy, but he wanted it to be conducted by those who will be friendly to the Secretary of the Navy. I predict that the ones who will hold the investigation will only ask the Secretary such questions as he wants them to ask. Have we not got the right to investigate if we want to? What strange power has come to the Navy Department or to the Secretary of the Navy so great as to keep us from an investigation if we want it, if we make up our minds to have it?

I hope there will be enough of our colleagues who do not believe in this wild spending of the people's money to stand up on this floor here when voting time comes and say to the Committee on Appropriations, "You can go thus far, but no farther than we want you to."

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield nine minutes to the gentleman from Kentucky [Mr. KINCHELOE].

The CHAIRMAN. The gentleman from Kentucky is recognized for nine minutes.

Mr. KINCHELOE. Mr. Chairman, I want to address myself to the recent naval disarmament conference that was held here in Washington, and I ask leave to add as a part of my remarks a writing by Will Rogers on sinking battleships.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks by including therein a writing on sinking battleships by Will Rogers. Is there objection?

Mr. JOHNSON of Washington. I object.

The CHAIRMAN. Objection is heard.

Mr. KINCHELOE. Mr. Chairman and gentlemen of the committee, we all remember that shortly after the Republicans came into power in March, 1921, a naval conference was called here in Washington in spite of the wishes of the administration then in power. No one in authority in that administration wanted the conference called, but by reason of his great ability the distinguished Senator from Idaho [Mr. BORAH] aroused public sentiment of the country to such an extent that he made this administration call it, and they had it in Washington. And in the recent campaign just closed the Republican orators went all over the country and said that one of the great accomplishments of this Republican administration was that disarmament conference.

In my judgment, if we have another disarmament conference on naval affairs, called here or anywhere else, and our country gets the hot end of it as much as it did in the recent one, we will have no Navy to start with upon which to build in the

future. If there ever was an international conference of any kind held anywhere where our great country participated and at which our country is holding the bag, it was at this conference. But after the deliberations of that conference they finally agreed on a ratio of 5-5-3, 5 for the United States, 5 for England, and 3 for Japan, and after the countries had ratified that those in authority in this administration said we were so far above our 5 of the ratio that it was necessary to scrap our battleships then under construction. At that time this country was building seven big battleships and four battle cruisers which, if completed, would have made the United States have the greatest Navy that floats the seven seas. We had already spent \$153,814,000 in the building of those battleships and battle cruisers. So those in authority said, "This country is so far above our 5 of the 5-5-3 ratio that in order to get down to the 5-5-3 ratio we must scrap the seven battleships and four battle cruisers," and they did scrap them. This country had already spent, as I say, \$153,814,000 on those battleships and cruisers; it cost \$28,000,000 more to scrap them, and after they were scrapped there was an outlay of over \$182,264,000 from which the people of this country received no more good or benefit than if you had taken this money and thrown it into the stove. Well, they said England was long on cruisers and short on battleships and that this country was long on battleships and short on cruisers and, therefore, in order to bring about an equilibrium between the two countries it was necessary for this country to scrap those battleships which cost \$40,000,000 apiece. I imagine the representatives of England at that conference did not have much trouble in coming to an agreement to scrap their extra cruisers, which cost comparatively very little money. I do not blame England's representatives for looking after her interests.

By the bill that passed the Senate the other day, instead of our country getting down to our 5 of the 5-5-3 ratio we got so far below it that an appropriation was authorized of \$110,000,000 to build eight scout cruisers and six gunboats in order that this country could get back to the 5-5-3 ratio. The last naval appropriation bill which passed in the last session of Congress appropriated \$30,000,000 more in order to enlarge our Navy. So we scrapped \$182,264,000 worth of battleships and cruisers in order to get down to the 5-5-3 ratio, and now we are asked to appropriate \$110,000,000 to build these eight scout cruisers and six gunboats in order to get up to it, and the Secretary of the Navy now comes here and says we are only 4 instead of 5 of the 5-5-3 ratio. This bill carries an appropriation of about \$289,000,000 to carry out the program made necessary by reason of this disarmament conference.

Mr. FRENCH. Will the gentleman yield?

Mr. KINCHELOE. I am sorry, but I have only nine minutes. That \$289,000,000 is to be spent under the supervision of the present Secretary of the Navy. The present Secretary of the Navy, Mr. Wilbur, evidently did not know the Civil War was over in the last campaign. He had prepared a speech, I presume with a great deal of care and caution, and was to deliver it on the Pacific coast, but as soon as the President of the United States got wind of the contents of that speech he called the Secretary of the Navy back to Washington and prevented its public delivery. After his speech appeared in the Washington Post it seemed he was going to fight the Civil War over again. If the Secretary of the Navy does not know that the North and the South have been welded together again, and that that union has been sanctified by the blood of our young American manhood in the Spanish-American War, and in the war through which we passed from 1917 to the 11th of November, 1918, my own private opinion of him, publicly expressed, if he does not know that, is that he would not know a big, modern battleship built in this country from one of the gunboats we are now trying to build out of the present appropriation. [Applause.] I will now yield to the chairman of the subcommittee.

Mr. FRENCH. I just want to know whether the gentleman is not aware that the statement of the Secretary of the Navy in the matter of a reduced ratio had relation to last spring, when the maneuvers were occurring. Four of the battleships were withdrawn from the maneuvers because they could not make the speed on account of engine difficulties. The report stating that our ratio had been reduced to four, which was made by the Assistant Secretary of the Navy, had relation to those things and nothing else.

Mr. KINCHELOE. Perhaps he did in referring to our ratio, but the speech which the Secretary of the Navy was making an attempt to deliver in the campaign was that the people in the North ought not to vote the Democratic ticket

because of the Civil War. That was the main purport of his speech. But after this disarmament conference the Secretary of the Navy does say that many of the battleships we now have are practically out of commission, and that it will cost hundreds of thousands of dollars in appropriations to put them in good shape.

Under the agreement made at this last disarmament conference for the scrapping of our battleships why did not our representatives at that conference, if they knew what they were doing, provide for the scrapping of the old battleships we already had, and which were practically out of commission, as the Secretary of the Navy now says they are, and then proceed with the building of the seven new, modern battleships?

The other day they undertook to sink the *Washington*, and notwithstanding its incomplete condition it took nearly all the ammunition out of our arsenals to sink it; yet we allow these battleships that are obsolete, if the Navy experts are to be believed as well as your present Secretary of the Navy, to remain as a part of our Navy, and they are the ones we are asked to appropriate for.

I am for an adequate Navy; I am for a disarmament conference; our party has always stood for it, and for a long time there has been a provision in the Navy appropriation bills requesting the President of the United States to call such a conference. But if we must have conferences like the last one, which will result in our scrapping the modern battleships we are already building at a cost of \$153,000,000, and then appropriate hundreds of millions of dollars more in order to modernize the battleships we already have, I think this country would do well to pick representatives for the next disarmament conference that would be able to hold up our interests and properly protect our welfare. [Applause.]

Mr. Speaker, pursuant to unanimous consent to extend my remarks, given me by the House since delivering the above address, by inserting a newspaper article written by Will Rogers, entitled "Sinking battleships," I now insert same, as follows:

[From the Washington Post, Sunday, Dec. 7, 1924]

SINKING BATTLESHIPS—AMERICA'S TREATY WITH ENGLAND AND JAPAN READS: "FOR EVERY BATTLESHIP YOU BUILD WE WILL SINK ONE"

(By Will Rogers)

Well, we have had a very strenuous week in the sinking department of our Navy. We were all last week trying to sink our greatest battleship, the *Washington*. It's hard to go against public sympathy. When a thing is carrying the good wishes and hopes of a majority of the people it may get licked in the end, but it generally puts up a pretty good fight. And the *Washington*—that would have been our most magnificent battleship—was no exception. She was hard to sink, not only on account of her armored plate, but because everybody hated to see her sunk. In other words, she was carrying too much sympathy to go down easy.

Here is a boat we had spent \$35,000,000 on, and we go out and sink it. And the funny part about it is that it cost us more to sink it than it did to build it. We shot all the ammunition we had left over from the war into it, and those big guns on the *Texas* they were using, they only are good for so many shots during their lifetime. So we spoiled the guns of our next-best boat trying to sink the best one.

A great many people don't understand just how this sinking came about. You see we had a conference over here a few years ago. It was called by America. We were building a lot of battleships and we had plenty of money to do it on, and it looked like in a couple of years we might have what would be the largest Navy in the world. Well, the League of Nations gathering in Paris had attracted a lot of attention and got quite a lot of publicity, most of which had been shared in this country by the Democrats. So when the Republicans got in they conceived the idea of a publicity stunt for the Republicans. Why not them have a conference? So they decided that was a good thing. But what would they confer about? Well, that was kinder of a sticker because the League of Nations had conferred about six months, and in that time had taken up about every question on the calendar.

So Secretary Hughes happened to think of the idea: "Let us confer on sinking battleships." Well, the idea was so original that they immediately made him the toastmaster. You see, up to then battleships had always been sunk by the enemy, and when he proposed to sink them yourself it was the most original thought that had ever percolated the mind of a statesman. So, when we communicated the idea to England and Japan that we had an idea whereby we would sink some of our own battleships, why, they came over so fast even the butler wasn't dressed to receive them when they arrived.

In order to add a quorum, and also to make a colorful picture, why, we invited other nations, some of which didn't even have a river running through them much less being near an ocean. Well, all the powers got seasick coming over, as it was their first voyage.

Nations who heretofore had no navy had to fake up some kind of naval uniforms. When they arrived in Washington everybody wondered where the masquerade ball was going to be held. Of course, the foreigners had to furnish most of the picturesqueness, but our members did the best they could. They got out their old inauguration suits and turned them upside down and scattered moth balls all over the carpet. What we lacked in personal appearance at the conference we made up in generosity.

The toastmaster arose, reassembled his beard, and spoke as follows: "Friends and debtors (because they all owed us money), at the rate we are building battleships in this country in three years we will make the song *Britannia Rules the Waves* sound like *Yes, We Have No Bananas*. Now, we don't want to destroy the truth and merit of a song which a nation has already gone to the trouble to learn, so we want to do what is right. We don't want to be the biggest naval power, because we have no song to that effect. So we figure it is better and cheaper to stop and destroy what we have than it is to go to the trouble of writing a new song. Now, let us get right down to brass tacks and lay our plans on the table. England, what have you got?"

England replies as follows: "Well, my plans call for the building within the next six months of 51 battleships of the first line, 280 destroyers, and 500 miscellaneous gunboats. Now, we are willing for the sake of world peace to tear these blue prints in half. We will, for national unity, sacrifice half what we intended to do. Now, I don't think that any nation could be fairer than that; these plans that we made up on the boat coming over cost us time, and paper is high, and I don't think that we should be asked to give up any more than that."

Mr. Hughes responded as follows: "That is the kind of spirit that I was sure you would exhibit, and I think that what you offer is not only fair but more than fair. Now, Japan, what are you preparing to do to help America get rid of some of our superfluous Navy?"

Togo, with apologies to Wallace Irwin, replied as to wit: "Honorable gentlemen, ha, ha (excuse laugh, I don't speak very good English), Japan she have a dream of having more ships on seas as any nation under rising sun. Now, Japan is willing to do what she can to help America from being too big on ocean. So Japan propose as these facts: She, Japan, will forget half of her dream. Well, not quite half (excuse me, I know not American figures very well). She will forget two-fifths of her dream, she will promise to be just three-fifths as big as America and England. Of course, she is now only one-ninth as big, but we will build as fast as we can and we think that by us doing away with our big dream and only remembering three-fifths of it we are acting in a very honorable and generous mood. I thank you."

Mr. Hughes arose, bowed, and thanked our Nipponese guest as now related: "I had no idea when I called this conference that I would get the wholehearted support that I am now receiving. England is tearing up half of her blue prints and Japan has discarded two-fifths of her dreams and I have just been informed that Switzerland has promised to cut her bobsleds in half. Now, gentlemen, I will show you what America is prepared to do. For every battleship you fellows build America will sink one."

Well that just brought down the house. He was appointed Secretary of State for life. It was good economy, because with him Secretary of State they would soon need no Secretary of the Navy. And for an encore of this knockout speech he replied: "Yes; and to show you we will live up to it I don't care how big a battleship you build, we will sink a bigger one."

Well, there was nothing left to do but for England and Japan to go home and start building and us to start sinking. Of course, if Mr. Hughes had known then that our battleships were going to be as hard to sink as they are, why he could have put it in the contract that they were to stand their pro rata share of the cost of sinking. It would be cheaper for us than to have to sink them ourselves. Now, they are talking of having another naval disarmament conference. We can only stand one more. If they ever have a second one we will have to borrow a boat to go to it.

You see, we do not like to ever have the start on any nation in case of war. We figure it looks better to start late and come from behind. If we had a big Navy some nation would just be picking on us all the time. But as it is now, with us and England 5-5—that is, we are supposed to be equal—why, if we ever had a war it would be a tie. But why fix it so two nations will fight a tie in a war? They will only want to fight it over again. Agreeing on how many boats each nation shall have would be like agreeing on how many shots each soldier could fire a day in case of war. Before you went to war you would have to look at your contract to see what you was allowed.

Now, we find that a storm was instrumental in sinking the *Washington*. Mr. Wilbur, our Navy Secretary, said: "The results of the experiments on the attempted sinking of the *Washington* were of great military value." I guess it showed him where to have a boat located in case a storm was coming and you wanted it sunk. He also says: "The treaty required this vessel sunk or broken up, but permitted us

the privilege of using it as a target before sinking. This was one of the advantages accorded us by the treaty."

Now those are his very words. If I purposely thought a year I could not think of anything as ridiculous as that. One of the advantages gained was to use our own boats as a target. My Lord, can't we shoot at all of them if we want to? Maybe that is why we are going to hold another conference, so we can get permission to shoot at the rest of them.

He says he don't want the other nations to find out how we did it. Don't worry, they are not going to sink any of theirs. Sinking your own boats is a military strategy that will always remain in the sole possession of America.

Here is the funny part about the disarmament treaty. It says there is to be no more war, so we must sink our boats, but we are allowed to practice shooting at them as they go down, in case there is another war and we need the marksmanship.

If they are trying to outlaw war, why don't they quit practicing shooting? But I should be the last one to kick. They furnish me with material to make a good living. Next week—"England and Egypt and the League of Nations." I think it is a funnier act than this one. (Copyright, 1924, by the McNaught Syndicate, Inc.)

Mr. FRENCH. Mr. Chairman, has all time expired?

The CHAIRMAN. All time of the gentleman from South Carolina has expired.

Mr. FRENCH. Mr. Chairman, I yield the balance of my time to my colleague on the committee, the gentleman from New York [Mr. TABER].

The CHAIRMAN. The gentleman from New York is recognized for 19 minutes.

Mr. TABER. Mr. Chairman and gentleman of the committee, so much has been said here and in the press throughout the country with reference to our naval situation that is confusing and misleading that I felt it my duty, after having spent at least 3 months out of the last 12 in going over the matters relating to our Naval Establishment to see if I could not in some slight degree set it right.

In 1922 we had a disarmament conference and this disarmament conference directed the scrapping of a great number of old ships that were about worn out and also 11 new ships that were under construction. Now, why did we scrap them? Why was it advisable and in the interest of this country to scrap them? Not because they had not served any purpose, because they had served a great purpose for American peace.

The other nations of the world were ready to enter into this disarmament conference just because we had these boats built and under construction. It was not because they wanted peace any more than the rest of us, but because we had these boats and because in making this deal they were able to stop a great expenditure of money. That great expenditure of money was stopped.

We had spent \$153,000,000 on the ships that were not completed, but what would it have cost us if we had gone on and finished them? Upward of \$250,000,000, and it would have cost us from \$50,000,000 to \$75,000,000 to maintain them after they were built. They were great, big ships, upward of 30,000 tons apiece, costing \$30,000,000 and upward apiece.

We scrapped them, and when we got through scrapping them our ratio of battleships or capital ships was still 5-5-3 under the treaty. We have to have cruisers, small boats, and that is all that we have had since, and that is all we have appropriated money for, and that is all that the modernization bill, which was passed by the Senate the other day, calls for. These cruisers are 10,000 tons only, and they cost somewhere around \$10,000,000 apiece as contrasted with \$30,000,000 or \$40,000,000 for the capital ships. They require to operate them from 300 to 350 men apiece as compared with 1,250 for the battleships. This is why we scrapped those ships and why it was in the interest of America to scrap them.

Our ratio of ships as established by the treaty was right, and not only that, America did not get the worst of it. We had 10 ships out of the 18 which had a longer average range than the guns on the best British ships. The average age of our ships was from two to three years less than the age of the British ships. There were only eight ships which had a range less than any eight of the British ships, and that will be corrected when we are permitted under the treaty to elevate the guns so as to take care of that situation.

This treaty provided, among other things, that the nations should be permitted to install on the capital ships that were already built deck protection known as blisters and torpedo protection under water, so that these ships might be kept right up to date and might be balanced. We really did not need this to balance with the rest when the treaty was made, but the British were permitted, as the years went along, to put into commission three ships which were not in commission

at the time, and as those ships came into commission with a longer range and greater displacement it was necessary for us, and has become necessary for us, to put the blisters on the deck and to install the torpedo protection under water. That is just what this modernization bill provides, and that is just why we have passed it.

The Acting Secretary of the Navy in a statement last spring said:

The battleships *Florida*, *Utah*, *Wyoming*, and *Arkansas* require boiler repairs in order to maintain their speed. Until this could be done the speed of these four ships was reduced and they had to drop out of battle line. This reduces our ratio to 5-4-3.

Remember, "this."

Three of these battleships have already been put in condition so they can steam up to their full original tests and some of them better. The *Florida* is in reserve, because the repairs to her boilers would cost more than the \$100,000, and this was thought to be a waste because of the great cost, but when this modernization bill is passed and an appropriation is made under it new boilers will be installed on the *Florida*; and this does not mean brand-new boilers out of a boiler shop but means new boilers that the Navy Department has saved out of the scrapped ships; and all that it is going to cost to put in the new boilers is going to be the installation expense, and this same thing applies to the other ships which are still coal burners.

When this modernization is completed we are going to be right up to the mark, 5-5-3, with Great Britain, and if we keep our ships in shape—and I might say to you that we are keeping them in shape, and I will give you just one illustration. In 1920 the engines on our ships were about as good as those of the others, but it took 2½ gallons of lubricating oil to enable a capital ship to go a mile. In 1924 it only took 1 gallon of lubricating oil to enable a boat to go a mile. Anybody who knows anything at all about engines knows how that works out.

Mr. SNELL. Will the gentleman yield for a question?

Mr. TABER. Yes.

Mr. SNELL. There has been a good deal said about the scrapping of ships and the cost of \$27,000,000, I believe. Were there not some things to come back from that? Did we not save various parts worth more than the \$27,000,000, or was that an absolute loss?

Mr. TABER. Enormous quantities of boilers, engines, motors, and auxiliary equipment of all kinds have been preserved which can be used, and a good deal of it will be used in the modernization program and in other work of construction.

Mr. SNELL. If that were to be credited against the twenty-seven millions, would there be any loss or gain?

Mr. TABER. A gain.

Mr. BYRNES of South Carolina. If the gentleman from New York will yield, I would like to ask the gentleman from New York [Mr. SNELL] if his question was whether the \$27,000,000 was a loss or whether the material taken from the ships would more than pay it?

Mr. SNELL. Whether the materials taken from the ships were worth \$27,000,000.

Mr. TABER. I think it would be a gain; I think we saved more out of all the ships than the \$27,000,000.

Mr. MacLAFFERTY. Will the gentleman yield?

Mr. TABER. I will.

Mr. MacLAFFERTY. In addition have we not received large sums of money for iron and steel taken out of the hulls?

Mr. TABER. Some, but not an extremely large amount.

Mr. MacLAFFERTY. They have been sold to the highest bidder.

Mr. TABER. That is true.

Now with reference to the cruiser situation, when the treaty was signed the United States had completed and building 10 modern cruisers. Some other countries had more; Great Britain had probably double or treble; Japan had a few more. But those British and Japanese cruisers were all of smaller tonnage, almost all under 5,000 tons. We had 300 destroyers and Great Britain had 180, not so many as we. Japan had 68 or 70. So when you come to balance the thing up, America did not have any of the worst of it on high-speed cruising ships. Great Britain has gone ahead and built a number, and Japan has gone ahead and built a number. Great Britain has now under construction 11 large cruisers of about 10,000 tons each, while Japan has 12 above 5,000 tons and 8 below. The result of that is that we need to go ahead in accordance with the program laid down in the modernization bill and construct probably 8 new cruisers. But that is not

going to add one hundred and ten millions to the bill this year, probably not more than ten or fifteen millions. The other things called for in the modernization bill altogether are not going to require more than thirty-five or forty million dollars.

This bill provides for the maintenance of the Navy \$290,000,000, and we are going to add forty or fifty million dollars more. No loyal, full-blooded, true-blooded American wants us to drop the Navy beyond the point where it can rightly and truly protect American lives and American property and American honor. [Applause.] The people of this country are not going to be, as some of our pacifists would be, so careless of their obligations that they will permit our Navy ever to run down to the point where we would invite attack. These extreme pacifists are the harbingers of war; those who would have an adequate Navy and an adequate defense are the bulwarks of peace. [Applause.]

Mr. FRENCH. Mr. Chairman, I am inserting in the Record the chart that is before you and upon which is indicated the moneys appropriated, and the balances carried forward from preceding years, for the support of the Naval Establishment covering a period of 10 years. You will notice that the chart divides itself into two sections; the part above the line pertains to appropriations and money balances brought forward; the part below the line indicates what was done with the money appropriated and the balances referred to for the given years. Below the line you will recognize, first, the amount expended for each year, followed by an indication of the disposition that was made of the amounts not used. These amounts were either brought forward through reappropriation, or on account of their having been obligated, or they were turned back into the Treasury as surplus.

You will also notice on the chart the outline of a cargo ship. This ship is suggestive of the vast quantities of materials purchased for the Naval Establishment from year to year over a period of years and drawn upon from time to time without charge therefor being made against appropriations for the year within which the materials were used. During the war large quantities of materials were purchased that have practically no deterioration, if they are properly kept. These materials have been used to supplement the maintenance of the Navy and the construction programs in measurable degree though the amount of material used in a given year does not appear upon the chart. From year to year we will add to this reservoir and at the same time we will be drawing from it.

[For chart see page 799.]

The CHAIRMAN. The time has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

OFFICE OF THE SECRETARY

SALARIES, SECRETARY'S OFFICE, NAVY DEPARTMENT

Secretary of the Navy, \$12,000; Assistant Secretary and other personal services in the District of Columbia in accordance with the classification act of 1923, \$146,400; in all, \$158,400: *Provided*, That in expending appropriations or portions of appropriations contained in this act for the payment for personal services in the District of Columbia in accordance with "The classification act of 1923," the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by "The classification act of 1923," and is specifically authorized by other law.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the House, I would like to suggest to one member of the Committee on Naval Affairs, the distinguished Representative from Illinois [Mr. BRITTEN], that it is not necessary to appear before a social gathering of the Senators and Representatives of three Pacific Coast States in order to proclaim that he intends to introduce a resolution in the House of Representatives to authorize "a call of the white nations bordering on the Pacific for discussion of means of promoting a better economic, commercial, and

political understanding between the nations." This I understand he has done to-day, which in my opinion is simply provocative of trouble and can not come to any good. It will not be considered by the Committee on Foreign Relations and will be misunderstood by the people around the Pacific Ocean. The Pacific coast Members are not a party to it, and were never a party to it. The Pacific coast chambers of commerce will resent the attempt to involve them.

Last night Members from three Pacific Coast States, and the Senators from those States, were present by invitation at a banquet, a get-together meeting, given by the representatives of the four chambers of commerce of four of the principal cities of the coast, Seattle, Portland, San Francisco, and Los Angeles. The gentleman from Illinois [Mr. BRITTEN] was asked by those giving the banquet to preside as toastmaster. The Members of the coast delegation attended. It was understood that the purpose would be to discuss some matters upon which the Representatives of the three States might act in harmony. At the conclusion, after the speaking in the banquet program on these matters, the gentleman from Illinois, I hope not meaning to involve the Members present and the chambers of commerce of those States, announced that he would to-day propose a resolution for a conference of the white nations bordering the Pacific coast as a means of promoting a better economical, commercial, and political understanding between the nations.

At that time, when he made that announcement, I asked the gentleman from Illinois, with his long experience, to reconsider his determination to introduce such a resolution, and said that in my opinion that it did not represent the consensus of opinion of the western Members and the western chambers of commerce. I have taken the floor at this time because I so expressed myself last night, and because it is assumed that inasmuch as I am chairman of the Committee on Immigration and had something to do with the perfecting of the exclusion law, that I might be in hearty accord with this proposed resolution.

It is not so. The immigration incident is passed. Relations are normal with Japan. Their best men have so said. Trade is going on as usual. We are the best customer that Japan has. To attempt to influence either the Members of this House by an inflammatory, exciting, and war-provoking statement such as that printed this morning, apparently in the name of the Members of the Pacific coast and the representatives of the chambers of commerce of those great cities, is to do something beyond my comprehension. I am sorry it was done. You will not get battleships or strengthen your Navy by paying any attention to such resolutions as that, or to the printed statement in connection therewith.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. SUMMERS of Washington. All other Members from the Pacific States, so far as I have heard express themselves, concur in what the gentleman from Washington is now stating.

Mr. JOHNSON of Washington. I thank the gentleman.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WATKINS. As a matter of fact, an effort was started to stop the matter by the men of the Pacific coast.

Mr. JOHNSON of Washington. Yes. The proposal is an unnecessary thing. If the Committee on Foreign Affairs even undertook to ask the Secretary of State to invite representatives from the so-called white nations bordering the Pacific into a conference, you would find, first, that you would have to deal with the self-governing dominions of the British Empire, and those self-governing dominions and their parliaments would undoubtedly not act without the consent of the chief foreign office, and, secondly—

The CHAIRMAN. The time of the gentleman from Washington has expired.

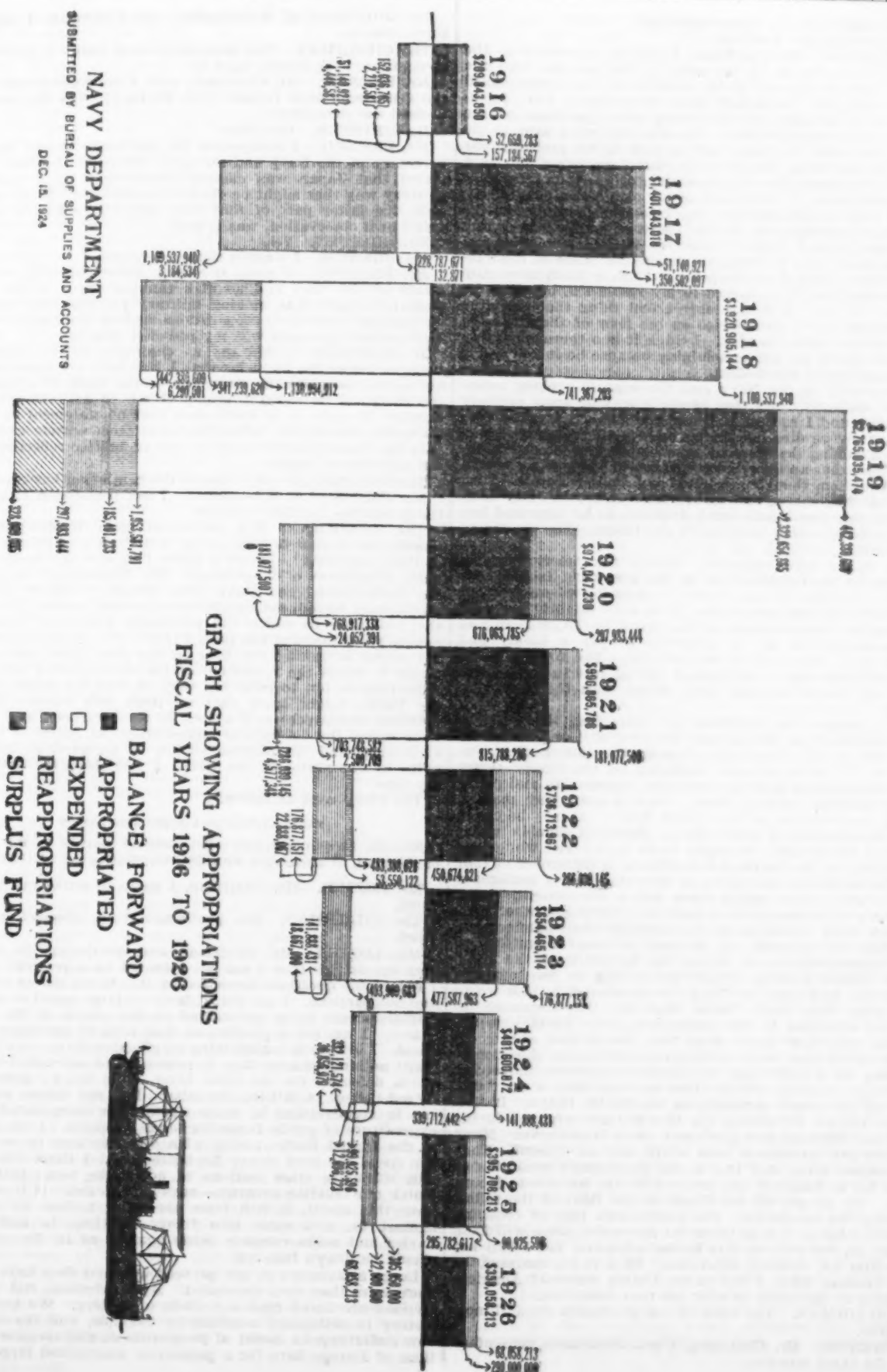
Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

Mr. KINCHELOE. Reserving the right to object, does the gentleman think he was quite fair to me when he objected to my extension?

Mr. JOHNSON of Washington. Oh, the gentleman understands that I am a member of the Committee on Printing, as did my colleague who also objected. We did not think additional jokes from a professional jokester should be put into the Record.

Mr. KINCHELOE. But there are more than jokes in them. Mr. JOHNSON of Washington. Very well, Mr. Chairman, I withdraw the request and ask unanimous consent simply to revise my remarks in the Record.



The CHAIRMAN. Is there objection?

Mr. KINCHELOE. I object.

Mr. BRITTEN. Mr. Chairman, I rise in opposition to the pro forma amendment. I am sorry I did not get into the House in time to hear all of the remarks of the distinguished and serious-minded gentleman from Washington [Mr. JOHNSON], who is carrying all the immigration problems of the country on his own shoulders. He did send word over to me that he was going to make such a talk as he probably has made. I do not want him to think that I am using him as a vehicle for the promotion of a resolution of any kind. I do not need his shoulders. I have some of my own and a head of my own, and I am responsible for that resolution and not the various delegations from the Pacific coast. I was raised on the Pacific coast, and I think I know as much about it as the gentleman does, who is trying to change the name of a mountain out there which, from my point of view, is much more silly than anything that is contained in my resolution, of which he complains. I think it is the biggest fool thing that has ever been proposed, but I do not rise on the floor of the House to offer gratuitous criticism of it. I think it is a thoroughly silly proposition, but I am not complaining because he introduced a resolution or about his desires.

The Secretary of the Navy and the highest ranking naval officers in our service say that Japan is making great military preparations, and I assume that any warlike activity of Japan may ultimately be directed against us. Is there any objection to America's doing the same thing? The serious-minded immigration expert has an idea that a conference of the kind desired by my resolution, though not quite so broad, might be called through his instigation and before his committee. His ideas encompass only North and South America, as he suggested last night. There are other thinkers in the House. The gentleman is not alone.

Japan, it has been suggested, opposes the American naval maneuvers in the neighborhood of the Hawaiian Islands, our Territory. I object to any country suggesting where we may or may not hold our maneuvers. It is none of their business. The Hawaiian Islands belong to us; and if in the promotion of these maneuvers we go to Australia to pay a kindly and courteous visit, that also is our business. The former Prime Minister of Australia is in favor of calling just such a conference as my resolution calls for. What does the resolution provide?

Does it suggest by direction or indirection that various Representatives from the coast are in favor of it or are opposed to it? Not at all. It merely suggests the calling of a conference of the white nations bordering on the Pacific Ocean for the promotion of a better economic, commercial, and political understanding between them. Such a conference may be called by the President of the United States. It may be called by the Government of Australia or British Columbia might call such a conference. It ought to be held. The white people bordering on the Pacific are entitled to a conference of that kind. The gentleman may have an idea that only a conference should be called that might come before his committee and dealing only with immigration matters. There are other matters, much more important to us nationally than immigration. I say that the question of national defense is entitled to serious consideration now, when the Secretary of the Navy and our highest ranking officers are calling to the country's attention the fact that the Navy has degenerated. Are we to believe what they say? When they say that Japanese interests are objecting to our maneuvers in the Pacific, we are to assume that they know what they are talking about. In the name of Heaven, what is the great and serious objection to the calling of a conference to consider economic, industrial, and political problems which affect us—and when I say "us" I mean all the people bordering on the Pacific Ocean. Is that a terrible thing? Of course, the idea did not originate in the mind of the distinguished gentleman from Washington. Many resolutions are introduced here which are not passed. They are introduced every day just as the gentleman's resolution or his idea, for a change of the name of Mount Rainier to Mount Tacoma. We do not all see things in the light of the fellow introducing the resolution. The gentleman's idea of changing the name of nature's most beautiful recreation place will have no chance on the floor of this House whatever, but I can not criticize him for thinking otherwise. That is his business, he lives in Tacoma, while I live in the United States of America. And I have no apologies to offer for that resolution.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

Mr. JOHNSON of Washington. Mr. Chairman, I ask for three minutes.

The CHAIRMAN. The gentleman from Idaho is entitled to recognition, if he insists upon it.

Mr. FRENCH. Mr. Chairman, may I have the attention of the gentleman from Illinois [Mr. BRITTEN], who has just addressed the committee?

Mr. BRITTEN. Certainly.

Mr. FRENCH. I understood the gentleman to say that the Secretary of the Navy and the high officers of the Navy have stated that Japan was making preparations in a naval or military way that might be directed against the United States. Now, the latter part of that was intended to be the gentleman's own observation, was it not?

Mr. BRITTEN. Yes.

Mr. FRENCH. I wanted that understood.

Mr. BRITTEN. I want it clearly understood that no Secretary of the Navy and no high ranking officer of the Navy indicated Japan was making military preparations with the view of directing those preparations against the United States. That latter expression was my personal opinion.

Mr. FRENCH. I will say as chairman of the committee that conducted the inquiries that I was sure my colleague did not intend to quote the Secretary of the Navy or officials of the Navy. This thought prompted me to ask the question. Further, it ought to be made clear that no statement or representation, directly or indirectly, came from anyone connected with the Naval Establishment to our committee reflecting upon the activities of Japan.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. I ask permission to address the committee for three minutes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to address the committee for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Mr. Chairman, I would like the distinguished gentleman from Illinois to know that the resolution I introduced stands upon its own bottom. However, the resolution to which the gentleman refers as mine is a Senate resolution and has passed that body. So much for that. My object in taking the floor in the first place was not to assail in detail the resolution of the distinguished gentleman from Illinois, but to raise my voice so that the people around the Pacific might know that no jingo talk written for the morning newspapers at 5 o'clock in the afternoon and sprung later before the delegations representing the States of Oregon, California, and Washington should be accepted at any face value by any nation of the earth. I yield back the balance of my time.

The Clerk read as follows:

NAVAL EXAMINING AND RETIRING BOARDS

Salaries, Navy Department: For personal services in the District of Columbia, in accordance with the classification act of 1923, \$9,880.

Mr. LOZIER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. LOZIER. Mr. Chairman and gentlemen, in what I may say at this time I am not actuated by a partisan motive. I regard the questions presented by this naval bill as economic and not partisan. I am not in favor of large naval or military establishments being maintained by the people of the United States. I am not a pacifist, as that term is generally understood. I believe in maintaining an effective Navy, and I would leave nothing undone that is necessary to safeguard the national defense. On the other hand, I am not a "jingo," and do not believe in rattling the saber. I do not believe any good can be accomplished by being wasteful or extravagant in the expenditure of public funds for naval purposes. I am opposed to the United States racing with other nations to see which can spend the most money for battleships. I think this course will stimulate other nations to adopt the same policy and match our building program—vessel for vessel. If it does not have this result, it will force the other nations to combine against us, and enter into treaty relations to unite their navies and make common cause against us in the event we should be drawn into war.

Large armaments do not prevent war and they have caused more wars than they prevented. My conclusions and my convictions are based upon my study of history. We know that history is philosophy teaching by example, and the world is now suffering as a result of preparedness, and because the nations of Europe have for a generation maintained large stand-

ing armies and great battle fleets, which have at all times menaced the peace of the world.

Germany lies in the dust of defeat to-day because she staked all on her military and naval forces; hurled from the mountain top of preeminence in the councils of the world because of her devotion to the idea of preparedness. The dual monarchy of Austria-Hungary suffered a similar disaster from the same causes. The great autocracy of Russia has ceased to be a first-rate power because she also sacrificed her all at the altar of militarism. France rattled sabers for a thousand years, and initiated countless wars of rapine and conquest, but she was stricken almost to death by internal and external militarism. England, that has, with her armies and navies, ravaged more defenseless lands and enslaved more helpless races than all other nations combined, has in like manner been the victim of preparedness. Nations that have lived by the sword and trusted in the sword have suffered, and many have perished by the sword.

History demonstrates the fact that standing armies have enslaved more people than they ever liberated, and they have destroyed more governments than they have ever preserved. In the annals of time I do not recall a single instance where a people in their struggle for freedom were not compelled to fight the military forces of tyrants. Every struggle of the human race for liberty has been won over the opposition of armies that have always been the pliant tool of despots.

Mr. RATHBONE. Will the gentleman yield for a question?

Mr. LOZIER. I will.

Mr. RATHBONE. Does the gentleman consider the condition of China to-day is due to her preparedness and large standing army?

Mr. LOZIER. If China had a standing army of ten or even twenty millions of men, she would still be impotent. The Chinese are not a military people. They are a pacific and docile race. They have no genius for war. With a superb military and naval establishment China would not be able to use those instrumentalities for her own protection for the reasons I have stated. China is a sleeping giant. China is behind the other nations in development. The time will come in a hundred years—perhaps it may be 200 years—when the Mongol, Manchu, and kindred races will be a tremendous factor in the civilization and affairs of the world. But in her present undeveloped condition a strong military organization in China would not render that nation, though great in number, a forceful factor in the military affairs of the world. With the combined fleet of the United States and Great Britain, in her present undeveloped condition, China could not successfully defend herself against the aggression of Japan. China does not furnish a logical example of the so-called evils of unpreparedness.

Mr. RATHBONE. Will the gentleman yield for another question?

Mr. LOZIER. Yes; I will yield.

Mr. RATHBONE. Will the gentleman cite us to one instance in all history where a people or country has been enslaved by a navy?

Mr. LOZIER. Was it not the British Navy that ravaged our seacoast, sought to enslave the American colonists, and suppress our aspirations for self-government? Was it not the British Navy that in the War of 1812 plundered and destroyed our shipping, bombarded our cities, and desperately endeavored to drive our commerce from the seas? Did not the Persian Navy menace the liberties of democratic Greece? On every page of history are we not confronted by the tragic fact that whenever there has been a struggle between tyrants and the people who had aspirations for liberty—have not, in practically every instance, the armies and navies sided with the despot who sought to enslave, exploit, and oppress the people? [Applause.]

In every great war of conquest navies have cooperated with armies in gratifying the greed of despots for dominion. Navies have not only ravaged helpless and unprotected nations but they have transported armies to foreign shores to subdue and enslave defenseless people.

Great armies and great navies work hand in hand as willing instruments by which tyrants impose their arbitrary will, not only on their own subjects but on neighboring races. The navy of Charlemagne extended his dominions, consolidated his power, and fastened his yoke on distant seaports and regions. The army of St. Louis that ravaged the states of northern Africa was transported by the navy of this great monarch. By naval warfare, in the middle ages, numerous provincial rulers in Italy preyed on neighboring states and ruthlessly exploited defenseless peoples. For centuries Spain was overlord of Europe, largely as a result of her superior

navy, which attained its greatest power under the reign of Charles V and Philip II. Without her superb navy Spain would not have been able to dominate the earth and impose her baneful influence on a helpless world.

Under Louis XIV the French Navy was the strong arm of that arrogant despot, whose unbridled power and unspeakable infamy subsequently engulfed Europe in a sea of human blood. By the ruthless use of her naval power England seized and now holds nearly all of the great strategic positions in the world. Without her battleships England would never have been able to acquire and hold Egypt, Aden, Cyprus, Gibraltar, Minorca, Ceylon, Malta, Singapore, India, Canada, Australia, Burma, Hongkong, South Africa, Zanzibar, the Straits Settlements, and numerous other places and dominions of inconceivable wealth and inestimable strategic importance. Without the brutal advantage accruing to her because of her naval preeminence, England would not now rule one-fourth of the earth's population, dominate the sea, and reign over the largest body of land under one jurisdiction in the world.

Since the Venetians, in 1370, in their war against the Genoese, manned their ships with cannon, great navies, like great armies, have often been a menace to the peace and happiness of mankind, though at other times performing services of great virtue and value.

There is something in military and naval life that destroys the spirit of democracy and breeds a contempt for the common people and the rights of mankind. These enormous appropriations for military and naval activities not only impose an unnecessary burden of taxation on the people but they must inevitably result in an abandonment of our traditional attitude of hostility toward militarism and a departure from the landmarks and fundamental policies which underlie our free institutions. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LOZIER. I ask unanimous consent that I may proceed for five additional minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. LOZIER. I can not escape the conviction that the pending bill carries appropriations largely in excess of the real needs of the Navy Department. Appropriations of this character and amount are obviously a heavy burden on the taxpayers of the Nation and should not be granted unless they are absolutely necessary for the efficient functioning of our Navy and Navy Department.

This bill seeks to appropriate the enormous sum of \$290,000,000 for the Department of the Navy for the fiscal year of 1926.

Under the modernization and new building bill recently passed by Congress, on the recommendation of the administration, the President, during the present session, will make a requisition, we are told, for approximately \$55,000,000 more. Moreover, to carry out the program heretofore adopted, the President will ask for \$25,000,000 to complete aircraft carriers and planes with which to equip them. This means a total of \$80,000,000 in addition to the \$290,000,000 carried by the regular naval appropriation bill we are now considering, or an aggregate of \$370,000,000 for the Navy Department and naval activities for the year of 1926. The Army appropriation bill, soon to be considered, will probably carry an appropriation of \$300,000,000, or a grand total of nearly \$700,000,000 for the War and Navy Departments, a sum, in my opinion, grossly in excess of the actual needs of these two branches of our Government, and not required to provide for any existing, anticipated, or probable national emergency.

May I say that the cost of government, State and National, is increasing so rapidly that if it continues to increase at the rate maintained during the last 10 years, in another generation the people will scarcely be able to earn a livelihood and an amount sufficient to defray the cost of government, even after we make due allowance for our national growth, economic expansion, and increased earning power.

Over my protest and vote, this Congress and the present national administration are embarking on a Navy building scheme that will cost the American people hundreds of millions of dollars and impose on them a tax burden that will bend their bodies double. As evidence of this definite, and may I say, extravagant plan, I refer to the bill that passed this House last session, recently passed the Senate, and now in the hands of the President, which initiates this new and costly battleship-building program, with an authorized ex-

penditure of \$150,000,000. This measure authorizes the expenditure of \$18,360,000 for the alteration of six capital battleships and a subsequent expenditure of about \$12,000,000 for the alteration of other battleships. It also provides for the building of eight new scout cruisers at a cost, including armor and armament, of \$112,000,000, and the construction of six river gunboats to cost, including armament, approximately \$6,000,000, or a total of approximately \$150,000,000. This bill, recommended and pressed by the administration is, I am sorry to say, but the beginning of a competitive naval building program in which the United States will endeavor to outdo the other nations in the building of battleships, the treaty for the limitation of naval armaments to the contrary notwithstanding. The Harding administration negotiated the treaty for the limitation of naval armaments, by which the 5-5-3 ratio was adopted for capital ships; that is to say, in capital battleships, the United States and Great Britain might maintain navies of equal strength, while the strength of the Japanese Navy should not exceed three-fifths of the strength of the United States Navy or the navy of Great Britain. But this treaty limiting naval armaments did not limit aircraft or submarine production, nor the number nor total tonnage of cruisers of any class, but only applied to capital battleships and aircraft carriers. When this treaty was negotiated and ratified, in capital battleships, our Navy was vastly superior to that of Great Britain and obviously superior to that of any other nation.

Under this treaty the Harding-Coolidge administration proceeded to scrap and destroy naval vessels of the value of \$350,000,000, \$200,000,000 of which represented new and modern construction. It was claimed that this ruthless destruction was necessary in order to bring our Navy down on an equality with that of Great Britain. But before this destruction was completed the Secretary of the Navy and many Members of this Congress claimed that our Navy was so inferior to that of Great Britain that we must expend hundreds of millions of dollars to bring it to a parity with the British Navy. In capital battleships, where the United States had superiority, the treaty required us to destroy a very considerable portion of our battleship fleet so as to reduce our strength to an equality with that of Great Britain; but in submarines, aircraft, and cruisers, where England and France had superiority, the treaty did not require those nations to reduce their submarine, aircraft, and cruiser strength to an equality with that of the United States Navy. In this respect, under the disarmament treaty, the other nations secured and still retain a decided advantage over the United States.

Hon. Curtis Dwight Wilbur, who recently came out of the West to become Secretary of the Navy, has lost his head and gone "hog wild" over the building of battleships. Dressed in a little brief authority and taking himself very seriously, with reckless aplomb he shocks our war-weary and tax-ridden people with the amazing statement that our Navy has deteriorated to such an extent that it will be necessary for us to expend \$110,000,000 each year for the next 20 years, or a total of \$2,200,000,000, to bring and maintain our Navy on a parity with that of Great Britain and to maintain the 5-5-3 ratio prescribed by the Washington arms conference treaty.

Is it not strange, indeed, that Secretary Wilbur should be the first Secretary to make this remarkable discovery as to the inferiority of our Navy and as to the necessity for the expenditure of this staggering sum for its rehabilitation? No one will claim that Mr. Wilbur has any naval training or technical knowledge whatsoever in reference to naval affairs, and certainly he has no access to sources of information which are not equally available to Congress, the general public, and any student of naval conditions. "Upon what meat doth this, our Caesar, feed that he has grown so great," that he is able by the wave of his hand to reverse the traditional attitude of our Government and by departmental fiat "scrap" the treaty for the limitation of naval armaments and inaugurate an extravagant battleship-building policy that will place the burden of \$2,000,000,000 on the American taxpayers in the next 20 years and which will inevitably cause other nations to adopt similar naval building programs, to the woe and unspeakable misery of an already overburdened and tax-ridden world?

There is no change in the international situation since the Washington arms conference was held and no reason why we should engage in a competitive naval building program. President Coolidge, in his annual message, stated that our foreign relations are now more satisfactory than they have been at any time during the last 12 years.

Who is to determine the necessity for these large expenditures? I am not willing to accept all the conclusions of these so-called naval experts and swivel-chair naval officers, who see

active service so seldom that many of them have an aggravated attack of seasickness every time they smell salt water; who make one recommendation one year and an entirely different recommendation the next year; who never have agreed on what is the best type of battleship for the present or future; who have illy advised us in the past and grievously mismanaged our shipbuilding program for a generation; who approve a certain type of ship one year and next year condemn that type as obsolete, out of date, and useless.

No greater calamity, in my opinion, can come to this Nation than to permit the Army and Navy officers to fix the amount of money we should appropriate for the War and Navy Departments or to determine our military and naval policies.

In any event, I insist that this bill appropriates millions of dollars that could be saved if the Navy Department would introduce and follow economical plans and methods in the operation of the department. These appropriations ought to be cut to the bone and the total expenditures for both our Army and Navy Departments should be held down to \$300,000,000 or less annually.

Those who favor a big Navy and always vote extravagant sums for building battleships frequently charge those of us who oppose this profligate policy with being unpatriotic and shortsighted and with endangering the national defense. It is easy to make this charge, but it proves nothing. I yield to no man in loyalty to my country, and I am just as anxious to safeguard its welfare and provide for its defense as any Member of this House. Frequently appeals for large expenditures for naval and military purposes are advanced to camouflage or cover up raids on the Public Treasury. May I paraphrase the language of Madam Roland? "Oh, patriotism! how many crimes are committed in thy name, and how many millions of dollars are wrung from the taxpayers of our Nation, and needlessly and extravagantly expended, under the guise of promoting our national defense!" I will not vote to withhold any necessary appropriation for the Navy, but I will continue to oppose extravagant and reckless expenditures of public funds under the false claim that such outlays are necessary for our national defense.

The hour has struck for a radical reduction in our expenditures for naval and military purposes. The time is ripe for real economy in governmental affairs. Tax reform and reduction in the cost of Government are iridescent dreams and impossible of attainment unless we very largely reduce appropriations in every department of Government, especially for military and naval purposes. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. KINCHELOE. Mr. Chairman, I again ask unanimous consent that I may be permitted to extend the remarks which I recently made by inserting in them a newspaper article by William Rogers on the sinking of battleships.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks by inserting a newspaper article by Will Rogers, previously mentioned. Is there objection?

Mr. LONGWORTH. Mr. Chairman, I think it is the custom not to permit the insertion of articles by outside people in the Record. Personally I enjoy reading the articles of Mr. Rogers.

Mr. KINCHELOE. The gentleman from Ohio can object if he wants to.

Mr. LONGWORTH. I will confer with the gentleman later.

Mr. KINCHELOE. The gentleman who objected before said he would withdraw the objection.

Mr. LONGWORTH. For the time being I object. I will speak to the gentleman later.

Mr. KINCHELOE. All right.

The CHAIRMAN. Objection is heard. The Clerk will read. The Clerk read as follows:

For stationery, furniture, newspapers, plans, drawings, and drawing materials; purchase and exchange of motor trucks or motor delivery wagons, maintenance, repair, and operation of motor trucks or motor delivery wagons, and one motor-propelled passenger-carrying vehicle, to be used only for official purposes; garage rent; street-car fares not exceeding \$500; freight, expressage, postage, typewriters, and computing machines; and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, \$77,000; it shall not be lawful to expend, unless otherwise specifically provided herein, for any of the offices or bureaus of the Navy Department in the District of Columbia, any sum out of appropriations made for the naval service for any of the purposes mentioned or authorized in this paragraph.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, if I were to attempt to interpret the decision of the people of America in the last election or attempt to give my belief as to the cause which resulted in the large victory of President Coolidge, it would be the belief on the part of the American people in the fact that he believed in economy, that he had always practiced economy, and that he would give this country economical government.

We here in this House continuously talk of retrenchment; and some no doubt think many of us who come from the smaller States, where our people do not pay as much of the taxes as those in some other States, ought to be content to sit by in a measure and let the Representatives of the people who do pay the taxes take the responsibility for spending the enormous sums the Government spends. You talk about retrenchment, and yet on this very day you launched out in a great program of Air Mail Service in this country.

There is one of two things that must be done. You either must quit talking about retrenchment and economy or quit voting to give additional services to the American people. You can not have these services and have lower taxes. If the people want the services and are willing to pay for them, then let them pay for them and quit talking about economy in government and reducing taxes. I have about come to the conclusion that the people do not want their taxes reduced. Maybe they prefer to have the service rather than to have their taxes reduced. Right now you are talking about raising salaries. During the war we had to raise salaries because the living expenses in the cities became so great that it was necessary to raise salaries, but now things have become so cheap and money scarce and hard to get, and yet it is said we must raise salaries. No circumstances can arise under which you can reduce salaries or expenses. Day in and day out on the floor of this House men talk about retrenchment, but, gentlemen, there is one thing which must be done; you must quit creating new departments, new commissions, new positions, and paying more money and really do what the President has asked you to do, and that is to economize.

You talk about economy, and as soon as you commence to talk about economy the newspapers begin to talk about the necessity for greater expenditures and they carry on a great propaganda which is instigated by the department that would be affected by the economy. Will you show me any department that has ever come into this House voluntarily, or to any committee of this House, and submitted a radical reduction of its force or a radical reduction in the amount of money it can spend?

Mr. BLANTON. No; and you never will.

Mr. McKEOWN. They say we must have a budget. Well, a budget is all right and is good as far as it goes. But some men in this House interpret the Budget to mean what some of them interpret the treaty to mean when it comes to reducing armament. Some say the treaty means we must keep up the Navy of the United States to the 5-5-3 agreement.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. McKEOWN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. STENGLE. Reserving the right to object, I will not object if the gentleman will kindly inform me where the cheap things are. He says things are so cheap. I have not found them so in Washington.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma? [After a pause.] The Chair hears none.

Mr. McKEOWN. I will say to the gentleman that if he will visit some of the rural communities in the United States where farmers have things to sell he will find they are cheap, and very cheap. Now, the proposition was, as I understood the conference to disarm, to set an example, to try to induce the world to agree to reduce its armament and that you must not go above the level set. We agreed to start to reduce and not to raise and not to maintain, but now we hear it interpreted that we are not up to the ratio and that we are in danger of getting into another war. For God's sake, who is going to fight another war? Look at the countries of the world to-day. What one of them is in shape financially to wage a successful war? Keep it up to the standard. That is the proposition. Now, my heart was in the disarmament con-

ference, but my understanding was that it was the purpose of that conference to induce the nations of the world to reduce their armament and set an example, so that we would have a reduction in taxes, a reduction in armament, and not to maintain it up to the very highest peak. What will you gain by it if that is the construction to be placed on it?

Now, gentlemen, you come and say through this bill that we are going to appropriate so many millions of dollars. Well and good. The bill is going to pass. Anything I may say would not affect its passage, but there is one thing I do want to call to your attention which I think is a bad practice, and that is that in every one of these naval bills there has been a provision to the effect that if they do not spend all of the money in the last year, we will give it to them again in the following year. You never try to put a premium on the fellow who wants to save any money. You provide in the last part of this bill—and only a few Members of the House outside of the Appropriations Committee know what it means—that "If you do not spend all the money we gave you last year you are going to have it appropriated for next year."

Mr. BLANTON. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BLANTON. How are you going to stop it when the big Navy generalissimo, the gentleman from Illinois [Mr. BRITTEN], comes in and says that our naval officers say Japan is preparing for war because they have big naval bills and big army bills. If Japan should look at this bill would it not conclude that we were preparing for war, too?

Mr. McKEOWN. I will say to the gentleman that the gentleman referred to, the gentleman from Illinois [Mr. BRITTEN], is a man who is well acquainted with the affairs of the Navy. He has been on the Naval Affairs Committee for many years and he is a very ardent supporter of the Navy. I am not criticizing anybody who is honestly trying to discharge his duty, but I am trying to call the attention of Congress to the fact that the Budget does not mean that we are to pass everything that passes the Budget. If we do that then we surrender our rights as Representatives of the American people in this House, and I say the time has come when we ought to follow the program as announced by the President of the United States. Some men have criticized him because he did not take a private car to go to Chicago. I want to commend him, because in his past life he has never exhibited anything to show that he was a man who spent money with great freedom, but he was an economical man in his private affairs, and, as I say, I commend him for that action. He was willing to practice economy, and I say to you that the time has come when we have got to practice economy in this Congress and not merely preach it. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. POUL. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I avail myself of the privilege of making this formal motion to submit a few remarks which I believe will not be considered out of place.

Mr. Chairman, a great American has fallen. During the World War I was quite often brought in contact with Hon. Samuel Gompers, president of the American Federation of Labor, and now that he has passed into the great beyond, it gives me very great pleasure to recall his unflinching support of the Wilson administration during every moment of the great crisis. I do not believe it is putting it too strong to say that the influence of Samuel Gompers in behalf of victory for America was only second to that of President Wilson himself. He was a great outstanding leader in mobilizing and putting in action the economic forces of the Nation. But he will be long remembered, Mr. Chairman, not only because of the high position he held, but because he taught by his life the beautiful gospel of humanity. He was a sincere lover of his fellowman.

One expression frequently used by Mr. Gompers is striking and will be long remembered: "If the good Lord will keep me from poverty I will try and keep myself from riches."

He made no schisms, he inspired no conflicts, he lit up no fires of hate, but until the last moment of his life he followed with unflinching footsteps the shining star of justice. No king, no ruler, ever bequeathed a fairer legacy to his people. Here was a "tall man, sun-crowned, who lived above the fog in public duty and in private thinking." [Applause.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

TEMPORARY GOVERNMENT FOR WEST INDIAN ISLANDS

For expenses incident to the occupation of the Virgin Islands and to the execution of the provisions of the act of providing a temporary

government for the West Indian Islands acquired by the United States from Denmark, and for other purposes, approved March 3, 1917, to be applied under the direction of the President, \$270,150, plus so much of \$29,850 additional as may equal the sum of revenue collected and paid into the treasuries of said islands in excess of \$270,150; toward the construction of permanent water-supply system for the town of St. Thomas, \$45,000; in all, \$315,150.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last figure in the paragraph.

I would like to ask the chairman of the subcommittee a question in reference to this appropriation for the water-supply system of St. Thomas. When quite a number of Members of the House and of the Senate were down there a year ago last April there had been more or less of a drought for about 18 months preceding, and the people there were in considerable distress because of the failure to have enough fresh water for all practical purposes. This matter was gone into somewhat at length, and I would like to know just what the Navy Department has in mind in order to correct that situation.

Mr. FRENCH. The Navy Department does not have anything in mind beyond the cities on the islands; in other words, the cities of St. Thomas, Christiansted, and Frederiksted. All three of them, it was recommended, should be provided with a water system at a total cost of \$125,000. The members of the committee were not impressed with the necessity for a supply system at the cities of Christiansted and Frederiksted in comparison with the necessity at St. Thomas. Our activities under the Government are largely centered at St. Thomas. May I say, too, that the water supply suggested in this paragraph is for domestic purposes? It is not for irrigation purposes. It is doubtful even if much water, if any, could be available for use in lawns and gardens within the city itself. An engineer of the Navy Department, Commander Warfield, visited the islands, made an examination, and estimated that it would be feasible to work out the water systems for the several towns along the lines that the people there now have adopted in developing in a small way their water systems.

Mr. NEWTON of Minnesota. By catch basins?

Mr. FRENCH. By making sort of catch basins or reservoirs below watershed areas and thereby conserving water.

May I say further that the situation is such at St. Thomas that we are not even endeavoring to provide water in this way for the flushing of the sewers? At the present time we are pumping water from the bay into reservoirs and using that for the flushing of the sewers, and it will be necessary to continue that process in order to have adequate drainage and sewage disposal.

The members of the committee felt that this is necessary for the city of St. Thomas, and that the amount indicated here will be sufficient. The city is the largest city in the islands, and the water system proposed could serve as a sort of model and experiment in the matter of furnishing water to these people.

Mr. NEWTON of Minnesota. The amount that is appropriated here will not begin to do the work itself, will it?

Mr. FRENCH. I think it will in the city of St. Thomas in connection with the partial water-supply system that is there now.

Mr. NEWTON of Minnesota. It was my impression from the gentleman's statement that it would not be enough.

Mr. FRENCH. I think it will be enough for this one city. We have not attempted to take care of the situation at Christiansted and Frederiksted. For those two cities an additional \$80,000 was requested.

Mr. NEWTON of Minnesota. Of course, the need from the standpoint of the civilian population as well as the Government is far greater at St. Thomas than on the islands of St. Croix and St. John, as I recall it.

Mr. FRENCH. Members of the committee so believed.

Mr. NEWTON of Minnesota. But with our responsibility there, exercising, as we do, complete authority over the islands and the government, we certainly ought to take steps to see that these people are not placed in the position they were in two years ago in reference to a water supply. I believe the gentleman was there himself.

Mr. FRENCH. I was there and my visit gave me an opportunity of knowing at first-hand some of the conditions to which I have referred.

The pro forma amendment was withdrawn.

The Clerk read as follows:

NAVAL RESEARCH LABORATORY

For laboratory and research work and other necessary work of the naval research laboratory for the benefit of the naval service, as au-

thorized in the naval appropriation act approved August 29, 1916, including operation and maintenance of a laboratory, additions to equipment necessary properly to carry on work in hand, maintenance of buildings and grounds, and the temporary employment of such scientific civilian assistants as may become necessary, to be expended under the direction of the Secretary of the Navy, \$150,000: *Provided*, That \$10,000 of this appropriation shall be available for the temporary employment of civilian scientists and technicians required on special problems: *Provided further*, That the sum to be paid out of this appropriation for technical, drafting, clerical, and messenger service shall not exceed \$40,000 in addition to the amount authorized by the preceding proviso.

Mr. WATSON. Mr. Chairman, I move to strike out the last word. I notice in this paragraph the word "experimental" has been omitted. It is not used in the paragraph, nor is it stated in the title. I notice also that there is \$25,000 more appropriated than last year. What was the object of striking out the word "experimental"? Have you another bureau for that purpose?

Mr. FRENCH. So far as the activities carried on in the naval research laboratory, I will say that they have not been changed at all in the bill we propose from the purposes carried on at this time and heretofore provided for in the bill. Leaving out the word "experimental" was because of this situation. Over at Annapolis we have what is called a naval experimental laboratory, while here we have what had been called a naval experimental and research laboratory. The activities at Annapolis pertain to experiments or the examination of devices that have reached the experimental stage. The work of the research laboratory pertains to seeking out a solution of the problems as an original proposition. Its work has to do with investigation, say in hydrography, investigations that lead to the development of sound depth finders, radio activity, and so forth. On the other hand, if an instrument were developed and brought in by some one connected with the Navy or not, it would not be taken to the research laboratory.

Mr. WATSON. Then this bureau has nothing to do with experimental work?

Mr. FRENCH. Nothing.

Mr. WATSON. Why is the appropriation increased from last year? Last year it was \$125,000, and this year it is \$150,000. I am asking for information and not criticism.

Mr. FRENCH. It is necessary to develop one field that at this time has not been developed, and that has to do with metallurgical matters in which the Navy Department is interested. For instance, aircraft and radio instruments, various sound finding devices, technical engineering devices and machinery all turn upon the most excellent machinery we can get and the most excellent metals and type of metals that we can get. It is for that purpose, the conducting of research work, that this allowance is made; it has to do with metallurgy that we have increased the scope of the work.

Mr. WATSON. The extra is for research in the progress of science.

Mr. FRENCH. Most of it is for the purpose indicated, and a small part to be spread over other matters of research work.

Mr. WATSON. Mr. Chairman, I withdraw the pro forma amendment.

Mr. DEMPSEY. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to proceed for 10 minutes out of order, in order to say something upon the pending river and harbor bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed out of order for 10 minutes. Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Chairman and gentlemen, the pending rivers and harbors bill is a most important measure, but before speaking on the bill itself let me say to you that safeguards are thrown about rivers and harbors bills such as do not accompany any of the other legislation which comes before the Congress of the United States.

In order that a project may be included in a bill it must first be examined by the resident engineer of the United States Army. If it passes the gantlet of his examination, it must then go to the district engineer, who has a larger territory over which he has jurisdiction. Next it must go to the Board of Engineers, comprised of the most eminent men as engineers in the United States Army, and, last of all, it must run the gantlet of the Chief of Engineers. So every safeguard is thrown about measures of this kind, and it is well that this should be so, because one bad bill will attract more criticism, one bad project will invite more scandal and slander, than a hundred good projects which have been adopted.

But it is well to remind you, too, that all these safeguards are thrown about the Treasury of the United States, so far as rivers and harbors appropriations are concerned, and it is rare, indeed, that a bad project escapes all of these successive examinations. Of course, Army Engineers, however eminent they may be, however wide their experience may have been, are men, and they are subject to mistakes the same as the rest of us; and in spite of their training, in spite of their experience, occasionally matters will not result as they have anticipated they would, and so an occasional mistake occurs, but such mistakes are rare, indeed. They are few and far between.

Now, you say: How is it that after a century and a half of national existence you come here with a new rivers and harbors bill, and the answer is twofold: First, the rivers and harbors program of the United States is far from completed, and a century and a half is but a short time in the life of a nation; and, second, in a new country like this growth is so rapid, development is so speedy, that we have to enlarge projects which when they were adopted seemed adequate to meet the needs of local conditions. And, then, up to the present time almost, necessarily rivers and harbors development in the United States has been sectional and local. We had the two oceans, but they were separated, and to-day we have them connected by the Panama Canal. Soon the Great Lakes and the Mississippi will be connected with the sea, and when that is done we will have a complete, a unified system of waterway development, and our projects for the future must be adopted with reference to this unified plan of development as a whole throughout the country.

Now, let us look for a moment at this present rivers and harbors project bill. Three projects stand out in it; and let me examine them in succession and present their merits to you.

First of all we have a project for the completion of the breakwater at Los Angeles and Long Beach Harbor, in California. There is only a small protected area in the harbor to-day. It will soon all be in use, and there will be no protected area available for new tonnage. The new breakwater will afford ample space for future commerce. Now, it is not necessary for me to say to any American audience that Los Angeles is the marvel city of all history. Its growth has no parallel. It is simply a fairy tale. Its growth was phenomenal in commerce up to the time that they discovered the tremendous deposits of oil there. And then, at a single bound, commerce in that port jumped from 2,000,000 tons per year to 2,000,000 tons per month; and you say to me, "Why, yes; they have this tremendous commerce, making it the second port in importance in the United States, but it is based upon oil, and oil may fail." Well, I grant you that oil is not continuing to flow in quite the same abundance as when it was first discovered, but I say to you that it is keeping up remarkably, and I say to you further that long-distance pipe lines are bringing in distant fields and making up for the failure in local production, and as a result of that you may be sure that the supply of oil will continue at its present volume for many years to come.

But, aside from oil, the commerce and tonnage of Los Angeles Harbor is growing by leaps and bounds and the general merchandise increase will rapidly take the place of, if it does not exceed, that of oil production. In the harbor to-day but 15 per cent of the total area is occupied by the oil business. All the rest is occupied by merchandise, and long before the present project for the enlargement of the breakwater and the project for the enlargement of the harbor is complete we will need additional space there for the tonnage that develops from year to year; and where can we get that space except by this enlargement of the harbor?

Los Angeles has a tonnage that, as I say, has no parallel in growth, and you can only use the old simile of a snowball, because Los Angeles is not going to grow simply as it has grown in the past, but it is going to grow in percentages. It is going to grow in proportion to its ever-increasing size. And then let me direct your attention to another most important aspect of this Los Angeles improvement. That city matches every dollar which the Government expends on the new breakwater with a dollar of its own, and so while we expend \$7,000,000 a single city in the United States expends also \$7,000,000 on the breakwater alone; but that is only the beginning of what it does. It is going to expend also \$30,000,000 in port facilities of various kinds, in warehouses, in docks, in loading and unloading facilities, in constructing railroad connections and exchanges, in all of the various things that go to make a complete, great, and modern port, and it is only on the Pacific coast, as you know, Mr. Chairman, where there is contribution practically at all, and never have we had larger contribution than dollar for dollar, as is given in this case.

Now, let us pass to the next improvement. That is an improvement in another section of the country, the improvement known as the Intercoastal canal, leading 573 miles west from the Mississippi River to Corpus Christi, Tex. Now, what are the reasons for that improvement? Why, the reasons are both general and local. Let us take the local reasons first. Here is a country so intersected by streams that the cost of the railway improvement within 100 miles of the coast is practically prohibitive. The only kind of transportation available or possible is by water, and so if this country, rich in natural resources, if this country with its tremendous and exclusive supply of sulphur, if this country with its great production of rice and sugar, if this country with its salt mines, if this country with its great timber tracts is to be improved at all, if it is to have transportation of any nature, it must be transportation by water. And so the local needs could not be greater than they are. They are unique, they are peculiar, because nowhere else in the United States is railroad construction impossible by reason of a prohibitive cost.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. McKEOWN. What is the necessity for a canal along the coast to the Gulf of Mexico? Why can not they transport their products on the water of the Gulf outside of the coast?

Mr. DEMPSEY. For two or three reasons. In the first place the transportation by the Gulf of Mexico would not reach the important products which are to be reached; next, transportation is not in the class of vessels which could safely navigate the Gulf. Those are two controlling reasons.

Now let us take the general situation. I am talking now and I have talked so far about what those people down there need. Now let us see what the needs of the country are so far as this canal is concerned. One of the great basic commodities of the United States is sulphur. Without sulphur we can not raise fruit. Without sulphur you can not raise many vegetables, because it is the basic commodity which goes into the production of many insecticides which kill the pests of various kinds which destroy fruits and vegetables. Without sulphur all the great fruit region in the South, without sulphur all the great fruit regions in western New York, would cease to produce their great and valuable crops. We would see the fruit trees even destroyed; and the only place where you can get sulphur in the United States, because it is the only place that has it, is along the course of this intercoastal canal. They have three mines, and they are practically inexhaustible. So we are making this improvement for the benefit of all the people who are interested in the use of sulphur. Now, you say, "But we have been getting sulphur." Yes; you have been getting sulphur, but do you know how you have been getting it? Why, all of the middle country in the United States brings the sulphur up to Baltimore by vessels and then transports it back by rail at high cost to the Mississippi Valley, there to be used. Do you want that prohibitive cost? Is that in the interest of all that tremendous section of the country lying along and lining the banks of the Mississippi and the Ohio? Of course not. And so in the interest of the United States as a whole—and this is but illustrative of the effect of all of the provisions of the bill—so in the interest of this country as a whole you want this intercoastal canal. And then we go over and see Pittsburgh, and we find there that we have the greatest steel center in the country, and the manufacturers there say to us: "If you will only give us this intercoastal canal and connect it up with the Mississippi system and make it a part of it, we will ship all our steel products down to that section of the country for its use by the Ohio and the Mississippi and this canal, and we will bring back from that section all of its products, and we will do it at a cost one-quarter of what the country has paid heretofore for all these products." And so we say to you that this improvement is justified, not alone by the exceptional needs of the locality, but it is demanded in the interest of the progress of the whole country.

And then we come to the third of the great improvements in this bill, and that is the development of the Hudson River up to Albany. At present deep water stops at Hudson. It might just as well stop in a forest. It might just as well pause at a village. There is no commerce there. There are no exchanges at Hudson. And when people say to you, "Why, the commerce on the Hudson is not what it used to be, is not what it ought to be," you might as well say that the New York Central Railroad was not doing business if stopped at a village 36 miles away instead of going on to Buffalo. Why, of course, you can not expect commerce if you stop in the woods; but when you reach Albany you reach one of the greatest exchange

points in the whole United States, with six great railroads. From there commerce goes north into all of northern New York and into Canada; and from there it goes south to the metropolis of the country and to the whole southern section of the United States; from there it goes west into the Mississippi Valley and on to the Pacific. There is no greater exchange point, no more natural exchange point, in the whole United States.

New England is fed by it. So for local purposes we bring all the local freight more cheaply the distance up to this exchange point, and for through purposes we bring the freight to this point by cheap water navigation, so that it may be transferred there and pay the increased cost by rail only from that point.

And, then, another important view of this question is this: For years we have been talking, talking, and continuing to talk about connecting the Great Lakes and connecting the Gulf with the sea. We have talked but we have not accomplished, and here is the first step in accomplishment, because when you have improved the Hudson River, as you will do under this bill, up to Albany you have gone one-half of the distance across the State of New York with a deeper waterway. You have cut in two the distance between the Great Lakes and the Atlantic, because, if you will look up the map and measure it, you will find that it is 142 miles from New York to Albany and it is only 184 miles from Albany to Oswego; and when once you have finished this improvement, when once you have given us deep water to Albany, you will find, as I say, that you have lessened by one-half the distance between the Great Lakes and the Atlantic.

So these three great projects in the bill, these three mountain peaks, these three items which stand out as the great items in the bill, are amply justified, not alone by local considerations—and local considerations are entitled to great weight—but they are justified and required as well in the interest of the transportation of this country by water as a whole, as a unified and complete system, and they are demanded by the interests of the country in order that it may secure adequate transportation and the cheapest transportation available. [Applause.]

Now, I am not going to attempt in this brief address to cover anything like all the projects embraced in this bill. I am going to refer very briefly, very shortly, to only a few of the more important items. I am first going to speak of one way down at the south end of the country—the deepening of the harbor at Miami. Of all of the cities in this country, blessed with a phenomenal growth, animated by a remarkable energy and civic pride, of all the cities, you can see if you travel to every corner of the United States which has energy and growth and development and prosperity and a marvelous future, Miami occupies the second place only to Los Angeles, and yet to-day it has a depth in its harbor of only 18 feet. Up to within a few weeks Miami had no connection with the North by regular steamship service. In spite of this inadequate depth, regardless of the fact the steamers can not operate to advantage or load to capacity, steamship lines have put on regular service between Miami and the North, and we propose to give them 25 feet so that they may have an adequate depth and may enjoy the commerce to which they are entitled. And that, too, is not simply a local question, because to-day if a man in Miami wants to go to the West Indies, to Central or South America, he can not take a boat from Miami. It is not even a port of call for the ships which ply between the United States and all those vast countries to the south of us, where we must hope for our great trade, where we must look for our great growth in the future. He must go from Miami north to New York or Philadelphia in almost every instance to get a boat to go south again to the West Indies, to Central and South America. And we hope and expect that when we give them an adequate depth Miami will be at least a port of call for all of these vessels, if it does not turn out to be a point from which navigation will start for all of those countries.

So the deepening of Miami Harbor is a great national question, not a local question. It is one that interests every man who expects to profit and expects his country to profit by the increased and growing commerce with all of that country to the south of us. As a result of the deepening of this harbor, too, tropical fruits and vegetables will be placed on the tables in the North at a less cost and in better condition than ever before.

I am only going to speak of one other project—although there are many that I would like to cover—and that is the survey of the Tennessee River and its tributaries. Up to a very short time ago not alone the general public but the engineers as well believed that there was no water power there outside of Muscle Shoals available at least for practical development and for placing upon the market.

Three years ago—when we passed the last rivers and harbors bill—the engineers asked the committees of the House and Senate to appropriate a half a million dollars for a survey of that river and its tributaries and we threw up our hands in holy horror. “Why,” we said, “in the whole history of the United States such a demand for a survey had never been made,” and Chairman Jones and I, in what we believed to be great generosity, cut the amount to \$200,000, and what resulted? Back came the engineers when we held our hearings on the present bill and they said to us, “Gentlemen, we have used your \$200,000 with this result: We find that on the Tennessee River and its tributaries, aside from Muscle Shoals, there are 3,000,000 horsepower, the equivalent of 30,000,000 tons of coal annually, which can be developed at a cost so that the power can be placed upon the market at about \$15 per horsepower.” Now, what does that mean? Why, coal costs nearly \$15 per ton—hard coal. And you are going to get 1 horsepower, the equivalent of 10 tons of coal, for \$15. Here is one of the greatest water-power developments that has ever been known in the history of the world. Go to Niagara Falls, supposed to be the greatest water-power center in the world. On the American side until a year ago we had only 260,000 horsepower. We have 400,000 now, but on 260,000 horsepower Niagara Falls has become the leading electrochemical center of the world, and in the World War, in its stress and in its difficulties, we found that without Niagara Falls we would not have been able to wage successfully our part in the great World War. We found that 80 to 90 per cent of the basic things which go into the production of munitions came from Niagara Falls.

Now, if you can accomplish that by what has been done at Niagara Falls—if you can accomplish more, for over there we carried that power to Buffalo, we have carried it halfway across the State to Syracuse, and we have supplied the needs in all those directions. If you can do that with 260,000 horsepower, what a tremendous stride forward in industrial development will this country have made when it has 3,000,000 located on the Tennessee and its tributaries! And until this bill passes we are not even on the road to the use of that 3,000,000 horsepower.

Now, I am going to speak about the general provisions of the bill. First, the object lesson on the Tennessee has taught us a very useful lesson indeed, because we provide for a general survey of all navigable streams where water-power development is feasible with the object of making the best development for water power and for navigation combined that is possible. And then we declare in favor of finishing all work in five years. Now, that is not much more than a declaration, because it is not binding upon succeeding Congresses; but it shows that in solemn session and after due consideration the Congress has resolved that we shall not have the spectacle of a second Ohio River where we have been proceeding, Mr. Chairman, for some 15 years or more and have spent \$87,000,000 and yet our money is there locked up in that improvement because a third of that great river is not opened yet to improved navigation. We shall not repeat such unbusinesslike object lessons as that in the future if the voice of this Congress is heeded. [Applause.]

Let me come to my concluding remarks upon this bill. The bill will involve an expenditure of \$53,000,000—\$10,000,000 a year for five years. A large sum, you will say. A large sum? Why, no; it is not large. It is a very small and insignificant sum considering what is to be accomplished by the bill. Let us look to the north of us. We find the Great Lakes system carrying last year 121,000,000 tons of commerce. We find the Monongahela River a short stream, only 125 miles in length, carrying 25,000,000 tons. We find the port of New York receiving 50,000,000 tons of traffic. We find that in 1923 the railroads of the country carried 2,333,787,044 tons of freight, and our waterways carried over one-sixth as great a tonnage as our railroads.

The railroads transported in the year 1923, 2,333,787,044 tons of freight, while our waterways carried 442,097,328 tons. In other words, the waterways carried more than one-sixth as much freight as the railroads. For the year 1923 the railroads set aside \$1,077,000,000 for improvements. On the same basis we should expend \$200,000,000 annually on our waterways. In view of these facts the expenditure of not to exceed \$10,000,000 for the fiscal year 1927, and of not to exceed \$10,000,000 annually thereafter until these projects are completed is so small as to be almost insignificant.

Nor does the comparison grow less by taking into consideration projects already adopted, for all of them can be completed by an expenditure of \$204,000,000, one-fifth of the amount ap-

propriated by the railroads for like purposes for the single year 1923.

The amount to be expended under this bill is small, too, when we compare it with previous bills adopting new projects. For instance, in 1910 Congress adopted 179 new projects at an estimated cost of \$263,726,609, while the present bill—the first bill in three years—adopts only 35 projects and authorizes the expenditure for their improvement of only \$10,000,000 the first year, and of \$10,000,000 annually thereafter until they are completed, the total cost being estimated at \$53,565,650, less than one-fifth of the amount authorized by the 1910 bill.

But the figures quoted do not give the real difference in the cost to the country, for in 1910 the wealth of the country was but \$143,139,573,114 while in 1922 our total wealth was \$320,803,862,000, and the burden of a country's expenditure is in proportion to its wealth when they are made.

It is to be borne in mind, too, that the freight of the country doubles every 10 years and that the pressure for facilities for shipment is twice and a half as great now as it was in 1910.

There has been a misapprehension in the belief that this bill is in conflict with the Budget. It has, of course, nothing whatever to do with the Budget. The Budget deals only with appropriations, and this bill appropriates nothing, but simply authorizes future expenditures. The Budget will deal with these expenditures when the appropriations for them are made.

We listen too much to the talk that all waterways are not successes. But are all railroads successes? Does every railroad carry the tonnage of the New York Central? Do not men make occasional mistakes in other branches of business? Is every factory that is started a success? Do you not see failures here and there? But when you can point to such tremendous successes as the Great Lakes, the greatest transportation system with the largest tonnage in all history, when you can point to the fact that the steel and the iron business in the United States has developed and become a world business, because of cheap transportation on the Lakes, and it would not be possible for us to-day to compete with England except for that transportation, and we never did compete with England till we brought transportation on the Great Lakes to its present marvelous efficiency. We went there and bought our rails until we had utilized transportation on the Great Lakes. When we point to water transportation as the life of the steel industry and the iron industry, when we point to the enormous tonnage of the Great Lakes and the Monongahela, when we point to every seaport that we have as a success, let us not be blinded by the fact that the small mistakes or failures that occasionally appear in every other business are bound to appear in efforts to improve our waterways. This bill is a good bill. It is a bill in the interest of the various localities, but it is a bill just as much in the interest of the country at large and it should be passed and passed speedily.

Mr. GARNER of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. DEMPSEY] may proceed for two additional minutes in order to answer some questions.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from New York may proceed for two additional minutes, also out of order. Is there objection?

There was no objection.

Mr. GARNER of Texas. Will the gentleman tell the committee if he expects to get up the rivers and harbors bill at this session of Congress?

Mr. DEMPSEY. It is my expectation that the rivers and harbors bill will pass the House at this session and that it will be reached about the 15th of January. While I have no promise to that effect, that is my understanding of the attitude of those who have control of the business of the House. I will say to the gentleman from Texas that I am, of course, personally, and the Committee on Rivers and Harbors, regardless of party, is unanimously, very earnest for the passage of this bill, because we deem it of the greatest public importance.

Mr. GARNER of Texas. If I understand it, this is a privileged bill?

Mr. DEMPSEY. Yes.

Mr. GARNER of Texas. The gentleman can call it up at any time he can get recognition from the Speaker?

Mr. DEMPSEY. Yes.

Mr. GARNER of Texas. I want to say to the gentleman that so far as I can ascertain—and I have made some inquiries—there are more than enough votes to pass this bill if he can get it up, and the question I asked him was whether or not he had made arrangements, either with the steering com-

mittee or with the Speaker, for recognition? If the steering committee will not give the gentleman an opportunity to consider it, if the gentleman can get the Speaker to recognize him, he can get the votes to pass the bill.

Mr. DEMPSEY. I believe, with the acquiescence and help of the management of the House, the bill will be brought before the House at an early date after the recess, and I am in hopes that is what the result will be.

The Clerk read as follows:

BUREAU OF NAVIGATION

TRANSPORTATION AND RECRUITING

For mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers of the Navy and Naval Reserve Force while traveling under orders, and officers performing travel by Government-owned vessels shall only be entitled to reimbursement of actual and necessary expenses incurred; for mileage, at 5 cents per mile, to midshipmen entering the Naval Academy while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen; for actual travelling expenses of female nurses; for travel allowance or for transportation and subsistence as authorized by law of enlisted men upon discharge; transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation; expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties; transportation of dependents of officers and enlisted men; in all, \$4,000,000.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman of the subcommittee. I notice an increase of \$400,000 in the item for transportation and recruiting. Will the chairman of the subcommittee please explain the necessity for that rather large increase in this single item?

Mr. FRENCH. The increase in this item is merely a transfer from another item, "Pay, miscellaneous," where a reduction occurs. It can be cared for in a more orderly way in the paragraph where we now propose it.

Mr. KETCHAM. I notice that the naval official testifying before the committee on this subject referred to some extra costs due to the amendment that was passed last year requiring the consent of parents for the enlistment of those who are under 21 years of age. Is that involved in this to any extent?

Mr. FRENCH. Not to any extent in the amount of money to which the gentleman refers. All of that money represents an item that was carried under "Pay, miscellaneous," and for the sake of better handling the item is transferred to this particular paragraph.

The Clerk read as follows:

NAVAL RESERVE FORCE

For expenses of organizing, administering, and recruiting the Naval Reserve Force and Naval Militia; for the maintenance and rental of armories, including the pay of necessary janitors, and for wharfage, \$170,000; for pay and allowances of officers and enrolled men of the Naval Reserve Force, other than class 1, while on active duty for training; mileage for officers while traveling under orders to and from active duty for training; transportation of enrolled men to and from active duty for training, and subsistence and transfers en route or cash in lieu thereof; subsistence of enrolled men during the actual period of active duty for training; pay and allowances of officers of the Naval Reserve Force and pay, allowances, and subsistence of enrolled men of the Naval Reserve Force when ordered to active duty in connection with the instruction, training, and drilling of the Naval Reserve Force; and retainer pay of officers and enrolled men of the Naval Reserve Force, other than class 1, \$3,400,820; for aviation material, equipment, fuel, and rental of hangars, \$320,180; in all, \$3,900,000, not more than \$1,232,060 of which amount shall be available, in addition to other appropriations, for fuel and the transportation thereof and for all other expenses in connection with the maintenance, operation, repair, and upkeep of vessels and aircraft assigned for training the Naval Reserve Force: *Provided*, That no part of the money appropriated in this act shall be used for the training of any member of the Naval Reserve Force except with

his own consent: *Provided further*, That retainer pay provided by existing law shall not be paid to any member of the Naval Reserve Force who fails to train as provided by law during the year for which he fails to train.

Mr. DARROW. Mr. Chairman, at the request of the gentleman from Pennsylvania [Mr. BUTLER] I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BUTLER: Page 15, line 6, after the colon, insert the following: "*Provided further*, That until June 30, 1926, members of the Volunteer Naval Reserve may, in the discretion of the Secretary of the Navy, be issued such articles of uniform as may be required for their drills and training, the value thereof not to exceed that authorized to be issued to other classes of the Naval Reserve Force and to be charged against the clothing and small stores fund: *Provided further*, That until June 30, 1926, of the Organized Militia as provided by law, such part as may be duly prescribed in any State, Territory, or for the District of Columbia shall constitute a Naval Militia; and until June 30, 1926, such of the Naval Militia as now is in existence, and as now organized and prescribed by the Secretary of the Navy under authority of the act of Congress approved February 16, 1914, shall be a part of the Naval Reserve Force, and the Secretary of the Navy is authorized to maintain and provide for said Naval Militia as provided in said act: *Provided further*, That upon their enrollment in the Naval Reserve Force, and not otherwise until June 30, 1926, the members of said Naval Militia shall have all the benefits, gratuities, privileges, and emoluments provided by law for other members of the Naval Reserve Force; and that, with the approval of the Secretary of the Navy, duty performed in the Naval Militia may be counted as active service for the maintenance of efficiency required by law for members of the Naval Reserve Force."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment on the ground that it is legislation on an appropriation bill unauthorized by law, and that it is a change of existing law.

Mr. FRENCH. Will not the gentleman withhold his point of order for a moment?

Mr. BLANTON. I was hopeful that the chairman was going to protect his own bill; if he is not, somebody else will have to do it.

Mr. FRENCH. Will not the gentleman withhold it for just a moment?

Mr. BLANTON. I regret that the time of the House is needed, and I make the point of order. However, it has been so long since we have heard from the farmers' friend, the gentleman from Pennsylvania [Mr. DARROW], that I withhold it and reserve it, so we may hear from him. [Laughter.]

Mr. DARROW. Mr. Chairman, I just want to say that this is a section from the bill that was unanimously reported by the Naval Affairs Committee and unanimously passed by the House a week ago last Wednesday. It provides that the Secretary of the Navy may issue the necessary uniforms and equipment to the Volunteer Naval Reserve and the Naval Militia up until 1926.

Mr. FRENCH. Will the gentleman yield just a moment?

Mr. DARROW. Certainly.

Mr. FRENCH. Does not this represent the situation? The members of the Naval Militia, under language carried in the bill heretofore, are now members of the Naval Reserve, and by being members of the Naval Militia of the State of New York, the Naval Reserve within that State receives certain appropriations and moneys that otherwise would need to be appropriated by the Federal Government. This language passed the House last week in the reserve bill, but for fear the bill that passed the House last week may not pass the Senate we are agreeable in the interest of economy to allow the same language to run in the pending bill.

Mr. BLANTON. If the gentleman will permit—

Mr. DARROW. Certainly.

Mr. BLANTON. Does not the gentleman know that that blanket bill which passed the House last week and which is now before the Senate has been buffeted between the House and the Senate, most of it, for three years?

Mr. FRENCH. That is just the point.

Mr. BLANTON. I do not believe it will ever pass. I hope it will not pass.

Mr. FRENCH. Then we need this language here because, unless this shall go through it will cost the Federal Government more to maintain the very institutions in New York that are already there and that will be maintained.

Mr. DARROW. I am sure the gentleman from Texas wants us to practice economy.

Mr. BLANTON. Will the gentleman yield further?

Mr. DARROW. Certainly.

Mr. BLANTON. That is just his opinion about economy. Somebody else might assert a different opinion, for I do not agree with him about it saving money, but the gentleman from Pennsylvania [Mr. DARROW] is a distinguished member of the Republican steering committee, and the gentleman therefore can get up here and put in legislation on the bills of this committee and the chairman will not make any point of order against it, but the gentleman from Texas must do it. I insist on the point of order, Mr. Chairman. It is legislation and it ought not to be put on an appropriation bill.

Mr. FRENCH. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk read as follows:

NAVAL WAR COLLEGE, RHODE ISLAND

For maintenance of the Naval War College on Coasters Harbor Island, including the maintenance, repair, and operation of one horse-drawn passenger-carrying vehicle to be used only for official purposes; and care of ground for same, \$91,800; services of a professor of international law, \$2,000; services of civilian lecturers, rendered at the War College, \$1,200; care and preservation of the library, including the purchase, binding, and repair of books of reference and periodicals, \$5,000; in all, \$100,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, drafting, and messenger service for the fiscal year ending June 30, 1926, shall not exceed \$62,500.

Mr. BLANTON. Mr. Chairman, I move to strike out the figures "\$62,500" as a pro forma motion.

I want to call attention to the civilian lecturers in the War College here. I do not know whether all of the Members are aware of it or not, but in this War College during the year from time to time some of the biggest men we have in the universities of the United States come and deliver lectures. If all the Members knew what splendid lectures are delivered there, I am sure more of them would avail themselves of the opportunity to hear some of them. It is an inspiration and great help educationally, not only to our officers but to the Members of Congress.

Mr. SEARS of Florida. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SEARS of Florida. Where are these lectures delivered?

Mr. BLANTON. In the War College here.

Mr. SEARS of Florida. On what subjects?

Mr. BLANTON. On various subjects.

Mr. SEARS of Florida. On how to conduct a war?

Mr. BLANTON. No; but on various economic subjects.

Mr. SEARS of Florida. Is that why the bills are increased or decreased?

Mr. BLANTON. Let me call the gentleman's attention to one great leader in thought who has lectured there, Dr. William Starr Myers, of the University of Princeton, who in my judgment is one of the great leaders we have in the universities of the country. He has lectured there, I believe, more than once.

Mr. STENGLE. On what subjects?

Mr. BLANTON. He is the professor, I think, of politics in the University of Princeton.

I simply wanted to call attention to this because I did not think all the Members knew about it.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. COLE of Iowa. I simply wanted to call the attention of the gentleman from Texas to the fact that this War College is located on the coast of Rhode Island and is not located here in Washington.

Mr. BLANTON. I know that, but I took advantage of the words "War College" to call attention to this one in Washington.

Let me say that if the gentleman does not believe naval officers need to know something about politics the gentleman is mistaken. If any were not good politicians, they could not get a bill like this through the House.

Mr. KETCHAM. Mr. Chairman, I move to strike out the next to the last word.

I do this, Mr. Chairman, for the purpose of making just a very slight correction in the very interesting and illuminating address delivered a few moments ago by the chairman of the Committee on Rivers and Harbors.

All of us have a great deal of local and State pride and in connection with the presentation by the gentleman of the needs of a very great harbor of the United States, namely, that of Los Angeles, the gentleman made the statement that the growth of population around Los Angeles was the most note-

worthy increase of population in the world known in recent years.

Anyone who lives in Michigan, of course, could not let that statement pass without challenge, and simply for the purpose of correcting the Record I wish to advise the committee what the real facts are. I did not have the figures available at the moment, but I knew that the greatest growth in population had taken place in the city of Detroit, and so, for the sake of accuracy, and in order that the committee may know that Michigan's pride in Detroit is justified, I desire to state that both in numbers and in percentage the greatest growth of population in recent years has not taken place in Los Angeles, but has taken place in the city of Detroit. Here are the exact figures from the census reports:

In 1910 the city of Los Angeles had a population, in round numbers, of 319,000 and in 1920, 576,000. For the same period the city of Detroit had a population in 1910 of 465,000 and in 1920, 993,000, an increase in the case of Los Angeles of 77 per cent in the 10-year period and in the case of Detroit 113 per cent in the same period.

The Clerk read as follows:

SALARIES, NAVY DEPARTMENT

For personal services in the District of Columbia in accordance with the classification act of 1923, \$423,000.

Mr. STENGLE. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. What do I understand that the salaries here referred to for personal services for the Navy Department have reference to?

Mr. FRENCH. The salaries pertaining to the Bureau of Navigation in the District of Columbia.

Mr. STENGLE. No reference is made to changes made in the classification.

Mr. FRENCH. That language to which the gentleman refers is general language and will apply to this section just as to the section to which it is attached.

Mr. STENGLE. We are to assume that what is laid down on the first page covers all other cases.

Mr. FRENCH. It runs right through the bill, applying to every case.

Mr. STENGLE. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

MAINTENANCE

For fuel; the removal and transportation of ashes and garbage from ships of war; books, blanks, and stationery, including stationery for commanding and navigating officers of ships, chaplains on shore and afloat, and for the use of courts-martial on board ships; purchase, repair, and exchange of typewriters for ships; packing boxes and materials; interior fittings for general storehouses, pay offices, and accounting offices in navy yards; expenses of disbursing officers; coffee mills and repair thereto; expenses of naval clothing factory and machinery for the same; laboratory equipment; purchase of articles of equipment at home and abroad under the cognizance of the Bureau of Supplies and Accounts, and for the payment of labor in equipping vessels therewith, and the manufacture of such articles in the several navy yards; musical instruments and music; mess outfits; soap on board naval vessels; tools, ferrage, yeomen's stores, safes, and other incidental expenses; all freight and express charges pertaining to the Navy Department and its bureaus; labor in general storehouses, paymasters' offices, and accounting offices in navy yards and naval stations, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased and manufactured under "the naval supply account fund"; in all, \$9,800,000: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for chemists and for clerical, inspection, and messenger service in the supply and accounting departments of the navy yards and naval stations and disbursing offices for the fiscal year ending June 30, 1926, shall not exceed \$2,850,000.

Mr. TAYLOR of West Virginia. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman from Idaho a question in order to get it into the Record, and that is whether or not the necessary appropriation has been made for the upkeep of the South Charleston armor-plate plant, at South Charleston, W. Va., that is being now maintained as a closed shop.

Mr. FRENCH. That institution is on a closed-down basis. We carry in the Bureau of Ordnance the amount recommended by the Budget for the maintenance of the institution in that shape, and we have recognized the importance of maintaining it.

Mr. TAYLOR of West Virginia. I thank the gentleman.

Mr. FRENCH. We have given just what was asked for.

Mr. TAYLOR of West Virginia. And that was about \$107,000?

Mr. FRENCH. Yes; \$107,700.

Mr. TAYLOR of West Virginia. I thank the gentleman. The South Charleston armor plant is in my district. The people are very much interested in it; and, while it is a closed shop, the people there were so patriotic at the time the project was put forth that they contributed \$250,000 or \$270,000 to purchase the land on which this magnificent plant is situated. They are very much interested in it; and, while closed at the present time, they hope that sooner or later the requirements of the Navy will be such that the plant will be reopened. For this reason I wanted it to appear in the Record that a suitable appropriation was being made for the upkeep of the plant on the closed-shop basis.

Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

FUEL AND TRANSPORTATION

For coal and other fuel for steamers' and ships' use, including expenses of transportation, storage, and handling the same; maintenance and general operation of machinery of naval fuel depots and fuel plants; water for all purposes on board naval vessels, and ice for the cooling of water, including the expense of transportation and storage of both, \$15,460,000: *Provided*, That fuel acquired other than by purchase shall not be issued without charging the applicable appropriation with the cost of such fuel at the rate current at the time of issue for fuel purchased: *Provided further*, That the President may direct the use, wholly or in part, of fuel on hand, however acquired, to be charged at the last issue rate for fuel acquired by purchase when, in his judgment, prices quoted for supplying fuel are excessive.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word, in order to ask the gentleman from Idaho a question. I notice the committee has allowed for fuel the amount recommended by the Budget, fifteen million and a fraction dollars. That contemplates the carrying out in its entirety the program of the Navy Department for maneuvers this coming fiscal year?

Mr. FRENCH. The members of the committee believe that it will be adequate, with this possibility: We can not forecast the cost of coal and oil. It has been represented to the committee that the price of coal may possibly be higher than when the estimates were made. Also, it is possible that some of the engineering items that it was thought could be taken care of between now and July 1, and that would reduce fuel costs, will not be able to be completed by that time. It was expected that certain work would be completed that would effect economies in fuel, and thus save a considerable amount. There is the possibility that the amount will not be quite enough to care for all the maneuvers that the plans of the department had in mind. But we thought that it would come so near to doing so and that through the economies that could be forced, or possibly could be effected if it appeared necessary for the department to effect them in order to accomplish the main purpose, we did not feel justified in disturbing the amount in the Budget.

Mr. NEWTON of Minnesota. The amount was fourteen and a half million dollars for the current year, was it not? Is that adequate for maneuvers this coming spring?

Mr. FRENCH. I believe it will be.

Mr. NEWTON of Minnesota. Does the gentleman recall where the maneuvers are planned to take place for the fiscal year 1926?

Mr. FRENCH. The maneuvers for the current year will be in the waters of Hawaii. These maneuvers will run up to nearly the end of the fiscal year, and then the plan is for certain of the ships to engage in a cruise that will include the Philippine waters and Australian waters. The maneuvers for the year 1926, however, should not be confused with the cruise to which I refer and would be off Panama.

Mr. BLANTON. Mr. Chairman, I move to strike out the last two words. A statement was made here this afternoon which was afterwards qualified, but which even then ought not to go into the Record unchallenged. I refer to what was said by our distinguished friend from Illinois [Mr. BRITTON]. He is a very important member of the Committee on Naval Affairs and, of course, he is very helpful to the Appropriations Committee in getting this naval bill passed through Congress. He said that the Secretary of the Navy and some of our high naval officers asserted that Japan was now engaged in military preparation. That far he did not qualify, but he did qualify what he went on further to say—

which may be directed against us.

He later said that these officers did not assert that such military preparations may be directed against us, but that

that was his own conclusion. As to the first part of the statement, which was left unqualified, that Japan is now engaged in making military preparations, I want to say that if such officers did say it they ought to be made to prove it or retract it. It was very unwise for them to say it. I know that such assertions are very helpful in getting a big naval bill passed through this House, but in that connection I want to show you something from Tokyo that is in the newspaper this afternoon. I want to quote now from what the Evening Star of this afternoon says. The Star is a reputable paper, and I believe more that I see in the Star than in almost any other paper. I have learned that it is more reliable than almost any other paper that we have. Notice what the Star says in headlines:

Japan will drop 1,400 officers from the army. Policy of retrenchment, approved by the Government, reduces military force.

This is correspondence of the Associated Press. It comes from Tokyo under date of November 26:

Approximately 1,400 army officers will be discharged from the service within the next year under the drastic retrenchment scheme approved by the Government.

Then, without reading the whole article, it goes on to say that the new military program abolishes four whole divisions.

Mr. MacLAFFERTY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MacLAFFERTY. I hope that that is true. I can readily believe that that is true, but the gentleman quotes the Star. Did he note that the Star two days ago stated definitely that the House of Representatives had passed the postal pay bill over the President's veto?

Mr. BLANTON. I do not remember any such item in the Star. Of course, mistakes will happen in the best-regulated families.

Mr. MacLAFFERTY. My recollection is that it was in the Star. Possibly it was not.

Mr. BLANTON. Mistakes will happen in newspapers as well as in families, but this is an Associated Press report coming from Tokyo direct.

Mr. MacLAFFERTY. I hope that it is true.

Mr. BLANTON. The reference about a protest being made to our maneuvers around some islands of ours did not come from the Government of Japan. Our distinguished friend from Illinois [Mr. BRITTEN], whom we all like, ought not to leave the inference that that comes from Japan. That came from the jingo press of Japan. There is a jingo press in Japan just as we have one here in the United States. There is always some press trying to get countries into war. There are always individuals who are trying to get other individuals into a scrap with each other. Lots of people like to see a fight. I do not believe in the Congress of the United States being pushed into a big naval program and a big Army program because a few naval officers want war to come, as many of them do. Do you know that many of the big naval officers want war to come?

Mr. MacLAFFERTY. I, for one, will answer no.

Mr. BLANTON. I did not ask the gentleman to answer.

Mr. MacLAFFERTY. I thought the gentleman was asking the question generally.

Mr. BLANTON. I know the gentleman feels that way, and I feel the other way; but if he had been here as long as I have been, and if he were going to continue to stay here as long as I have already been elected to stay, he would have a different idea about it.

Mr. MacLAFFERTY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MacLAFFERTY. We have just received word that the man most beloved in our delegation has passed away this afternoon, and we do not any of us know how long we are going to stay here.

Mr. BLANTON. That is so, and I regret to hear the sad news conveyed by the gentleman, although perhaps the announcement may be somewhat premature, as same are usually made in a more formal way.

Mr. MacLAFFERTY. The statement was made not so much to inform the House as it was to inform the gentleman.

Mr. BLANTON. The longer I live the more concerned I become about the uncertainty of life. Therefore I watch my action here on the floor very closely and I watch carefully my votes on bills. I am not ready to sit here and vote for everything that a little subcommittee of five puts under my nose and tells me to vote for, but I think about it myself in my office. I study this bill in comparison with the bill of

1915 and see the great increases that have been made. I see the great waste, the extravagance in these bills. I can not keep them from passing, but we must not mislead the American people through the jingo press of Japan and the jingo press of the United States. We should let the American people know that there is no probability whatever of war between Japan and America, separated 4,536 nautical miles apart. Secretary Hughes says so in this afternoon's paper in felicitating our new arrivals from Japan. And there is no excuse whatever for this \$370,000,000 naval expenditure.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FRENCH. Mr. Chairman, the two gentlemen who have just spoken have referred to the maneuvers in Hawaiian waters and to the possible attitude of Japan. The members of the subcommittee think they know fairly well touching the building program of Japan, and as chairman of the subcommittee I say that there is no feverish program of building in Japan touching her navy, and we are not in the slightest way disturbed about the attitude of the Japanese Government toward our country. There seem to be in Japan those who would like to foment trouble. There seem to be those in our own country who would like to foment trouble between our country and Japan for some reason that would not appeal to any lover of humanity anywhere. We have heard of reports in some papers in Japan touching the maneuvers of the fleet this year.

BUT WHAT ARE MANEUVERS, AND WHAT THE PURPOSE?

As the Members of Congress know, it is the policy of the Navy Department to hold annual fleet maneuvers for the purpose of developing efficiency upon the part of officers and men in navigation, and for the purpose of the educational value of such maneuvers, testing out of machinery, gunnery exercise, fire control, and the working out of problems that constantly, in theory, are brought to the direct notice of those whose lives are devoted to the naval service. Such maneuvers are not peculiar to the Navy of the United States. They are practiced by the navies of all the great countries.

In 1923 the United States held her annual maneuvers off the coast of Mexico, Central America, Panama, Colombia, and Ecuador. In 1924 the annual maneuvers were held largely in Caribbean waters. No nation, for a moment, supposed that the place of holding the maneuvers suggested a prospective enemy.

Japan, in 1924, held her maneuvers off the coast of Japan and divided her program two ways. First, she planned that her aviation establishment should semble an attacking air force and a defense air force, the attacking air force coming from the east, with the essential object of destroying important naval and industrial centers in Japan. Following the air maneuvers, her maneuvers included an attack by a naval fleet approaching from the east—the Blue Fleet—with Japan defended by the Red Fleet. The United States is the immediate country to the east of Japan, yet would anybody, for one moment, construe the act of Japan as unfriendly to the United States? No. Absolutely no. Japan, if her fleet is to be efficient and if her air service is to be what it ought to be, must provide maneuver programs. It would be quite impossible for Japan to work out sensible programs that did not vary in different years. The possible enemy is always hypothetical. At one time Japan may work out problems that would involve the potential enemy approaching from the east, at another time from the south, at another time from the mainland of Asia. No one is so foolish as to undertake to suggest to Japan that her maneuver programs are acts of hostility, nor can I conceive the possibility that any thoughtful person in Japan will make any such sinister deduction from any naval maneuver program upon the part of the United States.

Japan and the United States have no cause for antagonism. To the extent that they are rivals, they are friendly rivals, and the same is true of the United States and the other great nations of the world.

If the United States shall hold fleet maneuvers in the Atlantic, is it a threat of war against Great Britain or France? If we hold maneuvers in the Caribbean or off Panama, is it a threat against some South American country? And yet an affirmative answer would be no more fantastic than to say that because the United States in carrying out a maneuver program that has been well known for several years, and during one of such years contemplates problems in the waters of the Hawaiian Islands, is an act of hostility toward the friendly nation of Japan.

The United States has welcomed the representatives of naval establishments of foreign countries time and time again, and I believe that the people of Japan would extend welcome

to the United States were ships of our Navy to pay a visit to her shores. In fact, it would be a recognition by our country of the greatness of our neighbor—just as we would be proud of visits that might be paid to the United States by ships of the Japanese Navy bearing a message of good will that for so many years has been extended by the people generally of Japan to the Nation and the people of the United States.

I have in my hand an Associated Press dispatch carried in the newspapers on December 7 which quotes Admiral Okada, commander in chief of the Japanese Navy. Here is what he says:

TOKIO, December 6 (Associated Press).—I am going to take upon myself all responsibility for declaring that the Imperial Navy is feeling not the least concern about the Pacific maneuvers of the American Navy.

As a sailor I am little interested in international policies, but I am fully convinced that the maneuvers of the American Navy are nothing more nor less than maneuvers of the kind undertaken by navies of every other nation, although may be on a little larger scale and of greater duration. Such exercises carried out 3,000 miles off the shores of Japan signify very little in our eyes.

Were I a statesman I would feel far more deeply about the attitude of the press, which is ever intent upon making capital of matters of this kind, eventually creating an atmosphere inconsistent with international friendship and good understanding between nations.

Here they fret and fume about ulterior intentions of America, while there they write about Japan's suspicions. One is as groundless as the other. I do not deny that some suspicion is entertained by a limited section of our public, but I do assert that it is far from the sense of the entire Japanese nation or navy.

Gentlemen of the committee, this is the type of thought that ought to pervade the people of America. As a people we admire Japan, we admire her progress, her genius, her statesmen, her people. Japan is one of the truly great nations of the world. There is no thought in the minds of most of the people of our country hostile to Japan. We wish her the greatest progress than can come to a nation. Especially do we wish that every success and progress may come to a nation with which we are bound by ties that span the Pacific Ocean, ties of commerce, of fellowship, of association and good will, ties that bind us and will continue to bind us, we trust, in bonds of friendship for the centuries to come. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SALARIES, NAVY DEPARTMENT

For personal services in the District of Columbia, in accordance with the classification act of 1923, \$830,000.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10724, had come to no resolution thereon.

SENATE BILLS REFERRED

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3576. An act for the relief of Margarethe Murphy; to the Committee on Claims.

S. J. Res. 155. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; to the Committee on the Library.

S. J. Res. 154. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; to the Committee on the Library.

S. J. Res. 152. Joint resolution to accept the gift of Elizabeth Sprague Coolidge for the construction of an auditorium in connection with the Library of Congress and to provide for the erection thereof; to the Committee on the Library.

ENROLLED HOUSE JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLUM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution: H. J. Res. 310. Joint resolution authorizing payment of salaries of the officers and employees of Congress for December, 1924, on the 20th day of that month.

EXTENSION OF REMARKS

Mr. KINCHELOE. Mr. Speaker, I want to renew the request to extend the remarks that I made to-day by inserting a piece from a paper on the scrapping of the battleship *Washington* by Will Rogers. The gentleman who objected before has withdrawn his objection and therefore I prefer my request.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD by inserting an article from a newspaper about the scrapping of the battleship *Washington*. Is there objection? [After a pause.] The Chair hears none.

Mr. KINCHELOE. Mr. Speaker, I objected this morning to the extension of remarks by the gentleman from Washington [Mr. JOHNSON]. I desire to withdraw that objection, and if necessary to prefer the request that he be permitted to extend his remarks made this morning.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

DEATH OF HON. JULIUS KAHN

Mr. CURRY. Mr. Speaker, it is with profound sorrow that it becomes my duty to announce to the House the death at his home in San Francisco this afternoon of that splendid citizen, patriotic American, and distinguished Member, the Hon. JULIUS KAHN, a Representative in the Congress from the fourth California district. Mr. KAHN's sickness and death was undoubtedly the result of his strenuous work on the Committee on Military Affairs as the ranking Republican member, and later, as the chairman of that committee during and after the World War.

At some future time, I shall ask that a day be set aside for services to be held and addresses made on the life and public services of our departed colleague.

At present I send to the Clerk's desk the following resolutions for which I ask immediate consideration:

The SPEAKER. The gentleman from California submits a resolution, which the Clerk will report.

The Clerk read as follows:

Resolution 385

Resolved, That the House has heard with profound sorrow of the death of Hon. JULIUS KAHN, a Representative from the State of California.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ADJOURNMENT

The SPEAKER. In accordance with the resolution adopted, the House stands adjourned until 12 o'clock to-morrow.

Accordingly (at 4 o'clock and 28 minutes p. m.) the House adjourned until to-morrow, Friday, December 19, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

744. A letter from the Secretary of the Treasury, transmitting a detailed statement showing the number of claims filed under the act of Congress approved August 25, 1919, and the present status of the work involved in connection with their adjudication; to the Committee on Expenditures in Public Buildings.

745. A communication from the President of the United States, transmitting an estimate of appropriation for the Executive office for the fiscal year ending June 30, 1925, to remain available until June 30, 1926, for the expenses of an agricultural conference assembled in November, 1924, \$50,000 (H. Doc. No. 496); to the Committee on Appropriations and ordered to be printed.

746. A letter from the Secretary of the Interior, transmitting report of withdrawals and restorations under act of June 25, 1910 (36 Stat. 847), during period December 1, 1923, to November 30, 1924, inclusive; to the Committee on the Public Lands.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 10624. A bill to enlarge the powers of the Washington Hospital for

Foundlings and to enable it to accept the devise and bequest contained in the will of Randolph T. Warwick; with an amendment (Rept. No. 1055). Referred to the House Calendar.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10417) granting an increase of pension to Ann M. Barker; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10624) to enlarge the powers of the Washington Hospital for Foundlings and to enable it to accept the devise and bequest contained in the will of Randolph T. Warwick; Committee on the District of Columbia discharged, and referred to the Committee on the Judiciary.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MAGEE of Pennsylvania: A bill (H. R. 10947) granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River, in the city of Pittsburgh, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: A bill (H. R. 10948) to amend Public No. 292, Sixty-eighth Congress, to provide for the payment of water charges in connection with Indian irrigation projects; to the Committee on Indian Affairs.

By Mr. LAMPERT: A bill (H. R. 10949) to amend the act entitled "An act to provide revenue, to regulate commerce in foreign countries, and to encourage the industries in the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

By Mr. DOUGHTON: A bill (H. R. 10950) to provide for the securing of lands in the Southern Appalachians for the purpose of a national park; to the Committee on the Public Lands.

By Mr. WILLIAMS of Texas: A bill (H. R. 10951) to provide for the acquisition of a site and the erection of a public building thereon at Bowie, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. OLDFIELD: A bill (H. R. 10952) to amend the World War adjusted compensation act; to the Committee on Ways and Means.

By Mr. BRITTEN: Joint resolution (H. Res. 384) authorizing the President to call a conference of the white nations bordering on the Pacific Ocean for the discussion of ways and means for promoting a better economic, commercial, and political understanding between said nations; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 10953) to remit the duty on a carillon of bells imported for Grace Church, Plainfield, N. J.; to the Committee on Ways and Means.

By Mr. ANTHONY: A bill (H. R. 10954) granting an increase of pension to Charles F. Harms; to the Committee on Pensions.

By Mr. CABLE: A bill (H. R. 10955) granting a pension to Leota Dell Sharp; to the Committee on Invalid Pensions.

By Mr. CULLEN: A bill (H. R. 10956) for the relief of Mary Reithel; to the Committee on Claims.

By Mr. DICKINSON of Iowa: A bill (H. R. 10957) for the relief of J. H. Callahan; to the Committee on the Civil Service.

By Mr. FULLER: A bill (H. R. 10958) granting an increase of pension to Kate Payler; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 10959) granting an increase of pension to Charlotte M. Combs; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 10960) granting an increase of pension to Laura G. Weisenberger; to the Committee on Pensions.

By Mr. HARDY: A bill (H. R. 10961) granting an increase of pension to Mary A. Baldrige; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 10962) granting an increase of pension to Madlum Milledge; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 10963) to reimburse David J. Williams for cash shortage due to theft of public funds; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 10964) granting an increase of pension to Rebecca A. Kidd; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 10965) granting a pension to Eliza A. Corbett; to the Committee on Invalid Pensions.

By Mr. MOORE of Georgia: A bill (H. R. 10966) for the relief of Mrs. Walter L. Evans; to the Committee on Claims.

By Mr. MORRIS: A bill (H. R. 10967) granting a pension to William A. Rogers; to the Committee on Pensions.

By Mr. OLDFIELD: A bill (H. R. 10968) granting a pension to Mary E. Smith; to the Committee on Pensions.

By Mr. PATTERSON: A bill (H. R. 10969) to authorize the appointment of Miles Gilman as a chief pay clerk on the active list of the United States Navy; to the Committee on Naval Affairs.

By Mr. PURNELL: A bill (H. R. 10970) granting an increase of pension to Lucinda Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10971) granting an increase of pension to Martha E. Griffith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10972) granting an increase of pension to Louisa Lookabaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10973) granting an increase of pension to Mary C. Spencer; to the Committee on Invalid Pensions.

By Mr. REID of Illinois: A bill (H. R. 10974) granting a pension to Mary E. Muzzy; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 10975) granting an increase of pension to Caroline I. Minneley; to the Committee on Invalid Pensions.

By Mr. SPROUL of Kansas: A bill (H. R. 10976) granting an increase of pension to William Cotter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10977) granting a pension to Julia A. Dugan; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 10978) granting an increase of pension to Henrietta Grubb; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 10979) granting an increase of pension to Matilda Arnold; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Michigan: A bill (H. R. 10980) granting an increase of pension to Evaleen M. Davidson; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 10981) granting an increase of pension to Mary E. Martin; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3258. By Mr. DOYLE: Petition of the City Council of Chicago, Ill., requesting that the United States airplane flagship *Chicago* be placed in the custody of the city of Chicago; to the Committee on Military Affairs.

3259. By Mr. GALLIVAN: Petition of Judge David A. Lourie, superior court, Boston, Mass., recommending favorable consideration of joint resolution providing for admission of approximately 8,000 immigrants now stranded at various European ports holding passports duly viséed by United States consular officers before July 1, 1924; to the Committee on Immigration and Naturalization.

3260. By Mr. HAWLEY: Petition of citizens of McMinnville, Falls City, Newberg, Medford, Grande Ronde, Dundee, Cornelius, in the State of Oregon, asking the House of Representatives not to concur in the passage of the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3261. By Mr. KING: Petition of Hon. R. D. Robinson, Galesburg, Ill., favoring the postal salary increase bill; to the Committee on the Post Office and Post Roads.

3262. By Mr. O'CONNOR of New York: Petition of the executive committee of the Democratic County Committee of the County of New York, in favor of the postal salary increase bill (S. 1898); to the Committee on the Post Office and Post Roads.

3263. By Mr. O'CONNELL of New York: Petition of the Medical Society of the County of Kings, 1313 Bedford Avenue, Brooklyn, N. Y., favoring the postal salary increase bill (S. 1898); to the Committee on the Post Office and Post Roads.

3264. Also, petition of the Homestead Civic Association, of Woodhaven, Long Island, N. Y., favoring the postal salary increase bill (S. 1898); to the Committee on the Post Office and Post Roads.

3265. By Mr. VINCENT of Michigan: Petition of citizens of Gratiot County and Montcalm County, Mich., protesting against the passage of Senate bill 3218, providing for Sunday observance; to the Committee on the District of Columbia.

SENATE

FRIDAY, December 19, 1924

(Legislative day of Tuesday, December 16, 1924)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6941) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills and they were thereupon signed by the President pro tempore:

H. R. 10650. An act to authorize the settlement of the indebtedness of the Republic of Lithuania to the United States of America; and

H. R. 10651. An act to authorize the settlement of the indebtedness of the Republic of Poland to the United States of America, and for other purposes.

DEBT SETTLEMENT WITH LITHUANIA—CORRECTION

Mr. SMOOT. Mr. President, I rise to make a correction in the report (No. 811) accompanying the bill (S. 3554) to authorize the settlement of the indebtedness of the Republic of Lithuania to the United States of America. In the report on page 3, where is set forth the agreement relative to the indebtedness, the Public Printer has made a mistake. It is there stated that the rate of interest is $4\frac{1}{2}$ per cent per annum. It should be $4\frac{1}{4}$ per cent. It is a mistake on the part of the Printing Office, and I desire that there shall be no question about it so far as the Record is concerned, so I make this statement, that the correction may appear.

Mr. ROBINSON. I am interested to know if the Senator has examined the manuscript upon which the report was based.

Mr. SMOOT. I have, and it is $4\frac{1}{4}$ per cent there. It is purely a mistake on the part of the printer.

CLAIMS OF CONTRACTORS FOR POST OFFICE AND OTHER BUILDINGS

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a detailed statement showing the number of claims, at the close of business on November 30, 1924, under the act of Congress approved August 5, 1919, and amendments thereto, filed by contractors and subcontractors for post office and other building work under the supervision of the Treasury Department, which was referred to the Committee on Public Buildings and Grounds.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a petition of the Council of the City of Chicago, Ill., praying that the U. S. airplane flagship *Chicago* be placed in the custody of the city of Chicago, which was referred to the Committee on Military Affairs.

Mr. PEPPER presented the memorial of the Philadelphia (Pa.) Board of Trade, relative to House bill 8887, the so-called McFadden bill, amending the national banking laws and the Federal reserve act, which was referred to the Committee on Banking and Currency.

Mr. MAYFIELD presented a memorial numerously signed by sundry citizens of San Antonio, in the State of Texas, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BROUSSARD presented memorials numerously signed by sundry citizens of New Orleans and Louisiana, all in the State of Louisiana, remonstrating against the passage of

legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

ARLINGTON MEMORIAL BRIDGE

Mr. FERNALD. Mr. President, I am receiving a great many letters from governors of States, particularly in the South and West urging the passage of the Arlington Memorial Bridge bill. I do not ask that they all be printed in the Record, but I received this morning a letter from Governor Trinkle of Virginia, that is so concise, terse, and eminently fair, that I ask that it may be printed in the Record, and referred to the Committee on Public Buildings and Grounds.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The letter is as follows:

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
Richmond, December 18, 1924.

Senator BERT M. FERNALD,
Washington, D. C.

MY DEAR SENATOR FERNALD: I do hope that you can give your active and energetic support to the Arlington Memorial Bridge out of Washington, leading into Virginia and across to Arlington. All of the people of Virginia and of the entire South would appreciate this. We do hope that the bill may pass.

Very truly yours,

E. LEE TRINKLE,
Governor of Virginia.

REPORTS OF COMMITTEES

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3548) for the relief of the heirs of Karl T. Larson, deceased (Rept. No. 819); and

A bill (H. R. 7522) to authorize and direct issuance of patents to purchasers of lots in the town site of Bowdoin, Mont. (Rept. No. 820).

Mr. ERNST, from the Committee on Finance, to which was referred the bill (S. 3505) for the relief of Canadian Car & Foundry Co. (Ltd.), reported it without amendment and submitted a report (No. 821) thereon.

Mr. SHIPSTEAD, from the Committee on Public Buildings and Grounds, submitted a report (No. 822) to accompany the bill (S. 1181) naming the seat of Government of the United States, heretofore reported by him from that committee.

COLUMBIA BASIN PROJECT

Mr. JONES of Washington. Mr. President, at the last session of Congress we provided for an investigation of what is known as the Columbia Basin project. The appropriation under the terms of the law, however, could not be used after December 31, 1924. The investigating committee will have its report ready by the middle of January or not later than the 1st of February. There is some eight or ten thousand dollars still unexpended that it may be necessary to use for this purpose. The Committee on Appropriations have authorized me to report back the joint resolution, S. J. Res. 157, continuing available the unexpended balance until the report is made. I ask unanimous consent for its immediate consideration.

There being no objection, the joint resolution (S. J. Res. 157) extending appropriation in connection with Columbia Basin investigation, was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That the unexpended balance of the appropriation contained in the act of March 4, 1923 (42 Stat. L. p. 1540), making appropriations for investigation of the feasibility of irrigation by gravity or pumping, water sources, water storage, and related problems in connection with Columbia Basin project, is hereby reappropriated and made available immediately and to continue available until the investigation is completed.

Mr. McNARY. Mr. President, I wish to offer an amendment to the joint resolution.

When the law was passed it contained an appropriation of \$50,000 for an examination and survey of the water power at Umatilla Rapids in the Columbia River. There is a small portion of that money yet unexpended and a little more work to do. I am in accord with the proposal of the Senator from Washington, but I want to amend it by including the Umatilla Rapids project.

Mr. SMOOT. May I say to the Senator that if his amendment is accepted there will not be sufficient money in the fund remaining to finish the examination.

Mr. McNARY. Oh, yes; the examination has been finished. There is \$6,000 yet unexpended and a little more work to undertake in the way of a survey of certain irrigable land in connection with the project.

Mr. SMOOT. The Senator is not asking for an increase of the appropriation?

Mr. McNARY. I am not asking for anything like that. I merely want to have the money already appropriated made available for another year.

Mr. JONES of Washington. When does the Senator from Oregon expect the report to be ready to submit to the Senate under his survey? From the last remark the Senator made I think the conditions are a little different in the two cases. The report that the joint resolution provides for will be made by the middle of January or at latest by the 1st day of February, and that is the only reason why I ask that the money may be made available, but if the Senator's report will not be ready for a year it could very well be taken care of in the regular appropriation bill. I shall not object to the amendment, but it does seem to me that it complicates my proposition very materially, and I hope the Senator will not urge it.

Mr. McNARY. We have for consideration at this time before the committee having in charge the supply bill for the Department of the Interior an amendment making the money available for one year from next July. I am sure that the Senator from Utah [Mr. Smoot] will accept that amendment. It may not be proper to offer it at this time. I do not want to embarrass the joint resolution of the Senator from Washington. If there is any danger to it involved, I withdraw my amendment.

Mr. JONES of Washington. I appreciate that action on the part of the Senator from Oregon.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3725) to amend the military record of Charles G. Bluff; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 3726) for the relief of Walter Dickey (with accompanying papers); to the Committee on Naval Affairs.

By Mr. RANDELL:

A bill (S. 3727) granting the consent of Congress to the police jury of Morehouse Parish, La., or the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachery Ferry; to the Committee on Commerce.

By Mr. BROOKHART:

A bill (S. 3728) to amend section 24 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended; to the Committee on Military Affairs.

By Mr. SHORTRIDGE:

A bill (S. 3729) to provide for the protection of certain navigable waters in the State of California; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 3730) authorizing the Secretary of Agriculture to formulate and recommend standard weights and standard methods of wrapping, packing, and tying cotton bales, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. BALL:

A bill (S. 3731) to permit meetings of societies—benevolent, educational, etc.—organized under the laws of the District of Columbia to be held outside of said District; to the Committee on the District of Columbia.

By Mr. BURSUM:

A bill (S. 3732) granting an increase of pension to Robert G. Marmon; to the Committee on Pensions.

ADMISSION OF CERTAIN IMMIGRANTS

Mr. COPELAND. I introduce a joint resolution, which I ask to have read and lie over under the rule.

The joint resolution (S. J. Res. 160) relative to the immigration of certain aliens was read the first time by its title and the second time at length and ordered to lie on the table, as follows:

Resolved, etc., That such persons intending to become immigrants to the United States to whom prior to July 1, 1924, passports had been issued bearing the genuine visés of consuls and consular officers of the

United States executed pursuant to the provisions of the act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921, as amended and extended, who are now detained at various European ports in consequence of the exhaustion of the quotas allocated under said act to the respective lands of their nativity or by reason of the provisions of the act entitled "An act to limit the immigration of aliens into the United States, and for other purposes," approved May 26, 1924, may, if otherwise admissible, be permitted severally to enter and remain in the United States without regard to the provisions of the aforesaid acts: Be it further

Resolved, That section 4, subdivision (d), of the aforesaid act, approved May 26, 1924, shall be applicable to the wife and unmarried children under 18 years of age following to join any immigrant referred to in said provision who entered the United States prior to July 1, 1924.

AMENDMENTS TO MUSCLE SHOALS BILL

Mr. COPELAND submitted an amendment and Mr. BROOKHART submitted two amendments intended to be proposed by them to House bill 518, the so-called Muscle Shoals bill, which were severally ordered to lie on the table and to be printed.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. CURTIS submitted an amendment proposing to appropriate \$10,000 for the establishment and maintenance of a market news service at Wichita, Kans., including personal services and other incidental expenses, intended to be proposed by him to House bill 10404, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

COMMITTEE SERVICE

On motion of Mr. ROBINSON, and by unanimous consent, the following order was agreed to:

Ordered, That the Senator from Arkansas, Mr. CARAWAY, be assigned to service on the Committee on Public Lands and Surveys.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Mr. NORRIS. Mr. President, day before yesterday I offered some evidence showing that three of the directors of the Alabama Power Co. were likewise directors in various subsidiary companies of the General Electric Co. There are two well-known ways of controlling these various things. One is by stock ownership, either in whole or in part, and the other is by interlocking directorates. It already appears that the interlocking directorate exists as between the General Electric Co. and the Alabama Power Co., its subsidiary. I now want to offer to the Senate the facts in relation to another means of control of this same Alabama Power Co. through stock ownership.

The common stock of the Alabama Power Co., 187,510 shares of no par value, is all owned by the Southeastern Power & Light Co., of Maine. A few years ago all of the stock of the Alabama Power Co. was owned by the Alabama Traction, Light & Power Co. (Ltd.), of Canada. It became necessary for some reason that this stock be owned by an American company, and so the Southeastern Power & Light Co. was organized and took over all of the stock of the Alabama Power Co. Whether this transfer was only on paper or a genuine transfer I am not able to say, but at least that is how it is owned. Between 18 and 20 per cent of the common stock of the Southeastern Power & Light Co. is owned by the Electric Bond & Share Co., which, in turn, is entirely owned by the General Electric Co. So that there are two connections between the Alabama Power Co. and the General Electric Co., one by stock ownership and the other by interlocking directorates.

I told the Senate day before yesterday that I was having gathered some information about the stock ownership of various subsidiary companies of the General Electric Co. I have a large part of that information, so far as stock owner-

ship is concerned. I do not yet have the interlocking directors, which Senators will readily see is a very difficult thing to work out, because there are thousands of names and many hundreds of corporations that must be looked into in order to get a correct analysis of the interlocking directorates.

The General Electric Co. owns 100 per cent of the Cooper Hewitt Electric Co., manufacturers of electric lights used by industrial manufacturers, motion-picture studios, photographers, and in photographic laboratories. It also owns 100 per cent of the common stock and 95 per cent of the preferred stock of the International General Electric Co., an export corporation, which handles the engineering, manufacturing, and selling activities and investments in utility enterprises, and so forth, for the General Electric Co. in foreign countries. It also owns 76 per cent of the stock of the Edison Electric Appliance Co. (Inc.). This company is the largest manufacturer of household electrical-heated appliances. I said it owned 76 per cent of the stock. It owns 62 per cent of the common stock and 76 per cent of the preferred stock.

The General Electric Co. also owns two-thirds of the voting stock of the Victor X-Ray Corporation. The General Electric Co. also owns all of the common stock of the Electric Securities Corporation, which is the owner of mortgage bonds of certain electric railway, electric light and power companies, and by its charter has the power to acquire other bonds of similar companies and to pledge any such bonds owned by it to secure its successive series of collateral trust bonds. So there are subsidiary companies, very many of them, of the General Electric Securities Corporation, the names of which I do not have.

The General Electric Co. also owns 50 per cent of the common stock of the Locke Insulator Corporation, which produces all types of insulators for power transmission and special designs of high-voltage porcelains, bus-bar supports, disconnecting switches, and lightning arrestors.

The General Electric Co. also owns a substantial interest in the Electric Vacuum Cleaner Co. (Inc.), which controls the Premier Service Co., with 38 branches in the principal cities of the United States, and the Premier Vacuum Co. (Ltd.), with branches in Toronto and Winnipeg. So there are 40 subsidiary companies of this subsidiary company whose names I do not as yet have.

The General Electric Co. also owns a substantial interest in the Trumbull Electric Manufacturing Co., manufacturers of electric switches and supplies.

The General Electric Co. also has a substantial interest in the Hurley Motor Co.

The General Electric Co. also has a substantial interest in the Radio Corporation of America. The outstanding capital stock of the Radio Corporation of America in 1922 was over \$5,000,000 of common stock and nearly \$4,000,000 of preferred stock. Of this the General Electric Co. owned \$1,876,000 of the common stock and \$620,800 of the preferred stock. On January 28, 1924, the Federal Trade Commission issued a complaint against the Radio Corporation of America, the General Electric Co., and five other companies, alleging a monopoly in radio apparatus and communication, both domestic and transoceanic.

The General Electric Co. also owns the Canadian General Electric Co. (Ltd.), incorporated July 15, 1892, in Canada. This company in 1910 purchased the lands and plant of the Canadian Shipbuilding Co. in Ontario. In 1911 the property and assets of the Sunbeam Incandescent Lamp Co., of Toronto, were acquired. In 1913 the company acquired the property and assets of Allis-Chalmers-Bullock (Ltd.), of Montreal, and the Stratford Mill Building Co., of Stratford, Ontario, and has concluded an agreement with the Allis-Chalmers Manufacturing Co., of Milwaukee, which gives the Canadian General Electric Co. the exclusive right to manufacture and sell in Canada apparatus manufactured by the Allis-Chalmers Manufacturing Co. The business acquired from Allis-Chalmers-Bullock (Ltd.), of Montreal, is being conducted under the name of the Canadian Allis-Chalmers (Ltd.).

In 1919 this company bought the factory formerly occupied by the Mooney Biscuit & Candy Co. (Ltd.), of Stratford, Ontario.

The Canadian Sunbeam Lamp Co. (Ltd.) is the name of the other subsidiary of this company. This subsidiary company operates the largest engineering works in Canada.

An agreement with the General Electric Co., of Schenectady, gives to this company the perpetual and exclusive right to manufacture and sell General Electric apparatus in Canada and Newfoundland. The company has acquired from time to time the rights and business for Canada of various companies owning patents on electrical machines and specialties, including the Edison General Electric Co., the Edison Electric

Light Co., the Thomson-Houston International Electric Co., and so forth.

The General Electric Co. owns a controlling interest in the Canadian General Electric Co. (Ltd.), which has all these subsidiaries which I have enumerated.

The General Electric Co. owns the entire common stock of the Electric Bond & Share Co., which, in turn, has a large number of subsidiary companies, and which acts as fiscal agent or supervises the operations of 11 associated companies, which, in turn, control numerous other utilities. The Electric Bond & Share Co. owns the American Gas & Electric Co., which, in turn, controls the Atlantic City Electric Co., the Benton Harbor-St. Joe Railway & Light Co., the Indiana & Michigan Electric Co., the Kentucky & West Virginia Power Co. (Inc.), the Northwestern Ohio Light Co., the Ohio Power Co., the Ohio Service Co., the Rockford Electric Co., the Scranton Electric Co., the West Virginia Water & Electric Co., the Wheeling Electric Co., the Albany Water & Light Co., the Jonesboro Water Co., and the Montpelier Utilities Co.

This Electric Bond & Share Co., which, as I have stated, is entirely owned by the General Electric Co., also owns the American Power & Light Co., which, in turn, controls the Kansas Gas & Electric Co., the Pacific Power & Light Co., the Portland Gas & Coke Co., the Nebraska Power Co., and the Minnesota Power & Light Co. This last-named company, in turn, owns all of the capital stock of the Great Northern Power Co. and operates its properties under lease.

The American Power Electric Bond & Share Co. also owns the Southwestern Power & Light Co.

The Electric Bond & Share Co., this subsidiary, which is entirely owned by the General Electric Co., also owns the Lehigh Power Securities Corporation, which controls the Pennsylvania Power & Light Co., which was organized in 1920 by a merger of the Pennsylvania Lighting Co., and of the following companies, which had been controlled by the Lehigh Power Securities Corporation: The Lehigh Valley Light & Power Co., the Northern Central Gas Co., the Columbia & Montour Electric Co., the Northumberland County Gas & Electric Co., the Harwood Electric Co., and the Schuylkill Gas & Electric Co. This company, that is, the Lehigh Power Securities Corporation, this subsidiary, in 1923, acquired the properties of the Wilkes-Barre Co., the Lycoming Edison Co., the Lock Haven Electric Light & Power Co., and Jersey Shore Electric Co., and, among other companies, controls the Hagerstown Light & Heat Co., of Washington County, Md.

This same company, the Lehigh Power Securities Corporation, controls the Lehigh Valley Transit Co., which controls, among other companies, the Easton Consolidated Electric Co. The latter company controls the Edison Illuminating Co. of Easton, the Pennsylvania Motor Co., and Easton Transit Co., which, in turn, controls the Easton Transit Co., which controls the Easton Amusement Co. and the Phillipsburg Transit Co.

The Lehigh Power Securities Corporation also controls East End Passenger Railway, the Jersey Shore Electric Street Railway, the South Side Passenger Railway, the Vallamont Traction Co., and the Williamsport Passenger Railway Co.

This subsidiary, the Electric Bond & Share Co., also owns the National Power & Light Co., which, in turn, controls the Houston Lighting & Power Co., the Knoxville Power & Light Co., the Arkansas Central Power Co., the Birmingham Electric Co., and the Memphis Power & Light Co., which has acquired substantially all of the capital stock of the Memphis Street Railway Co.

The same subsidiary owns the New Orleans Public Service (Inc.), which controls the New Orleans City Railroad Co., the St. Charles Street Railroad Co., the Jefferson & Lake Pontchartrain Railway Co., the Railways Realty Co., and the New Orleans Gas Light Co.

It also owns the Carolina Power & Light Co., which controls the Yadkin River Power Co. and the Asheville Power & Light Co.

The same subsidiary also owns the Power Securities Corporation, the principal assets of which consist of all the common stock, except directors' shares, of the Idaho Power Co., and the Idaho Power Co. owns all the issued stock of the Boise Valley Traction Co. and the Nevada Power Co.

The same subsidiary owns the Utah Securities Corporation, which is an investment company that does not operate any properties, but controls the Utah Power & Light Co., which in turn controls the Western Colorado Power Co. and the Utah Light & Traction Co.

The same subsidiary of which I have been speaking also owns the Dallas Power & Light Co. and the Dallas Railway Co. It also owns the American & Foreign Power Co. (Inc.), which was formed to acquire and operate, directly or through

subsidiaries, public utility properties in the United States and foreign countries. The American & Foreign Power Co. has acquired the following companies in South and Central America: Compania de Electricidad de Cardenas, South America; Compania Electrica de Cienfuegos, South America; Compania de Servicios Publicos "Madrado," South America; Compania Electrica de Alumbrado y Traccion de Santiago; Oriente Interurban Electric Co. (Inc.); Compania Cubana de Electricidad, South America; Compania Cubana de Hielo, South America; Camaguey Electric Co., South America; American Foreign Power & Light Co.; Empresa Electrica de Guatemala; Empresa Electrica de Escuintla; Empresa del Alumbrado Electrico del Norte; and the Panama Power & Light Corporation.

Mr. President, at a future date, as soon as I am able, if I succeed in securing data as to the interlocking directorates of these companies, I will submit them to the Senate.

Mr. DILL. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield to the Senator.

Mr. DILL. Is the Senator's investigation complete as to the properties owned by the General Electric Co.?

Mr. NORRIS. No. It is a very difficult thing to get them all. Mr. President, I wish the Senator from Idaho [Mr. BORAH] were present, as he is chairman of the committee which has been holding sessions during the late campaign to investigate the campaign expenditures, for I should like to have a statement from him or some one who knows whether that investigation disclosed that any of these companies or their stockholders or their directors or their owners contributed, and to what extent, if at all, they contributed to the campaign that has just ended.

Mr. DILL. The reason I asked the Senator the question is that I did not hear the Senator mention certain power companies in the Northwest that I think have a connection, and, perhaps, a very close connection, with the General Electric Co., although the connection may be through directors. I wondered as to that.

Mr. NORRIS. Of course, the facts I have given do not touch the question of interlocking directorates, but that is another way of controlling.

Mr. SHIPSTEAD. Mr. President—

Mr. NORRIS. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. From the list the Senator has read one is inclined to inquire if the Senator knows of any concern manufacturing electric supplies or manufacturing electricity which is not owned by the General Electric Co.

Mr. NORRIS. I have not found any, although there may be some. I wish to state further in connection with the Electric Bond & Share Co. that, considering all its subsidiaries, I take it any independent company which might undertake now, for instance, to lease the Muscle Shoals or to develop any other property would find itself unable to float securities unless it came to the General Electric Co. and utilized their machinery.

Mr. DILL. Does the Senator think that it is possible that any company now in existence could take over this lease without the General Electric Co. having an interest in it?

Mr. NORRIS. I do not know of any.

Mr. SHIPSTEAD. I should like to ask the Senator another question.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. NORRIS. I yield.

Mr. SHIPSTEAD. It would be interesting, in the light of the information the Senator has given us, if we could find out who owns the General Electric Co. I have for years heard it stated that that company is what is known as a Morgan concern.

Mr. NORRIS. I understand that it is. I have not offered any evidence of that, because, except as it might be interesting to trace through the Morgan concern other connections, I am not particularly interested. What I want the Senate to understand and the country to know is that no matter where we jump, if we are going to turn over this property or any other property, we are going to jump into the lap of the electric water-power trust.

Mr. JOHNSON of California. Mr. President, to one who holds the views that I hold—the views of a lifetime that have been confirmed with the passing of the years—the discussion that has been indulged here has been singularly interesting and illuminating.

The very distinguished Senator from Alabama [Mr. UNDERWOOD], with his usual clarity and with great emphasis, has presented one side. The earnest Senator from Nebraska [Mr.

NORRIS], with all of his enthusiasm, has presented another. I think fundamentally, Mr. President, this is a question of two warring philosophies of government, not wholly so, perhaps, but as the Senator from Alabama said the other day, two conflicting ideas of what might be done under circumstances such as are presented by the Muscle Shoals proposition; and it is on the fundamental idea thus presented that I reach the conclusion that I have reached in this matter.

It seems to me, sir, without discussing in detail what may be sought in the one case or the other, this is plainly a proposition of whether or not, when the United States Government has expended \$150,000,000 in a project it shall continue with that project for the benefit of the people of the United States.

I do not quarrel with the view that is presented by the Senator from Alabama or the view that is presented by those who advocate his course. I recognize that they are just as earnest and just as honest in the view they present for the turning over of this particular project in the manner that they suggest as we who believe that when the Government itself has expended the people's money it should have been expended for all the people, and that the Government should carry on the enterprise whenever necessary for the benefit of all the people.

I heard the Senator from Alabama say the other day that the Senator from Nebraska was dreaming dreams. Maybe he is right. Perhaps the Senator from Nebraska, in what he asks, is dreaming dreams; but since man emancipated himself, Mr. President, men have been dreaming dreams for man and mankind, and it is the dreaming of these dreams that has marked the mileposts in human progress during all the centuries past.

I can recall historically that Galileo dreamed dreams. He dreamed his dreams, and, though compelled to recant under the threat of torture, his frightened lips yet told the immutable and the unchangeable truth.

Newton dreamed a dream as he lay upon the ground and saw an apple fall. He dreamed a dream that now we all understand.

Columbus dreamed a dream of another world far beyond the oceans that then were known—a dream at which every court scoffed and every courtier laughed. We are here to-day because Columbus dreamed that dream.

The men who landed at Plymouth Rock and those who came to Jamestown dreamed a dream of a new empire and a great, new nation. That dream we of this generation realize in part.

Garrison and Wendell Phillips dreamed a dream—a dream that resulted in one of them being mobbed in New York and another chased by a populace in Boston. Just think of it! But Lincoln brought the realization of that dream.

Roosevelt dreamed a dream of the Panama Canal. To-day it is the greatest engineering feat in all the world.

The Senator from Michigan [Mr. COZZENS] dreamed a dream in the city of Detroit—of Detroit public ownership there. To-day that public ownership exists profitably for the city of Detroit.

Down in the city of Los Angeles a self-educated engineer named Mulholland dreamed a dream that water might be brought for domestic purposes 250 miles, over gorges and canyons and impassable mountains. First he was laughed at. That dream to-day is a realization, and Los Angeles draws its great water supply from the Owens Valley, 250 miles distant.

Some men in the city of San Francisco years ago dreamed a dream when the city was in the grip of a street railroad that wrought its own will as it pleased. They dreamed a dream that San Francisco might operate a municipal road. To-day San Francisco operates that road, operates it on a 5-cent fare, and the municipal road there, in opposition to that privately owned, is operated successfully, prosperously, advantageously.

So it has been, Mr. President, with dreams of real men during all the years. Dream on, you Senator from Nebraska, for your dreams mean but one thing. Your dreams, sir, mean that humanity may benefit, people may prosper, and human beings may be a bit happier.

So the dream of the Senator from Nebraska I can appreciate. I trust he will continue iterating and reiterating. I regret the note of discouragement that I observed the other day in his remarks. Oh, be not discouraged, sir! Never mind the temporary defeat or the temporary disaster. Never mind what ephemeral catastrophe there may seem to be, for dreams such as are yours ultimately will prevail, for the truth prevails. Sometimes it is as dangerous to preach the truth as to enter a

powder magazine with a lighted torch, but, nevertheless, truth yet exists; and all history has taught us, all people's governments have taught us, that whatever may be the check, whatever may be the defeat, whatever the haltings, the heartburnings, and the disappointments, they are but ephemeral, and ultimately, finally, the truth will prevail.

As I listened to some of these gentlemen in the debate I thought that possibly for the first time in our history it was suggested that the Government continue with a project that the Government had begun and upon which it had expended the enormous sum of \$150,000,000. I thought, as I listened to some things that were said here, that the Senator from Nebraska was asking an adventure in a field which never before had been touched governmentally in this land. Then I recalled project after project where we had gone on governmentally in exactly the way that the Senator from Nebraska asks in his substitute that we proceed in the Muscle Shoals matter. We have now under operation, maintained by the Government of the United States, many reclamation projects, many reclamation projects in which we develop power, the United States of America develops power, and the United States Government, through its Reclamation Service, sells that power. We have to-day many such projects, I assert; and in the last bulletin published by the Reclamation Service, the little paper called the New Reclamation Era, is a description of cheap electricity served in the Minidoka reclamation project, which I think is sufficiently interesting to call to the attention of this body.

The Minidoka irrigation project in southern Idaho is known as the "electric project." With power houses on Snake River and a network of transmission lines covering the irrigable area, electric service is available to well-nigh every citizen in town or country.

Available from whom? Why, it would seem from the remarks that have been made upon this floor that it would be an impossibility that it should be available from operation by the United States Government; but here, in a small project in Idaho, sparsely settled, the Government of the United States itself furnishes the electricity, with what result, Mr. President?

I proceed, in order to demonstrate that result, with an article to which I have adverted:

The system now supplies energy to nearly 1,100 farms, or approximately half of all farms on the project, in addition to service furnished to the towns and villages.

Somebody asked, "Are you going to aid the farmer by this measure of yours or are you now seeking to deter or retard him?" In the mere matter of power alone the farmer would be aided immeasurably by what is suggested by the Senator from Nebraska; no less so, indeed, as I read his measure, in the matter of fertilizer, too; but to assert that the farmer, under the power provisions that he seeks to put in force and operation, would receive no benefit simply denies the experience of the Government itself in its own reclamation service.

The story of electricity on the project is told in the following by E. B. Darlington, the project superintendent:

On the Minidoka project electricity has become the servant of the farmer and the rural housewife. Through its help a great deal of the drudgery and fatigue of farm life are eliminated and the farm home becomes a place of comfort, convenience, and good cheer comparable to the city residence. The gloom of the long winter evenings is dispelled by the glow of incandescent lamps with which all the farm buildings may be equipped; and it is no longer necessary to carry a lantern from house to barn to light a precarious path, for a powerful yard light mounted centrally on a pole illuminates the farmstead area.

It is a remarkable sight which is presented at night to the traveler coming down the hills lying to the south of the Minidoka project. The farm lights are so numerous and bright that the entire project area has the appearance of an enormous city, and it is sometimes difficult to pick out the location of even such sizable towns as Burley and Rupert.

The Bureau of Reclamation operates a power house at Minidoka Dam having a present maximum capacity of 7,800 kilowatts, and two small plants at American Falls having a total output of about 1,800 kilowatts. These central stations are connected by transmission lines and current is transmitted at a pressure of 30,000 volts. In summer the greater part of the energy is used in pumping water for irrigation, but the project commercial and domestic load is also handled. In the off-peak season a large block of surplus power is used for heating.

Rural service is furnished mainly by small stock companies, organized and incorporated as mutual power companies, 68 per cent of the connected farms being supplied in this way. Current is taken from

the Government high-potential lines through substations, at which it is transformed to 2,200 volts. A very low rate can be made to the rural organizations because of their assumption of the details of distribution. There are 20 of these mutual power companies, operating over 200 miles of line. Other farms are supplied by lines connected to the system serving the several towns on the project.

Mr. FLETCHER. Mr. President, the Senator is making a very interesting statement, but I wonder if he could tell us about what that power is costing.

Mr. JOHNSON of California. Yes; I am coming to that. I continue the reading:

From October 1, 1923, to October 1, 1924, the rural power companies used 554,888 kilowatt hours of energy at a cost to them of \$11,902.86, or an average of a little over 2 cents per kilowatt hour. The maximum demand was 270 kilowatts, culminating in the month of December. The Unity Light & Power Co.—

Which I understand is a cooperative project of the farmers there—

is the largest rural electric organization on the project, operating 45 miles of line and supplying energy to 174 farms. The maximum use during December, 1923, was 15,600 kilowatt hours. The Rural Electric Co., operating near Rupert, has about 75 farms connected.

The uses of electricity on the farm are many and various. The most general use is for lighting, energy for that purpose being universally demanded wherever service has been obtained. The majority of housewives on connected farms use electric flatirons and washing machines. Many customers also use hot plates, grills, toasters, small motors for pumping stock water and grinding feed, vacuum cleaners, cooking ranges, water heaters, and air or space heaters. Farmers are adding more appliances and taking advantage of the conveniences that electricity affords as fast as they are financially able to buy the equipment.

Several farmers on the project have every modern convenience that the city affords, in addition to the satisfaction of rural life. A typical home of this kind is that of Carl Lipps, living about a half mile west of Rupert. He is a stockholder in the Rural Electric Co.

Mr. Lipps operates a dairy farm of 25 acres, upon which he keeps 32 head of stock. He is now milking 24 cows, most of which are Jerseys. The product of the dairy is sold in Rupert, where Mr. Lipps owns a milk route. His land, stock, and improvements represent an investment of about \$11,000.

The Lipps family lives in a handsome, modern home, conveniently arranged and outfitted with many labor-saving devices. So complete is the electrical equipment that Mr. Lipps says he never has to strike a match. The house, as well as the other farm buildings, is cheerfully lighted by electricity. In winter the rooms are made comfortable by electric heat. Mrs. Lipps cooks on a Westinghouse three-plate electric range, uses an electric washing machine, electric hot point and flatirons, electric sweeper, and makes the morning waffles by electricity.

Water pressure for bathroom and kitchen is obtained through the Dayton system. A small motor operates a pump which raises water from a well in the cellar to an air cylinder. When the rising water develops sufficient pressure by compression of the air in the cylinder a switch opens and the motor stops. If the pressure drops the switch closes and starts the motor. This automatic control is very satisfactory, according to Mrs. Lipps. A water heater attached to a large boiler makes hot water available when desired.

In the yard a 500-watt arc lamp illuminates the area surrounding the buildings. At the cattle corrals water is raised directly into the drinking troughs by means of a Meyers pump jack, operated by a small motor. This provides comparatively warm water during the coldest weather, and even in summer time the cattle prefer it to the ditch water in the pastures.

The rural power system also serves a number of electrically operated beet dumps at stations along the railroad lines, where sugar beets are loaded for shipment to the Burley and Paul factories of the Amalgamated Sugar Co. A large alfalfa meal mill also takes power from one of the rural lines. The grinding of hay and grain for stock feed at this mill is of great advantage to stock growers and feeders in the neighborhood. Many thousand sheep and cattle are fed on adjoining farms during the winter.

Poultrymen find electric service of benefit in their business. Many of them have become convinced that by making the short winter day longer for the hen, egg production is considerably increased; and it is a very common sight to see electric lights in the chicken houses. Many farmers are also using electric incubators and brooders.

Many other uses for power are found about the farms. Electric motors are used for feed grinding, ensilage cutting, churning, turning the grindstone and the circular saw, operation of grain fans and blacksmith blowers, running cream separators, sewing machines, and

house fans. All these processes can be and are cheaply and efficiently carried out by Minidoka project water users with the help of electricity.

In addition to this project, there are many others. The Senator from Nebraska may be familiar with what is known as the Guernsey project. I am this morning informed by the gentleman in charge of the Reclamation Service that on the Guernsey project power is sold to municipalities within the project, and a few municipalities that are not within the project,

and to others as well, and that it is utilized for commercial and domestic purposes.

On some eight of the irrigation projects power is developed by the project and sold to farmers or to adjoining municipalities. A list of them I have here in the report of the Reclamation Service, and I ask permission to insert that as a part of my remarks.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Power and pumping—Power plants operated on Bureau of Reclamation projects during the fiscal year 1923-24

Project	Name of plant	Type of plant	Station capacity	Number of units	Head	First cost of plant	Cost of operation	Estimated depreciation
			<i>Kw-a</i>		<i>Feet</i>			
Boise	Boise River ¹	Hydroelectric	1,875	3	30	\$167,905.37	\$12,183.61	\$5,540.00
Minidoka	Minidoka	do.	7,000	5	48.21	455,317.40	22,771.25	15,012.00
Do ²	American Falls (2 plants)	do.	1,540	3	36 and 45	75,000.00	3,535.95	14,450.00
Newlands	Lahontan	do.	1,875	3	110	141,886.01	6,272.00	5,000.00
Williston	Williston	Steam-electric	1,150	4		175,000.00	61,291.23	3,000.00
North Platte	Lingle	Hydroelectric	750	2	105	98,998.50	22,742.08	10,800.00
Okanogan	Power Plant No. 1 ³	do.	187	1	108	11,923.44		
	Power Plant No. 2 ⁴	do.	187	1	65	13,931.42		
Rio Grande	Elephant Butte No. 2	do.	187	1	147.55	8,440.50	2,140.00	253.00
Shoshone	Shoshone	do.	2,000	2	120-220	565,454.00	9,466.68	14,748.00
Strawberry Valley	Spanish Fork	do.	1,000	2	123.5	60,724.80	6,489.32	3,092.72
Yakima Storage	Tieton No. 1 ⁵	do.	270	2	45	40,000.00		11,510.88
	Tieton No. 2	do.	1,000	2	74	76,738.16	9,641.50	24,436.50
Yakima Sunnyside	Rocky Ford	do.	187	1	73	23,000.00	2,065.00	1,056.00
Riverton	Pilot Butte	do.	1,000	1	90-100	(⁶)		

Project	Name of plant	Cost per kilowatt hour exclusive of depreciation	Output	Distribution of power generated				Gross power sales
				Sold to consumers	Used for irrigation purposes	Used for other purposes	Losses	
			<i>Kilowatt hours</i>	<i>Kilowatt hours</i>	<i>Kilowatt hours</i>	<i>Kilowatt hours</i>	<i>Kilowatt hours</i>	
Boise	Boise River ¹	\$0.0020874	5,836,028	5,725,035		110,993		\$11,000.00
Minidoka	Minidoka	.0004704	48,400,426	20,464,920	24,240,960	773,430	2,001,006	109,878.00
Newlands	Lahontan	.00108	5,799,200	5,709,275	33,400	53,525		18,787.18
Williston	Williston	.00325	1,886,487	1,085,430	316,556	389,555	100,936	58,532.55
North Platte	Lingle	.00794	2,862,545	1,162,580		1,155,560	544,675	34,025.85
Rio Grande	Elephant Butte No. 2	.0093	23,700	625		23,075		70.00
Shoshone	Shoshone	.0115	1,648,666	215,962		1,098,167	331,597	8,114.03
Strawberry Valley	Spanish Fork	.0115	1,437,000	1,205,494		157,121	74,385	24,410.65
Yakima Storage	Tieton No. 2	.00250	3,850,000			3,724,000	126,000	
Yakima Sunnyside	Rocky Ford	.00286	720,300		720,300			

¹ Under a contract between the United States and the Idaho Power Co., dated Apr. 1, 1923, the output of this plant is delivered to the company on an exchange basis.

² Plant acquired but not operated during fiscal year 1923-24. Operation and maintenance shown is for repair to plant.

³ Not operated during fiscal year 1923-24.

⁴ Book value at present \$1,889.65.

⁵ This amount includes cost of transmission lines and transformers to value of \$9,000.

⁶ Estimated \$124,300. Not completed.

Mr. JOHNSON of California. I omit the Salt River project, because I am told there has been some recent disposition of it. One other thing, Mr. President. The idea that it is an impossibility for a political subdivision or a municipality to do that which constitutes a monopoly in the public service as well as it can be done by an individual or a specific private corporation is an idea to which I will not for one instant subscribe. It is true that at times in municipal operations there are errors that are grave. It is true, Mr. President, that at times in municipal operation political considerations may control. It is true that there are other mistakes, many and manifold, in municipal operation; nevertheless, wherever it has been honestly administered, municipal operation has no reason to feel that it has not equaled private operation, and certainly where the opportunity exists for comparison it has been of infinitely greater benefit to the people served.

Just adjoining us is Ontario. There the great Province itself has undertaken to do for itself, by public enterprise, that which the Senator from Nebraska would have done under his measure concerning Muscle Shoals. I read just a paragraph from an article recently appearing in the Toronto Globe, one of Canada's chief newspapers, concerning the Ontario Power Commission, which there manufactures, sells, and administers power for the Province of Ontario. The article is as follows:

In benefit to the people, hydroelectric enterprise stands out among the first, and perhaps as the very first, of the achievements recorded in Ontario since confederation. It has immensely increased the comfort of Ontario homes, lessened the drudgery of Ontario housewives, improved and cheapened transportation and the lighting of the streets, and given a tremendous impulse to Ontario industry.

For all this the credit must be given to Sir Adam Beck more than to any other man. He has made enemies, and the people of Ontario can fairly say that they love him for the enemies he has made.

We refer especially to the enemies of public ownership, not only in Ontario but all over Canada and the United States.

They hate the hydroelectric, not for its faults but for its merits. They hate it because it has rescued the people of Ontario from the greed of gain which has laid heavy burdens upon many of the communities in the United States.

They would be pleased to see the hydroelectric destroyed, weakened, or discredited, so that they might share in the plunder and prevent the example of public ownership from spreading.

Is it asserted that what the Province of Ontario can do the Government of the United States can not do? I have not so poor an opinion of my Government or its administration as for an instant to concede that they can not accomplish what the Province immediately adjoining us has accomplished.

After all, Mr. President, this is not in its initial presentation a matter of governmental ownership or governmental control at all. Here in the first instance is the expenditure of a tremendous, an enormous sum, by the Government, and the question thus becomes not one first of Government ownership.

The question is, after the United States Government has expended \$150,000,000, must the United States Government, upon the plea that has been made, turn over the possibilities which lie in the power that may be developed there, and also in the matter of fertilizer, to a private corporation or a private individual, because it is too weak or too dishonest to proceed with what it has thus inaugurated. That, after all, is the

question presented, rather than one of Government ownership, or Government maintenance, or Government control.

I submit, Mr. President, under the peculiar circumstances, there should be little difficulty in the solution of the problem, for, as was well said by the Senator from Missouri [Mr. REED] yesterday, these gentlemen who inveigh most strongly against Government control or Government operation provide for it as the alternative in the very measure which they present. So, after all, it comes back to whether the Government shall proceed with what the Government has inaugurated.

The possibilities of electrical power no man can foresee at this time. The possibilities in dealing with the everyday, hum-drum life of the ordinary citizen none can foretell. What it may do for the farm, what it may do for the housewife, is eloquently depicted in this statement about the Idaho project from which I have read. What it may do for these States where this power is generated requires no fervid imagination to conjure up.

So, with the expenditure of the money by the Government, \$150,000,000 or thereabouts, with a desire to preserve that which belongs to them for all the people, aye, with a desire to see the realization of the dream of the Senator from Nebraska concerning future generations, I trust that the project he presents may be adopted by the Senate.

Mr. NORRIS. Mr. President, I am reminded by the Senator from California to give notice that some time to-morrow, when I can obtain the floor, I expect to explain to the Senate, in a rather brief way, the system of the electrical development which has taken place in Ontario, to which the Senator from California has so well referred.

Mr. HEFLIN. Mr. President, it is evident to my mind that there is an organized filibuster against final action on the Muscle Shoals proposition. Some Senators who supported the Ford offer, which provided for a hundred-year lease, are shying off from the Underwood bill, which is a better bill with regard to the fertilizer provision. It provides for a lease of 50 years, and the Government will get about thirty or forty million dollars more out of it than it would have gotten out of the Ford offer.

I imagine that some of those Senators will have an interesting time explaining to their people just why they supported the Ford offer, which provided for a hundred-year lease and which would have paid the Government less, and why they refuse to support the Underwood substitute, providing for a 50-year lease, and which will pay the Government thirty or forty million dollars more.

I was interested in that part of the speech of the Senator from California in which he spoke about dreaming dreams. If the dream of the Senator from Nebraska shall come true, this country will be cursed with the most gigantic power trust that ever afflicted a free people.

The Senator from Nebraska is in favor of a gigantic power scheme. He frequently refers to it as such, a gigantic power scheme. The Senator from Nebraska does not want to manufacture fertilizer at Muscle Shoals. He comes into the Senate and quotes the testimony of Major Burns, who said it can not be produced at a profit at Muscle Shoals. The Senator from Nebraska is not taking a course that will benefit the farmers of the country. His course will benefit the Power Trust which is rapidly being formed in the United States.

Mr. President, I think we ought to keep faith with the American farmer. When this country was involved in war and we were hard pressed for nitrates, the Government went to Muscle Shoals and built this project with the understanding that part of the power was to be used to make fertilizer in time of peace and nitrates in time of war. I am going to refer to the State of Nebraska and I hope the Senator from Nebraska will be here when I do.

Mr. NORRIS. I am not leaving the Chamber.

Mr. HEFLIN. That idea has been with us all the time until now some Senators seem to be getting cold feet upon the proposition. They are shying off and following the Senator from Nebraska, which means a power scheme and a power scheme only. We may just as well make up our minds to that fact. The Senator from Nebraska has been candid. He does not want fertilizer manufactured there. He wants to supply power, that is all. The farmer has more friends upon the hustings and fewer friends afterwards when it comes to action in his behalf than any class of people in the country. There are many men who, in noisy fashion, proclaim their friendship for the farmers when they are running for office, and some of them put them out of their memories just as soon as they get into this Chamber. Some of these days the intelligent farmers are going to trace the record of Senators and

keep tab upon them and know exactly what they are doing regarding matters that vitally affect agriculture.

There is more misinformation injected into this debate than any debate I think I have ever listened to. Yesterday my good friend from Tennessee [Mr. McKellar] in the course of an interruption of the Senator from New York [Mr. CORELAND], solemnly got up and read from a speech of my colleague [Mr. UNDERWOOD], which he made when a member of the House, as follows:

Mr. McKellar. In 1912, when the Coosa power act was being debated in the House—and, by the way, that was a bill by which the Alabama Power Co. was given the right to dam the Coosa River in Alabama at the Coosa Shoals—the Senator from Alabama [Mr. UNDERWOOD] and I were both in the House, and here is what was said by the Senator from Alabama on that subject:

"Now, what they propose to do—"

That is, the Alabama Power Co.—

"is to spend \$1,600,000 to help make this river navigable and allow the Government to use all the water it needs for navigable purposes and then take the balance of the power created, not for the purpose of selling electricity for light or heat, but for the purpose of manufacturing cyanamide, or lime nitrogen, and fertilizer for the benefit of the farmers of Alabama and of the South."

That ends the quotation from the speech of my colleague which he made in the House, and then the Senator from Tennessee proceeded:

In 1912 the Alabama Power Co. was given the Coosa power site by the Congress on the argument that that company was going to manufacture nitrates for the use of the farmers of Alabama and the South. I have never heard of that company manufacturing a pound of fertilizer. It is selling the power, just as it said it would not do in that case. So I want to say to the Senator that sections 3 and 4, which require probably this very company to make nitrates for farmers, do not appeal to me very much. The same argument was used 12 or nearly 13 years ago—that the Alabama Power Co., if given this great grant of power on the Coosa River in Alabama, by which 60,000 horsepower was generated, were going to make fertilizers for the farmers of the South. It has not been done.

Mr. President, my good friend from Tennessee got himself all mixed up. The Alabama Power Co. was not in the transaction at all. I engineered the passage of the bill through the House that granted the right to build a dam at Lock 18 on the Coosa River, and that bill was vetoed by President Taft.

In 1907 the right was granted as to Lock 12, to which the Senator from Tennessee referred, and the dam was completed about 1912. That was entirely a power proposition. It never was suggested that fertilizer would be manufactured there. The Senator from Tennessee is entirely mistaken in his premises. Lock 18 was the dam to which the Senator from Alabama [Mr. UNDERWOOD] referred in his speech in the House, and the American Cyanamid Co., and not the Alabama Power Co., was the one that was going to make fertilizer at that dam. My good friend from Tennessee is wrong upon this question. But it is like a great many other arguments that have been made in this Chamber by Senators since this debate was begun.

As the Senator from California [Mr. JOHNSON] talked about the Senator from Nebraska [Mr. NORRIS] dreaming dreams I thought of a dream that the Senator from Nebraska had on another occasion regarding the Platte River. When I was campaigning in Wyoming recently in the presidential campaign I crossed the Platte River. I saw little spots of fertile soil producing as fine alfalfa as ever grew out of the ground. I said, "Why do you not grow more alfalfa here? The soil is rich; all you need is water. Why do you not irrigate this land with water from the Platte River?" What do you suppose was the sad and dumb-founding reply? "They will not let us use water out of the river to irrigate these lands through which it flows. Nebraska has the irrigation rights. They irrigate lands in Nebraska with water out of the Platte River, but they will not permit the farmers of Wyoming to irrigate land in Wyoming." So, while the Senator from Nebraska is dreaming dreams here he is following his old trade. He was dreaming dreams back there when they took the water rights away from the people of Wyoming, a sovereign State, and citizens along its shores are not now allowed to dip out a gallon of water from that river for irrigation purposes, although it flows through the State of Wyoming.

The Senator from Nebraska [Mr. NORRIS] must restore to Wyoming that which he has wrongfully taken from her and make amends for the outrage perpetrated upon the citizens of that State before he can in good grace stand here and accuse

other Senators of trying to put something over on somebody else.

So, as my friends the two Senators from Nebraska are day by day trying to tell us how to conduct ourselves and handle this matter so as to be absolutely fair and just to all concerned, I suggest to them that they undream that dreadful dream that they dreamed on the Platte River in Wyoming. Mr. President, I am told that the enterprising women in Wyoming who live along this river sometimes dare to dip a little water out of it for use "upon the washing day," and immediately complaint is made and a howl of protest goes up in Nebraska. Oh, this Nebraska crowd wants everything! If they could they would cut a mighty ditch across the country and turn the Tennessee River into Nebraska and move Muscle Shoals along with it. Mr. President, those of us on the Committee on Agriculture and Forestry who attended the hearings day after day know that the big power companies who had bids pending were friendly to the bill of the Senator from Nebraska and opposed to the Ford offer. I made several of them say they favored his bill rather than the Ford proposition. I asked, "Do you not think this could be done under the Ford proposition?" They would say, "No, sir." "Had you rather have the Norris bill?" "Yes, sir." They were just as friendly as they could be. They felt perfectly at home in the Senator's office. They spent a great deal of time in there and when the committee met we found them in there and frequently they were in friendly conversation with the Senator. They were billing and cooing together, and now the Senator stands up here and talks about some big power concern backing our bill, the Underwood bill, and opposing his bill. They are for his bill. We can see their influence felt around the Chamber every day. They are for his bill; of course they are.

Let me read a little from the testimony. He talks about the Alabama Power Co. here when the fact is that company was not in sympathy with the bill of the Senator from Nebraska. He asked Mr. Yates a question and Mr. Yates answered in friendly fashion, and Mr. Yates said this about himself:

I am vice president and general manager of the Alabama Power Co., living in Birmingham, Ala. I represent the associated power companies of the Southeast with respect to the proposals that they have made on Muscle Shoals for the use of the power and the manufacture of fertilizer.

Then the chairman of the committee, the Senator from Nebraska, said to him:

Some of us think that here at Muscle Shoals is one way and we think a very effective way would be for the Government to retain title down there with some board or official that may be provided by law, who will, in addition to the power to regulate provided by law in the various States, make the Government, so to speak, a sort of partner. The Government will own the business. • • •

Mr. YATES. I would say that we do not see where we could have any objection to that.

Things like that happened all the way through the hearings. They were comforting the Senator from Nebraska. They were going right along with him. They were aiding him, it seemed to me, in every way they could, and they were all fighting the Ford offer. Why? Because the Ford offer provided for the making of fertilizer.

Senators, let us not deceive ourselves. We may deceive some of the people. The whole bone of contention in this fight is making fertilizer at Muscle Shoals. The Fertilizer Trust is encamped at this Capitol. It has already issued a bulletin calling on its forces to fight the Underwood bill and they are saying that it is as objectionable to them as was the Ford offer. That is what I said in the outset. I said the Ford bill was fought by them because they wanted to prevent the making of fertilizer there. I hold in my hand a letter from the American Farm Bureau Federation of Washington which indorses the principle of the Underwood bill and warns us against those who are trying to use the Muscle Shoals Dam purely for power purposes.

We heard the Senator from Missouri [Mr. REED] on yesterday. He does not know exactly whether we can make fertilizer down there or not. It is the most inviting situation for the making of fertilizer I think in the world. With this water power nearly ready to be used; plant No. 2 has already shown that it can make the stuff, and the Cyanamid Co. of Canada is making money in the manufacture of the very same fertilizer material and selling it at a profit in the United States.

I want to read to Senators what an expert in Germany, Doctor Caro, said about this Muscle Shoals proposition. He said:

Far more dangerous [than the competition of Chilean nitrate] appears to be the possibility of competition with artificially fixed nitrogenous fertilizers produced in foreign countries. The largest of these [cyanamide] plants is located in the United States, in Alabama. Its situation is most excellent, and it is connected with the ocean by means of the [Tennessee] river which has been made navigable. It is situated at a source of almost constant water power amounting to 400,000 horsepower, and is right in the midst of a locality where all the raw materials for the lime nitrogen cyanamide process are present at the highest purity and at the lowest prices. Near by are the inexhaustible deposits of high per cent phosphate rock. The possibility, therefore, exists of • • • producing cheaply • • • an ammonium phosphate containing roughly 45 per cent of water-soluble phosphoric acid and 20 per cent nitrogen.

Mr. President, this German expert does not consider that Chilean nitrates are as much to be dreaded as a competitor as the fertilizer plant at Muscle Shoals, making nitrates for the Government in time of war and fertilizer for the farmers in time of peace.

I hear Senators now and then ask, "Are we just going to give that thing down there away?" Is that the way Senators refer to a plant that is about to be dedicated to the use of the oppressed farmers of America? Do Senators call it giving it away, when we are going to use it in benefiting the farmers of the country?

The farmers of America greatly need this 40,000 tons of fixed nitrogen annually? That would amount to 250,000 tons of the kind of fertilizer which we get from Chile; it would amount to exactly the quantity that comes from Chile; I mean that which is actually used upon the farm. So, as I stated the other day, in 11 years we should save to the people of this country from the amount which would otherwise be paid to Chile the whole cost of building at Muscle Shoals the dam, power plants, nitrate plants, and everything else; and in the 50 years we would save about four times the amount of the whole cost of the dam and all the other improvements at Muscle Shoals. That does not look like giving it away, does it?

The Senator from Missouri [Mr. REED] said that the Underwood substitute contains a Government-operation provision, and that is true. He also undertook to show that we were as much committed to the doctrine of Government ownership and operation as is the Senator from Nebraska [Mr. NORRIS]. That can not be true, because at the very outset we are trying to avoid that. We are seeking to lease the plant to a private concern; we are seeking to have it operated by private individuals for the benefit of American farmers in time of peace and for the benefit of the Government in time of war.

However, the substitute provides that if we can not get somebody to bid for the plant, then, of course, rather than let it stand idle we would have the Government operate it. That is all right and proper; but, Mr. President, that is the alternative, or last resort, with us. If we can have somebody bid for Muscle Shoals we want to have the plant operated in that way, and that is what we have provided for in the Underwood substitute; but if nobody will bid, as I said a moment ago, rather than have this great property stand unused and idle, we shall have the Government operate it.

The Senator from Nebraska, however, takes the step in the outset to put the Government into socialism. His proposition would be another step along that line. Whenever the Government commits itself to operate a great project like this, members of the Socialist Party clap their hands for joy and say, "They are coming our way." Mr. President, I am opposed to that.

Individual enterprise and effort and individual initiative and individual ownership of some tangible thing constitute in part the proud birthright of the real American. The incentive to achieve something in your own name and to have and exercise ownership over some kind of property is an inspiring influence in the life of everyone worth while. I am opposed to putting the Government into competition with its citizens. It is the socialistic doctrine that some Senators are encouraging. I imagine that some of them do not fully realize just what they are doing with regard to that; nevertheless, they are encouraging the socialistic idea in our country.

It will be recalled by Senators that this whole project at Muscle Shoals was recommended to be junked after there had been a great deal of work done on the dam. The cofferdams were neglected and were washing away when the Government was finally induced to take up the project again. If Henry Ford never does anything else of value for Muscle Shoals and for the country with regard to this project, he did a great service when he submitted a bid for Muscle Shoals, for that

action on his part caused the Government to go on with that work.

Mr. President, I called attention yesterday to the price at which electric power is sold in Toledo, Ohio. I wish Senators who are informed on the subject of rates would refer to some of the cities where the price charged is higher than it is in cities which have been frequently mentioned during the debate.

I was told by a lady who formerly lived in Toledo that 8 cents per kilowatt-hour is charged in that city, which for 40 kilowatts would be \$3.20 a month. That is about as high a rate as I know anything about, and yet the community of Toledo, she told me, owned the plant, that it belongs to the citizens there. I take it that it costs more to produce the power at some points than at others; it costs more to transmit it to some points far off than to other points near by; I am not informed in detail as to that; but I suggest Toledo to those who frequently refer to Cleveland and Omaha and other places where the community owns the plant.

Mr. HOWELL. Mr. President—

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. HEFLIN. I yield.

Mr. HOWELL. I wish to say that there is no municipal plant operating in Toledo, Ohio.

Mr. HEFLIN. I will ask the Senator who owns the plant there?

Mr. HOWELL. It is owned by the Toledo Edison Co., and a straight line meter rate of 8 cents a kilowatt-hour is charged, as stated by the Senator.

Mr. HEFLIN. I thank the Senator for the information. The lady who spoke to me said that the community owned the plant.

Mr. HOWELL. I have here the National Electric Light Association Rate Book, which states whether the plants are publicly owned or privately owned, and the names of the companies which are operating the privately owned plants. According to this volume, there is no publicly owned plant at Toledo, Ohio.

Mr. HEFLIN. I will inquire if the rate book to which the Senator refers is a recent work on the subject?

Mr. HOWELL. Yes; it is the rate book for 1924.

Mr. HEFLIN. Is there more than one plant at Toledo?

Mr. HOWELL. There is just one plant at Toledo.

Mr. HEFLIN. Well, my informant was mistaken about that; but the rate charged is, as I have stated, 8 cents per kilowatt hour.

Now, Mr. President, I wish to read from a letter addressed to me by Mr. Reid, of the American Farm Bureau Federation. He says:

MY DEAR SENATOR HEFLIN: The American Farm Bureau Federation is not, and never has been, interested in Muscle Shoals as a water-power development solely for the production of electric power for public utilities distribution to a favored locality. The primary interest of the American farmers in Muscle Shoals is cheaper fertilizer materials, a result that will benefit the entire Nation. At last the group who have advocated Government operation of the Muscle Shoals development have been forced to show their hand and admit that their main purpose is to operate Muscle Shoals for power production and that they are not deeply interested in the production of fertilizer.

This attitude taken by those advocating Government operation confirms and strengthens the position the American Farm Bureau has taken in advocating the private operation of Muscle Shoals under certain restrictions that protect the public interest.

These restrictions are: The manufacture of a minimum of 40,000 tons of nitrogen annually; the limitation of profit of fertilizer manufacture to a maximum of 8 per cent; the complete development of the entire Muscle Shoals project at this time; the use of Federal money at 4 per cent interest in constructing the development; the adoption of the amortization plan for returning capital investment.

To secure the economic production of fertilizer materials at Muscle Shoals has been the main purpose of the American Farm Bureau Federation in advocating the Muscle Shoals development. This can be best accomplished by private operation under suitable regulation, and is not guaranteed to us by those advocating Government operation of the Muscle Shoals development.

Because of the turn that the Muscle Shoals controversy has taken in the last few days it becomes necessary for us to again call upon the friends of the fertilizer-using farmers in the United States Senate to give to us the last chance we may have to secure cheap fertilizer materials from Muscle Shoals by voting to give the authority to have this plant leased for private operation in the manufacture of fertilizer materials, and if no such offer is forthcoming that the same restric-

tions and regulations shall apply to Government operation of Muscle Shoals as we are insisting shall apply to any lease for private operation.

Very truly yours,

AMERICAN FARM BUREAU FEDERATION,
By E. B. REID,
Acting Washington Representative.

Mr. President, there is no doubt in my mind that most of the farmers of the South generally are in favor of the Underwood amendment, and practically all of them will be in favor of it when they understand it, because it carries a strict guaranty of 40,000 tons of fixed nitrogen a year, which is the equivalent of the nitrogen coming from Chile which is used on the farms of the country.

Let me say in conclusion that the Underwood substitute as amended is an improvement on the Ford bill in this particular, because it requires the fixed nitrogen to be made. It does not say "if practicable" or "upon demand." It compels the production of 40,000 tons a year; it compels the company to make that much, and it may make more, but it can not sell it for more than 8 per cent profit on the cost of production. Senators, it seems to me that the farmers' interests are well safeguarded.

It looks to me like the best opportunity he has ever had to obtain fertilizer at a low price. It looks to me like the greatest instrumentality ever offered to beat down the price of fertilizer in the United States and free our farmers from the clutches of the fertilizer trust. It does away with the objection of the 100-year lease, because it cuts that half in two. It pays the Government, as I said, between thirty and forty million dollars more than the Ford offer would have paid and makes it a certainty that fertilizer will be manufactured in time of peace and nitrates made in time of war.

Some of those who advocate the bill of the Senator from Nebraska are paying but little attention even to nitrates for war purposes and no attention at all to nitrates for farm purposes in time of peace.

I want to say this to the Senate before I sit down:

Our farmers have passed through the worst deflation panic ever foisted upon a free people. They were robbed, literally robbed, by that panic. They have not yet recovered from its heinous effect. I talked to farmers in the West in October last who had everything they had mortgaged—not only their real estate but their personal effects. They are hard pressed now. I made a speech at Cheyenne, Wyo., and I talked about how the cattlemen were robbed during that deflation panic. After my speech a gentleman came up and asked me if I saw a bunch of cattle just out of the city as I came into Cheyenne from Lusk, Wyo. I told him I did. He said: "I own them. I can not borrow a dollar on them to-day, and I can not sell them at a profit." So, Mr. President, our farmers are still hampered and hurt by disturbing conditions, and here is an opportunity to do something for the American farmer—something worth while. Will you do it?

I do not want these big power concerns to get Muscle Shoals. I know what they are doing. They are back of this Norris scheme as surely as you live and God reigns. They do not think it is going to be adopted finally, but they will hold it and fight behind it in order to keep disposition from being made of this great power site in the interest of the American farmer. If the Underwood bill is passed we will make fertilizer at Muscle Shoals, and they know it; and all of those who say it can not be made there, if they thought that was true would not oppose this bill. They know it can be made, however; and they know that when the Government announces the cost of production of fertilizer, or the private individual making it there, and that price is put before the American farmer, he will then see what an exorbitant price he has been paying all along, and he will at last realize how he has been robbed of millions on fertilizer, and then fertilizer prices the country over will have to come down.

Why, Mr. President, the cutting in half of the price of fertilizer would benefit my State at least \$10,000,000 a year. It would benefit the State of North Carolina \$20,000,000 a year. It would benefit South Carolina \$25,000,000 a year; Georgia, \$15,000,000; and Texas, about \$20,000,000 a year if you cut the price in half. Here is an opportunity to take a step in the right direction; and I trust that the Senate will permit this bill for the benefit of the farmer to go through, and let us show them by our votes that we are going to use this Muscle Shoals project in part in serving the farmers of America. Let us resist the influence of the big power companies and show the farmer that he has enough friends in the United States to do something of value for him. And yet Senators who oppose using this power in part for the benefit of the American

farmer talk for hours about the "tremendous power possibilities of the Tennessee Valley."

Why, Mr. President [Mr. Jones of Washington in the chair], I dare say there are more power possibilities in your State of Washington than there are in the five or six Southern States nearest Muscle Shoals. There are at least 9,000,000 horsepower possibilities in the State of Washington alone. You would judge from hearing some of these Senators speak that we were now about to dispose of the last bit of horsepower there is in the world, and they moan when they say, "You are not going to give it away, are you?" Give it away! Why, Mr. President, we can not dedicate it to a better cause than to the service of the distressed farmers of America. And deep down in their hearts they would rejoice to find that there were enough Senators here who had their interest in mind to pass this bill. It will free us from dependence upon Chile for nitrates in time of war and free our farmers from dependence upon Chile for nitrates in time of peace.

You who talk about building up American industry and enterprise, here is an opportunity to show that friendship. Here is an opportunity to break the chain that binds us in bondage to Chile for our nitrate supply in time of war and our nitrates for fertilizer in time of peace. These are the noble purposes for which we seek to use a part of the power at Muscle Shoals under the Underwood bill. Senators, could we put it to a nobler purpose? I do not think we could.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Montana [Mr. WALSH] to the substitute of the Senator from Alabama [Mr. UNDERWOOD]. Upon that question the yeas and nays have been ordered.

Mr. HOWELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Sheppard
Bayard	Frazier	McKinley	Shipstead
Borah	George	McNary	Smoot
Brookhart	Gerry	Mayfield	Spencer
Broussard	Glass	Means	Stanfield
Bruce	Gooding	Metcalf	Stanley
Bursum	Greene	Moses	Sterling
Butler	Hale	Neely	Swanson
Capper	Harris	Norbeck	Trammell
Caraway	Harrison	Norris	Underwood
Copeland	Heflin	Oddie	Wadsworth
Cummins	Howell	Overman	Walsh, Mass.
Curtis	Johnson, Calif.	Pepper	Walsh, Mont.
Dial	Jones, N. Mex.	Pittman	Warren
Dill	Jones, Wash.	Ralston	Watson
Ernst	Kendrick	Ransdell	Weller
Fernald	Ladd	Reed, Mo.	Wheeler
Ferris	La Follette	Reed, Pa.	Willis

Mr. WILLIS. I desire to announce that my colleague [Mr. Fess] is unavoidably detained from the Senate at this time by important business.

The PRESIDING OFFICER. Seventy-two Senators have answered to their names. A quorum is present.

Mr. BORAH. Mr. President, there is such a contrariety of opinion about what the real effect of the pending amendment would be that, without going into another extended debate on it, I would like to ask the Senator from Montana just what he intends to accomplish by it. Is he endeavoring to shear the State public utilities commissions of any of their powers?

Mr. WALSH of Montana. No. The amendment provides, in substance, exactly what is provided by section 10 of the Underwood amendment. It reposes in the local authorities the power to regulate the rates, but it then provides that in case there is no local power regulating rates or service, or if the powers granted are not as comprehensive as are those provided in the amendment, then the commission created by the water power act shall act and regulate the rates.

In this particular instance we are told that Alabama has a regulatory statute and a proper commission, but, of course, the Legislature of Alabama may repeal that statute at any time. That is covered in section 10 of the amendment. Section 11 of the amendment deals with the subject of the passage of power in interstate commerce, and in that case, in the same way, the rates are to be regulated by the local authorities. The necessity of having the rates uniform is obvious to everyone, because it would be next to an impossibility to operate under a system under which one rate would be charged in the State of Tennessee, for instance, and another in the State of Kentucky. In a case of that character the Federal authority would operate.

In addition to that, the amendment provides for the supervision of the issuance of securities by the companies handling the power. There is no provision of that character in the Underwood amendment.

Mr. BORAH. If at the time of the passage of the bill, if it should become a law, the State authorities had not provided for a public utilities commission, and they should provide for one afterward, it would be permitted to exercise the power of regulation?

Mr. WALSH of Montana. The amendment provides that whenever such a commission shall be provided, then the jurisdiction of the water-power commission shall cease.

Mr. UNDERWOOD. Mr. President, the difference between the Senator from Montana and myself in regard to his amendment is that he does not make it applicable to the corporation. If the President should fail to obtain a lessee, it is provided that a public corporation shall be created, and the Senator's amendment would leave that corporation without the regulatory powers of the commission. There would have been no dispute between the Senator and myself if he had extended his amendment far enough to cover the corporation, but without covering the governmental corporation I am not in favor of it.

Mr. WALSH of Montana. Mr. President, I want to supplement what the Senator from Alabama has said. The provisions of section 10 of the Underwood amendment appear to subject the corporation, the creation of which is provided for in the bill, to the same regulatory authority; that is, the local authorities.

It is my view that if the plant should be operated by the corporation the creation of which is provided for in the bill, that Federal corporation, whose affairs are to be conducted by a board of trustees of which the Secretary of War would be the chairman, and the other four members of which are to be appointed by the President of the United States, should not be subject to the control of the local authorities. That board itself would be a regulatory authority, and the Federal corporation, having no purpose whatever to make money out of the operation, should not be made subject to regulation the same as a private corporation, which exists solely for the purpose of gain.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. WALSH] to the substitute offered by the Senator from Alabama [Mr. UNDERWOOD]. The Secretary will read the amendment to the amendment.

The READING CLERK. The Senator from Montana proposes to strike out section 10 of the substitute submitted by the Senator from Alabama and in lieu thereof to insert:

SEC. 10. That as a condition of any lease entered into under the provisions of this act every lessee hereunder which is a public-service corporation, or a person, association, or corporation developing, transmitting, or distributing power under the lessee, either immediately or otherwise, for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged. That in case of the development, transmission, or distribution, or use in public service of power by any lessee hereunder or by its customer engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the services to be rendered by such lessee or by its customer engaged in public service, or the rates and charges of payment therefor, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of such lease that jurisdiction is hereby conferred upon the commission created by the act of Congress approved June 10, 1920, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control: *Provided*, That the jurisdiction of the commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

SEC. 11. That when said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such lessee, or by any subsidiary corporation the stock of which is owned or controlled directly or indirectly by such lessee, or by any person, corporation, or association purchasing power from such lessee for sale and distribution or use in public service shall be reasonable, nondiscriminatory, and just to the customer, and all unreasonable, discriminatory, and unjust rates or services are hereby prohibited and declared to be unlawful; and whenever any of the States directly concerned has not provided a commission or other authority to enforce the requirements of this section within such State or to regulate and control the amount and character of securities to be issued by any of such parties, or such States are unable to agree through their properly constituted authorities on the services to be

rendered or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, jurisdiction is hereby conferred upon the said commission, upon complaint of any person aggrieved, upon the request of any State concerned, or upon its own initiative, to enforce the provisions of this section to regulate and control so much of the services rendered and of the rates and charges of payment therefor as constitute interstate or foreign commerce, and to regulate the issuance of securities by the parties included within this section; and securities issued by the lessee subject to such regulations shall be allowed only for the bona fide purpose of financing and conducting the business of such lessee.

The administration of the provisions of this section, so far as applicable, shall be according to the procedure and practice in fixing and regulating the rates, charges, and practices of railroad companies as provided for in the act to regulate commerce approved February 4, 1887, as amended, and that the parties subject to such regulation shall have the same rights of hearing, defense, and review as said companies in such cases.

In any valuation hereunder for purposes of rate making no value shall be claimed or allowed for the rights granted by this act or under any lease executed thereunder.

The PRESIDING OFFICER. The yeas and nays have been ordered on agreeing to the amendment to the amendment, and the Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). I am paired with the senior Senator from Colorado [Mr. PHIPPS]. I understand that if present he would vote on this amendment as I shall vote, and I therefore vote. I vote "nay."

Mr. GLASS (when his name was called). I have a general pair with the Senator from Connecticut [Mr. McLEAN], which I transfer to the Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. SHIPSTEAD (when the name of Mr. JOHNSON of Minnesota was called). My colleague [Mr. JOHNSON] is detained from the city on account of sickness in his family. He is paired with the junior Senator from Mississippi [Mr. STREPHENS]. If my colleague were here and voting, he would vote "yea."

Mr. RALSTON (when his name was called). On this question I am paired with the junior Senator from Utah [Mr. KING]. If he were present, he would vote "nay" and I would vote "yea." Under the circumstances, I withhold my vote.

Mr. STERLING (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. I understand that Senator if present would vote the same way I am about to vote, and I therefore vote. I vote "yea."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce that the senior Senator from West Virginia [Mr. ELKINS] is paired with the senior Senator from Oklahoma [Mr. OWEN].

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] if present would vote "yea." He is unavoidably detained, and is paired with the junior Senator from Oklahoma [Mr. HARRELD].

Mr. WILLIS. My colleague [Mr. FESS] is unavoidably detained from the Senate. I am advised that if present and permitted to vote he would vote "nay" upon this question.

Mr. GLASS (after having voted in the affirmative). The Senator to whom I transferred my pair with the Senator from Connecticut [Mr. McLEAN] having appeared in the Chamber and voted, I am compelled to withdraw my vote.

The result was announced—yeas 41, nays 29, as follows:

YEAS—41

Ashurst	George	La Follette	Shipstead
Borah	Gerry	McKellar	Standfield
Brookhart	Gooding	McNary	Sterling
Capper	Harris	Mayfield	Swanson
Caraway	Harrison	Neely	Tamm
Copeland	Howell	Norbeck	Walsh, Mass.
Cummings	Johnson, Calif.	Norris	Walsh, Mont.
Dill	Jones, N. Mex.	Overman	Wheeler
Ferris	Jones, Wash.	Pittman	
Fletcher	Kendrick	Randall	
Frazier	Ladd	Sheppard	

NAYS—29

Bayard	Fernald	Oddie	Wadsworth
Bronson	Greene	Pepper	Warren
Bruce	Hale	Reed, Mo.	Watson
Bursum	Heflin	Reed, Pa.	Weller
Butler	McKinley	Smoot	Willis
Curtis	Morris	Spencer	
Dial	Motcalf	Stanley	
Ernst	Moses	Underwood	

NOT VOTING—25

Ball	Daie	Elkins	Harreld
Cameron	Edge	Fess	Johnson, Minn.
Couzens	Edwards	Glass	Keyes

Kling
Lenroot
McCormick
McLean

Owen
Phipps
Ralston
Robinson

Shields
Shortridge
Simmons
Smith

Stephens

So the amendment of Mr. WALSH of Montana to Mr. UNDERWOOD's amendment was agreed to.

Mr. GEORGE. Mr. President, some days ago I submitted an amendment to the Underwood substitute and I now call up that amendment and formally offer it.

The PRESIDING OFFICER. The amendment offered by the Senator from Georgia to the amendment of the Senator from Alabama will be read.

The reading clerk read as follows:

On page 16, line 8, strike out the comma and the words "when sold or used shall be" and insert the words "shall be sold for distribution."

Mr. GEORGE. Mr. President, under the Underwood substitute the power plants at Muscle Shoals are dedicated in time of war to national defense and in time of peace to the manufacture of commercial fertilizer. Under the substitute the surplus electric power not necessary for the primary purpose in the bill is authorized to be sold or distributed; that is to say, the bill merely grants a permissive power to the lessee if there should be a lessee found to take over the property under the terms of the measure.

The amendment which I offer has to do entirely with the surplus electric power. It does not interfere with the use of the power for primary purposes provided in the act. It does not interfere with the use of electric power for the purpose of the manufacture of nitrates for war purposes, for national defense purposes, or for the purpose of manufacturing commercial fertilizer, but it merely provides for the disposition of the surplus power. In place of leaving that surplus power in the hands of the lessee to be used as he sees fit, it requires the sale of the surplus power for distribution.

Mr. WADSWORTH. Mr. President, will the Senator yield for a question?

Mr. GEORGE. Certainly.

Mr. WADSWORTH. Is it not a fact that the amendment offered by the Senator from Georgia applies to section 10 of the Underwood substitute as printed and that the section was stricken out by the adoption of the amendment of the Senator from Montana [Mr. WALSH]?

Mr. GEORGE. That is true and I was about to call attention to that fact. I was about to offer my amendment as a separate section to be numbered section 9, because section 9 has also been withdrawn and there is now no section 9 of the bill. The amendment I offer now and ask to have read is offered in lieu of the amendment formerly offered by me. It simply provides that—

The surplus power not required under the terms of this act for the manufacture of nitrogen or fertilizer shall be sold for distribution.

The PRESIDING OFFICER. The Senator from Georgia withdraws his former amendment and proposes an amendment to the amendment, which the Clerk will report.

The READING CLERK. Add a new section, section 9, to read as follows:

SEC. 9. The surplus power not required under the terms of this act for the manufacture of nitrogen or fertilizer shall be sold for distribution.

Mr. UNDERWOOD. I think the terms of the bill as it stands are broad enough to cover surplus power and the sale of it. That certainly was my intention because, although I want as much power as can be used dedicated to the manufacture of fertilizer and nitrogen, whatever is left should be sold and distributed. I think the Senator's amendment only makes more certain what is already in the bill, and I thought I would interrupt the Senator to say that I have no objection to it.

Mr. McKELLAR. Before the amendment to the amendment is adopted I offer the following proviso to the amendment offered by the Senator from Georgia and accepted by the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Tennessee offers the following amendment to the amendment, which will be read.

The READING CLERK. Add at the end of the amendment proposed by the Senator from Georgia the following proviso:

Provided, That all surplus power shall be sold by the lessee without discrimination as to rates or other discriminations to industries, municipal corporations, other corporations, or individuals, within or without

the State of Alabama. If power is sold to distributing companies, such distributing companies shall distribute it for resale to municipalities or to others without discrimination.

The PRESIDING OFFICER. The Chair desires to call the attention of the Senator from Tennessee to the fact that his amendment is an amendment in the third degree.

Mr. McKELLAR. How is it an amendment in the third degree?

The PRESIDING OFFICER. It is an amendment to the amendment of the Senator from Georgia, and his amendment is an amendment proposed to the amendment of the Senator from Alabama. If the Senator from Georgia desires, he can accept the language offered by the Senator from Tennessee.

Mr. GEORGE. I merely wish to say on that point that in view of the adoption of the amendment offered by the Senator from Montana [Mr. WALSH], which really makes the provisions of the water power act applicable to the sale of the surplus electric energy, it seems to me that the amendment offered by the Senator from Tennessee is wholly unnecessary and would merely be a repetition of what is provided and is required in the amendment offered by the Senator from Montana and just agreed to by the Senate.

Mr. McKELLAR. The only trouble about the amendment of the Senator from Georgia, as I see it, is that it is not specific enough and in my judgment it will not produce the result that the distinguished Senator from Georgia has in mind. Just what effect the amendment of the Senator from Montana is going to have on it I can not say—

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Montana?

Mr. McKELLAR. I yield.

Mr. WALSH of Montana. I would like to call the attention of the Senator from Tennessee to the second part of the amendment offered by myself and agreed to by the Senate, section 11, which in part, reads as follows:

SEC. 11. That when said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such lessee, or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such lessee, or by any person, corporation, or association purchasing power from such lessee for sale and distribution or use in public service shall be reasonable, nondiscriminatory, and just to the customer; and all unreasonable, discriminatory, and unjust rates or services are hereby prohibited and declared to be unlawful.

Mr. McKELLAR. I am inclined to believe that the amendment covers the proposal submitted by me and I withdraw my proposition.

The PRESIDING OFFICER. The Senator from Tennessee withdraws his offer and the question now is on the amendment offered by the Senator from Georgia [Mr. GEORGE] to the amendment of the Senator from Alabama.

The amendment to the amendment was agreed to.

Mr. HARRIS. Mr. President, I offer an amendment to be known as section 13 to which I hope the Senator from Alabama will not object.

The PRESIDING OFFICER. The Senator from Georgia offers an amendment to the amendment of the Senator from Alabama, which will be reported.

The READING CLERK. Add a new section, to be known as section 13, as follows:

No lease made under the terms of this act shall be transferred without the approval of the President of the United States.

The amendment to the amendment was agreed to.

Mr. HARRIS. I now offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Georgia offers an amendment to the amendment which will be reported.

The READING CLERK. Add at the end of section 4 the following words:

Farmers shall be given preference in the sale of fertilizer manufactured.

Mr. UNDERWOOD. Mr. President, undoubtedly that will be done and I believe it should be done. I do not think the words hurt the bill any, so I have no objection to the amendment to the amendment.

Mr. WADSWORTH. Will the Senator state what interest will purchase fertilizer other than the farmers?

Mr. UNDERWOOD. I do not know, but I do not care to discuss that point. I do not think the amendment hurts the bill.

Mr. HARRIS. The bill states "farmers and users." Under the terms of the bill all the nitrogen manufactured has to be sold to the users, which would be fertilizer manufacturers. They are now getting nitrates from Chile, and manufacturing this product would not increase the amount of fertilizer and would not bring any competition whatever. It would rather tend to create a monopoly in fertilizer, if they should join together to meet this situation, and I think the farmers ought to have the first preference. That is the idea of the legislation and has been from the very beginning, and that is the reason why I offer the amendment to the amendment.

Mr. WADSWORTH. I think from the explanation just made by the Senator from Georgia that this language may have ramifications far more extended than we imagine. If the amendment to the amendment is to be interpreted in accordance with the explanation he has just made, I imagine the corporation or lessee would be compelled to deliver fertilizer at retail to the farmers.

Mr. HARRIS. They would give preference to the farmers in the sale. That is the way it is worded, that the farmers shall be given preference in the sale of fertilizer.

Mr. WADSWORTH. But the Senator in explaining it stated that the corporation should not be permitted to sell fertilizer to anybody but the farmer. If that is the case they could not sell to anyone else.

Mr. HARRIS. The Senator from New York does not mean to do an injustice in that statement, I am sure. The amendment provides that the farmers shall be given preference and then if they do not buy all the fertilizer manufactured there, the other users would get it.

Mr. UNDERWOOD. I will state to the Senator from New York what I think the only effect of the amendment will be; and I have no objection to it on that ground. Cyanamide itself is a fertilizer if it be properly used. It is used in Germany as a fertilizer direct without any other process. It is rather a dangerous fertilizer if it is not carefully used, because if too much of it be placed on a plant it burns it up; but the well-informed farmer can use cyanamide as a fertilizer. Cyanamide may also be used to make sulphate of ammonia and a number of other advanced products. I take it if the Senator's amendment should be adopted, and there were a demand for cyanamide for fertilizer use, farmers would have the first call in its purchase, and it would go directly to the farmer. I see no objection to the amendment, but I do not think what I have suggested is likely to happen.

Mr. WADSWORTH. I have no objection to the spirit of the amendment, but it was merely the explanation of its purpose that aroused my curiosity. I think the amendment will apply not only to cyanamide but to any other chemical product which may be made at plant No. 2.

Mr. UNDERWOOD. That may be.

Mr. WADSWORTH. We are now expressing the intent of Congress or at least its very urgent desire, and this proposal may have more ramifications than we know of just now. If we shall provide in the law that the farmers shall have preference in the sale of all the products of plant No. 2, we may thereby be getting into trouble.

Mr. BRUCE. Mr. President, to begin with, I should like to know just what the Senator from Georgia means by "fertilizers." Again and again in the course of this discussion the word "fertilizers" has been used as if it were synonymous with nitrogen or nitrates. Does the Senator from Georgia mean full commercial fertilizers?

Mr. HARRIS. The last clause of section 4 of the substitute of the Senator from Alabama provides:

In order that the farmers and other users may be supplied with fertilizers at fair prices.

It is to that language my amendment relates.

Mr. President, if I may, I desire to state that other bills which have heretofore passed the Senate have included the provision that the farmer should be given preference.

Mr. BRUCE. Mr. President, I take it for granted, then, that the word "fertilizers" in the amendment of the Senator from Georgia signifies full commercial fertilizers; that is to say, fertilizers into which not only has nitrogen entered as an ingredient but also potash and phosphoric acid.

I merely desire at this time again to call the attention of the Senate to the fact that I have offered a series of amendments to the Underwood substitute which have not as yet come up for final action by it, but which provide for the elimination from the Underwood substitute of all provisions that contemplate the manufacture by the Government at Muscle Shoals through the agency of a governmental corporation or of a lessee of full commercial fertilizers. If those amendments shall receive the approval of the Senate, and the Senator from

Georgia in his amendment means by the word "fertilizers" full commercial fertilizers, it follows, as a matter of course, that the amendment of the Senator from Georgia would be wholly repugnant to my amendatory propositions.

This is a proper stage of the discussion for once more calling the attention of the Senate to the gross, the outrageous injustice of permitting the Government, directly or through the agency of its subsidiary corporation, or any lessee who may secure the lease under the Underwood substitute, to enter into crushing competition with its own citizens; in other words, of enabling the Government, utterly without regard to any pecuniary deficit of any sort, in the plenitude of its reckless and irresponsible power to trample under foot one of the most important private industrial interests in the United States.

As I have already said, in the city of Baltimore there is no less than \$75,000,000 invested in the manufacture of commercial fertilizer. If the Government or its lessee shall undertake to turn out full commercial fertilizers at Muscle Shoals, the business concerns in Baltimore which are producing thousands of dollars' worth of fertilizers would in all likelihood be unable to compete with the Government or its lessee. Just think of the mockery—the cruel mockery—of this situation, as it has been supplemented by the adoption of the amendment of the Senator from Georgia. Under the provisions of that amendment neither the Government nor its lessee would have the power to use one iota of the surplus electrical energy produced at Muscle Shoals in the manufacture of any commodity of any description whatsoever except commercial fertilizers alone.

Just think of such an anomaly, such a solecism! Neither the Government itself nor its lessee could use any part of this surplus energy save for the purpose of ruthlessly ruining the private manufacturers of commercial fertilizers in the United States. That is the pass to which this debate has come. The great private enterprise of manufacturing full commercial fertilizers has been singled out for destruction exactly as a single deer in a herd might be singled out by a hunter for death. Such monstrous discrimination has never been brought to my attention before in the whole course of my legislative experience.

Much is said from time to time about class injustice. How could there be a more flagrant illustration of class injustice than this? I am the son of a farmer; I have owned farm lands and worked them, and I have as full a measure of sympathy as has any man in this body with the farmer; I know his needs and his requirements as well as does any Member of this body; but what right have we, I ask, consistently with any constitutional or legal principle, to select the farmer as the peculiar child of our legislative favoritism, even to the extent of wiping out perhaps another great business interest in the United States, which, upon every principle of justice and equality, is entitled to quite as great a measure of consideration as is the farmer himself? If the business men of this country who are engaged in the manufacture of commercial fertilizers were as numerous as are the farmers, and if they had as much voting power as have the farmers, neither the Senator from Georgia nor any other Senator in this body, I dare to assert, would venture to bring forward such a program.

Oh, yes; such is your tenderness about competition on the part of the Government with its own citizens that you provide unanimously that not a single particle of the surplus electrical energy at Muscle Shoals shall be used by the Government or its lessee in any sort of industrial enterprise whatsoever except that of making commercial fertilizers, but that it shall all be sold. The Government or its lessee is to be unreservedly at liberty to establish not one commercial fertilizer factory but a thousand if it or he chooses to do so at Muscle Shoals, and to completely confiscate the property of the great private enterprises in this country that are engaged in the composition of commercial fertilizers.

Mr. PITTMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Nevada?

Mr. PITTMAN. If I understand the policy of this bill, it is for the very purpose of decreasing the cost of fertilizer to the farmers. Is not that its policy?

Mr. BRUCE. No, sir; not necessarily. That can be accomplished in another way. Let the Government produce nitrogen for war explosives at Muscle Shoals; that is all right; that is an object of supreme, transcendent importance, and let the Government or its lessee also produce nitrogen at Muscle Shoals to be used by the private manufacturers of full commercial fertilizers in this country in the preparation of such

fertilizers. That would probably considerably cheapen the cost of such fertilizers to the farmers.

Mr. PITTMAN. If all of the ingredients of the fertilizer manufactured at this great plant were turned over to those who now manufacture it from importations, we will say, from Chile, or partly from Chile, I can not see where there would be much incentive to reduce the price to the purchaser of the manufactured article.

Mr. BRUCE. Why, if it is true that the Government or its lessee can turn out nitrogen at Muscle Shoals more cheaply than it can be obtained from Chile or anywhere else, of course that fact would inure to the benefit of the farmer when the farmer came to buy full commercial fertilizers from ordinary dealers who had used such nitrogen in the manufacture of fertilizers.

Mr. PITTMAN. Then if the bill, as operating, would reduce the price of fertilizers more than under the method in mind by the Senator from Maryland, he would still be in favor of the method he has in mind, would he?

Mr. BRUCE. I do not know that it would do so. It seems to me that the result would be that the production of nitrogen on a great scale at Muscle Shoals would enable private makers of fertilizers to compound them more cheaply than they are now doing, and therefore to sell them more cheaply than they are now doing to the farmer; but that result marks the extreme limit, as I look at it, to which the Government or its lessee should go. The Government now proposes to turn out a vast amount of electrical energy at Muscle Shoals, and, so far as there is any surplus of that energy, it proposes to sell and distribute it all through the region adjacent to Muscle Shoals. Some of it will be bought by concerns that are engaged in manufacturing one commodity, some of it will be bought by concerns that are engaged in manufacturing another commodity, and so on. In the same way, I say, let the Government limit its operations so far as commercial fertilizers are concerned to the production of nitrogen, and its sale to private makers of fertilizers.

Mr. PITTMAN. I understand the Senator to believe that if the Underwood amendment becomes a law the Government lessee will be able to put the private fertilizer distributors out of business.

Mr. BRUCE. I think it not unlikely that that result would follow. Of course, as I have contended throughout this debate, whenever the Government enters upon an industrial enterprise it enters upon it practically without reference to any pecuniary deficits that may arise from its operations. It has the General Treasury of the United States to rely upon; it has the general resources of Federal taxation to fall back upon; and if it were to undertake to produce commercial fertilizers at Muscle Shoals, my own opinion is that the undertaking might well eventuate in the ruin of every private industrial plant in the United States engaged in the manufacture of commercial fertilizers.

Mr. PITTMAN. Because the Government would be able to make commercial fertilizer cheaper than the private industrial plant?

Mr. BRUCE. No, no! Governmental operation is always marked, if I am right, by a much higher degree of wastefulness and inefficiency than the operation of private industrial enterprises; but when any industrial business in which the Government is engaged results in a loss, the Government simply calls into play all the resources of Federal taxation to make good its losses. When, however, the operation of a private manufacturing enterprise of any sort in the United States ends in grave deficits there is nothing for it to do but to pass into the hands of a receiver.

Mr. PITTMAN. How does the Senator's argument apply to the lessee under the act?

Mr. BRUCE. The lessee, in the first place, with the vast primal agencies that the Government would place in his hands for the production of nitrogen, and the low rental of 4 per cent which he would have to pay, would be in almost as good a position for all practical purposes to bring the irresistible force of public competition to bear on private industrial concerns as the Government itself would be.

Mr. PITTMAN. Then I take it that the Senator's opinion is that the Government is not charging the reasonable value of this property to the lessee under the bill?

Mr. BRUCE. Of course that is to be fixed by the terms of the lease. I think it probable, as has been contended here, that the rental will not be in excess of 4 per cent. When you are dealing with a man who wants to buy your property, and you give him an intimation that your price will be at least so much, you are not likely to obtain any higher price than your minimum; but I am not going into the general

merits of the Underwood substitute. As I have said, I intend to vote for it whether my amendments are defeated or not, because I think that the matter of national defense, to begin with, is one of paramount, supreme, overshadowing importance; and because, therefore, even if I knew that the Government was going to produce nitrogen for war purposes at Muscle Shoals at a loss, I should be prepared to submit to that loss exactly as I am prepared to submit to the deficits that are incurred by the Postal Department of the United States.

I have now answered pretty fully the questions that my friend the Senator from Nevada has asked me, and I do not desire to continue the discussion too long.

Mr. PITTMAN. I will not ask any more questions. I will not take up the time. I was just going to say that it has occurred to me from the Senator's statement that if the Government charged the lessee under this bill the reasonable value of the property, that lessee would be on an equality with the private manufacturers in every particular.

Mr. BRUCE. I do not think that he would be on an equality. I think that he would occupy a position of very superior advantage, because he would have this tremendous plant with which to produce nitrogen, and he would get it at a low rental, in all probability. As I have said, the impact of the competition that he would bring down on the hapless private manufacturer of fertilizers would be about as severe as any that the Government itself could bring down upon him.

The PRESIDING OFFICER (Mr. LADD in the chair). The question is on agreeing to the amendment of the Senator from Georgia [Mr. HARRIS] to the amendment in the nature of a substitute proposed by the Senator from Alabama [Mr. UNDERWOOD].

The amendment to the amendment was agreed to.

CONTROL AND ERADICATION OF EUROPEAN FOWL PEST

Mr. McNARY. From the Committee on Agriculture and Forestry I report a joint resolution, which I ask to have read.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Is there objection to the report of the joint resolution? The Chair hears none. The Secretary will read the joint resolution.

The joint resolution (S. J. Res. 159) providing for the control and eradication of the European fowl pest and similar diseases in poultry was read the first time by title and the second time at length, as follows:

Resolved, etc., That to enable the Secretary of Agriculture to meet the emergency caused by the existence of European fowl pest in the United States, and to provide means for the control and eradication of this and similar diseases in poultry, the sum of \$100,000 is hereby appropriated, to be immediately available, out of any money in the Treasury not otherwise appropriated, to be expended in the control and eradication of contagious diseases of poultry, and the acts of February 2, 1903 (32 Stat. L. 791), and March 3, 1905 (33 Stat. L. 1264), are hereby amended so as to include therein poultry and contagious diseases thereof.

Mr. McNARY. I ask unanimous consent for the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGE

Mr. NEELY. Mr. President, in order that a public improvement may proceed during the Christmas vacation, I ask unanimous consent for the immediate consideration of Senate bill 3545, Order of Business 885.

Mr. CURTIS. Mr. President, as I understand, that is just an ordinary bridge bill in the regular form.

Mr. NEELY. It is.

The PRESIDING OFFICER (Mr. LADD in the chair). The Senator from West Virginia asks unanimous consent for the immediate consideration of Senate bill 3545. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3545) granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a highway and street-railway toll bridge across the Ohio River between the city of Huntington, W. Va., and a point opposite in the State of Ohio.

The bill had been reported from the Committee on Commerce, with amendments, on page 1, line 3, after the words "That the," to strike out "consent of Congress is hereby granted to

the" and insert "act approved August 18, 1921, granting the consent of Congress to the"; in line 5, after the word "Company," to strike out "its successors and assigns"; in line 7, after the words "street railway," to strike out "toll"; in the same line, after the word "bridge," to strike out "and approaches thereto"; in line 8, after the word "River," to strike out "at a point suitable to the interest of navigation, one end of said bridge being in," and insert "between"; on page 2, line 2, after the word "and," to strike out "the other end at"; in line 3, after the word "opposite," to strike out "said city of Huntington"; in the same line, after the word "Ohio," to strike out "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906," and to insert "be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge hereby authorized be commenced within one year and completed within three years from the date of approval hereof," so as to make the bill read:

Be it enacted, etc., That the act approved August 18, 1921, granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a highway and street railway bridge across the Ohio River between the city of Huntington, W. Va., and a point opposite, in the State of Ohio, be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge hereby authorized be commenced within one year and completed within three years from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to revive and reenact the act entitled 'An act granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a highway and street railway bridge across the Ohio River between the city of Huntington, W. Va., and a point opposite, in the State of Ohio,' approved August 18, 1921."

ADMISSION OF CERTAIN IMMIGRANTS

Mr. COPELAND. Mr. President, a little while ago I sent to the desk a joint resolution asking for the admission to this country of certain persons now in various ports of Europe. These persons have passports and visés, but for one reason or another have not been permitted to come here, particularly on account of the restrictions of the present immigration law. They number altogether five or six thousand, perhaps 8,000. These persons have left their homes, and because they had these properly prepared governmental papers they thought they were to be permitted to come to the United States. They now discover they can not come; and so we find in the ports in England and in France and in Germany and other parts of the world these unfortunate people.

I should in all fairness say that this matter was considered this morning by the Immigration Committee, and the majority of the committee felt that for one reason or another this joint resolution should not prevail. But I appeal to Senators. I feel that there is involved here an ethical question, and certainly on the high ground of humanity we should give consideration to the plight of these unfortunates.

Two or three years ago I had occasion to go up to the Russian border in Poland. You will recall, Mr. President, that during the Great War several hostile armies crossed Poland, and after the war was over the Poles had a three-year war with the Russian Bolsheviks. When the Russians were finally driven out of Poland they destroyed every building—and I mean that literally. They took away the flocks and herds and carried two or three million citizens into captivity. Under the treaty of Riga, the treaty of peace between Russia and Poland, those refugees have been returned to Poland.

I was at Baranowice, on the border between Poland and Russia, and in the first train load I saw come in the morning I arrived there were 1,200 people, 500 of them children. Those persons had been brought from eastern Siberia, over the Ural Mountains and across the plains of Russia, not in Pullman cars but locked in cattle cars. They had been in those cars for eight months. All the food they had to eat during that time was a half a loaf of bread per day per person, and that bread was made of black earth, the seeds of weeds, and the excreta of animals.

I have heard discussed the question, why should not these people go back to their homes, if they are not permitted to sail to the United States? Because, Mr. President, many of them have no homes. Their homes were destroyed. I saw them living in dugouts, and in covered-in portions of the trenches.

Here are these people in the various ports of Europe, with passports visaced by our consuls, and it seems to me we are under a peculiar moral obligation to see that they are permitted to enter our country under the restrictions and conditions which very properly prevail with reference to the admission of immigrants.

I think we may well make an exception to the restrictions fixed by the present immigration law, and permit the admission of these persons. So the appeal I make is that Senators will read this joint resolution and give it serious thought. I hope they may be moved by the spirit of the season to grant permission to these unfortunates to pursue their way to the United States.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam-power plant to be located and constructed at or near Lock and Dam No. 17, on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1202, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Mr. DIAL. Mr. President, I send an amendment to the desk which I desire to offer to the pending substitute.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The READING CLERK. On page 4, line 17, after the word "properties," insert "either separately or as a whole."

Mr. CURTIS. How would that make it read?

The READING CLERK. So as to read:

That the Secretary of War, with the approval of the President, is hereby authorized and empowered to lease the properties, either separately or as a whole, enumerated under section 1 of this act, etc.

Mr. DIAL. Mr. President, I am in favor of the bill, and possibly this amendment would somewhat aid it. Some lessee might be willing to lease one part and another lessee another part. I would like very much to see the property leased if it can be done. Not only that, but one lessee might want to make one kind of fertilizer and another another kind, and therefore this amendment might aid the Secretary of War in making a lease. I submit it to the consideration of the Senate.

Mr. UNDERWOOD. Mr. President, I think the only way this property can be properly leased is to lease it to one lessee, but the lease will be entirely in the discretion of the Secretary of War and the President. I have no objection to their discretion being carried that much further, and I do not resist the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina to the substitute offered by the Senator from Alabama.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, I desire to offer an amendment to the committee bill, which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The READING CLERK. On page 28 of the committee substitute, line 10, after the word "available," strike out the words: and he shall not demand of the Federal Power Corporation for such purpose more than 100,000 horsepower, of which not more than 25,000 shall be primary power.

Mr. COPELAND. Mr. President, it has seemed to me that one of the defects of the Norris bill, if I can say that so good a bill has a defect—

Mr. NORRIS. Will the Senator permit an interruption?

Mr. COPELAND. I yield.

Mr. NORRIS. As I have said several times, I have no objection to that amendment, and while I can not act for the committee, all the members of the committee with whom I have been able to talk are agreeable to the amendment. Personally, I shall vote for it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York to the committee substitute.

The amendment to the amendment was agreed to.

Mr. COPELAND. I have one other amendment to offer, which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The READING CLERK. On page 29, line 13, after the word "advisable," strike out the words:

and he is hereby authorized, if in his judgment better results can be obtained, to enter into a contract or contracts with private persons or corporations for the operation, either in whole or in part, of said nitrate plants, or other property or parts thereof.

Mr. NORRIS. If the Senator will permit me, I think that would logically follow the adoption of the amendment the Senate has just agreed to, and that language ought to go out.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. NORRIS. The Senator from New York offered still another perfecting amendment, which would also follow, just to perfect the text. It would come on page 28, line 1, after the word "Agriculture," to strike out down to and including the word "herein" in line 3, the same page. We have just stricken out the authority of the Secretary of Agriculture to lease, and this language has reference to the leasing provision.

Mr. COPELAND. That is true, Mr. President.

Mr. NORRIS. That amendment ought to be made.

Mr. COPELAND. I offer that amendment to the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 28, line 1, after the word "Agriculture," strike out the comma and the words "or any other agency having in charge the operation of said nitrate plants, except as provided herein."

The amendment to the amendment was agreed to.

Mr. COPELAND. My records do not seem to be very complete, and I would like to ask the Senator from Nebraska if we have now covered all the points we discussed?

Mr. NORRIS. I think so. I think that perfects it.

The PRESIDING OFFICER. The question now is on agreeing to the substitute offered by the Senator from Alabama [Mr. UNDERWOOD] as amended.

Mr. HOWELL. I wish to offer an amendment to the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The READING CLERK. On page 5, line 6, of the Underwood substitute, following the word "power," insert the following proviso:

Provided, That in addition to the annual rental herein stipulated, the lessee shall set up and maintain an adequate reserve for depreciation, upon which the United States shall have a prior lien, in connection with the following properties, to wit: (1) Dam No. 2 and power equipment; (2) the steam electric plants at nitrate plants No. 1 and No. 2; and (3) nitrate plant No. 2. Such reserve for depreciation shall at all times be of such an amount that when added to the physical value of such property at any time shall at least equal the appraised value thereof when turned over to the lessee: *Provided further*, That in case of nitrate plant No. 1, excluding power plant, the value thereof shall be appraised at the time said property is turned over to the lessee and provision made in lease for the lessee's accounting for the value of such property at the termination of lease.

Mr. UNDERWOOD. Mr. President, I assume that a provision of that kind could be made in the contract, when the Secretary of War and the President make a contract under this measure, if they do make one, and I have left the language giving the President power to make the contract as broad as I could. I do not see any very serious objection to the proposed amendment, and I am willing to have it adopted, reserving the right, if I see some real objection to it, to still object when the bill is in conference. I do not see any serious objection now, so I will not raise a point against it.

Mr. NORRIS. I would like to call my colleague's attention to the fact that he should not, on account of the statement made by the Senator from Alabama, fail to put in the Record any argument he wants to make, because all the conferees will have before them if there is any question about it, will be what is said in the Senate.

Mr. UNDERWOOD. I did not mean to cut the Senator off and prevent him from making a speech, but this is a mere detail that would go into any contract. I think the Secretary of War and the President would put it in, and I do not believe it is of sufficient moment to fight over now. When the matter goes to conference, something might develop so that I might change my mind, and I wanted to give the Senator notice of that.

Mr. HOWELL. There are two classes of property that will be turned over to the lessee. One class of property consists of Dam No. 2, the steam plant at nitrate plant No. 2, nitrate plant No. 2 itself, and, in addition, the steam plant at nitrate plant No. 1. Those properties should not merely be maintained, but there should be set up by the lessee a reserve for depreciation such as will replace the properties at any time. For instance, it may be that nitrate plant No. 2 will be operated constantly. We know that when a machine is operated constantly and all repairs are made that are possible, even then at the end of some period of time it becomes junk. It must be replaced. We have all had this experience with automobiles. We may repair constantly such a machine, look after it with attention, and yet after a period of six or seven years the automobile becomes practically worthless. Therefore, if we do not set aside annually a sum of money sufficient, together with interest, to the end of the period of usefulness of the machine, such as to equal a sum that will buy a new machine we are simply using up our capital in operation without making provision for its replacement.

In my opinion, it is just as important to make provision in the substitute of the Senator from Alabama for maintaining a reserve for depreciation as it is to indicate the minimum that shall be charged in the way of interest. Any lessee or prospective lessee reading this bill, if it shall become a law, might properly assume that it was the intention of Congress that if the President and Secretary of War could do no better, they were expected to lease the property on a basis of 4 per cent per annum without requiring a reserve for depreciation. Therefore, in my opinion, the substitute should be so framed that there can be no mistake as to what is expected from the President and Secretary of War so that a prospective lessee may understand that he must take into consideration in making his bid that he will have to maintain a reserve for depreciation.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. HOWELL. I yield.

Mr. McKELLAR. In reference to replacement I want to call the attention of the Senator from Nebraska to the proposition of the Tennessee Electric Power Co., the Memphis Power & Light Co., and the Alabama Power Co., in which those three companies thought the matter about which the Senator is talking to be quite important, because their proposal included these words—and some of them may be expected to bid under this bill:

3. The power company will, at its own expense, throughout the lease period, operate and make all necessary renewals and repairs incident to efficient maintenance of the spillway gates, the power house, and substructures, superstructures, machinery, and appliances appurtenant to the power house, and will maintain the same in efficient operating condition, all in accordance with the Federal water power act, it being understood that all necessary repairs and maintenances of Dam No. 2 and the locks shall be under the direction, care, and responsibility of the United States and at its expense during the said 50-year lease period.

It seems to me some such provision as that ought to be in the bill, otherwise it will not be included and it will probably take all of the rentals the Government gets under the terms of the bill to provide for renewals of the various parts of the plant.

Mr. HOWELL. It is my understanding that the substitute does provide for maintenance, but it does not provide for setting up a reserve for depreciation—

Mr. McKELLAR. That is entirely right.

Mr. HOWELL. That at any time, when added to the physical value of a particular piece of property, will equal its appraised value at the time it was turned over to the lessee. This is very important in connection with nitrate plant No. 2. That plant ought to be maintained in 100 per cent condition all the time, or funds provided for in a depreciation reserve to put it in 100 per cent condition, because we are relying upon that plant for fixed nitrogen to use in the manufacture of ammunition in case of war.

I think this is of great importance and reasonable, as reserves for depreciation are looked upon by every public-utility

corporation and by every public-service commission as something that the public must provide in connection with its public utilities, and hence the public is assessed additional increments to rates charged sufficient to provide reserves for depreciation.

Now, there is another class of property quite different from the first class I have described. I refer to nitrate plant No. 2. That property has been in a way an experimental plant. It includes a fine building, with a modern power plant attached, but is equipped with certain machinery that may have to be changed. Therefore I believe that this property ought to be treated differently than the items listed in the first class of properties I have mentioned. This property ought to be appraised and the lessee should be required at the end of his lease to make good its value at the time of original appraisal. That would enable him to do what he pleases with nitrate plant No. 1—to remodel it or change it. But so far as nitrate plant No. 2 is concerned it ought to be kept in condition to produce fixed nitrogen at any time. The steam plants, of course, will deteriorate with use, and unless there is a provision made for depreciation, a reserve accumulated that the United States has a prior lien on, we will have little or no protection respecting replacements. Or if the lessee, at some time during the period of the lease, should fail, we might have turned over to us nothing but a shell. Therefore it seems to me that the substitute should ultimately carry a provision for reserves for depreciation.

Mr. BRUCE. May I ask the Senator a question so as to be clear in my own mind when I come to vote on his amendment?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. HOWELL. I yield.

Mr. BRUCE. Do the provisions of the Senator's amendment providing for depreciation relate to the dams too?

Mr. HOWELL. They relate to the dam, the power units in connection with the dam, the 80,000 horsepower steam plant in connection with nitrate plant No. 2, and to nitrate plant No. 2.

Mr. BRUCE. Does the Senator think that a prudent lessee would be willing to meet the risks of the dam being swept away by a great flood in the Tennessee River? I recall the fact that in my youth I had a friend who had inherited about \$100,000 and engaged in routine business in Baltimore and thought he would better his condition by entering into partnership with a contractor who was engaged in the construction, to a very considerable degree, of large public works. He and his partner undertook to build a dam in one of the rivers in Georgia. I have forgotten which river it was. Just about the time the dam was completed and was to be turned over to the contractee a great flood rose in the river and swept the dam entirely away and the \$100,000 of my friend with it.

It seems to me the depreciation reserve that is accumulated from year to year—if this dam were swept away, we will say, in six months after the depreciation reserve was begun to be established or in a year or two or three years afterwards or at any period of time short of the 50 years duration of the lease—might not amount to much. What I am afraid of is that the Government would experience considerable difficulty in obtaining a lessee if that lessee assumed such tremendous risk as it seems to me the amendment of the Senator from Nebraska involves.

Mr. HOWELL. An adequate reserve for depreciation would not include an increment sufficient for insurance. I think that the provision for maintenance would come nearer providing that the lessee would be liable for the replacement of the dam if it was swept away. I have provided in the amendment for an adequate reserve for depreciation, and they would not take into consideration in determining that replacement of the dam in case of a casualty of the kind suggested by the Senator from Maryland.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the junior Senator from Nebraska [Mr. HOWELL] to the substitute of the Senator from Alabama [Mr. UNDERWOOD].

Mr. WALSH of Montana. Mr. President, the Senator from Nebraska may have covered the matter fully, but if he did so it was during my absence from the Chamber. The amendment provides:

That in addition to the annual rental herein stipulated the lessee shall set up and maintain an adequate reserve for depreciation.

That language is rather general in its terms. Who will determine just exactly what kind of reserve is to be set up and whether or not it is adequate?

Mr. HOWELL. I think it would be well, probably, to insert at that point the words "as fixed in the lease," because at the time the lease is made what is an adequate reserve for depre-

ciation ought to be determined. Possibly the Senator from Montana might offer an amendment to my amendment to that effect.

Mr. UNDERWOOD. Mr. President, I will say to the Senator that after having read his amendment carefully I think the effect of it is specially to call to the attention of the President and Secretary of War in making the lease that reasonable terms should be included. I think in all human probability that they would take such action anyway in writing the lease; but the amendment would call their attention to the terms. Of course, it is not practicable for Congress, with the information we have before us, to determine what is an adequate replacement charge.

Mr. HOWELL. I agree that we have not such information before us.

The PRESIDING OFFICER. The question is on the amendment proposed by the junior Senator from Nebraska, as modified, to the substitute of the Senator from Alabama. Is there objection? The Chair hears none, and the amendment is agreed to. The question now is upon the Underwood amendment as amended.

Mr. HOWELL. Just a moment, Mr. President. I wish to offer another amendment.

The PRESIDING OFFICER. The amendment now proposed by the junior Senator from Nebraska to the substitute of the Senator from Alabama will be stated.

The READING CLERK. On page 5, line 19, after the word "contract," it is proposed to insert the following:

Time shall be made of the essence of the contract herein provided for, and failure on the part of the lessee to comply with the terms of said contract shall render the same terminable at the option of the United States: *Provided*, That written notice of the exercise of such option shall be served upon the lessee at any time within one year following any breach of said contract. Whereupon the property covered by said lease shall be turned over without expense to the United States upon demand, and said lessee shall be liable for any damage sustained by the United States as a consequence of said lease and the acts of said lessee.

Mr. UNDERWOOD. Mr. President, I think the substitute already provides for that contingency; I think that it already contains the provision that in the event the lessee shall not comply with the terms of the contract the contract ceases to be effective and is void.

Mr. HOWELL. I have not found such a provision. The only provision that I have found is on page 4 of the Senator's substitute, beginning in section 5, where the language is:

That the Secretary of War, with the approval of the President, is hereby authorized and empowered to lease the properties enumerated under section 1 of this act, with proper guaranties for the performance of the terms of the lease.

That is all I find in the Senator's substitute with reference to what might be construed to be a provision for the termination of the contract in case of failure on the part of the lessee to comply with its terms.

Mr. UNDERWOOD. Mr. President, I am pretty sure such a provision is in the substitute, although I can not put my finger on it right now. However, I have no objection to the Senator's amendment; it can not seriously affect the substitute; and if later, before we dispose of the matter, I find the place in my substitute where the provision is contained, I shall show it to the Senator from Nebraska.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the junior Senator from Nebraska to the substitute of the Senator from Alabama.

Mr. HOWELL. Just one moment, Mr. President. I desire to say that in offering my amendment to the substitute I wish to obviate such a situation as this which might otherwise arise: A lessee might fail to comply with the terms of the contract, and with no provision for cancellation the Government would simply have the right to bring a suit for damages; I believe that would be the remedy. I feel that the contract should clearly stipulate that if the lessee fails to comply with the terms of the contract, to wit, the manufacture of 40,000 tons of fixed nitrogen per annum and the manufacture and mixing of some 2,000,000 or 3,000,000 tons of fertilizer, the United States would be in a position to say, "You are through," and not have merely to rely upon an action for damages. It is for that reason I have offered this amendment to the substitute.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the junior Senator from Nebraska to the substitute of the Senator from Alabama. Is there objection? The Chair hears none, and the amendment to the amendment is agreed to.

Mr. COPELAND. Mr. President, I send to the desk an amendment which I desire to propose to the substitute of the Senator from Alabama [Mr. UNDERWOOD], and I ask that it may be read.

The PRESIDING OFFICER. The amendment to the substitute will be stated.

The PRINCIPAL CLERK. In the amendment of the Senator from Alabama [Mr. UNDERWOOD] it is proposed to strike out all of section 10 and to insert in lieu thereof a new section 10, as follows:

The surplus power not required under the terms of this act for the manufacture of nitrogen for fertilizer shall be sold to users at rates to return a maximum net profit of not to exceed 8 per cent of the fair annual cost of production and distribution thereof: *Provided*, That if such surplus power is sold to others than users thereof, the corporation shall require as a condition of such sale the consent of the purchaser to the regulation by the corporation of rates to be charged users that will return to the said purchaser maximum profit of not more than 8 per cent of his costs.

Mr. UNDERWOOD. Mr. President, I think section 10 has been stricken from the bill by an amendment offered by the Senator from Montana [Mr. WALSH], and there is also an amendment to section 9 with reference to the distribution of power. I am, therefore, rather inclined to think that the amendment of the Senator from New York is in conflict with the terms of those two amendments.

Mr. COPELAND. Mr. President, is it in conflict in any other respect than as to the number of the section?

Mr. UNDERWOOD. The amendment of the Senator from Georgia [Mr. GEORGE] provides for the distribution, and the amendment of the Senator from Montana [Mr. WALSH] provides for the terms of sale, while the amendment of the Senator from New York specifies the terms of sale; and, of course, if it should be incorporated in the law it would wipe out any regulation of those terms.

Mr. COPELAND. If the Senator from Alabama will yield, let me say that on page 4 of his substitute there is fixed the maximum profit which may be made on the sale of fertilizer by a provision that the maximum net profit which may be made shall not exceed "8 per cent of the fair annual cost of the production thereof."

I have in mind exactly the same thing with reference to the sale of power; that the surplus power shall be sold in such a way that the users of that power shall not pay more than 8 per cent on the investment of the lessee.

Mr. UNDERWOOD. I have no objection to limiting the profit from the sale of power to 8 per cent, because if the power shall be sold that would probably be a reasonable return; but I do not know how we are going to get at that or whether the Senator's amendment is sufficiently adjusted to the question of a contract to determine on what the 8 per cent shall be based.

Mr. COPELAND. Mr. President, if the Senator will yield, I acknowledge at once the fairness of his statement, and I was about to suggest that the language of the amendment be changed, so that the section will read as follows:

That the lessee shall either itself transmit and deliver to consumers, or sell to others for such transmission and delivery, all surplus electric energy produced and not used in the production of nitrates or other fertilizer ingredients or in fertilizers, mixed or unmixed; and the rates at which such surplus so transmitted and delivered shall be sold shall not exceed the amount necessary to pay such proportion of operating costs as may properly be allocated to the production, transmission, and delivery of such surplus, plus a return of 8 per cent upon the investment of the lessee in properties used or useful in such production, transmission, or delivery.

I think that will cover the criticism of the Senator from Alabama.

Mr. UNDERWOOD. Mr. President, I am not sure about the amendment. I have no objection to a limitation, but I am not sufficiently advised as to the terms. However, I do not care to resist it now, because I think the question can be taken up in conference, if the bill shall go to conference, and adjustment can be made by the conferees.

Mr. WALSH of Montana. Mr. President, I wish to suggest to both Senators that a considerable portion of the amendment now tendered by the Senator from New York is covered by the amendment offered by the Senator from Georgia [Mr. GEORGE], who in the same manner provided in his amendment that the surplus power should be sold. The only difference is that there is no limitation—

Mr. COPELAND. As to profits?

Mr. WALSH of Montana. As to profits. And I suggest that if a simple provision in relation to a limitation to 8 per

cent were added to the amendment offered by the Senator from Georgia there would be a want of repetition which would occur under the amendment as proposed by the Senator from New York.

Mr. UNDERWOOD. I called the attention of the Senator from New York to that fact. Of course, the amendment of the Senator from Georgia is not amendable right now, but it will be amendable in the Senate, and I ask the Senator from New York to let his amendment go over, for when the bill shall be reported to the Senate he will have an opportunity to offer the amendment, and in the meantime it may be considered in connection with the amendment offered by the Senator from Georgia.

Mr. HOWELL. Mr. President, I should like to ask the Senator from New York if such a provision as this would cover what is in his mind:

The United States, its agents, lessees, or assigns, shall be limited to a maximum net profit which may be made, including the profit from any power sold, not to exceed 8 per cent of the fair annual cost of the production of such fertilizers.

Mr. COPELAND. Yes, Mr. President, that would satisfy me. I suggest, however, that both of the amendments be printed, so that we may reconcile them with the amendment already adopted, which was presented by the Senator from Georgia, because otherwise we are going to spoil the bill by overlapping and by possible conflict. I will say, however, in answer to the Senator from Nebraska, that I have in mind that just exactly as the profit upon fertilizer is limited to 8 per cent I want the profit upon power limited to that amount; and I am satisfied with any amendment to the bill which makes it clear that there is such a limitation.

Mr. HOWELL. The amendment which I have read would provide that all the profit from power would be pooled with the income from fertilizer, and then the profit that would be enjoyed by the lessee would be 8 per cent upon the amount of fertilizer that he made. Therefore there would be an object for him to make as much fertilizer as possible if his power profits were large.

Mr. COPELAND. I am very much interested in the suggestion of the Senator, but I will pass forward to the clerk this amendment to be printed.

Mr. UNDERWOOD. Mr. President, I will say to the Senator from New York that I think the proposal of the Senator from Nebraska more nearly covers the case he has in mind, and I have no objection to it.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. UNDERWOOD. Yes, sir.

Mr. COPELAND. Would the Senator accept the amendment offered by the Senator from Nebraska?

Mr. UNDERWOOD. If it satisfies the Senator from New York, I do not care.

Mr. COPELAND. It is entirely satisfactory to me, if it is to the Senator from Alabama, to accept the amendment offered by the Senator from Nebraska.

Mr. UNDERWOOD. The amendment of the Senator from Nebraska comes in on page 4, does it not?

Mr. HOWELL. Yes; my amendment comes in on page 4, line 13.

Mr. UNDERWOOD. Supplementing what is in the bill already with reference to fertilizer?

Mr. HOWELL. Yes, sir.

Mr. UNDERWOOD. I have no objection to that, Mr. President.

Mr. NORRIS. Mr. President, I should like to hear the amendment read.

Mr. UNDERWOOD. That is, the amendment of the Senator from Nebraska [Mr. HOWELL]?

Mr. NORRIS. Yes.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The READING CLERK. On page 4, in line 13, after the word "made," it is proposed to insert the words "including the profit from any power sold"; also, in line 14, it is proposed to strike out the word "thereof" and to insert in lieu thereof the words "of such fertilizers," thus causing the last paragraph of section 4 to read as follows:

In order that the farmers and other users may be supplied with fertilizers at fair prices and without excess profits, the United States, its agents, lessees or assigns, shall be limited to a maximum net profit which may be made, including the profit from any power sold, not to exceed 8 per cent of the fair annual cost of the production of such fertilizers.

Mr. NORRIS. Mr. President, I want to get an understanding of that. My mind is just a little bit confused. I could not

hear in its entirety the colloquy that has been going on between my colleague and the Senator from New York and the Senator from Alabama.

As the amendment now stands, does it provide that the profits on fertilizer and the profits on power are all to be put into one hopper and the 8 per cent is to be on the two?

Mr. UNDERWOOD. That is my understanding of it.

Mr. NORRIS. If there was a loss, for instance, on the fertilizer and a profit on the water power, then they would have to make enough on the water power to make up the losses on the other, in the aggregate. Is that my colleague's understanding of the amendment?

Mr. HOWELL. It is—that the profit would be based upon fertilizer, and the profit from water power would be pooled with the income from fertilizer.

Mr. NORRIS. I can not understand how you can base the profit on fertilizer when you pool the two. As I understand from the Senator from Alabama, the profit of 8 per cent is on the combined operations of both power and fertilizer, and the provision is that out of the whole transaction no more than 8 per cent can be made. That is not basing the profit upon fertilizer any more than it is basing the profit upon water power.

Mr. UNDERWOOD. In the bill as I originally prepared it I included a limitation on the profit which fertilizer could be sold for of 8 per cent.

Mr. NORRIS. Yes; I understand that.

Mr. UNDERWOOD. Subsequently, it was called to my attention that that did not include the profit on the water power, to which, as I said at the time, I had no objection. As I understand the Senator's amendment—and, of course, if my understanding is incorrect I have no doubt the matter will be corrected in conference—if there are profits made on the sale of power, and a loss on the fertilizer, the lessee will get 8 per cent on the net results. On the other hand, if he makes profits on both power and fertilizer, he has to be limited to 8 per cent.

Mr. NORRIS. Mr. President, I am not going to criticize the amendment. Of course, I should hesitate to do it anyway, because I do not expect to support the Senator's substitute. At the same time, I should like to call the attention of the Senator from Alabama and the Senator from New York and my colleague to what seems to me to be important here, not so much with reference to what happens in this particular matter, but in a much broader sense.

We ought to be able after a while to know just how much we lose or how much we make, absolutely what it costs, particularly in the fertilizer end. We are all anxious to cheapen the production of fertilizer; and I do not want any bill to pass, no matter whether I favor the bill in general or not, that will not make it absolutely necessary and really essential that the actual cost of producing fertilizer under the ordinary conditions that confront the ordinary business man who wants to go into the business should be absolutely known. Otherwise, we are not doing any good to anybody in the end, as far as fertilizer is concerned. As the amendment now stands, I should like to ask my colleague whether he thinks that would be definitely known.

Mr. HOWELL. Mr. President, I will say that I have another amendment that I am about to offer that would afford the Government full knowledge of the results.

Mr. NORRIS. Well, Mr. President, I shall not offer any further objection to it; but when my colleague offers his next amendment—

Mr. UNDERWOOD. Mr. President, I will say to the Senator from Nebraska that there is a clause in the bill which requires the books of this corporation or of the lessee to be audited.

Mr. NORRIS. Yes; I understand that there is such a provision; but there is not any provision in the bill, at least as I remember it, that explicitly states that the books shall be so kept that such an audit would show just what the cost was. If you put the two together, I am afraid that the book-keeper will jumble them in such shape that it will not appear definitely; and that ought to be one of the objects of the Senator—the Senator must agree with me on that—in his own bill or in anybody's bill.

Mr. UNDERWOOD. My sole purpose in this bill, on the fertilizer end of it—and that is the main purpose of my bill, national defense and fertilizer—is to try to produce a reasonable result, cheaper fertilizer. I have no objection to that being made definite. Therefore I am not resisting the amendment offered by the junior Senator from Nebraska [Mr. HOWELL]. I think that under any audit it would be demonstrable as to whether or not the terms of the bill are carried out, and this bill provides for an audit.

Mr. COPELAND. Mr. President, the Senator from Alabama is apparently willing to accept the spirit of the various amendments which have been presented. I suggest, in view of the conflict in language and the overlapping which might occur, that we let this amendment go over to-night. I have sent my own amendment forward to be printed; and I suggest to the junior Senator from Nebraska that he take the various amendments which relate to the same subject, as well as that already adopted, presented by the Senator from Georgia, and reconcile them so that they may be acted upon intelligently by the Senate.

Mr. UNDERWOOD. I have no objection to that, except that I do not want to get myself involved in any agreement that will delay the passage of the bill. I think it is self-evident that we shall shortly take a recess; but I have no objection, except that I do not want an agreement of mine to delay the passage of the bill if it is moving along.

Mr. COPELAND. I do not think the Senator from Alabama need worry about that, because my judgment is that he will get no immediate vote on his bill.

Mr. UNDERWOOD. I think so, too.

Mr. COPELAND. So I think there will be ample time for consideration.

Mr. UNDERWOOD. I think the Senator is right; but I did not want to be personally committed about the matter.

Mr. NORRIS obtained the floor.

Mr. SPENCER. Mr. President—

Mr. NORRIS. I yield to the Senator from Missouri.

Mr. SPENCER. If the Senator from Nebraska will be good enough to permit me to do so, I should like to present to the Senate a report from the Committee on the Judiciary on the article in the Washington Herald relating to the senior Senator from Alabama [Mr. Underwood]. The report of the subcommittee and of the Judiciary Committee was unanimous. It is not long, and it ought to be considered and disposed of at once.

Mr. NORRIS. Mr. President, I do not know how much time will be required for this matter.

Mr. SPENCER. If there is any discussion I will withdraw it.

Mr. NORRIS. I wish the Senator would wait until I get through. I have no objection to his submitting the report, however.

Mr. SPENCER. I would rather not submit the report until it can be considered and acted upon.

Mr. NORRIS. Just let me finish first.

Mr. President, considerable has been said pro and con in this debate on public ownership of public utilities. A good many examples have been given and discussed by various Senators. I think there is one illustration bearing directly on this proposition that ought to be laid before the Senate in this connection.

The man who can do that better than any other man in the world is my colleague [Mr. Howell], but on account of his modesty he has not even referred to it. I have given it some attention, and I want to give to the Senate just a little history of the waterworks, electric light, gas, and ice plants in the city of Omaha, the home city of my colleague.

Several years ago all of these particular activities were supplied to the citizens of Omaha by private corporations; and although I did not live in the city then, and do not yet, I remember that particularly the water under private operation, privately supplied by a private corporation, was the comment of the entire State. A person in Omaha could hardly take a bath and be improved after the bath was taken if he used Omaha water to do it. An ordinary glass of water in the hotels, where I used to go at least, if it rested a few minutes, had a heavy sediment of mud or sand at the bottom of it; and when the glass was first filled you could not see through it.

They had a tremendous fight. The fight went to the Supreme Court of the United States, and was finally disposed of there. My colleague to a very great extent led that fight and was the active participant in it. He was a member of the legislature which passed the bill which gave authority to the people of Omaha to take over the waterworks. They took it over, I think for much more than it was worth, under a bill that was introduced by my colleague when he was in the legislature; and he afterward became the manager, and managed that activity and the other activities that I shall mention until he was elected to the Senate.

In the midst of the great business depression of 1896 the Omaha Water Co. attempted to acquire what would have amounted to practically a perpetual franchise to supply the city with water, although the privileges it was enjoying at that time had several years to run. The city council granted

the new franchise, as requested, but Mayor Broach vetoed the ordinance, and then and there the fight for public ownership of Omaha's water plant began.

The first result of this fight was a change in the city charter that prohibited the council from granting a franchise to any public utility without first submitting the question to a vote of the people. In 1900 a proposition to buy the Omaha water plant was almost unanimously adopted at the city election held that year, but notwithstanding that the city council, under the domination of the water company, refused to act. Elected to the State Senate in 1902, R. B. Howell secured the enactment of a statute compelling the council to obey the mandate of the people and acquire the water plant. This law also provided for an unusual form of organization for the control and operation of any public utilities that might be acquired or constructed by the city of Omaha thereafter.

You will notice that the law was not confined solely to the water proposition. This organization is now in the form of and is known as the Metropolitan Utilities District. This district bears the same relation to the city of Omaha as does the school district of Omaha, except that it has to do with public utilities only, instead of schools only. However, the district has no power to tax, but is authorized to extend its limits by mere proclamation. It is, in fact, a public corporation identical with a private corporation, except that instead of merely part of the people being stockholders all are stockholders. The corporation has a board of six directors, two of whom are elected every two years for a term of six years, thus affording the possibility of a continuity of policy. The board of directors of the Metropolitan Utilities District enjoys all the powers and freedom of activity usually exercised by such officers of a private corporation—and I might pause here to say that that is just what the committee bill does with this larger activity at Muscle Shoals—including the sole control of its finances and the determination of the rates to be charged for public service rendered by the utilities operated by the district. The board also chooses its chairman and appoints and fixes the salary of a general manager, who serves at the will of the board, and in turn the general manager appoints, discharges, and fixes the compensation of all other employees, subject only to the general control of the board of directors. That likewise is practically provided for on the larger scale in the committee bill in this case. The board may also borrow money to meet temporary requirements, up to an amount not exceeding \$200,000, and may submit to the voters of the district bond propositions for construction and improvements in connection with the utilities under its control.

The unique features of this plan are apparent, and may be shortly enumerated as follows: The city council has nothing to do whatever with Omaha's publicly owned utilities; all authority respecting same is vested in the Metropolitan Utilities District; the district is without authority to tax, and hence must depend wholly for its income upon the charges it prescribes and collects for utility service; out of its income the district must pay all costs of operation, maintenance, depreciation, interest on any outstanding bonds issued for the acquisition or construction of utilities, and in addition, provide a sinking fund for the payment of such bonds as they mature. This sinking fund for each utility has always equaled or exceeded the taxes that would have been paid were the utility privately owned. In short, the Metropolitan Utilities District is practically identical with a private corporation, its officials being intrusted with going concerns, the necessary assets in connection therewith in the way of working capital, and the unavoidable responsibility of making good. As a result, the accounts of the utilities are kept separately, and each is operated for a small surplus, after providing for all expenses, maintenance, fixed charges, and reserves. If such surplus persists or increases, a dividend is ultimately declared to the stockholders in the form of a rate reduction.

UTILITIES ACQUIRED

In 1912, after a contest covering 16 years, Omaha's water plant was taken over at a cost of about \$6,500,000, or about a million and a quarter in excess of its value.

We must bear in mind that for 16 years this question was in litigation, and it was finally determined by the Supreme Court of the United States, sitting in this Capitol Building.

In 1917 authority was granted by the legislature to go into the ice business, and two plants, with a combined capacity of 200 tons per day, have been constructed, together with long storages, for 29,000 tons of ice, at a total cost of about \$700,000.

In 1920 the gas plant of the Omaha Gas Co. was acquired at a cost of about \$5,000,000, or about a million and a half in excess of its value.

RESULTS OF OPERATION—WATER PLANT

In 1913, or within a year of the acquisition of the water plant, the first water-rate reduction was afforded the people of Omaha. Since then seven more reductions have been made, and the total reduction from the maximum rate now amounts to 52½ per cent. Lest the people forget, water bills are rendered at the rate formerly charged by the Omaha Water Co., then in large red letters there is stamped on each bill "Public ownership reduction 52½ per cent," and the discount is figured out and deducted so that each consumer may know what his saving amounts to when he pays his bill.

Financial statement, year ending August 31, 1921

Income	\$1,286,000
Expenses and interest	\$855,000
Reserves for depreciation, sinking fund, etc.	372,000
	1,228,000
Surplus	58,000

BALANCE SHEET, AUGUST 31, 1924

Assets:	
Cost of water plant, including materials and supplies	10,275,000
Accounts receivable	754,000
Investments, bonds, etc.	494,000
Cash	291,000
Total	11,914,000
Liabilities:	
Water bonds outstanding	6,892,000
Accounts payable	142,000
Reserves and surplus	4,880,000
Total	11,914,000

These "reserves and surplus" of \$4,880,000 have been accumulated in 12 years and 1 month. The approximate total savings in reduced water rates for the same period amount to \$3,440,000. Add this to the "reserves and surplus" and we have \$8,320,000, or about \$1,820,000 more than the water plant cost in 1912.

ICE PLANT

The first ice plant of 100 tons capacity and 9,000 tons storage was completed in January, 1919. A second 100-ton plant with a 20,000-ton storage was constructed some two years later. As a result, in the heated season the plants can afford 1,000 tons per day. Ice is sold at wholesale in ton lots, delivered. Retail ice is sold from 45 neighborhood ice stores in 5-cent chunks or larger at 30 cents per 100 pounds. Ten thousand patronize these magnified ice boxes, on vacant lots, daily in the summer time. They come in automobiles, with wheelbarrows, women with dish pans, with baby carriages, and boys with toy wagons. In fact, little wagons are also kept on sale for the boys, so they may do a delivery business.

Financial statement, year ending August 31, 1921

Income	\$235,000
Expenses, including interest	\$164,000
Reserves for depreciation, sinking fund, etc.	44,000
	208,000
Surplus	27,000

BALANCE SHEET YEAR ENDING AUGUST 31, 1924

Assets:	
Cost of plants, including materials and supplies	692,000
Accounts receivable	25,000
Cash on hand	52,000
Total	766,000
Liabilities:	
Money borrowed and not repaid	200,000
Accounts payable	12,000
Surplus	554,000
Total	766,000

From the above balance sheet it is evident that in the little more than five years of operation the public ice plants, which have cost \$692,000, have paid for themselves all but \$138,000 from the sale of 30-cent ice. When the first plant was constructed the cost of delivered retail ice in Omaha was from 70 cents to 80 cents per 100 pounds. Now delivered ice is 50 cents per 100 pounds from the private plants, which also sell "cash and carry" ice at the municipal price of 30 cents. Yet the public plant only supplies about a third of the ice used in Omaha, so that the four private plants are all still in business, doing well, but not profiteering. It might be stated here that it costs more to make ice in Omaha to-day than when the ice companies were charging 70 and 80 cents per 100 pounds.

GAS PLANT

Omaha purchased its gas plant in 1920, taking possession July 1 of that year. The cost thereof, including supplies, and so forth, was about \$5,000,000, or in the neighborhood of

\$1,500,000 in excess of what the city should have paid therefor. A commission of three eminent engineers was called in to determine the gas rate that should be charged the citizens as the result of the purchase at the price paid; but since then three reductions have been made in the gas rate, and a fourth reduction is announced for the first of the year, although the present rate is 75 cents for the first 500 cubic feet or less and \$1.10 per 1,000 cubic feet, varying down to 90 cents for all additional used. The results from the operation of this gas plant have been quite remarkable and develop the fact that the efficiency is quite equal to, if not superior to, that of many of the gas plants throughout the country, as indicated by the following statement:

Financial statement, year ending August 31, 1921

Income	\$2,093,000
Expenses, discounts, and bond interest	\$1,407,000
Reserves for depreciation, sinking fund, etc.	389,000
	1,796,000
Surplus	297,000

BALANCE SHEET, YEAR ENDING AUGUST 13, 1924

Assets:	
Cost of gas plant, including materials and supplies	6,164,000
Accounts receivable	349,000
Investments, bonds purchased	912,000
Cash on hand	174,800
Total	7,599,000
Liabilities:	
Bonds outstanding	5,000,000
Accounts payable	231,000
Reserves and surplus	2,378,000
Total	7,599,000

It will be noted from the above balance sheet that as the result of the operation of the gas plant for three years and one month there has been accumulated as reserves and surplus \$2,378,000, while the people of the city are enjoying, as before stated, gas rates for an excellent quality of gas as low as any enjoyed in a country under similar conditions. If the present policy is continued, it is evident that it will not be long before Omaha's gas plant is paid for, just as in the case of the ice plant.

The above examples indicate what can be accomplished when people do for themselves, utilizing the advantage of securing through public credit 4½ per cent money for the establishment and operation of public utilities. The difference between 4½ per cent money and 6 per cent money means the wiping out of the cost of the plant in 31 years. The difference between 4½ per cent money and 8 per cent money means the wiping out of the cost of the plant in a very much shorter period.

Not only have the above results been accomplished by the people of Omaha, but as a by-product they have secured a reduction of lighting rates from 14 cents in 1912, when under the leadership of my colleague [Mr. HOWELL] Omaha took its first step in public ownership by acquiring its water plant, to 6 cents gross or 5½ cents net in 1924.

Although they have not constructed an electric-light plant, as I think my colleague stated the other day, the very threat of public ownership of that kind has had the effect of reducing the rates of the private company from 14 cents, originally, down to a net of 5½ cents now.

It seemed to me, Mr. President, perhaps I was not the one who could best tell the story, but that it ought to be told here since the question has been raised as to whether public utilities can be operated by public utility boards and by communities and cities owning their own public utilities.

Mr. BROOKHART. I offer two amendments to the Underwood substitute, which I ask may be printed and lie on the table.

The PRESIDENT pro tempore. The amendments will be received, printed, and lie on the table.

INVESTIGATION OF WASHINGTON HERALD EDITORIAL

Mr. SPENCER. Mr. President, I ask unanimous consent to submit from the Committee on the Judiciary a report on the matter of the editorial in the Washington Herald concerning the senior Senator from Alabama [Mr. UNDERWOOD], and I ask for its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri?

Mr. NORRIS. I prefer to have the report read before we decide whether there is any objection to its consideration.

The PRESIDENT pro tempore. The report will be read. The reading clerk read the report (No. 823), as follows:

EDITORIAL IN WASHINGTON HERALD DECEMBER 13, 1924, CONCERNING THE SENIOR SENATOR FROM ALABAMA, MR. UNDERWOOD

Mr. SPENCER, from the Senate Committee on the Judiciary, submitted the following report:

On Saturday, December 13, the Senate by unanimous consent, at the request of the senior Senator from Alabama [Mr. UNDERWOOD] referred to the Judiciary Committee of the Senate an editorial printed in the Washington Herald on that morning with instructions "to report concerning the facts involved, to call this editor before them, to ascertain the truth or falsity of the charges against me, and as to whether any man in all this broad land can be found to substantiate a single one of the charges that have been uttered in this newspaper."

The editorial referred to reads as follows:

"[Editorial in the Washington Herald December 13, 1924]

"ANOTHER TEAPOT DOME IS THRUST UPON MR. COOLIDGE

"President Coolidge is a wise, courageous, and patriotic leader. Once he has gone to the bottom of a subject he is likely to decide rightly about it. Therefore, the country can have confidence that President Coolidge will disregard those advisers who seek his support of the Underwood bill, now in the Senate, authorizing the Secretary of War to 'lease' Muscle Shoals for 50 years to the Alabama Power Co.

"President Coolidge can not afford and does not want a Teapot Dome scandal in his administration. He is being offered a greater scandal in this proposal of Senator OSCAR UNDERWOOD.

"Who is OSCAR UNDERWOOD? He is an able man, capable of high statesmanship, but since his entrance into Congress his ability and his statesmanship have often been at the service of the railroads and the other great corporations seeking public privileges without paying for them. Just now his talents and ability are working in the interest of the central figure in the Electric Power Trust—the General Electric Co. It owns the Electric Bond & Share Co., which has stock ownership and its own directors in Mr. UNDERWOOD's Alabama Power Co., to which the Senate of the United States is asked to give away the second most valuable property of the Nation, second only to the Panama Canal.

"The Government of the United States has spent \$135,000,000 at Muscle Shoals, beginning the project in war time. This \$135,000,000 of property constitutes perhaps the most valuable manufacturing property in the world. It includes two entire towns, scores of miles of railroad, two huge steam-power plants, and two great nitrate factories, one of them the largest of its kind in the world. Finally—and this is what the Power Trust is after—Muscle Shoals has the huge Wilson Dam and power house, which converts the rushing river into 100,000 horsepower of electric energy. When the Government has completed the additional dams and storage reservoirs in the Tennessee River it will be providing 500,000 horsepower—a second Niagara.

"The Power Trust, always wise and always awake, is terrified at the prospect of Senator NORRIS's bill. Senator NORRIS wants a Federal power corporation to distribute that electricity to southeastern consumers at cost.

"If the United States Government is allowed to use its own electricity at Muscle Shoals to demonstrate how cheaply electricity can be sold, it would destroy the richest source of private monopoly profits in the Nation.

"Within a year every section of the country would be proceeding with a similar public-owned hydroelectric development. Or, in anticipation of such development, the private electric-light companies would be scaling their rates down to a decent level.

"The interests behind the Underwood bill are perfectly obvious. It would be wrong to give the Muscle Shoals power away to a private power corporation under any conditions. It is a crime to give it away for such a miserable pittance as a 4 per cent rental—not 4 per cent on the entire \$135,000,000, but 4 per cent only on the \$45,000,000 that the Wilson Dam cost.

"The Power Trust is to be given \$90,000,000 outright in return for doing us the service of blocking an immediate opportunity to operate a magnificent public-owned power plant, eventually big enough to serve the entire South.

"Muscle Shoals is purely a power proposition. All talk of making cheap fertilizer for the farmers there is pure buncombe and the Underwood bill advocates know it.

"Secretary Weeks, said to be desirous of retiring on March 4, will be the man to give away Muscle Shoals, if it is given away. Secretary Fall, a member of President Harding's Cabinet, thus alienated the Navy's oil reserves, incomparably less valuable than 50 years' ownership of half a million electric horsepower.

"President Coolidge is too wise to want another Teapot Dome in the Cabinet at Washington."

It appeared not only in the Washington Herald on the morning of December 13 but as well in all the morning so-called Hearst papers throughout the United States. It was written by Mr. Edwin J. Clapp, who is the editor of the New York American and is connected with the "Hearst papers in general," and who came to Washington "just as the Muscle Shoals was opening up, and I came for that particular purpose."

Mr. Clapp very frankly and fully explained to the committee what he had in mind in writing the editorial and had prepared and read to the committee a comprehensive statement of the matters out of which the editorial arose. He disclaimed any intention of making an attack upon Senator UNDERWOOD personally. He characterized the editorial as "an attack on a policy and not on a person." No evidence was submitted, nor was it claimed that any evidence existed that in any way reflected upon the integrity or honor or character of Senator UNDERWOOD. The personal vindication of Senator UNDERWOOD was full and complete, and it was repeatedly denied that in the editorial there was any intent to make any personal reflection upon Senator UNDERWOOD. The language of the editorial was explained in detail.

The statement of the editorial that "the Underwood bill now in the Senate authorizing the Secretary of War to 'lease' Muscle Shoals for 50 years to the Alabama Power Co." was declared by Mr. Clapp not at all to intimate that the bill was intended "to lease Muscle Shoals for 50 years to the Alabama Power Co." for it was frankly admitted that the Alabama Power Co. was not mentioned in the bill, but it was claimed that inasmuch as the bill provided for a general lease of Muscle Shoals without designating any lessee, and because the writer believed the Alabama Power Co. the most likely lessee, the language used in the editorial was written by him.

The comparison to the so-called "Teapot Dome scandal" and the statement in the editorial that there was now "being offered a greater scandal in this proposal of Senator OSCAR UNDERWOOD" did not, in the opinion of Mr. Clapp, indicate anything corrupt or dishonest, but merely indicated that in his judgment the minimum price required by the bill for the rental of Muscle Shoals, together with the possibility that the lease might be made without full and fair competition, and the judgment of the writer that there should be "specific hearings upon this bill" were the sole bases for the use of the word "scandal."

The question was asked of the witness directly: "Q. You had no idea in this of charging anything sinister or dishonest?—A. No; not at all against Senator UNDERWOOD; nothing at all against Senator UNDERWOOD." The witness also expressed the opinion that in the Teapot Dome matter, to which he had referred, there was nothing corrupt. "I do not know of any corruption in the Teapot Dome."

"Q. Do you then mean to say there was nothing corrupt about it?—A. No, sir; there was nothing corrupt in the Teapot Dome. I think it was a very injudiciously and carelessly made lease. That is all."

The statement in the editorial referring to Senator UNDERWOOD, that "his ability and his statesmanship have often been at the service of railroads and the other great corporations seeking public privileges without paying for them," referred merely to his general legislative experience, with some of which the writer did not agree and with some of which he did agree, but in all of which he admitted Senator UNDERWOOD's conduct was characterized by sincerity and carried out in honor, and yet, in the opinion of the writer, some of the legislative acts of Mr. UNDERWOOD were approved by or favorable to railroads or other corporations, and this was the sum and substance of the reason for writing as he did.

He especially stated that "we neither assert or imply that Senator UNDERWOOD has been corruptly or wrongfully influenced by any private interest."

"Q. Do you mean to say that Senator UNDERWOOD was governed or influenced by any improper motive?—A. Not the slightest."

The reference in the editorial to "Mr. UNDERWOOD's Alabama Power Co." was not, according to the witness, to indicate any idea of possession on the part of Mr. UNDERWOOD or of identification with the Alabama Power Co., either by way of employment or interest, or any other direct or indirect connection with the company itself.

"Q. You do not intend to allege that Senator UNDERWOOD was at any time in the pay of the Alabama Power Co., or any way directly interested in it or indirectly interested in it?—A. No. I am a gentleman and man of honor, and I assume Senator UNDERWOOD is, too. And that he can construe my words to mean anything of that kind is beyond me. It is his conception and not a fair construction.

"Q. Do you wish to say that he [Senator UNDERWOOD] is a man of honor?—A. Not only want to say it, but I do not think anything else."

The language used in the editorial about giving away "the second most valuable property of the Nation, second only to the Panama Canal," referred merely, according to the witness, that in his judgment the compensation provided in the bill for the leasing of the Muscle Shoals was so inadequate as to be "practically a gift."

The witness answered the statement made in the editorial, which statement is as follows:

"Muscle Shoals is purely a power proposition. All talk of making cheap fertilizer for the farmers there is pure buncombe, and the Underwood bill advocates know it"—

by replying as follows:—
 "Q. I presume that we agree that Senator UNDERWOOD was the chief advocate of that bill. Does he know it is buncombe?—A. If I argue with you and I think you have a very vulnerable proposition, I say that you are wrong and you know it. That does not mean you are saying something that is a lie, but if you will use your intelligence you will come to a different conclusion than what you have."

The committee are of the opinion that the editorial as published created an entirely false and unfounded impression in the minds of the average reader. No other conclusion is reasonable than that in the mind of the average reader there would have been aroused a clear impression that there was something sinister, corrupt, or dishonest in the conduct and relation of Senator UNDERWOOD to the Muscle Shoals proposition. There is not the slightest basis of fact for any such impression. The editorial was neither fair nor honest. The frank statement of Mr. Clapp, who wrote the editorial, as to what was in his mind and what he intended is not the impression which the editorial created; and your committee therefore presents to the Senate its condemnation of the editorial and the complete exoneration of Senator UNDERWOOD in the matter, which can perhaps best be stated in the language of the witness:

"Senator OVERMAN. You never intended to reflect on Senator UNDERWOOD as being corrupt in any respect?"

"Mr. CLAPP. Not the slightest."

"Senator OVERMAN. And you have here no proof to show that he was corrupt in anything regarding his individual acts?"

"Mr. CLAPP. I have not tried to bring any proof."

"Senator OVERMAN. And you can not?"

"Mr. CLAPP. I have not attempted to."

"The CHAIRMAN (Senator SPENCER). So far as you know, you do not know of any?"

"Mr. CLAPP. No, sir."

"Counsel for Mr. Clapp (Mr. STEINER). And you never thought of that?"

"Mr. CLAPP. I never thought of such a thing."

Mr. SPENCER. I move that the report be adopted.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent for the consideration of the report. Is there objection? The Chair hears none, and the report is before the Senate. The Senator from Missouri moves the adoption of the report. The question is on the motion of the Senator from Missouri. [Putting the question.] It is unanimously agreed to.

MISSOURI RIVER BRIDGES

Mr. SHEPPARD. I am directed by the Committee on Commerce, to which was referred the bill (S. 3610) authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo., to report it favorably with amendments, and I submit a report (No. 824) thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 7, after the word "at," to strike out "or near" and to insert "a point suitable to the interests of navigation at or near," and on page 2, to strike out lines 1 to 4, inclusive, and to renumber section 3, so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the St. Louis-Kansas City Short Line Railroad Co., a corporation of the State of Missouri, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation at or near the town of Arrow Rock, in the State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SHEPPARD. I am directed by the Committee on Commerce, to which was referred the bill (S. 3611) authorizing the construction of a bridge across the Missouri River near St. Charles, Mo., to report it favorably with amendments and I submit a report (No. 825) thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceed to consider the bill.

The amendments were, on page 1, line 7, after the word "point" to insert "suitable to the interests of navigation"; and on page 2 to strike out lines 3 to 6, inclusive, and to renumber section 3 so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the St. Louis-Kansas City Short Line Railroad Co., a corporation of the State of Missouri, and their successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation about 4 miles south of west of the city of St. Charles, in the county of St. Charles, Mo., to a point in St. Louis County in said State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, communicated to the Senate the intelligence of the death of Hon. JULIUS KAHN, late a Representative from the State of California, and transmitted the resolutions of the House thereon.

EXECUTIVE SESSION

Mr. CURTIS. Mr. President, I have advised a number of Senators that because of the death of Representative KAHN, of California, whose untimely end we all sincerely mourn, the Senate would adjourn early this afternoon and that there would be no yea-and-nay vote after 4 o'clock. I move that the Senate proceed to the consideration of executive business, with the view of returning to legislative session to enable the Senator from California [Mr. JOHNSON] to offer the usual resolution.

The PRESIDENT pro tempore. The Senator from Kansas moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

DEATH OF REPRESENTATIVE JULIUS KAHN

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution from the House of Representatives, which will be read.

The reading clerk read the resolution (H. Res. 385), as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. JULIUS KAHN, a Representative from the State of California.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. JOHNSON of California. Mr. President, it is with the utmost sorrow, which is shared by all of the Members of the House and Senate from California, that I announce the death of the dean of the California delegation, JULIUS KAHN. His great and enduring services to the Republic will hereafter be recounted. At this time I offer the resolution which I send to the desk and ask for its adoption.

The resolution (S. Res. 285) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JULIUS KAHN, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. JOHNSON of California. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Saturday, December 20, 1924, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 19 (legislative day of December 16), 1924

MEMBER OF THE CALIFORNIA DÉBRIS COMMISSION

Maj. Henry A. Finch, Corps of Engineers, United States Army, for appointment as a member of the California Débris Commission, provided for by the act of Congress approved March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California."

APPOINTMENTS IN THE REGULAR ARMY

MEDICAL ADMINISTRATIVE CORPS

To be second lieutenant

Staff Sergt. Sidney Daniel Kelly, Medical Department, with rank from December 13, 1924.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

FIELD ARTILLERY

Capt. Elmer Sharpe Van Benschoten, Infantry, with rank from July 1, 1920.

Second Lieut. Leighton Marion Clark, Air Service, with rank from June 12, 1924.

PROMOTION IN THE REGULAR ARMY

CHAPLAIN

To be chaplain with the rank of captain

Chaplain Elmer Alfred Huset, United States Army, from December 14, 1924.

APPOINTMENTS IN THE OFFICERS' RESERVE CORPS OF THE ARMY

TO BE MAJOR GENERAL

Anton Stephan, major general, District of Columbia National Guard.

TO BE BRIGADIER GENERAL

Thomas Francis Foley, brigadier general, Massachusetts National Guard.

POSTMASTERS

COLORADO

James S. Bradbury to be postmaster at Silt, Colo., in place of L. A. Barnes, deceased.

GEORGIA

Camillus L. Roberds to be postmaster at Villa Rica, Ga., in place of H. G. Roberds, resigned.

William C. Griffin to be postmaster at Tunnel Hill, Ga., in place of S. F. Baldwin. Office became third class January 1, 1923.

J. Percy Freeman to be postmaster at Stone Mountain, Ga., in place of R. L. Ehman, resigned.

Sam N. Thompson to be postmaster at East Point, Ga., in place of J. L. Heard, resigned.

Albert Luncford to be postmaster at Union Point, Ga., in place of J. H. Luncford. Incumbent's commission expired July 28, 1923.

William H. Blitch to be postmaster at Statesboro, Ga., in place of F. R. Hardisty. Incumbent's commission expired July 28, 1923.

Emory Davis to be postmaster at Rutledge, Ga., in place of E. B. Oxford. Incumbent's commission expired June 4, 1924.

James M. Guy to be postmaster at Manchester, Ga., in place of G. C. Thompson. Incumbent's commission expired July 28, 1923.

James A. Allen to be postmaster at La Fayette, Ga., in place of A. S. Sparks, sr. Incumbent's commission expired September 26, 1922.

Uno L. Carmical to be postmaster at College Park, Ga., in place of L. H. Williams. Incumbent's commission expired June 4, 1924.

Harry P. Womelsdorf to be postmaster at Cartersville, Ga., in place of W. W. Daves. Incumbent's commission expired September 5, 1923.

IDAHO

Homar W. Woodall to be postmaster at Soda Springs, Idaho, in place of H. W. Woodall. Incumbent's commission expired February 4, 1924.

George O. Tolman to be postmaster at Albion, Idaho, in place of W. M. Sears. Incumbent's commission expired June 5, 1924.

KANSAS

Robert H. Montgomery to be postmaster at Oswego, Kans., in place of W. A. Blair, removed.

Robert F. Tyler to be postmaster at Moline, Kans., in place of Christina Walker. Incumbent's commission expired June 4, 1924.

Harry W. Bouck to be postmaster at Girard, Kans., in place of W. L. Ringo. Incumbent's commission expired June 4, 1924.

Fred J. Smith to be postmaster at Galena, Kans., in place of G. W. Long. Incumbent's commission expired June 4, 1924.

Verney C. Wallar to be postmaster at Caney, Kans., in place of T. A. Stevens. Incumbent's commission expired June 4, 1924.

Fred H. Bartlett to be postmaster at Baxter Springs, Kans., in place of C. L. Smith. Incumbent's commission expired June 4, 1924.

MARYLAND

F. Earle Dowling to be postmaster at Western Port, Md., in place of C. F. Peters, resigned.

Victor R. Mumma to be postmaster at Sharpsburg, Md., in place of W. H. Snyder, resigned.

William B. Cutshall to be postmaster at Woodshoro, Md., in place of O. S. Barrick. Incumbent's commission expired June 4, 1924.

Luther B. Miller to be postmaster at Williamsport, Md., in place of B. C. Lefever. Incumbent's commission expired September 30, 1923.

Grace Rowe to be postmaster at Emmitsburg, Md., in place of R. C. Foreman. Incumbent's commission expired June 4, 1924.

MINNESOTA

William E. Paulson to be postmaster at Benson, Minn., in place of W. E. Lawson. Incumbent's commission expired June 5, 1924.

NEW JERSEY

Stephen T. Garrison to be postmaster at Port Norris, N. J., in place of Harrison Hollinger. Incumbent's commission expired June 5, 1924.

NORTH DAKOTA

Erick Myhre to be postmaster at Hampden, N. Dak., in place of J. R. Williams, resigned.

PENNSYLVANIA

Viola M. Truax to be postmaster at Robertsdale, Pa., in place of D. L. Barnett, deceased.

Ursula Shelley to be postmaster at Richfield, Pa., in place of J. G. Shelley, deceased.

Lillian K. Strong to be postmaster at Columbia Cross Roads, Pa., in place of J. E. Cunningham. Office became third class April 1, 1924.

WISCONSIN

Martin F. Walter to be postmaster at West Bend, Wis., in place of J. F. Huber, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 19 (legislative day of December 16), 1924

POSTMASTERS

KANSAS

Clitus B. Hosford, Lawrence.

MINNESOTA

Svend Petersen, Askov.

Nels E. Berg, Cokato.

John R. Norgren, Foreston.

Percy Cole, Isle.

Everett R. Vitilas, Shafer.

MISSOURI

Harry G. Pippenger, Fairmount.

MONTANA

Richard Brimacombe, Butte.

Alice L. Cory, East Helena.

Mary A. Dolin, Medicine Lake.

NEBRASKA

J. Lyndon Thornton, Fairbury.

NEW YORK

Charles E. Hardy, Hudson.

Mary A. Fryer, St. James.

Chris Fox, St. Johnsville.

Belle M. Clark, Silver Springs.

Agnes Stems, Wantagh.

PENNSYLVANIA

Martin C. Flegal, Avis.

Thomas P. Delaney, Castle Shannon.

Edward J. Fleming, Cochranon.
 Minnie E. Lewis, Covington.
 Charles H. Lapeley, Glassport.
 Grace S. Albright, Hyndman.
 Jules C. Layten, Indianola.
 Samuel L. Boyer, Library.
 William E. Schaeffer, Manorsville.
 Albert B. Morgan, Nemacolin.
 Samuel S. Ulerich, New Florence.
 Walter D. Gibson, Renton.
 Herbert O. Hornbake, South Brownsville.
 Emma E. Forster, Wall.
 Jenny Paterson, Yukon.

HOUSE OF REPRESENTATIVES

FRIDAY, December 19, 1924

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty and eternal God, our faith looks up to Thee. Again the silver cord has been loosed and the golden bowl broken. One whose mind was alert, whose spirit was aggressive, whose energy was untiring, whose genial presence and wholesome manner we loved, such a one has passed this way for the last time. He was a wise councillor and servant of the public. Comfort the bereaved loved ones with hopes and promises of the infinite beyond, where earth's music shall be gathered into one undying song and the bonds of eternal love never broken. Thank God for the realm beyond the shadows where the sun never sets and the stars never fade and the rainbow never dies out of the everlasting skies. Amen.

The Journal of the proceedings of yesterday was read and approved.

TREASURY AND POST OFFICE APPROPRIATION BILL

Mr. MADDEN, by direction of the Committee on Appropriations, reported the bill (H. R. 10982) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1926, and for other purposes, which was read a first and second time, and, with the accompanying report (No. 1056), was referred to the Union Calendar and ordered printed.

Mr. BYRNS of Tennessee. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

SENATE BILL REFERRED

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3509. An act to change the time for the holding of terms of court in the eastern district of South Carolina; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10650. An act to authorize the settlement of the indebtedness of the Republic of Lithuania to the United States of America;

H. R. 10651. An act to authorize the settlement of the indebtedness of the Republic of Poland to the United States of America, and for other purposes;

H. R. 6941. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 8657. An act to amend section 98 of the Judicial Code, providing for the holding of the United States district court at Shelby, N. C.

RESIGNATIONS FROM COMMITTEES

The SPEAKER. The Chair lays before the House the following communications, which the Clerk will report.

The Clerk read as follows:

CONGRESS OF THE UNITED STATES,
 HOUSE OF REPRESENTATIVES,
 Washington, D. C., December 17, 1924.

HON. FREDERICK H. GILLET,

Speaker of the House of Representatives, Washington, D. C.

MR. SPEAKER: I hereby resign from membership on the Committee on Coinage, Weights, and Measures.

Respectfully yours,

CHARLES L. GIFFORD.

CONGRESS OF THE UNITED STATES,
 HOUSE OF REPRESENTATIVES,
 Washington, D. C., December 18, 1924.

HON. FREDERICK H. GILLET,

Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on the Merchant Marine and Fisheries.

Yours very truly,

ROBERT M. LEACH.

ELECTION OF MEMBERS TO VACANCIES ON COMMITTEES

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that the vacancy caused by the resignation, just read, of Mr. LEACH from the Committee on the Merchant Marine and Fisheries shall be filled by the appointment of Mr. GIFFORD, and that the vacancy caused by the resignation of Mr. GIFFORD from the Committee on Coinage, Weights, and Measures be given to Mr. LEACH.

The SPEAKER. Without objection, it will be so ordered. There was no objection.

JOINT INAUGURATION COMMITTEE

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution No. 23, relating to the appointment of a joint committee of the two Houses to make arrangements for the inauguration of the President elect on the 4th of March next.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of Senate Concurrent Resolution No. 23, which the Clerk will report.

The Clerk read as follows:

Senate Concurrent Resolution 23

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President elect of the United States on the 4th of March next.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Chair appoints as members of the joint committee on the part of the House Mr. GRIEST, Mr. HADLEY, and Mr. ROUSE.

NAVY DEPARTMENT APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois [Mr. CHINDBLOM] will resume the chair.

Thereupon the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10724, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes.

The CHAIRMAN. The Clerk will continue the reading of the bill for amendment.

The Clerk read as follows:

CONTINGENT, BUREAU OF MEDICINE AND SURGERY

For tolls and ferriages; purchase of books and stationery; hygienic and sanitary investigation and illustration; sanitary, hygienic, and special instruction, including the issuing of naval medical bulletins and supplements; purchase and repairs of nonpassenger-carrying wagons, automobile ambulances, and harness; purchase of and feed for horses and cows; maintenance, repair, and operation of three passenger-carrying motor vehicles for naval dispensary, Washington, D. C., and of one motor-propelled vehicle for official use only for the medical officer on out-patient medical service at the Naval Academy; trees, plants, care of grounds, garden tools, and seeds; incidental articles for the Naval Medical School and naval dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks; washing for medical department and Naval Medical School and naval dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks, dispensaries at navy yards and naval stations and ships; and for minor repairs on buildings and grounds of the United States Naval Medical School and naval medical supply depots; rent of rooms for naval dispensary, Washington, D. C., not to exceed \$1,200; for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast, including supernumeraries held for transfer to the Government Hospital for the Insane; for dental outfits and dental material; and all other necessary contingent expenses; in all, \$375,000.

Mr. BUTLER. Mr. Chairman, I have an amendment which I wish to offer to the bill.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BUTLER: Page 34, line 11, after the amount insert "Provided, That the Secretary of the Navy be, and he is hereby, authorized to construct necessary additional buildings at the naval hospitals at Chelsea, Mass.; Newport, R. I.; New York, N. Y.; League Island, Pa.; Norfolk, Va.; Great Lakes, Ill.; Puget Sound, Wash.; Guam, and Canacao, P. I., at a total cost not to exceed \$790,500, which total expenditure for the purposes aforesaid shall be made from the naval hospital fund."

Mr. BLANTON. Mr. Chairman, I make a point of order against that on the ground that it is legislation on an appropriation bill, unauthorized by law, and that it is for new construction and a change of existing law unauthorized. I will reserve it if the gentleman from Pennsylvania desires to be heard.

The CHAIRMAN. The gentleman from Texas reserves a point of order on the amendment.

Mr. BUTLER. Mr. Chairman, the gentleman is entirely right on the point of order.

We ask only what is absolutely necessary for the men to have, to take care of the sick in the Navy.

This money does not come from the Treasury of the United States. It is a contribution made by the boys themselves, of 20 cents a month and fines and forfeitures imposed upon them. The fund has now grown until it is between \$4,000,000 and \$5,000,000. It is necessary to fix up some of those institutions. The estimate was not handed to us in time, otherwise we would have introduced a bill and asked the House to pass it unanimously. This money belongs to the boys themselves, to provide better shelter and nurses to attend the sick. They own it all themselves.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. BLANTON. If the gentleman could see some of the statistics that I have in my office, showing right now the number of vacancies in Government-operated hospitals from one end of the United States to the other, he would not want to embark on this enlarged building program for hospitals.

Mr. BUTLER. I know my friend is not for extravagance, and I want him to accord me the same disposition.

Mr. BLANTON. We have no opportunity now to discuss and debate a building program such as the gentleman is offering here.

Mr. BUTLER. This is only an addition and not new places. I want to say this to my friend: That the Veterans' Bureau is sending many of its sick people to these hospitals, and we must provide for them.

Mr. BLANTON. The Veterans' Bureau now has a surplus of beds all over the United States within its own hospitals.

Mr. BUTLER. I have said all I can say. This is asked by the department through the Surgeon General of the Navy, a very careful, economical man, Admiral Stitt, and whatever

Admiral Stitt recommends to us impresses us as being necessary.

Mr. BLANTON. Will the gentleman yield further?

Mr. BUTLER. Yes.

Mr. BLANTON. The gentleman is always able to get the ear of the House for his legislative committee whenever he wants it. Why not take this up in the regular way and thrash it out?

Mr. BUTLER. I will be as candid in answering the gentleman, and say I am afraid we will not have an opportunity to pass such a bill through both bodies in this short session, and these accommodations ought to be given to these sick people.

Mr. BLANTON. I regret exceedingly, Mr. Chairman, but I insist on my point of order.

Mr. FRENCH. Will the gentleman from Texas withhold it for a moment?

Mr. BLANTON. Certainly; I will withhold it.

Mr. FRENCH. Does the amendment offered by the gentleman from Pennsylvania include only the items that came to the Appropriations Committee from the Budget?

Mr. BUTLER. None other. They are items passed upon by the Budget, recommended by the department, and first submitted to the Appropriations Committee, which could not include them in the appropriation bill because they include a piece of legislation. The Appropriations Committee asked the Naval Affairs Committee to hold a hearing on these items, which we did, and that committee very cheerfully and immediately unanimously recommended them.

Mr. FRENCH. I believe I voice the sentiment of the committee when I say that the members of the committee were attracted by the necessity for these several additions, but we had no authority and for that reason did not include the items in the bill.

Mr. BLANTON. And did not put them in the bill because they are legislation.

Mr. FRENCH. We had no authority.

Mr. BLANTON. But the gentleman did include some legislative items in the bill which likewise he had no authority to put in. There are several pieces of legislation in the bill to which I could call the gentleman's attention.

Mr. FRENCH. If the gentleman will call attention to them when the time comes I shall be glad to have him do so.

Mr. BLANTON. The gentleman knows some of the items to which I refer. I have not made points of order against them but I have let them go by.

Mr. BUTLER. If the gentleman from Texas will withhold his point of order a little longer—

Mr. BLANTON. Mr. Chairman, I think we should get along with the bill. We all understand the situation, and I insist on my point of order against the amendment.

The CHAIRMAN. The gentleman from Texas makes the point of order that the proposed amendment contains legislation.

Mr. BUTLER. I concede it is subject to a point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania or the gentleman from Idaho care to discuss the point of order?

Mr. FRENCH. I concede the point of order, but I was hoping it would not be made.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. BUTLER. I do not desire to be heard on anything at this time, although I am obliged to the Chair. I would like my friend from Texas to hear me, and I am going to reason with him, because he is a reasonable man, and after I have talked with him I do not think he will turn his back on such a worthy undertaking as this.

The CHAIRMAN. All of the decisions on amendments of this character within recent years have sustained the point of order made by the gentleman from Texas, and the Chair is constrained to sustain the point of order.

The Clerk read as follows:

BUREAU OF YARDS AND DOCKS

MAINTENANCE

For the labor, materials, and supplies necessary, as determined by the Secretary of the Navy, for the general maintenance of the activities and properties now or hereafter under the cognizance of the Bureau of Yards and Docks, including the purchase, maintenance, repair, and operation of passenger-carrying vehicles for the Naval Establishment not otherwise provided for, and including not to exceed \$950,000 for clerical, inspection, drafting, messenger, and other classified work in the field, \$6,750,000: *Provided*, That during the fiscal year 1926 the Secretary of the Navy is authorized to purchase not more than 2

passenger-carrying motor-propelled vehicles, to cost not to exceed \$2,500 each, 15 passenger-carrying motor-propelled vehicles, to cost not to exceed \$1,500 each, and 30 passenger-carrying motor-propelled vehicles, to cost not to exceed \$500 each, and the Secretary of the Navy shall sell or exchange in part payment for such new vehicles not less than a corresponding number of motor-propelled passenger-carrying vehicles in use and of makes which now cost in excess of \$2,000 per vehicle to replace for each new car purchased costing \$1,500 or more: *Provided further*, That expenditures from appropriations contained in this act for the maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, including the compensation of operators, shall not exceed in the aggregate \$100,000, exclusive of such vehicles owned and operated by the Marine Corps in connection with expeditionary duty without the continental limits of the United States, and on any one vehicle shall not exceed for maintenance, upkeep, and repair, exclusive of garage rent, pay of operator, fuel, and lubricants, one-third of the market price of a new vehicle of the same make or class, and in any case more than \$500.

Mr. BLANTON. Mr. Chairman, I move, on page 35, line 19, after the sum of \$6,750,000, to strike out the balance of the paragraph.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 35, beginning with line 20, strike out the remainder of the paragraph.

Mr. BLANTON. Mr. Chairman, this proposed appropriation for additional automobiles is extravagance gone to seed. If it had not been for some late decisions holding that a department has the right to buy passenger-carrying automobiles without special authority from Congress, when they are given money for it, I would have made a point of order against this part of the paragraph, but, of course, it having been held it is not subject to a point of order, I did not make it. But here is what our committee is asking the Congress to do, to grant authority to the department to buy all of these new passenger-carrying automobiles when the Navy Department now has so many of them it does not know what to do with them.

Let me show what we are authorizing. We are authorizing the Secretary of the Navy to purchase not more than two passenger-carrying automobiles at a cost of \$2,500 each. That is up in the Cadillac class. [Cries of "No!" "No!"] Yes; they are in the Cadillac class, because Cadillacs will be selling at that time for \$2,500 to the Government. You mark my prediction. They are in the Cadillac class, at the special price always made to the Government. What else do we authorize them to do? We authorize them to purchase 15 passenger-carrying motor vehicles to cost not to exceed \$1,500 each. They are in the Studebaker class. Two new Cadillacs and 15 new Studebakers! And then this bill authorizes them to buy 30 passenger-carrying motor-propelled vehicles to cost not exceeding \$500 each. That is up in the Chevrolet class. Here are 2 new Cadillacs, 15 new Studebakers, and 30 new Chevrolet passenger-carrying vehicles given to this department by this paragraph. We have already furnished the Secretary of the Navy with a fine limousine for himself, a \$5,000 limousine possibly, because most of our Cabinet officers have that class of limousines. We have not only furnished most of the admirals with good, fine limousines but now we are preparing to give their bureau chiefs and subchiefs throughout the department passenger-carrying automobiles for their own use.

I am not going to vote for it. You can pass it, I guess, but it is not in accord with the program of economy as set by your President. It is not in accord with the program of economy that caused the people to reelect your President. It is not in accord with the program of economy of your party or of mine, and it ought to stop.

Mr. TABER. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. TABER. Has the gentleman read the hearings on this particular subject?

Mr. BLANTON. I think I have devoted more time and attention to it, possibly, than the gentleman has himself.

Mr. TABER. Perhaps; does the gentleman realize that last year and for several years past \$175,000 was allowed for the operation of these vehicles and that this year we have cut it to \$100,000?

Mr. BLANTON. To \$100,000, yes. Why should you allow them \$100,000 for gasoline and operation?

Mr. TABER. Because it is necessary.

Mr. BLANTON. Yes; and I can take the gentleman down here right now to the department stores during the next four hours and I can show the gentleman Navy automobiles stand-

ing in front of them and I can show you Navy automobiles coming up in front of the theaters here and discharging passengers, and that ought to stop. Oh, I know that they are our friends. These officers and these bureau chiefs are close personal friends. We sit at the festive banquet table with them. We rub elbows with them. When we have state banquets we join them in marching up the palatial stairs and along the receiving line.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FRENCH. Mr. Chairman, before attempting to reply to the argument touching the motion, let me suggest in the matter of the last statement made by my colleague that I would be glad to have him bring to the attention of our subcommittee any instances where automobiles are used for purposes other than official. The members of the committee would like to know about them.

Mr. BLANTON. Will the gentleman yield?

Mr. FRENCH. Let me finish this statement first. There are strict orders against it. We try to observe the conditions that exist along that line. I think some years ago there were very serious abuses, and it resulted in strict orders on this subject; and if any abuses exist now, I would like to have the matter brought to the attention of our subcommittee.

Mr. BLANTON. Will the gentleman yield?

Mr. FRENCH. Briefly.

Mr. BLANTON. I might expect a statement like that from our blind colleague, who is soon to go to the Senate, deservedly, but from the alert gentleman from Idaho I would not expect it. The gentleman surely has not kept his eyes closed here in Washington. If these admirals and these bureau chiefs would drive their own wives to these theaters and department stores I would not care so much, but when they detail fine, splendid young men from the gentleman's district in Idaho and from mine in Texas, who are serving in the Navy, to drive their cars for them as ordinary, menial chauffeurs, I must protest. I do not like it. There is lots of it going on, if the gentleman would investigate.

Mr. FRENCH. If the gentleman will bring to the attention of the committee any cases of the kind to which he refers, the members of the committee will be under obligation to the gentleman. As I said, I personally—

Mr. HUDDLESTON. Will the gentleman yield?

Mr. FRENCH. Let me finish this statement first. I do not believe any such condition as that exists, and I take a great deal of my exercise by walking the streets of Washington to and from my work.

Mr. HUDDLESTON. I would like to ask the gentleman for some information.

Mr. FRENCH. I wish first to answer the gentleman from Texas and then I shall be glad to yield.

The Naval Establishment is a great institution. Our Bureau of Yards and Docks alone has to do with valuations that aggregate approximately \$300,000,000. Other activities on the shore aggregate in value another \$300,000,000 in plants. You can not run an institution of that kind, whether it is Government business or business of a private character, unless you have certain tools with which to do the work. One of the tools of an efficient business establishment is the automobile. In a great building plant where you are fabricating ships, materials, and ordnance, where you are going from one part of a station to another, you must have conveyances of this kind if you are going to have anything like efficient work.

What did we find? When we went into the hearings we found the department asking for 10 passenger-carrying, motor-propelled vehicles to cost \$1,500 each and 20 to cost not to exceed \$500 each and 2 to cost not to exceed \$2,500. We raised two of the figures, and why did we raise them? We provide for 15 automobiles instead of 10, to cost not more than \$1,500 each, and 30 instead of 20, to cost not more than \$500 each. Why? We did so because of the expensive way in which the matter is being cared for by the Navy to-day.

We have at this time approximately 160 automobiles of different types in use. A large number of these machines we have inherited from war times. We have, for instance, something like 44 Cadillacs. We have 25 Packards. They were not purchased during recent years. For the most part they were not purchased by the Navy Department at all. Practically all of them were purchased by the War Department during the war and at the end of the war they were transferred to the Navy. They have been in use in the Navy for all these years. It has gotten to a point now where the upkeep on them is enormous. It has gotten to a point now where the upkeep on some of them exceeds \$1,000 a year, and that is not good business. What we have provided in this

bill is in line with the argument of the gentleman touching economy, but we have come to an opposite conclusion from that which he himself has attained. I know the gentleman could not approve of his own conclusion if he had had the opportunity of going into the subject as the members of the committee had in reaching the conclusion that they were compelled to reach from the standpoint of efficiency and economy in the Naval Establishment.

I yield now to my friend from Alabama.

Mr. HUDDLESTON. Is there any statute which forbids the use of public vehicles for private purposes?

Mr. BUTLER. There is a law that requires them to be branded.

Mr. HUDDLESTON. That is not the point.

Mr. FRENCH. The law requires that the vehicles shall be labeled with letters plainly identifying them as Government owned. The orders are strict touching the use of public vehicles for private purposes. It is easy to make a general statement that they are used by the hundreds unofficially, when as a matter of fact, maybe, not one is so used. Any information would be welcomed by the committee indicating that there are violations of the rule.

Mr. HUDDLESTON. I will say to the gentleman that I have seen public vehicles frequently used for private purposes. I was wondering whether there was or ought not to be some criminal statute punishing such misuse. The gentleman says that the orders are strict. Who is to give orders to the head of a department or the head of a bureau, and who is going to enforce them? Such orders are a waste of time unless there is some law back of them. Despite the gentleman's obliviousness to the fact, it is quite certain that these public vehicles are frequently used for private purposes.

Mr. FRENCH. That is a general statement without any regard to particular instances. The gentleman seems not to care to point out specific instances.

Mr. HUDDLESTON. What does the gentleman expect?

Mr. FRENCH. The committee would welcome any instances where violation has occurred in the Naval Establishment.

Mr. HUDDLESTON. Does the gentleman expect a Member of Congress to take the numbers of these cars and then go and find some committee to report it to? If the committee had the authority to correct it, there would be some sense in such a course.

Mr. FRENCH. I should expect when a gentleman makes a statement of that kind that he would be prepared to back it up.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. HUDDLESTON. I ask unanimous consent that the gentleman from Idaho have one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDDLESTON. If I should bring the gentleman a list of half a dozen public automobiles that I have seen in private use, what would he do about it?

Mr. FRENCH. What would I do about it?

Mr. HUDDLESTON. Yes.

Mr. FRENCH. I think the members of the committee would take such action as would be reflected in the appropriations brought before this Congress.

Mr. HUDDLESTON. You would merely reduce the appropriation?

Mr. FRENCH. We would discipline the department, if we had any influence with the Congress.

Mr. HUDDLESTON. How would you do it? The gentleman asks me for specific information, and I ask him what would you do about it if you had the information?

Mr. FRENCH. There are a good many ways to do it. One would be to withhold appropriations for automobiles.

Mr. HUDDLESTON. The gentleman knows he would not do that.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman from Idaho have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FRENCH. Does that mean for me to proceed or for the gentleman from Texas to proceed for his courtesy?

Mr. BLANTON. I should be glad to have the gentleman yield.

Mr. FRENCH. I yield.

Mr. BLANTON. Has the gentleman any more authority to discipline the department than the gentleman from Alabama?

Mr. FRENCH. I did not say "the gentleman from Idaho" would undertake it, if the gentleman will recall my words; I said if this committee had any influence with Congress it would endeavor to do so.

Mr. BLANTON. Has the gentleman's committee of five any more authority to discipline a department than has the gentleman from Alabama or his great Interstate and Foreign Commerce Committee, which stands on an equality with almost any committee of the House?

Mr. FRENCH. Again the gentleman backs a little away from his position, but not all the way. I did not say the committee would do it; I said we would discipline the department if we had any influence with the Congress.

Mr. BLANTON. Here is the place to do it—in the forum of this House, where the Members are assembled. This is the duty of the membership, not for the gentleman from Idaho, nor the gentleman from Alabama or the gentleman from Texas, but the Congress ought to administer a rebuke and stop it if it is necessary.

Mr. FRENCH. If the gentleman will cite any cases of that kind the committee and Congress would welcome it. Now, Mr. Chairman, I should be glad to have my colleague, the gentleman from New York [Mr. TABER], make a statement to the House. He has made a special study of this matter.

Mr. TABER. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Chairman, this provision for maintenance and operation of automobiles has been carried at \$175,000 for a great many years last past, with certain limits and restrictions, as it came to our committee. When we came to the hearings we found that a sum was being asked for upkeep and maintenance of cars altogether out of proportion to the mileage covered and the services they performed. I went over the different cars that were there and those that have served so long and run so far that they were unserviceable, and the only way we could find to cut the item down where it ought to be was to require the Navy to get rid of this old junk in the line of automobiles and get new, serviceable machinery.

In order to do that we laid out a program for an increase over what the Budget allowed of 5 cars of the \$1,500 class, 10 at \$500, and to do this we provided for an additional expenditure of \$12,500. As the result of that we are going to be able to reduce the maintenance and operating charges \$75,000.

I believe that this Congress wants to do things right, and wants to put the tools of the Navy Department in condition to use, so that they can use them efficiently and get results and save money for the Government. That is what we have been trying to do. That is what we ask the Congress to help us do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

The Clerk read as follows:

Submarine base, Coco Solo, Canal Zone: For improvements to refrigeration plant, \$36,000; dredging, to continue, \$60,000; in all, \$126,000.

Mr. SEARS of Florida. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SEARS of Florida: Page 39, line 5, insert: "Submarine base extension, \$100,000."

Mr. BLANTON. Mr. Chairman, I reserve the point of order on the amendment.

Mr. SEARS of Florida. Mr. Chairman, if the gentleman is going to make the point of order, I wish he would do it. I do not think it is subject to the point of order. I hardly think it is necessary for me to speak upon this question after listening to the able argument of the chairman of the subcommittee in which he just stated we had \$600,000 invested in our Navy stations and submarine bases, and unless we had the tools to work with these were useless. The tools in that case were automobiles. The tools in the amendment which I have just offered is the approach to the submarine base at Key West, Fla. Therefore I believe and I sincerely trust the distinguished gentleman from Idaho [Mr. FRENCH] will not, as able lawyers do, reverse his argument—not reflecting upon him, but hoping that he would still argue for the amendment which I have introduced.

I notice in the report of the committee, Mr. Chairman, that many times appropriations have been placed in the bill by the

committee which have not been estimated for by the Director of the Budget. For instance, there is the naval training station at Hampton Roads, \$260,000. There was no estimate for that made by Director General Lord. I am not complaining because they included the Hampton Roads station in this bill. I have supported every bill I thought was meritorious. The other day I listened to the distinguished gentleman from Oregon [Mr. SINNOTT], and he convinced me public land offices in certain States should be retained, regardless of the failure of the Bureau of the Budget to estimate for those land offices, and while none in my State was at stake, I voted with those gentlemen, they having convinced me that these land offices should be retained.

The fact of the business is we have spent hundreds of thousands of dollars on the submarine base at Key West, Fla., but it is practically useless unless this \$100,000 is appropriated. There is no way to get out to the submarine station. There is no approach to it. I have before me a letter from the Secretary of the Navy, Mr. Wilbur, dated May 22, 1924, in which he says in the last paragraph:

The department desires very much to have this facility provided at Key West, and it will be submitted to the Bureau of the Budget for the consideration of the Congress in the next Budget.

I have before me a letter from General Lord dated May 27, 1924, in which he says:

MY DEAR MR. SEARS: It gives me pleasure to acknowledge the receipt of your letter of the 24th instant concerning the item of \$100,000 for submarine base extension at the naval station, Key West, Fla., which was included in the Budget for the fiscal year 1925. It is my understanding that the Navy Department contemplates again recommending this item in its estimates for the fiscal year 1926 if it falls of favorable consideration in the appropriation act for the fiscal year 1925, and if this be done I can assure you that I will be very glad, indeed, to give it my consideration at that time.

Mr. BLANTON. I withdraw the reservation of the point of order.

The CHAIRMAN. The Chair will state—

Mr. SEARS of Florida. Then I shall get recognition in my own right.

The CHAIRMAN. The gentleman has that; but an attempt was made to withdraw the reservation of the point of order without obtaining recognition.

Mr. BLANTON. It was openly done from the floor.

The CHAIRMAN. The gentleman will have to secure recognition to do that from the Chair.

Mr. BLANTON. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The Chair does this so that if any other member of the committee should desire to renew the reservation of the point of order the opportunity is afforded. It could not be done in the way the dialogue occurred.

Mr. BLANTON. It has been done now, has it?

The CHAIRMAN. The gentleman from Texas withdraws the reservation of the point of order. The gentleman from Florida will proceed.

Mr. SEARS of Florida. Mr. Chairman, I thank the gentleman for withdrawing the reservation, although, as I stated, I think it is not subject to the point of order. In the hearings, on page 756, for the extension of storage facilities at San Diego, Calif., \$70,000, there was only about one-fourth of page relative to this item, and yet the committee allowed same. I had a talk the other day with General Lord, and I want to be fair with my colleagues, as I have always attempted to be. General Lord this year has not recommended the item for Key West. During the conversation with him he stated he did not recommend it this year because the department failed to convince him that it was meritorious.

I asked General Lord why he recommended it in 1925, when the Secretary of the Navy indorsed it, as did also those who appeared before him, that it was important, and then he did not include it this year. He said it was simply because in 30 or 60 or 90 days the proposition could be completed, and therefore he would put it off to some future date. So it seems that when we get a recommendation from the Bureau of the Budget, as we did in 1925, the Committee on Appropriations leaves it out, and I fear to-day, not having a recommendation from the Bureau of the Budget, that the subcommittee will oppose it.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SEARS of Florida. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SEARS of Florida. My colleagues will recall that in the Sixty-fourth Congress I explained the importance of Key West, Fla., from a strategic standpoint. On page 2720, Sixty-fourth Congress, second session, you will find these remarks, and in these remarks you will find I stated that Admiral Benson, who is now retired, said that Key West from a strategic standpoint was the most vital and important point in the whole country. Admiral Benson has indorsed it, and my recollection is former Assistant Secretary of the Navy Roosevelt also indorsed Key West as a submarine base.

I also called attention to the importance of Key West as a submarine base on June 25, 1917, pages 4228, 4229, 4230, and 4231, CONGRESSIONAL RECORD, Sixty-fifth Congress, first session; and again on April 10, 1918, pages 4933, 4934, and 4935, CONGRESSIONAL RECORD, Sixty-fifth Congress, second session; and on April 16, 1918, page 5180, CONGRESSIONAL RECORD, Sixty-fifth Congress, second session. In the limited time I have to-day I can not read these remarks in full, but I sincerely trust and ask that each and every one of my colleagues read my remarks in order that they may be fully acquainted with the facts and conditions at Key West and the importance of making this appropriation.

We find ourselves in this position: With a base at Key West completed, or practically completed, but, as stated to me the other day over the phone by one of the leading admirals of the Navy Department, almost useless and practically non-accessible because Congress would not appropriate this \$100,000. So I say it is false economy. Let me call your attention in the few minutes remaining to just the exact conditions, especially those Members who have not heard me discuss this before. Here is Key West, Fla. [demonstrating on map], a submarine base protecting Florida Strait, Yucatan Channel, from which airplanes can be sent up, and if an enemy fleet should be discovered submarines can be sent down to Panama. From Key West, Fla., to Charleston, S. C., a distance of nearly 1,500 miles, is the nearest naval station of all this Atlantic Ocean coast and this part of the Gulf, and in talking with this admiral he told me, as a matter of fact, only minor repairs to submarines could be completed at the naval station at Charleston and that real and complete repairs would have to be made at Hampton Roads, nearly 2,000 miles from Key West, Fla., an exceedingly long distance.

In the Sixty-fifth Congress those of you who served with me will recall I cited an instance in regard to the destruction of a submarine that would have more than paid for this \$100,000. Now, my colleagues, let me say again I want you to read the remarks referred to, because I may make a motion to recommit if the committee should not sustain my motion.

I have told you what admirals thought of it. I told you that Secretary Wilbur indorsed and approved it. I told you that Assistant Secretary of the Navy Roosevelt indorsed it. And another distinguished admiral, whose name I do not desire to give publicly, but I will give it to anyone who asks me, said the other day that the Navy Department must have this \$100,000. Last year, as I stated, General Lord estimated but Congress would not give the appropriation. I have a letter from Senator FLETCHER in which he says, writing to a constituent at Key West, that the Senate committee would not put it in. And so it looks like when we do get the indorsement we lose, and, gentlemen, I am simply appealing to my fair-minded friends on both sides of the House that they vote for this proposition and not defeat it on the grounds of economy.

Mr. BLANTON. Will the gentleman yield?

Mr. SEARS of Florida. I will.

Mr. BLANTON. During most of the year is it not a fact there are more prominent sojourners from all over the United States, the East especially, in the gentleman's district than he has constituents? The gentleman represents the silk-stocking district of Florida.

Mr. SEARS of Florida. I represent the best people in the world. I represent former constituents of yours from practically every district in the United States. I represent people from 16 foreign countries who have come here and become American citizens, but that should not enter into the consideration of this amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SEARS of Florida. I ask for two minutes additional.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SEARS of Florida. I regret to ask for this extra extension, but I have not taken up much of your time. I have voted for every proposition since I have been in Congress whether it affected my district or not, which I believed was meritorious, and my colleagues will bear out that assertion. It did not mat-

ter to me whether it was in New York or California. Therefore, even if you do not adopt the Key West, Fla., amendment, I will still defend San Diego, Calif. I have no complaint because it is meritorious. So I ask you, my good friends, those of you who know the situation, to take into consideration the distances I have shown you from Key West, Fla., to Charleston, and from Charleston to Hampton Roads, really from Key West to Hampton Roads, where all repairs to a submarine can be made.

Let me say to you with all sincerity that while this submarine base means much to Florida, it means much more to the entire country, for if another war should come, which I trust will never be the case, this base will not only prevent the landing of an enemy army on the shores of Florida but also is of vital importance in protecting Texas, Louisiana, Mississippi, and Alabama; therefore, indirectly every State in the Union, as it controls the key to the Gulf of Mexico and would prevent the enemy from landing his forces on our southern shores and marching into the interior of our country.

In view of the above, I shall conclude my remarks by stating with a submarine base almost completed at Key West, Fla., lacking only about \$100,000, I sincerely trust the amendment will be adopted, and with that I am willing to leave the proposition with you and let you vote on it.

I regret that the chairman of this committee feels that it is his duty to oppose this proposition, notwithstanding all the recommendations I have called to his attention, and I hope he will not any too vigorously do so, because the support of a submarine base is just as much a tool to protect these wonderful properties of ours as are automobiles. [Applause.]

Mr. FRENCH. Mr. Chairman, the gentleman's hopes that I will not oppose the amendment are as illy founded as any hope that I might entertain that after my statement the gentleman would vote against his own amendment. I did not make the point of order. I reserved it, because I recognize that the amendment is not subject to a point of order.

A year ago the Budget Bureau recommended the continuation of the work at Key West, and it is a work that at some time in the future ought to be cared for. The one thing that appealed to the committee a year ago was that it is a work of a kind that may be cared for in a comparatively short period of time. The work proposed connects the piers in a better way with the shores so as to make the piers more useful.

Now, when it comes to different establishments of this kind it goes without saying that the people of the different communities wish to see them kept in the best possible condition. The commandants of stations are very partial toward the establishments of which they have charge. I remember a year ago when the Navy Department sent out its requests to the different commandants for estimates of the necessary improvements touching the different naval bases and establishments throughout the United States the estimates came back totaling \$63,000,000. These were fairly necessary improvements in the minds of the commandants. The department reduced the estimate to \$4,000,000, thus lopping off \$59,000,000. The Budget reduced the amount to between three and four million dollars.

Now, here is a proposition that came to the committee a year ago. We considered it and concluded that, under the circumstances, we were not justified in carrying out the recommendations that came to us. The Senate committee considered it and refused, as the gentleman says, to act favorably upon the item.

Again the matter comes before Congress, not upon the recommendation of the Budget but upon the motion of the gentleman from Florida [Mr. SEARS]. The members of the committee and the Bureau of the Budget have considered this question, as they have the question of further funds for other establishments, and it is our judgment that it is not an improvement of such character that it ought to receive appropriations for continuation now. I hope the amendment offered may be defeated.

Mr. SEARS of Florida. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. I shall be glad to yield.

Mr. SEARS of Florida. The gentleman said that Members of Congress were anxious to get these appropriations, and therefore to appeal for them. Does the gentleman believe that Secretary Wilbur and Admiral Benson and the former Assistant Secretary of the Navy, Mr. Roosevelt, and the former Secretary of the Navy, Mr. Daniels, and other officials of the Navy Department, and General Lord last year recommended it because they were urged by my constituents?

Mr. FRENCH. They realize doubtless that the project has merit. I say it has merit, but I say it does not have such merit as to justify the Congress in making the appropriation at this time.

The CHAIRMAN. The Chair desires to call the attention of the gentleman from Florida to the fact that the item to which the amendment is offered relates to the submarine base, Coco Solo, Canal Zone. Is that the intention of the amendment?

Mr. SEARS of Florida. The amendment should say, "After line 5, insert a new paragraph."

The CHAIRMAN. The Chair will say that the amendment offered by the gentleman from Florida gives no location whatever. Therefore it would relate to the paragraph beginning with line 3.

Mr. SEARS of Florida. I ask that the words "Key West, Fla.," be placed in there.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to modify his amendment as indicated. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. SEARS of Florida: Page 39, insert after line 5 the following new paragraph:

"Submarine base extension, Key West, Fla., \$100,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Florida.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. FRENCH. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is asked for. As many as favor the amendment will rise and stand until they are counted.

The committee divided; and there were—ayes 37, noes 45.

Mr. SEARS of Florida. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Florida asks for tellers.

Tellers were ordered, and the Chairman appointed Mr. FRENCH and Mr. SEARS of Florida to act as tellers.

The committee again divided; and the tellers reported—ayes 62, noes 51.

So the amendment was agreed to.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Alabama moves to strike out the last word.

Mr. HUDDLESTON. Mr. Chairman, I think it must be clear to students of international relations that our present relations with Japan are not fully satisfactory. Great feeling was excited in Japan by the adoption of our immigration law. That feeling has been played upon and fomented by certain Japanese politicians for partisan purposes until public opinion in Japan has been inflamed to a very considerable extent. Japanese public opinion as a whole is highly irritated, and in a time like this it is of the greatest importance that those who assume to speak for America and who desire that our country's peace should be preserved should be circumspect in their actions and in their words. [Applause.] Thoughtful citizens must deplore any attempt upon the part of American public men to play the part in this country which has been played by the Japanese politicians in seeking to obtain political advantage by fomenting this agitated state of Japanese opinion.

In such a situation as the present the decision to hold our naval maneuvers off Hawaii is characterized by the strangest ineptitude and tactlessness. It seems strange indeed that anyone of influence enough to have brought about a decision to hold maneuvers there did not know enough of international affairs to recognize the impropriety of it.

Our purposes toward Japan are friendly and pacific. Nobody in the United States wants war with Japan. All are anxious to remain on the terms of friendliness, confidence, and good will which have characterized our relations with Japan from the very beginning of modern Japanese development. We ought not to be guilty of anything which would give the Japanese just ground to suspect our pacific purposes. Yet in face of that situation we have transferred the major part of our fleet to the Pacific. It has as its base such points as would have been chosen had it been felt that a war with Japan was possible.

The Japanese know what we have done. They are an intelligent people. It is their duty to their own country to know that we have transferred a good part of our fleet to the Pacific side. They are fully advised of the situation. They also know we have no possible antagonist on the Pacific unless it should be themselves—that there is no Pacific power, outside of themselves, that America would give a snap of her finger for. They naturally consider why we have transferred our fleet to the Pacific, and naturally draw the deduction that

we suspect them and their intentions and are preparing against them.

Now, with that situation already in unsatisfactory shape, comes our naval maneuvers to be held off of Hawaii. A play warfare is to be conducted to improve the efficiency of our fleet, a play warfare which will have for its scheme the arrangement of our fleet to defend Hawaii against an imaginary attack.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HUDDLESTON. Mr. Chairman, I ask for five minutes more time.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. HUDDLESTON. The Japanese know that these maneuvers are planned and what they will consist of. It is always safe to assume that others have as much sense as we have and that other peoples have as much acumen as our people and as much love for their own institutions as we and as much jealousy of their national rights and as much of a desire to protect them as our Nation has. And the Japanese know that the only imaginary enemy we could possibly have is the Japanese Fleet and that Japan is the imaginary adversary against whom we are defending Hawaii.

Taking into account the agitated condition of public opinion in Japan and the fact that the Japanese Government, no matter how moderate, thoughtful, and pacific its purposes may be, must have a due regard for Japanese public opinion—given that situation, which undoubtedly exists, then we have this Nation, against whom the feelings of Japan have been excited and whom she is being taught to suspect, arranging a mimic warfare with Japan as the imaginary enemy. I ask any man who understands anything whatever of international affairs if that does not consist in itself of an exceedingly tactless maneuver? [Applause.]

Mr. RATHBONE. Will the gentleman yield?

Mr. HUDDLESTON. Not at this time.

Why should we further excite Japanese suspicion and hostility? What is there to be gained by it? There is no good reason. You would think that no sensible man who has at heart the best interests of our country would do such a thing. Yet the Navy Department convicts itself of the stupidity of doing the very thing most calculated to excite suspicion and hostility. I ask gentlemen who are students of history to point to a similar incident in international relations within the last 100 years which is so provocative.

Mr. RATHBONE. Will the gentleman yield now?

Mr. HUDDLESTON. I will yield to the gentleman before I get through.

A Member of Congress said here on yesterday that the United States will not recognize the right of any nation to say where we shall hold our naval maneuvers. It is just exactly that jingoistic and bombastic spirit that brings war. [Applause.] It is just that kind of arrogance which causes men to meet upon the battle field in the shedding of men's blood.

Why should we have war with Japan? There is no reason whatever. There is no conflict of interest—neither has anything to gain—both have everything to lose. Are we so stupid that we will go on and on with tactless blundering and further aggravate Japanese opinion until a mine is laid and all it will take is merely a spark thrown by accident into the powder to cause an explosion?

Suppose we sent one of our vessels into Japanese waters, as we did the Maine into Habauna Harbor, and it should be blown up. Suppose a tragedy should be caused by mob action or by some fanatic crazed by chauvinism. What would be the result? What would be the result on Japanese public opinion already highly inflamed? I would not like to prophesy.

I realize that our purposes are pacific, as well becomes the dignity and majesty of our country. Our country is too great to be afraid.

Mr. McKEOWN. Will the gentleman yield?

Mr. HUDDLESTON. Not now.

Our country is too great to fear that it will compromise its dignity by withdrawing from provocative steps which might inflame public opinion in another country. If we were a weak, contemptible nation it might be required that we should take every measure to save our face, but all the nations and peoples of the world know that we are able to take care of ourselves. I say that the proposed Hawaiian maneuvers ought to be called off. If I could control the matter I would call them off.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. HUDDLESTON. Excuse me one moment.

The Pacific is wide and there are many places where these maneuvers might be held. There are seven seas to which we can send our Navy for maneuvers, and we can send it wherever we will. That being so, why shall we exhibit the stupidity of sending it to the one particular place that is most dangerous to peace and most tactless just at the present time?

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. HUDDLESTON. Mr. Chairman, I ask for two minutes more in order that I may yield to these gentlemen who are so anxious to interrupt me.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. HUDDLESTON. I will take the gentlemen in their turns. First, the gentleman from Illinois [Mr. RATHBONE].

Mr. RATHBONE. I will ask the gentleman, first of all, if Japan has not recently held naval maneuvers at outposts of their country and if that has been interpreted in this country as any sign of war or a desire for war?

Mr. HUDDLESTON. I am not advised that the Japanese fleet has held maneuvers which were in any way objectionable to us.

Mr. RATHBONE. I understand that is the fact.

Mr. HUDDLESTON. But if the Japanese have been guilty of tactlessness that does not warrant us in matching folly with folly. [Applause.] If they have done a wrong thing I would imagine something would have been said about it in this country, but nothing has been said that has come to my knowledge. If they have been guilty of provocation, will we go on and draw a mark and say "Cross that line if you dare." Are we so stupid as that? Surely not. And now I yield to the gentleman from New York [Mr. WAINWRIGHT].

Mr. RATHBONE. Will the gentleman yield to me for just one more question in order that my attitude may be understood?

Mr. HUDDLESTON. I ask, Mr. Chairman, unanimous consent that I may proceed for two additional minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for two additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RATHBONE. If the gentleman will yield, I will state that my attitude is not one of criticism of the Japanese, but merely that we have the right to do the same thing, and I will ask the gentleman one more question.

Mr. HUDDLESTON. Just a moment. In reply to that I say that we have the legal, technical right to go just outside of Japanese waters, 3 miles from the shore, and carry on a mimic warfare by which we pretend to bombard Yokohama, but I hope we will not be fools enough to assert all of our legal rights. Now for your other question.

Mr. RATHBONE. Hawaii is the outpost of America, and I will ask the gentleman if it is not a fact that when under Theodore Roosevelt the American fleet was sent to Pacific waters and the battleships made their tour and visited Japan, instead of stirring up international hostility did it not have an excellent effect, and was not their reception of the finest character everywhere, and were not the relations between the two peoples better afterwards than ever before?

Mr. HUDDLESTON. The gentleman is a well-informed man, and he knows perfectly well that the situation at present is wholly unlike what it was at the Roosevelt time.

I now yield to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. I would like to ask the gentleman if it is not possible that some of the legislation which Congress has recently adopted under the inspiration of some of our friends from the Pacific coast has constituted possibly a greater incitement of Japanese resentment against the United States than the holding of any maneuvers on the Pacific coast?

Mr. HUDDLESTON. Early in my remarks I explained to the House that the inflamed state of Japanese opinion originated in the passage of our immigration law. I think it was an exceedingly foolish thing, if you will pardon me, gentlemen, for Congress not to have acted on the President's advice. [Applause.] But that is passed.

I now yield to the gentleman from Oklahoma.

Mr. WAINWRIGHT. I will say to the gentleman that that is exactly what I wished to bring out.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. HUDDLESTON. I will ask unanimous consent to proceed for one minute more, Mr. Chairman.

Mr. BANKHEAD. Mr. Chairman, out of an abundance of caution I ask that the gentleman may have two minutes, because it may be a long question.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for one additional minute. Is there objection? [After a pause.] The Chair hears none.

Mr. McKEOWN. I want to ask the gentleman if he has any information as to whether the State Department was consulted by the Navy Department as to the feasibility of holding these maneuvers and sending the fleet to Australia.

Mr. HUDDLESTON. Of course, I could have no information on that subject. Respecting Mr. Hughes as I do, I must assume, however, that had he been called upon he certainly would have given better advice than that which was followed in deciding to hold the maneuvers.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. ROMJUE. I ask that the gentleman be granted one minute. I would like to ask the gentleman a question.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Alabama may proceed for one more minute. Is there objection? [After a pause.] The Chair hears none.

Mr. ROMJUE. Did I understand the gentleman to say or did the gentleman intend to create the impression that the mere fact that the American Navy may maneuver on the Pacific coast justifies Japan in being suspicious that we might want to go into war with Japan?

Mr. HUDDLESTON. It depends entirely on the circumstances and the situation. If, for illustration, in the strained condition which existed between Germany and France immediately before the breaking out of the World War the Germans had mobilized their forces, as they had a perfect right to do, and deployed them on the French frontier, I take it that the gentleman would at once have recognized the impropriety of such action; yet if there had been a state of profound peace and friendship and mutual confidence and good will nothing that either of those nations might have done would have affected international relations. [Applause.]

Mr. WINGO. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I do not wholly agree either with the gentleman from Illinois [Mr. BRITTEN] or the gentleman from Alabama [Mr. HUDDLESTON]; but the gentleman from Alabama is right in his discussion of the psychology of peoples and how jingoism can irritate and precipitate a condition that leads to war.

We may not agree with the man in the White House or with the Secretary of State, but I think every man who has a boy and does not want to see him used as cannon fodder, and every man who has due regard for the dignity of nations and the necessity to act with a proper appreciation of the sensibilities of people hopes that all of these gentlemen and all of these newspapers will keep their mouths shut about the Japanese question. [Applause.]

You may not, I say, agree with the man in the White House upon his political theories or with the Secretary of State, but, gentlemen, they are responsible for our foreign affairs. They are men of caution. There is no jingoism about them, and I believe that there is a sincere recognition by the Government of Japan and by the thoughtful people of Japan, just as there is sincere recognition by all thoughtful people in America, that President Coolidge and Secretary Hughes are genuinely friendly to Japan, respect its rights and its sensibilities, and that our foreign affairs can be conducted and will be conducted by them with due regard for all of these psychological factors, and the best thing we Members of Congress can do is to keep our mouths shut about this thing and leave it to the President, who is Commander in Chief of the Navy, and to the Secretary of State, who is the head of our foreign affairs and who has demonstrated his wisdom on this question.

I have always insisted that politics ought to cease at the water's edge. I am with Calvin Coolidge and with Charles E. Hughes in the handling of our foreign affairs, and I have confidence they will uphold not only the rights and the dignity of the people of the United States and of this powerful Nation but they will show the greatest statesmanship of all by recognizing the other man's viewpoint and having due regard for the sensibilities of people and not permit the jingoism of this Nation to drag us into an intolerable position. [Applause.]

There is room on this earth for the development of our great people as there is room on this earth for the development of the Japanese nation. The rights of each can be respected. We can assert our rights as we have done; they can assert theirs. But for God's sake let us leave the handling of our foreign

affairs to men who under the Constitution are charged with that duty until they have shown some disposition to either handle them inefficiently or unwisely. At the present time I think they are handling a delicate situation very diplomatically, and as a Democrat I am proud of the caution and the courtesy, yet firm dignity, and distinctive ability of our great Secretary of State. [Applause.]

Mr. WATKINS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 39, line 5, after the figures \$126,000, insert a new paragraph, as follows:

"For continuance of the development of a submarine and destroyer base, Columbia River, Oreg., \$350,000."

Mr. FRENCH. Mr. Chairman, I make a point of order against the amendment. If the gentleman desires, I will reserve it.

Mr. WATKINS. I wish the gentleman would make it.

Mr. FRENCH. I make the point of order, Mr. Chairman.

Mr. WATKINS. Is the gentleman making the point of order because of the adoption of the Sears amendment?

Mr. FRENCH. No.

Mr. WATKINS. Mr. Chairman, I want it to follow the Sears amendment.

The CHAIRMAN. Without objection, the amendment will be so modified. The Clerk will report the modified amendment.

The Clerk read as follows:

Page 39, line 5, following the amendment offered by Mr. SEARS of Florida, insert a new paragraph, as follows:

"For continuance of the development of a submarine and destroyer base, Columbia River, Oreg., \$350,000."

Mr. FRENCH. Mr. Chairman, I think that is not subject to a point of order, and I withdraw it.

Mr. WATKINS. Mr. Chairman, the Congress, on June 4, 1920, appropriated \$250,000 toward the development of a submarine and destroyer base at Astoria, Oreg., near the mouth of the Columbia River. The Columbia River, you will remember, is the second largest river in the United States. It penetrates the great Northwest, and on its banks one-third of the standing timber of this Government grows. That initial appropriation was authorized probably because of several reports by several experts on the matter. I want to read them for the benefit of the House. Admiral Coontz, in his report, No. 1946, part 4, Navy Yards and Naval Stations Commission, fourth report, page 76, Appendix E, Sixty-fourth Congress, has the following to say on this matter:

At Astoria should be placed the best temporary base on the Washington and Oregon coasts.

There was a report made by a committee headed by Rear Admiral Parks. I take the liberty of reading two paragraphs of that report, as follows:

1. The board is in full agreement with the report of the Helm Commission as to necessity for the location of a submarine, destroyer, and aviation base between Puget Sound and San Francisco, and is in further agreement with the commission in its selection of the Tongue Point site at Astoria, Oreg., and the best site both strategically and tactically. The board recommends the site in the locality chosen, but that a larger area, including all the shore front between the railroad and the pierhead line extending from the western point where Tongue Point Peninsula joins the mainland around and including Tongue Point and along the shore line to the mouth of John Day River, is essential.

Acting on that recommendation, the city of Astoria bonded itself, bought the land, and donated over 1,300 acres to the Government for this specific purpose. The board goes on to say:

4. It is recommended that an appropriation of a million and a half be obtained from the present Congress, with authorization for the completion of project not to exceed \$5,000,000, to be completed within three years.

In addition to the foregoing, let me read to you what Brig. Gen. Henry D. Todd, jr., commanding the Ninth Coast Artillery District, which comprises all coast defenses on the Pacific coast, in submitting his report of January, 1924, stated. Among other things, he said:

The coast defenses of the Northwest part of the country would be utterly unable to protect units of the American battle fleet while leaving the harbor and before they could take up battle formation.

Conditions are worse in the coast defenses of the Columbia. There the garrison is so small, 2 Coast Artillery officers and 20 enlisted men for the three forts at the mouth of the Columbia and for the bat-

teries at Grays Harbor and Willapa Bay, that all that can be done is to keep the material in good condition.

Of course, if an enemy determined to make a base near the mouth of the Columbia, he could outrange and overpower the batteries there just as he could at Puget Sound.

Mr. Chairman, for nearly 1,000 miles along the Pacific coast this Government has nothing whatever to defend this Nation from a hostile attack, and the Columbia River is the only point on the Pacific coast where an enemy could penetrate this country for 200 miles on a grade of less than 5 per cent. The enemy could station its men, move its army by water, by rail, or by automobile into the interior for over 200 miles. It could plant its army there, and with the food, such as wheat, vegetables, fruit, dairy products, stock, and everything it needed, could maintain its army with our food and move it to the south by rail or by automobile, and could likewise move it to the north in the same way.

Not only that. If ships from San Francisco or Puget Sound were to encounter an enemy on the Pacific Ocean, became crippled in any way, shape, or form, they would have no refuge of safety nearer than 150 miles one way or 700 miles the other unless we maintain and keep up this base at Astoria.

Now, this base is peculiarly fitted for this service, because it is without the range of the enemy guns. It so happens that it is placed right behind a big mountain of rock that no gun or number of guns from any enemy could ever penetrate.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. WATKINS. I ask unanimous consent for two minutes additional.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WATKINS. Think of that mountain overlooking and protecting that wonderful bay! The Navy of the United States could and would be protected while it repaired its boats and received fuel and the like. Not only that, but it would prevent the enemy from invading this country up the Columbia River for more than 200 miles. Since this Government has seen fit to accept the recommendation of every Army officer and Navy officer who examined it, and has gone so far as to take 1,300 acres of land from the city of Astoria for this purpose; since it has seen fit to appropriate \$250,000 several Congresses ago, which amount is about expended, then beyond the peradventure of a doubt this House will be justified in continuing this appropriation in the sum of \$350,000. [Applause.]

Mr. FRENCH. Mr. Chairman, this amendment proposes to add \$350,000 to the bill in providing for the continuation of work on a submarine base at Tongue Point. This item was proposed by the gentleman a year ago. As a matter of fact, a year ago the Navy Department did not recommend the item to the Bureau of the Budget, nor did the Bureau of the Budget recommend the item to the Congress. The matter was pressed upon the committee at that time, and our conclusion was in line with the thought of the Navy Department and the Bureau of the Budget. Again we find the same situation this year. Neither the Navy Department nor the Bureau of the Budget made any recommendation touching the item to which the gentleman refers. I venture to say that if the Navy Department could have \$350,000 to expend in a permanent establishment for the national defense, it would not be spent at Tongue Point. There would be a good many other places where the money would be expended before the department would undertake the expenditure of money at that place.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. WATKINS. The Government has already expended \$250,000, and where else on the Pacific coast could it establish a submarine base than at the mouth of the Columbia River and let it be out of the range of the enemy's guns?

Mr. FRENCH. I venture to say that if those who have studied this question closely could allocate the money it would be expended probably in Pearl Harbor first, and probably in Puget Sound, before it would be spent at Tongue Point.

There is no urgent demand for further expansion at this time of the submarine base at Tongue Point.

I appeal to the Members of the Congress not to place an item of this magnitude on the bill without any more consideration than can be given to it when a Member offers it from the floor of the House. If that shall be the way in which we legislate, then with just as sound reason we could add millions of dollars to the bill.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. WATKINS. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WATKINS. Mr. Chairman, the fact that the Budget Committee and the committee of which the gentleman is chairman and the Navy Department have not seen fit to go into and consider this item is a matter for you to take into consideration to this effect: They know nothing about it. I submitted to you the opinion of the experts of the Navy who recommended \$5,000,000. They have gone there and have seen this situation. Let me ask the gentleman this question, and I give him my time in which to reply: What is he going to do with the submarine base already there, established with the \$250,000 which will be expended this year? Is he going to allow it to go to ruin?

Mr. FRENCH. Mr. Chairman, I would say to the gentleman that that institution will be maintained just as other institutions that are not any more active or that are active are maintained at this time. We do not need to maintain all of the naval establishments as though we were in war. We must close down some of them, and that is one I hope that will be closed down this year.

Mr. WATKINS. In other words, you are going to close it down?

Mr. FRENCH. Not necessarily; there will be some money expended for maintenance there.

Mr. WATKINS. Where will they get the money with which to maintain it?

Mr. FRENCH. Out of maintenance funds.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The question was taken; and on a division (demanded by Mr. WATKINS) there were—ayes 8, noes 47.

So the amendment was rejected.

The Clerk read as follows:

Naval station, San Diego, Calif.: For extension of shop and storage facilities, \$70,000.

Mr. BUTLER. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BUTLER: Page 39, after line 7, insert a new paragraph as follows:

"Naval aeronautic station, Pensacola, Fla.: For fuel oil storage, \$35,000."

Mr. FRENCH. Mr. Chairman, I reserve the point of order.

Mr. BUTLER. Why, the gentleman's committee asked me to offer this. If you are going to make the point of order, do so, but I am not going to be made a dunce of.

Mr. FRENCH. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. FRENCH. I reserve the point of order for the purpose of asking whether or not this is an item which came to the committee with the recommendation of the Bureau of the Budget and Navy Department?

Mr. BUTLER. I do not care how the report got to the committee, but if the amendment is adopted it is going to save the Government \$32,000 a year, and when the gentleman reserved the point of order I did not know the mysterious purpose he had, and I apologize to the gentleman.

Mr. FRENCH. The gentleman need not apologize, the committee—

Mr. BUTLER. I am obliged to the gentleman for having made the explanation, and if I may be permitted to say just one word before the committee votes on it. This amendment is for the purpose of putting up an oil tank at Pensacola. Several destroyers are stationed at this point, and there is no opportunity to get oil for the destroyers except from one company known as the Texas Oil Co. That company is charging \$2.10 a barrel. It can be purchased for \$1.38 to \$1.40 a barrel. The authorities say that if they bought the oil from other companies they could save \$32,000 a year, if they have the storage facilities. I do not care to trespass upon our friend in offering legislation, notwithstanding it was submitted to our committee, but in the hearings before our committee in answer to my question the answer was made plain that if we allowed them to put up this tank they can compete and can buy from other companies at \$1.38 to \$1.40 a barrel of oil, and we can save in one year \$32,000, so our committee reported this bill favorably, and I think this is a good opportunity to have it passed if the committee sees fit to pass it.

Mr. FRENCH. I withdraw the reservation of the point of order.

Mr. BLANTON. I reserve the point of order just for a moment.

The CHAIRMAN. Does the gentleman from Idaho withdraw the reservation of the point of order?

Mr. FRENCH. I withdraw the reservation of the point of order.

Mr. BLANTON. I reserve it for just a moment. If the committee had asked anybody but our friend from Pennsylvania to put this legislation on their bill, I would have made a point of order, but I do not believe in the committee using him and then trying to subject him to this kind of treatment, and therefore I will not make it. [Laughter.]

The CHAIRMAN. Does the gentleman withdraw the reservation of the point of order?

Mr. BLANTON. I withdraw it.

Mr. FRENCH. Mr. Chairman, in view of my friend from Pennsylvania misunderstanding my purpose in reserving the point of order, probably I ought to make a short statement. There were several items in the bill which the committee investigated carefully. They came to us in orderly manner from the Bureau of the Budget, but upon further inquiry we recognized we had no jurisdiction and we turned them over to the legislative committee. This was one of them, and I reserved the point of order in order to make inquiry as to whether it belonged to that group. Let me say here I quite concur in the statement of the gentleman from Pennsylvania [Mr. BUTLER]. Providing for oil storage at Pensacola will mean economy to the Government and save a considerable amount annually in the administration of the fuel situation in that part of our country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The unobligated balance of the appropriation of \$500,000 contained in the naval appropriation act for the fiscal year 1925 on account of the construction of an extensible building for the supply depot, Marine Corps, San Francisco, Calif., is made available for adding two additional floors to said building, such addition to be of permanent construction and made ready for occupancy in all respects within the amount hereby made available.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word for the purpose of again inviting attention to the inadvisability of using the kind of language that is used in this paragraph. I am opposed to reappropriating the unobligated balance of the appropriation of \$500,000. I think it is much better to allow the money to be covered back into the Treasury, and I think it is much safer to have an estimate of the amount of money that is going to be required for any item than to have that amount of money itself reappropriated rather than to have the unexpended balance reappropriated. It may be explained as to this particular item that you could not say how much the unappropriated balance was as the fiscal year has not yet ended. But while I am discussing this situation generally, permit me to invite your attention to page 48, beginning with line 15, where this language is used:

The Secretary of the Navy may use the unexpended balances on the date of the approval of this act under appropriations heretofore made on account of "increase to the Navy."

Now, I have not critically examined this bill, and I do not know how many times similar language occurs, but I heard the very able and very exhaustive speech by the chairman of the subcommittee who has charge of this bill the other day, and he explained to the Members of the House that this bill carried approximately \$290,000,000. Now, if there are many large unexpended balances carried in the bill, of course, his figures would not be accurate. At the close of the session of Congress the chairman of the Committee on Appropriations, or the leader on that side, will get up and make a statement as to the appropriations which have been made. The ranking minority member of the Committee on Appropriations, or the minority leader, will make a similar statement. Their figures will disagree. The people throughout the country or the Members of Congress will be confused over those figures, and it is largely due to the fact that unexpended balances are carried in these appropriation bills. Now, I can readily see, as explained by the chairman of the subcommittee, who has this bill in charge, where material that has been purchased for one year by the Navy Department should be carried over and used for the purpose for which it was purchased, but I believe it is much safer to have all moneys appropriated and unexpended and unobligated covered into the Treasury at the end of each fiscal year and the money reappropriated outright for each item which is carried in any of these appropriation bills.

Mr. FRENCH. Mr. Chairman, broadly speaking, I concur in the observations made by the gentleman who has just taken his seat. The general law provides that building items such as this, or appropriations under building items, shall be continuing appropriations. In this case the money could be expended without further congressional action. The language put in here is for the purpose of limiting the department to that amount on a completed building rather than permitting the amount to be expended on a building which, at the end of the construction, might have but a temporary roof, and the department thus be required to come before Congress for additional money.

A year ago estimates were made for the storage building or depot for the Marine Corps at this point at a cost not to exceed \$500,000. Congress gave the amount, and bids were called for on the basis of a three-story building; the roof, however, to be of temporary construction, with the thought that another couple of stories would be added to the building at a later date. Bids were called for, and it appeared that we could erect the building for \$340,000, considerably below the amount included in the law.

We now find that if we go ahead and use the balance of the money to erect two additional stories and put a permanent roof on the building we can provide accommodations for activities of the Government that are now paying rent in San Francisco amounting nearly to \$20,000 a year. Of that amount, \$7,700 a year is being paid by the Navy, and \$12,000 a year is being paid by other bureaus or branches of the Government. These latter can be housed in the customs office building, where rooms will be vacated by the Naval Establishment if this work can be done. We thought that if with an investment, not to exceed \$160,000, we could save the Government nearly \$20,000 annually in rent, it would be a good business proposition. The proviso in the bill is to limit the department, not to increase its powers, and to prevent a situation from arising requiring more money at a later date.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BUTLER. I think that the committee I sit on authorized the appropriation of this money for one purpose only, and that was to supply a depot for the Marine Corps. Does my friend understand the game that is being played? Does the gentleman know that we always try it on the dog, and the dog is the Marine Corps? Does the gentleman understand that it is proposed to take this building away from the Marine Corps after the Marine Corps obtained this building as a place to deposit its supplies? The Navy being an organization larger than the Marine Corps, it seems the Marine Corps will lose out. Why should not this be placed directly under the Marine Corps?

Mr. FRENCH. We recognize the situation to which the gentleman refers, and we have tried to protect the Marine Corps against it in the report that we made touching the item, where we say:

It is to be understood that the accommodations proposed for the Navy shall not operate to remove the control of the building from the Marine Corps, for which the building was originally authorized and intended.

Mr. BUTLER. That is good and sounds well; but the gentleman knows as well as I know that that has not a particle of restraining influence over the Navy.

Mr. FRENCH. The statute itself provides that it shall be a supply depot of the Marine Corps.

Mr. BUTLER. I know; but I am only echoing the consternation that is in the minds of those people. We supposed it was to be a building where these people can store their supplies. If I had known that it was to be a mixed building, I would not have recommended or favored it. The Navy is asking for a storage place at Alameda for several million dollars. I do not see why we should marry in this building with the Navy.

Mr. FRENCH. The committee that shaped the bill will endeavor in every way possible to cooperate with the chairman of the Committee on Naval Affairs in protecting the Marine Corps in the management of this building.

The CHAIRMAN. The time of the gentleman from Idaho has expired. Without objection, the pro forma amendment will be withdrawn.

Mr. McCLINTIC. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. McCLINTIC. I do so, Mr. Chairman, for the purpose of asking the gentleman from Idaho a question. What was

the total amount of the appropriation that was passed for the purpose of constructing this Marine Corps warehouse?

Mr. FRENCH. Five hundred thousand dollars a year ago. This provides that the balance in excess of \$340,000 already obligated may be expended in erecting two additional stories and putting a permanent roof on the building.

Mr. McCLINTIC. Was that \$500,000 expended for the construction of the building that is there now?

Mr. FRENCH. The building is in process of construction, on the basis of three stories and a temporary roof. We will save the cost of the temporary roof and make use of the walls that are being erected, and make use of the contractor's plant that he has put there for use in the construction of the building if we add the other two stories now. Generally speaking, it will be the economical thing to do to go ahead and carry the building up to five stories with a permanent roof, instead of only three stories with a temporary roof, expecting additional stories later on.

Mr. McCLINTIC. My recollection is that this was to take care of the needs of the marines.

Mr. FRENCH. That is right.

Mr. McCLINTIC. Now you ask for an additional \$500,000 to be added, making this building cost, as I understand, when erected, \$1,000,000?

Mr. FRENCH. Oh, no. The two additional stories may now be added within the total appropriation of a year ago if they are added before the temporary roof is put on.

Mr. BUTLER. Three hundred and forty thousand dollars?

Mr. FRENCH. A total of \$500,000, of which \$340,000 has been obligated, leaving a balance of \$160,000.

Mr. McCLINTIC. Is this an extension of the appropriation in the last bill?

Mr. FRENCH. It is a continuing appropriation on which we are proposing the restriction indicated.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

BUREAU OF AERONAUTICS
AVIATION, NAVY

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1925, \$375,000; for maintenance, repair, and operation of aircraft factory, helium plant, air stations, fleet activities, testing laboratories, and for overhauling of planes, \$6,921,625, including \$300,000 for the equipment of vessels with catapults; for continuing experiments and development work on all types of aircraft, \$1,550,000; for drafting, clerical, inspection, and messenger service, \$700,000; for new construction and procurement of aircraft and equipment, \$5,243,375; in all, \$14,790,000; and the money herein specifically appropriated for "Aviation" shall be disbursed and accounted for in accordance with existing laws as "Aviation" and for that purpose shall constitute one fund: *Provided*, That in addition to the amount herein appropriated and specified for expenditure for new construction and procurement of aircraft and equipment the Secretary of the Navy may enter into contracts for the production and purchase of new airplanes and their equipment, spare parts, and accessories, to an amount not in excess of \$4,100,000: *Provided further*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coasts of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes: *Provided further*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft, where such claim does not exceed the sum of \$250: *Provided further*, That all claims adjusted under this authority during the fiscal year shall be reported in detail to the Congress by the Secretary of the Navy.

Mr. CONNALLY of Texas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. CONNALLY of Texas. I want to ask the gentleman from Idaho a question as to the item on page 40. I would like to know the significance of this clause—

Provided further, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes.

Was it proposed by the department to establish a factory?

Mr. FRENCH. The factory for the manufacture of airplanes at Philadelphia was built several years ago without the specific authority, as I understand it, of the Congress. It was resented by the Congress at the time, and this language has been carried here for several years.

Mr. CONNALLY of Texas. Does it mean that the committee is opposed to the Government building its plants?

Mr. FRENCH. If we were to build a plant it would require, as we see it, general legislation.

Mr. CONNALLY of Texas. The department has no authority to build a plant unless it is authorized to do so by some legislation?

Mr. FRENCH. No.

Mr. CONNALLY of Texas. Then why put that language in the bill? It is not necessary, is it? It looks to me as though it were an attempt on the part of somebody to tie up the Government to the policy of being required to buy these airplanes from private concerns.

Mr. FRENCH. Oh, no. I think the gentleman is right in saying that the department would not have authority to go ahead and erect an airplane factory without authorization. This apparently was written into the law as an additional precaution, and it has been carried for several years. I do not believe the language is needed. The gentleman himself does not want the department to go ahead and erect an aircraft manufacturing plant without authority from Congress?

Mr. CONNALLY of Texas. No; but I would not want to commit the Government irrevocably to this kind of a policy.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. Has there been any effort on the part of the committee to coordinate this department with the air service of other departments of the Government?

Mr. FRENCH. In just what way does the gentleman use the word "coordinate"? Does the gentleman mean to amalgamate them as one service?

Mr. DOWELL. Yes.

Mr. FRENCH. The members of the committee, of course, would not have authority to do that, but I beg to say that we have gone into the question of the extent to which they are coordinating, each within the services or duties imposed upon the respective units; that is, the Army air unit and the Navy air unit. As much as possible we are trying to be helpful in seeing that they coordinate so there will not be an overlapping of activities. For instance, not long ago planes acquired by the Navy Department for the use of the Navy of one type were of a type so similar or identical to the type of the Army that it was arranged that the requirements of each should be contracted for simultaneously, in that way saving the Government many thousands of dollars. So wherever we can bring about coordination we are doing so.

The Navy Department wishes to do so and the War Department wishes to do so. On the other hand, my personal opinion is, regardless of the fact that we do not have authority to bring in any program of amalgamation, so as to constitute a separate air service for the United States, as they now have in Great Britain, France, and Italy, that it would be an unwise thing to do. I am more and more led to that conclusion as I study the benefits of the competitive system which exists here. More than that, I am led to that conclusion from studying the effect of the separate competitive system we have here, and measuring the results for the Navy and comparing those results with the results obtained in Great Britain, France, and elsewhere. I believe that from the standpoint of design, effectiveness and the science of aviation the United States leads them all. We do not lead in numbers, but from the standpoint of the Navy I think the art within our country has attained a greater height than it has in other countries, and I think the main reason is because we have a separate institution that realizes the importance of the air service to the Navy as a part of the Naval Establishment, and because of that it has been able to bring about results that are desirable. May I say further that Great Britain at this time, in my judgment, is on the point of establishing a separate naval air service. I understand this to be part of the program of Premier Baldwin, who has recently become the head of the British Government.

Mr. MILLER of Washington. I wish to say to the gentleman from Iowa [Mr. DOWELL]—as the gentleman from Idaho well knows—that there is a strong coordinating arrangement between the Army and Navy air forces.

Mr. FRENCH. Undoubtedly.

Mr. MOORE of Virginia. May I ask the gentleman from Idaho a question?

Mr. DOWELL. Mr. Chairman, I desire to retain the floor.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for two minutes longer. Is there objection?

There was no objection.

Mr. DOWELL. The reason I am making the inquiry is because of a controversy over this question which I heard a

short time ago in which it was charged, with a good deal of force, that a great many millions of dollars was being spent by the Government annually in duplications of this work in the various departments, and that if the departments could be placed under one organization many millions of dollars could be saved, and, perhaps, greater results obtained. What does the gentleman say with reference to that in the way of an economical conduct of the department?

Mr. FRENCH. Well, I do not think you could obtain the results we are now obtaining by any such program. I do not think there is duplication to a great extent. We have a joint board that has to do with aeronautics, representing the War Department and the Navy Department. That board endeavors to work out a program so that there will be as little as possible of overlapping of activities. But the gentleman must realize this:

Suppose that you would draw a hard and fast line to separate the Army and Navy activities, say, along the coast. That would, of course, have to be an exact line where the land and ocean meet or else a few miles out at sea or a few miles inland. Where would you draw the line? Would it be up to an Army officer in the event of crisis when he reached the line to turn back from an enemy plane and let a naval officer take charge? Such supposition is absurd. The best we can do, as I see it, is to define the Army and Navy work along broad lines and then mix with administration a good deal of sound sense and respect for the other service.

Mr. DOWELL. That is the identical question I was trying to bring out.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having taken the chair, a message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed the following resolutions and bill:

S. J. Res. 157. Joint resolution extending appropriation in connection with Columbia Basin investigation;

S. J. Res. 159. Joint resolution providing for the control and eradication of the European fowl pest and similar diseases in poultry; and

S. 3545. An act to revise and reenact the act entitled "An act granting consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a highway and street-railway bridge across the Ohio River between the city of Huntington, W. Va., and a point opposite in the State of Ohio," approved August 18, 1923.

NAVAL APPROPRIATION BILL

The committee resumed its session.

Mr. JONES. Mr. Chairman, I have an amendment at the desk which I desire to offer.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES: Page 40, line 2, after the word "planes," strike out the figures "\$6,921,025" and insert in lieu thereof the following: "\$11,921,625: *Provided*, That not to exceed \$5,000,000 may be used for the acquisition of land or interest in land by purchase, lease, or condemnation, where necessary, to explore for, procure, or reserve helium gas, and also for the purchase, manufacture, construction, maintenance, and operation of plants for the production thereof and experimentation therewith."

Mr. FRENCH. Mr. Chairman, I make a point of order upon the amendment.

Mr. JONES. Will the gentleman reserve the point of order?

Mr. FRENCH. I will be pleased to reserve the point of order.

Mr. JONES. Mr. Chairman, I desire to state that this is the identical language that was carried in last year's military appropriation bill except as to the amount.

This is to cover a matter recommended by the helium board, composed of representatives of the Bureau of Mines, and recommended also by those in the Army and those in the Navy who have advocated the conservation of helium.

About three years ago extensive hearings were had before the Committee on Public Lands looking to the development and conservation of helium. After rather extensive hearings that committee decided it did not have jurisdiction. All of those who appeared and all of those who were interested in helium, including Doctor Moore, who has spent years in this work, were very earnest in their desire that this matter be taken care of. The matter then went to the Committee on Military Affairs, and after some considerable hearings at the last session they reported a bill covering the project. There does not seem to be any opposition to it on the part of those who have investigated

it. This bill is pending before the House, but of course, even if it passed at this session, it would be impossible to take care of it in the way of an appropriation unless some appropriation of this character had been made.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. JONES. I will yield to the gentleman for a question.

Mr. McKEOWN. I simply wanted to ask the gentleman if the adoption of his amendment would not tend to decrease the production of helium rather than increase it, because you take it away from private individuals.

Mr. JONES. I do not think so at all. As a matter of fact, this is an appropriation that would care for a product that is in this country and is in no other country in appreciable quantities. A number of other countries have spent more than is proposed to be spent here in an effort to discover helium or to discover a process of making helium, realizing its great value. Here we have the natural product on which we have a monopoly and which we are allowing to go to waste in the gradual use of the natural gas of this country.

I assume a good many of you heard the speech made by my colleague the gentleman from Texas [Mr. LANHAM] on yesterday. The gentleman from Texas [Mr. LANHAM] is the helium expert of the House and appeared before both of these committees and urged the adoption of this bill.

Now, listen. Everyone who has studied the efforts of the last war realizes that the next war is going to be fought in the air and under the sea, probably, if we are ever so unfortunate as to get into another war. In accordance with the disarmament conference we have sunk battleships worth a great deal more than is suggested here. So far as the House is concerned, we authorized at the close of the last Congress the building of cruisers to the extent of more than \$100,000,000 and certain other ships for war purposes. There are large appropriations in this bill for the same purpose. If my amendment is adopted, I will move to reduce the appropriation for ships, so that it will not increase the appropriation as carried in the bill. I believe that this is more important probably, in so far as any prospective war is concerned, than the building of all those ships. It is something that this country has a natural monopoly of. Would it not be wise to transfer a portion of the funds herein appropriated to this new and valuable use?

In the last war we had captive balloons at various places on the front. We used various methods of getting views of the opposition's positions by means of hydrogen-filled balloons. A single incendiary bullet would destroy the whole thing, and yet we found it advisable to use them. Helium will not explode. It will not burn. You can shoot an incendiary bullet through a balloon filled with helium and it will not explode. This has been thoroughly tested. By means of a process now used a small opening in the balloon will heal itself, so that a bullet might pass through a helium filled balloon without doing material damage.

Here is an element on which the United States Government has a natural monopoly. It is found in commercial quantities in no other country on the globe. They have tried to buy some from this country. They have tried to discover it, but they have been unable to do so.

You know it is strangely true that a great deal of the development of the natural resources of a community or of a town or of a national government even is made by people from the outside. We frequently do not appreciate what is nearest us. There are a great many little cities that are developed in that way. A Columbus has to come along sometimes and discover the fine things. It is usually in the form of some one from the outside who sees the possibilities.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JONES. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for three additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES. Other countries realize the importance of this product, and I believe this country ought to do so. Doctor Moore and the entire helium board for three years have urged this measure and have advocated it in every possible way. Those in the Navy who have had charge of this proposition have appeared before both the Naval Affairs Committee and the Military Affairs Committee and have secured appropriations from year to year barely sufficient to run the little plant located in one part of the United States, and yet we have helium in a number of places strung out from Texas all the way up to Pennsylvania, and it is in commercial quantities at a number of those places.

It is a new project. We spend a great deal more than this in the development of things not half so important. I hope

the chairman of the committee will not urge his point of order. It is in the exact language of the last military appropriation bill. The matter has been thoroughly considered by the Public Lands Committee and they were all favorable, but held that they did not have jurisdiction. It went before the Committee on Military Affairs and they reported the bill.

During the World War a great many shots were wasted, because it was impossible to tell the exact location of the mark at which the same were leveled. Perhaps a very small percentage of the shots that were actually fired reached the ultimate mark at which they were aimed. In an effort to aid in finding the exact location of the enemy and the point sought to be reached, captive balloons were used for observation. These captive balloons were filled with hydrogen. They would remain up for hours with observers surveying the enemy's camps, fortifications, and locations. A single shot would destroy them and endanger the lives of the observers, yet it was necessary to use them. If they had been filled with helium, they would have been very much safer.

Most of the raids over London were conducted by the Germans in dirigibles, because they could carry immense supplies of bombs. These dirigibles were filled with hydrogen, which is very combustible. Had they been filled with helium they would have been much safer, longer trips could have been made, and the damage very greatly increased.

Helium is being wasted in this country whenever a cubic foot of gas is used that contains helium, and when gone it is gone forever. There is no assurance that the supply is unlimited. Nothing has been found to take its place. It would seem, therefore, that the wise policy would dictate its conservation, and I hope the amendment will be agreed to. It would simply mean a transfer of a portion of the funds carried in this bill from the building of cruisers and battleships to the conservation of helium. The battleship is becoming of less and less importance in war time. The overhead warfare and undersea warfare is becoming more important. The adoption of this amendment under the circumstances would mean no greater expenditure, and yet I think a much wiser one.

Mr. McCLINTIC. Mr. Chairman, I move to strike out the last word. I do this for the purpose of making a statement with reference to helium. I am a member of the Naval Affairs Committee, and as a member I have taken a good deal of interest in the development of aircraft. I hold somewhat different views from a majority of the members of the committee in that I believe with my colleague from Texas that in the future a majority of our conflicts will be decided in the air or under the water.

Not long ago there was given publicity in this country to a statement which was to the effect that in a short time it was proposed to build a large dirigible which would be twice as large as the *Shenandoah*, and if there is to be development of this kind, then it is going to be necessary, if we are to proceed along those lines to make proper investigation for the purpose of finding out whether we have a sufficient amount of the kind of gas that will make navigation safe in the air.

In the State of Oklahoma we have extensive gas fields, and in nearly all of the gas fields that I have been informed about there is to be found a large amount of helium. Most of the helium at the present time is going to waste. If we are to develop our aircraft in the future in either branch of the Army or the Navy, surely it would be economy in the end to appropriate a little money to be used for this purpose.

When it is taken into consideration that this amendment only increases the appropriation \$2,000,000, and when we compare it with appropriations for other branches of the Navy, it seems to me it would be wise to favor this amendment so that we can make proper investigation along the lines that will give us the information necessary to make navigation of the air more safe. Inasmuch as other countries do not have the advantage of helium, and helium is to be found in Kansas, Oklahoma, and Texas, surely it would be economy in the end to allow an amendment of this kind to be considered in order that we may progress in the future along the line of absolute necessity. Therefore, I hope the chairman of the subcommittee will see the necessity of aiding in this movement rather than throwing something in the way by making a point of order against the amendment.

Mr. FRENCH. Mr. Chairman, I wish to make a short statement on this subject. If there is a Member of Congress that did not hear the speech of the gentleman from Texas [Mr. LANHAM] on helium yesterday, he ought to read it. It is illuminating; it is a splendid discussion of the development of helium and the importance of helium to our country.

We are making tremendous progress. For instance, from the standpoint of production and the cost of production, a year ago

when a representative of the department came before our committee it was the understanding that at that time, or at least immediately before that time, it cost as high as from \$100 to \$135 a thousand cubic feet to extract helium. At that time we were advised of a process by which it was hoped the cost could be brought down; it was hoped that it could be reduced as low as \$15 a thousand cubic feet. This year when the officers came before our committee we were told that already through a new process they have reduced the cost of recovering helium from natural gas to about \$55 per thousand cubic feet, practically cutting it in two.

We are developing along other lines. For instance, the question of storage has been a difficult proposition. How are you going to care for helium and store it after it is extracted from the natural gas? There are different methods of storing helium, but all are expensive, and I believe the cheapest method adds about 30 per cent to the cost of the helium. In other words, it costs that much to store it, in addition to the cost of recovering the helium.

We are developing a means by which it can be stored underground. We need to develop and explore along that line. In other words, if we are going to use the gas that contains helium, we have to prepare some sort of storage capacity until it may be used.

On the other hand, the members of this committee realize that it is the sense of the House of Representatives that the Appropriations Committee shall not permit to go upon their bills large programs that are legislative programs rather than appropriation programs. Here you are asking an appropriation of \$5,000,000. I do not doubt that it is for a good purpose. I wish there were some way now by which we could conserve the helium. It may be even that this would be in line of economy in the long run, but there is something more important than permitting an item to go into this bill now, and that is the integrity of the rules of the House touching great policies that ought to be cared for by the legislative committees. For that reason I am constrained to make the point of order against the amendment.

Mr. TILSON. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. TILSON. Is there a way of keeping the gas after it is put in the envelope? Does it escape from the envelope readily?

Mr. FRENCH. We have gone into that. There is some loss, but not nearly so much as with hydrogen. Even so when the gas is in the bags used in our ships there is a certain loss.

Mr. TILSON. Is there any deterioration in quality when it is stored even under ground?

Mr. FRENCH. Practically none, and I would say that even if there were deterioration, we have developed processes of purifying the helium so that it can be restored to its original purity, either from storage or gas bags.

Mr. TILSON. Did I understand the gentleman from Texas [Mr. LANHAM] correctly the other day in saying that this method of using water ballast had succeeded to such an extent that it is not necessary to valve out any helium in order to prevent rising?

Mr. FRENCH. That is correct. The gases that escape from the exhaust of the motors will, when combined with other elements of the air be converted into water that will weigh even more than the weight of fuel oil originally. In other words, it will amount practically to 110 per cent of the weight of the original fuel oil, so that there even would be water to throw away.

Mr. TILSON. So that there is no loss of gas practically by valving?

Mr. FRENCH. No; providing we have this device attached to the ship.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. JONES. The gentleman realizes that the helium that is in the gas when the gas is used up is wasted?

Mr. FRENCH. Absolutely.

Mr. JONES. And there is no assurance of our permanent supply of helium?

Mr. FRENCH. That is correct.

Mr. JONES. And this is about the only way for doing this at this short session.

Mr. FRENCH. I am sorry to be compelled to make the point of order.

The CHAIRMAN. The Chair finds that this language was used in the Army appropriation bill a year ago, but no point of order was raised against the language at that time.

Mr. JONES. Mr. Chairman, I concede that it is subject to the point of order.

The CHAIRMAN. The gentleman from Texas concedes the amendment to be subject to the point of order. The Chair is distinctly of the opinion that it is subject to the point of order and sustains the point of order.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last line for the purpose of asking the gentleman from Idaho [Mr. FRENCH] a question. It is easy enough to theorize about grouping or coordinating Government activities, but it is very difficult sometimes to do anything of that sort, even though the theory itself may seem to be perfect. The joint committee on the reorganization of the Government departments did not consider it wise or expedient to report any proposition of that sort to the House with reference to the various air services. This is the question I desire to put to the gentleman from Idaho: Whether from his very intimate knowledge of the work of the Committee on Appropriations he can give us any idea of what the total expenditures are for the air service in its various aspects during the present fiscal year?

Mr. FRENCH. Approximately \$65,000,000, if you include the pay and subsistence of the men. If the gentleman refers merely to the appropriations carried for the air establishments, not including the men and their subsistence, he would have about half that amount, or somewhere near \$30,000,000.

Mr. MOORE of Virginia. Is the gentleman taking into consideration all of the air services?

Mr. FRENCH. Yes.

Mr. MOORE of Virginia. In the different departments of the Government? The gentleman is not confining his statement simply to the Army and the Navy?

Mr. FRENCH. Oh, no. I am including the different aviation activities of the Government.

Mr. DOWELL. Mr. Chairman, will the gentleman from Virginia yield?

Mr. MOORE of Virginia. Yes.

Mr. DOWELL. The gentleman stated that his committee did not find that these departments of the air should be united. Upon what theory did the committee arrive at that conclusion?

Mr. MOORE of Virginia. It was upon representations similar to those that have been stated by the gentleman from Idaho [Mr. FRENCH] that the activities are so diverse that they can not well be grouped so as to maintain the efficiency that we all desire. I will say this to the gentleman, that perhaps he and I might agree that it would be well to have a standing committee which could take into view all of the needs of the Government in respect to air service, a committee on which members of the Committee on Naval Affairs and members of the Committee on Military Affairs might serve.

Mr. DOWELL. We have that system somewhat followed in the fact that all members of the Committee on Appropriations are members of subcommittees.

Mr. MOORE of Virginia. That is true as to appropriations, but I am talking about the legislative features that have to be dealt with.

Mr. DOWELL. As I understand, the gentleman's committee has as its purpose the coordinating of the various departments of the Government for the purpose of economy and efficiency. Does the gentleman believe that our system of each department now having an entirely separate department of the air will do the work with the same economy and the same efficiency as if all of the appropriations for the air were put into the hands of one single department, with such branches as might seem advisable after the work has progressed to a certain point? Would not better results follow from such an organization?

Mr. MOORE of Virginia. I would have been prepared two years ago to answer that question in the affirmative, but after hearing the evidence presented to our committee I was obliged to come to a different conclusion.

Mr. DOWELL. Then, in other words, the gentleman believes there is more efficiency in the present departments than there would be if they were united into one division?

Mr. MOORE of Virginia. If I had not thought so, I would, as one member of the committee on reorganization, have advocated a grouping of the various services. The committee, however, is of opinion, as unanimously expressed in its report, which excludes any suggestion of the coordination of these various services, that it can not wisely be done at this time.

Mr. HULL of Iowa. Mr. Chairman, I rise in opposition to the pro forma amendment. Does the chairman of the committee think that lighter-than-air machines have any practical use in actual war; and if so, what would that use be?

Mr. FRENCH. Well, the members of the committee asked that very question of those representing the aviation service, and it is the belief of officers that the lighter-than-air craft does have a military value. Were an inflammable gas used, the value of the lighter-than-air craft would not commend itself. Even so, it was used considerably during the World War. The fact that we have helium gives advantage in that regard to the United States. Of course, I do not believe its value equals the heavier-than-air craft as part of our defense.

Mr. HULL of Iowa. As a matter of fact if we had a fleet of the lighter than air such as the one that was christened here the other day, the *Los Angeles*, filled with helium and war should be declared we would spend a little money, would we not, finding a cave to hide it in where they could not find it with an airplane?

Mr. FRENCH. I recognize there is force in the suggestion the gentleman makes, that as a fighting weapon it does not have in my judgment the value of the heavier-than-air craft.

Mr. FROTHINGHAM. But the objection in the last war to these machines was that we did not have helium gas and an inflammable bullet would set one on fire by combustion or breaking. Now the advantage of these machines we have here is they not only have helium, but it is kept in separate bags so that in case one or a dozen go the machine can still fight effectively. The whole condition has changed since the last war.

Mr. HULL of Iowa. I ask the gentleman, who has studied the proposition, what was he going to do with it in case of a war.

Mr. FROTHINGHAM. I am not going to do anything with it. I trust that matter to the Secretary of War and to the Secretary of the Navy.

Mr. HULL of Iowa. I have asked that same question of the War Department and the Navy Department, and no one has ever been able to answer the question. Now, Mr. Chairman, I am not opposed, I want to say, to the development of the art if we want to spend a lot of money on it, but I am opposed to the idea of holding it up as a fighting asset. It has no value. If anyone had been down to the christening of the *Los Angeles*, he would have observed that it took them nearly three hours and 500 men finally to bring that machine to the ground. One airplane could have destroyed a hundred of them. They have no defense. I just wanted to call the attention of the House to that fact.

Mr. JONES. Will the gentleman yield?

Mr. HULL of Iowa. I am perfectly willing, as far as I am concerned, to develop helium gas. It may have some commercial purpose; I do not know but what it has, but it is not proper when you are appropriating for the Army and Navy, and it is very questionable whether you have the right to appropriate to develop an industry for commercial purposes, and that is what you are doing so far as lighter-than-air machines go to-day.

Mr. JONES. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. JONES. Of course, probably the reason they took so much time to come down was their desire not to waste any of the helium, but on the question of use in war the gentleman realizes that we used captive balloons in great quantities during the war which were filled with hydrogen—

Mr. HULL of Iowa. And all of questionable value.

Mr. JONES. They used them all through the war, even up to the close of the war. Of course, the gentleman might want us to take his word and judgment against the word and judgment of those who were in control of the military and naval forces during the war. The Germans made a number of raids of a wide radius with lighter-than-air craft which were combustible.

Mr. HULL of Iowa. But the development of the airplane to the present high state of the art makes the lighter-than-air machines absolutely obsolete.

Mr. JONES. We had airplanes during the war, and these machines can go a much greater distance.

The CHAIRMAN. The time of the gentleman has expired, and the pro forma amendment will be withdrawn.

The Clerk read as follows:

NAVAL ACADEMY

Pay, Naval Academy: Pay of professors and others, Naval Academy: Pay of professors and instructors, including one professor as librarian, \$236,900: *Provided*, That not more than \$36,500 shall be paid for masters and instructors in swordsmanship and physical training.

Mr. DENISON. Mr. Chairman, I move to strike out the last word. I want to call attention during these five minutes to

the subject of the Naval Academy. This week the newspapers carried a report that a new superintendent had been selected or appointed for the Naval Academy. I have called up the Bureau of Navigation and find that report is true, and Admiral Wilson is to be retired some time during February and is to be succeeded at the academy by Admiral Nulton, I believe. Admiral Wilson has been in charge of the academy some three or four years, and his superintendency of the institution has certainly been most unfortunate for the academy. All those who are interested in the academy, I feel sure, will welcome the news that he is to be retired as superintendent and a new man placed at the head of that institution. In the first year of his superintendency of the academy he came before the committee and recommended in just a few words the dismissal of 79 civilian professors and their replacement by naval officers, all of whom, of course, are inexperienced as educators or instructors. The committee, of course, did not accept that recommendation, but we had to put in the bill a limitation or provision which would prevent the superintendent from removing the civilian professors and substituting naval officers in their place. Now we have put that limitation or provision in each appropriation bill that has been passed since Admiral Wilson was assigned to that institution.

Now, I have observed that the committee has not seen fit to put that provision in the pending bill. I have not read the hearings, and I do not know what it is that justifies the committee in the view they are now taking. I hope they have a sufficient reason for not carrying that provision in the bill. I am not going to make any effort this year, as I have done each year for several years past, with the assistance of many other Members, to put that provision back in the bill, because my observation has been that it makes no difference if we do put it in; it will be disregarded.

We have put that provision in each year in the last four years, I believe, to prevent the superintendent from discharging the civilian professors. He has taken advantage of technicalities and evaded the express direction of Congress concerning civilian professors, and the morale of the institution and the standards of teaching have deteriorated as the result of this course of action.

I hope the Naval Affairs Committee will take under consideration legislation governing the Naval Academy. There ought to be legislation on this subject of the management of that institution if we are to preserve it as a great educational institution, such as it was intended to be. As it is now, there is practically no law governing it, and each superintendent when appointed can generally do about as he pleases, because the Secretary of the Navy generally follows the recommendations of the superintendent.

There is a provision of law for the appointment of a Board of Visitors at the academy once each year. The Board of Visitors is composed of a certain number of Senators appointed by the President of the Senate and a certain number of Members of the House appointed by the Speaker and certain others appointed by the President.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENISON. Mr. Chairman, may I have five minutes additional?

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BLANTON. Mr. Chairman, will the gentleman yield for a question?

Mr. DENISON. In a moment.

The Board of Visitors go to the academy once a year and make some observations and study of how it is being conducted, and make a report. Now, these Boards of Visitors for a number of years have been composed of very able men, including prominent educators of the country, and they have repeatedly made specific recommendations as to what should be done to secure able men in the faculty, able civilian professors in the faculty, and as to how the institution should be run along that line; the Secretary of the Navy has attempted to put the recommendations of the board into effect with reference, for instance, to the pay of civilian professors and as to promotions and other regulations of that kind. But Admiral Wilson swept that all aside and has been running the institution in a very arbitrary and unsatisfactory manner.

Now I yield to the gentleman from Texas.

Mr. BLANTON. This academy has the standing of a first-class university. With respect to all other universities, no president of a university can discharge any member of the faculty until he has submitted his recommendation to a board of regents to pass upon the matter. What kind of a board

of regents have we for the Naval Academy to pass upon recommendations made by Admiral Wilson, the presiding superintendent?

Mr. DENISON. Well, they have had an academic board composed of the heads of each of the departments. There are various departments, you know—English, history, and so on—and the heads of these departments comprise the academic board that is supposed to advise with the superintendent as to the policy of the institution. The superintendent is supposed to consult this board with reference to the management of the institution. Admiral Wilson has not consulted them with reference to the civilian instructors and professors. He has shown a contempt for their views, and he has run that institution, as I have taken occasion heretofore to say, as he would run a battleship.

Mr. BLANTON. Can he dismiss faculty members without the consent of this board?

Mr. DENISON. He has been doing it. I have called the attention of the House to the matter year after year, and we have been trying to cure that situation and prevent its continuance. But, in spite of all that Congress could do by these limitations on appropriation bills, the superintendent has dismissed some of the best men they had on the civilian faculty, arbitrarily and contrary to expressed wishes of Congress.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. DOWELL. Does the gentleman realize that Congress can not specify who is to be employed and who shall not be employed in that institution and that we must depend upon the head of the institution? If we can not, we should have some one in whom we would have confidence to run the institution properly. In other words, the Congress can not take up the question of each individual professor in the institution to determine what status he should have in the institution.

Mr. DENISON. Of course the gentleman is correct, and Congress has never attempted to do so, and I have never advanced the theory that we ought to do so. But I do not think the superintendent should have the power to run the institution just as he wishes, because that is not in harmony with the plan under which it is supposed the institution is to be conducted.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. DENISON. May I have two minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. BRIGGS. Can the gentleman tell us what proportion of the professors are civilians?

Mr. DENISON. I do not know now.

Mr. BRIGGS. What has it been heretofore?

Mr. DENISON. It has varied from year to year. About four years ago it was in the proportion of 50-50.

Mr. FRENCH. There were 69 civilian instructors this year and 143 naval instructors. The estimate this year for next year is 66 civilians and 128 naval instructors.

Mr. BRIGGS. What relationship obtains at West Point as between civilian instructors and Army instructors?

Mr. FRENCH. At West Point there are very few civilian instructors.

Mr. BRIGGS. How does it happen that so many civilian instructors have been employed heretofore at the Naval Academy in preference to naval instructors or officers of the Navy?

Mr. FRENCH. I do not like to intrude on the gentleman from Illinois, but I would say that the great increase occurred during the war, when officers were needed in the service.

Mr. DENISON. I hope the chairman of the subcommittee can in a moment give the House some good and sufficient reason for leaving out of the pending bill the limitations the House has put in the bills for the last four years in order to protect the institution; and I also hope the chairman of the subcommittee can give a satisfactory and sufficient explanation of the reason for the large decrease in the appropriation. The bill last year carried \$275,000 and the amount has been reduced to \$236,900 in this bill; the year before it was \$325,000, and the year before that it was \$421,000. So there has been a substantial annual decrease in the appropriations for the academy during these last four years, and there is a very substantial decrease in the appropriation for this year. Unless the plan is to further reduce the number of civilian professors, I can not understand why there is this great reduction in the appropriation.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. FRENCH. Mr. Chairman, with regard to numbers of civilian members of the faculty at Annapolis, I beg to say that the first great reduction was made from 1922 to 1923, when we reduced from 135 to 97. That was occasioned by the plan of administration of the academy to get back to what was regarded as a better division of civilian and official faculty members of the faculty. For 1924 we appropriated for 92 civilians. I think the reduction of 5 that year was administrative. The next year, 1925, when we provided for 69 civilian members of the faculty, the reduction was congressional. In other words, we ourselves gave an appropriation that required a reduction. The other reason—in addition to the first reduction looking to getting back to what the Navy Department regarded as a better balance of civilian and officer members of the faculty—was because of the decrease in the number of midshipmen at the academy. In 1923 we had 2,395, and in 1924, 2,499 midshipmen. Then, as the gentleman will recall, the policy of permitting Members of Congress to name five midshipmen each entered into the situation and a reduction was made in the number of midshipmen that could be named, so that from that time on the Members of Congress could name three. Naturally, the falling off in enrollment at the academy would not take effect completely the first year. The entering class would be only three-fifths of the graduating class, assuming that all graduated, but the three higher classes would still be the same. In other words, it would take four years for those who had been appointed when Members of Congress could appoint five midshipmen to pass out of the institution.

Now, that is responsible for the reduction in the number of faculty members for the current year. We have now 1,976 midshipmen as against nearly 2,500 in 1924, and for the coming year we estimate the number to be 1,600.

Mr. BLANTON. Will the gentleman yield?

Mr. FRENCH. I shall be glad to yield.

Mr. BLANTON. I wish the gentleman's committee had taken off these other 66 civilian professors and put officers in their stead, because we are getting so many naval officers that we might just as well make some use of them. We have not any other use for a lot of them unless we put them to teaching. We have trained them and we might as well get the benefit of their knowledge.

Mr. FRENCH. The Navy Department believes that for certain branches civilian members of the faculty can more advantageously be employed. That is not to say that an officer member of the faculty, if he were to make for his life career a specialty of teaching some subject, like English or possibly history or some other subject, would not succeed as well as though he were a civilian. On the other hand, the department believes there are certain branches that can be better taught by civilians, who will continue on from year to year. Personally I think so.

Mr. BRIGGS. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BRIGGS. What amount of this appropriation is utilized for the payment of the salaries of civilian instructors?

Mr. FRENCH. Oh, all of this item is used for that purpose. The officers' salaries are borne out of pay of the Navy.

Mr. BRIGGS. In that connection I would like to ask the chairman of the subcommittee another question. I saw in the papers recently a statement to the effect that there was a shortage of naval officers. Has the committee made any investigation of that subject?

Mr. FRENCH. A shortage of naval officers?

Mr. BRIGGS. Yes; for sea duty and manning ships. Is that true? I saw that in a newspaper report recently.

Mr. FRENCH. Here is the situation: The general law provides—

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BUTLER. Before the gentleman from Idaho begins let me say this to the gentleman from Texas: That those of us who have been here for 25 years or more know that there is always a shortage of officers, especially at this season of the year.

Mr. BRIGGS. I thank the chairman of the Naval Affairs Committee for that information.

Mr. FRENCH. Under the general law we may have an enlisted personnel of 137,485, and under the law 4 per cent

would be the officer complement; in other words, we would be entitled to 5,499 line officers on the basis of 137,485 enlisted men. As a matter of fact, we have 86,000 enlisted men now, and 4 per cent of 86,000 would be somewhere under 3,600. Instead of having 3,600 officers of the line we have 4,732 officers, as of September 30, 1924.

Mr. BLANTON. Then we have a surplus of 1,100?

Mr. FRENCH. Just a moment, and I think the gentleman will feel the situation is probably being maintained correctly. In other words, if you measure the officer strength by the possible officer strength on authorized enlisted personnel, we have an under number. If you measure it by the actual enlisted personnel, we have an excess of 1,100, as the gentleman from Texas suggests.

We realize it takes years to train an officer. It takes as many years to train an officer as it takes months to train an enlisted man to perform efficient duty. We believe it is the part of wisdom, and I think the House believes it is the part of wisdom, to maintain rather a larger officer personnel, taking it for granted that in the event of an emergency we can train the enlisted personnel to make good in large degree, as they have done in the past. So the gentleman who received his advice may have been rightly advised from one point of view but wrongly advised from another.

Mr. LOWREY. Will the gentleman yield?

Mr. FRENCH. May I first finish the question that the gentleman from Illinois asked before we get too far away from his question? The gentleman wants to know why we left out the language in the bill which we reported touching a sort of protection to civilian members of the faculty at Annapolis. In the first place, when the reduction came to be made at the academy of civilian teachers some three years ago there were two thoughts in view. I think that the administration of the academy, and probably the department, felt we ought to maintain more officers than we were maintaining at that time. Again, from the standpoint of economy, economies that could have been effected if we had dismissed a lot of civilian professors and in their places put officers it was urged we should reduce. But these men had entered the academy as teachers under contracts, some of them extending for five years. They had been drawn from the different colleges and universities of the country. The members of the committee did not feel it was fair to them to have such a termination made of their services.

We did not feel that the department itself ought to be asked to bear the burden of criticism on account of expense of maintaining those teachers when they could substitute officers. For that reason we said we will shoulder up as a Congress, and we will provide that they shall maintain faculty members who are civilians under certain conditions. One condition was that a contract should not be broken. Another was that a man should receive six months' notice before dismissal, and, accordingly, largely with that thought in view, the language was put in.

Since then we have carried somewhat similar language and the Congress has assumed the responsibility of providing more money for the institution than the administrative head of the institution thought desirable from either the standpoint of economy or from the standpoint of most effective teaching of the branches that are taught in the academy.

Let me make one further statement. We have not carried the language this year because we feel now we have gotten down to a basis where the department would not want to reduce the civilian personnel further.

I do not know as to the charges made touching individual civilian professors who may have been dismissed. Maybe some abuses occurred. Abuses occur under any management of any institution, not willfully but through judgment that would not perhaps be your judgment or my judgment, but the language of the law is that no civilian professor, associate, or assistant professor or instructor shall be dismissed "except for sufficient cause" without six months' notice. Who is going to decide the question of sufficient cause? Shall we bring that question here, put it on the table in front of us, and all 435 Members of this House debate whether there was sufficient cause for dismissing Jones or Smith or Brown, a civilian instructor or professor at the academy? I do not think we want to do that. I wish to protect Smith or Jones or Brown at the academy, but we must maintain a principle, and that is that this legislative body is not created for the purpose of going into detail in the administration of an educational institution of this kind. We must place responsibility somewhere, we must place authority somewhere, and that authority has been placed in this instance with the department that has charge of the training of men to be officers of the Naval Establishment.

The gentleman has referred to Admiral Wilson. I can not undertake to analyze the action of Admiral Wilson touching any particular case, nor the final action of the department. Admiral Wilson is the administrative officer and is charged with responsibility that must be placed somewhere. If in the course of the matters that came under his administration a mistake could be pointed out here or there, it would not alter my respect for him, because I believe in his integrity. Admiral Wilson is a great man. As an officer he has a most distinguished record, and many are the young men who will be inspired through their careers as officers of the Navy because of their association with Admiral Wilson.

Mr. LOWREY. Mr. Chairman, I ask that the gentleman may hold the floor about two minutes longer. I want to ask him a question.

The CHAIRMAN. Does anybody prefer a request for an extension of time?

Mr. FRENCH. I understood the gentleman to prefer a request for two minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman from Idaho may proceed for two additional minutes. Is there objection?

There was no objection.

Mr. LOWREY. Did the committee consider the policy of giving commissions only to such graduates of Annapolis as are really needed, leaving the others for reserve naval officers in the future in case they should be needed?

Mr. FRENCH. We did consider that, and under the policy of permitting the Members of Congress to name three midshipmen, unless the department shall tighten up on resignations of officers, we are going to be hard pressed to find enough graduates to make up for the depletion of the service; but with tightening up on resignations we can have a sufficient number.

Mr. LOWREY. Is it not possible it would be a wise policy to continue to keep the institution filled in order to have reserve officers for the future, commissioning only those needed, and using the institution for the actual purpose of keeping a corps of reserve officers and not commissioning all of them?

Mr. FRENCH. Possibly that is so. I understand the legislative committee is considering the matter of modifying the policy touching number of officers of the various grades. Other factors enter into the question of number of officers we shall need, and the number which will prefer to stay in the Navy after graduation. We felt we had better await the action of the legislative committee before disturbing the present situation for this coming year.

Mr. BUTLER. Mr. Chairman, I want to ask the gentleman a question. When the Committee on Appropriations reduced the number to be appointed to the academy from five to three, did my friend then think of waiting for congressional action through the legislative committee? They certainly gave it a rude disturbance then, and the whole House and I, too, joined with the gentleman in voting for the appropriation recommended, and I think I did what was wrong; but the gentleman came in here and reported an appropriation that starved out two of them.

Mr. FRENCH. The gentleman will remember that we reduced the number of midshipmen because we were reducing the enlisted personnel, and we felt that three could take care of the situation.

Mr. BUTLER. But the gentleman did not reduce the number of officers.

Mr. FRENCH. No; because we believed in a fairly large officer personnel.

Mr. BUTLER. I believe in the same thing.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out the last three words. I have not addressed the committee since we started reading the bill and I do not intend to take but a few minutes. A few years ago, in 1921 and 1922, we had about 2,500 students and we had a large number of civilian professors who were introduced into the service during the war. I never knew a man to become associated with the pay roll of Uncle Sam who did not desire a continuation of the association. When the student body was reduced it was necessary that some of the civilian professors should be dismissed. Now we have but 1,800 students, and it follows that the commandant of the academy should reduce the number of civilian professors. At West Point we have six or seven civilian professors. Next year we will have at the Naval Academy 66. Can it be said that that discriminates against the civilian professors? The only objection I can make is that the commandant has not dispensed with the services of a sufficient number of civilians.

The two classes which are affected by the reduction in the number of midshipmen are the fourth class and the third class. And those are the classes where civilian professors are needed, the second and first classes teaching navigation and other subjects which should be taught by officers. The fact is that the commandant of the academy should make a greater reduction because of the reduced student body in the third and fourth classes, but he is going to reduce 10 officers and only 2 civilians. I do not think there is anything to show that Admiral Wilson has not lived up to the spirit as well as the letter of the law. The committee has followed this matter closely for the last two or three years and is convinced Admiral Wilson has lived up to the spirit of the law laid down by Congress for the protection of the civilian professors.

I take issue with the statement that Admiral Wilson has been any more arbitrary in the conduct of the academy than it is necessary for every executive to be in enforcing discipline and dispatching business. Responsibility must be lodged somewhere, and it would be unfortunate for the Naval Academy at Annapolis or for the academy at West Point to create the impression that every dissatisfied employee could appeal to Congress, there to have his complaint debated with no witnesses or information upon which we could form a correct conclusion.

So far as I am concerned I want to say that it is a matter of sincere regret to me that next February Admiral Wilson retires and will no longer head the Naval Academy at Annapolis. Instead of destroying the morale, from my knowledge of the Naval Academy, and I claim to know something of the conditions existing there, while the morale of two civilian professors may be injuriously affected, so far as the student body is concerned the morale was never better than it is to-day, and the splendid spirit of the academy is due in great measure to Admiral Wilson, as efficient a commandant as the academy has had. I believe the country owes a debt of gratitude to Admiral Wilson for the faithful and intelligent discharge of a very important and difficult task. [Applause.] He has conducted the affairs of the Naval Academy so as to give to the service splendid officers in the future, and at the same time has had an eye to the Treasury of the United States and some regard for the taxpayers of the United States. It would be easy for him to come here and ask for larger appropriations, but he has been honest with the committee. Instead of being arbitrary he has reported conditions to us, stating if we insisted that all these civilians be kept he would keep them, but that all of them were not necessary in view of the reduced number of students. For next year he proposes a reduction of only two. I think the committee will agree that he has rendered a service to the Congress and to the country.

Mr. SANDERS of Indiana. Mr. Chairman, I am quite in accord with the statement made by the gentleman from South Carolina [Mr. BYRNES]. This question about the civilian professors at Annapolis has arisen a number of times. I do not pretend to know the details about it and I would not undertake to form an independent opinion from my own personal knowledge. But judging from the conditions at West Point, and comparing the number of civilian professors there with the number of civilian professors at Annapolis, it is perfectly apparent that the Government is not being hurt by reducing the number of civilian professors. Generally speaking, naval instructors are better suited to train our boys for naval service.

But entirely aside from that question, Mr. Chairman, I want to say that I have the very highest respect for the opinion of Admiral Wilson in respect to matters connected with the Navy and, of course, with the matters connected with the Naval Academy.

Admiral Wilson has had a distinguished and honorable career, and the people of the country, as suggested by the gentleman from South Carolina [Mr. BYRNES] will owe him a great debt of gratitude for his service to the country when, in February, next year, he retires. In 1916 he became captain in command of the battleship *Pennsylvania*, the largest battleship afloat. In March, 1917, he had charge of the patrol force of the cruisers of the Atlantic coast.

In November, 1917, he had charge of the naval base on the coast of France. He became vice admiral in September, 1918, while serving in France. He became the commander of Squadron No. 4, of the Atlantic Fleet, in July, 1919, and was made commander in chief of the Atlantic Fleet at that time. When the Navy had the combined fleet maneuvers at Panama, the great Atlantic Fleet and the great Pacific Fleet, I happened to be there. I stood upon a fortified island near the Pacific entrance with the Governor of Panama, and I watched the maneuvers of the great battleships and other fighting ma-

chinery of the American Navy, and it thrilled my heart with pride to see that fine Navy in those maneuvers. The officer who had entire command of the combined Fleet was Admiral Wilson.

He graduated from the academy in 1881, a year before I was born. Commencing away back there, covering a period of 45 years, he has given all of the best years of his life to his country, and he retires in February. I do not know how others feel about it, but I do not propose to disregard the views about naval affairs of a man who has given so many years to the service, whose career is without a blemish, and accept instead thereof the views of some one else who happens to think that there ought to be more civilian professors. [Applause.]

The Clerk read as follows:

For pay of employees at rates to be fixed by the Secretary of the Navy, as follows: Administration, \$154,800; department of ordnance and gunnery, \$10,952; departments of electrical engineering and physics, \$17,727; department of seamanship, \$8,880; department of marine engineering and naval construction, \$47,922; commissary department, \$188,993; department of buildings and grounds, \$131,794; in all, \$567,068.

Mr. DENISON. Mr. Chairman, I move to strike out the last figures. I do this for the purpose of calling attention to the difference between the way in which the Military Academy and the Naval Academy are managed. We have never attempted to have a civilian faculty at West Point, with the exception of four or five professors. At the Military Academy the instructors are not changed every two years as they are at the Naval Academy, under the rule which provides that the naval officers assigned to the academy to teach have to go back to sea at the end of the second or third year at the most. In that way they can not remain a part of the permanent teaching staff at the institution. There is a continual change in the academy at Annapolis, and anyone who is familiar with educational institutions knows that that is a bad thing. That is not true at West Point. They have a permanent teaching force there, including the military officers. If we had a permanent force among the naval officers who teach at the Naval Academy, there would be no objection to them, because they could prepare themselves for that kind of work and stay with it. The objection is that they are changing all of the time. Several gentlemen who have spoken on this subject, particularly the gentleman from South Carolina [Mr. BYRNES], spoke about reducing the number of civilian professors. No one has attempted to stop that. Congress has not attempted to prevent the reduction in the number of professors when they are not needed. The only thing that we have been attempting to do in the last three or four years is to prevent the removal of civilian professors and the substitution in their place of naval officers, so that the boys who are at the Naval Academy will have the benefit of trained instructors and trained educators in their efforts to get an education. The young men who go to the academy have no opportunity to go to any other educational institution, of course. It is their only opportunity to get an education, and some of us have been trying to make it a real educational institution rather than a mere naval training station.

Of course the remarks of the gentleman from Indiana [Mr. SANDERS] with reference to Admiral Wilson and his naval career are interesting. I have not at any time criticized him as a naval officer. I have always spoken of him in high terms. There is no conflict upon that question; but the issue raised heretofore and still raised is that by temperament and for other reasons he is not particularly qualified to run an educational institution. I do not care how well qualified a man may be to command a battleship or a battle squadron, that does not prove that he is capable of properly conducting and managing an educational institution, and that is all there is to this controversy.

I wish the chairman of the committee would answer the further question that I asked a while ago: If they do not intend to further reduce the civilian faculty, why was the appropriation reduced so substantially in this bill?

Mr. FRENCH. Mr. Chairman, the amount that is carried in the bill is slightly less than the amount that will be used actually this year. In other words, we appropriated last year more than they will be able to use on the basis of the number of the faculty members they will need to have.

The Clerk read as follows:

Current and miscellaneous expenses, Naval Academy: For text and reference books for use of instructors; stationery, blank books and forms, models, maps, and periodicals; apparatus and materials for instruction in physical training and athletics; expenses of lectures

and entertainments, not exceeding \$1,000, including pay and expenses of lecturer; chemicals, philosophical apparatus, and instruments, stores, machinery, tools, fittings, apparatus, and materials for instruction purposes, \$77,800.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word. Referring again to this matter of instructors, what is the reason for the policy that is followed in the designation of naval officers as instructors at the academy for periods of only two years and then require that they shall be assigned to sea duty?

Mr. FRENCH. Whether or not a two-year period or a three-year period would be the right amount of time I would prefer to leave to be met by the officers of our Navy Department. The general thought is that an officer who comes from a battleship, a submarine, a destroyer, or some other great institution or an activity of the Navy Department to the academy as a teacher will be able to bring something new. In addition to scholarship he brings practical experience. In other words, he comes as a man to meet young men who are looking forward to a life in the very service in which he has been engaged and of which they dream. It is for the purpose not only of imparting information and giving instruction in academic studies but for the purpose of instilling into the midshipmen at the academy the spirit of the Navy. The midshipmen must go out commissioned officers with a broad view of the Naval Establishment upon their graduation from the academy, and they must be fired with the spirit of service if they would succeed.

Mr. KETCHAM. Mr. Chairman, the distinction which the gentleman makes would apply very well to subjects that have to do with the technical work of the Navy.

Mr. FRENCH. And that is the place where it is stressed.

Mr. KETCHAM. Does the gentleman believe that instructors in mathematics or in history, or in any of the subjects not necessarily technical, would be so well equipped for their work by that continuous change? Does he not believe that frequently there are assigned to the Naval Academy men who from a pedagogical standpoint are not particularly well qualified for the work; proficient, no doubt, as naval officers, but without training, experience, or knowledge in relation to teaching? Does he believe that a system of selection of instructors that must frequently result in such assignments is for the best?

Mr. FRENCH. Of course, wherever you place administrative authority, there is danger of mistake, and I am afraid it will long be so in this world of ours. But let me say in response to the gentleman's suggestion that the branches that to a layman could most advantageously be handled by civilians are the ones that the administrative officers of the Navy say shall be handled by civilians. Thus, for the most part, the subjects the gentleman has mentioned are not taught by officers.

Mr. KETCHAM. If the gentleman will yield further, I do not want it to be understood that I am arguing for an increase of civilian instructors. If the teaching ability of naval officers assigned to the academy as instructors could be considered, I think I would favor an increase of such assignments. I am wondering whether there is any arbitrary plan by which these naval instructors are selected? Can the gentleman advise us on that point?

Mr. FRENCH. I would say this: In the first place the names of available officers are submitted to the head of the academy. He goes over them. He tries to ascertain from his own personal knowledge or through men who are in touch with the prospective members of the faculty whether or not they would be suitable for the work at hand. In other words, a selective process is followed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KETCHAM. I ask for three additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KETCHAM. Mr. Chairman, in order to make my point clear may I call the attention of the committee to the fact that three of the limited number of Rhodes scholarships for next year have been bestowed on cadets at West Point.

To me that is an indication that the policy that has been adopted there of continuing Army men who have proven their ability as instructors is sound. A Rhodes scholarship is a splendid prize and does great honor to the person receiving it and to the college or university where he receives his training. Three such scholarships in one year from West Point puts the stamp of approval on their system of selecting instructors. I was wondering if something of the kind ought not to be worked out for our Naval Academy.

Mr. FRENCH. What is scholarship and why maintain an institution like the Naval Academy? The purpose of the

academy is to train young men to become officers in the Navy. Were that not the purpose we could depend upon our colleges and universities to turn out an adequate number of young men every year who would possess scholarship befitting an officer of the Navy. But that is not enough. A naval officer requires special and technical training. In the small compass of a submarine are technical mechanisms that should be placed in charge of only a specially trained man. And so of a battleship or a destroyer. And no less skill is required in ordnance or in aviation. Academic scholarship and technical training must go side by side.

I do not pretend to say what is the best plan for the Army, but we all know that the officer personnel of the Army is fed in large part from our colleges and universities. Not so with the Navy. For each branch of the service must be worked out the plan of training that is best. At Annapolis we concentrate more in engineering, in applied science, in curricula that deal more with technical branches. West Point is a great institution. Its purpose is to train for the Army, and I have no doubt the plan of training for Army service is adequate. The gentleman speaks of several West Point cadets attaining Rhodes scholarships and he regards this record as having special significance.

Surely it is a proud record, but may I remind the House that to West Point we send young men who are older by two years than the boys we send to Annapolis. Many of the young men who enter West Point are college graduates before they cross the threshold of that institution.

That an older type of young men should enter West Point than enter Annapolis is apparent. A West Point graduate goes out of the institution to take charge of men; a graduate of Annapolis goes out to take charge first of all of devices, of machinery, of problems, and finally of men. In other words, he must be a technically trained man, and to attain the best we have provided an entrance age younger by two years than that required for West Point.

On the whole, in answer to the gentleman, I believe in the judgment of the officers of the Navy as they have worked out a program of training of the young men who will assume with passing years the responsibility of officers of our Naval Establishment.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. HILL of Maryland. A year ago last spring the Board of Visitors on behalf of Congress went over that matter very carefully at the Naval Academy. The question, as the chairman will recollect, was very thoroughly debated here a year ago on this appropriation bill. They reported they had gone over that matter not only with the authorities of the Naval Academy, but the gentlemen also stated they had gone over it very carefully with the authorities of the Navy Department, and they were making a selection of professors from the service for the Naval Academy with a very special view of their qualifications of the subjects that they were to teach as well as their teaching inspiration as service men. That policy still exists, does it not?

Mr. FRENCH. I believe so.

The Clerk read as follows:

Maintenance and repairs, Naval Academy: For necessary repairs of public buildings, wharves, and walls inclosing the grounds of the Naval Academy, improvements, repairs, and fixtures; for books, periodicals, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants, machinery; purchase and maintenance of all horses and horse-drawn vehicles for use at the academy, including the maintenance, operation, and repair of three horse-drawn passenger-carrying vehicles to be used only for official purposes; seeds and plants; tools and repairs of the same; stationery; furniture for Government buildings and offices at the academy, including furniture for midshipmen's rooms; coal and other fuels; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up station and care of buildings; attendance on fires, lights, fire engines, fire apparatus, and plants, and telephone, telegraph, and clock systems; incidental labor; advertising, water tax, postage, telephones, telegrams, tolls, and ferrage; flags and awnings; packing boxes, fuel for heating and lighting bandsmen's quarters; pay of inspectors and draftsmen; music and astronomical instruments; and for pay of employees on leave, \$1,000,000.

Mr. BLANTON. Mr. Chairman, on page 43, line 8, I move to strike out the word "postage." It is a pro forma amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 43, line 8, strike out the word "postage."

Mr. BLANTON. Mr. Chairman, there is a movement right now on foot in this Capitol to use the report of an alleged bribery by some officer in the Capitol as an excuse for turning down the postal pay bill. They ought to get some better excuse than that. Why, among all the thousands of postal employees as a class maybe you will find some dishonest one as in every other class or organization, some one who might attempt to bribe, but as a class these postal employees are honest. Are you going to visit a wholesale punishment upon the whole class because one individual may be dishonest? Are you going to deny every one of those men this deserved increase pay because some one in their fold may have done wrong? I say that is an excuse that is ridiculous, and I hope that the movement on foot right now to use this incident as an excuse to uphold the veto of the President will be abandoned.

Mr. BEGG. Will the gentleman yield?

Mr. BLANTON. I did not want to take up but a minute, but I will yield.

Mr. BEGG. I do not know to whom the gentleman had reference, but certainly the gentleman knows there is no opportunity for us on this side to vote on the veto.

Mr. BLANTON. That is true, because the bill is not before us. I am talking about an excuse for sustaining the President's veto, to kill this bill that is pending in another body.

Mr. BEGG. The gentleman ought to make his speech in the other body.

Mr. BLANTON. I would if I were there; but, unfortunately for the country, I am not there. [Laughter.]

Mr. BEGG. I would suggest to the gentleman to try to get there.

Mr. BLANTON. I would prefer just now to stay here with the gentleman from Ohio.

Mr. BEGG. I will tender my services to assist you.

Mr. BLANTON. Coming over to the Capitol this morning I heard a very distinguished gentleman say, "There is no chance in the world for the postal salary bill to be passed now, since this bribery question has come up." I immediately protested against such statement. Such a punishment to be visited upon a whole organization of honorable Government employees simply because one has side-stepped and gone wrong would be unjust and inexcusable. The gentleman from Ohio knows that is no excuse whatever and ought not to be considered by anybody.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

INCREASE OF THE NAVY

The Secretary of the Navy may use the unexpended balances on the date of the approval of this act under appropriations heretofore made on account of "Increase of the Navy," together with the sum of \$6,944,000, which is hereby appropriated for the prosecution of work on vessels under construction on such date, the construction of which may be proceeded with under the terms of the treaty providing for the limitation of naval armament; for continuing the conversion of two battle cruisers into aircraft carriers including their complete equipment of aircraft and aircraft accessories, in accordance with the terms of such treaty; toward the construction of two fleet submarines heretofore authorized, to have the highest practicable speed and greatest desirable radius of action and to cost not to exceed \$5,300,000 each for construction and machinery and \$850,000 each for armor, armament, and ammunition; for the settlement of contracts on account of vessels already delivered to the Navy Department; for the procurement of gyro compass equipments, and for the installation of fire-control instruments on destroyers not already supplied; for the installation of fire-control apparatus on the *Colorado* and *West Virginia*; and for the completion of armor, armament, ammunition, and torpedoes for the supply and complement of vessels which may be proceeded with as heretofore mentioned.

Mr. MORTON D. HULL. The purpose is to inquire of the chairman of the subcommittee as to the amount of the unexpended balances provided on page 48 that are authorized to be used.

Mr. FRENCH. The amount that will be available by July 1, of course, is somewhat problematical, but I should say that it would be approximately \$10,000,000. Sometimes there are factors that enter into the situation that we can not anticipate; for instance, whether or not a certain material can be obtained. It may delay the use of moneys that otherwise could be used, just as it did touching engineering, as I explained in my general statement. But it will be approximately \$10,000,000.

Mr. RATHBONE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RATHBONE: After line 13, page 49, amend by inserting a new paragraph in lieu thereof, as follows:

"The President is requested to enter into negotiations with the Governments of Great Britain, France, Italy, and Japan with a view to reaching an understanding or agreement relative to limiting the construction of all types and sizes of subsurface and surface craft of 10,000 tons standard displacement or less and of aircraft whenever there appears to be a reasonable prospect of agreement in a further limitation of competitive armaments."

Mr. BEGG. Mr. Chairman, I make a point of order on that.

Mr. TABER. I make a point of order against the amendment, that it is legislation on an appropriation bill.

The CHAIRMAN. The gentleman from New York makes the point of order that the amendment is legislation upon an appropriation bill. Does the gentleman from Illinois [Mr. RATHBONE] care to be heard on the point of order?

Mr. RATHBONE. I will ask the gentleman from New York to reserve his point of order for a moment.

Mr. TABER. I do not think it should be reserved, in view of the recent statement by the President on the subject. The statement of the President is well understood, and it expresses the sentiment of the country absolutely, and it places the Government in a position that is foursquare.

Mr. WINGO. The gentleman from New York, as I understand it, says this is legislation. What legislation does it propose? It is simply a warrant to the Executive to authorize his power in a line where Congress had no authority to compel him to do anything in the exercise of his power. It is simply a polite suggestion; that is all.

Mr. RATHBONE. Mr. Chairman, I would like to be heard upon the point of order.

I will say that the position that I have taken is this: This is in identical language, I believe, with the so-called Byrnes amendment which was offered by the gentleman from South Carolina at the last session on the occasion when the naval bill was under consideration.

Mr. BLANTON. Mr. Chairman, will the gentleman yield for a question?

Mr. RATHBONE. I yield.

Mr. BLANTON. Did the gentleman first get the permission of the committee before he offered this amendment?

Mr. RATHBONE. I will ask the gentleman from Texas if he is asking that as a serious question?

Mr. BLANTON. Unless he did, he will have no chance to get this carried on the bill.

Mr. WINGO. Has this passed the Budget?

Mr. RATHBONE. I will state to the gentleman in reply that this is offered on my own motion solely. I will endeavor to explain my position to the Chair and to the House.

Mr. WINGO. The gentleman by his own statement admits that he is out of order. The gentleman's last statement puts him out of order. Under the new Budget no Member has the right to offer an amendment on his own responsibility to the House.

Mr. RATHBONE. I am grateful to the gentleman for his statement, but I shall endeavor to proceed in my own way.

Mr. Chairman, as I was stating, this is the identical resolution that was adopted by this House at the last session when the naval bill was pending.

Mr. BEGG. Mr. Chairman, will the gentleman yield at that point?

Mr. RATHBONE. I yield.

Mr. BEGG. Did anybody make a point of order against the amendment of the gentleman from South Carolina?

Mr. RATHBONE. I believe not.

Mr. BEGG. What force, then, is there in that argument?

Mr. RATHBONE. The force is that if it was good then, it is good now.

Mr. BEGG. If nobody challenged it, how does he know whether it was good or bad?

Mr. RATHBONE. So far as this point is concerned, the point that has been raised, that it is legislation, does not offer any ground of objection at all.

The CHAIRMAN. For the information of the gentleman, the Chair will say that if the amendment is agreed to it becomes a part of the bill and becomes a part of the law. Is not that legislation?

Mr. RATHBONE. No, sir. It is not legislation in any sense of the word.

Mr. STENGLE. Is it germane?

Mr. RATHBONE. The point as to its germaneness has not been raised.

The CHAIRMAN. The Chair will hear the gentleman from Ohio on the point of order.

Mr. BEGG. Mr. Chairman, it is clearly legislation on an appropriation bill.

Mr. WINGO. Is not this the amendment that was offered to the appropriation bill last year?

Mr. BEGG. That makes no difference. The gentleman knows that that does not amount to anything.

Mr. WINGO. Yes; it does make a difference, because I want to get some information from my friend. If it is the same as the one that was put on the appropriation bill last session, that was a request upon the President, and I want to ask my friend from Illinois [Mr. RATHBONE] whether he thinks the President has forgotten about it and whether the gentleman from Illinois wants to renew the invitation or request?

Mr. RATHBONE. I have no idea the President has forgotten about it. I am offering this amendment at the present time in order that it may be known to all the world that the Congress of the United States stands now where it stood at the last session. This is offered in good faith.

Mr. WINGO. I challenge that statement. The Republican papers, especially the chief organ of this administration, announced the day this Congress convened that the Congress which was repudiated in November reconvenes in December, so we evidently do not stand where we did at the last session.

Mr. RATHBONE. I am going to state my position.

Mr. WINGO. Of course, George Harvey should certainly be an authority for my Republican friend.

Mr. RATHBONE. Mr. Chairman, I decline to yield any further until I have had a reasonable opportunity to state my position before this House.

Mr. STENGLE. Mr. Chairman, a point of order. Is the gentleman discussing the point of order or the issue before the House?

The CHAIRMAN. The Chair did not hear the point of order made by the gentleman from New York.

Mr. STENGLE. I say, the gentleman from Illinois is not discussing the point of order at all, but, rather, the subject which is contained in his amendment.

Mr. WINGO. Mr. Chairman, I make a point of order against the point of order, that it is a point in the third degree.

Mr. RATHBONE. Mr. Chairman, I am ready to have the Chair rule on the amendment.

The CHAIRMAN. It seems clear to the Chair that the amendment is legislation. It is in no sense a proper part of an appropriation bill; it in no way limits any appropriation that has been proposed or retrenches expenditures, and it can not be anything but substantive law. So far as the effect of the language may be concerned, whether it is in the nature of a direction to or a request of the Chief Executive, those are issues with which the Chair is not concerned in the determination of the point of order.

Mr. RATHBONE. If the Chair pleases, so far as it being a matter of substantive law is concerned, I submit that can not be the case. Law has been well defined to be a rule of action. This does not require any action whatever; it is a mere invitation or request. [Laughter.] I repeat it. It does not require any action whatever; it is not compulsory; it is a mere polite request, and it is an indication by this Congress that we stand in favor of retrenchment; that we wish to carry out and intend to carry out, as far as possible, the work of the Washington conference, which was a step in the right direction. I am in favor of this bill; I intend to vote for it, and I think this amendment constitutes a proper amendment to the bill. It is a supplement to it and the bill is not complete without it. The bill is likely to be misunderstood elsewhere if we do not have this amendment. Why should gentlemen object to this amendment in the interest of peace? [Applause.]

The CHAIRMAN. The Chair regrets he can not agree with his colleague from Illinois, and sustains the point of order.

Mr. McKEOWN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN: Page 48, line 18, after the word "Navy" strike out "together with the sum of \$6,944,000."

Mr. FRENCH. Mr. Chairman, essentially that is for the building program and for the purpose of carrying on the work on the two alrship carriers and the work on the submarines, one of them authorized last year and begun, the other two to be laid down, provided this bill shall go through.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

The Clerk read as follows:

No part of any appropriation made for the Navy shall be expended for any of the purposes herein provided for on account of the Navy Department in the District of Columbia, including personal services of civilians and of enlisted men of the Navy, except as herein expressly authorized: *Provided*, That there may be detailed to the Bureau of Navigation not to exceed at any one time 24 enlisted men of the Navy: *Provided further*, That enlisted men detailed to the Naval Dispensary and the Radio Communication Service shall not be regarded as detailed to the Navy Department in the District of Columbia.

Mr. RATHBONE. Mr. Chairman, I move to strike out the last word. I desire to have my position clearly understood and not misunderstood by this House. No one goes further than I do in respect for the executive head of this Nation. I would not wilfully do anything to embarrass him under any circumstances. I have read carefully his expression as referred to by the gentleman from Ohio and I see absolutely nothing in the amendment that has just been offered here which could in any way embarrass him. There is no compulsion about it; there is no thought or suggestion of restraint about it. It is in line with what we have done in the Borah amendment, in the Byrnes amendment, and on other occasions. The President of the United States has signified a willingness, if I interpret his language aright, to call another conference for the limitation of armaments, but he hesitates, perhaps, for two reasons. If you will study his language closely, first of all he does not want this country to become entangled with the League of Nations. That can all be avoided. Any conference called by him can stand absolutely upon its own footing and it does not need to be in any way involved with the League of Nations.

It can be an independent move of this country just as the Washington Conference on the Limitation of Armament was.

Mr. BLACK of New York. Will the gentleman yield?

Mr. RATHBONE. I yield to the gentleman from New York.

Mr. BLACK of New York. Does not the gentleman think he would be more in order if he offered a resolution calling upon the President to ask the Secretary of State why he stopped short in the disarmament conference and why he stopped when he cut down our fleet and did not cut down the others?

Mr. RATHBONE. I will say to the gentleman that I have heard the Washington conference and its results belittled upon this floor, and I make bold to say it was one of the greatest achievements known to man. For thousands of years humanity had dreamed of being able to limit armament and to stop the mad race of competitive armaments, which was piling up the burden of taxation upon the shoulders of the overtaxed people of the world.

Mr. BLACK of New York. Will the gentleman yield?

Mr. RATHBONE. I decline to yield until I have concluded my remarks, and then I will yield to the gentleman or to anyone else.

For the first time in the history of the human race men were able to gather about the council table and to stop this feverish competition in armaments, to reduce taxation, to insure the peace of the world, and what has the Washington conference accomplished? It has achieved many acts of justice. Japan has returned Shantung, the question of Siberia has been settled. We have obtained recognition, after over 20 years of vain insistence, of our doctrine of the open door in China. We have brought about the scrapping of the Anglo-Japanese alliance. We have brought the reign of peace to this hemisphere and to the Orient. The Washington conference was a step in the right direction. It ought to be followed up, at the proper time, in the discretion of the President, by another step in the same direction, and that is all that this amendment offers. Let me reiterate—

Mr. BLACK of New York. Will the gentleman yield?

Mr. STEVENSON. Will the gentleman yield to me?

Mr. RATHBONE. Just as soon as I have concluded I will gladly yield, if I may have a little more time.

In the first place, the President of the United States could not be embarrassed, because this leaves entirely in his hands, according to his best judgment, when to call this conference or whether to call it or not. How could he be embarrassed under those circumstances?

I yield now to the gentleman from New York, who, I think, was on his feet first.

Mr. BLACK of New York. I was just wondering if the gentleman realizes that, although the Washington conference is supposed to have stopped this mad race of armament, to-

day, at this very minute, we are appropriating money to build a larger Navy, and Japan is doing the same thing, and Great Britain is doing the same thing. Would this have happened if they had completely reduced armament at the time of the Washington conference?

Mr. RATHBONE. The Washington conference has been eminently successful in doing what it set out to do. It was limited in its object, which was the reduction of armament in capital ships.

Mr. BLACK of New York. Will the gentleman yield?

Mr. RATHBONE. Not for the moment, until I have completed my statement.

No one can say but what it has wholly accomplished that purpose. It has saved millions of dollars to the taxpayers and has insured peace.

Mr. BLACK of New York. Will the gentleman yield now? Has the gentleman read the minutes of the disarmament conference?

Mr. RATHBONE. I have read part of the minutes and I have read much about it.

Mr. BLACK of New York. Does the gentleman realize that our Secretary of State offered a plan to that conference whereby they would reduce all the way down the line, and that when he had reduced our strength he stopped short. His plan was for a general disarmament and was not a reduction of capital tonnage alone.

Mr. RATHBONE. I will answer the gentleman by saying that the gentleman is in error about that.

Mr. STEVENSON. I would like to ask the gentleman how many authorities and how many requests it will be necessary to propound to the President in order to get him to call such a conference? We passed this same thing last year, and it is in effect now, as the gentleman stated. If the President thinks it is judicious, does not the gentleman think the President has the authority from this same Congress in this same language to call such a conference, and how many times does the gentleman think we will have to repeat it in order to get the President to call it? A similar amendment was passed last May.

Mr. RATHBONE. I will answer the gentleman. In my judgment the President does not need any suggestion whatever from us, but it is well that we, the House of Representatives, should continue on record, in spite of the jingo talk we have heard, in spite of the things that have been said upon the floor of this House, as in favor of any and every reasonable step that can be taken to insure the peace of the world. Let us clarify the situation. Let us make known our attitude to all the world, so that there can be no mistake about where the House of Representatives stands; that while we stand for an adequate defense, while we stand for this bill as upholding the strength of the American Navy, yet we stand for something more than that, and that is the peace of the world and the cooperation and friendship of nations.

Mr. WATKINS. Will the gentleman yield for a question?

Mr. RATHBONE. I yield to the gentleman from Oregon.

Mr. WATKINS. If what the gentleman from New York has just said is true, and I do not want to question the gentleman's veracity, then there is more reason for the calling of a conference than if what he said was not true.

Mr. BLACK of New York. That is true.

Mr. RATHBONE. I do not think I get the point of the gentleman.

Mr. WATKINS. If we had a conference and they are not going by it, there is more need for the gentleman's resolution at this time and we ought to keep on until they do call one.

Mr. FRENCH. Mr. Chairman, that there may be no misapprehension as to the attitude of the great President of the United States and the policy of the administration touching the disarmament conference, I am going to ask that the Clerk read at the desk the words of the President to this Congress within the month on the subject of a disarmament conference.

The CHAIRMAN. Without objection the Clerk will read, in the time of the gentleman from Idaho.

There was no objection.

The Clerk read as follows:

DISARMAMENT CONFERENCE

Many times I have expressed my desire to see the work of the Washington Conference on Limitation of Armament appropriately supplemented by further agreements for a further reduction and for the purpose of diminishing the menace and waste of the competition in preparing instruments of international war. It has been and is my expectation that we might hopefully approach other great powers for further conference on this subject as soon as the carrying out of the present reparation plan as the established and settled

policy of Europe has created a favorable opportunity. But on account of proposals which have already been made by other governments for a European conference, it will be necessary to wait to see what the outcome of their actions may be. I should not wish to propose or have representatives attend a conference which would contemplate commitments opposed to the freedom of action we desire to maintain unimpaired with respect to our purely domestic policies.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out the last three words. Mr. Chairman, as the author of the amendment to the last naval appropriation bill which passed Congress in May, I simply want to say that I have not changed my views as to the wisdom or necessity of a further conference. I have not offered the amendment at this time solely because I believe this Congress has gone on record stating its views. I said two days ago in general debate and repeat that I am in great doubt as to what the President meant by the language which has just been read at the desk.

Shortly after the Congress passed the last naval appropriation bill with the request that he invite the naval powers of the world to a further conference for the limitation of armament, the press carried the statement that just as soon as the Dawes reparation question was settled and the program agreed to by the European governments, an invitation would probably be extended for the purpose of further limiting naval armament.

Though the Dawes reparation program has been adopted by the various Governments, the President now says he does not deem it wise to invite the nations to a further conference until some action has been taken upon the proposal made to hold a conference in Europe because he does not want to have representatives attend a conference which would contemplate commitments opposed to the freedom of action we desire to maintain as to domestic policies.

Exactly what he means I do not know. I must say that the maintenance of a navy is a domestic question, and in the interest of world peace we sacrificed our freedom of action and limited battleships at the Washington conference. I am not encouraged by that statement. I fear that the President may not send representatives to Geneva. I hope sincerely that he will, because I know that this naval bill carries \$290,000,000, and, as I said two days ago, within the next 30 days the Congress will be called upon to appropriate an additional \$25,000,000 to complete the two aircraft carriers and construct the airplanes to go on those carriers. In addition the Navy Department has asked the Budget Bureau for \$55,000,000 to begin the program of construction authorized in the so-called modernization act. If the Budget Bureau approves it, if the President adopts it and sends these estimates to Congress, it will add \$80,000,000 to the naval bill for this year, making \$370,000,000. And from this year on it is certain that in the absence of an agreement further limiting armaments the naval budget of the United States is going to amount to \$350,000,000 or \$375,000,000, annually.

I know that it is for the best interests of the taxpayers of the United States that the President should send a representative of this Government to Geneva to attend the disarmament conference that is to be held there, even if it is held under the auspices of the League of Nations. We have been sending representatives to one or two other conferences suggested by that organization, and certainly we should send representatives to this conference which holds more hope for the peace of the world and for the relief of the taxpayers of America than any other proposal now pending before the people of the world. [Applause.]

Mr. RATHBONE. Will the gentleman yield for a question?

Mr. BYRNES of South Carolina. Yes.

Mr. RATHBONE. Is not it a fact that it has appeared in the foreign press and the press of this country since the delivery of the President's message on December 3, 1924, that the prospects of such a conference referred to in his message are much less than they were; that the change in the British Government, the reversal of policy, apparently, of some leading nations over there, have wrought a change since this expression by the President which may make it inadvisable, in his best judgment, to make this move? Is not that true?

Mr. BYRNES of South Carolina. I know from the debates in the House of Commons that the government which was recently defeated was enthusiastically in favor of such a conference, but that is true of the government now in control. But I think the gentleman is exactly correct and that representatives of other governments who realize that the success of such a conference is dependent upon our willingness to participate will be impressed as I have been impressed by the statement of the President. I am satisfied that in his heart he is as earnestly in favor of furthering the limitation of

armament as I am. But I do not want him to be frightened away from carrying into execution what he really desires because this disarmament conference may happen to be called under the auspices of the League of Nations.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. RATHBONE. Mr. Chairman, I ask unanimous consent that the gentleman from South Carolina be granted one more minute.

The CHAIRMAN. Is there objection?

Mr. BEGG. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise and report the bill with the several amendments back to the House with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes, and had directed him to report the same back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FRENCH. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded upon any amendment?

Mr. FRENCH. I demand a separate vote upon the Sears amendment, which occurred on page 39, following line 5.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put the other amendments en gross. The question is on agreeing to the other amendments.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Page 39, after line 5, insert a new paragraph, as follows:

"Submarine base, Key West, \$100,000."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. SEARS of Florida) there were—ayes 48, noes 49.

Mr. SEARS of Florida. Mr. Speaker, I challenge the vote upon the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Florida makes the point of order that there is no quorum present. It is clear that there is not. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. The question is on agreeing to the Sears amendment.

The question was taken; and there were—ayes 110, noes 122, answered "present" 1, not voting 198, as follows:

[Roll No. 13]

YEAS—110

Abernethy	Cullen	Kincheloe	Reed, Ark.
Allen	Davis, Tenn.	King	Romjue
Allgood	Deal	Lanham	Rubey
Almon	Dickinson, Mo.	Lankford	Sanders, Tex.
Arnold	Drewry	Lazaro	Sandlin
Aswell	Favrot	Lowrey	Scars, Fla.
Bankhead	Fisher	McClintic	Sites
Barkley	Fulmer	McDuffie	Stedman
Beall	Gambrell	McKeown	Stengle
Black, N. Y.	Gardner, Ind.	McReynolds	Stevenson
Black, Tex.	Garner, Tex.	McSwain	Swank
Bland	Gasque	Major, Mo.	Taylor, Tenn.
Blanton	Gibson	Mansfield	Taylor, W. Va.
Bowling	Gilbert	Martin	Thomas, Okla.
Box	Greenwood	Minahan	Tillman
Boyer	Hammer	Moore, Ga.	Tucker
Briggs	Hawes	Moore, Va.	Underwood
Bushy	Hayden	Morehead	Upshaw
Cannon	Hill, Ala.	O'Connell, R. I.	Vinson, Ky.
Casey	Hill, Wash.	O'Connor, La.	Watkins
Clark, Fla.	Huddleston	Oldfield	Weaver
Cleary	Hudspeth	Park, Ga.	Williams, Tex.
Collier	Hull, Tenn.	Quin	Wilson, Ind.
Collins	Humphreys	Ragon	Wilson, La.
Connery	Jeffers	Ralney	Wingo
Cook	Johnson, Tex.	Rankin	Woodrum
Crisp	Jones	Rayburn	
Croll	Kerr		

NAYS—122

Ackerman	Dowell	Leatherwood	Robeson, Ky.
Andrew	Edmonds	Leavitt	Sanders, Ind.
Bacharach	Elliott	Leibach	Schafer
Bacon	Evans, Iowa	Longworth	Scott
Barbour	Faust	Lozier	Shreve
Beedy	Fish	McFadden	Sinclair
Beeg	Fleetwood	McLaughlin, Mich.	Speaks
Bales	Frear	McLaughlin, Nebr.	Sproul, Ill.
Britten	Free	McSweeney	Stalker
Brumm	French	MacGregor	Stephens
Buchanan	Frothingham	MacLafferty	Strong, Kans.
Burdick	Fuller	Magee, N. Y.	Strong, Pa.
Bartness	Griest	Major, Ill.	Summers, Wash.
Barton	Guyer	Manlove	Swing
Butler	Hadley	Mapes	Taber
Byrnes, S. C.	Hardy	Michener	Temple
Cable	Harvey	Miller, Wash.	Thatcher
Chadblom	Hill, Md.	Moore, Ind.	Thompson
Christopherson	Hoch	Morgan	Vaile
Clague	Hudson	Newton, Minn.	Vincent, Mich.
Clarke, N. Y.	Hull, Iowa	Newton, Mo.	Voigt
Cole, Iowa	Hull, M. D.	Oliver, Ala.	Wainwright
Cole, Ohio	Hull, W. E.	Patterson	Wason
Colton	Jacobson	Parnell	Watres
Connolly, Pa.	Johnson, Wash.	Ramseyer	White, Kans.
Cooper, Wis.	Ketcham	Ransley	Williams, Mich.
Crampton	Kopp	Rathbone	Williamson
Curry	Kurtz	Reece	Winter
Harrow	Kvale	Reid, Ill.	Wurzbach
Hendon	Lampert	Roach	
Hickinson, Iowa	Leach	Robinson, Iowa	

ANSWERED "PRESENT"—1

Timberlake

NOT VOTING—198

Aldrich	Fullbright	McKenzie	Schneider
Anderson	Frank	McLeod	Sears, Nebr.
Anthony	Gallivan	McNulty	Seger
Ayres	Garber	Madden	Shallenberger
Beck	Garrett, Tenn.	Magee, Pa.	Sherwood
Beers	Garrett, Tex.	Mead	Shimmons
Beizer	Gifford	Merritt	Sinnot
Bixler	Glatfelter	Michaelson	Smith
Bloom	Goldsborough	Miller, Ill.	Smithwick
Boylan	Graham	Milligan	Snell
Brand, Ga.	Green	Mills	Snyder
Brand, Ohio	Griffin	Montague	Spearing
Browne, N. J.	Hall	Mooney	Sproul, Kans.
Browne, Wis.	Harrison	Moore, Ill.	Stegall
Browning	Haugen	Moore, Ohio	Sullivan
Bulwinkle	Hawley	Morris	Summers, Tex.
Byrnes, Tenn.	Hickey	Morrow	Sweet
Campbell	Holaday	Murphy	Tague
Candfield	Hooker	Nelson, Me.	Taylor, Colo.
Carew	Howard, Nebr.	Nelson, Wis.	Thomas, Ky.
Carter	Howard, Okla.	Nolan	Tilson
Celler	James	O'Brien	Tincher
Clancy	Johnson, Ky.	O'Connell, N. Y.	Tinkham
Connally, Tex.	Johnson, S. Dak.	O'Connor, N. Y.	Treadway
Cooper, Ohio	Johnson, W. Va.	O'Sullivan	Tydings
Cornling	Jost	Oliver, N. Y.	Underhill
Crosser	Kearns	Paige	Vare
Crowther	Keller	Parker	Vestal
Cummings	Kendall	Parks, Ark.	Vinson, Ga.
Dallinger	Kent	Peavey	Ward, N. C.
Davey	Kiss	Peery	Ward, N. Y.
Davis, Minn.	Kindred	Perkins	Watson
Dempsey	Knutson	Perlman	Wefald
Dickstein	Kunz	Phillips	Weller
Domnick	LaGuardia	Porter	Welsh
Doughton	Larsen, Ga.	Pou	Wertz
Doyle	Larson, Minn.	Prall	White, Me.
Drane	Lee, Calif.	Quayle	Williams, Ill.
Driver	Lee, Ga.	Reed, N. Y.	Wilson, Miss.
Dyer	Lilly	Reed, W. Va.	Winslow
Eagan	Lindsay	Richards	Wolf
Evans, Mont.	Lineberger	Rogers, Mass.	Wood
Fairchild	Linthicum	Rogers, N. H.	Woodruff
Fenn	Logan	Rosenbloom	Wright
Fitzgerald	Luce	Rouse	Wyant
Foster	Lyon	Sabath	Yates
Fredericks		Salmon	Zihlman
Freeman		Sanders, N. Y.	
		Schall	

So the amendment was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Timberlake (for) with Mr. Sinnot (against).
 Mr. O'Sullivan (for) with Mr. Fenn (against).
 Mr. Kindred (for) with Mr. Gifford (against).
 Mr. Drane (for) with Mr. McLeod (against).
 Mr. Smithwick (for) with Mr. Sweet (against).
 Mr. Carew (for) with Mr. Bixler (against).
 Mr. O'Connell of New York (for) with Mr. Wertz (against).
 Mr. Quayle (for) with Mr. Swoope (against).
 Mr. Sullivan (for) with Mr. Snell (against).
 Mr. Weller (for) with Mr. Davis of Minnesota (against).
 Mr. Bloom (for) with Mr. Beers (against).

General pairs:

Mr. Vare with Mr. Montague.
 Mr. Snyder with Mr. Vinson of Georgia.
 Mr. Morin with Mr. Byrnes of Tennessee.
 Mr. Porter with Mr. Ayres.
 Mr. Reed of New York with Mr. Linthicum.
 Mr. Watson with Mr. Peery.
 Mr. Williams of Illinois with Mr. Ward of North Carolina.
 Mr. Seger with Mr. Carter.
 Mr. Garber with Mr. Hastings.

Mr. Johnson of South Dakota with Mr. Buckley.
 Mr. Cooper of Ohio with Mr. Eagan.
 Mr. Fairchild with Mr. Garrett of Tennessee.
 Mr. Lineberger with Mr. Clancy.
 Mr. Madden with Mr. Dominick.
 Mr. Tilson with Mr. Morrow.
 Mr. Phillips with Mr. Prall.
 Mr. Tinkham with Mr. Wright.
 Mr. Winslow with Mr. Bulwinkle.
 Mr. Simmons with Mr. Crosser.
 Mr. Treadway with Mr. Boylan.
 Mr. Dempsey with Mr. Fulbright.
 Mr. Luce with Mr. Howard of Nebraska.
 Mr. Merritt with Mr. Jost.
 Mr. Fredericks with Mr. Cummings.
 Mr. Michaelson with Mr. Browning.
 Mr. Foster with Mr. Milligan.
 Mr. Mills with Mr. Steagall.
 Mr. Kless with Mr. Tydings.
 Mr. Dallinger with Mr. Mead.
 Mr. Crowther with Mr. Wilson of Mississippi.
 Mr. Kendall with Mr. Oliver of New York.
 Mr. Anthony with Mr. Rogers of New Hampshire.
 Mr. Aldrich with Mr. Shallenberger.
 Mr. Nelson of Maine with Mr. Davy.
 Mr. Perkins with Mr. Johnson of Kentucky.
 Mr. Vestal with Mr. Lindsay.
 Mr. Murphy with Mr. Getan.
 Mr. Rogers of Massachusetts with Mr. Gallivan.
 Mr. Sears of Nebraska with Mr. Canfield.
 Mr. Hawley with Mr. Sherwood.
 Mr. Graham with Mr. Logan.
 Mr. Anderson with Mr. Sperring.
 Mr. Brand of Ohio with Mr. Lyon.
 Mr. James with Mr. Thomas of Kentucky.
 Mr. Green with Mr. O'Connor of New York.
 Mr. Browne of Wisconsin with Mr. Taylor of Colorado.
 Mr. Campbell with Mr. Mooney.
 Mr. Kearns with Mr. Pou.
 Mr. LaGuardia with Mr. Salmon.
 Mr. Dyer with Mr. Morris.
 Mr. McKenzie with Mr. O'Brien.
 Mr. Magee of Pennsylvania with Mr. Parks of Arkansas.
 Mr. Funk with Mr. Sabath.
 Mr. Freeman with Mr. Richards.
 Mr. Perlman with Mr. Corning.
 Mr. Tincher with Mr. Driver.
 Mr. Moore of Illinois with Mr. Lea of California.
 Mr. Sanders of New York with Mr. Doughton.
 Mr. Wood with Mr. Lilly.
 Mr. Parker with Mr. Dickstein.
 Mr. Wyant with Mr. Kunz.
 Mr. Sproul of Kansas with Mr. Lee of Georgia.
 Mr. Woodruff with Mr. Hooker.
 Mr. Fairfield with Mr. Celler.
 Mr. Larson of Minnesota with Mr. Browne of New Jersey.
 Mr. Haugen with Mr. Doyle.
 Mr. Fitzgerald with Mr. Glatfelter.
 Mr. Kelly with Mr. Evans of Montana.
 Mr. Holaday with Mr. Brand of Georgia.
 Mr. Underhill with Mr. Garrett of Texas.
 Mrs. Nolan with Mr. Griffin.
 Mr. Welsh with Mr. Harrison.
 Mr. White of Maine with Mr. Larsen of Georgia.
 Mr. Smith with Mr. Johnson of West Virginia.
 Mr. Yates with Mr. Howard of Oklahoma.
 Mr. Zihlman with Mr. Summers of Texas.
 Mr. Ward of New York with Mr. Tague.
 Mr. Reed of West Virginia with Mr. McNulty.
 Mr. Hall with Mr. Wefald.
 Mr. Keller with Mr. Wolf.
 Mr. Miller of Illinois with Mr. Berger.
 Mr. Paige with Mr. Kent.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 150, noes 17.

So the bill was passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIEF HISTORICAL DEVELOPMENT OF THE PRESENT RAILROAD SITUATION

Mr. HAWES. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of the historical development of railroad legislation, my own production.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HAWES. Mr. Speaker, there are now 10,900 bills before this House and 3,700 in the Senate. It is both a physical and mental impossibility to give each thorough consideration.

The Interstate and Foreign Commerce Committee, of which I am a member, has before it many bills which relate to the control, regulation, and direction of railroads.

For my individual information I have attempted to arrive at some understanding of the past history of railroads and legislation affecting them and to bring this subject down to date in condensed form, not for the benefit of experts or with the thought that it will influence those persons who have given study to the subject but rather that the average Member or the private citizen, in considering changes in our present law, may have before him a brief historical statement of the development of this subject.

I doubt if the public is fully aware of the enormity of the task presented by the simplest bill relating to the operation, management, or control of railroads.

No part of this subject can be considered except in its relation to the whole. It is necessary to understand the magnitude of the subject and how it is all related one part with another.

We can not confiscate without payment. We must not merely destroy. Therefore the first essential in the consideration of any change in existing law is a knowledge of all the facts relating to the problem.

In the affairs of life we are guided by experience, and experience is largely a matter of history. It is the knowledge of what has gone before or of things that have occurred to the individual or the Nation which must be considered in any contemplated change.

A doctor studies the past history of his patient; a lawyer assembles his facts before he looks for the law; a man purchasing a business first reviews its past conduct and possibilities. Therefore in proposing changes in railroad law, a knowledge of what has gone before is necessary.

Transportation of all kinds will ultimately become a related subject because the connection between water, rail, and highway is daily forming closer contact, and soon we may have the addition of practical air transportation.

FIRST RAILROAD

What is now the Baltimore & Ohio Railroad obtained its charter in 1827, and the ground was broken on July 4, 1828, by Charles Carroll, the then only surviving signer of the American Declaration of Independence. It is recorded that on opening the ceremony this venerable patriot said:

I consider this among the most important acts of my life, second only to that of signing the Declaration of Independence, even if second to that.

Professor Hadley, writing in 1885, stated:

One man's life formed the connecting link between the political revolution of the last century and the industrial revolution of the present.

That was but 96 years ago.

In 1830 the Baltimore road had only 13 miles of track in operation; in 1831, the Mohawk 17 miles. In 1852 the famous "Old Ironsides" was placed in operation, having no brakes, brought to a stop by reversing the engine, weighing 7 tons, and costing finally \$3,500.

Baldwin, founder of the vast engine works that now bears his name, started in 1832. He had been a watchmaker by trade. The cars that followed his first engine were the old Concord stages with their wheels adapted to rails.

Five years later, or about 1835, the infant railroads were stretching themselves in all directions. Albany and Utica were connected by rail. Two hundred miles of the present Pennsylvania system had been laid in Pennsylvania, the Columbia section having been built by the State, and Philadelphia was connected with the Ohio River at Pittsburgh. The Reading road opened later. Three lines were sent out from Boston. Providence, Lowell, and other manufacturing centers were connected up.

The State was reluctant to aid, but private capital went into the expansion.

From 23 miles of road in 1830 there was an increase to 2,818 miles in 1840. By 1850 there were 9,021 miles of railroad in the United States. The great industrial centers of the East were connected with each other and with the sea. Small progress had been made in the South.

TWENTY-FIVE YEARS LATER

Twenty-five years from the date of the first railroad brings us into a 10-year period of railroad building in the United States, perhaps the most important years of our growth.

From 1850 to 1860 the road mileage increased from 9,000 to 30,000 miles. In 1855 the Baltimore road had 139 engines, 2,567 freight cars, and 96 passenger cars.

Westward and southward the lines pushed on. By rail and canal, with a few interruptions of changing cars, the East was connected with the West, first from New York to Philadelphia,

then to Parkersburg, then to Cincinnati, thence to St. Louis. Two rivers were ferried and passengers changed cars five times. But the East and the West had begun to annihilate distance.

All this was not accomplished without struggle. Private capital was available, but the early days were marked by heated contests between the pioneer railroad builders—visionary they were called at times—and the State.

In Pennsylvania State aid was obtained only after the most contentious deliberations. Early appeals for land grants and stock subscriptions were not met with a ready response. The cost of construction of the roads was six times the early estimates, each mile ranging in the neighborhood of \$44,000. Predictions of returns on investment were scoffed at. In this State a board of commissioners finally saw the possibilities of the steam road and, after insisting against what looked to be great odds, in 1844 officially recognized the steam locomotive.

In New York public sentiment was against State aid in road building. "Visionary" pioneers, however, began to survey on a limited capital, estimates were made on investments and returns, and again, after a bitter struggle, New York gave the credit of the State not to exceed \$3,000,000 for the construction of roads. In 1839 a legislature of New York asked for the surrender of the charter of the largest railroad and its property as well. The bill lost by only one vote.

In 1850, however, it was seen that railroads were both necessary and practical. Canal building stopped and attention was turned to public assistance for the roads.

Favorable factors were the increase of money and the boom that resulted from the discovery of gold in California. Settlers started west and populated new States. Great cities were springing up, and in the South cotton cultivation and production grew enormously.

In 1850 the first land grant was made to the Illinois Central system, and thereafter many followed. Both State and Nation contributed to the new development in money and in lands. The Pennsylvania State owned and controlled roads passed into private ownership or leasehold and all roads were now privately owned and controlled.

Extending into undeveloped territory and gambling upon the success of future development and expansion, private capital could not proceed alone and was given State aid in land grants and money, many States contributing liberally for their development that they might be placed in better competition with those sister States which were far ahead in transportation development.

It must be stated in passing that the manner of granting this money and the methods of its use are not matters of pride in the history of railroad building.

Money was wasted. State debts were repudiated. The attempt to keep track of finances in what we now know as an accurate accounting system was futile, or deliberately muddled. Banks as well as the State suffered from a very loose condition, and the outcome was that State aid stopped.

Sharfman, in the American Railroad Problem, states that—the community manifested so marked an eagerness to secure railroad transportation that the States' attitude toward carriers was one of liberality and encouragement.

Cunningham, in American Railroads, says:

Speculative building, with many cases of financial maladministration, unfair discrimination in rates and service, and ruinous competition caused a reversal of public opinion. Open antagonism took the place of friendly cooperation. There was intense resentment against abuse of power exercised by railroad executives and bitter criticism of rates which were regarded as excessively high. . . . The spirit of antagonism . . . crystallized early in the seventies in the drastic legislation known as the granger laws.

These granger laws, most of them unconstitutional, as the courts later ruled, were the means, however, by which the conditions of 1850 to 1870 were brought to a close, and were the foundation upon which later regulation was constructed.

During the period of State aid Congress was inactive, yet later gave more than 33,000,000 acres of land to induce railroad construction on the first line from the Mississippi to the Pacific.

CIVIL WAR AND ANOTHER 10 YEARS

The panic of 1857 was hardly over when the Civil War came, and railroad construction suffered a severe jolt from these two causes.

Had it not been for several consolidations during the period between 1850 and 1860 these two disasters to railroad building might have caused a greater setback. But Vanderbilt and others had united lines into great systems and the capital in-

vestment was able to withstand the shock of depression. An example of such consolidation may be noted in the fact that until Vanderbilt undertook the work of gaining control of the roads between Albany and Buffalo 10 different companies were operating between these two points.

In 1860 the railroads had made remarkable progress. It was a great step from 1840 to 1860 to find the old box cars of four wheels and 34 barrels of flour, switched by horses and pulled by a muleshoe engine, replaced by sensible looking carriers. The Concord stage of 1830 on wooden rails and the four-wheel passenger coaches of three compartments each, in which the average-sized man could not stand up straight, had passed into memory.

The period of State aid antedated congressional aid. Even in the fifties Congress was slow to act on land grants. There was a constitutional question involved, lenders said, in the power of Congress to give away its lands to private enterprise.

But in 1862 the hesitancy began to disappear when appeals were made for land grants to construct a line from the Mississippi to the Pacific. There had been keen rivalry as to what route should be taken to the Pacific, but at the time of the secession Congress was in a position to act. In fact, Congress had to act for military purposes, and the East was to be connected with the Pacific via the northern route.

An Illinois grant was the model for subsequent grants. The railroads, in addition to a strip 200 feet wide for a right of way, received 6 square miles of land for each mile of track constructed. Later grants increased the acreage given, and there were certain exceptions to the model grant in subsequent grants.

Under the act of 1862 as amended the grant was 10 square miles to every mile of track laid, but owing to the character of the country through which the road was to run, undeveloped and unpopulated, the grant in fact was not much more attractive than previously made grants of 6 square miles.

The road to the Pacific was undertaken by the Union Pacific, the Kansas Pacific, and the Central Pacific Cos.

Congress granted 33,000,000 acres of land to induce construction of this road.

In all, during the 10-year period of 1861 to 1871, 23 companies were the recipients of grants, including those mentioned and also the Texas & Pacific and Southern Pacific lines.

More than 159,000,000 acres of public lands were offered in this way up to 1871, and all of it accepted, except where the roads were unable to carry out their construction. About 120,000,000 acres actually passed to the roads.

In addition to these land grants the Government loaned money in the form of bonds. This land and bond assistance constitutes a lengthy chapter in America's development.

PERIOD OF STOCK JOBBER

In 1880 there were, despite the handicaps of reconstruction and the panic of 1873, 93,267 miles of railroads in the United States. Thirty-three thousand miles had been added in the five-year period from 1867 to 1873 and only 10,000 in the years 1874, 1875, 1876, 1877, and 1878.

But from 1880 to 1890 came by far the most astounding growth of railroads in any country of the world and a growth that will probably mark the greatest achievement in transportation development in the history of the world.

In the United States in these 10 years we added 70,000 miles of railroad to the 93,267 miles of road we had in 1880, and our total at the close of 1890 was 163,597 miles.

Figures compiled by the Joint Commission on Agricultural Inquiry of the Sixty-eighth Congress (p. 319, vol. 3) show that in 1890, the culmination of our greatest decade of railroad building, there was invested in the railroads in road and equipment, in railway capital outstanding and not held by railway companies, \$7,577,000,000.

Here we begin to see the extent of our growing system. This amount in 1890 was as much as the present capital and surplus of all the National and State banks and trust companies of the entire United States, with a billion or more to spare.

What was the result? A scramble for power on the part of the roads and railroad baiting on the part of others. A new problem had grown up with the last few years of the "industry of transportation." All the great lines stretching across the continent several times and from Canada to the Gulf, employing thousands of men, providing for thousands of families, giving labor to hundreds of allied industries, manufactories, and trades, owned by private capital and battling for expansion as well as returns, contended in a dangerous competition for business.

During these years legislative clerks and pages were boastful of their passes; legislatures were bought, directly or indirectly; an army of high-salaried agents invaded many States and the National Capital.

Stock jobbers arose and figures were juggled and garbled. Rebates and discriminations to shippers and jobbers were inevitable in the scramble for supremacy in transportation. Speculative expansion attracted innocent capital looking for dividends. Stock traveled up and down the scale of market manipulations. Railroad barons grew up and others were ruined. Consolidations were effected and mergers announced. Pools ran riot and margins increased. All that the iniquities of the system could invent were recorded in one exposure after another. Reputations were ruined and careers ended.

The orgy of wasteful expenditures in a mad effort to thwart public control was destined to bring about the very thing it sought to forestall. State regulation was inevitable. It came.

STATE REACTION

All of this took place over a long period of years. It began back in the seventies, when legislatures in the Western States were beginning to discuss State rate-making powers. As Vanderblue and Burgess bring out quite clearly in *Railroads—Rates, Service, and Management*, the farmers were blaming the railroads for depressions, as were others. In Illinois, Iowa, Minnesota, Missouri, and other States, hard hit by the depression, "regulatory commissions were created largely as a result of this popular protest by the farming classes."

Many years previously in Massachusetts a commission had been created, and in New York also there was a board that lasted for a short period of time. But the Massachusetts body had no authority over the railroads. They were an investigating commission, reported on their findings, and trusted largely to acquiescence on the part of the railroads to what they thought would be public approval to put their recommendations into effect.

In the Western States, however, the commissions were given authority to act. It was a delicate operation to begin, and a more serious problem to finish. Facts were difficult to obtain, and figures were largely elastic. Courts were called upon to interpret and enjoin, and likewise to mandamus and order. The attempt at State rate making and its early success brought about the day of the pass and the legislative lobbyist, for in the last analysis the legislature was probably more plastic than the commission, and in the hands of the legislator finally rested the authority to enlarge or curtail the power of the commission.

The more radical laws in some instances were not obeyed at all by the carriers, and in others only to a degree; and then, when receiverships began to follow depression and road conditions began to get worse rather than better, despite new mileage and new areas reached, it was found that it was not so much a matter of high rates in general as it was what were called discriminatory rates in particular.

These discriminatory rates were taken up by the States with varied results. In some instances both farmers and manufacturers were pleased, and in others one of the two were satisfied, much to the distress of the other, while in other instances neither was entirely served by the new attempt at regulation.

The subject of "intra" and "inter" State rates then came to the forefront of the situation and a new era of investigation and report was ushered in.

NATIONAL CONTROL

It was evident, after careful analysis, that if regulation were to be effective at all, owing to the various classes of shippers and the more varied character of the commodity to be hauled, to say nothing of the extent of the haul, it became apparent that national regulation would have to be given serious consideration.

President Grant, in 1872, had made mention in a message to Congress of the advisability of considering methods of making uniform or fair the cost of transportation of commodities from the Central States to the sea.

But it was not until 1886 that any serious attempt was made in Congress to bring national control. The Senate received a report in which all the complaints against the railroads were exhaustively treated, and a bill was introduced looking to the question of national rate regulation. In 1887 Congress created the national commission for the purpose of regulating commerce, and this act, to a large extent, was based upon the salient provisions of the various State laws, or at least those phases of the State laws which had proved, in the opinion of Congress, effective.

The original national act looking to rate regulation was, in the light of what has transpired since that time, a mere legis-

lative makeshift, of but a few paragraphs rather loosely worded and indicative of a distrust by Congress of its own rate-making power.

The present interstate commerce act is a delicate, technical, document some 200 pages in length, including the various acts and parts of acts relating thereto.

It was not until 1890 that the Supreme Court ruled favorably on the attempt of Congress to control, and the original interstate commerce act simply created an investigating body on the theory that its reports would enforce compliance with public demand by the railroads.

The State commissions had early taken up matters in addition to rates and alleged discriminations. Among them were:

(1) Safety of travel, including inspection of equipment, grade separation, automatic control, and so forth; (2) service, including car and freight service, terminals, and the like; (3) liability of the companies to shippers; (4) finances, including periodical valuations and estimated and reasonable returns; (5) construction, including the application of carriers for permission to extend their lines in some instances, and to give up nonproductive lines in others.

From the time that Congress took up the railroad-control subject until the present day all of these matters have been included in rail legislation, and to them have been added the relation between the carrier and employee.

INTERSTATE COMMERCE COMMISSION AND LABOR BOARD

The Interstate Commerce Commission is a board of 11 men, appointed by the President and confirmed by the Senate of the United States, and as constituted since its inception has enjoyed the services of technical experts and economists, men previously well trained or experienced in the operation of State commissions dealing with roads.

At the present time this board has been extended into a working organization that requires the space of an entire 11-story building in Washington. It has bureaus selected for each of the activities of the board or to carry out its various powers; certain of its operations are grouped in "divisions," and hundreds of employees carry out its functions. An extensive library of thousands of volumes has grown up under its direction and is used daily for reference by its many departments, as well as by the public and by experts.

The divisions of the board are created to handle, first, management and safety; second, rates; third, service in relation to rates; fourth, management; fifth, service as between the roads and with respect to terminals, and so forth.

Allotted to these divisions are the "bureaus," among them being safety, locomotive inspection, valuation, traffic, inquiry, finance, statistics, accounts, service, law, administration, and compensation departments.

There are still other bureaus and there are chiefs, directors, examiners, and technical experts. The arms of the commission extend into the general offices of more than 1,500 railroads and the volume of statistical data collected daily is astounding, all relating to the powers, functions, and activities of the commission.

Since the passage of the original act the interstate commerce law has been amended by Congress in nearly all its phases, each amendment looking to the extension of its powers and duties.

This great body, at first a merely inquisitorial board, now has the power to establish and enforce rates. The penalty of fine and imprisonment was established for failure to carry out the schedule of the commission, and an imprisonment feature of the penalty clause, later removed by the Elkins amendment to the commerce act, was restored by the Hepburn Act under Mr. Roosevelt.

Under the amendments of 1906 the commission's authority was also extended to express companies, sleeping-car companies, pipe-line companies, and all other companies coming under the head of transportation companies, and in this year the commission was empowered to fix maximum rates and dictate the manner in which the roads shall account to the Government for receipts and expenditures.

The acts of 1910 gave the commission authority over cable, telephone, and telegraph companies, and again enlarged its powers of rate making by making it possible for the commission to suspend proposed rate changes of the carriers until after an investigation.

In 1912 the act was amended to give the commission jurisdiction over the traffic incident to the Panama Canal, and for this purpose included all water-rail lines. In 1913 the valuation amendment was made authorizing the commission to survey and estimate the value of the railroad properties of the Nation, and since that date no great change was made except in the passage of the act of 1920 called the transportation act.

By this act the jurisdiction of the Interstate Commerce Commission with respect to State rate-making bodies was finally established. In other words, the unworkable situation of previous years in which both State and Nation were attempting to control rates over the same carriers was ended, and from 1920 the rate-making power has been definitely lodged with the Government of the United States in the commission. The State board which existed in practically every State in the Union all had wide power and still have it. They can compel the attendance of witnesses and the production of records, and do all that is necessary to inquire into both rates, management, and service. But at the present time, while there exist instances of a conflict of authority in the varied phases of the law, there is rather generally a spirit of cooperation between the States and the Nation, and a conceded right to the national commission to make and enforce rates.

WAR, THE RAILROADS, AND AFTER WAR

It is necessary to revert a few years in order to arrive at a clear understanding of the present situation.

In 1916, under Mr. Wilson, with the exigency of war and its necessities at hand, it was apparent that the transportation facilities of the Nation would, as a matter of national defense, have to be thrown together under one management and control, and Congress accordingly, in that year, gave the President the right to take over the carriers. Mr. Wilson later appointed a Director General of Railroads and put into operation Federal management of roads.

Whatever may be said of Government ownership or operation of roads by advocates of that policy, it will have to be admitted that the public, as represented by Congress, paid no attention to the merits of the Government ownership theory by this act. It was a war emergency act.

But when it began to operate we were, in fact, experimenting accidentally in Government ownership.

There are two extreme views in the matter of railroad operation: One, the theory of Government ownership; the other, private ownership without even rate or service control.

Thus, in America, between 1870 and 1917, we passed, in fact, however accidentally, from one extreme to the other.

It is true that separate contracts were made with each road taken over, but when competition was eliminated and all roads placed upon an equal basis, Government ownership, to a large extent, was in operation.

There were handicaps, it is true, to the Federal management. Labor was in bad shape numerically and otherwise, and equipment of the roads was run down, and all materials and labor that might have been used in the physical upbuilding of the carriers were needed for the emergencies of war.

So practically the United States operated the roads on the strictly military basis of "As you were," and put into effect such rules and regulations as would systematize transportation and control of it, without going into the physical ability of the roads to bear the burden.

We now come to an interesting chapter in railroading. Previous to 1916 road after road had gone into the hands of receivers. Railroad credit was at a low ebb. Since 1893, when 74 roads, with 20,340 miles of tracks and a bonded and stock indebtedness of \$1,780,000,000, went into the hands of receivers, 356 roads had followed, carrying with them into the courts nearly a hundred thousand miles of rails and billions in stocks and bonds.

Naturally, when the Government took over the railroads, they were in a "run-down" condition. Equipment was in need of repair and replacement; tracks were in the same condition; and, more serious than all else, credit was gone.

Then came the new conditions of war. Labor required more pay, living conditions had changed, and freight and passenger rates had to be "boosted" to meet the demands both of natural extra costs of operation and the new cost of expediting the transportation of armies and munitions.

So the United States, confronted with its problem, was hardly able to do more than to meet each condition as it arose. Wages increased, as did freight and passenger rates.

But there was little time left for reconstruction of the roads or the repairing of credit.

And when this condition dawned upon the Federal Government the war ended and the roads had to be returned to their owners.

Demands were made for an extension of Federal control, but Mr. Wilson was not in favor of it. It was generally conceded that the American public had not approved Government management as a step to Government ownership. The roads had been taken over in the emergency of war, and that emergency having passed they were in justice to be restored.

Mr. Wilson named the date for their restoration to private ownership. The roads could not be returned as one would return a chattel. Property could not be confiscated. Transportation could not be set adrift on its own resources. The problems of reconstruction would strike the railroads hardest. The wage problem had to be dealt with and railroad credit re-established.

To do this in proper manner was the motivating principle back of what turned out to be the transportation act of 1920, the last great amendment to the interstate commerce act.

Be it said to the credit of Congress, as a whole the transportation act was a credit to its capacity, earnestness, and zeal, whatever shortcomings may be found in the act itself. It demonstrated at least a constructive effort to deal with a difficult problem in a limited time.

The two great features of the transportation act will probably be set down as (1) a pledge of Government temporary assistance to the roads to preclude the possibility of a panic and to restore credit to the carriers; (2) the setting up of machinery under which the Interstate Commerce Commission might not only fix maximum rates but might fix minimum rates as well, and for this reason might take control over the causes operating to certain ends with respect to returns on investment. To carry out the theory that the Government should inquire into matters relating to returns of the roads on investments, the Labor Board was created in the hope or on the theory that labor disputes might find settlement through its operation and thus insure continuity of service and proper wage scales.

It was provided, in connection with the first purpose of the transportation act, as well as the second, that the Interstate Commerce Commission in establishing rates should try to fix rates which would, so far as possible, yield a fair rate of return upon the aggregate value of railroad property devoted to public use in each of any rate districts established by the commission.

Essentially the things mentioned were the real objects of the transportation act under which the roads are operating to-day.

It was provided that for two years the roads should receive $5\frac{1}{2}$ per cent return on the aggregate value of property actually used in transportation in such districts. One-half of 1 per cent might be added for improvements. So that 6 per cent was recognized as a fair return. At the expiration of the two-year period of Federal aid to the roads the commission established slightly less than 6 per cent as a return in an attempt to follow this provision in the act.

In handing back the roads it was also provided that the Federal Government would continue its financial aid for a certain period and that the roads in this accounting should reimburse the Government for improvements made during the term of Federal control.

The "recapture" clause of section 15a of the transportation act is not generally understood. It provides that if any road under the rate schedules earns more than the fair return then such excess shall be placed in a reserve fund. One-half of this reserve fund may be drawn upon by the road for improvements or dividends, all subject to the approval of the commission, and the other half of excess earnings shall go to a general contingent fund to be expended by the United States through the commission on needed railway improvements or rehabilitation as the commission may from time to time elect.

In 1924 the Supreme Court upheld this clause of the transportation act.

The Labor Board, as constituted by the transportation act, consists of a commission of nine men—three from the carriers, three from the employees, and three from the public. The President appoints all nine men, those from the carriers from six nominations made by the carriers, those from the employees from six nominees of the employees. No nominations are made by the public.

There is provision also for labor boards of adjustment, which may inquire into matters involving grievances or working conditions but which have no jurisdiction in the matter of wages.

The act provides, however, that before any matter shall go before the boards it shall first be the subject of conferences between the parties interested—the carrier or carriers and the employees. If conference fails, then wage disputes go to the Labor Board; and other disputes go to the Labor Board also if the adjustment boards do not exist, for it is provided that the creation of the adjustment boards is voluntary, and either the roads or the employees may refuse to create their portion of such adjustment boards.

The Labor Board provision authorizes the examination of all facts and conditions entering into the dispute and provides for full publicity of all its hearings, discussions, or findings, but no authority is delegated to enforce its decisions.

The hearings before this board in numerous instances and the results of these deliberations, together with the conditions of both sides in particular cases, are matters of public record.

HIGHWAYS

In the last few years a new agency of transportation has entered into the consideration of thoughtful men, an agency that bids fair later to have a distinct bearing on the future of the American railway.

We now have a National and State investment in public highways of \$5,000,000,000, and this year Congress has appropriated \$80,000,000, which must be matched by the States, making a total new investment of \$160,000,000 in the next two years, establishing a policy which will probably be continued.

Already the competition of the motor car has been felt in the interurban lines and in railroad lines of a short-haul character. The motor bus has already resulted at least in a few abandonments of electric-line transportation. Near my own city, through Illinois and Missouri, there are motor coaches extending out into long lines of profitable freight and passenger business. That is a coming problem.

The Department of Agriculture estimated three years ago that 134,000,000 tons of farm produce were hauled over the highways of the Nation in 1921. The shipping of livestock by truck is becoming popular and economical in farming communities, and the transportation of other commodities by truck is increasing daily. At first the truck was a valuable feeder to the railroad, but with the extension of the National and State road programs and the enormous increase in the motor truck and motor car output the competition becomes a factor in the railroad problem.

The motor problem is a study in itself. According to the Joint Agricultural Inquiry Committee of the Sixty-seventh Congress, the registrations of motor vehicles in the Nation in 1911 were 501,000, of which 14,000 were trucks.

Ten years later the registrations were 10,300,000 motor vehicles, of which 1,390,000 were trucks, and to-day there are 15,500,000 registrations, of which 1,831,000 are trucks, with an annual investment in automobiles of \$7,546,000,000.

Every truck in its relation to every mile of paved road becomes a potential factor in the transportation problem, a factor in the future of the American railroad.

WATERWAYS

From 1824 to 1923 the United States spent a total of \$1,150,000,000 on waterways, harbors, rivers, canals, boats, and river service. From 1913 to 1921 the Government spent \$400,000,000 of this sum. There are 6,014 miles of navigable waterways and rivers receiving Government appropriations. Of the total amount spent on waterways, harbors, and canals, about \$400,000,000 has been spent to date by the Government on rivers only.

This does not take into consideration the Shipping Board and its war emergency expenditures of \$2,500,000,000. This refers only to canals, waterways, rivers, and river service which are distinctly competitive subjects in the discussion of the railroad problem.

There is a bill now before Congress to appropriate, for a six-year building program for inland waterways, \$53,000,000.

When these expenditures for waterways are added to the expenditures by the Government and States for highways the public competitive investment becomes enormous.

INVESTMENT AND SERVICE

To-day in the United States there are 258,314 miles of railroads operated. There are 38,692 miles of secondary track and 116,186 miles of terminal and siding tracks, a total of 413,192 miles of trackage, or more than enough to lay rails across the Atlantic 100 times or to span the earth's surface at the Equator in first-class mileage 10 times.

There are 68,990 locomotives, 2,380,482 freight cars, and 57,166 passenger cars. Every man, woman, and child of our 110,000,000 population could be transported at one time if all railroad vehicles were used.

In 1923 the railroads carried 1,387,942,018 tons of freight a distance of 416,211,000,000 miles.

In the same year 1,009,000,000 passengers rode a total distance of 38,297,000,000 miles.

The railroads have a capital of about \$21,000,000,000, or at the rate of about \$89,500 per mile.

The total operating expenses of 1923 were \$4,895,000,000.

The operating revenue, \$6,289,000,000.

There are 1,855,000 employees working on these roads and about 2,000,000 in allied industries, and the number of individual roads reporting to the commission is more than 2,000.

There are 890,000 stockholders in these roads in addition to bondholders and other creditors.

Allowing three to a family, there are 12,000,000 persons depending upon the railroads for money that actually goes directly into their pockets.

These roads burned 131,491,000 tons of soft coal in 1923 and 2,614,000 tons of hard coal, and consumed 2,334,365,000 gallons of oil.

They laid 84,500,000 railroad ties and 3,000,000 tons of steel in replacements and betterments.

Every locomotive costs between \$35,000 and \$75,000, every passenger car \$15,000 to \$30,000, every diner approximately \$50,000, and every freight car from \$1,500 to \$3,500.

The roads loaded nearly 50,000,000 freight cars during the year 1923, and installed 4,160 locomotives, 223,724 freight cars, and 2,534 passenger cars.

NATIONAL VALUATION

In 1913 Congress amended the interstate commerce act by a provision directing the Interstate Commerce Commission to proceed at once to make a valuation of the railroads of the United States, and authorized the commission to divide the Nation into districts to carry out this work.

The commission divided the country into five sections: Eastern, central, western, southern, and Pacific; and three boards were created, with one member on each board from each of the five districts; the first being a board of engineers, the second being a board of land attorneys, and the third a board of accountants.

For the purpose of expediting the valuation, field offices were established and field and office staffs were created. That was 11 years ago.

In 1922 an investigation was begun by Congress as to the cause of the apparent delay in completing this valuation, and it was discovered, for the first time, that the extent of this work was enormous.

To-day a better knowledge of the extent of this work may be obtained. At the peak of this valuation process there were 1,800 men employed by the commission for this work alone.

It must be remembered that there are over 2,000 railroad companies owning physical properties in the United States. These do not all report to the commission individually, but in the valuation process the properties of each of these 2,000 and more roads are to be valued.

This does not mean that the commission may enter the offices of the railroads, examine their financial statements, take the total amount of capital invested, and return this as the valuation of the road.

The commission first notified the roads that such a valuation was to be made, and the roads themselves were required to assist the commission in this work. Special charts, diagrams, and data had to be prepared with respect to every foot of track, every tie and every rail, every locomotive, passenger car, baggage coach, and other equipment—every item relating to this equipment and these physical properties in a financial way was tabulated, and an agent of the commission examined every item in these voluminous financial statements.

The commission was required to travel over much of the 258,000 miles of road in order to determine depreciation, actual cost, cost of replacement, and all the technical matters that enter into a valuation process.

In the 11 years ending in 1924 the army at work under the commission cost the Government nearly \$26,000,000, and the carriers assert that in assisting the Government to arrive at their various valuations the carriers spent three times this amount, or approximately \$75,000,000.

During this period of investigation litigation was unavoidable, and time and again the courts were resorted to in an effort to determine whether the policy of the commission was fair and equitable.

In fixing a fair return as contemplated by the interstate commerce act the actual valuation of the roads will be one of the important factors, but there is wide divergence of opinion even among experts as to the real valuation of a physical property, considering original investment, overhead expense, maintenance, and depreciation.

It is estimated the work of valuing the railroads will be completed by July, 1927.

A bill has been introduced in Congress asking for an appropriation of \$4,135,000 to complete primary valuation reports, and the statement is made by Interstate Commerce Commission experts this will complete the work of valuation so far as the primary valuation is concerned.

The statistical data, charts, maps, and drawings necessary to complete this work will fill to their capacity the space of more than 50 rooms, and if reduced to volumes would constitute several thousand.

The book cost of road and equipment by all classes of carriers reported in 1919 was as follows:

Eastern group	\$9,038,194,615
Southern group	2,183,923,124
Western group	8,818,454,872

Total of groups..... 20,040,572,611

The commission's estimate was—

Eastern group	\$8,800,000,000
Southern group	2,000,000,000
Western group	8,100,000,000

Total..... 18,900,000,000

RATES AND FAIR RETURN

I quote from the testimony of John J. Esch before the Interstate and Foreign Commerce Committee on May 21, 1924:

Section 15a (3) provides that after March 1, 1922, the commission shall "from time to time determine and make public what percentage of such aggregate property constitutes a fair return thereon, and such percentage shall be uniform for all rate-group territories which may be designated by the commission."

* * * The provisions of section 15a have been framed in recognition of constitutional guaranties of fair return upon property devoted to public use. They also declare the policy of Congress "in its control of interstate commerce system * * * to make the system adequate to the needs of the country by securing for it a reasonable compensatory return for all the work it does."

* * * Section 15a, reasonably construed, contemplates the determination of a return which the carriers, collectively or in rate groups, may attain over a period of time under rates adjusted from time to time with that object in view. The phrase "from time to time" does not mean that we should adjust and readjust rates to meet business fluctuations. Whether carriers may be able to earn an aggregate net railway operating income equal to a fair return must depend to a large extent upon business conditions. In the Wisconsin case the court said: "The new measure imposed an affirmative duty on the Interstate Commerce Commission to fix rates and to take other important steps to maintain an adequate railway service for the people of the United States."

* * * In numerous cases cited courts and regulating authorities of States have recognized that public utilities and railroads may be permitted individually to earn, under reasonable rates, at least 6 per cent upon fair value.

* * * In our view railway corporations should, like other corporations, pay their Federal income taxes out of the income rather than collect it in effect from the public in the form of transportation charges adjusted to enable it to retain a designated fair return over and above the tax. We may observe that a fair return of 5.75 per cent, representing an aggregate annual net railway operating income arrived at after deducting, among other things, the Federal income tax on a return of 6 per cent, would be approximately the equivalent of a fair return of 6 per cent, out of which the Federal income tax was payable.

CONSOLIDATION OF RAILROADS

From the very earliest days there have been continuous consolidations of railroads, the number of individual roads gradually decreasing.

President Coolidge, in his last message to Congress on this subject, said:

In my message last year I emphasized the necessity for further legislation with a view to expediting the consolidation of our railways into larger systems. The principle of Government control of rates and profits, now thoroughly embedded in our governmental attitude toward natural monopolies such as the railways, at once eliminates the need of competition by small units as a method of rate adjustment. Competition must be preserved as a stimulus to service, but this will exist and can be increased under enlarged systems. Consequently the consolidation of the railways into larger units for the purpose of securing the substantial values to the public which will come from larger operation has been the logical conclusion of Congress in its previous enactments and is also supported by the best opinion in the country. Such consolidation will assure not only a greater element of competition as to service, but it will afford economy in operation, greater stability in railway earnings, and more economical financing. It opens large possibilities of better equalization of rates between different classes of traffic so as to relieve undue burdens upon agricultural products and raw materials generally, which are now not possible without ruin to small units, owing to the lack of diversity of traffic. It would also tend to equalize earnings in such fashion as to reduce the importance of section 15a, at which criticism, often misapplied, has been directed. A smaller number of units would offer less difficulties in labor adjustments and would contribute much to the solution of terminal difficulties.

There is now before the Committee on Interstate and Foreign Commerce a bill providing for consolidation of the railroads into several great systems.

COST OF PUBLIC OWNERSHIP

The Government can not, without paying for it, take over nor confiscate this enormous property, valued at approximately \$20,000,000,000, nor could it take over without withdrawing from the States and Nation \$350,000,000 annually in taxes.

In 1911 the class I railroads paid taxes amounting to \$98,626,000. In 1920 State taxes had risen to \$232,000,000 and Federal taxes mounted to \$50,000,000, a total of \$282,000,000, or an increase of 175.7 per cent over the year 1911.

In 1923 the roads paid \$332,000,000 in taxation to the State and Federal Governments, and for 1924 will pay over \$350,000,000.

SUMMARY

Summarizing the 96 years of development in the railroads we find:

1. A joint attempt at building between private capital and State and National aid.
2. The abandonment of State and National aid and the passing early in our history of roads into the hands of private capital.
3. The attempt and the failure of States to regulate rates; this having been demonstrated to be essentially a national function.
4. The roads are now largely directed by men of extended experience who have grown up in the railroad business, nearly all advancing by merit from minor positions.
5. Railroad stock, formerly owned by a few, is now held by hundreds of thousands of citizens, in many cases representing a lifetime saving.
6. The Government's effort to secure a proper valuation of railroads and promise of completion in 1927.
7. The right of the Interstate Commerce Commission to make rates has been established by the courts; limited, however, to rates insuring a fair return upon investment.
8. Practically everything connected with the railroads is now regulated: Rates, service, safety appliances, extensions, issuance of stock, issuance of bonds, consolidations, abandonments, locomotive and car inspection, accounting systems, reports, investigation of management, excess profits, connections with ports, rail and water commerce, valuations, liability of carriers.
9. The matter of further consolidation is now under consideration.
10. Investment in highways of \$5,000,000,000 and yearly investment of State and Nation of \$80,000,000.
11. National investment in inland waterways, canals, and harbors of \$1,150,000,000, and we contemplate an additional expenditure of \$53,000,000.

If I have in this statement shown the magnitude of the subject, the efforts of State control, the extent of the present national control, and have emphasized the tremendous development and the number of citizens dependent upon the roads for financial stability, I may have aroused an interest which will cause a more thorough study, extending to thousands of volumes.

Before making changes Congress, with the light of experience, should know what has gone before, ascertain the extent and limitation of its powers, so that it may approach this subject with thorough understanding.

[NOTE.]—For those who desire a more complete study of railroad problems I refer to the sources of my own information, namely, Government Regulation of Railway Rates, by Hugo Meyer; Our Railroads To-morrow, by Edward Hungerford; Principles of Railroad Transportation, by Johnson and Van Metre; American Railroads, by Cunningham; Government Ownership of Railroads, by Dunn; The Business of Railway Transportation, by Lewis Haney; Railroads—Rates, Service, Management, by Vanderblue and Burgess; the excellent works of Professor Hadley; decisions of the Labor Board, 1921 and 1922; hearings of Senate committee on S. 2327; hearings before House committee, May, 1924; current report of the Interstate Commerce Commission; the transportation act of 1920, as amended and revised and compiled; and three volumes of the congressional hearings on the return of the railroads to private management.

EXTENDING APPROPRIATION, COLUMBIA BASIN INVESTIGATION

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 157 and put it upon its passage.

The SPEAKER. The gentleman from Washington asks unanimous consent to take from the Speaker's table and pass the Senate joint resolution which the Clerk will report.

The Clerk read as follows:

Senate Joint Resolution 157, extending appropriation in connection with Columbia Basin investigation

Resolved, etc., That the unexpended balance of the appropriation contained in the act of March 4, 1923 (42 Stat. L. p. 1540), making appropriations for investigation of the feasibility of irrigation by gravity or pumping, water sources, water storage, and related problems in connection with Columbia Basin project, is hereby reappropriated and made available immediately and to continue available until the investigation is completed.

Mr. WINGO. Mr. Speaker, reserving the right to object—

The SPEAKER. The Chair was told that it would be a bill limiting it to February 15, but the bill as read says "until the investigation is completed."

Mr. SUMMERS of Washington. Until the report is completed, and the Secretary believes it will be completed by the 1st of February, or perhaps the 15th.

Mr. GARNER of Texas. Is this an emergency matter?

Mr. SUMMERS of Washington. I would be very glad to state this appropriation was made a year and a half ago, requiring a report on the 31st of this month. I have a letter from the Secretary of the Interior which says the report is not completed, and will not be for some weeks yet. There are several scientific men preparing the report, and this is to continue the little balance of that appropriation so they can go ahead and complete the report, which will be ready within a few weeks; otherwise the appropriation will be no longer available.

Mr. GARNER of Texas. When Mr. GARRETT of Tennessee left he advised me that there would not be anything coming up after Calendar Wednesday except the naval appropriation bill. That is my understanding also from the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. I did not hear the gentleman.

Mr. GARNER of Texas. When Mr. GARRETT of Tennessee left he advised me that nothing would come up this week except the naval appropriation bill, and that is also my understanding from the gentleman from Ohio. I would like the matter to go over until the gentlemen interested in the matter can have an opportunity to look into it.

Mr. LONGWORTH. I will say to the gentleman from Texas I was not aware of the general purpose, but being a question of unanimous consent—

Mr. GARNER of Texas. If the Speaker does not want to take the responsibility of declining to give unanimous consent himself for the present, I will do it myself, and ask that it go over until to-morrow.

Mr. SUMMERS of Washington. Will not the gentleman permit me to read a very short statement from the Secretary of the Interior?

Mr. GARNER of Texas. Put it in the Record and we will have it to-morrow.

Mr. SUMMERS of Washington. But we will have no session.

Mr. GARNER of Texas. We are bound to have a session to-morrow.

Mr. LONGWORTH. I have told a number of gentlemen who made inquiry that there will be no business to-morrow after the appropriation bill was through.

The statement of the Secretary is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, December 18, 1924.

Hon. JOHN W. SUMMERS,
House of Representatives.

MY DEAR MR. SUMMERS: Under the act of February 21, 1923, I was authorized to investigate and report on what is known as the Columbia Basin reclamation project, and an appropriation of \$100,000 was made for this purpose under the act of March 4, 1923 (42 Stat. 1540), available until December 31, 1924.

The engineers and economists in charge of the preparation of data for the final report advise me that it will be impossible for them to complete their work so as to enable me to submit my report by the date the appropriation expires. It was my purpose to submit a final report on this matter on or before December 31, 1924, but now find that such a report can not be submitted before February 1, 1925, and it may possibly be the 15th of that month. I believe, therefore, that it would be advisable to extend the time during which the funds appropriated will be available for this purpose so as to cover any expenses

incurred after December 31, 1924. The exact amount of the unexpended balance can not be stated, on account of unreported expenditures.

This matter is called to your attention in order that proper action may be taken by the Congress.

Sincerely yours,

HUBERT WORK.

Mr. GARNER of Texas. I would rather have this go over to to-morrow. If it can be done by unanimous consent, it can be done to-morrow.

The SPEAKER. The Chair will state that the bill is not in the form he understood it was in. He understood it ought to be limited to February 15.

AIR MAIL SERVICE

Mr. WINTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. WINTER. Mr. Speaker, I am impelled to say a word for record in support of the bill authorizing the Postmaster General to extend the Air Mail Service. My State, which is my district, lies on the air mail route from New York to San Francisco. There are air mail plane stations at Cheyenne, Laramie, Rawlins, Rock Springs, and Evanston, all in Wyoming. There are revolving, sweeping signal lights interspersed across the 365 miles of valley, plain, and mountains, from the eastern to the western boundary of the State. The highest is on Sherman Hill, at an altitude of 8,600 feet, the Continental Divide.

It has been my fortune to have witnessed last fall air mail planes arriving at and leaving the Wyoming stations. It is an inspiration and brings a thrill to see these rigid-winged machines sweeping through the air lanes over these tremendous stretches of one of the Commonwealths of this great Nation and to realize that it is a part of a system operating from ocean to ocean. It is a striking demonstration of the marvelous ingenuity, the resourcefulness, the skill, and the bravery of the American people and its citizen employees.

This service has not been without its sacrifices of human life. Twice air mail pilots have made the supreme sacrifice in the crashing of their planes against the high head of Elk Mountain. In my State, when darkness or snowstorms have confused their course and obscured their objective. It was with gratification and a feeling of security for the lives of our courageous pilots that on many nights across the breadth of my State, from auto or from train, on the Union Pacific route, I saw the great shafts of light sweeping across the heavens, the signals beckoning them safely from station to station in the dark hours of the night. Like great eagles, symbolizing the power, genius, and swiftness of the United States, the mail planes descended from the darkness and again ascended into the night and swept onward.

They carry across the Nation at amazing speed the messages of business, of society, and of the home. They link in swift contact the East and the West. They dwarf the Nation to a span. They bring our people nearer to each other. They render incalculable service in the commercial world; but, greater than this, they solidify, they unite, as never before, the utmost sections of our broad land. They will weave, as this service is extended over the whole country in time, a thousand strands daily into the common fabric of the Union.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Saturday, December 20, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

747. A communication from the President of the United States, transmitting a draft of legislation making available not to exceed \$275,000 of the existing appropriations for river and harbor works for the purpose of making surveys of the St. Lawrence River and the preparation of plans and estimates by the United States section of the Government Board of Engineers on the St. Lawrence River (H. Doc. No. 498); to the Committee on Appropriations and ordered to be printed.

748. A letter from the chairman of the Interstate Commerce Commission, transmitting a report for the month of November, 1924, showing the condition of railroad equipment; to the Committee on Interstate and Foreign Commerce.

749. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Mulberry Fork of the Warrior River above Sanders Shoals, Ala.; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MADDEN: Committee on Appropriations. H. R. 10982. A bill making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1926, and for other purposes; without amendment (Rept. No. 1056). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BUTLER: Committee on Naval Affairs. H. R. 9112. A bill for the relief of Commander Charles James Anderson, United States Naval Reserve Force; without amendment (Rept. No. 1057). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on Naval Affairs. H. R. 9228. A bill for the relief of Charles Ritzel; without amendment (Rept. No. 1058). Referred to the Committee of the Whole House.

Mr. BERGER: Committee on the Public Lands. H. R. 1579. A bill authorizing the disposition of certain lands in Minnesota; with amendments (Rept. No. 1059). Referred to the Committee of the Whole House.

Mr. STEPHENS: Committee on Naval Affairs. H. R. 1446. A bill for the relief of Charles W. Gibson, alias Charles J. McGibb; without amendment (Rept. No. 1060). Referred to the Committee of the Whole House.

Mr. STEPHENS: Committee on Naval Affairs. H. R. 10670. A bill for the relief of Frederick S. Easter; with an amendment (Rept. No. 1061). Referred to the Committee of the Whole House.

*CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9946) granting a pension to Harry E. Pangburn; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10854) granting an increase of pension to Charles N. Cannon; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10795) granting an increase of pension to Gideon C. Lewis; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10896) granting an increase of pension to Samantha A. Carnes; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 10982) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1926, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. WILLIAMSON: A bill (H. R. 10983) providing for the leasing of restricted Indian allotments for a period not exceeding 10 years; to the Committee on Indian Affairs.

By Mr. CRISP: A bill (H. R. 10984) declaring Flint River above Albany, Ga., nonnavigable; to the Committee on Interstate and Foreign Commerce.

By Mr. NEWTON of Minnesota: A bill (H. R. 10985) limiting the provisions of the act of August 20, 1916, relating to the retirement of captains in the Navy; to the Committee on Naval Affairs.

By Mr. CURRY: A bill (H. R. 10986) to authorize cooperative agreements between the heads of the executive depart-

ments and the Governor of the Territory of Alaska; to the Committee on the Territories.

By Mr. BRITTEN: A bill (H. R. 10987) to advance the Naval Establishment with a view to meeting the 5-5-3 ratio promoted by the Washington arms conference, and to authorize an increase in the limits of cost of certain naval vessels, and to provide for the construction of additional vessels; to the Committee on Naval Affairs.

By Mr. GASQUE: A bill (H. R. 10988) to provide for dividing the State of South Carolina into three judicial districts, for the appointment of a district judge, district attorney, and marshal for the eastern district of South Carolina, for the holding of the terms of court in said districts, and for other purposes; to the Committee on the Judiciary.

By Mr. SUMMERS of Washington: Joint resolution (H. J. Res. 312) extending appropriation in connection with Columbia Basin investigations; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 10989) granting an increase of pension to Anna Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10990) granting an increase of pension to Phoebe E. Betts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10991) granting an increase of pension to Elvesta E. Carper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10992) granting an increase of pension to Katie Krieger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10993) granting an increase of pension to Maria E. Witter; to the Committee on Invalid Pensions.

By Mr. BURTNESS: A bill (H. R. 10994) granting a pension to John M. Johnson; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 10995) granting a pension to Jennie E. Buckley; to the Committee on Pensions.

Also, a bill (H. R. 10996) granting a pension to Tamar Ervin; to the Committee on Pensions.

By Mr. CROWTHER: A bill (H. R. 10997) granting a pension to Mary A. Kennedy; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 10998) granting an increase of pension to Henry De Bell; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 10999) granting an increase of pension to Mary E. Carpenter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11000) granting an increase of pension to Eliza A. Frost; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11001) for the relief of Arthur E. Colgate, administrator of Clinton C. Colgate, deceased; to the Committee on Claims.

Also, a bill (H. R. 11002) for the relief of Peter Myer; to the Committee on Military Affairs.

By Mr. GARDNER of Indiana: A bill (H. R. 11003) granting an increase of pension to George Sparks; to the Committee on Pensions.

By Mr. GIBSON: A bill (H. R. 11004) granting an increase of pension to Mary H. Hight; to the Committee on Invalid Pensions.

By Mr. GREENWOOD: A bill (H. R. 11005) granting a pension to Sarah Ladson; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 11006) granting an increase of pension to Susan Bryson; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 11007) granting a pension to Hattie A. Cruson; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 11008) granting a pension to Eliza A. Corbett; to the Committee on Invalid Pensions.

By Mr. LOWREY: A bill (H. R. 11009) for the relief of James M. Conner; to the Committee on War Claims.

By Mr. LOZIER: A bill (H. R. 11010) granting an increase of pension to Margaret McCullough; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 11011) for the relief of Thomas A. Heard; to the Committee on Military Affairs.

Also, a bill (H. R. 11012) granting an increase of pension to Louisa L. Littler; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 11013) granting a pension to Albert S. Riddle; to the Committee on Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 11014) granting an increase of pension to Frank L. Snoots; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 11015) granting an increase of pension to Silas Rogers; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 11016) granting a pension to Polly Couch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11017) granting a pension to Catron Jones; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 11018) granting a pension to John T. Wilson; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 11019) granting an increase of pension to Mary Griffin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11020) granting a pension to Margaret Richards; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 11021) granting an increase of pension to Mary J. Graham; to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 11022) granting an increase of pension to Henry Y. Staton; to the Committee on Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 11023) granting a pension to Arthur Raymond; to the Committee on Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 11024) granting a pension to Elizabeth Jamison; to the Committee on Invalid Pensions.

By Mr. WILSON of Indiana: A bill (H. R. 11025) granting an increase of pension to Elizabeth Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11026) granting an increase of pension to Matilda Gomes; to the Committee on Invalid Pensions.

By Mr. WINSLOW: A bill (H. R. 11027) granting an increase of pension to Abby E. Trussell; to the Committee on Invalid Pensions.

By Mr. CURRY: Resolution (H. Res. 386) to pay Mary V. O'Toole and Conrad P. Kahn, clerks to the late Hon. Julius Kahn, one month's salary; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3266. By Mr. ANDREW: Petition of Army and Navy Union, Charlestown, Mass., urging passage of bills increasing pensions of Civil and Spanish War veterans; to the Committee on Pensions.

3267. By Mr. GUYER: Petition of sundry citizens of Franklin County, Kans., protesting the passage of Senate bill 3218, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3268. Also, petition of sundry citizens of Ottawa, Kans., objecting to the passage of Senate bill 3218, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3269. By Mr. RAMSEYER: Petition of citizens of Mahaska, Monroe, and Wapello Counties, State of Iowa, opposing the passage of Senate bill 3218 or any other religious legislation which may be pending; to the Committee on the District of Columbia.

3270. By Mr. VARE: Memorial of Philadelphia Board of Trade, urging passage of the McFadden bill; to the Committee on Banking and Currency.

3271. By Mr. VINCENT of Michigan: Petition of residents of Gratiot County, Mich., protesting against the passage of the compulsory Sunday observance bill; to the Committee on the District of Columbia.

SENATE

SATURDAY, December 20, 1924

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we draw near to Thee this morning, and while we bless the hand that has been guiding our way we wish to return to Thee thanks especially at this season of the year. To some there may be a sense of loneliness attached to it that makes them think of others with them formerly, but we pray that Thou, "strong Son of God, immortal love," may be near in the presence of these lonely experiences, multiplying to each the joy of Christmas time in heart and in the experiences through which they may be passing.

Grant to each in the separation temporarily for the homecoming that Thy grace may be made sufficient and that all the while we may find ourselves companioned by Him who hath said, "I will never leave thee nor forsake thee." We ask in Jesus' name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday, December 16, 1924, when, on request of Mr. JONES of Washington and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, announced that the House had passed a bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 23) providing for the appointment of a joint committee to make necessary arrangements for the inauguration of the President elect of the United States on the 4th of March next, and that Mr. GRIEST, Mr. HADLEY, and Mr. ROUSE were appointed members of the joint committee on the part of the House to arrange for the inauguration.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 8657. An act to amend section 98 of the Judicial Code, providing for the holding of the United States District Court at Shelby, N. C.; and

H. R. 6941. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

REPORT OF THE WAR FINANCE CORPORATION (H. DOC. NO. 486)

The PRESIDENT pro tempore. The Chair lays before the Senate the Seventh Annual Report of the War Finance Corporation, which will be referred to the Committee on Finance.

Mr. FLETCHER. It seems to me the report ought to be printed as well as referred to the Committee on Finance. I make the request that it be printed as a Senate document.

The PRESIDENT pro tempore. The Senator from Florida asks that the Seventh Annual Report of the War Finance Corporation be printed. Is there objection? The Chair hears none, and it is so ordered.

COMMITTEE ON INAUGURAL ARRANGEMENTS

The PRESIDENT pro tempore. The Chair announces as members of the joint committee on the part of the Senate to take in charge the inaugural ceremonies the Senator from Kansas [Mr. CURTIS], the Senator from Maine [Mr. HALE], and the Senator from North Carolina [Mr. OVERMAN].

THE ALASKA RAILROAD (S. DOC. NO. 175)

Mr. WILLIS. Mr. President, in accordance with the statute the President of the United States submitted to the Congress the report of the general manager of the Alaska Railroad, together with the report of the superintendent of transportation, which were referred to the Committee on Territorial and Insular Possessions. There are also included some rather voluminous tables of statistics which it seems to me need not be printed, but I ask unanimous consent that the report of the general manager and the report of the superintendent of transportation be printed as a Senate document. I think they contain useful information.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio?

Mr. NORRIS. I have not read the report, of course, but the Senator who offers it omits from the printing the statistics. I judge from the papers sent to the desk that they can not be very voluminous. Although I do not know what they show or what they are, it seems to me that we ought not to omit printing the statistics.

Mr. WILLIS. I have not the slightest objection. I looked over the statistics and thought they were not perhaps important, but if the Senator desires to have them printed I will include the statistics in my request; and also the illustrations.

Mr. NORRIS. With that understanding I have no objection to the printing.

The PRESIDENT pro tempore. Without objection the order to print, with the illustrations, is made as requested.

PETITIONS AND MEMORIALS

Mr. BORAH presented memorials numerously signed by sundry citizens of Boise and Moscow, all in the State of Idaho, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. FERRIS presented memorials of sundry citizens of Harrison, Lake, Temple, Morley, Stanwood, Altona, Onaway, Alden, Wheeler, Alma, Ithaca, Elm Hall, Glennie, Mikado, Barton City, Osceola, Shepherd, Riverdale, Crystal, Sumner, Cedar Lake, Stanton, McBride, Edmore, Frankfort, and Ferndale, all in the State of Michigan, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. CAPPER presented a memorial of sundry citizens of Ellis County, Kans., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a telegram in the nature of a petition signed by H. L. Kokernot, president; E. B. Spiller, secretary, Texas and Southwest Cattle Raisers' Association, and S. H. Cowan, American National Livestock Association, at Fort Worth, Tex., praying for the prompt passage of the so-called Smith-Hoch resolution, being Senate Joint Resolution 107, declaring agriculture to be the basic industry of the country, and for other purposes, which was referred to the Committee on Interstate Commerce.

Mr. SHEPPARD presented a telegram in the nature of a petition from the McAllen Study Club, of McAllen, Tex., praying for the entrance of the United States into the World Court, which was referred to the Committee on Foreign Relations.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 3733) to enlarge the powers of the Washington Hospital for Foundlings and to enable it to accept the devise and bequest contained in the will of Randolph T. Warwick; to the Committee on the Judiciary.

By Mr. BUTLER:

A bill (S. 3734) to remit the duty on an addition to a carillon of bells imported for the St. Stephens Church, Cohasset, Mass.; to the Committee on Finance.

By Mr. KEYES:

A bill (S. 3735) for the relief of Antoine Laporte; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 3736) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended; to the Committee on Agriculture and Forestry.

By Mr. JONES of Washington:

A bill (S. 3737) granting an increase of pension to Sydney Skidmore (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 3738) to authorize preliminary examination and survey for the dredging and deepening of Pocaty Creek, a branch of North Landing River, Va.; to the Committee on Commerce.

A bill (S. 3739) granting an increase of pension to Clare D. Fielding; to the Committee on Pensions.

A bill (S. 3740) authorizing and directing the Secretary of the Treasury to pay to W. Z. Swift, of Louisa County, Va., the insurance due on account of the policy held by Harold Rogis; to the Committee on Claims.

By Mr. RALSTON:

A bill (S. 3741) granting a pension to Maggie D. Snack;

A bill (S. 3742) granting an increase of pension to Mira B. Morse;

A bill (S. 3743) granting an increase of pension to Mary St. Clair; and

A bill (S. 3744) granting an increase of pension to Mary A. Wilson (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3745) granting an increase of pension to Mary T. Glancy (with accompanying papers);

A bill (S. 3746) granting an increase of pension to Mary A. Brown (with accompanying papers);

A bill (S. 3747) granting an increase of pension to Eliza A. Reed (with accompanying papers);

A bill (S. 3748) granting an increase of pension to Mary E. Hart (with accompanying papers);

A bill (S. 3749) granting an increase of pension to Catherine Walker (with accompanying papers);

A bill (S. 3750) granting an increase of pension to William F. Rogers (with accompanying papers);

A bill (S. 3751) granting an increase of pension to Mary Ann Lucas (with accompanying papers);

A bill (S. 3752) granting an increase of pension to Mary J. Rowland (with accompanying papers); and

A bill (S. 3753) granting an increase of pension to Kate Trooster (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 3754) granting a pension to Mordecai M. Gladish (with accompanying papers); to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 3755) granting an increase of pension to Sarah J. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTTRIDGE:

A bill (S. 3756) for the relief of Maj. Arthur A. Padmore; to the Committee on Claims.

By Mr. DILL:

A bill (S. 3757) granting a pension to Mary Holst;

A bill (S. 3758) granting a pension to Willis Britton; and

A bill (S. 3759) granting an increase of pension to William F. Schmadeka; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3760) to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes; to the Committee on Military Affairs.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. WATSON submitted an amendment proposing to appropriate \$20,000 for the establishment and maintenance of a live-stock market news service at Indianapolis, Ind., including personal services and other incidental expenses, intended to be proposed by him to House bill 10404, the Agricultural Department appropriation bill; which was referred to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE

On motion of Mr. WARREN, the Committee on Appropriations was discharged from the further consideration of the bill (S. 3668) authorizing the construction of additional hospital facilities for the port of New Orleans, La., and it was referred to the Committee on Public Buildings and Grounds.

ADMISSION OF CERTAIN IMMIGRANTS

Mr. CURTIS. At the request of the Senator from New York [Mr. COPELAND], I move that Senate Joint Resolution 100, introduced by him yesterday, relative to the immigration of certain aliens, be referred to the Committee on Immigration. The motion was agreed to.

HOUSE BILL REFERRED

The bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

FEDERAL AID IN RURAL POST ROAD CONSTRUCTION

The PRESIDENT pro tempore. Morning business is closed.

Mr. STERLING. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

Mr. GERRY. Mr. President, this is a bill involving large expenditures. I should like further time to study it. I have not had time to study it and therefore object to its immediate consideration.

The PRESIDENT pro tempore. Objection is made.

Mr. STERLING. Then I move that the Senate proceed to the consideration of the bill.

Mr. HARRISON. Mr. President, will the Senator withhold that motion for a moment? I understand that morning busi-

ness is over and a motion to proceed to the consideration of the bill might set aside the special order with reference to the Muscle Shoals measure.

Mr. STERLING. I understand not under the unanimous-consent agreement, but that we have until 2 o'clock to consider bills on the calendar.

The PRESIDENT pro tempore. The Senator from South Dakota will bear in mind a former ruling of the Chair to the effect that only routine morning business can interfere with proceeding with the unfinished business, unless by unanimous consent.

Mr. STERLING. That being the ruling of the Chair I submit, of course.

Mr. NORRIS. Then I understand the unfinished business is now before the Senate?

The PRESIDENT pro tempore. The Muscle Shoals bill is now before the Senate.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Mr. NORRIS. Mr. President, I told the Senate on yesterday that to-day I would give a brief outline of the Ontario situation in water power and electric development. I think it bears directly upon the Muscle Shoals proposition. It has been referred to several times by Senators. While personally I did not intend to bring it up unless that question was brought up in the Senate, yet since the question of so-called public ownership and operation of public utilities has been mentioned and since a very direct illustration, whether good or bad, can be given in reference to the operation of such utilities by public authority, I thought we ought to have just a brief outline of what the law is in Ontario and the method by which they are operating and have been operating since about 1905. It has been in operation about 20 years, starting with a very small business and expanding until now it is the largest system in the world of the development of electric light under one absolute control without interlocking directors or anything of the sort. I think it will be interesting to let the Senate understand the method of operation of those public utilities that is pursued there.

Under the law of the Province of Ontario there has been provided a hydroelectric commission similar to the corporation set up in the Senate committee bill. In fact, I think the Senate committee bill would have more literally followed the Canadian system had conditions here made it possible to do so at once. Senators will see, I think, as I proceed that under the conditions prevailing here we could not set up that kind of an institution without having the cooperation of municipalities. The Canadian law, in effect, provides for a voluntary partnership of municipalities. It has been extended at various times, and the law has been changed to extend it as experience has shown it to be necessary.

A partnership of municipalities has been formed for the purpose of generating electric energy to supply the people and the business interests in those various municipalities. No municipality was compelled to go into that partnership, but it was a purely voluntary association. The law provided that a hydroelectric commission should be established and that it should be the duty of that commission to provide for the generation of electricity, to build transmission lines, and to supply the electricity thus generated and transmitted to such municipalities as might enter into the agreement and go into the partnership.

The system started out, I think, with 10 municipalities, but it now has several hundred, the theory being that electric energy should be supplied to the consumers at absolute cost. There was no governmental subsidy; there was no provision for the expenditure of so-called public funds. The commission, in order to get money with which to develop power, issued bonds, and all the capital investment in the entire operation has been secured by the sale of such bonds. The commission generate the electricity, transmit it to the municipality, and the municipality takes it. The municipality does its own distributing,

fixes its own price, issues its own bonds for the building of a distributing system within its jurisdiction. The municipality pays to the commission its share of the actual cost of the system. During all the operation of the system there has never been one cent paid from taxation, with one exception; that I shall notice later on in regard to rural or farmer lines. The capital investment has been secured entirely by the issuance of bonds; first, by what we might call the wholesale commission, the hydroelectric commission; and, second, by the issuance of bonds of the various municipalities which have participated in the system.

Let me refer to the electric-light bills rendered by a municipality. The municipality issues 13 bills, 12 in the regular way, the same as does any other similar institution; but it does not know at the beginning of the year just exactly what the cost is going to be; both the cost of operation and the maintenance of the general distributing system for the year have to be estimated, and likewise each individual municipality has to estimate what it is going to cost to distribute the electricity which it buys of the commission. It estimates the cost that it is going to incur; it estimates the amount of electricity that it is going to use. Then it is able to tell approximately about what it must charge per kilowatt-hour to its customers. Since, however, that is but an estimate, it may find at the end of the year that the estimate has been too high and that it has some money left; or that the estimate has been too low and there is a deficit. So it issues the thirteenth bill. If its estimate has been too low and the rates charged have been so low that they have not sustained the estimate, then a thirteenth bill is rendered, calling for the payment of an additional amount by the customer. If, on the other hand, the estimate has been higher than necessary and there is a surplus left over and above the expenses, then the thirteenth bill is not an additional charge, but is a refund or rebate of that customer's proportionate share of the surplus based on the amount of electricity that he has used during the year.

In the same way the general wholesale commission issues its bills to the municipality. If it is shown that the estimate has been too low the various municipalities in the thirteenth bill are called on to pay their proportionate share, but if the estimate has been too high and there is a surplus the thirteenth bill is a refund to the municipalities of their proportionate share of the surplus. The business is wound up every year in that way. If a municipality has fixed its rates too low it will have to increase them a little the next year in order to recoup what it has lost the preceding year.

Experience has shown that these estimates have been very accurate, never, of course, coming out to a cent, but in a very large majority of the cases the thirteenth bill brings a check instead of a notice that an additional amount must be paid. As I proceed, I shall cite one year at least showing in how many cases there have been additional charges and in how many there have been surpluses.

Now, by way of illustration, let me refer to the bill of a customer, for instance, in the city of Toronto. The customer gets a bill at the end of a month, as customers do here, for the electricity that he has consumed in his home, let us say, for a certain month. What items does that bill contain? What elements go to make up that bill? First is the expense of operation in the municipality of Toronto—the cost of maintenance, salaries, and so forth; then the cost of the electricity which the municipality has bought from the wholesale establishments with which they have gone into partnership, an amount for a depreciation fund, an amount for interest on the bonds which the municipality has issued, and another item is the proportionate share of the customer toward a sinking fund that will accumulate enough money to pay off the bonds in 30 years.

Mr. HARRISON. Mr. President, may I ask the Senator a question before he proceeds? I merely wish to ask a question for information, because I am not advised on the particular point.

The PRESIDING OFFICER (Mr. Willis in the chair). Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. NORRIS. Let me first finish describing the bill which is rendered the customer. I have given the terms that are contained in the customer's bill in the case of a resident of Toronto, all going to make up the expense that Toronto must pay. I have not as yet said anything about its share of the expenses of the wholesale establishment. So there is included in the bill also the proportionate share of the customer of the interest that the wholesale establishment, the General Hydroelectric Co., must pay on its bonds, his share of the expense of maintaining that wholesale establishment, including salaries, cost of the development of power, and so forth; also an item

representing his share of a sinking fund which in 30 years will accumulate sufficient to pay off the bonds of the wholesale system. In every bill that is issued are included the various items which I have mentioned, going in the aggregate to make up what the customer must pay. Now I yield to the Senator from Mississippi.

Mr. HARRISON. I wanted to ask the Senator whether the system which he has been describing applies to all the Provinces of Canada or merely to one Province of Canada?

Mr. NORRIS. It applies merely to one Province.

Mr. HARRISON. And in that one Province does it apply merely to the disposition of the power from the Niagara Falls, or does it apply to all the power that is developed in that Province?

Mr. NORRIS. I can not answer that directly. I can answer it, however, by saying that it is not limited to power developed at Niagara, but it does not apply to all the power developed in the Province; in other words, the Canadian law does not undertake to interfere with any private corporation which is developing power. There are private parties developing power, but the commission, let me say in passing, has sometimes found it necessary, on account of the great demand and the growth of the system, to buy power themselves from private corporations. As a matter of fact, usually the private corporations go out of business when they come in competition with the public system by selling their plants to the General Hydro-Electric Co., the wholesale establishment to which I have referred. The action is entirely voluntary, but the hydroelectric commission can develop power anywhere in that Province on any stream. They have between a dozen and twenty different projects now in operation, and there are a great many more which they will have to develop, because they are not able now to supply the demand that is coming to them for power.

Mr. HARRISON. If the Senator will permit this observation, I recall in a study of the disposition of the power at Niagara Falls some years ago under the treaty between this Government and Great Britain we were to take 20,000 cubic feet, I think, on the American side and Canada was to have 36,000 cubic feet per second. There was no market for the power that was developed on the Canadian side, and under the treaty we were able, therefore, to obtain, I think, 250,000 horsepower from Canada to supply the industries on this side. That was some 10 years ago, as I recall, and I imagine that since that time industries have grown on the Canadian side and that the power which we used to purchase from Canada is now being sold to industries in Canada.

Mr. NORRIS. I can not answer that question; I do not know whether that power is all utilized there or not, but I do know that the report of the commission shows that after the first few years of operation, when it had been demonstrated that they were going to make a great success of the system, various principalities came into the system and went into the partnership, and there has been such a demand for power that one of the difficulties the commission has had to contend with has been to get power to supply the demand.

Mr. President, this system in Ontario has operated under some handicaps. Before it was inaugurated the same system was in operation that we have, and very powerful interests, of course, have been combating them and are combating them yet, and everything is being done to discourage them. However, it is now conceded, I think, even by those who bitterly opposed it at the beginning and opposed it for some time afterwards, that the public system has developed into a great success.

I have on my desk the report of the commission for the year ending October 31, 1923. It seems they end their fiscal year in October, and, so far as I know, the report for 1924 has not yet come out.

Perhaps I ought to give just a little review of some of the financial operations.

Capital expenditures in this entire system prior to June 1, 1921, were \$517,911.77. All that money, capital expenditures, comes from the sale of bonds.

Capital expenditures since June 1, 1921, and up to October 31, 1923, \$1,607,113.35.

Making a total of \$2,125,024.12.

The total investment of the commission has been \$178,960,696.56. That is just for the wholesale part of it. The total investment of the various municipalities that constitute the system has been \$62,892,504.90, making a total investment of \$241,853,201.46; and during the year for which this report was made there was collected by the municipalities a total revenue of \$17,219,044.66.

That is made up of the following items:

Cost of power—that is, what they would pay to the wholesale establishment—\$8,699,026.67.

Operation, maintenance, and administration, \$3,901,739.92.

Debt service charges and interest, \$2,607,741.71.

Depreciation account, \$916,782.75.

Making a total of \$16,125,291.10, and leaving a surplus for the year of \$1,093,753.36.

This is all itemized in the report by the various systems; but probably I would not be justified in taking the time of the Senate to go into that much detail.

This amount paid by the municipalities does not mean that it constitutes the income of the wholesale establishment, because they can sell to private industries and corporations; and this report shows that the commission for this year has collected from all sources \$15,742,831.91, which was appropriated to meet the expenses of administration and operation and to set aside adequate sums in respect to sinking fund, renewals, and contingencies, leaving a net balance of \$345,588.41 collected in excess of requirements.

Now, just note what they do with that. When they got through they found that they had, in round numbers, \$346,000 left. After they had paid the expense of operation, after they had set aside the necessary requirements for a depreciation fund, after they had paid the interest on the bonds, and after they had set aside sufficient money to accumulate a fund that would in 30 years pay off the bonds, they had left over \$345,000; and what did they do with it?

Mr. SMOOT. What was their capital?

Mr. NORRIS. They have not any capital.

Mr. SMOOT. I mean, capital investment.

Mr. NORRIS. I will give that when I get through. I have not it right now.

This surplus was at once returned to the municipalities. In other words, the commission had made an estimate of what it was going to cost to run this gigantic thing for the year, and when they got through they found that their estimate was a little over \$345,000 too large, and they had that much left. They turned it right back to the people who had paid it to them. They, in turn, would put that into their incomes in the municipalities, and if they found they had a surplus they returned it to their customers with the thirteenth bill that I have been talking about.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield.

Mr. WALSH of Montana. Will the Senator tell us how much of the capital investment was represented by bonds?

Mr. NORRIS. Practically all. I do not know of any way they have of getting any money for capital account except by the sale of bonds. I think, before I get through, I will come to that and give the amount.

Mr. WALSH of Montana. Are those bonds of the Province?

Mr. NORRIS. No; they are the bonds of the hydroelectric commission. They are not the bonds of the Province; and I want to say that while I have not it in this report I have read a report made about those bonds. They are the highest-class bonds in the world.

Mr. WALSH of Montana. I suppose that means, then, that the only security back of the bonds is the income of this hydroelectric commission?

Mr. NORRIS. Yes, sir.

Mr. WALSH of Montana. The Province itself is not pledged for the payment of the bonds?

Mr. NORRIS. I do not know as to that. I could not say. It may be that the Province is pledged for that. I do not know what the law provides in that case. All I know is that the Province never has had to pay any of it, and I will show later on that in a great many of these cases, while they expected to get out of debt in 30 years, some of them are out of debt now, and have enough money to pay all their bonds, and that the income of the wholesale establishment has grown so rapidly that the estimated amount they are setting aside is going to be more than sufficient to pay off all of their indebtedness.

I might as well take up that matter now. Sometimes, as an objection to the system, people say, "Why, here, this thing did not pay out this year. It went behind." I have explained how that is fixed if it does run behind. Of course, it is perfectly apparent to every fair-minded man that at the beginning of the year they can not tell to a cent just how they are going to come out. There may be accidents; there may be a falling off in consumption; there may be other things that will decrease their income. On the other hand, it may go the other way.

Of 224 municipalities there were a total of 21 which failed theoretically to provide depreciation in addition to all operating and maintenance expenses, but their relative importance is clearly disclosed by an examination of the reports. These 21 municipalities indicate a total theoretical loss of \$84,400.49. During the same year the remaining 203 municipalities piled up a surplus of \$1,178,153.85, leaving a net surplus for all the municipalities of \$1,093,753.36. These 21 municipalities in the next year would have to raise sufficient money to pay what they were behind on this year. The other municipalities, instead of increasing their rates, would lower their rates, because many of them found they had surpluses that were too great, and the idea was to furnish this electric energy at cost or to come as near making it at cost as possible.

Here is a list of 30 of these municipalities. Remember that all the bonds issued, not only for the wholesale establishments but for the municipal establishments, run for 30 years; and it is the theory of the system that they must set aside from their income enough money not only to pay the interest but to accumulate a fund that in 30 years will wipe it all off the books. They will be completely out of debt and thereafter will not have to pay any interest and will have no debt to pay, but will have their property clear and have nothing to pay but absolute cost and maintenance and upkeep; and the depreciation fund, and so forth, can be omitted.

There are, or were last October, 30 municipalities that had enough quick assets on hand, practically cash, to pay off the entire bonded indebtedness of each one of those municipalities and wipe it out. These municipalities, when they were setting aside this fund, of course would invest it in various kinds of bonds so that it would draw interest; and those bonds, those investments, together with the cash on hand, are more than the entire indebtedness. Compare that with a private plant. Compare that with any private corporation of this kind. Instead of paying off their debts and canceling their bonds they continue to issue more and never pay off any of them. The consumer pays the bill. He has these same items in his bill all the time; but, like Tennyson's brook, it goes on forever. At the end of 30 years he is no nearer the goal of being out of debt than he was at the beginning; and that necessarily implies, theoretically at least, that something is added to the bill that every customer must pay, because he is not only paying the expense of operation but he is paying off the debt by his bill.

I do not intend to read all of these. They are all in the report, and Senators can have access to them if they want to; but I will call attention to a few of them which I have picked at random.

One of these towns is named Collingwood. It has total property in its distributing system, and other things connected with it, for which it originally issued bonds in order to either build the property or buy it, valued at \$182,415.46, and it has left of that indebtedness to pay only \$22,874.65. It has on hand total quick assets amounting to \$50,799.39, so that after paying off their bonds and being clear of debt they have an amount left equal to \$27,924.74.

In addition to that, at the time of the making of this report there were 24 municipalities which were so near out of debt, were so near in the class of this town to which I have just referred, that they all expected to get out of debt during the year 1924. I suppose the report for 1924 will soon be out, and perhaps it is out now, though I have not been able to get it.

Mr. WALSH of Montana. How many years' operation does that represent?

Mr. NORRIS. It represents various periods. The question was first agitated in 1902 or 1903. It was five or six years before the system was gotten into operation. It was somewhere about 1910 when the first municipalities went into it, and they have been coming in ever since. Senators must understand that although the wholesale concerns act in an advisory capacity and require some rules and regulations, the municipalities are managers of their own cities, charge what they please, and to a great extent expend what they please.

They are differently situated. A great many of these towns and municipalities are small. Some of them have less than a thousand inhabitants, and then there are places like Toronto and Windsor and Niagara—larger places. It can be readily understood that if a small municipality went out to raise money for the building of an electric-light distributing system their bonds might not command the same price in the market as would those of larger cities. So there will be variations as to the cost, variations as to what must be added in the various bills and the prices for the current will vary in accordance with that. Every municipality must bear its own

expense for a distributing system, for its operation and its maintenance, and pay its share of the operation, maintenance, and cost of the wholesale system, proportioned on the amount of energy it uses.

I know it would interest my colleague [Mr. HOWELL], who is a student of things of this kind, to know that this depreciation reserve now stands at 22.1 per cent of the total cost of the plant. In other words, this fund they have been setting aside for years is now over 22 per cent, and it has not been in full operation for the last five or six years but a comparatively small number of years, while the depreciation reserve and surplus, taking those two together, combined, have already reached approximately 43.4 per cent of the total plant cost. So I do not see how anybody can say they are not operating on an absolutely safe business basis. In fact, some of the municipalities which started out on the theory that they were going to pay off their debts in 30 years have paid them off in less than 20 years; and when a thing like that happens, everybody can see what will happen to the rate. One of the greatest items of cost is the cost of the plant itself, to pay off the bonds that were issued by which they got the money to buy or to build the plant, and they will have nothing left to pay when that is paid off but the cost of maintenance and the expense of management and handling; so that the great benefit that has been coming, as I shall show, in the reduction of rates has not yet reached its peak. The greatest reduction is yet in store, and the current will be so cheap that the very prospect of its cheapness almost dazzles the human imagination.

Mr. President, the question naturally arises, having established this system, what has been the result to the man who has to pay the electric-light bill for his home? I have here a list of all the municipalities within this system, showing what has happened in each municipality in the way of rates. It would take several hours if I should read them all. I have given in toto the fund that has been set aside, and I think the danger of loss there has been obliterated, and I can give it in each individual case by looking it up in this report.

I want to call attention to some of these cities and some villages, because this system helps not only the cities, but it goes into the small towns, and before I conclude I shall show something about what it does for the rural population, the farmers of the country. They were not in it originally. It covered just the municipalities; but as the wonderful facts were developed about cheap electricity the balance of the population began to clamor for electricity and for the benefit of these cheap rates, and although none of them paid anything in the way of taxation for it, as a matter of fact, they wanted the system extended, and it is really in its infancy yet.

Let us take the town of Acton. There were electric lights there before this system was adopted, supplied by private companies. In the homes, the domestic part of the business, the consumer paid 10 cents a kilowatt hour. Just bear that in mind. They went into this, and in 1914 the rate was cut down to 6.9 cents. They kept on cutting it down. The war came on, and the rate was still going down during the war. They were in the war longer than we were—went in at the beginning and were in clear through—and the same tendency to increase prices and to profiteer went on there the same as everywhere else.

Legitimately things went up, but the electric rates of this concern went down all the time, until in 1923 they were down to 2.8 cents a kilowatt hour for the homes of that city. It is a small place, and when they had to pay 19 cents per kilowatt hour they had only 82 consumers; but when electricity became cheaper everybody commenced to put it in, and the number kept on increasing as the rates went down, until in 1923 they had 383 consumers. That refers to the homes, not stores. I will give those later. When they started in the average consumption in the homes in that town monthly was 15 kilowatt hours. In 1923, because the current was so cheap, the average consumption in the homes in that town was 44 kilowatt hours. The average bill monthly was \$1.26.

Let us see what the merchant had to pay. Before this commission started business the merchants had to pay 10 cents a kilowatt hour. That was cut down to 7½ cents immediately, and they kept on cutting it down until in 1923 they had it reduced to 3.1 cents a kilowatt hour. The average bill of the merchant, the storekeeper, and the business man was \$2.79 a month. In every one of these villages there are three groups of power—the domestic, which means the home; the commercial, which means the store; and the manufacturing concern, which buys the power by the horsepower. They were selling power to manufacturers in 1923 for \$27.74 a horsepower per year. That was the average. They had 18 customers in that list. Under private control, at 10 cents a kilowatt hour, they had only three customers in the manufacturing business. That

shows you what this means in the way of helping manufacturing establishments, not big ones, but a lot of little ones. As I said once before on the floor of the Senate, the cheapening of electric energy and its distribution through the country means the decentralizing of manufacturing concerns from large places to a great number of smaller ones in the vicinity of the raw product, because they can carry the current at a lower cost than they have to pay in the way of freight on the raw product to the congested centers.

I would like to go through the list because it is exceedingly interesting, but there are three or four hundred of them and I must pass on. I have picked out some of the worst, because I want the Senate to get those which have been most successful. They have all been successful. So far as I know there has not been a failure, but I want to give those where the rates have not been lowered much.

Here is the town of Ayr. They went into this in 1915. They have not been in so very long yet. They were paying 12.5 cents per kilowatt hour when they went in. This is domestic consumption. They cut it down to 5.5 the first thing. They were one of the cities that ran behind in the year 1915. They made the rate too low for the number of customers they had and had to raise the rate the next year. They made that mistake. Somebody who is opposed to Government ownership will say, "Look at this town. It went down so low that it had to go right back," but still is a matter of 4 cents per kilowatt lower than what they paid before they went in, so they made it 8.8 cents, but the very next year they cut it down to 7.9 and the next year put it back to 8, still 4 cents lower, and then kept on lowering it until in 1923 they had it down to 4.9 cents per kilowatt hour. The merchant had to pay 5.1 cents per kilowatt hour in 1923, and before the town went into the system he paid 12.5 cents per kilowatt hour.

Here is another town by the name of Brampton, which went in in 1912. They were paying 9 cents per kilowatt hour for electric energy when they went in. They cut the rate down to 4.9 cents under the public-owned system and kept on reducing it. That was in 1914 when the war commenced. They cut it right down in the face of the war, and the next year during the war they cut it again to 4.3, and the next year, still during the war, they cut it down to 4 cents and then to 3 cents, then to 2.9 cents, then to 2.7 cents, and the next year to 2.3 cents, the next year to 2.2 cents, and the next year to 1.9 cents, and in 1923 to 1.8 cents. The average consumption of the ordinary home was increased from 18 kilowatts per month average in the homes of that town to 73 kilowatts per month. The business men had the same experience. They had to pay 9 cents a kilowatt hour previously. They cut it to 4 cents, then 3.5, and so on down until they got down in 1923 to 2.1 cents. They had 12 manufacturing establishments when they went into this thing and in 1923 they had 52, and they had reduced the power consumption to \$17.88 per horsepower per year. Everybody knows that is a wonderfully cheap power.

In Brantford they paid 8 cents when they went in and they are now paying 1.5 cents, reducing it all the time during the war. The merchants in the town paid 8 cents and are now paying 1.3 cents. The manufacturer is paying \$21.35 per horsepower per year.

Brockville went in in 1916 when they were paying 9 cents. They fixed the rate the same under their publicly-owned system and then increased it the next year one-half cent and increased it one-tenth of a cent the next year. Then they dropped, and again increased it in 1921 and in 1922. In 1923 they were paying 6.8 cents. That is not much of a showing. I want to show them all. We can look up Brockville and find out why. There are some reasons in every case, sometimes mismanagement, I have no doubt, although I have not had time since the bill has been pending here, with the other duties I have had, to trace it out. It will be like a private business. If it is not properly managed, it will fail.

There is Cannington. They went in in 1915 paying 12.5 cents. They are now paying 5.9 cents. The merchant paid 12.5 cents and is now paying 8.4 cents. The manufacturer is now paying \$15.73 per horsepower per year, and they have just doubled the number of their manufacturing concerns in the town in that length of time.

Here is the town of Clinton. In the beginning there they paid 10 cents and are now paying 3.3 cents. The merchant paid 10 cents and is now paying 5 cents.

Collingwood went in in 1913. They were paying 11 cents and now pay 2.4 cents. The merchant paid 11 cents and is now paying 3 cents.

Here is another one that is not so good. I have not been able to examine even all of these, because there are several

hundred of them, but wherever I find one that did not work right I am bringing it to the attention of the Senate, and if I have omitted any such it is because of lack of time.

Here is Dashwood. They do not give the rate in this report before they went in, but say that it was a flat rate and I do not know what the flat rate was. They started in 1918. They probably built their plant during the high peak of war prices and they started their customers at 11.5 cents. They have been reducing it ever since and have cut it down to 9.2 cents in 1923. They make the merchant pay 12 cents there now for lighting the stores.

In Drayton they started in with 12.9 cents. I do not know what they paid before except that it was a flat rate. The rate is not given. They reduced it all the time until 1923, and then increased it, and in that year paid 11.1 cents. If we made inquiry about that town, we would find it was a very small place. They only have 119 domestic customers. They only have 42 merchants. It is a comparatively small place.

Elmira went in in 1914, paying 11.4 cents, and now pays 2.3 cents. Its merchants paid 11.4 cents, and they now pay 3.5 cents for electricity. They charge \$25.58 per horsepower for manufacturing concerns, and while it is not as cheap as some others, their manufacturing concerns have increased since they went into it from 8 to 22.

Here is Galt, which went in in 1912. They have been in practically 12 years, and this is the report ending October 31, 1923, so it gives the operations for about 11 years. The people in their homes in Galt were paying 11 cents per kilowatt hour. They cut it right to 5.3 cents, and then to 3.3 cents. In 1916, right during the war, they cut it to 2.8 cents, then to 2.4 cents, 2.2 cents, 2.1 cents, and then to 2 cents. In 1922 they had it down to 1.8 cents. There is a reduction from 11 cents down to less than 2 cents per kilowatt hour. The merchant pays 2 cents per kilowatt hour and had previously paid 11 cents.

In Georgetown from 1913, when the town went in, the people in their homes were then paying 10 cents per kilowatt hour and now pay 2.8 cents per kilowatt hour.

In Guelph they were paying 8 cents under private control in 1912. They have reduced in all the years, a steady reduction all the time, until they have it down to 1.9 cents per kilowatt hour, and they have increased the average consumption in the home from 17 kilowatts per month to 62 kilowatts per month.

Here is Hamilton, one of the large cities of Canada. They used to pay 8 cents per kilowatt hour. They went in in 1913 and cut it right down to 3.9 cents and then had to raise it. They found it was too low. They put it up to 4 cents a kilowatt. Then down it went, and on down, without a single increase through all the war, but a decrease every year, though small, until in 1923 they had reduced it to 1.7 cents per kilowatt hour. That is so cheap for electricity that one would hardly turn off the light in the daytime. Their merchants pay a still less rates for stores, and so forth. The commercial rate is 1.5 cents per kilowatt, and the manufacturers pay \$14.93 per horsepower per year, one of the cheapest cases of horsepower we can find anywhere.

Mr. SHIPSTEAD. Mr. President—

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. NORRIS. I yield.

Mr. SHIPSTEAD. It may interest the Senator to learn that since 1920 the rates in Hamilton were further reduced, and that in 1920 the rate was 2.3 cents for domestic consumption and 1.3 cents for commercial consumption.

Mr. NORRIS. I am glad to have the Senator's interruption.

Kitchener in 1911 or 1912, when under the private system and when the government-operated plant had not gotten control, paid 11 cents per kilowatt hour. They cut that to 4.9 cents and kept on with a reduction every year during the war until in 1923 they had it down to 1.6 cents per kilowatt hour. Their merchants there paid 1.7 cents per kilowatt hour and their manufacturers paid \$22.09 per horsepower per year on the average.

London is one of the representative cities there. Before they went in in 1912 they paid 9 cents per kilowatt hour. They cut that to 4.5 cents, and the next year had to raise it, but not much. They raised it to 4.8 cents and the next year cut it to 3.3 cents, then to 2.9 cents, 2.6 cents, 2.5 cents, 2.4 cents, 2.2 cents, and 1.9 cents in 1921. In 1922 they reduced it to 1.8 cents and in 1923 to 1.6 cents per kilowatt hour. The merchants' commercial rate was just the same. Their power rate was \$24.17 average per horsepower per year.

I wish to cite some instances which do not make such a good showing, and shall refer to some of the smaller places. Here is one which I now find where the people had a cheap rate to

begin with—Niagara Falls, in Canada. According to the report which I hold in my hand, they were paying only 3½ cents per kilowatt hour when they went into this system. That is a very cheap rate, as everybody must concede; but they cut it down every single year. They started in with a rate of 2.6 cents, and they brought it down in 1923 to 1.3 cents a kilowatt hour. The merchants only pay 1.2 cents per kilowatt hour, and the manufacturers there, on an average, pay \$18.04 per year per horsepower.

I have omitted citing a great many of these cases because I do not wish to weary the Senate by taking up too much time. I think, however, I should refer to the town of Petrolia. In 1917 the people there went into this system. Previously they had been paying 14 cents per kilowatt hour, but on entering the system the rate was cut to 6.1 cents; it was more than cut in the middle the first year, but it was reduced a little too much. I presume, however, if one would examine the records he would find that in that year this was one of the towns that had underestimated the cost of furnishing electricity and that the thirteenth bill was a duebill instead of being a refund. The town had made their estimate too low as to what they thought their expenses were going to be, and they ran behind that year; so the next year they increased the rate, but not very much. The people had been paying 14 cents under private operation, but the rate was cut to 6.1 cents the first year. That was too low a rate, and they had to increase it to 6.3 cents; but that was an increase of only two-tenths of a cent. Then thereafter they commenced reducing the rate every year, and there never was another increase. In 1923 they had reduced the rate to 3¼ cents per kilowatt hour.

Mr. BROOKHART. Mr. President—

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. BROOKHART. It has been repeatedly stated that the bill of the Senator from Nebraska is a power proposition and if enacted into law will be of no benefit to the farmer. I will ask the Senator if he has pointed out any benefits which have gone to the farmers in Canada under the system he is now explaining?

Mr. NORRIS. No; I have not; but I intend to do so before I conclude my statement.

Mr. BROOKHART. I did not want the Senator to omit that.

Mr. NORRIS. In another town, Stratford, the people used to pay 12 cents a kilowatt hour, but after that town became a member of the general system they began to reduce the rate. The rate which was paid in 1912 and in 1913, the first two years, is not given, and so I can not state to the Senate what it then was; but in 1914 the rate was reduced to 5.5 cents; it was more than cut in the middle. Then it went on down, down every year, and even while the World War was going on and prices were mounting high the rate got lower and lower, until in 1923 it was reduced to 1.4 cents per kilowatt hour.

Mr. President, in this connection as to the town of Stratford I wish to call the attention of the Senate to the fact that in 1914 the average consumption in the homes of that town was 18 kilowatt hours per month, but when the price of electricity commenced to go down the amount consumed in the homes began increasing, as will be found to be the universal rule. In 1923 the average consumption in the homes of Stratford was 126 kilowatt hours per month. You can not use that much unless you have practically all of the electrical appliances that are known, and that is what has been going on in that town. As to one place—I do not know whether it is a case cited in this report or in an article which I have read—it is stated that in the Province of Ontario the number of homes using electricity for cooking purposes is increasing at the rate of 1,000 per month. That means the consumption of a great deal of electricity.

That could not be done if one had to pay the fabulous prices which are charged under private ownership and which we have to pay in Washington, unless he had a greater income than have I. Notwithstanding the use of that immense amount of electricity, the average bill for the homes in Stratford was \$1.85 per month.

They made the merchant pay a little higher rate than was paid by the homes. He had to pay 12 cents under private operation, but they commenced with a price of 4.7 and kept on cutting the rate down until in 1923 the charge to the merchant was 2.1 cents per kilowatt hour, and the charge to the manufacturers was on an average \$18.06 per horsepower per year, and manufactures had increased in that town from 76 in number when they first went into the system to 163 when this report was made.

Mr. RANDELL. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. I yield to the Senator from Louisiana.

Mr. RANDELL. I am extremely interested in what the Senator from Nebraska is saying. He has made quite a remarkable showing, I think, touching the decrease in the cost of electricity in the Province of Ontario since the production of electricity became a public utility as compared with the prices charged by private utilities. I think he has demonstrated beyond any peradventure that it costs considerably less now to the actual consumer than it previously did. I am anxious to know, especially in the light of the Senator's very recent remark that it is costing us a great deal more in this country, including the Senator among other consumers, whether he has any actual figures to show the cost to the consumer in towns of the United States comparable to the Canadian towns which he has just cited, which are securing electricity under the private system.

Mr. NORRIS. Oh, yes.

Mr. RANDELL. The Senator will bring that out later, will he?

Mr. NORRIS. Yes; I will bring some of the facts out. I have been talking with the Senator from Minnesota [Mr. SHIPSTEAD], who also has some information on that subject which he is going to bring out, and my colleague [Mr. HOWELL], who I am sorry is not present at the moment, had on his desk a book to which any Senator can turn in a moment and get the rate in any city in the United States as to which he wishes to learn the figures. For instance, he can ascertain the facts as to the city of Buffalo, which is right across the line from Canada. I do not have the rates prevailing in that city, but they can readily be put in the Record, because they are contained in the statistical book which my colleague has been using. There are some places in this country where the rates are comparatively low, but as a rule they are way above the Canadian rates. I think it will be found that Buffalo pays somewhere in the neighborhood of two or three times as much as is paid on the Canadian side. However, I have some other illustrations of Canadian cities which I should like to give as I go on. I would be glad to finish this branch of the discussion.

Mr. RANDELL. I do not want to interrupt the Senator unduly, but I wonder if he has any figures showing the rates in towns in the United States where the plants are municipally owned?

Mr. NORRIS. Yes; I think they have been pretty fully given. The Senator has been ill and has not been able to be here all the time. They have been given to quite an extent, and probably some more of them will be given. The Senator from Minnesota [Mr. SHIPSTEAD] has made a study of the situation in Seattle, where there is a municipally owned plant.

Mr. RANDELL. Does the Senator find the rates very much cheaper in an instance of that kind than where the plant is privately owned?

Mr. NORRIS. Oh, yes; and I will say to the Senator a great many such illustrations are already in the Record.

Let me refer now to the city of Toronto. That municipality went into this public system in 1912. Toronto, as Senators know, is one of the large cities of the Province and, I think, the largest city in Ontario. The rate charged prior to its entrance into the system was 8 cents, but after Toronto joined the system the rate was cut to 4.4 cents.

The next year it was raised to 4.5 cents, but the year following that it was cut to 3.9 cents; then to 3.1 cents; then to 2.7 cents; then to 2.5 cents; the next year it was also 2.5 cents; the next year it was 2.2 cents; the next year 2.2 cents; and then in 1922 and 1923 the rate was down to 2.1 cents a kilowatt hour. The average bill for electricity in the homes of Toronto per month was \$1.48.

The merchant of Toronto, however, had to pay a higher rate; he was required to pay 4 cents, although before Toronto went into the system he was paying 12 cents per kilowatt hour. Senators will find in going through the report that every city fixes that matter as it wants to. In our cities I think it is the usual rule to charge for commercial business a lower rate than the rate for domestic purposes, but in Canada it very often occurs that the rates are just the same, and sometimes the commercial rate is a little higher and sometimes a little less, but it does not vary as much, I think, as it does in our country.

Now let me take the city of Windsor, which is just across the line from the city of Detroit. Windsor is 250 miles from the place where the electricity is generated. The publicly owned system carries the electricity 250 miles to the city of Windsor. In that city the consumers were paying 12 cents a kilowatt hour before this system was inaugurated, but after Windsor became a part of the system, in 1915, the rate was cut to 4.9 cents. The next year the rate was the same, but

the year following they cut it to 4½ cents; the next year to 4.2 cents; the next year to 3.9 cents; the next year to 3.2 cents; the next year to 3 cents; the next year to 2.6 cents; and in 1923 it was 2.6 cents. The average home used to consume in one month 18 kilowatt hours, but the consumption has grown until in 1922 the average home consumed 94 kilowatt hours. The merchant of Windsor has to pay a little less for commercial lighting; he only pays 2.3 cents, whereas before the system went into operation he had to pay 8 cents.

I will refer now to the town of Woodstock. The consumers there used to pay 8 cents before the city went into the public system, but after they joined that system the first thing done was to cut the rate to 6½ cents, and they have kept on reducing it, even through the war, until now they are paying 1.6 cents per kilowatt hour. The merchants there pay 1.9 cents for commercial lighting, and the manufacturer is charged \$20.31 on an average per horsepower per year for manufacturing purposes.

I should like to say to Senators that I have not tried to give figures as to all of the towns listed merely because of the lack of time. I have nothing to conceal, and I should be glad to have any Senator take the tabulated list which I have and examine it. Perhaps there may be some rates that are higher than any I have given, although I pointed out, I think, that under the system the highest I have been able to find in the hurried examination I have made was 11 cents. I wanted to give the worst as well as the best examples. I will be glad to give the figures as to any town which is supplied by this system in the Province of Ontario or to turn the book over to any Senator who wishes to look at it so that he may call the attention of the Senate to any figures which he may find in it.

I have had my attention called to one town. I have not seen the article, but this morning somebody called my attention to the fact that some one in San Francisco had written an article condemning this system, and to show that his argument was justified he called attention to one town in Canada where they had had the system, and told the result of it. I do not know what this is going to show. I have not had time to look it up. I had it called to my attention by a little notation just as I was coming to the Senate, but I remember the town. It was Markham, and it will be somewhere in this list, because it is one of these systems. I have never looked at it, but I will just turn to it and look at it, and whatever good or bad it may be I will give the result to the Senate as shown by this chart.

Here it is—Markham. The first thing that strikes my eye is the fact that Markham did not go into this system until 1920. The first thing it would have to do would be to get a distributing system, so it was at some disadvantage on account of the high prices. It cost more than it would have cost if it had gone in early, in 1910 or 1912, or even in 1914, before the prices went so high. It had to issue bonds, I presume, to get the money to put in its distributing system or, if it bought one that was already there, to buy that one. So the records do not go back many years, but we will see what they show.

Markham—Before they went in they were paying, I presume, a privately organized corporation 10 cents. This book says "10 plus 25." I do not know just what those figures mean, but it is 10 cents plus something, so it was not less than 10 cents. We will say they paid 10 cents; and they went in, and they had to increase that rate. I suppose that is what this article is based on—that after they went in they increased the rate to a point higher than the private concern charged. They increased it to 11.8 cents a kilowatt hour. That was 1.8 cents per kilowatt hour increase that they had to pay, but that was in 1921. In 1922 they cut that rate to 8.2 cents a kilowatt hour, a reduction from what they had to pay under private ownership, and in 1923 they cut it to 7.9 cents a kilowatt hour.

Let us see what the merchant had to pay. He had to pay 10 cents before, and they raised that to 14.1 cents when they went into it; and then they cut it down the next year to 11.2 cents, and in 1923 they cut it still further to 8.1 cents. So there is a case of an increase of rates, and probably that is the only one. If there were any others, I should imagine somebody would have dug them up; and they based a long argument on that. Here is a town that went in and increased their rates after they went in, but what were they doing when they paid 10 cents to the private company? That was to go on through all eternity. The private company might have had bonds and probably did, as many as they could issue and float. The town had to pay interest on those bonds, and they had to keep on paying interest forever if they kept on under that system.

What are they doing under this system? They have their own bonds. During these three years when they increased the

rate they were paying interest on their bonds, and they were paying money into a fund to cancel their own bonds to pay their own debt at the end of 30 years. I do not know how the operation came out. I can look it up in another part of the record and see just what their investment is and how much of it they paid, and so forth. They are getting out of debt, and even though they paid a higher rate in the end they are cheapening it, and they already have it down lower than they had to pay to the private party. But even if it failed in this little town, Mr. President—even if you could find out of three or four hundred instances one that made a failure—you can find the same thing all over the world. I do not claim that every venture of this kind is going to be a success.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. NORRIS. I yield to the Senator.

Mr. CURTIS. I did not hear the beginning of the Senator's remarks, though I expect to read his speech in the RECORD. Did he give in his speech the date of beginning of the operations of these various plants?

Mr. NORRIS. Yes; I did.

Now, I want to say something about the supplying of electricity to the rural population. As I said before, when this system started it was a partnership between municipalities. Everybody knows that one of the great expenses in connection with electric development is the cost of distribution; and so, if we undertake to supply the farmers of any community, it makes a great difference whether there are 2 farmers to the mile or whether there are 20, because the cost of the transmission line is just the same in each case.

It was not long after this system had been in operation before the farmers of that Province commenced to wake up to the importance of having electricity in their homes for lighting, for heating, and for running various kinds of farm machinery. This commission immediately commenced to investigate the subject, because the only object of their existence was not to make profit but to see how cheaply they could make electricity and how many people they could get it to, and so they commenced to study the farm proposition.

They are still studying it. They are still developing. They are still advancing. The Province amended the act for the establishment of this commission in order to help the rural population, and made a provision which I think I have here, but I have not had time to read it. In substance, however, it was that in the case of a rural population, on account of the increased cost, the Province would pay one-half of the cost of the transmission lines in the country. That was to help out the farmers. That is the only place, as I said at the beginning of my remarks, where the taxpayers were ever called on to pay a dollar. It was to subsidize, if you want to put it that way, the rural lines in order to make it possible to get the electricity to the homes of the farmers, and they have done a great deal of business in that way.

They are constructing lines in the country, not only overhead but they are constructing underground lines. It is more expensive to put them underground; but if it is in the right kind of soil and the right kind of a country, when they once put it in it will last practically forever, and poles will not, as you know. So they are experimenting, and this report of 1923 shows that during the year they constructed 216 miles of overhead primary line and 21 miles of underground primary line, and arrangements have been completed to construct a large number of additional rural lines during the coming year.

Then follows a table showing, in the different systems—and under this plan they have divided up the country into systems—how many lines are being extended and how many lines are being built. These are purely the farmers' lines. They have also been extending the lines to little hamlets, little villages, unincorporated little villages of four or five houses. Wherever they could get an opportunity to put in a line where the cost would not be prohibitive, where they could get enough farmers to take it, they put in a line; so they are going on.

If I wanted to take up the time, I could take up some of the farms that are not in this report, but of which I have reports, out in the country. Ontario is a fruit country and a dairy country, and the farmers are putting in milking machines out in the country. I remember reading a description of a farm that was 6 miles out in the country where the man had 25 or 30 milch cows. He milked them by electricity. His wife cooked all the meals, 365 days in the year, by electricity. They had electric fans and they had an electric hot-water heater in that place.

There are a great many other questions involved in farm extension. For instance, the farmer not only wants light and power in his home, but he wants light and power in his barn; he wants grinding machines; he wants to pump water; he wants to use electricity in a hundred different ways in various farming operations. So that it is very important, and it is growing in Canada by leaps and bounds; and there is not any doubt but that except in the very sparsely settled parts of the country the time is coming when every farm home is going to have all the advantages of electricity that they have in the city.

Here is a map of the Province of Ontario. The red lines indicate either existing transmission lines or contemplated transmission lines of this system. It is going to become a veritable network. At various places in the Province there are water-power possibilities. This commission eventually will develop all of them. They can not develop them fast enough now to keep pace with the demand that is coming to them for power and for light.

Mr. RANSDELL. Mr. President, will the Senator permit me to interject there a thought that I think will be a little bit helpful to his argument?

Mr. NORRIS. Certainly.

Mr. RANSDELL. I should like to say to the Senator that in my own portion of Louisiana the farmers are getting so much awakened to the great advantages of electricity that, though they have no hydroelectric power there nor any other kind of electric power, they are putting in small electric plants run by gasoline as the motive power. These plants cost between \$700 and \$1,000, and they are utilizing them very, very successfully all over the farming section of my part of Louisiana. I believe the farmer is getting absolutely awake to the great benefits that come from using electricity on the farm.

Mr. NORRIS. I thank the Senator for his interruption. There is not any doubt on earth but that while we still live there will be such an avalanche of demand from the farmers of the country that the natural resources of America shall be preserved for all the people and not given away to private interests, that no man in this House or in the other or even in the White House can withstand the terrible force of public sentiment that is going to be behind it. We can not get away from it. It is just as natural as the rising and the setting of the sun; and every time we turn over a great natural resource to some private industry—particularly a trust, as has been shown here, that controls practically all of the electric devices of America—we are only bringing on to perhaps our successors the condemnation of an outraged but righteous people.

The next thing they all say is, "Do these fellows pay taxes?" No. What do they do? They light the streets; they pump the water of all these municipalities up in Canada at actual cost, and the saving between the actual cost figures and the money that the towns pay for the electricity that is used publicly is more than all the taxes that the private concerns would pay. But that is not all.

That is not all. Every individual who pays would have the amount he pays increased if this public utility had to pay taxes. He would pay a little more for his electric light; but as compared with a private concern, the amount which the individual merchant pays in the city of Toronto, let us say, compared with the amount he would have to pay if he paid taxes, is something like 1 to 10. I shall refer now to the hearings before the committee. Mr. Judson King, who went up into Canada and traveled over that country, appeared before the committee, and I shall read from his testimony. Speaking of taxes in this Province in Canada, he said:

Mr. TAXPAYER. In 1921, 212 municipalities, big and little, partners in hydro, paid a total of \$1,080,358 for street lighting and \$694,531 for water pumping and other city power.

That is what they paid to this publicly owned proposition, to this Government ownership operation, if you want to put it that way. I continue the reading:

Since former standard prices to companies, or high coal rates for their individual plants, made this service cost from two to five times as much, it is evident that the taxpayers of Ontario made a gain of at least \$3,000,000 for that year, and still more in 1922.

In 1920, Buffalo taxpayers—

That is, in the city of Buffalo, N. Y., just this side of the river—

paid \$584,779 for street lights; Toronto, about the same size, paid \$335,370 and had three times as many lights.

Nearly half the cost, with three times the service. Further on in his testimony Mr. King called attention to another thing. Referring to "Lighting the International Bridge," he said:

As I started out to see the great Chippewa Canal and went around the famous Falls I passed the International Railway Bridge over the Niagara River. The cost of lighting this bridge is another interesting study in efficiency. The west or Canadian side is lighted by the hydro people—

That is, this public-service corporation—

the east or American half by a New York company. The same number of lights, the same bridge, the same river, the same method of production.

All alike, the power coming from the stream under the bridge, all from the same source, one plant privately operated and one publicly owned and operated. Listen to what he says about it:

Average monthly cost for 1921 on the Canadian side, \$8.43.

Now, for these people who go into hysterics whenever we say anything about the Government owning a municipal utility of any kind, let us see what the blessed private corporations charged on this bridge for the same light, generated from the same power. The Canadian publicly owned concern charged \$8.43. The American private corporation charged on the American side of that bridge \$43.10 per month on the average.

Mr. King takes the bill of a firm in Canada and says:

I have the bill of Appleton & Co., dry-goods men, in the little city of Galt—

That is one of the cities about which I read the prices—

out near the center of the Province. In the month of July last they used 412 kilowatt hours, and it cost them \$7.82. When I reached California, which Secretary Hoover praises as having the cheapest power anywhere, I set experts to work and found that in a town of similar size, San Jose, Mr. Appleton would have paid \$25.44 for this service. In Alhambra it would have cost \$28; in Washington, D. C., \$27.33; and still more in New York and New England.

The town of Galt—population 13,000—has several small factories which save money. The city fathers save money on the city bills for lighting, etc. In fact, I had it figured up by an expert, and it appears that all of the consumers in Galt have saved in the last seven years some \$3,089,962 by reason of the courage and vision of the hydro people. But it was nettling to a patriotic American when they sympathized with me over what I had to pay in Washington.

The cost of lighting the Labor Temple in Toronto from February to June, 1911, before the city went into this system, for those five months was \$467.91 under private operation. For the period from February to June, 1922, after they had gone into this system, for the same five months in the year, the lighting of the Labor Temple cost \$179.94, less than half of what it cost before.

Mr. King said:

Taxes are lowered because municipal lighting and power costs less under the new system, but private corporations pay taxes; does hydro pay taxes? The commission pays the Province for the use of the waters. The local commissions pay no taxes. How much then do the cities lose? I had that figured out. If in 1921 hydro in Toronto paid taxes like a private utility, it would have added 43.7 cents to the yearly expense of each domestic user, and \$1.53 for each commercial user. But since the average domestic consumer saves \$35.67—

Which is figured out mathematically—

and each commercial user—

Figured out the same way, saves—

\$186.09 every year, as against the price they would have had to pay the old private company for the same service, you can understand why I never heard anything about "taxes" while I was in Ontario.

Mr. King said in another place, speaking of rural lighting and power:

Rate sheets furnished me by Engineer Gaby show, for example, that a "farm unit" at Saltfleet, 53 miles from the source of power, using a large load, has a 4-cent per kilowatt hour rate for house lighting and a 2-cent rate for pumping, sawing, etc. A small load unit at Ridgetown, 211 miles from the source of power, has a rate of 7 cents for lighting and 3 cents for power. This is not yet as cheap as in Ontario cities, but yet is half what American cities have to pay, and is constantly decreasing.

This is from a letter from Mr. Gaby:

Prior to 1910 farmers did not consider seriously the question of electrical power. They had plenty of help. Their wives and children did not demand the higher living conditions that prevail at the present time; the service was practically impossible to get, and the cost prohibitive.

But the conditions changed * * * until the farmers found themselves with a scarcity of farm labor and are now looking about for labor-saving devices. The women have been granted the franchise, and they now demand better living conditions.

Then Mr. King continued:

The courage and vision with which the hydro people covered this new potential market has been roughly stated. But no statistics or cold reports can possibly tell the human side of the story—the human nature element, so to say. To get that you must visit the farm home of Ontario, as I did last summer, and talk with the women as well as the men. Even then you need a good imagination to visualize and get the significance of what is happening. You must listen to a busy farm wife with a house, a husband, a hired man, and three children to care for, who has no hired girl, and a mortgage on the farm. If she is not robust or in good health, interest deepens. Remember that thousands of Ontario farm wives now cook on an electric range. It is a godsend to them. No coal or wood to carry in, no ashes to carry out, no fires to build; yet the current is so cheap that they can afford to do it, and in some places even save money. It is cool in the summer time.

Let Mrs. Hoffman near Waterloo tell you how an electrically lighted farmhouse brightens life and helps to keep the boys and girls at home on the farm. Also the electric pump fills the big tank at the top of the house, and there is no hard long pumping, especially on Monday. That "wash day" has lost its terrors. Start the machine before breakfast and the clothes are on the line before 10 o'clock. "Ironing day" with electric irons also is a snap compared with the old method. Farm women and girls enjoy the bathrooms, I also found. Also there is less work when hydro saves the presence of an extra hired man or two on the farm.

The short of it is that with cheap electric rates the farm women of Ontario are beginning to have a real chance at the "fuller life" lecturers and magazine writers have pictured to them. But I must leave to the professor of social science the further development of this theme. Yet here again the Canadians have bested us.

President Theodore Roosevelt in the letter appointing his famous commission on country life in 1910 said:

It is especially important that whatever will serve to prepare country children for life on the farm, and whatever will brighten home life in the country and make it richer and more attractive for the mothers, wives, and daughters of farmers should be done promptly and thoroughly and gladly. There is no more important person, measured in influence upon the history of the Nation, than the farmer's wife, no more important home than the country home, and it is of national importance to do the best we can for both.

Those are the words of Roosevelt. They are as true now as when he spoke them. The vision he had was longer than is ours. He saw it before we could see it. But the statements he made are yet literally true.

Mr. King further said:

Later his commission reported a bad outlook for American farm wives, that "agencies" were needed to relieve the women of many of their manual burdens on the one hand and interest them in outside activities on the other. "The farm woman should have sufficient free time and strength so that she may serve the community by participating in its vital affairs."

Mr. President, before Judson King went to Canada he came to my house. I asked him to do several things when he went up there, and one of them was to go into some town or city and go into a home of ordinary people, not into a home of the rich, not into a home of the very poor, but to take some one in circumstances that were of the ordinary. He did it. He went into a good many homes, but he went into one in particular in Toronto, the home of a machinist, a man who worked in a machine shop. He went in and met this man's wife. Their name was Cullom. They lived in a house of eight rooms. He explained what he was trying to do. I had asked him to get the absolute original bills if he could that had been paid for electricity and bring them home with him. He brought a large number of them.

I have here a photographic copy of the bill of Mrs. Cullom. It seems for the month preceding she had consumed in the home 334 kilowatt hours of electricity. That is an enormous amount for a home, an enormous amount. No home in the city of Washington of eight rooms consumes one-half of that, nor

anywhere else in the world, unless they are getting awfully cheap electricity and have all the electric appliances that are known to the science. But she had them all. She had an electric fan in her kitchen. She had an electric stove upon which she did all of her cooking. She had in the house an electric hot-water heater that heated all of the water for all purposes. She had an electric washer, an electric ironing machine, an electric toaster, and 50 electric lamps over the house of 50-watt capacity. I have a list of the things, I think, in the hearings. I do not know whether I have mentioned them all or not. In addition to what I have mentioned she had an electric vacuum cleaner. She consumed with all these appliances 334 kilowatt hours of electricity.

Judson King lived in the city of Washington. His wife is a doctor. She used in her professional business a very large amount of electricity. Her office is connected with their apartment in the apartment house where they live. The great bulk of the electricity is used in the treatments she gives to her patients. It just so happened, but a wonderful coincidence, that not for the same month but for another month, the bill of Mrs. King for the apartment and for the office, which was all under one meter, showed that she had used 334 kilowatt hours during the month. It happens that it is exactly the same as Mrs. Cullom had used in her eight-room house up in Canada. Now, it is interesting to know how much it cost Mrs. Cullom and how much it cost Doctor King. Mrs. Cullom paid, according to the bill here, \$3.35. Doctor King, in the city of Washington, our glorious Capital, where we are looking after the poor and downtrodden with such feverish anxiety, paid to the privately owned corporation that supplies us here, and very graciously permits us to live, \$23.18 for the exact number of kilowatt hours for one month. Three dollars and thirty-five cents in Canada and \$23.18 in the city of Washington. I have here a photographic copy of both of the bills and will be glad to have anybody examine them who may wish to do so.

I do not care to get my personal affairs mixed up in this discussion, but it seems to me it is very applicable that I live in a house in Washington that contains eight rooms, just the same number of rooms as are in the machinist's home in Toronto, Canada. I do not have an electric stove and electric heater and all those electric appliances that he has, because I can not afford them, not because I am not getting as much income as the machinist up in Toronto, but because prices are so terribly high here that I can not have them in my home. Those people have an eight-room house and I have an eight-room house. How do our lights compare? I counted mine this morning, and I have 29 lights in my eight-room house and I have a light wherever I think I need one, but it is not always as light as day everywhere. I am economical about it, because it means money. But how many did Mrs. Cullen up in Canada have in her eight-room house? She had 50, and all of her lights, every one of them, is a 50-watt lamp. Not more than half of mine are 50-watt; the balance are 40-watt, except two, which I think are 60-watt.

I call attention to that, Senators, only to show what wonderful opportunities are at hand for the people of this country and, for that matter, of the world, if this wonderful thing, electricity, coming into the daily life of everybody in the country and in the world, can be cheapened so that all the people, poor as well as rich, can have the benefit of it. Canada has demonstrated that it can be done. Why should not the United States do it, Mr. President?

Mr. SHIPSTEAD. Mr. President, the Senator from Nebraska has given us a very illuminating address this morning. He read from the report of the Ontario Public Service Commission a long list of statistics showing what the electric light and power rates were in the Province of Ontario before the municipalities, under the direction and operation of the Ontario Power Commission, started to develop power and distribute it to the consumers in the Province of Ontario. I have here the figures of 15 municipalities showing the rates paid in 1920. I call attention to the fact that the year 1920 marked the peak of the high cost of living and the high cost of production brought on by the war. This list shows what those municipalities paid for light and power before the war when purchasing electricity from private corporations, and what they have paid when purchasing electricity from a municipality after the advent of what is called municipally owned hydroelectric power in Canada. I ask that, without reading the list, it may be printed in the Record.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

Municipality	Cost of power, 1920		Average rate per kilowatt hour in 1920		
	To municipality per horse-power	To customer per horse-power	Domestic	Commercial	Old rate
Toronto.....	\$17.00	\$19.50	Cents 2.2	Cents 2.2	Domestic, 8 cents plus 25 cents; commercial, 12 cents plus 25 cents.
Hamilton.....	16.00	12.70	2.3	1.3	Domestic, 8 cents plus 25 cents; commercial, 8 cents.
London.....	19.00	12.00	2.2	1.8	9 cents plus 25 cents.
St. Thomas.....	24.00	18.00	2.6	2.2	11 cents.
Guelph.....	19.00	16.00	2.6	2.2	Domestic, 8 cents plus 25 cents; commercial, 8 cents plus 15 cents.
St. Marys.....	28.00	32.50	3.1	3.0	9 cents plus 15 cents.
Waterloo.....	20.00	20.00	2.3	2.3	12 cents plus 25 cents.
Hespeler.....	21.00	25.50	4.1	3.5	10 cents plus 15 cents.
Windsor.....	36.00	35.00	3.2	3.2	Commercial, 8 cents; domestic 12 cents.
Barnia.....	36.00	35.00	4.3	5.0	Domestic, 6 cents; commercial, 5.4 cents.
Stratford.....	25.00	28.00	2.1	2.4	Domestic, 12 cents plus 25 cents; commercial, 12 cents plus 25 cents.
Woodstock.....	20.00	18.00	2.4	2.1	8 cents plus 25 cents.
Preston.....	19.00	20.00	2.8	2.7	9 cents plus 20 cents.
New Hamburg.....	32.00	31.00	4.1	4.3	10 cents.
Ingersoll.....	21.00	20.00	3.5	2.4	8 cents plus 25 cents.

Mr. SHIPSTEAD. The Senator from Louisiana [Mr. RANSDELL] asked for some comparison of rates in Canada and in the United States and the Senator from Nebraska gave him an instance of two households that can be called rather small users of electricity. I have another comparison, and, while comparisons are said to be odious, this is a comparison of the use of electricity on a comparatively large scale in Canada and the United States. I have here the original bills of two hotels, one in the city of Washington, D. C., and the other in the city of Niagara Falls, Ontario. The hotel in Washington is called the Lafayette Hotel. The hotel in Niagara Falls is also called the Lafayette Hotel. I have the original bills and they are marked "paid." It so happens that the Lafayette Hotel in Niagara Falls used in the month of June, 1922, 8,000 kilowatt hours of electricity and for that electricity paid \$93.42. The bill that I hold in my hand is the bill paid by the Lafayette Hotel Co., of Washington, D. C., to the Potomac Electric Power Co. for May, 1924. This bill shows that during that month the Lafayette Hotel Co., of Washington, D. C., used 12,611 kilowatt hours of electricity, for which it paid \$425.95. If the Lafayette Hotel, of Niagara, Ontario, had used 4,700 kilowatts more during the month of June, 1922, it would have used and had to pay for the same amount of electricity that the Lafayette Hotel, of Washington, D. C., used during one month. The Lafayette Hotel of Niagara would then have paid the sum of \$99.75. Now, here we have the comparison of two hotels with the same name, one in Canada and one in Washington, D. C. For the same amount of electricity used during one month the hotel in Washington, D. C., would pay \$425.95 and the hotel in Canada would pay \$99.75.

I am not going to go into any detail about the development of water power in Ontario, because the senior Senator from Nebraska has gone into it so fully this morning. I will ask, Mr. President, to have the photostat copy of the two original bills to which I have referred printed in the Record.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

LAFAYETTE HOTEL Co., Sixteenth and I Streets.		MOTORS—READINGS	
To POTOMAC ELECTRIC POWER Co., Dr.			
For electric current: From March 28 to April 28, 1924. Maximum demand, 31.2 kilowatts.			
Fixed charge:			
20.0 kilowatts, at \$3 per kilowatt.....			
11.2 kilowatts, at \$2.50 per kilowatt.....			
31.2 Total kilowatts.....			
Energy charge:			
250 kilowatt hours, at 6 cents per kilowatt hour.....			
500 kilowatt hours, at 5 cents per kilowatt hour.....			
1,000 kilowatt hours, at 4 cents per kilowatt hour.....			
10,861 kilowatt hours, at 2.375 cents per kilowatt hour.....			
12,611 Total kilowatt hours energy charge.....			
Fixed charge.....			
Amount.....			

H. WILLIAMS TO THE HYDRO-ELECTRIC SYSTEM, Dr.
120 Welland Avenue, Niagara Falls, Ontario

Installed load, 430.00 watts.

To electric-light service for May, 1922:

Present meter reading, 42,000 (first 20 hours' use of installed capacity at 4 cents per kilowatt hour, 1,200)	\$51.60
Previous meter reading, 34,000 (next 70 hours at 1.5 cents per kilowatt hour, 3,010)	46.15
Consumption in kilowatt hours, 8,000 (remainder at 0.15 cent per kilowatt hour, 4,700)	7.05
Gross bill	103.80
Less discount 10 per cent.	10.38
Net bill	93.42

No discount after June 19, 1922.

Three cents per card charged if paid at other than main office.
Read carefully the notice on the back of this card.

Mr. SHIPSTEAD. Mr. President, I wish to call one thing to the attention of the Senate that I think is interesting at this time; that is, the fact that behind the development in Canada there is a personality something on the same order of the personality which the senior Senator from Nebraska [Mr. NORRIS] presents to the people of the United States. His name is Sir Adam Beck. He is now, and has been from the beginning, the chairman of the provincial commission having charge of the development of electrical power. It is interesting to note what the newspaper of his home town had to say about Sir Adam Beck when first he presented this program to the people of Canada. I will read a quotation from that newspaper which I find in the record of the hearings of the Committee on Agriculture and Forestry upon the so-called Muscle Shoals bill when that measure was before the committee last winter. The quotation is from the newspaper of Sir Adam Beck's home town about 20 years ago. The editor of that newspaper then stated:

Has the Hon. Adam Beck become a monomaniac on the power question? His wild and extravagant assertions have justified the suspicion, were it not that they are timed and calculated for election purposes.

In a flight of imagination during his speech the other evening he declared that every cottage, every house, every home in this city will be lighted by electricity. His power scheme would raise men's wages, give 2-cent fares on the railroads, and banish the tenements from Ontario. The taxpayers would not pay one cent of the cost, which would be borne entirely by the consumers of power.

His newspaper organ lets its fancy soar even higher and pictures the housewife heating her flatirons by electricity—why not her curling tongs, too—instead of sweltering before a hot stove on a summer's day.

In this connection it might be interesting to recall the testimony of Mr. King before the Committee on Agriculture and Forestry. While on his tour of inspection in Canada an engineer told him that the high peak of the load carried happened to be on or about midday on Tuesday of each week, because that was ironing day. So it appears that the prophecy made by Sir Adam Beck something like 20 years ago, and which was jeered at by the editor of the newspaper from which I have quoted, has been fulfilled.

I quote further from the same article:

If all the Arabian Nights' rhetoric of Mr. Beck and his organ is to be believed, Niagara Falls power is a gift of the fairies to the humblest as free as air, so that bye and bye the householder will merely have to touch the button and the Beck schemes will do the rest.

That was the jeer with which he was met when he first proposed his dream to the people of Canada. Subsequent history proves that his dream has come true. I am reminded of what the senior Senator from Nebraska was charged with the other day. He was charged with being a dreamer. Sir Adam Beck had a dream for the people of his Province of Ontario; that dream has come true, and because Sir Adam Beck brought that dream to a realization for his people the King of England knighted him for his services to the people of Ontario. In the light of recent history, however, I am inclined to believe that if Sir Adam Beck had been an American citizen and had tried to do the same thing for the people of the United States, instead of being knighted and honored, he would have been read out of his party and charged with fostering doctrines subversive of the public interest.

I wish also to call the attention of Senators very briefly to another project in the United States. I am calling attention to it because no Senator in the debate upon the floor on the pending question has mentioned the city of Seattle, Wash., nor has told the story of what vision and courage the citizens of Seattle have had and what they have done in the last 20 years

in developing that wonderful system of municipal light, power, and heating which they have developed during that time.

I desire to call attention to the rates in Seattle prior to the advent of a municipally owned light and power system there. I read from the annual report of the superintendent of the city plant of Seattle, which was issued on December 31, 1923. That report states:

When the city plant was projected in 1902 consumers were paying 20 cents per kilowatt hour for current. As soon as the municipal plant was assured a reduction was made to 12 cents. When the city lighting department began taking contracts residence rates were fixed at 8½ cents for the first 20 kilowatt hours, 7½ cents for the second 20 kilowatt hours, 6½ cents for the third 20 kilowatt hours, and 4½ cents for all over 60 kilowatt hours.

This was followed by a reduction in electric power and light rates by the Stone & Webster Co., a competing private corporation, to 10 cents for the first 20 kilowatt hours, 9 cents for the second 20 kilowatt hours, 8 cents for the third 20 kilowatt hours, and 5 cents for all over 60 kilowatt hours.

I wish to direct the attention of the Senate to the rates that are now being paid by the citizens of Seattle: For the first 40 kilowatt hours, 5½ cents; for the next 200 kilowatt hours, 2 cents; and for everything above 240 kilowatt hours, 1 cent per kilowatt hour. Before the Committee on Agriculture and Forestry Superintendent Ross said that they could reduce the price still further if it were not for the fact that the demand would be so tremendous that electricity would be taken away from the industries of Seattle by the people, who would use it for the purpose of heating their homes, and because they have not electricity enough to supply the demand that would ensue they have up to this time refused to reduce the rates further. They are now working on a project to develop 600,000 horsepower.

It is interesting also to bear in mind the testimony which was presented to the Committee on Agriculture and Forestry showing that the capital cost per horsepower of the Stone & Webster Co., the competing company, amounts to \$450 per horsepower, while the capital cost per horsepower of the city-owned plant amounts to \$150 per horsepower.

A great deal has been said in the course of discussion in the Senate on this question—and I wish to say that, in my opinion, the discussion has been absolutely fair and very illuminating—about taxes. There is in this report of the city of Seattle a page and a half given over to the consideration of the problem of taxes in connection with municipally owned and privately owned electric lighting, power, and heating plants. Because it is so illuminating, and I believe so typical, I ask that it may be printed in the RECORD without being read. It is an official report from the city of Seattle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

TAXATION OF UTILITIES

Much paid propaganda is being circulated by private power concerns to convince the public that municipally owned utilities should be taxed.

While the companies spread this doctrine they evade their own taxes. What taxes they do pay are based on about one-third or one-quarter of what other concerns are assessed. They have one basis for taxation and one vastly higher for rate-making purposes.

These taxes are not borne by the utility company. They are borne by the consumer in the rate he pays. The only function of the company here is to collect the taxes for the tax collector.

A utility concern stands in a very unique situation, selling light and power to practically everyone who is benefited by general taxation. It therefore collects its taxes, to be redistributed to almost the same people, though in somewhat different proportion. A reduction in light and power rates then becomes largely equivalent to a reduction in taxes. It is the total cost of doing business that counts, and \$100 paid in general taxes affects this total no more or no less than if it were paid in excess cost of light and power.

For instance, in Seattle the gross receipts for light and power taken in by both company and city total about \$7,000,000. The total taxes for municipal purposes are less than this amount. Light and power rates are two to two and one-half times less than those which prevail where the influence of city competition is not felt.

This means that without a city power system Seattle would pay \$7,000,000 to \$10,000,000 more for its light and power every year—a sum greater than its municipal taxes. Further, the city has made and is making a handsome profit, which will give further reductions in rates. This profit to date amounts to \$6,119,206.87.

Seattle enjoys a maximum rate of 5.5 cents per kilowatt hour. Across the Cascade Mountains in the same State of Washington the maximum rate is 16.11 cents per kilowatt hour. A customer in Seattle

may pay \$2 for what a man in eastern Washington would pay \$6. The \$4 excess certainly represents a tax levied by a private concern and over which the public has no control. In its stead the company returns an insignificant amount as general taxes.

The water powers of the United States are natural and perpetual resources, and this fact, together with the lesser costs of management in public plants is becoming better understood. Public ownership of light and power is on the increase, and as the stone rolling down the mountain side ends in the irresistible avalanche so this movement will sweep the country and lift the hand of oppression from the business man and lift the burden of the housewife.

The hand of King Canute can not hold back the waves of the sea.

The exploiters of water power know this well and hope by taxing public utilities to delay the day and grab the natural resources. The American public stands aghast at Teapot Dome oil leases for grounds that can soon be exhausted, but sanctions leases for water power that never can fail and beside which Teapot Dome is child's play. When we compare the little taxes the public receives with these vast gifts the comparison is odious, to say the least.

"The power to tax is the power to destroy." So said the Chief Justice of the United States; and the power to destroy may defeat the power to create.

There is only one course to pursue with a public utility. We have failed to control the taxes of power companies; we will always fail, for monopoly is government; but we are the taxing body. We have our utility; let us give it every chance to raise its head through the insidious company propaganda, backed by hundreds of millions, and let it show the real control of rates and bring them down where they should be. Then if we want to use the surplus for general purposes, or if we wish to tax, we have only to say the word. The question of taxation has therefore no part in the discussion of private versus municipal control.

Mr. SHIPSTEAD. Mr. President, the discussion which has taken place on the floor of the Senate during the last few weeks has been most illuminating. The junior Senator from Nebraska [Mr. HOWELL] the other day went into great detail in describing the production and sale of power by municipally owned plants in various parts of the United States. The senior Senator from Nebraska [Mr. NORRIS] closed the discussion yesterday afternoon by an interesting statement in reference to the electric-light, power, and ice plant at Omaha, and on yesterday morning the senior Senator from California [Mr. JOHNSON] gave us some very valuable information relating to electric lighting and power that is being produced in connection with the reclamation projects throughout the West and sold by the United States Government. Senator SMITH, of South Carolina; Senator McKELLAR, of Tennessee; and many other Senators have contributed valuable information to the discussion.

There are a few facts that stand out prominently upon reading the CONGRESSIONAL RECORD of the debates that have taken place upon the subject. One of these outstanding points is the apparent lack of relief given by the so-called public utilities commissions to the people of the various States from the oppression of the so-called electric light and power trust. For the past 30 years it has been a cardinal principle of the American people that monopolies should be controlled and regulated by the State and National Governments, and we have had 30 years of that theory put into practice; but from reading the Record one is inclined to believe that it has been a failure; that instead of the State governments and the National Government controlling and regulating the monopolies, the monopolies have been controlling and regulating the governments.

So far as the record shows, the only apparent ray of light that gives hope to the American people for relief is the public ownership of electric light, heat, and power plants; and then we come to the question of the disposition of the Government's property—the so-called Muscle Shoals proposition.

During the debate the other day it was charged that the lessee must of necessity be a subsidiary of the General Electric Co. Only time will tell whether the General Electric Co. will finally become the lessee of this property. It is generally conceded that the price under the terms of the so-called Underwood substitute is so infinitesimally small that it is hardly worth taking into consideration when we remember the amount of money that the Government has invested in this property. It is patent to anyone that the lessee can only be some corporation that will use a part of the power for the manufacture of fertilizer, and will either sell the surplus power to the cities and rural communities of the United States or use that power in the manufacturing business which the corporation itself will control.

The junior Senator from Nebraska [Mr. HOWELL] made a significant statement on December 17 when he disclosed to the Senate the very interesting fact that the owners of the Talla-

poosa River plant, if they can connect that plant with the so-called Muscle Shoals plant, can develop an additional 165,000 primary horsepower. The Alabama Power Co. owns the Tallapoosa River project. Therefore it is reasonable to assume that the Muscle Shoals project will be more valuable to the Alabama Power Co., a subsidiary of the General Electric Co., than to any other company engaged in the business of developing and selling electric power, because, on account of the strategic location of these two properties, by connecting them together the primary power, which is so very much more valuable than the secondary power, can be raised to the enormous amount of 165,000 horsepower. I will ask the junior Senator from Nebraska [Mr. HOWELL] if I am stating that correctly?

Mr. HOWELL. As I understand, the Senator is stating it in accord with the facts.

Mr. SHIPSTEAD. I thank the Senator.

I believe the senior Senator from Nebraska [Mr. NORRIS] is correct when he states that this is the question that shall determine whether this governmental property shall be dedicated to the welfare of the American people, or whether it shall be dedicated to a private corporation which shall use it for the purpose of selling power and electricity to American citizens at prices which at all times, so far as practical effect on the American people's pocketbook is concerned, have been exorbitant. For instance, at the hearings before the Agricultural Committee the statement was made that the average rate in the United States was about 8½ cents per kilowatt hour. Wherever a plant owned and operated by the public has been put in operation it has at all times, so far as my knowledge goes—and I have read the records and the hearings very extensively—been followed by a gradual and persistent reduction in rates, to such a remarkable degree that the result is amazing.

The senior Senator from Nebraska [Mr. NORRIS] the other day said that this would make Teapot Dome look like a pinhead. I do not know. There is some circumstantial evidence that leads one to believe that there is at least something to the charge. We have had various eras in the development of this country. We had what was called the pioneer era, when we burned wood. At that time wood was the chief source of power. Then we had the coal era. Coal became the chief source of power. The present price of coal is the best proof of who won in the struggle for coal. Then we had the oil era, because oil was the chief source of power. Now we are entering upon the era of electricity. At all times there has been a struggle for the possession of these sources of power on the part of those who would use those sources of power to sell the necessities of life—heat, light, and power—to the American people for the purpose of exploiting the American people; and, on the other hand, on the part of those who would conserve the timber, the coal, the oil, and water power for the benefit of the people of America; and that struggle is still going on.

The oil fields of the Navy finally landed in the hands of a private corporation. Some one has said that campaign contributions had something to do with it. I do not know. In view of the charge that has been made that the General Electric Co. would in all likelihood be the lessee of this property, I want to call to your attention the fact that the senior Senator from Nebraska [Mr. NORRIS] on yesterday morning read a long list of electric companies and subsidiary companies in the United States, all owned by the General Electric Co., the head of the so-called Electric Power, Light, and Heating Trust. I want to call to your attention the fact that upon the board of directors of the General Electric Co. are several members of the firm of J. Pierpont Morgan & Co. There are Dwight Morrow and Mr. Stettinius, members of the firm of Morgan & Co. On that board of directors is also George F. Baker, jr., of the First National Bank of New York, closely affiliated with the Morgan group. On page 183 of the Roosevelt edition of Moody's Masters of Capital, we find that the largest stockholders in the First National Bank of New York, outside of George F. Baker and son, are the members of the Morgan banking house, or the firm of Morgan & Co. George F. Baker, jr., as I have said, is also a member of the board of directors of the General Electric Co.

Another member of the board of directors of the General Electric Co. is Seward Prosser, president of the Bankers' Trust Co. of New York, upon whose board of directors we find the name of Mr. J. Pierpont Morgan, Mr. Porter, and Mr. Cochran, all members of the firm of J. P. Morgan & Co. I think that is interesting in view of the fact that the General Electric Co. is known in financial parlance as a Morgan concern.

We found that during the last campaign considerable money was contributed to the campaign by members of the board of directors of the General Electric Co. and members of the firm of Morgan & Co. I do not say that this contribution was made with any undue motives, but I think it is interesting at this time to see that some of these men contributed.

E. W. Rice, jr., the chairman of the board of directors of the General Electric Co., contributed \$3,000.

J. R. Lovejoy, vice president and director, \$1,000.

George F. Baker, jr., \$5,000.

C. A. Coffin, a director, \$5,000.

D. W. Morrow, \$5,000.

A. W. Burchard, \$5,000.

Seward Prosser, \$1,000.

B. E. Sunny, \$1,000.

A total of \$26,000.

Then we have S. Z. Mitchell, a director of the Alabama Power Co. and the Electric Bond & Share Co., \$5,000; Charles Hayden, a director of the Utah Securities Corporation, \$10,000; and Harrison Williams, a director of the American Gas & Electric Co., controlled by the Electric Bond & Share Co., \$3,000.

In view of the fact that the Underwood substitute provides that if this property is leased to a private corporation it shall be leased by the President, it seems to me—

Mr. HEFLIN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Alabama?

Mr. SHIPSTEAD. I do.

Mr. HEFLIN. I did not hear all of the Senator's statement about contributions. What were these contributions made to?

Mr. SHIPSTEAD. They were made to Mr. Hodges, the treasurer of the Republican National Campaign Committee.

Mr. HEFLIN. The Republican Party?

Mr. SHIPSTEAD. Yes.

The individual contributions are not very large when you consider the wealth of the men making the contributions, and I do not charge that they were made for the purpose of purchasing a special privilege in the leasing of Muscle Shoals. But it may be noted in passing that during the campaign several members of the firm of J. P. Morgan & Co. were very prominent in the collection of funds from other people for carrying on the campaign.

Mr. Stotesbury, of Philadelphia, a member of the firm of J. P. Morgan & Co., held an important position in the collection of funds in Pennsylvania. Guy Emerson, vice president of the Bankers' Trust Co., of New York, upon whose board of directors are Mr. J. P. Morgan, Mr. Cochran, and Mr. Porter, members of the firm of Morgan & Co. Mr. Emerson collected funds in New York. Mr. Dwight Morrow, of the firm of Morgan & Co., also had a prominent part in the campaign. His nephew was in Chicago national headquarters a large part of the time, I am informed, and previous to that had been for two years in the law office of Mr. Hodges, national treasurer of the committee.

In view of these things, it seems to me the friends of the President who are supporting this measure are placing the President in a rather embarrassing situation, and I thought it my duty to call their attention to this fact. We have been told that President Harding's friends placed him in a very embarrassing position, and I am sure that the friends of President Coolidge do not desire to place him in the same embarrassing position.

It has been said upon the floor of the Senate that part of this power should be dedicated to the manufacture of fertilizer. I want to say that if this plant finally comes into the possession of the General Electric Co., it will at least look as though this plant was dedicated in part to the money that was raised and contributed during the campaign to fertilize the barren political fields of the Northwest. We have heard a great deal of talk in this debate about dedicating this property. The senior Senator from Nebraska [Mr. Norris] desires, and his bill provides, that it shall be dedicated to the welfare of the people of the United States. He is seeking to prevent this property being used as a great milking machine, with its wires spread into all the cities and rural communities connecting with the pockets of the American people, to milk their pockets by extortionate prices paid for the use of these necessities of life—light, heat, and power.

Mr. CURTIS. Mr. President, I should like to ask the Senator from Nebraska [Mr. Norris] if there is anything further this afternoon? Otherwise, I desire to have a short executive session before adjournment.

Mr. NORRIS. Mr. President, I had intended to say something to-day about what the senior Senator from Alabama

[Mr. UNDERWOOD] had said in his remarks on the floor of the Senate, but I have learned that the Senator from Alabama is ill and not able to attend the session of the Senate to-day on account of his illness. Of course, I do not intend in his absence to take up the points I intended to discuss to-day, so I will say to the Senator from Kansas that, as far as I am personally concerned, I have nothing further to say to-day.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following joint resolutions of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. J. Res. 157. Joint resolution extending appropriation in connection with Columbia Basin investigation; and

S. J. Res. 159. Joint resolution providing for the control and eradication of the European fowl pest and similar diseases in poultry.

COLUMBIA BASIN PROJECT

Mr. JONES of Washington. I ask the Chair to lay before the Senate the amendment of the House to Senate Joint Resolution 157.

The PRESIDING OFFICER (Mr. WILLIS in the chair) laid before the Senate the amendment of the House to the joint resolution (S. J. Res. 157) extending appropriation in connection with Columbia Basin investigation, which was, on page 1, line 10, to strike out "investigation is completed" and to insert "15th day of February, 1925."

Mr. JONES of Washington. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ERADICATION OF EUROPEAN FOWL DISEASES

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 159) providing for the control and eradication of the European fowl pest and similar diseases in poultry, which was to strike out all after the resolving clause and to insert:

That not to exceed \$100,000 of the appropriation of \$3,500,000, contained in the second deficiency appropriation act, fiscal year 1924, approved December 5, 1924, for the eradication of the foot-and-mouth disease and other contagious or infectious diseases of animals, is hereby made available to enable the Secretary of Agriculture to provide means to control and eradicate the European fowl pest and similar diseases in poultry: *Provided*, That the sum herein granted shall remain available for the purposes of this act until June 30, 1926: *Provided further*, That no part of this sum shall be used for the payment of indemnities for condemned poultry.

Mr. McNARY. I move that the Senate concur in the House amendment.

The motion was agreed to.

SENATOR FROM NEBRASKA

The PRESIDING OFFICER. The Chair lays before the Senate credentials which have just been received, and which will be read and filed.

The credentials were read and ordered to be filed, as follows:

STATE OF NEBRASKA,

SECRETARY OF STATE.

I, Charles W. Pool, secretary of state of the State of Nebraska, do hereby certify that at a general election holden on the 4th day of November, A. D. 1924, in the State of Nebraska, the following-named person was elected to serve in the United States Senate from the 4th day of March, 1925, to the 4th day of March, 1931, GEORGE W. NORRIS.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Nebraska. Done at Lincoln, this 15th day of December, A. D. 1924.

[SEAL.]

CHARLES W. POOL,

Secretary of State.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled joint resolutions, and they were thereupon signed by the President pro tempore:

S. J. Res. 157. Joint resolution extending appropriation in connection with Columbia Basin investigation; and

S. J. Res. 159. Joint resolution providing for the control and eradication of the European fowl pest and similar diseases in poultry.

ADDRESS BY PRESIDENT COOLIDGE

Mr. McNARY. Mr. President, on the 19th day of November of the present year President Coolidge delivered a very thought-

ful and interesting address before the National Conference on Utilization of Forest Products, and I ask unanimous consent that it be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the address will be printed in the RECORD accordingly.

The President's address is as follows:

ADDRESS OF PRESIDENT COOLIDGE BEFORE THE NATIONAL CONFERENCE ON UTILIZATION OF FOREST PRODUCTS, AT WASHINGTON, IN THE NATIONAL MUSEUM AUDITORIUM, AT 10 A. M., WEDNESDAY, NOVEMBER 19, 1924

This conference has been called for the purpose of further attempting to deal with the problem of our national timber supply. One of the chief items in that problem is the present appalling waste. Some of this waste may be unavoidable, but to a large extent it is unnecessary. The time is at hand when our country is actually confronted with a timber shortage. That can be remedied in only two ways: By diminishing the present waste and increasing the present supply.

It is significant that this conference was called by the late Secretary of Agriculture, Henry C. Wallace. It was the outcome of a broad forest policy which he was engaged in developing, and to which he contributed so much ability and energy. It was, he hoped, to lead to such care in the manufacture and use of our forest products that we would greatly lessen the severity of the prolonged timber shortage of which we are entering the first stage. If this conference can forward his purposes, there could be no more worthy tribute to his devotion to forest conservation. Others may have equaled him, but American forests have had no better friend than Secretary Wallace.

Busy men and women who drop their personal affairs and lend their counsel to a public conference come with the expectation that they can accomplish some tangible results. The Government is going to ask you to consider definite plans for reducing timber waste. It is going to suggest that out of this conference shall emerge a program of specific action for timber saving rather than a mere expression of ideas. Containing as it does leaders from every branch of forest industry and from many interests closely allied with forest industry, this conference has, I know, the ability and the will to create such a program. It is not my purpose to discuss these specific measures but to give as a background for your consideration some of the facts that force us to adopt a drastic program of forest thrift.

The era of free, wild timber is reaching its end, as the era of free, wild food ended so long ago. We can no longer depend on moving from one primeval forest to another, for already the sound of the ax has penetrated the last of them. We like to think that it took three centuries to harvest these immense forests. It is comfortable to believe that they will last indefinitely still. But in reality we have cut most of our timber not in the past 300 but in the past 75 years, to serve the great expansion of population and industry, and there is no reason to expect a decline in the rate of cutting as long as the forests last.

What has given us this illusion of permanency? First, our stored timber, which could be drawn on with increasing speed and with the appearance of plenty until the last stick of it should be done. Secondly, a transportation system that has permitted our sawmills to follow the retreating forests and to ship their product to distant buyers. Our markets have been full of timber. Only in the higher cost, the long haul, the near exhaustion of certain kinds of wood, and the sharply falling per capita consumption have we dimly sensed the dwindling of our forests.

We do not know the forest situation down to the last acre and board foot, but we know it well enough to make us think and act. Of the old forest the first explorers met we have in area only one-sixth left, and in bulk of timber less than one-third. From over-cutting and fire we have left on our hands something like 80,000,000 acres of denuded forest land, most of it unfit for farming. Then we have about 250,000,000 acres of second-growth forest, much of it poor in quality and amount. Three-fourths of our cut is still from virgin forests, difficult and distant of access, so that their products must pay for long freight hauls to reach the chief markets.

Expressed roughly, we have left about 745,000,000,000 cubic feet of timber. From this the annual drain is 25,000,000,000 cubic feet. This total drain is most significant when we reflect that, toward offsetting it, we have an annual timber growth of only 6,000,000,000 cubic feet; and even in our young forests, where this growth is taking place, cutting has already outstripped growth. We must face the situation that at this rate we are not far from timber exhaustion.

To bridge this fatal gap between cut and growth we have never taken sufficient action. In fact, our wealth of old-growth timber has made us prone to ignore the gap and to leave our less fortunate descendants to struggle with it. But we can not escape the penalties of our national neglect. They are already beginning to be felt. Since 1870 lumber prices have risen much more rapidly than the prices of other commodities. Per capita annual consumption of sawed lumber, which in 1906 had reached 523 board feet, has dropped

to 285, and in some of the Eastern States to 160 board feet. We are paying a yearly freight bill of \$250,000,000 which could better be used for growing timber than for transporting it.

There is no easy road out of this unprofitable situation. The end of free timber is in sight. World competition for the world supply will leave no large dependable source of imports open to us. The use of substitutes hardly keeps pace with new uses for wood; there is no likelihood that we can become a woodless Nation even if we wanted to. When the free timber is gone we must grow our wood from the soil like any other crop.

Strange as it may seem, the American people, bred for many generations to forest life, drawing no small measure of their wealth from the forest, have not yet acquired the sense of timber as a crop. These immense stretches of cut-over land, mostly too rough or too sterile for tilling, have not awakened us to their vast potential worth as growers of wood. Fully one-fourth of our land area ought to be kept in forest—not poor, dwindling thickets of scrub, but forests of trees fit for bridges and houses and ships. Handled by the best timber-cropping methods, our present forest lands could be made to grow even more timber each year than we now use. But much of our cut-over land, lying idle or half productive, is now an immeasurable loss. It pays little or no taxes, it keeps few hands busy, it turns few wheels, it builds no roads. Idle forest land has scrapped schools, factories, railroads, and towns; it has dotted the land with abandoned farms; it has created a migratory population. Our forest problem is a land problem of the first magnitude.

It is likewise an industrial problem of great importance. These great industries that depend on the forest for their raw material—industries that, taken together, rank about third in value of output among our chief industrial groups—must be preserved. They employ a very large number of wage earners; they represent an immense investment of capital; around them are built whole cities; they feed the railroads with a vast flow of traffic. In the long run, they depend for their existence on making our forest soils grow timber and on using that timber without waste.

This brief sketch of the forest problem would be incomplete if it did not mention the hopeful progress already made toward a better forest policy. Of our total forest area of 470,000,000 acres, about one-fifth is in public ownership. Most of these public forests are safeguarded from fire and dedicated to timber growing. Of private forest lands—in extent much the most important part of our forests—a little more than half have more or less adequate protection against fire. On the rest fire is free to ravage the young growth and subject the forest to a steady deterioration; but the Clarke-McNary law, passed by the last session of Congress, will, I hope, speedily change the outlook for these neglected forests. It authorizes Congress, in cooperation with the States, to establish systems of protection against fire, and it authorizes, among other things cooperation in tree planting and a study to develop stable and equitable forest taxation. Very considerable progress has been made under previous legislation in joint fire protection.

Under the Weeks law the Federal Government has purchased 2,000,000 acres of forest land in the Eastern States, as the nucleus of a national forest system for the East. Congress has wisely provided for forest experiment stations in 6 of our 10 or 12 principal forest regions, stations that are destined to become centers of knowledge and guidance toward better forest practice. Much valuable work has been done by various Government agencies in combating forest insects and diseases, and in research in many phases of better utilization of timber.

Among private agencies also there has been promising activity. Associations of timber owners in many regions have established fire protection. Here and there private owners have embarked on timber growing as a profitable investment, and the industries dependent on our forests are taking a keener interest in working out a forest policy. Forestry associations, State forestry departments, and forest schools are lending invaluable aid to the forestry movement.

These are hopeful signs. Yet we have started too late and are moving too slowly to bridge the gap between cut and growth. We must adjust ourselves to an era of reduced per capita consumption. We must husband our supplies. Granted that we shall get into effect a big-scale program of timber growing, it would be poor business to go to the expense of growing timber if we should persist in losing a large part of the crop by unsatisfactory ways of manufacturing and using it. Between cutting the timber in the woods and finally putting the product to use, nearly two-thirds of the total volume is lost. A third of this loss, it is estimated, can under present economic conditions and with tried and tested methods be saved—a yearly saving nearly as great as all the timber our forests grow each year. Saving timber, it is obvious, will not only reduce the amount we must grow, but if started now on an effective scale it will relieve the timber shortage and make less drastic the social and economic readjustments this shortage will force upon us. A tree saved is a tree grown.

In the coming struggle for timber, economic survival among the forest industries will depend on economic fitness. Economic fitness will be measured by good management and good technical processes. These qualities come from research and from training, and the forest industries, to reach a high level of skill, must make a full use of both these tools of modern industrial progress. Hitherto the diversity, the geographical isolation, and the small average size of our wood-using industries, coupled with abundance of raw material, has kept them from advancing as rapidly in improved methods as some of our more highly concentrated industries. But timber shortage will force competition in better methods. Much is already known of better methods, and the time is already here when this knowledge can be profitably employed. Many companies have in fact made notable progress in waste reduction and are furnishing examples of what can be done by careful management and expert planning. It seems possible that the individual industries, by banding together, can overcome their handicaps of isolation and collectively employ more experts to work out better processes.

It is to consider joint efforts toward better forest utilization that this conference has been summoned. It is a movement in which the State and National Governments, the industries, the universities, the consumers, and the technical experts should join. The various Government agencies equipped to help will, I know, be eager to do what they can to forward this undertaking. So vast an enterprise as the forest-using industries must not be allowed to decline for lack of raw material. We have abundant soil to produce it. We have the energy and the intelligence to learn to use our forests without waste. This conference ought to lay the foundation of a far-reaching and effective effort for forest thrift.

We hold the resources of our country as a trust. They ought to be used for the benefit of the present generation, but they ought neither to be wasted nor destroyed. The generations to come also have a vested interest in them. They ought to be administered for the benefit of the public. No monopoly should be permitted which would result in profiteering, nor on the other hand should they be indiscriminately bestowed upon those who will unwisely permit them to be dissipated. These great natural resources must be administered for the general welfare of all the people, both for the present and for the future. There must be both use and restoration. The chief purpose of this conference is to discover policies which will, in the hands of private individuals and of public officers, tend to the further advancement of this already well-defined and securely adopted principle.

ENROLLED JOINT RESOLUTIONS PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled joint resolutions:

S. J. Res. 157. Joint resolution extending appropriation in connection with Columbia Basin investigation; and

S. J. Res. 159. Joint resolution providing for the control and eradication of the European fowl pest and similar diseases in poultry.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened and (at 2 o'clock and 55 minutes p. m.) the Senate adjourned, the adjournment being, under the concurrent resolution of the two Houses, until Monday, December 29, 1924, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 20, 1924

POSTMASTERS

CALIFORNIA

James Underwood to be postmaster at Trinidad, Calif. Office became presidential October 1, 1923.

Robert C. Ross to be postmaster at Cotati, Calif. Office became presidential April 1, 1924.

Benjamin E. Randolph to be postmaster at Westmoreland, Calif., in place of W. E. Edwards, resigned.

Fred W. Urch to be postmaster at Troma, Calif., in place of B. E. Witt, resigned.

Floyd M. Filson to be postmaster at Tennant, Calif., in place of E. M. Gholson, resigned.

Anna E. Collier to be postmaster at Seal Beach, Calif., in place of B. B. Brown, declined.

William A. Murphy to be postmaster at Montague, Calif., in place of R. G. Isaacs, resigned.

John A. Thompson to be postmaster at Cloverdale, Calif., in place of L. B. Wiedersheim, resigned.

John J. West to be postmaster at Willows, Calif., in place of I. J. Proulx. Incumbent's commission expired June 4, 1924.

Fred M. Eachus to be postmaster at Newman, Calif., in place of R. L. Dixon. Incumbent's commission expired June 4, 1924.

William M. Irwin to be postmaster at Fullerton, Calif., in place of Merton Blackford. Incumbent's commission expired June 4, 1924.

Isaac J. Willard to be postmaster at Fort Jones, Calif., in place of F. J. Mathews. Incumbent's commission expired June 4, 1924.

Allen G. Thurman to be postmaster at Colfax, Calif., in place of A. T. Scanlon. Incumbent's commission expired March 3, 1924.

FLORIDA

Milton E. Clark to be postmaster at Pensacola, Fla., in place of W. J. Forbes. Incumbent's commission expired February 20, 1924.

GEORGIA

Forrest C. Berry to be postmaster at Young Harris, Ga. Office became presidential October 1, 1923.

Edgar S. Hicks to be postmaster at Yatesville, Ga. Office became presidential October 1, 1923.

Henry W. Harvey to be postmaster at Rockingham, Ga. Office became presidential October 1, 1923.

Portia C. McAllister to be postmaster at Pitts, Ga. Office became presidential October 1, 1923.

Virgil A. Snider to be postmaster at Mitchell, Ga. Office became presidential January 1, 1924.

Gordon B. Hulme to be postmaster at Kingston, Ga. Office became presidential October 1, 1923.

Robert J. Walsh to be postmaster at Garfield, Ga. Office became presidential October 1, 1923.

Jessie H. Beddingfield to be postmaster at Unadilla, Ga., in place of R. E. Hudson, removed.

Hugh T. Cline to be postmaster at Milledgeville, Ga., in place of Olin Robinson, removed.

ILLINOIS

William W. Harmon to be postmaster at Xenia, Ill., in place of E. C. Burkett, resigned.

Lem Neville to be postmaster at Catlin, Ill., in place of R. F. Jones, resigned.

Paul B. Cousley to be postmaster at Alton, Ill., in place of William Fries, deceased.

Robert R. McCreight to be postmaster at Marissa, Ill., in place of Louis Wolter. Incumbent's commission expired June 5, 1924.

Leonard C. McMullen to be postmaster at Hume, Ill., in place of J. J. Carr. Incumbent's commission expired May 28, 1924.

Edwin A. Mead to be postmaster at Hebron, Ill., in place of Henry Earle. Incumbent's commission expired August 29, 1923.

Simon Lark to be postmaster at Fithian, Ill., in place of O. E. Bantz. Incumbent's commission expired March 9, 1924.

IOWA

Dorothy E. Parden to be postmaster at George, Iowa, in place of Dorothy Parden. Incumbent's commission expired June 5, 1924.

KANSAS

Glen D. Rose to be postmaster at Eureka, Kans., in place of G. G. Wood, resigned.

Clara G. McNulty to be postmaster at Stockton, Kans., in place of J. Q. Adams. Incumbent's commission expired June 4, 1924.

George H. Leisenring to be postmaster at Ellis, Kans., in place of Alexander Nierberger. Incumbent's commission expired June 4, 1924.

Henry A. Cory to be postmaster at Alta Vista, Kans., in place of G. W. Edwards. Incumbent's commission expired June 4, 1924.

KENTUCKY

Sadie Bowe to be postmaster at Wheelwright, Ky. Office became presidential October 1, 1923.

Troy W. Frazier to be postmaster at Elsiecoal, Ky. Office became presidential January 1, 1924.

James Webb to be postmaster at Allen, Ky. Office became presidential January 1, 1923.

Felix G. Fields to be postmaster at Whitesburg, Ky., in place of C. H. Back, removed.

MAINE

George G. Winters to be postmaster at Strong, Me., in place of R. M. Bates. Incumbent's commission expired June 5, 1924.

Virgil A. Linnell to be postmaster at Rumford, Me., in place of G. B. McMennamin. Incumbent's commission expired June 5, 1924.

Ernest A. Fogg to be postmaster at Livermore Falls, Me., in place of J. L. Foster. Incumbent's commission expired June 5, 1924.

Arthur O. White to be postmaster at Lisbon Falls, Me., in place of G. H. McIntosh. Incumbent's commission expired June 5, 1924.

Charles E. Sherman to be postmaster at Boothbay Harbor, Me., in place of H. S. Perkins. Incumbent's commission expired June 5, 1924.

MICHIGAN

Frank A. Cole to be postmaster at Grass Lake, Mich., in place of E. J. Marrinane. Incumbent's commission expired June 4, 1924.

MONTANA

Ernest M. Hutchinson to be postmaster at Whitefish, Mont., in place of A. B. Horstmann. Incumbent's commission expired May 10, 1924.

NEW YORK

John Sparks to be postmaster at Eldred, N. Y. Office became presidential January 1, 1923.

Lee G. Ayers to be postmaster at Richford, N. Y., in place of H. R. Swift, deceased.

Anna M. Ball to be postmaster at Berkshire, N. Y., in place of C. A. Partridge, deceased.

Robert E. Brown to be postmaster at Almond, N. Y., in place of H. G. Stillman. Incumbent's commission expired March 3, 1924.

OHIO

Walter J. Fury to be postmaster at Addyston, Ohio. Office became presidential April 1, 1924.

OREGON

Leila A. Phelps to be postmaster at Hermiston, Oreg., in place of C. H. Skinner. Incumbent's commission expired May 6, 1924.

PENNSYLVANIA

Adah E. Pettis to be postmaster at Saegerstown, Pa., in place of P. L. Peters, deceased.

Ralph B. McCord to be postmaster at North East, Pa., in place of A. S. Knepp. Incumbent's commission expired June 5, 1924.

George L. Goodhart to be postmaster at Dayton, Pa., in place of W. L. Marshall. Incumbent's commission expired June 5, 1924.

Frank G. Grein to be postmaster at Homestead, Pa., in place of W. A. Kessler. Incumbent's commission expired August 5, 1923.

Walter C. Alcorn to be postmaster at Avonmore, Pa., in place of F. B. Smeltzer. Incumbent's commission expired June 5, 1924.

SOUTH DAKOTA

Norman Lockwood to be postmaster at Doland, S. Dak., in place of C. H. Stevenson, deceased.

Levi J. Thomas to be postmaster at Ipswich, S. Dak., in place of H. A. Briggs. Incumbent's commission expired May 28, 1924.

Earl F. Vandenburg to be postmaster at Conde, S. Dak., in place of G. A. Miller. Incumbent's commission expired June 4, 1924.

TENNESSEE

Emma R. Kilgore to be postmaster at Cottagegrove, Tenn. Office became presidential April 1, 1924.

John G. Holmes to be postmaster at Trezevant, Tenn., in place of A. H. Jones. Incumbent's commission expired April 28, 1924.

Henry M. May to be postmaster at McEwen, Tenn., in place of D. O. Thompson. Incumbent's commission expired June 4, 1924.

Roe Austin to be postmaster at Dover, Tenn., in place of J. M. Scarborough. Incumbent's commission expired January 23, 1924.

Matthew C. Bratten to be postmaster at Liberty, Tenn., in place of W. P. Whaley, resigned.

Stephen Hixson to be postmaster at Dunlap, Tenn., in place of A. W. Layne, resigned.

Sampson DeRossett to be postmaster at Crossville, Tenn., in place of R. A. Potter. Incumbent's commission expired April 28, 1924.

WISCONSIN

Oscar E. Hoyt to be postmaster at Iron Ridge, Wis. Office became presidential October 1, 1922.

Leo Joerg to be postmaster at South Milwaukee, Wis., in place of H. A. Ohm. Incumbent's commission expired August 29, 1923.

Eugene D. Recob to be postmaster at Richland Center, Wis., in place of F. J. Haas. Incumbent's commission expired August 29, 1923.

Walter H. Smith to be postmaster at Mondovi, Wis., in place of W. H. Smith. Incumbent's commission expired March 22, 1924.

Charles H. Roser to be postmaster at Ghidde, Wis., in place of C. H. Roser. Incumbent's commission expired March 22, 1924.

Henry E. Steinbring to be postmaster at Fall Creek, Wis., in place of H. E. Steinbring. Incumbent's commission expired June 5, 1924.

Edward J. Gardner to be postmaster at West De Pere, Wis., in place of H. B. Loper, removed.

Mary S. Blair to be postmaster at Almond, Wis., in place of F. E. Poll, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 20, 1924

PROMOTIONS IN THE DIPLOMATIC SERVICE

To be secretaries

J. Holbrook Chapman.	Robert O'D. Hinckley.
John N. Hamlin.	Paul Mayo.

CONSULAR SERVICE

To be consuls

Harry J. Anslinger.	Charles I. Graham.
Willard L. Beaulac.	Bernard F. Hale.
Herbert S. Bursley.	Charles H. Heisler.
Richard P. Butrick.	Leo J. Keena.
Edward Caffery.	H. Tobey Mooers.
Charles L. De Vault.	Christian M. Ravndal.
Howard Donovan.	Francis H. Styles.
Samuel J. Fletcher.	Fletcher Warren.
Raymond H. Geist.	

To be vice consuls

Paul H. Alling.	Benjamin M. Hulley.
George Alexander Armstrong	John R. Ives.
William H. Beach.	C. Warwick Perkins, jr.
Ellis A. Bonnet.	Joseph P. Ragland.
Prescott Childs.	Edwin Schoenrich.
Joseph T. Gilman.	W. Maynard Stapleton.
Arthur J. Gravelle.	Harry E. Stevens.
Winthrop S. Greene.	Howard C. Taylor.
George J. Haering.	Cyril L. F. Thiel.
Harry C. Hawkins.	

FOREIGN SERVICE

To be foreign service officers, Class I

Maxwell Blake.	William H. Robertson.
Jefferson Caffery.	Thomas Sammons.
Sheldon L. Crosby.	H. F. Arthur Schoenfeld.
Charles C. Eberhardt.	Robert P. Skinner.
John G. Foster.	Frederick A. Sterling.
Alphonse Gaullin.	Nathaniel B. Stewart.
Franklin Mott Gunther.	George T. Summerlin.
Albert Halstead.	Horace Lee Washington.
Carlton Bailey Hurst.	Post Wheeler.
Julius G. Lay.	Sheldon Whitehouse.
Henry H. Morgan.	Hugh R. Wilson.
Gabriel Bie Ravndal.	Evan E. Young.
Warren D. Robbins.	Alexander M. Thackara.

To be foreign service officers, Class II

Homer M. Byington.	Leo J. Kenna.
William Coffin.	Tracy Lay.
Edwin S. Cunningham.	Marion Letcher.
Charles B. Curtis.	Alexander R. Magruder.
Claude I. Dawson.	DeWitt C. Poole.
William Dawson.	Ralph J. Totten.
William H. Gale.	Roger Culver Tredwell.
Clarence E. Gauss.	Craig W. Wadsworth.
Edwin N. Gunsaulus.	Alexander W. Weddell.
Nelson T. Johnson.	

To be foreign service officers, Class III

Norman Armour.
Ray Atherton.
James G. Bailey.
Thomas D. Bowman.
John K. Caldwell.
Clarence Carrigan.
George E. Chamberlin.
Carl F. Deichman.
Frederic R. Dolbeare.
Louis G. Dreyfus, jr.
Allen W. Dulles.
Frederick T. F. Dumont.
Robert Frazer, jr.
Arthur C. Frost.
Wesley Frost.
John A. Gamon.
Arthur Garrels.
Arminius T. Haebler.
Matthew E. Hanna.
Ernest L. Harris.
Lewis W. Haskell.
Charles M. Hathaway, jr.
P. Stewart Heintzleman.
Philip Holland.
W. Stanley Hollis.
Augustus B. Ingram.
Theodore Jaecckel.
Douglas Jenkins.
Hallett Johnson.
John E. Kehl.

To be foreign service officers, Class IV

William W. Andrews.
F. Lammont Bell.
Philander L. Cable.
Hamilton C. Claiborne.
Felix Cole.
E. Haldeman Dennison.
Hernando De Soto.
Leon Dominian.
George K. Donald.
James Clement Durn.
Cornelius Van H. Engert.
Cornelius Ferris.
Fred D. Fisher.
Otis A. Glazebrook.
Herbert S. Gould.
George A. Gordon.
Elbridge Gerry Greene.
Oliver B. Harriman.
Clarence B. Hewes.
Calvin M. Hitch.
Myron A. Hofer.
Ross E. Holaday.
Samuel W. Honaker.
Williamson S. Howell, jr.
J. Klahr Huddle.
John F. Jewell.

To be foreign service officers, Class V

Copley Amory, jr.
Frank D. Arnold.
Henry H. Balch.
Joseph W. Ballantine.
Thomas H. Bevan.
Pierre de L. Boal.
George A. Bucklin.
Ralph C. Busser.
Charles R. Cameron.
Harry Campbell.
Frederick C. Chabot.
Harold D. Clum.
John K. Davis.
Leslie A. Davis.
Hazel H. Dick.
Alfred W. Donegan.
Eugene H. Dooman.
W. Roderick Dorsey.
Edward A. Dow.
Coert Du Bois.
John W. Dye.
Carol H. Foster.
Claude E. Guyant.
George C. Hanson.
Joseph E. Haven.

Alexander C. Kirk.
Ezra M. Lawton.
Samuel T. Lee.
Will L. Lowrie.
Ferdinand L. Mayer.
George S. Messersmith.
Ransford S. Miller.
Stokeley W. Morgan.
Edwin L. Neville.
Edward J. Norton.
John Ball Osborne.
Ely E. Palmer.
Willys R. Peck.
Mahlon Fay Perkins.
G. Howland Shaw.
Alban G. Snyder.
Addison E. Southard.
Henry P. Starrett.
Louis A. Sussdorff, jr.
Francis White.
John Campbell White.
Charles S. Winans.
Joseph I. Brittain.
Frederic Ogden de Billier.
Frederic W. Goding.
George Horton.
Francis B. Keene.
Dominic I. Murphy.
Frederick M. Ryder.
Alfred A. Winslow.

Stewart Johnson.
Patul Knabenshue.
Arthur Bliss Lane.
Irving N. Linnell.
J. Theodore Marriner.
John F. Martin.
Lester Maynard.
Jay Pierrepont Moffat.
Maxwell K. Moorhead.
Dana G. Munro.
R. Henry Norweb.
Gordon Paddock.
Robert M. Scotten.
Richard B. Southgate.
Benjamin Thaw, jr.
Walter C. Thurston.
John C. Wiley.
North Winship.
L. Lanier Winslow.
John Q. Wood.
Henry S. Culver.
William P. Kent.
Frank W. Mahin.
Chester W. Martin.
George H. Pickrell.

Oscar S. Helzer.
Frank Anderson Henry.
Charles L. Hoover.
George N. Ifft.
Ernest L. Ives.
Jesse B. Jackson.
William L. Jenkins.
Herschel V. Johnson.
Paul R. Josselyn.
Wilbur Keblinger.
Graham H. Kemper.
Frank C. Lee.
Walter A. Leonard.
Stuart K. Lupton.
David B. Macgowan.
O. Gaylord Marsh.
Keith Merrill.
Leland B. Morris.
Wallace S. Murray.
David J. D. Myers.
Myrl S. Myers.
José de Olivares.
Kenneth S. Patton.
Lowell C. Pinkerton.
John R. Putnam.

Edward L. Reed.
Leslie E. Reed.
Elliott Verne Richardson.
Emil Sauer.
James B. Stewart.
Alfred R. Thompson.
S. Pinkney Tuck.
Avra M. Warren.
Hugh H. Watson.

To be foreign service officers, Class VI

Wainwright Abbott.
Walter A. Adams.
Charles H. Albrecht.
J. Webb Benton.
Percy A. Blair.
William P. Blocker.
Walter F. Boyle.
Homer Brett.
Charles C. Broy.
Parker W. Buhrman.
William C. Burdett.
Algar E. Carleton.
Joseph W. Carroll.
Benjamin F. Chase.
H. Merle Cochran.
Harris N. Cookingham.
Raymond E. Cox.
Henry C. A. Damm.
Thomas L. Daniels.
Chester W. Davis.
James P. Davis.
Monnett B. Davis.
Lawrence Dennis.
Erle R. Dickover.
Henry I. Dockweiler.
Clement S. Edwards.
Joseph Flack.
Barton Hall.
George M. Hanson.
Robert Harnden.
Thornwell Haynes.
Frederick P. Hibbard.
Henry B. Hitchcock.
John P. Hurley.
Jay C. Huston.
Joseph E. Jacobs.
John D. Johnson.
Curtis C. Jordan.
Edwin Carl Kemp.
Alfred W. Kliefoth.
Harry M. Lakin.

To be foreign service officers, Class VII

Philip Adams.
Charles E. Allen.
Norman L. Anderson.
W. Roswell Barker.
Maynard B. Barnes.
Frank Bohr.
Wilbert L. Bonney.
John L. Bouchal.
Richard F. Boyce.
Robert R. Bradford.
Austin C. Brady.
George L. Brandt.
Lawrence P. Briggs.
Alfred T. Burri.
Harry E. Carlson.
James G. Carter.
William E. Chapman.
Reed Paige Clark.
Arthur B. Cooke.
John Corrigan, jr.
Eliot B. Coulter.
Paul H. Cram.
Cecil M. P. Cross.
Raymond Davis.
Thomas D. Davis.
Leonard G. Dawson.
Harold M. Deane.
James Orr Denby.
Samuel S. Dickson.
Hooker A. Doolittle.
William F. Doty.
J. Preston Doughten.

Charles D. Westcott.
Edwin C. Wilson.
Thomas M. Wilson.
Alan F. Winslow.
James B. Young.
Charles M. Freeman.
John N. McCunn.
Robert Brent Mosher.
Gebhard Willrich.

William R. Langdon.
Frederic D. K. LeClercq.
Dayle C. McDonough.
Joseph F. McGurk.
George A. Makinson.
Lucien Memminger.
Cord Meyer.
G. Harlan Miller.
James P. Moffitt.
Benjamin Muse.
Charles Roy Nasmith.
Edward I. Nathan.
H. Dorsey Newson.
George Orr.
Jefferson Patterson.
Frederick F. A. Pearson.
Charles J. Pisar.
Harold B. Quarton.
Elbridge D. Rand.
John Randolph.
Bertil M. Rasmussen.
Benjamin Renth Riggs.
John M. Savage.
Walter H. Schoellkopf.
Walter H. Sholes.
Samuel Sokobin.
William B. Southworth.
Francis R. Stewart.
Lucien N. Sullivan.
Merritt Swift.
Harold H. Tittmann, jr.
Thomas W. Voetter.
John J. C. Watson.
Orme Wilson, jr.
Warden McK. Wilson.
Henry M. Wolcott.
Edward L. Adams.
Julius D. Dreher.
John H. Grout.
Mason Mitchell.

Maurice P. Dunlap.
Dudley G. Dwyer.
Francis J. Dyer.
John G. Erhardt.
Hugh S. Fullerton.
Flo C. Funk.
Gerhard Gade.
William P. George.
Raleigh A. Gibson.
John Sterett Gittings, jr.
Bernard Gotlieb.
Louis H. Gourley.
William J. Grace.
Edward M. Groth.
Don S. Haven.
Harry F. Hawley.
Robert W. Heingartner.
Robertson Honey.
George D. Hopper.
Charles Bridgman Hosmer.
William H. Hunt.
Robert L. Keiser.
Clinton E. MacEachran.
John H. MacVeagh.
Karl de G. MacVitty.
William J. McCafferty.
Andrew J. McConico.
Stewart E. McMillin.
Renwick S. McNiece.
Robert B. Macatee.
George R. Merrell, jr.
Hugh Millard.

John R. Minter.
W. M. Parker Mitchell.
Edmund B. Montgomery.
Gresen N. Nielsen.
Thomas R. Owens.
Maurice C. Pierce.
Harold Playter.
Walter T. Prendergast.
Ernest B. Price.
Samuel C. Reat.
Horace Remillard.
Winthrop R. Scott.
John F. Simons.
Gaston Smith.
Carl O. Spamer.
Clarence J. Spiller.
Richard L. Sprague.
Paul C. Squire.
Maurice L. Stafford.
Dana C. Sykes.
G. Russell Taggart.

To be foreign service officers, Class VIII

Harry J. Auslinger.
Miss Lucile Atcherson.
Henry D. Baker.
Rees H. Barkalow.
Willard L. Beaulac.
Donald F. Bigelow.
Lee R. Blohm.
Hiram A. Boucher.
Lewis V. Boyle.
William W. Brunswick.
Howard Bucknell, jr.
Robert S. Burgher.
Herbert S. Bursley.
Edward Caffery.
John S. Calvert.
Reginald S. Castleman.
J. Rives Childs.
Thomas W. Chilton.
George T. Colman.
Edward S. Crocker.
Nathaniel P. Davis.
Richard M. de Lambert.
Howard Donovan.
William W. Earley.
Stillman W. Eells.
Leon H. Ellis.
Robert F. Fernald.
Augustin W. Ferrin.
Harold D. Finley.
Carl A. Fisher.
Samuel J. Fletcher.
Walter A. Foote.
Paul H. Foster.
Ray Fox.
Lynn W. Franklin.
Waldemar J. Gallman.
William P. Garrety.
Albert H. Gerberich.
Herndon W. Goforth.
Harvey T. Goodier.
Charles I. Graham.
John Harrison Gray.
Julian C. Greenup.
Christian Gross.
Stuart E. Grummon.
Maxwell M. Hamilton.
Stanley Hawks.
William W. Heard.
Donald R. Heath.
Charles H. Heister.
Jack Dewey Hickerson.
Leighton Hope.
William I. Jackson.

To be foreign service officers, Class IX

Richard P. Butrick.
Frank C. Denison.
Charles L. De Vault.
Alonzo B. Garrett.
Raymond H. Geist.

To be foreign service officers, unclassified

Knox Alexander.
Paul H. Alling.

William H. Taylor.
Raymond P. Tenney.
Samuel R. Thompson.
R. A. Wallace Treat.
Marshall M. Vance.
Henry C. von Struve.
Egmont C. von Tresckow.
George Wadsworth.
Harry L. Walsh.
Henry S. Waterman.
Henry T. Wilcox.
Herbert O. Williams.
Harold L. Williamson.
Digby A. Willson.
Gilbert R. Willson.
Damon C. Woods.
Romeyn Wormuth.
William J. Yerby.
Bartley F. Yost.
Percival Gassett.
Lorin A. Lathrop.

S. Bertrand Jacobson.
Robert Y. Jarvis.
Felix S. S. Johnson.
Robert F. Kelley.
Trojan Koding.
Gerhard H. Krogh.
Clark P. Kuykendall.
Drew Linard.
Robert D. Longyear.
Thomas McEnelly.
Walter H. McKinney.
H. Freeman Matthews.
John J. Meily.
H. Tobey Mooers.
J. Lee Murphy.
James J. Murphy.
Robert D. Murphy.
Gustave Pabst, jr.
Robert R. Patterson.
Robert L. Rankin.
Walter S. Reineck.
H. Earle Russell.
Lester L. Schnare.
Rudolf E. Schoenfeld.
Harold Shantz.
George P. Shaw.
Fred C. Slater.
Alexander K. Sloan.
E. Talbot Smith.
Leland L. Smith.
John Stambaugh, 2d.
Christian T. Steger.
George K. Stiles.
Francis H. Styles.
Harold S. Tewell.
Edward B. Thomas.
Frederick L. Thomas.
Howard K. Travers.
Ernest A. Wakefield.
George P. Waller.
Fletcher Warren.
Lelroy Webber.
James V. Whitfield.
Samuel H. Wiley.
James R. Wilkinson.
Howard F. Withey.
G. Carlton Woodward.
Eugene L. Belisle.
James S. Benedict.
Henry W. Diederich.
Henry Abert Johnson.
James B. Milner.
Bradstreet S. Rairden.

Bernard F. Hale.
Christian M. Rayndal.
Shelby F. Strother.
Howard D. Van Sant.
Thomas R. Wallace.

George Alexander Armstrong.
Lawrence S. Armstrong.
George Atcheson, jr.
Frederick W. Baldwin.
Charles A. Bay.
William H. Beach.
David C. Berger.
Herbert C. Biar.
William A. Bickers.
Gilson G. Blake, jr.
Ralph A. Boernstein.
Ellis A. Bonnet.
Paul Bowerman.
Howard A. Bowman.
Norton F. Brand.
Russell M. Brooks.
Henry R. Brown.
John H. Bruins.
Joseph F. Burt.
Leo J. Callahan.
Alfred D. Cameron.
Randolph F. Carroll.
Arthur H. Cawston.
Culver B. Chamberlain.
Flavius J. Chapman, 3d.
J. Holbrook Chapman.
Prescott Childs.
Haskell E. Coates.
Harold M. Collins.
William W. Corcoran.
Alexander P. Cruger.
William E. De Courcy.
Charles H. Derry.
Horace J. Dickinson.
Julian C. Dorr.
Albert M. Doyle.
Fred C. Eastin, jr.
Samuel G. Ebling.
Ernest E. Evans.
Curtis T. Everett.
E. Kitchel Farrand.
James G. Finley.
C. Paul Fletcher.
Peter H. A. Flood.
Richard Ford.
Charles Forman.
George Gregg Fuller.
Joseph T. Gilman.
Arthur B. Giroux.
Frank P. S. Glassey.
Arthur J. Gravelle.
Leonard N. Green.
Samuel E. Green, 3d.
Winthrop S. Greene.
Joseph G. Groeninger.
George J. Haering.
John N. Hamlin.
Richard B. Haven.
Harry C. Hawkins.
J. Cameron Hawkins.
Loy W. Henderson.
Robert O'D. Hinckley.
Frederick W. Hinke.
Anderson Dana Hodgdon.
John E. Holler.
Thomas S. Horn.
R. Flournoy Howard.
John F. Huddleston.
Joel C. Hudson.
George R. Hukill.
Benjamin M. Hulley.
Alan T. Hurd.
Carlton Hurst.

John R. Ives.
William Oscar Jones.
James Hugh Keeley, jr.
Rufus H. Lane, jr.
Richard S. Leach.
Scott S. Levissee.
Charles W. Lewis, jr.
Edward P. Lowry.
John McArdle.
Clarence E. Macy.
Erik W. Magnuson.
Marcel E. Malige.
Raphael A. Manning.
Joseph A. Marquis.
Paul Mayo.
Carl D. Meinhardt.
Paul W. Meyer.
Harvey Lee Milbourne.
Hugh S. Miller.
John E. Moran.
Robert L. Mosier.
John J. Muccio.
William F. Nason.
Alfred T. Nester.
Sidney E. O'Donoghue.
Earl L. Packer.
Nelson R. Park.
James E. Parks.
George R. Paschal, jr.
William L. Peck.
C. Warwick Perkins, jr.
Julian L. Pinkerton.
Edwin A. Platt.
Austin R. Preston, jr.
Joseph P. Ragland.
Egbert B. Rand.
Sydney B. Redecker.
Conger Reynolds.
John S. Richardson, jr.
Quincy F. Roberts.
Thomas H. Robinson.
Laurence E. Salisbury.
Edwin Schoenrich.
William W. Schott.
Winfield H. Scott.
George E. Seltzer.
Edward E. Silvers.
William A. Smaile.
Robert Lacy Smyth.
F. Leroy Spangler.
Edwin F. Stanton.
W. Maynard Stapleton.
Harry E. Stevens.
Ronald D. Stevenson.
Robert B. Streep.
Leo D. Sturgeon.
George Tait.
Sheridan Talbott.
Howard C. Taylor.
Cyril L. F. Thiel.
Joseph I. Touchette.
Arthur F. Tower.
Harry L. Trontman.
Mason Turner.
William T. Turner.
Frederik van den Arend.
Maurice Walk.
Richard R. Wiley.
Rollin R. Winslow.
Granville O. Woodard.
Leslie E. Woods.
Whitney Young.

COMMISSIONERS OF IMMIGRATION

John B. McCandless to be commissioner of immigration at port of Philadelphia, Pa.

Thomas B. R. Mudd to be commissioner of immigration at port of Baltimore, Md.

UNITED STATES CIRCUIT JUDGE

Learned Hand to be United States circuit judge, second circuit.

PROMOTIONS IN THE ARMY

GENERAL OFFICERS

William Ruthven Smith to be major general.

William Hartshorne Johnston to be major general.

William Weigel to be major general.
 Charles Henry Martin to be major general.
 Douglas MacArthur to be major general.
 LeRoy Eltinge to be brigadier general, Cavalry.
 Ewing E. Booth to be brigadier general, Cavalry.
 Campbell King to be brigadier general, Infantry.
 William Wright Harts to be brigadier general, Field Artillery.
 Edgar Thomas Collins to be brigadier general, Infantry.
 George Sherwin Simonds to be brigadier general, Infantry.
 Thomas Quinton Donaldson to be brigadier general, Infantry.
 John Adley Hull to be judge advocate general, with rank of major general.
 Albert Francis Dowler to be second lieutenant, Medical Administrative Corps.
 Edward Martin Wones to be second lieutenant, Medical Administrative Corps.
 Thomas Henry Green to be captain, Judge Advocate General's Department.
 Lawrence Coy Leonard to be second lieutenant, Ordnance Department.
 Walter Julius Ungethuen to be first lieutenant, Chemical Warfare Service.
 Ernest Stephen Wheeler to be lieutenant colonel, Field Artillery.
 William Henry Egle Holmes to be captain, Field Artillery.
 Logan Osburn Shutt to be first lieutenant, Coast Artillery Corps.
 Russell Creamer Langdon to be colonel, Infantry.
 Wait Chatterton Johnson to be colonel, Infantry.
 Adam Floy Casad to be lieutenant colonel, Ordnance Department.
 John Epps Munroe to be lieutenant colonel, Ordnance Department.
 Clyde Raymond Eisenschmidt to be major, Infantry.
 John McDonald Thompson to be major, Cavalry.
 James Alward Van Fleet to be major, Infantry.
 William Vincent Randall to be captain, Ordnance Department.
 Will Vermilya Parker to be captain, Signal Corps.
 Floyd Newman Shumaker to be captain, Air Service.
 Lowell Herbert Smith to be captain, Air Service.
 Albert Edward Higgins to be captain, Field Artillery.
 Haynie McCormick to be first lieutenant, Air Service.
 Arthur Henry Wolf to be first lieutenant, Infantry.
 Albert Theodore Wilson to be first lieutenant, Infantry.
 Leonard Vezina to be first lieutenant, Quartermaster Corps.
 Hartwell Matthew Elder to be first lieutenant, Quartermaster Corps.

OFFICERS' RESERVE CORPS OF THE ARMY

Albert Greenlaw to be brigadier general, Maine National Guard.

PROMOTION IN THE NAVY

Edward R. Stitt to be Surgeon General and Chief of the Bureau of Medicine and Surgery, with rank of rear admiral.

POSTMASTERS

ALASKA

Martin Conway, Skagway.

FLORIDA

Carter T. Daves, Babson Park.
 Clyde Lemmon, Barberville.
 Helen Corson, Beresford.
 Lyndal A. Barber, Cross City.
 Wesley Herrick, Daytona Beach.
 Marion C. Douglas, De Land.
 Edgar W. Norris, Fellsmere.
 William H. Neel, Grand Ridge.
 Hattie A. Stevens, Greenwood.
 Carl M. James, Hollywood.
 Clarkson C. Harvey, Lake Hamilton.
 Shelly L. Hayes, New Smyrna.
 Flora E. Burks, Ocoee.
 Earl B. Pennington, Ortega.
 Joseph J. B. Taylor, Panama City.
 Francis C. Leavins, Ponce de Leon.
 Emma M. Cromartie, Reddick.
 Nellie P. Perry, San Antonio.
 Maude M. O. Park, Sebastian.
 George L. Chamberlin, Sutherland.

GEORGIA

Gertrude Wingard, Aragon.
 George P. Whigham, Bartow.
 Floyd P. Jones, Leslie.

Jane M. Wilkes, Lincolnton.
 Clyde S. Young, Rebecca.
 Lucius L. Dean, Smithville.
 Johnnie B. Roddenbery, Thomasville.

KANSAS

Robert E. Chapman, Belle Plaine.
 Theodore C. Conklin, Mulvane.
 Clarence G. Hart, Perry.
 George E. Crawford, Whiting.

LOUISIANA

Johnnie D. Stagg, Longville.

MICHIGAN

Samuel Perkins, Norway.
 Joseph D. Norris, Turner.

NEW JERSEY

Philip E. Rockafellow, Stockton.
 William E. Flagg, Westville.

OHIO

Samuel B. Moffett, Alger.
 James G. Tuttle, Chatfield.
 George P. Foresman, Circleville.
 W. Clifton Reeker, Leavittsburg.
 Alsina Andrews, Risingsun.
 Horace G. Randall, Sylvania.
 Wellington T. Huntsman, Toledo.
 Charles H. Heller, Morrisville.

TEXAS

Elizabeth Ingenhuett, Comfort.
 Alvin O. Fricke, Kingsbury.
 Emil J. Spiekerman, Skidmore.

VERMONT

Ernest W. Gates, Morrisville.
 Charles E. Hall, Swanton.
 Archie S. Haven, Vergennes.
 Henry D. Rolfe, Brandon.
 Avery G. Smith, Saint Albans.
 Charles H. Stetson, Enosburg Falls.

HOUSE OF REPRESENTATIVES

SATURDAY, December 20, 1924

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Another new day is ours, blessed Heavenly Father. We praise Thee for all Thou hast brought us of strength, of health, of peace, and warmth of heart. Duties, opportunities, and privileges are before us like an open book. For all these we look up and thank Thee, our Father Eternal. "Glory to God in the highest, on earth peace, good will toward men." Help us not only to give the angels' song new breath, but may our lives increase in love, beauty, and wisdom under its inspiration. Throughout our country let the Christmas spirit bless, until the happiness and good will of all are the concerns of each. Give blessings of great gladness to our families here and those that are separated. Amid flatteries and abuses, may no day pass in which we fail to thank the infinite God of this earth for our dear homeland. Let the best that is within us rise up in answer in Thy great providence, and may we be dedicated anew to the institutions that make for the glory of our Republic. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EUROPEAN FOWL PEST

Mr. MADDEN. Mr. Speaker, I am going to ask unanimous consent for the consideration of a resolution which passed the Senate yesterday, but before I ask that consent I would like to have unanimous consent to proceed for a minute or two in order to explain it.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for a minute or two in order to explain the resolution to which he refers. Is there objection?

There was no objection.

Mr. MADDEN. Recently a very serious disease has developed among the poultry of the country. The poultry industry of the United States amounts to about \$1,000,000,000 a year. Much of the poultry shipped from several States recently

has been returned by the parties to whom the shipments were made, and that has resulted in trains carrying the diseased poultry back into the sections from which it came, thereby spreading the disease among poultry which is not diseased.

This is a strictly economic question. The disease which now affects poultry does not affect human beings. There is no danger to human beings from the disease. As soon as the disease attacks poultry they quit laying, and it is said that if the meat of a diseased chicken is eaten after it is cooked it will not affect the person who eats it. But the poultry industry of the United States is very much alarmed and the Secretary of Agriculture is anxious that a quarantine should be placed upon the shipment of poultry from the States in which the disease exists. He wants authority and money to enable him to require the disinfection of the trains which carry the poultry from one section of the country to another section.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. In just a minute. Doctor Mohler says the disease can be checked; that the danger can be overcome; and that the loss, which is terrible now, can be prevented if the Secretary of Agriculture is given a small amount of money to enable him to require the disinfection of the trains and to prevent the shipment of diseased poultry from one State to another, and that very shortly conditions in the poultry business will be normal if that be done. I will now yield to the gentleman from Texas.

Mr. BLANTON. There is on hand now in cold storage more turkeys—

Mr. MADDEN. This does not affect dead poultry at all; it has relation to live poultry.

Mr. BLANTON. I am going to show the gentleman wherein it does affect dead poultry, if he will permit. There is in cold storage now a greater number of pounds of frozen turkeys, chickens, and fowls of all kinds than there has been before in quite a number of years. This meat in cold storage is already inspected, and if those who own this inspected meat in cold storage can, during the coming holidays, keep out an influx of other poultry on the market they can dispose of their frozen meats now in storage at enormous prices, and this will result in doubling, trebling, and quadrupling the price of all the frozen poultry that are now in storage. This \$100,000 is to be spent in the name of agriculture. I wonder if the gentleman is familiar with all of the facts surrounding the recent expenditure of money in the State of Texas, especially in south Texas, with reference to the foot-and-mouth disease? I wish he had some of the reports on that which I have in my office where cattle was slaughtered indiscriminately.

Mr. MADDEN. I have only a minute or two.

Mr. BLANTON. I am sorry, but, Mr. Speaker, I think we ought to have a quorum on this Christmas holiday to take up agricultural matters, and I make a point of no quorum.

Mr. LONGWORTH. I trust the gentleman will not make that point.

Mr. BLANTON. And I hope the gentleman from Illinois will not bring up this \$100,000 item to-day.

The SPEAKER. Of course, this will require unanimous consent.

Mr. BLANTON. I will not make the point of order; but I am going to object to present consideration of this resolution when the time comes, for I believe that most of this \$100,000 will be wasted.

Mr. MADDEN. I am sorry. Of course, I do not know the facts surrounding the expenditure of the money to which the gentleman calls attention, but I do know from those who ought to know, from the Agricultural Department experts, that the disease does not affect poultry in cold storage, and I would be very reluctant to believe that anybody, no matter how influential, could induce the Secretary of Agriculture to join in a movement to put up the price of poultry that is in cold storage, when, as a matter of fact, every element in the case is so clear that there ought not to be any doubt as to what our action should be.

Mr. MILLER of Washington. Will the gentleman yield for a short question?

Mr. MADDEN. Yes, indeed.

Mr. MILLER of Washington. What proportion of the poultry industry in the country is affected by this disease?

Mr. MADDEN. I do not know the proportion, but several States are involved—California, Illinois, New York, New Jersey, and many other States which I am not able to recall at this time.

Mr. MILLER of Washington. It has spread throughout the country?

Mr. MADDEN. It is general. The disease is throughout the country generally and ought to be eradicated. Of course, I

do not want to assume the responsibility for not furnishing the facilities to the Department of Agriculture to eradicate it. If there is any man who wants to object to the consideration of the resolution, of course, he will assume that responsibility.

Mr. BLANTON. Mr. Speaker, representing a farming district and a poultry district, and to save the farmers this \$100,000, I object to the present consideration of this resolution.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bills of the following title, in which the concurrence of the House of Representatives was requested:

S. 3611. An act authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.; and

S. 3610. An act authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.

The message also announced that the Senate had passed the following resolution:

Senate Resolution 285

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JULIUS KAHN, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

SENATE BILLS REFERRED

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3545. An act to revive and reenact the act entitled "An act granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a highway and street-railway bridge across the Ohio River between the city of Huntington, W. Va., and a point opposite in the State of Ohio," approved August 18, 1921; to the Committee on Interstate and Foreign Commerce.

S. 3611. An act authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.; to the Committee on Interstate and Foreign Commerce.

S. 3610. An act authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.; to the Committee on Interstate and Foreign Commerce.

BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLUM, from the Committee on Enrolled Bills, reported that this day they had presented to the President for his approval the following bills:

H. R. 10650. An act to authorize the settlement of the indebtedness of the Republic of Lithuania to the United States of America; and

H. R. 10651. An act to authorize the settlement of the indebtedness of the Republic of Poland to the United States of America, and for other purposes.

ORDER OF BUSINESS

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to occupy three minutes for the purpose of asking a question of the gentleman from Ohio [Mr. LONGWORTH] relative to the order of business following the recess.

The SPEAKER. The gentleman from Virginia asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. MOORE of Virginia. I understand, Mr. Speaker, that the recess terminates on the 29th. I would like to ask the gentleman to give us some idea what business will be transacted that day and on the days following in that week.

Mr. LONGWORTH. I will be very glad to answer the gentleman. The intention is to occupy the Monday on which the session convenes with the consideration of business of the District of Columbia. I am assured no bills will be brought in which are of a controversial nature. It is the intention of the gentleman from Illinois [Mr. MADDEN] to begin the discussion of the Post Office and Treasury bill on Tuesday. Wednesday, according to present arrangements, will be Calendar Wednesday, the Post Office Committee having the day. Then it is expected that the House will recess over Thursday, making New Year's Day a holiday, and finish up the Post Office and Treasury Departments bill on Friday and Saturday.

The SPEAKER. The Chair would call the attention of the gentleman to the fact that on Monday District business is not

in order except by unanimous consent. That is the fifth Monday.

Mr. LONGWORTH. I had forgotten that, Mr. Speaker. In that case the appropriation bill will be taken up on Monday.

Mr. WINGO. Will the gentleman yield further?

Mr. LONGWORTH. Yes.

Mr. WINGO. Can the gentleman go further and state what will probably be done during the following week?

Mr. LONGWORTH. I think that will depend very largely on the condition of appropriation bills. The gentleman from Illinois [Mr. MADDEN] perhaps could tell the House whether there will be another bill ready immediately after the Treasury bill.

Mr. MADDEN. Yes; the Army bill is ready now to be reported, and immediately after the Army bill there will be the independent offices bill, and following that immediately will be the bill covering the Departments of Labor, Commerce, State, and Justice, and that will leave nothing then but the District and the legislative bills.

Mr. WINGO. Has the administration abandoned any hope of enacting the McFadden bill at this session?

Mr. LONGWORTH. On account of the condition of appropriation bills it may be found that the way will be so clear for the passage of those bills very promptly that probably, in my judgment—and it is my hope—the week after the New Year's week we may be able to take up the McFadden bill.

Mr. WINGO. I think it will take about two days at the outside to pass that bill.

Mr. GARNER of Texas. Will the gentleman yield for another question?

Mr. LONGWORTH. Yes.

Mr. GARNER of Texas. According to the statement of the gentleman from Illinois [Mr. MADDEN], if we take up one appropriation bill after another continuously, we will not get through with them before the 20th of January or perhaps the 1st of February. What are you going to do with the rivers and harbors bill?

Mr. LONGWORTH. I will say to the gentleman that my statement does not mean it is the intention to pass only appropriation bills.

Mr. GARNER of Texas. The gentleman does hope, then, before the 15th of January to consider the rivers and harbors bill?

Mr. LONGWORTH. I would not say before the 15th, but somewhere around the 15th I would hope it might be considered.

EUROPEAN FOWL PEST

Mr. BLANTON. Mr. Speaker, at the instance of the chairman of the Committee on Appropriations, whose judgment, I think, is nearly always good and whose judgment I follow many times, I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. MADDEN] for the present consideration of the joint resolution, which the Clerk will report?

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the Senate Joint Resolution 159 be taken from the Speaker's table and that it be amended in accordance with the amendment which I send to the desk.

The SPEAKER. Is it an amendment or a substitute?

Mr. MADDEN. It is an amendment in the nature of a substitute, striking out all after the resolving clause.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the Senate joint resolution, with a substitute, which the Clerk will report.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 159) providing for the control and eradication of the European fowl pest and similar diseases in poultry

Substitute offered by Mr. MADDEN: Strike out all after the resolving clause in the Senate resolution and insert the following:

"That not to exceed \$100,000 of the appropriation of \$2,500,000 contained in the second deficiency appropriation act, fiscal year 1924, approved December 5, 1924, for the eradication of the foot-and-mouth disease and other contagious or infectious diseases of animals is hereby made available to enable the Secretary of Agriculture to provide means to control and eradicate the European fowl pest and similar diseases in poultry: *Provided*, That the sum herein granted shall remain available for the purposes of this act until June 30, 1926: *Provided further*, That no part of this sum shall be used for the payment of indemnities for condemned poultry."

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MADDEN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

SCHOOLS OF THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting a speech by Prof. Frank W. Ballou, superintendent of schools of the District of Columbia, on the school needs of the District of Columbia, delivered before the Washington Chamber of Commerce on December 16, 1924.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. ZIHLMAN. I feel that this address will be of interest and value to the Members of the House and will assist them in familiarizing themselves with actual conditions in the schools of this city.

THE CONDITIONS AND NEEDS OF THE SCHOOLS OF THE DISTRICT OF COLUMBIA

Education is the most important enterprise in which democratic governments engage. From 25 to 50 per cent of the total expenditures for municipal purposes in cities of the United States is spent for public education. The community is more directly interested in public education than in any other single activity, because the system of public education concerns itself with every boy and girl in the community between the ages of approximately 6 and 18. No other public enterprise is of so vital concern to the present and future welfare of any community as its public-school system except possibly public health.

On behalf of those directly connected with the school system I desire to express our grateful appreciation of the privilege accorded the superintendent of schools by the Washington Chamber of Commerce of presenting to this body of business and professional men this statement on the conditions and needs of the public schools. It is largely through the interest and activity of such organizations as this that improvement in the educational conditions of the city must be brought about.

SOME FIGURES ON THE SCHOOL SYSTEM

The public-school system is undertaking to provide appropriate, adequate, and efficient education for 72,573 pupils, of whom 59,838 are in the elementary schools, 12,177 in the high schools, and 558 in the normal schools. These pupils attend school in 140 elementary school buildings, 15 high and junior high school buildings, and 2 normal-school buildings. The engineer commissioner reports that these 156 buildings cost \$14,481,780.57 when constructed. He has estimated that to replace them with the type of fireproof construction now used would cost \$41,738,306.00. The cost of the sites for these buildings was \$3,956,069.88.

It requires 22,000 tons of coal annually to heat them and 419 laborers, coal passers, firemen, janitors, and engineers to take care of them. Two thousand seven hundred and seven teachers and school officers are required to provide and supervise the education of these pupils. The total school budget for the fiscal year 1925 is \$8,885,215.

Running the school system is not only a great educational undertaking, but it is also a great financial and business enterprise. A proper conception of the size and varied activities of the school system is essential to a proper understanding of its conditions and needs.

WHAT HAS BEEN ACCOMPLISHED

Consideration of some of the accomplishments during the past few years will constitute a proper introduction to the more detailed analysis of our present conditions and needs.

RECLASSIFICATION LEGISLATION

After several years of consideration, investigation, and formulation the so-called reclassification legislation became permanent law on March 4, 1923. This legislation carries salary schedules for the 419 laborers, janitors, engineers, 50 clerks, 29 medical inspectors and dentists, and 10 nurses employed in the public schools. These employees have all been placed on salary schedules which provide for annual increases in compensation for efficient service in lieu of the flat salary heretofore received by most of them. The schedule for the janitorial staff represents an increase of 45.6 per cent over the basic salaries and 12.6 per cent over the total compensation received last year.

TEACHERS' SALARY BILL

After years of unsuccessful efforts to increase appropriately the compensation of the educational employees of the Board of Education,

success finally was realized when the teachers' salary bill passed the Sixty-eighth Congress and was approved by the President June 4, 1924.

It provides a new salary schedule for teachers, school officials, school librarians, attendance officers, employees in the community-center department, and in the department of school attendance and work permits. It provides salary schedules for certain new positions which are necessitated by the growth, extension, and reorganization of the school system, such as principals of junior high schools, administrative or free principals for elementary schools, assistant principals in the high schools, general secretaries and community secretaries in community-center departments, a director for school attendance, and census inspectors for taking the school census, a chief examiner for the board of examiners, and an additional assistant superintendent for the colored schools, who shall be chief examiner for the board of examiners for the colored schools, and the position of first assistant superintendent of schools, one for the white schools and one for the colored schools, who shall be the deputies of the superintendent of schools in their respective divisions of the school system.

It carries important legislative provisions relating to the organization and administration of the schools, such as the enlarged and reorganized boards of examiners, authorizing the appointment of temporary teachers, creating the position of annual substitute teachers, and authorizing the Board of Education to conduct a community-center department, a department of school attendance and work permits, night schools, vacation schools, Americanization schools, thereby legalizing these activities in the schools and removing the appropriations from being subject to a point of order in the House of Representatives.

The salary schedules and the legislative provisions of this act place it among the most important legislation relating to the schools of Washington that has ever passed Congress. It will take its place along with the organic act itself passed in 1906.

The community should congratulate itself that teachers and school officers are now to receive a scale of pay which will entitle the community to a higher quality of service than could be secured and maintained under the former salary schedule.

As the spokesman for these teachers and officers I express our thanks to the Washington Chamber of Commerce and to other similar organizations for their efforts in securing the passage of this measure, and I pledge to the community our unstinted effort and our renewed devotion to the attainment of that high standard of excellence which is required and expected by the citizens of the Nation's Capital.

It is the duty and responsibility of the superintendent to secure and retain efficient teachers. They are the greatest asset of any school system. Efficient teachers must have knowledge of what they are to teach; but they must make vital to the child what they teach, they must stand before their pupils as ideals of manhood and womanhood, and they must inspire and encourage. Believing in this high calling of the teacher, it was necessary to secure a salary schedule which would pay for such services. The superintendent will hold himself responsible for procuring for our schools the services of the best teachers and officers that the salaries will secure.

SCHOOL BUILDINGS OPENED

Now that the salaries of all employees of the Board of Education have been adjusted, the most serious educational problem confronting Washington as a community is that of providing adequate schoolhouse accommodations for our school population. The regular annual increase in school enrollment and the accumulated shortage of schoolhouse accommodations, which has long existed in Washington, have contributed to creating the present congestion in our schools. Any understanding of the present situation must be based on a consideration of the normal rate of increase in enrollment and of our inheritance of pre-war and war conditions with respect to schoolhouse construction.

ENROLLMENT IN ELEMENTARY SCHOOLS

The average annual increase in number of pupils in elementary schools in Washington from 1913 to 1920 was 788 pupils; from 1920 to 1924 was 802 pupils; for the whole period—that is, from 1914 through 1924—it is 793 pupils.

Any adequate building program must make provision for an increased enrollment in the elementary schools of Washington of approximately 800 pupils per year. This means that 20 additional classrooms should have been opened annually during this period of 10 years, and should be opened each year as long as this annual increase in enrollment continues. Because until recently 20 additional schoolrooms have not been opened each year, congestion in our schools has increased and pupils have suffered physical hardships, and that education which is the birthright of every child of school age in America has been denied them.

ENROLLMENT IN HIGH SCHOOLS

The average annual increase in enrollment in the high schools from 1913 to 1920 was 245 pupils; from 1920 to 1924 it was 927 pupils; and for the whole period it was 492 pupils per year.

It is to be especially noted that there has been a striking acceleration in the rate of annual increase in number of pupils in our high

schools during the past four years. In 1921-22 alone, the total increase of high-school pupils was 1,357, or a number of pupils more than enough to fill any one of our high schools except Central or the new Eastern.

It is conservatively estimated that adequate preparation for increased enrollment in our high schools will require increased accommodations each year for at least 750 high-school pupils. It is to be noted also that as our high-school accommodations are improved and our educational program is extended, the number of high-school pupils is inevitably bound to increase.

ELEMENTARY SCHOOLS

Annually since the war appropriations have been made for the construction of elementary-school buildings. As a result certain elementary-school buildings or additions to buildings have been opened for school purposes.

In 1920-21 four additional rooms were opened at the Deanwood School.

In 1921-22, 44 rooms were opened and occupied as follows: Eight rooms each at Petworth, Takoma, West, Burroughs, and Burrville; and 4 rooms at the H. D. Cooke.

In 1922-23, 60 rooms were opened and occupied as follows: Twelve rooms at the Wheatley, 8 rooms each at Eaton, Kingsman, Buchanan, Mott, and new Bell, and 4 rooms each at Monroe and Deanwood.

In 1923-24, 22 rooms were opened and occupied as follows: Eight rooms each at Lovejoy and Garrison, 4 rooms at the Smothers, and 2 rooms at the Chain Bridge Road.

In 1924-25, 14 rooms have been opened to date as follows: Eight rooms at Bancroft and 6 rooms at the Thomson School. During the present school year 8 additional rooms will be completed through the construction of the Raymond School and 8 additional rooms at the Janney School, both of which are now under construction. This will make a total of 30 additional rooms to become available and occupied for elementary-school purposes during the school year 1924-25.

By the end of the school year 1924-25, 160 elementary-school classrooms will have been built and occupied since July 1, 1920. Of these 160 classrooms, only 5 were for replacement of rooms not longer fit for use. This makes a total net of 155 classrooms, or an average of 31 additional classrooms per year, opened and occupied between July 1, 1920, and July 1, 1925. As will be shown later, this amount of schoolhouse construction has not only taken care of the increased enrollment but it has somewhat reduced congestion.

JUNIOR HIGH SCHOOLS

The junior high school is an accepted institution in school organization in the United States. It has passed the experimental stage. As to its educational advantages there is no longer serious debate among educators.

The increase in the number of junior high schools has been nothing short of phenomenal. Educational authorities assert that the first junior high school was established in 1909. According to the United States Bureau of Education, 13 years later, i. e., in 1922, 456 different cities reported having 733 junior high schools.

The first two junior high schools in Washington were established in 1919. Since then five additional junior high schools have been established and one more will be opened February 1, 1925. Appropriations are carried in the Budget now before Congress for two additional junior high schools. The junior high school not only provides better education for our pupils but it offers the best opportunity to bring relief from congestion in both elementary and high schools, at a minimum cost.

The junior high school accommodates pupils of grades 7 and 8 of the elementary schools and pupils of grade 9 of the first year of the high school. The organization, therefore, of a junior high school affects the pupil enrollment in both elementary and high schools. By building one junior high school and taking the seventh and eighth grade pupils out of the several elementary schools in the immediate vicinity, congestion in those elementary schools is correspondingly reduced.

The junior high school is not important merely as a means of relieving congestion or as a temporary makeshift, but as an institution in which better education is provided boys and girls in grades 7, 8, and 9 than is now provided them. The value of any plan of organization must be determined in terms of the educational advantages to the individual child.

In the traditional eight-room elementary school in Washington, there is one seventh-grade class and one eighth-grade class. This organization permits of no adaptation of the educational program or the methods of instruction to the individual needs of those seventh and eighth grade pupils. All of the seventh-grade pupils are taught in one class, and taught as a class.

By bringing such classes together into the junior high school, pupils may be classified in accordance with their abilities, educational interests, and probable future educational careers. In the junior high school separate classes are organized for those pupils who are inevitably going to college and the study of foreign language is begun

in the eighth grade rather than in the first year high school. Separate classes are also organized for those pupils who will probably leave school at the end of the eighth or ninth grade, and intensive prevocational and vocational work is provided for them. Likewise, those pupils planning to enter business courses begin their preparation for that course in the eighth grade rather than in the ninth grade.

The system of junior high schools is being extended in Washington because of its educational advantages. It is likewise economical in the matter of building construction, since one building may bring relief to a large number of elementary schools as well as high schools. A junior high-school building must have outdoor play space, gymnasium facilities, general science rooms, drawing rooms, and a variety of shop equipment. If the institution is to serve its educational purpose. The educational work of the junior high school will be limited and restricted unless the facilities provided in a junior high-school building are adequate for the educational program of the institution.

HIGH SCHOOLS

From 1916, when the Central and Dunbar High Schools were opened, until 1923, when the new Eastern High School was opened, the only additional accommodations for high-school pupils that were provided in the District of Columbia were provided by the establishment of the Columbia and Shaw Junior High Schools. Although the increase in enrollment of high-school pupils averaged approximately 700 pupils per year during that period there were no high-school accommodations opened to meet that increased enrollment.

In March, 1923, the new Eastern High School was opened. It was originally designed to accommodate 1,500 pupils, but through considerable alteration of plans the capacity of the school is expected to reach approximately 1,800 pupils.

Further relief for high-school congestion will be provided when the additions to the Armstrong Technical High School and the Western High School are completed.

The addition to Armstrong will provide additional accommodations for approximately 800 pupils, and the construction of the building will probably be completed by February, 1925. The building should be completely equipped and occupied some time before the end of the present school year.

The addition to Western High School will provide additional accommodations for approximately 550 high-school pupils, including additional gymnasium facilities not now enjoyed by the pupils of that school, and will be completed in February, 1925.

A site has been purchased adjoining the Langley Junior High School, at a cost of \$215,000, on which to locate a new home for the McKinley Technical High School. Last year's appropriations carried an item of \$5,000 for the construction of the plans of that building. The Board of Education submitted an estimate for beginning the construction of that building. It is greatly to be regretted that this item was not transmitted to Congress by the Bureau of the Budget. When completed, in accordance with the plans as drafted, the new McKinley Building will accommodate approximately 2,600 pupils. It will serve as a technical high school for the District of Columbia and as a regional high school for the section of the city where located.

Relief can not be provided for the congestion now existing in the Shaw Junior High School and Dunbar High School until the McKinley Technical High School is located in its new building. When McKinley vacates its present building, that building will be occupied by the Shaw Junior High School for colored pupils, thereby giving that school an opportunity to double its capacity. The building now occupied by the Shaw Junior High School will be the home of a new business high school for colored pupils. The removal of the business department from the Dunbar High School will bring much needed relief to the Dunbar, which was built to accommodate twelve hundred pupils and whose enrollment is now 1,688 pupils. Neither of these very urgent changes can be made until McKinley is provided with a new home.

A five-year building program should include an item for the construction of a new building to accommodate the present Business High School.

Since the construction of buildings for McKinley and Business will require comparatively large appropriations and each will extend over two or more years, it is desirable that appropriations should be begun at once for McKinley in order that corresponding appropriations for Business High School may follow. The appropriations for these two new high-school buildings should not run simultaneously, but should follow each other.

PRESENT STATUS OF CONGESTION

Annually, on November 1, the superintendent makes a systematic study of schoolhouse accommodations and congestion in the school system. This study has been made each year since 1920.

ELEMENTARY SCHOOLS

The following tabulation shows the congestion existing in the elementary schools of Washington on November 1 of each year:

Accumulated shortage as of November 1 each year

Classrooms needed	1920	1921	1922	1923	1924
1. To eliminate portables.....	73	71	61	61	54
2. To eliminate rented quarters.....	41	23	28	28	24
3. To eliminate undesirable rooms.....	21	39	34	28	30
4. To reduce oversize classes.....	57	67	57	51	40
5. To eliminate part-time classes:					
Grades I and II.....	150	152	137	130	123
Above Grade II.....	15	19	19	18	6
Total.....	360	371	336	336	277
6. To abandon buildings recommended for immediate abandonment in 1908, still in use:					
John F. Cook, 8 rooms; Threlkeld, 4 rooms.....	12	12	12	12	12
7. To abandon buildings recommended for early abandonment in 1908, still in use:					
Abbot, 9 rooms; Adams, 8 rooms; Berrel, 9 rooms; Bradley, 8 rooms; Force, 12 rooms; Jefferson, 20 rooms; Lincoln, 12 rooms; Webster, 12 rooms.....	90	90	90	90	90
8. To abandon other buildings now unfit for use:					
Bell, 8 rooms; Chain Bridge, 1 room; Hamilton, 4 rooms; Smothers, 4 rooms; Tenley, 8 rooms.....	25	25	25	21	-----
Arthur, 8 rooms; Brightwood, 8 rooms; Garnet, 12 rooms; Langdon, 10 rooms; Patterson, 8 rooms.....					66
Grand total.....	487	498	463	459	445

¹ New building occupied Nov. 26, 1923.

² New building occupied Oct. 13, 1923.

PORTABLES

In 1920 the school system was using 78 one-room portable schoolhouses, 73 of which were in the elementary schools and 5 in the high schools. Since that time 2 portables have been destroyed, as they had become so dilapidated that it was impossible to move them. In 1924 there are 37 portable schoolhouses in use in the elementary schools, 6 in the junior high schools, and 13 at the Armstrong Technical School.

RENTED QUARTERS

In 1920, the Board of Education, through an appropriation of \$16,500, was renting 41 rooms for school purposes. That number has gradually been reduced until in 1924 accommodations for 24 elementary-school classes are rented at a cost of \$16,494.

UNDESIRABLE ROOMS

Because of congestion, the school officials have been forced to use basement rooms, hall rooms, and other space in our elementary-school buildings not intended for classroom purposes. Twenty-one such rooms were in use in 1920, 39 in 1921, 34 in 1922, 38 in 1923, and 30 are being used in 1924.

OVERSIZE CLASSES

The standard size of classes in an elementary school, under the rules of the Board of Education, is 40 pupils. Owing to congestion, many classes in the schools of Washington have been organized in excess of that number. If all pupils in excess of 40 were to be brought together and divided into classes of 40, it would have taken 56 classrooms to accommodate them in 1920. In 1924 it will take 40 additional classrooms to accommodate the pupils now crowded into classrooms in excess of 40 pupils.

PART TIME

Part time is an administrative device for making one classroom accommodate two classes. One class receives instruction from 9 to 12.30 daily; another class, under another teacher, occupies the same room from 1 to 4.30 p. m. This arrangement results in reducing the amount of education received by such children from five hours to three and one-half hours per day, or a reduction of 30 per cent in the amount of education received. In 1920 there were 336 first, second, and third grade classes in the public schools of Washington who were on part time, or more than 13,000 pupils.

There were 342 part-time classes in 1921, 312 part-time classes in 1922, 336 part-time classes in 1923, and 258 part-time classes in 1924. It will take 129 additional classrooms in the elementary schools to eliminate the part-time now existing in our elementary schools.

ABANDONMENT OF BUILDINGS

The Schoolhouse Commission provided for in the organic act of 1904, which presented its report in 1908, recommended the immediate abandonment of 10 school buildings and the early abandonment of 8 other school buildings. Of these buildings recommended for immediate abandonment in 1908, the J. F. Cook building of eight rooms, and the Threlkeld School building of four rooms, are still in use.

Of the other buildings, which are the Abbot, Adams, Berret, Bradley, Force, Jefferson, Lincoln, and Webster, not a single building has yet been abandoned. The addition to the Thomson School has made it possible to transfer six of the classes from the Webster School. That building is still occupied, however, by four primary classes, and the day and evening Americanization schools.

Since 1908, additional buildings have become unfit for further use. Of those buildings, the Smothers, a four-room building, has been replaced, the one-room Chain Bridge Road building has likewise been replaced.

An appropriation has likewise been made and a contract let for the construction of a new health school to replace the building on Bladensburg Road now occupied by that school.

Furthermore, the first 8-room unit of a 16-room building necessary to replace the Tenley School is now under construction, and the first unit of a 16-room building to replace the Bell School has already been completed and occupied. The old Bell building, however, can not be vacated, until an additional eight rooms shall have been constructed.

In addition to these buildings, with respect to which steps have been taken or complete arrangements made to vacate, other buildings should be abandoned. There are 140 elementary school buildings in the District, some of them constructed as long ago as 1868.

At least one elementary-school building will have to be abandoned each year if the obsolete buildings in the District of Columbia are to be eliminated from use. Such buildings as the Arthur, Brightwood, Garnet, Langdon, and Patterson should be abandoned in accordance with a systematic program of replacement.

It will be observed from the facts already presented that the number of elementary-school buildings opened since 1920 has been sufficient to take care of the increased enrollment and, to some extent, reduce part-time oversized classes and rented quarters, and to discontinue the use of certain portables which were transferred to junior and senior high schools.

It is conservatively estimated, on the basis of annual increase in enrollment and on a distribution over a five-year period of all accumulated shortages in schoolhouse accommodations, that 90 classrooms, together with other necessary educational facilities, must be provided each year for five years if at the end of that time the pupils in elementary schools of Washington are to be adequately housed. Anything short of this minimum program of schoolhouse construction means a continuance of undesirable accommodations and the further postponement of the day when the elementary school children of Washington will be adequately housed.

HIGH SCHOOLS

The following tabulation shows the congestion existing in the high schools of Washington on November 1 of each year since 1920:

Evidences of congestion, November 1, 1924

School	Capacity in 1924	Enrollment Nov. 1—					Excess in 1924
		1920	1921	1922	1923	1924	
Business.....	900	1,206	1,261	1,330	1,256	1,203	303
Central.....	2,300	2,837	3,072	3,182	3,276	3,154	854
Eastern.....	1,500	691	884	1,052	1,397	1,545	45
McKinley.....	1,100	1,208	1,464	1,502	1,406	1,373	273
Western.....	600	700	884	1,041	991	1,058	408
Columbia Junior 1.....	300	140	251	364	366	391	91
Hise Junior 1.....	150	—	—	—	—	148	-2
Jefferson Junior 1.....	100	—	—	—	—	—	-100
Langley Junior 1.....	225	—	—	—	—	147	-78
Macfarland Junior 1.....	225	—	—	—	—	197	-28
Armstrong.....	300	638	880	1,094	1,076	1,054	754
Dunbar.....	1,200	1,402	1,540	1,597	1,742	1,688	488
Randall Junior 1.....	100	—	—	—	—	75	-25
Shaw Junior 1.....	250	40	65	115	124	238	-12
Total.....	9,300	8,984	10,331	11,267	11,636	12,271-245	3,216-245
Net excess.....		1,364	2,081	3,017	2,866	2,071	2,971

¹Ninth grade only in junior high schools

This tabulation shows that the seven junior high schools, which are not yet completely organized, should be able to accommodate approximately 245 additional pupils in the ninth year when the enrollment is complete.

This tabulation also shows that each one of the seven senior high schools is overcrowded. On November 1, 1924, there was in the high and junior high schools a net excess of 2,971 pupils over and above the capacity of those schools.

In 1920 the enrollment in our high schools and junior high schools was 8,984, which was 1,204 pupils in excess of capacity.

In 1921 the high and junior high school enrollment was 10,331, making a net excess enrollment of 2,981 pupils.

In 1922 the total enrollment in high and junior high schools was 11,267 pupils, making a net excess enrollment of 3,017 pupils.

In 1923 the total enrollment in the high and junior high schools was 11,637 pupils, making a net excess enrollment of 2,886 pupils.

In 1924 the total enrollment in the high and junior high schools was 12,271 pupils, making a net excess enrollment of 2,971.

Armstrong Technical High School: The capacity of the Armstrong Building is 300 pupils, and the enrollment on November 1, 1924, was 1,054 pupils. To accommodate these pupils 13 portables have been provided.

To relieve this congestion an addition to the Armstrong School is nearing completion, which will provide accommodations for 800 additional pupils.

Business High School: The capacity of the Business High School is 900 pupils, and its enrollment on November 1, 1924, was 1,203 pupils. It has been operating on a part-time schedule for a number of years, and will be obliged to continue part time until additional schoolhouse accommodations are provided.

Central High School: The capacity of the Central High School is 2,300, and its enrollment on November 1, 1924, was 3,154 pupils. A double-shift program has been introduced for all pupils of the first three semesters.

Dunbar High School: The capacity of the Dunbar High School is 1,200 pupils, but its enrollment on November 1, 1924, was 1,688 pupils. It is planned to reduce this enrollment by the transfer of the pupils in the business department to another building and establishing a business high school for colored pupils. Further relief will be necessary and must be provided through the establishment of additional junior high schools.

Eastern High School: The capacity of the Eastern High School has been listed at 1,500 pupils, though it is probable that the school will accommodate 1,800 pupils. Additional locker facilities and accommodations for individual pupils will be required. The enrollment in Eastern on November 1, 1924, was 1,545 pupils.

McKinley Technical High School: The capacity of the McKinley Technical High School is 1,100 pupils. The enrollment on November 1, 1924, was 1,373 pupils. An effort was made at one time to place certain classes in the McKinley on part time. Since many boys attending "Tech" work afternoons as a means of self-support, this part-time arrangement forced many boys to leave school and resulted in the abandonment of the part-time plan at "Tech."

Western High School: The capacity of the Western High School is 650 pupils and the enrollment on November 1, 1924, was 1,058 pupils. An addition to the Western High School is being constructed which will provide accommodations for approximately 550 additional pupils. When completed, this addition will be fully occupied by the present enrollment of the school.

After the completion of the additions to Armstrong and the Western High School and the establishment of the Powell Junior High School, some of the aforementioned congestion will have been relieved. As has already been stated, the annual increase in enrollment in high schools requires accommodations for approximately 1,000 high-school pupils each year for a period of five years. Anything short of this minimum program of schoolhouse construction for high-school pupils means the continuance of the congested conditions in our high schools.

WHAT CONGESTION MEANS

The congestion in the schools and the conditions resulting therefrom affect not only the education of the boys and girls but affect the activities of many homes from which pupils go.

(A) IN A HOME

Let us consider a home in Petworth in which there are four children. The youngest child attends a first-grade class which is on part time. On Monday, Tuesday, and Wednesday that pupil attends school from 9 until 12.30 in the morning, and on Thursday and Friday he attends school from 1 to 4.30 in the afternoon. On the days when he attends the school in the morning he can scarcely get home for lunch before 1 o'clock, while on Thursday and Friday he must have lunch at an earlier hour in order that he may be in school by 1 o'clock.

From that same home in Petworth a girl in the sixth grade attends a class in a portable on Allison Street, six blocks from the main building. She must go to the main building once a week for sewing.

An older boy in this same home attends the eighth grade at the Macfarland Junior High School. He has his lunch at the school, and so the home is not affected by the hour of the lunch at the school. Such a boy receives physical training instruction in the corridors of the Macfarland Junior High School on rainy days, because no gymnasium facilities have been provided. In fair weather he receives his physical training instructions entirely outdoors, on ground not prepared for physical training work.

An older daughter in this same family attends the first half of the second year in the Central High School. Because Central High School is on part time, she arrives at the school to begin her first classroom work at 18 minutes past 12, and continues class work until 4.15. This pupil gets lunch either at school or at home. If, as is preferable, this pupil gets lunch at home, she must have lunch before 12 o'clock in order to reach school in time.

If the home is to provide the lunches at home for the elementary and high school children, lunches for the three children will come at different hours of the day, and never uniformly at the same hour during the five days of the week.

The four children do not start to school from home at the same time any day in the week, but go at two or three different hours, and return at different times throughout the afternoon.

Obviously this school situation is not at all as it should be. The organization of the school should be such as to articulate completely with the organization of the home. The inconvenience to which the homes of Washington are put as a result of congestion in the schools ought to be corrected at the earliest possible moment. Those conditions can be corrected only through better school facilities, which will make possible the organization of the schools themselves in accordance with recognized principles of efficient organization and in proper relation to the functions of the home.

(B) IN THE SCHOOLS

The inconvenience to the homes as a result of congestion in the schools is as nothing compared with the limitations on the proper education of the boys and girls in the schools. Pupils on part time are permitted to attend school only 70 per cent of the school day, and are therefore deprived of the educational advantages which children have who are able to attend school a full five-hour day.

Children who are in classes with over 40 pupils can not receive the individual attention from the teachers which every pupil has a right to receive, and which it is the responsibility and duty of the citizens of the community to see to that he does receive.

The educational disadvantages of part-time and overcrowded classes can not be made up and represent a complete loss in the education of the child.

Putting children into portables and other undesirable rooms continuously jeopardizes their health and deprives them of suitable school-house accommodations, to which every American child is entitled.

The public expects the schools to teach the children proper respect for public property. This can only be done in case the property is worth respecting.

The public expects the schools to teach personal cleanliness and personal hygiene. This can not be done in unsuitable, insanitary school-rooms.

The public expects the schools to teach honesty, and yet by furnishing one locker in our high schools for two and sometimes three pupils at one time there is created a situation which contributes to thievery and presents a constant temptation to every pupil, whether morally weak or strong.

These few observations only hint at the educational disadvantages which literally thousands of pupils are experiencing because of the lack of proper schoolhouses. Failure on the part of the present generation to provide adequate education for the future generation of citizens now in our schools is visiting on the next generation a handicap of untold burden which no one can estimate or now perceive.

RELIEF MEANS INCREASED APPROPRIATIONS

Since 1920 there has been a decided increase in the amount of money appropriated by Congress for schoolhouse construction. The annual appropriations during those years are as follows:

1920	\$85,000
1921	1,939,000
1922	980,000
1923	2,036,000
1924	1,300,000
1925	1,242,500
Total	7,382,500

During no corresponding period of the history of public education in the District of Columbia has so much money been provided for schoolhouse construction. On behalf of my associates, I desire to give public expression of our appreciation for the increased educational advantages provided through these increased appropriations.

From the facts already presented relating to the educational accommodations provided by these funds it is perfectly obvious that still further increases in appropriations for buildings must be made if the congested conditions are to be eliminated and justice done to our boys and girls.

I am undertaking to set before this body some detailed facts concerning your educational system and its needs, because I believe that when the real conditions are known the remedy will be readily applied. My knowledge of the fairness and right-mindedness of the people of Washington convinces me that the community will not allow its children to suffer educational injustices, nor will be long in correcting conditions which are unsatisfactory.

COMPARATIVE SCHOOL COSTS

In order that you as representative citizens of this city may have not only the facts relating to congestion in your schools but the facts relating to educational costs in the District of Columbia I now invite your attention to comparative data relating to the matter of school costs.

PER CAPITA COSTS IN CITY SCHOOLS

Statistical Circular No 1, issued by the Bureau of Education of the Department of the Interior on January 1, 1923, contains an analysis of the current expenses per student in average daily attendance in 170 city school systems. This information is for the school year 1921-22, and cities are arranged in groups according to the population of the cities.

CITIES WITH OVER 100,000 POPULATION

The tables show that among the 31 cities with a population of 100,000 or over included in this tabulation, Washington stands 22 from the top in the amount of money expended per pupil in her public schools. There are 21 cities that expend more per pupil than Washington for public education and 9 cities only pay less. The per capita cost of current expenses in Washington is \$77.69. At the head of the list of cities with 100,000 population or more stands Yonkers, N. Y., with an expenditure of \$121.60 per pupil. Other of the larger cities are: Springfield, Mass., \$118.90; Buffalo, \$116.60; Newark, N. J., \$110.89; Oakland, Calif., \$104.15; Boston, \$103.89; Detroit, \$102.95; San Francisco, \$94.59; Chicago, \$89.40; St. Louis, \$87.85; Minneapolis, \$84.52.

On the basis of the per capita cost of instruction in the cities comparable in size with Washington it is apparent that not enough money is now being expended for public education in Washington if Congress expects the Nation's Capital to take her rightful place educationally among the cities of her population class.

The complete information for the 31 cities of 100,000 population or over is contained in the following table:

Total current expenses per pupil	
Cities:	
Yonkers, N. Y.	\$121.60
Springfield, Mass.	118.90
Buffalo, N. Y.	116.60
Newark, N. J.	110.89
Oakland, Calif.	104.15
Boston, Mass.	103.89
Grand Rapids, Mich.	103.76
Detroit, Mich.	102.95
Albany, N. Y.	98.85
Spokane, Wash.	96.50
San Francisco, Calif.	94.59
Milwaukee, Wis.	92.69
Paterson, N. J.	89.51
Chicago, Ill.	89.40
St. Louis, Mo.	87.85
Dayton, Ohio	86.75
Camden, N. J.	85.62
Minneapolis, Minn.	84.52
New Bedford, Mass.	82.53
Fall River, Mass.	80.32
Providence, R. I.	79.95
Washington, D. C.	77.69
Philadelphia, Pa.	75.51
New Haven, Conn.	71.56
Scranton, Pa.	71.31
Louisville, Ky.	69.69
Reading, Pa.	67.51
San Antonio, Tex.	55.83
Atlanta, Ga.	51.74
Birmingham, Ala.	45.54
Nashville, Tenn.	34.63

CITIES OF 30,000 TO 100,000 POPULATION

There are many cities in the country with a population of from 30,000 to 100,000 people that are paying more for public education than is paid in the Nation's Capital. If Washington be compared with the 40 cities reported in this document, issued by the United States Bureau of Education, that comparison will show that 26 of these cities are now paying more per pupil for public education than Washington is paying and 14 only are paying less. In this group of 40 cities 9 cities are paying more than \$100 per pupil for public education, as compared with \$77.69 expended in Washington.

The following is a list of such cities with the per capita expenditure for current expenses in each city:

Total current expenses per pupil	
Cities:	
Muncie, Ind.	\$129.67
San Diego, Calif.	113.05
Hamtramck, Mich.	112.54
Duluth, Minn.	108.88
Niagara Falls, N. Y.	106.18
Stockton, Calif.	103.56
Topeka, Kans.	102.04
Terre Haute, Ind.	100.85
Fort Wayne, Ind.	100.39
Rockford, Ill.	99.97
San Jose, Calif.	95.11
Oshkosh, Wis.	94.24
Utica, N. Y.	94.09
Meriden, Conn.	92.44
Chester, Pa.	91.51
Wheeling, W. Va.	91.25
Auburn, N. Y.	90.88
Joliet, Ill.	90.87
Waterbury, Conn.	90.76
Lorain, Ohio.	89.32
Tacoma, Wash.	87.67
Passaic, N. J.	84.81

Cities—Continued.

Moline, Ill.	\$80.23
Green Bay, Wis.	79.48
Pittsfield, Mass.	79.44
Manchester, N. H.	79.04
Washington, D. C.	77.69
West Hoboken, N. J.	76.74
Newburgh, N. Y.	73.37
Quincy, Mass.	72.69
Taunton, Mass.	71.95
Perth Amboy, N. J.	67.12
York, Pa.	63.02
Hazleton, Pa.	62.47
Covington, Ky.	58.24
Danville, Ill.	51.06
Austin, Tex.	49.75
Wilmington, N. C.	49.29
Tampa, Fla.	42.31
Columbus, Ga.	35.78
Montgomery, Ala.	31.82

CITIES OF 10,000 TO 30,000 POPULATION

Fifty cities with a population of from 10,000 to 30,000 people are reported in this leaflet. If Washington be compared with these cities, it will be found that 21 cities are paying more than Washington is paying and 29 of these smaller cities are paying less.

The complete information for the 40 cities of from 10,000 to 30,000 population is contained in the following table:

Total current expenses per pupil.

Cities.	
Bloomfield, N. J.	\$109.06
Missoula, Mont.	105.55
Eureka, Calif.	100.84
Santa Cruz, Calif.	97.60
Plainfield, N. J.	96.62
Concord, N. H.	96.17
Grand Forks, N. Dak.	96.16
Huntington, Ind.	92.69
Astoria, Oreg.	90.96
Beloit, Wis.	90.94
Walla Walla, Wash.	89.58
Parkersburg, W. Va.	87.86
Janesville, Wis.	87.48
Dunkirk, N. Y.	86.89
Calumet, Mich.	85.85
Morgantown, W. Va.	85.85
Galesburg, Ill.	81.06
Sanford, Me.	80.57
Independence, Kans.	80.22
Aberdeen, Wash.	79.96
Keokuk, Iowa.	79.89
Washington, D. C.	77.69
Danbury, Conn.	77.56
Oneonta, N. Y.	76.80
Watertown, Mass.	76.48
Greenfield, Mass.	76.34
Nashua, N. H.	74.29
Clinton, Mass.	73.11
Urbana, Ill.	72.99
Johnstown, N. Y.	71.35
Norwich, Conn.	71.06
Leavenworth, Kans.	70.86
Ottumwa, Iowa.	70.62
Freeport, Ill.	70.33
Glendale, Calif.	69.48
Holland, Mich.	67.55
Enfield, Conn.	64.11
New Albany, Ind.	62.42
Columbia, Mo.	61.89
Lebanon, Pa.	61.77
Butler, Pa.	61.03
Carthage, Mo.	60.03
Fort Smith, Ark.	59.93
Enid, Okla.	56.16
Jeffersonville, Ind.	53.89
Chicago Heights, Ill.	52.35
Owensboro, Ky.	48.24
Marshall, Tex.	41.94
Bessemer, Ala.	31.26
Rome, Ga.	31.13
Gadsden, Ala.	30.70

CITIES OF FROM 5,000 TO 10,000 POPULATION

Of the 50 cities with a population of from 5,000 to 10,000 people there are 9 cities expending more than \$100 per pupil for public education, as compared with the expenditure in Washington of \$77.69 per pupil. If Washington be compared with this group of cities, it will be found that 23 cities are paying more than Washington and 27 cities are paying less.

Total current expenses per pupil

Cities:	
Williamson, W. Va.	\$117.60
Globe, Ariz.	111.53
South Amboy, N. J.	109.86
Marshfield, Wis.	109.77
Bozeman, Mont.	109.44
Monrovia, Calif.	109.05
Roselle Park, N. J.	107.39
Pendleton, Oreg.	107.20
Mount Clemens, Mich.	101.43
Sheridan, Wyo.	99.55
Santa Rosa, Calif.	98.06
Manistique, Mich.	94.50
Bennington, Vt.	93.99
Canaan, N. Y.	89.42
Oskaloosa, Iowa.	88.89
Stoughton, Wis.	85.89

Cities—Continued.

Montpelier, Vt.	\$85.27
Lewiston, Idaho.	84.15
Dixon, Ill.	83.21
Sterling, Colo.	83.10
Alma, Mich.	82.91
Mechanicsville, N. Y.	79.58
Latrobe, Pa.	79.29
Washington, D. C.	77.69
Girard, Ohio.	77.57
North Andover, Mass.	77.36
Rocky Hill, Conn.	76.29
Norfolk, Nebr.	71.65
East Conemaugh, Pa.	67.56
Wabash, Ind.	65.61
Marshall, Mo.	66.31
Houlton, Me.	65.66
Shelton, Conn.	64.06
Charleston, Ill.	63.44
Raton, N. Mex.	62.06
St. Charles, Mo.	62.48
Branford, Conn.	62.03
Vinita, Okla.	61.84
Vineyard, N. J.	61.31
Maysville, Ky.	59.16
Charlton, Iowa.	59.11
Logan, Ohio.	56.13
Milton, Pa.	55.40
Presque Isle, Me.	55.24
Suffolk, Va.	44.55
Frankfort, Ky.	43.94
Washington, N. C.	43.46
Ada, Okla.	38.86
Bicknell, Ind.	33.38
Albany, Ala.	31.13
Gainesville, Ga.	24.17

From the above facts it is clear that comparatively less money is now appropriated for public education in Washington than in most of the cities of corresponding size and that many of the smaller cities of the country are likewise paying more for public education than is being paid in Washington.

The inevitable conclusion from these facts is that more money may be justifiably spent for public education in Washington if the Nation's Capital is to provide education for its children comparable with that of other cities.

THE IMMEDIATE NEEDS OF THE SCHOOLS

Having described some of the conditions in the public schools, I now ask you to turn your attention to some of the steps which should be taken immediately looking toward the improvement of those conditions.

THE FIVE-YEAR BUILDING PROGRAM

Obviously, from the foregoing description of the needs of the schools, the most important subject for immediate consideration is the program for increased schoolhouse accommodations. The Board of Education has practically completed the preparation of a bill to be introduced into Congress at an early date proposing legislative authorization for a five-year school-building program. The purpose of this bill is clearly stated in its title, as follows:

"It is the purpose of this act, which shall hereafter be known as the 'five-year school building program act,' to provide a sufficient number of school buildings to make it possible to abandon all portables; to eliminate the use of rented buildings; to abandon the use of undesirable rooms; to reduce elementary school classes to a standard of not more than 40 pupils per class; to provide a five-hour day of instruction for elementary school pupils, thereby eliminating part-time classes; to abandon all school buildings recommended for immediate or early abandonment in 1908; to abandon other school buildings which have become unfit for further use since 1908; to provide a full day of instruction for high-school pupils, thereby eliminating the 'double-shift' program in the high schools; to provide for the annual increase in enrollment of pupils during said five-year period; and, in general, to provide in the District of Columbia a program of school-house construction which shall exemplify the best in schoolhouse planning, schoolhouse construction, and educational accommodations."

Several organizations have already adopted resolutions in support of this five-year building program.

APPROPRIATIONS BILL FOR 1926

The most immediate and urgent need and one to which attention should be immediately given is that of supporting the budget which is now before Congress covering school appropriations for the year 1926. The original budget of about \$12,500,000 has been reduced to \$9,185,271.

If the experience of the past is to be repeated this year, the probability is that some items for the schools will be still further reduced by the Appropriations Committee.

There is not an item in the school estimates now before Congress that is not urgently needed. There is not a single dollar included in the amount of money suggested for the various educational purposes that is not necessary for the conduct of an efficient system of education in Washington.

The Board of Education has done its part in organizing a budget covering the immediate needs of the schools. It has valiantly supported that budget before the Commissioners of the District of Columbia

and the Bureau of the Budget. Up to this time it has not been possible for the citizens to take any part in the support of the school budget. Now that the budget has become public, the citizens of the District should exercise every legitimate effort in convincing Congress that the estimates as submitted by the Bureau of the Budget represent a minimum amount that should be appropriated for the schools in the next appropriations act.

REORGANIZATION LEGISLATION

A committee made up of representatives of the House and Senate Committees on the District of Columbia made a careful inquiry and study of the conditions in the schools in 1921 and prepared a report on the subject. That committee invited several leading educators to advise with the committee as to necessary improvements in our schools. It was the uniform judgment of those appearing before the committee that, among other things, the authority and functions of the Board of Education should be extended, to the end that the Board of Education shall have the authority to do those things which the public traditionally looks to the Board of Education to do. A bill has been prepared by the Board of Education which proposed amendments to the organic act of 1906, looking toward placing such authority and responsibility on the Board of Education.

UNITED ACTION A NECESSITY

Perhaps the greatest need in the District of Columbia at this time is a more thoroughgoing understanding of the school needs than has heretofore existed and united action on the methods of satisfying those needs. With a united effort on the part of the people of Washington, much needed relief can undoubtedly be secured. Division of the people as to the urgency of the needs or as to the methods of satisfying those needs will inevitably postpone educational progress. Division of opinion among those interested in school problems should be thrashed out before matters are presented to Congress and not after legislation is introduced.

In my judgment, there is more favorable sentiment in Congress at this moment toward school improvement in Washington than there has been on any other occasion during the past five years. We have already taken a tremendous step forward in securing the enactment of the salary law. The conditions in the schools are well known to the great majority of the Members of Congress. In my judgment, it only remains for the people of the District of Columbia to unite on these various matters as they united on the teachers' salary bill. A most propitious opportunity only awaits our seizing it. If we fail to capitalize the present favorable situation, it will be a serious failure. The importance of improving public education in the District of Columbia is transcendent.

MEANING OF PUBLIC EDUCATION

"Education conserves, preserves, and produces. . . . Education does well to reproduce, and by reproducing to conserve the past; it does well to protect the past in the present; it does best of all in adding to the present accumulation of knowledge and power, thus making a future better than the past." H. H. HORN.

The entire personnel of the Nation changes in approximately 70 years. During this period of 70 years three generations of children should be educated. The educational system should furnish them not only with the accumulated knowledge necessary to their efficient citizenship but also should provide them with the abilities and skills necessary to perform their part of the work of the world. Moreover, the educational system must also inculcate in the future citizens patriotic ideals and the necessary virtues of courage, honesty, honor, sincerity, pride in work well done, unselfish service, self-control, duty, obedience, reverence for God, and respect for all mankind.

The education of an individual is a slow and continuous growth. It extends over a considerable period of years within the school system and continues throughout the large portion of one's life. Any interruption to that education in any given year due to lack of school facilities, whether buildings, books, or inadequately trained teachers, represents time irretrievably lost. In this respect the problem of providing adequate education differs from any problem of municipal government. If the streets are neglected one year an increased appropriation the following year will make up the deficit. No such possibility exists with respect to the education of children.

School systems of the larger cities, like individuals, establish reputations for themselves by what they do or do not do. The fine reputation of many cities is largely made by their school systems. Other cities have unfavorable reputations, due in large measure to the conditions in their public schools.

The superintendent of one of the larger cities of the country, in his annual report recently published, called attention to the fact that 175 of the leading educators of the country had classified the larger cities of the country in accordance with their educational reputations. School systems were classified by these 175 educators (a) for efficiency of organization, (b) instruction of cripples, (c) military training, (d) playgrounds, and (e) visual instruction, and many other topics.

It is an interesting commentary on the public-school system of Washington that it is known among the educators of the country only be-

cause of the high-school cadets. Washington is not mentioned in the enumeration of a large number of cities with respect to its organization, its supervision, its teachers and teaching, and the other activities which constitute an efficient school system.

The members of the chamber of commerce are fully aware of the value of advertising. You know that the reputation of this city is a tremendous asset to the business and professional interests in Washington. The school system should be the greatest asset of the community. The commercial and professional interests of Washington can not afford to let it become a liability against the fair name of the Nation's Capital.

At one time in our educational history to encourage boys to attend school, it was customary to emphasize the value of education by pointing out the advantages which an educated person possessed over an uneducated person. Education was conceived in the terms of an individual and its financial and social profit to him.

To-day, emphasis is placed on the importance of education to the public welfare. The wealth of a community is taxed for public education. Individuals must pay taxes whether they patronize the public schools or not. Compulsory attendance laws throughout the Nation require children to attend school to the end that they shall receive the minimum amount of education necessary for intelligent citizenship.

The present view is that education is for the purpose of training the individual to take his part as an efficient citizen and to assume his responsibility and to discharge his obligations toward his home, his church, his school, his community, his State, and his Nation.

In its resolutions in 1924, the department of superintendence stated the present purpose of public schools in the following language:

"The public demanded physical and health education, courses in civics and patriotism, in fire and accident prevention, in music and drawing, in industrial and household arts, in science and commercial studies, expanded options in foreign languages and history, classes for the mentally and physically disabled, part-time and continuation courses, open-air schools, night schools, summer terms; in short, a public service was demanded of the schools to meet changing domestic and economic conditions unheard of a generation ago. Local pressure and legislative enactment established the present public-school program and changed public schools from places for the intellectual training of a selected few to public-service stations whereby and wherein all might be equally served irrespective of race, color, creed, economic status, or parental occupation."

Vast sums of money are being expended throughout the Nation for public education. It is the expectation of the public that those funds will be judiciously and economically expended. It is the responsibility and duty of those in charge of public education in the municipalities and States of the Nation to see that the money appropriated for public education results in the greatest educational advantage to the pupils in our public schools.

The establishment of higher salary schedules for teachers and other employees of the Board of Education will inevitably result in increased expenditures in Washington. Likewise appropriations for schoolhouse construction must be increased. The superintendent of schools and those associated with him in the administration of public education in Washington accept full responsibility and accountability to the public for an efficient and economical administration of the public-school system.

Money expended for public education is an investment rather than an expenditure. It is an investment in the lives of the boys and girls now in the schools. Efficiently trained citizens are the greatest asset of a democracy. The more money spent for the efficient education of our boys and girls and the Americanization of the foreigners, the less money will be necessary to combat the enemies of the Republic from within who are constantly attempting to dynamite the pillars of our national structure.

The more efficient our citizens support our institutions, support themselves, and support those dependent on them, the less money will have to be expended for poorhouses, jails, and penitentiaries. Jails, penitentiaries, and poorhouses are corrective, remedial, and punitive institutions, and are a burden which society as a whole must bear. The public-school system stands as the preventive agency against want, ignorance, and criminality. An ounce of prevention is worth a ton of cure.

An education is the birthright of every child in this democracy. To deprive the child of that birthright is to impair his efficiency as a citizen in the next generation, and to threaten the very existence of democracy itself. We must never forget that one generation is only a single generation removed from illiteracy. Close all educational institutions for one generation and the next generation must be illiterate.

Economy in the appropriations for public education must not be allowed to reach the point of decreasing the efficiency of the present educational program. The public schools are to-day the most potent, most powerful, and most promising single agency making for the unification, stability, and progress of our American institutions. The

destiny of democratic institutions rests upon public education. The citizens of the future Republic are now passing through the schoolrooms of America, where the traditions of our free institutions are conserved, preserved, and transmitted. What the future of America and of American education shall be rests with the American people. The system of public education in the Nation's Capital should lead the way.

COLUMBIA BASIN IRRIGATION PROJECT

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Washington asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. SUMMERS of Washington. Mr. Speaker, on yesterday I called up Senate Joint Resolution 157, extending the appropriation in connection with the Columbia Basin investigation. Objection was made, and the suggestion was further made that it be amended. I now wish to call up that resolution and offer the amendment agreed upon, making the funds available until the 15th of February, 1925, for completing the report on which the Department of the Interior has been working for 18 months. The report is not completed and can not be made available for a few weeks. I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 157, which is identical with House Resolution 312 introduced by me three days ago.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the title as follows:

Joint Resolution 157, extending appropriations in connection with the Columbia Basin investigation.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. GARNER of Texas. Reserving the right to object, I understand the gentleman makes the request to take from the Speaker's table the Senate joint resolution and pass it with a certain amendment. May we have the amendment read in connection with the resolution before we give consent?

The SPEAKER. The Clerk will read the resolution with the amendment.

The Clerk read as follows:

Joint resolution (S. J. Res. 157) extending appropriation in connection with Columbia Basin investigation

Resolved, etc., That the unexpended balance of the appropriation contained in the act of March 4, 1923 (42 Stat. L. p. 1546), making appropriations for investigation of the feasibility of irrigation by gravity or pumping, water sources, water storage, and related problems in connection with Columbia Basin project, is hereby re-appropriated and made available immediately and to continue available until the 15th day of February, 1925.

Mr. GARNER of Texas. If I understand the purport of this resolution, it is merely to extend the time in which the commission can function under an act of Congress passed March 4, 1923?

Mr. SUMMERS of Washington. That is correct.

Mr. GARNER of Texas. It extends the activities of the commission until February 15, 1925, extends the time in which they can do the work and extends the time for payment.

Mr. SUMMERS of Washington. That is correct.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SUMMERS of Washington, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

ORDER OF BUSINESS

Mr. LONGWORTH. Mr. Speaker, it will be necessary for the House to remain in formal session in order to receive the resolution just sent to the Senate, but I think there is no necessity for gentlemen remaining here who desire to go away. I shall in a few moments ask unanimous consent for a recess until the receipt of the resolution. Before doing that, however, if I may have the indulgence of the House, I want to say that I have a feeling of real pride as a Member of this House in the very unusual amount of public business that has been transacted so far during the session. In addition to a great deal of important and valuable legislation we have passed three of the great appropriation bills—the Interior Department appropriation bill, the Agricultural appropriation bill, and the naval appropriation bill. That is a record that, so far as I know—certainly in the more than 20 years that I have been a Member of the House—is absolutely unprecedented. It

is an illustration of the very good feeling that has been manifested on both sides of the aisle since this session first began. It is an illustration also of the confidence the membership of this House has in the great Appropriations Committee and in its chairman, a financial genius—I do not think that is too strong a word—the gentleman from Illinois [Mr. MADDEN]. [Applause.] It also shows its confidence in his associates on the various subcommittees on both sides of this aisle who have piloted these bills through the House. I think it is a very happy situation, Mr. Speaker, that this confidence exists in the great committees of the House, and it shows that a large majority of the membership here are much more interested in the dispatch of public business than in seeking opportunities for self-aggrandisement.

Under these circumstances, Mr. Speaker, I think the Members of this House have well earned their holiday, and, before asking unanimous consent to recess, permit me to extend to every one of them my best wishes for a merry Christmas and a most happy and prosperous New Year. [Applause.]

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. SEARS of Florida. Mr. Speaker, I think we may just as well kill time by listening to me as to the able gentleman from Ohio [Mr. LONGWORTH] or by recessing, while we are waiting for the Senate. I also feel grateful over the way in which we have transacted business here, but I rise for the purpose of calling the attention of Members of the House to the remarks I made yesterday, in which I undertook to convince them of the importance and necessity for the improvement of the submarine base at Key West, Fla. In view of the very close vote on the proposition, I believe, and sincerely trust, that the Senators from Florida, knowing as I do their ability and influence, will have that amendment incorporated in the bill and that it will come back to the House, by which time my colleagues will have read the references to which I referred them yesterday, and which I did not have time to read, and that a majority of them at that time will be with me. I shall never forget those who so ably assisted me and who believe that this is a meritorious proposition. I have no words of condemnation for those who disagreed with me, because each man has a duty to perform and he should vote as he sees his duty.

During the time that I am on my feet, Mr. Speaker, I desire to call the attention of the majority leader to the river and harbor bill. I do this because when we return next January we who believe in river and harbor improvements, and who have always fought for those improvements, would like to know where we are and just what we may expect. When I left here last June after we closed I left with the tacit understanding that the river and harbor bill would be taken up at the beginning of this session. I so stated in my campaign, and in order that I may place myself right let me say that I was surprised when it was not considered.

I am not criticizing my good friend from Ohio [Mr. LONGWORTH] nor any of my colleagues, but unless the river and harbor bill is considered by at least the 15th of January, even should this House pass it, it is doubtful that it would have time to get through the other body. Therefore I hope, in order that we may know how to govern our actions in the future, that when we return we may be informed just when the bill will be brought up. I hope the majority leader will then be able to give us that information.

I also hope that some relief along the congested postal conditions may be enacted during this session, and that the Committee on Appropriations, when it brings in its bill, will carefully look into those conditions. Just this morning I received a letter from my district asking me to help out a Republican postmaster because she was receiving only \$600 for clerical help and she had to employ three clerks out of the \$600, and the additional amount she had to pay them practically consumed her entire salary, and she was giving her time for nothing. That condition should not exist. We are taking care of your people, and not my people, and I am appealing for them, and not for myself. In justice to the department, I should say that when I called up the department this morning they said they thought they could give relief in a case like that and they would take it up with the postmaster at that place; but there are many post offices in my district in that condition.

It is easy when we win to smile, and it is hard to smile when we lose; but I like a graceful loser, and while I lacked only a few votes yesterday to make the fight successful, I appreciate some of the arguments that were used to keep others from

voting with me. I therefore join with my good friend from Ohio in wishing each and every one of my colleagues a merry Christmas and a happy New Year, and I trust that the next year will be the most prosperous year that we have ever known. [Applause.]

THE LATE SAMUEL W. PEEL

Mr. TILLMAN. Mr. Speaker, yesterday at Bentonville, Ark., Col. S. W. Peel, who represented the third district of Arkansas for 10 years, something like 30 years ago, and who was a colleague of the Speaker of the House, died at the advanced age of 93 years. I ask unanimous consent that I may extend my own remarks in the Record in a brief eulogy of the life and character of this distinguished citizen.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. TILLMAN. Mr. Speaker, I first saw Colonel Peel in the old courthouse at Fayetteville. I was a small boy; he a handsome young prosecuting attorney making the closing argument in a murder case.

I saw him last, one month before his death, sitting on the side of his bed, bowed under the burden of his 93 years. He was stricken with bodily infirmities, but cheerful and smiling as of old, facing the swift-coming end with a fortitude that became him, gamely proclaiming his readiness to cross the bar and put out to sea for the final voyage. When I told him good-by I knew I would never see him again.

He had no cause to dread death. He told me so. Full of years and honors, why should he fear to die?

Why shun the gentle sleep,
The rising star,
The love that beckons from the deep
Of Life afar?
The wheat grain dies, and upward through the earth
It grows in loveliness beneath the sun.
So immortality finds birth
When life is done.

He loved his friends and his family as few men do. His family and friends loved him loyally. During his long and useful life he was the best loved citizen of the district.

Colonel Peel was born in Independence County September 13, 1831. He entered the Confederate Army as a private and rose to the rank of colonel of the Fourth Regiment Arkansas Infantry. He served with distinction in Congress, besides holding other positions of public trust.

The game of life is a fighting game, and the political game particularly is a fighting game, and Colonel Peel was a red-blooded fighter and a man's man.

The color of the ground was in him, the red earth, the smack and tang of elemental things, the rectitude and patience of the cliff, the good will of the rain that loves all leaves, and the friendly welcome of the wayside well.

He fell like a stately oak, and leaves a lonesome place against the sky.

He was a born leader of men in peace as in war. But he rides no longer at the head of the troop.

The chief is fallen, so the troop
To-day rides slowly;
Sad heads bend low—broad shoulders droop
Where death lies holy;
And there are tears in weary eyes,
As rain from winter's weeping skies,
Where every sobbing south wind sighs
A requiem lowly.

The chief is fallen. Halt the guard
For voiceless prayer.
Love's pale lilies crown the sward
Above him there;
And through the lonesome trees that sway
Above his rose-crowned rest to-day
Life's lost winds whisper on their way
Love's deep despair.

No answer now from white lips pressed
And unreplying;
Still hands upon a silent breast
Forever lying;
But out from God's white land of light,
Beyond the field, beyond the fight,
His clear voice rings across the night
With strength undying.

A long good night to you, Colonel Peel. You gave the world more than the world gave you. Loving father, loyal friend, incorruptible servant of the people, hail and farewell.

WILLIAM J. OLIVER

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent to reproduce in the Record an editorial appearing in the Knoxville Journal and Tribune of December 17 last bearing on the bill for the relief of William J. Oliver which is now the unfinished business on the Private Calendar.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

Mr. BLANTON. Mr. Speaker, I shall not object, but if this editorial writer had approved of the move to send this case to the Court of Claims to be decided judicially upon law and equity it would have more force than just the mere asking of Congress to pay over a big amount of money.

Mr. TAYLOR of Tennessee. Well, I will ask the gentleman from Texas if he will carefully read this editorial?

Mr. BLANTON. I have read it; it was sent to me direct. [Laughter and applause.]

Mr. TAYLOR of Tennessee. Then, let the gentleman read it again.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Tennessee. Mr. Speaker, under the leave granted to extend my remarks in the Record I insert the following editorial from the Knoxville Journal of December 17, 1924:

COLONEL OLIVER'S CLAIM

There is now before Congress a bill to compensate Col. William J. Oliver for losses he sustained in the operation of his plant during the World War. The sum recommended, that of \$170,000, is believed to be grossly inadequate to the false arrest of Colonel Oliver in connection with the manufacture of shells on order from the American Government but intended for and used by the Italian Government. The sum sought by Colonel Oliver was \$1,000,000, but the Claims Committee of the House has reported in favor only of the sum of \$170,000, and it appears that Congressman TAYLOR, of this district, and other Members of Congress favorable to the Oliver claim will have to wage their bitterest fight in order to put over the smaller amount. They have been fighting valiantly. They should win.

Since he was struck down by a motor truck some two years ago Colonel Oliver has been physically unable to look after his claim, the pushing of which has been left to his counsel and his friends. The small sum approved by the Claims Committee falls far short of recompensing the manufacturer for the injustice done him by way of false accusation and the money damage suffered in the taking over of the plant by the United States Government.

Congressman TAYLOR believes that the entire claim should be paid. Thousands of others right here in Knoxville feel the same way. It has always been believed here that Oliver was the victim of a frame up, that he was done an irreparable injury throughout the whole proceedings back in 1918, and that he should be recompensed in proportion as he was humiliated and made to suffer financial loss. He was tried and vindicated. Nothing was found against him. Meantime he has been ruined. His plant has been sold for a song. His health has been impaired for at least two years. For weeks his life has been despaired of.

Why should not this great body of Americans, representing American freemen, make some measure of restitution to this man who has been humiliated and ruined through the action of the Government that he was trying to serve so loyally; in whose service his son had enlisted and whose life, possibly, was at stake if things were not as they should have been with those shells that the loving father was making? Great was the wrong done him. The reparation, so far as dollars and cents are concerned, should be in proportion to the falsity of the charges against Oliver, in proportion to the humiliation suffered. Pay, and pay well.

SETTLEMENT OF DEBT WITH LITHUANIA

Mr. GREEN. Mr. Speaker, I rise for the purpose of having a correction made in a public document. At the time of the discussion on the bill for the settlement of the indebtedness of Lithuania with the United States the Committee on Ways and Means presented a report accompanying the bill, in which a copy was made of a public document which was purported to be a copy of the settlement made with Lithuania. In that report of the agreement that had been entered into with Lithuania, subject to the approval of Congress, there was an error in reference to the rate of interest which accrued on the original amount of the obligation, and on page 5 of the report there is a statement of the amount of principal and also of the interest accrued, according to the document, at 4½ per cent interest. As a matter of fact, the original agreement provided

for 4½ per cent interest, and it was so calculated; but there was a mistake in the printing of the document; that is, I suppose it occurred in that way.

Mr. CRISP. If the gentleman will permit, I desire to say that I wrote the report and incorporated in the report the Senate Executive document, and my information is that the Printing Office in printing the Senate Executive document had the rate of interest specified at 4½ per cent, when it should have been 4¼ per cent. I do not think the matter affects the transaction in the slightest, because the bill, of course, controls, and it is correct. This is simply an error of the Printing Office in printing the rate of interest in the Executive document at 4½ per cent, when it should have been 4¼ per cent.

Mr. GREEN. The only importance is if anyone should read this report and make a computation of the interest he would come to the conclusion there was something wrong. As a matter of fact, the interest rate was 4¼ per cent. Now, I do not know whether it is in the power of the House to have the original document corrected.

The SPEAKER. The Chair does not see how the House could. The committee can make the correction if it wishes it, but the gentleman has stated it so it is in the RECORD in regard to the error. The Chair does not think Congress can take any action.

Mr. GREEN. As stated by the gentleman from Georgia, the legislation passed is correct, and the only trouble that could possibly arise would be in case of some one who went over those figures to verify the calculation.

Mr. WINGO. If the gentleman will yield, I would like to get a little information. Can the gentleman take the House into his confidence and advise us whether in the refunding program of the Treasury it is intended to refund our debts by new bond issues, and instead of issuing bonds bearing interest of only 3 or 3½ per cent is it intended to keep up the policy of putting out 4 per cent bonds, as it has done recently?

Mr. GREEN. The gentleman is inquiring with reference to the policy of the Treasury, over which the committee has no direct control, and at this time I can not advise the gentleman as to the intent and purpose of the Treasury.

Mr. WINGO. Well, I felt sure the gentleman's position and responsibility, as well as the natural curiosity of the gentleman, would have enabled him to have at least some information as to what is going to be done with these billions of refunds. I should think when he came to consider the question of approving the settlements with these foreign nations that he and his committee would have considered that, because the gentleman knows that one of the pledges we made to the American people was that we would make our foreign debtors pay us the same rate of interest that the taxpayers are having to pay on the billions we borrowed to loan to Europe, and notwithstanding the present rate of the investment market the bonds recently have been issued bearing 4 per cent. In other words, long-term bonds covering the refund on the bonds which were issued to get the money to loan those nations are now being issued at 4 per cent. Has the gentleman any justification for that?

Mr. GREEN. I do not understand fully the question of the gentleman from Arkansas.

Mr. WINGO. I am surprised. Does the gentleman justify the issuing of 4 per cent Government bonds in the present condition of the bond investment market?

Mr. GREEN. I can not inform the gentleman accurately as to the present condition of the investment market. Long-time bonds, however, may sometimes necessarily bear a rate of interest greater than the call rate, or even the short-time rate.

Mr. WINGO. But the gentleman knows, if he has studied and kept track of it—as he is sure to have done, occupying the position which he occupies—that there is a certain enhancement for all long-time Government bonds over the short-time bonds of the same rate and character by reason of their investment value, and the gentleman knows that the level of Government credit on long-time bonds at the present time is below 4 per cent. Why issue them above the level?

Mr. GREEN. I do not think that statement is strictly accurate. It is true that sometimes long-time bonds can be sold at a lower rate of interest than the short-time bonds.

Mr. WINGO. In what particular does the gentleman say my statement is incorrect? Does the gentleman challenge the statement that the interest level of Government long-term credit at the present time in the bond market is not below 4 per cent?

Mr. GREEN. The gentleman heard my statement.

Mr. WINGO. I want to know if the gentleman challenges the accuracy of the statement I make that the interest level of Government long-term credit at the present time in the bond

market is not below 4 per cent? Does the gentleman challenge that?

Mr. GREEN. The gentleman may find a fraction of a difference somewhere, but does the gentleman know of anything that is being negotiated at long time for less than 4 per cent?

Mr. WINGO. Yes. If the gentleman will investigate the quotations in financial magazines, he will know that the yielding or income rate on long-term Government bonds runs from 2.8 to 4.

Mr. GREEN. That depends on the purpose for which the bonds are issued. Some bonds are issued for the purpose of securing circulation of national-bank notes. Such bonds can be negotiated at a lower rate of interest.

Mr. WINGO. Has the gentleman read the memorandum of the Treasury covering that very question?

Mr. GREEN. Oh, yes.

Mr. WINGO. Does he not know that according to that memorandum the highest comparable credit of the Government was 3.88? The gentleman challenges the statement of the Treasury when he challenges my statement.

Mr. GREEN. I do not care to get into any such discussion.

Mr. WINGO. I have disclosed what I was seeking, Mr. Speaker, and that is the frank admission of the chairman of the Committee on Ways and Means that, notwithstanding the refunding of billions of debts owed to this Government, he has not inquired into that, and does not know anything about it.

Mr. BLANTON. Mr. Speaker, I make the point of order that the gentleman from Arkansas should question some one closer to the Secretary of the Treasury than is the chairman of the Committee on Ways and Means.

Mr. WINGO. The gentleman admits that the gentleman from Iowa knows nothing about the value of Government securities.

Mr. GREEN. I know that the gentleman from Arkansas does not.

HEALTH AND MORALS UNDER PROHIBITION

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Georgia asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. UPSHAW. Mr. Speaker, some of my genial colleagues have asked me, as the holidays approach, if I was going to deliver my annual sermon on the proper, constitutional demeanor of lawmakers during the Christmas holidays. [Laughter.] I am going to announce, for the relief of a certain element here, that I am not going to deliver that speech. [Applause.] Mr. Speaker, I appreciate the "damp" source of that applause. [Laughter.] I could lift no higher standard of Christmas conduct than that every official in Washington and everywhere will spend Christmas as sober and in a manner as exemplary as he would have his own son to spend it.

Instead of delivering that speech, however, I want to ask the privilege of making a real contribution to the constitutional enforcement of our prohibition law and to personal obedience to that law in extending my remarks in the RECORD by printing a very remarkable utterance of that great Christian physician, Dr. Howard A. Kelly, of Johns Hopkins University, on "Prohibition and health." I think it will make all men and women who read it better constitutional lawmakers.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. UPSHAW. Mr. Speaker, under permission granted me to-day by the House, I am making a wholesome Christmas present to the friends of constitutional prohibition and personal and national sobriety by publishing a remarkably strong article on "Health and morals under prohibition" by that famous surgeon and Christian patriot, Dr. Howard A. Kelly, of Johns Hopkins University.

HEALTH AND MORALS UNDER PROHIBITION

(By Howard A. Kelly, M. D., Baltimore, Md.)

The weakness and utter collapse of the liquor case is admirably bared in an article entitled "Health and Morals vs. the Volstead Act," in the January issue of *Health*, by its own doughty champion, Dr. S. Dana Hubbard, of New York, who, in an artistic concession to prohibition, first paints a lurid picture of intoxicants which he declares to be "the cause of a long record of crimes, poverty, disease, ruined hopes, wrecked ambitions, broken homes, destroyed families, orphaned children, besotted intellect, warped judgment, perverted moral faculties, ravaged physiques, and riot with reason." His indictment of alcohol is faultless. But, with a curious lack of logic he almost in the same breath hints darkly

at "animus, prejudice, bad reasoning, and deliberate falsehood and vilification," talks of elucidating the problem "in all its peregrinations," and then asserts as a climax to his argument (sic) "Prohibitory laws (and here we include all kinds) are unwise, and their adoption will be opposed, and it is a settled fact that legislation can not perfectly extirpate the use of intoxicating liquors as a beverage." What a farrago! Who can digest it, and what follows?

Without a blush this alcoholic protagonist goes on to voice for the nth time in histrionic basso profundo the sorry, ancient gag about the dangerous precedent of "interference with personal liberty," as though, in a civilized state, in any organized social body, any sane man really wants such an incommensurable, stupid thing as personal liberty, liberty for every man to follow the lead of his selfish desires and his passions. The man who marries, has children, engages in business, acquires property, and seeks protection in the enjoyment of these privileges and rights, ages ago, with the making of the very first laws, recognized his status as a social being and abjured his personal liberty as an evil encumbrance, fit for the savage and not conformable with civilized life. Personal liberty forsooth; it is the veriest claptrap and befuddlement of the demagogue playing on weak minds. I pause to deal somewhat fully with this folly, often cited as a potent argument against prohibition.

Let our wily doctor who blows hot and cold with the same breath, and all his ilk, learn that at the foundation of all law is the principle laconically expressed in four words, "Lex suprema salus populi." Be it known that it lies within the purview of the state to enact any law whatsoever, a law commanding citizens to abstain from eating or from drinking or from doing anything by which the law-making body, representing a majority of the citizens, judges that the public weal is jeopardized. Read here Eli F. Ritter's Civil Law and Moral Law, One and the Same Thing. I notice incidentally that while he steps on the forte fortissimo pedal when discussing personal liberty, as a liquor apologist he poses pianissimo and with averted face, when we inquire whether the control of the sale of narcotics is not obnoxious to his personal liberty and whether or not these cases are parallel.

I hasten to confess, before Doctor Hubbard himself makes the damning discovery to taunt me with it, that I come from one of the saddest States in the Union, one of the original noble thirteen, which has lapsed into utter degradation, with a governor who, though a lawyer by profession, and a man of astuteness and ability, is a strong opponent of a part of the Constitution of the United States which interferes with his "personal liberty" ideas; a State harassed by a legislature which joined it in unholy matrimony to the gamblers of the country, and, in addition, committed the supreme folly of voting for the prohibition amendment and then refused to take the necessary steps to make it effective. Alas, in Baltimore our finances, our courts, and the general management would in many parts be benefited if they were intrusted to a class of grammar-school boys. But under these extreme discouragements such is the efficiency of our national prohibition forces that we are markedly better off even under unaided Federal supervision.

I am puzzled to know how my New York colleague can declare that prohibition fails here or in his own lawless State, where it has never really honestly been tried. Is it not simply a piece of blind folly and befuddlement to declare that prohibition is a failure in a section where it has never been tested? In what contempt would he justly hold my judgment if I insisted vehemently that a laudable and wisely used operation was no good, and when asked, "Have you ever tried it?" I answered "No."

We look on with benignant satisfaction down in this border State, when a certain wet HILL, whom Doctor Hubbard eagerly clutches under the alias of "a gentleman from Maryland (God bless him)" at last nestles in the embrace of such an intellectual peer and running mate. Verily, the wisdom of the ages is justified and liquor is damned in the house of its friends, the saloon keepers, the bootleggers, the brewers, the distillers, the Hubbards, and the Hills, and "The wicked is snared in the work of his own hands."

Let us, however, not fall to learn a salutary lesson from our opponents, who harp also on the maxim "you can not legislate people into righteousness." The gist of that matter clearly is this: Our laws are our standards of righteousness in our social relations; they are not designed to express the average opinion of the mob but the best judgment of the best men elected to make them; they must have the support of a considerable number of our best people to be wholly effective, those who favor good laws must make it their chief concern to win the sympathy and adherence of all who disagree with them. This was expressed in a Book written 2,000 years ago, which declared "I will put my laws in their minds and in their hearts will I write them."

It is the business of the State to enforce all its legislative enactments impersonally and impartially; it is the business of Christian people to win all the people to love good laws and to keep them from their hearts; in this duty I fear we have failed.

In senses, perhaps, not obvious to the writer, this antiprohibition article is a gem in our controversial literature, and I hope it will be

widely circulated as one of the strongest arguments for our great cause with the superscription, "He made a pit and digged it and is fallen into the ditch which he made." How often has this proven true in the lives of the liquor men, in their sons and daughters, and in all that makes life worth living; all sacrificed to the alcoholic demon just to grasp wealth.

Let me here cite for Doctor Hubbard and for all who care for facts some dogmatic statements for their better instruction that he that runs may read.

FACTS THAT OVERWHELM THE "WETS"

No other social policy formulated in legislation has ever produced such immediate and beneficial results affecting the health, prosperity, and morals of a nation as the ratification of the eighteenth amendment and the passage of the Volstead Act. Its record of achievement in four years would be incredible if it were not that it is plainly written in the official figures of the Census Bureau, the health boards of the various States, the records of insurance companies, the published reports of police chiefs, and in the mass of economic data issued regularly by national trade organizations.

Former opponents of prohibition, including members of the famous committee of fifty, such as President Emeritus Elliot, of Harvard University, and Prof. Henry W. Farnam, of Yale University, are to-day among its ardent advocates, won by the results achieved in spite of the organized opposition of the traffic.

From a physician's standpoint, the most interesting change is the decreased mortality; the crude death rates issued by the Bureau of the Census are for the years named:

1913	14.1
1914	13.6
1915	13.6
1916	14.0
1917	14.3
1918	18.1
1919	12.9
1920	13.1
1921	11.6
1922	11.8

1923 is not yet stated officially. Reports from 65 cities, received each week during 1922 and 1923, show a death rate of 13.0 for 52 weeks of 1923, as compared with 12.5 for the same period in 1922. On the basis of the ratio between the death rate of these cities and the Nation in 1922, the death rate for 1923 may be estimated at 12.2 per 1,000 population. The average annual death rate from 1913 to 1917 was 13.92 per 1,000. Since the influenza epidemic made the 1918 rate abnormal, it may be ignored, although the greater mortality among users of alcohol definitely increased the toll of death. Had the average rate of the five wet years prevailed in the years of prohibition, 873,075 more deaths would have been recorded. Prohibition did not save all of these lives, but no other single factor affecting the entire people did so much to reduce mortality.

The decrease in the death rate from tuberculosis of all forms is significant. This was between 140 and 150 per 100,000 in the years before prohibition, the lowest figure recorded in the wet years being 14.2 in 1916. The following figures, as issued by the Bureau of the Census, show the continuous decrease since alcohol was outlawed as a beverage:

1919	125.9
1920	114.2
1921	99.4
1922	97.0

One might quote like decreases in the death rate in other diseases in which the use of alcohol depresses vitality and breaks protective barriers.

The decrease in deaths from alcoholism under prohibition appears in the following figures.

Alcoholism death rates per 100,000 policy holders in the Metropolitan Life Insurance Co., Industrial department:

1912	5.3
1913	5.2
1914	4.7
1915	4.1
1916	5.1
1917	4.9
1918	1.8
1919	1.4
1920	.6
1921	.9
1922	2.1

Alcoholism death rate—United States Census Bureau:

1912	5.3
1913	5.9
1914	4.9
1915	4.4
1916	5.8
1917	5.2
1918	2.7
1919	1.6
1920	1.0
1921	1.8
1922	2.0

The increase for 1922 is marked, due probably to the propaganda of opponents of prohibition, but is still far below the lowest recorded for the license era. This is the more significant, since the intoxicants obtainable are usually poisonous. If any considerable fraction of the former quantities of liquor was now being used, the dangerous beverages of the bootlegger would send the alcoholism death rates soaring. That these rates continue to fall is good evidence of the effectiveness of prohibition in greatly decreasing liquor consumption.

BETTER LAWS AND BETTER MORALS

These gains in health are echoed in better law observance and morals. While it may not be possible to make a people moral by statute, it is possible to remove the world's greatest incentive to immorality and lawlessness by prohibiting the sale of intoxicants. The United States Census Bureau declares that "The comparable ratios of prisoners to 100,000 population for July 1, 1922, and July 1, 1917, are 137.2 and 143, respectively." This decrease of 5.4 per 100,000 means, on the Census Bureau's estimate of 109,248,393 population of 1922, 5,986 fewer prisoners for the year 1922 as compared with the year 1917.

Judge Gemmill, of Chicago, eminent authority on criminology and criminal statistics in America, declares that the decrease in the ratio of drunkenness arrests in 1922 as compared with the preprohibition rate is equivalent to 500,000. The daily evidence lies patent to any observer, however prejudiced, that an intoxicated man is to-day a rare sight on our streets, where they were seen by scores four years ago.

With this decrease in drunkenness has faded the brothel and with it much venereal disease. Sober men were not often patrons of the baguio in the past nor are they to-day. We record our venereal cases to-day with more care, and the reporting of cases is in many States compulsory. Where comparable figures exist, they demonstrate a decrease since prohibition banned both the saloon and its foster child, the house of prostitution.

The national economic gains of prohibition are the natural result of the diversion of the former drink bill, totalling billions of dollars annually, into the channels of legitimate business. The increased efficiency of the worker, the reduction of production costs through elimination of costly industrial accidents, the transfer of thousands who were charges upon society because of destitution or crime caused by drink into producers of wealth, the larger buying power of former saloon patrons, have contributed in no small degree to stimulate the healthiest as well as the greatest period of prosperity we have ever known.

BILLIONS OF DOLLARS SAVED

The addition of a billion dollars to savings accounts, the purchase of a billion dollars in life insurance monthly, the almost incredible increase in home building, in retail trade, in purchase of luxury goods as well as the necessities of life, the countless millions spent upon radio, theaters, automobiles, and other forms of recreation and entertainment which cater to the former patrons of the saloon as well as to the general public, testify to an unparalleled prosperity. When we emptied the saloons we depleted jails, poorhouses, inebriate asylums, and alcoholic wards, and in their stead we now support churches, schools, banks, stores, factories, theaters, and playgrounds.

The amendment could not have been ratified by the liquor man's beloved "referendum," for the Constitution defines clearly the one proper and legal course that was followed in the ratification of the eighteenth amendment. The autoschediastic opinion of Doctor Hubbard—that the amendment is unconstitutional, an invasion of State rights and State sovereignty, and an interference with the personal liberty of the citizen—is diametrically opposed to the decisions of our Supreme Court of the United States. Shall we consider abandoning our Supreme Court and inviting the bramble bush from the hillside to cast his agis over us?

The charge that prohibition does not represent the will of the people of the United States is a falsification, for under our system of government as provided by our Constitution the people, by popular vote, elect their representatives who are to make their laws. At the time the eighteenth amendment became effective 33 States had previously by State action adopted the prohibition policy, and in a number of the remaining States a large portion of their territory was dry by virtue of the will of the people expressed in local-option elections. Albeit these were times when the liquor men bated the referendum.

If the antiprohibitionists have ever adverted to this pregnant fact, it must have been in a voice so bated that only a microphone could detect it. The modus operandi was this: The resolution submitting the eighteenth amendment was passed by a two-thirds vote of Congress; it was then submitted to the legislatures of the States, and ratified by the legislatures of 46 out of the 48 States. This was equivalent to the approval of two Federal legislative bodies—the House of Representatives and the Senate—and of 92 State legislative bodies, since each legislature is composed of two branches, making a total of 94 legislative bodies elected by the people of the United States concurring in this colossal policy of national regeneration.

It was only necessary, in order to defeat the eighteenth amendment, to secure its rejection by a single branch of the legislature in 13 States. The fact that its opponents could not do this demonstrates clearly the

relative strength of the parties. If, as suggested by our erudite doctor, the sentiment of the people is so strongly against national prohibition, it is pertinent to inquire, Why, then, is not the eighteenth amendment repealed? Instead we find each succeeding Congress elected since the amendment drier than its predecessor.

Most of our States have even passed laws strengthening their enforcement codes. The ignoble exceptions are in the East—New York, Massachusetts, and, alas, our poor blind Maryland—all soaking prior to the eighteenth amendment. The present inaction of these States does not represent any reversion of sentiment.

AFTER 50 YEARS OF BATTLE

Prohibition came to stay after the fullest discussion of the subject for 50 years, during which every possible form of control of the iniquitous, lawless liquor traffic was tried and failed. This very incorrigible lawlessness and corruption of the liquor manufacturers and dealers, as they well know, and the crime, insanity, pauperism, and death bred by their traffic made prohibition inevitable. Yes, dear doctor, as you surmise, this great national blessing was prayed down upon us from heaven, a little despised and ridiculed band of women out in Ohio kneeling outside the saloons and asking our Father in His infinite mercy and grace to purge this curse from our land. Such prayers, I opine, have all been one-sided, for I don't think anyone ever prayed for the liquor traffic in any shape whatever. What an answer the prayers of those humble saints have had!

In our present age of high-speed machinery alcoholic beverages are an anachronism, introducing an element inimical to human life, affecting both user and public. The flying autos on our highways, swift machinery in our factories, express trains and limited trolley cars ban intoxicants. This saving of life and limb appeals to me strongly as a surgeon. Do you, too, care for prevention?

The economic subcommittee of the committee of 50 made a detailed study of the relation of liquor to pauperism and crime through a case study of 36,000 individuals. It found pauperism directly attributable to liquor in 25 per cent of the cases in charity organizations, in 37 per cent of the paupers in almshouses, and in 46 per cent of the children becoming public charges. It found that the liquor habit was a primary cause of crime in 31 per cent of the cases studied, and that it was one of the causes in 50 per cent. That these estimates were conservative is shown by the decrease in pauperism, crime, and other ills since prohibition has become our established national policy.

Wiser public sentiment to-day demands stricter enforcement of the law. Aside from a little clamorous group of wets, there is no real demand for "liberalizing" and so weakening the law. Behind our prohibition legislation stand the churches of America, the wives and mothers who are now voters, the business and industrial interests, and such great labor organizations as the railroad brotherhoods and others embracing the more highly skilled trades, the health authorities, and many others. No man is made wealthier, healthier, wiser, or happier by being alcoholized, while those who manufacture the poison batter on the bodies and souls of the consumers, of their wives, their children, and the public at large. Let us band all this alcoholic fraternity together and dub them with a suitable title as the great Order of the Anthropophagi, or man-eaters, veritable cannibals in our midst.

My colleague asks with alcoholic incoherency, "Is a prescription for brandy, gin, rum, or whisky for the sick, ordered in strictly medical practice and in due form by an honest physician, to be construed for beverage purposes?"

Let me inform him that medicinal liquor is expressly excluded from the classification by the Volstead Act. Permits are issued to physicians, who may prescribe liquor, if deemed necessary, and the needed apparatus for supplying medicinal liquor is provided by the law—but how often that confidence is abused! Not the Volstead Act but the laws in 12 States forbid prescribing intoxicating liquors, while 11 other States permit the use of pure alcohol only. The American Medical Association has gone on record as discouraging the prescribing of intoxicants. That alcohol has been used "from time immemorial to relieve the ill and hasten convalescence," as remarked, does not prove that it was ever really beneficial, for goose's, peacock's, and cow's dung, scrapings and nails, roaches, and spiders have been prescribed for the same purpose, while modern medical science rejects them to-day, just as multitudes of practitioners reject alcohol.

MEDICAL PROFESSION DON'T NEED ALCOHOL

I do not myself believe that the medical profession is conscious of any pressing need of alcohol, for it is not known as a remedy or an important or necessary adjuvant in any disease. The ailment where its use has been generally asserted to be beneficial is diabetes in an advanced stage, and here insulin has come within a few months to supplant it. On the other hand, I take it that even though we were to concede the occasional need of alcohol, its possible usefulness is far outweighed by the enormous harm done by a horde of doctors, who are utterly uncontrollable, prescribing indiscriminately to all comers. Myriads of drunkards and narcotic victims have been created in the past by medical prescriptions. With the advent of prohibition we have discovered that many medical men have ideals not one whit above a

bartender; witness the doctors who pour out their prescriptions for alcohol daily until their blanks run out. The indiscriminate prescribing of alcohol was the disgrace of the generation out of which I came, given, as it was, almost invariably as a placebo.

Charles Edward Russell, in the January Century, analyzing the argument that customs and habits are fixed, declares that "Slowly thoughtful men abroad are coming to see that forces are at work stronger than brewery trusts, stronger even than the ancient manifest conditions now developing in this world, the advertised failure of prohibition in America begins to lose its point. In the way alone important to economic Europe, prohibition has not failed in America but has eminently succeeded. The only test of prohibition that counts is economic, and Europe is getting ready to own, in ways to cause some astonishment, that under such proving American prohibition stands up well."

The invocation of the vanished intoxicating beverages by a handful of men who are fanatics about drink is doomed to a dismal failure, for no little group of liquor dealers or addicts can rule this vast Nation. In clearest terms, the majority has spoken in terms of law. That majority has borne in patience the persistent lawless attempts to nullify its will. To-day, in tones heard in every State of the Union, that majority voice is speaking ever more loudly for enforcement and yet more enforcement, for prohibition means health, wealth, morality, and happiness to an entire nation of over a hundred million souls.

"I can call spirits from the vasty deep," said Glendower. The reply was made, "Aye, so can I or any other man, but will they come?"

In the first great criminal case in the world, tried before the final Arbitrator of all men, the defendant who had murdered his brother through jealousy, thinking to prove an alibi, impudently cried out to the Judge, "Am I my brother's keeper?" He left that August Presence crying, "My punishment is greater than I can bear." My brethren brewer and distiller, dispenser and defender of liquor, conscienceless, successful business and society man, repent before it is too late and join us in this service and receive enduring wages and reap fruit for the life eternal, and seek praise and honor of God and not of poor men whose breath is in their nostrils.

PERMISSION TO ADDRESS THE HOUSE

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, referring to the very friendly remarks made a few moments ago by the gentleman from Ohio [Mr. LONGWORTH], it seems to me it would be rather ungracious for some one on this side not to make an acknowledgment of our appreciation. We all hope he may have the same experience he has wished us.

The gentleman has shown ability and fortitude in his leadership of the House, even when he has found himself, as has frequently occurred, in the midst of a sea of troubles. Personally I congratulate him on the success which has marked the discharge of his duties, and particularly—which is something always to be commended—on the unvarying good nature and suavity which he has displayed, even under the most trying circumstances. [Applause.]

Mr. LOWREY. Mr. Speaker, I rise to prefer a unanimous-consent request, appropos to the remarks of the gentleman from Florida [Mr. SEARS] on Miami. I ask that in a spirit of fairness the gentleman from California [Mr. LEA] be given a few minutes, if he wishes it, while we wait, to discuss the climate and products of California. [Applause.]

Mr. LEA of California. Mr. Speaker, I am not moved by the spirit at this time, so that I will retain my seat. [Applause.]

RECESS

Mr. LONGWORTH. Mr. Speaker, if no other gentleman desires to occupy the floor on this occasion, I ask unanimous consent that the House stand in recess, subject to the call of the Chair.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the House stand in recess, subject to the call of the Chair. Is there objection?

There was no objection.

Accordingly the House (at 12 o'clock and 50 minutes p. m.) stood in recess, subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1.12 o'clock p. m.

NAVAL APPROPRIATION BILL

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the naval appropriation bill.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the Record on the naval appropriation bill. Is there objection?

There was no objection.

Mr. THATCHER. Mr. Speaker, as a contribution to the discussion on the naval appropriations bill I desire to submit certain information concerning the cost to our Government of the United States battleships "scrapped" agreeably to the Limitation of Arms Conference Treaty and the salvage values realized therefrom. There have been so many varying statements made concerning the subject that I have deemed it wise to apply to original sources for correct data. With this thought in mind on December 19, 1924, I addressed to Hon. Curtis D. Wilbur, Secretary of the Navy, a letter asking for the facts, and to that letter I received a reply, dated December 31, which now follows and speaks for itself:

NAVY DEPARTMENT,

Washington, December 31, 1924.

MY DEAR MR. THATCHER: I duly received your letter of December 19, 1924, requesting certain information regarding naval vessels disposed of under the Limitation of Arms Conference Treaty.

It would seem that a comparison of the original cost of the vessels as against the net proceeds from their sale would not be useful. In the construction of these vessels, a great quantity of materials suitable only, or largely, for military purposes, was employed. Even the composition of some of the metals made use of was of a sort adapted for their use only in men-of-war. The equipment and machinery were of a design which inevitably unfitted much of it for commercial use.

You will perceive, therefore, that the actual cost of that part of the construction and installation completed bore no relation to the ultimate return to the Government of the materials actually scrapped and sold, whether the sales were made on a tonnage basis or the ships sold "as is where is" for ultimate demolition under the terms of the treaty.

The cost of the fabrication of these ships, i. e., the cost of labor entering into such fabrication, is little reflected, if at all, in the scrap value of the material sold. Of course, also, ship-breaking firms in bidding on vessels to be scrapped must in their bids have in contemplation the cost to themselves of demolition, including the expense of cutting up the materials so as to make them available for ordinary commercial scrap purposes.

The total original cost of the vessels was about \$96,000,000 for the completed ships, and about \$98,000,000 for those under construction. This latter sum includes expenditures to June 30, 1924. The average number of years in commission of the completed ships was 16.

A large amount of armor plate has been set aside by the Navy for possible future use, and a further amount has been given to the Army for use on the Panama Canal.

When building on scrapped vessels was stopped, there was on hand a large amount of steel plates and shapes and other articles which had been purchased for incorporation into the vessels under construction. The disposal of this material was given very careful consideration. Material in such forms as to be generally usable on other vessels was merged with the general stock of such materials on hand. Special items were listed, and before new material is acquired for use on vessels whose construction was continued or for alterations or repairs, these lists are examined to determine whether any material is already on hand which can be used. Much of this material has already been so used and it is expected that a further quantity will be used in the modernization of battleships.

A great part of the special treatment steel was retained, as well as most of the steel plates, 10 pounds per square foot and over, and the angles, channels, "I" beams, etc. Special treatment and nickel steel protective deck plates were shipped to the ordnance plant, South Charleston, W. Va., for possible future use. Part of the material bought for use on the *Massachusetts* and *Washington* was used on the airplane carriers *Lexington* and *Saratoga*.

All ordinary stock material was merged into stock for general use as needed. There was also retained for future use of the Navy such items as: Turbo generators, main propelling motors, main circulating pumps, forced lubricating pumps, ventilating blowers, Worthington pumps, air compressors, boilers, boiler plate, pipe, searchlights, refrigerating plant, main boiler feed pumps, boiler tubes, laundry equipment.

The returns received by the Government from the sale of these ships, or parts of ships, have been due principally to the sale as scrap of structural steel, armor to be turned into scrap, and non-ferrous metals such as brass, copper, and lead. As a result of the sale of materials from these vessels sold as scrap, there has been returned to the Government in cash \$1,557,590.00. The process of the disposal of scrap is still continuing and hence there will be additional receipts.

Without taking on a special clerical force for the purpose, it is not possible to give the value of the material retained for naval uses—it is certainly a large amount. However, the statement that "when our Government scrapped its ships under the treaty agreement it was

possible to salvage from the scrapped ships material and equipment equal to the total original cost of the ships" is not correct. Under any conditions conceivable, such an accomplishment would have been impossible, and would have been contrary to economic laws.

Sincerely yours,

CURTIS D. WILBUR,
Secretary of the Navy.

Hon. M. H. THATCHER,
House of Representatives, Washington, D. C.

MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate concurs in the amendments of the House to the joint resolutions of the Senate of the following titles:

S. J. Res. 157. A joint resolution extending appropriation in connection with Columbia Basin investigation; and

S. J. Res. 159. A joint resolution providing for the control and eradication of the European fowl pest and similar diseases in poultry.

ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S. J. Res. 157. A joint resolution extending appropriation in connection with Columbia Basin investigation; and

S. J. Res. 159. A joint resolution providing for the control and eradication of the European fowl pest and similar diseases in poultry.

ADJOURNMENT

Mr. BEGG. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 16 minutes p. m.) the House, under the concurrent resolution, adjourned until Monday, December 29, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

750. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a draft of proposed legislation for the Department of Agriculture making available \$100,000 of the appropriation of \$3,500,000 for eradication of the foot-and-mouth disease and other contagious or infectious diseases of animals, to enable the Department of Agriculture to control and eradicate the European fowl pest in the United States, to remain available until June 30, 1926 (H. Doc. No. 499); to the Committee on Appropriations and ordered to be printed.

751. A letter from the Postmaster General, transmitting a schedule of papers and documents which are not needed in the transaction of public business and which have no permanent value or historical interest; to the Committee on Disposition of Useless Executive Papers.

752. A letter from the chairman of the Grant Memorial Commission, transmitting a draft of a bill "To provide payment for additional work on the Grant Memorial, Washington, D. C."; to the Committee on the Library.

753. A letter from the chairman of the War Finance Corporation, transmitting seventh annual report for the year ended November 30, 1924 (H. Doc. No. 486); to the Committee on Banking and Currency and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RAKER: Committee on the Public Lands. H. R. 9688. A bill granting public lands to the city of Red Bluff, Calif., for a public park; without amendment (Rept. No. 1062). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. S. J. Res. 152. A joint resolution to accept the gift of Elizabeth Sprague Coolidge for the construction of an auditorium in connection with the Library of Congress, and to provide for the erection thereof; without amendment (Rept. No. 1063). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 6710. A bill to authorize the Secretary of the Interior to lease certain lands; without amendment (Rept. No. 1064). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 6713. A bill to define trespass on coal land of the United States and to provide a penalty therefor; without amendment (Rept. No. 1065). Referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CABLE: A bill (H. R. 11028) to license hotels and regulate hotel rates within the District of Columbia; to the Committee on the District of Columbia.

By Mr. CRAMTON: A bill (H. R. 11029) to consolidate the office of public buildings and grounds under the Chief of Engineers, United States Army, and the office of superintendent of the State, War, and Navy Department Buildings; to the Committee on Public Buildings and Grounds.

By Mr. HAWLEY: A bill (H. R. 11030) to revive and reenact the act entitled "An act authorizing the construction, maintenance, and operation of a private drawbridge over and across Lock No. 4 of the canal and locks, Willamette Falls, Clackamas County, Oreg.," approved May 31, 1921; to the Committee on Interstate and Foreign Commerce.

By Mr. HILL of Washington: A bill (H. R. 11031) authorizing the issuance of patent to the Pioneer Educational Society and its successors for certain lands in the diminished Colville Indian Reservation, Wash.; to the Committee on the Public Lands.

By Mr. MCKENZIE: A bill (H. R. 11032) to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes; to the Committee on Military Affairs.

By Mr. UPSHAW: A bill (H. R. 11033) to promote the safety of employees and travelers upon railroads engaged in interstate commerce by requiring automobiles and other vehicles to stop at railway grade crossings; to the Committee on Interstate and Foreign Commerce.

By Mr. WOODRUFF: A bill (H. R. 11034) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended; to the Committee on Agriculture.

By Mr. KELLY: A bill (H. R. 11035) granting the consent of Congress to the county of Allegheny and the county of Westmoreland, two of the counties of the State of Pennsylvania, jointly to construct, maintain, and operate a bridge across the Allegheny River at a point approximately 19½ miles above the mouth of the river in the counties of Allegheny and Westmoreland, in the State of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLER: A bill (H. R. 11036) extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway Co.; to the Committee on Interstate and Foreign Commerce.

By Mr. MORROW: A bill (H. R. 11037) to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex.; to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER of Texas: Joint resolution (H. J. Res. 313) extending the time during which certain domestic animals which have crossed the boundary line into foreign countries may be returned duty free; to the Committee on Ways and Means.

By Mr. BRITTEN: Resolution (H. Res. 387) authorizing and directing the Secretary of State to furnish to the House of Representatives certain information in connection with the modernization of certain capital ships of the United States Navy; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRIGGS: A bill (H. R. 11038) granting an increase of pension to Cella Ann Powell; to the Committee on Invalid Pensions.

By Mr. DAVEY: A bill (H. R. 11039) granting an increase of pension to Edward McCloskey; to the Committee on Pensions.

By Mr. DEMPSEY: A bill (H. R. 11040) granting an increase of pension to Grace E. Joyce; to the Committee on Pensions.

Also, a bill (H. R. 11041) granting an increase of pension to John S. Ormsby; to the Committee on Pensions.

By Mr. ELLIOTT: A bill (H. R. 11042) granting an increase of pension to Thomas P. Bright; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 11043) granting an increase of pension to Sarah M. Lant; to the Committee on Invalid Pensions.

By Mr. HILL of Washington: A bill (H. R. 11044) granting an increase of pension to Millie Lawson; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 11045) granting an increase of pension to Mary A. Graham; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 11046) granting a pension to Florence L. Lowe; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 11047) granting an increase of pension to Sophonia E. Adams; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 11048) granting a pension to Elizabeth Gille; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 11049) granting an increase of pension to Matilda Smith; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 11050) granting a pension to Kate McGhehey; to the Committee on Pensions.

Also, a bill (H. R. 11051) granting an increase of pension to Elizabeth Hampton; to the Committee on Pensions.

By Mr. ROGERS of Massachusetts: A bill (H. R. 11052) for the relief of D. Murray Cummings; to the Committee on War Claims.

By Mr. ROMJUE: A bill (H. R. 11053) for the relief of Lewis Scarlett; to the Committee on Military Affairs.

By Mr. SCHAFER: A bill (H. R. 11054) for the relief of Thomas J. Porter; to the Committee on Military Affairs.

Also, a bill (H. R. 11055) for the relief of Paul Wallerstein; to the Committee on Military Affairs.

Also, a bill (H. R. 11056) for the relief of Leroy Overpeck; to the Committee on Military Affairs.

By Mr. SWING: A bill (H. R. 11057) granting an increase of pension to Joseph H. Mayo; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11058) granting a pension to Malinda J. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11059) granting an increase of pension to Mary E. Armstrong; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 11060) granting an increase of pension to Julia F. A. Browning; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 11061) granting an increase of pension to Charles L. Berkheimer; to the Committee on Pensions.

Also, a bill (H. R. 11062) granting an increase of pension to Adam F. Addington; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3272. By the SPEAKER (by request): Petition of Women's Christian Temperance Union, Federation of St. Louis, favoring the distribution of literature by Congress to schools and homes and the incorporation of regular instruction in narcotics in curriculums of schools and colleges; to the Committee on Printing.

3273. Also (by request), petition of Benj. Stone, Jr., Post, No. 68, G. A. R., favoring the repeal of the law authorizing the coinage of 5,000,000 50-cent pieces to be sold to the Stone Mountain Confederate Monumental Association; to the Committee on Coinage, Weights, and Measures.

3274. By Mr. KIESS: Petition of residents of Potter and McKean Counties, protesting against the passage of Senate bill 3218; to the Committee on the District of Columbia.

3275. By Mr. MORROW: Petition of J. O. Seth, Santa Fe, N. Mex.; O. M. Botts, Santa Fe, N. Mex.; M. C. Mechem and F. W. Vellacott, Albuquerque, N. Mex.; J. C. Gilbert, Roswell, N. Mex.; John F. Simms, Albuquerque, N. Mex.; Fred Sherman, Deming, N. Mex.; Howard L. Bickley, Raton, N. Mex.; H. B. Gerhart, Santa Fe, N. Mex.; Geo. C. Taylor, Albuquerque, N. Mex.; Daniel K. Sadler, Raton, N. Mex.; Milton J. Helmick, attorney general, Santa Fe, N. Mex., various members of the State bar, in behalf of Senate bill 3363 and House bill 9221, increasing salaries of Federal judiciary; to the Committee on the Judiciary.

3276. By Mr. RAKER: Letter from California State Branch, National Association of Postal Supervisors, of San Francisco, Calif.; letter of National Federation Post Office Clerks, San Francisco, Calif.; letter from United National Association of Post Office Clerks, Austin, Tex.; letter from Douglas Dunlap, Sacramento, Calif.; letter from S. W. Jarvis, Sacramento, Calif.; letter from clerks and carriers of Bristol, Va.; letter from C. R. White, Sacramento, Calif.; letter from Manley L. Harris, Sacramento, Calif.; letter from John I. Wentworth, Sacramento, Calif.; letter from Harold G. McKellips, Sacramento, Calif.; letter from H. E. Glenn, Sacramento, Calif.; letter from W. B. Ladue, Sacramento, Calif.; letter from Railway Dining and Sleeping Car Training Service, Los Angeles, Calif.; letter from Gilbert Egan, Broderick, Calif.; letter from Mrs. L. J. Clark, Sacramento, Calif.; letter from Thomas W. White, Sacramento, Calif.; letter from Mabel Goodridge, Sacramento, Calif.; letter from C. E. Chenoweth, Sacramento, Calif.; letter from A. K. Pilz, Sacramento, Calif.; letter from Burnice Stuart, Sacramento, Calif.; letter from Geo. E. Labrie, Sacramento, Calif.; letter from Joint Committee Post Office and Railway Mail Employees, Sacramento, Calif.; letter from R. D. Grow, Sacramento, Calif.; letter from Los Angeles Branch Railway Mail Association, Los Angeles, Calif.; letter from Sacramento Branch Railway Mail Association, Sacramento, Calif.; letter from C. J. Larrable, Sacramento, Calif.; resolution adopted by American Federation of Labor at El Paso, Tex., in convention assembled; telegram from George F. Webster, Nevada City, Calif.; letter from J. W. Rains, sr., Sheridan, Calif.; letter from C. A. Beever, Auburn, Calif.; letter of National Federation of Post Office Chauffeurs and Mechanics, San Francisco, Calif.; letter of Henry P. Hook, San Francisco, Calif.; letter of Mrs. M. E. Fellows, Roseville, Calif.; letter of Richard C. Tennant, Roseville, Calif.; letter from Mrs. Jessie E. Astill, Roseville, Calif.; letter of J. P. La Rue, Roseville, Calif.; letter of A. L. Vance, Sacramento, Calif.; letter of E. J. Kilroy, Nevada City, Calif.; letter and resolution from Theo. E. Kaiser, St. Louis, Mo.; letter from Geo. J. Webster, Nevada City, Calif.; telegram from Hon. George L. Jones, judge of the superior court, Nevada City, Calif.; telegram from D. T. Norton, Nevada City, Calif., all indorsing and urging immediate passage of Senate bill 1895, for the increase of salaries to postal employees; to the Committee on the Post Office and Post Roads.

3277. By Mr. WATKINS: Petition of 200 citizens of Portland, Oreg., protesting against the passage of Senate bill 3218; to the Committee on the District of Columbia.

SENATE

MONDAY, December 29, 1924

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Lord, Thou hast been our dwelling place in all generations before the mountains had brought forth or ever Thou hadst formed the earth and the world. Thou art everlasting. We bless Thee this morning. Thou art the same yesterday, to-day, and forever. As thus we convene in this assembly, thinking of the responsibilities attached to the work and the manifold duties requiring careful attention, we ask, our Father, for Thy guidance, the wisdom which cometh from above. Help us amidst the closing days of the year that we shall rejoice in work well done. Through Jesus Christ our Lord. Amen.

RALPH H. CAMERON, a Senator from the State of Arizona, appeared in his seat to-day.

The reading clerk proceeded to read the Journal of the proceedings of Saturday, December 20, 1924, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CREDENTIALS

The PRESIDENT pro tempore laid before the Senate the certificate of the Governor of the State of Georgia, certifying to the election of WILLIAM J. HARRIS as a Senator from that State for the term beginning on the 4th day of March, 1925, which was read and ordered to be filed, as follows:

STATE OF GEORGIA,

EXECUTIVE DEPARTMENT, ATLANTA.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November, 1924, WILLIAM J. HARRIS was duly chosen by the qualified electors of the State of Georgia a Senator from said State to represent said State in the

Senate of the United States for a term of six years, beginning on the 4th day of March, 1925.

Witness his excellency our governor, Clifford Walker, and our seal, hereto affixed at the capitol, this 20th day of December, in the year of our Lord nineteen hundred twenty-four.

[SEAL]

CLIFFORD WALKER, Governor.

By the governor:

S. G. McLENDON,
Secretary of State.

The PRESIDENT pro tempore also laid before the Senate the certificate of the Governor of the State of Rhode Island and Providence Plantations, certifying to the election of JESSE H. METCALF as a Senator from that State for the term beginning on the 4th day of March, 1925, which was read and ordered to be filed, as follows:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November, 1924, JESSE H. METCALF was duly chosen by the qualified electors of the State of Rhode Island and Providence Plantations a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1925.

Witness his excellency our governor, William S. Flynn, and our seal, hereto affixed at Providence, this 23d day of December, in the year of our Lord nineteen hundred twenty-four.

[SEAL]

WILLIAM S. FLYNN, Governor.

By the governor:

ERNEST L. SPRAGUE,
Secretary of State.

GRANT MEMORIAL COMMISSION

The PRESIDENT pro tempore laid before the Senate a communication from the chairman and members of the Grant Memorial Commission, submitting a draft of a proposed bill, accompanied by an itemized statement for an additional appropriation of \$8,926.12 on account of the construction of the Grant Memorial in the east end of the Botanic Garden grounds in the District of Columbia, which was referred to the Committee on the Library.

WITHDRAWALS AND RESTORATIONS OF PUBLIC LANDS

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of withdrawals and restorations of public lands under the act of June 25, 1910 (36 Stat. 847), during the period from December 1, 1923, to November 30, 1924, inclusive, which was referred to the Committee on Public Lands and Surveys.

CONDITION OF RAILROAD EQUIPMENT

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, in compliance with Senate Resolution 438, of February 26, 1923, a report for the month of November, 1924, showing the condition of railroad equipment and related information, which was referred to the Committee on Interstate Commerce.

DISPOSITION OF USELESS PAPERS

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster General, transmitting, pursuant to law, a schedule of papers and documents on file in the department which are not needed in the conduct of business and having no permanent value or historical interest, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The President pro tempore appointed Mr. STERLING and Mr. McKELLAR members of the committee on the part of the Senate, and ordered that the Secretary notify the House of Representatives thereof.

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on December 22, 1924, the President approved and signed the joint resolution (S. J. Res. 157) extending appropriation in connection with Columbia Basin investigation.

REPLICA OF THE HOUDON BUST OF WASHINGTON (S. DOC. NO. 176)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the Library and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State, recommending an appropriation of \$1,000 for the purpose of securing a replica of the Houdon bust of Washington for lodgment in the Pan American Building, in fulfillment of a decision that each Government which is a member of the Pan American Union should present a white marble bust, with a suitable pedestal, of the national hero of such country.

The request of the Secretary of State has my approval, and I strongly recommend the request to the favorable consideration of Congress.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, December 29, 1924.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a resolution of the South San Francisco (Calif.) Chamber of Commerce, favoring the enactment of Senate bill 1898, providing increased compensation for postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also laid before the Senate a resolution unanimously adopted by the board of directors of the Maritime Association of the Port of New York, favoring improvement and modernization of the naval service so that the full naval strength as proposed in the Disarmament Conference may be adequately maintained, which was referred to the Committee on Naval Affairs.

He also laid before the Senate a resolution adopted by members of the Seventh Day Baptist Church of Walworth, Wis., favoring distribution by Congress of literature on the narcotic traffic to schools and homes, etc., which was referred to the Committee on Education and Labor.

He also laid before the Senate a telegram and letter in the nature of memorials, signed by L. A. Beckstead, secretary, on behalf of The Lahontan Valley Water Users' Association, at Fallon, Nev., remonstrating against alleged propaganda for the Spanish Springs irrigation project and requesting an investigation of the subject matter, which were referred to the Committee on Appropriations.

Mr. WILLIS. Mr. President, I ask unanimous consent to have referred to the Committee on Foreign Relations and printed in the RECORD certain resolutions adopted by Egbert Camp, No. 10, of the Spanish War Veterans at Toledo, Ohio, relative to the Isle of Pines treaty.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD as follows:

Whereas there is now pending before the Senate of the United States a certain treaty, whereby the United States Government will relinquish all right, claim, or title in and to the territory known as the Isle of Pines, which island was ceded to the United States by virtue of the treaty of Paris between our country and Spain at the close of the Spanish-American War; and

Whereas a full and complete study of the details of the treaty of Paris will conclusively demonstrate to the unprejudiced mind of the clear title of the United States to the Isle of Pines; and the subsequent acts of President McKinley and officials of our Government, particularly in offering inducements to citizens of the United States to invest their capital and savings in business and homes in the Isle of Pines under color of title in the United States Government, is full and convincing proof of the ownership of said island; and

Whereas the flower of the man power of our Nation voluntarily enlisted in the cause of humanity at the call of President McKinley to free Cuba and other islands from the inhuman rule of Spain; the Spanish war volunteers suffered the hardships of battle, braved the elements on sea and land and endured the insanitary conditions of camp life with the resultant injuries therefrom, all without hope of recompense or reward; and

Whereas our great war President, William McKinley, was the strongest supporter of the title to the Isle of Pines in the United States Government and would never and would not at the present time sanction or approve this indignity to the sufferers and survivors of the Spanish-American War: Therefore be it

Resolved, That Egbert Camp, No. 10, of Spanish war veterans in meeting assembled this 9th day of December, 1924, in respect and honor of the memory of our departed Commander in Chief, William McKinley, and in respect and honor of the memory of thousands of our departed comrades, their widows and orphans, and in honor and fairness to our living comrades, sincerely and solemnly protest the passage of this unfair, unreasonable, and unwarranted treaty, relinquishing the title of the United States Government to the Isle of Pines; and be it further

Resolved, That copies of these resolutions be forwarded to our honorable President, Calvin Coolidge; our United States Senators from

Ohio, Hon. FRANK B. WILLIS and Hon. SIMON D. FESS; to the Representative of the ninth congressional district of Ohio, Hon. ISAAC R. SHERWOOD; to the press; and that a copy be spread upon the minutes of this meeting.

CHAS. S. WRAAG,
Chairman, Legislative Committee.

JAMES STIFES,
Commander Egbert Camp, No. 19, Toledo, Ohio.

Mr. WILLIS also presented the memorial of D. M. Butler and 75 other citizens of Sebring, Ohio, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CAMERON presented a letter relative to grazing conditions in forest reservations, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

PHOENIX, ARIZ., December 5, 1924.

Hon. RALPH CAMERON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: On behalf of a number of clients in this State who are engaged in the cattle business, I am writing to invite your attention to conditions at present existing in this State and in other States in which there are forest reservations.

In this State a large percentage of the range cattle are grazing on forest reservations, and the cattle industry in this State and all the other so-called Mountain States is vitally affected by the regulations enforced by the Forest Service.

Several years prior to the war, when the cattle industry was prosperous, the grazing fee for cattle ranging on forest reservations was fixed at 35 cents per head. This charge under then existing conditions could be easily met by the cattlemen, and they had no cause for complaint, but since that time the grazing fees have been gradually increased, until the charge is now \$1 per annum per head for all cattle grazing on these reservations, and I have been informed that plans have been considered for making a still further increase in grazing fees.

As you know, and as the forest officials undoubtedly know, the cattle industry in the Southwest is now and for several years has been laboring under very adverse conditions. Numerous cattlemen in this State, including many of the largest owners, have been forced into bankruptcy, and under bankruptcy and foreclosure proceedings many thousands of cattle have been forced on the market for whatever they would bring, thereby keeping the prices at the minimum, and taking from the ranges many stock cattle which should be kept on the ranges as breeders.

By reason of the fact that my clients are mostly cattlemen who are operating throughout the State, I am very familiar with the conditions, and believe that practically all of the cattlemen have been operating at a loss during the last four years. In few, if any, cases have profits realized been sufficient to cover the grazing fees exacted by the Forest Service. Practically all the cattlemen of my acquaintance are looking for an opportunity to get out of the business. Breeding cows which should be kept on the ranges are being sold for whatever they will bring, and it seems inevitable that the next few years will witness a shortage of cattle unless something can be done to aid the grazing sections.

While this situation primarily affects the cattle growers of the range States from which most of the feeders are drawn to be fattened and put on the market as beef, it will ultimately affect the entire country, since a shortage of cattle necessarily means a large increase in the price of beef.

I note by the President's message that it will be his policy to assist the agricultural sections in getting back to a normal basis, and I assume that he will be equally interested in doing whatever can be reasonably done to assist the grazing sections which are at present in far greater need of assistance than the farming sections, and I wish to suggest that all the grazing States would be greatly benefited by the elimination of the very substantial reduction of these grazing fees during the next two years.

The cattlemen are economizing in every way possible, and in most cases which have come to my notice have been able to arrange credits for the minimum of groceries, salt, and other supplies which are absolutely essential, but in a very large number of cases they have been absolutely unable to secure money for the payment of grazing fees at the rate of \$1 per head for their cattle.

The cattlemen of Arizona are looking to you to do whatever may be possible to assist them, and it has occurred to me that a resolution might be put through Congress suspending the collection of grazing fees for the years 1925 and 1926.

In this connection I wish to invite your attention to the fact that fully 50 per cent of the area of the State of Arizona has been withdrawn for forest and other reservations, thereby reducing to this extent the lands in the State which would be available for taxation.

As a result of this the tax rate in the State is unreasonably high and the cattlemen, who, as a rule are entirely without cash assets, are not only called upon to pay these high taxes but in addition thereto to pay the grazing fees levied against them by the Government. The authorities of the various counties understand the conditions under which the cattlemen are laboring, and there have been, so far as I know, but few, if any, sales for taxes, the authorities allowing these taxes to remain in default, but the Forest Service demands cash for these grazing fees and the cattlemen have not the cash to pay.

Yours very sincerely,

JOHN R. HAMPTON.

Mr. CAMERON also presented a telegram relative to development in the lower Colorado River, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed in the RECORD, as follows:

PHOENIX, ARIZ., December 26, 1924.

Senator RALPH CAMERON, Washington, D. C.:

The undersigned, delegation of Arizona citizens interested in the welfare of the future of this State and being disturbed over the proceedings in Washington with reference to proposed development in the Colorado River as provided for in the Swing-Johnson bill, called upon Governor Hunt this morning for the purpose of urging upon him the necessity of taking every possible means to preserve intact Arizona's rights in the Colorado River. You are aware of the fact that since the war the business depression in the mining industry and in agriculture has been particularly felt in this State, which has made it difficult to raise by taxation the revenues necessary to conduct the State government and also provide adequate funds to make the surveys and investigations necessary to demonstrate Arizona's contention as to the practicability of irrigating several million acres of land in Arizona in addition to the immense power development. We called upon the governor to assure him that in order to protect our rights in the Colorado River we favored asserting every legal right Arizona possesses as a sovereign State; that it is our desire that we maintain friendly relations with our sister States in the Colorado River Basin, but that we do not intend to be intimidated, browbeaten, or coerced into any position which will jeopardize the interests of this State. With flood control as a pretext, California is trying to force through the Swing-Johnson bill, which will give California water and power, but which will make the irrigation of millions of acres of land in Arizona impossible. This should not be permitted, and the attempt to do so will meet with all the resistance it is possible for us to develop in this State. The welfare of California does not make it necessary that Arizona's interests should be sacrificed. The building of the Boulder Canyon Dam will flood the river at places where dams should properly be built if Arizona is to have any large agricultural development. With dams properly located, it will be possible to have flood control, full power development, and also irrigate several million acres of land in Arizona. This will be putting the river to its highest and greatest beneficial use and development. The State of Arizona is putting a survey party in the field this week to obtain definite information as to disputed engineering questions at Spencer Canyon and other places on the Colorado River and in Arizona. We hope to have more complete information to be submitted to Congress for its consideration in a short time. We urge you to utilize every means at your command as Arizona's representative in Congress to assert and protect the rights of the State and to prevent legislation that would be ruinous to us.

D. P. KIMBALL,
A. L. BOEHMER,
ED. RUDOLF,
E. T. IRVINE,
VERNON L. CLARK,
H. L. GREDES,
W. C. LEHAN,
FRANK T. ALKIRE,
R. F. GARNETT,
ROBT. H. WILLIAMS.

Col. WM. A. GLANFORD,
WILL GLEASON,
Senator J. J. COX,
E. J. FLOCK,
HOWARD L. MILLER,
GEO. W. STURDEVANT,
Senator H. A. DAVIS,
Senator FRED T. COLTER,
C. W. STEELE,
C. W. GOODMAN.

Mr. FESS presented a memorial signed by 60 citizens of Alliance, Ohio, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CURTIS presented a resolution of the Kansas Engineering Society, favoring the passage of the so-called Temple bill, providing for the completion of the work of preparing topographic maps of the United States, etc., which was referred to the Committee on Public Lands and Surveys.

Mr. LADD presented a resolution of the Jamestown (N. Dak.) Chamber of Commerce, favoring the passage of legislation to more adequately carry out the intent of the national defense act, which was referred to the Committee on Military Affairs.

Mr. CAPPER presented the memorial of High Prairie Local, No. 752, Farmers' Union, at Baldwin, Kans., remonstrating against the passage of legislation increasing postal rates, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Decatur County, Liberal, and Kansas City, all in the State of Kansas, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. SHIPSTEAD presented memorials of sundry citizens of Staples, of Winona and vicinity, and of Itasca County, all in the State of Minnesota, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of 408 members of the Chippewa Band of Indians of Minnesota, remonstrating against the passage of the departmental draft of the so-called "jurisdictional bill," covering matters in dispute between the Chippewa Indians of Minnesota and the United States of America, which was referred to the Committee on Indian Affairs.

Mr. McLEAN presented a resolution of the Woman's Club of Killingly, Conn., favoring the passage of Senate Joint Resolution 99, providing an appropriation to defray the expenses of the quinquennial meeting of the International Council of Women, which was referred to the Committee on Foreign Relations.

He also presented petitions of the general executive committee Woman's Missionary Society of the Methodist Church at Forestville, and sundry members of the Woman's Foreign Missionary Society of the Methodist Episcopal Church of Ansonia, all in the State of Connecticut, praying for a reconsideration of the so-called alien exclusion act, with a view to fostering the bonds of friendship between the United States and other nations, which were referred to the Committee on Foreign Relations.

He also presented the petition of the officers of Local No. 73, Journeymen Barber's Union of America, of Hartford, Conn., praying for the passage of Senate bill 3218, providing for the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a telegram and a letter in the nature of petitions of the Woman's Christian Temperance Union of Hartford and the Woman's Christian Temperance Union of Winsted, in the State of Connecticut, praying for the passage of House bill 6645, proposing to amend the national prohibition act, to establish a bureau of prohibition in the Treasury Department, and to place its personnel under the civil service, etc., which were referred to the Committee on the Judiciary.

He also presented a resolution adopted at the annual meeting of the Connecticut Fish and Game Protective Association, at New Haven, Conn., favoring the passage of Senate bill 2913, the so-called game refuge public shooting ground bill, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Lions Club of New Haven and of the Fifth District Republican Club, both in the State of Connecticut, favoring the passage of legislation granting increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a telegram and letters in the nature of petitions from Henry L. Converse, secretary, Branch No. 895, National Association of Letter Carriers, of Putnam; of Russell Circle No. 1, National Circle Daughters of Isabella; and of War Mothers' Association No. 1, of New Haven, all in the State of Connecticut, praying for the passage of legislation granting increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

REPORT OF COMMITTEE

Mr. BROOKHART, from the Committee on Military Affairs, to which was referred the bill (S. 3534) to correct the military record of Thomas C. Johnson, deceased, reported it with an amendment and submitted a report (No. 826) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FERNALD:

A bill (S. 3761) granting a pension to Joseph Simpson (with accompanying papers); and

A bill (S. 3762) granting a pension to Chastena H. Haskell (with accompanying papers); to the Committee on Pensions.

By Mr. BALL:

A bill (S. 3763) to further regulate certain public-service corporations operating within the District of Columbia, and for other purposes;

A bill (S. 3764) to create and establish a commission, as an independent establishment of the Federal Government, to regulate rents in the District of Columbia; and

A bill (S. 3765) to authorize a five-year building program for the public-school system of the District of Columbia which shall provide school buildings adequate in size and facilities to make possible an efficient system of public education in the District of Columbia; to the Committee on the District of Columbia.

Mr. SHIPSTEAD. I introduce a bill as a substitute for Senate bill 3649, to extend the time of the Chicago, Milwaukee & St. Paul Railroad for completion of bridge across the Mississippi River, now in the Committee on Commerce.

By Mr. SHIPSTEAD:

A bill (S. 3766) to extend the time to the Chicago, Milwaukee & St. Paul Railway Co. for commencement and completion of bridge across the Mississippi River; to the Committee on Commerce.

By Mr. CUMMINS:

A bill (S. 3767) to amend section 198 of the Criminal Code, as amended; to the Committee on the Judiciary.

By Mr. SHEPPARD:

A bill (S. 3768) for the relief of Josephine Rollinson (with accompanying papers); to the Committee on Claims.

By Mr. NORBECK:

A bill (S. 3769) authorizing the issuance of patents to the State of South Dakota for park purposes of certain lands within the Custer State Park, now claimed under the United States general mining laws, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. CAPPER:

A bill (S. 3770) to extend the provisions, limitations, and benefits of the acts of July 27, 1892, June 27, 1902, and March 4, 1917, to any person who rendered 30 days' service or more against the Indians between January 1, 1859, and January 31, 1891, inclusive; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 3771) granting an increase of pension to Annie J. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 3772) to authorize the reduction of and to fix the rate of interest to be paid by carriers upon notes or other evidences of indebtedness heretofore issued under the provisions of section 207 of the transportation act, 1920, or section 210 of said act, as amended by an act approved June 5, 1920; to the Committee on Interstate Commerce.

By Mr. COUZENS:

A bill (S. 3773) to prevent and punish the use of political influence in the appointment or promotion of Federal employees; and

A bill (S. 3774) to provide for the retirement of Clarence W. Sessions, judge of the District Court for the Western District of Michigan; to the Committee on the Judiciary.

A bill (S. 3775) for the relief of William H. Crampton, formerly a captain in the United States Army; to the Committee on Military Affairs.

A bill (S. 3776) granting a pension to Margaret H. Haan; to the Committee on Pensions.

AMENDMENTS TO MUSCLE SHOALS BILL

Mr. LADD submitted sundry amendments intended to be proposed by him to House bill 518, the so-called Muscle Shoals bill, which were ordered to lie on the table and to be printed.

AMENDMENT TO NAVY DEPARTMENT APPROPRIATION BILL

Mr. FLETCHER submitted an amendment proposing to appropriate \$100,000 for submarine base extension at Key West, Fla., intended to be proposed by him to House bill 10724, the Navy Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PROPOSED COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

Mr. SHEPPARD submitted the following notice, which was read and ordered to lie on the table:

I hereby give notice of my intention to offer an amendment to Rule XXV, Standing Rules of the Senate, for the purpose of creating a committee on World War Veterans' Legislation.

POSTAL SALARIES

Mr. NORBECK. I present a communication from the Post Office Department relative to postal salaries, which I ask may

be referred to the Committee on Post Offices and Post Roads and printed in the Record.

There being no objection, the communication was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., December 19, 1924.

Hon. PETER NORBECK,
United States Senate.

MY DEAR SENATOR NORBECK: Replying to your request, I hand you herewith a copy of a memorandum dated November 28, 1924, which shows salaries and average salaries in the Postal Service and a comparison with salaries in like occupations outside the service.

Sincerely yours,

HARRY S. NEW, Postmaster General.

NOVEMBER 28, 1924.

(Memorandum for the Postmaster General)

The act approved July 2, 1918, provided increased compensation of \$200 per annum to clerks and carriers in post offices and to railway postal clerks, and approximately \$240 per annum to rural carriers. In addition there were increases in compensation to a large number of the supervisory force.

The act of November 8, 1919, further increased the compensation of postal employees from \$100 to \$200 per annum.

The act of June 5, 1920, generally known as the reclassification act, provided further increases in compensation ranging from \$200 to \$300 for clerks and carriers and railway postal clerks, and \$260 for rural carriers, and in addition there were substantial increases in salaries of the supervisory force ranging from \$200 to \$600.

The effect of these increases in salary grades over those in effect during the fiscal year 1918 may be summarized as follows:

An increase of \$600 granted to clerks and carriers in post offices.

An increase of \$500 granted to railway postal clerks.

An increase of \$600 granted to rural carriers.

The following summary shows the additional expenditures on account of increased compensation over and above the expenditures under the salary scale that was in effect during the fiscal year 1918 as the result of the three acts of Congress above referred to for the fiscal years 1919 to 1924, both inclusive:

Fiscal year:	
1919	\$33,202,600
1920	68,901,000
1921	110,756,000
1922	118,221,000
1923	122,882,500
1924	129,884,576
Total	583,847,676

These amounts are cumulative; that is, the amount stated for the year 1920 also includes the amount which was additional for the year 1919.

SALARIES PAID IN THE SERVICE

The following is the range of salaries of officials and employees in the Postal Service:

Post-office clerks and carriers	\$1,400.00 to \$1,800
Special clerks	1,900.00 to 2,000
Average salary, post-office clerks, 1923	1,691.68
Average salary, post-office carriers, 1924	1,743.81
Railway postal clerks	1,600.00 to 2,300
Average salary of railway postal clerks, 1924	2,111.00
Average salary of railway postal clerks, including travel allowance	2,294.00
Clerks at division headquarters of the Railway Mail Service and post-office inspectors	1,600.00 to 2,300
Chief clerks in post-office inspectors' headquarters	2,600.00
Laborers in post offices and the Railway Mail Service	1,350.00 to 1,450
Superintendents of mails, post-office service	2,100.00 to 4,400
Assistant superintendent of mails, post-office service	2,200.00 to 3,800
Foreman, post-office service	2,100.00 to 2,300
Postal cashiers, post-office service	2,600.00 to 4,000
Money-order cashiers, post-office service	2,300.00 to 3,600
Assistant chief clerks, Railway Mail Service	2,500.00
Chief clerks, Railway Mail Service	3,000.00
Assistant division superintendents, Railway Mail Service	3,200.00
Division superintendents, Railway Mail Service	4,200.00
Post-office inspectors	2,300.00 to 3,700
Post-office inspectors in charge	4,200.00

AVERAGE SALARIES OF POST-OFFICE CLERKS, POST-OFFICE CARRIERS, AND RAILWAY POSTAL CLERKS

Comparisons of the average salaries in the Postal Service with average salaries of like or similar employments in other governmental services and in business institutions must be made with the average salaries of clerks, carriers, and railway postal clerks. These salaries in the Postal Service are as follows:

Average salaries, fiscal year 1924, of—	
Post-office clerks	\$1,691.68
Post-office carriers	1,743.81
Railway postal clerks	2,111.00
Railway postal clerks, including travel allowance	2,294.00

AVERAGE SALARIES OF LIKE EMPLOYEES IN THE DEPARTMENTAL SERVICE IN WASHINGTON

A reliable estimate of the average of salaries for employees for grades 1 to 7, inclusive, in the clerical, administrative, and fiscal services in the District of Columbia places it at \$1,704 per annum, and for the same for grades from 1 to 6, inclusive, \$1,659 per annum.

SALARIES PAID IN BUSINESS INSTITUTIONS THROUGHOUT THE COUNTRY

In May, 1924, the department secured through direct investigation by its special officers detailed to the work the range of salaries paid to persons employed by business institutions throughout the country. Investigations were made in the following cities whose populations range from 1,972 to 5,600,000:

New York, N. Y.; Chicago, Ill.; Detroit, Mich.; Boston, Mass.; Kansas City, Mo.; New Haven, Conn.; Des Moines, Iowa; Scranton, Pa.; Utica, N. Y.; St. Joseph, Mo.; Harrisburg, Pa.; Montgomery, Ala.; Hagerstown, Md.; Jackson, Tenn.; Geneva, N. Y.; Guthrie, Okla.; Illon, N. Y.; Herkimer, N. Y.; Americus, Ga.; Tuscaloosa, Ala.; Salem, Ohio; Cadillac, Mich.; Webb City, Mo.; Seneca Falls, N. Y.; Bryan, Ohio; Danville, Ky.; Corinth, Miss.; Portland, Ind.; Ravenna, Ohio; Elkton, Md.; Newport, Pa.

The general average for the entire group of these offices for each class of employee below named was found to be as follows:

Bank clerks	\$1,382
Stock clerks	1,223
Shipping clerks	1,119
Railroad clerks	1,455
Stenographers	1,299
Bookkeepers	1,398
General office clerks	1,176
Cashiers	1,033
Stenographers	1,299
Typists	1,029
Freight handlers	1,273
Express handlers	1,357
Express clerks	1,492
Delivery drivers	1,377

It is not argued from comparisons with salaries paid employees in general business that it is not just to pay to postal employees a scale of wages somewhat higher. The conditions under which employment is undertaken in the Postal Service and those under which it is undertaken in general business are different. We expect to attract to the Postal Service those who will make it a life work. Consequently the scale of salaries should be high enough to insure permanent continuance in the service. This means a scale sufficiently high to enable the employee to take upon himself all the obligations of citizenship and his place in society. However, a careful comparison of rates of compensation paid to postal employees and those paid to others in like grades of commercial lines shows that generally the advantage rests with the postal employee.

LABOR TURNOVER IN THE POSTAL SERVICE

The following statements show for clerks and carriers in the Postal Service the number of resignations.

CARRIERS

Fiscal year	Number in service	Number of resignations	Percentage
1919	35,024	2,025	5.78
1920	36,142	2,528	6.99
1921	38,532	1,348	3.50
1922	39,485	637	1.61
1923	40,134	858	2.17
1924	43,829	921	2.10

CLERKS

Fiscal year	Number in service	Number of resignations	Percentage
1919	44,681	4,961	11.10
1920	47,598	7,473	15.70
1921	53,703	5,161	9.61
1922	56,029	3,112	5.55
1923	57,183	3,365	5.88
1924	63,182	4,144	6.56

The following shows a comparative statement showing the resignations of clerks and carriers during the five months' period ended November 30, 1923 and 1924:

Month	Clerks resigned		Carriers resigned	
	1923	1924	1923	1924
July	266	284	79	60
August	402	196	86	62
September	400	329	90	62
October	260	421	88	91
November	800	232	91	64
Total	2,128	1,462	434	339

MAINTENANCE OF LISTS OF ELIGIBLES POSTAL CLERKS AND CARRIERS

There does not appear to be any greater difficulty in maintaining lists of eligibles at this time than there was when this matter was before Congress last spring. In general there appears to be no difficulty in maintaining these lists to fill vacancies. There are certain localities, however, where difficulty does exist, these being large cities or industrial communities affected in the one case by high costs of living due to metropolitan conditions and in the other case by the higher wage scale and living costs prevailing in the industrial communities.

The latest reports from 76 offices of the country show a general condition of unemployed available time of substitute clerks and carriers. These are shown in the following table for the 76 largest offices as a whole:

	Number	Work equivalent to whole time	Surplus
Substitute clerks.....	6,334	4,343	2,010
Average per office.....	83	56	26
Substitute carriers.....	5,440	3,731	1,742
Average per office.....	71	49	23

RAILWAY POSTAL CLERKS

There is no difficulty experienced in securing a sufficient number of eligibles to fill vacancies in the Railway Mail Service except in very few States, such as those having very small populations, as Nevada, Wyoming, and Arizona. There is no more trouble in filling vacancies in the Railway Mail Service than there was before the war.

There are approximately 10,000 eligibles on the list at the present time, and there were 27,000 applicants for examination held throughout the country by the Civil Service Commission on May 3, 1924.

STEWART.

WOODROW WILSON FOUNDATION

Mr. FLETCHER. Mr. President, last night at the Hotel Astor, in New York, two very notable addresses were delivered at a meeting conducted under the auspices of the Woodrow Wilson Foundation. I ask to have printed in the RECORD, in order that they may be permanently preserved, these addresses, one by Mr. Norman H. Davis as it appears in the New York World on page 2, and the other by Viscount Cecil as it appears in the New York Times on page 2.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is here printed, as follows:

[From the New York World of Monday, December 29, 1924]

EQUAL RIGHTS FOR ALL NATIONS WAS WILSON'S AIM, SAYS DAVIS

In his presentation speech Mr. Davis said:

"In the world's history it is only at rare intervals, and at some period of crisis, that any marked advance has been made by men in their long struggle to overcome and rise above conditions which have hampered their freedom and growth.

"On such occasions men of faith and vision, with the spirit and courage of pioneers, have always pointed out the way and taken the lead. After such an advance a long period has been required to fortify the ground gained and to move forward those of lesser faith and courage who were opposed to it and chose to remain behind.

"In the recent and terrible crisis in world affairs it was Woodrow Wilson who took the lead and pointed out to men and to nations the way leading from their difficulties to peace and progress. He saw, with a vision vouchsafed to few, that the conditions of life and the relationships among nations had been so transformed by scientific and industrial developments that further progress could not be made unless new and more modern methods were devised for dealing with the many economic, social, and political problems that had been created.

FOR LAW BASED ON JUSTICE

"He proposed in effect that the principles of democracy which have served as the foundations of individual freedom shall be applied to the relationships between nations; that privilege as between nations shall give way to equal rights for all nations, and that the hostile grouping of nations into alliances based on force shall be superseded by a system of cooperation between all the powers for the maintenance of law and order based on justice.

"As the war progressed and its horrors and losses increased, the feeling and conviction grew in the heart and mind of Woodrow Wilson that the only justification for such a terrible sacrifice of human life would be to make it a war to end all war and to make this world a better and a happier abode for man.

"He directed his great influence and ability to that task with such a spirit of consecration that he succeeded in lifting the divergent aims of the war into a moral atmosphere, where they were transformed and molded into the aims of democracy.

"Although the lessons of the war and the exalted aims for which it was waged were almost submerged by a wave of passion and intense nationalism that came in its wake, the world was infinitely better off for having seen, even for a moment, the vision which Woodrow Wilson held before it, and the advance forces of civilization had gained ground from which they could not be dislodged.

GREATEST STEP TOWARD PEACE

"Woodrow Wilson made only such concessions to the postwar reaction as were necessary to secure a treaty of peace, but in exchange insisted on inserting in the treaty a covenant to establish an organized system of international cooperation around which the moral forces of mankind could rally and work for a lasting peace.

"The system thus established has already become an integral part of international life. It is not perfect, and probably never will be, for there are no perfect governments to make it so; but whatever its defect, it is the most far-reaching attempt in all history to substitute reason and law for force and war and the greatest advance ever made toward the banishment of war and the maintenance of peace.

"To Woodrow Wilson must be given the chief credit for this organized system of international cooperation, and to Lord Cecil that of collaborating effectively with him in its creation and of developing it and making it work.

"Few statesmen since the war have been able to rise above the plane of political expediency and work for the upbuilding of a comprehensive system of peace. Lord Cecil stands out as one of the few who have not faltered, nor doubted, nor retreated, but who, year in and year out, have worked in all the fields of international life for higher standards of ethics and a better understanding between nations.

"That the League of Nations was not used for other purposes than those for which it was intended during those first few trying years of post-war reaction, when fear, prejudice, and blind selfishness were such potent forces, is largely due to his faith and consecrated efforts.

"His work for disarmament has been both practical and constructive. He has succeeded to a great extent in making clear that a substantial reduction in armaments can only be brought about by reducing the feeling of fear or insecurity, and by establishing international justice and safety.

"It is therefore fitting that we should show our appreciation to Lord Cecil, who has believed in and does so much to give effect to the ideals and the great plan for world peace for which Woodrow Wilson gave his life.

"As part of the award, I have the pleasure to present to Lord Cecil this plaque, which will serve as a permanent record. In presenting it I desire to express publicly on behalf of the foundation our sincere thanks to Mr. Ivan Mestrovic, the eminent Yugoslav sculptor, who has made this beautiful work of art as a labor of love.

"This ideal is not only beautiful, but it is symbolic of Mr. Wilson's three chief attributes: Wisdom, justice, and love of humanity."

[From the New York Times of Monday, December 29, 1924]

TEXT OF VISCOUNT CECIL'S LEAGUE OF NATIONS SPEECH

Following is the full text of Viscount Cecil's speech at the Woodrow Wilson Foundation dinner at the Hotel Astor last night:

"In the first place, let me try to express to you something of the gratitude which I feel for the great honor that has been done me by my becoming the first recipient of this award. I can very truly and honestly say that there is no honor which I should more value in the world than this, and the gratification is increased very much by the fact that the award has been made to one of my nationality by the very distinguished jurors that have had to consider the question. It does seem to me a very fine thing to have done. There are, as we all know, many American citizens who have done magnificent work for peace, and the fact that the jury should have looked outside their own country for the first award shows a spirit of national generosity which is, I venture to say, characteristic of the American Nation, and evidence of the greatness of its spirit. Accept, then, from the bottom of my heart, my warmest, my sincerest thanks.

"I will not weary you with trying to enumerate the many gratifying aspects this event holds for me, but there is one to which I should wish to allude. The fact that it is connected with the name of Woodrow Wilson is a great element in the pride with which I regard it. I had the privilege of the acquaintance,

may I not say the friendship, of Mr. Wilson, and I am not going to attempt any elaborate eulogy of him to-night. He was a very great man. He was a great American—a great citizen of the world. There is no title to fame higher than that. He possessed, as we all know, a very remarkable combination of the qualities of the student and the statesman, a rare combination, and as admirable as it is rare. It gave to him not only the cultured eloquence which we all admire, but that capacity for action which is not always found with academic training. But beyond all this, and beyond many other intellectual and moral qualities which he possessed he was by the admission of all an idealist, that is to say, a man who set before him some definite object of achievement, to attain which he thought no personal sacrifice too great. He knew his moments of great popularity, he knew his moments of adversity, and through all he maintained that steady course which the pursuit of ideals alone renders possible.

TWO PICTURES OF WILSON

"I have two pictures of him in my mind which will remain as long as I live. One is of his arrival in London after the armistice. I see crowded streets, cheering multitudes, all the marks of enthusiastic admiration which have rarely, if ever, been paid by the masses of my fellow countrymen to one who was not one of their nation. No foreign statesman or foreign potentate has, I believe, ever been received as President Wilson was received at the end of 1918, and he was greeted not only for himself but because he embodied the passionate aspiration of the peoples of the world for peace. He was regarded as the apostle of peace, and as such he was received in London, in Rome, and in Paris with unbounded enthusiasm.

"Then I have another picture of him in a quiet house in Washington, where I saw him 18 months ago. The contrast was striking. He was broken in health; he had no longer any official position; his power was apparently gone. He received me in private, laboring under grave physical disabilities, but his manner, his attitude of mind remained unchanged. There was the same courtesy, calm and dignified, which I had known when I called upon him in his presidential lodgings in Paris, and he talked to me just as he had talked to me then. And as I rose to take leave I asked him something about my own doings in this country and whether he approved of them. He replied with his usual kindness. Then he added these remarkable words:

"But remember we are winning; make no concessions." A very striking phrase. I am not here to express agreement or disagreement with its sense. Some will think it wise and others unwise; some will think it prudent and far-seeing, and others will think it the reverse; but I can not believe that there will be anyone who will not admire such an indomitable spirit, such lion-hearted courage. It is only to idealists that an attitude of that kind is possible. Devotion to an idea, to something beyond and above one's self alone makes courage of that kind possible.

PEACE BASED ON UNITY

"And what was this idea? Peace. Undoubtedly; but it was something more definite and precise than that. It was rather peace based on the unity, the solidarity of mankind, the idea that humanity was in the last analysis one and that if they could be made conscious of this unity peace would be possible.

"I have another recollection of Mr. Wilson. This time it was in a not very large room in the Hotel Crillon, at Paris, a meeting of the League of Nations Commission of the Peace Conference. Very hot and crowded it was, men from many nationalities being there, all representatives of the Allies in the Great War, still affected by the war mind—ultranationalistic, perhaps, one may say of them—and in the course of some discussion President Wilson spoke to them; and to that audience, perhaps as difficult as it is possible to conceive, he urged this doctrine of the solidarity of mankind, finishing with a glowing phrase to the effect that in the future—it might be the distant future—the time would come when loyalty to humanity would be as imperative a duty as was now patriotism to one's country.

"It was a moving appeal, and even that unresponsive assembly felt it so. I do not, of course, pretend that the idea was a new one. It is, is it not, at least 1924 years old? Since then many of the noblest teachers—religious, moral, as well as political—have held it, but it was never put forward with greater force or greater conviction than by President Wilson. How has it fared?

EVERY NATION FOR ITSELF

"Let us look back to the state of things that existed before the war.

"At that time undoubtedly the dominant conception of international relations was 'every nation for itself and the devil take the hindmost.' No doubt there were exceptions. There had been efforts, such as the Red Cross movement at Geneva and The Hague Court of Arbitration, to humanize and even to facilitate arbitration instead of war. There had been great international experi-

ments, too, of which the most celebrated of recent times was the effort to organize Europe for peace after the Napoleonic wars—often misleadingly referred to as the Holy Alliance. That was a system of conferences between the great powers of Europe which did much for peace but broke down in 1822 for want of a definite constitution and continuous machinery such as that established by the covenant of the League of Nations.

"Later there were the arrangements known as the concert of Europe for dealing with the affairs of southeast Europe—a very vague and formless system which yet did something for peace while it lasted. On this side of the Atlantic, too, there was the Monroe doctrine, which has been of great, if limited, value for the same cause.

"But these were essentially exceptions. The general international rule was the crudest form of the struggle for life. Unrestricted international rivalry was preached almost as a duty irrespective of the obvious fact that the only logical outcome of such a doctrine was war sooner or later. International anarchy diversified by war was, broadly speaking, the pre-war system. No one can doubt the evil of that state of things.

MENACING TO CIVILIZATION

"It was portentous, menacing to civilization itself. Its danger had been demonstrated to all but the blindest by the World War, and it was obvious that if it was to be cured or even mitigated some new conception of international relations, some insistence on the real unity of mankind, must be pressed upon the world. Nor was the success of such an enterprise so hopeless as some may think it at first, for, after all, the desire for unity, for corporate life is one of the strongest of human instincts, as strong as the opposite instinct of competition. We see it at work in a thousand forms in our national life. It is the basis of a vast number of our institutions, of our schools, our colleges, our States, our nations, our churches, and it doesn't seem in itself impossible that this great force should be used to bring about an increased solidarity of mankind.

"Obviously, if that is to be done, the first thing is to foster international cooperation by all means in our power. Do not mistake me. That is not to weaken patriotism. There is no opposition between this conception of international cooperation and that of patriotism. Indeed, no man will be a good citizen of the world unless he has shown himself a loyal and devoted citizen of his country. The nations can only unite with one another if they are already firmly united in themselves.

"Nor am I claiming that the League of Nations is the only expression of the new conception of international solidarity. On the contrary, there have been other manifestations of the same spirit in the recent past, though I am myself convinced that it is only through permanent machinery continuously operating, such as you have in the league, that you can hope for a really effective expression of world unity. That is why I am so profoundly convinced that Mr. Wilson was wise in insisting that the covenant of the league should form the first part, the essential foundation—at once the corrective and the basis of the peace treaties signed at Paris. But the principles which underlie the covenant extend beyond its actual terms, and in what I am about to say I shall pray in aid of all recent examples of international cooperation, whether the fruit of the league machinery or not. For in attempting a survey of world movements the widest outlook is the best.

ADVANCE IN INTERNATIONAL UNITY

"Let me say at once, with great confidence and profound conviction, that in the last five years the advance in the direction of international cooperation has been little short of marvelous. Much of the work has been done so smoothly that it has escaped notice, and I am not going to attempt to try even your patience by a complete catalogue of what has been accomplished. But even the broadest survey will bring to light the great extent of the work and how it has touched every branch of international relations.

"Some one told me the other day that in the first eight months of this year no fewer than 76 international conferences and commissions have met at Geneva, dealing with every sort of topic. That is typical of what has been going on during the last five years. Take, for instance, what may be called the social relations of nations. It is much, surely, to have rescued from imprisonment and banishment some 450,000 prisoners of war and restored them to their homes; to have liberated many hundreds, if not thousands, of Christian women who had been interned in harems.

CARE OF RUSSIAN REFUGEES

"Much, too, has been done in taking care of and repatriating tens of thousands of Russian refugees, and I might prolong the list of such undertakings considerably.

"Or take the question of health. It is by cooperation of the nations of the world that the epidemics threatening Europe from the war-swept areas of eastern Europe have been prevented. By

the same agency is being carried out the valuable inquiries into such diseases as malaria and cancer, the standardization of biological remedies, such as sera, and the interchange of medical officers among the nations of the world so that they shall learn what has been done in other countries to cope with the problems which they also have to meet.

"Or among the humanitarian activities of the league, take the struggle with that very difficult and complex question, the suppression of the traffic in noxious drugs, such as opium and cocaine. Even now, as we know, an international conference is sitting, and whatever its difficulties may be I am confident it will obtain important progress in that arduous struggle. Nor does opium stand alone. There is the still more terrible evil of the traffic in women and children, where much that has been of the greatest importance has already been achieved, and I hope the day is not far distant when that blot on our civilization will be merely an evil memory. So, too, with the troublesome and disgusting problem of obscene publications. International agreement has been arrived at, and effective steps are being taken to limit that pest, so far as it is international in character. In this connection the recent appointment of a commission to inquire into the position of that hoary evil of slavery should not be forgiven.

IN THE ECONOMIC SPHERE

"So, too, in the economic sphere much has been done. One of the first steps taken was the general economic conference at Brussels to examine the economic problems of the world left by the war, and on the basis of that examination most of the work that has since been done has been built. There have also been conferences to facilitate international transit, to simplify and standardize the laws about such matters as bills of exchange and commercial arbitration. And even an attempt is being made to bring about an agreement to reform the absurdities of the calendar.

"I merely give these as examples which could be considerably extended and which show how far international cooperation in matters of this kind is going. More attention has been paid to other activities which are, perhaps, in themselves not more valuable than those to which I have referred—I mean the political questions that have been submitted to the new methods and new spirit. There was the peaceful and successful settlement of the controversy between Sweden and Finland about the possession and government of the Aland Islands. There was the adjustment of the serious difficulties between Albania and Serbia, which stopped the invasion of Albania and for a time at least restored harmony to those two countries.

"There was the less complete solution of the controversy between Poland and Lithuania over the possession of Vilna, which at any rate stopped actual hostilities, and there was the much-discussed settlement of the Silesian question between Poland and Germany, which, whatever may be said about some of its features, is in practice working smoothly and well.

"More recently we have seen an admirable piece of international work accomplished in the settlement of the government of the territory of Memel, to which our chairman to-night so splendidly contributed by his tact and wisdom. That was a controversy which had troubled Europe for two or three years and had defied the ordinary diplomatic methods of settlement. Yet, applying the new spirit and principle of international unity to it, bringing it into the atmosphere which prevails in Geneva when the representatives of nations come together, not to obtain victories over one another but to secure agreement—in that atmosphere the difficulties of the Memel question rapidly disappeared and in three months the commission presided over by Norman Davis was able to present for adoption a solution which bids fair to be permanent.

THE CORFU INCIDENT

"I mustn't forget in this connection to deal with one or two questions in which it has been alleged that the same success has not been attained. There is the Corfu incident of last year. I think so far from that incident being a failure it is really one of the most distinguished successes of the new international conception.

"Here was a case of a bitter quarrel between two nations caused by an occurrence of the most deplorable character—the murder of four Italian officers on Greek territory. It was the kind of case which in the past had often produced, if not actual war, at any rate prolonged embitterment of international relations. After all, it was just such an incident as that which gave rise to the World War itself. Yet in a very few weeks the matter was adjusted, partly by the league and partly by another international body, the conference of ambassadors.

"Let me here stress one point. It can not be too often repeated that the league is not a superstate. Its purpose is to promote international agreement and not to impose on disputing nations settlements from outside. It matters nothing through what agency that agreement is reached. Sometimes the parties may agree to accept the decision of the court of justice. In other cases the

council itself will seem to them a more suitable tribunal. Or it may be they will select, as in the Corfu case, an arbitral or mediatory body of a different character. That is for the parties to settle. The league's function has been discharged when it has brought them together and put them on the road to agreement, and that function was most successfully accomplished in the Corfu case. Whether the solution actually arrived at was an ideal one or not may be the subject of a difference of opinion; but the broad fact remains that peace was preserved; that the integrity of Greek territory was maintained, and that the relations between the two countries suffered only a passing shadow.

EGYPT AND THE LEAGUE

"Quite recently there has been talk of another question which has been thought to have some resemblance to the Corfu incident. I mean the question of Egypt. There, too, a horrible murder took place, not in a remote mountainous district, but in the streets of Cairo as the climax of a series of outrages directed against foreigners, and especially Englishmen. Demands were made by England in consequence of the murder and ultimately accepted by the Egyptian Government, and people asked why was not the league called upon to intervene. The answer is simple enough.

"The league is there to deal with international relations, not with realtions affecting the national administration of any country. Relations between England and Egypt are of a very special character. Until 1922 Egypt was under the protectorate of England, and when that protectorate came to an end certain questions were reserved, including the protection of the lives and properties of foreigners in Egypt, to be dealt with by the British Government as though the protectorate still existed, until some further agreement was made between Egypt and England. When, therefore, the terrible murder of Sir Lee Stack took place it was part of the national obligations resting on the British Government to take whatever steps it was advised were necessary in order to secure the safety of its own nationals and other foreigners in Egypt. I do not propose to ask you to consider whether everything that was done and said was right, though I am myself confident that in broad substance no objection can be justly raised to British action.

NOT AN INTERNATIONAL MATTER

"But the point is that it was not an international matter, and, as a matter of fact, there was not even any dispute between the British and the Egyptian Governments on the subject. True, the existing Egyptian ministry resigned after granting part of the British demands. But it was succeeded by another ministry constitutionally appointed, which accepted the remainder. Internationally the incident was closed. Yet even so the British representative on the Council of the League felt that it would be in accordance with the new spirit of international relations publicly to offer to lay before the Council of the League a full statement and account of British action in Egypt if any member of the league desired that should be done.

"To my mind that is one of the most striking testimonials to the progress of the idea of international unity that has yet taken place. Here was a matter admittedly outside the cognizance of the league as to which the British Government was none the less ready to give explanations, because it desired to pay tribute to the international authority and position of the League Council. So far from the authority of the league being flouted, as some have ignorantly suggested, it has been openly and emphatically indorsed.

"Closely allied with these strictly political questions have been a number of other activities of a politico-economic character. I refer, of course, to the great and so far brilliantly successful efforts for the reconstruction of Austria and the not less successful proceedings in Hungary. There the principle of international cooperation has been used in order to bring assistance to struggling members of the family of nations; in Austria by the international guaranty of a loan coupled with provisions for the rehabilitation of Austrian finance; in Hungary by utilizing the international machinery in order to restore to that country financial credit and confidence without any guaranty.

"Perhaps an even more striking instance is what has been and is being accomplished in Greece. There a State not in serious financial difficulties was suddenly faced with the terrific problem of providing for a great stream of national refugees equal to one-quarter of its whole population suddenly thrust upon its shores by the fortune of war.

"The league, for it was done through the league, used its machinery to give confidence to the world that money lent to Greece would be applied in reproductive work for dealing with this great problem. As in Hungary, we have had the assistance of distinguished American citizens to direct the operations in the country itself, and it has been to me extraordinarily striking that when the recent loan to Greece was put upon the London

market it was recommended to the investors mainly upon the ground that since the league was taking an interest in its administration they might be satisfied that the money would not be wasted. I do not know how the loan went here, but in London it was subscribed fifteen times over within a couple of hours of its being offered.

"There has, of course, been also the greatest of all the international reconstruction efforts, that for dealing with the reparation question in Germany, which was the subject of what is called the Dawes report. While the formulation of the Dawes report and the plans for making it effective were quite outside the field of the league, nevertheless the members of the Dawes committee (to whose success the contribution of the American delegates was so great and so invaluable) have themselves pointed out that their plan was built upon principles established in the cases of Austria and Hungary, which came under league supervision. To my mind, what I hope will be the great success of the Dawes scheme is just as much a result of the new international conception for which Woodrow Wilson stood as anything that has been done by the league itself.

THE AGREEMENT ON MOSUL

"Before I part with these political questions, there is one about which a word should be said, and that is the question of Mosul. In that case the two parties, Turkey, which is not yet a member of the league, and Great Britain have agreed to refer the delimitation of the northern frontier of Mesopotamia to the council of the league. The council, following what is becoming a common practice, has referred the technical question to a small committee presided over by Count Teleki, an ex-Prime Minister of Hungary, which will make an inquiry on the spot and report to the council. I am glad to say that both countries have already agreed to accept the decision of the council, whatever it may be—a good example of the growing power of the new spirit.

"Finally, there is one branch of international political activity of great and growing importance. By a number of treaties signed at Paris and since, most of the central European states have come under an international obligation not to discriminate against racial and linguistic minorities within their borders. These treaties constitute a charter of freedom for some 40,000,000 people in those countries, and its execution is intrusted to the supervision of the league. A delicate function, to judge between a government and a section of its subjects.

"An organization has been created at Geneva which receives complaints, circulates them to the members of the council, and, if endorsed by any member of the league, an inquiry takes place. The object, as always, is a settlement and not a victory, and every effort is made to secure an agreement between the parties; sometimes the court of justice is called in to advise on any legal points involved. In all cases the government complained of is given the fullest opportunity to deal with the complaint in the first instance. Sometimes a hearing takes place before the council. In the end in every case some settlement—not satisfying, perhaps, everyone, but approximating to justice—is arrived at. Not long ago, as a result of such methods, a state paid over \$500,000 as compensation to certain farmers of a minority race who had been unjustly expelled from their farms.

GREEK AND BULGARIAN ALIENS

"Here, as in other matters, the new spirit is making way. The league representatives grow in authority and confidence. Let me give you an instance: By an arrangement between Greece and Bulgaria, alien population of the two races in each country are to be exchanged, and the work is proceeding under the supervision of two commissioners appointed by the league. Recently a minorities treaty came into force in the same districts and the governments agree to entrust the same commissioners with the supervision of the rights and obligations under these treaties also.

"I must hurry on, but I can not omit without any mention the great international institutions which have sprung up as part of the general scheme of international cooperation in close connection with the league. There is the international labor office, which aims at establishing standardized labor conditions of employment all over the world, so that no advantage shall accrue to any country by inhuman exploitation of labor.

"There is the permanent court of international justice, where we have at last seen the fruition of ideas and efforts long and hitherto unsuccessfully made to create a genuine international court of justice. It is functioning with remarkable success and has already disposed of a number of international controversies which would otherwise have created a festering sore in the common life of the nations of the world. Then there is the mandates commission, where you have now a skilled international body to whom annual reports are presented on the administration of a number of territories inhabited by less advanced peoples and

where the principle has been accepted that the administering country is the trustee of its powers for the benefit of the inhabitants themselves and for the interest of the world at large.

THE MANDATES COMMISSION EULOGIZED

"I wish I had time to describe more fully the work of the mandates commission, but anyone who has read their reports will agree with me that the sober, impartial, practical spirit that pervades them is of the happiest augury for the future of this very interesting experiment.

"Quite recently two other very interesting international experiments have been begun. By the generosity of the French Government an institution fostering intellectual cooperation is to be established under the auspices of the league at Paris. Already valuable work has been done by some of the chief thinkers of the world in meeting together to discuss international intellectual problems, and this new institute is to strengthen and coordinate their exertions.

"Further, at the last council meeting the Italian Government offered to establish an institution, also under the league, for considering the prospects of the unification of private law. This is not the codification of international law. But that object, the dream of so many an idealist, has not been forgotten. It is a difficult question, but a beginning has been made.

"At the last assembly a small expert committee was appointed to study what subjects of international law are ripe for codification. The lines to be followed are somewhat those laid down by Mr. Elihu Root in the commission which drew the statute of the international court in 1920. Here, too, we have American help in the person of Mr. George Wickersham, so that the work will proceed under the aegis of two American jurists of more than national reputation.

"Here surely is a splendid record of five years' work. Not that any of us should be satisfied that all that could be done has been done. There are great and outstanding questions still to be tackled and none greater than that of armaments. Here, too, many efforts have been made mainly on two lines. One is to control the traffic in arms.

THE PROBLEM OF ARMAMENTS

"Certainly it is a paradox of a startling character that we should recognize that the dealing with such things as cocaine and opium is so dangerous to humanity that it ought to be the subject of international control, but we have made very little effort so far to supervise even in the most elementary way the international trade in instruments expressly designed to slaughter and mutilate our fellow men. However, as the result of very laborious negotiations there does seem a hope now that a conference will meet in the coming year, if possible, to agree upon the very important step of securing publicity for international transactions in articles of this character. That will be, at any rate, a beginning.

"Then, with regard to the larger problem of the limitation and reduction of national armaments, one great step was taken by the conference at Washington which has resulted in the limitation of battleships among the chief naval nations of the world. That is a very important precedent, though, of course, it only deals with a fraction of the naval part of the problem. There remains the rest of the naval problem—cruisers and submarines—and the whole of the land and air forces of the world to be dealt with.

ACTIVITY OF THE LEAGUE

"In this matter the league and other international agencies can not be charged with indifference. They have been working hard at it for the last four years. Last year a preliminary proposition was made, called the draft treaty of mutual assistance, the object of which was to secure, first, a general acceptance of the principle that no aggressive war should be tolerated; secondly, that there should be a general scheme of international disarmament; thirdly, a promise by the disarming nations to protect those who disarmed from suffering for their action. This proposition was replaced this year at Geneva by a new one called the protocol, which included, in addition to the general principles of the previous scheme, the idea of compulsory arbitration for all international disputes.

"I am not going to assert that a solution of these very difficult matters has been yet arrived at, but it is truly a great step forward that any scheme with that object should have been accepted by the representatives of 47 nations represented not by mere 'cranks and crocheteers,' but by the foremost statesmen of the 47 nations concerned. I am not at all disturbed by the slowness of the advance toward the solution of this question. It is, of course, the very heart of the matter. Disarmament is the goal to which all intelligent lovers of peace must desire to tend, but the difficulties in the way are prodigious and it will need all the new

spirit of which I have spoken to secure success. To me the fact that the problem is taken seriously and is now being grappled with is in itself an immense encouragement, and I look confidently forward to substantial advances being actually secured in the course of the next few months.

THE ADVANCE TOWARD PEACE

"Well, ladies and gentlemen, if I haven't wearied you and you have been able consequently to follow what I have tried to say, I am sure you will agree with me that we who believe in peace and still more believe that it is a cause worthy of our utmost exertion have much to be thankful for. Especially may those take courage who have felt the inspiration of the great ideal for which Woodrow Wilson was content to sacrifice his health and also even his life. The advance which that ideal has made during the last five years has been greater than that of any similar human movement with which I am acquainted. We have to encourage us a record of great and even marvelous achievement, and we may look forward to an even greater promise for the future.

"Nor must it be thought for an instant that in recounting that great work done by the league I have overlooked the splendid contribution made by America in recent years, as always, to the cause of world peace. I have already alluded to the Washington conference on reduction of naval armaments, to the success of which Mr. Secretary Hughes and other distinguished American statesmen made such an invaluable contribution. Nor have I failed to note the splendid work done by our chairman of tonight and by other individual Americans in the cause of world reconstruction and other beneficent activities of international organs and agencies.

A TRIBUTE TO AMERICA

"We in the Old World have never failed to recognize the strength of American devotion to peace and good will among the nations of the world. We know that you plan no conquests; that you nurse no ambition for territorial expansion. The unguarded Canadian frontier is a proof that we have no fear of American militarism. No nation in the world has stood so consistently for peace as yours.

"Nor will you hear from me one word of criticism as to your attitude toward the league or any suggestion that it springs from lack of sincerity or conviction in your horror of war. No intelligent supporter of the league could do otherwise than recognize unreservedly that it is part of the essential sovereignty of each nation—a sovereignty which is the very basis of the league constitution—to settle for itself what shall be its external policy. That is for America and for America alone.

"We of the league have our task. We believe that to us has been entrusted a great mission for peace. We see that much has already been done and that still more remains to be accomplished. The seed planted by Woodrow Wilson and his colleagues at Paris has already grown and flourished beyond the most sanguine expectation. Let it be ours to foster its growth, and, not wasting our time in criticism or regret, let us press forward toward that glorious prize which even now seems almost within our grasp."

FEDERAL TRADE COMMISSION INVESTIGATIONS

Mr. NORRIS. Mr. President, I submit a Senate resolution and ask unanimous consent for its present consideration. The resolution (S. Res. 286) was read, as follows:

Whereas it has been alleged on the floor of the Senate and in the public press that a power trust exists in the United States and that many public utility and power companies are wholly or partly controlled through stock ownership, interlocking directorates, and various other means and methods by various combinations of water-power companies, large manufacturing and industrial corporations, and by banking and other institutions: Now therefore be it

Resolved, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the Senate the present degree of concentration and interrelation in the ownership, control, direction, financing, and management through legal or equitable ownership of stocks, bonds, or other securities or instrumentalities, or through interlocking directorates or holding companies, including trade associations, or through any other device or means whatsoever of power companies, transmission companies, public-utility companies, and other companies and associations (not including telegraph companies and common carriers by rail, water, or air) engaged in what is commonly known as the public-utility field of business; and also particularly to investigate and report, together with other and pertinent facts, the extent to which banks and trust companies and the principal companies manufacturing electrical equipment and apparatus or owning important patents for the manufacture of such equipment and apparatus and other important industrial companies, or the officers, directors, and stockholders thereof, have a legal or equitable interest in the stock, bonds, or other securities of any of the public utility and holding companies and associations above referred to, or through interlocking directorates, or

otherwise exercise partial or complete control or direction of the financing and management of such companies and associations or have contractual relations with any of them affecting the management or scope of their business.

Resolved further, That the President of the United States be, and he is hereby, requested to direct the Secretary of the Treasury to permit the said Federal Trade Commission, in making such investigation, to have access to all official reports and records in any or all of the bureaus of the Treasury Department.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. EDGE. Mr. President, I want to ask the Senator from Nebraska a question. The resolution is far-reaching, and if it is of such extreme importance as would be indicated by the rapid reading of the same at the desk, there is no question that the information to be received would be of great benefit. But a resolution of such tremendous importance should at least be referred to the Finance Committee for some consideration before the Senate acts upon a resolution that would probably require the expenditure of millions and millions of dollars even to touch the high spots of the entire investment world of the country. While I am in no way in opposition to having the facts or that portion of the facts which may be of use for public consumption and public consideration and public protection, yet it does seem to me that a resolution of that character, so broad in its scope, should at least follow the usual form and go to the committee designed for the purpose of considering such resolutions.

The PRESIDENT pro tempore. Does the Senator object?

Mr. EDGE. I object.

Mr. NORRIS. Will the Senator withhold his objection for a moment?

Mr. EDGE. I will.

Mr. NORRIS. Mr. President, I would like to say to the Senator from New Jersey that in my opinion he is mistaken when he says it will cost millions and millions of dollars to make the investigation. As a matter of fact, I introduced the resolution because in my own research on the Muscle Shoals proposition I have found what convinces me of the fact that there is just such a trust, and I have made the charge myself on the floor of the Senate. I have at considerable length outlined those who are parties to it. I got that information with the assistance of some investigators in a brief space of time. It appeared to me to be of such importance, however, that the investigation ought to be made by some official bureau or body that would give it an official standing when the results were obtained.

I am opposed to and I shall oppose any motion to refer the resolution to a committee. The resolution asks simply what has often been asked and usually granted by unanimous consent. I have no objection, of course, to the objection being made, so that under the rule the resolution will go over a day in order that Senators may acquaint themselves with its import.

The PRESIDENT pro tempore. The resolution will go over under the rule.

Mr. EDGE. Just a moment, if the Chair please. It would seem to me in the very nature of things that to carry out its purpose it would require additional help, additional appropriations, and some preparation. For that reason I felt that committee consideration was the orderly method to pursue. I am perfectly ready to give the matter further thought, but for the present I object.

Mr. HARRISON. Mr. President, will the Senator from New Jersey reserve his objection for just a moment? I merely desire to say to the Senator from Nebraska that it seems to me it would be very appropriate to pass such a resolution, but it ought to be amended in view of a statement which I have read this morning in the Washington Post emanating and issued from Baltimore by the head of the Fertilizer Trust. It would seem to me that the Federal Trade Commission might very well investigate the Fertilizer Trust while Muscle Shoals is being considered by the Senate, if they are to investigate the Power Trust. Here is the statement which I read in the Post:

FERTILIZER HEAD ASSAULTS UNDERWOOD SHOALS BILL

The Underwood bill for the disposal of the Government properties at Muscle Shoals, Ala., was assailed in a statement yesterday by Gustavus Ober, Jr., of Baltimore, president of the National Fertilizer Association, as threatening demoralization to the fertilizer industry.

I merely desire to say—

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. HARRISON. Yes.

Mr. NORRIS. I would like to call the Senator's attention to the fact that early in the last session of Congress, or perhaps

the preceding session, when the Muscle Shoals question was under discussion and a great deal was said about the Fertilizer Trust, I introduced a similar resolution in regard to the Fertilizer Trust. It was adopted by the Senate and directed the Federal Trade Commission to make just the investigation to which the Senator has referred. They have made the investigation and their report is on file and has been on file a long time. I am pursuing in this instance exactly the same course that I pursued in the other case. I want to get the information before the Senate and before the country.

Mr. HARRISON. I have no objection in the world to the resolution, but I presume that many Senators will be as forgetful of what is in the report touching the Power Trust when it shall have been received, as they are forgetful of the report that has been made with reference to the Fertilizer Trust. It had passed from my memory that the Senate had passed even a resolution of that character with reference to the fertilizer association.

I noticed in the testimony before the committee given while fighting over the Ford proposal to lease Muscle Shoals, that this same gentleman—Mr. Ober—who is the head of the fertilizer association, and who said in his statement in the paper this morning that the association of which he is the head comprises 90 per cent of the fertilizer manufacturers of the country, appeared before the committee and testified quite at length and, I may say, most eloquently against the Government leasing Muscle Shoals to Mr. Ford. In the course of his testimony it developed that Mr. Ober was not only against Mr. Ford leasing Muscle Shoals but had taken other positions in the past with reference to the question. Here is what happened during the taking of testimony before the committee:

Senator HARRISON. May I ask you what is your view? Do you believe that nitrate plants should be maintained in time of peace for the manufacture of fertilizer?

Mr. OBER. Senator, I will come to that in a minute. We are interested in any advance that chemistry can make in producing a new material or that can give us information on the subject of fertilizers. If Muscle Shoals can produce that, we are glad to have them produce it.

Senator HARRISON. You are in favor, then, of utilizing Government agencies for accomplishing that purpose?

Mr. OBER. I will explain that in a moment.

Senator HARRISON. I would like to ask you that now. You are?

Mr. OBER. We are in favor of using it, but allowing any person who has a process that looks sound to use it. We are not in favor—in other words—

Senator HARRISON. You mean run by the Government or by private parties?

Mr. OBER. I don't see any objection to the Government and private parties working together on it.

He gave the impression to the committee in his opposition to Ford leasing the property that he was in favor of Government operation at Muscle Shoals, and yet we presented to him a pamphlet that he had written some time previously, when the Congress had the Wadsworth-Kahn bill before it, providing for Government operation of Muscle Shoals, it was shown he had taken just the opposite position. Mr. Ober, as the head of the Fertilizer Trust, who now tries to convert the country against the Underwood bill, said at that time:

In fact, real danger exists to-day that this Muscle Shoals plan may become the entering wedge for state socialism. If the Government makes and sells nitrates, it will be but a short step to the manufacture and marketing of other fertilizer materials and even of complete fertilizers.

He closes by saying:

How much better this would be than to prevent the development of private industry by Government competition. * * * It is best to keep this steam power in stand-by condition, thus holding in reserve not only the ammonium-nitrate plant but also the source of power with which to operate it.

The Muscle Shoals problem is solved—

Says the head of the fertilizer association:

It has been solved by the decision of the War Department to place the plant in stand-by condition. It remains only for the War Department to adhere against any political pressure to the wise decision it has already made.

So when the committee were considering the Ford proposal and we were about to report it favorably the head of the Fertilizer Trust was against it. When Congress, a few years ago, was about to pass the Kahn-Wadsworth bill for the Government to carry on the work Mr. Ober said it was state socialism, and he was against it. Now, when we are about to pass

the Underwood bill, which first gives to the President the opportunity to lease this plant, and, failing to do so, authorizes the Government to operate it, he is against that and he says the plant should remain "in stand-by condition," so that if we ever have war we can then make the nitrates.

Thus the head of the Fertilizer Trust speaks.

Mr. BRUCE. Mr. President, let me say that it is impossible for me to hear such a slighting, not to say contemptuous, reference made to one of the most conspicuous and honorable of our citizens in Baltimore as has been made by the Senator from Mississippi [Mr. HARRISON] without repelling and quickly repelling the inferences that he desired to be drawn from what he said.

The Ober family has for several generations been engaged in the fertilizer business in Baltimore city, and there are no citizens of Baltimore that I have ever known in my time who have enjoyed a higher reputation than the members of that family have for probity, industry, and intelligence; and I could truly say, if I were not indisposed to make an invidious comparison, that of all the present members of that family, good as is the strain of them all, this gentleman to whom the Senator from Mississippi referred in a derisive fashion is in some respects the flower.

A man more highly esteemed, more sincerely respected, than Captain Ober does not exist in the city of Baltimore. Not only is he one of the very best of our citizens in time of peace but he proved himself to be one of our very best citizens in time of war, volunteering at the beginning of the World War, and coming out of that war as a captain, after inspiring the soldiers who served under him with the same measure of respect and cordial regard as that with which he has inspired all of us who have known him in private life. So I trust that some day the Senator from Mississippi may have the pleasure of meeting Captain Ober and forming a more accurate conception of just what he is than his fltering reference to him would imply.

I, for one, am not to be intimidated by these vague references to "trusts." There are trusts, of course, that should be restrained by the strong curb of the law. We all know that. We all know that wealth has its dangers, though no greater dangers than poverty. Many years ago the distinguished Speaker of the House, Thomas B. Reed, of Maine, declared that a statesman was a dead politician; and so, when you run it down, you find that one-half of these mythical trusts, these ogres, these octopuses, these fabled monsters, are nothing but legitimate business combinations that have happened, solely by their skill and close attention to business and good management, to attain an extraordinary degree of success.

How far Captain Ober has been inconsistent in his relations to Muscle Shoals I am in no position to say, not having followed in detail the testimony that has been taken by the Senate with regard to Muscle Shoals; but I recall, of course, as you all probably do, the old saying that "None but a fool never changes his mind." That saying is as true as the companion saying, "Consistency, thou art a jewel." If Captain Ober has changed his mind, knowing him as I do, prizing as I do his sincerity and honesty of character, it is, I am certain, because he has sincerely reached the conclusion that he had good reason for changing it.

It makes no difference to me in my attitude toward the Underwood substitute what position Captain Ober takes with reference to it—not the slightest—because he can not be any more opposed to it on any special grounds of his own than I am on my own public grounds. I am hostile to it because I think that the Government has no right to enter into competition with its own citizens in any ordinary industrial line of business, and I regard the proposition to have it establish a commercial fertilizer factory or factories at Muscle Shoals as the longest stride that has ever been taken in its history toward the general socialization of industries of all sorts in the United States.

Up to this time we have had it, of course, occasionally undertaking some great work, like the Panama Canal. There is no objection to that. If for no other reason the Government, rather than some private agency, should have built that canal because it was to be a thing of vital concern to the Government in time of war.

We find the Government sustaining other business or industrial relations, but almost always back of the relationship there has been some special motive originating in the real necessities of government. You can run down every instance, and you will find that that is all but invariably true. But here is nothing less than a bare, undisguised proposal to have the Government enter into competition with its own citizens in a field which should be left to private effort.

I have offered an amendment excising from the Underwood substitute all power on its part to establish a commercial fertilizer factory at Muscle Shoals. Suppose I had extended my amendment so as to forbid the Government from entering at Muscle Shoals into the business of manufacturing hats or shoes, or any other manufactured product that you chose besides fertilizers, including plows and agricultural implements of one sort or another in which the farmers are especially interested; is there anybody here who would have supported such an extension? I trust not; though I, for one, am beginning to think that there is a general movement throughout the United States in the direction of the socialization of all industry. Before I became a Member of this body I had never formed any due conception of the extent to which this process was eating into the very core of our national life. Now, it seems to me, we have reached a point where almost every day of the world we have a clash between the old American ideas with reference to the true functions of the State and these modern ideas about them.

We are all familiar, of course, with the ancient sectional struggle between the North and the South. It turned simply upon a difference of opinion as to the extent to which a State had the right to secede from the Union. Apart from that, the South and the North were faithful to the same organic instrument and cherished the same general constitutional ideas and ideals. I say now, after having been a Member of this body for some time, that the line of division between North and South in that sectional struggle is nothing like as deep as the line of division that I have seen developed here day after day between the West and the East as respects the true functions of government.

The conflict between East and West at the present time, as I see it, is nothing less than a conflict between two wholly different and mutually repugnant systems of government. I am not speaking now of everybody in the West, because we all know that there are no sounder thinkers anywhere than are at times to be found in the West; but I am speaking of a large number of the present representatives in the Senate from the West. They seem to have almost arrived at the conception of the Government as a great wet-nurse. I sometimes think that we should tear down the Statue of Liberty from the summit of this Capitol and place a big black pap bottle in its place. The idea seems to be that the Government is something to which resort is to be incessantly had for the coddling and artificial stimulation of private interests.

This thing has gone on until the South itself, which used to be the chosen seat of State sovereignty and of individual initiative enterprise and self-reliance, seems to be slowly succumbing to the same paternalistic notions. The representatives from the solid South still call themselves Democrats; but if there were not just one powerful influence solidifying them, and properly and naturally solidifying them, I wonder whether many of them, too, would not go off on the same lines of aberration from true constitutional principles as the Northwest.

Here you have gentlemen from the South—a section of this country that for years and years was wedded to the idea of local self-government and of State sovereignty—ready to vote to establish a great national commercial fertilizer factory at Muscle Shoals. For every reason, for every public reason, every party reason, I regret the fact. One result, of course, is that the difference between the two great national parties now has become largely artificial, and no one, I repeat, knows just what the solid South would do if it were not kept together by the cohesive influence of just one single compelling fear.

I am opposed to the further material centralization of Federal power—absolutely opposed to it—and if I were not opposed to it for any other reason, I should be opposed to it because of the overwhelming disaster which overtook the Democratic Party at the last election. What I have been saying points to the real cause of that defeat.

The Democratic Party has recently been identifying itself to such an extent with departures of one sort and another from all the old true American ideas and ideals that it has lost for the time being the confidence of the country, which it had enjoyed so long as it was true to its time-honored principles and the leadership of Thomas Jefferson and Grover Cleveland.

No! We Democrats now, like Sisyphus in the classic fable, must roll our great, heavy stone uphill again, and we never will roll it uphill again unless there shall be a reversion on the part of the party to its former sound ideas of the proper relations between the States and the National Government and between governmental activity and private industrial activity.

So I say—to get back, as the French say, to our mutton—that Captain Ober did a real service, no matter what his motive was in doing so, when he took the stand that he did with refer-

ence to the Underwood substitute. I for one have been trying hard to vote for that substitute. From the very beginning I have been disposed to vote for it, though in so many respects it violates my ideas of true public policy, because I thought this matter of turning out nitrates for war explosives, to commence with, was a matter of supreme, transcendent importance, and because I thought that it might not be a bad thing even for the Government to go down to Muscle Shoals and manufacture nitrates merely for industrial purposes. But now we have reached such a point that not only are the sponsors of the substitute inclined to set up commercial fertilizer factories at Muscle Shoals, but in their aggressive determination to put their substitute through at any cost are even disposed to cast totally unwarranted aspersions upon one of the most conspicuous, one of the most upright, and one of the most useful of our Baltimore citizens in time of peace and one of the most gallant of our Baltimore citizens in time of war.

Mr. ASHURST. Mr. President, I always listen, if not with delight at least with interest, to the remarks of the able Senator from Maryland [Mr. Bruce]; and I was not surprised at his reference to the classics—to Sisyphus and the ancient fable. The American people, however, are not so much disturbed now about Sisyphus as they are by the fact that they are constantly required to steer between Scylla and Charybdis, the Scylla of high-cost living and the Charybdis of official indifference. I will leave that observation for the Senator from Maryland to comprehend, as he is familiar with the classics and will understand any reference I make thereto.

The Senator intimated that Jefferson opposed and eschewed paternalism. Quite true; but was Jefferson paternalistic when he smuggled from France, in the pockets of his surlout, the rice seed and gave it to our Government to propagate the rice industry of America in order to subsist her people?

John Quincy Adams is regarded as one of the standpatters of early times; but was John Quincy Adams a standpatter or paternalistic when he announced in his message that the Government should build astronomical observatories for the people? He was ridiculed for this recommendation, but he said in reply: "These astronomical observatories will be lighthouses of the sky." John Quincy Adams, reactionary that he was, wished the people to have light, illumination, and information. The Democrats must not be accused of "socialism" and "paternalism," because we wish the Government to go into competition here and there with some gigantic monopoly which may be curbed only by governmental competition. Jefferson, the founder of our Democratic Party—indeed, its patron saint—was not paternalistic; he was a philosopher and statesman.

The Senator did not refer to the Constitution, although he is able to do so, and there is not a Senator here who can explain the Constitution more learnedly than can the Senator from Maryland. We all believe in the Constitution; we take an oath to support it. In all legislation Democrats must ask, "Is this bill institutional as well as constitutional?" Jefferson found the Constitution in his way when he contemplated the purchase of Louisiana. Said he, "I will perform this act, as it is institutional; I will purchase Louisiana, and leave it to the people to ratify my unconstitutional act, because I would be guilty of moral treason to my country if I failed to seize advantage of this fugitive opportunity which may never come again to do a service to millions of Americans yet unborn." I am not arguing that men ought to violate the Constitution, but I am arguing that it is never wrong to do right.

The argument against the Government entering into competition with the citizen ought to be answered here and now. As a governmental policy I say we ought to be careful and chary respecting governmental competition with the citizen. But reflect a moment on what we have seen. Gigantic combinations in control of the people's necessities of life. Think of the fact that the American people are between hades and the ironworks, the producers crushed by monopoly. Are we to sit here like statues and take root because we are fearful that we will make a mistake? A \$29,000,000 fine is imposed upon the Standard Oil Co., and oil tanks and golf sticks careen in the air, but the \$29,000,000 fine does not disturb Mr. John D. Rockefeller. If he had it to pay—which, of course, he did not—he would simply have raised the price of oil to pay the fine. He knows he would not be imprisoned, because this Government is not going to imprison a man with \$29,000,000. Therefore the only recourse for the American people is to relieve themselves from the grasp of monopoly by offering some competition. And pray tell who can compete with a huge, oppressive monopoly except the Government? Tell me, trained lawyer that you are, what relief do you propose for the

people when greed crushes out their blood and controls their life? Will you point the way out?

When William III was about to be placed on the English throne, after James II had abdicated, some statesman in Parliament—and I can envisage my learned friend from Maryland—said, "I refuse to place William III upon the throne. We have no King, it is true; but I fear it would be unconstitutional to place him on the throne." He said, "I am lost, but I will travel only upon the King's highway; but truly I do not know where the King's highway is." He was effectively answered by another statesman, who said, "If you wait until you find the King's highway, you will stand there forever." So if we wait until fines and threats of imprisonment restrain the greedy, we will wait until we all grow gray.

The effective, indeed the only, solution to this question of Government competition is that when a trust or monopoly grows so powerful that it can and does defy the law, and almost defy the law of economics, the only plan workable is to oppose it through competition by the Government, and thereby compel greed and avarice to reduce its prices to a just figure and to deal fairly with the people.

In my judgment, Mr. President, the Democratic Party can not win victories if it adopt the mournful philosophy of my learned friend from Maryland. The Democratic Party will win victories, and will only win victories, when it becomes more democratic.

This is a progressive age. Merely to live is a complex proposition. Not only to earn a living but to live after you have earned the wage in this intense, hurrying age is quite difficult. The party that will win victories in the future, the party that will be triumphant, must be a living, breathing, vital, militant party which will take hold of great questions and grapple with them in accordance with the needs of the hour.

So, whilst I listen with delight to the words that fall from the lips of the scholarly, contemplative statesman from Maryland, he does not afford me any lighthouse for the future; he does not afford any illumination to the pathway that now seems dark.

With perfect friendship and most amicable relations, I do not seek his advice politically, but seek rather the opinions of those who believe that government has but one reason to exist, to wit, to make the life of its people easier, safer, more useful, and more graceful; and if a government does not do that, it has no excuse to live. Can you name another reason why a government should live other than to make the life of its people easier, safer, more useful, and more graceful?

This Constitution, the laws we pass, and our system of government are simply a harness to assist in drawing civilization's load. I do not feel any apprehension when I see the Government building armor-plate factories to compel the Steel Trust to reduce its prices to a reasonable figure.

I do not feel at all alarmed when I see the Government proposing to operate the plant at Muscle Shoals to come into competition with the Fertilizer Trust, if there be one, and give to the farmer fertilizers at reasonable prices.

So much has been said in the parlors of the dilettante and at banquet boards about the farm bloc that I now say a word about that subject. I have sat where it would have been unbecoming and impolite to reply, and have heard bitter scorn and contumely poured out upon those who belong to a farm bloc; but I think that the answer to that is that we can this winter wear the old coat of last winter, and the slouch hat I now wear I wore last year, sir, but the people must have three wholesome meals every day if they are to subsist.

Mr. President, in the West is a great river—the Colorado—the third largest river in the Nation and at times the second largest river in the Nation—the most flashy and the most temperamental river in the world. I will say to the Senator from Louisiana [Mr. RANSDELL], a Senator who has so faithfully guarded and fought for his people, that the Mississippi is not a more flashy or a more temperamental river than is the Colorado. Quantities of hydroelectric energy, potentially gigantic, can and will be developed on that river; and is there a man here so blind as to fail to perceive that hydroelectric power and petroleum are the great horses of God that are always on the road and that never grow weary? On that river may be developed in the future 4,000,000 horsepower—do I hear him aright? I hear the learned Senator from Florida [Mr. FLETCHER] say 4,000,000 horsepower. Indeed, 4,000,000 horsepower, yen, 6,000,000 horsepower. What are 6,000,000 horsepower? That is equivalent to 50,000,000 men working night and day forever. Do you think for a moment we are going to permit greedy private interests and private

capital to seize that which belongs to the people of this country and exploit them? No; the power that may be generated there, the potential energies for the heat and illumination of the people and the motive power of engines that may be generated there will remain in the hands of the Government, except where the Government has already committed itself.

Next to the inborn and ineradicable desire to care for the species, the most powerful human law is the desire to get money. No other law but one is more powerful than the desire to get money. We are living in an age that is money mad, the only thing the present age thinks is worth more than a dollar is a dollar and a half. Are we to sit here and draw our salaries and afford no relief to the people?

Sir, for 10 years I voted against river and harbor bills; but I have seen a light. The scales have fallen from my eyes, and hereafter when the roll is called I shall vote for the river and harbor bill, not against it. On all constitutional and institutional measures on which the Senate takes action looking toward making the life of our people easier, safer, and freer and more useful and more graceful, I am with you. Is the land overflowed? Is the land arid? Take the water off, if it be overflowed; if it be arid, place the water thereupon. That may be prosaic, but that is my idea of statesmanship.

In conclusion, let us not forget—

that words are the daughters of earth, and that deeds are the sons of heaven.

The American people want from their Congress some "sons of heaven" at this juncture.

Mr. HARRISON. Mr. President, I do not know why the Senator from Maryland [Mr. BRUCE] should become aroused over anything I said. Why should he flutter? Truly, I mentioned Mr. Ober, a citizen of Baltimore, and I mentioned a fertilizer trust. Either the one or the other of those two things must have irritated him. Mr. Ober, so far as I know, is a splendid man. He is certainly a successful business man. I have met him personally. He appeared before the committee. With other members of the committee I questioned him. There was nothing in my remarks touching Mr. Ober to which the Senator from Maryland, in his wildest imagination, could rightfully take offense. It must have been my mention of a "trust"—a "fertilizer trust." It has become a habit with some gentlemen in this Chamber to ascribe to themselves the duty of being the defenders of trusts. That custom with some has ceased to be occasional, and has become habitual. The Senator from Maryland can take that to himself, if he desires.

I am sure that we on this side of the aisle, Democrats as we are, do not relish sitting quiescently and have it said that the Democratic Party has lost the confidence of the country. That might have been expected from some one on the other side of the aisle. Indeed, it might come with good grace from some gentlemen over here. I might accept the suggestion from some Senators and pass it without attention, because there are Senators over here who have stood shoulder to shoulder and fought our ancient enemy on the other side. They have a right to their opinions, and even though they might not meet my approval their open declaration of them would give no offense to me. This Chamber has been the scene of many political clashes. These floors have held many tattered and torn policies. This Chamber has witnessed the repulses, as well as defeat, of many Democratic onslaughts. But we have always fought cleanly and generally unitedly. Our organized forces thought we were waging war for Democratic principles and Democratic ideas. We have not "marked time," neither as an organization have we walked backward. We have breathed the spirit of the new day. We carry the same progressive weapons and employ the same progressive war paint used by Jefferson and worn by Jackson. We are not now, and we have never been, a reactionary party, unmoved by distress and uninfluenced by the progressive spirit of the times. There is not room in the United States for two reactionary political parties, and whenever the Democratic Party attires itself in the garb of reactionism it will cease to function and be numbered among the political relics of antiquity. Some gentlemen who masquerade within the party may mark time and hesitate, but it will not and can not hold back the rest of us in keeping step with progress and action.

I say that there are some Senators over here who could tell me that we have lost the confidence of the country, and I would pass it by, but Senators who make the allegation must be pure of heart and true in record. It must at least reveal some semblance of adherence to Democratic principles and Democratic cooperation. Only that would give them a standing to

entitle them to say publicly that we have lost the confidence of the American people. We have done nothing of the kind. For four weeks this Congress has been in session, and during that time politics has stood abashed in the consideration of important legislation. No politics has heretofore been brought into any discussion at this session. It is a pity that the first voice to be raised in this Chamber against the Democratic Party is by an alleged Democratic Senator proclaiming that the Democratic Party has lost the confidence of the country. I ask that Senator what is it that has inspired him to try to lecture me and my colleagues and say that we by our record and our actions have caused the country to lose confidence in the Democratic Party? Do such utterances upon the part of Democratic office-holders reflect credit upon themselves or aid in the restoration of their party?

What encouragement is offered them in such discouraging sentiments? Oh! Mr. President, if the people but knew that in some instances—aye, in many instances—when we were fighting the people's fight here, when we were fighting to cleanse this Government of corruption, when we were trying to relieve the burdened and stooped shoulders of the American taxpayer of some taxes, while most of us cooperated, most of us pulled together and did our best as a minority to lift that load, although it was a very heavy one, that the Senator from Maryland, who now proclaims that we and our party have lost the confidence of the country, did not help us.

Who was it in those stirring days that was giving succor and aid and assistance to the leaders on the other side of the aisle to thwart our plans and defeat our program? To ask the question is to answer it. You know who it was. I know of but one instance in the whole history of the Democratic Party in this Chamber when a Democratic Senator failed to vote for one of his own Democratic colleagues when that colleague was a candidate for the position of chairmanship of a senatorial committee.

Oh, I know the excuse that was offered—that he was afraid we were trying to cooperate with and enter into some agreement with certain progressive Senators on the other side. It is well that such betrayal should be based upon such a flimsy excuse. The trouble is that the name "progressive" was a stench in his very nostrils and for fear that progressivism might triumph he refused to keep step with his Democratic colleagues and voted against them.

And yet that is the Senator who has the audacity upon the floor of the Senate to rise and lecture his Democratic colleagues and to say to the country that we have lost the confidence of the American people.

When we did not and could not believe in the principles handed to us by Secretary of the Treasury Mellon to give a greater reduction in the higher surtaxes than upon the taxes of the less-favored many, what Senator was it on this side of the aisle who failed to keep step with his Democratic colleagues and voted with those on the other side of the aisle who were championing the Mellon policy? That policy which he enfolded to his bosom was repudiated by this body, repudiated by the other branch of Congress, and finally, in the signing of the bill, repudiated by the President of the United States. The Senator who attempts to lecture me upon my democracy, upon my loyalty and allegiance to it and its principles and policies must come with clean hands and not be tainted with reactionism and Republican allegiance.

I realize that if the Democratic Party is to be reactionary in the United States, it has no place in America's history. I believe in the principles of my party. I believe in the principle of State rights, as well as my friend from Maryland believes in it, and yet I realize to-day that there is just about as much sentiment for State rights in the Democratic Party as there is in the Republican Party. I rose on the floor of the Senate to read an article from Mr. Ober, a courteous gentleman. He may be in every way all right. I grant it. I have said nothing to the contrary; but he is the head of a great fertilizer association, the membership of which is 90 per cent of all the fertilizer manufacturers in the country. He stated that himself before the committee. When the head of that organization comes before the Committee on Agriculture and Forestry of the Senate and objects first to the Ford proposal, when it was about to pass, and then fights the Government ownership and operation proposition, and now changes front and tries to crystallize public opinion against the Underwood bill, it shows that he is inconsistent, and I have a right to speak against that. This gentleman occupies a big place in the fertilizer world, and I can not understand, for the life of me, simply because he sojourns and habitates in the beautiful and wonderful metropolis of Baltimore, represented in part by my distinguished friend from Maryland, why the Senator should feel

it his duty to rise here in all his majesty and defend Mr. Ober and at the same time criticize the Democratic Party and say it has lost the confidence of the country.

I am not surprised that the Senator is weakening on the Underwood bill. I have never felt that he was very strong for it, and I have been afraid that when the time would come and the pinch would arise that he might desert the ship. It would not be our first experience. We have been confronted with that situation before. That specter has ever been before my eyes whenever we have engaged here in a close fight. And so, after all, it may be that the article printed in the morning paper and given out by Mr. Ober, the head of the fertilizer association, has caused my friend to weaken in his steadfastness and loyalty to the Underwood bill.

Ah, Senators, I hold in my hand an amendment about which the Senator from Maryland has talked much. It is the Senator's amendment. What is its object? He spoke eloquently and long about it. He has taken more interest in this debate, with few exceptions, than any other Senator. By his amendment he has sought to strike from the Underwood substitute the provision that gave to the Government the right to manufacture nitrates for fertilizer purposes and sell them in time of peace. That is what Mr. Ober wants to do. Ober wants this plant to be maintained and operated only in time of war and then only to make nitrates for war purposes, but in time of peace he desires that it stand still and remain idle. Those ideas are well expressed in the amendment offered by the distinguished Senator from Maryland. I hope that my good friend, genial as he always is, able as he has shown himself to be, will not again rise here and attempt to lecture the Democratic Party and some of us by proclaiming that it has lost the confidence of the country.

Mr. BRUCE. Mr. President, the Senator from Mississippi [Mr. HARRISON], if I may be allowed to say so, has exhibited such a very limited degree of tact and good judgment, to say nothing of good feeling, in his defense of the Underwood substitute that I think that the absent Senator from Alabama [Mr. UNDERWOOD] will have another and an additional reason when he reads the remarks of the Senator from Mississippi for deploping his present sickness. It was said by Lord Lyndhurst, in commenting upon Lord Campbell's Lives of the English Chancellors, that Lord Campbell had added another pang to death; and so I venture to predict that the Senator from Alabama, when he finds out with what degree of skill and sound discretion his function in looking after his substitute has been performed by the Senator from Mississippi, will say that the Senator from Mississippi has added another measure of distress to illness.

All of us will recollect that a painfully incorrect impression was entertained of the intellectual capacity of Benjamin Harrison before he became President, and even after he became President he was subject to no little unjust disparagement. Upon one occasion it is said that a citizen of Indiana went to the White House to have an interview with him, and that the messenger who took the request of this citizen into him reported: "The President says that you can not see him." "Well," said the citizen of Indiana, "I know that he is damned small, but I did not know that he was so small that he could not be seen." I knew that the Senator from Mississippi was a narrow, contracted, small-bore partisan, but I confess that I did not begin to take the real measure of his dimensions as a statesman until I became the subject of the coarse diatribe which he has just directed against me.

What can he mean by saying that the Democratic Party has not lost the confidence of the country? Of course, I meant temporarily lost it, as every party does at times in the course of party vicissitudes. Is it not a fact that Calvin Coolidge received the largest plurality that any candidate for the Presidency ever received in American history? Is it not a fact that in no less than 12 of the States of the Union our party polled a smaller vote than a third party which had sprung up almost like a mushroom in the night? Even that, however, of course does not necessarily signify the loss of the confidence of the American people permanently.

I was endeavoring in my feeble way to point out some of the admonitions of such a party disaster. I have been hoping that we would take to heart the lessons that it ought to teach us and build up our party again upon surer, firmer, and most lasting foundations, upon foundations, in other words, worthy of its noble and world-famous founders, Thomas Jefferson, Andrew Jackson, the hero of New Orleans, and Grover Cleveland, that old, gray, lichen-covered rock to which our hearts might so well turn at this crisis in the history of our party. I was voting the Democratic ticket when the Senator from Mississippi was born. I made a speech in behalf of that gal-

lant soldier, Winfield S. Hancock, when he was the Democratic candidate for the presidency of the United States, even before I was old enough to vote for him, and from that day to this my voice, my pen, my purse, my vote have been consistently employed in the maintenance of true Democratic principles and in securing the success of Democratic candidates, even when, as in this last presidential contest, it seemed to me that nothing could be clearer than the fact that the party was steering right on to a jagged and destructive rock.

The Senator from Mississippi may think that he is a truer Democrat than I am, but he is not. In the language of the old English battle hymn, "I love that broad red banner." At times I have followed it exultantly to victory, and at times I have followed it sorrowfully to defeat, but I shall always continue to follow it whether it flutters triumphantly on high or droops, because no matter what errors the Democratic Party falls into, no matter what mistakes it makes, there is a principle of inextinguishable vitality in its bosom that sooner or later makes it a militant thing again. It is like one of those spirits of which Milton speaks in *Paradise Lost*—"Vital in every part, yet except by annihilating can not die." It has survived all the shocks that have come to it in its history and it will survive the shock that it received last November if it will only be true to itself and to its real leaders, and if some of its pseudo leaders will only exhibit the just measure of tolerance which even the most extreme party man ought to exhibit in relation to the honest opinions and views of his party associates.

I have had nothing to apologize for since I have been a Member of this body. If I had the opportunity to repeat the experience of last session, I should repeat it. If it did not smack of personal vanity in me to say it, I might say that at the last session of this body it was perhaps my personal judgment that was right and perhaps the judgment of Members of this body and of our party, like the Senator from Mississippi, that was wrong. I have no excuses to make for voting for the distinguished and useful Member of this body who presides over its deliberations as chairman of the Senate Interstate Commerce Committee. It is a fact that with the concurrence of both sides of this body his name as chairman of that committee was actually set up in print, it being recognized on every hand as the proper thing, not only from the public point of view but from a party point of view; also that the chairmanship of that committee should go as the chairmanship of each of the other Senate committees went—to a Republican. And by whom, pray, was this side of the Chamber diverted from the intention of making the Senator from Iowa [Mr. CUMMINS] the chairman of the Interstate Commerce Committee? There is not a Member of the Senate, I venture to say, who is not familiar with the real personal influence that brought about that change. It was brought about by the Senator from Montana [Mr. WHEELER], whose seat is just behind me. It was at his suggestion; it was upon his insistence, as I am informed, that all the existing ideas of the Democratic Members of the Senate with reference to the true policy of the party in relation to the Senate Interstate Commerce Committee were reversed, the printed name of the present President of this body deleted as the chairman of that committee, and all of us Democrats called on at a moment's notice to vote for a Democratic Member of this body, the Senator from South Carolina [Mr. SMITH], as chairman in place of the Senator from Iowa [Mr. CUMMINS].

That, in my opinion, was the beginning of the train of irresistible, tragic, fatal causes that resulted in the defeat of the Democratic Party at the last presidential election. If I had had it in my heart to reproach one of my colleagues, and I did not nor have I it now, I certainly should have done so when I more than once picked up a newspaper during the last presidential campaign and saw that the Senator from Montana [Mr. WHEELER], as the candidate for the Vice Presidency on the La Follette ticket, was denouncing the party of which he had been supposed to be a member, as nothing but a dead, putrid corpse.

In view of these facts, can it be said that at the last session of the Senate I took any stand in regard to the Senate Interstate Commerce Committee that might not have been taken by any sensible, judicious, true party man?

Then the Senator says, most unjustly, that I was slack in promoting the investigations into official misconduct that were prosecuted by this body at our last session. Never once did my vote fail to be cast in favor of such investigations. I never threw a pebble, a twig, a straw, in the way of any such investigation. If I may say so, I have been too much a student of political history, too long a member of legislative bodies, not to know that one of the highest functions of a legislative body

is that of investigation under such circumstances. Notwithstanding the sincere respect that I entertained for the President of the United States, when he undertook to throw himself across the pathway of those investigations I was one of the very first Members of this body who rose and said that I for one did not know how to set any limits to the legislative investigation of official misconduct. But I have always thought, and I think now, that the result of those investigations might have been entirely different if they had been organized and conducted in a different manner.

I am betraying no secret when I say now—though no human power could have induced me to breathe the words before—that after Mr. Davis had been campaigning for weeks during the last presidential contest he said to me on one occasion, "Senator BRUCE, I can not see that there is the slightest reaction in the United States anywhere to the oil scandals." I replied, "But suppose that those investigations had been just a little freer from partisan extravagance than they were; suppose that the members of those investigating committees had in some instances been just a little more carefully selected than they were, and suppose that those investigations had been conducted in a more impartial, judicial spirit; might not the result then have been different? Might not some real effect on public opinion have been worked?" In my humble opinion these questions can be answered only in the affirmative.

Bad as were the scandals that were exposed, the people of the United States came to believe that they were nothing like as bad as they were represented to be for extreme partisan purposes of one sort or another. And so from those investigations, which seemed to be such fair, luscious fruit for a political campaign came nothing but Dead Sea ashes.

I suppose that the Senator from Mississippi finds fault with me because, exercising my sense of constitutional duty, I did not see fit to ask the President to remove Secretary Denby. I am proud of the fact that I did not. Nothing could ever be more clearly established in the course of legislative proceedings than the fact that this body had no lawful power to make such a request, and it had no effect except that of influencing public opinion throughout the United States adversely to our party.

No! Even as a Democrat of the strictest, straightest sect, I have no hesitation in laying my record in this body alongside that of the Senator from Mississippi. I may not be so susceptible to partisan virulence and extravagance as he is; I may not be so amenable to the party whip; I may not be so servile when the decree of the party caucus is pronounced; but when my votes in this body are canvassed by any fair-minded Democrat it will be found that I have been quite as true to Democratic principles as the Senator from Mississippi or any other Democratic Senator in this body.

Does the Senator from Mississippi know or does he not know that when I took the stand that I did with reference to the election of the President of the Senate to the chairmanship of the Interstate Commerce Committee, from every part of this broad land, and from no quarter more noticeably than the South, came floods of letters and telegrams to me declaring the sympathy of the writers with me in the stand that I had taken?

Mr. HARRISON. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Mississippi?

Mr. BRUCE. I yield.

Mr. HARRISON. Does the Senator know whether they were from Democrats or Republicans?

Mr. BRUCE. I know it well. If the Senator from New Jersey [Mr. EDWARDS] were here, he would tell you that one of his constituents wrote to him commenting upon the vote that he had cast with reference to the chairmanship of that committee and inclosing a batch of Democratic editorials approving my course and, though it seemed to me that the process was just a little like seething a kid in its mother's milk—to use the scriptural illustration—asking my friend the Senator from New Jersey to be so kind as to show these editorials to me. The editorials approving my course came from far-away San Antonio, Tex., from New Orleans, from Charleston, from the length and breadth of the land—East and West, North and South. Astonishing as the statement may seem, to this day I personally have no reason to believe that one solitary Democratic paper in the United States disapproved of my course.

Somebody told me—I do not know whether it is true or not—that even the editor of a newspaper in the home town of the Senator from South Carolina [Mr. SMITH], and a personal friend of his, came out in an editorial in which he said that he thought it was bad politics for the Democrats in the Senate to do anything but elect a Republican to the headship of the

Committee on Interstate Commerce; and not more general was the approval given to my course in that matter than to my course in relation to Secretary Denby.

Yes! I have had but one polestar in my life as a public man—sometimes, perhaps, it has cast only a flickering and uncertain light on my path—and that has been to reach the most correct conclusion that I could under the given set of circumstances that confronted me, without regard to any secondary considerations whatsoever. Should I be true to nothing else, in the course of the remainder of my political life I trust that I shall at least always be true to my own intellect and conscience.

It was not my course at the last session of the Senate that was disapproved by the people of the United States or the Democratic press throughout the United States; it was the course pursued by the Senator from Mississippi himself. There never was a fairer prospect in the world for party success than was presented to the Democratic Party at the last session of this body. It looked as if all that we had to do was to reach out our hands and clutch the cluster of grapes. But when the people of the United States saw the lack of moderation that was exhibited in so many respects in the party policies that we pursued at the last session of the Senate, when they saw us drawing closer and closer, apparently, to a group of public representatives with whom we had absolutely nothing in common—and whose ideas are regarded with the deepest distrust by the majority of the American people—our sky became more and more overclouded: popular confidence more and more deserted us; and finally, when our national convention came and we undertook the absolutely impossible task of straddling two horses going in diametrically opposite directions we had no reason whatever to anticipate anything except what did actually happen.

Nowhere in the United States was that situation accepted with more sorrow—genuine, unspeakable sorrow—by Democrats than in the State of Maryland. For some years past our party had been at high tide. We thought that we had gotten back to the era that ensued immediately after the Civil War. In recent years all of our Democratic candidates have been elected to the highest offices in the gift of the people of Maryland by phenomenal majorities. Our party was as lusty and as strong and as hopeful and confident as the Democratic Party ever was in the State of Mississippi or in the State of Louisiana or in the State of Texas or in the State of South Carolina. But I knew, as soon as that convention had completed its work, that we were doomed to disaster; and it is the honest truth that I never once heard any Democrat in the State of Maryland, at any time after the nominations were made by the Democratic convention in New York, predict the success of the Democratic ticket. We Maryland Democrats came up to the polls on election day exactly as the gallant Confederates led by Pickett came up to the heights at Gettysburg—with undaunted courage and loyalty, but with the certainty in the hearts of all of us that election day in November would not be our day, but the day of our old, immemorial antagonist.

The wise thing for us to recognize at the present time, is the fact that we did lose the confidence of the people; but that is no reason why we should not aspire to regain it. In my opinion we shall regain it if we are only true to our old traditional principles and to the best leadership by which the party has been led in the past.

The Senator from Mississippi seems to think that I also committed an unpardonable sin when I supported the Mellon tax plan, and that in supporting it I was simply obeying the ordinary impulses of subservience which mark my relations to the great trusts and organized wealth. So far as I recollect, he did not use the word "octopus," though at one time I thought that would certainly issue from his lips, or the word "ogre," or the word "monster," or the word "Frankenstein," or some other word that is framed in excited moments in the inflamed cells of the human brain.

No man ever gave any better proof of his utter lack of subservience to anything or anybody in connection with public life than I did in connection with the Mellon tax plan itself. The Senator from Nebraska [Mr. Norris] at least will recollect that, so far from being entirely ductile in the hands of Secretary Mellon, I was one of the most outspoken supporters upon the floor of the Senate of his tax-publicity provision; and if there was anything in the course of our discussions at the last session of the Senate that was more obnoxious to the organized wealth of the country than another, it was the tax-publicity provision of the Mellon plan. But I supported the Mellon tax plan in the main because my experience had demon-

strated to me that the idlest thing, the most fruitless thing in the world, is to heap up a great load of oppressive taxation on the backs of any class of taxpayers whatsoever, because just as certainly as you do the process always turns out to be the cry of a dog when sheared—"all cry and no wool."

One of the wisest things that ever was said about taxation was said by Colbert, the French Minister, when he declared that "the art of taxation consists in plucking the goose without making him squawk." What was presented to me was the fact that taxes on incomes above \$200,000 a year had gone down from upwards of a billion dollars to \$150,000,000. How best was that lost taxation to be recovered and the revenue that it represented to be wooed back into the channels of productive enterprise? I thought that the method suggested by the Secretary of the Treasury was the right method, but the Senator from Mississippi did not agree with me.

I was amused this morning when my friend, Captain Ober, was taxed with inconsistency in connection with his views about the Muscle Shoals plant by the Senator from Mississippi. At the last session of the Senate, as I understood it, one of the most ardent, one of the most uncompromising advocates of the tax-publicity provisions of the present revenue law was the Senator from Mississippi, but imagine my surprise when I saw, on glancing at the Congressional Digest this morning, that the stool of repentance had been brought in, that the Senator from Mississippi has entirely recanted his heresy, and that what seemed to him so fair and bright last June appears now hopelessly forbidding and repellent, and that just as soon as the tax-publicity proposition comes up again, he was prepared to eat any amount of "crow" that might be pressed to his lips, and to vote against the tax-publicity provisions of the present revenue law. Hardly does it lie in his mouth, it seems to me, to tax my friend, Captain Ober, with inconsistency.

I will cease in a moment or so now, but let me draw just a little further the parallel between the Senator from Mississippi and myself as a Democrat. Though I am not intolerant, like the Senator from Mississippi, in my views of my colleagues who differ from me, I suppose that if there is any test at the present time, in the part of the world, at least, where I live, that determines the character of a true Democrat, it is his attitude toward the child-labor amendment to the Federal Constitution. To our Democrats in Maryland the most searching question that you can ask of a Democrat at this time is, whether he is opposed to or favors this amendment. Is he in sympathy with the steady process of centralization that is going on week after week, day after day, and hour after hour in the operations of the Federal Government, or is he at enmity with it? Does he think that the Federal probe ought to be pushed even into the inner core of child life and industrial activity in the States? Does he think that a child in one of the States should be tied up to the leading strings of the Federal Congress, of an authority far removed from the immediate authority by which his young life is habitually sheltered? Or does he think that each of the States of the Union should in the matter of child labor, as in all other matters relating to the domestic concerns of the States, be left to form its own views of policy, unmolested by the intrusive, ever-growing power and authority of the Federal Government? These are the questions, I repeat, that are now being asked of Democrats from one end of the United States to the other, and that have been answered in no uncertain terms by the Legislatures of Louisiana, Georgia, and South Carolina.

Yet we have the Senator from Mississippi—the State once represented by the illustrious leader of the Southern Confederacy, Jefferson Davis; the State of Lucius Quintus Cincinnatus Lamar, and many another great man who wore his spurs with gallantry and distinction in this body—voting to extend the authority of the National Government to the regulation of the labor of every individual in every one of the 48 States who happens to be under 18 years of age.

So really, now that I have reviewed the political record of the Senator from Mississippi a little, I think that he ought to postpone his reply to me just for a little while—

Mr. HARRISON. There is nothing to reply to, may I say to the Senator?

Mr. BRUCE. Perhaps that was due to the incapacity of the speaker to whom I was attempting to reply.

Mr. HARRISON. Of the speaker who is making the speech.

Mr. BRUCE. We will ask the Senate to decide upon whose foot that reproach should be put. I must say that in replying to the Senator I experienced the difficulty of the duelist who refused a challenge before the Civil War on the ground that his antagonist was so thin that it was absolutely impossible for any aim really to hit him.

Let the Senator, I say, go off into some quiet corner—not answer me rashly and impulsively, as the Senator, with all his talents and essential good nature, is prone to do at times—and think over what he said and ask himself whether I really said anything this morning in defending my friend, Captain Ober, of Baltimore, that justified his intemperate attack upon me, both personally and as a party man.

As for his charge that I am amenable to the influence of trusts and business combinations, I might well not dignify it with notice, but if not another single one of his poisoned arrows fell broken and impotent at my feet, that one did. It just so happens that for 12 years of my life, under the appointments of three successive governors of Maryland, I was the general counsel of the public service commission of Maryland, which is charged with the duty of regulating the conduct of all the public-utility corporations of that State. If the Senator has any doubt as to the principles by which my official conduct in relation to moneyed combinations of any sort was shaped, all that he has to do is to go to Maryland and ask the people just why it was that when I became a candidate for the United States Senate, without the slightest rift of sentiment in the Democratic Party or any element of which it is composed, I was nominated and elected to a seat in this body.

I am not connected with any trust or even any corporation, except the Maryland Life Insurance Co., of which I have been the general counsel for many years. I owe no personal obligations of any sort to any business interests; and anybody who knows anything about me in the State of Maryland knows that in my official relations to private business I have never been influenced in the slightest degree by anything except what I conceived to be the obligations of my public duty.

Benjamin Franklin said, as we all know, "It is hard for an empty sack to stand upright." I am glad to realize that if there is no other reason why I have been independent of selfish control in public life one is to be found in the fact that, though beginning life without a dollar, I contrived, by the practice of my profession through a long course of years, before I gave myself up to public duties, to make myself peculiarly independent of anyone's favor. But I have doubtless said even more on this subject than I should have said.

In conclusion, I merely wish to say to my party associates in this Chamber that in my first remarks I had no disposition whatever to utter anything censorious about them, or to withhold from them the same right to form their individual views as to public and party policies that I reserve for myself. Now that we are altogether again, somewhat like a lot of refugees on an island in the Mississippi River after a devastating flood, we should all feel that we are a band of brothers, "all for each and each for all," and resolve by every means in our power to renew the strength of our party in such a manner that when we hold our next Presidential convention it will be absolutely invincible.

ORDER OF BUSINESS

Mr. CURTIS. Mr. President, I had intended to ask unanimous consent this morning that after the conclusion of the routine morning business the unfinished business might be set aside and the Senate proceed to the consideration of unobjected bills on the calendar. I am informed that the leader on the other side, the Senator from Arkansas [Mr. ROBINSON], can not be here to-day, and he wanted only a certain class of bills called, but I have since been informed that at least two Senators will object to those. So I concluded not to ask unanimous consent to-day, but I give notice that to-morrow I will ask unanimous consent that we shall proceed to the consideration of unobjected bills on the calendar, and that to-day, after the routine morning business shall be disposed of—and I understand there is one more order—

The PRESIDING OFFICER (Mr. McNARY in the chair). Concurrent and other resolutions are in order.

Mr. CURTIS. I hope the unfinished business may be laid before the Senate, and the Senator from Louisiana [Mr. RANSDELL] and the Senator from Pennsylvania [Mr. REED] and others who desire to address the Senate may take up the time. I give notice that then we will have a short executive session, after which I will ask an adjournment.

The PRESIDING OFFICER. If there is no further morning business, the morning hour is closed, and the Chair lays before the Senate the unfinished business, which is House bill 518.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time

of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

RIVER AND HARBOR APPROPRIATIONS

Mr. RANSDELL. Mr. President and Senators, I desire to call the attention of the Senate for a very few moments to what to me is one of the most remarkable and libelous editorials I ever read, an editorial which appeared in the Washington Post, of this city, on the 22d day of this month, entitled "Progress and pork." Many of the Senators doubtless read this article. The purport of it is that the river and harbor bill now pending in the House is a "pork barrel" bill—a "bill containing millions of dollars of sheer grabs." The editorial speaks of that measure in this way, after going on to discuss certain phases of it in very general terms:

That [policy], however, would defeat the very aim of logrolling and back scratching which the present system was designed to promote. . . .

Thus the Member from Wayback will not vote to appropriate a million dollars to make the approach to the Washington Navy Yard navigable by our vessels unless at the same time \$100,000 is appropriated to pump enough water into Wildcat Creek to make it navigable for the skiffs of muskrat hunters.

Was there ever such an outrageous attack made by a reputable journal since the foundation of our country on a great piece of legislation which was recently reported to the House of Representatives by its Committee on Rivers and Harbors?

Mr. President and Senators, I would like to know for whom this paper speaks. Whom does the editor who writes this kind of an article represent? Does he represent the administration of this great Government? I can not believe it. Does he represent the railroads of this country, which compete with the transportation developed by improved rivers? I do not believe it. I can not conceive for whom this editor speaks.

He has, in my judgment, uttered a slander against the American Congress, and I call upon him here and now to make good his accusations or to apologize for them. His charges are all very general. He admits that there are "probably some items in the bill in question which ought to be enacted and which the President would approve if they were presented to him separately." "Some good items in the bill," but the intimation is there are a great many vicious items.

Now I say to Senators and to that editor, in all fairness is not the American Congress entitled to at least as good treatment as an ordinary criminal, who, when charged with a crime, is served with a copy of the indictment against him, which alleges the time, the place, the circumstance, and everything connected with the crime. He is not required to answer the charge until he knows what he is accused of.

I say to the editor of the Washington Post, "What are we, the American Congress, accused of in this charge which you have made of 'pork' in the river and harbor bill? What items in the pending bill are bad? Do you assail, sir, that great item proposing to deepen the Hudson River up to the city of Albany at a cost of \$11,500,000, making a seaport of that great city and of Troy and Schenectady and the capital section of the Empire State of this Republic? Do you, sir, assail the item of \$10,000,000 for the harbor of Los Angeles in California, a harbor which had the second greatest commerce in imports and exports of any city in America in 1923, a city which itself is spending enormous sums to improve its harbor? Do you assail the great intracoastal canal project along the coast of Louisiana and Texas, running from the Mississippi River to Corpus Christi, giving a great waterway there nearly 700 miles long, with a depth of 9 feet and a width of 100 feet, at an estimated cost of \$16,000,000? Which one of those projects do you attack?"

"The bill carries about \$53,000,000. There are 35 projects in it. The three that I have enumerated aggregate \$37,500,000 out of the total of \$53,000,000. Will you be kind enough, sir, to show us what projects are bad and wherein they are bad?"

Let me call to the attention of the Senate a very interesting and eloquent letter published in the Washington Post this morning, from the distinguished senior Senator from Florida [Mr. FLETCHER], entitled "River and Harbor Legislation." In

that letter Senator FLETCHER explains in great detail how river and harbor appropriations are made. He shows that before Congress can make an appropriation for any item connected with rivers and harbors there must first be enacted a law authorizing a survey of the project with a full detailed report thereon. When this act of Congress has been passed the Chief of Engineers sends instructions to the district engineer to examine the project. The district engineer sends his report to the division engineer. The division engineer then sends it to the Board of Engineers of Rivers and Harbors, sitting in this city, a board composed of seven engineer officers, the lowest in rank being a major. If they act favorably upon it, it then goes to the Chief of Engineers of the Army, and not until he approves it is it sent to Congress. No project for river and harbor appropriations is deemed to have legislative status until it has run this gantlet; first, a bill providing for the survey; second, a favorable report by the district engineer; third, a favorable report by the division engineer; fourth, a favorable report by the Board of Engineers for Rivers and Harbors; fifth, a favorable report by the Chief of Engineers; and, sixth, its reference to Congress for action. Congress in many instances then calls for a number of witnesses. In all of the very important projects many witnesses appear and testify before the committee prior to favorable action on the bill.

I would ask, Mr. President, that the editorial to which I have referred and the very able letter of the Senator from Florida [Mr. FLETCHER] in reply to it be published as a part of my remarks.

The PRESIDING OFFICER (Mr. Ladd in the chair). Without objection, it is so ordered.

The editorial and letter are as follows:

[From the Washington Post, Monday, December 22, 1924]

PROGRESS AND PORK

The \$55,000,000 river and harbor improvements bill is apparently doomed. This is no time for "pork." Confident that a bill containing millions of dollars of sheer grabs, or at best of nonurgent expenditures, the House prudently thinks it not worth while to waste time and energy in passing it; an eminently wise conclusion.

The incident illustrates again the unfortunate—we might say, the pernicious—character of our present system of grouping a lot of appropriations of varying degrees of merit and demerit all in one bill, to be approved or vetoed as a whole. There are probably some items in the bill in question which really ought to be enacted, and which the President would approve if they were presented to him separately. But they are inseparably linked with others which ought not to be enacted at this time, if at all, and which could not be approved. If, as a matter of convenience or for any other good reason, it is desirable to put a number of appropriation items in a single bill, then it is desirable to invest the President with the power to approve certain items and veto others.

That, however, would defeat the very aim of logrolling and back scratching which the present system was designed to promote. The idea is that money shall be apportioned to the various congressional districts for public works not according to the actual public need, but simply in such a way as will give every part of the country a share of the funds. Thus the Member from Wayback will not vote to appropriate a million dollars to make the approach to the Washington Navy Yard navigable by our vessels, unless at the same time a hundred thousand dollars is appropriated to pump enough water into Wildcat Creek to make it navigable for the skiffs of muskrat hunters.

In such fashion in many former bills good and desirable items have been made to carry iniquitous ones through to enactment. But now the outlook is that the bad items will cause the defeat of the good ones. It is an unfortunate, unprofitable, and discreditable state of affairs, in which "pork" defeats or at least delays much-needed progress.

[From the Washington Post, Monday, December 29, 1924]

RIVER AND HARBOR LEGISLATION

To the EDITOR OF THE POST.

SIR: Referring to editorial in the Post of to-day headed "Progress and pork," permit me to direct your attention to the fact that the first paragraph of the bill referred to reads:

"That the following works of improvement are hereby adopted and authorized, to be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers, in accordance with the plans recommended in the reports hereinafter designated."

In order that you and others who are apparently misinformed regarding the procedure leading up to the introduction of such a bill—a bill providing appropriations for the improvement of rivers and harbors—I will say that it is first necessary for a bill to be introduced and passed authorizing and directing the Secretary of War to cause preliminary examinations and surveys to be made of proposed projects in order that it may be determined whether the needs of navigation and commerce justify the expenditure of public funds.

After the passage of such a bill and its approval by the President, the district engineers and assistants make very careful personal investigations into each proposed project, free from any political or other influence, and in a great many instances the reports are adverse and in the majority of cases the Chief of Engineers approves such adverse reports. In fact, it is not unusual for the Chief of Engineers to disapprove favorable reports made by the district engineers. District engineers submit their reports on all projects to division engineers, who review them carefully and transmit them to the Chief of Engineers with a recommendation—favorable or unfavorable, as the case may be. The Chief of Engineers refers the report, in each case, to the Board of Engineers for Rivers and Harbors, composed of seven Army engineers, none below the rank of major, for further examination and recommendation.

Assuming that the report of a district engineer and a division engineer and the Board of Engineers for Rivers and Harbors and the Chief of Engineers is favorable to the adoption of a project, the Chief of Engineers submits his report, together with detailed information, including an estimate of the cost, to the Secretary of War, who in turn may disapprove or approve the project; but assuming that he approves the several reports on the project, it is then, and not until then, ready to be included in the rivers and harbors bill. Congress never adopts a project that has been adversely reported on by the Secretary of War, and he never favors a project that has the disapproval of the Chief of Engineers.

I dare say there are no river and harbor improvement projects recommended by a district engineer, a division engineer, the Board of Engineers for Rivers and Harbors, the Chief of Engineers, and the Secretary of War for adoption by Congress based upon political influence of any kind or character anywhere along the line. Nor is it true that appropriations are made for such improvements based upon "logrolling" by Members of Congress. No appropriation can be made until the project is adopted by Congress, and that is done in the general rivers and harbors bill. I must, therefore, conclude that your editorial was written by one who is not familiar with the law and procedure in reference to legislation, investigations, reports, approval, and recommendations by officials of the War Department who are in no wise personally, as individuals, concerned in the outcome.

The procedure referred to above defeats the very aim of "logrolling" and "back scratching" mentioned in the editorial, which states "the present system was designed to promote." There is no money paid out of the Treasury which is so thoroughly and abundantly safeguarded as that disbursed for river and harbor improvements.

DUNCAN U. FLETCHER.

UNITED STATES SENATE, December 22.

Mr. RANDELL. I also ask that the first page and a half of the report of the Rivers and Harbors Committee, accompanying the House river and harbor bill, submitted to the House on December 17 last, be printed as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[H. Rept. No. 1053, 68th Cong., 2d sess.]

RIVER AND HARBOR BILL

Mr. DEMPSEY, from the Committee on Rivers and Harbors, submitted the following report, to accompany H. R. 10894:

The Committee on Rivers and Harbors respectfully submits the following report in explanation of the accompanying bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and recommends that the bill do pass.

The bill contains the following provisions as to the expenses of prosecuting the projects adopted in this act: (1) That no money shall be expended on any of the projects adopted in this bill during the fiscal year ending June 30, 1926; (2) that there shall be expended on all such projects during the fiscal year ending June 30, 1927, not to exceed \$10,000,000; (3) that there shall not be expended to exceed \$10,000,000 during any succeeding fiscal year.

In prosperous years, when factories are running full time and the farms produce large crops, the railroads of the country are unable to carry all of its commerce and we can only provide for transportation of all the shipments offered by utilizing our waterways.

The railroads transported in the year 1923, 2,333,787,044 tons of freight, while our waterways carried 442,097,328 tons. In other words, the waterways carried more than one-sixth as much freight as the railroads. For the year 1923 the railroads set aside \$1,077,000,000 for improvements. On the same basis we should expend \$180,000,000 annually on our waterways. In view of these facts, the expenditure of not to exceed \$10,000,000 for the fiscal year 1927 on the projects adopted by the bill which this report covers and of not to exceed \$10,000,000 annually thereafter on such projects until these projects are completed is so small as to be almost insignificant. Nor does the comparison grow less by taking into consideration projects already adopted, for all of them can be completed by an expenditure of \$204,000,000, one-fifth of the amount appropriated by the railroads for like purposes for the single year 1923.

The amount to be expended under this bill is small, too, when we compare it with previous bills adopting new projects. For instance, the act approved June 25, 1910, adopted 179 new projects at an estimated cost of \$263,728,009, while the present bill—the first bill in three years—adopts only 35 projects and authorizes the expenditure for their improvement of only \$10,000,000 for the fiscal year ending June 30, 1927, and of \$10,000,000 annually thereafter until they are completed, the total cost being estimated at \$58,565,650, less than one-fifth of the amount authorized by the 1910 bill.

But the figures quoted do not give the real difference in the cost to the country, for in 1910 the wealth of the country was but \$143,139,573,114, while in 1922 our total wealth was \$320,803,862,000, and the burden of a country's expenditure is in proportion to its wealth at the time the tax is paid.

It is to be borne in mind, too, that the freight of the country doubles every 10 years and that the pressure for facilities for shipment is twice and a half as great now as it was in 1910.

National expenditures for rivers and harbors have been and are small, too, in comparison with not alone the aggregate of local expenditures but even with some of the single instances of expenditures in a locality. For instance, the port of Greater New York has entered upon a program of expenditure there to coordinate with Government improvements at a cost to that locality of about \$600,000,000. Los Angeles is starting a program, as we are advised, of expending approximately \$40,000,000. Philadelphia has recently built a single marine terminal at a cost of \$50,000,000. Even a comparatively small city like Wilmington, Del., is expending \$2,500,000 on port facilities, and Mobile, Ala., is expending \$10,000,000 for like purposes, and Houston, Tex., approximately \$20,000,000. New Orleans has expended approximately \$40,000,000 for port facilities. Like illustrations for nearly every large port in the country can be given.

A scrutiny of the proposed projects will, the committee is convinced, commend them to an impartial judgment as based on these sound principles.

Mr. RANDELL. The editorial to which I have referred speaks of "appropriations." The bill in question is not an appropriation bill. It is a legislative bill approving certain projects, which in the aggregate will cost, if finally appropriated for by Congress, something like \$53,000,000. The bill does not carry any appropriation whatsoever for those projects. There is a provision in it, however, which especially says that not one dollar out of the general river and harbor appropriations for the fiscal year ending June 30, 1926, shall be expended on any of the projects carried in that bill, and it goes on to provide that not in excess of \$10,000,000 shall be expended in any one year on the projects carried in the bill. So, while the bill does authorize and approve projects costing in the aggregate \$53,000,000, it does not appropriate for them, and it limits the expenditures which may be made for them to \$10,000,000 per year. It is not an appropriation at all.

Mr. President and Senators, I have now been a Member of Congress nearly 26 years, and I have been a pretty close student and observer of public affairs during all that time. I say in all sincerity to the Members of this body that there is no project or purpose for which money is appropriated by Congress that is safeguarded with anything like the care that river and harbor appropriations are safeguarded. It is practically impossible to appropriate one dollar improperly for a river and harbor project. Who are the men who must pass upon every one of these projects? Why, Senators, they are the honor men of West Point. The Engineer Corps of the Army is composed of the honor men of West Point; and I have just shown to you that 10 of those honor men must agree upon the merits of a river and harbor project before it can be acted upon favorably by Congress, before Congress will consider it, before it has any legislative status.

Does that apply to anything else? If Congress wishes to pass a public buildings bill do we have such safeguards thrown around it? If Congress wishes to provide appropriations for highways, are such precautions taken? If we wish to provide an appropriation for irrigating the arid lands of the West, are those safeguards thrown around that appropriation? Oh, no, Senators; we summon witnesses before us in regard to the ordinary appropriation bills, and we get the best testimony we can. My belief is that most of those witnesses are honest and sincere, but after all they are local men; they are men interested in the various projects presented to Congress; they have the frailties of human nature; and they are going to present their side of the case very strongly.

That is not so with river and harbor items. Congress itself has designated who shall be the witnesses in the case of river and harbor appropriations. I say to you after a study of more than a quarter of a century of these great bills that it is a slander to charge them with being pork barrels, it is a slander

to say that there is more pork in them than in any other legislation. I repeat, sir, if there is any pork in this bill, I do not know it.

Now, Mr. Editor of the Post, I give you this opportunity, sir. You have slandered the Congress. You have said what to me is a very bad thing for you to say. A great many people read your journal. A great many people consider it a great journal, a molder of public opinion here in the Nation's Capital. I say to you now, in all fairness prove your accusation, and if you prove to the Members of the United States Senate that any item among the 35 carried in the pending river and harbor bill is improper in the slightest degree I think I can promise you, sir, that everyone of them will vote against it. I know I will vote against it and will do my best to defeat that item.

Mr. FLETCHER. Mr. President, will the Senator allow me to interrupt him?

Mr. RANDELL. I am glad to do so.

Mr. FLETCHER. The Senator referred to his long experience in Congress. I know that most of that time he has been closely related to legislation with reference to river and harbor improvement, in the House as a member of the Rivers and Harbors Committee and in the Senate as a member of the Commerce Committee, which handles such legislation. I would like to ask the Senator if he recalls any instance in all his experience where Congress has approved a project that has not passed through all the stages of a favorable report and recommendation by the various engineers up to the Chief of Engineers and finally the Secretary of War?

Mr. RANDELL. I do not recall any, though I have a vague recollection that many years ago former Senator William Alden Smith, of Michigan, got through a very small item of a few thousand dollars for some matter which he pressed very strongly upon Congress from his personal knowledge of it, a small project that had not had the approval of the Engineer Corps. Certainly, if the exception proves the rule in anything, that one exception would prove the rule in this matter. Probably the Senator from Florida is more familiar with that case than I am.

Mr. FLETCHER. I think there was some such case some 12 or 14 years ago involving an appropriation of something like probably \$50,000. But as a general proposition I inquire of the Senator if it is not the rule—we might say the rule and the practice—to require, before a project can ever be expected to be adopted by the Congress, that it shall have back of it this favorable report after a study and investigation by the engineers?

Mr. RANDELL. That is absolutely true.

Mr. FLETCHER. It is also true, I think, that there are a number of projects—something like 200, as I recall, though I have not looked up the figures lately—which have already been favorably reported on by the engineers and have not yet been adopted by Congress; so that it does not follow, even after a project has been favorably reported on by the engineers, that the Congress will adopt it and make an appropriation for it.

Mr. RANDELL. That is quite true. There are a great many such projects. I can not name exactly how many, but there are many which have run the gantlet of the engineers and yet Congress has refused to make the appropriation.

Mr. FLETCHER. Refused to adopt the projects?

Mr. RANDELL. Yes; Congress has refused to adopt the projects and later on refused to appropriate because they can not appropriate until they have first adopted the projects.

Let me repeat briefly to show how different rivers and harbors legislation is from other matters. Suppose the Senator from Florida had some project in his State that needed approval and appropriation. He can not go before the Committee on Appropriations and ask for it. His process is to go before the Rivers and Harbors Committee of the House, or the Commerce Committee of the Senate and secure the passage of a law authorizing a survey to be made of the improvement he has in mind. Until that law is enacted the engineers have no discretion or jurisdiction whatsoever to make the survey. So it will be readily seen how different a river and harbor bill is from other things that come before the Congress for appropriation. It is safeguarded in every way. When any project runs the gantlet of the splendid men of the United States Engineer Corps, who have a most remarkable record of public service, who are not interested locally, and who serve all over this great Republic and our foreign possessions, and those men with practical unanimity agree on its merits, no decent man can say there is "pork" in it.

I, therefore, respectfully and earnestly appeal to the usually fair-minded editor of the Post to correct the slanderous charges which have been made in this editorial.

THE FRENCH DEBT

Mr. REED of Pennsylvania. Mr. President, I wish to speak very briefly on the matter of the recent publication, apparently official, in which the Government of France contrasted its assets and liabilities, and in making that contrast omitted from its table of liabilities all mention of the debt which the French Republic owes to the United States of America.

Mr. President, I speak from the standpoint of one who has a warm sympathy for France. I admire the beauty that she creates. I admire the thrift of her people. I admire the industry that they show, and I wish that many things that we see in France could be duplicated in America. I believe that we would be the better for it. I admire, and I will never cease to admire, the bravery with which she met the attack of greater forces than her own, the inflexible will that she showed in meeting the German advance from 1914 to 1918; and I speak with a full recognition of the tribulations under which France has labored since the armistice. I know, because I have seen it again and again with my own eyes, how her industrial districts were shattered. I know how much she has lost in man power, and I know how difficult it is for her to make her budget balance and pay the interest on her current obligations. All of those things I know, and I speak with the sympathy that follows that understanding.

But, Mr. President, during 1917 and 1918, while America was in the war, we borrowed from our own people and turned over promptly to France a vast amount of money. It was not money that lay in the American Government Treasury, handed over to France without an effort, but money which we borrowed from our own people for the benefit of France; and we borrowed it by giving our own indorsement on the French obligation. It was an American obligation that our people received when they advanced that money to France, and as an American obligation it must be honored by us.

In that way we advanced to France in 1917 and 1918 \$2,933,171,672.48. After the armistice we sold her war material which amounted to \$407,341,145.01. The current interest on the latter debt of \$407,000,000 has been paid by France regularly since the debt was incurred; but she has not paid one penny of the interest on the original war-time loan of \$2,933,000,000, nor has she paid one penny on account of the principal of that loan. Our Government, which had issued its bonds to raise that money, has met the interest currently; and that interest, since the money was advanced to France, which we have taken from American taxpayers to pay to those bondholders, has amounted, up to the 15th of November of this year, to \$796,711,537.08. In other words, Mr. President, we have taken from our taxpayers, in order to pay the current interest which French taxpayers should have paid, approximately \$800,000,000 in the last six years.

The principal of those loans, and the interest that comes due in the future, are still to be paid. The bonds are outstanding that were issued for the benefit of France and Italy and Belgium and these other European countries to which we advanced money. That money still has to be paid. The question is, Who shall pay it?—whether it shall be taken from American taxpayers through long years in the future or whether it shall be paid by the Governments whose promise to pay it now lies in the American Treasury.

We have not dunned those nations for the payment of their obligations. I do not think we should. It ought not to be necessary. But, Mr. President, we can not forget and we ought not to pretend to ignore the fact that a very large part of the high taxation that we are extracting from the American people to-day is extracted to meet the obligations on which those countries are the primary debtors.

We have a full understanding of France's difficulties. We understand how hard it is for her and for Italy and for Belgium and these other countries to collect what is coming to them from Germany, and that is why our people have not wished us to press unduly for the payment of these foreign debts; but the debtor nations have taken no steps toward refunding the debt, they have paid no interest upon it, and they have not even given authority to any of their official representatives to come to any terms with our country toward refunding.

Mr. Parmenter came here in 1922 absolutely naked of authority to come to any settlement, or even to recommend any settlement to his own Government, as far as we were able to learn. The French ambassador, Mr. Jusserand, has done the best that his great talent enables him to do, but he is without authority. He has done much to keep the situation placid. He deserves the gratitude of his country to an extent that I believe few of his own countrymen as yet understand, because his efforts have gone far toward preventing this question from

becoming acute. But now, Mr. President, from France itself, and from Paris, and from the cabinet of the present administration, comes a step which our people can not fail to regard as being some evidence of an official intention to repudiate that war-time debt—the publication of a balance sheet, listing the obligations of the French Republic, that absolutely omits the debt to America or the debt to Great Britain incurred during the time of the war—and I do not believe that the United States Senate ought to take an adjournment after the publication of that balance sheet without some voice being raised in protest against it.

I make no threats. I do not believe that anyone in the Senate desires to make any threats. I know that I speak wholly out of friendship for France, but with an acute realization of the fact that American taxpayers are paying every day a debt that France owes. France must be told by her friends that her inaction in this matter throughout the past five years has puzzled those of us who look toward her most affectionately, and she should be told that this publication of last week has alarmed her friends and alarmed them very gravely. France must be made to see—and when I speak of France I speak of her because this publication comes from the French ministry, although what I say applies as well to the other countries that are still in the same position—that her present course can result only in a chilling of that affection that she has found to exist here in America throughout the past decades. It can have only that result, Mr. President, and she must be told it by her friends, and she must be told that each day of delay in achieving a refunding of that debt makes it more difficult to grant her leniency in terms of payment. Her taxpayers deserve consideration. Their sufferings must be remembered, and the terms of payment must take into account the difficulties of payment on her part, but each day that she waits makes that more difficult of achievement. And, finally, she must be told by her friends that future French loans in America would be made impossible by a repudiation of the existing debt.

France, in my judgment, has done the prudent and necessary thing in making military preparation to withstand another attack from hostile neighbors. In my judgment, her preparation has been only reasonable in extent. I believe that the menace is ever present before the French eyes, and that we in her place would make the same military preparation that she has been making. But, Mr. President, she must see that the core of all military preparation is the preservation of her credit. If this attack against which she is preparing shall come she will need credit first of all things, and she must see that a repudiation of her debt of the last war would fatally cripple her borrowings in that "next war" against which she is preparing.

She must see that. Of what avail is it to make military preparations against invasion if she does not keep alive that essential of all military preparation, a sound credit?

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield to the Senator.

Mr. SHIPSTEAD. I should like to ask the Senator if, in this financial statement of the French Government, the Government carries as a credit on this balance sheet funds that France has been loaning to the "little entente" for military purposes in the last few years?

Mr. REED of Pennsylvania. I believe that that is so. I believe that all advances which she has made since the armistice are included as assets on the other side of this balance sheet; but she has not included as assets those advances made to Russia and other allies during the period of hostilities.

Mr. SHIPSTEAD. If the Senator will permit me, I should like to state that a statement by the Bank of France, issued on the 29th day of August, gave us information that the Government of France had at that time very recently loaned something like 5,000,000 gold marks to the "little entente," and that made a total of about 5,000,000,000 that the French Government had loaned to the "little entente," and almost every cent of it had been spent for armaments. I think that statement is interesting at this time, because we have been lenient with France in regard to this debt in the interest of peace; and if France is spending vast sums of money for military purposes I should like to have it explained how that can be in the interest of peace.

Mr. REED of Pennsylvania. Mr. President, I am not familiar with the details of the French policy toward the nations that are known as the "little entente," and it was not my purpose to discuss it here to-day. I want to keep, if I can, to the subject on which I began to speak.

We have heard in the Senate within the last few days some criticism of the attitude of the British Government because

they have announced that they will expect to be treated proportionately well by France if any settlement is made with America. Great Britain occupies toward France the same position that we do. She is a war-time creditor, and Mr. Churchill has recently announced that it is his policy to demand that Great Britain shall have proportionately favorable treatment of her claim against France, if any settlement is made by France with America. That attitude of the British has been criticized here in the Senate, but, to my mind, there is no justification for that criticism. I think Great Britain in that regard has done exactly what we would do if the shoe were on the other foot, and what we will do, I hope, if a settlement is made between France and Great Britain that disregards us. It is the simplest principle of business honesty that creditors should be treated uniformly, and I believe that that obtains between nations, and that whatever settlement is made by France with us should be accompanied by a similar settlement by France with Great Britain. I do not think we have any room to criticize that policy of the British, and I hope that we will take the same policy if circumstances are reversed.

Finally, Mr. President, the tax burden upon the British people is terrific. There has been no nation in history, so far as I can discover, that has borne such a burden of taxation as the British Nation is bearing at this minute. Its taxes are very much higher per capita than those of France or Belgium or Italy. The burden on each individual citizen is greater in Great Britain; and yet Great Britain has taken the manly course, has taken the lead in making a settlement and refunding of her whole war-time debt to this country, and she is observing with scrupulous fidelity the terms of that settlement. In spite of the burden that her people are carrying, she has not flinched under the load, and she is carrying it manfully. As a result of that, her credit is flawless. She can borrow to-day, and does borrow to-day, at a very advantageous rate of interest, which these other nations about which I am talking can not duplicate.

Is not the moral of it plain, Mr. President, that these other countries for their own sake must follow the same policy? If they did, at once their credit would stand higher, their ability to borrow would be vastly improved; and all the world knows their necessity for continued borrowings. So, that from a selfish standpoint alone, as well as from the standpoint of future military preparedness, it is vastly to their interest to honor their obligations that we hold.

Mr. FESS. Mr. President—

Mr. REED of Pennsylvania. I am about to finish.

Mr. FESS. Will the Senator yield?

Mr. REED of Pennsylvania. I yield for a question.

Mr. FESS. I think that the statement of the Senator is most timely, and ought to be made by some one who has frequently expressed his sympathy with France, as the Senator has. I also approve of everything he has said.

There is one other thing about which I would like to ask the Senator's opinion. The credit of France seems to be fairly good, as expressed by the sale of her bonds, floated by a great American banking house. I am raising the question whether that policy should be permitted in case there should be a repudiation of France's obligations to our Government, in view of the fear that that would be cultivating a desire on the part of great bankers to see our Government obligations canceled in order that their payments would be more assured. I would like to have the opinion of the Senator upon that particular thing, because capital is flowing to France from private investors at the very moment when we are wondering whether France is going to repudiate her obligations to our Government.

Mr. REED of Pennsylvania. I would answer the Senator in this way: I see no evidence on the part of any bankers to improve the status of their own securities by encouraging a repudiation by France or by granting absolution to France in the matter of her debt due this Government. I have heard from some men who were in the banking business arguments in favor of a cancellation of the foreign debts. What the Senator suggests may have been the motive that underlay those arguments; I do not know. But whatever the motive is, I am convinced that the argument is futile, because I believe that the entire American Congress and about 99.9 per cent of the American people are fixedly determined not to cancel one red cent of the debt.

Mr. FESS. If the Senator will permit, it is the argument for cancellation that led me to raise the question, and then the logic that would follow, that if it is difficult for France to pay, it would be to their advantage that the repudiation should come to our obligations first, rather than to their own.

Mr. REED of Pennsylvania. I do not think there is the slightest possibility of cancellation. I think most of us here would oppose it to our last breath. I think we feel it is our duty to our own citizens to oppose it, and I do not believe that the chance of cancellation is sufficiently substantial to require a reply to the arguments about which we are speaking.

Mr. WATSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Indiana?

Mr. REED of Pennsylvania. I am glad to yield.

Mr. WATSON. Does the Senator believe in making any more liberal terms with France than were made with Great Britain?

Mr. REED of Pennsylvania. The question will have to be negotiated. I should not like to commit myself in advance as to just the extent to which my generosity would lead me, but I think it is obvious that France would need a somewhat longer moratorium. I think it is also obvious that for the next few years at least she would need a lower rate of interest. I would rather not be any more specific than that.

Mr. WATSON. Would not that lead inevitably to changing the terms we have made already with Great Britain?

Mr. REED of Pennsylvania. I do not see any connection whatever between them.

Mr. WATSON. Then the Senator thinks we can deal differently with our different debtors without involving ourselves?

Mr. REED of Pennsylvania. Every banker that I know of does so.

Mr. WATSON. That is quite true with regard to different debtors in different states of solvency, but I am wondering whether or not internationally we could make a distinction as between our debtors; and if we made more liberal terms for France than we have made for Great Britain, is it not likely that Great Britain would then ask that we make the same terms with her?

Mr. REED of Pennsylvania. She might ask it, but I should think it quite unlikely that the request would be granted.

Mr. WATSON. The Senator is aware that from the close of the World War down to the present time, in making a statement of her indebtedness to the various nations, France has carried her debt statement in two columns, one of which has been marked at the head "War debts," and the other just "Debts," leaving the inference that the "debts" would be paid, but that the "war debts" might or might not be paid?

Mr. REED of Pennsylvania. I saw that, but I did not draw that inference. It seemed to me that there never was an occasion for that inference to arise until the publication of this balance sheet last week.

Mr. WATSON. I want now to ask whether or not recent acts and recent statements have not given something of authenticity to the suspicion that that one column was carried all the time with a view to final repudiation of the war debts, at least as far as we are concerned? The Senator has not said squarely that he believed that France did not intend to pay her debts, but he said that he rather suspected that might be the effect finally. In other words, what I am trying to get at is this—and the Senator has studied the question—does he believe, from the actions of France from the close of the World War to this hour, in the light of the statements recently made, that France is preparing to repudiate her debt to us?

Mr. REED of Pennsylvania. I will answer that in this way: Most of the French public men with whom I have talked—and I have talked with many of them, both in France and here—say that France intends to pay her debt; but the publication of this statement of last week can mean nothing else, in my judgment, than that the present ministry, and particularly the present Minister of Finance, does not expect to; and I believe that this is the occasion when the friends of France should tell her—not threaten her, but tell her, in all sincerity and friendship—that her course is mistaken, even from her own selfish standpoint, and that it can not have anything but a bad effect. But I hope that what I have said will not be taken as the statement of a belief that the intention of the French people as a whole is the same as that of the ministry. I do not believe it is.

Mr. EDGE. Mr. President, as it might have some bearing upon their intention, does the Senator recall whether any credit at all was carried in this balance sheet to which he refers representing possible reparations or payments from Germany?

Mr. REED of Pennsylvania. Yes; and I think the best thing to do would be to put in the entire balance sheet. I have not a copy here at my desk, but I can put it in to-morrow.

In answer to the Senator's question, I will say that it does contain an item covering what France estimates she will receive from Germany under the Dawes plan. That is carried as an asset.

Mr. EDGE. I asked that question because of the Senator's statement that there was no reference on the debit side to the indebtedness to Great Britain or to the United States or to other countries.

Mr. REED of Pennsylvania. It does, however, include the indebtedness to France from Germany under the Dawes plan.

Mr. SHIPSTEAD. Mr. President—

Mr. REED of Pennsylvania. I yield to the Senator.

Mr. SHIPSTEAD. The Senator referred to the tax rate in Great Britain. We all know that the taxes there are high, and I believe it is also true that a nation's most certain source of income is the power to tax its citizens. As a matter of fact, the people of France, during the war and since the war, have not been taxed to support the Government and pay the interest on the debts to the extent to which the people of England and of the United States have been. I believe I am correct.

Mr. REED of Pennsylvania. They certainly have not been taxed to the extent per capita to which the people of Great Britain have been, and I believe that their taxes are less per capita than those of the United States.

Mr. WATSON. They are.

Mr. REED of Pennsylvania. Now, Mr. President, I have finished. I have made these remarks out of a sense of duty, and I can not reiterate too often that I have said it in sincerest friendship for these nations which are our debtors. I say it not as a threat, not as a warning, but as a plea of one friend to another.

I am confident that the French nation as a whole is honest. I am confident that the French nation, when its will is known, will not repudiate one penny of its debt, and that, both because of the wisdom of that policy and the essential honesty of it, the French nation will back up any government that honors all of the obligations of that Republic.

Mr. BRUCE. Mr. President, I just wish to say at this point, because it seems to me to be the proper point at which to say it, that I can not agree with the Senator from Pennsylvania in thinking that the people of the United States will be unwilling to discharge France from one "single solitary red cent" of the debt that she owes to us. Of course, we propose to collect that debt in due time and in the right way. I think there is practical unanimity of sentiment on the part of the people of the United States in that regard. Our people do not differ from the people generally that Poor Richard had in mind when he said that "Creditors are a superstitious sect; great observers of fixed days and times."

There is, however, one allowance which, I believe, ought to be made to France when her debt to us is provided for. The fact seems to have been entirely forgotten that during the War of the Revolution, when we were struggling for our independence, France did not simply make loans to us. She made loans to us, and large loans, indeed, loans beyond the measure of her strength, partly from selfish but partly, too, from generous motives, and those loans were all repaid to her, as I recollect—I am speaking on the spur of the moment. She granted us, if I am not mistaken, the moratorium that we desired; gave us time in which to meet our obligations; and, as I have said, we paid all that we legally owed her. But the circumstance should not be forgotten that, in addition to the large loans which France made to us during our struggle for independence, she also made us some most generous gifts, and by no one was the generosity of those gifts more eloquently acknowledged than by Benjamin Franklin himself. It is a well-known fact that when our national horizon was very dark, indeed, Franklin went on one occasion to the minister of Louis XVI and solicited a loan, only to be told that the king was not willing to make a loan to us, but was willing to make a gift, and that gift was made.

I turn to a letter which Franklin wrote to Robert R. Livingston on August 12, 1782, in which, after stating that the whole indebtedness then due by the United States to France amounted to 18,000,000 livres, exclusive of the Holland loan, which was guaranteed by the King of France, he added:

In reading it—

That is, the statement of account—

you will discover several fresh marks of the King's goodness toward us, amounting to the value of near two millions. These, added to the free gifts before made to us at different times, form an object of at least twelve millions, for which no returns but that of gratitude and friendship are expected. These, I hope, may be everlasting.

As one American citizen I echo that hope.

There is another letter, an even more feeling and significant letter, in which Franklin acknowledged the obligations of the people of the United States to the French Government for gifts made by the French Government to us during the War of the Revolution, but I am unable to refer to it at the moment.

So I do say that, however strict we may be in other respects in asking what is justly due to our country on account of the loans that we made to France, we should not, when the proper time comes, fail to take into account the fact that France made us the object of that splendid self-sacrificing generosity during our war for independence.

Mr. JONES of New Mexico. Mr. President, the question now raised here is, of course, of very great consequence, and I do not think this is the time to discuss the matter in all its phases. I desire, however, to make the suggestion that the problem involves some other factors of at least as great importance as those referred to by the Senator from Pennsylvania [Mr. REED].

It is easy enough to talk about a debtor paying his debts, but I think that simple statement is not all that should be considered in connection with this particular debt. The ability to pay must receive due consideration. I have no doubt that the distinguished Senator from Pennsylvania, who is a member of the Finance Committee of the Senate, has already given much thought to that part of the problem which relates to the question of the manner and ability to pay.

I was very much impressed a few days ago in reading a statement regarding our national balance sheet with the rest of the world. Since the war closed there have been floated in this country the securities of other governments and their nationals to the amount of about nine and one-half billion dollars, not taking into account the indebtedness to the Government of the United States. If that be taken into account, the rest of the world owes the United States to-day more than \$20,000,000,000. The present annual interest upon this indebtedness to our nationals amounts to not less than three-quarters of a billion dollars a year. It is estimated that we have to-day, of the money gold of the world, about four and one-half billion dollars, which is more than one-half of all the gold in the world used as a medium of exchange. If we were to bring together all the gold in the world outside of the United States and take it into our own Treasury, it would not be sufficient to pay more than about one-fifth to one-fourth of the present indebtedness of the rest of the world to the United States. So it seems to me that we should consider in a very serious way how it is possible for France or other nations to pay the indebtedness to the United States and her nationals.

We are keeping up a foreign trade. We are exporting to-day more than we are importing. We are exporting by the hundreds of millions of dollars in excess of what we are receiving. We are exporting our cotton, our wheat, our corn, our copper, and hundreds and hundreds of millions of dollars worth of manufactured products; and we are receiving in payment to-day not the commodities of other countries, not the gold of other countries, but mere pieces of paper. I should like to inquire how long it may be expected that this condition of things can last? How could France or the other nations of the world manage to pay their indebtedness to the United States within any reasonable period of time? The annual interest debt accruing now of about three-quarters of a billion dollars a year, not including the interest due to the Government of the United States, is an important thing.

I submit that in the last analysis the only way in which the indebtedness can be paid is not in gold, but it must be done in commodities. The Senator from Pennsylvania [Mr. REED], as a member of the Finance Committee, I trust will seriously consider the advisability of maintaining the high tariff wall which we have now and which operates as a barrier over which or through which the foreign nations and their nationals are unable to climb and thereby pay their indebtedness to this country. I submit that the situation to-day is one of the most serious from a commercial and financial point of view that this country has confronted. It is simply a question of endurance. How long can the foreign trade of this country be continued when we are simply swapping our commodities for pieces of foreign paper?

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and the Senate (at 3 o'clock and 10 minutes p. m.) adjourned until to-morrow, Tuesday, December 30, 1924, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 29, 1924

ASSISTANT DIRECTOR, BUREAU OF FOREIGN AND DOMESTIC COMMERCE

John Matthews, jr., of New York, to be Assistant Director, Bureau of Foreign and Domestic Commerce, Department of Commerce, vice Robert A. Jackson, resigned.

UNITED STATES ATTORNEY

Harold P. Williams, of Massachusetts, to be United States attorney, district of Massachusetts, vice Robert O. Harris, removed.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 29, 1924

POSTMASTERS

ARKANSAS

Viola Leake, Altheimer.
Nettie M. O'Neill, Earl.
Marion M. Parker, Griffin.
Luther H. Presson, Mansfield.
Arrie M. Wood, Marshall.
John H. Martin, Russellville.
Andy R. Cheatham, Stephens.

COLORADO

James S. Bradbury, Silt.

INDIANA

William G. Greemann, Batesville.
Alleary A. Anderson, Churubusco.

IOWA

Clyde W. Edwards, Adair.
Samuel W. Campbell, Anthon.
Gay S. Thomas, Audubon.
Samuel A. Garlow, Avoca.
Homer C. Thompson, Bayard.
Verne T. Herrick, Bridgewater.
William W. Gundrum, Casey.
Orwin W. Masching, Exira.
John T. Bargenholt, Orient.
Joseph J. Clark, Portsmouth.
Clarence D. Bourke, Pringhar.
Bruce R. Mills, Woodbine.

MINNESOTA

Arthur F. Johnson, Dent.
Bernhard E. Anderson, Elbow Lake.
Frederick A. Cooley, Heron Lake.
Frank L. Hoagland, Marshall.
Leonore M. Thorp, Shevlin.

MONTANA

J. Clarence Manix, Augusta.
Curtis Burns, Coffee Creek.
Charles E. June, Forsyth.
Graham B. Laird, Grassrange.
Andrew K. Resner, Roman.
Clarence C. Peterson, Ryegate.
Roy D. Beagle, Savage.
George B. Cameron, Whitetail.

NEW YORK

Eleanor C. Griffing, Shelter Island.

NORTH DAKOTA

Erick Myhre, Hampden.

HOUSE OF REPRESENTATIVES

MONDAY, December 29, 1924

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our blessed Heavenly Father, with hope and courage we turn our faces toward Thee and the future. Do Thou help us to keep the zest of life and the passion for service. What might seem to us a fearful cost and a crushing burden, may it be to us a sacrament and a blessing. O God, direct us in the performance of all duty. May all the Christian virtues gain strength in us as the time runs along. Give us the sweet and the abiding assurance that because God is we shall be also.

Dedicated as we are to the duties that involve the vital interests of our country, the Lord be with us abundantly and richly from day to day. Amen.

The Journal of the proceedings of Saturday, December 20, 1924, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed Senate Concurrent Resolution No. 23, and in pursuance to the provisions of said resolution the President pro tempore had appointed the following Senators on the part of the Senate as members of the joint committee to arrange for inauguration of the President elect of the United States on the 4th day of March next: Mr. CURTIS, Mr. HALE and Mr. OVERMAN.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLUM, from the Committee on Enrolled Bills, reported that on December 20 they had presented to the President of the United States, for his approval, the following bills:

H. R. 6941. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 8687. An act to amend section 98 of the Judicial Code, providing for the holding of the United States district court at Shelby, N. C.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message in writing from the President of the United States, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved bills of the following titles:

On December 18:

H. R. 8687. An act to authorize alterations to certain naval vessels and to provide for the construction of additional vessels.

On December 22:

H. R. 10650. An act to authorize the settlement of the indebtedness of the Republic of Lithuania to the United States of America; and

H. R. 10651. An act to authorize the settlement of the indebtedness of the Republic of Poland to the United States of America, and for other purposes.

On December 23:

H. R. 6941. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

On December 24:

H. R. 8687. An act to amend section 98 of the Judicial Code, providing for the holding of the United States district court at Shelby, N. C.

EXTENSION OF REMARKS

Mr. WINGO. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the Record an editorial by that incomparable editorial writer, Col. George Harvey, on the French debt.

Mr. BEGG. Reserving the right to object, Mr. Speaker, what is that editorial?

Mr. WINGO. It is an editorial, as I stated, by Col. George Harvey, who, as I have said, is an incomparable editorial writer. I think it expresses the viewpoint of the administration. It is a very fine editorial and ought to go in the Record, because there is very apt to be more intemperate discussion of it in the next few weeks, and I thought it was a wise idea to start the discussion with a temperate statement by a man who is close to the administration.

Mr. BEGG. Does the gentleman think we ought to publish editorials in the Record every morning?

Mr. WINGO. No; but I think that coming from the arbiter elegantiarum of the administration it expresses the viewpoint of the administration.

Mr. BEGG. Mr. Speaker, I think I will object for the present at least.

Mr. WINGO. I regret that; because I think it is a very able presentation.

M'FADDEN BRANCH BANKING BILL

Mr. FREAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the banking bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the Record on the banking bill. Is there objection?

There was no objection.

Mr. FREAR. Mr. Speaker, an examination of hearings on H. R. 6855 and H. R. 8887 reveals a careful consideration by the committee of the banking situation, and to disagree from the conclusions expressed in the bill may seem presumptuous.

The purpose of Chairman McFadden and of the committee is in no way criticized, because solution of the branch-banking problem is a matter of individual opinion, but to use an illustration suggested in the committee hearings, if the house is on fire it is better to put out the fire than to throw on kerosene. If we are living for to-day, the bill possibly serves as a temporary makeshift, but if for a permanent policy, then in my humble judgment it hastens the end of individual banking, National or State, by stamping Federal approval of branch banking that to-day has absorbed practically all the banking business in Canada, Australia, and many countries of Europe.

Two sides, of course, exist to the branch-banking issue, and possibly no permanent relief against State branch banking can be afforded even if desired by Congress; but this bill, without apparently furnishing any material relief to national banks, does rapidly advance, by legislation, the branch-bank car of Juggernaut.

State-wide branch banking exists to-day in nine States, to wit: Arizona, California, Delaware, Georgia, Maryland, North Carolina, Rhode Island, South Carolina, and Virginia. County branch banking exists in two States—Maine and Louisiana—and city-wide branch banking exists in nine States—Kentucky, Michigan, Pennsylvania, Tennessee, Wyoming, Massachusetts, Mississippi, New York, and Ohio (p. 46, hearings). These rights are limited by statute in some of the States but in others are authorized or permitted by State officials. In a limited form, several branch banks in Wisconsin established prior to May 14, 1909, are permitted to do business, but none organized since that date.

GROWTH OF OUR BANKING SYSTEM

Relative to State and national banks the following data is illuminating: In 1904 there were in this country 6,923 State banks and 585 trust companies, with combined resources of \$5,240,000,000. National banks then numbered 5,331, with resources of \$6,656,000,000. In 1924 State banks had increased to 17,436, trust companies to 1,664, with combined resources of \$25,140,000,000, while our national banks had increased to 8,085, with resources of \$22,556,000,000. In other words, the population of the country increased from 75,994,575 in 1900 to 105,683,108 in 1920, or about 40 per cent in 30 years, during which time State banking resources increased nearly 500 per cent and national banks considerably over 300 per cent. The apparent disparity between increase in numbers of national banks and State banks during the 30-year period is explained in part by the average increase in national-bank resources just quoted, indicating national-bank consolidations, with which we are somewhat familiar.

National banks of 1924 over 1923 show \$195,706,000 increased profits, as I interpret the comptroller's report, and indicate a continued growth, which, considering the abnormal number of national-bank failures—138—last year and other business burdens later discussed, is beyond average profits in other lines of business.

The McFadden bill, urged by the comptroller, we are told, is to prevent national banks from surrendering their charters because of inability to compete with State banks that enjoy branch-banking privileges in several of the States. Other reasons, I submit, may have placed national banks at a disadvantage. After reading hearings before the banking committee held on this bill I received a speech made by Congressman FULMER, June 7, 1924, in which he discussed the Federal Reserve System and its alleged unjust treatment of national banks. If his statements are correct the complaint of national banks against the Federal reserve administration will not be cured by the removal of branch-banking restrictions in several States, while this bill at best is only a temporary expedient that hastens wiping out individual banking, both State and national, in this country.

Mr. FULMER, after some experience in practical banking and study of the subject, contends that national banks are leaving the Federal reserve because of onerous conditions imposed on national banks by the reserve board.

ALLEGED BURDENS PLACED ON NATIONAL BANKS

Without presuming to express any opinion why national banks have not increased in number during the last two or three years or why, notwithstanding 138 failures last year, the total resources due to consolidation and other causes have steadily grown larger every year, I quote from one paragraph of Mr. FULMER's speech, wherein he says:

The Government put only \$83,000 into the system (Federal Reserve) to start the machinery in motion, yet . . . the members furnish capital, surplus, balances, amounting to \$2,333,000,000, practically free of charge.

Referring to other alleged unjust treatment accorded national banks and extravagance of Federal reserve officials he criticizes fat salaries enjoyed by the Federal Reserve Bank of New York. Sixty per cent of the employees, he says, never before received more than \$1,500 to \$2,500, but now draw salaries as high in some cases as those paid Cabinet officers (\$12,000)—a fairly rapid increase in income within eight years.

He further says that salaries paid 30 officers of the New York Federal Reserve Bank alone, exclusive of salaries of other employees, amount to as much as the combined salaries of one-half of the United States Senators (48) plus salaries of both President and Vice President of the United States.

From his statement giving names and amounts it further appears that five officers of the New York Federal Reserve Bank have more than doubled their combined salaries within the same eight years, and to-day these five officers receive more than the nine judges of the United States Supreme Court added to the salary of the Vice President and one or more Senators or Representatives thrown in for good measure.

New Federal bank buildings, sites, and so forth, make a single item of \$76,727,000, while other cases of alleged extravagance and burdensome Federal-reserve conditions, now largely supported by national banks, may explain in part the failure of national banks to increase their number. Illustrations cited indicate the disease, not its extent. These objections are different in character from those mentioned by the comptroller in the hearings. It is significant, however, that the comptroller condemns unreservedly the system of branch banking, yet recommends this bill.

These matters are referred to at the outset in order that other conditions may be examined to ascertain why national banks as a whole are hampered by conditions not materially affected by extending limited branch-banking privileges in the several States, as provided in this bill.

FEDERAL RESERVE BOARD FAVORS FAR WIDER BRANCH BANKING

For the purpose of argument I am assuming that the absence of branch-banking privileges, as suggested by the comptroller, is alone responsible and prevents an increase in numbers of national banks. A real purpose of the bill with powerful interests, however, may lie in the fact that the Federal Reserve Board, supporting the bill, favors permitting national branch banking throughout the country, according to testimony of Mr. Platt, of New York, member of the board, whose statement appears on page 206 of the hearings, as follows:

Mr. PLATT. I think I may fairly add that the members of the board regret that this liberalizing feature of the bill does not go to the full limit of permitting the establishment of branches in all cities large enough to have need for outlying banking facilities, as a matter of right and without regard to the limitations of State laws. It would seem that the national banks might sometimes be permitted to take the lead in a matter of sound banking which every competent banker and every economist approves.

In other words, the Federal Reserve Board that is alleged to have placed heavy burdens upon the national banking system, according to authority quoted, also believes that branch-banking limitations should be removed so that national banks may be permitted to establish branches in cities in every State, whether authorized by the State to its own banks or not. In that event, for the protection of its own State banks, the State would necessarily by law have to authorize branch banking, and that is an early prospect offered by the McFadden bill, which thus would become only an entering wedge. Soon Wisconsin, Minnesota, Illinois, and all of the 48 States will be open to national branch banking pursuant to the Federal Reserve Board's views as above expressed by Mr. Platt.

Bill H. R. 8887, to amend the national bank and Federal reserve act, has had the careful attention of the committee. The limited extension of branch banking to national banks is a question primarily of policy, set forth as follows:

Section 8 reenacts section 5190 of the Revised Statutes of the United States by adding new language the effect of which is to prohibit a national bank from establishing a branch bank in any State which does not authorize State banks to have branches, and in those States which permit State banks to have branches the national banks are permitted, upon approval by the Comptroller of the Currency, to have branches only within the corporate limits of the municipality in which they are located; in cities, however, having 50,000 to 100,000

population only two such branches will be allowed national banks, and in cities having population of 25,000 to 50,000 population only one such branch is permitted.

The above limitation temporarily prevents national banks from wide rights of competition possessed by State banks, but these restrictions will be wiped out by legislation at the first opportunity. If the policy approved by the Federal Reserve Board is to be followed, national banks will take the lead in branch banking "without regard to the limitation of State laws."

This bill would authorize at least two branches to any national bank in San Francisco or in Los Angeles, but the Bank of Italy has 14 branches and the Mercantile Trust Co. has 28 branches in San Francisco, while 2 banks in Los Angeles combined have 51 branches in that city (p. 36). What competition would be afforded by this bill to meet conditions in those cities? If competition is necessary to maintain the Federal reserve system, then unlimited branch banking which the board tends to favor will be next demanded.

THE CAMEL'S NOSE UNDER THE TENT

The branch-banking section from the committee bill suggests a vital problem faced by independent bankers, both State and national, and by those who believe branch banks already are a menace. Under this bill Federal sanction is to be given Federal banks, with continual enlargement of Federal and State branch-banking rights certain to follow until all restrictions are soon wiped out.

Where State branch banks have existed under State laws these banks and their branches occasionally have heretofore been nationalized and thereafter retained their branches under a national banking act of 1865. The National Bank of California in San Francisco, for illustration, has branches established in Seattle, Tacoma, and Portland, and has had for some years (p. 215, hearings).

Of the 25,521 State and national banks in 1924, Comptroller Dawes now reports that 517 State banking institutions have in operation 1,675 branches. In New York 251 State banks have branches, Michigan has 300 branch banks, and California has 475 branches, of which 224 branches belong to four banks. In other words, nearly two-thirds of all branch banks in the country are in these three States. To meet competition of branch banks this bill would now extend rights in addition to the existing law to national banks to establish branches within the limitations of section 8 referred to.

The comptroller offers data to show national banks are being transferred to State banks and that New Orleans now has only one national bank, while four State banks and trust companies have 31 branches. How this bill will increase the number of national banks in New Orleans he fails to state. He believes, however, this bill will benefit certain national banks and reports a slight increase in the total number of banks during the past year. During the same time 138 national banks, with a capital of \$9,575,250, failed for the year ended October 31, 1924 (comptroller's 1924 report, p. 73). Since 1865, or during 59 years, total national-bank failures numbered 849, or one-sixth of all these failures occurred within this last year. Of 25 reasons given for such failures (comptroller's report 1924, p. 75) none are suggested because of failure to enjoy branch-banking privileges.

The report says:

Of the 138 banks placed in charge of receivers since October 31, 1923, 8 were closed on account of the inability to realize on loans, 10 injudicious banking, 9 crop loss, 1 injudicious banking and adverse business conditions, 8 depreciation of securities, 4 inability to meet demands, 6 closed by run, 1 large losses, withdrawals, and insufficient credit, 21 heavy withdrawals, 4 defalcations of officers, 1 large losses and injudicious banking, 11 large losses, 4 unable to realize on assets, 3 defalcations of former cashier, 9 bad management, 15 depleted reserve, 4 irregularities, 1 deficient reserve and unable to realize on loans, 4 excessive loans, 1 crop loss and depreciation of securities, 1 bad paper, 1 deflation, 1 insufficient credit, 1 injudicious banking and depleted reserves, 2 bad paper taken over from old organization, and 7 information not available.

NO LOSSES THROUGH LACK OF BRANCH-BANKING FACILITIES

With the foregoing 138 nice distinctions in causes for failures or losses to depositors and stockholders, not one loss resulted from lack of branch-banking facilities. In fact, out of more than 8,000 national banks in the country, not one depositor out of many millions is reported to have lost or suffered from branch banking. The demand for such extensions rather comes from the Federal Reserve Board, that on October 20, 1924, showed resources in the 12 Federal reserve banks of \$4,897,269,000.

The purpose and protection afforded by the Federal Reserve Board needs no defense. On the other hand, bankers are financial shoppers who seek the best bargains and business to be had, thereby benefiting their depositors, themselves, and their community through increased safety by growth in profits, surplus, and deposits. Banking primarily is for the benefit of such depositors and borrowers and of the community served.

If the Federal Reserve Board places unnecessary burdens on national banks through large noninterest-bearing deposits or balances, by enormous Federal bank building operations, by extravagant salary lists, and otherwise, bankers will probably shop elsewhere and release their national-bank charters. If branch banking means the ultimate extinction of individual banking, with lasting injury to depositors and borrowers, who make up the community, then the McFadden bill does not help meet the problem.

Branch banking is a paramount issue with many interests, and I submit herewith the judgment of the Government's highest banking adviser on the subject:

BRANCH BANKING PRODUCES GLORIFIED PAWNSHOPS

In the comptroller's 1924 report, page 3, he says of branch banking:

First. Branch banking is opposed to public policy as being in its essence monopolistic.

Second. Branch banking is absentee banking and is conducted for the sole purpose of saving dividends for the stockholders rather than of service to the community.

Third. With the development of large chains of branch banks the responsibility for the mobilization and transfer of funds would rest with individuals whose prime motive would be personal profit. The resources of banks are in a large measure the trust funds of a community, and the conditions which justify the transfer of funds from one community to another should be passed upon and the action controlled by disinterested governmental authority removed from the influence of personal profit.

Fourth. Branch banking is peculiarly inconsistent with the American idea of local self-government and Federal coordination. The banking system of the United States is closely analogous to the governmental structure. Under the Federal reserve system local independent units are coordinated while branch banking proposes that they should be consolidated.

Fifth. As a direct result of absentee control the human element and moral responsibility of the creditor would necessarily be largely eliminated. Absentee control must obviously be exerted through employees governed by rigid rules operating under the most limited discretion. Under such conditions a bank would eventually degenerate into a glorified pawnshop from which collateral had excluded character as an element of credit.

The comptroller then says that an overwhelming majority of bankers of the United States are opposed to the principle of branch banking, yet he approves this bill because he alleges national banks must be given branch-banking privileges or some of them will surrender their charters and withdraw from Federal reserve membership (1924 report, p. 4).

On the subject of "glorified pawnbroker shops," to which the comptroller refers, this banking adviser of the Government further said in committee hearings (p. 11, hearings, H. R. 6855):

In branch banking, character loans are impossible * * *. The development of America is dependent on nothing more than on independent unit bankers of vision, courage, and independence whose first interest in the creditor is his character. * * *

The coercive power of a branch banker bent on expansion is very great. He is able to temporarily reduce interest rates until he gets banking control, and the cost of this can easily be reimbursed after he has secured a monopoly * * *. When an acute emergency arises in the community it is impossible to get prompt and effective assistance where a local representation is compelled to refer back to the head office in another city. The great system of unit banks which forms the national system has been the bulwark against monopoly and branch banking, but the time has come when the national banks can not carry on much longer. * * *

BRANCH BANKING IS ESSENTIALLY MONOPOLISTIC

Referring specifically to "glorified pawnshops" in foreign countries, Comptroller Dawes further says:

The essentially monopolistic nature of branch banking can not be successfully controverted. * * *

In 1942 there were in England 429 banks and in 1922 (50 years thereafter) only 20 banks. Of these 20 banks, 5 controlled practically all the banking of the nation. There are about 7,900 branches in

operation. In Scotland there are only about 9 banks with about 800 branches.

In 1885 in Canada there were 41 independent banks. Under the operation of branch banking the number was reduced to 35 by the year 1905. I am informed that at the present time there are only 14 banks in Canada operating about 5,000 branches. There are no independent unit banks in western Canada, in fact none west of Winnipeg. Banking control through the branch system is concentrated in the cities of Montreal and Toronto. (Hearings, p. 12.)

Yet this is the system that Mr. Platt and members of the Federal Reserve Board for whom he speaks appear to approve.

California already has 475 branch banks, and the effect is discussed dispassionately before the committee by witness Whipple, president First National Bank, Turlock, Calif. His own bank has capital, surplus, and undivided profits of \$110,000, with deposits of about \$1,000,000, while a State bank of which he is also president has capital, surplus, and undivided profits of \$150,000 and deposits of \$1,200,000. These two banks with over \$2,000,000 deposits are the local financial advisers for the city of Turlock's 4,000 inhabitants and for the surrounding country. Not much more than a drop in the bucket when compared with the National City Bank, of New York City, or other big concerns, yet an institution of great importance to the little city of Turlock. Whipple is a banking student, living in the midst of California's branch banking.

Confirming the observations of Comptroller Dawes as to "glorified pawnshops" in other countries Whipple says, quoting McLeod, a Canadian banking authority:

In Canada * * * the "big three" banks in 1922 controlled 58.81 per cent of the banking resources of the nation against 39.11 per cent 10 years ago (or 50 per cent increase of control in 10 years). In 1900 there were 36 banks in Canada; in 1912, 26; in 1922, 17; and now 14.

FRENCH BRANCH BANKS TURNED TAIL DURING WAR

Whipple continues (hearings, p. 189):

In England five banks control over 87 per cent of the banking resources of the nation, and the process of absorption continues. In France and Germany the same centralization continues. In France four great branch banking systems cover the nation, with little competition. When the Great War broke out they alone of all French banks turned tail and ran to cover, leaving the financial support of the country to the Bank of France and what few provincial and unit banks were still left. * * * The French branch banks which purchased the Russian and Balkan State bonds at the rate of sometimes 10 per cent have resold the bonds to thrifty French investors at a 5 per cent rate.

Possibly that record is being imitated by great banks in this country to-day, but they do not yet control the entire banking and investing field. They may do so if the camel's nose is inserted under the canvas by this bill.

Continuing, Whipple says of disasters in branch banking:

In Australia, in 1893, out of 28 banks with 1,700 branches, 13 failed in six months for £90,000,000. This necessitated a moratorium for five years.

The president of the Canadian Bankers' Association testified a year ago that "out of 1,219 banks operating in western Canada 419 are operating at an actual loss" (ascribed to too great duplication).

In Canada failure of the Home Bank, with its 78 branches, the forced absorption of the Merchants Bank, with 400 branches, and the merger of several other banks has caused nation-wide concern of the banking structure of Canada (hearings, pp. 192-193).

In South Africa where but two great banking systems, the Standard and National Bank of South Africa had the field to themselves, the difficulties of the latter obliged the South African Government to go to the rescue, and he concludes this may be a straw * * * when through mergers and otherwise banking in both England and Canada and possibly even in California * * * the government will be obliged to take them over.

The mania for size is due no doubt to the widely held tenet that the public nowadays admires success more than any other thing—measured by the yardstick of financial size.

Whipple hopefully says (p. 195):

It is axiomatic that no part of America will long tolerate what amounts to virtual monopoly in banking either with or without its accompaniment of political power not always used for the public good. Nor will it when informed, permit the superimposition on it of the principle of branch banking which represents the opposite of the traditional American principles of opportunity and unalterable opposition to the money power.

WILL WIPE OUT INDIVIDUAL BANKING (CALIFORNIA) IN TEN YEARS

Mr. Morrish, president of the First National Bank of Berkeley, another California bank, states his two banks have deposits of

about four and a half million dollars (hearings, p. 174). He was delegated to represent before the committee the independent banks of the State of California, both National and State. He says:

My judgment is that within 10 years if the bars are let down, independent banking in California will be a thing of the past. There will be no independent banks in California outside of probably the cities of Los Angeles and San Francisco or other large centers where a bank has opportunity to build up a deposit liability of large sums in commercial funds.

He further says:

It has been my personal experience that about 75 per cent of the independent bankers (in California) give up their independence because of fear of the other organizations. The small country banker stands in awe of the large city banker, with the large amount of capital that he controls. * * * He has seen his friends, one by one, succumb to the large branch-banking systems, and it is no wonder that when a branch banking institution desires a branch in any given community that the only thing they have to do is to state that they want to go into that community, and almost any bank in the community is ready to sell out to them.

Speaking of the power of branch bankers to put him out of business, he said:

Absolutely—and I have talked to nearly a hundred independent bankers in the State (California)—I think I know their feelings pretty well in that regard. The concentration of funds of our Nation in the hands of a few large branch bankers, which is the ultimate and logical conclusion of the branch-banking system, is something I hope never to see accomplished. Their claim that they do not wish to go outside of State limits is a mere subterfuge. It will be just as easy to step over the State line as it is the city line.

THE LAMB INSIDE THE WOLF

Comparing individual banking and branch banking based on the California situation, Morrish says:

My judgment is that they can exist side by side only like the wolf and the lamb, with the lamb on the inside (p. 181).

President Macdonnell, of the First National Bank of Pasadena, Calif., First Trust and Savings Bank of the same city, was no less positive in his testimony as to branch-banking methods. He says:

These people in California are in a race for size and power which comes down to be pretty largely a question of personal ambition on the part of a few men. It leads to a curious willingness to make almost any kind of deal for a new bank that will get it (p. 161).

He also gave incidents in his own experience to illustrate the methods pursued to secure branch-banking control and the elimination of individual banking.

In response to a question whether a real danger exists in California that will ultimately develop into a banking monopoly between a half dozen leading banking institutions, Macdonnell responded:

I have no doubt of it.

Q. Similar to Canada?—A. Yes, sir (p. 166).

Mr. Macdonnell said this bill would, to an extent, result in a monopoly, but it was not his idea that the branch-banking system could be "unscrambled." He was opposed to national banks engaging in a state-wide branch-banking business, but as this bill limits branch banking to certain cities, it was accepted by him as the best port in a storm.

That branch banking in California will control the situation ultimately seems certain based on the testimony submitted before the committee, although between the devil and the deep sea such witnesses are not opposing this bill.

While the testimony of Comptroller Dawes and the three bank presidents, supported by American, Canadian, and European branch-banking statistics, is convincing to the average mind of the danger of branch banking, it is not undisputed.

In the words of President Macdonnell (p. 158), when referring to branch-banking witnesses, the committee hearings also contain testimony from "a professor of international law and lately a banker," from another who has practiced law and is now a trust company banker, and from the attorney for the California banking department. The presence of all these, according to Macdonnell, shows the "power" of the branch-banking people. These gentlemen believe in branch banking, and they answered the committee's questions without equivocation.

Possibly the ablest witness who represented nearly one-half of all the 475 branch banks in California can be cited. His interest in branch banking is in part explained by the following:

FOUR BANKS HAVE 225 BRANCHES

Mr. DRUM. There are 700 banks in California, of which 423 are State banks and 275 are national banks. The number of State banks having branches is 88, the number of branches about 460 to 480. (Hearings, p. 100.)

Q. How many branch banks under the institution you are connected with?

Mr. DRUM. There are 46, 27 of them in San Francisco; 10 in territory outside of San Francisco. * * * The banks that Mr. Elliott and I represent here to-day are five of the larger State banks, namely: The Pacific Southwest Trust & Savings Bank, the Security Trust & Savings Bank, the Bank of Italy, the American Bank of Oakland, and the Mercantile Trust Co. Those banks represent an aggregate in capital and deposits of nearly \$1,000,000,000. * * * We speak for these five. The Bank of Italy has 75 branches, made up of 12 in the parent city, 63 outside of the parent city; the Mercantile Trust Co. has 46, 27 in San Francisco and 19 outside of San Francisco; the Pacific Southwest had 75, 33 in Los Angeles and 42 outside of Los Angeles; the Security Trust & Savings Bank has 28, 15 in Los Angeles and 13 outside of Los Angeles; * * * of deposits we have about 45 to 47 per cent of all the banks in California. (Hearings, pp. 105-6.)

In other words, Messrs. Drum and Elliott represented 5 State banks in California out of a total of 475, and 4 of these 5 banks have 225 branches, or nearly half of the entire number of branch banks in the State, and the 5 banks hold nearly one-half of all bank deposits in the State. The centralization of branch banking in California needs no diagramming nor of the interests subserved by Messrs. Drum and Elliott.

Another witness came from New York City, where limited branch banking exists. Mr. J. Bach is vice president of the Public National Bank, of New York, which has a capital, surplus, and undivided profits of \$9,500,000 and deposits of \$98,000,000, with a number of branch banks in that city. His was a State bank in 1917 and became a national bank that year. At the present time his bank has five branches and six tellers' windows, or what are described as "subterfuge branch banks." Mr. Bach has the strict business viewpoint, and says his bank caters to the foreign element. That 33 per cent of his bank's deposits—or about \$33,000,000—has been coaxed out of patrons "who otherwise would have invested in mattresses, in rugs, and in bureaux."

Several questions and answers are enlightening (hearings, p. 97):

Q. With bank deposits of \$95,000,000 you could have 50 or 60 banks with \$2,000,000 of deposits each?

Mr. BACH. That is very true. * * * Most of those independent units in the city of New York are for sale, because they are not paying propositions.

Q. Do you think that a branch bank as a rule gives as good service as the unit in the particular community where it is located?

Mr. BACH. Better; they afford better trade, help, and assistance. * * *

Q. There are people who come to us from places where branch banking has prevailed for years and say if they were starting over again they would never have branch banks. They also come from Canada and say that branch banking is not the best thing for the country.

BRANCH BANKING "ABSOLUTELY PERFECT"

Mr. BACH. There are some people who complain at the present time, but I think it is absolutely perfect. (Hearings, p. 100.)

Q. If you got big enough and strong enough to take care of the banking business in all the States by the establishment of branch banks, you think that would be a good thing?

Mr. BACH. I see no reason why it should not be (p. 102).

Q. How many [tellers' windows] do you have applications for?—A. We have seven more in contemplation, all of which have been allowed by the comptroller.

Q. Seven more have been allowed?

Mr. BACH. Some were disallowed and the other locations were allowed.

In other words, Mr. Bach, backed by \$98,000,000, has 11 branch banks and tellers' windows in New York City. Seven more have been allowed, but not in the locations selected by Mr. Bach, because presumably designed to drive out individual banks.

Recently an address by one of Wisconsin's recognized banking authorities came to my notice. It was delivered two years ago by Hon. Andrew H. Frame, of Waukesha, a man whose four score of years eminently qualifies him to speak on banking, although he is not engaged in the present banking bill controversy. Mr. Frame then said:

From a practical banking experience in the United States for more than 60 years, I have seen wildest currency and wildest banking expunged from all the States tolerating these excrescences. In fact, in Wisconsin as one of the chief slayers, I was chairman of a

banking committee that drew the 1903 statute which, thanks to our splendid bank commissioner's administration of the law, has resulted in but three small failures in 19 years wherein a depositor has lost a dollar of his capital! I have also seen Old-World banking recede from independent banking freedom to monopolistic banking, colossal failures, and appalling losses to depositors which should be object lessons to warn our statesmen to pause before handing over our destinies to the tender mercies of any autocratic banking power. May we ask: "Has not autocracy and oppression wrecked the equilibrium of the whole world?" We must concede some small advantages may accrue to a favored few under branch banking, but in the language of the immortal Lincoln "The greatest good to the greatest number" would be practically eliminated. There are some natural monopolies. Surely branch banking is not one of them.

After citing some gigantic branch-banking failures in other countries and lessons learned, Mr. Frame closed his address with the admonition:

The object lessons of monopoly, arrogance, and oppression of the past decade in the Old World should warn us that the American freedom should not be superseded by any oligarchy. Branch banking is a calamity to any city, State, or nation.

"Man's inhumanity to man makes countless thousands mourn."

I can offer no advice as a layman that will be of value compared with the many words from those who have devoted a lifetime to the business of banking. In practical legislation we have knowledge of a constant pressure toward monopoly, and the money monopoly feared by Mr. Frame is in keeping with the trend of the times. The McFadden bill is the first specific legislative recognition by Congress of national branch banking. After the testimony of Messrs. Platt, Bach, Drum, and others of ability and persuasiveness, it is not a far step to take before embarking on the branch-banking system of other countries.

The chain-bank system that has had a stormy time in several Western States requires no discussion or criticism here. It is a puny imitation of the branch-banking system, and every national or State bank, with few exceptions, may well fear the effect of both systems. My own State of Wisconsin is no more concerned than any other State in this bill, because we have good banking laws and fine supervision. The following showing was had on October 31, 1924, of Wisconsin State banks:

State banks.....	816
Mutual savings banks.....	6
Trust companies.....	15
Land mortgage associations.....	2

Total (State banking institutions with resources of \$546,384,442.98)..... 828

For the purpose of comparison it appears that on October 10, 1924, Wisconsin also had 157 national banks—exactly the same number as in Massachusetts—with total resources of \$422,452,000, or about 80 per cent of the combined State banking institutions.

From State Banking Commissioner Dwight T. Parker I have received the following additional data:

Prior to 1922 there were practically no bank failures in Wisconsin. During that year there were two failures, and in 1923 six banks were permanently closed by the department, and thus far—December 10, 1924—five State banks have been permanently closed and two new banks organized. The closed banks were all small and located principally in the smaller towns.

It is evident that the "chain system" has no place in our State, and bank failures have been held to a comparatively low figure for the three hard years named.

It may seem presumptuous to question this bill. I am certain the committee of able Members took the course that to them seemed right and most expedient. To protect the Federal reserve system they were advised it is necessary to protect national banks that to-day are being discriminated against in States where branch banking is authorized by legislative enactment. Danger to the national banking system from this cause does not appear imminent, judging from the gradual increase in number of national banks and an increase of 300 per cent in resources compared to a 40 per cent increase in population during the last 30 years, as cited at the outset of these remarks. On the other hand, danger that branch banking will eventually wipe out individual banking is a matter of belief among conservative men, and they fear letting down the bars will follow the passage of the McFadden proposal.

POURING OIL ON THE FLAMES

National banks should certainly be placed on a par with State banks in States that permit branch banking, provided such action does not constitute an added menace to the whole individual banking business of the country, but to my mind

this bill pours oil on the flames so far as the safety of the building is considered. Its passage will naturally result in an early movement toward congressional and State legislative enactments in breaking down the protection heretofore afforded individual banking. That movement will be swift and certain judging from the experience of other countries. The concentration of practically all other lines of business is now in a few hands, and it is fair to assume the money power which we profess to fear in business, politics, and government will be supreme when the bars have been let down for branch banking.

The Pujo congressional investigation disclosed tremendous strides in power already have been made by great financial concerns, particularly through interlocking directorates. Some legislative efforts to curb that power followed. With a surrender to the demand for branch banking by great interests, of which Mr. Bach and Mr. Platt, both of New York, are spokesmen, the time is not far distant when this country, like Canada, England, France, and Germany, will be under the domination of a handful of men and of a less number of banks than can be counted on the fingers of both hands. The next and final step is not far to take, for monopoly sooner or later becomes centered in one concern, and that will then control government as well as business.

I do not presume here to discuss the constant tendency of centralization in all lines of business tending toward one gigantic monopoly like Standard Oil that already controls banks, railways, and oil while the Sherman law that sought to unscramble the eggs, and every other legislative act of prevention, seems fruitless against monopoly.

"Big" business is the tendency the world over as testified in the committee hearings and it may seem hopeless to offer resistance because the spirit is found in the man who starts with an apple cart and soon controls all the apple carts of the city; with the man who from a small unit finally controls chain 10-cent stores, groceries, drugs, and other lines of business. It is human nature and so it is idle to prophesy what the situation will be when practically every line of business will have become absorbed by one central controlling financial power with all others subordinated to branch agencies or insignificant cogs in a wheel that eventually may break from the force of its own revolutions.

Naturally we of to-day are more concerned in the present and with existing problems of business and government than with what will occur 10, 20, or 50 years hence and no solution to such problems is here suggested. When Shylock's pound of flesh was denied and fixed interest limitations were secured by usury laws, public sentiment took a pronounced stand against greed and cupidity.

Unlimited profits, avoidance of tax laws, and rapid consolidations of various lines of business into monopolies are exercised to-day by those who believe Government should keep hands off without restrictions.

The bill before us extends branch banking to national banks for the assumed maintenance of our Federal financial system. The bill is only an expedient at best. Who can justify limiting national banks to one or two branches in cities of a certain size when State banks across the street may have 60 or more branches in the same State, as in cases cited in California? If a national bank is dependent upon its branches for ability to compete, it will soon demand the same privileges as the State bank; and if not given, it will then surrender its national-bank charter. Why not, unless some special privilege is possessed to offset the disadvantage? Or if the Federal Reserve Board here seeking relief recommends branch banking for national banks irrespective of State laws, what will be the result?

TWO HORNS IN THE BRANCH-BANKING SITUATION

If branch banking is the beginning of the end, as suggested by witnesses before the committee and as evidenced by the experience of other countries, then why not scotch the snake before it gets a stronger hold on the country; or if it can not be destroyed or controlled, then why place unjust restrictions on national banks that seek to compete with State banks?

I hold no brief to represent individual bankers in my State or in any other State, and yet I can not believe that this bill offers protection to bankers, State or National, anywhere, although it purports to limit branch banking by giving national banks new branch-banking privileges in certain States, to be extended to all States if Mr. Platt is an authorized spokesman for the Federal Reserve Board.

I do not offer any praise for our pioneer bankers, many of whom still remain in control among the thousands of individual banks scattered throughout the country. Their encouragement, both financially and by advice, has been of untold value

in building up the country, and the policy thus inaugurated has given financial and business backbone to countless communities where confidence and faith were needed to insure success. Neither do I offer any statement as to branch-banking conditions such as exist in Canada, England, France, and other countries, and in California in our own country. Comptroller Dawes has covered the question completely, and President Morrish sums it up in a sentence when he says the individual banker's short struggle against the powerful branch-banking establishment, if protection is withdrawn, would be another case of the wolf and lamb, with the wolf lying on the outside.

The problem is real and should be squarely faced if any relief or protection can be offered. To my mind it presents two alternatives with the middle of the road policy taken by this bill affording no hope to the individual banker, whether State or National, or to the countless communities that are equally interested in the maintenance of individual banking.

Congress, of course, has no power to control State banks and it is a question how far Congress can squarely meet the situation. What added banking privileges, if any, can be given by Congress to individual banks to offset or curtail the branch-banking race for power? What restrictions can be placed upon branch banking by Congress that will discourage destruction of the great individual banking system which has been the pioneer in America's development? What, if any, control of the mails or of interstate commerce or by its taxing power can be undertaken by Congress to meet the situation? These are not original suggestions and I know have to some extent been considered by able members of the banking committee.

Several years ago, when discussing the case of *Bailey v. Drexel Furniture Co.*, 259 U. S., p. 20 (child-labor case), I remember an opinion therein of Chief Justice Taft wherein he said:

It is the high duty and function of this court in cases regularly brought to its bar to decline to recognize or enforce seeming laws of Congress dealing with subjects not intrusted to Congress, but left or committed by the supreme law of the land to the control of the States. We can not avoid duty, even though it requires us to refuse to give effect to legislation designed to promote the highest good.

That court then set aside the child labor law because it was only a "seeming law." *Venzle Bankers v. Fenno* (8 Wallace 533) is cited in the *Bailey* decision and therein was distinguished. It relates to taxation of circulating notes of State banks increased to a rate of 10 per cent, or a 900 per cent increase. The highest court sustaining that law then said:

The first answer to this is that the judicial can not prescribe to the legislative departments of the Government limitations upon the exercise of its acknowledged powers. The power to tax may be exercised oppressively upon persons, but the responsibility of the legislature is not to the courts but to the people by whom its members are elected.

The power of Congress is set forth quite fully in the briefs offered in the *Bailey* case, whereby the taxing power has been exercised for social and economic ends, although denied by the court in the child-labor case.

Those who have the responsibility for banking legislation are more acquainted with the facts and the law than the average member, so that I do not assume to propose legislation to meet the situation, even if the Supreme Court or a majority of its members permits Congress to act when the constitutionality of such legislative action is challenged.

I do contend that if nothing can be done to prevent the growth of branch banking then this bill should not restrict national banks to limitations that will hamper competition with State banks now having unlimited branch-banking privileges. It seems to me there is no escaping this conclusion.

I do believe that something should be attempted to restrict or prevent the present wild race in branch banking, and if found impossible under existing legislative powers, then by constitutional amendment, which is sometimes an alternative whereby to overrule five to four court decisions.

Let me say in conclusion that great banking interests of the country that enjoy branch banking in New York City are already more powerful than Congress or any educational or industrial agency of the country. Eventually they will be merged into one or more financial concerns that will then largely dominate our industrial, financial, and political life.

If after studying the facts our banks, or any considerable portion, are persuaded that branch banking is a good thing for the country, or that this bill will not be harmful, then the prairie fire which eventually will wipe out independent banking is for them to handle, and the community interest which they represent is in their hands.

My protest is lodged against a system that is rapidly undermining our individual banking business. If the destruction can not be stayed because of our dual system of government, or if the principle of branch banking is to be formally approved by the Federal Government, then, I submit, all restrictions contained in the pending bill where branch banking is permitted or which restrains national banks from fully competing with State banks should be removed. The influence of the Federal Reserve Board that approves national branch banking in all States will soon remove the remaining restrictions. Individual banking must yield to branch banking unless the situation is met by drastic legislation. This bill, in my judgment, is an additional wedge against the individual banking system.

AMERICAN BANKERS' RESOLUTION IN 1922 OPPOSES BRANCH BANKING

The American Bankers' Association, comprising 23,000 members, at its annual session in October, 1922, adopted the following resolution:

Resolved by the American Bankers' Association, That we view with alarm and hereby express our disapproval of and opposition to branch banking in any form in the United States.

Resolved, That we regard branch banking or the establishment of additional officers by banks as detrimental to the best interests of the people of the United States. Branch banking is contrary to public policy, violates the basic principles of our Government, and concentrates the credit of the Nation and the power of money in the hands of the few.

The answer to this resolution and many others of like character that might be submitted is possibly that the McFadden bill only gives limited branch-banking rights to certain national banks in order to preserve the Federal reserve system. A clipping credited to the American Banker, New York, is as follows:

We believe with Mr. Crissinger that the best thing is not to have branch banking in any form, and we also believe that the preservation of our independent system is more important even than the preservation of our national banking system. Let us hope that the comptroller, instead of encouraging national banks to go into branch banking from a defensive viewpoint, will cooperate in legislation to stop the extension of branch banking in the States.

(Memorandum by Wisconsin's State Banking Commission)

BRANCH BANKING

Even as amended the McFadden bill is a dangerous measure and certainly should not be supported by independent bankers.

1. The Hull amendment, upon the strength of which the United States Bankers' Association Opposed to Branch Banking has withdrawn its opposition to the McFadden bill, is not a part of this bill as reported for passage to the House. The independent bankers no doubt have assurance from Mr. McFadden and the supporters of this bill that they will accept the Hull amendment, but this must be done on the floor. Probably there will be no hocus pocus in this matter, but the independent bankers can scarce afford not to watch developments very closely when the bill actually comes up for passage.

FUTURE AMENDMENTS WILL REMOVE RESTRICTIONS

2. Despite the Hull amendment there is no real guaranty that national banks located in States which do not now permit branch banking will not hereafter be permitted to establish branches. One Congress can not bind another; and even if the Hull amendment is adopted, a subsequent Congress can always extend the permission for branch banking. It seems to me, moreover, that if the McFadden bill becomes law it will prove very difficult to defeat attempts made to extend the permission given to national banks to establish branches in other States which, subsequent to the passage of this bill, legalize branch banking. If, for instance, Illinois should hereafter legalize branch banking, what possible argument can be made against permitting national banks in Illinois to establish branches, in view of the fact that this McFadden bill allows national banks in California and other States to establish branches on the theory that this is necessary to meet the competition of State banks which are allowed to have branches. If branch banking is once recognized by Congress anywhere, no amendment to the effect that the question whether branches are to be permitted or not in a given State is to be settled on the basis whether at the time of the passage of this act such State authorized branch banking will for any considerable length of time check the demand for the legalization of branch banking everywhere. The very fact that Congress has legalized branch banking in some States will compel it to legalize it ultimately in all States, or at least in all States whose laws may hereafter be amended to permit State banks to operate branches.

NATIONAL BANKS TO START THE BALL ROLLING

3. There is real danger that the McFadden bill itself may be interpreted as legalizing branch banking in many States in which the State banks can not now establish branches. This danger arises because six States—Alabama, Florida, Indiana, New Jersey, Washington, and Wisconsin—in their laws against branch banking allowed State banks which had already established branches to continue these branches.

Section 8 of the McFadden bill prohibits national banks from establishing branches "in any State which does not by law or regulation authorize banks created or existing under the laws of such State to own, establish, maintain, and operate such banks." Since in these six States some of the banks now actually have branches, it is at least a possible construction of section 8 of the McFadden bill that national banks may establish branches in these States.

This danger is illustrated by our situation in Wisconsin. Our laws against branch banking reads as follows: (Stat. 1923, sec. 221.04(1) (f)) " * * * but no bank shall establish more than one office of deposit and discount or establish branch offices or branch banks, provided that this prohibition shall not apply to any branch office or bank established prior to May 14, 1909." Under the proviso in this statute three State banks in Wisconsin now operate branches (which were all established prior to May 14, 1909), namely, the Bank of Wisconsin, at Madison; the Marshall & Isley Bank and the Second Ward Savings Bank, both of Milwaukee. These branches are recognized by our law and are in all respects lawful. In view of this fact I query whether Wisconsin is a State "which does not by law or regulation authorize banks created or existing under the laws of such State to own, establish, maintain, and operate such banks" within the meaning of section 8 of the McFadden bill. If this bill does mean that national banks can hereafter establish branches in Wisconsin, they are thereby granting a privilege denied to State banks in this State.

THE PROBLEM IN A NUTSHELL

Commissioner Parker, of Wisconsin, hits the nail squarely on the head when he says no Congress can bind its successor. One legislative body, whether State or National, will struggle and quibble over hair-splitting amendments in an effort to overcome objections and finally compromise with objectors. A bill heralded as an important compromise may then be accepted and approved by all parties concerned. Next session thereafter those with financial or other business interests to be served again appear on the scene, while those who have struggled for the unorganized side finally yield to systematic hammering from the powerful lobby that ever supports self-interest and is always on the job. The next Congress or next legislature can then be depended upon to widen the gap and push wide open all legislative doors.

The compromise McFadden branch banking bill, with or without the Hull amendment, gives Federal recognition and will be interpreted to give approval to branch banking both by the Federal Government and by States that have been heretofore opposed to the proposition. Henceforth it is to be a race without limit until independent banking in this country will have been laid away permanently alongside many thousands of individual banking graves in Canada, England, Scotland, France, and other countries.

Let us not deceive ourselves as to the issue or outcome offered by the McFadden branch banking bill.

A PROTEST AND AFFIRMATIVE PROPOSAL

No effort has been made to organize opposition to the McFadden bill. That is a field for others to undertake if the facts warrant. I am content to submit the objections here offered, but among protests received by me as late as December 29, this year, the following resolution passed unanimously by the Kansas State Bankers' Association speaks for itself. I submit the resolution as a part of my remarks because it comes from a reputable organization, presents a vigorous protest against the McFadden bill and also a constructive program for meeting and overcoming the branch-banking menace.

Resolution passed unanimously by the Kansas State Bankers' Association at Wichita, Kans., October 24, 1924

Resolved by the Kansas State Bankers' Association in annual convention at Wichita, Kans., assembled, That we hereby reaffirm our opposition to and condemnation of branch banking in any form, in city, State, or Nation. We deplore the present-day attempt by some bankers to multiply branch banks.

We believe that our marvelous economic development and great prosperity are due to our independent system of banking, which is democratic and in keeping with the traditions of our people.

Instead of passing a law to increase the number of branch banks and thus give national recognition to a practice conceded by all authorities to be monopolistic and dangerous to our economic welfare,

we respectfully petition the Members of the House of Representatives and the Senate of the Congress of these United States to enact legislation prohibiting any bank in the United States from having and operating branches. And we suggest this could be accomplished in any one of three ways.

(1) By prohibiting any bank with branches being a member of the Federal reserve system.

(2) By taxing branch banks out of business in the manner in which Congress, in 1863, taxed State bank currency 10 per cent and stopped its issue.

(3) By prohibiting any bank with branches from using the United States mails.

CALL OF THE HOUSE

Mr. BLANTON. Mr. Speaker, I make the point of order we have not a quorum present.

The SPEAKER. The gentleman from Texas makes the point of order there is no quorum present. It is clear there is not a quorum present.

Mr. BEGG. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 14]

Ackerman	Edmonds	McLaughlin, Nebr.	Rogers, N. H.
Anthony	Fairchild	McLeod	Rouse
Arnold	Fairfield	McNulty	Sabath
Bacharach	Fitzgerald	McSwain	Sabon
Bacon	Fredericks	McSweeney	Sanders, Ind.
Beers	Free	MacGregor	Sanders, N. Y.
Bell	French	MacLafferty	Schafer
Berger	Fulbright	Magee, Pa.	Schall
Bixler	Fulmer	Martin	Scott
Bloom	Gallivan	Mead	Seeger
Boles	Garrett, Tenn.	Mezitt	Shallenberger
Bowling	Geran	Michaelson	Sherwood
Boylan	Gibson	Miller, Ill.	Shreve
Brand, Ohio	Gifford	Milligan	Simmons
Brand, Ga.	Glatfelter	Mills	Sites
Briggs	Goldsbrough	Minahan	Smithwick
Browne, N. J.	Graham	Mooney	Snell
Brunn	Green	Moore, Ill.	Snyder
Buckley	Griffin	Moore, Ohio	Speaks
Burton	Hammer	Morgan	Spearing
Byrnes, S. C.	Hastings	Morin	Stalker
Casey	Haugen	Morris	Stegall
Carew	Hawes	Nelson, Me.	Stephens
Caser	Hekey	Newton, Mo.	Stevenson
Christopherson	Hill, Ala.	Nolan	Strong, Pa.
Clancy	Holaday	O'Brien	Sullivan
Clark, Fla.	Hooker	O'Connell, N. Y.	Summers, Wash.
Clarke, N. Y.	Howard, Nebr.	O'Connell, R. I.	Sweet
Cole, Ohio	Hull, Tenn.	O'Connor, La.	Swoope
Collins	Johnson, W. Va.	O'Connor, N. Y.	Taber
Connally, Tex.	Johnson, Tex.	O'Sullivan	Tague
Conner	Jost	Oliver, N. Y.	Taylor, Tenn.
Connolly, Pa.	Kearns	Oliver, Ala.	Temple
Cooper, Ohio	Keller	Palge	Tinkham
Corning	Kelly	Parks, Ark.	Tucker
Crosser	Kendall	Peavey	Tydings
Cullen	Kent	Peery	Upshaw
Curry	Kerr	Perkins	Wainwright
Dallinger	Kindred	Perman	Ward, N. Y.
Darrow	Knutson	Phillips	Ward, N. C.
Davey	Kuns	Porter	Weaver
Deul	Langley	Prall	Weller
Denipsey	Larson, Minn.	Quayle	Welsh
Dendson	Lazaro	Ramseyer	Wertz
Dickstein	Leibach	Randley	Wilson, Ind.
Dominick	Lilly	Reed, N. Y.	Winslow
Doughton	Lindsay	Reed, Ark.	Wolf
Doyle	Logan	Reed, W. Va.	Woodrum
Drane	Lowrey	Richards	Wright
Drewry	Luce	Roach	Zihlman
Driver	Lyon	Robison, Ky.	
Eagan	McDuffie	Rogers, Mass.	

The SPEAKER. Two hundred and twenty-five Members have answered to their names. A quorum is present.

Mr. BEGG. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. Without objection it is so ordered.

There was no objection.

The doors were opened.

EXTENSION OF REMARKS

Mr. WINGO. Mr. Speaker, I wish to renew my request to extend my remarks by printing in the Record an editorial which appeared in the Washington Post of yesterday, by Col. George Harvey, on the French debt.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks by printing the editorial mentioned. Is there objection?

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, did I understand the gentleman to say it is an editorial?

Mr. WINGO. Yes.

Mr. UNDERHILL. I object.

TREASURY AND POST OFFICE APPROPRIATION BILL

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10982) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1926, and for other purposes; and pending that motion, I would like to ask the gentleman from Tennessee [Mr. BYRNS] whether we can agree upon the time for general debate.

Mr. BYRNS of Tennessee. I will say to the gentleman that I have had several requests made of me recently for time involving possibly an hour in addition to such time as I may want to consume. I do not know whether there will be any further requests on this side or not.

Mr. MADDEN. What would the gentleman think about three hours, an hour and a half on each side?

Mr. BYRNS of Tennessee. Could the gentleman make it two hours on each side? I do not know whether we will need it all on this side or not, but other requests may come in.

Mr. MADDEN. Then, Mr. Speaker, I ask unanimous consent that general debate continue for not exceeding four hours, two hours to be controlled by the gentleman from Tennessee and two hours by myself.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I presume the gentleman from Illinois is going to be liberal with us under the five-minute rule?

Mr. MADDEN. Yes.

Mr. BLANTON. May I ask the gentleman a question?

Mr. MADDEN. Yes, indeed.

Mr. BLANTON. This bill appropriates for two departments and seeks to appropriate \$763,000,000, which is \$11,890,000 more than the similar bill of last year. How does the gentleman account for the \$11,000,000 increase under the present policy of economy?

Mr. MADDEN. I am not sure it is that amount; but if so, it is due to the fact that the increase in the business of the Post Office Department is about 7 per cent per annum, and that is \$22,000,000.

Mr. BLANTON. But while we are increasing it \$11,890,000 does not the gentleman from Illinois, who is a friend of the postal employees, believe we ought to put the money in this bill to take care of the bill which is going to be passed over the President's veto?

Mr. MADDEN. I will answer that question a little later.

Mr. BYRNS of Tennessee. I want to say in further answer to the request of the gentleman from Illinois that I suspect we will not consume over an hour and a half on this side.

Mr. MADDEN. Then, Mr. Speaker, I wish to modify my request and ask unanimous consent that general debate be confined to not exceeding three hours' time, one hour and a half to be controlled by the gentleman from Tennessee and one hour and a half by myself.

The SPEAKER. The gentleman from Illinois asks unanimous consent that general debate be limited to not exceeding three hours, one-half to be controlled by himself and one-half by the gentleman from Tennessee [Mr. BYRNS]. Is there objection?

There was no objection.

HOUDON BUST OF WASHINGTON

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on the Library:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State recommending an appropriation of \$1,000 for the purpose of securing a replica of the Houdon bust of Washington for lodgment in the Pan American Building in fulfillment of a decision that each Government which is a member of the Pan American Union should present a white marble bust, with a suitable pedestal, of the national hero of such country.

The request of the Secretary of State has my approval, and I strongly recommend the request to the favorable consideration of Congress.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, December 29, 1924.

TREASURY AND POST OFFICE APPROPRIATION BILL

The motion of Mr. MADDEN was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TILSON in the chair.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. BLANTON. Reserving the right to object, would the gentleman from Illinois be willing for the bill to be printed in the Record without reading for the information of the country?

Mr. MADDEN. I am willing to have it printed.

Mr. BLANTON. With that understanding, I will not object.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

The bill is as follows:

Be it enacted, etc.,

TITLE I—TREASURY DEPARTMENT

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department for the fiscal year ending June 30, 1926, namely:

OFFICE OF THE SECRETARY

Salaries: Secretary of the Treasury, \$12,000; Undersecretary of the Treasury, \$10,000; three Assistant Secretaries of the Treasury, and other personal services in the District of Columbia in accordance with the classification act of 1923, \$158,180; in all, \$180,180: *Provided*, That in expending appropriations or portions of appropriations contained in this act for the payment for personal services in the District of Columbia in accordance with the classification act of 1923, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the classification act of 1923, and is specifically authorized by other law.

OFFICE OF CHIEF CLERK AND SUPERINTENDENT

Salaries: For the chief clerk, who shall be the chief executive officer of the department and who may be designated by the Secretary of the Treasury to sign official papers and documents during the temporary absence of the Secretary, Undersecretary, and Assistant Secretaries of the department, and for other personal services in the District of Columbia, in accordance with the classification act of 1923, \$261,324.

For the operating force of the Liberty loan and register's annex buildings and buildings for the accommodation of the Bureau of Internal Revenue and the necessary clerical assistance in the office of the chief clerk and superintendent, in accordance with the classification act of 1923, \$125,150.

For employees for the care and protection of buildings for the accommodation of such bureaus of the department as may be assigned thereto, in accordance with the classification act of 1923, \$24,435.

Treasury Department Annex, Pennsylvania Avenue and Madison Place: For personal services for the care, maintenance, and protection of the building, in accordance with the classification act of 1923, \$40,575.

Treasury garage: For personal services, in accordance with the classification act of 1923, \$6,300.

CONTINGENT EXPENSES, TREASURY DEPARTMENT

For newspaper clippings, financial journals, law books, city directories, and other books of reference relating to the business of the department, \$1,000.

For freight, expressage, telegraph, and telephone service, \$10,000.

For rent of buildings in the District of Columbia for the use of the Treasury Department, \$12,500.

For purchase, exchange, maintenance, and repair of motor trucks and bicycles, and maintenance and repair of one passenger automobile for the Secretary of the Treasury, all to be used for official purposes only, \$7,000.

For purchase of file holders and file cases, \$4,000.

For purchase of coal, wood, engine oils, and grease, grate baskets and fixtures, blowers, coal hods, coal shovels, pokers, and tongs, \$20,000.

For purchase of gas, electric current for lighting and power purposes, gas and electric-light fixtures, electric-light wiring and material, candles, candlesticks, droplights and tubing, gas burners, gas torches, globes, lanterns, and wicks, \$21,000.

For washing and hemming towels, purchase of awnings and fixtures, window shades and fixtures, alcohol, benzine, turpentine, varnish, baskets, belting, bellows, bowls, brooms, buckets, brushes, canvas, crash, cloth, chamolais skins, cotton waste, door and window fasteners, dusters; flower garden, street, and engine hose; lace leather, lye, nails, oils, plants, picks, pitchers, powders, stencil plates, hand stamps and repairs of same, spittoons, soap, matches, match safes, sponges, tacks, traps, thermometers, toilet paper, tools, towels, towel racks, tumblers, wire, zinc, and for blacksmithing, repairs of machinery, removal of rubbish, sharpening tools, street-car fares not exceeding \$300, advertising for proposals, and for sales at public auction in the District of Columbia of condemned property belonging to the Treasury Department, payment of auctioneer fees, and purchase of other absolutely necessary articles, \$13,000.

For purchase of labor-saving machines and supplies for same, including the purchase and exchange of registering accountants, numbering machines, and other machines of a similar character, including time stamps for stamping date of receipt of official mail and telegrams, and repairs thereto, and purchase of supplies for photographic copying machines, \$14,000.

For purchase of carpets, carpet border and lining, linoleum, mats, rugs, matting, and repairs, and for cleaning, cutting, making, laying, and relaying of the same, by contract, \$500.

For purchase of boxes, book rests, chairs, chair cane, chair covers, desks, bookcases, clocks, cloth for covering desks, cushions, leather for covering chairs and sofas, locks, lumber, screens, tables, typewriters, including the exchange of same, wardrobe cabinets, washstands, water coolers and stands, and for replacing other worn and unserviceable articles, \$4,500.

For operating expenses of the Treasury Department Annex No. 1 (Pennsylvania Avenue and Madison Place), including fuel, electric current, ice, ash removal, and miscellaneous items, \$13,000.

Darby Building: For heating, electric current, electrical equipment, ice, and miscellaneous items, \$4,500.

Stationery: For stationery, including tags, labels, and index cards, printed in the course of manufacture, packing boxes and other materials necessary for shipping stationery supplies, and freight for supplies purchased free on board factory, for the Treasury Department and its several bureaus and offices, \$437,760.

GENERAL SUPPLY COMMITTEE

Salaries: For personal services in the District of Columbia in accordance with the classification act of 1923 not exceeding \$75,000; necessary expenses, including office supplies and materials, maintenance of motor trucks, telegrams, telephone service, and traveling expenses, \$2,800; in all, \$77,800.

For salaries of employees, office equipment, fuel, light, electric current, telephone service, maintenance of motor trucks, and other necessary expenses for carrying into effect the Executive order of December 3, 1918, regulating the transfer of office materials, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities, \$43,700: *Provided*, That the said Executive order shall continue in effect until June 30, 1926, without modification, except that the price charged shall be the current market value at time of issue, less a discount for usage, but in no instance shall the discount be more than 25 per cent, and that the proceeds from the transfer of appropriations thereunder shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That the heads of the executive departments and independent establishments and the Commissioners of the District of Columbia shall cooperate with the Secretary of the Treasury in connection with the storage and delivery of material, supplies, and equipment transferred under the foregoing order and for effecting the transfer or disposition of other surplus and waste material or supplies: *Provided further*, That typewriters and computing machines transferred to the General Supply Committee as surplus, where such machines have become unfit for further use, may, in the discretion of the Secretary of the Treasury, be issued to other Government departments and establishments at exchange prices quoted in the current general schedule of supplies or sold commercially.

Repairs to typewriting machines (except bookkeeping and billing machines) in the Government service in the District of Columbia may be made at cost by the General Supply Committee, payment therefor to be effected by transfer and counterwarrant, charging the proper appropriation and crediting the appropriation "General Supply Committee, transfer of office material, supplies, and equipment."

No part of any money appropriated by this or any other act shall be used during the fiscal year 1926 for the purchase of any standard typewriting machines, except bookkeeping and billing machines, at a price in excess of the following for models with carriages which will accommodate paper of the following widths, to wit: Ten inches (correspondence models), \$70; 12 inches, \$75; 14 inches, \$77.50; 16 inches, \$82.50; 18 inches, \$87.50; 20 inches, \$94; 22 inches, \$95; 24 inches, \$97.50; 26 inches, \$103.50; 28 inches, \$104; 30 inches, \$105; 32 inches, \$107.50.

All purchases of typewriting machines during the fiscal year 1926 by executive departments and independent establishments for use in the District of Columbia or in the field, except as hereinafter provided, shall be made from the surplus machines in the stock of the General Supply Committee. The War Department shall furnish the General Supply Committee, immediately upon the approval of this act, a complete inventory of the various makes, models, and classes of typewriters in its possession, the condition of such machines, and the point of storage, and shall turn over to the General Supply Committee such typewriting machines in such quantities as the Secretary of the Treasury from time to time may call for by specific requisition for sale to the various services of the Government. If the General Supply Committee is unable to furnish serviceable machines to any such service of the Government, it shall furnish unserviceable machines at current exchange prices, and such machines shall then be applied by the service of the Government receiving them as part payment for new machines from commercial sources in accordance with the prices fixed in the preceding paragraph. And in selling typewriting machines to the various services the General Supply Committee may accept an equal number of unserviceable machines as part payment thereon at the exchange prices quoted in the current general schedule of supplies.

OFFICE OF COMMISSIONER OF ACCOUNTS AND DEPOSITS

For Commissioner of Accounts and Deposits and other personal services in the District of Columbia, in accordance with the classification act of 1923, \$20,040.

DIVISION OF BOOKKEEPING AND WARRANTS

For the chief of the division and other personal services in the District of Columbia, in accordance with the classification act of 1923, \$164,386.

Contingent expenses, public moneys: For contingent expenses under the requirements of section 3653 of the Revised Statutes for the collection, safe-keeping, transfer, and disbursement of the public money, transportation of notes, bonds, and other securities of the United States, salaries of special agents, actual expenses of examiners detailed to examine the books, accounts, and money on hand at the several depositories, including national banks acting as depositories under the requirements of section 3649 of the Revised Statutes, also including examinations of cash accounts at mints and cost of insurance on shipments of money by registered mail when necessary, \$200,000.

Recoinage of gold coins: For recoinage of uncurrent gold coins in the Treasury, to be expended under the direction of the Secretary of the Treasury, as required by section 3512 of the Revised Statutes, \$3,000.

Recoinage of minor coins: To enable the Secretary of the Treasury to continue the recoinage of worn and uncurrent minor coins of the United States now in the Treasury or hereafter received, and to reimburse the Treasurer of the United States for the difference between the nominal or face value of such coins and the amount the same will produce in new coin, \$15,000.

DIVISION OF DEPOSITS

Salaries: For the chief of the division and other personal services in the District of Columbia, in accordance with the classification act of 1923, \$17,400.

PUBLIC DEBT SERVICE

For necessary expenses connected with the administration of any public-debt issues and United States paper-currency issues with which the Secretary of the Treasury is charged, including rent in the District of Columbia and including the Commissioner of the Public Debt and other personal services in the District of Columbia, in accordance with the classification act of 1923, \$3,260,000: *Provided*, That the amount to be expended for personal services in the District of Columbia shall not exceed \$3,118,414: *Provided further*, That the indefinite appropriation "Expenses of loans," act of September 24, 1917, as amended and extended, shall not be used during the fiscal year 1926 to supplement the appropriation herein made for the current work of the Public Debt Service.

For expenses incident to the discharge of the duties imposed upon the Secretary of the Treasury by the transportation act, 1920, the Federal control act, approved March 21, 1918, as amended, and for expenses arising in connection with loans and credits to foreign governments under the Liberty loan acts and the Victory Liberty loan act and in connection with credits granted or conditions entered into under the acts providing for the relief of populations in Europe and contiguous countries, and in connection with credits granted or conditions entered into under the act providing for the sale of surplus war material, including personal services in the District of Columbia, \$7,240.

Distinctive paper for United States securities: For distinctive paper for United States currency, national-bank currency, and Federal reserve bank currency, not exceeding 200,000,000 sheets, including transportation of paper, travelling, mill, and other necessary expenses, and salaries of employees and expense of officer detailed from the Treasury Department, \$50 per month when actually on duty; in all, \$1,407,775.

DIVISION OF APPOINTMENTS

Salaries: For the chief of the division, and other personal services in the District of Columbia in accordance with "the classification act of 1923," \$60,880.

DIVISION OF PRINTING

Salaries: For the chief of the division, and other personal services in the District of Columbia in accordance with "the classification act of 1923," \$66,240.

PRINTING AND BINDING

For printing and binding for the Treasury Department, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, including materials for the use of the bookbinder located in the Treasury Department, but not including work done at the New York customhouse bindery authorized by the Joint Committee on Printing in accordance with the act of March 1, 1919, \$834,750.

For postage required to prepay matter addressed to Postal Union countries, and for postage for the Treasury Department, \$1,000.

DIVISION OF MAIL AND FILES

Salaries: For the chief of the division, and other personal services in the District of Columbia in accordance with "the classification act of 1923," \$20,200.

OFFICE OF DISBURSING CLERK

Salaries: For the disbursing clerk and other personal services in the District of Columbia, in accordance with "the classification act of 1923," \$54,040.

CUSTOMS SERVICE

Division of Customs: For personal services in the District of Columbia in accordance with "the classification act of 1923," \$64,000.

For collecting the revenue from customs, and for the detection and prevention of frauds upon the customs revenue, including not to exceed \$15,000 for the hire of motor-propelled passenger-carrying vehicles, \$16,467,200, of which such amount as may be necessary shall be available for salaries of general appraisers retired under the provisions of section 518 of the tariff act of 1922, and \$62,480 shall be available for personal services in the District of Columbia exclusive of eight persons from the field force authorized to be detailed under section 525 of the tariff act of 1922.

Scales for customs service: For construction and installation of special automatic and recording scales for weighing merchandise, etc., in connection with imports at the various ports of entry under direction of the Secretary of the Treasury, \$95,000.

Compensation in lieu of moieties: For compensation in lieu of moieties in certain cases under the customs laws, \$30,000.

BUREAU OF THE BUDGET

Director, \$10,000; Assistant Director, \$7,500; for all other necessary expenses of the bureau, including compensation of attorneys and other employees in the District of Columbia in accordance with "the classification act of 1923," telegrams, telephone service, law books, books of reference, periodicals, stationery, furniture, office equipment, other supplies, travelling expenses, street-car fares, per diem in lieu of subsistence not exceeding \$4 for officers and employees while absent from the seat of government on official duty, \$147,500; in all, \$165,000.

For printing and binding, \$25,000.

FEDERAL FARM LOAN BUREAU

SALARIES AND EXPENSES

Salaries: For six members of the board, at \$10,000 each; for personal services in the District of Columbia in accordance with "the classification act of 1923," and for personal services in the field, \$139,600; in all, \$199,600, payable from assessments upon Federal and joint-stock land banks, of which amount not to exceed \$133,180 may be expended for personal services in the District of Columbia;

For salaries of 12 reviewing appraisers at not to exceed \$5,000 each per annum, and the travelling expenses of such reviewing appraisers, \$30,000; in all, \$90,000, payable from assessments upon Federal and joint-stock land banks;

For travelling expenses of the members of the board and its officers and employees; per diem in lieu of subsistence, not exceeding \$4; and contingent and miscellaneous expenses, including books of reference and maps; and for the examination of national farm loan associations, including personal services and traveling expenses, \$128,000, payable from assessments upon Federal and joint-stock land banks: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding \$2,500 per annum: *Provided further*, That \$1,260 of this sum may be expended for clerk hire in the District of Columbia;

In all, Federal Farm Loan Bureau, \$417,600.

OFFICE OF THE TREASURER OF THE UNITED STATES

Salaries: For Treasurer of the United States, \$8,000; for personal services in the District of Columbia in accordance with the classification act of 1923, \$1,065,000; in all, \$1,073,000.

For personal services in the District of Columbia, in accordance with the classification act of 1923, in redeeming Federal reserve and national currency, \$465,000, to be reimbursed by the Federal reserve and national banks.

OFFICE OF THE COMPTROLLER OF THE CURRENCY

Salaries: Comptroller of the Currency, \$5,000; for personal services in the District of Columbia, in accordance with the classification act of 1923, \$221,000; in all, \$226,000.

For personal services in the District of Columbia, in accordance with the classification act of 1923, in connection with Federal reserve and national currency, \$67,000, to be reimbursed by the Federal reserve and national banks.

For special examinations of national banks and bank plates, keeping macerator in Treasury Building in repair, and for other incidental expenses attending the working of the macerator, and for procuring information relative to banks other than national, \$1,500.

INTERNAL REVENUE SERVICE

Office of the commissioner: Commissioner of Internal Revenue, \$10,000; for the assistant to the commissioner, three deputy commissioners, and other personal services in the District of Columbia, in accordance with the classification act of 1923, \$810,000; in all, \$820,000.

For one stamp agent, \$1,800, to be reimbursed by the stamp manufacturers.

For salaries and expenses of collectors of internal revenue, deputy collectors, storekeepers, clerks, messengers, and janitors in internal-revenue offices, rent of offices outside of the District of Columbia, gaugers and storekeeper-gaugers at rates of compensation not in excess of those established for like services by "the classification act of 1923, telephone service, injuries to horses not exceeding \$250 for any horse crippled or killed, expenses of seizure and sale, and other necessary miscellaneous expenses in collecting internal-revenue taxes, \$4,450,000: *Provided*, That for purpose of concentration, upon the initiation of the Commissioner of Internal Revenue and under regulations prescribed by him, distilled spirits may be removed from any internal-revenue bonded warehouse to any other such warehouse, and may be bottled in bond in any such warehouse before or after payment of the tax, and the commissioner shall prescribe the form and penal sums of bond covering distilled spirits in internal-revenue bonded warehouses, and in transit between such warehouses: *Provided further*, That no part of this amount shall be used in defraying the expenses of any officer, designated above, subpoenaed by the United States court to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."

For expenses of assessing and collecting the internal-revenue taxes, including the employment of the necessary officers, attorneys, experts, agents, accountants, inspectors, deputy collectors, clerks, janitors, and messengers in the District of Columbia and the several collection districts, to be appointed as provided by law, telegraph and telephone service, rental of quarters outside the District of Columbia and not to exceed \$11,500 for rental of quarters in the District of Columbia, postage, freight, express, necessary expenses incurred in making investigations in connection with the enrollment or disbarment of practitioners before the Treasury Department in internal-revenue matters, and other necessary miscellaneous expenses, and the purchase of such supplies, equipment, furniture, mechanical devices, law books and books of reference, and such other articles as may be necessary for use in the District of Columbia and the several collection districts, \$31,750,000, of which amount not to exceed \$10,750,000 may be expended for personal services in the District of Columbia: *Provided*, That not more than \$100,000 of the total amount appropriated herein may be expended by the Commissioner of Internal Revenue for detecting and bringing to trial persons guilty of violating the internal revenue laws or conniving at the same, including payments for information and detection of such violation.

For expenses to enforce the provisions of the national prohibition act and the act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, as amended by the revenue act of 1918 and the act entitled "An act to amend an act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1900," as amended by the act of May 26, 1922, known as "the narcotic drugs import and export act," including the employment of executive officers, agents, inspectors, chemists, assistant chemists, supervisors, clerks, and messengers in the field and in

the Bureau of Internal Revenue in the District of Columbia, to be appointed as authorized by law; not to exceed \$50,000 for dissemination of information and appeal for law observance and law enforcement, including the necessary printing in connection therewith; the securing of evidence of violations of the acts, and for the purchase of such supplies, equipment, mechanical devices, laboratory supplies, books, and such other expenditures as may be necessary in the District of Columbia and the several field offices, and for rental of necessary quarters; in all, \$11,000,000, of which amount not to exceed \$1,300,000 may be expended for personal services in the District of Columbia: *Provided*, That not to exceed \$1,329,440 of the foregoing sum shall be expended for enforcement of the provisions of the said acts of December 17, 1914, and May 26, 1922: *Provided further*, That not to exceed \$50,000 of the total amount appropriated shall be available for advances to be made by special disbursing agents when authorized by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury, the provisions of section 3648 of the Revised Statutes to the contrary notwithstanding: *Provided further*, That no money herein appropriated for the enforcement of the national prohibition act, the customs laws, or internal revenue laws, shall be used to pay for storage in any private warehouse of intoxicating liquors or other property in connection therewith seized pursuant to said acts and necessary to be stored, where there is available for that purpose space in a Government warehouse or other suitable Government property in the judicial district wherein such property was seized, or in an adjacent judicial district, and when such seized property is stored in an adjacent district the jurisdiction over such property in the district wherein it was seized shall not be affected thereby.

COAST GUARD

Office of the commandant: For personal services in the District of Columbia in accordance with the classification act of 1923, \$220,000.

The services of skilled draftsmen and such other technical services as the Secretary of the Treasury may deem necessary, may be employed only in the office of the Coast Guard in connection with the construction and repair of Coast Guard vessels and boats, to be paid from the appropriation "Repairs to Coast Guard vessels and boats": *Provided*, That the expenditures on this account for the fiscal year 1926 shall not exceed \$10,000. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the Budget.

For every expenditure requisite for and incident to the authorized work of the Coast Guard, as follows, including not to exceed \$1,000 for purchase, exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, to be used only for official purposes:

For pay and allowances prescribed by law for commissioned officers, cadets and cadet engineers, warrant officers, petty officers, and other enlisted men, active and retired, temporary cooks, and surfmen, substitute surfmen, and one civilian instructor, \$13,675,035;

For rations or commutation thereof for petty officers and other enlisted men, \$727,000;

For fuel and water for vessels, stations, and houses of refuge, \$2,780,000;

For outfits, ship chandlery, and engineers' stores for the same, \$1,300,000;

For rebuilding and repairing stations and houses of refuge, temporary leases, rent, and improvements of property for Coast Guard purposes, including use of additional land where necessary, \$289,800;

For carrying out the provisions of the act of June 4, 1920, \$30,000;

For mileage and expenses allowed by law for officers; and actual traveling expenses, per diem in lieu of subsistence not exceeding \$4, for other persons travelling on duty under orders from the Treasury Department, including transportation of enlisted men and applicants for enlistment, with subsistence and transfers en route, or cash in lieu thereof, \$250,000;

For draft animals and their maintenance, \$27,000;

For coastal communication lines and facilities and their maintenance, \$50,000;

For compensation of civilian employees in the field, including clerks to district superintendents, \$79,000;

For contingent expenses, including communication service, subsistence of shipwrecked persons succored by the Coast Guard, for the recreation, amusement, comfort, contentment, and health of the enlisted men of the Coast Guard, to be expended in the discretion of the Secretary of the Treasury, not exceeding \$15,000; wharfage, towage, freight, storage, repairs to station apparatus, advertising, surveys, medals, labor, newspapers and periodicals for statistical purposes, and all other necessary expenses which are not included under any other heading, \$220,000;

For repairs to Coast Guard vessels and boats, \$950,000;

Total Coast Guard, exclusive of commandant's office, \$20,377,835.

BUREAU OF ENGRAVING AND PRINTING

Office of director: For the director, one assistant director, and other personal services in the District of Columbia in accordance with "the classification act of 1923," \$455,540.

For the work of engraving and printing, exclusive of repay work, during the fiscal year 1926, of not exceeding 190,242,300 delivered sheets of United States currency and national-bank currency, 95,075,700 delivered sheets of internal-revenue stamps, 130,000 delivered sheets of customs stamps, 2,700,000 delivered sheets of withdrawal permits, 550,000 delivered sheets of opium orders and special-tax stamps required under the act of December 17, 1914, and 7,241,817 delivered sheets of checks, drafts, and miscellaneous work, as follows:

For salaries of all necessary employees, other than employees required for the administrative work of the bureau of the class provided for and specified in the Treasury Department appropriation act for the fiscal year 1925, and plate printers and plate printers' assistants, to be expended under the direction of the Secretary of the Treasury, \$3,631,833; *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denominations than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900.

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, when employed, \$1,780,000, to be expended under the direction of the Secretary of the Treasury; *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denominations than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the act "to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900.

For engravers' and printers' materials and other materials except distinctive paper, miscellaneous expenses, including paper for internal-revenue stamps, and for purchase, maintenance, and driving of necessary motor-propelled and horse-drawn passenger-carrying vehicles, when, in writing, ordered by the Secretary of the Treasury, \$1,404,157, to be expended under the direction of the Secretary of the Treasury.

During the fiscal year 1926 all proceeds derived from work performed by the Bureau of Engraving and Printing, by direction of the Secretary of the Treasury, not covered and embraced in the appropriation for said bureau for the said fiscal year, instead of being covered into the Treasury as miscellaneous receipts, as provided by the act of August 4, 1886 (24 Stat. p. 227), shall be credited when received to the appropriation for said bureau for the fiscal year 1926.

SECRET SERVICE

Secret Service Division, salaries: For the chief of the division and other personal services in the District of Columbia in accordance with "the classification act of 1923," \$25,680.

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money and persons engaged in counterfeiting, forging, and altering United States notes, bonds, national-bank notes, Federal reserve notes, Federal reserve bank notes, and other obligations and securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other crimes against the laws of the United States relating to the Treasury Department and the several branches of the public service under its control; hire and operation of motor-propelled passenger-carrying vehicles when necessary; per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and for no other purpose whatever, except in the protection of the person of the President and the members of his immediate family and of the person chosen to be President of the United States, \$450,000; *Provided*, That no part of this amount be used in defraying the expenses of any person subpoenaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts"; *Provided further*, That no person shall be employed hereunder at a compensation greater than that allowed by law.

PUBLIC HEALTH SERVICE

Salaries, Office of Surgeon General: For personal services in the District of Columbia, in accordance with the classification act of 1923, \$101,500.

For pay, allowance, and commutation of quarters for commissioned medical officers, including the Surgeon General, assistant surgeon gen-

erals at large not exceeding three in number, and pharmacists, \$1,110,000.

For pay of acting assistant surgeons (noncommissioned medical officers), \$315,000.

For pay of all other employees (attendants, etc.), \$1,020,000.

For freight, transportation, and traveling expenses, including the expenses, except membership fees, of officers when officially detailed to attend meetings of associations for the promotion of public health, \$25,000.

For maintaining the Hygienic Laboratory, \$43,400.

For preparation for shipment and transportation to their former homes of remains of officers who die in the line of duty, \$3,000.

For journals and scientific books, \$500.

For medical examinations, including the amount necessary for the medical inspection of aliens, as required by section 16 of the act of February 5, 1917, medical, surgical, and hospital services and supplies for beneficiaries (other than patients of the United States Veterans' Bureau) of the Public Health Service and persons detained under the immigration laws and regulations at Ellis Island Immigration Station, including necessary personnel, regular and reserve commissioned officers of the Public Health Service, personal services in the District of Columbia and elsewhere, maintenance, minor repairs, equipment, leases, fuel, lights, water, freight, transportation and travel, maintenance and operation of motor trucks and passenger motor vehicles, transportation, care, maintenance, and treatment of lepers, court costs, and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for the care and treatment of the insane, and reasonable burial expenses (not exceeding \$100 for any patient dying in hospital), \$5,211,285, of which not to exceed \$257,778 may be expended for personal services in the District of Columbia; *Provided*, That the Immigration Service shall permit the Public Health Service to use the hospitals at Ellis Island Immigration Station for the care of Public Health Service patients free of expense for physical upkeep, but with a charge of actual cost of fuel, light, water, telephone, and similar supplies and services, to be covered into the proper Immigration Service appropriations; and moneys collected by the Immigration Service on account of hospital expenses of persons detained under the immigration laws and regulations at Ellis Island Immigration Station shall be covered into the Treasury as miscellaneous receipts; *Provided further*, That no part of this sum shall be used for the quarantine service, the prevention of epidemics, or scientific work of the character provided for under the appropriations which follow:

All sums received by the Public Health Service during the fiscal year 1926, except allotments and reimbursements on account of patients of the United States Veterans' Bureau, shall be covered into the Treasury as miscellaneous receipts.

Quarantine service: For maintenance and ordinary expenses, exclusive of pay of officers and employees, of United States quarantine stations, \$470,000.

Prevention of epidemics: To enable the President, in case only of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague or black death, trachoma, influenza, Rocky Mountain spotted fever, or infantile paralysis, to aid State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force, \$328,772, including the purchase of newspapers and clippings from newspapers containing information relating to the prevalence of disease and the public health.

Field investigations: For investigations of diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewage, and the pollution of navigable streams and lakes of the United States, including personal service, \$282,054.

Interstate quarantine service: For cooperation with State and municipal health authorities in the prevention of the spread of contagious and infectious diseases in interstate traffic, \$22,530.

Rural sanitation: For special studies of, and demonstration work in, rural sanitation, including personal services, and including not to exceed \$5,000 for the purchase, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, \$75,000; *Provided*, That no part of this appropriation shall be available for demonstration work in rural sanitation in any community unless the State, county, or municipality in which the community is located agrees to pay one-half the expenses of such demonstration work.

Biologic products: To regulate the propagation and sale of viruses, serums, toxins, and analogous products, including arphenamine, and for the preparation of curative and diagnostic biologic products, including personal services of reserve commissioned officers and other personnel, \$45,000.

For the maintenance and expenses of the Division of Venereal Diseases, established by sections 3 and 4, Chapter XV, of the act approved July 9, 1918, including personal and other services in the field and in the District of Columbia, \$50,000.

MINTS AND ASSAY OFFICES

OFFICE OF THE DIRECTOR OF THE MINT

Salaries: For the Director of the Mint and other personal services in the District of Columbia, in accordance with the classification act of 1923, \$32,140.

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, \$7,500.

For contingent expenses of the Bureau of the Mint, to be expended under the direction of the director: For assay laboratory chemicals, fuel, materials, balances, weights, and other necessities, including books, periodicals, specimens of coins, ores, and incidentals, \$900.

For examinations of mints, expense in visiting mints for the purpose of superintending the annual settlements, and for special examinations and for the collection of statistics relative to the annual production and consumption of the precious metals in the United States, \$5,100.

CARSON CITY (NEV.) MINT

Salaries: For compensation of officers and employees at rates corresponding as nearly as may be practicable to the rates established by the classification act of 1923 for similar positions in the departmental services in the District of Columbia, \$5,280.

For incidental and contingent expenses, \$600.

DENVER (COLO.) MINT

Salaries: For compensation of officers and employees at rates corresponding as nearly as may be practicable to the rates established by the classification act of 1923 for similar positions in the departmental services in the District of Columbia, \$156,710.

For incidental and contingent expenses, including new machinery and repairs, wastage in melting and refining department and coining department, and loss on sale of sweeps arising from the treatment of bullion and the manufacture of coin, \$50,000.

NEW ORLEANS (LA.) MINT

Salaries: For compensation of officers and employees at rates corresponding as nearly as may be practicable to the rates established by the classification act of 1923 for similar positions in the departmental services in the District of Columbia, \$9,960.

For incidental and contingent expenses, \$1,500.

PHILADELPHIA MINT

Salaries: For compensation of officers and employees at rates corresponding as nearly as may be practicable to the rates established by the classification act of 1923 for similar positions in the departmental services in the District of Columbia, \$600,000.

For incidental and contingent expenses, including new machinery and repairs, cases and enameling for medals manufactured, expenses of the annual assay commission, wastage in melting and refining and in coining departments, and loss on sale of sweeps arising from the treatment of bullion and the manufacture of coins, and not exceeding \$1,000 in value of specimen coins and ores for the cabinet of the mint, \$110,000.

SAN FRANCISCO (CALIF.) MINT

Salaries: For compensation of officers and employees at rates corresponding as nearly as may be practicable to the rates established by the classification act of 1923 for similar positions in the departmental services in the District of Columbia, \$256,000.

For incidental and contingent expenses, including new machinery and repairs, wastage in the melting and refining department and in the coining department, and loss on sale of sweeps arising from the treatment of bullion and the manufacture of coin, \$57,500.

BOISE (IDAHO) ASSAY OFFICE

Salaries: For compensation of officers and employees at rates corresponding as nearly as may be practicable to the rates established by the classification act of 1923 for similar positions in the departmental services in the District of Columbia, \$6,340.

For incidental and contingent expenses, \$1,000.

HELENA (MONT.) ASSAY OFFICE

Salaries: For compensation of officers and employees at rates corresponding as nearly as may be practicable to the rates established by the classification act of 1923 for similar positions in the departmental services in the District of Columbia, \$5,280.

For incidental and contingent expenses, \$1,000.

NEW YORK ASSAY OFFICE

Salaries: For compensation of officers and employees at rates corresponding as nearly as may be practicable to the rates established by the classification act of 1923 for similar positions in the departmental services in the District of Columbia, \$260,000.

For incidental and contingent expenses, including new machinery and repairs, wastage in the melting and refining department, and loss on sale of sweeps arising from the treatment of bullion, \$90,000.

SEATTLE (WASH.) ASSAY OFFICE

Salaries: For compensation of officers and employees at rates corresponding as nearly as may be practicable to the rates established by

the classification act of 1923 for similar positions in the departmental services in the District of Columbia, \$19,230.

For incidental and contingent expenses, \$6,000.

PUBLIC BUILDINGS

OFFICE OF SUPERVISING ARCHITECT

Salaries: For the Supervising Architect, and other personal services in the District of Columbia in accordance with the classification act of 1923, \$275,920.

PUBLIC BUILDINGS, CONSTRUCTION AND RENT

Birmingham (Ala.) post office and courthouse: For extension of mailing platform and changes in approaches, and miscellaneous minor items, \$25,000.

Brooklyn (N. Y.) post office: For extension of toilet room and miscellaneous changes incident thereto, \$50,000.

Chicago (Ill.) post office, courthouse, etc.: For renewing part of downspouts, plumbing, and heating pipes, and work incident thereto, \$75,000.

Ellsworth (Me.) post office and customhouse: For construction of retaining wall, grading, extension, and repairs to driveway and sidewalk, etc., \$15,000.

Louisville (Ky.) post office: For new conduit and wiring system, and lighting fixtures, \$25,000.

Mobile (Ala.) customhouse and post office: For remodeling first story, including mechanical equipment; lavatories in second story, \$15,000.

St. Louis (Mo.) post office: For reconstruction and repairs to skylights and roof, \$25,000.

St. Paul (Minn.) post office, courthouse, and customhouse: For repairs to plaster, etc., interior and exterior painting, repointing stonework, etc., \$45,000.

Topeka (Kans.) post office and courthouse: For general repairs to exterior of building, \$40,000.

Washington (D. C.) auditor's building: For fireproofing stair, elevator shafts, and door into tunnel, and other fire-protection work, \$7,000.

Additional lock-box equipment for public buildings: For furnishing and installing additional lock-box equipment for completed and occupied public buildings under the control of the Treasury Department, including necessary and incidental changes in screen work, etc., \$100,000.

Remodeling, etc., public buildings: For remodeling, enlarging, and extending completed and occupied public buildings, including any necessary and incidental additions to or changes in mechanical equipment thereof, so as to provide or make available additional space in emergent cases, not to exceed an aggregate of \$20,000 at any one building, \$500,000.

MARINE HOSPITALS

Baltimore (Md.) marine hospital No. 1: For extension of fire protection, mechanical equipment, heating old wards, new sewerage and drainage, bedside call system, extension and remodeling of roadways, etc., \$44,000.

Boston (Mass.) marine hospital No. 2: For rehabilitating tuberculosis building, \$3,350.

Carville (La.) marine hospital No. 66: For miscellaneous improvements and repairs to buildings and grounds, \$25,000.

New Orleans (La.) marine hospital No. 14: For steam heat for old ward and incinerator, \$5,000.

Portland (Me.) marine hospital No. 16: For inclosing veranda, bedside call and lighting system, \$5,000.

San Francisco (Calif.) marine hospital No. 19: For extension and remodeling of kitchen; mess hall and laundry building; repairs to roadways; new roof; new foundation wall, etc., for ward No. 7, \$40,000.

QUARANTINE STATIONS

Baltimore (Md.) quarantine station: For construction of two storehouses, \$3,000.

Boston (Mass.) quarantine station: For construction of storehouse and miscellaneous repairs to buildings, \$10,000.

Galveston (Tex.) quarantine station: For miscellaneous repairs and painting of buildings; repairs to wharf and approaches; dredging boat basin; constructing bin; in all, \$9,000.

New Orleans (La.) quarantine station: For construction of nurses' quarters, including mechanical equipment; miscellaneous repairs; material and apparatus for extending electric lighting plant; water purifying and filtering apparatus, \$15,000.

New York (N. Y.) quarantine station: For miscellaneous repairs to buildings, coal dock and approaches, \$20,000.

San Francisco (Calif.) quarantine station: For repairs and alterations to buildings, \$1,000.

The foregoing work under marine hospitals and quarantine stations shall be performed under the supervision and direction of the Supervising Architect of the Treasury.

PUBLIC BUILDINGS, REPAIRS, EQUIPMENT, AND GENERAL EXPENSES

Repairs and preservation: For repairs and preservation of all completed and occupied public buildings and the grounds thereof under the control of the Treasury Department, and for wire partitions and fly screens therefor; Government wharves and piers under the control of the Treasury Department, together with the necessary dredging adjacent thereto; care of vacant sites under the control of the Treasury Department, such as necessary fences, filling dangerous holes, cutting grass and weeds, but not for any permanent improvements thereon; repairs and preservation of buildings not reserved by vendors on sites under the control of the Treasury Department acquired for public buildings or the enlargement of public buildings, the expenditures on this account for the current fiscal year not to exceed 15 per cent of the annual rentals of such buildings: *Provided*, That of the sum herein appropriated not exceeding \$115,000 may be used for the repair and preservation of marine hospitals, the national leprosarium, and quarantine stations (including Marcus Hook) and completed and occupied outbuildings (including wire partitions and fly screens for same), and not exceeding \$24,500 for the Treasury, Treasury Annex, Liberty Loan, Butler, and Auditors' Buildings in the District of Columbia: *Provided further*, That this sum shall not be available for the payment of personal services except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of \$100 at any one building, \$930,000.

Mechanical equipment: For installation and repair of mechanical equipment in all completed and occupied public buildings under the control of the Treasury Department, including heating, hoisting, plumbing, gas piping, ventilating, vacuum cleaning, and refrigerating apparatus, electric-light plants, meters, interior pneumatic-tube and intercommunicating telephone systems, conduit, wiring, call-bell and signal systems, and for maintenance and repair of tower clocks; for installation and repair of mechanical equipment for any of the foregoing items, in buildings not reserved by vendors on sites under the control of the Treasury Department acquired for public buildings or the enlargements of public buildings, the total expenditures on this account for the current fiscal year not to exceed 10 per cent of the annual rentals of such buildings: *Provided*, That of the sum herein appropriated, not exceeding \$100,000 may be used for the installation and repair of mechanical equipment in marine hospitals, the national leprosarium, and quarantine stations (including Marcus Hook), and not exceeding \$38,000 for the Treasury, Treasury Annex, Liberty Loan, Butler, and Auditors' Buildings, in the District of Columbia, but not including the generating plant and its maintenance in the Auditors' Building, and not exceeding \$10,000 for the maintenance, changes in, and repairs of pneumatic-tube system between the appraisers' warehouse at Greenwich, Christopher, Washington, and Barrow Streets and the new customhouse in Bowling Green, Borough of Manhattan, in the city of New York, including repairs to the street pavement and subsurface necessary incident to or resulting from such maintenance, changes, or repairs: *Provided further*, That this sum shall not be available for the payment of personal services except for work done by contract, or for temporary job labor under exigency not exceeding at one time the sum of \$100 at any one building, \$521,700.

Vaults and safes: For vaults and lock-box equipments and repairs thereto in all completed and occupied public buildings under the control of the Treasury Department, and for the necessary safe equipments and repairs thereto in all public buildings under the control of the Treasury Department, whether completed and occupied or in course of construction, exclusive of personal services, except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of \$50 at any one building, \$100,000.

General expenses: To enable the Secretary of the Treasury to execute and give effect to the provisions of section 6 of the act of May 30, 1908 (35 Stat. p. 537): For salaries of architectural and engineering personnel and inspectors in the District of Columbia and elsewhere, not exceeding \$428,900; expenses of superintendence, including expenses of all inspectors and other officers and employees on duty or detailed in connection with work on public buildings and the furnishing and equipment thereof, and the work of the Supervising Architect's Office, under orders from the Treasury Department; for the transportation of household goods incident to change of headquarters of supervising superintendents, superintendents, and junior superintendents of construction, and inspectors, not in excess of 5,000 pounds at any one time, together with the necessary expense incident to packing and draying the same, not to exceed in any one year a total expenditure of \$4,500; office rent and expenses of superintendents, including temporary, stenographic, and other assistance, in the preparation of reports and the care of public property, etc.; advertising; office supplies, including drafting materials, specially prepared paper, typewriting machines, adding machines, and other mechanical labor-saving devices, and exchange of same; furniture, carpets, electric-light fixtures, and office equipment; telegraph and telephone service; freight, expressage, and postage incident to shipments of drawings, superintendent's furniture and supplies, testing instruments, etc., including articles and supplies not usually payable from other appropriations: *Provided*, That no expenditures shall be made hereunder for

transportation of operating supplies for public buildings; not to exceed \$1,000 for books of reference, law books, technical periodicals and journals; ground rent at Salamanca, N. Y.; contingencies of every kind and description, traveling expenses of site agents, recording deeds and other evidences of title, photographic instruments, chemicals, plates, and photographic materials, and such other articles and supplies and such minor and incidental expenses not enumerated, connected solely with work on public buildings, the acquisition of sites, and the administrative work connected with the annual appropriations under the Supervising Architect's Office as the Secretary of the Treasury may deem necessary and specially order or approve, but not including heat, light, janitor service, awnings, curtains, or any expenses for the general maintenance of the Treasury Building, or surveys, plaster models, progress photographs, test-pit borings, or mill and shop inspections, \$521,960, of which amount not to exceed \$226,860 may be expended for personal services in the District of Columbia.

PUBLIC BUILDINGS, OPERATING EXPENSES

Operating force: For such personal services as the Secretary of the Treasury may deem necessary in connection with the care, maintenance, and repair of all public buildings under the control of the Treasury Department (except as hereinafter provided), together with the grounds thereof and the equipment and furnishings therein, including assistant custodians, janitors, watchmen, laborers, and charwomen; engineers, firemen, elevator conductors, coal passers, electricians, dynamo tenders, lampists, and wiremen; mechanical labor force in connection with said buildings, including carpenters, plumbers, steam fitters, machinists, and painters, but in no case shall the rates of compensation for such mechanical labor force be in excess of the rates current at the time and in the place where such services are employed, \$5,639,606: *Provided*, That the foregoing appropriation shall be available for use in connection with all public buildings under the control of the Treasury Department, including the customhouse in the District of Columbia, but not including any other public building within the District of Columbia, and exclusive of marine hospitals, quarantine stations, mints, branch mints, and assay offices.

Furniture and repairs of furniture: For furniture, carpets, and repairs of same, for completed and occupied public buildings under the control of the Treasury Department, exclusive of marine hospitals, quarantine stations, mints, branch mints, and assay offices, and for gas and electric lighting fixtures and repairs of same for completed and occupied public buildings under the control of the Treasury Department, including marine hospitals and quarantine stations but exclusive of mints, branch mints, and assay offices, and for furniture and carpets for public buildings and extension of public buildings in course of construction which are to remain under the custody and control of the Treasury Department, exclusive of marine hospitals, quarantine stations, mints, branch mints, and assay offices, and buildings constructed for other executive departments or establishments of the Government, \$750,000: *Provided*, That the foregoing appropriation shall not be used for personal services, except for work done under contract or for temporary job labor under exigency, and not exceeding at one time the sum of \$100 at any one building: *Provided further*, That all furniture now owned by the United States in other public buildings or in buildings rented by the United States shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not.

Operating supplies: For fuel, steam, gas for lighting and heating purposes, water, ice, lighting supplies, electric current for lighting and power purposes, telephone service for custodial forces; removal of ashes and rubbish, snow, and ice; cutting grass and weeds, washing towels, and miscellaneous items for the use of the custodial forces in the care and maintenance of completed and occupied public buildings and the grounds thereof under the control of the Treasury Department, and in the care and maintenance of the equipment and furnishings in such buildings; miscellaneous supplies, tools, and appliances required in the operation (not embracing repairs) of the mechanical equipment, including heating, plumbing, hoisting, gas piping, ventilating, vacuum cleaning and refrigerating apparatus, electric-light plants, meters, interior pneumatic-tube and intercommunicating telephone systems, conduit wiring, call-bell and signal systems in such buildings, and for the transportation of articles or supplies authorized herein (including the customhouse in the District of Columbia, but excluding any other public building under the control of the Treasury Department within the District of Columbia, and excluding also marine hospitals and quarantine stations, mints, branch mints, and assay offices, and personal services, except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of \$100 at any one building), \$3,100,000. The appropriation made herein for gas shall include the rental and use of gas governors when ordered by the Secretary of the Treasury in writing: *Provided*, That rentals shall not be paid for such gas governors greater than 35 per cent of the actual value of the gas saved thereby, which saving shall be determined by such tests as the Secretary of the Treasury shall direct: *Provided further*, That the Secretary of the Treasury is authorized to contract for the purchase of fuel for public buildings under the com-

trol of the Treasury Department in advance of the availability of the appropriation for the payment thereof. Such contracts, however, shall not exceed the necessities of the current fiscal year.

Lands and other property of the United States: For custody, care, protection, and expenses of sales of lands and other property of the United States acquired and held under sections 3749 and 3750 of the Revised Statutes, the examination of titles, recording of deeds, advertising, and auctioneers' fees in connection therewith, \$50.

MISCELLANEOUS ITEMS, TREASURY DEPARTMENT AMERICAN PRINTING HOUSE FOR THE BLIND

To enable the American Printing House for the Blind more adequately to provide books and apparatus for the education of the blind in accordance with the provisions of the act approved August 4, 1919, \$40,000.

TITLE II.—POST OFFICE DEPARTMENT

The following sums are appropriated in conformity with the act of July 2, 1836, for the Post Office Department for the fiscal year ending June 30, 1926, namely:

POST OFFICE DEPARTMENT; WASHINGTON, DISTRICT OF COLUMBIA OFFICE OF THE POSTMASTER GENERAL

Postmaster General, \$12,000; for personal services in the office of the Postmaster General in the District of Columbia in accordance with "the classification act of 1923," \$197,340; in all, \$209,340.

POST OFFICE DEPARTMENT BUILDINGS

For personal services in the District of Columbia in accordance with "the classification act of 1923," for the care, maintenance, and protection of the main Post Office Department Building, the Washington City Post Office Building, and the Mail Equipment Shops Building, \$225,632.

SALARIES IN BUREAUS AND OFFICES

For personal services in the District of Columbia, in accordance with "the classification act of 1923," in bureaus and offices of the Post Office Department in not to exceed the following amounts, respectively:

Office of the First Assistant Postmaster General, \$392,100.
Office of the Second Assistant Postmaster General, \$265,740.
Office of the Third Assistant Postmaster General, \$678,260.
Office of the Fourth Assistant Postmaster General, \$376,940.
Office of the Solicitor for the Post Office Department, \$57,760.
Office of the chief inspector, \$134,920.
Office of the purchasing agent, \$33,300.
Bureau of Accounts, \$38,280.

CONTINGENT EXPENSES, POST OFFICE DEPARTMENT

For stationery and blank books, index and guide cards, folders, and binding devices, including purchase of free penalty envelopes, \$27,000.

For fuel and repairs to heating, lighting, ice, and power plant, including repairs to elevators, purchase and exchange of tools and electrical supplies, and removal of ashes, \$54,000.

For telegraphing, \$6,500.

For miscellaneous items, including purchase, exchange, maintenance, and repair of typewriters, adding machines, and other labor-saving devices; not to exceed \$3,000 for purchase, exchange, hire, and maintenance of motor trucks and motor-driven passenger-carrying vehicles; street-car fares not exceeding \$540; plumbing; repairs to department buildings; floor coverings; postage stamps for correspondence addressed abroad, which is not exempt under article 13 of the Madrid convention of the Universal Postal Union, \$52,410, of which sum not exceeding \$14,500 may be expended for telephone service, and not exceeding \$1,800 may be expended for purchase and exchange of law books, books of reference, railway guides, city directories, and books necessary to conduct the business of the department, and not exceeding \$500 may be expended for actual and necessary expenses of the purchasing agent while traveling on business of the department.

For furniture and filing cabinets, \$8,000.

For printing and binding for the Post Office Department, including all of its bureaus, offices, institutions, and services located in Washington, D. C., and elsewhere, \$1,150,000.

For reimbursement of the Government Printing Office or Capitol power plant for the cost of furnishing steam for heating and electric current for lighting and power to the Post Office Department Building at Massachusetts Avenue and North Capitol Street, District of Columbia, \$58,000.

Appropriations hereinafter made for the field service of the Post Office Department, except as otherwise provided, shall not be expended for any of the purposes hereinbefore provided for on account of the Post Office Department in the District of Columbia.

FIELD SERVICE, POST OFFICE DEPARTMENT

OFFICE OF POSTMASTER GENERAL

For gas, electric power and light, and the repair of machinery, United States Post Office Department equipment shops building, \$8,500.

The Postmaster General is hereby authorized to pay a cash reward for any invention, suggestion, or series of suggestions for an improve-

ment or economy in device, design, or process applicable to the Postal Service submitted by one or more employees of the Post Office Department or the Postal Service which shall be adopted for use and will clearly effect a material economy or increase efficiency, and for that purpose the sum of \$3,000 is hereby appropriated: *Provided*, That the sums so paid to employees in accordance with this act shall be in addition to their usual compensation: *Provided further*, That the total amount paid under the provisions of this act shall not exceed \$1,000 in any month or for any one invention or suggestion: *Provided further*, That no employee shall be paid a reward under this act until he has properly executed an agreement to the effect that the use by the United States of the invention, suggestion, or series of suggestions made by him shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns: *Provided further*, That this appropriation shall be available for no other purpose.

For the transportation and delivery of equipment, materials, and supplies for the Post Office Department and Postal Service by freight, express, or motor transportation, and other incidental expenses, \$450,000.

For travel and miscellaneous expenses in the Postal Service, office of the Postmaster General, \$1,000.

To enable the Postmaster General to pay claims for damages to persons or property in accordance with the provisions of the deficiency appropriation act approved June 16, 1921, \$10,000.

Office of chief inspector: For salaries of 15 inspectors in charge of divisions, at \$4,200 each; and 520 inspectors, \$1,712,000; in all, \$1,775,000: *Provided*, That the appointment of additional inspectors shall be made upon certification of the Civil Service Commission, as heretofore practiced.

For traveling expenses of inspectors, inspectors in charge, and the chief post-office inspector, and for the traveling expenses of four clerks performing stenographic and clerical assistance to post-office inspectors in the investigation of important fraud cases, \$445,000.

For necessary miscellaneous expenses at division headquarters, \$13,500.

For compensation of 115 clerks at division headquarters, \$252,000.

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, \$30,000: *Provided*, That rewards may be paid, in the discretion of the Postmaster General, when an offender of the class mentioned was killed in the act of committing the crime or in resisting lawful arrest: *Provided further*, That no part of this sum shall be used to pay any rewards at rates in excess of those specified in Post Office Department Order 7708, dated July 1, 1922: *Provided further*, That of the amount herein appropriated not to exceed \$5,000 may be expended, in the discretion of the Postmaster General, for the purpose of securing information concerning violations of the postal laws and for services and information looking toward the apprehension of criminals.

OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL

For compensation to postmasters, \$46,600,000.

For compensation to assistant postmasters at first and second class post offices, \$6,000,000.

For compensation to printers, mechanics, and skilled laborers, \$100,000.

For compensation to clerks and employees at first and second class post offices, including auxiliary clerk hire at summer and winter post offices, \$130,000,000.

For compensation to watchmen, messengers, and laborers, \$6,200,000.

For compensation to clerks in charge of contract stations, \$1,575,000.

For separating mails at third and fourth class post offices, \$750,000.

For unusual conditions at post offices, \$150,000.

For allowances to third-class post offices to cover the cost of clerical services, \$4,650,000.

For rent, light, and fuel for first, second, and third class post offices, \$15,175,000.

For miscellaneous items necessary and incidental to post offices of the first and second classes, \$975,000.

For village delivery service in towns and villages having post offices of the second or third class, and in communities adjacent to cities having city delivery, \$1,700,000.

For Detroit River postal service, \$18,000.

For car fare and bicycle allowance, including special-delivery car fare, \$1,000,000.

For pay of letter carriers, City Delivery Service, \$92,000,000.

For fees to special-delivery messengers, \$7,600,000.

For the transmission of mail by pneumatic tubes or other similar devices in the city of New York, including the Borough of Brooklyn of the city of New York, including power, labor, and all other operating expenses, \$526,373.

For vehicle allowance, the hiring of drivers, the rental of vehicles, and the purchase and exchange and maintenance, including stable and garage facilities, of wagons or automobiles for, and the operation of, screen-wagon and city delivery and collection service, \$15,400,000: *Provided*, That the Postmaster General may, in his disbursement of this

appropriation, apply a part thereof to the leasing of quarters for the housing of Government-owned automobiles at a reasonable annual rental for a term not exceeding 10 years.

For travel and miscellaneous expenses in the Postal Service, office of the First Assistant Postmaster General, \$1,000.

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL

For inland transportation by star routes in Alaska, \$170,000: *Provided*, That out of this appropriation the Postmaster General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor.

For inland transportation by steamboat or other power-boat routes, including ship, steamboat, and way letters, \$1,550,000.

For inland transportation by railroad routes and for mail messenger service, \$112,250,000: *Provided*, That not to exceed \$1,500,000 of this appropriation may be expended for pay of freight and incidental charges for the transportation of mails conveyed under special arrangement in freight trains or otherwise: *And provided further*, That separate accounts be kept of the amount expended for mail messenger service.

For the operation and maintenance of the Airplane Mail Service between New York, N. Y., and San Francisco, Calif., via Chicago, Ill., and Omaha, Nebr., and for the installation, equipment, and operation of the Airplane Mail Service by night flying, and to enable the department to make the additional charges for both night and day service on first-class mail matter, in accordance with existing law, including necessary incidental expenses and employment of necessary personnel, \$2,600,000.

Railway Mail Service: For 15 division superintendents, 15 assistant division superintendents, 2 assistant superintendents, 1 assistant superintendent in charge of car construction, 121 chief clerks, 121 assistant chief clerks, clerks in charge of sections in the offices of division superintendents, railway postal clerks, substitute railway postal clerks, joint employees, and laborers in the Railway Mail Service, \$49,500,000.

For travel allowance to railway postal clerks and substitute railway postal clerks, \$2,675,000.

For actual and necessary expenses, general superintendent and assistant general superintendent, division superintendents, assistant division superintendents, assistant superintendents, chief clerks, and assistant chief clerks, Railway Mail Service, and railway postal clerks, while actually travelling on business of the Post Office Department and away from their several designated headquarters, \$62,000.

For rent, light, heat, fuel, telegraph, miscellaneous and office expenses, telephone service, and badges for railway postal clerks, and rental of space for terminal railway post offices for the distribution of mails when the furnishing of space for such distribution can not, under the Postal Laws and Regulations, properly be required of railroad companies without additional compensation, and for equipment and miscellaneous items necessary to terminal railway post offices, \$1,222,000.

For electric and cable car service, \$650,000.

For transportation of foreign mails by steamship, aircraft, or otherwise, \$8,500,000: *Provided*, That not to exceed \$150,000 of this sum may be expended for carrying foreign mail by aircraft: *Provided further*, That the Postmaster General shall be authorized to expend such sums as may be necessary, not to exceed \$150,000, to cover the cost to the United States for maintaining sea post service on ocean steamships conveying the mails to and from the United States; and not to exceed \$3,000 for the salary of the assistant superintendent, division of foreign mails, with headquarters at New York City: *Provided further*, That not exceeding \$1,000 of this sum may be immediately available for the representative to the meeting of the research committee of the Universal Postal Congress in Europe to be designated from the Post Office Department by the Postmaster General, and to be expended in the discretion of the Postmaster General and accounted for on his certificate, which certificate shall be conclusive on the accounting offices of the United States.

For balances due foreign countries, \$1,500,000.

For travel and miscellaneous expenses in the Postal Service, office of the Second Assistant Postmaster General, \$1,000.

OFFICE OF THE THIRD ASSISTANT POSTMASTER GENERAL

For manufacture of adhesive postage stamps, special-delivery stamps, books of stamps, stamped envelopes, newspaper wrappers, postal cards, and for colling of stamps, \$8,000,000.

For pay of agent and assistants to examine and distribute stamped envelopes and newspaper wrappers, and expenses of agency, \$21,000.

For payment of limited indemnity for the injury or loss of pieces of domestic registered matter, insured and collect-on-delivery mail, \$4,000,000.

For payment of limited indemnity for the injury or loss of international mail in accordance with convention, treaty, or agreement stipulations, \$100,000.

For travel and miscellaneous expenses in the Postal Service, office of the Third Assistant Postmaster General, \$1,000.

OFFICE OF THE FOURTH ASSISTANT POSTMASTER GENERAL

For stationery for the Postal Service, including the money-order and registry systems; and also for the purchase of supplies for the Postal Savings System, including rubber stamps, canceling devices, certificates, envelopes and stamps for use in evidencing deposits, and free penalty envelopes; and for the reimbursement of the Secretary of the Treasury for expenses incident to the preparation, issue, and registration of the bonds authorized by the act of June 25, 1910, \$925,000.

For miscellaneous equipment and supplies, including the purchase and repair of furniture, package boxes, posts, trucks, baskets, satchels, straps, letter-box paint, baling machines, perforating machines, duplicating machines, printing presses, directories, cleaning supplies, and the manufacture, repair, and exchange of equipment, the erection and painting of letter-box equipment, and for the purchase and repair of presses and dies for use in the manufacture of letter boxes; for post-marking, rating, money-order stamps, and electrotype plates and repairs to same; metal rubber, and combination type, dates and figures, type holders, ink pads for canceling and stamping purposes, and for the purchase, exchange, and repair of typewriting machines, envelope-opening machines, and computing machines, copying presses, numbering machines, time recorders, letter balances, scales, test weights, and miscellaneous articles purchased and furnished directly to the Postal Service; for miscellaneous expenses in the preparation and publication of post-route maps and rural-delivery maps or blue prints, including tracing for photolithographic reproduction; for other expenditures necessary and incidental to post offices of the first, second, and third classes, and offices of the fourth class having or to have Rural Delivery Service, and for letter boxes, \$1,400,000; and the Postmaster General may authorize the sale to the public of post-route maps and rural-delivery maps or blue prints at the cost of printing and 10 per cent thereof added; of this amount \$1,500 may be expended in the purchase of atlases and geographical and technical works: *Provided*, That \$200,000 of this appropriation may be used for the purchase of equipment and furniture for post-office quarters and for no other purposes.

For wrapping twine and tying devices, \$470,000.

For defraying expenses incident to the shipment of supplies, including hardware, boxing, packing, and the pay of employees in connection therewith at the following annual rates: Storekeeper, \$2,650; foreman, \$1,800; 11 requisition fillers, at \$1,600 each; 2 requisition fillers, at \$1,200 each; 10 packers, at \$1,600 each; 2 packers, at \$1,200 each; and 2 chauffeurs, at \$1,400 each; in all, \$69,800.

For rental, purchase, exchange, and repair of canceling machines and motors, mechanical mail-handling apparatus, and other labor-saving devices, including cost of power in rented buildings and miscellaneous expenses of installation and operation of same, including salaries of five traveling mechanics and for per diem allowance of traveling mechanics while actually traveling on official business away from their homes and their official domiciles, at a rate to be fixed by the Postmaster General, not to exceed \$4 per day, \$575,000.

For the purchase, manufacture, and repair of mail bags and other mail containers and attachments, mail locks, keys, chains, tools, machinery, and material necessary for same, and for incidental expenses pertaining thereto; also material, machinery, and tools necessary for the manufacture and repair in the equipment shops at Washington, D. C., of such other equipment for the Postal Service as may be deemed expedient; for compensation to labor employed in the equipment shops at Washington, D. C., \$1,800,000, of which not to exceed \$470,000 may be expended for personal services in the District of Columbia: *Provided*, That out of this appropriation the Postmaster General is authorized to use as much of the sum, not exceeding \$15,000, as may be deemed necessary for the purchase of material and the manufacture in the equipment shops of such small quantities of distinctive equipments as may be required by other executive departments; and for service in Alaska, Porto Rico, Philippine Islands, Hawaii, or other island possessions.

For inland transportation by star routes (excepting service in Alaska), including temporary service to newly established offices, \$12,700,000.

For pay of rural carriers, substitutes for rural carriers on annual and sick leave, clerks in charge of rural stations, and tolls and ferrage, Rural Delivery Service, and for the incidental expenses thereof, \$88,350,000.

For travel and miscellaneous expenses in the Postal Service, office of the Fourth Assistant Postmaster General, \$1,000.

If the revenues of the Post Office Department shall be insufficient to meet the appropriations made under Title II of this act, a sum equal to such deficiency in the revenues of such department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply such deficiency in the revenues of the Post Office Department for the fiscal year ending June 30, 1923, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General.

Mr. MADDEN took the floor. [Applause.]

Mr. Chairman and gentlemen of the committee, I am very grateful to you for your courteous greeting.

1925 APPROPRIATIONS AND 1926 BUDGET ESTIMATES

Mr. Chairman, the estimates for the fiscal year 1926 as submitted in the Budget for all purposes of the Government aggregate \$3,729,519,846.48.

The total appropriations for the fiscal year 1925, including the amounts in the regular annual appropriation acts, the deficiency appropriation act which failed last session and became a law on December 5, and the field classification salary act, aggregate \$3,771,689,238.87.

The estimates of appropriations as submitted in the Budget are in the net \$42,169,392.39 less than the current appropriations.

Included in the aggregate of the appropriations for the year 1925 and the estimates for 1926 are the amounts for the Postal Service, which are payable from the postal revenues. The appropriations for the Postal Service for 1925 are \$613,645,195.25, and the estimates for 1926 are \$637,376,005, an increase for 1926 over 1925 of \$23,730,809.75. Eliminating the postal from the grand totals of appropriations and estimates, the amount for all other activities of the Government is \$3,092,143,841.48 for 1926, against \$3,158,044,043.62 for 1925, a net reduction of \$65,900,202.14.

This net reduction comes about as the result of a number of large increases and decreases. The principal increases are as follows: \$64,750,000 for Federal road aid to supply money for the payment of maturing obligations previously authorized, \$2,236,865.50 for the Department of Justice (one million more on war frauds, three-fourths million on courts, one-fourth million on penal institutions), \$9,488,307.13 for the Navy, \$12,959,729 automatic increase in the sinking fund by operation of law, and \$1,936,711.79 for the District of Columbia government—principally on schools, parks, and new water supply.

The principal decreases are as follows: \$35,000,000 interest on the public debt, \$6,000,000 under the Shipping Board for losses in operations, \$25,500,000 for pensions for Civil and Spanish War veterans, \$2,732,436 under the Department of Agriculture due to the \$3,500,000 emergency fund in 1925 for foot-and-mouth disease not necessary to be carried for 1926, \$2,916,787.69 under the Interior Department, \$3,106,041 under the Department of Commerce due to the appropriation of \$3,500,000 for 1925 for the census of agriculture, and \$5,715,364.67 under the War Department largely on account of the inclusion for 1925 of the money for administrative expenses under the adjusted compensation act. There is also a net reduction of \$76,258,272 under the Veterans' Bureau. There are increases under that bureau of \$44,000,000 for the payment of military and naval compensation, and \$10,000,000 for the payment of military and naval insurance, and decreases of \$3,778,874.30 in administrative expenses, \$10,850,000 in medical and hospital services, \$51,000,000 in vocational rehabilitation, \$14,629,398 in adjusted service pay, and \$50,000,000 in the amount of the adjusted service certificate fund.

The net result of the increases and decreases between 1925 appropriations and 1926 estimates is a recommended total for 1926, exclusive of the Postal Service, that is \$65,900,202.14 less than the total of the 1925 appropriations.

RECEIPTS AND EXPENDITURES

The actual receipts and expenditures for the fiscal year 1924 are as follows:

Receipts	\$4,012,044,701.65
Expenditures	3,506,677,715.34
Surplus	505,366,986.31

The estimated receipts and expenditures for the fiscal year 1925 are as follows:

Receipts	\$3,601,908,297.00
Expenditures	3,534,083,808.00
Surplus	67,884,489.00

The estimated receipts and expenditures for the fiscal year 1926 are as follows:

Receipts	\$3,641,295,002.00
Expenditures	3,267,551,378.00
Surplus	373,743,714.00

The gross public debt was reduced \$1,098,894,375 during the fiscal year 1924 and at the end of that year stood at \$21,250,000,000. This latter sum is a reduction from the peak point of \$26,594,000,000 in August, 1919, of \$5,343,000,000. The reduction in the public debt of more than \$1,000,000,000 during the last fiscal year was brought about by the application of the sinking fund and other public-debt retirement funds amounting to \$458,000,000, a reduction of \$135,500,000 in the general fund

balance, and the use of the entire surplus of over \$505,000,000. This decrease in the debt also resulted in the reduction in the annual interest charge by approximately \$45,000,000.

Between the fiscal years 1924 and 1925 the revenues show a decrease of approximately \$400,000,000 which is due principally to the reduction in taxes recently effected by Congress. The expenditures, on the other hand, were increased considerably over \$100,000,000 on account of the enactment of the adjusted compensation act. The surplus for the fiscal year 1925, estimated at approximately \$68,000,000, is very creditable, considering the decreased revenue and the increased expenditures.

For the fiscal year 1926 the outlook is much better. It is estimated that the receipts will be approximately \$40,000,000 greater than they are estimated for 1925, and the expenditures will be approximately \$267,000,000 less than they are estimated for 1925, thereby increasing the estimated surplus of approximately \$68,000,000 for 1925 to \$374,000,000 for 1926.

Whether this surplus will be realized depends very greatly upon the action of Congress. If new obligations are not undertaken which will increase the present estimate of expenditures and if the new revenue act produces a satisfactory amount of revenue, there is every prospect that it will materialize. Further tax reduction should not take place until there is absolute certainty that the obligations of the Government can be met over a period of years in the future under the proposed lessened revenue. [Applause.] Nothing would be more foolish than to proceed hastily to tax reduction and then be compelled to restore part or all of that reduction in order to provide for increased cost of government or to make up for a decline in the estimated revenue.

Personally—I do not speak for anyone except myself when I say what I am about to say—I would like to see some permanent law placed on the statute books of the country providing for an automatic return to the taxpayer of a reasonable surplus over the working balance whenever that surplus may accrue. I have an idea which I would like to outline. It is to this effect: That we might properly pass an act which would not interfere with any other tax legislation that might be thought proper, requiring the Secretary of the Treasury at the end of every fiscal year to report to the President of the United States the amount of the surplus, whatever it might be, if any, over and above a safe working balance, and then after the receipt of that report from the Secretary of the Treasury the President should be required to direct the Secretary automatically to return to the taxpayers whatever their proportion of the surplus might be, without any further application of law. That seems to me a sensible business proposition that would be inaugurated in any man's business if he was controlling the business entirely himself. I see no reason why the Government of the United States should not be conducted on as wise principles as that of any business in the land. [Applause.] Whether that would meet with approval of Members of Congress or not will be for them to say. I would like to have them take the thought and see if it has merit.

Mr. LINTHICUM. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LINTHICUM. A large part of the revenue comes from customs receipts?

Mr. MADDEN. About 550 millions comes from customs.

Mr. LINTHICUM. Would you distribute the surplus to the income taxpayers or would you take into account payments on account of internal revenue?

Mr. MADDEN. Oh, this would be an income-tax proposition; you could not work it out on anything else.

Whether we have further tax reduction depends in large measure upon what we do here. The running expenses of the Government can not be much further reduced. We have about reached the bottom in many activities. Some will necessarily remain stationary at present amounts for a number of years; others will necessarily go forward. We have depleted many stocks of war supplies that it was proper to consume. Fresh buying in the military services will have to be made soon for current operation. An additional building program has been authorized for the Navy. Unless further curtailment takes place in naval building by concerted international agreement we will be put to added expense annually to keep up our allotted strength. There has been little or no building construction by the civil activities of the Government since the war. Many places in the United States are in need of added public quarters to accommodate post offices and other public activities. While I never want to see a recurrence to the former wasteful and unbusinesslike practices in the authorization and construction of public buildings, I do want to see proper public

quarters provided in those places where we can save rents and give to our Federal activities the facilities which are necessary for the prompt and efficient transaction of their affairs.

Mr. NELSON of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. NELSON of Wisconsin. Does the gentleman's committee contemplate meeting the need he refers to by an omnibus bill in the near future?

Mr. MADDEN. It would not come from our committee.

Mr. NELSON of Wisconsin. The gentleman's committee would figure on the funds. The funds would warrant it, would they not?

Mr. MADDEN. I think the time is coming soon when something will have to be done.

Mr. NELSON of Wisconsin. It is about 14 years since an appropriation was made for Madison, Wis., and it is still pending.

Mr. MADDEN. A great many of the other communities about the country are in the same condition as the gentleman's city.

We ought not to condemn the erection of a public structure if it will show a profitable return upon the investment. We should not build for the mere sake of building if the investment is not profitable.

There is little prospect for further decrease in the cost of government. With the prospect before us of industrial and commercial prosperity we should have a good realization in revenue from internal and customs taxes. I hope further tax reduction may be possible, but it should not be undertaken until we are certain of our revenue and determined that we will not further increase the cost of our Government. The hope for the future lies in not taking on new Federal activities or enacting legislation which greatly increases the cost of government. Normal growth of the Government as now constituted is natural and must be expected in many lines, but the precipitation of the Government into further lines of new activity and Federal aid to States in various fields will not only increase our expenditures and therefore our taxes, but will be an invitation and inducement to the States to do likewise. The remedy lies with us. If we are to have further tax reduction we must refrain from creating fresh obligations, many of which start in a small way, but take on accretions and a momentum that jolt the Treasury severely.

CLASSIFICATION IN DEPARTMENTAL SALARIES

I want to say a word about the classification of salaries in the District of Columbia under the new law. The committee has recommended in its bills a modification of the limitation which the House, upon its recommendation, adopted in the bills of last session. The modification which we recommend is to correct what we believe have been administrative abuses in several of the departments. The new law gives considerable administrative discretion to officials in the departments. We have protected the integrity of the law as far as we thought it wise and at the same time permit it a fair trial of operation. I want here to sound a note of warning to administrative officers. They must scrupulously follow not only the letter but what they unquestionably know to be the intent and the temper of Congress in the matter of salaries. It has come to my attention that there is a growing tendency, prevalent now in a minor degree, to magnify and exaggerate the importance attached to the duties of some positions in order that they may be changed to a higher grade and in that way obtain greater compensation. It is natural to want more money for the performance of service, but it is the duty of every head of department and bureau to keep a tight control and know that what he approves in the way of recommendations for change in grade is a conservative statement of fact based upon real merit and necessity and not merely a maneuver for more pay.

I am loath to believe that in some few of the cases there has been neither merit nor fact in connection with the promotions that have been made, and I have my everyday troubles with these people trying to hold them down to a decent consideration of the problems.

Mr. SMITH. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SMITH. Under the old plan the Congress appropriated for specific salaries?

Mr. MADDEN. Yes.

Mr. SMITH. But under this new plan the appointing officer or the head of the bureau has a right to fix the salary, taking into consideration the amount allotted to each particular bureau?

Mr. MADDEN. Yes.

Mr. SMITH. It seems to me that under this new plan there is more danger of great abuses than under the old plan.

Mr. MADDEN. That is what I am trying to call to the attention of the country, and in many cases there is just cause for complaint. Some promotions have been made without justification, and this bill, and all other bills that we are reporting, endeavors to remedy that condition by bringing them back to the average where they belong.

Mr. SMITH. But there is a provision in the appropriation bills which have already passed the House which does a great injustice to certain individuals where there is only one in a class by reducing them to the average salary.

Mr. MADDEN. I do not agree with the gentleman that that will be a great injustice. I think that is where the abuses arise. For example, let us take a case where there is only one in a grade. The law provides definitely, distinctly, and unequivocally that the average of the rates of the grade shall not be exceeded, and where there has been only one in a grade in some cases they have jumped them up from \$6,000 to \$7,500, whereas \$6,500 or \$6,750 would be the average. This is not right to the men who are in the lower grades. What happened is in the testimony taken before our committee. It shows that they appointed, say, the assistant bureau chief and then another assistant bureau chief and then several other subordinates as a board to recommend the salaries of their chiefs. Everyone knows that the assistant bureau chief is going to say that the salary of his chief should be larger, whether it be right or wrong, and in this case it is wrong.

Mr. SMITH. That is what I am arguing, that it is necessary to have a different limitation from that which has been put in the bill, for the reason that if there is but one in a grade and he has been receiving the highest salary in that grade, he has to take a reduction to the average salary.

Mr. MADDEN. Yes; he has to take a reduction.

Mr. SMITH. Of probably three or four hundred dollars, while others have been promoted as high as \$1,500 over the grade previously held.

Mr. MADDEN. I think the case the gentleman has in mind is where a man is promoted from one grade up to another and compelled to take lower pay. He goes into a higher grade where the entrance rate would be lower than the upper rates of the grade from which he went. The provision in this bill remedies that.

Mr. SMITH. It does not remedy it if you make it the average salary, and bring a man down three or four hundred dollars in salary lower than he has been receiving for the last three or four years.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. The gentleman says that with respect to certain departments there is no justification whatever for some of the promotions made, and that they have been made without either justification or fact. When did the gentleman reach that conclusion?

Mr. MADDEN. Just as soon as we discovered it.

Mr. BLANTON. How long ago?

Mr. MADDEN. It was early in this session.

Mr. BLANTON. And yet we have had three big supply measures that have that same vice in them.

Mr. MADDEN. Oh, no. The language in all of these bills from the first to the last guards against a recurrence of that.

Mr. BLANTON. The reason that the gentleman from Illinois has the esteem and confidence of every Member in the House is that he never camouflages. I want the gentleman to show at least one Member of this House who is not satisfied that this bill meets those conditions that he speaks of, that it does. I want the gentleman to show in what way the bill changes the old lump sum that has been in all of these bills and prevents these department heads from sliding these favorites up and down the scale at will.

Mr. MADDEN. There is new language in this bill and in all the bills that have been reported to the House from our committee, which distinctly, clearly, and unequivocally reduces these cases which we believe are abuses in promotions.

Mr. BLANTON. And let them raise them up again immediately?

Mr. MADDEN. No; they can not do that. I believe there is great good in the classification law for the employee and better service in return for the Government. Classification can not be successful if abuse spreads. The law was a radical departure in the policy of Congress in handling salaries. It is on trial.

Mr. SMITH. Will the gentleman yield for another question?

Mr. MADDEN. I will.

Mr. SMITH. Is it true that in some of the bureaus a number of clerks have been dismissed and the others promoted in order to use up the entire appropriation?

Mr. MADDEN. I think I can say this, that where these abuses occurred it was in promoting of men who were in the higher places sometimes at the expense of the men in the lower places. I think that is a fair statement.

Mr. SMITH. I am told that in some of the bureaus a third of the employees were discharged and the others promoted.

Mr. MADDEN. I believe that is not true. There have been some reductions in the force, of course.

Mr. BOYCE. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. BOYCE. Is it not possible for the Congress to be furnished with the several grades in each of the departments, bureaus, and commissions?

Mr. MADDEN. Oh, yes.

Mr. BOYCE. And with the number of persons in each grade and the salaries of each and for Congress to pass a permanent bill, from time to time, covering the salary costs of the several employees of each and every department, bureau, and commission?

Mr. MADDEN. We have a list of every grade and every person in every grade and the salary attached to every job in each grade, and the presumption is that as men go up fewer people will be in one grade perhaps and more in another.

Mr. BOYCE. It may be assumed that employees will be advanced from one grade to another; but what is there to prevent Congress from fixing the salary of each grade by permanent law?

Mr. MADDEN. It is fixed now through the classification act. Congress enacted a law about a year or so ago organizing the Classification Board and giving power to the board to write the classification for jobs for the various positions. The law has fixed the compensation to be attached to the job, and the hope was that we would be able to do away with personal favoritism.

Mr. BOYCE. Do I understand that we had at the last session a report of the Classification Board?

Mr. MADDEN. That was for the country. We had it only for the District of Columbia.

Mr. BOYCE. Before the 1st of July?

Mr. MADDEN. Yes. We have a report under the law for the District of Columbia. That report is on file and the gentleman can see it.

Mr. BOYCE. Did Congress pass on any report at the last session?

Mr. MADDEN. Not the field service.

Mr. BOYCE. Did Congress act on the report made for the District of Columbia?

Mr. MADDEN. Congress did not act on the report.

Mr. BOYCE. Would it not be a great restraint upon the departments of the Government if Congress should pass upon the report of the Classification Board?

Mr. MADDEN. Congress is presumed to do it.

Mr. BOYCE. Yes; but there is a great difference between a presumption and actually doing the thing.

Mr. MADDEN. We have a Comptroller General who passes on the accounts and examines them and ascertains whether or not the money appropriated by Congress is being spent according to law.

Mr. BOYCE. I think there would be considerable less abuse and less of favoritism if approval of the Congress was required as by a permanent law.

Mr. MADDEN. Well, we are having an exhibition of what Congress can do now in the handling of a proposition of this sort. Everyone knows that 531 men in the two Houses of Congress can not act on the details of intricate problems like this. They have not the time. They are busy with the business of the Nation. This is only one piece of business in which the Nation is interested. We are dealing with all the problems of the Nation.

Mr. BOYCE. What I have in mind is if Congress should be supplied with a list—

Mr. MADDEN. Yes; Congress is supplied—

Mr. BOYCE. Of all the grades and the salaries, and then from time to time pass a permanent bill, it would be worth while.

Mr. MADDEN. Well, it would be hard work for you to do it, I am afraid. It would be a hard job. I say that the classification act is on trial, and my judgment is that it will be repealed by Congress one of these days, and ought to be [applause], if it is not scrupulously observed by administrative officers. So far, on the whole, the great majority of departmental officers are making an effort to administer it courageously and carefully. Congress is watching, and it ought to watch, and I am glad that it is watching, for Congress is the direct representative of the American people; and it will continue to watch, as far as it can, the administrative action taken under the law. We want it to have a fair trial, but at the same time Congress wants square dealing. What I am saying is for the information of those who are administering this law in the executive departments. I want them to know what the attitude is up here.

Mr. STENGLE. Mr. Chairman, will the gentleman yield right there?

Mr. MADDEN. Certainly.

Mr. STENGLE. I want to take the opportunity of congratulating the distinguished chairman of the Committee on Appropriations for having taken care of the situation and having wrung blood out of those people who are trying to wring blood out of the classification law. The gentleman is on the right road, and I hope he will stick to it.

Mr. MADDEN. I thank the gentleman.

I want to say a few words about the bill under consideration. I have not said much about it so far.

TREASURY AND POST OFFICE DEPARTMENTS BILL FOR 1925

First, for the year 1925 these two bills carried a direct appropriation of \$751,289,907.75. The Budget estimates for 1926 were \$775,135,921. The amounts recommended by the committee are \$763,180,522, or \$11,890,614.25 more than the corresponding appropriation for 1925, and \$11,955,399 less than the Budget estimates for 1926.

I will insert here a table showing the amounts for each department:

Department	Appropriations for 1925	Budget estimates for 1926	Amounts recommended in the bill for 1924	Increase (+) or decrease (-), bill compared with 1925 appropriations	Increase (+) or decrease (-), bill compared with 1926 Budget estimates
Treasury Department.....	\$137,644,712.60	\$137,759,916.00	\$126,911,107.00	-\$10,733,605.50	-\$10,848,809.00
Post Office Department.....	613,645,195.25	637,376,005.00	636,269,415.00	+22,624,219.75	-1,106,590.00
Total.....	751,289,907.75	775,135,921.00	763,180,522.00	+11,890,614.25	-11,955,399.00

The amount recommended to be appropriated in this bill for the Treasury Department for the fiscal year 1926 is \$126,911,107. This sum compared with the 1925 appropriations and the 1926 Budget estimates shows the following differences:

It is \$10,848,809 less than the 1925 estimates, and it is \$10,733,605 less than the 1926 appropriations.

It is only fair to say here that while this shows an apparent reduction under the Budget, it is not a reduction in reality, for it has been the policy to carry in the bill now before us an item of \$12,000,000 for the refund of erroneously collected taxes. That sum has been eliminated. Our action is prompted by the fact that this amount is for the next fiscal year and is purely a formal amount which has been carried customarily in the past and does not represent in any degree the sum that will be required for all payments of this character. The com-

mittee felt that to carry it would be perhaps confusing and misleading. A supplemental estimate for \$50,000,000 is now before the committee for the payment of refunds. It will not be sufficient for the remainder of this year and a further appropriation in addition to that will be required. The committee prefers to carry all refund items in one bill and to make them as nearly current with the time of allowance as possible in order that better information and data as to the total amounts to be required may be obtained. The expenditures for 1923 for refunds aggregated approximately \$123,000,000 and for 1924 they were \$137,000,000. With expenditures on this basis the carrying of \$12,000,000 in this bill would be somewhat confusing to those who do not understand the situation.

I want to be frank with the House, and not make any claims of reductions that we are not entitled to make; there were

Some items in the estimates, as, for example, prohibition enforcement, where the recommendation was something like \$800,000 less than what we figured it should be and as we authorized it a year ago. We took this \$800,000 from the \$12,000,000 and added it to the enforcement item.

We also added \$155,000 to the amount recommended for repairs and preservation of public buildings. Then all over the country the expansion of the public business is such that more or less need existed for enlarged quarters—slightly enlarged—and we have heretofore annually carried an appropriation of about \$400,000 for this work, out of which could be expended not to exceed \$20,000 on any one building. We found that there was great need over the country for increased quarters that could be created under this limit of expenditure, and we added \$400,000 to that item in order that we might have the needed extensions of quarters which the business demands.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I yield.

Mr. BLANTON. The gentleman said that the Budget estimate for the expense of prohibition enforcement was \$800,000 less than the amount that the gentleman knew it would cost. What conclusion did the gentleman reach on that fact?

Mr. MADDEN. We reached the conclusion that the amount ought to be supplied, and we supplied it.

Mr. BLANTON. But did the gentleman reach the inevitable conclusion that the Budget Bureau did not seem to be very strong on law enforcement if they would recommend \$800,000 less than what it would actually cost to enforce the law? What other inevitable conclusion could you reach?

Mr. MADDEN. I do not want to get into a controversy over it. I want to supply the need and enforce the law.

Mr. BLANTON. I am glad the chairman of the Committee on Appropriations is more in favor of law enforcement than seemingly the Budget Bureau is.

Mr. MADDEN. In connection with the refund of back taxes, it may be interesting to the House to know the situation relative to the payment of interest on these refunds when they are allowed. The 1924 revenue act allows interest on refunds from the date of the payment of the tax until the allowance of the refunds by the commissioner. That means six years interest at 6 per cent, or 36 per cent in 1917 cases and 30 per cent on 1918 cases. The payment of interest in connection with refunds amounted to \$7,000,000 last year under the old law, while under the new act it is estimated that the interest for the fiscal year 1925 will approximate \$50,000,000 to \$60,000,000.

Mr. WATKINS. The interest alone?

Mr. MADDEN. The interest alone, yes; because the interest under that act is now payable from the date the tax was paid and not from the date of the filing of the claim, as it was under the 1921 act.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CHINDBLOM. In this connection it might be well to show that the Government is paying back the same interest which the Government charges.

Mr. MADDEN. Well, I just want to call attention to the fact here. I am not criticizing it.

Now, again reverting to the prohibition and narcotic enforcement provisions of the bill.

The Budget proposed a reduction in the appropriation for enforcement of the prohibition and narcotic drugs act from \$11,341,770 for the fiscal year 1925 to \$10,216,880 for the fiscal year 1926. The committee recommends an appropriation of \$11,000,000 for the next fiscal year, which is \$341,770 less than the 1925 appropriations and \$783,120 more than the amount recommended in the Budget. The committee made an extensive examination of the needs of the Prohibition Unit and in the sum of \$11,000,000 has recommended an amount which, in its opinion, will fully and adequately provide for the organization of that service, both in prohibition and narcotic work, on the basis of the present authorized strength as to personnel and requisite traveling and other expenses.

The appropriation allowed will permit of the continuance of the present bureau organization of 749, which includes temporary personnel periodically employed, within the limit set of \$1,300,000. It will permit the continuance of the present field force of 3,137 persons and also provide for the salaries of the 44 additional agents not yet appointed, making a total field personnel of 3,181. In the opinion of the committee the appropriation of a smaller sum than \$11,000,000 will result in a proportionate decrease in the field force. Congress at the last session, through an increase in the appropriation for prohibition and narcotic enforcement, provided for 300 additional prohibition agents, 125 additional narcotic agents and inspectors, and 36 clerks for narcotic work, a total increase of 461 in the

authorized personnel. All of this new personnel, except 41, have been appointed and the remainder are being appointed from time to time.

The recruiting of this new force has taken practically six months. The appropriation of less than the amount recommended would undoubtedly compel the disbanding of a large part of it. From the evidence obtained there is no such decrease in work to be performed in the enforcement of the prohibition and narcotic acts as to justify at the present time a decrease in the organization. The force as at present authorized is as large as it ought to be and the amount in the bill is adequate to carry this organization, provide necessary traveling expenses, and cover the other expenses of operation.

The committee has recommended that not to exceed \$50,000 of the sum allowed be permitted to be expended for the dissemination of information and appeal for law observance and law enforcement through the use of posters and other modes of public appeal.

Mr. LINTHICUM. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LINTHICUM. What was the appropriation for prohibition enforcement last year?

Mr. MADDEN. \$11,341,770.

Mr. LINTHICUM. How much is it this year?

Mr. MADDEN. \$11,000,000.

Mr. LINTHICUM. Was not a large part of the money appropriated in the last bill intended for the reconditioning of ships, and so on?

Mr. MADDEN. No; that was under the Coast Guard.

Mr. LINTHICUM. That was not included in the \$11,000,000?

Mr. MADDEN. No.

Mr. LINTHICUM. What was the total cost of the enforcement service last year, including the reconditioning of the ships, and so on?

Mr. MADDEN. Last year we authorized about \$13,000,000, if I recall correctly, for the construction of cabin cruisers, 225 cabin cruisers, about 100 picket boats, and we authorized the reconditioning of 20 destroyers, making a total of 345. They are at work now on the construction and reconditioning of these boats, but they will not have them in service until about the 1st of next July. This bill carries about \$9,000,000 for the pay of the officers and the men and the other equipment that may be required to operate the boats for the fiscal year 1926.

Mr. LINTHICUM. In addition to this \$11,000,000?

Mr. MADDEN. Yes.

Mr. LINTHICUM. Making a total of—

Mr. MADDEN. Over \$20,000,000.

Mr. COLE of Iowa. How much of this money is to be covered back into the Treasury in the form of fines?

Mr. MADDEN. I think the total of the fines collected amounted in the last year to over \$5,000,000.

Mr. WILLIAM E. HULL. That would mean a cost of \$15,000,000?

Mr. MADDEN. The amounts I have given are \$11,000,000 and \$9,000,000.

Mr. WILLIAM E. HULL. And the other appropriation?

Mr. MADDEN. That is another year. We are talking about the fiscal year 1926. There is \$11,000,000 in this bill for the land force and \$9,650,000 in this bill for the sea force, making \$20,650,000.

Mr. WILLIAM E. HULL. And then there must be included the amount for building the boats.

Mr. MADDEN. No; that was in another year.

Mr. LINTHICUM. The amount appropriated for the boats was \$13,000,000?

Mr. MADDEN. Yes.

Mr. WATKINS. In stating the amount of the fines, does the gentleman take into consideration the penalties?

Mr. MADDEN. Yes. Everything that has been collected and turned into the Treasury, I think, amounts to about \$5,000,000.

Mr. LINTHICUM. But that \$5,000,000 would not begin to pay the court expenses, and so on, in apprehending these people, so that you really get nothing back on that?

Mr. MADDEN. I do not apprehend that we are running the Government with the view of paying back into the Treasury exactly what we pay out. I presume the Government, when it enacts a law and undertakes to enforce it, is going to enforce it at any hazard or cost, regardless of whether it gets any revenue or not. [Applause.] I am a law-enforcement man.

Now, in the office of the Commissioner of Internal Revenue two positions of deputy commissioner are omitted on account

of reorganization of the work of the bureau and the salary appropriation is reduced \$10,000.

The general appropriation for salaries and expenses of collector, deputies, gaugers, storekeeper-gaugers, and other office and warehouse expenses is reduced in the sum of \$34,446 and provides for 34 less persons. A gradual reduction has taken place in this item due principally to the concentration of distilled spirits in a smaller number of warehouses and the reduction of the personnel required in connection with them. On July 1, 1922, the beginning of concentration, there were 26 general bonded warehouses, 20 special bonded warehouses, and 251 distillery bonded warehouses, a total of 297. Since that time five additional general bonded warehouses have been approved for use as concentration warehouses. During this process of concentration 15 special bonded warehouses, 15 general bonded warehouses, and 202 distillery bonded warehouses, a total of 232 bonded warehouses, have been discontinued, leaving 70 bonded warehouses, of which 28 are concentration warehouses.

The general appropriation for collecting and assessing internal revenue taxes is reduced from an aggregate of \$33,381,040 to \$31,750,000, a decrease of \$1,631,040. The total reduction in personnel is 480, of which 377 are from the departmental roll and 103 from the field service. The allotment for personal services in the District of Columbia is limited in the appropriation to \$10,750,000, which is approximately \$715,000 less than the allotment for this purpose for the current fiscal year. Of the decrease of \$1,631,040, the sum of \$115,000 is due to the transfer of the allotment for stationery from this appropriation to the general stationery appropriation for the Treasury Department, \$500,000 allotted during this fiscal year by law to the Board of Tax Appeals and estimated separately for 1926 for that organization, and the remainder of the reduction, \$1,016,040, is due to the decreases in force enumerated and reduction in other expenses resulting from better organization and a decrease in the work of the bureau. The Commissioner of Internal Revenue was of the opinion that we ought not now further reduce the force. There is still a vast amount of auditing of back schedules. On page 8 of the report will be found quite a complete statement of the number of cases pending.

For the Coast Guard we recommend \$20,597,835, which is the amount of the estimates. This sum is \$1,753,706 in excess of the appropriations for this service for the fiscal year 1925. Congress, at the last session, granted additional appropriations for the Coast Guard for the acquisition of more vessels for the prevention of smuggling in liquor and for additional officer and enlisted personnel for their operation.

The amounts appropriated in this bill provide for the next fiscal year for the operation of the regular complement of Coast Guard vessels and the additional fleet on the same basis as they have been provided for during the present fiscal year through the regular appropriation act and the deficiency act. The additional vessels for antismuggling work have not all been delivered and put into commission. They will all be delivered and ready for full operation during the next fiscal year. The difference of \$1,753,706 between the appropriations for 1925 and those for 1926 is due solely to the fact that all of the additional vessels will be in full operation for the next fiscal year while only a portion of them are in operation for varying portions of this fiscal year.

The amount for the Coast Guard is divided logically into two classes, as follows: For the regular activities, as contrasted to the antismuggling work, \$10,728,578, and for the antismuggling work, \$9,649,257.

Mr. LINTHICUM. Has the gentleman any idea how much less we are appropriating than what is recommended in the Budget? Last year, the gentleman will remember, we appropriated a great deal less than the Budget recommended.

Mr. MADDEN. This bill carries about \$11,000,000 less than was recommended.

Mr. LINTHICUM. As the gentleman knows, we hear about the Budget Bureau and we do not hear about the reductions that Congress makes in the recommendations of the Budget.

Mr. MADDEN. As I have said, this bill carries about \$11,000,000 less, the Agricultural bill carried about \$3,000,000 less, the Navy bill carried about a million less, the Interior bill about a million and a half less, and I think most of the bills will carry less than what is recommended by the Budget.

I would like to call your attention to some other matters in the bill.

Mr. KING. Would the gentleman yield before going into a discussion of them?

Mr. MADDEN. Yes, indeed. I think I know what the gentleman has in mind.

Mr. KING. I want to make an inquiry as to whether or not the appropriation for the recordation and classification of canceled coupons, which was cut out at the last session, was restored in this bill?

Mr. MADDEN. It was not, and I will tell the gentleman why it was not. First, it was not recommended by the Budget. Next, the committee had gone into the question very thoroughly last year, and with the Chief of the Public Debt Service and others in charge we reached the conclusion that there ought not to be as elaborate detail in connection with that work as there was carried on. Then, in order to be sure that we were not wrong about it, we had a study made of the question by the Bureau of Efficiency, and we were convinced on every phase of the question that we ought not to carry that work on in the way in which it had been carried on in the past. I know the gentleman has another object in mind. He wants to have it carried on because he wants to carry on his investigation, but it was not recommended to us.

Mr. KING. I desire to ask the gentleman a very frank question.

Mr. MADDEN. Yes, indeed.

Mr. KING. Considerable discussion has arisen over that matter in the special committee which the House appointed, and it is presenting to us a very difficult problem in the discovery of duplication of bonds. We now have to simply go to a big pile of bonds and 25,000 men working a year never could pick out those coupons without any recording arrangement, and, of course, the discussion touched upon the point as to who was responsible for cutting that out.

Mr. MADDEN. I am responsible.

Mr. KING. It was stated that the chairman of the Committee on Appropriations is the gentleman who cut it out.

Mr. MADDEN. Yes; I assume the responsibility. [Applause.]

Mr. WATKINS. Will the gentleman yield for another question?

Mr. MADDEN. Yes.

Mr. WATKINS. Did the gentleman exceed the recommendation of the Budget in any particular other than in the prohibition unit?

Mr. MADDEN. Yes. We have exceeded their recommendation whenever, in our judgment, within the range of the bill, we found any item that we did not think was adequately provided for. After a thorough investigation we supplied the amount needed, but we have always tried and have always succeeded in keeping within the recommendation as a whole. For example, in the Agricultural bill, while it was under consideration in our committee we discovered, for example, that they had not recommended for the eradication of tuberculosis in cattle enough money, in our judgment, to meet that situation, and we thought that was vital. That was true in a number of other instances. For example, on the question of white-pine blister rust, out in the gentleman's section of the country, we found they had not recommended appropriations that seemed necessary for that work, and we recommended to the House the amount of money we thought was necessary, and the House approved our action.

The CHAIRMAN. The gentleman from Illinois has consumed one hour.

Mr. MADDEN. Mr. Chairman, I yield myself 10 minutes further.

The CHAIRMAN. Without objection, the gentleman may proceed.

There was no objection.

Mr. SUMNERS of Texas. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. SUMNERS of Texas. When the Committee on Appropriations comes to regard its duty with regard to the various items, does it make an independent investigation to determine the amount?

Mr. MADDEN. Always; yes.

Mr. SUMNERS of Texas. Then, of what service is the estimate of the Budget Bureau?

Mr. MADDEN. Of course, there is no human agency that is perfect. I think the gentleman will admit that. The gentleman has lived in Texas long enough to know that. [Laughter.] I would hesitate to trust a human agency that would not make a mistake once in a while.

Mr. SUMNERS of Texas. I do not want to press the matter, but does the gentleman investigate each time to see whether or not the Budget Bureau has made a mistake?

Mr. MADDEN. We investigate every item that comes before the committee and we investigate it very thoroughly. If

the gentleman will allow me to illustrate, for example, we have the Bureau of Engraving and Printing. We quite recently had a man who presided over that activity for a while. He was designated from the Army to act as the director. I went down there personally and looked over the activities in that bureau. Of course, that is not possible in connection with all these matters, because they are too far away; but it frequently happens that where they are close by, I go and examine them. I made an examination of the physical conditions in this bureau. I found they had organized a board of management with three assistant directors at \$5,200 a year each, with an application for a salary of \$10,000 for the director. We had always conducted that branch of the service with one director and one assistant. We later took hearings on their estimates. It took us part of two days to hear the witnesses on the matter. Of course, if we took two days on everything of that size in the Government we would never get through. In this bureau they were making claims about savings of over a million dollars that could be made. I was very anxious to have that saved. They testified about it, and in many cases when certain questions were asked, of course, the witness was not able to give a complete reply then to the question, and therefore in every such case I told them that we did not expect them to be able to carry all the details in their heads, and when we sent their evidence back to them for revision we would ask them to supply the missing links.

On the direct testimony they would make a very fine showing of economy that could be effected, but when they supplied the missing links, so to speak, they retracted many of the things they said on the direct testimony and hedged their statements to such an extent that we could not help but reach the conclusion that they could not do the things they said they could do when they testified directly. We expect to make further investigation and recommendation to the Secretary of the Treasury on that activity and perhaps help save some money instead of just talking about it.

Since this bureau has been mentioned, I will tell what we have done.

The amount recommended is \$7,271,530. This sum is \$1,325,855 more than the current appropriations and \$106,900 less than the estimates. The estimates called for 192,742,300 sheets of delivered currency, of which 14,000,000 sheets were for national-bank currency and 178,742,300 sheets for United States currency. The committee recommends a total of 190,242,300 sheets, composed of 14,000,000 for national-bank currency and 176,242,300 for United States currency, a reduction of 2,500,000 in the amount of United States currency. This deduction is due to the elimination of practically that number of sheets on account of the gold reserve and which in the opinion of the Treasury Department was the least important item in the money-printing program.

The appropriations for the bureau for the current fiscal year provide for 150,000,000 delivered sheets of United States and national-bank currency. The demands for new money through money coming in for redemption and increased demands, particularly for \$1 bills, has necessitated the printing by the bureau at a greater rate during the first few months of this fiscal year than the 150,000,000 sheets would provide. It will be necessary, if the present rate of production continues, to authorize for this fiscal year by way of deficiency appropriation additional sheets which will carry the total number of sheets for 1925 to a number at least equal if not in excess of the recommended program for 1926.

The Treasury Department is now operating without any reserve stock of currency, the production of the plant being used from day to day to fill current needs. A program is being prepared in the Treasury Department for building up a reserve stock of paper money which will permit the new notes to become properly aged and seasoned before being issued and provide a safety stock of money which can be issued as the needs arise.

Mr. SUMNERS of Texas. Can the gentleman tell the House what honest-to-goodness service the Budget Bureau renders the Appropriations Committee?

Mr. MADDEN. I will do so. I think the Budget is the greatest achievement accomplished by the Government since its foundation. Before the organization of the Budget system every bureau chief in the Government made his own estimates. Nobody revised them. He submitted those estimates to the head of his department. The department head was presumed to revise them but he usually did not do it. They were assembled for the department, and handed over to the Secretary of the Treasury, who had no power to revise them, but even if he had he was only one Cabinet officer, having equal rank with other Cabinet officers, and he would not dare to exercise supe-

rior authority. A statement of them went to the President of the United States or was supposed to go to him. He had the responsibility of recommending to Congress how they might be revised but had no authority to revise them. He never used this power, and so they came up here in a hodge-podge with innumerable things that ought not to be sent in at all.

When the Budget law was written—and I helped to write it as a member of the select committee—our idea was that we should place the responsibility for the financial activities of the Government somewhere. The question was where to place that responsibility. Should we place it on the Secretary of the Treasury? After serious consideration we decided no, that we must not do that because it would be very embarrassing for the Secretary of the Treasury to be called upon to reject the demands of his colleagues in the Cabinet, and so we placed that responsibility on the President of the United States and made him responsible for enforcement of the Budget act.

Now he is required to assemble all the facts upon which he is required to make an estimate of the activities in which he wants the Government to engage for each year and as nearly as he can estimate the cost of the activities in which he wants the Government to engage.

It is manifest that the President of the United States could not do that personally, and so we gave him an agency, called the Bureau of the Budget. The Bureau of the Budget is not a bureau as such of the Government, for it has no original jurisdiction. It does not speak as a bureau; it speaks as the President of the United States. It represents the President, and as such has the power to go into the bureaus of every department. It has the superior right of way into every department. It can call on anybody in any department for information. It can accept it or reject it, investigate it or not, but the presumption is that they do investigate.

I will tell you what happened as a result of all that: Now, instead of getting the Secretary of the Treasury to send up a conglomerate mass in the form of requests from bureau heads, it is all segregated and analyzed, systematized, and comes up in a systematic form.

Now, I want to say to the gentleman from Texas that these heads of departments who are subjected to the inquests are very much opposed to it. They are restricted in their right to expend public money. They have to think about it before they expend it; they have to squeeze a dollar to see if it is absolutely necessary before they expend it.

Here is what happens now: The chairman of the Appropriations Committee has perhaps a new duty that he never had before. They get turned down by the Budget, or perhaps they want to go to the Budget and they want to find out whether we are going to act on it or not. They come to the chairman of the Appropriations Committee and ask whether there is any possibility of getting favorable consideration for a problem that involves the expenditure of a lot of money if they can get a favorable recommendation from the Budget. Many times we turn them down and it saves millions of dollars to the Treasury. We never accept one of them unless it is an emergency case, such as we had the other day in regard to the poultry pest. We act on such things as that whenever the emergency arises. But if it is merely the desire of some head of a department, or a bureau chief, or a combination of both, to get their hands into the Treasury of the United States and to find out in advance whether they can get a recommendation from the Appropriations Committee in case they get a favorable report from the Budget, they usually find out that they can not do it.

Now, I want to say something about other important items in the bill.

The appropriations for the customs service are reduced from \$16,979,140 to \$16,656,200, a decrease of \$322,940. The amount recommended will provide for the same organization for the next fiscal year as during 1925, the decrease being brought about by a more systematic organization of the service and a more careful control of expenditures.

It is not anticipated that there will be any decrease in the volume of work to be transacted by the customs service during the coming fiscal year. The customs receipts for the first three months of the fiscal year 1925 aggregated approximately \$141,000,000, while receipts for the first three months of the previous fiscal year aggregated \$131,000,000, an increase in the first three months of this fiscal year of \$10,000,000 over the first three months of the previous fiscal year. The customs revenues for the fiscal year 1924 were \$545,000,000. For 1925 they are estimated at \$550,000,000, and for 1926 at \$535,000,000.

Under the Farm Loan Board an increase of \$55,000 is recommended to permit an increase in the number of reviewing appraisers from 4 to 12, at salaries of not to exceed \$5,000 each,

and \$15,000 additional is provided for traveling expenses. The purpose of providing for 12 reviewing appraisers is to have one for each land-bank district who will have supervision of all field appraisers operating in that district. The board is of the opinion that with a competent reviewing appraiser in each district better supervision of the appraisal work will result and will reduce the actual cost to the borrowers and the banks. The salaries of the appraisers as well as all other expenses of the Farm Loan Bureau will be paid from assessments levied upon the system.

Under the Public Health Service I desire particularly to call attention to the committee's action on two items.

The appropriation for the division of venereal diseases has been reduced from \$149,040, for the current year, to a recommended amount of \$50,000, a cut of \$99,040. The sum of \$50,000 is also a reduction below the Budget of \$48,396. The reduction in the amount for the current year is due in part to the elimination of \$25,000 for allotment to the States, and the remainder is a decrease in the amount for the activities of the bureau, both in the department and in the field. In the opinion of the committee the sum of \$50,000 should be adequate for the activities which the division should carry on.

The Budget proposed reductions of \$15,000 and \$10,000, respectively, in the funds for rural sanitation and the regulation of biologic products. These two sums the committee has restored to practically what they are for the current fiscal year, namely, \$75,000 and \$45,000.

Among the items under the jurisdiction of the Supervising Architect's Office the committee has recommended, as it has in previous years, a number of repair and alteration appropriations for specific public buildings for post office, marine hospital, and quarantine station purposes. Some additional amounts are also added to maintenance appropriations on account of the placing in commission during this year of a number of new buildings and the anticipated placing in commission during the next year of approximately 30 more.

One new appropriation item is recommended, and two items are increased above the Budget to which attention should be directed.

A new item of \$100,000 is recommended for the installation of lock-box equipment in public buildings. The amount recommended is based upon needs for such facilities submitted by the Post Office Department. The sum will provide for the purchase and installation of approximately 16,500 boxes of various sizes. Applications are pending for approximately 12,500 boxes, and the appropriation from which this service is supported is not sufficient to handle the demands for it. It was stated to the committee that the receipts from the rental of the boxes would pay for the installation in two years and that thereafter the receipts from rentals would represent a return of 48 per cent on the investment. In addition to the business feature of the proposal, there is the essential of providing adequate postal facilities to the public. It is also estimated by the Post Office Department that the installation of 12,500 boxes would greatly facilitate the delivery of mail which when the boxes are not available must be delivered through the general delivery window or by carrier. It is estimated by the Post Office Department that the saving in this respect would approximate \$90,000 per annum.

The committee recommends an appropriation of \$800,000 for remodeling or extending completed public buildings so as to provide or make available additional space in emergent cases, limiting the expenditure, as the current appropriation does, to not to exceed \$20,000 on any one building. The amount provided for this purpose for 1925 and the estimate for 1926 is \$400,000. The committee has increased this amount to the sum named. The appropriation heretofore granted has been insufficient to handle the number of cases submitted by the Post Office Department as requiring attention. As a general rule the number of approved cases pending has been more than the annual appropriation at the time it became available would care for. The rule of providing additional space has been on the basis of 60 square feet per employee, and the cost of extension has been slightly less than \$6 per square foot of additional space procured.

Applications now on file indicate the amount recommended will be used to exceedingly good advantage for the benefit of the postal facilities.

The amount recommended for repairs and preservation of public buildings is \$930,000. This sum is \$197,000 more than the appropriation for the current year and \$155,000 more than the Budget. The committee believes that this sum can be expended to good advantage in much-needed interior painting

and general repairs to public buildings throughout the country. The number of buildings falling under the distribution of the fund is approximately 1,250, and the condition of many of them can be considerably improved if the additional funds are available.

POST OFFICE DEPARTMENT

The estimates for the Post Office Department for the fiscal year 1926 as submitted in the Budget aggregate \$637,376,065.

The total appropriation for the department for the fiscal year 1925 amounted to \$613,645,195.25.

The amount recommended to be appropriated in the bill is \$636,269,415. This sum, compared with the appropriations for 1925 and the estimates for 1926, is as follows:

It is \$22,624,219.75 more than the 1925 appropriations and it is \$1,106,590 less than the amount requested in the Budget.

In connection with the increase of more than \$22,000,000 over the amount for the current year, it was stated to the committee that additional sums will be required for the fiscal year 1925 approximating \$9,000,000, which, if found necessary and allowed, would bring the total for 1925 to \$622,600,000, and the amount recommended for 1926 would therefore be \$13,600,000 more than the total appropriation needs of 1925 instead of \$22,600,000 as the appropriation situation now stands.

The increase shown for the next fiscal year is almost entirely in the items of clerk hire in first and second class offices, transportation of the mail, City Delivery Service, Railway Mail Service, fees to special-delivery messengers, and transportation of foreign mails. These increases are due largely to two factors—the increased volume of mail to be handled and the automatic promotions provided by law for postal employees.

The increases provide approximately 1,925 additional clerks at first and second class offices, 1,400 additional city letter carriers, and 600 additional clerks for the Railway Mail Service.

The appropriation for transportation of the mail by railroads and for mail messenger service is increased from \$104,450,000 to \$112,250,000, or by \$7,800,000. The current appropriation was based upon an anticipated increase in volume of mail to be transported of 6 per cent. The receipts so far this year show an increase of 7.53 per cent. An additional appropriation of approximately \$4,000,000 will be required for 1925 to care for the additional transportation cost. The increase granted is solely due to the increased volume of mail, and it is interesting to point out in this connection that even though the gross cost of carrying the mail is rapidly increasing, the cost for each million dollars of postage receipts is decreasing. Such cost in 1921 was \$212,555 for each million dollars of postage receipts and in 1924 it had been reduced to \$183,836. The reduction has been brought about by more intensive loading of storage cars, curtailment of railway post-office car space not regarded as necessary to the service, and careful supervision of mails moving on the railroads. On the same basis of cost per million dollars of postage revenue as prevailed in 1921 the cost of transporting the mails for the current fiscal year would be approximately \$15,000,000 more than the amount that will be expended for this purpose.

The committee recommends the sum of \$1,700,000 for the village-delivery service. This amount is \$200,000 in excess of the current appropriation and the Budget estimate. Applications pending for extension of this service are far in excess of the number that could be provided with the amount of the current appropriation. The committee is of the opinion that the additional amount granted will provide service of this character in many places which will be able to come up to the requirements necessary to obtain it.

The appropriation for the rural-delivery service carried in the current act is \$89,250,000, of which \$300,000 was made immediately available for the fiscal year 1924, leaving \$88,950,000 for the fiscal year 1925. The amount recommended by the committee is \$88,350,000. This recommended amount is \$600,000 less than the appropriation for 1925 and \$150,000 more than the estimate. It was stated by the Fourth Assistant Postmaster General that the addition of the \$150,000 which the committee recommends would give an appropriation sufficient to take care of the needs for additional routes for the next fiscal year.

The appropriation recommended for the Air Mail Service is \$2,600,000. The amount recommended for this purpose for the current fiscal year was in two items, \$1,500,000 for the service as theretofore operated and \$1,250,000 for the inauguration of night flying, aggregating \$2,750,000. The amount granted is \$150,000 less than the current appropriation. This reduction does not contemplate any reduction in the character or amount of service to be rendered, but is due to the elimination of sums

necessary for this fiscal year for certain facilities and equipment which will not need to be obtained during 1926.

The audited revenues of the Post Office Department for the fiscal year 1924 amounted to \$572,948,778.41, and the operating expenses were \$597,311,269.75, leaving a postal deficit of \$24,362,491.34.

The estimated revenues for the fiscal year 1925, based on reports from the 50 largest offices, indicate that the revenues for the current fiscal year will be approximately \$610,190,000.

The estimated expenditures for the fiscal year 1925 are \$620,320,931.15, leaving an estimated deficit of \$10,130,931.15.

For the fiscal year 1926 the amount recommended in the accompanying bill is \$636,269,415. The Post Office Department estimates that the revenues for 1926 will be 6.1 per cent greater than the revenues for 1925. If this increase in revenues is realized the revenues for 1926 will be approximately \$647,410,000, and the operation of the service, instead of a deficit, would show a surplus of about \$11,000,000.

Comparative statement showing the appropriations for the fiscal year 1926 (including amounts in regular annual, deficiency, and other acts), with the Budget estimates for the fiscal year 1926

	(1) 1925 appropriations in regular annual field classification, and deficiency acts	(2) 1925 permanent and indefinite appropriations	(3) Total 1925 appropriations	(4) 1926 estimates submitted for regular annual appropriation bills	(5) 1926 estimates of permanent and indefinite appropriations	(6) Total 1926 estimates submitted in the Budget	(7) Increase (+) or decrease (-) 1926 estimates compared with 1925 appropriations (column 6 compared with column 3)
Legislative establishment.....	\$14,229,016.00	\$800.00	\$14,229,816.00	\$15,093,745.80	\$800.00	\$15,094,545.80	+\$864,729.80
Executive office and independent offices:							
Executive office.....	440,767.50		440,767.50	439,960.00		439,960.00	-807.50
Civil Service Commission.....	1,012,035.00		1,012,035.00	997,375.00		997,375.00	-14,660.00
Employees' Compensation Commission.....	2,650,600.00		2,650,600.00	2,301,500.00		2,301,500.00	-249,100.00
Federal Board for Vocational Education.....	944,000.00	6,380,000.00	7,324,000.00	855,270.00	7,367,000.00	8,222,270.00	+898,270.00
Federal Trade Commission.....	1,010,000.00		1,010,000.00	950,000.00		950,000.00	-60,000.00
General Accounting Office.....	3,799,852.00		3,799,852.00	3,701,960.00		3,701,960.00	-97,892.00
Housing Corporation.....	882,415.00		882,415.00	743,915.00		743,915.00	-138,500.00
Interstate Commerce Commission.....	4,641,864.00		4,641,864.00	4,913,500.00		4,913,500.00	+271,636.00
Shipping Board and Fleet Corporation.....	30,344,000.00		30,344,000.00	24,330,000.00		24,330,000.00	-6,014,000.00
State, War, and Navy Buildings.....	2,458,115.00		2,458,115.00	2,342,880.00		2,342,880.00	-115,235.00
Smithsonian Institution.....	809,101.66	60,000.00	869,101.66	737,890.00	60,000.00	817,890.00	-51,211.66
Tariff Commission.....	683,240.00		683,240.00	721,500.00		721,500.00	+38,260.00
Veterans' Bureau.....	481,958,272.30		481,958,272.30	405,700,000.00		405,700,000.00	-76,258,272.30
All other.....	1,789,895.00	17,301.79	1,807,196.79	1,558,548.00	10,500.00	1,578,048.00	-229,148.79
Total, Executive office and independent offices.....	533,424,147.46	6,457,301.79	539,881,449.25	459,314,295.00	7,446,500.00	457,760,795.00	-82,120,654.25
Department of Agriculture:							
Department proper.....	46,714,436.00	12,360,750.00	59,075,186.00	44,002,000.00	12,340,750.00	56,342,750.00	-2,732,436.00
Roads' items.....	19,000,000.00		19,000,000.00	83,750,000.00		83,750,000.00	+64,750,000.00
Total, Department of Agriculture.....	65,714,436.00	12,360,750.00	78,075,186.00	127,752,000.00	12,340,750.00	140,092,750.00	+62,017,564.00
Department of Commerce.....	25,844,555.00	3,000.00	25,847,555.00	22,738,514.00	3,000.00	22,741,514.00	-3,106,041.00
Department of Interior:							
Pensions.....	222,500,000.00		222,500,000.00	197,000,000.00		197,000,000.00	-25,500,000.00
Indian affairs.....	12,929,281.89	21,646,000.00	34,575,281.89	12,377,027.67	21,550,000.00	33,927,027.67	-648,254.13
All other.....	83,520,833.00	5,597,299.06	89,117,132.06	30,327,111.00	6,531,457.50	36,858,568.50	-2,258,563.56
Total, Interior Department.....	268,950,114.89	27,243,299.06	296,202,383.86	239,704,138.67	28,081,457.50	267,785,596.17	-28,416,787.69
Department of Justice.....	22,680,958.50		22,680,958.50	24,917,822.00		24,917,822.00	+2,236,863.50
Department of Labor.....	8,651,346.47	25,000.00	8,676,346.47	8,310,260.00	25,000.00	8,335,260.00	-341,086.47
Navy Department.....	278,192,410.87	2,103,260.00	280,295,670.87	287,323,928.00	2,460,050.00	289,783,978.00	+9,488,307.13
State Department.....	16,238,756.29	26,000.00	16,264,756.29	15,999,512.77	131,139.74	16,130,652.51	-134,103.78
Treasury Department:							
Interest, public debt.....		865,000,000.00	865,000,000.00		830,000,000.00	830,000,000.00	-35,000,000.00
Sinking fund and public debt retirement funds.....		471,806,401.00	471,806,401.00		484,766,130.00	484,766,130.00	+12,959,729.00
All other.....	137,644,712.50	26,773,100.00	164,417,812.50	137,759,916.00	26,087,825.00	163,847,741.00	-570,071.50
Total, Treasury Department.....	137,644,712.50	1,363,679,501.00	1,501,324,213.50	137,759,916.00	1,340,863,955.00	1,478,613,871.00	-22,610,342.50
War Department:							
Military activities.....	263,921,731.67	900,000.00	264,821,731.67	258,785,274.00	900,000.00	259,685,274.00	-5,136,457.67
Nonmilitary activities.....	73,761,542.00	5,683,321.00	79,444,863.00	72,616,656.00	6,249,300.00	78,865,956.00	-578,907.00
Total, War Department.....	337,683,273.67	5,583,321.00	343,266,594.67	331,401,930.00	7,149,300.00	338,551,230.00	-5,715,364.67
District of Columbia.....	29,172,153.21	1,226,962.00	30,399,115.21	30,770,471.00	1,565,356.00	32,335,827.00	+1,936,711.79
Grand total, excluding postal, payable from postal revenues.....	1,738,434,878.77	1,419,609,164.85	3,158,044,043.62	1,692,086,533.24	1,400,057,308.24	3,092,143,841.48	-66,900,202.14
Post Office Department and Postal Service.....	613,645,195.25		613,645,195.25	637,376,005.00		637,376,005.00	+23,730,809.75
Grand total, including postal.....	2,352,080,074.02	1,419,609,164.85	3,771,689,238.87	2,329,462,538.24	1,400,057,308.24	3,729,519,846.48	-42,169,392.39

Mr. BYRNS of Tennessee. Mr. Chairman and gentlemen of the committee, the distinguished chairman of the Committee on Appropriations, to whose service as chairman of the committee and also as a Member of this House we are always happy to give great credit, has, with his accustomed force, frankness, and fairness, set forth the details in a general way of these two bills now pending before you. He has also emphasized the fact that we have reached a point where it will be practically impossible to very materially decrease the future expenditures of the Government for its ordinary and peace-time activities unless there is a halt made in the creation of new activities and the imposition of new obligations upon the Government. I know that many propositions are put before Congress and that pressure is exerted from many sections of

the country in favor of increased activities on the part of the Government, and that many of them are most desirable; but we have reached a situation where we must either deny them or put the Government in a position where it can not further reduce its expenditures to any material degree.

I shall discuss that subject in a general way, or in an indirect way, by a reference to figures submitted to the President by way of estimates for the appropriations for 1926.

It has been truly said that tax reduction, which necessarily involves a reduction of expenditures, is the Government's greatest unsolved problem. The President of the United States made economy the keynote of his annual message to Congress. It met a hearty response throughout the country, and the people are confidently looking to the President and to

Congress to bring about the reduction in expenditures and taxes which has been promised them. As the President pointed out, business and agriculture are laboring under the heavy burden of taxation which has been imposed upon them. It is quite true, as the President says, that a very great part of this burden is due to State and local taxation, but that will not absolve the national administration from doing everything it can to reduce the national burden of taxes.

It is quite true that there has been a considerable reduction in appropriations and expenditures during the years immediately following the war. But that was to be expected. When the war closed the Government had contracts and obligations created during and because of the war which it was necessary to carry out; certain war agencies had to be brought to a close and wound up; interest on the public debt was nearly \$200,000,000 per annum more than it is to-day. And as these expenditures were reduced during the years that followed the war appropriations were reduced. It is clear that no political party or administration is entitled to claim any credit for reductions of this kind. The only reductions which will give hope of permanent relief to the people and for which the administration can claim credit are reductions in the ordinary peace-time operations of the Government.

With the purpose only of keeping the record straight I think it well to inquire very briefly as to whether there have been any material reductions of this kind. I do not for one moment question the sincerity of the President in his effort to reduce governmental expenditures, or his very earnest wish for economy. I certainly give every credit to the able and splendid Director of the Budget, who is rendering great service to the people of the United States. I have the greatest admiration for him as a man and as an officer of the Government.

But it is a fact that on account of the reductions which should and would have come in ordinary course, confusion has arisen and the idea exists that there have been greater reductions in the cost of the ordinary business operations of the Government than the facts really show. The President in his very timely message to Congress declared:

Anybody can reduce taxes, but it is not so easy to stand in the gap and resist the passage of increasing appropriation bills which will make tax reduction impossible. It will be very easy to measure the strength of the attachment to reduce taxation by the power with which increased appropriations are resisted. If at the close of the present session the Congress has kept within the Budget which I propose to present, it will then be possible to have a moderate amount of tax reduction and all the tax reforms that the Congress may wish for during the next fiscal year.

I feel very sure that the President will apply this measure to himself as well as to the Members of the Congress who appropriate the money which he, as the head of the Government, expends.

Now, let us examine in what must be a very general way, the figures submitted, in order to see whether or not the administration is entirely justified in all of its claims for pressure exerted and economy effected.

The total amount of the preliminary estimates for the fiscal year 1926, exclusive of the Postal Service, which it is estimated will cost \$637,376,005, is \$3,092,143,841.48.

The original appropriations for 1925 were \$2,973,000,189.94, but later on Congress made supplemental appropriations at the request of the President amounting to \$202,091,393.01, which in all fairness should be added to the original appropriation. The total appropriations for 1925, therefore, up to this time amount to \$3,175,100,582.95, or \$82,956,740.47 more than the original estimates for 1926. But in this connection it must be said that there will be future supplemental estimates and appropriations for 1926. I have in mind now more than \$100,000,000 which, according to estimates, must be appropriated later on for road construction and tax refunds alone. The question of real reduction and economy can only be correctly determined by comparison with appropriations and expenditures of the previous year. An analysis of the figures shows that there has been no material reduction in the ordinary peace-time obligations of the Government. There may have been reductions in some of the expenses but others have been increased and new ones added until the peace-time obligations of the Government have been actually increased.

Why are the estimates for 1926 over \$82,000,000 less than was appropriated for 1925? The answer is that we are constantly paying off the public debt and therefore the amount of interest on the public debt will be \$35,000,000 less in 1926 than in 1925. The Civil War pension roll is constantly decreasing due to the death of the old soldiers and, therefore, \$25,500,000 less will be required for this purpose for 1926 than for 1925. These two items alone aggregate \$60,500,000. But that is not

all. Congress passed the so-called bonus or adjusted compensation act last year. A certificate or sinking fund was provided to which certain payments should be made every year in order that the compensation certificates can be paid at their maturity without unduly increasing the appropriations at that time or disturbing the financial operations of the Government. The first appropriation made for this purpose was for 1925 and amounted to \$135,892,898, which is a part of the supplemental appropriation for 1925. According to the Government actuary the appropriation under this law for 1926 should be \$155,727,372 in order to carry out the intent of Congress when the act was passed and to comply with the representations made at that time. I present the following table submitted by the Government actuary last year showing just what amount should be appropriated during each year of the life of these certificates in order to provide a fund to take care of them at maturity:

Estimate of yearly cost of adjusted compensation, by fiscal years, under provision of H. R. 7959

Year	Admin- stration	Ten quarterly payments (Sec. VI)	Cash payments	Adjusted service certificate	Total
1925	\$1,188,500	\$18,451,274	\$8,178,124	\$119,510,775	\$147,334,673
1926	350,000	36,902,544		118,474,828	155,727,372
1927	175,000	36,902,544		117,428,577	154,506,121
1928				116,378,061	116,378,061
1929				115,320,301	115,320,301
1930				114,255,433	114,255,433
1931				113,180,518	113,180,518
1932				112,095,569	112,095,569
1933				110,997,706	110,997,706
1934				109,886,840	109,886,840
1935				108,760,261	108,760,261
1936				107,616,448	107,616,448
1937				106,451,070	106,451,070
1938				105,262,757	105,262,757
1939				104,045,709	104,045,709
1940				102,797,160	102,797,160
1941				101,511,271	101,511,271
1942				100,180,864	100,180,864
1943				98,800,271	98,800,271
1944				97,363,617	97,363,617
Total	1,713,500	92,256,362	8,178,124	2,180,324,056	2,282,472,042

The estimates for 1926 call for only \$62,000,000, or \$93,727,372 less than the actuary declared should be appropriated and \$73,892,898 less than was appropriated for 1925. It is evident that this sum will have to be appropriated some time during the next 20 years, the life time of the certificates, and the failure to appropriate it at this time constitutes no saving, but only serves to make a showing of a reduction. I know it is said by way of explanation that this reduction was made because only about half of the ex-service men had applied at the time the estimate was submitted for the bonus certificates, and if no more should apply, then the sum should be sufficient. But the ex-service men have three more years to make application, and it is a violent presumption to say that all or nearly all will not actually apply. If not, then the theory and object of those who favored the law was clearly wrong. Certainly good business would have required that the whole amount of the actuary's figures should have been appropriated, and the failure to ask for the amount indicated by the actuary will cost the Treasury more money in the long run. I suspect this would have been asked had it not been for the fact that by so doing the estimates for 1926 would have been over \$10,000,000 more than the appropriations for 1925.

The following table shows the larger items which go to make up the reduction in estimates for 1926:

Interest on public debt	\$35,000,000
Civil War pensions	25,500,000
Bonus or adjusted compensation	73,892,898
Vocational rehabilitation	51,000,000
Medical and hospital treatment	7,000,000
Emergency ship fund	6,000,000
Total	198,392,898

As I have already explained, the reductions in these amounts can not justly be claimed as being due to the exercise of closer economy, and if it had been necessary to appropriate for these purposes the same amount as was required in 1925, then the estimates for 1926 would have been nearly \$200,000,000 more than the 1925 appropriations. And bear in mind that additional or supplemental appropriations will be required for 1926.

Now, let us glance for a moment at the estimated expenditures for 1925 and 1926. The total estimated expenditures, including Postal Service, for 1925, are: \$4,144,273,808, and for 1926, \$3,904,927,383. The total estimated expenditures, exclusive of Postal Service, for 1925 amount to \$3,534,083,808,

and for 1926, \$3,267,551,378. This shows a difference of \$266,532,430.

The larger items which go to make up this reduction are as follows:

Interest on public debt	\$35,000,000
Adjusted compensation	73,892,898
Tax refunds	35,000,000
War Finance	10,000,000
Railroad Administration	12,000,000
Emergency Fleet	15,500,000
Ship-construction loan fund	9,500,000
Pensions	18,000,000
Road construction	6,000,000
Veterans' Bureau	24,500,000
War Department	22,000,000
Navy	8,000,000
Loans to railroads	6,000,000
Total	275,392,898

These reductions amount to more than the reduction in expenditures in 1926 over 1925, and a mere inspection will convince anyone that they afford no just reason for a claim of greater economy. I have already explained how the reduction in the expenditures for adjusted compensation was brought about.

The President in his message comments on the reduction in the estimates of \$29,000,000 for the national defense and claims that there will be a surplus at the close of the present fiscal year of \$67,000,000, but in making this claim of surplus the President must have overlooked for the moment the fact that it will be necessary to appropriate at this session more than \$80,000,000 to carry out the shipbuilding program for the Navy, which has been approved by the President. The gentleman from South Carolina [Mr. BYRNES] in a very excellent speech on the naval appropriation bill while it was under consideration in the House the other day very clearly pointed out this fact. He stated that estimates were now pending before the President and which he will shortly submit to Congress of \$20,000,000 for airplane carriers; \$5,250,000 for airplanes for these carriers; \$46,000,000 to begin the construction of the gunboats and cruisers recently authorized; and \$9,180,000 for the modernization of battleships, or a total of over \$80,000,000 yet to be appropriated for 1925. If these figures of the gentleman are correct—and no one has denied them—and if the President's other figures and estimates are correct, we thus see the claim of a surplus of \$67,000,000 on June 30, 1925, and increased tax reduction to that amount fade into a deficit of \$13,000,000 unless some of these expenditures are carried over into 1926, which the gentleman declares can not and should not be done if the act of Congress which was approved by the President is properly carried out.

It is not my purpose to discuss any of the provisions of the pending bill at this time. The distinguished chairman of the Appropriations Committee, to whose faithful and splendid service in the effort to hold down appropriations and to whose fairness I am always happy to bear testimony, has told you that the amount recommended for the Post Office Department amounts to \$636,269,415, which is \$1,106,590 less than the estimates and \$22,624,219.75 more than the appropriation for 1925, due, it should be stated, to the natural growth and increase of the postal business.

The amount recommended for the Treasury Department, exclusive of permanent appropriations, is \$126,911,107. This is \$10,848,809 less than the estimates and \$10,738,605 less than the appropriations for 1925. It is proper to say that this reduction was made possible solely by the elimination of an item of \$12,000,000 for tax refunds which was estimated for and appropriated for 1925. This particular appropriation has been deferred for a deficiency bill and will be made at a later date, and when made will be chargeable to the 1926 appropriation. I make no particular criticism of this omission, but I think it should be made clear, as the chairman, with his usual fairness, has done in the report, that this amount will have to be appropriated later on and therefore constitutes no real reduction.

Mr. Chairman, the reduction of appropriations and expenditures is not a partisan matter and should not be dealt with from a partisan standpoint. It affects every man, woman, and child in every section of the country, for high taxes are always reflected in the high cost of living. It is easy to juggle figures and make claims of economy, but, after all, real and genuine economy will be finally tested by the extent to which the masses, not the favored few, are relieved of their taxes without impairing the power of the Government to meet its proper and just obligations and to retire its public debt as originally contemplated. I repeat, the immediate test of whether or not there has been economy in public expenditures is a comparison of appropriations and expenditures with those of the previous year. The mere fact that appropriations are reduced does not

of itself indicate that economy is being practiced, for the reduction may come about by the natural result of either the completion or cessation of certain public activities or it may result from deferring obligations to a later date. I submit that a fair, unbiased examination of the figures will show that both of these elements have proved important factors in the reductions which have been made during recent years. New activities and new obligations have been very freely created during the past few years, and until there is a halt in this respect little can be expected in the way of a real reduction in the cost of the everyday business operations of the Government. [Applause.]

Mr. VARE. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. MAGEE].

Mr. MAGEE of New York. Mr. Chairman, I want to say a word in behalf of H. R. 10406, a bill introduced on December 6, 1924, by Mr. ELLIOTT, of Indiana, and providing for a public building program. We have not had a public buildings bill since March 4, 1913. The need of new Federal buildings in many places in the country is extremely urgent. Employees are working under insanitary and intolerable conditions, which are discreditable to the Government.

I call your attention again to a typical illustration in my home city of Syracuse. The first step was taken in June, 1906. In 1910-11 the Government acquired a site, paying \$325,000 therefor. The act of March 4, 1913, authorized an appropriation of \$550,000, which now is utterly insufficient for the construction of a suitable building. In 1916 the Government razed all the buildings on the site, covering a whole block within a stone's throw of the center of the city, except a garage. The buildings torn down were substantial buildings that yielded substantial revenue. Since 1916 there has been no material revenue to city, State, or Government.

This whole block has continued to be a hole in the ground in the heart of the city for some eight years. The situation has been somewhat aggravated during the past year from the fact that owing to abandonment of the Erie Canal, which extended along and adjacent to the southern boundary of the block, the city has removed the bridges connecting North and South Clinton and North and South Salina Streets, filled up the bed of the canal between such streets, and paved with asphalt Clinton Square. This square is just east of the Government's hole in the ground and upon which stands the Soldiers' and Sailors' Monument erected by the county of Onondaga.

An employee to work under sanitary conditions should have 100 square feet of floor space. In the Federal building at Syracuse, in the workroom proper on the first floor, the average for the entire force is 33 square feet per employee. The Government for additional facilities in Syracuse pays in rentals approximately \$45,000 per year. If a private concern ran its business as the Government has been running the public building business, it would soon go into bankruptcy. It does not seem possible that reasonable men would permit such an intolerable condition to exist for any material length of time.

I understand that the Government now pays approximately \$25,000,000 per year in rentals. I further understand that expiring leases can be renewed only at materially enhanced rentals. It is apparent that unless something is done governmental rentals will soon exceed \$35,000,000 annually. The Government needs some new public buildings in the District of Columbia, but this need is no greater than the need for public buildings in many places outside of the District. [Applause.] An argument for public buildings in the District and excluding the rest of the country is, in my judgment, indefensible from any viewpoint. [Applause.] I do not believe that a bill providing for the construction of public buildings solely in the District, or a bill that is ordinarily known as a "pork barrel" bill affecting the whole country, has any chance of passing in the House. My notion is that we can pass only a bill providing for a public building program on a sound business basis. Can anyone say that it is not a good proposition for the Government to expend annually in the construction of necessary public buildings on sites now owned or hereafter acquired an amount not in excess of what the Government pays annually in rentals? Particularly in view of the fact that the rentals are constantly and materially increasing.

I again call to your attention that Secretary Mellon in his report for the fiscal year ended June 30, 1923, made this statement:

The last decade has witnessed a substantial gain in the population of the United States and a remarkable increase in the volume of public business. Prior to 1913 Congress had made provision from time to time for public buildings to meet the growing needs of the public serv-

ice. Since 1913 there has been no legislation to provide increased space in overcrowded public buildings or for additional public buildings in communities where the needs of the service and sound business principles called for housing the governmental activities in Government-owned buildings. A serious condition of congestion exists in the Federal buildings in the more important cities throughout the United States, and the Government is paying for space to accommodate the public business approximately \$20,000,000 annually. This figure is mounting steadily.

The enactment into law of the Elliott bill will relieve the Congress of all responsibility for alleged neglect to construct in the District of Columbia necessary buildings for the preservation of governmental records and for other governmental purposes. It seems to me that the most urgent need in the District is the construction of an additional building for use of the Treasury Department. This bill, if passed, would permit this construction to begin promptly.

Practically the only objection I have heard to this bill is that it might be conducive to "logrolling" and result in some favoritism. I do not share this apprehension. The bill promises a great reform through the elimination of the "pork barrel" and the construction of public buildings within the provisions of the Budget system. The recommendations of the Secretary of the Treasury, as I understand the bill, would be submitted through the Speaker to the Committee on Appropriations of the House. This great committee, comprised of 35 Members, is fairly representative of the whole country. Besides, its recommendations in the premises would be subject to the final action of the House and of the Senate. I feel that the Committees on Appropriations of the House and of the Senate merit the confidence of the Members of the Congress and can be trusted to act fairly and equitably in cleaning up the public-building mess that now faces us.

If the great reform proposed in this bill shall be carried to completion, the result will soon be the saving of millions of dollars annually to the taxpayers of the country. The annual expenditure, instead of being a material burden to the Government, will prove to be a most profitable investment. I think that the public expects the Congress to do business along business lines and to meet pressing and imperative public needs in a reasonable and businesslike way. We can render no more efficient public service than to meet the existing acute and pressing situation by promptly enacting into law the Elliott bill, providing for a public-building program extending over a period of six years within the provisions of the Budget system and not requiring a maximum annual appropriation in excess of the annual rentals now paid by the Government. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. STENGLE].

Mr. STENGLE. Mr. Chairman, I realize that in a few short weeks I shall be known as an ex-Member of this House. While I may appear to be somewhat premature in making reference to that fact at this time, I take this occasion to pay my respects to the comrades, my colleagues with whom I have associated during the past two years. My career in life has been of such a character that it has fallen to my lot to associate with many classes of people. Beginning early in life as a clergyman, passing from that calling into that of a newspaper editor and then as civil service director of the greatest city in the country and from there here, it has been my opportunity to rub elbows with all classes and kinds of manhood to be found in this country, and I say here in this presence that in all my travels, in the mixture of social intercourse, business relations, or professional associations, I have yet to find a body of men who are leading cleaner lives, who are more loyal to the Government or truer to their duties than those found among my associates in this body. I want you all to know as I pass out, of my own volition, from among you, that I take with me the very highest regard for my colleagues, and I shall go from this presence a better citizen and a more loyal American because of this association than I would have been had I remained on the outside.

But, Mr. Chairman, I did not seek this opportunity to deliver a eulogy over my colleagues nor to say farewell to my associates, but rather to bring to the attention of this loyal and faithful body of public servants conditions which surround another body of employees of the Government who are just as loyal, just as true, just as faithful as we ever dared to be, and I refer to the members of the Postal Service of the United States. I believe that I am as well qualified to discuss the life and work of the Postal Service employees as the average man in this House. Away back in 1905, as a newspaper editor, I was brought face to face with the deplorable conditions surrounding the lives and activities of our postal employees. It was then that I registered a vow and took upon myself the

opportunity to proceed from city to city, not as a paid propagandist, but as a volunteer, looking to the interest and welfare of the servants of our Government, to the end that there might be some provision made for the care and upkeep of the old and worn-out faithful servants of the Government, and I am proud to say that I have lived long enough to find that Congress has provided in a way a means by which the old letter carrier, the old post-office clerk, and other employees of the Government may retire from their labors before death shall take them hence. While we have opened that avenue of hope, while we have done something to alleviate to a limited extent the sufferings of old age, we have not yet gone far enough in providing for their care and upkeep, and I am hoping that before I step out of this House and into the shades of private life again it may be my opportunity to cast with you a vote which will widen the opportunity for providing for the superannuated in our national service.

Surely there can be none of us to object very seriously to that, because every dollar that is to provide for the increase of hopefulness, the foundation of financial support, is to be drawn from a fund which has been produced by the sweat of their own brows and saved by the Government into a great common fund to provide for pensions for their old age, and that fund now reaches the sum of more than \$40,000,000. Last year, after having before made some provision for the superannuated among us, Congress saw fit in its good judgment and in its wisdom to decide that those who are yet actively engaged in the Postal Service should have a compensation commensurate with the demands that are being daily made upon them.

And I rejoice that I sat with you last year and heard the roll call and found there were very few recorded as in opposition to giving a square deal to these faithful public servants, and if I remember aright when the final vote was taken in this House there were less than half a dozen out of the 435 Members who recorded their vote in opposition, and in the other body at the other end of the Capitol only three recorded themselves as opposed to giving an honest, decent livelihood to faithful public servants who carry the mail and look after that service. I thought then this was the end of an activity, that this was the final step that would bring joy and happiness into more than 300,000 homes. I have no desire to criticize our beloved President. Somehow or other in his wise judgment he found it incumbent upon himself to veto that good measure. I do not know what the final result will be, whether there is going to be much difference between one's feelings in May and in December or not, but I look with anxiety to the west end of this building and hope that there may be some way found, that there may be something done that will help relieve their suffering, that will render it unnecessary in the future for faithful public servants who rise early in the morning and swing the load of mail upon their backs long, long before some of us think of rising from our warm beds, dash out into the winter's blast or through summer's terrific heat, and do that which is the key to the opening hours of the day, either in industry or in society, to again be compelled to appeal for help.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of South Carolina. I yield the gentleman five additional minutes.

Mr. STENGLE. I say I hope that there can be some way found to provide a better living for these faithful public servants. I know somebody has said that in some of our smaller hamlets where you will find an occasional letter carrier the present compensation ought to be sufficient.

Mr. HUDSPETH. Will the gentleman yield?

Mr. STENGLE. I will.

Mr. HUDSPETH. Does not the gentleman think that on the 6th of next month some relief may be found in another body if a certain vote is cast in a certain direction?

Mr. STENGLE. I do, and I am hoping it will be cast right.

Mr. HUDSPETH. I am in favor of paying an additional salary.

Mr. STENGLE. I want to go further and say to my colleagues that when the final roll is called I trust that this Congress will see that an act of justice is done at our hands. There are to-day, my colleagues, in the city of New York men who are laboring in behalf of the Government as public servants, and at 5 o'clock in the evening they discard the uniform of public service and don the uniform of private cap service, and are driving taxicabs until the midnight hour in order to accumulate enough food and clothing to feed their families. They should get more pay. I urge justice for them, and I appeal to you in behalf of the wives and children of these faithful servants.

I believe in economy just as much as does the man in the White House, but even so-called economy is sometimes merely

a public waste. If I were to starve my horse in order to save the cost of feed, I might be saving corn or oats but I would be losing a valuable animal and suffer a loss much greater than any gain which might have come to me in grain; if I decided to give but scant feed to the pig in my sty in order to economize on the cost of upkeep, I would be hopelessly short of pork when killing time arrived; if I starved my family in order to pile up a bank account, I would most likely be brought face to face with a great deficit when the undertaker's bill was presented. You and I would doubtless call all of these the results of a "penny-wise and pound-foolish" policy, but not one of these acts on our part would be more foolish than to starve faithful public servants who are giving the very best that is in them for the public good. Surely the Good Book revealed the truth when it announced that "the laborer is worthy of his hire." Knowing my colleagues as well as I do, I have no fear as to what your decision will be when the opportunity is given us to decide whether the President's veto shall stand or not.

Mr. Chairman, lest we forget, I submit herewith as a part of my remarks a number of editorials from leading newspapers, all of which declared last year that we were serving justice best when we served the postal servants best. Surely, if it was right to pay decent wages a year ago, nothing has occurred since which would lead an honest man to change his mind.

[From the Chicago Tribune]

It is a fact generally admitted by the higher authorities in the Postal Service, reiterated by employees in the service, and emphasized in the daily experience of persons using the service, that a lack of sufficient high-grade help in the Post Office Department is a growing handicap. This lack of help is attributable almost entirely to one thing—insufficient pay. Capable men are not being attracted to the service as they were some years ago. Much of the work is being put upon the shoulders of temporary workers, untrained workers, substitutes, and other inefficient men. The necessary result is a deterioration of service.

Such a deterioration is a serious handicap to innumerable lines of business. Delay in delivery of letters, parcels, or other items of mail frequently may mean loss of contracts, business misunderstandings, and other damaging effects. The situation ought to be corrected in the general course of business stimulation and prosperity.

It can be corrected to a large extent by the simple process of passing the Kelly bill (H. R. 4123), which is now before Congress. It is nothing more than justice to the loyal post-office workers who were denied such a raise four years ago on the ground that living expenses were coming down.

[From the Indianapolis News]

The increases are the same as those asked for in 1920. It was believed then that the cost of living would soon decline. For more than three years the employees have been receiving pay that was then admitted to be inadequate. Even now the men do not ask that the increases shall be fixed on the basis of present price levels—and they are the only workers who have not insisted on this—but allowance is made for a reasonable reduction in prices.

In common with postal employees all over the country, Indianapolis postal employees believe that the Government should increase their pay. They have demonstrated to the satisfaction of the public that they are underpaid. This situation is bound to affect their work in spite of their sense of duty. A strong appeal is being made to the present Congress for a pay increase. While it is pledged to economy, it is not pledged to continued underpayment of postal employees.

[From The Springfield News]

It ought not to be necessary for citizens to urge their Representatives in Congress to do their utmost to secure the passage of the so-called Kelly bill, which seeks to bring about a more equitable compensation for postal workers. The situation at present is so manifestly unjust to the postal workers that our Representatives in Congress should be able to see through it at a glance without being prodded.

The Government expects much and gets it from the postal workers. But it is niggardly to the point of absolute stinginess in return. The postal workers are a most conscientious and efficient body of men. They are miserably underpaid. Their salaries have not advanced at all in comparison with the increased costs of living. The Kelly bill is designed to secure nothing more for them than fair and just treatment. The Members of Congress who will take the trouble to merely look over the salary provisions for these men will act promptly if they have any conception of what is required of this branch of the public service.

[From the Springfield Republican]

In the main, the Federal Government has proved needlessly and even stupidly stubborn in adjusting the remuneration of its serv-

ants to advanced living costs. The increases granted by Congress have fallen far short of overtaking the depreciated purchasing power of the dollar. The Federal Government, therefore, which should constantly be attracting into its various branches competent clerical, technical, legal, and administrative talent, has undergone the humiliation of seeing some of its essential services needlessly weakened.

The increase in efficiency, measured not by excellence of result but by the amount of labor performed per man, has probably in the past 15 years exceeded that of any other organization, publicly or privately conducted. The post-office workers realize that the country demands lower taxes, but they believe that an exceedingly small readjustment of parcel-post rates would not only make the department self-sustaining but provide for higher salaries.

[From the Springfield Union]

Is there anywhere in any other branch of the public service or in private employment, where a similar degree of intelligence is required, where the responsibility is as great, the work as important, and the labor as arduous, another example of such inadequate compensation and such failure to recognize and reward faithfulness, efficiency, and devotion to duty as in the Postal Service?

It is a shame and a disgrace upon the Government that these faithful, conscientious, and hard-working public servants, in one of the most important branches of the public service, should receive such shabby treatment. Here is a situation which should command the sympathy of every Congressman and enlist his prompt aid in the correction of a manifest injustice. And it must be done soon if the entire Postal Service is not to be disorganized and disrupted.

[From the Boston Herald]

We hope the Representatives and Senators from New England will exert all possible energy in trying to obtain for railway mail clerks, letter carriers, and most, if not all, other postal employees a substantial increase in compensation. It is now altogether too low. It is out of keeping with other services, both in public and private life. Postal employees are without the weapons, through the strike and other forms of concerted action, for obtaining advantages which other large groups of the world's workers enjoy. On that account it is all the more incumbent upon the public, acting through its Federal Government, to treat these efficient representatives of the public welfare decently and generously. Now it is doing neither.

[From the Providence News]

The callousness of Senators and Representatives is astonishing. They know that the pay of the postal men can not in any way meet the rise in the cost of living. They concede that there ought to be a revision that will take care of the railway postal clerks and all others, but they do nothing. The employees, especially those who are married or have dependents, feel that pinch of this economic problem every day of their lives and they also recognize keenly the injustice of which they are the victims. The people of every State ought to demand that proper compensation be provided, in a special bill if necessary, and in Rhode Island they ought to write to their Members of Congress asking that a direct step be taken to adjust the pay of the employees. Every postponement of action is national dishonor. It means that women and children are deprived of necessities of life and that the men who do the work in the service have to retrench at every point to keep out of debt. The adjustment salary bill for the employees ought to precede any action on the bonus, and, in fact, lead all legislation at the National Capital.

[From the Portland (Me.) Press-Herald]

The claim of the clerks and carriers for more pay is based on justice; and consideration has been earned by good service at prevailing low pay. These people had no share in the higher, even prodigal, compensation that was paid during the war. Their burdens were heavier, their work more exacting; they worked on, serving the public that demanded so much from them, and their pay was not increased. The public demand on their service is growing each year. The public expects its mail to be handled with promptness and free from mistakes. It has been getting a very great deal of good service from its clerks and carriers; and has given them scant consideration and poor pay. The public wants good service and is willing to pay decent salaries for it.

[From the Bridgeport (Conn.) Post]

There is no question that the postal employees are underpaid, and that, in fairness to the Nation as well as to the postal workers, salaries must be raised. The service has been patient too long. It is fully justified in its request for higher pay.

[From the Atlanta Journal]

The demand for legislation on this subject is by no means confined to the postal employees; the press of the country in general seems to have been aroused over postal conditions. Many of the leading journals are moving in support of Congressman Kelly's bill, which goes to the heart of the evils that afflict the service, wrecked by war, and that most incompetent of postal officials, the late Postmaster General Burleson.

The question, "Why don't these people go at something else if they can't live on their salaries?" is often met with. No intelligent man ever asks it. The capital of most postal employees is their specialized education obtained by years of service, and which would be sacrificed by a change of occupation. That the postal employees have been faithful is conclusively shown in the latest published summaries. The revenues of the Post Office Department for the fiscal year ending June 30, 1913, were \$206,619,525.65, while on June 30, 1923, they were \$532,828,000. While the revenues of the department have increased 100 per cent, the volume and bulk of mails have more than doubled during that same period, according to the official reports of the Post Office Department. Yet with this great increase in volume of mails and revenues, the number of railway postal clerks is practically the same to-day as during 1913 and 1914. The total number of railway postal clerks has not increased since 1914, while the number of road clerks has actually been reduced by 2,401 during that period, indicating beyond any doubt that the earning power of railway postal clerks has shown a great increase over 1913.

[From the Greensboro (N. C.) Daily News]

All branches of the service are manned by men who average high in industry, intelligence, and efficiency. They are the employees of a Government notoriously extravagant. Without a sensible burden on the public, postal revenues could be increased at any time sufficiently to provide the most generous scale of pay. The men in every department are compelled to work for a bare living wage; by all standards they are underpaid and have been for a decade.

If Congress elects to be consistent, which it does not always do, the increase will be granted as asked; for when, four years ago, they first asked for this relief they were given a small increase and assured that the cost of living would soon decrease. Statistics of the Federal Bureau of Labor show that the average cost of living during September, 1923, was 72 per cent higher for the country than the average in 1913. Food was 49.3 per cent higher; clothing, 76.5 per cent higher; housing, 64.4 per cent higher; fuel and light (excluding electricity) was 81.3 per cent higher. The average loss to each clerk who has been in the service since 1913 thus figures out about \$5,000.

Considering the history of the past decade of their service, the people of the United States, through their Congress, might well treat the postal employees generously at this time to make amends. They do not, however, ask for generosity; they merely ask for simple justice.

[From the Richmond (Va.) News-Leader]

The Kelly bill for the relief of the men in the Railway Mail Service is an unescapable test of congressional justice. The Railway Mail Service affords, perhaps, the country's most striking example of increased productivity at a time when the ignorant have been giving ear to the ruinous doctrine of restricted output. During the last 10 years the bulk and volume of mail have doubled, as have postal receipts. This has meant increasing demands on the Railway Mail Service. More mail had to be handled. Greater speed was required. Yet, for all the increase in load they have carried, the Railway Mail Service has fewer road clerks by 2,401 than in 1914. While some of the reduction in personnel can be attributed to changes in the operating system, most of it must be credited to the skill of the Railway Mail Service and the willingness of the clerks to do more work in less time. Is Congress to reward this spirit on the part of the employees long renowned for loyalty and efficiency? It is unthinkable that Congress will refuse.

[From the Atlanta (Ga.) Constitution]

The work of railway postal clerks is one requiring exact knowledge of mail routings, a particular precision of hand and eye, an especial application to the job in hand, despite a swaying floor in a speeding tight-closed workroom. Added to these technical requirements, railway mail clerks are continually exposed to the hazards of train wrecks, train robberies, and kindred dangers that lurk along the iron ways of commerce.

They must be trustworthy in the extreme, as huge sums in currency and jewels, in negotiable papers of various kinds, in wealth of all descriptions are under their care as they are being transported. The working hours of railway mail clerks are irregular and require much absence from home. There are few tasks more arduous or more exacting than the work of the railway mail clerks. It is a highly specialized calling, and if ever men deserved good pay they do. Congress, we hope, will find a way to do this much-deserved justice.

[From the Memphis (Tenn.) Commercial Appeal]

The Commercial Appeal year in and year out has lots to do with postal folk. They never fail us. They do their work cheerfully. They do it most efficiently. They are not as well paid as they should be. They do not receive as much pay as men doing less important work. They ought to have enough to live decently, pay for some life insurance, and educate their children. The United States Government should adjust the postal salaries to a higher basis.

[From the Durham (N. C.) Herald]

The Post Office Department is essentially a public-service institution. Its main purpose is to render service, and the public is willing to pay for that service. It was not intended as a money maker. Of course, it is essential that economy be used, but only as a preventive of waste, and never at the expense of the service. Most any administration of recent years will point with pride to its Post Office Department and say, "Look what we have done!" But there is another side of it. Whatever has been done in the way of economy has been at the expense of the welfare of the postal employees.

In view of the high type of men required to handle the mails, and the work that goes with that job, and the constant study that they must keep up if they hold their jobs, their request as embodied in the Kelly bill is indeed reasonable and should be granted by Congress without further delay.

[From the Greenville (S. C.) Daily News]

Nobody wants a Congressman coming home shouting that he saved the Government some money at the expense of underpaid employees when they know that at the same time the Government is wasting millions on useless things. The American people are bigger than that.

[From the Winston-Salem (N. C.) Journal]

It is remarkable that the postal system is able to render the quality of service it does when its employees are paid such small wages. With the rise in the cost of living that came close in the train of the World War the postal employees were hard hit. Prices mounted higher and higher, while for years there was no increase in the salaries of these workers. When at last Congress did grant an increase it was small and wholly inadequate. Many employees quit the service. The others held on, loath to desert their posts, and lured on by the hope that things would get back to normal.

Now the postal employees are asking for another moderate and reasonable increase. It ought to be granted. There are other ways in which money can be saved. The maximum pay in the Postal Service is entirely too low. The Post Office Department is one of the most remarkable institutions in the world.

It is remarkable not only for the volume and importance of the business it does, but also because of the low pay its employees receive. It is high time that this last feature be wiped out. Then the efficiency of the service would be augmented and the conscience of the Nation would enjoy a peace that would come with the consciousness that this group of public servants is paid enough to insure a decent living.

[From the Macon (Ga.) News]

There is a general demand for retrenchment in Government expenditures, but it does seem to be a fact that the railway mail clerk has been the step-child among Federal employees for a great many years. There is more than passing merit, therefore, in the demand for relief which will be made for this class of employees when Congress assembles.

The railway mail clerks, like the rest of us, had pretty hard sledding under the late unlamented Burleson, but it can hardly be claimed that they have had full justice since that time. When they asked for adequate increases in 1920 they were told that the cost of living would probably be down to the pre-war basis in a few years, but this has not been the case, and the railway mail clerk's monthly or yearly salary to-day buys less than it did before the war.

In the meantime the volume of mail has doubled since 1913, due largely to the increased popularity of the Parcel Post Service. The number of railway mail clerks has actually diminished. Fewer men are doing twice as much work as they did before the war with less purchasing power for their day's work.

[From the Charlotte (N. C.) Observer]

A Pennsylvania Congressman is presenting a bill by which increases of from 10 to 20 per cent would be allowed all railway and post-office clerks, letter carriers, and rural route service men. These classes have had their minds hopefully upon something of this sort for a dozen or more years. They are the last men in the lists for the increased salary movement to reach. The country will hope with them that the efforts of their Pennsylvania friend will prove successful.

[From the Florida Fruit Grower]

The postal employees deserve better of their country. They are among the cleanest of citizens and yet their pay is not much better than that of a common laborer. The salaried people surely have been hard hit by the rise in the cost of living. Labor gets its \$6 to \$10 per day but the postal employee, mail clerk or carrier, receives \$6 as a maximum, which comes only after long years of service.

[From the Norfolk (Va.) Pilot]

The importance of the Postal Service and the fact that postal employees have no means of increasing their compensation except by an appeal to Congress bespeak favorable consideration for the Kelly bill, which proposes a general advance in postal salaries. No class of workers occupies a more useful relation to organized society in general and to commerce in particular than the men who handle our mails. Few classes of workers perform their assigned tasks with as little complaint or as little effort to promote their own selfish interest. The appeal in behalf of the Kelly bill makes it incumbent on Congress to review in detail the rates of compensation now in force for all grades of postal employees and to determine their adequacy by reference to ordinary standards of living and by comparison with the salaries paid for other classes of work requiring equal ability and similar qualifications.

[From the Richmond (Va.) Times-Dispatch]

Four years ago the postal clerks asked Congress for a moderate increase in pay because they could not live at all under the existing scale. Congress, spending money for everything else suggested by almost anybody else, granted them only a small increase on the theory that the high cost of living would soon decrease sufficiently to make that increased pay adequate. The cost of living has not decreased to that extent, as everybody knows. Therefore, the postal employees are asking for another moderate and reasonable increase. How it can be refused, if it is refused, is one of the mysteries of the congressional mind.

In 1913, according to estimate, the revenues accruing to the Post Office Department were some \$266,000,000; in 1923, they were some \$330,000,000, which indicates, of course, something like an equal increase in the amount of mail handled. Yet, because of the ridiculous and shameful pay scale, the number of employees classed as postal clerks has been reduced, and those remaining must do twice as much work, with a comparatively small increase of pay.

[From the Lynchburg (Va.) News]

The movement now under way to bring about a reasonable increase in the salaries of railway postal clerks squares with the justly conceived, intelligently predicated public policy. When the present cost and standard of living and the nature and the value of the service rendered by these Government employees are taken into account their case fairly bristles with compelling qualities. For it reveals an altogether inadequately compensated force of Government workers. When measured by the purchasing value of the dollar, the salaries now paid to the several grades of clerks represent in substantial effect a considerably less return than was afforded by the 1913 or pre-war wage.

Aside from these considerations, the rapidly developing efficiency of the Postal Service attests an increased productivity that may be said to have fairly earned a considerable increase in the salary scale. It shows that even if considerations of moral justice are eliminated from the equation, and the matter is regarded exclusively from a cold, practical business viewpoint, the employees of the postal branch of the public service come into court with an impregnable case when asking for the modest increase in their scale of remuneration which is embodied in their legislative program. It should be borne in mind that efficiency and its gratifying fruits such as have been realized in the Postal Service during the past several years can not be maintained if the Government persists in a policy involving insufficiently paid employees.

It is not easy to believe that Congress will prove indifferent to the force of these plain and important considerations, affecting at once the obligations of the Government, justice to its employees, and the interests of the American public—we may say the right of the American public to enjoy a steadily improving administration of the mail service. In this connection practically every man and woman in the United States is naturally and properly concerned.

[From the Chattanooga (Tenn.) Times]

It is argued that the postal employee is a "skilled laborer," which can not be controverted in the vast majority of cases, and it is shown that the salary he receives "would be scorned by skilled workmen in other lines," the charge being made that in many instances "the wife and mother must work to supplement the pay of the postal employee in order to provide properly for the family's needs and the imperative

training of the children." The appeal of the men concludes with the statement: "All that we desire is sufficient salaries to permit a proper standard of living for ourselves and our families, which means provision for the comforts and decencies which go to the promotion of better habits, the development of a higher self-respect, the opportunity for educating our children to the end that all may become more potential in the scheme for making better citizenship."

These are all laudable ambitions and worthy of the highest consideration. If the facts are as related by these employees—and there is no reason to deny them—the Congress will be derelict in its duty to the men composing one of the most important branches of government if it shall reject the appeal these men are making.

[From the Bristol (Va.) Herald]

The postal employees of the country are asking the Government for an increase in salary because the salaries now paid them, which were fixed by Congress nearly four years ago, are not only inadequate for the importance of the duties performed but are not sufficient to properly enable these employees to live in accordance with their proper needs. Possibly some would say that if the postal employee can not get a living wage in his chosen calling he should find some other occupation, but that is not the right view to take of his case. No man desires or should be asked to give up a work for which he has spent years qualifying himself and which he is competent to perform and try his hand at something else. Besides, it is necessary to enroll high-grade men in the Postal Service in order to maintain a proper standard of efficiency; and if the men now in the service should leave it the Government would have to find men to take their places, and in all probability it would have to pay them higher salaries if it could secure them.

Salaries of postal employees are fixed by Congress, and Congress should know that the salaries now paid are not adequate. The postal employees are appealing to the people to help them get a living wage. The people should give due consideration to the appeal.

[From the Atlanta Georgian]

Two bills have recently been introduced in Congress, both of which provide for readjustments in compensation of employees of the Post Office Department. One of the bills was introduced by Representative CLYDE KELLY, of Pennsylvania; the other by Representative CALVIN D. PAIGE, of Massachusetts. While both bills provide for increases in salaries for these faithful and hard-working public servants, the increases, if granted, will hardly measure up to the compensation they in all fairness ought to receive, considering the skilled work they perform and the purchasing power of the dollar in this day and time.

The output in labor upon the part of postal employees is higher to-day than ever before. The volume of work has increased much faster than the number of employees, and for this additional labor postal employees have not received additional compensation. The habits, standard of living, education, and environment of Government employees and their dependents must reflect credit or discredit upon the Government of which they are an intimate and responsible part; and the people, through their Representatives in Congress, should see to it that such employees are fully paid for their faithful service.

The people could not do a greater service to themselves and to their faithful and hard-working public servants than to grant the increase in compensation provided in the measures now before Congress, and the Georgian bespeaks for all postal employees the immediate and favorable consideration of this very meritorious, though belated, recognition of faithful and devoted service.

[From the Columbus (Ohio) State Journal]

In his annual report the Postmaster General recommended a more equitable payment for the postal employees when working overtime, but he was silent on the increased pay for regular service. His suggestion was fine as far as it went but he might have gone further and lost no merit. The claim of the clerks and carriers for more pay is based on justice, and consideration has been earned by good service at prevailing low pay. These people have no share in the higher, even prodigal compensation that was paid during the war. Their burdens were heavier, their work more exacting, they worked on, serving the public that demanded so much from them, and their pay was not increased. The public wants good service and it is willing to pay decent salaries for it.

[From the Cleveland (Ohio) Plain Dealer]

The United States Government can not afford to pay its postal employees less than enough to keep their ranks recruited with capable, self-respecting men. This means a salary level high enough to permit proper living standards for themselves and their families.

Postal workers in Cleveland are starting a movement to persuade Congress to authorize an increase in salaries for men in their branch of Government service. And to meet the criticism that the post office

now loses too much money to justify a larger salary expenditure the Cleveland men suggest that parcel-post rates, now far too low to meet the cost of the service, be advanced.

It was but a small concession the Government made in the postal salary increase in 1920, the expectation being that the cost of living would soon descend. This hope has not been fulfilled, and postal salaries remain wholly inadequate.

This is not a matter between the employees and the Government alone. Business demands efficient postal service. Delay in handling and distribution of mail because of inadequate personnel costs the country each year an amount probably as large, if not larger, than the salary increase sought by the workers.

[From the Cleveland (Ohio) News]

While we pass derisive comment on what Bolshevism, inflation, repudiation, and other consequences of war have done to rubles, marks, francs, lire, and pounds, we shall do well to note the condition of the dollar. The Department of Labor, for example, has just been reminding us that the dollar value has fluctuated a bit in the last 10 years, sometimes getting as low as 40 cents. Even now, according to the Government statisticians, a dollar's purchasing power is only 65 cents as compared to 100 cents in 1913.

The Railway Mail Association decided at its recent convention to ask Congress for more salary—at least \$2,600 a year for distributors and \$2,800 for clerks in charge. We hope they get it and shall do what we can to that end. It is far too little to pay nowadays for skilled labor such as is expected of railway mail handlers. Postal service is not above improvement; fair pay for good men would improve it more than costly airplane routes. Moreover, a government that does not preserve its 100-cent dollar from depreciating to a 65-cent or a 40-cent value should be first to pay its employees enough more dollars to protect them from loss.

[From the Buffalo (N. Y.) Evening News]

Representative KELLY, of Pennsylvania, has introduced a bill in Congress to advance the maximum pay of a carrier from \$1,800 to \$2,400 a year. He would make provision for this increase by reclassifying parcel-post rates. He maintains that this can be done without making the rates burdensome to the public. Whether this is the best way to adjust the matter remains to be determined. If it is, all right. If it isn't, then let some other way be found. These faithful public servants ought to receive a decent living wage.

[From the Buffalo (N. Y.) Evening Times]

Postal employees throughout the country are asking for a raise in pay to enable them to keep step with the cost of living.

They are entitled to it and should get it. Never was an argument more convincing, conclusive, and consonant with the requirements of justice than that upon which these faithful workers for the public base their request.

During 16 years the total advance in salaries of the post-office forces of the Nation has amounted to but 50 per cent over the rate of 1907. That is no more than half the increase in the cost of livelihood, and it is less than half what skilled wage earners in industrial occupations and other private employ have been receiving.

One hundred per cent rise in the cost of living, 115 per cent and upwards for the wages of skilled labor in the mass, 50 per cent for the postal employees—that sums up the arithmetic of the case.

Figure it out for yourself. You won't have to do much figuring. Any way it is looked at it is impossible under existing conditions for the Postal Service man to obtain an adequate subsistence for himself, bring up his family in reasonable comfort, to say nothing of saving something for a rainy day.

It is a state of affairs that should be remedied and that speedily. Congress should lose no time in giving heed to the petition of the postal employees and to the comprehensive and fair-minded public opinion that backs them up in their appeal.

[From the Rochester (N. Y.) Democrat and Chronicle]

We have classical authority for the statement that republics are ungrateful. Our own country is not entirely free from criticism in this respect. Sometimes this apparent lack of appreciation, to use a more euphonious term, is the result of thoughtlessness or carelessness, and sometimes it comes about because of mistaken judgment. It is probably due to one or the other of all of these causes rather than any conscious failure to do justice that the thousands of postal employees have been neglected in the matter of pay. But whatever the cause may be the result has been a grave injustice to the faithful group of Government workers.

This is not fair. It is injustice. Undoubtedly it would require the expenditure of considerable money to equalize the pay of postal employees so that they might be on a par with the other workers of the country. But that would not be as lamentable as a continuation of

this manifest unfairness in their treatment. There are ways in which economy in Government finances may be promoted, but it is not economy but parsimony to withhold from faithful and hard-working men the means of a decent living. When the letter carriers ask for a square deal in the way of wages they are asking that which is their due. It is to be hoped that Congress will see the matter in this light and be quick to put an end to a situation which is no credit to the Government.

[From the New York Telegraph]

A bill will be introduced at this session of Congress providing for an increase in the salary of postal employees. It should pass. Postal employees have the same calls upon them that are made upon other folk. They pay as much on an average for rent; they find it no less expensive to rear their families; they are not favored by butcher, baker, or candlestick maker. We do not intend to go into any extended praise of the service rendered, but it is pertinent to say that the post office is wisely administered and that its army of employees functions every minute of the day. Efficiency is perhaps more highly developed than in any other governmental department. Regularity of delivery is taken for granted. The people have confidence in the service, and they should be willing to pay reasonably for that service. We hope to see the measure for relief pressed to an early passage.

[From the New York World]

This Congress should give some attention to the pay of the Government's post-office clerks and letter carriers. It is demanded by the good of the service as well as by decent dealing.

The present maximum pay of letter carriers is \$1,800 a year. This may be a living compensation in country towns where rents and other necessary costs are relatively low, but it is inadequate in the large cities; and for New York, with its crushing expense of housing, it is almost grotesquely inadequate. How is a postal clerk or letter carrier to maintain a family in decency on such pay?

But humane considerations do not alone govern. Little as the Government can afford to ignore these considerations. The Post Office Department can not do its work efficiently or sufficiently. It can not command good service when other employments are paying more. Its best men are drifting away from it wherever opportunity offers, and when that is lacking they are taking on outside work which overtaxes their strength and diverts their energies. Everybody in this city, at least, knows how that is from the steadily declining quality and promptness of the service.

The Postmaster General recommends a more equitable adjustment of pay for overtime. This is well as far as it goes, but Congress will be asked to raise the pay to \$2,400 a year maximum, which more adequately meets this pressing need and should have active consideration.

[From the Albany (N. Y.) Times-Union]

An imperative duty which Congress should hasten to perform at its current session is the enactment of legislation increasing the salaries of employees of the Post Office Department. The compensation received in all branches of this service is wholly inadequate to meet the requirements of the high cost of living and every principle of fair play and justice demands that this condition be rectified. No employees of Uncle Sam serve with greater fidelity or render more arduous service than the men who handle the mail of the Nation, and they certainly are entitled to remuneration commensurate with the volume and importance of the work which they perform. The movement for this most necessary wage increase is nation-wide, for there is universal recognition on the part of the American people that the letter carriers and mail clerks and post-office clerks and members of the other branches of the mail service should receive salaries higher than those which are now paid them by the Federal Government.

The United States Government has circulated a report drawn by an economic expert which says that \$2,300 are required yearly to properly maintain a family of five persons, yet this same Government is paying the employees of its post-office service several hundred dollars a year less than the figure it tells the American people in this report is the amount of money that should be expended for the support of the family of average size. Just where the consistency resides in this condition it is surely difficult to see. The inadequacy of the increases which the post-office employees have received is perceptible at a glance. The increase of \$200 in wages granted by the Moon-Madden bill in 1918 constituted a raise in the purchasing power of the dollar to 11.6%, or just 16% per cent, whereas in the month in which this bill became a law the dollar declined in value to 51 cents. In fact, the postal employees since July 1, 1913, have been receiving an average pay of \$1,450, an increase over their 1907 salary of just \$250 per year, or 20% per cent. In numerous cities the post offices have lost many of their employees who could not afford to stay in the service at the salaries which the Government is paying.

These conditions should not be permitted to continue. The Federal Government should pay salaries to its post-office employees which will enable them to meet the existing high cost of living and to properly

support and maintain their families. This is simply justice. There is no reason why the Government should shirk its responsibility and its duty in this connection. The Post Office Department employees in every branch of its service are deserving of the utmost consideration. Their duties are exacting, are multitudinous, are most important. And yet these men are woefully underpaid. It is hoped that Congress will take up this matter at once and enact legislation to wipe out this injustice—to adequately compensate these public employees.

[From the Philadelphia Inquirer]

Better pay for post-office employees is so obviously a matter of justice that Colonel Kemp's advice to his staff to press for it is timely. Unless something is done while the appropriations are pending, postponement will be inevitable. The Government is notoriously slow in doing justice to its servants in this respect, though it can be lavish enough in other directions. The time is one for economy, of course, and many things otherwise expedient must be postponed in consequence. But there is no economy in paying less than a living wage. Salaries in the post office have not begun to keep pace with the cost of living.

What gives the clerks and carriers a stronger claim upon consideration is the fact they have not allowed their discontent to demoralize the service. It may be doubted if the increase of labor per man has been as great in any other department or in any private employment. The growth of the business has been so marked that the revenues have practically doubled in 15 years. Yet the working force is hardly 25 per cent larger. This means that the individual members have much more put upon them than they used to have. It is surprising that the morale of the force has not suffered more. But there will be an inevitable loss of efficiency as the older employees retire, since the present salaries can not attract to the service the kind of men it needs.

The primary aim of the Post Office Department is to give service, not to make money. It does not appear, however, that higher pay for employees would mean a serious deficit. The employees themselves believe that a very slight readjustment of the parcel-post rates would make the department self-sustaining, even with higher salaries. If this could be done without imposing upon the business of the country a too heavy burden, there could be no great objection to it. But something must be done in the name of justice for a hard-working and faithful body of Government employees.

[From the Detroit Free Press]

The country expects prompt, efficient, accurate, and honest service from its post-office clerks and carriers and generally it gets what it demands. But in return for their faithful and intelligent work the postal employees as a whole receive salaries so meager that they would scarcely attract an unskilled laborer, and are distinctly below what is considered a fair living wage. In cities such as Detroit, where costs are high, the post-office worker who attempts to support a family on his stipend is close to want most of the time.

Such a situation as this can not continue. Either Congress must come to the rescue with substantial pay increase, or the service is going to suffer serious deterioration. Indeed, it is little short of a marvel that the morale in the Post Office Department has been maintained up to this time as well as it has. The one possible explanation of the success of the department heads in preventing demoralization is the fact that the postal employees for the most part are Americans with high ideals regarding service and faithfulness. They stay on out of pride and from a sense of patriotic duty.

There is, however, an end to all devotion, and signs which indicate that this end is being reached among postal employees are plentiful. Postmaster John W. Smith in discussing the local situation in the columns of *The Detroitian* says:

"Fifteen years ago, men were voluntarily transferring from the police and fire departments into the Postal Service. To-day postal employees are going into other lines of work to the detriment of the Postal Service. Uncle Sam has no chance to retain a good man. He does not pay enough.

"For 14 months the Detroit post office has been unable to hold a single civil service examination for carriers and clerks for no other reason than that the salary inducement is so low in comparison with the starting point in other classes of work that few are willing to undertake the jobs.

"A conservative estimate would place the number of clerks and carriers in this city who are to-day ready to quit their jobs and go into some other business in which they can earn a living salary at 75 per cent. Three-fourths of the employees to-day are simply holding on to the jobs in the hope that Congress will take some sort of measures to relieve the present conditions."

There is no reason to suppose that the situation in Detroit is peculiar to the community. The condition here is substantially the condition in other large centers. The postal employees are at the limit of their patience, as they have a right to be. And unless they get decent pay increases soon, they are going to quit wholesale and let the country whistle for an adequate and dependable postal service.

The postal employees certainly ought not to be forced into any such action. Congress will have to reckon with an indignant people who are about to engage in a general election if it allows the matter to go any further.

The people of the United States want economy in government, but they do not want penuriousness that results in "sweatshop" pay standards and ruins a branch of the public service whose maintenance at a high point of efficiency is absolutely necessary to good commercial and industrial conditions.

This country needs to cut off every legitimately avoidable expenditure, but it can not afford to grind the faces of those who serve it faithfully and well.

[From the Detroit News]

The postal employees have always possessed, and still have, an esprit de corps, a pride in the service, unequaled in any other public department. This is now in danger. A country can not starve its employees and expect them to remain proud of their jobs. It is nothing short of a miracle that a great deal of the old spirit still persists in the Postal Service, that brains distracted by a fierce struggle to make both ends meet devote themselves day after day to improving postal efficiency without any other reward than a consciousness of duty well performed.

To be sure, there is a huge annual deficit in the Post Office Department. But this has nothing to do with the pay of postal employees. If the postal rates were doubled, the deficit might be wiped out. But the people have never held that the Navy should be paid for by our sea-coast communities, or that only those who send mail should bear the entire expense of the post office. The receiving end is just as important as the sending, and the service is not so much individual as it is communal. Efficiency is thus not a local, but a national question; and the entire Nation, as receivers of service as well as originators of it, should foot the bill.

There is no question that the postal employees are underpaid, and that, in fairness to the Nation as well as to the postal workers, salaries must be raised. The service has been patient too long. It is fully justified in its request for higher pay.

[From the Seattle (Wash.) Times]

The reasonable request of the postal employees for an increase in salary should be granted by Congress without delay. Two worthy purposes would be served by hastening this somewhat overdue legislation—recognition would be given a large group of faithful and efficient employees not now adequately paid, and the service itself would be strengthened. In addition there is the sentimental reason that the American people want to see the mail carriers and the clerks well treated.

For many years the low salaries paid postal employees were something of a reproach on this great Nation. It took changed economic conditions incident to the war in Europe to bring the country to a realization that the cheery, plodding, faithful man who brought the letters every day had children at home who must be clothed and sent to school and a wife who struggled bravely to make the meager pay check from Uncle Sam stretch over a month.

When the public began to take an interest in the case of the mail man and of the clerk in the post office, Congress heard from home. That interest and the fact that the Postal Service no longer was able to keep its best men brought about an adjustment of salaries and a reclassification.

While something was done during the war, the sum total was insufficient. Congress moves slowly. Sometimes it appropriates money lavishly and at other times it displays amazing parsimony. In the case of the postal employees Congress exhibited great frugality. Therefore they are compelled to come back for bare justice.

If there were no other considerations, it would be good business to pay the postal employees better salaries. The Postal Service is doubtless the greatest single business in the world. During the last decade the receipts increased 100 per cent and the weight of the mails doubtless was many times greater. In spite of this tremendous expansion the force of letter carriers was increased only 27 per cent. It meant heavier packs and harder work, but the force uncomplainingly assumed the new service obligations.

The post office is indispensable to our social and economic welfare. We require men to be technically trained almost beyond belief. There is increasing pressure for better service, yet with the low wages men are constantly leaving. The net result of the present policy is a breakdown of the service.

Postmaster General New well stated the postal policy of the United States when he said:

"I believe that the primary function of the department is to render service. Service should be efficient and satisfactory. It should meet the reasonable demands of business and social life. Its cost should be regulated by careful administration along lines of business and economy.

"When this is secured the question of a strict balancing of expenditures with receipts becomes of secondary importance."

In the case of the postal employees good service and the requirements of simple justice call for better pay. They should have their increase without quibbling or bickering. Public opinion will support Congress if the bill now pending is passed and will demand an accounting if it is not passed.

[From the Seattle (Wash.) Post Intelligencer]

Postal employees occupy positions of public trust and confidence that should entitle them to better salaries, aside from the fact that their duties often require long hours of fatiguing work. The Government has been fortunate in securing the services of a high type of faithful citizens, who have given of their best, regardless of the fact that they are underpaid. They should encourage these men to remain in the service by giving them adequate pay.

[From the Kansas City (Mo.) Star]

Postal employees are efficient workers, engaged in a service vital to the country. They are chosen by competitive test, not by political preference. Almost without exception they are faithful, loyal, and devoted to the service.

Yet these men are underpaid. They have not received a living wage in more than 10 years. While living costs increased since 1913 to as much as 100 per cent in 1920, and now stand more than 65 per cent above the level of 10 years ago, the wages of postal employees have been advanced only 10 to 20 per cent.

It can not be expected that the more competent men will remain indefinitely in the Postal Service or that efficient men will be attracted to it unless the wage scales are adjusted to a reasonable basis in keeping with present living costs. The interests of the country at large, as well as justice to these workers, demand the change.

[From the Kansas City (Kans.) Kansan]

During the entire period of the war, while skilled and unskilled labor alike was advancing phenomenally in wage scales, the postal employees, or, in other words, the largest group of skilled workmen in the world, received not one penny advance. These men are asking for and have a right to have what appears to be, in view of the increased cost of living and altogether unprecedented conditions brought about by the war and subsequent adjustments, a very modest figure for a "living wage." There can be no question as to the justice of the demands the association is making.

[From the Post Dispatch]

No body of men and women work harder or more faithfully than those in the Postal Service. The demand upon them is constant, and at times very severe. And the comparatively few exceptions prove that, on the whole, the service is efficient, in spite of repeated charges that Government service is less competent than other lines of work. The eye of the public is always upon the postal workers, and we seldom have cause for complaint, either on account of slowness or inefficiency.

The brief submitted to the St. Louis Chamber of Commerce asserts that the local postal employees have not had an adequate increase of pay since 1913. A recent estimate showed that the purchasing power of the dollar to-day is about 60 cents. As the workman is worthy of his hire, the plea of these public servants should be heeded, to the end that they shall receive adequate pay, and that the service shall be maintained on a basis that will not only satisfy the workers but induce competent men and women of character to seek employment in the postal department.

[From the St. Louis Times]

The compelling argument that opportunities in private business are endangering the Postal Service would seem to contain the right appeal to Congress in support of a plan to increase the pay of the men who make up that service. It has long been a matter of common knowledge and general admission that the Postal Service has not been short of wonderful in its efficiency. It has proceeded on its vast way with no heating of the engine, no jolting of the brakes, no slow leaks. It has been and is the right arm of business.

The proposed laws will not only regulate salaries but will make the future of long-service men attractive by the increase of retirement annuities, these payments to be made from a fund that will be created by deductions from the pay of the men in the work. If the pending bills become laws there will be an instant tendency to stay the drift out of the profession, to raise again the standard of admission. In a word, the old-time efficiency of the Postal Service will be insured.

[From the Des Moines (Iowa) News]

Now the postal carrier, along with other postal employees, is petitioning Congress for an increase in salary. He thinks he is entitled

to enough money to keep up with the rising cost of living. He is not asking any reward for his loyalty or his fidelity to duty, although he merits consideration on those points alone. He merely wants enough material returns to maintain a proper standard of living. He does not believe his present salary permits of that.

The postal employee is right. He does deserve more money. Congress ought to give it to him. He has a right not only to enough money to keep body and soul together; he merits enough more to procure those modest comforts which make life worth living and enable him to maintain a certain degree of self-respect.

Postal employees have earned and are earning this reward. If this were not true, the case might be different. But Congress, if it grants this request, will not be making anybody a donation. It will be merely paying a debt long due to a loyal, efficient, and hard-working branch of the Government service.

[From the Providence (R. I.) Journal]

The added cost of the Postal Service annually in increased compensation and allowances is estimated by the author of the measure at \$100,000,000. Chairman MADDEN, of the House Appropriations Committee, has expressed the opinion that it would reach more than twice that sum. Mr. MADDEN, as guardian of the Federal Budget, naturally wants to be shown where the revenue to meet the new expenditure is to come from. Mr. KELLY is prepared to enlighten him—revise the parcel-post rates upward. Regardless of this particular measure, of course, parcel-post charges should be overhauled. The package business ought to be profitable for the Government. It always was for private concerns, and is now despite Government competition. The schedules chiefly benefit mail-order houses.

The Kelly plan of compensation readjustment is mainly grounded in the fact that in 40 years there has been an increase of but \$400 in the maximum salary of postal clerks and carriers. Manifestly, the race with the cost of living has not been on anything like equal terms.

[From the St. Paul Pioneer Press]

Both of these measures should be passed. When the last reclassification was made in 1920 postal employees were denied the full increase to which they were entitled, on the theory that the cost of living would presently decline. There has been no decline to justify the continuance of present wage levels in the service, and in fairness to the employees these increases should be granted. Considering the character of the work which these men do and the remuneration to be had in other forms of employment, these new scales represent no more than bare justice. Certainly the efficiency of the service can not be maintained under the old.

The work of the Postal Service has been multiplied in recent years. Some place the increase so high as 100 per cent in the last decade. Meanwhile there has been only a negligible increase in the number of employees. In some branches, as in the Railway Mail Service, there has been actually a decrease. The increase is therefore not only essential to the men, and therefore essential to the commerce which is affected by the efficiency of its Postal Service, but has in fact been earned. Some very slight readjustments in the parcel-post rates, which the Postmaster General is authorized to make, should easily provide the new revenue without causing injury to any interests.

[From the Detroit News, February 12, 1924]

It is a peculiar characteristic of Congress that caution and parsimony are most in evidence where the public service is most vital. Such necessary activities as the Postal Service and the Patent Office literally have to beg for years on the doorsteps of Congress for the means of scant living, irrespective of how many millions Congress may be passing for diverse activities of less importance to the American people.

The favorite escape Congressmen adopt when a department becomes penniless to the point of collapse is to frame some temporary relief measure, termed a "life-saver," and then forget the matter. In the Postal Service such temporary action has been repeated several times within the past four or five years, and still the very grave impairment of the department's efficiency through neglect of its personnel goes unremedied.

If the postal employees are not worth such a schedule as the one proposed, H. R. 4123, they are worth nothing, and if they are worth anything they are worth that much and should be receiving it. The public will not accuse Congress of imprudence if, in this instance, it abandons its traditional temporizing methods and does its part in restoring a proper living standard to the postal employees and incidentally preserves the self-respect of the American people.

[From the Detroit News, February 15, 1924]

The postal clerks and carriers are now asking Congress for larger pay. But Congress is trying to fit postal expenses to postal receipts, and wipe out the annual deficit of the Post Office Department. This can only be done by perpetrating a terrible injustice, not only on the

postal employees but on all the people of the United States, for low pay means, eventually, poor service, and the money saved in balancing the postal budget will be lost ten times over by the people of the United States in low post-office efficiency. The horse that is flogged and starved dies sooner or later; and unless the postal employees are paid reasonable wages, the post office must one day break under its increasing burden. The collapse of the service is near at hand unless protective measures are taken; and the first of these measures is an increase in wages.

[From the El Paso (Tex.) Times]

The postal clerks' salary schedule ought to be moved up considerably as soon as Congress meets. This is true not only because it is justice but because if the public knew the conditions that is what the public would want.

[From the Seattle (Wash.) Union Record]

Your mailman is asking your assistance in getting a real living wage. Since 1912 his wages have been increased only 59 per cent, while the cost of living has risen nearly 100 per cent, leaving the mailman relatively worse off than 11 years ago, when his conditions were by no means ideal. It may be that in order to grant an increase to the mail-service workers it will be necessary to increase postage. It may be that economies may be worked out in other matters that will permit postage rates to remain as at present. In either case it is neither fair nor honest to expect the mailman to bear the burden of rising costs in this most essential branch of our social life. The request for increased wages should meet with the earnest support of all classes of citizens, and Congress must be made to realize that a great public sentiment stands behind any action it may take looking toward an upward adjustment of postal wages. Write your Congressman and Senators to-day and let them know your sentiments.

[From the Wyoming State Tribune (Cheyenne)]

The urgent need of economy in Government expenditures ought not to stand in the way of an increase in the pay of post-office clerks and carriers. The present maximum pay of carriers is only \$1,800 a year, and the difficulties of living on that, especially in the case of a man with a family, are obvious.

There has been a tendency of late to look upon the Post Office Department as a money-making concern, the accounts of which ought to balance, if not show a profit, at the end of the fiscal year. But while the postal revenues ought not to be wasted by extravagance, appropriations for the department should not be pared down at the expense of faithful employees. The best service possible is what the public has a right to demand. It is too much to expect when these employees are underpaid and dissatisfied.

[From the Bluefield (W. Va.) Daily Telegraph]

The branch of the Government that is underpaid and the most discouraged by the treatment of the Government is that branch that is closer to all the people. It is the Railway Mail Service. Every letter is handled by these men; every citizen receives a direct service at their hands. No other department serves the whole population as these men do.

There is a movement to have the present Congress adopt legislation looking to the betterment of conditions in this branch of service. There is no more meritorious measure before Congress than this. The men are deserving an increase in salary. They give their lives to a service that is exacting and requires many years of preparation. There is continual study to be made, and a vast expenditure of time when not on duty to preserve the efficiency required. Then the hazard is greater than any other Government employees are exposed to. While these men are required to pass educational and mental tests and to keep thoroughly conversant with changes and developments, yet they are in the same danger railroad men are, and yet they do not receive as much in wages.

The postal clerks deserve an increase in salaries and the betterment of conditions. Congress should act favorably.

[From the Minneapolis (Minn.) Daily Star]

The Star believes its readers would be doing a very just thing if they would drop a note to their Congressmen asking them to support the Kelly bill. If efficiency, punctuality, politeness, and faithful service in general have anything to do with the matter of wages, the postman will get what he is entitled to. And whoever heard of a letter carrier lacking in efficiency, punctuality, politeness, or faithfulness? We have searched a memory that goes back more years than we really care to recall, and we never remember one of these servants in gray who did not possess all of these traits.

[From the Colorado Springs (Colo.) Gazette]

The postal department is a case in point. There is no governmental service where efficiency counts for so much. Delay in accuracy, carelessness in handling the mails, can mean the loss of millions of dollars a day to business. No direct money saving that possibly could be effected would even begin to offset this indirect loss. Therefore, there is need for seeing to it that the Postal Service is organized and financed in such manner as to give maximum service.

It is said of postal employees that they are underpaid. That can easily be believed. Request for reasonable compensation will find general sympathy, as a matter of simple justice. But there is another factor that forces added consideration. The Postal Service, particularly in the cities, is losing good men, well trained, capable, trusted men, who find compensation in other endeavors so great, in contrast to their own pay, as to compel them as a matter of self interest to leave the service. For the same reason, it is becoming increasingly difficult to find competent workers to take their places. A condition which finds trusted men leaving the department and few good men taking their places must soon strike hard at departmental efficiency. To perpetuate such a condition is not to further economy. It is, in fact, the reverse. A new postal salary bill has been introduced in Congress. It and the conditions which prompted it ought to be thoughtfully studied, both in justice to the army of postal employees and to the department whose continued efficient functioning is of so vital importance to the Nation's business.

[From the Trinidad (Colo.) Picketwire]

This is particularly true of the postal employees, notoriously the poorest paid and admittedly the most faithful and hardest workers on the Government pay roll.

By no stretch of imagination is the maximum pay of carriers and clerks, \$150 a month, adequate to support a family decently considering the high cost of living.

Railway mail clerks on the road and in terminals receive a maximum of \$2,300 annually, or less than \$200 a month, and in the case of the former they are put to an expense at the end of their runs away from home which makes a serious inroad in their pay checks.

Trinidad is vitally interested in seeing that its 64 postal employees are given justice. Most of them own their own home, pay taxes, and all of them constitute a very desirable class of citizens.

There is plenty of room for economy in the expenditure of Government money without denying the postal workers a reasonable demand now pending for a wage increase of approximately 22 per cent. It was refused them over three years ago on a promise that living costs would go down, but this promise has not been kept.

Living costs have increased 69 per cent since 1913 and in that time the postal workers have received wage raises amounting to 35 per cent.

Let's cut out the "pork barrel." Everyone is in sympathy with such economy. On the other hand, the American people will not oppose paying a decent living wage to the 300,000 persons employed in their Postal Service.

[From the Detroit News]

The intention of the originators of the service, whose logic is clearly sound and effective, has been permitted to lapse, and the Postal Department is no longer assured of integrity by its own command of the continuing service of a high-grade employee, but obtains that integrity only when employees are willing to furnish it out of their own sense of honor and at a sacrifice of their material prosperity.

There is no excuse for such a condition; least of all in the United States. The Postal Service has thousands of very splendid employees, whose integrity and loyalty is beyond question. That is small thanks, however, to the Government which, acting for the people, compensates them with shameful inadequacy. Little wonder that many more thousands of splendid employees go elsewhere; they have to live and society has no right to ask them to sacrifice the welfare of themselves and their families to convenience official penuriousness.

The Postal Service should revert to its original status; it should employ a uniformly high type of individual for the most vital department; and by fully adequate compensation should retain that high type for the public service.

[From the Superior (Wis.) Telegram]

Of course taxes are high and economy is desirable, and the bill is pretty sure to be fought on these grounds by persons who wish to use the public money in a way which will be more to their own personal advantage and political success or that of their party. Economy is the one most desirable thing in the National Government at present, but true economy includes spending wisely as well as refraining from spending unwisely.

It is more than suspected that there are in the Government employ, chiefly in Washington bureaus, a good many persons who do not really perform adequate service for the pay received. Here is an excellent chance for economy. But when it comes to the postal employees everybody knows that they are not loafing on the job. There is a high tradition of public service and hard work among the postal employees, and there are very few who do not live up to it. Men of high character and a good deal of ability are required for postal work, and it is highly unbecoming—more than that, deeply disgraceful—that these faithful, able, unselfish employees of the United States should not be more adequately paid.

[From the New York Evening Journal]

The postal workers are about the only great body of public servants who have been entirely overlooked in this matter of a decent living wage.

While workers, in private as well as public life, have been advanced on every side to meet the mounting cost of living, these men have been forced to struggle along on practically the same pay as that which they received when a dollar bought twice as much as it does to-day.

This manifestly is unjust.

Despite the manner in which they have been neglected they have gone along faithfully performing their work.

The letter carrier sees you every day when he makes his rounds delivering mail.

He always has a smile and a cheery "Good morning." He doesn't grumble and tell you his woes. He often brings you good news.

In the depth of winter he trudges along through snow and sleet—a hero in gray, never slacking an iota because of the condition of weather.

At Christmas time he plays Santa to every kiddie but his own.

Just as uncomplaining as the men you meet outside are the men and women who sort the mail inside the Federal building.

It is time something was done for them.

The wage they are receiving now, although the same in dollars and cents, really is but half in value and purchasing power what they got years ago.

Many organizations all over the country have indorsed their appeal for a decent living wage.

Congress, however, seems to remain deaf to the appeal.

Perhaps it will change now, for the powerful patrolmen and firemen's organizations are on the job.

They are fighters who know how to put a proposition.

They will bring luck and success to the postal workers.

[From the Detroit Free Press]

It will be a great advantage to the whole country if the members of the House of Representatives Committee on Appropriations will read with care and with open minds what Postmaster John W. Smith, of this city, has to say regarding the salaries paid to postal employees in Detroit and in other large centers of population, and regarding the consequent difficulties in the way of keeping up effectiveness and morale.

Under the circumstances it does not in the least seem astonishing that service sometimes is slow and faulty. The wonder is that it continues to be anywhere nearly adequate. Nor would it be tolerable and escape serious breakdowns except for the devotion of some veteran employees who, rather than desert a department for which they cherish a feeling of loyalty, live on semistarvation doles from the Government, eked out by what they can earn from other sources and by what sometimes amounts to charity.

But the present hand-to-mouth situation can not continue indefinitely, and unless Congress does something very soon, unless, indeed, it does something in a remedial way at the present session, there is almost certainly going to be a crash. No new blood of any account is being acquired—the service has become like a sieve as far as that is concerned—and the old blood upon which the department depends is gradually oozing away. The strain is becoming worse all the time and is approaching the breaking point.

This condition does not appear to be the result of any conscious desire in Congress to be niggardly or oppressive with faithful, hard-working employees of the Government. It is largely the result of the failure of Members, particularly of members of the Appropriations Committee, to really understand the situation.

Again, if any "country" Member of Congress thinks he and his constituents are not concerned with the postal troubles of the cities and are inclined to let them look after themselves, he is losing sight of the important fact that the Postal Department serves the whole country and that what hurts one part hurts another. The more fact that his own district is well served will not help much if the large municipalities, to which most of the mail goes and whence most of the mail arrives, become the victims of a partial breakdown. Such a catastrophe will affect the Nation much as heart breakdown affects a man.

[From the Boston Globe]

The Postal Service can not be mechanical. No machine has ever been invented, or ever will be, which will read the addresses on letters and parcels. Human brains and faithfulness are required all through it. Emphatically it is a human service. For that reason the men and women who compose it must be treated with fairness. They can not live on dignity, and to oblige them to seek extra money elsewhere after doing exacting tasks for Uncle Sam for eight hours a day is sheer folly. The quality of the service can only be maintained if the conditions are made sufficiently attractive to draw into it the type of human ability that it must have.

[From the Norfolk (Va.) Ledger-Dispatch]

The public, we feel sure, is quite willing that Government employees, of whom so high a standard of skilled efficiency is exacted, should receive a wage equal to if not a little in excess of the amount usually paid to the employees in private industry.

[From the Christian Science Monitor]

The reasonableness of this movement may be seen in the fact that the present salary raises are the same which were asked for in 1920. At that time it was commonly felt that the cost of living would soon decrease. This, of course, it has not done, at any rate to the extent that was then expected, and thus the employees for the last three years have been receiving a salary which has been recognized as insufficient for their needs. The men do not, however, ask that they shall be fixed on the basis of present price levels, but are willing to make allowances for any ordinary reduction in prices. That some adjustment which would be fair to the employees and satisfactory to all parties involved is needed is certain, and it is reasonable to hope that such a solution to the problem will be worked out.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield to the gentleman from Georgia [Mr. MOORE].

Mr. MOORE of Georgia. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a short article on the Atlantic Coast Highway, extending from Maine to Florida. This has reference only to the extension from Georgia. It is descriptive of the highway.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated by him. Is there objection?

There was no objection.

Mr. MOORE of Georgia. Mr. Speaker, under the leave granted to extend my remarks in the RECORD, I insert the following article which appeared in the Savannah Morning News December 24, 1924, by Miss Jane Judge, of Savannah, Ga.:

HISTORIC ROUTE IN SOUTH GEORGIA TRAVERSED BY THE ATLANTIC COASTAL HIGHWAY—PURITAN SETTLEMENT AT OLD MIDWAY, SCOTCH SETTLEMENT AT DARIEN, FORT FREDERICA AT BRUNSWICK, DATE TO COLONIAL TIMES—SIX COUNTIES RICH IN COLONIAL TRADITIONS

When the important link of the Atlantic Coastal Highway from Savannah to the Florida line is constructed it will lead through a section of south Georgia which is full of historic interest.

The entire South Atlantic Coastal Highway route has been characterized as the most historic route in the country. In the highway district proposed for south Georgia it will pass through six counties—Chatham, Bryan, Liberty, McIntosh, Glynn, and Camden—all of which are identified with the colonial history of the State.

Savannah, in Chatham County, as the site of the colony of Georgia, presents to the tourist an ideal stopping place, offering the comforts and attractions of a progressive modern city and the interest of ancient traditions and an honorable history. A monument to James Edward Oglethorpe, founder of the colony, is among the most important of the notable monuments on Bull Street, for the bronze figure is by Daniel Chester French, one of the best sculptors in America, and the base and setting were designed by the late Henry Bacon.

The bones of Gen. Nathanael Greene rest beneath the monument to his memory on Bull Street, opposite historic Christ Church, where John Wesley preached. These remains were disinterred and removed some years ago from the Greene burial lot in Colonial Cemetery to their present resting place.

Colonial Cemetery itself is not only a beauty spot, with its many rare flowering shrubs and trees, but as the burying ground of the early settlers possesses unusual historical interest. Here are found the grave of Gen. Lachlan McIntosh, another Revolutionary general; the grave of Edward Mable, of Rhode Island, the famous miniature painter; and many others of unique interest, such as may be seen in few cemeteries of the country. The remains of Gen. Samuel Elbert, Revolutionary general, and later Governor of Georgia, were disinterred some years ago from his family burying ground on a deserted plantation on the Savannah River, and have been reinterred in Colonial Cemetery.

Near the mouth of the Vernon River, a short distance from Savannah, is Wormloe, the oldest plantation in Georgia, formerly the country seat of Noble Jones, the companion of Oglethorpe on his first voyage to America in 1733 and a distinguished officer of the Crown. It is still owned and occupied by his descendants. Here the late Wymberley Jones DeRenne, whose son is now the occupant of Wormloe, built a library dedicated to the founder of the family in America for the collection and preservation of documents and books on Georgia history, the only complete collection extant and containing many papers and books, as well as autograph letters and papers, not found elsewhere.

Bonaventure, the ancient seat of the Tattnalls, now used as a cemetery, is one of the show places of the county. It dates back to 1762, and is famous for its magnificent oaks which, tradition says, were planted in the avenues in the form of a monogram combining the letters M and T, the initials of the Mullrynes and Tattnalls. Mary Mullryne, daughter of the original owner, having married Josiah Tattnall, who came to Savannah from Charleston, S. C., and became owner of Bonaventure.

Nine miles from Savannah is situated Bethesda, the oldest orphanage in America, founded by George Whitefield, associate of John and Charles Wesley, in 1740. The road cut at that time from Savannah to Bethesda is said to be the oldest highway in Georgia, although this is open to doubt. Christ Church, in Savannah, where the Georgia colonists first worshipped, is also associated with John Wesley, who preached there. This is the oldest church in the State and stands in the downtown section on its original site. It was founded in 1743; the original building was destroyed by fire, rebuilt, destroyed by hurricane, rebuilt, and the present building finally erected.

The grave of Tomo-Chi-Chi, friend of Oglethorpe and famous Indian chieftain, is one of the interesting spots on Savannah's main boulevard, Bull Street. It is marked by a rough boulder of Georgia granite.

Not only has Chatham County much of historic value connected with the colonial history of the State but there are in Savannah monuments and other buildings associated with Revolutionary times or commemorating heroes of the Revolution. Besides the graves of Revolutionary generals in Colonial Cemetery, there are other memorials of this period of Georgia history. A monument to the Pole, Count Pulaski, friend of America and of freedom, hero of the Revolution, stands on Bull Street in one of the most beautiful of the city's many little parks or "squares," as they are colloquially called. There is a story, not too well authenticated, that Pulaski is buried beneath this monument, another story that he was buried a few miles from Savannah at Greenwich, but the best opinion seems to be that he died and was buried at sea near Savannah. He was mortally wounded fighting for American liberty at the siege of Savannah, October 9, 1799.

Tondee's Tavern, where the Sons of Liberty met and which was before the Revolution a rallying place for the social life of the town, has long since disappeared, but the site is marked by a bronze tablet, placed by the Colonial Dames on the wall of the present building.

Near the site of the Central Railroad Depot was the famous Spring Hill redoubt, where Count Pulaski and Sergeant Jasper fell mortally wounded during the siege of Savannah. On the Augusta Road, 2 miles above Savannah, occurred one of the boldest captures in the history of the Revolution when Sergeant Jasper with a comrade at arms rescued six American soldiers from the British, who were taking them as prisoners of war from Ebenezer to Savannah. Jasper Spring at this point has been marked by the Daughters of the American Revolution.

Chatham is the only county in the State with a complete system of permanent paved highways. Victory Drive, a memorial to the soldiers and sailors of the World War, leads over 18 miles of highway from Savannah to the Atlantic Ocean. It is a superb engineering feat, crossing marshes and rivers on its way to the sea over a route of rare scenic beauty, and connecting the city with the picturesque town of Tybee, the playground of Georgia.

Within a few weeks the great steel and concrete bridge, with steel swing span, across the Savannah River will be completed, connecting the Georgia and Carolina shores and cementing nearly 200 years of friendship between Savannah and Charleston, between South Carolina and Georgia. This friendship was begun when Colonel Bull arrived in Savannah a few days after the colonists had landed with a message from the South Carolina General Assembly to General Oglethorpe and when other South Carolinians followed with their best servants to assist in the naming of Savannah's principal boulevard, which to this day is called "Bull Street." It is now a beautifully paved street which leads from the river to the corporate limits and there connects with the avenues leading on the one hand to the Tybee Highway and on the other to the South Atlantic Coastal Highway through the historic counties of south Georgia.

Savannah is not only rich in memorials of colonial days and Revolutionary days, but its nineteenth century traditions are carefully preserved. From this port the first steamship to cross the Atlantic sailed in 1819, and the original model of the steamship *Savannah* is to

be seen in the city hall. The visit of President Madison in that year, the visit of Lafayette in 1825, are matters of record and the houses in which they were entertained are still standing. Here, too, ended Sherman's march to the sea, and the house which he used as headquarters, now the home of Judge and Mrs. P. W. Meldrim, is one of the most beautiful architecturally as well as one of the most interesting historically which the city possesses.

The Telfair Academy of Arts and Sciences, left to the city as a bequest from the Telfair sisters, is the finest art gallery south of Washington. Unique as a building, having been the old Telfair residence, it houses a remarkable collection of modern paintings, a collection of sculpture from Greek and Roman models, and the beginnings of a collection of rare old furniture. In Savannah, too, is the home of the Georgia Historical Society, the building in which its collection of books and papers is kept being another Telfair bequest, Hodgson Hall.

Fourteen miles from the sea on the west side of the Ogeechee River are the ruins of an old town, Hardwick, one of the "lost" towns of Georgia. This is in Bryan County, a part of the coastal highway route of great scenic beauty because of its splendid oaks, virgin forests, and lovely river views. Only fragments tell where once stood the town of Hardwick, which was favored by two governors under the Crown for the site of the capital of the State. The dream was never realized. When Bryan County was organized in 1793 Hardwick became temporarily the county seat, but 40 years later it had almost disappeared. Named for an eminent lord chancellor of England, this lost town is situated 2 miles from Genesis Point, a locality made famous by Fort McAllister during the war between the States. James Maxwell, a pioneer settler in Bryan County, with his brother Thomas and other residents of South Carolina, founded in 1747 the town of Belfast, which still bears that name. Blocks of tabby mark the site of the historic Maxwell home, famous for its social life in the colonial period. James Maxwell was one of the trustees to whom was delegated the task of laying out the town of Sunbury, now one of the dead towns of Georgia. He was a member of the first provincial congress of Georgia and is thought by some historians to have been the "Lieutenant Maxwell" who fought with General Oglethorpe at the famous Battle of Bloody Marsh.

On the old military road between Savannah and Darien, which this historic section of the South Atlantic Coastal Highway traverses, stands Midway Church, an ancient landmark situated in Liberty County in the angle which the road makes with the road to Sunbury. It is built of wood, two stories high, and is about 130 years old, the present building having replaced the temporary structure built of logs in 1754, which was the first house of worship of the Puritans in Georgia. From the stock of the founders of this settlement have come two signers of the Declaration of Independence—Lyman Hall and Button Gwinnett—two Revolutionary generals, two commodores, one President of the United States, four governors of Georgia, and many other distinguished publicists and statesmen, scientists, educators, and historians. One of the early pastors of Midway Church was the father of Oliver Wendell Holmes, the Rev. Abel Holmes.

The historic old churchyard at Midway is a shrine of American history. In the center of the churchyard is an obelisk erected by the United States Government in 1913 to two Revolutionary patriots who lived at Midway—Gen. James Screven and Gen. Daniel Stewart. Liberty County was created in 1777 and was named to commemorate the patriotism of the Midway settlers who, after the passage of the stamp act, became champions of liberty. In advance of the rest of the Province of Georgia, they sent Dr. Lyman Hall to the Continental Congress as a Delegate from the Parish of St. John, Hinesville, the county seat. When organized Liberty County embraced McIntosh and part of Bryan. The Liberty Independent Troop survives to the present day, and is the oldest military organization of any kind except the Chatham Artillery of Savannah. It was organized in 1791 or 1792.

The forefathers of Theodore Roosevelt are buried in Midway Churchyard, as are the ancestors of the first Mrs. Woodrow Wilson, and the father of the famous scientists, John and Joseph LeConte, both of whom were products of Midway. Virtues and valor of the settlers of Old Midway are commemorated by a tablet placed on the walls of the churchyard by the Georgia Society, Colonial Dames.

Sunbury is another of the old "lost towns" of Georgia, of which nothing remains but tradition, although in colonial days it was a rival of Savannah. The graveyard, overgrown and neglected, with its headstones crumbling, alone remains. There is nothing now to tell that it was once a thriving seaport and a center of culture. Many of the New England Puritans and other settlers of Old Midway, only 10 miles away, established homes here, and here was developed the once famous Sunbury Academy of the Rev. William McWhir, one of the noted educators of the colonial period in Midway. He is buried in the old Sunbury Cemetery. The first Masonic lodge ever organized in Georgia is traditionally supposed to have been instituted by Oglethorpe himself under an old oak at Sunbury, and the Union Society of Savannah, then the Society of St. George, met under this oak tree

in the person of certain British prisoners of war to preserve its character during the Revolution, from which the tree received the name of "Charter Oak." Boxes made from the wood are still owned in Savannah.

Darien, the county seat of McIntosh County, is one of the oldest towns in Georgia, having been founded by General Oglethorpe himself. McIntosh County was formed in 1793 out of Liberty, and was named after the McIntosh clan, members of which accompanied Oglethorpe to Georgia. Gen. Lachlan McIntosh, whose grave is in Colonial Cemetery, Savannah, is one of the foremost Revolutionary generals of Georgia. This earliest Scotch settlement in Georgia was called New Inverness and was situated on the banks of the Altamaha, 12 miles above St. Simon, as an outpost against the Spaniards. To the military post and the outlying district they gave the name of Darien, a name the town bears to this day. These sturdy Highlanders, headed by John Mabr McIntosh, chief of one of the most powerful clans in Scotland, defended the colony of Georgia against attack. With the assistance of Indian guides furnished by Tomo-Chi-Chi, Capt. Hugh Mackay laid out the road between New Inverness and Savannah, which is now to become part of the coastal highway.

It was at Darien that the large turpentine and lumber trade of southeast Georgia found an outlet to foreign and domestic markets and it became an important port of shipment for these and other products and at one time rivaled the other ports of the State. Twelve miles northwest of Darien on the banks of the Altamaha stood Fort Barrington, named after a friend and kinsman of Oglethorpe. Fort Barrington was renamed Fort Howe and during the Revolution was taken by the British. While the old fort is gone, the military road between Savannah and Fort Barrington is still called the old Barrington Road.

Next to Chatham County itself there is no part of Georgia of greater historical interest than Glynn County, a name which the southern poet, Sidney Lanier, has made known the world over. It is almost as closely associated with Oglethorpe as is Chatham County. Brunswick, the county seat, was named for the royal house of England. The oldest of Georgia's historic ruins, Fort Frederica, built in 1733, two years after the founding of the colony, commands the entrance to the Altamaha River, and some of the guns used against the Spaniards are still on its ramparts. The trip to Frederica may be made by water or by highway. The highway passes the old battle ground of Bloody Marsh, where, in 1742, Oglethorpe in command of 900 men resisted the invasion of the Spaniards and defeated an army of 5,000 with his little handful of soldiers. It was the decisive battle of the colonial period, putting a stop to Spanish depredations and a check upon Spanish ambitions. On the eve of this battle, so far-reaching in its effect on the American colonies, General Oglethorpe wrote to the trustees: "But we are resolved not to suffer defeat. Rather would we die like Leonidas and his Spartans if we can but protect Georgia, Carolina, and the rest of the Americans from desolation." This is another spot which has been marked by the Colonial Dames and the Society of Colonial Wars.

The highway passes, near Frederica, the famous Wesley Oak, under which both John and Charles Wesley preached. It is at the gateway of Christ Church Graveyard, where some of the earliest settlers lie buried. There is a new chapel on the site of the old church, but the ancient parish register of the original church is still preserved.

On the road to Frederica, about a mile distant from the old fort, stood the home of General Oglethorpe, his only home in America. Near here were the homes of many wealthy planters whose names are a part of Georgia's colonial history. Ten miles north of Frederica was one of the most splendid of the early estates, Hampton's Point, the home of Maj. Pierce Butler, where Aaron Burr in later days, when his fortunes had declined, found refuge.

There was another noted country seat at Hampton's Point, the home of John Couper. That Aaron Burr also stayed there was attested for many years by his autograph scratched on a window pane. The estate has a greater claim to glory because it produced Constitution Oak, the splendid old tree which was cut down to make the keel of the frigate *Constitution*, "Old Ironsides." The stump was long the object of historic interest. It no longer remains, but the spot where the tree grew is still remembered.

Brunswick was first declared a port of entry in 1763. It has one of the finest harbors on the South Atlantic coast. The progressive step of connecting the city and its harbor with historic St. Simon Island by a permanent highway across the marshes of Glynn has recently been accomplished. Near the approach to this highway is to be seen the "Lanier Oak," where Georgia's most eminent and most beloved poet, Sidney Lanier, is said to have received his inspiration for his "Marshes of Glynn." The city of Brunswick itself is distinguished by its avenues of oaks, older than the colony of Georgia, as their great trunks and intertwined branches testify. One of the most celebrated is "Lover's Oak," twin trees closely knit together, gnarled and ancient. This tree is only less famous than the Lanier Oak, which stands in solitary grandeur facing the marshes.

General Oglethorpe was a resident of Glynn County from 1733 to 1742, and both John and Charles Wesley lived for some time at Frederica. Thomas Butler King, who first conceived the idea of a transcontinental railway, lies buried in the old churchyard at Frederica, together with other great men of the early nineteenth century.

Camden County was created in 1777 from two old colonial parishes, St. Marys and St. Thomas, and was named after the Earl of Camden, champion of a free press and friend of the American colonies. St. Marys, the county seat, is a beautiful old town with an Old World atmosphere such as not found elsewhere in the country. It was once an important port of entry, but is now a place of quiet Arcadian beauty. Seven miles from St. Marys are the ruins of an old structure built of tabby which is believed to have been a Spanish mission equipped for defense against the Indians. It is thought by some historians to antedate the arrival of Oglethorpe at Savannah.

The grave of Lighthorse Harry Lee is on Cumberland Island. Here, too, is buried the widow of Gen. Nathaniel Greene, who married after her first husband's death one Phineas Miller. Fort St. Andrew, built by Oglethorpe in 1733, stood at the north end of the island, and at the south end Oglethorpe built Fort William, which commanded the entrance to St. Marys. Traditions and stories surround the little Presbyterian Church at St. Marys, which is its most interesting building historically. In the old burial ground there is the grave of John Brown, soldier of the Revolution, marked by a marble slab. Forty-five miles above St. Marys is the famous old town of Coleraine, where a treaty of peace and friendship was signed in 1796 between the President of the United States and the Creek Indians. This is marked by a marble boulder, placed by the Daughters of the American Revolution.

Mr. MADDEN. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. HILL].

The CHAIRMAN. The gentleman from Maryland is recognized for 10 minutes.

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the committee, I have listened with a great deal of interest to what was said by Mr. MADDEN, the chairman of the Committee on Appropriations, on the subject of the functioning of the Budget. I think that we who have served in the House before the Budget law was passed and since the Budget has been in effect realize that the Budget is the greatest coordinating unit in the whole Government. At the same time, while the Budget is functioning as it does, I think we should proceed as soon as possible to make the corresponding reorganization of the executive departments in order to eliminate overlapping duties and to carry out that efficient and economical coordination of the executive departments to which we are pledged.

We are considering the Treasury Department appropriation bill for 1926. In the next year the total cost for the Prohibition Unit itself will be \$10,266,380. One-third of the whole expenditure of the Department of Justice is now applicable to the enforcement of the Volstead Act, and in the Department of Justice appropriation bill, which will soon come to you, you will be asked as the portion of the Department of Justice's contribution toward prohibition for appropriations to the extent of \$8,305,940. The additional cost of the Coast Guard this year attributable to the attempt to enforce the Volstead Act is \$9,745,496. And so this one act, the Volstead Act, in the next fiscal year for these three specific items, which are by no means all of the cost, will amount to \$28,319,816.

This over \$28,000,000 contained in these three items is only a part of the cost to the Federal Government of the first experiment it has ever made of taking over local police powers that belong to the individual States.

No one stands more firmly than I do for a strong Federal Government. I stand, however, for a Government strong in the things for which the Federal Government was created and for which it exists. If \$28,000,000 or \$56,000,000 is needed to enforce the laws of the Federal Government, or even if ten times that last sum is needed, I am in favor of making the appropriations; but is it not our duty to consider very seriously the meaning of the amount of demands for money and the character of uses for which this money is demanded? Year by year the amounts of money demanded and appropriated increase, and year by year newer and stranger experiments for enforcing the Volstead Act are offered by the Federal Prohibition Commissioner and his allies, the Anti-Saloon League.

Nothing that I can say will prevent you making the demanded appropriations, but I can invite your attention to certain extraordinary facts that appear in the hearings on this bill—facts that when carefully considered should convince you of the futility of Federal absorption of the local police powers of the States.

Where will you stop in your efforts to enforce a law that is fundamentally wrong? In the past unenforceable laws have been repealed. When will you open your eyes to the real status of the Volstead Act?

I wish to call your attention to four points in reference to the bill now before you. First, to the question of law enforcement by posters and billboards, for there is in the appropriation this year a new theory of law enforcement; second, the Federal subsidy which is paid to eight prohibition States, in which were seized over 70 per cent of all the distilleries and fermenters that were seized in our whole Nation, composed of 48 sovereign States; third, the violation of the Volstead Act by the Federal prohibition agents themselves in the purchase of evidence; and, fourth, the great increase in the number of arrests for violation of the Volstead Act.

Now, first let us look at this extraordinary new theory of government, to wit, government and law enforcement by billboards and posters. In the appropriation act are these words:

Not to exceed \$50,000 for dissemination of information and appeal for law observance and law enforcement, including the necessary printing in connection therewith.

Gentlemen, this shows the utter absurdity to which those favoring this particular law will go. Are we to expect in the future to be greeted by billboards all through our cities and along our highways saying, "Do not murder anyone to-day," "Do not rape any person this afternoon," "Do not commit arson before you sleep." And yet here, for the first time in the history of this Nation we are to have the country plastered—as much as \$50,000 will do it—with posters saying, "Do not buy from a bootlegger to-day."

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HILL of Maryland. I will yield with pleasure.

Mr. BLANTON. If we could put all these posters in the city of Baltimore, it would be money well spent. The gentleman could hardly object to that? [Laughter.]

Mr. HILL of Maryland. I am glad the gentleman raised that point, because it gives me an opportunity to say to you that over 71 per cent of the distilleries that were seized and 74 per cent of the fermenters that were seized last year were seized in the prohibition States that I shall now name; eight States which now really invite us to look after and to legislate to enforce their own State laws and which in effect are receiving a subsidy for the enforcement of laws which they themselves do not attempt to enforce.

Mr. TINCER. Mr. Chairman, will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. TINCER. Does the gentleman say that there is such an enforcement law in his State and that it is not necessary now to enforce the law there?

Mr. HILL of Maryland. The hearings on this bill show that there is very little breach of Federal law in the State of Maryland.

Mr. TINCER. I understand the gentleman had some trouble in getting himself arrested in his State for violating the law.

Mr. HILL of Maryland. I did have more trouble in getting myself indicted by the Federal agents for violating the Volstead law than I had in conducting the office of the United States attorney for Maryland for five years. But finally I was successfully indicted and acquitted. [Laughter.]

Mr. TINCER. But the gentleman was in safe hands. He was in the hands of his friends.

Mr. HILL of Maryland. No; they were not all friends. There were some enemies on that jury.

Now I wish to refer to the remarks of the Federal Prohibition Commissioner, Mr. Haynes, as to what he expects to do with posters and billboards, and then I wish to speak as to the use of a Federal subsidy in the dry States.

Law enforcement by posters and billboards! That is a new theory in jurisprudence that can best be explained by Prohibition Commissioner Haynes. Here is what he said to the committee:

Mr. HAYNES. My idea with reference to the poster feature would be that they could be used in places where many people congregate, such as Federal buildings or on billboards where the greatest number of people would see them. They would simply contain an appeal to loyalty to the Constitution and the support of the Government and law. I think they would make a fine appeal.

The CHAIRMAN. What effect would that have upon the bootlegger?

Mr. HAYNES. I do not know that it would have any helpful effect on the bootlegger. But it would certainly have an effect upon many who have been buying his supply.

Nothing could more explicitly emphasize the fundamental impropriety of the Volstead Act than the alleged need to have

the Federal Government use posters and billboards in order to plead with the public to obey one of the criminal laws of the United States. The advocacy of such a measure is a clear admission that intelligent public opinion is not back of the Volstead Act. The advocacy of such a measure by the head of the Prohibition Unit is one of the best possible arguments for the transfer of attempted enforcement of the Volstead Act from the Treasury Department to the Department of Justice, where it would be treated like any other criminal law and not as a very special and super law which requires exhortation by posters and billboards at post-office curbs and camp meetings.

The demand for exhortation by posters and billboards is perhaps caused by the deplorable conditions in Georgia and several other of the most loudly prohibition States, as exposed by the hearings on this bill.

In view of the large amount of seizures shown by the Federal Government, it can not be conceived that the State authorities, in addition, are attempting to enforce their own dry State laws in these eight dry States. Therefore it seems that they have shunted the costs and difficulties of prohibition on the Federal Government.

The hearings show the following seizures by Federal prohibition directors and by general prohibition agents during the fiscal year ending June 30, 1924 (hearings, p. 483):

States	Distilleries	Fermenters
Alabama.....	437	5,819
Florida.....	303	3,632
Georgia.....	737	16,389
Kentucky.....	551	6,010
North Carolina.....	780	11,731
South Carolina.....	423	3,075
Tennessee.....	1,141	13,674
Virginia.....	1,074	5,810
Total for 8 dry States.....	5,446	68,140
Total for 40 other States.....	2,208	23,856
Total.....	7,654	91,996

¹ 71 per cent.

² 74 per cent.

³ 29 per cent.

⁴ 26 per cent.

⁵ 100 per cent.

By the Constitution there were to be in the United States two distinct and separate types of jurisprudence. The Federal Government was to have its own laws and its own courts to enforce them, while each individual State was to have its own separate laws and courts. Maryland did not want the Volstead Act as a State law nor did New York. Therefore the only Volstead Act in either Maryland or New York is the Federal Volstead Act. Georgia, however, wanted a State Volstead Act as well as a Federal Volstead Act. When, however, the Federal Government stepped in, Georgia stepped out and left the prohibition question to the Federal Government, which thereupon bears the cost of trying to enforce a law that Georgia claims to want enforced. Therefore, here is another subsidy to Georgia.

On the subject of Federal subsidies the following editorial from the Baltimore Sun of December 26, 1924, contains many observations of value and many facts that are worthy of serious consideration:

FEDERAL SUBSIDIES

In the matter of Federal subsidies it takes two to make a bargain. Congress may grant them, but the States need not accept them unless they want to "match dollars" with the Federal Government. A good result of the attention these subsidies are now attracting and the objections they are arousing is that they will be scrutinized more carefully in the future.

In 1924 the National Government appropriated \$145,000,000 to the States under Federal aid acts—about one-twentieth of its total expenditures. There is great inequality between the amounts contributed by the States in Federal taxes and the proportionate returns in these subsidies, but this discrimination, while exciting some protest, has had little to do with the growth of opposition to the principle involved. How wide the discrimination is may be judged by a few figures. New York in 1924 paid in Federal taxes \$690,415,425 and received through State aid acts \$4,020,455; Nevada paid \$761,499 and received \$885,759; Michigan paid \$221,380,005 and received \$2,339,480; Kentucky paid \$28,574,914 and received \$1,592,612; New Mexico paid \$1,131,323 and received \$1,119,187; Maryland paid \$34,340,218 and received \$714,744. Maryland has declined to accept one appropriation for a small amount under the industrial rehabilitation act of 1920. But it has done as much as any other State to oppose the rapid growth of these subsidies and to protest against their invasion of the State's field, as well as against the resultant building up of great bureaucracies in Washington.

Most of the causes for which appropriations from the States are asked are meritorious in themselves. Those backing them are zealous, persuasive, and tireless. Once on the statute books, the States hesitate to refuse the doles; they want their share. The movement being launched, there comes insistent demand for more and more money, more and more employees, until the States awake to the fact that there is another well-intrenched Federal agency in their midst with ever-increasing activities.

Appropriations have grown to the present amount from the insignificant sum of \$6,500,000 in 1914, only 10 years ago. The rapidity of the development in the matter of demands on State and Federal revenues justifies the uneasiness expressed concerning it entirely aside from the objections advanced on the ground that there is in progress an insidious invasion of local autonomy.

According to the hearings, distilleries are places that have some semblance or form of official authority. According to the hearings, stills are places that have never been registered at all, not only in the mountains but now in the cities. Read carefully the tabulation of these seizures in the last fiscal year in the eight States which I have prepared from the tables in the hearings. Eight out of 48 States contributed 71 per cent to the seizure of distilleries. That is over 5,000 out of 7,000. In the seizure of fermenters—I do not know precisely what a fermenter is, but I understand it is a kind of private still in the home—in the seizure of fermenters in these eight prohibition States they received indirect subsidy by having the Federal Government carry on their own work and having \$8,000 out of 91,000 seizures.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. CRAMTON. Does the gentleman intend to intimate that the enforcement of a Federal law in those States should subject those States to censure?

Mr. HILL of Maryland. No.

Mr. CRAMTON. And if it does, and speaking of subsidies, does the gentleman think that the creation of another Federal judgeship in Maryland would be a sort of subsidy for the enforcement of Federal laws?

Mr. HILL of Maryland. I will say to the gentleman that in Maryland we need another Federal judge, not for the enforcement of criminal laws but for the consideration of maritime and other civil cases. I will also say to the gentleman that I cite these figures—which I shall put in the Record—to show that it is not State enforcement laws that bring enforcement of prohibition, because here is the extra-dry State of Georgia appearing as the greatest hotbed of distilleries and fermenters in the whole Nation, whereas the State of Maryland, with the same activity by Federal agents, makes a showing of but 39.

Mr. CRAMTON. Does the gentleman intend to convey the impression that if Congress does provide another Federal judge for Maryland, it is to be with the express understanding that that judge is not to enforce the eighteenth amendment? Is that the understanding?

Mr. HILL of Maryland. No; because any judge who at the present time accepts a position as Federal judge can not do anything except to expect to be a police court judge for at least one-third of his time.

Mr. BROWNING. Will the gentleman yield?

Mr. HILL of Maryland. Yes; with pleasure. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has one minute remaining.

Mr. BROWNING. Does the gentleman think that these figures indicate that these eight States are the only ones which are making a definite effort to enforce the law?

Mr. HILL of Maryland. No; these are Federal figures, and they do not show anything the States are doing.

Mr. BROWNING. But they do show that the States are for law enforcement?

Mr. HILL of Maryland. These figures show that the Federal unit, with about as many agents in Maryland as in the other States, has made 39 seizures of distilleries and fermenters in Maryland as against 17,126 in Georgia.

Mr. BROWNING. Does not the gentleman think there is something in the local attitude of the people as to whether they enforce it or not?

Mr. HILL of Maryland. Undoubtedly; and the local attitude of the people in Georgia and in these other States is that they do not enforce their laws, but they let the Federal authorities do it.

Mr. KNUTSON. Will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. KNUTSON. Has the gentleman any definite information as to the number of stills that are in successful operation in the country at the present time?

Mr. HILL of Maryland. No; but the gentleman understands there is one to every three houses, especially in Kansas and certain other States. [Laughter and applause.]

Now, briefly as to the two remaining points to which I desire to invite your attention. The violation of the Volstead Act by Federal agents in order to induce others to violate the Volstead Act and to thus secure convictions is indecent and immoral. Last year I offered an amendment to prevent the sort of thing that helped break down the ancient régime in Russia, but here I only desire to read to you how \$150,000 was spent in 1924. Here is what appears in the hearings at page 528:

PURCHASE EVIDENCE FOR PROHIBITION ENFORCEMENT

The CHAIRMAN. It was stated at the last session that in 1922 about \$150,000 had been spent for the purchase of evidence in connection with prohibition enforcement and approximately \$200,000 had been spent in 1923. How much has been expended in 1924 for this purpose?

Mr. JONES. In 1924 there was either spent or obligated for the purchase of evidence \$155,507.92.

The CHAIRMAN. Why is it necessary to spend this amount of money?

Mr. JONES. That is about the only way, Mr. Chairman, that our agents have of making cases that will stick in court. They can not convict on hearsay, and a person who buys from a bootlegger and is not an agent will not testify in court against the bootlegger, because that would cut off his source of supply. So it is necessary for agents to make the purchase, and they can testify in court that they personally have made the purchase, in that way getting evidence on which a conviction may be had.

The CHAIRMAN. What check do they exercise in the expenditure of the money to see that it is properly safeguarded?

Mr. JONES. The agent puts it on his monthly expense account and swears to it. He must show that he has made a case resulting from a buy.

"Intent" is not an element in the Volstead Act. If I buy bootleg brandy for a sick baby and perhaps save a life thereby, I still violate the Volstead Act, and my good intent is no defense. So if a prohibition agent induces some one to sell him bootleg brandy he breaks the law just the same, even though his intent is to send the vendor to jail as a law violator. It is immoral to break a law and to induce others to break a law in order to make convictions under the law. It is this type of thing that democratic government was founded to fight, yet here, as to one law only, it is tolerated by Congress. A law that requires such methods for its so-called enforcement is not like other laws.

Lastly, here are the statistics that show the present situation as to prosecutions under the Volstead Act to-day, and in 1920, 1921, 1922, and 1923. I take them from page 475 of the hearings:

Prosecutions under the national prohibition act in Federal courts

	Fiscal year—				
	1920	1921	1922	1923	1924
Criminal cases made.....	7,291	29,114	34,984	49,021	¹ 43,428
Convictions.....	4,315	17,962	22,749	34,067	¹ 37,794
Acquittals.....	125	765	1,195	1,770	¹ 2,131
Cases dropped.....	655	2,570	4,790	6,893	¹ 8,592

¹ Figures for the fiscal year 1924 are not complete, as reports of cases made and prosecuted in the latter part of the fiscal year have not yet been received in the prohibition unit.

Seven thousand two hundred and ninety-one cases in 1920; 49,021 cases in 1923. With the returns for 1924 not yet complete, the Prohibition Commissioner admits 43,428 so far for 1924—six times as many prosecutions as there were five years ago. What kind of a law is this? Is it not different from other Federal laws?

Year by year the costs of the Volstead Act mount higher and higher. By and by you will come to a point where even you will not increase the appropriations. Then, and I hope before then, you will realize that the Volstead Act is an impossible and unenforceable law.

As the new year approaches, I again suggest a remedy for the ills with which you are dealing in the appropriations for Volsteadism made in the pending bill. I propose for your consideration the following substitute for the Volstead Act. Repeal the Volstead Act and enact the following:

SECTION 1. Each State shall for itself define the meaning of the words "intoxicating liquors" as used in section 1 of Article XVIII of the amendments to the Constitution of the United States, and each State shall itself enforce within its own limits its own laws on this subject.

SEC. 2. Any person who transports or causes to be transported into any State any beverage prohibited by such State as being an "intoxicating liquor" shall be punished by the United States by imprisonment for not more than 10 years or by a fine of not less than \$10,000 nor more than \$100,000, or by both such fine and imprisonment.

The first section of my proposed enforcement act is based on the theory of local option; the second section is based on the theory of the Webb-Kenyon Act, by which the United States guarantees the States from outside interference. The proposed substitute, taken as a whole, permits concurrent action each in their own sphere by the United States and by the individual States to carry out the provisions of the eighteenth amendment.

The time has come when Maryland and similar law-abiding States should be protected from the illicit distilleries of Georgia and other "fermenter" States. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas [Mr. Wingo].

The CHAIRMAN. The gentleman from Arkansas is recognized for 10 minutes. [Applause.]

Mr. WINGO. Mr. Chairman, I may not have time to read all of the article upon which I am going to comment and, therefore, I ask unanimous consent to extend my remarks in the Record by printing it in extenso.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent, in the extension of his remarks, to embody an article from a newspaper. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman, I am one of those who believes that it is a wise policy for public men to eschew politics in either the discussion or the handling of our foreign affairs. That being the viewpoint I have, I am naturally gratified to be able to say that of which I am firmly convinced and which I think should be stressed at this time, namely, that 99 per cent of the thoughtful American people agree most heartily with President Coolidge in this declaration of the position of our Government in a recent message to Congress. I quote from the President's message:

I am opposed to the cancellation of these debts—

He is discussing the debts of foreign nations to us for war loans—

and believe it for the best welfare of the world that they should be liquidated and paid as fast as possible. I do not favor oppressive measures, but unless money that is borrowed is repaid credit can not be secured in time of necessity, and there exists, besides, a moral obligation which our country can not ignore and no other country can evade. Terms and conditions may have to conform to differences in the financial abilities of the countries concerned, but the principle that each country should meet its obligation admits of no differences and is of universal application.

I repeat, Mr. Chairman, that 99 per cent of the American people are a unit in that conviction, expressed so clearly by the President of the United States in his recent message to Congress. I say that fact can not be stressed too strongly at this time by reason of recent occurrences, which, I think, was very ably and clearly referred to by Col. George Harvey in the leading editorial in the Washington Post of yesterday, which editorial, under the permission granted, I shall extend in full in the Record.

One of the striking things in that editorial which I think should be stressed is this statement, discussing the recent conversations—as I believe they call them—of the ambassador of France with the Secretary of the Treasury:

But the plain truth is that certain diplomatic episodes of the past few weeks have given rise to painful doubts of the sincerity of France in her dealings with the United States; and that, in the present condition of world affairs, is a very serious matter.

I take it, Mr. Chairman—and I am glad to believe it is true—that the tenor of this editorial, so diplomatically drawn and so pointed in its conclusions, can be accepted and should be accepted by France as a very clear statement of the attitude of this administration, and they should realize, as I said in the beginning, that 99 per cent of the thoughtful American people are back of that attitude.

No nation can accuse the United States of being other than liberal and fair in this matter. Some of our citizens think we have been too liberal, but the position that the President

and our Debt Commission take is one that no honest nation can criticize. This fact should be brought home to those people that there is no support, of any considerable quantity in this country, of those gentlemen who are going up and down the land advocating the cancellation of these debts. There is another fact that should be driven home to their minds as practical statesmen, and it is embodied in the quotation from the President's message that I have quoted, and that is: "Nations are just like individuals. They can not treat with indifference their obligations without suffering in prestige and credit."

There are debts that are more binding in the court of honor than in the courts of law, but it is more damaging to the selfish, material welfare of a man and of a nation to resist the one than it is the other. Good faith, honor, and selfish interest require that nations as well as individuals pay their debts and meet their obligations, fairly, honestly, and to the full extent of their ability.

Mr. KINCHELOE. Will the gentleman yield?

Mr. WINGO. I yield to the gentleman.

Mr. KINCHELOE. In a news item in this morning's Post, speaking of this matter it is stated that the hands of the Secretary of State, Mr. Hughes, are tied in the matter. Can the gentleman conceive of what has arisen whereby the Secretary of State, who is the spokesman of this country on international affairs, has his hands tied in matters of this kind?

Mr. WINGO. I did not see the statement. I do not know what it refers to, but I say this, as I have said before. Whatever may be our differences, among the American people I think we are a unit back of the President and the Secretary of State upon the proposition announced very clearly in the President's message as the policy of the administration on this foreign-debt proposition.

Of course, we must recognize that in handling matters of this kind sometimes circumstances make it rather difficult to move with that degree of speed we would like to see, and for that reason I am not critical of the Secretary of State.

My object in discussing the matter to-day was mainly to get this editorial in the Record and to stress the fact that the American people, irrespective of party, are back of this administration on this question, and appreciate to the fullest extent the condition of the peoples of the nations who owe us, having perfect faith that sooner or later they will see that not only honor but that self interest will require them to promptly and in good faith meet their obligations. [Applause.]

Mr. Chairman, under leave granted me to extend my remarks in the Record I insert an editorial from the Washington Post, as follows:

THE FRENCH DEBT—IS REPUDIATION LIKELY TO FOLLOW DEFAULT?—
WAS LOUCHEUR RIGHT?—MISGIVINGS OF THE PEOPLE—A QUESTION OF SINCERITY—WHAT OUR GOVERNMENT MAY HAVE TO DO

(By George Harvey)

It would be a pity, indeed, if the ending of the long and admirable service of M. Jusserand as ambassador of France to the United States should be marred in the slightest degree for whatever cause, but it is none the less a fact, which can not, in consideration of our own self-respect, be longer ignored, that his departure is attended by a sense of deep disappointment on the part of the American people. We would not think for a moment of attributing any part of responsibility for this deplorable circumstance to his excellency; nor would we hold to account the Government, of which he is the honored representative, by contrast with its predecessors; but the plain truth is that certain diplomatic episodes of the past few weeks have given rise to painful doubts of the sincerity of France in her dealings with the United States; and that, in the present condition of world affairs, is a very serious matter.

As long ago as November 25 the press was apprised through official channels that Ambassador Jusserand had sought and obtained interviews with Secretary Mellon, chairman, and Secretary Hughes, a member, of the debt commission, with the avowed purpose of effecting a settlement of the financial obligation of France to the United States. Both of these two high officials took the proposal seriously. Not only they, but the President, according to published reports, "were gratified that the French move appeared probable before February 1, when the life of the commission would expire and necessity would arise for an appeal to Congress for an extension."

Treasury officials informed the correspondents further that the ambassador's approach was not the consequence of a hint from this Government, but was wholly voluntary and was made with full knowledge of "the American attitude that an adjustment should follow the lines of the British settlement."

Thereupon Secretary Mellon called a meeting of the Debt Commission and recounted the conversations, and subsequently, replying to a question as to whether the ambassador was "specially authorized by his

Government" to make the overtures, Representative Crisp, a member of the commission, said, decisively, "Of course, I assume that he was or he would not have conferred with the Secretary of the Treasury."

Apparently the French Government did not coincide in this view. On November 29 the Associated Press telegraphed from Paris that "there appears to be a difference in understanding between departments," and continued:

"Finance Minister Clementel has let it be understood that Ambassador Jusserand has been negotiating with Secretary of the Treasury Mellon concerning funding of the war debt, while the Foreign Office says that if M. Jusserand has been talking on the debt subject to Secretary Mellon, it was only from a natural desire on his part to advance as far as possible all questions pending before he leaves his post. The French ambassador, it was added, received no special instructions with reference to a settlement of the debt, and no negotiations have been undertaken, it was declared."

"The discrepancy," according to the dispatch, was "explained in political circles as probably due to a misconception by the Minister of Finance as to the different sorts of diplomatic talks—that when M. Clementel was informed M. Jusserand had seen Secretary Mellon the minister assumed the talk amounted to negotiations."

M. Clementel confirmed this impression, immediately following a cabinet meeting, by "expressing belief that the American Government would grant a decided reduction in the rate of interest on the debt and a hope that there would be a similar substantial reduction in the principal."

Premier Herriot leaped into the muddled waters on December 4.

"The talks," he said in an official statement, "which have taken place in the last few days between the French Ambassador to Washington and the American Secretary of the Treasury on the subject of a settlement of the French debt to America should, in spite of certain statements to the contrary, be considered only as having the character of simple semiofficial exchanges of views."

Why the Premier should have waited a whole week before clearing up the "discrepancy" between the foreign and the financial departments, amounting to a positive contradiction, was not quite clear until the circumstance was noted that the Right Hon. Austen Chamberlain, Foreign Secretary of the British Empire, was to arrive in Paris on that day and, spurred on by English resentment at France's apparent determination to settle first and exclusively with the United States, might propound embarrassing questions with respect to discrimination against her original ally.

In any case, the Premier's declaration clearly reduced the Jusserand proposal from the gravity which had been attached to it by the President and his two foremost Cabinet officials to the merest gesture.

Even so, the ambassador betrayed no dismay. Speaking in New York three days later, in the notable presence of his country's chief American bond seller and of the president of Princeton, who considered it "not only the duty but the great privilege of the United States" to cancel debts, M. Jusserand said:

"Allusion has been made to our debts to you. The papers are in doubt as to whether my talks on the subject have been conversations or my conversations talks. Whatever they may have been, I hope it will not be impossible to arrive at some agreement."

"I am sure you will recall that while you were making ready we were engaging the enemy. I think you should know that not more than one-sixth of that money went to France. The rest of it was spent in the United States, and I hope that account will be taken of our special position on that use of the money while you were preparing, and also that while we were borrowing we were also lending to our allies, and that not one of them has paid us."

"When we pay we shall pay to the last cent; but I think you will not forget that we spent more blood than any of the Allies, much treasure, and that we were the only country that supplied the battle field."

While we would be of the last to utter obvious reflections upon even the most ex parte statement in the happy yuletide season, it is impossible to ignore the following Christmas-eve message contained in a telegram to the Herald-Tribune:

"PARIS, December 24.—Ambassador Jusserand's speech in Washington Tuesday on the French debt to the United States has drawn a sharp rebuke from the Herriot government. It was learned to-night. The Premier was highly displeased. It is said, and immediately cabled the ambassador demanding that during the 15 days in which he is to remain in Washington he shall maintain silence or expect to be recalled."

"In his speech Ambassador Jusserand declared that after a 'breathing spell' France could and would begin payments, but he indicated that she would expect preferential treatment because the war was fought largely in France."

"The official view on the debt situation in Paris is understood to be that Jusserand's conferences with Secretary Mellon were entirely on his own initiative and were not authorized by the Foreign

Office. The results not only have been negative, in the opinion of Government officials, but have had a bad reaction on congressional circles."

"Finance Minister Clementel, who might have been expected to touch on the question, however lightly, in his Christmas message to the American people prepared to-day for the Herald-Tribune, did not mention war debts."

That is to say, coming down to brass tacks, the French Government resents the making of even a polite and meaningless gesture by their own ambassador to the very people who are now zealously striving in emulation of one another to show their high regard and to prove their deep affection for him upon the eve of his departure and probable retirement from the service.

Meanwhile there comes from Paris, in a telegram from Mr. Edwin L. James to the New York Times, information that "as matters now stand, the French will not in the near future make a definite proposal for debt settlement to the United States but will first try to make terms for adjustment of her debt to England."

That is, again, to say, that France proposes to play England against the United States and to lament to each that she can make no settlement with the one because, alas, she would be called upon to pay the other—a horrifying and impossible proposition. *Le Temps*, semiofficial organ of the Government, is deeply distressed by the circumstance that both Great Britain and the United States think that France should not settle with one without consideration of the other, and magnifies this wholly natural feeling into a truly dreadful "Anglo-American controversy," which has "a tone very disagreeable to us"—as well, we should say, it might.

"What we must remember," sternly declares *Le Temps*, "is that the English, like the Americans, turn to France and demand that she settle her debts, which, for political as well as financial reasons, ought first to be subjected to severe revision."

That is to say, for the third and last time, for the present at least, that M. Loucheur, the ablest and frankest of French Ministers of Finance in recent years, spoke the exact truth when he said to the writer of these lines and subsequently declared for publication that France considered all of her debts "political, not financial," and had not the remotest intention of ever paying any of them.

Now it may be that the exact truth thus plainly enunciated by Mr. Loucheur two years ago is not the exact truth to-day, but the evasive shillyshallying of the past few weeks has done much to convince the American people that it is.

If not, the proof is ready at hand and can be quickly furnished. France will not admit that she is a repudiator, but she can not deny that she is a defaulter. For various obvious reasons, as often happens to debtors, she can not pay. For various other reasons, more hazy, she can not see her way clear to promise ever to pay. What, then, can she do, what should she do, other than any corporation would surely do if confronted by a like condition? Call a meeting of her two creditors, of course, give them full access to all information respecting her assets and liabilities, resources and prospects, and seek the fair, just, and generous settlement which assuredly, though not necessarily upon the same terms, because of diverse circumstances, she would receive. If any other way of liquidating her obligations, to her honor and her credit can be found, very well; but it is not visible, and we do not believe it exists.

President Coolidge set forth plainly the irrevocable position of the United States when he said in his recent message to Congress:

"I am opposed to the cancellation of these debts and believe it for the best welfare of the world that they should be liquidated and paid as fast as possible. I do not favor oppressive measures, but unless money that is borrowed is repaid credit can not be secured in time of necessity, and there exists besides a moral obligation which our country can not ignore and no other country can evade. Terms and conditions may have to conform to differences in the financial abilities of the countries concerned, but the principle that each country should meet its obligation admits of no differences and is of universal application."

England had already borne convincing testimony to her adherence to this principle when, at tremendous sacrifice, she paid on the nail all that in generous consideration of her sturdy and splendid determination to maintain her financial integrity inviolable was asked of her.

France may do likewise. We sincerely hope so, far more for her sake than for ours. But if not, the proverbial "wounds of a friend" would cease to be "faithful" if we should fail to notify her that the events of the past few weeks have, as we said at the outset, given rise to grave misgivings of her good faith in the minds of the American people, who, after all, can not forget that they are taxing themselves \$160,000,000 a year to pay the interest upon the money which they borrowed to loan to France upon her honor as security.

There seems to be no occasion for our own Government, flouted though some consider it to have been, to do anything except perhaps to intimate courteously through our ambassador in Paris that any further communications respecting debt settlements should be plainly labeled "official" or "conversational" and should embody a definite proposal.

Later it may appear desirable to inquire whether bonds offered for sale through private bankers to the American public constitute a lien prior to that of the general loan of the United States and rest upon security which is, in substance if not in form, the property of the American people; but this is a remote contingency which we trust it will not become necessary to contemplate.

Mr. WINGO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, each and every Member of the war Congress is responsible to the American people for what we did with their bond money which they contributed by reason of laws then passed.

I want to call attention again to the kind of obligation that our Government, under the authorization of Congress, took from every foreign government when we lent them money. These obligations were taken from time to time, covering various bond issues and made applicable to those issues, but except as that difference of issues may appear the obligations otherwise are all drawn alike, and I am going to read the form of obligation executed after the issuance of and made applicable to the seventh series of Liberty bonds, exemplifying the obligations that were given our country by the Republic of France. And so that it may be better understandable, I am going to put the total principal we loaned France in this one obligation because, substantially, it is in the same form of all of them. If you would add together the amounts of all of these obligations which at various times France executed and gave our Government, made applicable to the ones under the seventh series, you would have this kind of form and this kind of obligation, which, leaving out dates, substantially recites the form of each and all of them, to wit:

CERTIFICATE OF INDEBTEDNESS
(\$3,340,606,376.97)

The Government of the Republic of France, for value received, promises to pay to the United States of America, or assigns, the sum of \$3,340,606,376.97 on demand, with interest from the date hereof, at the rate of 5 per cent per annum. Such principal sum and the interest thereon will be paid at the subtreasury of the United States in New York, or, at the option of the holder, at the Treasury of the United States in Washington, in gold coin of the United States of America of the present standard of weight and fineness, or, at the option of the holder, at the Credit Lyonnais, Paris, France, in pounds sterling at the buying rate for cable sterling on Paris in the New York market at noon on the day of such demand, as determined by the Federal Reserve Bank of New York, and at any such place of payment without deduction for any French taxes, present or future.

This certificate will be converted by the Government of the Republic of France, if requested by the Secretary of the Treasury of the United States of America, at par, with an adjustment of accrued interest, into an equal par amount of 5 per cent convertible gold bonds of the Government of the Republic of France, conforming to the provisions of acts of Congress of the United States known, respectively, as second Liberty bond act, third Liberty bond act, and fourth Liberty bond act. If bonds of the United States issued under authority of said acts shall be converted into other bonds of the United States bearing a higher rate of interest than 4½ per cent per annum, a proportionate part of the obligations of the Government of the Republic of France of this series acquired by the United States under authority of said acts shall, at the request of said Secretary of the Treasury, be converted into obligations of said Government of the Republic of France, bearing interest at a rate exceeding that previously borne by this obligation by the same amount as the interest rate of the bonds of the United States issued upon such conversion exceeds the interest rate of 4½ per cent, but less than the highest rate of interest borne by such bonds of the United States.

(Signed) J. J. JUSSERAND,

For the Government of the Republic of France.

Dated this — day of —, 1919.

It is possible that concerning some of these obligations Mr. Jusserand had some other authorized representative of the Government of the Republic of France to sign same in his stead, but the foregoing substantially is a reproduction of the kind of obligation that was given us by the ambassador of the Government of the Republic of France, Mr. J. J. Jusserand, and they were dated according to the different loans and issues.

Is there a lawyer in this House, or in this Republic, or in any other country, who could draw a more binding legal obligation than that? What is there about that obligation that makes it questionable? It is past due, with the interest provided therein, according to its face, for it specifies that it is payable "on demand," and we have demanded settlement, not

a payment in cash, but a funding, extending over a period of 63 years, and at a much lower rate of interest than France agreed to pay. We are sympathetic and lenient.

Mr. McKEOWN. Will the gentleman yield?

Mr. BLANTON. In just a moment I will gladly; but kindly excuse me for the present.

The indebtedness which France owes our Government now amounts to over \$4,000,000,000. With the interest computed only to November 15, 1923, the debt aggregated the sum of \$3,990,657,605.64. It will add nothing more to the wealth of our Government or of our people for the debt to be funded. It will benefit only France and her people. For we now hold the legal obligation of France aggregating over \$4,000,000,000, now past due and payable, and by our offering to let France fund it we are proposing to let France give us in lieu of our past-due obligation her new obligation extending her payments over 63 years with lower interest. Hence funding is a matter of special concern and interest favorable to the Republic of France and the French people, who alone would benefit thereby, for if this debt were funded to-day the Government of the United States would get no better legal obligation than it already has. The new obligations that Great Britain has given the United States Government in funding its debt are of no greater legal value than this obligation of France which we now hold for over \$4,000,000,000, covering principal and interest, of money lent her.

I can not understand why this is not a question that concerns every Member of Congress equally. And it is time for us to speak up when we hear even rumors of a possible attempted repudiation. Your vote and mine will be necessary to settle what is done about the matter.

If France should adopt such an unwise course as to attempt to repudiate this debt by refusing to refund, she could not repudiate it, for legally she is already bound, and morally she is doubly and trebly bound, and her past-due interest-bearing obligation is in our hands and is stable and legal. I can not understand how anyone with even a sense of gratitude remaining could devise an excuse and say that because the battle field of the World War was laid in France that we who had nothing to do with the placing of the battle field there should be held responsible for the great calamity that befell that country.

I remember very distinctly in May, 1917, within a month after this Congress was forced to declare our Government in a state of war, the High Commission of France appeared here on this floor and was cordially and sympathetically received by the House of Representatives. I remember the suppliant attitude and demeanor of the high commissioner, Monsieur Viviani, when he spoke from that platform, and that of the marshal of France with their retinue who appeared with them. What was their attitude then? Did they hold this Government responsible because the battle fields of the World War were laid in France? Why, the World War had been in progress at that time three long years. No; it was an attitude of benign supplication; it was an attitude of the people of France coming to us for help and assistance, appearing under a representation that England was upon her knees, that France was upon her knees, that Italy was upon her knees, and that Russia had already given up, and it was a question of getting men, money, and help of all kinds to save them; and it, then, was their war which had been in progress for three long years.

Did we hesitate? Not a moment, and there was not a single vote against giving France everything she asked of us. This Republic came to their relief and loaned France over \$3,000,000,000.

When this high commission and the other representatives of France were asking for these loans, did they then say anything about considering them gifts, and not executing legal obligations for them? Oh, no! They were loans, pure and simple, with the same rate of interest that American citizens were paying for their public money.

These obligations, signed and executed by the Republic of France, are not mere scraps of paper. The Republic of France can not afford to treat them as scraps of paper. For France knows the civilization of the world whipped and condemned the Imperial German Empire for treating its obligations as scraps of paper.

Now, because of certain exigencies concerning which we had nothing to do, there is a delay by France in funding this legal and moral debt to our Government. I do not believe the delay will last long. I believe the people of France will wake up to the moral obligations which were mentioned by our friend from Arkansas [Mr. Wingo] a moment ago. I think they will, not in the interest of our Government, because our obligation

given us by France already is good, but in the interest of the French people, they will come in and fund this debt.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BYRNS of Tennessee. I yield to the gentleman three minutes more.

Mr. McKEOWN. Now will the gentleman yield?

Mr. BLANTON. I yield.

Mr. McKEOWN. Does the gentleman from Texas apprehend that the French people will repudiate her debt when, after 83 years, during which time all kinds of governments have been in charge of France, they have paid every one of her debts?

Mr. BLANTON. No; I do not. I believe if the propagandists will let the question alone that within a very short time this debt will be funded amicably, because it is for the interest of the French people to do so. They know that our Government will give them the same terms, 63 years, and a lower rate of interest, like we did England and other governments to fund it, and it is for their benefit, not ours, that they should fund and take advantage of it.

I want you to remember the fact that every contact we had with France during the war we paid for to the highest limit. When we sent soldiers over there to defend and aid France we paid for their carriage—we paid French boats for carrying the men across the water, and paid them the highest limit for every soldier that went to the rescue of France and the civilization of the world. When we got over there we paid dearly for every piece of ground used, for every piece of lumber, for every mite of damage we did to public roads, for every mite of damage we did to any kind or piece of property we paid the limit without a murmur, without a question, and paid in cash or its equivalent. We have paid every claim of theirs made upon us, and they have been numerous and many. They have amounted to way up in the hundreds of thousands.

Now, what else? After the war closed we had some supplies that had cost millions of dollars to the people of this country. France wanted them, said they needed them, for rehabilitation, and we sold the supplies and took their obligations after the war closed for over \$400,000 and sold them for a few cents on the dollar. Many of these supplies so sold over there were shipped back to this country and sold here in competition, by private concerns who got hold of them, in competition with products of our own factories, and that went on to such an extent that it was stopped by act of Congress and by rules and regulations of various departments of the Government. I know one thing. I represent 315,000 people in this Government. I believe that every one of them are willing to-day to do everything they can to help France along and extend the time, let her pay it when she can, but every one of the 315,000 people in my district expects France eventually to pay every dollar that she owes this Government. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. BUSBY].

Mr. BUSBY. Mr. Chairman and members of the committee, you will remember that about a year ago we had before the House a bill similar to this one, in that it carried appropriations for the Post Office Department. You remember at that time the House put an additional million dollars into the bill for the purpose of putting into operation rural routes that had been inspected but were hanging over.

I want to call attention for a moment to how that affected the Rural Mail Service of the country. The last report of the Postmaster General says, on page 34—and this was published in November, 1923—that during the last 10 years, up to that time, the number of rural routes had been increased by about 1,600, or nearly 3.8 per cent.

That is about 160 routes per year for the 10-year period. Since the appropriation was increased last year by our putting the additional million dollars into the sum available to be expended by the Fourth Assistant Postmaster General the number of routes has increased in this way:

June 30, 1923, there were 44,312; June 30, 1924, there were 44,624; December 1, 1924, there were 44,969; and from the time that we provided the funds last year up to this time there have been 655 new routes put into operation. What does that mean? It means that the people are getting mail facilities that they never had before; and you, as Congressmen representing some of these people, when you go to the Fourth Assistant Postmaster General to get rural routes established, he does not tell you that Congress has not provided the money and consequently he can not give you the service you ask for.

There were established 655 routes from June 30, 1923, to December 1 of this year. That is nearly half as many as were established in the 10-year period up to the time this last report was written, November, 1923.

I want to show you the situation with which we are now confronted. I shall read a stereotyped paragraph—and I say stereotyped in the sense that all the letters now being received in regard to establishing routes include it. I think this paragraph will throw some light upon the situation. Here is a letter dated November 12, 1924, in reply to a letter asking that a route be established at Lambert, Miss. Here is one dated December 1, 1924, asking that a route be established at Drew, Miss. Here is one dated December 1, 1924, asking that a route be established at Glen Allen, Miss. Each one of these letters contains this paragraph:

I regret to state, however, that the estimates of the department for the maintenance of the Rural Delivery Service for the new fiscal year provides for a material decrease in the amounts available for extensions of this service, which decrease is of such large amount that we will be compelled to restrict expenditures for new rural routes and extensions of routes to cases where an actual emergency exists or where such routes or extensions are absolutely essential to the preservation of existing facilities.

Let us see what they propose to do in the way of giving us this additional service that the people are entitled to. On page 233 of the hearings on this bill, which we are now considering, we find that during the past year, because we gave them the money, they expended \$275,000 for extension of routes. They also put into operation 525 routes during that year, according to this statement, at an average cost per route of \$1,830. This would amount to \$960,750, which they have spent for this service. What did they estimate for 1926? One hundred thousand dollars all told. How many routes will that put into operation? Sixty-eight, and that is all the service that is being provided for in this bill along that line.

Mr. MADDEN. Oh, I beg the gentleman's pardon. We added \$150,000 to what they recommended, and the Fourth Assistant Postmaster General said that that would be all that they could properly use.

Mr. BUSBY. Very well. Let us see just how far that goes. I find that the chairman in his opening statement in the examination of the Fourth Assistant Postmaster General says—and this would be called a leading question in a court of law:

The CHAIRMAN. The next item covers the personnel in the Rural Delivery Service, or the rural carriers. The current appropriation for this service is \$89,250,000 and for 1926 you are asking \$88,200,000. Of course, when you take into consideration that included in that \$89,250,000 there was \$1,000,000 put in by the House that really was not needed, there is not much reduction.

They spent a good part of that additional million dollars. It was needed, and unless you give the Post Office Department a margin to operate on it can not give full service, for they can not go to the limit in making expenditures for service.

I call attention now to a letter received by me from the Fourth Assistant Postmaster General. I asked him a question about how much money would be expended. He did not answer that directly, did not seem to understand what information I desired, and he said:

It would seem appropriate to say that some of these items of cost in connection with the Rural Delivery Service are not fixed in any way and vary widely—

And then goes on—

but that a working balance must always be maintained, even if as a result of such administrative action there may be an unexpended amount to be covered back into the Treasury.

Of course, we know that he is bound to have a margin between his expenditures and the amount available in order to take care of these emergency cases. All I want is for us to get together and provide sufficient funds available for him to expend, if necessary, and if they are not expended any balance will certainly be covered back into the Treasury.

Mr. ALLGOOD. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. ALLGOOD. I notice here that the committee recommends an increase of \$4,000,000 to letter carriers in the city delivery service.

Mr. BUSBY. I noticed that.

Mr. ALLGOOD. And I do not see why they should make a discrepancy, because half of the people live in the country in the United States.

Mr. BUSBY. I really think that with the increased demand for mail facilities and service, we will have to increase the amounts for city carriers, but certainly we ought not to turn around and cut off \$900,000 for service that we are expecting to provide, and ought to provide for the people in the country. I have no feeling on this proposition as between one part of the service and the other. I think it all ought to be provided for, and if the funds are provided and not expended, it is not wasted. Why not provide it? The letter to which I have already referred tells you that we can not have any more rural routes put into operation for the next year, because next year's estimates are too low to carry them if put into operation.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. BLANTON. If the gentleman can just get 36 friends of his amendment here when he offers it, we will then have one majority over the committee, and we can probably pass the amendment.

Mr. BUSBY. I want to get before the House the necessity for this proposition. I went down to the Post Office Department and was told that they had plenty of money to put rural routes into operation and that they could keep them in operation until June 30, 1925, but that after June 30 they would not be able to continue them because the department would have no money with which to carry them on. We have a part of the \$1,000,000 we provided in the last Post Office appropriations bill that can be used to put routes into operation, and can be used to carry them until next June, but after June they must be dropped because the estimates and amounts provided in this bill are so low for maintaining this service.

Before this session of Congress convened we were receiving letters like the one just shown you telling us that the Post Office Department can not establish these routes, although they have been inspected and approved and ought to be put into operation, because we are not giving them money for the fiscal year ending June 30, 1926, with which to carry the service along.

There is another feature I wish to call your attention to in connection with the Fourth Assistant Postmaster General's statement regarding estimates contained in this letter.

For instance, on page 233 of the hearings, he says:

Mr. BILLANY. * * * We have already put in 314 since the 1st of July and now have 523 cases pending establishment.

The CHAIRMAN. You will put in how many more?

Mr. BILLANY. We expect to put in about 100 more during 1925.

The CHAIRMAN. That will leave how many?

Mr. BILLANY. That will leave us 423 to carry over from 1925 to 1926.

The CHAIRMAN. Have they been examined by the inspectors?

Mr. BILLANY. Most of them have, but not all.

The CHAIRMAN. Have they been recommended?

Mr. BILLANY. Most of them have been recommended.

Mr. BYRNS. You will put some of them in this year?

Mr. BILLANY. Yes, sir; about 100.

The CHAIRMAN. He says they have already put in 314, and that they will put in about 214 or 215 more. There would still be a lot left over.

Mr. BILLANY. Yes, sir; besides what will come in during the balance of 1925 and during 1926.

Now, gentlemen, here is the sum and substance of the whole proposition. It is not proposed in this bill to carry sufficient funds, according to the statement of the Fourth Assistant Postmaster General, to give this service what is—

Mr. MADDEN. Will the gentleman read what the Fourth Assistant Postmaster General says? The gentleman did not read it all. He said that with the balance left over he would have all that was needed.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BUSBY. I am very sorry my time has expired. I would like very much to fully answer that statement. But I hope I have made myself clear. I will get to it again later. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. McKEOWN].

The CHAIRMAN. The gentleman from Oklahoma is recognized for five minutes.

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, I agree in part with what the gentleman from New York [Mr. MAGEE] had to say in regard to the public-building program, but I do not agree with him as to the manner in which, under his plan, the money is to be apportioned.

There is no question but that the public buildings are needed by the Government throughout the whole Nation. There is no question but that they need new public buildings in Wash-

ington. But the plan proposed by the gentleman is not the proper way to make the appropriations and at the same time be fair to all the communities of the Nation. He proposes to put it into the hands of the Committee on Appropriations. Why does he not go a little further and try to get the Committee on Rivers and Harbors to put their bill into the hands of the Committee on Appropriations?

The fact is that the Committee on Appropriations ought to consist of one Member from each State of the Union. There ought to be 48 Members on that committee. You may say that that would be too many. But that committee has a great deal to do, and therefore it ought to have on it one man representing every State in the Union, because they dispense the taxes collected from every State of the Union.

I have as much faith and confidence in the present personnel of the Committee on Appropriations as has any man in the House. I think they are discharging their duty just as ably as any committee that could be selected from this House. But I am simply talking about the principle of the proposition, and I say that the proper way, in my humble judgment, to settle the building program is to let the Committee on Public Buildings report its bill in and designate the places where buildings are to be constructed, and then let the committee pass upon the question as to when these buildings will be put up. Fix your program to the extent of \$25,000,000 a year for 10 years, a building program, but fix definitely the places where the structures are to be built; fix it in the bill to be presented by the committee.

Now, you hear a great deal about "pork barrels." Gentlemen, you know what a "pork barrel" is. Appropriations for public objects are called "pork" by those who have already the things the others want. What the other fellow is trying to get is called "pork." The man over here, for example, has his part already, but when another man who has not gotten his wants something done for his district that is what the former man calls "pork." That is all there is to this "pork-barrel" matter. [Laughter.] I want mine, but when I want it it is called "pork." The same is true with respect to other matters.

The only just and fair way is to bring in the bill and put the places in the bill. I will never vote so long as I am in this House to give the right to any man to spend \$25,000,000 a year wherever he wants to in erecting post offices and courthouse buildings throughout the country. Down in my country we never had a public building, although we had appropriations made since 1911. They said such buildings cost too much. But we got them to go to work and cut out the frills and this fol-de-rol of decoration and give us regular useful buildings, and we have now buildings down there within the limit fixed in the appropriation. It is just as nice and sanitary as could be wished, and these are buildings that will fulfill every want of the public for years to come. Cut out the style and cut out the fancy work in marble and in decoration and give the people nice, comfortable buildings that will serve the purpose. So long as you are going to adhere to the policy of furnishing excessive trimmings and magnificent piles of stone according to certain ideas and schools of architecture, you can not get the buildings, because you will not spend the money necessary to get them.

I do not propose to vote for a bill that is going to let some department say when you will build a public building in my district. There will be complaints coming here from all sides from Members saying that they were discriminated against. They will say they did not get fair treatment. But if you will designate in the bill the places where the buildings are to be constructed I am willing to have the Appropriation Committee of this House say when those buildings shall be built. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. LOZIER].

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. LOZIER. Mr. Chairman and gentlemen, I very much regret that every thoughtful person in America will not have an opportunity to read the illuminating, persuasive, and instructive addresses delivered on the floor of this House this afternoon by the distinguished chairman of the Committee on Appropriations [Mr. MADDEN] and the able ranking Democratic member of that committee [Mr. BYRNS of Tennessee]. This bill carries an appropriation of \$763,180,522 for the maintenance of the Treasury and Post Office Departments for the fiscal year of 1926. The granting of this large sum, more than three-quarters of a billion dollars, is a matter of great public

concern and far-reaching importance, because every dollar this bill appropriates must be collected from the American people by some system or form of taxation.

The expenditures of the United States Government approximate \$4,000,000,000 annually. When these appropriations are made there are no funds in the Treasury of the United States to meet this vast expenditure. Before the amount carried by the several appropriation bills can be paid the Government must reach out, lay its hand upon the citizen, and by the exercise of its taxing power collect from the American people a sum sufficient to cover these appropriations. Excessive appropriations mean excessive tax burdens. When we increase appropriations we make inevitable ever-increasing tax schedules. We can not hope for a substantial reduction in taxes unless we substantially reduce appropriations.

These appropriation bills deal with the business or fiscal affairs of the Nation. Therefore, a careful consideration of every appropriation bill is necessary if we are to grant the American people any relief from the ever-increasing cost of Government and the rapidly increasing burden of taxation.

I assert that the appropriation bills constitute the most important work of the Congress. They are more important than revenue bills, because the amount of money carried in our appropriation bills determines the amount of money that we must raise by taxation. And yet the American people have not a proper conception of the work of the Congress in framing and enacting the great appropriation bills which cover all the activities of our Government. This is largely the result of the attitude of the great metropolitan newspapers. They give no space to the debates on appropriation bills. Seldom do they inform their readers that Congress is at work on appropriation bills. The weeks and months of patient labor and painstaking and intelligent attention given by the Committee on Appropriations and by Congress to the great supply bills are not mentioned in the press dispatches.

During the last session of Congress, when the appropriation bills were being considered, the press gallery was practically deserted, and for weeks and months the great newspapers of the Nation carried to their readers no information that this Congress was busily engaged in the enactment of appropriation bills for the maintenance of our institutions.

When a revenue bill is pending, propaganda burdens the mails, loads every desk, and fills every newspaper. Every detail of the proposed legislation is given publicity, and what is said in debate is printed from coast to coast. But when it comes to the consideration of appropriation bills, the newspapers are not interested and the public is not concerned.

Is it not strange that the American people will work themselves into a frenzy over revenue bills that will tax them to the extent of \$4,000,000,000, and be absolutely unconcerned and indifferent in reference to appropriation bills that expend the \$4,000,000,000 taken from them in the form of taxation? The newspapers are supposed to disseminate public information and mold public opinion, but seldom do they mention in their columns the most important work that this Congress performs, namely, the enactment of the several appropriation bills by which are expended the revenues collected from the people by the several forms or systems of taxation. Congress gets no credit for what it is doing in the way of administering the fiscal affairs of the Nation.

In my campaigns, in discussing the manner in which the American Congress functions and in defending the law-making department of our Government, I stated that there was no more important legislative act than a proper consideration of our appropriation bills.

I told my audiences that when I came to Congress I entertained some prejudice against the gentleman from Illinois [Mr. MADDEN], who is the able chairman of the Appropriations Committee, because for years I had read the newspapers and remembered that he had a sharp tongue and that sometimes he had said some bitter things against the Democratic Party. [Laughter.] But after seeing him in action during the last session of Congress and after having observed the manner in which he guarded the Treasury of the United States, his fidelity to the public service, his aggressive opposition to profligacy and extravagance and his devotion to the principle and policy of economy in the expenditure of public funds, I said then, and I now repeat, there is no measure and no standard by which the value of his services to the people of America can be computed. [Applause.] I also made the same statement about the ranking Democratic member of that committee [Mr. BYRNS of Tennessee]. These two members and their associates on the great Committee on Appropriations have rendered the American people a service of such magnitude that it would be exceedingly difficult to overestimate its

value. It has been their hard duty and difficult task to hold the purse strings of the Nation, prevent extravagant appropriations, and direct public expenditures along proper and wholesome lines. The only fault I find with the great Appropriations Committee is that, in my opinion, the sums granted for the War and Navy Departments and for the maintenance of our Military and Naval Establishments are in excess of the real needs of these departments, and I am hoping that this great committee may at all times hereafter "pare to the bone" these appropriations for our naval and military activities.

This Congress can render no greater service to the Nation than by scrutinizing carefully every appropriation bill and eliminating every appropriation that is not necessary to enable our Government to function efficiently.

When Congress recessed on December 20 the newspapers carried the announcement that Congress had been in session three weeks and accomplished nothing, when in truth and fact both the House and the Senate had made rapid progress in legislative matters. The House during that short time had considered, whipped into shape, and passed three great appropriation bills carrying the expenditure of nearly three-quarters of a billion dollars. These great appropriation bills were not passed in a perfunctory manner, but the various items were discussed on the floor of the House, every proposed expenditure carefully considered, and numerous amendments proposed and adopted. And yet, notwithstanding the House had considered and passed three great appropriation bills covering the Departments of Agriculture, Interior, and Navy, and calling for the expenditure of about \$700,000,000, the newspapers recklessly announced to their readers that Congress had been in session three weeks and done nothing. [Applause.]

However, we should not be disturbed by the failure of the newspapers to give Congress due credit, because, after all, duty requires that we give these appropriation bills thorough consideration, and we are answerable to our conscience and to our constituents for the manner in which we handle the finances of the Nation. By watching these great supply bills and withholding appropriations where they are not needed we can render a real and worth-while service to the people who contribute in the form of taxes the funds necessary to carry on our governmental activities. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield the remainder of my time to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. I thank the gentleman from Missouri and the gentleman from Tennessee very much, first, for the statements made by the gentleman from Missouri, and, second, for the time yielded to me by the gentleman from Tennessee.

The CHAIRMAN. The gentleman has 12 minutes remaining.

Mr. MADDEN. Mr. Chairman, I yield seven minutes of that time to the gentleman from New York [Mr. LaGUARDIA].

Mr. LaGUARDIA. Mr. Chairman, following the remarks made by the gentleman from Maryland [Mr. HULL] in reference to the amount appropriated in the bill now under consideration for the enforcement of the prohibition law, I want to say that while I am in full accord with the gentleman's attitude in seeking a modification of the law, I do not share his views in the method by which he approaches the desired end. The gentleman complains that the amount appropriated is too great and that the law has been enforced in certain parts of the country too vigorously. Well now, gentlemen, if you are serious about this prohibition law you will have to appropriate about three or four times as much as you are appropriating in this bill to even commence to enforce the law. I believe in law enforcement as long as the law is on the statute books.

I estimate, conservatively, that there is at least \$1,000,000 worth of liquor imported into this country a day, with an equal amount of profit to the wholesalers. No such traffic could possibly be carried on without the knowledge of the officials responsible for the enforcement of the law. What is being done to stop this wholesale importation?

The President of the United States has twice recommended in his messages to Congress that the enforcement division of the Treasury Department be placed under civil service. There is a definite, concrete suggestion. Why not follow it? If this amount is to be judiciously expended Congress should immediately provide legislation by which some of the riffraff now in the prohibition department could be kicked out and civil-service requirements established, and an army of enforcement agents provided that have the moral, the intellectual, and the physical requirements to enforce that law. You are simply playing with it. The total of \$23,000,000, as provided here, might do something, if you seek to stop the wholesale

traffic. But the trouble is that your reports now show thousands and thousands of arrests of the little fellows. All of this force is devoting its time and energy to the little retail bootlegger. Why, on page 18 of the bill you provide this:

That for the purpose of concentration, upon the initiation of the Commissioner of Internal Revenue and under regulations prescribed by him, distilled spirits may be removed from any internal revenue bonded warehouse to any other such warehouse.

What do you suppose that is for?

Mr. HUDSON. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. HUDSON. Would the gentleman consider a gentleman from Ohio by the name of Remus a petty bootlegger?

Mr. LA GUARDIA. I understand he is conducting business in Atlanta. Why, gentlemen, Mr. Remus only recently was instrumental in the reorganization of two distilleries. No; I do not consider him a retailer; I consider him a wholesaler. But to get back to page 18 of the bill, there you provide for the removal of liquor from one warehouse to another warehouse. What do you suppose that removal of liquor from one warehouse to another is for? It is liquor when it leaves warehouse B and water when it gets to warehouse C.

Mr. WINGO. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. WINGO. Not for the purpose of controversy but so I can follow the gentleman, this question occurred to my mind while the gentleman from Maryland [Mr. HILL] was talking. The gentleman in the opening of his statement said he agreed with the gentleman from Baltimore as to the desired end but disagreed as to the method. What I would like to know is: What is the desired end from the viewpoint of the gentleman from New York?

Mr. LA GUARDIA. As long as you have the law on the statute books, enforce it and stop bootlegging; stop corruption, stop disregard for the law and the corruption and graft in public office. That is what I mean. Enforce the law impartially. Do not go after the little fellow and let the big fellow go. Do not permit some to drink choice vintages and others to be poisoned.

Do not enforce the law against the little fellow and let your wholesalers go scot free because they have the proper connection. That is what I mean.

Mr. WINGO. Does the gentleman think that is the desired end that "the gentleman from Baltimore" had in mind?

Mr. LA GUARDIA. The gentleman knows what "the gentleman from Baltimore" had in mind, and I do not.

Mr. WINGO. The gentleman said he agreed with him in trying to arrive at the desired end but disagreed as to the method, and I was trying to find out, in my humble way, just what was the desired end that the gentleman from Baltimore and the gentleman from New York had in mind.

Mr. LA GUARDIA. The gentleman from New York had in mind having law enforcement and not have us make believe we are enforcing the law in this country. I want to know whether or not the people of this country want prohibition. We can not tell until we have prohibition.

The gentleman from Arkansas only a few moments ago stood on the floor of this House and supported the President in one of his recommendations, and now I will support the President of the United States when he says to kick out the riffraff and kick out the bums and put this department under the civil service, and get real men to enforce the law, and then we will ascertain whether this law can be enforced or not. That is what I mean by it.

Mr. WINGO. If the gentleman will permit me, I think I might agree with him in the desired end he states; but does the gentleman think the only way you can reach that end is to put it under civil service? The gentleman recognizes that under the present method of Republican politics it is impossible to do that as long as you have political appointments.

Mr. LA GUARDIA. The gentleman tried to reform the Republican Party once, but he did not make much of a success of it, and I do not think they are going to take my advice now.

Mr. WINGO. Oh, no; I never tried to reform the Republican Party.

Mr. LA GUARDIA. I am talking about myself. I do not think they are going to follow my advice now.

Mr. WINGO. The gentleman is wiser now.

Mr. LA GUARDIA. I hope so.

Mr. BLANTON. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. BLANTON. How are you going to enforce the law when 17 hours of persuasive argument will induce the foreman of a jury in Baltimore to let a distinguished gentleman make cider?

Mr. LA GUARDIA. It seems to me that if the distinguished gentleman whom my friend from Texas refers to wanted to really test the law, he should have put in no defense, and after the State had put in its case he should have rested; then the jury could come in with a verdict of guilty; then he could have appealed. Then we would have the law established on appeal, because law is made by the decisions of appellate courts and not by the verdict of a jury in a particular case.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MADDEN. Mr. Chairman, I yield the remainder of my time to the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Chairman, I have been joshed a good deal around the House to-day about an editorial, a copy of which I hold in my hand and which appeared on yesterday in the Washington Post, and just why so distinguished a paper, so influential and responsible a paper, should waste a full column on a cynical, critical, half-witty, satirical editorial I can not quite understand. I read it four or five times and can not understand the density of the gentleman who wrote it—and by the way, I suppose it is a gentleman, who calls himself "The Bystander." Just what The Bystander means or stands for, of course, is subject to many opinions. A bystander might be a single onlooker or he might be a bum around a fish market who has nothing else to do. However, The Bystander wrote this, and in a number of places he says that the same beneficent Providence that makes guinea pigs also made FRED BRITTEN. Well, I take it that the same Divine Providence also made The Bystander. The same Divine Providence made Volstead and JOHN PHILIP HILL. He also made beautiful peacocks, and is directly responsible for the legs of the high-minded and talented editor in chief of the Washington Post. You probably have seen them in short silk breeches in the Court of St. James. That same Providence also made the naval expert whose desire to improve the American Navy gave him columns, aye, pages, in the Washington Post recently.

The entire editorial shows a desire for supreme sarcasm, and yet The Bystander's desire to be funny overshot his mark.

I want you to understand, gentlemen, I am not attributing this editorial to Col. George Harvey. He is much too smart and too refined a man to pull such a boner.

For the benefit of some of you who have not read it, the editorial refers to the caustic ink and pleasant sarcasm of the great Macaulay, and then the writer recognizes his own feebleness of power to do me, as he says, full and signal justice because of my statement on the floor of the House—a statement so clear that any child could understand it.

There is an attempt at ugly sarcasm. He says that the reason for his editorial is to reprimand Mr. BRITTEN; reprimand me because of his failure to understand English. He says, in part:

We do not object to Mr. BRITTEN amusing himself with saber rattling—if he must have his toys let him play with them—but we shall have to reprimand him, for his own good, of course, for trying to mislead the House of Representatives.

I want you gentlemen who are accustomed to the language of the House to see if I really attempted to mislead you. He says further:

We quote from our invaluable contemporary, the CONGRESSIONAL RECORD of December 18:

"Mr. BRITTEN. The Secretary of the Navy and the highest ranking naval officers in our service say that Japan is making great military preparations."

That is what they have said in congressional hearings. Then, going further—

"and I assume that any warlike activity of Japan may be ultimately directed against us."

Now, that is very plain. That is my assumption. There is no question about that. The language is very clear, and is not attributed to anyone else.

A little later Mr. FRENCH asked Mr. BRITTEN if he wanted it understood that the Secretary of the Navy and the high officers of the Navy had said that Japan was making military preparations that might be directed against the United States, or was that only Mr. BRITTEN's own observation.

Well, when I said I assumed that a certain condition presented itself, of course it was my personal opinion.

To which Mr. BRITTEN, unabashed, made this reply:

"I want it clearly understood that no Secretary of the Navy and no high ranking officer of the Navy indicated Japan was making mili-

tary preparations with the view of directing those preparations against the United States. That latter expression was my personal opinion."

Anyone with an ounce of brains in his head would have understood my plain language, but The Bystander writes:

So, Mr. BRITTEN having made the House believe he was reflecting the Secretary of the Navy, driven into a corner by Mr. FRENCH, confesses he was drawing upon his own imagination.

What a silly attitude for a great newspaper to take. Then it says:

This may be the ethics of the ninth district, whose representative Mr. BRITTEN is. Meanwhile Mr. BRITTEN's conscience and likewise his digestion, we presume, do not trouble him.

I repeat that in my first statement I plainly assumed that some day those military preparations might be directed against us. I was not aiming to mislead the House. That was my personal observation. I hope that while we may have differed on the Navy or on the wet and dry issue or on many other issues, just as big city districts will differ from country districts, I hope I have never attempted deliberately, directly, or indirectly to mislead the House. That is never my intention, gentlemen, and I want you to realize that. I repeat, it is hard to understand the logic or the intent of The Bystander.

I introduced a resolution the other day, which had been introduced after very serious deliberation, calling for a conference on the Pacific coast. The Post this morning quoted an editorial about that resolution, which said it should be voted down.

Now I am going to ask the Clerk to read, in my time, a real editorial, appearing on Christmas Day in the Chicago Tribune.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. Mr. Chairman, I ask to proceed for five minutes.

The CHAIRMAN. The time has been limited by the House, and all time has expired. The Clerk will read.

The Clerk, reading the bill, read as follows:

Be it enacted, etc.,

TITLE I—TREASURY DEPARTMENT

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department for the fiscal year ending June 30, 1926, namely:

Mr. BRITTEN. Mr. Chairman, I move to strike out the last word and ask unanimous consent that I may proceed out of order.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. BRITTEN. Mr. Chairman, this Chicago Tribune editorial is very short and I will ask the Clerk to read it in my time. First, let me say that the Chicago Tribune has a circulation of a million copies. It is often referred to as the world's greatest newspaper. Its editorials are quoted and reprinted in all of the principalities of the world and in every language on earth because of their classic character and honesty of purpose. The Tribune, I am glad to say, prints an editorial which treats favorably the resolution that I offered the other day.

With no desire to promote jingoism I want you gentlemen to understand that I think our Government and every Member of Congress who attempts to pussyfoot and gum shoe about Japan, simply because the Japanese are sensitive and take offense easily, is pursuing the wrong attitude; we should look the cards squarely in the face. If Japan is making preparations we should recognize the fact and talk about it and act accordingly. No one wants war with Japan, and I can not see a threatening speck on our peaceful horizon, and yet if other nations are making preparations for war we must assume that they are doing so with a purpose and to do otherwise will surely cost us dearly in the end. Now I will ask the Clerk to read the Tribune editorial.

The Clerk read as follows:

THE PACIFIC CONFERENCE

Sooner or later there will be a conference between Canada, the United States, Australia, and New Zealand on their Pacific problems. The Tribune thinks it should be sooner. Congressman FRED BRITTEN, who proposed it to the House not long ago, thinks it should be soon. In Australia and in Canada some leaders say it should be soon. Others say no. But in any case it will come. The communion of interest is there. The pressure for solution is there. Some time the English-speaking peoples on the Pacific will talk it over.

Congressman BRITTEN's proposal for a Pacific conference is therefore apropos. It has advertised the idea, and though his proposition may not be realized at once it will come about the sooner and the easier for his pioneering. It has called attention to the basic need for unity of front on the Pacific Ocean. It has emphasized the community of our problems. It is a directive gesture of importance.

Nor is his proposal warlike. It does accent the common-sense demand for naval efficiency; it does direct our eyes to the demands that may be put upon our Navy; but it is a step, nevertheless, toward a peaceful solution of Pacific difficulties. Perhaps it is the only peaceful solution, for white unity of policy in the western ocean will be a conservative policy. The consolidation of our problem there will be based solely on a defensive interest in mutual security and peace by reasonable preparedness.

Mr. BRITTEN's proposal will help to raise the western problem into the spotlight of national interest. It will turn the eyes not only of our Eastern States but of Great Britain to that new and most important field. The Pacific basin is the cradle of a huge future.

Mr. BRITTEN. Mr. Chairman, I included in my resolution the word "white"—white nations on the Pacific. I did it purposely and deliberately, but after thinking it over and reading various editorials for and against the resolution it might be well to modify that and say "all peoples of the Pacific" and take Japan and China in for a solution of the difficult problems of the Pacific.

I am just as sure, gentlemen, as I stand here this minute that some day in your lifetime and mine—and that is not going to be very far off—there will be a conference of the people living on the Pacific to settle, as the Chicago Tribune rightfully says, their many difficulties. It will be a peaceful conference, it will not be a jingo conference, it will not be one to determine navies and armies and armaments, but in the interest of peace, justice, friendship, and the very life of the countries themselves, I offer apology to no one for having introduced that resolution. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

OFFICE OF THE SECRETARY

Salaries: Secretary of the Treasury, \$12,000; Undersecretary of the Treasury, \$10,000; three Assistant Secretaries of the Treasury, and other personal services in the District of Columbia in accordance with the classification act of 1923, \$158,180; in all, \$180,180: *Provided*, That in expending appropriations or portions of appropriations contained in this act for the payment for personal services in the District of Columbia in accordance with the classification act of 1923, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by "the classification act of 1923," and is specifically authorized by other law.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. In December, 1923, when the first appropriation bill embracing this new lump-sum system was before the House, I then called the attention of my colleagues to the fact that it was going to result in abuses which the Congress could not control; that where the head of a department was given the arbitrary authority under such a lump-sum provision to slide favorites up to higher positions and higher salaries, and then slide those not so favored down to lower positions and lower salaries, just so certain averages were maintained, there was inevitably going to be abuses.

I called attention to that fact in the consideration of almost every one of the supply bills we had that year. Our distinguished chairman said he thought that they had safeguarded the lump-sum provision by the limitation they put in the bill, and he thought it would protect the people of the Government and the employees. I then dissented from that view, and to-day the chairman of this great committee [Mr. MADDEN] has admitted on the floor that this kind of a provision had been a failure. He said that there had been numerous promotions in several departments that were wholly without justification. He went further than that, he said there had been many promotions, many salaries raised for employees in several depart-

ments that were wholly without merit and without facts warranting same.

So he has been mistaken. And this committee of 35, whom I frequently support in holding appropriations within Budget estimates—this special committee of 35—has been mistaken, and Congress in approving their action has been mistaken, and we have all permitted these abuses to go on under the lump-sum plan.

In spite of all these admitted abuses we have still this kind of a lump-sum policy continued, with the verbiage in the bill changed a little here and there, but the lump-sum plan is the policy continued in every supply bill offered to Congress by the Appropriations Committee. The three supply measures that we have already passed before Christmas and sent over to the other end of the Capitol will permit of these same abuses, and I predict that the chairman will come in later and say that the abuses still continue. This bill will permit them, and these abuses are going to continue just as long as the other 400 Members of the House will sit by and permit these lump sums to be put in appropriation bills.

The time is coming when you will have to return to and follow the advice given from the floor by many distinguished chairmen of this committee, including the present one, before he became chairman. I have listened to him many times discourse against lump-sum appropriations in years gone by. I heard the former distinguished chairman of the Committee on Appropriations, Mr. Goode, say that it had to stop, that he was going to stop having lump-sum appropriations; and yet they are continued on. How much longer are we going to stand for it?

Mr. MADDEN. It is impossible to make other than lump-sum appropriations under the classification law. There is but one remedy, and that is to repeal that law.

Mr. BLANTON. The only proper remedy was suggested by the gentleman from Delaware [Mr. Boyce] this morning when he said that every single position of the Government ought to be stipulated by law and the salary for it should be stipulated by law. This classification act provides what salary a certain position shall carry, and each department should be made to tell us just how many employees they need in each grade and class; and then the Congress ought to exercise its function and give so many employees in the various classes with stipulated salaries to each bureau of the department and not let them go beyond that amount a single dollar. When we do that we will stop these abuses, and we will not do it until we get rid of these lump-sum appropriations; and I am going to keep working at it and fighting against it until some of these days I believe it will be stopped.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, it is rather easy to criticize lump-sum appropriations, but let me suggest to my good friend from Texas [Mr. Blanton] that if he were to undertake under the law as now written to do otherwise than make lump-sum appropriations, in the manner recommended by the Committee on Appropriations, he would find himself in a very difficult situation.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. DOWELL. Is it not possible for the department to make these allotments of positions annually in such a way that the Appropriation Committee can have the information as to exactly how much each person is to receive in the department under the law that we have passed?

Mr. BYRNS of Tennessee. The departments furnish directly to the Budget, and the President supplies the information to Congress, as to the number of positions it is expected will be needed during the fiscal year, and also as to the grade. I call the gentleman's attention to the fact that Congress passed the classification act a year or two ago. I was one of those who voted against it at the time because I felt that there was a possibility of some abuse, and I may say that fear has been justified by later developments in a number of specific instances. Under that law it was provided that the clerks and employees in the District should be rated twice a year, in November and in May, and their salaries increased when their rating justified it. If Congress now undertakes to make an appropriation of a fixed sum for an employee to begin on July 1, it would in effect be nullifying the law which provides that the clerk shall be rated twice a year and promoted whenever the circumstances justify it. In other words, it would cut off from the clerks just what Congress tried to give them, viz., the right to expect promotions whenever their services justified a raise in salary.

Mr. DOWELL. But my inquiry suggested that if this were an annual rating the Committee on Appropriations would have that rating for the year and that they would then know exactly the amount which each one would draw.

Mr. BYRNS of Tennessee. Undoubtedly.

Mr. DOWELL. Then can not such a change be made without in any way affecting the general principle of the law which we enacted and at the same time have the specific appropriation for each individual in the department?

Mr. BYRNS of Tennessee. The idea of the gentleman could be carried out, but we would first have to amend the law, and the Committee on Appropriations has no authority to report legislation. The law now provides, if I remember correctly, for two ratings in each year, in November and May.

Mr. DOWELL. The only change that would be necessary in order to make specific appropriations would be to make this annual instead of semiannual.

Mr. BYRNS of Tennessee. I can see where that might possibly serve the purpose, but, as I say, we would first have to amend the law. Of course the Committee on Appropriations can not by recommendation on an appropriation bill bring in any such proposition. We are compelled to follow the law. The gentleman from Texas [Mr. Blanton] criticizes the committee for appropriating lump-sum appropriations. The Committee on Appropriations, I was about to say, is compelled to recommend these lump-sum appropriations, just as it has done. A year ago, I confess to the gentleman, I entertained a different opinion.

Mr. MADDEN. And, by the way, we discussed that a great deal in the committee.

Mr. BYRNS of Tennessee. It was the very earnest wish of the chairman and all members of the committee to make specific appropriations if possible, but after thoroughly discussing it we came to the unanimous conclusion that it is impossible under the law to do anything more than to submit a lump sum and hedge it about as carefully as we can and, as we attempted to do a year ago, with limitations and restrictions.

Mr. DOWELL. Having found a defect in the situation, finding that there is a possibility of amending the law in some respects that would permit the specific appropriation, and to get the appropriation, would it not be a wise thing to make these ratings annually instead of twice a year?

Mr. MADDEN. If the gentleman from Tennessee will permit, I would say that when the bill to classify was in conference—and there were two bills—it was found that one of the bills carried a provision for annual classifications and the conference after very careful consideration—and, of course, I was not one of them—decided that to make the classification so that promotions could be made only once a year was too rigid, and they took that out and brought back to the House and the Senate a bill which eliminated it, and we are now acting under the new provision as agreed to by both houses after the bill went through the conference.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. LAGUARDIA. Why would it not be possible to have a line of positions such as we have in the New York City budget, which is over \$380,000,000 a year, and then if a vacancy occurs in any of the lines an employee can be promoted to another line, and each position is specified and limited in the law itself?

Mr. BYRNS of Tennessee. If you did that you would be doing just what the House and the Senate evidently intended should not be done. You would make this law too rigid and prevent these clerks and employees from getting their promotions at various times.

Mr. LAGUARDIA. It does not work out that way in New York City.

Mr. BYRNS of Tennessee. We make our appropriations here for the fiscal year, and when we appropriate so much money for a clerk for the fiscal year 1926, necessarily that clerk is denied promotion during the year, for the head of the service has no right to give him a promotion where his salary has been actually and definitely fixed for the year by the Congress.

Mr. LAGUARDIA. Under our system, as long as there is a vacancy in another line he is promoted to the other line.

Mr. BYRNS of Tennessee. There is no reason why they can not be promoted or advanced to a vacancy; but where there are no vacancies, the gentleman can see that it takes from the head of the service any power to give the employee or clerk that increase which the law says he shall have.

Mr. LAGUARDIA. But as long as you have such a system it piles up, and in time you have the whole department top-heavy.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BEGG. Mr. Chairman, I ask unanimous consent that the gentleman from Tennessee may have five minutes more. I want to ask him a question.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Tennessee may have five minutes more. Is there objection?

There was no objection.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Certainly.

Mr. BEGG. The gentleman from Tennessee made the statement a moment ago that the committee is unanimous against the lump-sum appropriation method.

Mr. BYRNS of Tennessee. No; the gentleman misunderstood what I said. I said it was the desire of every member of the committee a year ago, when the first appropriations were recommended under the reclassification law, to do otherwise than make lump sums possible, but after mature consideration we considered that was not possible.

Mr. BEGG. I so understood the gentleman. Does the law compel him, under the assay offices and mints, for example, to make a lump sum? A year ago you made specific appropriations. I appreciate the fact that that is further on in the bill, but it is so closely in touch with this situation that I thought the gentleman could answer that now. That is on pages 32, 33, 34, and 35. Our assay offices and mints have a lump sum, and last year they were specific salaries. Now, do you lump it so that you gentleman have to call attention to it, or does the law compel you to do it?

Mr. BYRNS of Tennessee. The gentleman will remember that a year ago, at the time these bills were reported, the Personnel Classification Board had made a report only with reference to the District of Columbia.

Mr. BEGG. I understand that, and I appreciate that. But the thing I wanted answered was this question: Was it because the report was made since that compels you to do the same thing outside the District as you are compelled to do in the District?

Mr. BYRNS of Tennessee. We can not do otherwise than make the lump-sum appropriation where the classification applies, and the same reason applies with reference to these positions as with reference to positions in the District of Columbia.

Mr. BOYCE. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. BOYCE. Are not the grades determined from the character of the services performed?

Mr. BYRNS of Tennessee. Yes.

Mr. BOYCE. Does or does not the Classification Board fix the number of grades in each department?

Mr. BYRNS of Tennessee. The law fixes the number of classes in each grade, seven in each grade.

Mr. BOYCE. Does or does not the Classification Board determine how many persons are required in each of the grades?

Mr. BYRNS of Tennessee. No; the Classification Board does not do that.

Mr. BOYCE. Who does?

Mr. BYRNS of Tennessee. The estimating body is supposed to do that.

Mr. BOYCE. Does not the Committee on Appropriations have information as to the number of persons required for each grade?

Mr. BYRNS of Tennessee. Precisely. The list is furnished to the committee through the Budget and the amount of money that will be needed.

Mr. BOYCE. And the committee is informed as to the salary of each person in the several grades?

Mr. BYRNS of Tennessee. What would the gentleman do? Suppose they report that they will need three in a certain class and four in another class and five in another. Suppose one of the five under this law is entitled to an increase during the fiscal year. Are you going to deny him this right for a whole year?

Mr. BOYCE. Are promotions made from a lower position to a higher position when that grade is filled?

Mr. BYRNS of Tennessee. They would not promote in that sense, but they would give such salary as the rate of efficiency justified under the law.

Mr. BOYCE. Is not that based on the character of the work performed?

Mr. BYRNS of Tennessee. That is based on the character of the work performed; yes.

Mr. BOYCE. And the character of the work performed in one grade is different from that performed in another grade?

Mr. BYRNS of Tennessee. I suppose it is. Theoretically it is.

Mr. BOYCE. In other words, the law does not contemplate an increase in salary while in a particular grade based on mere favor?

Mr. BYRNS of Tennessee. That is not the theory of the law.

Mr. BOYCE. These grades are like a flight of steps—from the lower grade up?

Mr. BYRNS of Tennessee. Yes.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. BYRNS of Tennessee. Mr. Chairman, may I have two minutes more? There was a statement I desired to make.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BYRNS of Tennessee. As I understand it, the abuses to which the gentleman from Texas referred have occurred more particularly in the grades where there was only one employee. As explained by the gentleman from Illinois [Mr. MADDEN] this morning, in such cases, although the Congress had endeavored and thought it had succeeded in providing that only the average should be paid, the Comptroller General rendered an opinion to the effect that that provision did not apply to grades where there was only one employee. Therein the departments abused, as I construe it and believe, the intent and confidence of the Congress, and immediately shot those particular employees up to the maximum of the grades in which they were allocated, raising some from \$5,000 and even less to \$7,500, others from \$6,000 to \$7,500, some from \$3,000 to \$5,600. There are a number of instances of that sort which the committee thought, and the Congress thought, had been guarded against. The committee has recommended additional language here so as to specifically provide that the provision as to the average shall apply to all grades, regardless of whether there are more than one in that grade or not, so as to get around the opinion of the Comptroller General, who, while he is the supreme court in matters of that kind, I do not hesitate to say I believe was clearly wrong, and I know that his opinion violated the spirit and intent of the act of Congress.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. STENGLE. Mr. Chairman, I rise to speak.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. STENGLE. I rise, Mr. Chairman, to ask another question or two of the distinguished gentleman from Tennessee, who has so ably explained the lump-sum provision. I notice that on page 2, line 3—if the gentleman does not mind taking his book—it is provided as follows:

Three Assistant Secretaries of the Treasury and other personal services in the District of Columbia.

So much. Will the gentleman kindly tell me, if it is within his knowledge, how he arrived at that total?

Mr. BYRNS of Tennessee. The gentleman means the \$158,180?

Mr. STENGLE. Yes.

Mr. BYRNS of Tennessee. Well, from the estimate submitted by the Budget; and, of course, that estimate contained a statement as to the number of employees who would be needed.

Mr. STENGLE. And did not mention the name of the incumbent of any one of those positions?

Mr. BYRNS of Tennessee. No.

Mr. STENGLE. On the contrary, it specified in that report so many stenographers at so much, so many clerks at so much, and so on down?

Mr. BYRNS of Tennessee. Yes.

Mr. STENGLE. Now, I want to ask the gentleman if they get a report in detail like that, why can they not submit to this House that detailed request and allow us to pass upon that rather than upon a lump sum that tells us nothing?

Mr. BYRNS of Tennessee. There would be no trouble about submitting that to the House, but I submit to the gentleman that writing it in an appropriation bill would be an entirely different matter.

Mr. STENGLE. I suggested to the gentleman last year and submitted to him a copy of a budget similar to this one of the great city of New York, in which that very thing was done,

and each and every line, as the gentleman will recall, had a code number, and there was no way possible for a violation of even the spirit of the reclassification, because that code acted as a check upon the department head. Why can not that be done here?

Mr. BYRNS of Tennessee. Do I understand the gentleman to contend or to insist that the appropriation bill should carry each individual clerk, not necessarily by name but specifying each individual clerk in this bill and the amount of the salary?

Mr. STENGLE. It is my opinion, if the gentleman pleases, that we ought to write in detail when we come to spend such vast sums of money. The public at large has no way, in reading this bill, of determining where that money goes. But we have submitted to us in detail, in accordance with the gentleman's own suggestion, so many clerks and so many stenographers at so much; we then read that and cast it into the wastebasket, and we then come here and consider a lump sum. I believe it is a protection to the Treasury of the United States to make every safeguard and every check that is possible, even if it requires ten times as much paper as this bill includes.

Mr. BYRNS of Tennessee. I agree with the gentleman as to the necessity of checks and safeguards.

Mr. STENGLE. I want to submit to the gentleman this further suggestion: If that had been done last year, it is my humble opinion that the distinguished chairman would have been able to discover much sooner what he did discover in the last few weeks, because you would have had a check on these fellows.

Mr. BYRNS of Tennessee. Of course that is true, if it is possible to do that; but as I understand the situation I do not see how you can carry out the spirit of the reclassification act and give to these clerks the promotions and the increases in salaries to which they are entitled under the act in the manner set forth by the gentleman unless you were to have a system of annual ratings instead of semiannual ratings.

Mr. STENGLE. Let us accept that. Does the gentleman contend that every time some one does something in the public service that requires a little reward we must create a new line or a higher place for him?

Mr. BYRNS of Tennessee. No.

Mr. STENGLE. You can only promote when there is a vacancy above.

Mr. BYRNS of Tennessee. Of course, the gentleman does not make any such contention as that, but the gentleman does contend that where clerks of similar salaries and in similar grades show a proper efficiency and rating to entitle them to receive an increase they ought to have it rather than have it go to some one higher up, which did happen under the law as passed last year in many instances.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLANTON. Mr. Chairman, I ask to withdraw my pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. BLANTON. Mr. Chairman, I offer an amendment: On page 3, line 3, strike out the following words:

The classification act of 1923.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 3, line 3, strike out the words "the classification act of 1923."

Mr. BLANTON. Mr. Chairman, I want to take just a moment to answer the gentleman from Tennessee. When I was guilty of lese majesty in making a slight criticism of the committee—

Mr. MADDEN. The gentleman never is.

Mr. BLANTON. I knew it would be the distinguished gentleman from Tennessee [Mr. BYRNS] who would get up and verbally chastise me for it. Had the one criticizing been from this other side of the aisle it would have been the gentleman from Illinois [Mr. MADDEN] who would have done the chastising. That is a part of the modus operandi of the committee. When a Democrat criticizes the committee the ranking Democrat on the committee gets up and spans him and when a Republican is so bold as to criticize the committee the spanking comes from the ranking member of the committee on his side.

Mr. BYRNS of Tennessee. I did not know the gentleman had ever been spanked in his life.

Mr. BLANTON. Yes; I have, verbally.

Mr. MADDEN. I hope the gentleman does not think we are in a conspiracy.

Mr. BLANTON. But I never get sore over it. Here is the dilemma in which the committee finds itself. It says there are great abuses under the present system and that the only thing which stands in the way of correcting these abuses is the fact that there are semiannual ratings instead of annual ratings and that this great and all-powerful Committee on Appropriations has no authority to stop the semiannual ratings.

Mr. MADDEN. They are not confined to semiannual ratings. They can do it every morning.

Mr. BLANTON. Well, every morning. If there were annual ratings, I take it, the committee could change this lump-sum plan. Both the chairman of the committee [Mr. MADDEN], and also the ranking Democratic member of the committee [Mr. BYRNS of Tennessee], each admit that if we would repeal the one provision and require the ratings to be made annually, then we could specify in each supply bill just how many employees in each grade at specified salaries we would give to each department of Government, which would stop these lump-sum appropriations and would stop these admitted serious abuses.

It is the rating merely that takes place more frequently than annually that keeps them from stopping these abuses. Yet from the speech of the gentleman from New York [Mr. MAGEE] we assume that the Committee on Appropriations is now seeking to take over the functions of the Committee on Public Buildings and Grounds; that it is soon going to take over the functions of the Rivers and Harbors Committee; and possibly it is soon going to take over the functions of the Shipping Board and the Emergency Fleet Corporation. With all that power, why is it they can not force a repeal of this one little provision on ratings and make them annually?

Here is the situation in a nutshell. My friend, the gentleman from Tennessee, and he is my friend—he just spanked me on paper—knows this to be a fact, and he can not deny it: That unless the Committee on Appropriations ordains it no employee can be raised unless there is a vacancy. The gentleman from New York [Mr. STENGLE] was correct about that, but when he tried to pin down the gentleman from Tennessee on it, the gentleman would not answer him. Unless so willed by the Committee on Appropriations a department can not make a promotion unless there is a vacancy, even under this classification act, but with these lump sums they make vacancies.

Mr. MADDEN. Yes; they can do it if there is the money available.

Mr. BLANTON. Oh, yes; if there is the money, and your Committee on Appropriations usually gives them the money. They get all the money they want under lump sums, and then slide the unfavored employees down out of a higher grade to a lower grade, which makes a vacancy, and then they slide their favorites up from a lower to the higher grade with big salaries. Here is what you ought to do. You ought to change that rating to an annual rating.

Surely this committee has influence enough to repeal this one little provision. No man in this House, with one exception, even has a chance at promotion oftener than just once every two years. Of course, the gentleman from Pennsylvania [Mr. VARE] has more frequent opportunities. The gentleman sometimes holds three very important positions at one time.

Mr. VARE. Is it merited?

Mr. BLANTON. Yes. You are not going to get this gentleman to say it was not merited.

Mr. VARE. Thank you.

Mr. BLANTON. Here is what we ought to do: We should repeal this provision and make these ratings annual ratings and then we ought to give every department just so many employees in each class with ratings and salaries specified. In the professional positions there are seven classes, and we should provide so many in class 7, which is the highest; so many in class 6, class 5, class 4, class 3, class 2, and class 1. Then in the clerical positions, where there are 14 different ratings—14 different ways we now give these bureau chiefs the right to pull up the favorites and pull down the non-favorites—we ought to give each department just so many employees in each class, with ratings and salaries of each class specified in each supply bill.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. When you do that, then you will get away from this vicious lump-sum appropriation business, and you can then correct these abuses.

Mr. BOYCE. Mr. Chairman, I rise in opposition to the amendment.

My thought about the situation is this: The Congress is invested with the taxing power. It puts its hands into the pockets of the taxpayers.

Mr. MADDEN. That is what we tell them every day when we refuse their requests for appropriations.

Mr. BOYCE. That being so, and charged with the power and duty of taxation to meet the needs of the Government, the Congress should ever keep in mind the reasonable disbursement of the money which it levies upon the taxpayers.

It does seem to me from what I have been able to observe since I have been here, the Congress has often surrendered the matter of distribution of the public moneys too much to departmental heads. I can not see any great difficulty in the way of Congress keeping a closer grip upon the expenditures of the public moneys. I appreciate the situation of the Committee on Appropriations under the law. But if extravagance is indulged in and abuses become apparent, Congress should amend the law. I regard the classification act as supplemental to the act creating the Budget Bureau. I think the latter act having been passed, somebody conceived the idea of the classification act in order to checkmate the intention of the Budget act.

Mr. MADDEN. Will the gentleman allow me to interrupt?

Mr. BOYCE. Yes.

Mr. MADDEN. The classification act was originated by the employees of the Government.

Mr. BOYCE. I can not help who conceived it.

Mr. MADDEN. And, of course, their hope was that it would write specifications for the various jobs in the Government service.

Mr. BOYCE. The purpose of the Budget act was in the right direction. I approve of the act. It was not intended to give encouragement to favoritism. The character of the services to be performed, and the value of the service to be rendered were clearly intended to be recognized.

Mr. MADDEN. And that employees, regardless of who they were, would go in the places the specifications called for.

Mr. BOYCE. And be transferred from place to place when additional services should be required, or where vacancies should occur. Merit of the employee, and nothing else was to be the controlling influence in awarding increase of pay and advancement in classification was to follow the needs of the service and merit of the person advanced.

Mr. MADDEN. And get the pay of that rating.

Mr. BOYCE. Yes.

Mr. MADDEN. What they did and the thing about which I was complaining in what I said this morning was that many of the bureau chiefs—and I presume it was with the sanction of the chief of the department—apparently banded themselves together and organized a committee to raise the pay of their own chiefs and themselves at the expense of those down the line who had nobody to plead for them, and we are trying to stop that. That is all we are trying to do. Of course, while the classification act lasts our committee has not the power to do more.

Mr. BOYCE. I appreciate the position of the committee fully.

Mr. MADDEN. That is where our trouble lies.

Mr. BOYCE. But should Congress, should the House, permit things to go on which you as chairman of the Appropriation Committee have confessed?

Mr. MADDEN. No; I think we ought to regulate it, and that is why I called it to the attention of the House, so that the House might have notice of it.

Mr. BOYCE. Can we expect relief from the departments? The pressure brought against the heads of the departments is too great. You can not bring the same effective pressure against 435 Members of this House or against 96 Members at the other end of the Capitol such as can be brought against a single head of a department.

Mr. MADDEN. It is hard to tell just what to do, because every time you do it in one way you find it circumvented by some ingenious fellow along another line.

Mr. BOYCE. I take it that the Budget which is submitted to the President is largely based upon the classification act. Am I right in that?

Mr. MADDEN. Yes; that is the object.

Mr. BOYCE. I see no reason when the Budget is submitted to the President and he submits it to the Congress why Congress can not—at least, from time to time—pass permanent acts based upon the Budget, whether it be approved in whole or in part by Congress.

Mr. MADDEN. The classification act is a permanent act, and that is what we are acting under.

Mr. BOYCE. But it is at least a partial failure.

The CHAIRMAN. The time of the gentleman from Delaware has expired.

Mr. BLANTON. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

INTERNAL REVENUE SERVICE

Office of the commissioner: Commissioner of Internal Revenue, \$10,000; for the assistant to the commissioner, three deputy commissioners, and other personal services in the District of Columbia, in accordance with in the District of Columbia, in accordance with the classification act of 1923, \$810,000; in all, \$820,000.

Mr. MADDEN. Mr. Chairman, I move to strike out the unnecessary words on page 17, line 15.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. MADDEN moves to strike out, on page 17, line 15, the words "services in the District of Columbia, in accordance with."

The amendment was agreed to.

Mr. MADDEN. And I also ask unanimous consent that the spelling of the word "classification" be corrected.

There was no objection.

The Clerk proceeded with the reading of the bill and read to the end of line 5 on page 32.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10982) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1926, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. DENISON (at the request of Mr. WILLIAMS of Illinois), indefinitely, on account of illness.

To Mr. OLIVER of Alabama, for two days, on account of important business.

To Mr. BRAND of Georgia, until January 6, on account of important business.

To Mr. JOHNSON of Texas, for three days, on account of death of father.

To Mr. RICHARDS, for an indefinite period, on account of treatment for defective hearing.

ADJOURNMENT

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 59 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 30, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

754. A letter from the Secretary of War, transmitting a draft of proposed legislation "to authorize the payment of taxes on United States properties in Canada, to relieve disbursing officers, and dispose of certain munitions plants in Canada"; to the Committee on Military Affairs.

755. A letter from the Secretary of War, transmitting a draft of proposed legislation "authorizing an appropriation to continue construction of additional facilities at Walter Reed General Hospital"; to the Committee on Military Affairs.

756. A letter from the Secretary of the Navy, transmitting a list of disbursing officers of the Navy who have been relieved of losses from November 10, 1923, to and including December 12, 1924; to the Committee on Expenditures in the Navy Department.

757. A letter from the chairman of the national legislative committee of the American Legion, transmitting Sixth Annual Report of the American Legion at St. Paul, Minn., September 15 to 19, 1924 (H. Doc. No. 517); to the Committee on World War Veterans' Legislation and ordered to be printed, with illustrations.

758. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the Navy Department for the fiscal year ending June 30, 1925, to provide for increasing the fire protection at the

Naval Observatory, Washington, D. C. (H. Doc. No. 518); to the Committee on Appropriations and ordered to be printed.

759. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the legislative establishment of the United States, for conveying votes of electors for President and Vice President of the United States (H. Doc. No. 519); to the Committee on Appropriations and ordered to be printed.

760. A communication from the President of the United States, transmitting, with a letter from the Bureau of the Budget, a supplemental estimate of appropriation for the Department of the Interior, Bureau of Reclamation, for the fiscal year ending June 30, 1925, for the economic surveys of reclamation projects (H. Doc. No. 520); to the Committee on Appropriations and ordered to be printed.

761. A communication from the President of the United States, transmitting, with a letter from the Bureau of the Budget, a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1924, for the purchase of capital stock of the Inland Waterways Corporation (H. Doc. No. 521); to the Committee on Appropriations and ordered to be printed.

762. A letter from the Secretary of the Navy, transmitting a proposed draft of a bill "To authorize the Secretary of the Navy to extend the nurses' quarters at the naval hospital, Washington, D. C., and to construct necessary additional buildings at certain naval hospitals"; to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WINTER: Committee on War Claims. S. 1180. An act for the relief of J. B. Platt; without amendment (Rept. No. 1066). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on War Claims. S. 1370. An act authorizing the granting of war-risk insurance to Capt. Earl L. Naiden, Air Service, United States Army; with an amendment (Rept. No. 1067). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10401) granting a pension to Mary A. E. Howard; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10476) granting a pension to Susan F. Rutherford; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10793) granting a pension to Laura V. Adams; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10819) granting an increase of pension to Clara Harlan; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10464) granting an increase of pension to Ella M. Shaffer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10961) granting an increase of pension to Mary A. Baldrige; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH: A bill (H. R. 11063) to pension soldiers who were in the military service of the United States during the period of Indian wars, campaigns, and disturbances, and widows, minors, and helpless children of such soldiers, and to increase the pensions of Indian war survivors and widows; to the Committee on Pensions.

By Mr. THOMAS of Oklahoma: A bill (H. R. 11064) creating a national board of public works, defining the duties thereof, and for other purposes; to the committee on Public Buildings and Grounds.

By Mr. RAKER: A bill (H. R. 11065) to provide for the protection of certain navigable waters in the State of California; to the Committee on Rivers and Harbors.

By Mr. FRENCH: A bill (H. R. 11066) to authorize the construction of a bridge across the Pend d'Oreille River, Bonner

County, Idaho, at the Newport-Priest River Road crossing, Idaho; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11067) to provide for the relinquishment by the United States of certain lands to the county of Kootenai, in the State of Idaho; to the Committee on the Public Lands.

By Mr. MAJOR of Illinois: A bill (H. R. 11068) to appropriate \$15,000 for the purpose of purchasing a site for a Federal building and \$100,000 for the purpose of erecting a Federal building thereon, in the city of Hillsboro, Ill., and for other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11069) to appropriate \$100,000 for the purpose of erecting a Federal building in the city of Carlinville, Ill., and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. THOMAS of Oklahoma: A bill (H. R. 11070) to amend an act entitled "An act to provide adjusted compensation for veterans of the World War, and for other purposes," and providing that any veteran of the World War holding an adjusted-service certificate may, at his option, secure a Government loan on such certificate, or surrender such adjusted certificate for cash; to the Committee on Ways and Means.

By Mr. MONTAGUE: A bill (H. R. 11071) to give the Supreme Court of the United States authority to make and publish rules in common-law actions; to the Committee on the Judiciary.

By Mr. BOX: A bill (H. R. 11072) to amend the immigration act of 1924 by making the quota provisions thereof applicable to Mexico, Cuba, Canada, and the countries of continental America and adjacent islands; to the Committee on Immigration and Naturalization.

By Mr. MOONEY: A bill (H. R. 11073) to authorize the demolition of the present river customs office building at Cleveland, Ohio, and for the reconstruction of a new building on its present site at a cost not exceeding \$15,000; to the Committee on Public Buildings and Grounds.

By Mr. MADDEN: A bill (H. R. 11074) to authorize the reduction of, and to fix, the rate of interest to be paid by carriers upon notes or other evidences of indebtedness heretofore issued under the provisions of section 207 of the transportation act, 1920, or section 210 of said act, as amended by an act approved June 5, 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: A bill (H. R. 11075) to extend the limitations of time upon the issuance of medals of honor, distinguished-service crosses, and distinguished-service medals to persons who served in the Army, Navy, or Marine Corps of the United States during the World War; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 11076) to amend an act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

By Mr. WILLIAMSON: A bill (H. R. 11077) authorizing the issuance of patents to the State of South Dakota for park purposes of certain lands within the Custer State Park, now claimed under the United States general mining laws, and for other purposes; to the Committee on the Public Lands.

By Mr. REED of West Virginia: A bill (H. R. 11078) to create and establish a commission, as an independent establishment of the Federal Government, to regulate rents in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 11079) to authorize a five-year building program for the public-school system of the District of Columbia which shall provide school buildings adequate in size and facilities to make possible an efficient system of public education in the District of Columbia; to the Committee on the District of Columbia.

By Mr. RANKIN: A bill (H. R. 11080) for the restoration of the post-office building at Corinth, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. HADLEY: A bill (H. R. 11081) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.; to the Committee on Indian Affairs.

By Mr. WILSON of Louisiana: A bill (H. R. 11082) authorizing an investigation, examination, and survey, for the control of excess flood waters of the Mississippi River below Red River Landing in Louisiana and on the Atchafalaya Outlet, by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes; to the Committee on Flood Control.

By Mr. CHINDBLOM: A bill (H. R. 11083) to amend section 1003 of the revenue act of 1924; to the Committee on Ways and Means.

Also, a bill (H. R. 11084) to amend paragraph (a) of section 1014 of the revenue act of 1924; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 11085) granting a pension to Eva A. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11086) granting an increase of pension to Rachel Dennis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11087) granting an increase of pension to William A. Bettis; to the Committee on Pensions.

By Mr. BARBOUR: A bill (H. R. 11088) granting an increase of pension to Walter S. Reynolds; to the Committee on Pensions.

By Mr. BEERS: A bill (H. R. 11089) granting an increase of pension to Mary J. Miller; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 11090) granting an increase of pension to Mary A. Schwab; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11091) granting an increase of pension to Sarah C. Dennis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11092) granting an increase of pension to Mary E. Wentz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11093) granting an increase of pension to Lavinia R. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11094) granting an increase of pension to Prudence E. Bair; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 11095) granting a pension to Mathilda Hoff; to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 11096) granting a pension to Oliver Ellis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11097) granting a pension to Jennie Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11098) granting an increase of pension to Eliza Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11099) granting a pension to Joseph Burnett; to the Committee on Invalid Pensions.

By Mr. CHINDELOM: A bill (H. R. 11100) granting an increase of pension to Sarah J. Mersereau; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 11101) granting an increase of pension to Mary Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11102) granting an increase of pension to Amanda Tyner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11103) granting a pension to John C. Gray; to the Committee on Invalid Pensions.

By Mr. FLEETWOOD: A bill (H. R. 11104) granting a pension to Alice J. Selby; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 11105) granting an increase of pension to Maria Bliss; to the Committee on Invalid Pensions.

By Mr. FREE: A bill (H. R. 11106) granting an increase of pension to Antonio Alberto Madero; to the Committee on Pensions.

By Mr. FREDERICKS: A bill (H. R. 11107) granting a pension to Adelaide E. Frieseke; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 11108) granting a pension to Joseph W. Campbell; to the Committee on Pensions.

By Mr. GREENWOOD: A bill (H. R. 11109) granting an increase of pension to Lewis C. Jones; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 11110) granting a pension to Mary E. Bowman; to the Committee on Pensions.

By Mr. HADLEY: A bill (H. R. 11111) granting an increase of pension to Alice Luth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11112) granting a pension to Edith Heude-Bronck; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 11113) granting an increase of pension to Mary A. Burrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11114) granting an increase of pension to Ayner Browne; to the Committee on Pensions.

Also, a bill (H. R. 11115) granting a pension to Katherine S. Halfhill; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 11116) granting an increase of pension to Elizabeth A. Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11117) granting an increase of pension to Benjamin F. McKee; to the Committee on Invalid Pensions.

By Mr. WILLIAM E. HULL: A bill (H. R. 11118) granting an increase of pension to Ann Boggs; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 11119) granting an increase of pension to Salome Trotochand; to the Committee on Pensions.

Also, a bill (H. R. 11120) granting an increase of pension to John G. MacFarlane; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 11121) granting an increase of pension to David Ebner; to the Committee on Pensions.

By Mr. LINEBERGER: A bill (H. R. 11122) for the relief of C. P. Dryden; to the Committee on Claims.

By Mr. LONGWORTH: A bill (H. R. 11123) granting a pension to Joseph Rombach; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 11124) granting a pension to Noah S. Warner; to the Committee on Pensions.

Also, a bill (H. R. 11125) granting an increase of pension to Eliza Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11126) granting an increase of pension to Henrietta M. Spears; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11127) granting a pension to Elizabeth Keller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11128) granting an increase of pension to Polly Roundtree; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 11129) for the relief of the heirs of Frank Kleiminger; to the Committee on Claims.

By Mr. MANLOVE: A bill (H. R. 11130) granting a pension to Sarah A. Neece; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11131) granting a pension to Emma S. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11132) granting a pension to Bertha C. Hammer Rentfrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11133) granting a pension to Ella Coffman; to the Committee on Pensions.

Also, a bill (H. R. 11134) granting an increase of pension to Mary E. Fountain; to the Committee on Pensions.

Also, a bill (H. R. 11135) granting a pension to Mary E. Hood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11136) granting an increase of pension to Jemima A. Grafton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11137) granting an increase of pension to Matilda J. Eubanks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11138) granting an increase of pension to Ella Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11139) granting an increase of pension to Nancy A. Murray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11140) granting an increase of pension to Lucretia Sandlin; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 11141) granting a pension to Benjamin F. Ewing; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 11142) for the relief of William D. McKeefrey; to the Committee on Claims.

By Mr. ROBSON of Kentucky: A bill (H. R. 11143) granting a pension to John M. Day; to the Committee on Pensions.

Also, a bill (H. R. 11144) granting an increase of pension to Lindy Slusher; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 11145) granting an increase of pension to Mary A. Watkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11146) for the relief of Dennis W. Scott; to the Committee on Military Affairs.

By Mr. SANDERS of Indiana: A bill (H. R. 11147) granting an increase of pension to Benton Curtis; to the Committee on Pensions.

Also, a bill (H. R. 11148) granting an increase of pension to Mary R. Hamilton; to the Committee on Invalid Pensions.

By Mr. SMITH: A bill (H. R. 11149) granting a pension to John G. Williams; to the Committee on Pensions.

Also, a bill (H. R. 11150) granting a pension to Sarah J. Garthwait; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 11151) granting a pension to Fannie M. Yarrington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11152) granting a pension to Margaret C. Westbrook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11153) granting a pension to Hattie E. Harvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11154) granting a pension to Sate L. Retan; to the Committee on Invalid Pensions.

By Mr. SWANK: A bill (H. R. 11155) for the relief of John O'Brien; to the Committee on Military Affairs.

Also, a bill (H. R. 11156) granting an increase of pension to Catherine F. Edsall; to the Committee on Invalid Pensions.

By Mr. THOMAS of Oklahoma: A bill (H. R. 11157) for the relief of Annabel Young; to the Committee on Claims.

Also, a bill (H. R. 11158) for the relief of Lee N. Wallis; to the Committee on Claims.

By Mr. THOMPSON: A bill (H. R. 11159) granting an increase of pension to Lucy Lamb; to the Committee on Invalid Pensions.

By Mr. TINCER: A bill (H. R. 11160) granting a pension to Richard H. Williams, alias Humphrey Price; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 11161) granting an increase of pension to Daniel W. Savage; to the Committee on Pensions.

Also, a bill (H. R. 11162) granting an increase of pension to Thomas E. Whalen; to the Committee on Pensions.

Also, a bill (H. R. 11163) for the relief of Capt. Asa G. Ayer; to the Committee on Claims.

By Mr. TREADWAY: A bill (H. R. 11164) granting an increase of pension to Alice L. Pond; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Texas: A bill (H. R. 11165) granting an increase of pension to Mary C. Marvin; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 11166) for the relief of Joseph R. Gallagher; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3278. By the SPEAKER (by request): Petition of Nemiso Y. D. Roca, San Fernando, Pampanga, P. I., urging the independence of the Philippine Islands; to the Committee on Insular Affairs.

3279. Also (by request), petition of Grand Army of the Republic, opposing the coinage of the 50-cent Stone Mountain coin; to the Committee on Coinage, Weights, and Measures.

3280. Also (by request), petition of convention of the Seventh Day Baptist Church, Walworth, Wis., favoring the distribution of literature to schools and homes and the incorporation of regular instruction on the effects of narcotics in the curriculums of public schools and colleges; to the Committee on Printing.

3281. By Mr. BARBOUR: Resolution adopted by the Sacramento (Calif.) Bar Association, urging the enactment of legislation increasing the salaries of Federal judges; to the Committee on the Judiciary.

3282. By Mr. FULLER: Petition of the Reno (Nev.) Chamber of Commerce, favoring the enactment of the Gooding bill (S. 2327) to amend section 4 of the Interstate commerce act; to the Committee on Interstate and Foreign Commerce.

3283. Also, petition of the Western Glass Co., of Sreator, Ill., favoring increase of postal rates on all classes of mail except the first class; to the Committee on the Post Office and Post Roads.

3284. Also, petition of the Allied Postal Employees' Legislative Committee, of St. Louis, Mo., favoring speedy enactment of the bill (S. 1898) increasing pay of postal employees; to the Committee on the Post Office and Post Roads.

3285. Also, petition of the National Industrial Traffic League, opposing any general revision of freight rates, but that the entire question of freight-rate revision be left solely in the hands of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

3286. Also, petition of the Chicago Post Office Clerks' Union, No. 1, favoring enactment of the bill (S. 1898) for the readjustment of the salaries of postal employees; to the Committee on the Post Office and Post Roads.

3287. Also, petition of the Union Furniture Co., of Rockford, Ill., opposing the Howell-Barkley bill (H. R. 7358); to the Committee on Interstate and Foreign Commerce.

3288. Also, petition of the Merchants & Farmers Trust & Savings Bank, of Ottawa, Ill., and the Rockford National Bank, of Rockford, Ill., favoring the McFadden bill (H. R. 8887); to the Committee on Banking and Currency.

3289. Also, petition of the Emerson-Brantingham Co., of Rockford, Ill., opposing the Howell-Barkley bill (H. R. 7358) and the Gooding bill (S. 2327); to the Committee on Interstate and Foreign Commerce.

3290. By Mr. HAWLEY: Petition of 246 citizens of the State of Oregon, protesting against the passage of the Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3291. By Mr. MOONEY: Letter from S. Ulmer, indorsing bill to relieve stranded refugees in certain European cities; to the Committee on Immigration and Naturalization.

3292. By Mr. O'CONNELL of New York: Petition of Parent-Teachers' Association of Public School No. 99, Queens, Kew Gardens, Long Island, N. Y., favoring the postal salary increase bill (S. 1898); to the Committee on the Post Office and Post Roads.

3293. Also, petition of the Hollis Civic Association, of Hollis, Queensboro, N. Y., favoring the postal salary increase bill (S. 1898); to the Committee on the Post Office and Post Roads.

3294. Also, petition of the Ivy Club, of New York City, favoring the Perlman bill amending the immigration law; to the Committee on Immigration and Naturalization.

3295. By Mr. RAKER: Petition of Charles G. Bond, New York, N. Y., urging passage of the McFadden bill; to the Committee on Banking and Currency.

3296. Also, petition of Dried Fruit Association of California, San Francisco, Calif., resolution opposed to Senate Joint Resolution 107; to the Committee on Interstate and Foreign Commerce.

3297. Also, petition of G. F. McNoble, president California State Bar Association, Stockton, Calif., urging passage of the Reed bill for increase of Federal judicial salaries; to the Committee on the Judiciary.

3298. Also, petition of the National Council of Jewish Women, New York, N. Y., urging upon Congress the passage of a joint resolution admitting to the country such refugees who have visés and are physically, mentally, and morally acceptable under the immigration laws of the United States; to the Committee on Immigration and Naturalization.

3299. Also, petition of W. P. Wing, secretary California Wool Growers' Association, San Francisco, Calif., urging that additional appropriations be secured for the further development of the livestock market news service; to the Committee on Appropriations.

3300. Also, petition of W. P. Wing, secretary California Wool Growers' Association, San Francisco, Calif., urging the adoption of a national range policy applying to all public lands regardless of present status; to the Committee on the Public Lands.

3301. Also, petition of W. P. Wing, secretary California Wool Growers' Association, San Francisco, Calif., urging Congress to pass enabling legislation making it mandatory on all manufacturers to supply information regarding consumption of wool by the woolen and worsted spinners of the United States; also, urging that all animals, animal products, and other carriers originating in countries where infectious diseases are known to exist will be admitted only after strict inspection under Federal supervision; to the Committee on Agriculture.

3302. Also, petition of Chamber of Commerce of the State of New York, protesting against the child-labor amendment to Federal Constitution; to the Committee on the Judiciary.

3303. Also, petition of Mrs. Charles E. Gamble, California State Grange, Santa Rosa, Calif., protesting against the passage of the Howell-Barkley bill; to the Committee on Interstate and Foreign Commerce.

3304. Also, petition of A. W. McKenzie, secretary Bleber Farm Center, Bleber, Calif.; Milford Farm Bureau, Milford, Calif., and C. F. Lore, Madeline, Calif., protesting against the discontinuance of the land office at Susanville, Calif.; to the Committee on the Public Lands.

3305. Also, petition of N. H. Sloane, general manager California Development Association, San Francisco, Calif.; R. M. Hagen, general manager California Cattleman's Association, San Francisco, Calif., and Charles E. Virden, San Francisco, Calif., urging that \$65,000 be included in agricultural appropriation bill for forest experiment station, and urging \$1,000,000 instead of \$66,000 for cooperative fire-protection work under Clarke-McNary Act; to the Committee on Appropriations.

3306. Also, petition of Frank Winch, Wilmington, Del., protesting against the passage of the Brookhart game refuge bill; J. P. Cuenin, San Francisco, Calif., urging support of the game refuge bill; to the Committee on Interstate and Foreign Commerce.

3307. Also, petition of Jesse L. Taylor, Hayfork, Calif.; Theodore Orcutt, Tecnor, Calif.; Charles E. Colby, Oak Run, Calif.; Helen A. Cunningham, Chinese Camp, Calif.; Elmer H. Gum, Auburn, Calif., and 8 other signers, all indorsing and urging immediate passage of Senate bill 1898 for the increase of salaries to postal employees; to the Committee on the Post Office and Post Roads.

3308. Also, petition of D. W. Boylan, Johns-Manville Co. of California, San Francisco, Calif.; W. E. Johnson, secretary Aberdeen Chamber of Commerce, Aberdeen, Wash.; Pioneer Association of the State of Washington, protesting against changing the name of Mount Rainier; also W. J. Milroy, president

Thurston County Pioneer and Historical Society, Olympia, Wash., protesting against changing the name of Mount Rainier; to the Committee on the Public Lands.

3309. Also, petition of Abe Darlington, Placerville, Calif., and 37 other signers of a petition, protesting against the passage of the compulsory Sunday observance bill (S. 3218) or the passage of any other religious legislation; also, George H. Palmer, Anderson, Calif., and 89 other signers, protesting against the passage of this bill; to the Committee on the District of Columbia.

3310. By Mr. SMITH: Petition of Chamber of Commerce, American Falls, Idaho, urging the enactment of a universal draft law applicable to the resources of the country as well as to men, which it is believed will serve as a deterrent against possible unjust wars in the future; to the Committee on Military Affairs.

3311. By Mr. SINNOTT: Petition of sundry citizens of the State of Oregon, protesting against the passage of the Sunday observance law (S. 3218); to the Committee on the District of Columbia.

3312. By Mr. TINKHAM: Petition of the Army and Navy Union of the United States of America, Boston, Mass., favoring increase of pension to Civil and Spanish-American War veterans; to the Committee on Pensions.

3313. By Mr. WURZBACH: Petition of sundry citizens of San Antonio, in the State of Texas., protesting against the passage of Senate bill 3218, the Sunday observance bill; to the Committee on the District of Columbia.

SENATE

TUESDAY, December 30, 1924

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O Lord, our God, we approach Thee this morning with thanksgiving, for Thou hast been very gracious unto us. Thou hast caused the days as they multiply to bring us fresh mercies and to qualify us for duties agreeable to Thy holy will. Grant that the admonitions of Thy providence and the directions of Thy spirit may enable us to understand more and more clearly the high obligations of service to Thee, our God, and to the country in which we live. The Lord glorify Himself in this hour. We ask in Jesus' name. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS

Mr. BROOKHART presented the memorial of L. Haskell and sundry other citizens of Garwin, Iowa, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. McLEAN presented the petition of the Woman's Christian Temperance Union, of Danielson, Conn., praying for the passage of House bill 6645, the so-called Cramton bill, proposing to amend the national prohibition act; to establish a bureau of prohibition in the Treasury Department and to place its personnel under the civil service, etc., which was referred to the Committee on the Judiciary.

He also presented the petition of members of the congregation of St. Paul's Church, of New Haven, Conn., praying for the adoption of such measures as will aid in the establishment of world peace, which was referred to the Committee on Foreign Relations.

He also presented petitions of the United Spanish War Veterans of Hartford and Philip H. Sheridan Council No. 1467, Royal Arcanum of New Haven, both in the State of Connecticut, praying for the passage of legislation granting increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of the Congregation B'Nai Jacob, of New Haven, Conn., praying for the admission into this country of certain aliens now stranded at various European ports, which was referred to the Committee on Immigration.

SETTLEMENT ON FEDERAL IRRIGATION PROJECTS

On motion of Mr. KENDRICK, the Committee on Irrigation and Reclamation was discharged from the further consideration of the bill (S. 3005) to provide for aided and directed set-

tlement on Government land in Federal irrigation projects, introduced by him December 8, 1924, and it was indefinitely postponed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington (for Mr. McCORMICK):

A bill (S. 3777) to permit the United States of America to be made defendant, and to be bound by decrees and final judgments entered, in land-title registration proceedings in the circuit court of Cook County, Ill., and courts of appeal therefrom, under the provisions of an act concerning land titles, in force in the State of Illinois May 1, 1897; to the Committee on the Judiciary.

By Mr. CAPPER:

A bill (S. 3778) to establish standard weights for loaves of bread, to prevent deception in respect thereto, to prevent contamination thereof, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. KENDRICK:

A bill (S. 3779) to provide for aided and directed settlement on Government land in irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. McLEAN:

A bill (S. 3780) granting an increase of pension to Mary Duffy (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 3781) granting an increase of pension to Marvel J. Nash; to the Committee on Pensions.

By Mr. HARRISON:

A bill (S. 3782) granting the consent of Congress to the Great Southern Lumber Co., a corporation of the State of Pennsylvania, doing business in the State of Mississippi, to construct a railroad bridge across Pearl River at approximately 1½ miles north of Georgetown, in the State of Mississippi; to the Committee on Commerce.

By Mr. RANSDALL:

A bill (S. 3783) to amend the United States cotton futures act and the United States cotton standards act; to the Committee on Agriculture and Forestry.

By Mr. CAMERON:

A bill (S. 3784) to provide for the acquisition of a site and the erection thereon of a Federal building at Yuma, Ariz.; to the Committee on Public Buildings and Grounds.

PROPOSED COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

Mr. SHEPPARD. Mr. President, pursuant to the notice I gave on yesterday, I offer the following Senate resolution and ask its reference to the Committee on Rules.

The resolution (S. Res. 287) was read and referred to the Committee on Rules, as follows:

Resolved, That part 1, Rule XXV, Standing Rules of the Senate, be, and the same is hereby, amended by adding a new paragraph to read as follows:

Committee on World War Veterans' Legislation, to consist of 10 Senators.

CATHERINE V. COSTELLO

Mr. CURTIS submitted the following resolution (S. Res. 288), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Catherine V. Costello, widow of William J. Costello, late a private of the Capitol police, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on December 24, 1924, the President approved and signed the joint resolution (S. J. Res. 159) providing for the control and eradication of the European fowl pest and similar diseases in poultry.

THE INTERNATIONAL MAP OF THE WORLD (S. DOC. NO. 177)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State recommending a request to Congress to enact legislation pro-

viding for an appropriation of \$30 for the payment for the calendar year 1925 of a contribution by the United States toward the secretarial expenses of the Bureau for the International Map of the World.

The matter is fully explained in the report of the Secretary of State. In view of the importance which the Secretary of the Interior attaches to this bureau and its work, I trust that the small appropriation recommended will be granted.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, December 30, 1924.

FEDERAL TRADE COMMISSION INVESTIGATION

The PRESIDENT pro tempore. Morning business is closed.

Mr. NORRIS. Mr. President, before routine morning business is closed I wish to remind the Chair that I introduced a resolution (S. Res. 286) on yesterday which went over under the rule. I would like to have the Chair lay the resolution before the Senate.

The PRESIDENT pro tempore. The Chair is very uncertain with regard to the matter. The Chair has held heretofore that only routine morning business can be considered save by unanimous consent pending what is known as the Muscle Shoals bill and the unanimous-consent agreement under which we are operating. The Chair is of the opinion that the resolution offered by the Senator from Nebraska is not included in routine morning business, and, while somewhat uncertain with regard to its decision, yet that has been the ruling of the Chair and will be adhered to unless the Senate decides otherwise.

Mr. NORRIS. I was laboring under the impression that a part of the routine morning business was a resolution coming over from the previous day, and that morning business was not finished until resolutions going over under the rule were taken up. It is so given in the rules, as I remember. Let me say to the Chair, however, that it was not my intention to press the resolution this morning if there was any Senator who objected to it, because I understand that the gentlemen's agreement, or whatever it may be called, under which we are working to-day is that no business shall be transacted except by unanimous consent, and I, of course, have no desire to violate that agreement. However, I do not want to be put in a position where I shall not be able to take up the resolution on Friday when we convene and the present agreement or understanding is no longer in force.

The PRESIDENT pro tempore. May the Chair state to the Senator from Nebraska that it is the opinion of the Chair that the resolution would come up automatically, as soon as the pending unfinished business is disposed of, at the close of the first routine morning business after that time?

Mr. NORRIS. I shall ask on Friday, after the Senate convenes and when the routine morning business has been disposed of, to have the resolution taken up. If the Chair is right in his construction, of course any objection would put it over to-day. I doubt that, but I will have to submit to the ruling. However, I do not want to be put in a position to-day where the resolution will automatically go over beyond Friday, because on Friday I want to have it considered. It ought to be considered before we dispose of the Muscle Shoals measure because it bears directly on the questions involved in that bill.

Mr. ROBINSON. May I make a suggestion to the Senator from Nebraska and the Chair in this connection? Perhaps the point of order might be laid over until Friday and determined then. If the resolution were brought up now I should be compelled under the agreement that was entered into before the holidays to object to its disposition until some Senators return who I think would be interested in being present.

Mr. NORRIS. I have no objection to that course. I have no desire to take any advantage of their absence.

Mr. ROBINSON. I suggest to the Senator that he withdraw for the present his request to take it up, so that the Senate may proceed to business by unanimous consent, and that he raise the question again on Friday.

Mr. NORRIS. In order that I may then raise the question and not block myself by anything that happens to-day, and still reserving the right to contend on Friday that it is a part of the routine morning business if I so desire, I ask unanimous consent that the resolution which I introduced and which went over under the rule be laid over until Friday without prejudice.

Mr. ROBINSON. That is satisfactory.

Mr. DIAL. I do not want it to be conceded that that is the correct legislative procedure, and therefore I shall have to object.

Mr. ROBINSON. I do not understand, if the Senator from South Carolina will permit me—

The PRESIDENT pro tempore. The Chair repeats that it is the opinion of the Chair that the resolution will come up, being laid before the Senate, at the close of morning business immediately after the disposition of the so-called Muscle Shoals bill.

Mr. ROBINSON. The Senator from Nebraska desires to avoid a ruling on that point at this time and others desire to do so, in order that business may be considered under the unanimous-consent agreement.

The PRESIDENT pro tempore. The Chair understood the Senator from South Carolina to object to the unanimous-consent request, and unless the Chair is overruled the resolution will come up automatically at the time I have indicated.

Mr. ROBINSON. The Chair understands that the Senator from South Carolina does not object to deferring the determination of the point of order until Friday. What he objects to is making the resolution a special order for Friday.

Mr. DIAL. I do not want to concede that we can make it a special order.

Mr. NORRIS. I have not asked that that be done.

Mr. DIAL. I do not want to waive any rights.

Mr. NORRIS. The Senator does not lose any rights.

Mr. DIAL. I do not see where the Senator would get by making that request.

Mr. NORRIS. I will say to the Senator very frankly—

The PRESIDENT pro tempore. The Chair will state the unanimous-consent request again. The Senator from Nebraska asks that the resolution introduced by him on yesterday shall lie over without prejudice.

Mr. DIAL. I do not object to that. There is nothing to that, because I do not concede that it can be taken up.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

ADJOURNMENT TO FRIDAY

Mr. CURTIS. I ask unanimous consent that when the Senate concludes its business to-day it shall adjourn to meet on Friday next at 12 o'clock.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kansas? The Chair hears none, and it is so ordered.

THE CALENDAR

Mr. CURTIS. I ask unanimous consent that the Senate now proceed to the consideration of unobjected bills on the calendar under Rule VIII.

Mr. ROBINSON. Under Rule VIII?

Mr. CURTIS. Yes. That limits debate to five minutes.

Mr. ROBINSON. Under Rule VIII it is in order for any Senator to move to proceed to the consideration of a bill if objection be made. I suggest to the Senator from Kansas that he modify his request so that only unobjected bills shall be considered, and that all debate be limited to five minutes.

Mr. CURTIS. I intended to include that when I said unobjected bills. I ask unanimous consent that the Senate now proceed to the consideration of unobjected bills on the calendar, and that debate be limited on each bill to five minutes.

The PRESIDENT pro tempore. The Chair understands the request to be that the Senate now proceed to the consideration of unobjected bills on the calendar under Rule VIII—

Mr. CURTIS. No; that debate be limited to five minutes.

The PRESIDENT pro tempore. Debate is limited to five minutes under Rule VIII.

Mr. ROBINSON. But any Senator under Rule VIII may move to proceed to the consideration of a bill that is objected to, and if his motion prevails the limit is relaxed and debate is unlimited. The arrangement suggested by the Senator from Kansas, to which I consent, is that we proceed to the consideration of unobjected bills on the calendar, that it be not in order to move to proceed to the consideration of any bill that is objected to, and that all debate be limited to five minutes.

The PRESIDENT pro tempore. The Chair understands the modification proposed by the Senator from Arkansas to be accepted by the Senator from Kansas.

Mr. CURTIS. That is correct.

Mr. SMOOT. Just a word, Mr. President. If this request is agreed to, then any bill that may be objected to will not be considered to-day.

Mr. CURTIS. Certainly not.

Mr. ROBINSON. No; certainly not.

Mr. SMOOT. I do not want to have it understood that a bill may be brought up and five minutes' debate had on it even if there is objection to its consideration.

The PRESIDENT pro tempore. The Chair wants to have a clear understanding. The Chair understands that in the event any bill on the calendar is objected to a motion to proceed to the consideration of that bill shall not be in order.

Mr. ROBINSON. That is right.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent agreement as requested? The Chair hears none, and it is so ordered. The Clerk will report the first bill on the calendar.

BILLS PASSED OVER

The bill (S. 56) for the allowance of certain claims for indemnity for spoillations by the French prior to July 31, 1801, as reported by the Court of Claims was announced as first in order on the calendar.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 55) making an appropriation to pay the State of Massachusetts for expenses incurred and paid, at the request of the President, in protecting the harbors and fortifying the coast during the Civil War, in accordance with the findings of the Court of Claims and Senate Report No. 764, Sixty-sixth Congress, third session, was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1181) naming the seat of Government of the United States was announced as next in order.

Mr. WILLIS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 33) making eligible for retirement under certain conditions officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

CAPT. RAMON B. HARRISON

A joint resolution (S. J. Res. 46) for the relief of Capt. Ramon B. Harrison was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged officers, Ramon B. Harrison, who was a captain of Infantry, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States on the 23d day of December, 1920.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND RESOLUTIONS PASSED OVER

The joint resolution (S. J. Res. 60) to stimulate crop production in the United States was announced as next in order.

Mr. JONES of Washington. Let the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The resolution (S. Res. 124) directing the Interstate Commerce Commission to secure information relative to amount of money expended for the purpose of creating public interest favorable to railroad sentiment was announced as next in order.

Mr. REED of Pennsylvania and Mr. BRUCE. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 185) to promote agriculture by stabilizing the price of wheat was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2401) providing for the compensation of retired warrant officers and enlisted men of the Army, Navy, and Marine Corps, or any other service or department created by or under the jurisdiction of the United States Government, and warrant officers and enlisted men of the Reserve Corps of the Army and Navy, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF THE PENAL CODE

The bill (S. 2691) to amend the Penal Code was announced as next in order.

Mr. JONES of Washington. I rather think the bill is of such importance that it ought to go over. I do not know that I have any objection to it, however.

Mr. WALSH of Montana. Perhaps if I state briefly what is contemplated by the bill the Senator will have no objection

to its consideration. It changes the law so that a conviction of a misdemeanor does not carry a forfeiture of civil rights unless the judgment of the court so provides.

Mr. JONES of Washington. That is the only change?

Mr. WALSH of Montana. That is all.

Mr. JONES of Washington. The committee were unanimous in reporting the bill?

Mr. WALSH of Montana. They were.

Mr. JONES of Washington. I withdraw my objection.

Mr. SMOOT. There is no report on the bill from the committee.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 1, after the word "follow," to strike out the remainder of the bill in the following words: "Or unless the defendant shall or did receive a sentence of imprisonment for more than one year. All laws or provisions of law conflicting herewith are hereby repealed," so as to make the bill read:

Be it enacted, etc., That section 335 of the Penal Code be amended to read as follows:

"Sec. 335. All offenses which may be punished by death, or imprisonment for a term exceeding one year shall be deemed felonies. All other offenses shall be deemed misdemeanors.

"No trial, plea, conviction, or sentence for any crime shall be deemed to have involved or shall involve and carry with it loss of citizenship or of civil rights, or make the accused a felon or infamous, unless the verdict of the jury or the sentence imposed upon the defendant shall or did expressly specify that the loss of civil rights is to follow."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2299) to validate the payment of commutation of quarters, heat, and light under the act of April 16, 1918, and of rental and subsistence allowances under the act of June 10, 1922, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2149) to facilitate and simplify the work of the Forest Service, United States Department of Agriculture, and to promote reforestation, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2150) to authorize arrests by officers and employees of the Department of Agriculture in certain cases and to amend section 62 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2151) to increase the subsistence and per diem allowances of certain officers and employees of the Department of Agriculture was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1800) for the relief of Emelus S. Tozier was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1639) to provide for the appointment of a court reporter by each judge of the United States district court, fixing their salaries and fees, defining their duties, and repealing all laws and parts of laws inconsistent herewith was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1387) to provide for payment of the amount of a war-risk insurance policy to a beneficiary designated by Capt. John W. Loveland, Jr., deceased, was announced as next in order.

Mr. SMOOT. Let the bill be read, Mr. President.

The PRESIDENT pro tempore. The bill will be read.

The reading clerk read the bill.

Mr. SMOOT. Mr. President, that whole subject matter is being considered now by a subcommittee, and they want to

arrive at some definite conclusion to recommend to the Senate for the handling of all of these cases. I think they all ought to be settled in the same way and at the same time, and for that reason I shall ask that this bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2685) for the relief of the Davis Construction Co. was announced as next in order.

Mr. WILLIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF JUDICIAL CODE

The bill (S. 2060) to amend the Judicial Code, further to define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Mr. President, I rather think that bill ought to go over.

Mr. ROBINSON. Mr. President, may we not have some statement concerning the bill? It has gone over a number of times, I think, and yet no Senator has ever stated any objection to it. I should like to have some Senator who is familiar with the bill take five minutes to state its nature and purpose.

Mr. JONES of Washington. Yes; I think the bill ought to be explained.

The PRESIDENT pro tempore. If the Chair may be indulged, the present occupant of the chair is the author of the bill, and it is perfectly obvious that it is a bill of such importance that it ought to be fully explained to the Senate. The present occupant of the chair has no objection to its being passed over.

Mr. ROBINSON. Very well; let it go over then.

Mr. FLETCHER. Mr. President, I understand that the bill has the approval of the full committee and is recommended by the Justices of the Supreme Court and is a very desirable piece of legislation. That is my understanding of the character of the bill.

Mr. ROBINSON. The report of the Judiciary Committee appears to be unanimous. I see no reason why we should not consider it at this time, unless some Senator objects to it.

Mr. WATSON. Mr. President, if the bill is one of importance and consequence why does not the present occupant of the chair take the floor and explain it to us, and then he can resume the chair afterwards? If it is a matter of immediate consequence and ought to be taken up, it seems to me that is the logical way to proceed.

The PRESIDENT pro tempore. The Chair is somewhat embarrassed, because he is the author of the bill; but he thinks it is due to the Senate that the bill should be explained, and he intends, when not in the chair, at some convenient time to ask that it be considered. The Chair does not think such a bill should be passed without any consideration by the Senate.

Mr. WALSH of Montana. Mr. President, I am very sure that the discussion of the subject could not be completed under the five-minute rule. The bill makes very important changes in the jurisdiction of the courts, particularly of the Supreme Court of the United States, that require, I think, very serious consideration by the Senate.

Mr. ROBINSON. Let it go over, then.

The PRESIDENT pro tempore. The bill will be passed over.

AKTIESELSKABET MARIE DI GIORGIO

The bill (H. R. 8235) for the relief of Aktieselskabet Marie di Giorgio, a Norwegian corporation of Christiania, Norway, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CAPPER subsequently said: Mr. President, I ask unanimous consent to return to Order of Business 401, House bill 8235, which we passed about an hour ago. It is a bill which authorizes a Norwegian corporation to bring suit in the court of admiralty to recover damages sustained by reason of a collision. Since we passed the bill I have received a letter from the Department of State requesting a change in the bill as passed by the House, and I therefore ask unanimous consent to return to it.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Without objection, the action of the Senate in passing House bill 8235 is reconsidered. The bill is before the Senate and open to amendment.

Mr. CAPPER. The Department of State says:

The last proviso of the act as passed by the House of Representatives reads as follows: "and also that the said claimants agree to pay such costs and judgments as may be decreed against them."

The department says:

The Shipping Board is of the opinion that, as the Norwegian corporation has no property in this country, it may be impossible to enforce payment of any judgments or costs decreed against it and suggests that the proviso in question be eliminated and that there be substituted in place thereof a proviso that the corporation shall file a surety bond to secure the payment of any costs or judgments that may be decreed against it. It is accordingly suggested that the following proviso be substituted in place of the proviso quoted above:

"And also that the said Aktieselskabet Marie di Giorgio, within 30 days after the institution of any suit by it against the United States or against it by the United States, shall file a surety bond signed by such American surety company and in such amount as shall be agreed upon by the proctors for the respective parties or as shall be fixed by the court to secure payment of any costs or judgments which may be decreed against it."

That will come in at the end of the bill, on page 2, line 25.

Mr. FLETCHER. Mr. President, it seems to me that this is a rather important matter and that we ought not to be disposing of it in this kind of a way. Had it not better go over?

Mr. CAPPER. It is a mere formality. It is simply to protect the interests of the Government.

Mr. FLETCHER. I know it is, but it is a very important matter. What I was thinking was that we had better take a little time to get it in proper shape.

Mr. ROBINSON. Mr. President, I think the amendment is a proper one, and I see no objection to disposing of it now. The State Department has suggested the form which the amendment should take. It simply provides, as I understand, that these parties shall give security for the payment of costs which may be adjudged against them, they having no property within the jurisdiction of the court.

Mr. CAPPER. That is all there is to it. There is no possible objection to the amendment.

Mr. FLETCHER. I do not object to it. I merely made the suggestion.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Kansas.

The READING CLERK. In lieu of the last proviso in the bill it is proposed to insert the following:

And also that the said Aktieselskabet Marie di Giorgio, within 30 days after the institution of any suit by it against the United States or against it by the United States, shall file a surety bond signed by such American surety company and in such amount as shall be agreed upon by the proctors for the respective parties or as shall be fixed by the court to secure payment of any costs or judgments which may be decreed against it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY TARGET RANGE RESERVATION, UTAH

The bill (S. 1733) to authorize the Secretary of War to secure for the United States title to certain private lands contiguous to and within the Militia Target Range Reservation, State of Utah, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That for the purpose of eliminating certain private holdings within the Militia Target Range Reservation, the Secretary of War is authorized to acquire by purchase the fee simple and absolute title to certain private lands located within the boundary lines of the Militia Target Range Reservation located in Utah and Salt Lake Counties, Utah, withdrawn and reserved by Executive order of the President dated April 24, 1914, and amended by Executive order of April 13, 1915.

Sec. 2. The Secretary of War is also hereby authorized to acquire by purchase for military purposes the complete title to certain other lands held under private ownership and situated contiguous to said Militia Target Range Reservation.

Sec. 3. The lands to be acquired under this act are to be used as a training camp for the National Guard, for other troops of the Army of the United States, and for other military purposes, and contain a total area of 7,221.21 acres, more or less. That for the purpose of acquiring titles to these lands and improvements thereon the sum of \$54,160 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which amount shall become immediately available upon the approval of this act.

Mr. ROBINSON. Mr. President, I think the Senator who introduced this bill should make a brief statement in connection with it.

Mr. SMOOT. Yes; I will.

Mr. President, the Government has established, about 18 miles from Salt Lake City, a target range, and it is not sufficient in area for the purpose. The authorities wanted to purchase enough land there to make it a permanent target range hereafter. It will cost the amount of \$57,000. The Senator will notice this settlement in the report:

During the past year it was impossible to lease the land in question, and it became necessary to send the Field Artillery units of the National Guard of Utah to California for field training.

I was told by the officer at Fort Douglas that the sending of the Field Artillery to California cost three times the amount of the purchase price of the land. It is within 18 miles of the city. It will be impossible to hold that as a target-practice range hereafter unless this additional land is purchased, and the department wants it.

Mr. ROBINSON. The appropriation carried by the bill appears to be \$54,160.

Mr. SMOOT. Yes.

Mr. ROBINSON. Does that include all of the expenditures which will be authorized by the bill?

Mr. SMOOT. All the expenditures; and not only that but it will pay for all that is on the land in the way of improvements.

Mr. ROBINSON. I see no objection to the consideration of the bill.

The PRESIDENT pro tempore. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 246) for the relief of Margaret I. Varnum was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3091) declaring an emergency in respect of certain agricultural commodities, to promote equality between agricultural commodities and other commodities, and for other purposes, was announced as next in order.

Mr. McNARY. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

FRENCH SPOILIATION CLAIMS

Mr. BRUCE. Mr. President, may I ask—I happened to be entering the Chamber at the time—how Order of Business 422, Senate bill 56, relating to the claims for indemnity for French spoliation, came to be taken up at the time that it was?

Mr. FLETCHER. It was not taken up.

Mr. BRUCE. Just as I came in through the door I heard some Senator suggest that it go over, and I was curious to know how that bill came to be taken up at that time.

Mr. ROBINSON. Mr. President, if I may do so, I will state to the Senator that under the order under which the Senate is proceeding only unobjected bills may be considered, and an objection was made by some Senator to the consideration of that bill.

Mr. BRUCE. Yes; I understand it; but it was taken up as No. 1, and its calendar number seems to be 422. What I did not understand was why it should be taken up as No. 1.

Mr. ROBINSON. I did not understand that myself; but objection was made, and under the order under which we are proceeding it can not be considered at this time.

Mr. BRUCE. Very well, then.

BILLS PASSED OVER

The bill (H. R. 7111) to promote American agriculture by making more extensively available and by expanding the service now rendered by the Department of Agriculture in gathering and disseminating information regarding agricultural production, competition, and demand in foreign countries in promoting the sale of farm products abroad, and in other ways, was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1638) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3011) to amend the act entitled "An act for the retirement of employees in the classified civil service, and

for other purposes," approved May 22, 1920, and acts in amendment thereof, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 626) to prevent the sale of cotton and grain in future markets, was announced as next in order.

Mr. RANDELL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1230) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1642) to provide for the purchase and sale of farm products was announced as next in order.

Mr. ERNST. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2570) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over. The joint resolution (S. J. Res. 47) establishing a congressional committee to consider ways and means through legislation to lighten the responsibilities of the President was announced as next in order.

Mr. FLETCHER. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

AMENDMENT OF WAR RISK INSURANCE ACT

The bill (S. 2155) to amend and modify the war risk insurance act was announced as next in order.

Mr. SMOOT. Mr. President, I think I shall have to ask that that bill go over now; but I will say to the junior Senator from Indiana [Mr. RALSTON] that that bill is being considered by the Finance Committee in connection with a complete revision of certain laws affecting the war risk insurance act. I shall ask that the bill go over, unless the Senator wants it indefinitely postponed.

Mr. RALSTON. No; I do not. The Senator is speaking of Senate bill 2155?

Mr. SMOOT. Senate bill 2155.

The PRESIDENT pro tempore. The Chair suggests that the committee has been discharged from the further consideration of this bill, and it is on the calendar, in view of the discharge of the committee.

Mr. SMOOT. The committee was discharged?

The PRESIDENT pro tempore. It so appears. The committee was discharged, the Chair is informed by the clerk, on the 24th of April.

Mr. RALSTON. That is correct. I asked that it be discharged.

Mr. SMOOT. Then, I will ask that it go over.

Mr. RALSTON. If the Senator please, I will take it up with him later. It may go over for the time being.

The PRESIDENT pro tempore. The bill will be passed over.

JOINT RESOLUTION AND BILL PASSED OVER

The joint resolution (S. J. Res. 87) authorizing the erection of a flagstaff at Fort Sumter, and for other purposes, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 2284) to provide for the construction of certain public buildings in the District of Columbia was announced as next in order.

Mr. SMOOT. Mr. President, the Senator from Florida [Mr. FLETCHER] offered an amendment to that bill, and I suppose he will want a vote upon it. There is not a quorum here, and therefore I shall have to ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

CONSTRUCTION OF VESSEL FOR COAST GUARD

The bill (H. R. 6817) to provide for the construction of a vessel for the Coast Guard was considered as in Committee of the Whole.

Mr. ROBINSON. Mr. President, I understand that this is a House bill and that its passage is recommended by the Secretary of the Treasury, and that there is real need for the vessel.

Mr. JONES of Washington. There is real need for it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OGDEN CHAMBER OF COMMERCE

The bill (S. 660) for the relief of the Ogden Chamber of Commerce was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "\$603.03" and insert "\$651.68," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to the Ogden Chamber of Commerce, Ogden, Utah, out of any money in the Treasury not otherwise appropriated, the sum of \$651.68, as reimbursement for expenses incurred by such chamber of commerce in connection with the purchase of land and water rights for the United States Government for the use of the Ogden Arsenal.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. ROBINSON. Mr. President, I think we ought to have an explanation of this bill.

Mr. SMOOT. I can give it to the Senator in a very few words.

At the time the arsenal was built at Ogden—I forget the amount of money that was spent there for that purpose, but there were certain lands that had to be purchased by the Government before the recommendation was made for an appropriation for the building of the arsenal. Those lands were purchased by the Chamber of Commerce of Ogden for the Government, and they borrowed the money at the bank for the purpose of paying for the lands. The Government paid the principal only, claiming that they had no right to pay the interest that the chamber of commerce paid. They paid \$600 interest, as provided for in the bill.

Mr. ROBINSON. Part of it is interest. Part of it is fees for abstracts and stamp tax on a deed.

Mr. SMOOT. Yes.

Mr. ROBINSON. It frequently happens that a community, out of its desire to get a public building erected, pays such expenses as these without requiring the Government to reimburse the community for them. Frequently arrangements are made that the Government shall buy the land, and the local commercial organizations arrange about the title.

Mr. SMOOT. Not in the case of an arsenal. I never understood why the people wanted it anywhere near the city, but it is there, and the explosives are stored there for the Government. I do not know what would happen if there should be an explosion at any time.

Mr. ROBINSON. Is the bill favorably recommended by the War Department?

Mr. SMOOT. It is. It is a department bill, drawn not by me but by the department.

Mr. ROBINSON. I shall not object to its consideration.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2586) for the relief of Robert June was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1548) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved March 4, 1923, as amended, was announced as next in order.

Mr. ROBINSON. Mr. President, this appears to be a very important bill. I remember that it was discussed in the Senate for quite a length of time and a great diversity of opinion arose concerning it. In that view of the matter, I shall have to ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over. The bill (S. 3010) to amend the classification act of 1923, approved March 4, 1923, was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

ALIEN PROPERTY TRADE INVESTMENT CORPORATION

The joint resolution (S. J. Res. 121) to create a body corporate by the name of the "Alien Property Trade Investment Corporation" was announced as next in order.

Mr. SMOOT. Mr. President, can the Senator from South Carolina [Mr. DIAL] explain briefly what the joint resolution means? It is a long measure, and I have not had time to read it, or the report, either.

Mr. DIAL. I shall be glad to explain it.

Mr. SMOOT. It seems to me that it is a very important measure to pass without some understanding or discussion of it.

Mr. DIAL. Mr. President, I was exceedingly anxious to get this joint resolution passed at the last session. It would have aided the country greatly then, particularly the farming element of the country. I still think it might be well to pass it.

The object of the joint resolution is to encourage trade with the people of Germany, Austria, and Hungary. The Alien Property Custodian has in his possession a large sum of money belonging to the individuals of those countries, which fund was impounded some time ago to be held until the claims of our people against those Governments shall be settled. This joint resolution provides a commission, composed of the Secretary of the Treasury, the Alien Property Custodian, and three others, I believe, to be appointed by the President, to lend that fund on proper security to the inhabitants of those three countries. The fund is to be used merely as a revolving fund with which to export our surplus agricultural products. Security is to be deposited with that commission here.

Mr. ROBINSON. Mr. President, will the Senator yield to a question?

Mr. DIAL. Certainly.

Mr. ROBINSON. The proposal is to take something like \$150,000,000 of the Alien Property Custodian fund, which belongs to private individual aliens, and loan it out and do business on it?

Mr. SMOOT. Without security?

Mr. DIAL. Oh, no.

Mr. ROBINSON. Well, whether with or without security?

Mr. SMOOT. It says without security.

Mr. ROBINSON. It seems to me that when the United States Government creates a corporation to engage in business it ought to take its own money or the money of its own citizens rather than the money of aliens. I believe that the time is coming when this Government ought to pay to the owners of that property the sums due them. This is private property; and the honor of this Government, the traditions of the Government, and the precedents require that we shall regard it as sacred.

Mr. DIAL. The Senator from South Carolina is just as much opposed to the Government going into business as any other Senator, and this could be justified only on the ground that that fund is already impounded and that the owners of it are getting no benefit from it. It would give the people in those countries something with which to go to work. I do not believe in donations. I believe in helping people help themselves, and I believe that this fund should be held by the United States Government until claims of our individual citizens against those countries are settled.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. DIAL. Certainly.

Mr. ROBINSON. This Government made a separate treaty of peace with Germany, and entered into an agreement with that Government by which this fund should be held as in the nature of collateral security to secure the payment by Germany of the private claims of American citizens against the German Government. Under those circumstances, and under the further consideration that this is private property, does the Senator feel that this Government ought to loan the money out for the purpose of enabling people to carry on commercial business?

Mr. DIAL. I would not favor such action as a rule. I favor it only as an emergency measure. The fund would not be placed beyond that agreement. It would be held intact, and, to be frank, my object was to help the cotton mills of Germany, Austria, and Hungary to get the raw material with which to operate. We would thereby give the people of those countries employment, and we would also thereby aid, in a measure, in getting rid of the surplus in this country. The same would apply to wheat and other agricultural products; but, to be perfectly frank, I was particularly anxious about cotton, because we have a surplus in this country, and I want that gotten rid of. At the same time this bill would help the people of this country get rid of their surplus and would give the people of other countries an opportunity to go to work and to make their own living. It would also help us to get a good interest on this fund. It would keep the fund sacred, it being used merely to aid people to go to work, instead of lying idle here in our Treasury Department.

Mr. SWANSON. Does not the Senator think that part of that fund would get into Germany. It seems to me this measure's very purpose would destroy the purpose of the trust. This fund is impounded with two trusts attached to it—one for the individuals who own it; secondly, as collateral security,

as suggested by the Senator from Arkansas [Mr. ROBINSON], to pay American people who were injured by Germany. If the fund were transferred to Germany and loaned there, how could we have control of it?

Mr. DIAL. They would have to deposit security for it with the commission. Otherwise they would not get the fund. I believe in the sacredness of obligations just as much as does the Senator from Virginia, and I do not at all advocate allowing the fund to get beyond our reach.

The PRESIDENT pro tempore. The time of the Senator has expired. Is there objection?

Mr. FESS. Let it go over.

The PRESIDING OFFICER. The joint resolution will go over.

BILLS PASSED OVER

The bill (S. 1232) for the relief of Stephen A. Winchell was announced as next in order.

Mr. DIAL. I ask that that bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 6896) to amend an act entitled "The classification act of 1923," approved March 4, 1923, was announced as next in order.

Mr. SMOOT. Let the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2525) for the relief of Henry Martin was announced as next in order.

Mr. SMOOT. I notice that the bill has an adverse report.

Mr. DIAL. Let it go over.

The PRESIDENT pro tempore. The bill was reported adversely.

Mr. ROBINSON. Under the usual practice of the Senate, when a bill is reported adversely it is indefinitely postponed, and I suggest that we take that action in this case.

The PRESIDENT pro tempore. If there is no objection, the bill will be indefinitely postponed.

PALESTINE TROUP

The bill (S. 3090) for the relief of Palestine Troup was announced as next in order.

Mr. DIAL. I ask that the bill may go over.

Mr. WARREN. I hope the Senator will not object to the consideration of this bill. It is for the relief of an old Civil War veteran who has but a few years to live, and it only provides for a correction of his record. He wants to have it passed more in the interest of his children than to provide him with a pension.

Mr. DIAL. I will ask that it go over until I have had an opportunity to examine it. The Senator may call it up later.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

MEMORIAL BRIDGE ACROSS THE POTOMAC RIVER

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3173) to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial, in the city of Washington, to an appropriate point in the State of Virginia, and for other purposes, which was read, as follows:

Be it enacted, etc., That the commission created by section 23 of the act approved March 4, 1913 (37 Stat. p. 885), is hereby authorized and directed to proceed at once with the construction of a memorial bridge across the Potomac River from the vicinity of the Lincoln Memorial, in the city of Washington, to an appropriate point in the State of Virginia, including appropriate approaches, roads, streets, boulevards, avenues, and walks leading thereto on both sides of said river, together with the landscape features appertaining thereto, all in accordance with the design, surveys, and estimates of cost transmitted by said commission to Congress under date of April 22, 1924: *Provided*, That said commission may make such changes in design and location of said bridge, without increasing the total cost of the project, as in its discretion may be found to be necessary or advisable.

SEC. 2. That the execution of the project herein and hereby authorized shall be carried out under the general supervision of the Arlington Memorial Bridge Commission in the immediate charge of the executive officer of the said commission, and that said construction shall be entered upon as speedily as practicable in accordance with the plans submitted by the said commission and shall be prosecuted to completion by contracts or otherwise, as may be most economical and advantageous to the Government and approved and ordered by the said commission in a total sum not to exceed \$14,750,000, which sum is authorized to be appropriated from any moneys available or that may become available in the Treasury of the United States.

SEC. 3. That the said executive officer of the said Arlington Memorial Bridge Commission is hereby authorized, with the approval of the said commission, to employ the services of such engineers, architects, sculptors, artists, and other personnel as shall be determined to be necessary without reference to civil-service requirements and at rates of pay authorized by said commission: *Provided*, That such officers of the United States Corps of Engineers as may be considered necessary by said commission may be detailed by the President on this work for such periods as the commission may require.

SEC. 4. That the said Arlington Memorial Bridge Commission is hereby authorized to occupy such Government-owned lands as may be necessary for the bridge project authorized herein, and on completion of the project to transfer to the park system under the Chief of Engineers, United States Army, all or such portions of such lands as the said commission may, in its discretion, decide to be necessary.

SEC. 5. That the said Arlington Memorial Bridge Commission is hereby authorized to procure, by purchase in the open market, or otherwise, as may be most advisable, or by condemnation, such privately owned lands as may be necessary for approaches on the Virginia shore and to allow B Street NW., Washington, D. C., to be opened up from the Capitol to the Potomac River in accordance with the said plans of the said commission: *Provided*, That any condemnation carried out under this act shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing for a site for the enlargement of the Government Printing Office.

SEC. 6. That the project herein authorized may be prosecuted by direct appropriations or by continuing contracts, or by both direct appropriations and continuing contracts: *Provided*, That the expenditures in any year shall not exceed the amounts for the corresponding year as shown in the 10-year program of expenditures and construction contained in the report of the said commission.

SEC. 7. That said commission shall annually submit to Congress, through the Bureau of the Budget, a statement of sums of money previously expended and an estimate of the total sum of money necessary to be expended in the next succeeding year to carry on the work authorized by this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARRIMAN GEOGRAPHIC CODE SYSTEM

The joint resolution (S. J. Res. 41) authorizing a joint committee of both Houses to investigate the Harriman Geographic Code System, now in use by the War Department, with a view to ascertaining the adaptability and application of said system in the several executive departments and administrative branches of the Government and to rendering a just compensation to the owner thereof, was announced as next in order.

Mr. SMOOT. Let the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

BENNING NATIONAL FOREST, GA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1033) to establish the Benning National Forest in the State of Georgia, which was read, as follows:

Be it enacted, etc., That the military reservation at Camp Benning, Ga., described in General Orders, No. 54, War Department, Washington, November 14, 1921, is hereby established as the Benning National Forest, to be administered by the Secretary of Agriculture under such rules and regulations and in accordance with such general plan as may be jointly approved by the Secretary of Agriculture and the Secretary of War, to provide for the use and occupation of such lands and for the sale of products from such lands.

SEC. 2. That such national forest shall remain subject to the unhampered use of the War Department for military purposes, shall not be subject to appropriation or disposal under any public land law of the United States, and nothing in this act shall be construed to relinquish the authority over such lands as a military reservation now vested in the War Department.

SEC. 3. That any moneys available for the use, maintenance, improvement, protection, and general administration of the national forests may be available for use in the Benning National Forest. All receipts from the sale of products from or for the use of lands in such forest shall be covered into the Treasury as miscellaneous receipts, forest reserve fund, but 35 per cent of such receipts shall be available to the Secretary of Agriculture for the construction of roads and trails within such forest.

SEC. 4. That any person who shall violate any provision of this act or any rule or regulation promulgated thereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500 or imprisoned for not more than one year, or both.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARBITRATION OF DISPUTES ARISING OUT OF CONTRACTS, ETC.

The bill (S. 1005) to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories or with foreign nations was announced as next in order.

Mr. ROBINSON. This appears to be a very important bill. I do not want to object to its consideration, but the Senate should be advised as to what its purposes are and what its effects would be.

Mr. WALSH of Montana. Mr. President, I can state, for the information of the Senator, what the bill is intended to accomplish. I feel like saying in this connection, however, that the Senator's colleague, the junior Senator from Arkansas [Mr. CARAWAY] has some objections to the bill, and I do not feel like urging its consideration in his absence.

In short, the bill provides for the abolition of the rule that agreements for arbitration will not be specifically enforced. That is a rule which has obtained in the English and American systems of jurisprudence. The business interests of the country find so much delay attending the trial of lawsuits in courts that there is a very general demand for a revision of the law in this regard. So the bill provides that whenever parties agree in their contracts to submit controversies arising under the contracts to arbitration, and then either one refuses to carry out that agreement by appointing an arbitrator, as is provided in the provision for arbitration, the other party may institute his suit in court, and recite the facts in relation to the agreement and the refusal upon the part of the other party to appoint an arbitrator as is provided in the contract, whereupon the court will appoint an arbitrator, and the arbitration will proceed.

Mr. ROBINSON. Because of the absence of the Senator who is opposed to this bill, or who desires to submit amendments to it, I shall object to its present consideration.

Mr. DIAL. Mr. President, I hope we can get the bill passed very soon after the junior Senator from Arkansas returns. There is a great demand for its passage.

Mr. ROBINSON. I myself have no objection to the consideration of the bill, but I feel constrained to make the objection because I am informed that a Senator who can not be here to-day does object.

Mr. DIAL. I am not asking that the bill be now considered. The PRESIDENT pro tempore. The bill will be passed over.

FISH-CULTURAL STATION AT ORANGEBURG, S. C.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3084) to enlarge the fish-cultural station at Orangeburg, S. C. The bill had been reported from the Committee on Commerce with an amendment in line 3, after the words "sum of," to strike out "\$50,000" and to insert in lieu thereof "\$25,000," so as to make the bill read:

Be it enacted, etc., That the sum of \$25,000, or so much thereof as may be necessary, be, and the same is hereby, authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the enlargement of the Orangeburg fish-cultural station in the State of South Carolina, including the purchase of additional land, the construction of buildings, ponds, improvements to water supply, and for the purchase of equipment.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. DILKS

The bill (H. R. 7296) for the relief of John W. Dilks was announced as next in order.

Mr. DIAL. Let the bill go over.

Mr. BRUCE. Mr. President, I hope the Senator will withdraw his objection. This bill has been most thoroughly and most exhaustively considered, and the Committee on Military Affairs came to the conclusion that it was eminently a meritorious bill; so I hope the Senator from South Carolina will withdraw his objection.

Mr. DIAL. Mr. President, I have not had an opportunity to read the bill and the report. I merely see that it is a bill providing relief in the case of one of the deserters in the war of 1861.

Mr. BRUCE. It is, but the circumstances were such as to satisfy us absolutely that this man did not desert. He was captured and subsequently paroled, but before he was paroled he disappeared from sight completely, and it was supposed he

had deserted; but, in point of fact he did not desert, if the evidence is to be believed, and we thought it was to be believed. He was simply captured on the field of battle and spirited away, was lost sight of in Washington, and was entered as a deserter; but afterwards, as soon as his parole ran out, he reenlisted in the West and served faithfully until the end of the war. The Committee on Military Affairs very frequently turns down such applications.

Mr. DIAL. Did the Senator say this man reenlisted?

Mr. BRUCE. He did; and I will say another thing. This man did not want any pension. What he wanted to do was to vindicate his honor, and when he made his application he was particular to request that no pension should be granted to him; but we thought as we were satisfied that he had never deserted it was only right that he should receive his pension. The fact that the bill accords him a pension is not in the least due to his solicitation, but only through our voluntary action. So I trust the Senator from South Carolina will make at least one exception.

Mr. DIAL. I do not want to make any exceptions, but I do not desire to do anybody an injustice, and I had not read the report. But I see that the Senator is correct. The report states that—

The records of the War Department show him as a deserter as of August 29, 1862, which was about the time he was captured and paroled.

Mr. BRUCE. On the field of the second battle of Bull Run.

Mr. DIAL. The report continues:

Not hearing from his command, he went West and enlisted in the One hundred and forty-sixth Illinois Infantry and served faithfully until the close of the war, thereby indicating he was not a willful deserter.

Therefore it indicates he was not a deserter, and if he was not a deserter I am willing that the bill shall go through.

Mr. BRUCE. It is an absolutely clear case, in our judgment. We considered it most carefully, as the House committee has done.

Mr. DIAL. I had not read the report.

Mr. BRUCE. I understand, and I hope the Senator will withdraw his objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John W. Dilks, who was a private of Company E, Seventy-second Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on or about the 29th day of August, 1862; but provides that no pension, pay, or allowance shall be held to have accrued prior to the passage of the act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NURSE CORPS OF THE ARMY AND NAVY

The bill (S. 3285) to provide retirement for the Nurse Corps of the Army and Navy was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

SWEDISH FISHING BOAT "LILLY"

The bill (S. 2458) to authorize the payment of an indemnity to the Swedish Government for the losses sustained by its nationals in the sinking of the Swedish fishing boat *Lilly* was considered as in Committee of the Whole.

The bill had been reported from the Committee on Foreign Relations with an amendment, on page 1, line 8, after the name "*Lilly*," to insert "or any other parties pecuniarily interested," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be paid to the Government of Sweden, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor, as full indemnity for the losses sustained by the owners and crew of the Swedish fishing boat *Lilly*, or any other parties pecuniarily interested, through the sinking of that vessel by the United States Army transport *Antigone* on March 23, 1920, an amount equivalent to 26,381 kroner on the date of the approval of this act, as recommended by the President in his message of January 3, 1924.

Mr. McNARY. Mr. President, I do not see the sponsor of the bill in the Senate. This is a most important measure, and I would like to have some statement of the facts appertaining to the relief that is sought. Otherwise, I shall object to its consideration.

Mr. WILLIS. Mr. President, possibly I will not be able to give the details which the Senator from Oregon might very properly desire, but I have a distinct recollection that this bill was considered in the Committee on Foreign Relations. Perhaps the Senator from Arkansas will recall the measure. I do recall that it was very thoroughly considered.

Mr. ROBINSON. What is the bill to which the Senator refers?

Mr. WILLIS. It is Senate bill 2458. It was given to the Senator from New Hampshire [Mr. MOSES] to report. My recollection is that the committee was convinced that the bill is a just and equitable measure. What is the recollection of the Senator from Arkansas?

Mr. ROBINSON. My recollection is that this vessel, the *Lilly*, a Swedish vessel, was destroyed by a United States Army transport, and that as an act of grace it was deemed wise and proper for the United States Government to reimburse the owners of the vessel, through the Swedish Government, for the loss of the vessel. I think there is no question about the merit of the claim, and the opinion of the Foreign Relations Committee was unanimous with respect to it.

Mr. WILLIS. It is my recollection that the committee was unanimously of the opinion that the bill should be passed.

Mr. FLETCHER. Its passage was recommended by the President and also by the State Department.

Mr. McNARY. I withdraw my objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Committee on Foreign Relations.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

NORWEGIAN STEAMSHIP "HASSEL"

The bill (S. 2718) to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian steamship *Hassel* as the result of a collision between that steamship and the American steamship *Ausable*, was announced as next in order.

Mr. SHIPSTEAD. Mr. President, the Senator from New Hampshire [Mr. MOSES] has sent word to me asking that this bill be laid over for the present, and, to comply with the request of the Senator, I ask that that be done.

The PRESIDENT pro tempore. The bill will be passed over.

CLOSING CERTAIN STREETS IN THE DISTRICT OF COLUMBIA

The bill (S. 1179) to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to close Broad Branch Road between Jocelyn and Thirty-first Streets, Piney Branch Road between Spring Road and Blair Road, Pierce Mill Road between Tilden Street and Wisconsin Avenue, Belt Road between Wisconsin Avenue and Chevy Chase Circle, Colfax Street through square 712, Queens Chapel Road between Bladensburg Road and Irving Street, Grant Road between Wisconsin Avenue and Connecticut Avenue, and such other streets, roads, or highways, or parts of streets, roads, or highways, as may, in the judgment of the Commissioners of the District of Columbia, become useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of a street, road, or highway in the District of Columbia by dedication, purchase, or condemnation; the title to the part or parts of the streets, roads, or highways so closed to revert to the abutting property owners: *Provided*, That the consent of the owners of all the property abutting on the street, road, or highway, or a part of street, road, or highway, proposed to be closed be obtained.

SEC. 2. That whenever a street, road, or highway, or any part of a street, road, or highway, is sought to be closed in accordance with the provisions of this act, a plat showing the street, road, or highway, or part of the street, road, or highway, to be closed by the said commissioners, as provided herein, shall be prepared by the surveyor of the District of Columbia and approved by the Commissioners of the District of Columbia and ordered by the said commissioners to be recorded in the

office of the surveyor of the District of Columbia, and the area to be apportioned to each property owner abutting on the street, road, or highway, or part of street, road, or highway, closed by the said commissioners, as provided herein, shall be determined by the said commissioners and shall be shown by plats and computations prepared by the surveyor of the District of Columbia, and said apportioned areas shall be assessed on the books of the assessor of the District of Columbia the same in all respects as other private property in the District of Columbia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL WAR FORTS PARKWAY IN DISTRICT OF COLUMBIA

The bill (S. 1340) to make the necessary survey and to prepare a plan of a proposed parkway to connect the old Civil War forts in the District of Columbia, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That for the purpose of preserving the sites of the old Civil War forts which formed a part of the defenses of Washington and to make them accessible to the public, the Commissioners of the District of Columbia are hereby authorized and directed to make a survey and plan and to submit same to Congress at the earliest practicable date, with recommendation as to what lands should be acquired to provide a continuous parkway of suitable width connecting the sites of the following old forts: Fort Greble, Fort Lincoln, Fort Carroll, Battery Ricketts, Fort Stanton, Fort Wagner, Fort Baker, Fort Davis (United States owned), Fort Dupont (United States owned), Fort Shaplin, A Battery, Fort Mahan, Fort Bunker Hill, Fort Totten, Fort Slocum, Fort Stevens, Fort Detrussey, Fort Bayard, Battery Kemble, Battery Vermont (United States owned), and Battery Parrott, together with an estimate of the cost of such acquirement, including the cost of such of said old forts as are not now owned by the United States. In the preparation of the survey and plan herein directed the commissioners shall confer with the Federal Highway Commission in order that upon completion of said plan the necessary steps may be taken to incorporate it into the highway system of the District of Columbia, under the authority granted by the act of March 4, 1915 (U. S. Stat. L. vol. 37, chap. 150, p. 949), and shall also obtain the advice of the National Commission of Fine Arts.

For the employment of such expert assistance and other services as may be necessary, and for other necessary expenses in connection with the work of the commissioners, the sum of \$5,000 is hereby authorized.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1934) to amend, revise, and reenact section 549 of subchapter 4 of the Code of the District of Columbia, relating to the appointment of deputy recorder of deeds and fixing the compensation therefor, was announced as next in order.

Mr. SMOOT. There is no report accompanying the bill, and I ask that it may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1935) to amend, revise, and reenact subchapter 3, sections 546 and 547 of the Code of Law of the District of Columbia, relating to the recording of deeds of chattels, was announced as next in order, and the reading clerk proceeded to read the bill.

Mr. ROBINSON. Before a further reading of the bill, it would be well for some Senator familiar with it to state in what respect it changes the existing law.

Mr. SMOOT. The Senator from Delaware [Mr. BALL] is not here. He introduced the bill and reported it from the committee.

Mr. ROBINSON. I think the bill had better go over, in the absence of the Senator reporting it.

The PRESIDENT pro tempore. The bill will be passed over.

COMPULSORY SCHOOL ATTENDANCE, DISTRICT OF COLUMBIA

The bill (S. 2842) to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, was announced as next in order.

Mr. ROBINSON. This is a very important bill. It provides for compulsory education in the District of Columbia. While I do not wish to imply opposition to the measure, I think it ought to be considered a little more fully than can be done to-day, and I suggest that it go over.

Mr. CAPPER. Mr. President, will the Senator withhold his objection just a moment?

Mr. ROBINSON. Certainly.

Mr. CAPPER. A similar bill passed the Senate in the last Congress unanimously. It has been very carefully considered by the committee and is greatly desired by the Board of Education, by the superintendent of education, and by the Commissioners of the District of Columbia. However, in the last Congress it failed of passage in the House.

Mr. WALSH of Montana. I wish to ask the Senator from Kansas how this bill differs, if at all, from the ordinary State compulsory education act?

Mr. CAPPER. It is in line with the laws of 38 States. The compulsory attendance law we have in the District of Columbia at this time is almost a dead letter. It provides for compulsory school attendance between the ages of 6 and 14. There are only five States in the Union at this time that have as lax a law as that provision. The bill provides for compulsory attendance between the ages of 6 and 18.

Mr. WALSH of Montana. When was the existing law passed?

Mr. CAPPER. Sixteen years ago. It is really out of date and is certainly wrong in its provisions.

Mr. SMOOT. Can the Senator state how many employees it is going to take to administer the change in the law?

Mr. CAPPER. Not to exceed two more than are now employed.

Mr. SMOOT. The bill does not so indicate. First there is a director to be appointed—

whose rank shall correspond to that of other directors who serve as officers of the Board of Education and who shall be paid the same salary as said directors, and who shall be known as the director of the department of school attendance and work permits, and also to appoint such a number of attendance officers, inspectors, clerks, and other assistants as shall be necessary to carry out the provisions of this act.

Then it proceeds:

Such appointments, other than that of the director of said department and clerks, shall be made from a list of applicants obtained from open competitive examinations.

Evidently the bill is broad enough to provide for another bureau in some department of the Government.

Mr. CAPPER. A great deal of this work the board is attempting to do now, but not effectively. The bill simply coordinates the duties that have been handled in a very unsatisfactory way by a number of other employees. There are a number of clerks connected now with the Board of Education who are engaged in this work. The estimate is that it would not cost to exceed \$10,000 a year more than the department is costing at this time.

Mr. ROBINSON. Does the Senator state that the bill was considered at length by the committee and unanimously reported?

Mr. CAPPER. It was.

Mr. ROBINSON. I shall make no objection to its consideration.

Mr. SMOOT. I shall not object to it either, but I am a little doubtful about the wisdom of its passage.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc.—

ARTICLE I.—COMPULSORY SCHOOL ATTENDANCE

SECTION 1. Every parent, guardian, or other person residing permanently or temporarily in the District of Columbia who has custody or control of a child between the ages of 7 and 16 years shall cause said child to be regularly instructed in a public school or in a private or parochial school or instructed privately during the period of each year in which the public schools of the District of Columbia are in session: *Provided*, That instruction given in such private or parochial school, or privately, is deemed equivalent by the Board of Education to the instruction given in the public schools.

SEC. 2. Any child between the ages of 14 and 16 years who has completed satisfactorily the eighth-grade course of study prescribed for the public elementary schools of the District of Columbia, or a course of study deemed by the Board of Education equivalent thereto, may be excused by the superintendent of schools from further attendance at school under the provisions of this act, provided he is actually, lawfully, and regularly employed.

SEC. 3. The Board of Education of the District of Columbia may issue a certificate excusing from attendance at school a child who, upon examination ordered by such board, is found to be unable mentally or physically to profit from attendance at school: *Provided*, *however*, That if such examination shows that such child may benefit from specialized instruction adapted to his needs, he shall attend upon such instruction.

SEC. 4. The Board of Education shall define in its rules and regulations valid excuses for absence from school, and the absence of a child between the ages of 7 and 16 years for any reason other than so defined as valid shall be unlawful.

SEC. 5. An accurate daily record of the attendance of all children between the ages of 7 and 16 years shall be kept by the teachers of every public, private, or parochial school and by every teacher giving instruction privately. Such record shall at all times be open to the school-attendance officers or other persons authorized to enforce this act, who may inspect and copy the same.

SEC. 6. It shall be the duty of every principal or head teacher of every public, private, or parochial school, or private teacher to report to the department of school attendance and work permits the name and address of any child between the ages of 7 and 16 years enrolled in his school whenever such child has been absent from school two day sessions or four one-half day sessions or more in any school month, together with the reason for such absence as far as known.

SEC. 7. The parent, guardian, or other person residing permanently or temporarily in the District of Columbia and having charge or control of any child between the ages of 7 and 16 years who is unlawfully absent from public or private school or private instruction shall be guilty of a misdemeanor, and upon conviction of failure to keep such child regularly in public or private school or to cause it to be regularly instructed in private, shall be punished by a fine of \$10 or by commitment to jail for five days, or by both, at the discretion of the court: *Provided*, That each two days such child remains away from school unlawfully shall constitute a separate offense: *Provided further*, That upon conviction of the first offense sentence may, upon payment of costs, be suspended and the defendant placed on probation.

ARTICLE II.—SCHOOL CENSUS

SECTION 1. That it shall be the duty of the director of school attendance and work permits, under instruction of the superintendent of schools, approved by the Board of Education, to cause to be made a complete census of all children between the ages of 3 and 18 years permanently or temporarily residing in the District of Columbia, and annually thereafter or as frequently as may be found necessary or desirable. Such census shall be amended from day to day as changes of residence occur among children within the ages prescribed in this act, and as other persons come within the ages prescribed, and as other persons within such ages shall become residents of the District. The record of such enumeration of children shall give the full name, address, race, sex, and date and place of birth of every such child, the school attended by him, and if the child is not at school the name and address of his employer, and the name, address, and occupation of the parents or guardian.

SEC. 2. It shall be the duty of the principal or head teacher of every public, private, or parochial school or private teacher, in accordance with the rules adopted by the Board of Education, to report to the director of the department of school attendance and work permits the name, address, sex, age, and race of every child under 18 years of age residing permanently or temporarily in the District of Columbia who enrolls in or withdraws from his school.

SEC. 3. Any parent, guardian, custodian, principal, or teacher of a child between the ages of 3 and 18 who willfully neglects or refuses to provide the information required by this act, or who knowingly makes any false or untrue statement, shall be guilty of a misdemeanor and on conviction shall be punished by a fine of \$10 or by commitment to jail for five days, or by both, at the discretion of the court.

ARTICLE III.—ADMINISTRATION

SECTION 1. The Board of Education is hereby authorized to consolidate the administrative duties incident to the enforcement of the provisions of this act and of the act to regulate child labor under a single division, to be known as the department of school attendance and work permits.

SEC. 2. The Board of Education is hereby authorized, empowered, and directed to appoint a director of said department whose rank shall correspond to that of other directors who serve as officers of the Board of Education, and who shall be paid the same salary as said directors, and who shall be known as the director of the department of school attendance and work permits, and also to appoint such a number of attendance officers, inspectors, clerks, and other assistants as shall be necessary to carry out the provisions of this act.

Such appointments, other than that of the director of said department and clerks, shall be made from a list of applicants obtained from open competitive examinations conducted by the respective boards of examiners of the Board of Education, and designed to test the fitness of the applicants for the duties to be performed.

SEC. 3. That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising from this act.

SEC. 4. The act of Congress approved June 8, 1906, entitled "An act providing for compulsory education in the District of Columbia," and all other acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 5. That this act shall take effect from the date of its enactment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF MILK CONTAINERS

The bill (S. 3280) to regulate in the District of Columbia the traffic in sale and use of milk bottles, cans, crates, and other containers of milk and cream to prevent fraud, deception, and for other purposes, was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

TITLE TO LAND IN THE CITY OF WASHINGTON

The bill (S. 3053) to quiet title to original lot 4, square 116, in the city of Washington, D. C., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to correct the records of the War Department in respect of original lot 4, in square 116, in the city of Washington, D. C., the title to which the records of his office show to be in the United States, upon the filing by the present owners of the lot of sufficient proof that the said owners or the party under whom they claim have been in actual possession of the said lot for an uninterrupted period of not less than 20 years, so that the said records shall show the title to said lot to be in the said owners.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE

The bill (S. 3292) granting the consent of Congress to the city of Hannibal, Mo., to construct a bridge across the Mississippi River at or near the city of Hannibal, Marion County, Mo., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Hannibal, Mo., to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation at or near the city of Hannibal, Marion County, Mo., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY TELEGRAPH CORPS OF THE ARMY

The bill (S. 1535) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

ORVILLE PAUL

The bill (H. R. 4432) for the relief of Orville Paul was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Jennie Kingston, the legal guardian of Orville Paul, the sum of \$2,500, in full settlement for personal injuries sustained by Orville Paul by reason of the explosion of a bomb under the direction of the war-loan organization of the eighth Federal reserve district in connection with the Victory loan drive at De Sota, Mo.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF BENJAMIN BRAZNELL

The bill (S. 1202) for the relief of the estate of Benjamin Braznell was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER (Mr. WATSON in the chair). The bill will be passed over.

ALBERT E. MAGOFFIN

The bill (S. 3066) for the relief of Albert E. Magoffin was announced as next in order.

Mr. DIAL. Let the bill go over.

Mr. WILLIS. Mr. President, will the Senator withhold the objection for a moment? I think if he were acquainted with the facts he would not object to the bill. It does not propose to grant a pension; neither does it propose to change the records. If the Senator has the report before him, he will discover there some very interesting information. First, I

invite his attention to a statement made by a former distinguished Member of this body—indeed, it was that affidavit which drew my attention to the bill—a statement by Hon. J. B. Foraker, who was a comrade of this man and who knew personally of the circumstances.

Here are the facts. The man received an honorable discharge, but it chanced that in the hurry of making out the discharge papers the particular injury referred to was not included. There were other reasons for his discharge, but this one was not mentioned. Senator Foraker states clearly that he distinctly remembers about the injury and that it ought to have been included. That is on page 2 of the report the Senator has before him. Further, General Charlton, then in command of the regiment, stated that he very distinctly remembered the injury to Mr. Magoffin's ankle. There is an affidavit signed by some four or five comrades and there does not seem to be any question about the facts.

What is here proposed? It is rather a matter of honor than of financial relief. It is not proposed to change the pension which he now gets, nor is it proposed to change the record, but it is proposed simply to pay to him the residue of the bounty which is due him. At the time he enlisted he was promised a bounty of \$100. Twenty-five dollars was paid, and it is proposed in the bill to pay this old ex-soldier the balance of \$75.

Mr. DIAL. It is true the amount is small, but I see from the report, on page 3, that the man is already getting a pension of \$72 a month. If we are going to come back here and settle little promises made from 1862 to 1865, it would seem to me the Senate would be submerged in the details of minor matters. If the man is getting \$72 a month, and no doubt he has been getting it for a long time, that is a sufficient pension. I ask that the bill go over.

The PRESIDING OFFICER. Does the Senator object?

Mr. DIAL. I object.

The PRESIDING OFFICER. The bill will be passed over.

GREENPORT BASIN & CONSTRUCTION CO.

The bill (H. R. 3348) authorizing the Secretary of the Treasury to pay a certain claim as the result of damage sustained to the marine railway of the Greenport Basin & Construction Co. was announced as next in order.

Mr. ROBINSON. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ESTATE OF ROBERT M. BRYSON

The bill (S. 2223) for the relief of the estate of Robert M. Bryson, deceased, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William J. Fredericks, executor of the estate of Robert M. Bryson, deceased, the sum of \$12,299.41 in full satisfaction of all claims of the estate arising out of the use of the steamer *Rosedale* by the Navy Department of the United States.

Mr. DIAL. I would like to have an explanation of the bill. I have not had time to study the report.

Mr. PEPPER. This is a case in which the claimant represents the estate of one who was the owner of a vessel which was used by the Government in time of war. When the time came to adjust the compensation for the use of the vessel, the Navy Department made a proposition or finding respecting the amount payable for compensation. It was regarded by the claimant as inadequate, and while the parties were debating the question of adjustment the appropriation under which the claim could have been paid was exhausted. The claimant subsequently accepted the figures of the Navy Department.

The bill, which is unanimously reported by the Committee on Claims, is a bill for payment to the estate of the deceased owner of the vessel of the precise sum which the Navy Department has found to be justly due for the use of the vessel in war time. I very much hope that no objection will be pressed. It was a World War claim and not an old Civil War claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RINALD BROS.

The bill (S. 2833) for the relief of Rinald Bros., of Philadelphia, Pa., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Rinald Bros., of Philadelphia, Pa., out of any money in the Treasury not otherwise appropriated, the sum of \$645, as an additional price for paint in excess of the amount named

in the contract between Rinald Bros. and the Quartermaster's Department, at Philadelphia, for the year ending June 30, 1917.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHRISTINA CONNIFF

The bill (S. 3235) for the relief of Christina Conniff was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and he is hereby, authorized and directed to resume and complete the remainder of the payments due to Christina Conniff, widow and beneficiary of Robert E. Conniff, deceased, according to the terms of his Government life insurance policy No. K-181801.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FANNIE M. HIGGINS

The bill (H. R. 1860) for the relief of Fannie M. Higgins was announced as next in order.

Mr. DIAL. I would like to have the bill explained.

Mr. ROBINSON. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

RHODE ISLAND STATE CLAIM

The bill (S. 3252) referring the claim of the State of Rhode Island for expenses during the war with Spain to the Court of Claims for adjudication was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the items of the claim of the State of Rhode Island against the United States for expenses incurred and paid in aiding the United States to raise its Volunteer Army in the war with Spain, which items, either in whole or in part, were rejected by the accounting officers of the Treasury Department, be, and the same are hereby, referred to the Court of Claims for adjudication and report to Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GRACE BUXTON

The bill (H. R. 5967) for the relief of Grace Buxton was announced as next in order.

Mr. ROBINSON. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

FIRST INTERNATIONAL BANK OF SWEETGRASS, MONT.

The bill (S. 2680) for the relief of the First International Bank of Sweetgrass, Mont., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to issue patent to the First International Bank of Sweetgrass, Mont., for the south half of section 25, township 37 north, range 5 west, Montana principal meridian, upon payment by said bank of the value of said land, to be fixed by the Secretary of the Interior, less any amounts loaned by said bank to Stephen Horgasz and remaining unpaid: *Provided*, That in no event shall patent be issued to said bank for said land except upon payment therefor by said bank at the rate of not less than \$1.25 per acre.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN ENTRYMEN IN MONTANA

The bill (H. R. 3511) to extend relief to the claimants in township 16 north of ranges 32 and 33 east, Montana meridian, Montana, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That if by reason of the adjustment to the plat of resurvey of entries in township 16 north of ranges 32 and 33 east of the Montana principal meridian, Montana, entrymen or their assigns have heretofore acquired or may hereafter acquire patents to a less area than such entries when made were believed to contain, the Secretary of the Interior may, under such rules and regulations as he may prescribe, cause patents to issue to such entrymen or their assigns for such area of surveyed, unreserved, unappropriated, nonmineral public land in the State of Montana, not containing merchantable timber, as when added to the area to which the entries were adjusted will equal the area the entries were supposed to contain when made: *Provided*, That applications for such additional area shall be filed within six months from the date of the issuance of patent or within six months from the passage hereof if patent

has already issued: *Provided further*, That patents for such additional area shall issue without further final proof and without payment of fees or commissions.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERMANENT COURT OF INTERNATIONAL JUSTICE

The resolution (S. Res. 234) advising the adherence of the United States to the existing Permanent Court of International Justice, with certain amendments, was announced as next in order.

Mr. SMOOT. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

MIGRATORY BIRD REFUGES

The bill (S. 2913) for the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes, was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. ROBINSON. I ask the Senator to withhold his objection for a moment for the purpose of enabling me to offer an amendment. I shall not ask further consideration of the bill than to present the amendment, which I understand is acceptable to the proponents of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. I object to the consideration of the bill itself, I object to passing it at all.

Mr. ROBINSON. I am not proposing to have the bill passed. I want to have an amendment agreed to.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and the bill is before the Senate as in Committee of the Whole for the purpose of amendment.

Mr. ROBINSON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Arkansas offers an amendment, which will be read.

The READING CLERK. At the end of the bill, page 9, after line 24, insert:

Lands acquired, held, or used by the United States for military purposes shall not be subjected to any of the provisions of this act.

Mr. ROBINSON. This amendment was agreed to before in the Senate when a similar bill was passed on a previous occasion. As already stated, it is acceptable to the proponents of the bill and has the approval of the War Department. I understand the author of the bill has no objection to it.

Mr. BROOKHART. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas.

The amendment was agreed to.

The PRESIDING OFFICER. On objection of the Senator from Utah, the bill goes over.

R. E. SWARTZ AND OTHERS

The bill (S. 2778) for the relief of R. E. Swartz, W. J. Collier, and others was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. SHEPPARD. May I submit an explanation to the Senator from Utah?

Mr. SMOOT. Certainly.

Mr. SHEPPARD. The bill proposes to pay the farmers in certain so-called noncotton zones in Texas who were prevented by an order of the State government, issued at the instance of the Federal Government, from growing cotton in those zones during the year 1918 in order to stop the pest known as the pluk boll worm. The State government has already paid two-thirds of the loss, over \$400,000. The bill proposes to pay the share of the Federal Government, which is something like \$250,000, going to some 1,400 farmers, the average payment to each being about \$143. Since 1920 the agricultural appropriation bill has carried an amount to take care of the Federal Government's share of such losses in ensuing years. The pest made its appearance first in 1917 and 1918, and no provision was made for reimbursement for that year. The bill is on the same basis as payment by the Federal Government of its share of losses occasioned to owners of cattle by Government destruction to prevent the spread of the foot-and-mouth disease. This is simply the Federal Government's one-third of the losses sustained by cotton growers in 1918 in carrying out official orders to refrain from cotton growing in that year.

Mr. SMOOT. I will ask the Senator to let the bill go over to enable me to examine the report.

Mr. SHEPPARD. Very well.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (S. 443) for the relief of the William J. Oliver Manufacturing Co. and William J. Oliver, of Knoxville, Tenn., was announced as next in order.

Mr. WALSH of Montana. Mr. President, I should like to inquire why a claim of this kind does not take the usual course of adjudication before the War Department or the Court of Claims, and why we should be called upon to pass a special act with reference to it? It seems to me a rather extraordinary thing that we should be called upon to pass upon the justice of the amount of claims of this character.

Mr. SMOOT. That is true. It ought to be done in that way. Let it go over, Mr. President.

Mr. WALSH of Montana. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

NASH MOTORS CO.

The bill (S. 1893) to refund certain duties paid by the Nash Motors Co. was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Nash Motors Co., a corporation organized under the laws of the State of Maryland, the sum of \$1,223.30, as full payment to the said Nash Motors Co. of all duties levied upon an automobile chassis, the property of said company, of American manufacture and entitled to free entry under the provisions of paragraph 404 of the tariff act, and paid by the said Nash Motors Co. upon the importation of the said automobile chassis into this country.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FOREST FIRES IN MONTANA

The bill (S. 308) to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the State of Montana, out of any money in the Treasury not otherwise appropriated, the sum of \$26,746.17, on account of money expended by the State in the suppression of forest fires on Government lands during the year 1919.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3050) for the relief of the Turner Construction Co., of New York City, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2731) for the relief of the chamber of commerce of the city of Northampton, Mass., was announced as next in order.

Mr. FLETCHER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

KATE REANEY ZEISS, ADMINISTRATRIX

The bill (S. 2478) to carry out the findings of the Court of Claims in the case of Kate Reaney Zeiss, administratrix of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, against the United States, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Kate Reaney Zeiss, administratrix of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, the sum of \$34,161.63, being the amount found due by the Court of Claims, as reported to Congress in S. Doc. No. 146, Fifty-ninth Congress, second session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES E. JENKINS

The bill (S. 2879) for the relief of James E. Jenkins was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James E. Jenkins, Reno, Nev., out of any money in the Treasury not otherwise appropriated, the sum of \$75.55, to reimburse him for money expended for excise tax on automobile purchased by authority of the Bureau of Indian Affairs, and tax on freight upon automobile, and for money expended for necessary clerical assistance.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 5762) for the relief of Julius Jonas was announced as next in order.

Mr. ROBINSON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1648) for the relief of José Louzau was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2806) for the relief of Emil L. Flaten was announced as next in order.

Mr. FLETCHER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

SALE OF CERTAIN PUBLICATIONS

The bill (S. 685) to authorize the Secretary of Commerce to sell certain department publications and to provide for crediting the department's printing allotment with the proceeds, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized to sell, at a price to be fixed by him based on the cost of paper and presswork, such technical, scientific, statistical, and other publications issued by the Department of Commerce or any bureau, office, or service therein as he may deem best for the public interest: *Provided,* That the receipts from such sales shall be deposited in the Treasury and credited to, and to that extent increase, the department's allotment of the appropriation for printing and binding for any fiscal year within which such deposits may be made: *Provided further,* That nothing herein contained shall be construed to prevent the usual free distribution of any publications to officials of the Government or to foreign governments, libraries, and scientific associations and institutions of learning as provided by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBINSON. Mr. President, the bill that has just been disposed of is Order of Business 669. May I inquire what disposition was made of Order of Business 668?

The PRESIDING OFFICER. There is no bill of that number on the calendar.

Mr. SMOOT. That was passed before.

Mr. ROBINSON. I find it in my record.

Mr. WALSH of Montana. Order of Business 668 was recommended to the Committee on the Judiciary, and is now before that body.

Mr. ROBINSON. Very well.

PUBLICATION OF OFFICIAL PAPERS OF UNITED STATES TERRITORIES

The bill (S. 2935) for the publication of official papers of the Territories of the United States now in the national archives was announced as next in order.

Mr. RALSTON. Mr. President, the committee has reported this bill with an amendment, on page 3, line 1, to insert the words "authorized to be." I move that the amendment be adopted.

Mr. SMOOT. Mr. President, there is no report from the committee on this bill. Can the Senator tell the Senate what the cost of this publication will be?

Mr. RALSTON. It is proposed to appropriate \$25,000 a year.

Mr. SMOOT. A year?

Mr. RALSTON. Yes.

Mr. SMOOT. How long will it take to get this information together?

Mr. RALSTON. The estimate has been given me that perhaps it will take two years to do the work. It is a very important work. Many educational institutions in the country

are heartily in favor of it, as are the historical commissions of the country. The bill is very warmly indorsed.

Mr. SMOOT. Was this bill referred to the department for a report?

Mr. RALSTON. I do not know to what extent the committee investigated it.

Mr. SMOOT. The reason why I ask the Senator the question is that we have had two or three bills along similar lines that would have cost the Government hundreds of thousands of dollars. I should like to have some kind of a report from the department as to what this would cost. I see that the initial appropriation is but \$25,000, but that is no indication of what the ultimate cost of the collection of this information will be.

Mr. RALSTON. Would the Senator have any objection to the adoption of this amendment?

Mr. SMOOT. I will ask that the bill go over to-day, and in the meantime I will write to the department and ask them if they have any real information as to what it will cost.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

ESTATE OF JOHN FRAZER, DECEASED

The bill (S. 2520) to give the Court of Claims jurisdiction to hear and adjudge the claims of the estate of John Frazer, deceased, and others, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the word "deceased," to strike out "John" and insert "Jehu," so as to make the bill read:

Be it enacted, etc., That jurisdiction be, and is hereby, given to the Court of Claims (notwithstanding any statutory bar of limitations or otherwise) of the claims of the estate of John Frazer, deceased; Zephaniah Kingsley, deceased; John Bunch, deceased; Jehu Underwood, deceased; and Stephen Vanzandt, deceased, known as east Florida claims, and which were the subject of and provided for in the treaty of 1819 between the United States and Spain, to provide for the complete execution of the ninth article of the said treaty, with power to find the facts therein and to render judgment against the United States in accordance with the law of nations for the unpaid portion or residue of the awards as made for said claimants by the judges of the superior court of St. Augustine, in the Territory of Florida, and by the judge of the District Court of the United States for the Northern District of Florida, under and by virtue of the acts of Congress passed to carry into effect the ninth article of said treaty: *Provided*, That no recovery shall be had on said claims or any one of them for interest or damages accruing subsequent to the awards made thereon by the superior court of St. Augustine, in the Territory of Florida, and by the judges of the District Court of the United States for the Northern District of Florida.

SEC. 2. That in considering the said claims the Court of Claims is directed to consider the findings of the fact and all evidence submitted to and now on file within the United States or of record with and on which said awards were in whole or in part based.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET B. KNAPP

The bill (S. 2794) for the relief of Margaret B. Knapp was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Margaret B. Knapp, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000 for injuries sustained by her while in the performance of her duties as a clerk in the Quartermaster Corps.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTA REITER

The bill (S. 1016) for the relief of Augusta Reiter was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated"; and in line 10, after the words "sum of," to strike out "\$3,788.75" and insert "\$3,288.75," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Augusta Reiter, who was se-

riously injured by being run over in the city of San Francisco, Calif., on the 6th day of December, 1913, by a postal automobile truck while in charge of an employee of the United States Post Office Department in the discharge of his duties, the sum of \$3,288.75 in full compensation and satisfaction for said injuries.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FEES OF CLERKS OF DISTRICT COURTS

The bill (S. 2173) to provide fees to be charged by clerks of the district courts of the United States was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the fees hereinafter provided for, and no others, shall be charged and collected by clerks of the district courts of the United States for services performed by them or their assistants: *Provided*, That all laws or parts of laws inconsistent or repugnant to the provisions of this act are hereby repealed; but nothing in this act shall repeal or in any way enlarge or modify the provisions of the act of July 20, 1892 (27 U. S. Stat. L. p. 252), as amended by the act of June 25, 1910 (36 U. S. Stat. L. p. 806), and the act of June 27, 1922 (42 U. S. Stat. L. p. 606): *Provided further*, That the United States shall not be required to pay any sum or fee herein provided for.

SEC. 2. Upon the institution of any suit or proceeding, whether by original process, removal, indictment, information, or otherwise, there shall be paid by the party or parties so instituting such suit or proceeding, as fees of the clerk for all services to be performed by him in such case or proceeding, except as hereinafter provided, the sum of \$5.

SEC. 3. Upon the filing of any answer or paper joining issue, or the entering of an order for trial, there shall be charged and collected by the clerk from the party or parties filing any such answer or paper, for services performed and to be performed by said clerk in said case or proceeding the further sum of \$5: *Provided*, That after one fee, as hereinbefore provided in this section, has been paid by any defendant, cross petitioner, intervenor, or party, other defendants, cross petitioners, intervenors, or parties, separately appearing or filing any answer or paper in said suit or proceeding, shall pay a further fee of \$2 for each answer or paper so filed: *Provided further*, That in any criminal case, upon the entering of a plea of not guilty by any defendant, there shall be charged and taxed in the costs of said case a fee of \$5 for each defendant entering such plea, but the clerk shall not be required to account for any such fee not collected by him.

SEC. 4. Upon the entry of any judgment, decree, or final order of the court in any suit or proceeding there shall be charged and collected by the clerk from the prevailing party or parties as an additional fee for services performed and to be performed in said suit or proceeding the further sum of \$5: *Provided, however*, That in any criminal case the clerk shall not be required to account for any such fee not collected by him.

SEC. 5. Upon the filing of any petition for appeal or writ of error to any circuit court of appeals or the Supreme Court of the United States there shall be charged and collected by the clerk from the party or parties prosecuting such appeal or writ of error an additional fee in said suit or proceeding of \$5.

SEC. 6. Upon the filing of any petition or application for a writ of habeas corpus, or appeal from a deportation order of a United States commissioner, there shall be charged and collected by the clerk from the petitioner or applicant as full payment for all services performed or to be performed by him in said proceeding the sum of \$5: *Provided*, That if an appeal is prosecuted from the order of the district court in said proceedings, then and in that event the additional sum of \$5, as provided in section 4 of this act, shall be charged and collected by the clerk.

SEC. 7. For each additional trial or final hearing, upon a reversal by any circuit court of appeals or the Supreme Court of the United States, or following a disagreement by a jury or the granting of a new trial or rehearing by the court, there shall be charged and collected by the clerk from the party or parties securing such reversal, new trial, or rehearing, or from the plaintiff or plaintiffs in the event of a disagreement, the further sum of \$5: *Provided, however*, That the clerk shall not be required to account for any such fee not collected by him in any criminal case: *Provided further*, That nothing herein contained shall prohibit the court from directing by rule or standing order the collection at the time the services are rendered of the fees herein enumerated from either party, but all such fees shall be taxed as costs in the respective cases.

SEC. 8. That in addition to the fees for services rendered in cases hereinbefore enumerated, the clerk shall charge and collect for miscellaneous services performed by him and his assistants, except when on behalf of the United States, the following fees:

1. For issuing any writ or a subpoena for a witness, not in a case instituted or pending in the court from which it is issued, and filing and entering the return of the marshal thereon, 50 cents.

2. For filing and indexing any paper, not in a case or proceeding, 25 cents.
 3. For administering an oath or affirmation, not in a case or proceeding pending in the court where the oath is administered, 10 cents.
 4. For an acknowledgment, certificate, affidavit, or countersignature, with seal, 50 cents.
 5. For taking and certifying depositions to file, 20 cents for each folio of 100 words, and if taken stenographically, 15 cents per folio additional for the stenographer.
 6. For a copy of any record, entry, or other paper, and the comparison thereof, 15 cents for each folio of 100 words.
 7. For filing precept or requisition and searching the records of the court for judgments, decrees, or other instruments or suits pending, or bankruptcy proceedings, including the certifying of the results of such search, 60 cents for the first name and 25 cents for each additional name embraced in the certificate.
 8. For receiving, keeping, and paying out money in pursuance of any statute or order of court, including cash bail or bonds or securities authorized by law to be deposited in lieu of other security, 1 per cent of the amount so received, kept, and paid out, or of the face value of such bonds or securities.
 9. For keeping a record of surety companies and bonds thereof, 15 cents for each folio of 100 words.
 10. For preparation and mailing notices in bankruptcy, 10 cents each for the first 20 notices and 5 cents for each additional notice: *Provided*, That this fee shall cover and include all services and expenses in connection therewith: *Provided further*, That such fee shall not be deemed to be included in any other fee for services in bankruptcy proceedings.
 11. For making and comparing a transcript of record on appeal or writ of error when required or requested, 15 cents for each folio of 100 words.
 12. For comparing any transcript, copy of record, or other paper not made by the clerk with the original thereof, 5 cents for each folio of 100 words.
 13. For making a final record in any case at the request of either party or upon order of court in a particular case, 15 cents for each folio of 100 words: *Provided, however*, That when any such final record is made upon order of court the fees therefor shall be taxed in the costs of the case.
 14. For admission of attorneys to practice, \$1 each; for certificate of admission to be furnished upon request, \$2 additional.
 15. For making any record not in a case and not provided for in this act, 15 cents for each folio of 100 words.
- Sec. 9. That this act shall become and be in force and effect on and after July 1, 1924.

Mr. ROBINSON. Mr. President, I think the author of this bill—who, I see, is present—should explain the changes that are made in the fees now authorized by law.

Mr. PEPPER. Mr. President, I shall be very glad to do that.

The change contemplated by this bill is not a change in the amount of the fees, but merely in the method of handling the fees in the offices of clerks of the courts of the United States. At present a certain small fee is charged at the impetration of a writ or the origin of a suit, and another small fee at each one of the successive stages of the suit; and in a typical case it will appear that about 75 or 100 entries are necessary to be made in the clerk's book of accounts showing the receipt of each one of the small charges which are on the schedule. This measure proposes to consolidate the items into four charges each of \$5, the first one payable when the suit is begun, the second payable when the case is at issue, the third payable at the stage of judgment, and the fourth payable if and when an appeal is taken or a writ of error is sued out. It is recommended, as are the bills following it on the calendar, by a responsible organization known as the Federal Clerks' Association, composed of the clerks of the Federal courts throughout the country; and this, with the following measures, is recommended by the Department of Justice as tending to simplicity of accounting and the convenience of practitioners. It makes no substantial change in the amount of the fees; it merely simplifies the method of paying them.

Mr. WALSH of Montana. Mr. President, as I understand the Senator, in every case the fees amount to \$20, and the fees on an appeal to \$25?

Mr. PEPPER. Not quite so. In every case the first fee charged will be \$5 when the suit is begun. If it is not pressed to issue, nothing further is payable. In that event no further fee would be charged. If it is at issue, a further fee of \$5 is payable when the case is ripe for trial. If it is tried and proceeded with to judgment, a third fee of \$5 is payable; and the fourth fee is payable if and when an appeal is taken.

Mr. WALSH of Montana. That would be \$15 in the case of a case at issue, and \$20 in the case of an appeal?

Mr. PEPPER. Yes, sir.

Mr. WALSH of Montana. What would the fees be in case of a default—the case not being brought to issue, but a default taken?

Mr. PEPPER. The initial fee in every case would be \$5, and if the case went by default that would be the only fee chargeable.

Mr. WALSH of Montana. Would there be no charge for entering the judgment?

Mr. PEPPER. I have forgotten, sir, whether there is a special provision in that case or not. I think there would be an additional fee of \$5 for judgment in cases of default.

Mr. ROBINSON. Yes; section 4 provides:

Upon the entry of any judgment, decree, or final order of the court in any suit or proceeding there shall be charged and collected by the clerk, from the prevailing party or parties, as an additional fee for services performed and to be performed in said suit or proceeding, the further sum of \$5: *Provided, however*, That in any criminal case the clerk shall not be required to account for any such fee not collected by him.

Mr. PEPPER. That is correct.

Mr. ROBINSON. Why is the clerk authorized to collect a fee of \$5 from a defendant filing an answer, and from each defendant, in addition to the first \$2? It would seem that such a fee is excessive.

Mr. PEPPER. I can not make any statement of fact of my own knowledge respecting the amount of fees that would be charged under the present schedule; but I am assured by the responsible officers of the Court Clerks' Association that this makes no appreciable or substantial difference in the way of increasing amounts over the amounts as at present charged. It is merely a question of simplifying the method of payment.

Mr. ROBINSON. Section 3 provides that—

Upon the filing of any answer or paper joining issue, or the entering of an order for trial, there shall be charged and collected by the clerk from the party or parties filing any such answer or paper for services performed and to be performed by said clerk in said case or proceeding the further sum of \$5: *Provided*, That after one fee, as hereinbefore provided in this section, has been paid by any defendant, cross petitioner, intervener, or party, other defendants, cross petitioners, interveners, or parties, separately appearing or filing any answer or paper in said suit or proceeding, shall pay a further fee of \$2 for each answer or paper so filed: *Provided further*, That in any criminal case, upon the entering of a plea of not guilty by any defendant, there shall be charged and taxed in the costs of said case a fee of \$5 for each defendant entering such plea, but the clerk shall not be required to account for any such fee not collected by him.

Mr. PEPPER. That is correct, Mr. President; but I take it that that \$5 fee payable in the criminal case is not by way of addition but by way of substitution. In other words, the first provision is for a fee on the filing of a pleading in a civil proceeding.

Mr. ROBINSON. Oh, clearly; and the latter relates to a plea by the defendant in a criminal case.

Mr. PEPPER. That is correct.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The time of the Senator from Pennsylvania has expired. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEES OF CLERKS OF DISTRICT COURTS IN NATURALIZATION PROCEEDINGS

The bill (S. 2174) to provide for accounting by clerks of United States district courts of fees received by them in naturalization proceedings was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 13 of the act of June 20, 1906 (34 Stat. L. p. 600), be, and the same is hereby, amended to the extent that hereafter clerks of United States district courts shall account for and report to the Attorney General all fees and emoluments earned and received by them in naturalization proceedings under the provisions of the above-mentioned section instead of to the Bureau of Immigration and Naturalization, and such fees shall be paid over and deposited as are all other fees and emoluments earned, collected, and received by said clerks.

Mr. ROBINSON. Mr. President, let us understand what change this bill effectuates in the present method of accounting for fees.

Mr. PEPPER. Mr. President, this bill merely reduces the amount of bookkeeping to be done in the offices of the clerks

of the Federal courts. It is recommended by the department in the following terms:

That the present practice of depositing fines, penalties, costs, and other public money with the Treasurer of the United States, to the account of the Post Office, Internal Revenue, or other departments of the Government be discontinued, and that the clerks be directed to remit such money to the Treasurer of the United States.

Mr. ROBINSON. From what is the Senator reading?

Mr. PEPPER. I am reading from the committee's report accompanying the bill.

Mr. ROBINSON. Which bill?

Mr. PEPPER. The bill which is under consideration, Senate bill 2175.

Mr. ROBINSON. That is the very point. The bill under consideration is Senate bill 2174.

Mr. PEPPER. I beg the Senator's pardon. I misread the number.

Mr. ROBINSON. What the Senator has read really has no reference to the bill that is actually under consideration?

Mr. PEPPER. I mistook the number. Will the Senator indulge me and permit me to deal with the bill which I am explaining and then go back to the other bill?

Mr. ROBINSON. May I ask the Senator a question? I think it will assist in clearing up the matter. The law now requires these clerks to pay over their fees collected for naturalization services to the Bureau of Immigration. Is that right? And this bill permits them to pay directly to the Department of Justice?

Mr. PEPPER. Yes. The present method is to pay over the fees in part to the Department of Labor and in part to the Department of Justice. This was a system which originated at a time when the clerks were permitted to retain for their own use certain moneys in naturalization cases. That practice having been done away with, there is now no reason why the whole amount should not be covered into the Treasury directly. The bill therefore merely simplifies the accounting to that extent.

Mr. ROBINSON. But it does not provide for its payment into the Treasury. The bill provides that it shall be paid over to the Attorney General.

Mr. PEPPER. I should have said to the Department of Justice.

Mr. ROBINSON. Very well. I have no objection.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ACCOUNTING OF RECEIPTS BY CLERKS OF UNITED STATES COURTS

The bill (S. 2175) to provide for reporting and accounting of fines, fees, forfeitures, and penalties, and all moneys paid to or received by clerks of the United States courts, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That hereafter the clerks of United States courts shall pay or deposit to the credit of the Treasurer of the United States all judgments, fines, fees, forfeitures, penalties, and other moneys due the United States paid to or received by them, and shall report to the Attorney General, in such form as he may prescribe, the respective amounts included in any such deposit pertaining to post office, internal revenue, or customs cases or matters, respectively, and shall transmit to the Treasurer of the United States with each such payment or deposit a copy of his report to the Attorney General, and hereafter no such money shall be paid by such clerks or deposited to the credit of any collector of internal revenue, any collector or surveyor of customs, the Solicitor of the Treasury, or the Post Office Department.

Sec. 2. All provisions of law in conflict with this act are hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF ACT OF AUGUST 1, 1888

The bill (S. 2176) to amend section 2 of the act of August 1, 1888 (25 Stat. L. p. 357), was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That section 2 of the act of August 1, 1888 (25 Stat. L. p. 357), be, and the same hereby is, amended to read as follows:

"The clerks of the several courts of the United States shall prepare and keep in their respective offices complete and convenient indices of

all judgment debtors under decrees, judgments, or orders of said courts, and such indices and judgments shall at all times be open to the inspection and examination of the public."

Mr. ROBINSON. Will not the Senator from Pennsylvania explain what change this would make in the law?

Mr. PEPPER. Under the present system, Mr. President, the clerk is required by law to keep a cross index of the names of all judgment creditors, as well as a special cross index of the names of all judgment debtors. It is found in practice that there is no use for a cross index of judgment creditors. A person searching the record, in ninety-nine cases out of a hundred is searching for the judgment debtor. If the judgment creditor's name is desired it can be found in the general index, which is also cross indexed. This bill, if it shall become a law, will relieve the clerks of the very serious burden of maintaining a cross-reference index which nobody uses.

Mr. ROBINSON. Very well.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSITION OF BRIBE MONEY

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2177) to provide for the disposition of moneys paid to or received by any official as a bribe, which may be used as evidence in any case growing out of any such transaction, which was read, as follows:

Be it enacted, etc., That hereafter all moneys received or tendered in evidence in any case, proceeding, or investigation in any United States court, or before any officer thereof, which have been paid to or received by any official as a bribe, shall, after the conclusion and final disposition of the particular case, proceeding, or investigation in which it was received as evidence, be deposited in the registry of the court, to be disposed of under and in accordance with the order, judgment, or decree of the said court, to be subject, however, to the provisions of section 996, Revised Statutes, as amended.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PEPPER. Mr. President, I will ask the Chair to indulge me for one moment. I observe that this measure is identical with the measure which appears as Order of Business 863, House bill 5425, which in identical terms passed the House at the last session of this Congress. I ask unanimous consent to reconsider the action just taken, and then to substitute the House bill for the Senate committee bill, so that the action now taken will be final action.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Mr. WALSH of Montana. I suggest to the Senator that the better procedure would be to proceed to the consideration of the House bill.

Mr. PEPPER. Mr. President, I ask unanimous consent for reconsideration of the action taken, which was the passage of the Senate committee bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PEPPER. I now request that we proceed to the consideration of House bill 5425, Order of Business 863 upon the calendar.

The PRESIDING OFFICER. Does the Senator desire that Senate bill 2177 be indefinitely postponed?

Mr. PEPPER. I do, Mr. President.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator now asks that the Senate proceed to the consideration of House bill 5425, to provide for the disposition of moneys paid to or received by any official as a bribe, which may be used as evidence in any case growing out of any such transaction, which the Secretary will report.

The bill was read as follows:

Be it enacted, etc., That hereafter all moneys received or tendered in evidence in any case, proceeding, or investigation in any United States court, or before any officer thereof, which have been paid to or received by any official as a bribe, shall after the conclusion and final disposition of the particular case, proceeding, or investigation in which it was received as evidence, be deposited in the registry of the court to be disposed of under and in accordance with the order, judgment, or decree of the said court, to be subject, however, to the provisions of section 996, Revised Statutes, as amended.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ACCOUNTS OF UNITED STATES ATTORNEYS, MARSHALS, ETC.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2179) to provide for the rendition of accounts by United States attorneys, United States marshals, clerks of United States courts, and United States commissioners, which was read, as follows:

Be it enacted, etc., That so much of the act of February 18, 1875 (18 Stats. p. 318), section 1 of the act of February 22, 1875 (18 Stats. p. 333), section 13 of the act of May 28, 1896 (29 Stats. p. 183), and the act of May 27, 1908 (35 Stats. p. 375), as provides, directs, and requires that the accounts of United States attorneys, United States marshals, clerks of United States courts, and United States commissioners be certified and approved by said courts or the judges thereof be, and the same are hereby, repealed, and hereafter each of the above-mentioned officials, respectively, shall make oath to his said accounts, and the accounts of United States commissioners shall be certified and approved by the United States attorney for the respective district, and all of said accounts, when made out, verified under oath, and approved and certified as herein directed, shall be transmitted to the Attorney General for examination and transmission to the General Accounting Office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 300) to provide for election contests in the Senate of the United States was announced as next in order. Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. Objection being made, the bill goes over.

The bill (S. 3300) to fix the salaries of officers and employees of the Court of Appeals of the District of Columbia, the Supreme Court of the District of Columbia, the United States Court of Claims, and the United States Court of Customs Appeals was announced as next in order.

Mr. BRUCE. Let that bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

TERM OF COURT AT PAULS VALLEY, OKLA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 162) to amend the act establishing the eastern judicial district of Oklahoma, to establish a term of the United States District Court for the Eastern Judicial District of Oklahoma at Pauls Valley, Okla., which was read, as follows:

Be it enacted, etc., That a term of the United States District Court for the Eastern Judicial District of the State of Oklahoma shall be held annually at Pauls Valley, Okla., for the trial of civil and criminal cases, at such times as may be fixed by the judges of the eastern judicial district of Oklahoma: *Provided,* That suitable rooms and accommodations for holding court at Pauls Valley are furnished free of expense to the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TERMS OF COURTS AT POTEAU, OKLA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 644) providing for the holding of the United States district and circuit courts at Poteau, Okla. The bill provides:

Be it enacted, etc., That a term of the District Court of the United States for the Eastern District of Oklahoma shall be held in each and every year in the town of Poteau, Okla., beginning on the first Monday in October and continuing till the business is disposed of: *Provided,* That suitable rooms and accommodations for holding court at Poteau are furnished free of expense to the United States.

Sec. 2. That the clerk of the United States district and circuit courts at Muskogee, Okla., shall be the clerk of the United States district and circuit courts at Poteau, Okla., until provision be made by law for the appointment of deputy clerks at the several places of holding United States district and circuit courts in the State of Oklahoma.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SITTINGS OF COURT AT SAN JUAN, PORTO RICO

The bill (H. R. 704) to authorize the Court of Appeals for the First Circuit to hold sittings at San Juan, P. R., was con-

sidered as in Committee of the Whole. It proposes that the Court of Appeals for the First Circuit shall, when in its judgment the public interests require, hold a sitting of such court at San Juan, P. R.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

The bill (H. R. 7399) to amend section 4 of the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906, was announced as next in order.

Mr. ROBINSON. Let that bill go over.

The PRESIDING OFFICER. Objection being made, the bill goes over.

ADMINISTRATION OF CUSTOMS LAWS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3357) to amend sections 2 and 5 of the act entitled "An act to provide the necessary organization of the customs service for an adequate administration and enforcement of the tariff act of 1922 and all other customs revenue laws," approved March 4, 1923, which had been reported from the Committee on Finance with an amendment.

Mr. SMOOT. Mr. President, I want to make an explanation of this bill, so that the Senate will know how important it is.

There are two provisions in the first section of the bill which would change existing law. One is to correct an error in section 2 of the act approved March 4, 1923, which was made at some stage of the printing, probably in the preparation of the engrossed copy.

The second provision is to give the customs representatives abroad, who are designated for foreign service, special agents, and customs agents in the service of the United States a privileged official status. That means that they can enter an establishment with an official status and can collect information which otherwise it would be impossible for them to get.

Again, it places them in a position whereby they will not be taxed by foreign governments. Some of those governments tax them and take most of the property away from them; but under this bill, if it shall pass, and as it is recommended by the Treasury Department, they will be taxed only as official representatives of foreign governments in this country are taxed and as such officials are taxed in every other country; in other words, our officials will be taxed only in America.

The amendment of the Committee on Finance was, on page 3, after line 11, to strike out section 2 of the bill, as follows:

Sec. 2. That section 5 of such act of March 4, 1923, is amended to read as follows:

"SEC. 5. That all customs officers and employees, including customs officers and employees in foreign countries, and all other Government officers and employees while traveling on official customs business, in addition to their compensation shall receive their necessary traveling expenses and actual expenses incurred for subsistence within the limitations to be imposed by the Secretary of the Treasury while traveling on duty and away from their designated station, and when transferred from one official station to another for duty may be allowed, within the discretion and under written orders of the Secretary of the Treasury, the expenses incurred for packing, crating, freight, and drayage in the transfer of their household effects and other personal property, not exceeding in all 5,000 pounds.

"The limitation of section 1 of the act entitled 'An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes,' approved April 6, 1914, and section 13 of the act entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes,' approved August 1, 1914, shall not apply to this section, and credit for all payments for subsistence expenses actually incurred by Government officers and employees in excess of \$5 per diem since March 4, 1923, while traveling on official customs business, but not exceeding the maximum allowed by the Secretary of the Treasury, shall be allowed in the accounts of such officers and employees."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF CHARLES L. FREER, DECEASED

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8100) for the relief of the estate of Charles L. Freer, deceased. It proposes that additional taxes amounting to \$74,889.56, together with all penalties and charges

thereon assessed by the Treasury Department under date of February 1, 1923, and March 6, 1923, against the estate of Charles L. Freer, deceased, late of Detroit, Mich., which estate has been closed, the executors discharged, and the residue paid over to the Smithsonian Institution as an endowment for the Freer Gallery of Art, presented to the Nation by the said Charles L. Freer, be canceled and that the Treasury Department be authorized and directed to remit any further taxes, penalties, or charges which may thereafter be found due from the said residue of the said estate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRAFFIC IN CLINICAL THERMOMETERS

The bill (S. 1671) to provide for regulating traffic in certain clinical thermometers, and for other purposes, was announced as next in order.

Mr. BRUCE. Let that bill go over.

The PRESIDING OFFICER. Objection being made to the bill, it will go over.

OHIO RIVER BRIDGE BETWEEN INDIANA AND KENTUCKY

The Senate, as in Committee on the Whole, proceeded to consider the bill (S. 3350) granting the consent of Congress for the construction of a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky.

The bill had been reported from the Committee on Commerce with an amendment on page 1, line 8, after the word "navigation," to strike out the words "which may be selected by the respective States as connecting up suitable highways between the said States in" and to insert in lieu thereof the word "between," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Commonwealth of Kentucky and the State of Indiana by and through their respective highway commissions or such other agencies as may be selected, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation between the county of Henderson, Ky., and the county of Vanderburg, Ind., in accordance with the provisions of an act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXPORT OIL CORPORATION

The bill (S. 1599) for the relief of the Export Oil Corporation was announced as next in order.

Mr. DIAL. Mr. President, I would like to have some explanation of that bill.

Mr. SMOOT. Let it go over.

Mr. HARRELD. That bill—

The PRESIDING OFFICER. Objection has been made. Does the Senator from Utah withhold his objection?

Mr. HARRELD. I can make the explanation in a minute.

Mr. SMOOT. I withhold the objection.

Mr. HARRELD. This is a war-claim case where the War Department made a contract for the delivery of a certain amount of gasoline. Afterwards it arbitrarily canceled the order, and the Export Oil Co. is asking only for permission to go to the Court of Claims, that they may establish there the amount of damages they sustained by the canceling of the order by the War Department. The War Department recommends the passage of the bill and says the claimants are entitled to the relief. I hope no Senator will object.

Mr. DIAL. The bill provides that they shall go to the Court of Claims?

Mr. HARRELD. Yes; that they shall go to the Court of Claims.

Mr. DIAL. I have no objection to that. I think that is the place for them to go.

Mr. HARRELD. I think so.

Mr. WALSH of Montana. The only provision of the bill which seems important is the provision which is to the effect that when it is considered by the Court of Claims the court shall not reject the claim because the contract is not in writing and executed with the formalities that are required. We passed a general act which authorized the War Department to adjust and settle claims arising out of war contracts not executed with the formalities required by law. What I want to know is why this claim was not thus adjusted, and why we have to pass a special act excusing these people from

the proof of their written contract when we passed a general act excusing everybody from the necessity of establishing a contract executed with the formalities theretofore required by law.

Mr. HARRELD. The Senator will notice that this is not my bill, but is a bill introduced by my colleague [Mr. OWEN]; but I understand that for some reason the claimants did not file their claim in time. The act to which the Senator has reference is the Dent Act, which required that claims be filed within a certain time; and my information is that for some reason or other this claim was not filed within that time.

Mr. WALSH of Montana. What was the reason it was not filed?

Mr. HARRELD. I am really not able to give the reasons. Mr. WALSH of Montana. Then I ask that the bill go over.

Mr. HARRELD. Very well.

The PRESIDING OFFICER. Objection has been made, and the bill will go over.

AMENDMENT OF BANKING LAWS

The bill (S. 3316) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, was announced as next in order.

Mr. FLETCHER. That is a very important, far-reaching measure. I think we can not possibly consider it under the limitations of the rule, and it had better go over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF THE DISTRICT CODE

The bill (S. 3392) to amend section 558 of the Code of Law for the District of Columbia was announced as next in order.

Mr. ROBINSON. What change would this bill make in existing law were it enacted?

Mr. ERNST. Mr. President, I have been requested to state that the only change this would make if it were enacted would be that the President could, under it, not only appoint residents of the District as notaries public, but might appoint those whose sole place of business or employment is located within the District of Columbia. That is the only change that would be made.

Mr. ROBINSON. A great many of these officials live in Virginia and Maryland, but do business in the District of Columbia. I do not see any objection to the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that section 558 of the Code of Law for the District of Columbia be amended, so that it shall read as follows:

SEC. 558. Notaries: The President shall also have power to appoint such number of notaries public, residents of said District, or whose sole place of business or employment is located within said District, as, in his discretion, the business of the District may require: *Provided*, That the appointment of any person as such notary public, or the acceptance of his commission as such, or the performance of the duties thereunder, shall not disqualify or prevent such person from representing clients before any of the departments of the United States Government in the District of Columbia or elsewhere: *Provided*, That such person so appointed as a notary public who appears to practice or represent clients before any such department is not otherwise engaged in Government employ, and shall be admitted by the heads of such departments to practice therein in accordance with the rules and regulations prescribed for other persons or attorneys who are admitted to practice therein: *And provided further*, That no notary public shall be authorized to take acknowledgments, administer oaths, certify papers, or perform any official acts in connection with matters in which he is employed as counsel, attorney, or agent or in which he may be in any way interested before any of the departments aforesaid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

A. V. YEARSLEY

The bill (S. 1056) for the relief of A. V. Yearsley was announced as next in order.

Mr. DIAL. I observe that there is no report accompanying that bill, and I therefore ask that it go over.

The PRESIDING OFFICER. Being objected to, the bill will go over.

CLAIMS OF COWLITZ TRIBE OF INDIANS

The bill (S. 2557) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Cowlitz Tribe of Indians may have against the United States, and for other purposes, was announced as next in order.

Mr. DIAL. Let that bill be passed over.

Mr. JONES of Washington. I hope the Senator will withdraw his objection a moment. This is the usual form of a bill referring these claims of Indians to the Court of Claims, to have them ascertained and determined. I hope the Senator will not object. The bill has been amended to conform with the recommendations of the department.

Mr. DIAL. I am not certain whether this is a bill we had up last session or not.

Mr. JONES of Washington. It is not.

Mr. DIAL. I got it a little confused with another bill. My recollection is that the bill I had in mind waived the statute of limitations, waived rights the Government had. If this bill protects the Government, I have no objection to its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 5, section 6, line 9, after the word "Provided," to strike out the following language: "That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per cent of the amount of recovery against the United States" and in lieu thereof to insert: "That in no case shall such fee exceed 10 per cent of the amount of any judgment recovered and shall not in the aggregate amount to more than \$25,000, and shall be paid out of the judgment recovered," so as to make the bill read:

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims which the Cowlitz Tribe of Indians may have against the United States, and which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this act, and such suit shall make the Cowlitz Tribe of Indians party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Cowlitz Tribe approved by the Commissioner of Indian Affairs and the Secretary of the Interior. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indian nation to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of said Indian nation.

SEC. 3. In said suit the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian tribe, but any payment which may have been made by the United States upon any claim against the United States shall not operate as an estoppel, but may be pleaded as an offset in such suit.

SEC. 4. That from the decision of the Court of Claims in any suit prosecuted under the authority of this act an appeal may be taken by either party as in other cases to the Supreme Court of the United States.

SEC. 5. That upon the final determination of any suit instituted under this act the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys so employed by said Indian tribe for the services and expenses of said attorneys rendered or incurred prior or subsequent to the date of approval of this act: *Provided*, That in no case shall such fee exceed 10 per cent of the amount of any judgment recovered and shall not in the aggregate amount to more than \$25,000, and shall be paid out of the judgment recovered.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 7. A copy of the petition shall in such case be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER

The bill (S. 292) to incorporate the American Bar Association was announced as next in order.

Mr. ROBINSON. Mr. President, what are the advantages to be derived from incorporating the American Bar Association?

I ask that the bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

The bill (S. 3213) to incorporate the American War Mothers was announced as next in order.

Mr. SMOOT. Let that bill go over for the same reason that the bill immediately preceding it went over.

The PRESIDING OFFICER. Objection being made, the bill goes over under the rule.

The joint resolution (S. J. Res. 109) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto was announced as next in order.

Mr. STERLING. Let the joint resolution go over, Mr. President.

The PRESIDING OFFICER. Objection being made, the joint resolution will go over.

The bill (S. 3034) for the relief of Ida Smith was announced as next in order.

Mr. DIAL. I should like to be informed by the author of the bill what the department recommends with regard to the bill. However, I ask that the bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

FRANCIS NICHOLSON

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1022) for the relief of Francis Nicholson.

The bill had been reported from the Committee on Claims with an amendment in line 6, after the words "sum of," to strike out "\$20,000" and in lieu thereof to insert "\$10,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$10,000 as full compensation to Francis Nicholson for injuries sustained by him upon the discharge of the evening gun at the Presidio of San Francisco October 4, 1916.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STAPLES TRANSPORTATION CO., OF FALL RIVER, MASS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1937) for the relief of the Staples Transportation Co., of Fall River, Mass., which was read, as follows:

Be it enacted, etc., That the claim of the Staples Transportation Co., of Fall River, Mass., owner of the steam tug *Eureka*, against the United States for damages alleged to have been caused by collision between the said steam tug and the U. S. pilot guard auxiliary boat No. 1229, approaching Broad Sound Channel, Boston Harbor, on or about December 24, 1917, may be sued for by the said Staples Transportation Co. in the District Court of the United States for the District of Massachusetts, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States of America, upon the same principle and measure of liability and costs as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OWNER OF AMERICAN STEAM TUG "O'BRIEN BROTHERS"

The bill (S. 2079) for the relief of the owner of the American steam tug *O'Brien Brothers*, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 3, after the word "damages," to strike out the words "including interest," so as to make the bill read:

Be it enacted, etc., That the claim of O'Brien Bros. (Inc.), owner of the American steam tug *O'Brien Brothers*, against the United States for damages alleged to have been caused by collision between said vessel and the U. S. destroyer *Henley*, on the 4th day of January, 1919, off Pier 3, Hoboken, N. J., may be sued for by the said O'Brien Bros. (Inc.) in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States, in favor of the owner of the said American steam tug *O'Brien Brothers*, or against the owner of said American steam tug *O'Brien Brothers* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. WALSH of Montana. These two bills, the one under consideration and the one just passed, provide for the trial of these specific actions in the United States district courts. Apparently they are collision claims. I wonder why we should pass a special act authorizing the trial of a particular case under particular circumstances? I think I will object to this bill.

Mr. BRUCE. They cover collisions between Government vessels and privately owned vessels.

Mr. SMOOT. I will say to the Senator that we have passed hundreds of this kind of bills. We have to pass such bills in order to give the claimant a chance to recover.

Mr. BRUCE. Yes; we have to.

Mr. WALSH of Montana. Oh, yes; I had overlooked that fact. I withdraw my objection.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OWNER OF FERRYBOAT "NEW YORK"

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2130) for the relief of the owner of the ferryboat *New York*.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 2, after the word "damages," to strike out the words "including interest," so as to make the bill read:

Be it enacted, etc., That the claim of the United States Housing Corporation, owner of the ferryboat *New York*, against the United States of America for damages alleged to have been caused by collision between said vessel and the U. S. S. *Wasp*, on the 19th day of August, 1919, in the Elizabeth River, Portsmouth, Va., may be sued for by the said United States Housing Corporation in the District Court of the United States for the District of Virginia, sitting as a court of admiralty, and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said ferryboat *New York*, or against the owner of the said ferryboat *New York* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BEAUFORT COUNTY LUMBER CO. OF NORTH CAROLINA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2254) for the relief of the Beaufort County Lumber Co., of North Carolina, which was read, as follows:

Be it enacted, etc., That the claim of Beaufort County Lumber Co. of North Carolina, a North Carolina corporation, owner of the tugboat *Atlanto City* and the barge *Flora*, against the United States for damages alleged to have been caused by collision between the said tugboat and barge and the United States Coast and Geodetic Survey steamer *Lydonia* in the harbor of Wilmington, N. C., may be sued for by the said Beaufort County Lumber Co. of North Carolina in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the said Beaufort County Lumber Co. of North Carolina, or against the said Beaufort County Lumber Co. of North Carolina in favor of the United States upon the same principles and measures of liability as in like cases between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OWNERS OF STEAM TUG "JOSHUA LOVETT"

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2568) for the relief of the owners of the steam tug *Joshua Lovett*; which was read as follows:

Be it enacted, etc., That the claim of the Taylor Dredging Co., owners of the steam tug *Joshua Lovett*, against the United States of America, for damages alleged to have been caused by collision between the said steam tug *Joshua Lovett* and car float in tow of steam tug *Ashley*, operated by the Director General of Railroads as a part of the equipment of the Central Railroad of New Jersey, on July 11, 1919, in the vicinity of Pier 7 of the Central Railroad of New Jersey, Communipaw, N. J., may be sued for by the said Taylor Dredging Co. in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the said steam tug *Joshua Lovett*, or against the owners of the said steam tug *Joshua Lovett* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

G. FERLITA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2774) for the relief of G. Ferlita. It proposes that the claim of G. Ferlita, owner of the schooner *Rosa Ferlita*, against the United States for damages alleged to have been caused by collision between the said schooner while lying at anchor off Cape Henry, Va., and the U. S. S. *Toucey* on the 12th day of November, 1923, may be sued for by the said G. Ferlita in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and the said damages and costs, if any, as shall be found to be due against the United States in favor of said G. Ferlita, or against the said G. Ferlita in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend the

United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CANADA STEAMSHIP LINES (LTD.)

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2860) for the relief of the Canada Steamship Lines (Ltd.).

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 4, after the word "damages," to strike out the words "including interest," so as to make the bill read:

Be it enacted, etc., That the claim of the Canada Steamship Lines (Ltd.), owner of the British steamship *Rosedale*, against the United States of America for damages arising from the alleged loss of said vessel and her cargo, claimed to have been caused by collision on April 18, 1919, in Bristol Channel, England, between said vessel and the American steamship *Lucila*, then in the transport service of the United States War Department, may be sued for by the said Canada Steamship Lines (Ltd.) in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the said Canada Steamship Lines (Ltd.), or against said Canada Steamship Lines (Ltd.) in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. FLETCHER. The Senator from New York [Mr. WADSWORTH] is not present. I presume this is in the regular form of a bill, but I was going to ask how much is likely to be involved in it.

Mr. SMOOT. The court will determine that.

Mr. BRUCE. If judgment is to be found in favor of the plaintiff, the court will determine the amount.

Mr. FLETCHER. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MUSCLE SHOALS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 518, authorizing the disposal of Muscle Shoals by the Secretary of War.

Mr. CURTIS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Clerk will state the next order of business on the calendar.

BERWIND-WHITE COAL MINING CO.

The bill (S. 2902) for the relief of the Berwind-White Coal Mining Co. was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the Berwind-White Coal Mining Co., a corporation organized under the laws of the State of Pennsylvania, with its principal place of business located in the city of New York, owner of the barge *Eureka* No. 82, against the United States for damages alleged to have been caused by the sinking of said barge in the North River, N. Y., on or about December 14, 1917, while said barge was in possession and under the control of the Department of the Navy of the United States, may be sued for by the said Berwind-White Coal Mining Co. in the United States District Court for the Southern District of New York sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and cost, if any, as shall be found to be due against the United States in favor of the Berwind-White Coal Mining Co., or against the Berwind-White Coal Mining Co. in favor of the United States as in like cases in

admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by the order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARYLAND CASUALTY CO. AND OTHERS

The bill (H. R. 6383) for the relief of the Maryland Casualty Co., the United States Fidelity & Guaranty Co. of Baltimore, Md., and the National Surety Co. was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem one United States Treasury certificate of indebtedness, No. 8240, in the denomination of \$10,000, series TD-1921, dated December 15, 1920, and maturing December 15, 1921, with interest at the rate of 6 per cent per annum from December 15, 1920, to December 15, 1921, in favor of the Maryland Casualty Co., the United States Fidelity & Guaranty Co. of Baltimore, Md., and the National Surety Co., without presentation of the said certificate or the coupons therefrom, which have been lost, stolen, or destroyed: *Provided*, That the said certificate of indebtedness shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *And provided further*, That the said Maryland Casualty Co., the United States Fidelity & Guaranty Co. of Baltimore, Md., and the National Surety Co. shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal and interest of said Treasury certificate of indebtedness, and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificate of indebtedness herein described.

Mr. SMOOT. Mr. President, I would like to have an explanation of the bill.

Mr. BRUCE. The object of the bill is to authorize the Secretary of the Treasury to redeem certain certificates of indebtedness held by these companies and which have been lost, upon their giving the proper bond of indemnity to the Government.

Mr. SMOOT. In twice the amount of the loss?

Mr. BRUCE. Yes. The amount is \$10,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELIEF OF MARYLAND CASUALTY CO. AND OTHERS

The bill (H. R. 6384) for the relief of the Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co. of Baltimore, Md., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem 4½ per cent United States Treasury certificates of indebtedness Nos. 29806, 29807, 29808, and 29809, in the denomination of \$1,000 each, series TD-1920 (issued January 2, 1920), and matured December 15, 1920, without interest, in favor of the Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co. of Baltimore, Md., without presentation of said certificates of indebtedness, which have been lost, stolen, or destroyed: *Provided*, That the said certificates of indebtedness shall not have been previously presented for payment: *And provided further*, That the said Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co. of Baltimore, Md., shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of said certificates of indebtedness, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness herein described.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE A. BERRY

The bill (S. 3073) for the relief of George A. Berry was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. Objection is made and the bill will go over.

Mr. SHORTRIDGE. Mr. President, may I request of the Senator who asked that the bill go over to hear but a few words of explanation of the bill?

Mr. DIAL. I withdraw my objection for that purpose.

Mr. SHORTRIDGE. The bill has been pending a long time. It has met with the approval of the committee who examined it very thoroughly. It is approved by the Secretary of the Navy. Some phases of the facts involved were before the court, and everyone who has looked into the merits of the case has favored the passage of the measure.

It is merely to permit Lieut. Commander George A. Berry to appear before a naval retiring board for the purpose of determining whether or not the disability complained of in his case originated in the line of duty in time of war, as required by the provisions of the act of July 12, 1921. It does not bind the Government to any future action, but merely permits this very valiant officer to appear before the board for the purposes indicated in the bill. I very earnestly ask that the bill be considered on its merits.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President be, and he hereby is, authorized to order George A. Berry, ex-Lieutenant commander, United States Naval Reserve Force, to appear before a naval retiring board for the purpose of determining whether or not the disability complained of in his case originated in the line of duty in time of war, as required by the provisions of the act of July 12, 1921, volume 42, Statutes at Large, page 140: *Provided*, That if said naval retiring board finds that Mr. Berry is now suffering from a disability incurred in the line of duty in time of war which renders him unfit to perform all the duties of the grade of lieutenant commander, United States Naval Reserve Force, in time of war, the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint George A. Berry a lieutenant commander, United States Naval Reserve Force, and to place him upon the retired list with three-fourths of the pay of his grade: *Provided further*, That he shall not be entitled to any back pay or allowances by the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES O. MAAS

The bill (S. 1828) to supplement the military record of Lieut. Commander Charles O. Maas was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That the Secretary of the Navy be authorized to supplement the military record of the late Lieut. Commander Charles O. Maas, Naval Reserve Force, to show the voluntary service performed by said Lieutenant Commander Maas, and accepted by the Navy Department subsequent to the date upon which he was placed on inactive duty, and that such acceptance may be treated as a recall to active service as of June 1, 1919: *Provided*, That no back pay or allowances of any kind shall accrue as a result of the passage of this section.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER DAM

The bill (S. 2085) to authorize the Broadwater Irrigation District, a Montana organization, to construct a dam across the Missouri River was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, on page 1, line 3, to strike out "the Government" and insert "Congress"; in line 4, to strike out "given" and insert "granted"; in line 6, after the word "construct," to insert "maintain, and operate a dam"; in line 7, before the word "point," to strike out "some" and insert "a," and after the word "point" to insert "suitable to the interests of navigation"; and in line 10, after the word "meridian," to strike out the comma and the words "a dam for irrigation purposes, in accordance with the provisions of the act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906, as amended by act approved June 23, 1910," so as to read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Broadwater Irrigation District, a Montana organization, its successors or assigns, to construct, maintain, and operate a dam across the Missouri River at a point suitable to the interests of navigation in section 6, township 4 north, range 3 east, Montana meridian, or in section 1, township 4 north, range 2 east, Montana meridian.

The amendment was agreed to.

Mr. WALSH of Montana. I will now ask that the bill go over.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

BILL PASSED OVER

The bill (S. 1187) to commission Capt. William Rees Rush as a rear admiral on the retired list of the Navy was announced as next in order.

Mr. ROBINSON. Let the bill go over.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

RELIEF OF CERTAIN INDIANS

The bill (S. 369) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That all of the provisions of an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, and amended by the act of April 11, 1916, and the act of June 30, 1919, be, and the same are hereby, extended to March 4, 1925: *Provided*, That the provisions of this act shall apply only in cases where it is shown that the lands were actually occupied in good faith by Indians prior to March 4, 1913, and the applicants are otherwise entitled to receive such tracts in allotment under existing law but for the grant to the railroad company.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 876) to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes, was announced as next in order.

Mr. SMOOT. A Senator interested in the bill is not here, and I ask that it may go over.

The PRESIDING OFFICER. Objection is heard, and the bill will go over.

The bill (S. 877) to provide for exchanges of Government and privately owned lands in the Walapai Indian Reservation, Ariz., was announced as next in order.

Mr. WALSH of Montana. I ask that the bill may go over.

The PRESIDING OFFICER. Objection is heard, and the bill will go over.

MINERALS ON INDIAN LANDS

Mr. HARRELD. Mr. President, may I inquire what became of Calendar No. 725, Senate bill 876?

The PRESIDING OFFICER. It went over under objection.

Mr. HARRELD. I wish that it might be taken up. It is a departmental bill and very important.

The PRESIDING OFFICER. Does the Senator ask unanimous consent to return to Order of Business 725?

Mr. HARRELD. Yes; I make that request. There is a special reason for it.

Mr. SMOOT. I will withdraw my objection, but I want to know what the special reason is.

Mr. HARRELD. Secretary Fall made a ruling which embarrasses the present Secretary very much. He made a ruling that royalties or bonuses obtained from Executive order Indian lands should be deposited to the credit of the United States. That ruling has not been followed in other cases. There are acts in such cases which require royalties and bonuses so received to be deposited to the credit of the tribe. This bill would give to the Secretary of the Interior power to deposit bonuses and royalties arising from Indian lands which have been set apart by Executive order as public domain to the credit of the respective tribes as they accrue and accumulate. It is quite important to them to have that direction from Congress, and if it may be I would like to have the bill passed at this time.

Mr. SMOOT. I will withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 876) to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes, which was read, as follows:

Be it enacted, etc., That all moneys received under the provisions of the act of Congress approved February 25, 1920 (41 Stat. L. p. 437), entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," from bonuses, rentals, and royalties in connection with unallotted lands in Indian reservations not affected by the proviso to section 3 of the act of Congress approved February 23, 1891 (26 Stat. L. p. 795), shall be deposited in the Treasury of the United States to the credit of the particular tribe of Indians for whose benefit the reservation was created and shall draw interest at the rate 4 per cent per annum. Such moneys shall be available for appropriation by Congress for the expense of administration and for the use and benefit of such Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE E. HARPAM

The bill (S. 1543) for the relief of George E. Harpham was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George E. Harpham, who was a sergeant of Company D, One hundred and thirty-fourth Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a sergeant of said company and regiment on the 13th day of May, 1918: *Provided*, That no back pay, pension, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH F. BECKER

The bill (S. 747) for the relief of Joseph F. Becker was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and insert:

That the President of the United States is hereby authorized to appoint Joseph F. Becker, who, while serving as a Lieutenant commander, United States Naval Reserve Force, was found by a naval retiring board to be permanently incapacitated for active service by reason of physical disability incurred in the line of duty as the result of an incident of the service, a chief boatswain on the retired list of the Navy with such retired pay as is now, or may hereafter be, allowed a commissioned warrant officer whose record has been certified as creditable after completion of 12 years' commissioned service: *Provided*, That the said Joseph F. Becker shall not be entitled to such retired pay prior to the date of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN McNICKLE

The bill (S. 2950) to define and determine the character of the service represented by the honorable discharge issued to John McNickle, of Company L, Seventh Regiment New York Volunteer Heavy Artillery, under date of September 27, 1865, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the service of John McNickle, to whom an honorable discharge was issued at Albany, N. Y., on the 27th day of September, 1865, shall be regarded for all purposes honest and faithful: *Provided*, That no pension, bounty, pay, allowances, or other emolument shall accrue under or be predicated on this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3408) to amend an act entitled "An act to give indemnity for damages caused by American forces abroad," approved April 18, 1918, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDING OFFICER. Objection is made and the bill goes over.

The bill (H. R. 7269) to authorize and direct the Secretary of War to transfer certain materials, machinery, and equipment to the Department of Agriculture was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDING OFFICER. The bill goes over on objection.

The bill (H. R. 2811) to amend section 7 of the act of February 6, 1909, entitled "An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes," was announced as next in order.

Mr. ROBINSON. This bill ought to be explained to the Senate. There appears to be no report accompanying the bill.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. Objection is heard and the bill goes over.

RELIEF OF HEIRS OF KO-MO-DAL-KIAH

The bill (S. 1705) for the relief of the heirs of Ko-mo-dal-kiah, Moses agreement allottee No. 33, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment in line 9, to strike out "Carrier," and insert "Carrie," so as to read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to make an allotment of not more than 50 acres of land within the diminished Colville Reservation, in the State of Washington, to Ko-mo-dal-kiah in lieu of portions of Moses agreement allotment No. 33 embraced within the patented entries of Francis M. Fulton and Carrie French.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIANS ON UMATILLA RESERVATION, OREG.

The bill (S. 994) to amend the act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes," was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 2 of the act of March 3, 1885 (23d Stat. L. p. 142), be, and the same hereby is, amended so as to authorize the Secretary of the Interior to withhold from sale or disposition, for use as tribal grazing grounds, all unentered and undisposed of lands in township 2 south, ranges 34 and 35 east of the Willamette meridian, Oregon, formerly a part of the Umatilla Reservation: *Provided*, That any settler on these lands prior to April 21, 1921, shall be permitted to acquire title to the lands covered by his settlement, not exceeding 160 acres of non timbered lands and 40 acres of timbered lands, at not less than the appraised value thereof by making entry of the lands at the proper district land office within six months from the date of the passage of this act and by complying with the provisions of law governing other entries of Umatilla lands.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OIL AND GAS LEASES, NAVAJO INDIAN RESERVATION

The bill (S. 1653) authorizing the expenditure for certain purposes of receipts from oil and gas on the Navajo Indian Reservation in Arizona and New Mexico was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That any moneys derived from bonuses on oil and gas leases, and from oil and gas royalties, on the Navajo Indian Reservation be, and they are hereby, made available for expenditure, in the discretion of the Secretary of the Interior, for necessary expenses in connection with the supervision of the development and operation of the oil and gas industry on said reservation and for the support, civilization, and education of the Navajo Indians in Arizona and New Mexico.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAN JUAN RIVER BRIDGE, NEW MEXICO

The bill (S. 1665) to provide for the payment of one-half the cost of the construction of a bridge across the San Juan

River, N. Mex., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$6,020, or so much thereof as may be necessary, to defray one-half the cost of a bridge across the San Juan River near Bloomfield, N. Mex., under rules and regulations to be prescribed by the Secretary of the Interior, who shall also approve the plans and specifications for said bridge: *Provided*, That the State of New Mexico or the county of San Juan shall contribute the remainder of the cost of said bridge, the obligation of the Government hereunder to be limited to the above sum, but in no event to exceed one-half the cost of the bridge.

Mr. DIAL. I would like to ask, if the bridge crosses a public highway why it is necessary to have a special act for the purpose?

Mr. BURSUM. A bill identical with the bill now being considered passed the Senate in the last Congress, but it was not passed through the House because they were unable to reach it there. The bill is to carry out a mutual arrangement between the Indian Service and the county government in the construction of a bridge which is of mutual benefit. The Indian Service stands one-half of the expense and the county government the other half. It is recommended by the department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. BENJAMIN GAUTHIER

The bill (S. 1897) for the relief of Mrs. Benjamin Gauthier was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell and convey to Mrs. Benjamin Gauthier, of Lac du Flambeau, with the consent of the Lac du Flambeau Indians, to be evidenced in such manner as he may require, a tract of land not exceeding 10 acres in lot 3, section 8, township 40 north of range 5 east, on the Lac du Flambeau Indian Reservation, in Wisconsin, said tract to be selected by the said Secretary and to include the land occupied by said Mrs. Benjamin Gauthier with hotel, store, warehouse, residence, summer cottages, barn, and social hall; said conveyance shall be made upon payment to the Secretary of the Interior of such sum as he shall determine to be the reasonable value of the land conveyed, exclusive of the improvements thereon. All expenses of survey and conveyance to be paid by Mrs. Gauthier.

The receipts of such sale shall be paid into the Treasury and placed to the credit of the Lac du Flambeau Band of Chippewa Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXPENDITURE OF TRIBAL FUNDS OF INDIANS

The bill (S. 2838) to provide for expenditure of tribal funds of Indians for construction, repair, and rental of agency buildings and related purposes was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That any tribal funds or Indian moneys, which are now or may hereafter be authorized by law for expenditure for support and civilization of Indians, shall, in the discretion of the Secretary of the Interior, be available also for construction, repair, and rental of agency buildings, including heating, lighting, power, water, and sewer systems in connection therewith.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TIMBER ON THE MENOMINEE RESERVATION, WIS.

The bill (S. 3036) to amend the law relating to timber operations on the Menominee Reservation in Wisconsin was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 2 of the act approved March 28, 1908 (35 Stat. L. p. 51), entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin," be, and is hereby, amended to authorize the making of contracts with white men for any work connected with the logging and milling operations on the said reservation, to authorize the employment of white men by Indian contractors, and to exempt from the requirements of sections 3709 and 3744 of the Revised Statutes all contracts for labor or supplies necessary for the carrying on of such operations.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 2977) for the relief of H. E. Kuca and V. J. Koupal was announced as next in order.

Mr. FLETCHER. Let the bill go over.

The PRESIDING OFFICER. Under objection, the bill will go over.

The bill (H. R. 4461) to provide for the payment of certain claims against the Chippewa Indians of Minnesota was announced as next in order.

Mr. FLETCHER. Let the bill go over.

The PRESIDING OFFICER. The bill goes over, under objection.

The bill (H. R. 7249) for the relief of Forrest J. Kramer was announced as next in order.

Mr. FLETCHER. Let the bill go over.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

REFUND OF TAXES ON DISTILLED SPIRITS

The bill (S. 3072) to refund taxes paid on distilled spirits in certain cases was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue may, pursuant to the provisions of section 3220, Revised Statutes, as amended, allow the claim of any distiller for the refund of taxes paid in excess of \$2.20 per proof gallon on any distilled spirits produced and now owned by him and stored on the premises of the distillery where produced, but no refund shall be allowed unless such spirits are contained in the distiller's original packages in which they were tax paid, or in regularly stamped bottles and cases in which they were placed when bottled in bond, or in stamped or unstamped bottles into which they have been placed while on and without removal from the distillery premises.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAYMENT TO WISCONSIN-POTTAWATOMI INDIANS

The bill (H. R. 7239) authorizing the Secretary of the Interior to pay certain funds to various Wisconsin-Pottawatomie Indians was announced as next in order.

Mr. FLETCHER. Let the bill go over.

The PRESIDING OFFICER. The bill goes over under objection.

JURISDICTION OF COURT OF CLAIMS IN INDIAN CASES

The bill (S. 3346) to provide that jurisdiction shall be conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and certain bands of Indians, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 3, line 5, after the word "Interior," to insert the words "as required by existing law"; and on line 25 strike out the words "so employed by said Indian nation" and insert in lieu thereof the words "employed by the Indians as herein provided"; and on page 4, line 13, to strike out "or all persons" and insert "other tribes or bands of Indians," so as to make the bill read:

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and the Sisseton and Wahpeton Bands of Sioux Indians, or arising under or growing out of any act of Congress in relation to Indian affairs, which said Sisseton and Wahpeton Bands of Sioux Indians may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States: *Provided, however*, That claims which were the subject of a certain suit numbered 33731 in the Court of Claims of the United States, wherein the Sisseton and Wahpeton Bands of Sioux Indians are petitioners and the United States is defendant, may be the subject of a suit de novo and shall be heard and considered de novo by the Court of Claims in the same manner and in effect the same as if said suit had never been filed or prosecuted in said court.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this act, and such suit shall make the Sisseton and Wahpeton Bands of the Sioux Indians party plaintiff and the United States party defendant. The petition shall be verified

by the agent or attorney or attorneys employed to prosecute such claim or claims under contract with the Sisseton and Wahpeton Bands of Sioux Indians approved by the Commissioner of Indian Affairs and the Secretary of the Interior; and said contract shall be executed in their behalf by an agent chosen by them under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior as required by existing law. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indian nation to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of said Indian nation.

SEC. 3. In said suit the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian nation, but any payment which may have been made by the United States upon any claim against the United States shall not operate as an estoppel, but may be pleaded as an offset in such suit.

SEC. 4. That from the decision of the Court of Claims in any suit prosecuted under the authority of this act an appeal may be taken by either party, as in other cases, to the Supreme Court of the United States.

SEC. 5. That upon the final determination of any suit instituted under this act, the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys employed by the Indians as herein provided for the services and expenses of said attorneys rendered or incurred prior or subsequent to the date of approval of this act: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per cent of the amount of recovery against the United States, and in no event shall such amount exceed the sum of \$25,000.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any other tribes or bands of Indians deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 7. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

W. H. KING

The bill (S. 2503) for the relief of W. H. King was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment in line 7 to strike out "\$425" and insert in lieu thereof "\$421.33," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. H. King, former United States marshal for the district of South Dakota, the sum of \$421.33 for reimbursement on account of the payment of a judgment rendered against him for an act done under color of his office.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORNELIA M. A. TOWER

The bill (H. R. 3504) for the relief of Cornelia M. A. Tower was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Cornelia M. A. Tower, widow of Morton L. Tower, late an assistant engineer in the engineer department at large, the sum of \$3,000 out of any money in the Treasury not otherwise appropriated, as full compensation for the death of her husband, which occurred as the result of an accident and without negligence on his part while he was engaged in the performance of his duties as such assistant engineer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 3595) for the relief of Daniel F. Healy was announced as next in order.

Mr. FLETCHER. Let the bill go over.

The PRESIDING OFFICER. The bill will go over under objection.

The bill (H. R. 4374) for the relief of the American Surety Co. of New York was announced as next in order.

Mr. FLETCHER. Let the bill go over.

The PRESIDING OFFICER. Objection is heard and the bill will go over.

The bill (S. 3372) to provide safeguards for future Federal irrigation development, and an equitable adjustment of existing accounts on Federal irrigation projects, and for other purposes, was announced as next in order.

Mr. WALSH of Montana. Let the bill go over.

The PRESIDING OFFICER. Objection is heard and the bill will be passed over.

OLD OREGON TRAIL

The bill (S. 2053) to provide for designating the route of the Old Oregon Trail was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry, with amendments, on page 2, line 12, after the word "Boise," to strike out "and"; in line 13, after the word "Nampa," to insert "Parma, Payette, and Weiser"; in line 15, after the word "River," to strike out "Highway"; in line 16, after the word "River," to strike out "and"; in the same line, after the word "Portland," to insert "Astoria, and Seaside"; and in line 18, after the word "Vancouver," to insert "and Olympia," so as to make the bill read:

Be it enacted, etc., That the highways extending from Kansas City, Kans., to Vancouver, Wash., through the States of Kansas, Nebraska, Wyoming, Idaho, Oregon, and Washington, and variously known as the Overland Trail, the Mormon Road, the Emigrant Road, and the Oregon Trail, and coinciding as near as may be with the system of Federal-aid highways through said States, shall hereafter be known as the Old Oregon Trail.

SEC. 2. That the road herein designated as the Old Oregon Trail shall follow, as closely as economic and topographic conditions will permit, the route traveled by the pioneers in their journeys westward to Oregon over said trail, and shall extend through Kansas City, Lawrence, Topeka, Rossville, Louisville, and Frankfort, in the State of Kansas; thence through Fairbury, Hebron, Kearney, North Platte, Ogallala, Lewellen, Bayard, and Scotts Bluff, in the State of Nebraska; thence through Torrington, Laramie, Douglas, Casper, Alcova, Muddy Gap, Eden, Rock Springs, Green River, Granger, Kemmerer, and Cokeville, in the State of Wyoming; thence through Montpelier, Soda Springs, Lava Hot Springs, Pocatello, American Falls, Marshfield, Twin Falls, Glenns Ferry, Boise, Nampa, Parma, Payette, and Weiser, in the State of Idaho; thence through Ontario, Baker, La Grande, Pendleton, and Umatilla, thence along the Columbia River through The Dalles, Hood River, Portland, Astoria, and Seaside, in the State of Oregon; and thence to Vancouver and Olympia, in the State of Washington.

The amendments were agreed to.

Mr. JONES of Washington. Mr. President, I want to ask the Senator from Oregon whether or not he has heard from Uncle Ezra Meeker with reference to this bill, and if the route laid out is satisfactory to him?

Mr. McNARY. Mr. President, I will say to the Senator from Washington that I have not heard directly from Uncle Ezra, but I am sure the route is acceptable to him, as it is to all the people of the State of Washington.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 4) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 99) authorizing the President to appoint two additional circuit judges for the eighth circuit was announced as next in order.

Mr. DIAL. Let that go over.

Mr. HARRELD. Mr. President, will not the Senator withdraw his objection? This bill has been recommended by the council of judges, the Department of Justice, and everybody else. It has been delayed about a year. May I ask unanimous consent to consider it at this time?

The PRESIDING OFFICER. The Chair understands that objection was made to the consideration of the bill.

Mr. FLETCHER. Mr. President, I understand the situation to be that there are other instances where there will be judges asked for and there will be a sort of a conclusion reached as to the number of judges to be provided in various

States. I think it might be advisable to have all of them provided in one bill. I do not see why we should select this particular condition.

Mr. HARRIS. More than a year ago, when the council of judges had their annual meeting, they recommended that these judges be appointed. Recently they had another annual meeting and repeated their recommendation, saying that there was an exceedingly urgent need for these two additional judges of that court. They have recommended it twice.

Mr. FLETCHER. I shall not raise any objection.

Mr. DIAL. I think the bill had better go over.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

The bill (S. 2835) to amend an act entitled "An act authorizing insurance companies or associations and fraternal beneficiary societies to file bills of interpleader," approved February 22, 1917, was announced as next in order.

Mr. WALSH of Montana. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PATIENTS OF GENERAL HOSPITAL 55, FORT BAYARD, N. MEX.

The joint resolution (S. J. Res. 131) authorizing the Director of the United States Veterans' Bureau to take assignments of certain claims of officers, employees, and patients of General Hospital No. 55, Fort Bayard, N. Mex., was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Finance with amendments.

Mr. ROBINSON. Mr. President, what is the object of this joint resolution?

Mr. BURSUM. Mr. President, there are some amendments which were reported by the Finance Committee. The amendments limit the joint resolution to the patients only. At Fort Bayard there are a number of patients, veterans. These patients were possessed of certain moneys. Their moneys were deposited by the management in certain banks. Those banks are now closed. The patients had no control or say as to where their money should be deposited or the handling of it. This joint resolution seeks to provide that the Veterans' Bureau shall take charge of their affairs, take over the deposits, and collect the money. That is the object of the joint resolution. It relates only to the patients who are interned in the hospitals.

Mr. SMOOT. Mr. President, I simply want to say to the Senator that, as chairman of the Finance Committee, I have made the statement that neither the Veterans' Bureau nor any other branch of our Government should take the responsibility of saying where money belonging to any employee or any veteran shall be deposited. That ought to be left entirely in their own hands, and let them designate the bank in which they want their money to be deposited. If that were done, no such bill as this would be before us at this time.

Mr. ROBINSON. The Senator's committee reported this bill, did it not?

Mr. SMOOT. I say we did, because of the fact that they admit that the director ordered that the money should be deposited in certain banks.

Mr. ROBINSON. I know; but I can not understand the consistency of the Senator's course in advising the Senate now that the bill is a bad one and that the policy underlying it is to be condemned, and yet his committee reported it favorably.

Mr. SMOOT. I say "hereafter."

Mr. ROBINSON. In view of the precedent that the Senate is establishing by passing the bill, the Veterans' Bureau may not respect the judgment of particular Senators.

Mr. SMOOT. That may be true. I want to say, however, that after this notice has been given—

Mr. ROBINSON. Oh, Mr. President, the Senator's statement on the floor of the Senate does not constitute notice to a department. The Senator should report a bill to the Senate. I suggest that the bill go over for the present and that the Senator or some other member of his committee propose a proviso to the bill that hereafter the bureau shall not have authority to determine matters of this sort.

Mr. SMOOT. I was only going to give my view, I will say to the Senator, not because it would stand as against any of the departments, but because I wished to announce that hereafter I shall not support any such bill as this and will not agree to it.

Mr. ROBINSON. Why should not the bill carry an amendment?

Mr. SMOOT. I am perfectly willing that it shall go over and carry that amendment. I do not say this simply with regard to the Veterans' Bureau; I say it with regard to all departments of our Government.

The PRESIDING OFFICER. The Chair understands the Senator from Arkansas to object.

Mr. ROBINSON. I do not.

The PRESIDING OFFICER. Then the Secretary will state the amendments proposed by the committee.

The amendments were, on page 1, line 5, after the word "from," to strike out "officers, employees, and"; in line 7, after the word "such," to strike out "officers, employees, and"; and in line 10, after the word "such," to strike out "officers, employees, and," so as to make the joint resolution read:

Resolved, etc., That the Director of the United States Veterans' Bureau is authorized (1) to take assignments, on behalf of the United States, from patients of General Hospital No. 55, Fort Bayard, N. Mex., of any and all claims on account of deposits of moneys of such patients, with the Silver City National Bank and the American National Bank, of Silver City, N. Mex., and (2) to pay to such patients the full amounts of such claims. There is hereby authorized to be appropriated such sums as may be necessary to enable the director to pay the amount of any claims assigned to him under the provisions of this resolution.

Sec. 2. That the director is authorized to enforce on behalf of the United States any claim assigned to him under the provisions of this resolution. All moneys received by the director on account of any such claims shall be covered into the Treasury of the United States as miscellaneous receipts.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution authorizing the Director of the United States Veterans' Bureau to take assignments of certain claims of patients of General Hospital No. 55, Fort Bayard, N. Mex."

RESOLUTION PASSED OVER

The resolution (S. Res. 223) authorizing the appointment of a special committee to investigate the Federal farm loan system and the Federal Farm Loan Board was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

ELLA H. SMITH

The bill (S. 1885) for the relief of Ella H. Smith was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ella H. Smith, postmistress at Wynne, Ark., an office of the second class, the sum of \$3,700, which amount was lost by burglary without fault of hers, and which she repaid to the Government.

The amendment was agreed to.

Mr. BRUCE. Let the bill go over.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

J. E. SAUCIER

The bill (S. 2534) for the relief of J. E. Saucier was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to J. E. Saucier, out of any money in the Treasury not otherwise appropriated, the sum of \$288, in full satisfaction of all claims against the United States on account of expenditures made by him for services and materials during the period from July 1, 1918, to July 1, 1921, in connection with the discharge of his duties as postmaster at Bay St. Louis, Miss.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LESLIE WARNICK BRENNAN

The bill (S. 2552) for the relief of Leslie Warnick Brennan was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

Mr. BRUCE. Mr. President, I hope—though I suspect it is a vain hope—that the Senator will withdraw his objection.

Mr. DIAL. I withdraw it for the present. The bill seems to involve a pretty large amount.

Mr. BRUCE. But the amount, after all, is only an amount that was actually expended for the purpose mentioned in the bill.

This bill appropriates the sum of \$16,419.97 for the reimbursement of Leslie W. Brennan, of Utica, N. Y., for that amount expended by him in taking and distributing motion pictures used by the War Department in instructing troops during the World War. He was the originator of this idea, it seems to be conceded.

The papers in the case show that Major General Bell and General Kennon actually used the pictures and in an official report, made at the request of the War College to The Adjutant General of the United States, reported that they were a great help to them; that Assistant Secretary F. P. Keppel, who is familiar with Brennan's work, wrote the Judge Advocate General that in his opinion a quasi-contract relationship existed between Brennan and the United States Government, and that the Government would properly repay Brennan for his work; that after examining the documents, and so forth, in 1920, Assistant Secretary Crowell wrote to Senator JAMES W. WADSWORTH, of New York, a letter in which he recognizes that the Army had received a benefit from the pictures; and after the acknowledgment of the results accomplished by the pictures, and after the examination of the documents, and so forth, the acting adjutant general of New York State wrote to Senator JAMES WADSWORTH on November 1, 1923, that his department had put the stamp of approval on Brennan's work and expressed an earnest desire that the matter receive the consideration of the Senator.

There was no positive contract in this case between the Government and Brennan; but the Government received the full benefit of his idea and the full benefit of this amount of money, \$16,419.97, which was actually expended by him in taking and in distributing these pictures. The closest kind of consideration was given to this matter by the Committee on Military Affairs. I regret that the Senator from New York [Mr. WADSWORTH] is not here, because he is even more familiar than I am with all the circumstances of this case and fully approves the object of this bill. It seemed to us that the claim was an entirely meritorious one; and the Senate will observe, as I have already said, that the man asks only to be reimbursed for actual outlays made by him which he brought specifically to the attention of the committee. In my judgment the bill ought to receive the approval of the Senate.

Mr. DIAL. I shall have to ask that it go over.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

BILLS PASSED OVER

The bill (H. R. 3411) for the relief of Mrs. John P. Hopkins was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4290) for the relief of W. F. Payne was announced as next in order.

Mr. FLETCHER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

EDWARD S. SCHEIBE

The bill (H. R. 4318) for the relief of Edward S. Scheibe was announced as next in order.

Mr. DIAL. Let that go over.

Mr. SHIPSTEAD. Mr. President, I hope the Senator will withdraw his objection. I should like to explain this bill. It will not require any appropriation from the Treasury. It is a bill that was recommended to Congress by the department in 1920. The Post Office Department charged up a debit against a man who was postmaster at Cloquet, Minn., in 1918, when the forest fires in that section of the State burned the entire town of Cloquet and also the post office and destroyed all of the stamps and other property in the post office.

Mr. ROBINSON. Mr. President, as I understand, the evidence shows that the stamps were destroyed by the fire. The postmaster was in no way morally responsible for the loss. It was an incident in the nature of a disaster that caused the loss. I think the bill ought to pass.

Mr. FLETCHER. It grows out of a forest fire in that region which destroyed the whole town of Cloquet and the timber for miles around.

Mr. ROBINSON. Yes.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 8893) for the relief of Juana F. Gamboa was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 386) to amend section 5 of the United States cotton futures act, approved August 11, 1916, as amended, was announced as next in order.

Mr. DIAL. Mr. President—

Mr. RANSDELL. Let that bill go over.

Mr. DIAL. I did not see the Senator from Louisiana here. He asked me to let it go over if he was not here, and I promised to do so.

Mr. RANSDELL. I thank the Senator very much.

Mr. DIAL. I want to state that those two bills have been pending here for some time. The first bill, Order of Business 771, Senate bill 386, was referred to the Agricultural Committee some time ago. We had hearings on it for a long time, and we could not agree about it. At the last session of the Senate I moved to discharge that committee and put it on the calendar, and this whole question was referred to the Federal Trade Commission for investigation. That commission, after working on it for two years, unanimously reported in favor of the principle of the bill. The principle of this bill was sustained by the Manufacturers' Record, of Baltimore, and by a number of the most important papers of the South, such as the Atlanta Constitution, the Birmingham Age-Herald, the Columbia State, and other papers. I hope to call up this bill at an early date and endeavor to get a vote on it. I promised, however, to let it go over to-day.

Mr. RANSDELL. Mr. President, I do not want to make a speech. My friend the Senator from South Carolina has made a little speech in favor of his bill, and I simply want to state to the Senate that I can not agree to the correctness of any of the statements that he has made about these different parties, and at the proper time we will discuss it fully; but I object now to any consideration of the bill.

The PRESIDING OFFICER. The Senator from Louisiana objects, and the bill will be passed over.

The bill (S. 3197) to amend section 5 of the United States cotton futures act to enable the buyer of a cotton-futures contract to demand actual delivery in fulfillment thereof prior to the close of the delivery month was announced as next in order.

Mr. RANSDELL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

JUDICIAL DISTRICT OF INDIANA

The bill (H. R. 62) to create two judicial districts within the State of Indiana, the establishment of judicial divisions therein, and for other purposes, was announced as next in order.

Mr. DIAL. Let the bill go over.

Mr. WATSON. Mr. President, I wonder if the Senator has studied the situation?

Mr. DIAL. No, I have not; but I thought the bill should go over so that it would come up later, and we could amend it so as to take in some situations in our State.

Mr. WATSON. I do not understand that an omnibus bill which would cover such a situation is pending. The situation in my State is such that there is almost a denial of justice to many litigants, not that the present judge is not eminently efficient, but that with a population of over 3,000,000, and with a vast industrial development, Indiana has never had more than one judicial district and one judge.

I see my friend the Senator from Florida [Mr. FLETCHER] smiling at me, and I was afraid he was about to object, so I looked up the figures; and I found that Florida, with a population of 968,000, has two districts and three judges. My friend the Senator from Arkansas [Mr. ROBINSON], who very kindly refrained from objecting, has two districts and two judges in his State. My friend just across the aisle the Senator from Montana [Mr. WALSH] has one district and two judges in his State, and so on down the line.

Mr. DIAL. I think you ought to have another one.

Mr. WATSON. I thank the Senator. This bill is somewhat long, Mr. President, and as I know there are many Senators who want to reach their bills on the calendar, if it be at all within the proprieties, I ask that the bill be considered as having been read, unless Senators want to hear it read.

Mr. FLETCHER. I call the Senator's attention to the fact that the bill as reported would strike out the language of the bill which passed the House, and insert new language, providing that the State of Indiana should constitute one judicial district.

Mr. WATSON. The bill as it passed the House provided that two districts should be established in Indiana instead of one. After a full hearing, and with the consent of the junior Senator from Indiana and myself, the Senate committee changed it so as to provide for one district with two judges. That met with our approval. This bill largely allocates or distributes the counties of the State into two divisions, and that is the reason why I thought it was not necessary to read it.

Mr. DIAL. I think the Senator has made out his case, and I think we ought to let the bill pass.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That the State of Indiana shall constitute one judicial district to be known as the district of Indiana. For the purpose of holding terms of court the district shall be divided into seven divisions constituted as follows: The Indianapolis division, which shall include the territory embraced within the counties of Boone, Clinton, Delaware, Fayette, Franklin, Hamilton, Hancock, Hendricks, Henry, Johnson, Madison, Marion, Monroe, Morgan, Putnam, Randolph, Rush, Shelby, Tipton, Union, Tippecanoe, Warren, and Wayne; the Fort Wayne division, which shall include the territory embraced within the counties of Adams, Allen, Blackford, De Kalb, Grant, Huntington, Jay, Lagrange, Noble, Steuben, Wells, and Whitley; the South Bend division, which shall include the territory embraced within the counties of Cass, Elkhart, Fulton, Howard, Kosciusko, Laporte, Marshall, Miami, Pulaski, St. Joseph, Starke, and Wabash; the Hammond division, which shall include the territory embraced within the counties of Benton, Carroll, Jasper, Lake, Porter, Newton, and White; the Terre Haute division, which shall include the territory embraced within the counties of Clay, Fountain, Greene, Knox, Montgomery, Owen, Parke, Sullivan, Vermillion, and Vigo; the Evansville division, which shall include the territory embraced within the counties of Crawford, Daviess, Dubois, Gibson, Lawrence, Martin, Orange, Perry, Pike, Posey, Spencer, Vanderburg, and Warrick; the New Albany division, which shall include the territory embraced within the counties of Bartholomew, Brown, Clark, Dearborn, Decatur, Floyd, Harrison, Jackson, Jefferson, Jennings, Ohio, Ripley, Scott, Switzerland, and Washington.

Sec. 2. Terms of the district court for the Indianapolis division shall be held at Indianapolis on the first Mondays of May and November of each year; for the Fort Wayne division, at Fort Wayne on the first Mondays of June and December of each year; for the South Bend division, at South Bend on the second Mondays of June and December of each year; for the Hammond division, at Hammond on the first Mondays of January and July of each year; for the Terre Haute division, at Terre Haute on the first Mondays of April and October of each year; for the Evansville division, at Evansville on the second Mondays in April and October of each year; for the New Albany division, at New Albany on the third Mondays of April and October of each year. When the time fixed as above for the sitting of the court shall fall on a legal holiday, the term shall begin as of the following day. Terms of the district court shall not be limited to any particular number of days, nor shall it be necessary for any term to adjourn by reason of the intervention of a term of court elsewhere; but the term about to commence in another division may be postponed or adjourned over until the business of the court in session is concluded.

Sec. 3. That the President of the United States be, and is hereby, authorized and directed by and with the advice and consent of the Senate to appoint an additional district judge for the district of Indiana, who shall reside in said district, and whose term of office, compensation, duties, and powers shall be the same as now provided by law for the judge of said district.

Sec. 4. The clerk of the court for the district shall maintain an office in charge of himself or a deputy at Indianapolis, Fort Wayne, South Bend, Hammond, Terre Haute, Evansville, and New Albany. Such offices shall be kept open at all times for the transaction of the business of the court.

Sec. 5. That all civil suits and proceedings not of a local character which shall hereafter be brought in said district against a single defendant, or where all the defendants reside in the same division in said district, shall be brought and tried in the division in which the defendant or defendants reside, but if there are two or more defendants residing in different divisions such suit or proceeding may be brought and tried in either division.

Sec. 6. That in all cases of removal of suits and proceedings from the courts of the State of Indiana to the court of the United States in said district such removal shall be to the United States court in the division in which the county is situated from which the removal is made.

Sec. 7. That prosecution for crimes or offenses hereafter committed in said district shall be tried within the division in which said crimes or offenses are committed.

Sec. 8. That in all civil suits and proceedings and all prosecutions for crimes and offenses now pending in, or that have heretofore been tried or determined in, the circuit or district court of said district which would, in cases which if instituted after the passage of this act, be required to be brought or tried in any particular division thereof, such suits, proceedings, prosecutions, and all motions and petitions relating thereto shall be filed in or transferred to the division in which such suits, proceedings, and prosecutions would have been brought or filed after the passage of this act, and there disposed of in the same manner and with like effect as if the suit, proceeding, or prosecution had been originally there instituted; and all process, writs, and recognizances relating to such suits and proceedings, and all prosecutions for crimes and offenses so transferred shall be considered as belonging to the terms of the court in which they are tried in the same manner and with like effect as if they had been issued or taken in reference thereto originally.

Sec. 9. That either party in a civil or criminal proceeding may apply to the court for a change of venue from the division where a suit or proceeding has been instituted to an adjoining division and the court in its discretion may grant such a change.

Mr. WATSON. Mr. President, I want to offer some amendments, changing some of the counties from one division to another.

The PRESIDING OFFICER. The Senator from Indiana offers certain amendments to the amendment, which the Secretary will report.

The READING CLERK. On page 7, line 23, strike out the words "counties of Boone, Clinton, Delaware" and in lieu thereof to insert the words "counties of Bartholomew, Boone, Brown, Clinton, Decatur, Delaware."

Mr. ROBINSON. May I inquire of the Senator proposing this amendment whether the same has been considered by the Judiciary Committee of the Senate?

Mr. WATSON. Oh, no; for the reason that the bill provides that certain counties shall be placed in certain divisions; but after the committee had reported the bill I talked to two or three of the Senators and suggested certain changes to them.

Mr. ROBINSON. Does the junior Senator from Indiana [Mr. RALSTON] agree that the amendment would effectuate the convenience of possible litigants?

Mr. RALSTON. Yes; I agree to that.

Mr. WATSON. The junior Senator from Indiana and I agree on most things, I may say, except in campaign times.

Mr. ROBINSON. I am glad to have the Senator say so.

The PRESIDING OFFICER. The question is upon agreeing to the amendment to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment to the amendment.

The READING CLERK. On page 7, line 24, after the word "Henry," to insert the word "Howard"; on page 7, line 25, after the word "Monroe," to insert the word "Montgomery" and to strike out the word "Putnam"; on page 8, lines 1 and 2, to strike out the words "Tippecanoe, Warren"; on line 7, to strike out the word "Howard"; on line 11, after the word "Newton," to insert the words "Tippecanoe, Warren"; on line 13, to strike out the word "Fountain"; on line 14, to strike out the word "Montgomery," and after the word "Parke," to insert the word "Putnam"; on lines 16 and 17, to strike out the words "Crawford," "Lawrence," and "Orange"; on line 20, to strike out the words "Bartholomew, Brown"; on line 21, after the word "Clark," to insert the word "Crawford," and to strike out the word "Decatur"; on line 22, after the word "Jennings," to insert the word "Lawrence"; and after the word "Ohio," to insert the word "Orange"; on page 10, line 22, strike out the period and insert a colon in lieu thereof and the following proviso:

Provided, That the judge of said division may, in his discretion, cause a jury to be summoned in any criminal case from said division or from any division adjoining the one in which said case is to be tried.

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to authorize the appointment of an additional district judge in and for the district of Indiana and to establish judicial divisions therein, and for other purposes."

J. W. COOK

The bill (H. R. 3046) for the relief of J. W. Cook was announced as next in order.

Mr. FLETCHER. Let the bill go over.

Mr. WALSH of Montana. Mr. President, I trust a brief statement of that matter will induce the objector to withdraw his objection.

This man, Mr. Cook, had a contract to carry the mail from the station in the city of Billings to the post office, and during the war he had to be escorted by United States troops, and being thus escorted one day a firearm in the hands of one of the escort was accidentally discharged and a bullet hit him in the foot, entirely destroying the use of his foot, which had to be amputated, according to my recollection. He has been in very poor health ever since, and I think that justice has been too long delayed. I hope the objection will be withdrawn. The Committee on Claims thought it was a meritorious case.

Mr. FLETCHER. In view of the Senator's statement, I withdraw the objection.

The bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,500 to J. W. Cook in full compensation for injuries sustained and for reimbursement of expenses incurred as a result of being accidentally shot on December 30, 1921, while employed at Billings, Mont., as a contract mail carrier.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRED W. STICKNEY AND H. A. REYNOLDS

The bill (H. R. 3505) for the relief of Fred W. Stickney and H. A. Reynolds was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Fred W. Stickney and H. A. Reynolds the sum of \$197.50, out of any money in the Treasury not otherwise appropriated, as compensation for the construction of 214 rods of fence on the division line between the lands of said Fred W. Stickney and H. A. Reynolds and lands owned by the United States and occupied by the Indians in Sherwood Valley, Calif., the said amount being one-half of the cost of said fence.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY A. KESSEL CO. (INC.)

The bill (H. R. 1082) for the relief of Henry A. Kessel Co. (Inc.) was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of Henry A. Kessel Co. (Inc.), a corporation, as owner of the motor launch *Gled*, against the United States of America, as owner of the Army transport barge No. 842, for damages alleged to have been occasioned said Henry A. Kessel Co. (Inc.) as a result of a collision between its launch *Gled* and said Army transport barge No. 842 at the Army Engineers' Piers, Norfolk, Va., in the Elizabeth River, on April 11, 1919, may be litigated and determined in the District Court of the United States for the Eastern District of Virginia at Norfolk, sitting as a court of admiralty and acting under the rules governing such a court; and said court shall have jurisdiction to hear and determine said litigation and to enter a judgment for such damages and costs, if any, as it shall find to be due from the United States of America to Henry A. Kessel Co. (Inc.) or from Henry A. Kessel Co. (Inc.) to the United States of America, ascertained upon the principles and measures of liability applicable in like cases in admiralty between private persons or corporations; and Henry A. Kessel Co. (Inc.) and the United States of America shall have all rights of appeal as in a similar case between private persons or corporations: *Provided*, That notice of any suit brought by Henry A. Kessel Co. (Inc.) by virtue hereof shall be given to the Attorney General of the United States in the manner provided by any order entered by the District Court of the United States for the Eastern District of Virginia, at Norfolk, in said cause, and it shall be the duty of the Attorney General of the United States to cause the United States attorney for the eastern district of Virginia, at Norfolk, to appear on behalf of the United States and protect and defend its interests: *Provided further*, That the proceeding hereby authorized shall be begun within four months from the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH P. RYAN

The bill (H. R. 1338) for the relief of Joseph P. Ryan was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph P. Ryan the sum of \$1,000 for medical expenses in connection with injuries sustained while in line of duty as searcher in the United States customs intelligence bureau, port of New York.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. M'GEE

The bill (H. R. 2005) for the relief of William J. McGee was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury and the Comptroller General of the United States, be, and they are hereby, authorized and directed to credit in the accounts of the Treasurer of the United States the sum of \$514.95, now carried in the accounts of the office of the Assistant Treasurer of the United States at San Francisco, Calif., and representing a balance due to the United States from William J. McGee, former Assistant Treasurer of the United States, when the subtreasury at San Francisco was discontinued December 20, 1920, due to a loss in current and uncurrent silver dollars amounting to \$454.95, and a further loss of \$60, due to the payment of a disbursing officer's check on a forged indorsement, these losses having occurred through no fault or negligence on the part of the said Assistant Treasurer; and for this purpose the sum of \$514.95 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. M. FARRELL

The bill (H. R. 2745) for the relief of J. M. Farrell was announced as next in order.

Mr. ROBINSON. Mr. President, the statement in the face of the bill does not justify the relief the bill seeks to give. I do not know what the facts are, but unless some Senator is prepared to present them, I shall ask that the bill go over.

The PRESIDING OFFICER. The bill goes over, under objection.

MRS. E. L. GUESS

The bill (H. R. 2989) for the relief of Mrs. E. L. Guess was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$100 to Mrs. E. L. Guess, in full compensation for injuries received by her at Memphis, Tenn., on December 21, 1920, by reason of the negligence of an employee of the United States Government driving a truck owned by the United States Government and operating in the parcel post of the Post Office Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JIM HENNESSEE

The bill (H. R. 8343) for the relief of Jim Hennessee was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jim Hennessee, of Chattanooga, Tenn., the sum of \$55. Such sum is the amount of a money order issued to the said Jim Hennessee at Palmer, Tenn., June 8, 1921, No. 5397, and payable to George Hennessee, at Spokane, Wash., which was unlawfully collected by a person other than the payee. The Secretary of the Treasury is directed to deduct from such sum any payment to the said Jim Hennessee in respect to such money order.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF WALTER A. RICH

The bill (S. 2139) for the relief of Bertha N. Rich Reisinger was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of Walter A. Rich, deceased, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 in full settlement against the Government as compensation for the death of said Walter A. Rich, who was killed by the accidental discharge of a machine gun at the Interstate Fair at Trenton, N. J., October 2, 1920.

Mr. ROBINSON. I think a statement should be made to the Senate explaining the bill. Of course, opportunity is not afforded to read the report, which appears to be quite lengthy.

Mr. EDGE. Mr. President, if I may, for the Senator's information I will state that this claim has been cut down from \$15,000 to \$5,000. The claim arises out of an accident due to the explosion of a machine gun, which killed a man in no way connected with the service of the United States. It has the approval of the War Department, as the Senator will see, as a result of the findings of a court-martial that tried the soldier who was supposed to be guilty. I feel that the relief is in every way justified.

Mr. ROBINSON. I recall that a year or two ago there were pending before the Committee on Claims of the Senate two bills for the relief of certain persons who while training, I think, were injured on account of the use of defective rifles at target practice at what was formerly Camp Pike. The War Department, as I remember, admitted that the rifles were defective, but the defects were not such that the department knew of them or could be advised of them. The department reported those bills adversely. Can the Senator state whether any action has been taken by the Committee on Claims on those bills? I believe that at least one of these bills was reported by the committee, that for the relief of Young Belding, and that it passed the Senate.

Mr. EDGE. I am not a member of the Committee on Claims; but this bill was reported by the Senator from Oklahoma [Mr. HARRELD], who is not in the Chamber.

Mr. ROBINSON. I shall not object to the consideration of the bill now pending, because I think that in all such cases relief should be granted. Here, for instance, is a young man who was practically compelled to perform military service in time of peace. Through no fault or carelessness of his own he was permanently injured, and to say that there is no moral liability on the part of his Government is, in my judgment, wrong, unfair, and oppressive.

Mr. EDGE. I certainly concur with the view expressed by the Senator from Arkansas. Here is an innocent bystander, who is interested in watching the operations of a Government force handling a machine gun, and in the midst of their maneuvers the gun is accidentally or in some way discharged and he is killed and his widow left at the time, as I recall the circumstances, absolutely penniless. The War Department holds a regular court-martial, the finding of which is covered in the report which I have in my hand, and while they did not hold any soldier guilty they did advise that the estate of the deceased should be given proper compensation on account of this fatal accident. The amount has been cut down from \$15,000, as originally reported two or three years ago, to \$5,000, because in the meantime the widow has remarried. There is a unanimous report of the committee.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the estate of Walter A. Rich, deceased."

POSTAGE STAMP IN MEMORY OF THE NORWEGIAN CRUISER
"RESTAURATIONEN"

The joint resolution (S. J. Res. 133) authorizing and requesting the Postmaster General to design and issue a special postage stamp to commemorate the arrival in New York on October 9, 1825, of the sloop *Restaurationen*, bearing the first shipload of immigrants to the United States from Norway, and in recognition of the Norse-American centennial celebration in 1925, was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the Postmaster General is authorized, and he is hereby requested, to design and issue a special postage stamp of the denomination of 2 cents in commemoration of the arrival in New York on October 9, 1825, of the sloop *Restaurationen*, bearing the first shipload of immigrants to the United States from Norway, and in recognition of the Norse-American centennial celebration in June, 1925.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Post Offices and Post Roads reported an amendment to the preamble, to strike out "Minneapolis, Minn.," and insert "the Minnesota State Fair Grounds," so as to make the preamble read:

Whereas the sloop *Restaurationen*—the *Mayflower* of the Norsemen—on July 4, 1825, sailed out of Stavanger Harbor, Norway, with 52 emigrants on board; and

Whereas this vessel, after a perilous and romantic voyage through the British Channel and by the way of the island of Madetra, reached the port of New York on October 9, 1825; and

Whereas there are now approximately 2,000,000 descendants of the Norsemen in the United States, who have been an important factor in developing large sections of our country and in otherwise contributing to the moral and material welfare of our Nation; and

Whereas the coming of the sloop *Restaurationen* with her human cargo to our shores is to be commemorated by a centennial celebration at the Minnesota State Fair Grounds, in June, 1925, which centennial is also to be observed by descendants of the Norsemen throughout the United States: Therefore be it

The amendment to the preamble was agreed to.

The preamble as amended was agreed to.

MARY T. METCALFE

The bill (S. 3370) for the relief of Mary T. Metcalfe was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue patent to Mary T. Metcalfe (homestead entry, Las Cruces 08883) for the southeast quarter of section 15, township 23 south, range 9 west, New Mexico principal meridian, in the Las Cruces land district, New Mexico.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CODIFICATION OF LAWS

The joint resolution (S. J. Res. 141) providing for the appointment of a commission to consolidate, codify and revise, and reenact the general and permanent laws of the United States in force December 2, 1923, was announced as next in order.

Mr. SMOOT. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

REORGANIZATION OF EXECUTIVE BRANCH OF THE GOVERNMENT

The bill (S. 3445) to provide for the reorganization and more effective coordination of the executive branch of the Government, to create the department of education and relief, and for other purposes, was announced as next in order.

Mr. SMOOT. I shall ask that the bill go over to-day, because it would be impossible to pass it, but I desire to state that I have received a letter from the White House to-day asking that this bill be taken up at an early date and passed, so that it may become a law at the present session of Congress. I hope to bring it before the Senate at the very earliest date possible.

The PRESIDING OFFICER. Objection having been made, the bill will be passed over.

FRED E. JONES DREDGING CO.

The bill (H. R. 1078) for the relief of the Fred E. Jones Dredging Co. was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$13,457.64, in full settlement against the Government, to the Fred E. Jones Dredging Co., of Norfolk, Va., for damages arising from the sinking of its dredge No. 3 by the U. S. Army transport *Northern Pacific*, in the Elizabeth River, Norfolk, Va., on the 25th day of September, 1919.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. JESSOP AND SONS

The bill (H. R. 2335) for the relief of J. Jessop and sons was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to J. Jessop and sons, out of any money in the Treasury not otherwise appropriated, the sum of \$750, in full payment for damage to lands owned by said J. Jessop and sons inflicted thereon by the Government while using said lands in connection with an Army training camp at Camp Kearney, Calif.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STANDARD OIL CO. AT SAVANNAH, GA.

The bill (H. R. 2373) for the relief of the Standard Oil Co. at Savannah, Ga., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$839 to the Standard Oil Co. at Savannah, Ga., being the amount due said company for damages made by the U. S. dredge *Cumberland* on the riverside wharf of the company.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 6498) for the relief of May Adelaide Sharp was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will go over under the objection of the Senator from Utah.

The bill (H. R. 6328) for the relief of Charles F. Peirce, Frank T. Mann, and Mollie V. Gaither was announced as next in order.

Mr. FLETCHER. I think the bill had better go over. I do not quite understand it.

The PRESIDING OFFICER. The Senator from Florida objects, and the bill will go over.

The bill (H. R. 5448) for the relief of Clifford W. Seibel and Frank A. Vestal was announced as next in order.

Mr. ROBINSON. Let the bill go over.

The PRESIDING OFFICER. Objection is heard, and the bill will go over.

The bill (H. R. 5774) for the relief of Beatrice J. Kettlewell was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

BERTRAM GARDNER

The bill (H. R. 7194) for the relief of Bertram Gardner, former collector of internal revenue for the first district of New York, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the account of Bertram Gardner, former collector of internal revenue for the first district of New York, by reason of shortage of 1,628 distilled-spirit export stamps, each stamp valued at 10 cents, a total of \$162.80, which stamps were destroyed by fire.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE M. DURKEE

The bill (S. 52) for the relief of Alice M. Durkee was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 6, to strike out "\$5,000" and insert in lieu thereof "\$2,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Alice M. Durkee, of Lynn, Mass., out of any money in the Treasury not otherwise appropriated, the sum of \$2,000, in full settlement for injuries received by being struck by a United States mail truck in the city of Boston April 29, 1921.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

YVONNE THERRIEN

The bill (S. 54) for the relief of Yvonne Therrien was announced as next in order.

Mr. ROBINSON. Let the bill go over.

Mr. HARRELD. This is a companion bill to the one just passed.

Mr. ROBINSON. A bill was presented for \$2,500. The committee saw fit to reduce the amount to \$300. Let the bill go over.

The PRESIDING OFFICER. The bill will go over under objection.

WYNONA A. DIXON

The bill (S. 594) for the relief of Wynona A. Dixon was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. SHEPPARD. Let me say to the Senator from Utah that this is an appropriation to pay for claimant's interest in a certain number of bales of cotton that were taken by the Federal forces and used for fortifications in Louisiana during the Civil War. The claimant was loyal to the United States. I under-

stand it was customary for the Federal forces to pay for property commandeered and used for military purposes.

Mr. SMOOT. There were 300 bales of cotton; but there were also 3,000 bushels of sweet potatoes, 3,000 bushels of corn, 10 barrels of sugar, 10 barrels of molasses, 2 barrels of sirup, 30 mules, 5 brood mares, horses and carriages, 40 fattening hogs, 100 range hogs, 50 milch cows, 100 dry cows, 40 beeves, and a long list of other stock. It is one of those old Civil War claims.

Mr. SHEPPARD. The Senator is reading from the claimant's petition. The Court of Claims found that the cotton which was taken and used in fortification constituted the overwhelming bulk of the property seized. The Senator will find the findings of the Court of Claims on the next page.

Mr. SMOOT. Let the bill go over to-day.

Mr. SHEPPARD. I think after the Senator looks into it he will favor the passage of the bill. Let me read just this item, if the Senator will permit, as to the claimant:

She was in frequent communication with the Federal troops and, by her acts and the open expression of her sympathies, made herself extremely unpopular outside of the Federal lines. After the death of the petitioner's mother the Federal officers, knowing of her loyalty to the Union, protected the orphan girl, the petitioner, and sent her to New Orleans, where she was placed in the care of her brother-in-law, Dr. Madison Marsh, who was loyal to the Union and a refugee from Port Hudson, La.

I ask the Senator to look carefully into the bill.

The PRESIDING OFFICER. The Senator from Utah objects, and the bill goes over under objection.

ROOSEVELT MEMORIAL ASSOCIATION

The joint resolution (S. J. Res. 135) granting permission to the Roosevelt Memorial Association to procure plans and designs for a memorial to Theodore Roosevelt was considered as in Committee of the Whole and was read, as follows:

Whereas the Roosevelt Memorial Association, a corporation of the District of Columbia, has petitioned the Congress in relation to the proposal of the association to erect an enduring monument to the memory of Theodore Roosevelt in the city of Washington: Therefore be it

Resolved, etc., That permission is hereby given to the Roosevelt Memorial Association to procure at its own expense plans and designs for the erection of a permanent memorial to Theodore Roosevelt upon a site within the following-described area: That portion of the territory included in the Park Commission plan of 1901 lying in general between the Washington Monument and the Potomac River and bounded by Fifteenth and Seventeenth Streets projected southward, including the waters of Twining Lake.

SEC. 2. That the plan and design procured or selected by the Roosevelt Memorial Association shall take into account the requirements of traffic circulation and of recreational facilities and shall be submitted to the Congress before the 1st day of January, 1925.

SEC. 3. That no authority to proceed with the execution of such plan or with the erection of the memorial shall be deemed to be conferred upon the Roosevelt Memorial Association unless or until the plan and design shall first have been approved by the Congress.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

LEBANON NATIONAL BANK

The bill (H. R. 3748) for the relief of Lebanon National Bank was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of the Lebanon National Bank, Lebanon, Tenn., the coupon No. 9, matured April 15, 1923, in the amount of \$2.12, from permanent coupon bond No. B-03144745 in the denomination of \$100 of the fourth Liberty loan 4½ per cent bonds of 1930-1938, and the following coupons from 4½ per cent Treasury notes, Series C-1925, issued December 15, 1922, maturing June 15, 1925, payable to bearer; coupons No. 1, maturing June 15, 1923, in the amount of \$112.50 each, from notes Nos. 7650 and 7651 in the denomination of \$5,000 each; coupons No. 1, maturing June 15, 1923, in the amount of \$22.50 each from notes Nos. 41206, 41207, 41208, 41209, 41210, 41211, 41212, 41213, 42357, 42358, 42359, and 42360 in the denomination of \$1,000 each; and the coupon No. 1, maturing June 15, 1923, in the amount of \$11.25, from note No. 12445 in the denomination of \$500; such redemption to be made, without presentation of the said coupons, which have been destroyed: *Provided*, That the said coupons shall not have been previously presented for payment: *Provided further*, That the said Lebanon National

Bank shall first file in the Treasury Department a bond in the penal sum of double the amount of said coupons, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the coupons herein described.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHAMBER OF COMMERCE OF NORTHAMPTON, MASS.

The bill (H. R. 4250) for the relief of the chamber of commerce of the city of Northampton, Mass., was announced as next in order.

Mr. FLETCHER. Let the bill go over.

The PRESIDING OFFICER (Mr. FESS in the chair). Objection is made, and the bill will be passed over.

PHILIP T. POST

The bill (S. 2033) for the relief of Philip T. Post was announced as next in order.

Mr. DIAL. Let the bill go over.

Mr. BRUCE. I trust the Senator from South Carolina will not press his objection. The bill is for a very small amount, only \$383.63, for stenographic services rendered by Mr. Post in connection with proceedings for one of the judge advocate generals, and rendered outside of his office hours and during periods of holidays. He rendered service to one judge advocate and then was employed by others subsequently, and rendered them services.

Later on there was a proclamation approved by the Secretary of War and issued by The Adjutant General in regard to Army field clerks which specifically stated that Army field clerks could legally be appointed and paid for services as court-martial reporters. Subsequently an objection was made by one of the subordinates to the payment of the bill on the ground that Mr. Post was in the service and was a field clerk, and that it would be paying him double compensation to allow him the amount of the bill. His services were rendered outside of his office hours and during holidays, and his right to receive compensation under the statute was approved by the high Government authorities to whom I have referred.

Mr. DIAL. Does the committee approve it?

Mr. BRUCE. It is favorably reported from the Committee on Claims.

Mr. SMOOT. If the Senator from South Carolina is not going to object, I shall object to its consideration.

Mr. BRUCE. There is nothing more to be said about it then.

The PRESIDING OFFICER. The bill goes over on objection of the Senator from Utah.

ROBERT G. HILTON

The bill (H. R. 2656) to permit the correction of the general account of Robert G. Hilton, former Assistant Treasurer of the United States, was announced as next in order.

Mr. HOWELL. Mr. President, I do not fully understand the reason for making this allotment.

Mr. BRUCE. I shall be glad if the Senator from Nebraska will allow me to explain it. Mr. Robert G. Hilton, who is a bank officer connected with one of the substantial banks of Maryland, a citizen of the very highest standing, as I can speak from my own personal knowledge, for character and capacity, was an assistant treasurer of the United States at Baltimore. The subtreasury in Baltimore was discontinued on January 14, 1921. The money in store at the subtreasury was moved elsewhere. When the accounts of Mr. Hilton were checked up in connection with the removal it was found that he was some \$32,000 short. No one ever has pretended that he was guilty of any defalcation or of any form or neglect or improvidence in connection with the removal of the money from the subtreasury or in any other respect.

After a careful review of the circumstances, under date of February 18, 1924, Mr. Mellon, Secretary of the Treasury, said: "I have no objection to the proposed relief." That is the conclusion reached by the Secretary of the Treasury after he had made a careful review of all the circumstances surrounding the loss of this sum of money. It was doubtless abstracted by some one when it was in process of removal from the subtreasury to the other depository to which it was carried.

There has never been the slightest intimation or slightest suspicion that Mr. Hilton, who, as I said, is a gentleman of the very highest standing for integrity and intelligence and everything else that honors a man, was guilty of any misconduct or even of any neglect or improvidence in connection with the loss sustained by the Government. It seems to me that when the Secretary of the Treasury himself, after calling attention to

the fact that in such cases officials like Mr. Hilton have not been held responsible, says he has no objection to the passage of the bill, that the Senator from Nebraska should have no objection.

Mr. FLETCHER. He had no direct contact with the money at all?

Mr. BRUCE. None at all.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. HOWELL. I dislike to object to the passage of a bill of this character. However, it seems to me that there ought to be a better explanation of the loss of the money. If money is intrusted to a public official and it is removed under his direction, and he can not account for some \$32,000, and there is no explanation as to how and where the money went or when it went, are we simply to hold that the Government shall assume the responsibility?

The PRESIDING OFFICER. Does the Senator from Nebraska object to the consideration of the bill?

Mr. HOWELL. I object.

The PRESIDING OFFICER. The bill will go over under the rule.

BILLS PASSED OVER

The bill (H. R. 1539) for the relief of Caleb Aber was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 21) to amend the patent and trade-mark laws, and for other purposes, was announced as next in order.

Mr. SMOOT. I will ask that the bill go over to-day. I have received letters about it.

The PRESIDING OFFICER. The bill will be passed over.

UNITED STATES INDUSTRIAL REFORMATORY

The bill (H. R. 2869) for the establishment of a United States industrial reformatory was announced as next in order.

Mr. FLETCHER. Let the bill go over.

Mr. CURTIS. I would like very much to have the Senator from Florida withdraw his objection. This is a departmental bill. The penitentiaries have a capacity of 4,935 prisoners and they are now taking care of 5,558. It is proposed to establish a reformatory into which shall go the young men between the ages of 17 and 30 who have committed their first offenses. If such a reformatory is not established it will be necessary to establish another penitentiary.

Mr. ROBINSON. Where is it to be located?

Mr. CURTIS. The location is not provided for. A commission is provided to select a site.

Mr. WILLIS. I desire to ask the Senator from Kansas whether his attention had been drawn to the fact that of the surplus number which they are unable now to care for there are some 1,700 of relatively tender years between the ages of 17 and 30 who are first offenders. It is criminal, it is a crime against the criminal, to crowd these young men who are first offenders in with the old, hardened criminals.

The purpose of the bill is to provide an industrial reform school where these first offenders, these young men, can be cared for. As the Senator from Kansas has correctly stated, the department regards this measure as of very great importance. I believe in the interest of good management of the penitentiaries and reformatories the bill ought to be passed at this time.

Mr. FLETCHER. I am not in disagreement with the Senators who have referred to the matter at all. It is quite an important measure, however, and there is no report attached to my file at least. There is nothing to indicate whether the department has recommended it or what the committee even has done. The bill is here by itself and that is all. It is too important a matter to just guess about it.

Mr. WILLIS. While I do not have the honor of belonging to the Committee on the Judiciary I am advised that that committee relied upon the House committee's report, which is available and which is most convincing.

Mr. FLETCHER. The Senate committee ought to have made it a part of their report, then.

Mr. WILLIS. Perhaps so, but I can assure the Senator the fact is as indicated by the Senator from Kansas. There is a great demand for the enactment of the legislation at an early date, as is set forth at length in the House committee report. It is there said that the bill—

provides for the education and training of the inmates along the most advanced lines. The object sought to be obtained will be to lead the youthful inmate to regard himself as not yet sunk to the level of the

criminal class and to preserve his self-respect so as to enable him to go out at the end of his sentence feeling that he has not been branded as a felon.

As it is, these young men are crowded in with hardened criminals, who are there for the third or fourth time, and, as I said before, it is a crime against the criminal to make him face conditions of that kind. The purpose of the bill, which does not provide immediately for an appropriation, is to direct the Attorney General, the Secretary of War, and the Secretary of the Interior to work out the plans. The matter was fully considered in the House, and a voluminous and most convincing report was prepared by the House committee.

Mr. ROBINSON. If the Senator will yield, some time ago this measure was called to my attention, and I made a study of it and reached the conclusion that the bill should pass.

The PRESIDING OFFICER. Is there objection?

Mr. FLETCHER. I am not disposed to stand in the way of an early disposition of the matter, in view of what has been said about it. I confess I am taking it largely on faith and on credit, because I have not even had time to read the bill, much less to read the report on it. The purpose of it seems to be all right, and I think that ought to be done.

The bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Attorney General, the Secretary of War, and the Secretary of the Interior be, and are hereby, authorized and directed to select a site for an industrial reformatory which shall be used for the confinement of male persons between the ages of 17 and 30 years, who have been or shall be convicted of offenses against the United States, including persons convicted by general courts-martial and consular courts, and sentenced for terms of imprisonment for more than one year, with or without hard labor, except those who have been convicted previously of an offense punishable by imprisonment for more than one year, and except also those convicted of treason, murder in the first or second degree, rape, or arson, and those sentenced to life imprisonment: *Provided*, That it shall be sufficient for the courts to sentence said class of offenders to imprisonment in the penitentiary without specifying the particular penitentiary or the United States industrial reformatory and the imprisonment shall be in such penitentiary or the United States industrial reformatory as the Attorney General shall from time to time designate.

SEC. 2. That upon the selection of an appropriate site the Attorney General shall submit to Congress estimate of the cost of purchasing the same, together with estimates of the expense necessary to construct the proper buildings thereon. For the purpose of construction of such buildings the Attorney General shall employ the labor of such United States prisoners confined in the United States penitentiary, Atlanta, Ga.; the United States penitentiary, Leavenworth, Kans.; the United States penitentiary, McNeil Island, Wash., and State or Territorial prisons, penitentiaries, or reformatories, who are eligible for confinement in said United States Industrial Reformatory under the provisions of this act, and who can be used, under proper guard, in the work necessary to construct the buildings. The Attorney General at the same time, and annually thereafter, shall submit estimates in detail for all expenses of maintaining the said industrial reformatory, including salaries of all necessary officers and employees.

SEC. 3. That the Secretary of the Treasury is hereby authorized, upon the request of the Attorney General, to cause the plans, drawings, designs, specifications, and estimates for the remodeling and construction of the necessary buildings to be prepared in the Office of the Supervising Architect of the Treasury Department, and the work of remodeling and constructing the said buildings to be supervised by the field force of said office: *Provided*, That the proper appropriations for the support and maintenance of the Office of the Supervising Architect be reimbursed for the cost of preparing such plans, drawings, designs, specifications, and estimates for the aforesaid work, and the supervision of the remodeling and construction of said buildings.

SEC. 4. That the control and management of the United States industrial reformatory shall be vested in the Attorney General, who shall have power to appoint a superintendent, assistant superintendent, and all other officers necessary for the safe-keeping, care, protection, instruction, and discipline of the inmates.

SEC. 5. That the discipline to be observed in said United States industrial reformatory shall be correctional and designed to prevent young offenders from becoming habitual criminals. It shall be the duty of the Attorney General to provide for the instruction of the inmates in the common branches of an English education, and for their training in such trade, industry, or skilled vocation as will enable said inmates, upon release, to obtain self-supporting employment and to become self-reliant members of society. For this purpose the At-

torney General shall establish and maintain a common school and trade schools in said industrial reformatory, and shall have authority to promulgate all such rules and regulations for the government of the officers of said industrial reformatory and the inmates thereof as he may deem proper and necessary.

SEC. 6. That the inmates of the United States industrial reformatory shall be employed only in the production and manufacture of supplies for the United States Government, for consumption in United States institutions, and in duties necessary for the construction and maintenance of the institution.

SEC. 7. That the Attorney General is hereby authorized, in his discretion, to transfer to the United States industrial reformatory, as accommodations become available, all persons eligible under the terms of this act for confinement in said industrial reformatory who are now, or shall hereafter be, confined in the United States penitentiary, Atlanta, Ga.; the United States penitentiary, Leavenworth, Kans.; the United States penitentiary, McNeil Island, Wash.; and State and Territorial prisons, penitentiaries, or reformatories, and who are proper subjects for confinement in said United States industrial reformatory: *Provided*, That the Attorney General shall not transfer any prisoner who has less than nine months to serve of the term for which he was sentenced. The Attorney General is hereby authorized, in his discretion, at any time to transfer from the United States industrial reformatory to any of the aforesaid United States penitentiaries, or a suitable State or Territorial penitentiary or reformatory, any person who is ineligible for confinement therein under the terms of this act, or any person who is apparently incorrigible, and whose presence in the said United States industrial reformatory is detrimental to the well-being of the institution. Such transfer shall, in the case of the United States penitentiaries and industrial reformatory, be made by the warden or superintendent of the institution from which the transfer is to be made, and in the case of State and Territorial penitentiaries or reformatories, such transfer shall be made by the United States marshal of the judicial district in which the institution from which the transfer is to be made is located. The actual and necessary expenses of such warden, superintendent, or marshal in making such transfer shall be paid, in the case of transfer from the United States penitentiaries and industrial reformatory, from the appropriation for the maintenance of the particular institution, and, in the case of transfer from State and Territorial penitentiaries, or reformatories, out of the judicial funds.

SEC. 8. That two citizens of the United States of prominence and distinction, who shall be appointed by the President for terms of two and four years, respectively, from the date of the taking effect of this act, the term of each to be designated by the President, but their successors shall be appointed for terms of four years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the citizen whom he shall succeed, and who shall serve without compensation, shall constitute, together with the Attorney General of the United States, the superintendent of prisons of the Department of Justice, and the superintendent of the United States industrial reformatory, who shall serve without additional compensation, a board of advisers of said reformatory. It shall be the duty of said board to devise ways and means looking to the reestablishment in society of the inmates discharged therefrom, whether by pardon, commutation, parole, or expiration of sentence, particularly with a view of securing suitable and remunerative employment for said discharged inmates: *Provided*, That the expenses of said board shall be paid out of the appropriation for the maintenance of the reformatory.

SEC. 9. That the inmates of the United States industrial reformatory shall be eligible for parole under sections 1, 2, 3, 4, 5, 6, 7, and 8 of the act of Congress approved June 25, 1910, being an act to provide for the parole of United States prisoners, and for other purposes, which provisions are hereby made to apply to all inmates of said reformatory. Such inmates shall be entitled to commutation allowance for good conduct in accordance with the provisions of the act of Congress approved June 21, 1902, and entitled "An act to regulate commutation for good conduct for United States prisoners," and the acts amendatory thereof and supplemental thereto.

SEC. 10. That every prisoner, when discharged from the United States industrial reformatory, shall be furnished with transportation to place of conviction, or place of bona fide residence, or to such other place within the United States as may be authorized by the Attorney General, and he shall also be furnished with suitable clothing and \$10 in money.

SEC. 11. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. WILLIS. I ask unanimous consent to print in the RECORD at this point the House report upon the subject.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio? The Chair hears none.

The report is as follows:

[House Report No. 70, Sixty-eighth Congress, first session]

Mr. FOSTER, from the Committee on the Judiciary, submitted the following report to accompany H. R. 2869:

ESTABLISHMENT OF A UNITED STATES INDUSTRIAL REFORMATORY

The Committee on the Judiciary, to whom was referred H. R. 2869, for the establishment of a United States industrial reformatory, having considered the same, ordered it favorably reported with a recommendation that the bill be passed as amended.

The committee amendments are as follows:

Amendment No. 1: On page 1, line 7, strike out all after "years" down to and including "imprisonment" in line 15, and insert in lieu thereof the following:

"who have been or shall be convicted of offenses against the United States, including persons convicted by general courts-martial and consular courts, and sentenced for terms of imprisonment for more than one year, with or without hard labor, except those who have been convicted previously of an offense punishable by imprisonment for more than one year, and except also those convicted of treason, murder in the first or second degree, rape, or arson, and those sentenced to life imprisonment."

Amendment No. 2: On page 4 strike out line 13.

The number of Federal prisoners has been increasing so rapidly that the limit of accommodations in the three Federal penitentiaries has already been exceeded. The normal capacity of the three penitentiaries is 4,955 men. On January 8, 1924, there were actually in confinement 5,558 prisoners, an excess of 623 men. Physicians state that this overcrowding makes adequate hygienic measures difficult and endangers the health of the prisoners. Additional overcrowding will further jeopardize the health of the inmates. Overcrowding also presents a grave problem in morals and discipline. Aside from these considerations, however, unless additional accommodations are provided within the next few months the Government will be in the anomalous position of confining men with no place provided for their incarceration. This will be clearly seen from the following facts and figures:

The population of the three Federal penitentiaries increased from 2,340 on June 30, 1912, to 4,296 on June 30, 1921, and to 5,616 on June 30, 1923, a gain of 166 per cent in 11 years and a gain of 30.7 per cent in 2 years. Stating the same facts in a different manner, there was a daily average of 1,985.7 prisoners confined during the fiscal year 1912. In 1921 this daily average increased to 3,792 and in 1923 to 5,323.29, a gain of 168 per cent in 11 years and a gain of 40.3 per cent in the last two fiscal year.

Comparison of the actual number of prisoners in confinement on January 31, 1923, with the actual number confined on January 8, 1924, shows an increase of 373 men during that period. This number would have been augmented to 624 men except for the fact that, due to excessive overcrowding, 251 military prisoners were transferred to the disciplinary barracks of the War Department. On June 30, 1923, there were pending in the United States district courts criminal cases to the number of 67,534, and indications are that convictions during the present year will greatly exceed those in the last. (See exhibit.)

The necessity for another Federal penal institution is imperative. In establishing such institution, rather than make it another penitentiary, many considerations urge the establishment of a reformatory in which may be confined young male first offenders between the ages of 17 and 30 years. At the present time this class is confined in the overcrowded penitentiaries along with the older and hardened criminals. These youthful first offenders should by all means be segregated and subjected to separate treatment and special reformatory methods.

To accomplish this end this bill provides for the establishment of a United States industrial reformatory; the discipline therein is to be correctional and designed to prevent young offenders from becoming hardened criminals. It provides for the education and training of the inmates along the most advanced lines. The object sought to be obtained will be to lead the youthful inmate to regard himself as not yet sunk to the level of the criminal class and to preserve his self-respect, so as to enable him to go out at the end of his sentence feeling that he has not been branded as a felon.

In addition to schools in which there will be classes where they will be taught the rudimentary branches of English education and hear lectures on practical subjects, there will be conducted manual-training shops, where the boys will be taught to use their hands in trades of skill.

In all these respects the Federal Government is far behind most of the States.

The bill also provides for the appointment by the President of two prominent citizens who, together with the Attorney General, the superintendent of prisons of the Department of Justice, and the head of the reformatory, shall constitute a board of advisers. It will be the duty of this board to take an active interest in the immediate and future welfare of the inmates, particularly with respect to their establishment in society upon release. This is a very important feature, as turning prisoners loose at the expiration of their terms without a position in which they can earn a livelihood is so stupid a policy that it would not be tolerated were it not for the fact that it has a long tradition behind it. It is reasonable to expect that

the schooling of the inmates, their training in trades, and their return to society under the supervision of the advisory board will constitute positive and effective factors in preventing further lapses into crime.

Briefly, the object of the accompanying bill is to complete and perfect the Federal penal system. In bringing the law up to date no novel, fanciful, or idealistic theories of reformation are invoked, neither are any drastic or reactionary measures contemplated. The bill is in accord with legislation already on the statute books of a number of the more progressive States. It is designed to meet a condition and not a theory. We face the practical problem of providing a place of confinement for Federal prisoners. Some new Federal institution for the incarceration of the young first offender must be erected. There is no place for prisoners now and no other way in which accommodations can be secured.

The exhibit referred to above is as follows:

	Number of commitments during the fiscal years ending—		
	June 30, 1912	June 30, 1921	June 30, 1923
Atlanta.....	620	1,500	1,847
Leavenworth.....	553	1,046	1,452
McNeil Island.....	170	251	286
Total.....	1,343	2,797	3,615

	Number of prisoners remaining in prison—				
	June 30, 1912	June 30, 1921	June 30, 1922	June 30, 1923	Jan. 8, 1924
Atlanta.....	954	2,091	2,334	2,633	2,522
Leavenworth.....	1,165	1,907	2,671	2,696	2,496
McNeil Island.....	221	298	535	477	540
Total.....	2,340	4,296	5,540	5,616	5,558

	Percentage of increase in number remaining in prison, 2 years (1921 to 1923)	
Atlanta.....	2,633-2,091=	542, or 25.9 per cent.
Leavenworth.....	2,596-1,907=	689, or 36.1 per cent.
McNeil Island.....	477-298=	179, or 60.1 per cent.
Total.....	5,616-4,296=	1,320, or 30.7 per cent.

	Percentage of increase in number remaining in prison, 11 years (1912 to 1923)	
Atlanta.....	2,633-954=	1,679, or 176 per cent.
Leavenworth.....	2,596-1,165=	1,431, or 123.1 per cent.
McNeil Island.....	477-221=	256, or 115.8 per cent.
Total.....	5,616-2,340=	3,276, or 140 per cent.

	Average daily population fiscal year ending—			
	June 30, 1912	June 30, 1921	June 30, 1922	June 30, 1923
Atlanta.....	767	1,830	2,170	2,372
Leavenworth.....	1,083	1,721	2,243.7	2,473.16
McNeil Island.....	195.7	241	372.8	478.128
Total.....	1,985.7	3,792	4,786.5	5,323.288

	Percentage of increase in average daily population, 2 years (1921 to 1923)	
Atlanta.....	2,372-1,830=	542 or 29.6%
Leavenworth.....	2,473.16-1,721=	752.16 or 43.7%
McNeil Island.....	478.128-241=	237.128 or 98.3%
Total.....	5,323.288-3,792=	1,531.288 or 40.3%

	Percentage of increase in average daily population, 11 years (1912 to 1923)	
Atlanta.....	2,372-767=	1,605 or 209.2%
Leavenworth.....	2,473.16-1,083=	1,390.16 or 128.3%
McNeil Island.....	478.128-195.7=	282.428 or 144.3%
Total.....	5,323.288-1,985.7=	3,337.588 or 168.1%

Present normal capacity:

Atlanta.....	1,970
Leavenworth.....	2,440
McNeil Island.....	525
Total.....	4,935
Number of first offenders, between ages of 17 and 30, inclusive:	
Atlanta.....	803
Leavenworth.....	745
McNeil Island.....	108
Total (including about 600 World War veterans).....	1,746

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. M. FARRELL

Mr. JONES of Washington. Mr. President, a few moments ago we reached Order of Business 779 on the calendar, House bill 2745, for the relief of J. M. Farrell. That matter had been called to my attention before this session of Congress met, but it had slipped my mind. I looked it up in the Government report, and I find that the bill is to repay to Mr. Farrell a certain amount of liquidated damages that were assessed against him for delay in delivering lumber in Alaska. According to the report, according to the letter of Mr. Mears, the chairman of the railway commission in Alaska, there was an abnormal situation in 1916 with reference to shipping which made it almost impossible for Mr. Farrell to get a ship.

Mr. ROBINSON. Mr. President, I will ask the Senator if it was not the purpose of the provision for liquidated damages to put the burden upon the contracting party to make prompt deliveries?

Mr. JONES of Washington. It was. There is no doubt about that.

Mr. ROBINSON. If we are to establish the policy of relieving wherever it is difficult for the contractor to carry out his obligation, I should like to be informed what is the advantage of requiring the prompt fulfillment of contracts of this nature?

The PRESIDING OFFICER. The Chair is in doubt as to what the request of the Senator from Washington was.

Mr. JONES of Washington. I was going to submit a request after I had taken a moment or two to explain the situation. I take it from the report here that conditions became so abnormal as to be much more burdensome than anybody could contemplate at the time the contract was entered into; and I wanted to call attention to the fact that the Interior Department makes no objection to the matter, and, according to the showing made in the report, in several cases similar to this relief has been given; and so here the department makes no objection to the repayment if Congress should deem it wise to do it.

Mr. ROBINSON. But it makes no recommendation that the party be reimbursed, as the Senator will notice.

Mr. JONES of Washington. It makes no affirmative recommendation to that effect.

Mr. ROBINSON. It leaves the subject without recommendation.

Mr. JONES of Washington. It says:

As previously advised, neither the Alaskan Engineering Commission nor this department has objection to the enactment of legislation for the relief of Mr. Farrell.

It does not make an affirmative recommendation. The letter I have read from the Acting Secretary of the Interior, in which he makes that statement, is on page 2 of this report.

Then in Mr. Mears's letter he says:

Conditions at that time were so far from normal that I would not hesitate to recommend that this claim be allowed, if consistent with the policy of Congress on such matters, were it not for the very positive understanding had with the contractor, as set forth in the purchase order and other papers relating to the purchase, and the fact that a price somewhat in excess of that offered by another bidder for shipment from Canadian mills was paid Mr. Farrell on the ground that he offered more prompt delivery.

Mr. ROBINSON. Oh, certainly.

Mr. JONES of Washington. I wanted to call the Senator's attention to that. The bill has passed the House, and I had hoped we could recur to it and pass it.

Mr. ROBINSON. I think the bill had better go over for the present, in order that the Senate may have an opportunity of studying it. It is rather an important precedent. If it is to be adopted, it ought to be done with some caution.

Mr. JONES of Washington. Very well.

The PRESIDING OFFICER. Objection is made. The Secretary will state the next bill on the calendar.

COL. HARRY F. RETHERS, UNITED STATES ARMY

The bill (H. R. 5661) granting permission to Col. Harry F. Rethers, Quartermaster Corps, United States Army, to accept the gift of a Sevres statuette entitled "Le Courage Militaire" tendered by the President of the French Republic was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIEUT. L. D. WEBB, UNITED STATES NAVY

The bill (S. 1569) to compensate Lieut. L. D. Webb, United States Navy, for damages to household effects while being transported by Government conveyance was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay out of the appropriation for "Pay of the Navy" for the fiscal year ending June 30, 1922, to Lieut. L. D. Webb, United States Navy, such sum, not exceeding \$1,000, as may be determined by him to pay the amount of damage sustained in full settlement of all claims against the Government for damage to an automobile, silver service, and a piano shipped from San Francisco, Calif., to Washington, D. C., by Government conveyance under authority of section 12 of the act approved May 18, 1920.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. W. NEIL

The bill (S. 1221) for the relief of J. W. Neil was announced as next in order.

Mr. ROBINSON. Mr. President, what is the justification for this bill?

Mr. SMOOT. The bill speaks for itself. The department brought it to my attention.

Mr. ROBINSON. The bill does not make clear to me—it may to the Senator—the justification for the legislation. It says:

That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. W. Neil, of Ogden, Utah, the sum of \$7,947.53 as compensation for and in full satisfaction of any claim such J. W. Neil may have for losses suffered by reason of the libel of a carload of sugar belonging to him on May 21, 1920, by a United States marshal under color of the act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, as amended.

Mr. SMOOT. Yes.

Mr. ROBINSON. That does not make at all clear to me the facts in justification of the claim. The presumption is that if the officer libeled the carload of sugar, he had a right to do it.

Mr. SMOOT. But he did not have the right to do it.

Mr. ROBINSON. But the bill does not show any state of facts. The Senator says that the justification for the bill appears on its face. The bill does not show any state of facts.

Mr. SMOOT. No; I did not say on the face of the bill; I said the reports from the department.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. ROBINSON. Unless the Senator can explain the circumstances of justification, I shall object.

Mr. SMOOT. I can not explain any more than what I have heard from the department. They recommend the passage of the bill, and they say that the United States in error libeled this carload of sugar.

Mr. ROBINSON. Let the bill go over for the present.

Mr. SMOOT. I am perfectly willing that it shall go over.

The PRESIDING OFFICER. The bill will be passed over. The Secretary will state the next bill on the calendar.

PONCA TRIBE OF INDIANS

The bill (S. 1392) authorizing the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska to submit claims to the Court of Claims was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, line 13, after the word "limitation," to insert "and any tribe or band of Indians deemed necessary to a final determination of any suit filed hereunder shall be joined as the court may order"; and on page 3, line 4, after the word "Indians," to insert "and in

no event to exceed the sum of "\$25,000," so as to make the bill read:

Be it enacted, etc., That all claims of whatsoever nature, both legal and equitable, which the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska may have against the United States, including among other things claims for moneys due the Ponca Tribe but allowed or paid to some other tribe or tribes of Indians, shall be submitted to the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States for determination and jurisdiction is hereby conferred upon the Court of Claims to hear and determine any and all such claims and render final judgment thereon.

The Court of Claims shall advance the cause upon its docket for hearing, and shall have authority to determine and adjudge the rights, both legal and equitable, of the said Ponca Tribe in the premises: *Provided*, That the court shall hear and determine any legal or equitable defenses, set-offs, or counterclaims which the United States may offer against the said Ponca Tribe notwithstanding lapse of time or statutes of limitation, and any tribe or band of Indians deemed necessary to a final determination of any suit filed hereunder shall be joined as the court may order. The suit or suits instituted hereunder shall be begun within five years from the passage of this act by the Ponca Tribe of Indians as parties plaintiff against the United States as the party defendant. The petition or petitions may be verified upon information and belief as to the facts therein alleged by the attorney or attorneys employed by the Ponca Tribe under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs, as provided by existing law; and no other verification shall be necessary: *Provided*, That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to decree the fees to be paid to the attorney or attorneys not to exceed 10 per cent of the amount of the judgment rendered in favor of said Indians, and in no event to exceed the sum of \$25,000; and the same shall be paid out of any sum or sums found due said tribe.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UINTAH AND WHITE RIVER TRIBES OF UTE INDIANS

The bill (S. 3080) for the relief of the Uintah and White River Tribes of Ute Indians, of Utah, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 15, after the word "consideration," to strike out "and" and to insert:

Any suit or suits filed hereunder shall be commenced by petition, subject to amendment, to be filed in the Court of Claims within two years after the approval of this act by the attorney or attorneys to be employed by the said Indians under contract as required by sections 2103-5 of the United States Revised Statutes. Such petition shall be verified by the attorney or attorneys and shall set forth all the facts on which the claims for recovery are based, and shall be signed by the attorney or attorneys employed, and no other verification shall be necessary.

Upon final determination of such suit or cause of action the Court of Claims shall decree such fees to be paid the attorney or attorneys as it shall find reasonable, but in no case shall such fees amount to more than 10 per cent of any judgment recovered in such suit or cause, and in no event shall such fee amount in the aggregate to more than \$50,000 and shall be paid out of any judgment recovered, and the balance of such judgment shall be placed in the Treasury of the United States to the credit of the Indians entitled thereto, where it shall bear interest at the rate of 4 per cent per annum.

And—

So as to make the bill read:

Be it enacted, etc., That to carry into effect the existing agreement between the Uintah and White River Tribes of Ute Indians of Utah respecting the lands in the former Uintah Indian Reservation in said State, ceded by them to the United States, jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment, with right of appeal as in other cases, on the claims and rights of said Indians under said agreement and the acts of May 27, 1902 (32 Stat. p. 263), March 3, 1905 (33 Stat. p. 1069), and all other acts of Congress relating thereto, including the value of all lands ceded by the said Indians which have been set apart and reserved from the public lands as forest reservations or for other public uses under existing laws and proclamations of the President, as if disposed of under the public land laws of the United States, as provided by said agreement and acts of Congress, and the money due therefor; and the court shall set off against any sum found due said Indians any sum or sums that shall be found to be properly chargeable under the terms of said agreement and acts of Congress and also any sum or sums paid by the United States to or for the benefit of said Indians, whether

as a gratuity or otherwise, except such sums as have been paid for a specific purpose and an adequate consideration.

Any suit or suits filed hereunder shall be commenced by petition, subject to amendment, to be filed in the Court of Claims within two years after the approval of this act by the attorney or attorneys to be employed by the said Indians under contract as required by sections 2103-5 of the United States Revised Statutes. Such petition shall be verified by the attorney or attorneys and shall set forth all the facts on which the claims for recovery are based, and shall be signed by the attorney or attorneys employed, and no other verification shall be necessary.

Upon final determination of such suit or cause of action the Court of Claims shall decree such fees to be paid the attorney or attorneys as it shall find reasonable, but in no case shall such fees amount to more than 10 per cent of any judgment recovered in such suit or cause, and in no event shall such fee amount in the aggregate to more than \$50,000 and shall be paid out of any judgment recovered, and the balance of such judgment shall be placed in the Treasury of the United States to the credit of the Indians entitled thereto, where it shall bear interest at the rate of 4 per cent per annum.

And the action herein authorized shall be conducted by the attorneys already appointed by said Indians by permission of the Commissioner of Indian Affairs, and in rendering judgment herein the court shall set apart such compensation to the said attorneys as it may deem reasonable and just for legal services rendered before the appropriate committees of Congress and departments of the Government and in conducting the said cause before the courts to a final determination, and said compensation shall be paid to said attorneys by the Secretary of the Treasury out of any moneys in the Treasury arising from the sale of said ceded lands or from the proceeds of said judgment, and the balance of said judgment shall be held in the Treasury for the benefit of said Indians as a trust fund, and the interest thereon shall be distributed annually to them in accordance with existing law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB CREW

The bill (S. 3247) providing for the payment of any unappropriated moneys belonging to the Apache, Kiowa, and Comanche Indians to Jacob Crew was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to pay Jacob Crew, of Anadarko, Okla., the sum of \$606.97, out of any moneys unappropriated under his control belonging to the Apache, Kiowa, and Comanche Indians, the same being payment in full for the claim of said Crew for a corn crop which was upon said town site of Anadarko when said land was sold for town-site purposes.

Mr. ROBINSON. Mr. President, may I ask the Senator reporting this bill whether it was referred to the Commissioner of Indian Affairs, and whether a report was made by that officer upon the bill?

Mr. HARRELD. Yes; it was referred to him and a favorable report was made. This bill was introduced and a favorable report made on it several years ago, and it was passed by one House. It has been pending from time to time for a good while. Each time a favorable report has been made on it.

Mr. ROBINSON. I note that the report from the department appears to be under date of December, 1901—twenty odd years ago. How does it happen that the bill has been so long delayed?

Mr. HARRELD. I do not know; but it has been passed first by one House and then by the other, and it never got through both Houses up to the present time.

Mr. ROBINSON. There seem to be reports from both the Indian Bureau and the Commissioner of the General Land Office in favor of it.

Mr. HARRELD. It is a just claim, I think. There was a corn crop growing on this town site when it was taken for town-site purposes, and the Government had a one-third interest in the corn crop. This man Crew owned the remainder. This bill is to reimburse him for the corn crop which was destroyed when this town site was established. It is a very large town now.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RALPH OLE WRIGHT AND VARINA BELLE WRIGHT

The bill (S. 3281) for the relief of Ralph Ole Wright and Varina Belle Wright was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 3, after the words "sum of", to strike out "\$10,000" and insert "\$2,500, said sum to be in full settlement of the claim," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ralph Ole Wright and Varina Belle Wright, the parents of Ralph Atkinson Wright, deceased, who while serving as a seaman, second class, at the United States Naval Training Station at Great Lakes, Ill., while in the performance of his duty at the radio station at Great Lakes, Ill., without any fault of his own, on June 15, 1922, met his death from electric shock by coming in contact with the high-tension switches on the switchboard in basement of building No. 63 at the United States Naval Training Station, Great Lakes, Ill., in use as a transmitting and receiving radio station, the sum of \$2,500, said sum to be in full settlement of the claim.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRED A. GOSNELL AND OTHERS

The bill (S. 2976) to authorize the Comptroller General of the United States to relieve Fred A. Gosnell, former disbursing clerk, Bureau of the Census, and the estate of Richard C. Lappin, former supervisor of the Fourteenth Decennial Census for the Territory of Hawaii, and special disbursing agent, in the settlement of certain accounts, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized to relieve Fred A. Gosnell, former disbursing clerk, Bureau of the Census, from accountability or responsibility for losses for which he was accountable or responsible, by crediting his account with the sum of \$1,460.68, paid out by him in good faith, through error, in auditing and misinterpretation of the provisions of the Fourteenth Decennial Census act, during the census period from July 1, 1919, to July 1, 1922; and also the estate of Richard C. Lappin, former supervisor of the Fourteenth Decennial Census for the Territory of Hawaii and special disbursing agent, from accountability or responsibility for losses for which he was accountable or responsible, by crediting his account with the sum of \$91.50 paid out by him in good faith during the period from July 1 to September 30, 1920.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. JOHN P. HOPKINS

Mr. DIAL. Mr. President, a short time ago I objected to the consideration of Order of Business 767, House bill 3411, for the relief of Mrs. John P. Hopkins. I will ask now to recur to that bill. I have gone into the facts, and have been convinced that perhaps there is some justice in it, and that the bill probably ought to pass. I therefore withdraw my objection.

Mr. SMOOT. Mr. President, just let it go over for a few moments.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The bill will be passed over, under objection, for the time. The Secretary will state the next bill on the calendar.

STANSFIELD A. AND ELIZABETH G. FULLER

The bill (H. R. 914) granting six months' gratuity pay to Stansfield A. and Elizabeth G. Fuller was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 1326) for the relief of Clara T. Black was announced as next in order.

Mr. ROBINSON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1807) to provide for the creation, organization, administration, and maintenance of a naval reserve and a Marine Corps reserve was announced as next in order.

Mr. ROBINSON. Mr. President, that seems to be a very important bill, and I suggest that it can not be considered and disposed of under the order we are now proceeding.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9076) to amend sections 2 and 5 of the act entitled "An act to provide the necessary organization of the customs service for an adequate administration and enforcement of the tariff act of 1922 and all other customs revenue laws," approved March 4, 1923, was announced as next in order.

Mr. JONES of Washington and other Senators. Let that go over.

The PRESIDING OFFICER. The bill will be passed over. Mr. SMOOT. Mr. President, this bill came from the House, and for some reason was read twice, considered, and placed on the calendar. The bill ought to have been referred to the Committee on Finance, and I ask that that be done.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent that House bill 9076, Order of Business 823, be taken from the calendar and referred to the Committee on Finance. Without objection, that order will be made.

Mr. SMOOT. I want to say that there is also a Senate bill of the same purport. It is a very important measure, but I am not going to ask that it be considered at this time, because I think the Senate committee will report the House bill rather than the Senate measure.

The PRESIDING OFFICER. The Secretary will state the next bill on the calendar.

JOHN BAUMEN

The bill (H. R. 6506) for the relief of John Baumen, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF C. M. COLE

The bill (H. R. 4760) for the relief of the estate of C. M. Cole, of Butler County, Ky., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 5819) for the relief of the estate of the late Capt. D. H. Tribou, chaplain United States Navy, was announced as next in order.

Mr. ROBINSON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ALBERT E. LAXTON

The bill (H. R. 7420) for the relief of Albert E. Laxton was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 8258) for the relief of Capt. Frank Geere was considered as in Committee of the Whole.

Mr. SMOOT. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

APPRAISER OF MERCHANDISE, PORTLAND, OREG.

The bill (S. 3352) to provide for the appointment of an appraiser of merchandise at Portland, Oreg., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That on and after the passage of this act the Secretary of the Treasury is authorized and directed to appoint, pursuant to the civil service laws and regulations, an appraiser of merchandise at Portland, Oreg., prescribe his duties when not otherwise defined by law, and fix his compensation.

SEC. 2. So much of paragraph 3 of section 2587 of the Revised Statutes as provides for the appointment of an appraiser of merchandise at Portland, Oreg., is hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIEUT. RICHARD EVELYN BYRD, JR., UNITED STATES NAVY

The bill (S. 3433) for the relief of Lieut. Richard Evelyn Byrd, jr., United States Navy, was announced as next in order.

Mr. SMOOT. Let that bill go over.

Mr. SWANSON. Mr. President, I should like to make a statement about that bill.

Mr. SMOOT. I should like to have it go over.

Mr. SWANSON. I should like to make a statement in regard to it, because the subject will come up again, if the Senator will withhold his objection for the present.

This bill is a just one, and should be passed. Lieutenant Byrd, while he was at the Naval Academy, had some trouble with his foot in the athletic exercises there. He got well and graduated, and went into the Navy. After he became a junior lieutenant, however, he could not be promoted, as the trouble recurred. He was ordered before a court of inquiry, appeared before the court of inquiry, and they retired him as a junior lieutenant.

As soon as the war came on he volunteered and went into the aviation service, the most dangerous service in the entire Navy, and served abroad. He went everywhere they went. He

is now in the Navy and has been in active service ever since that time. He did not desire to retire; his retirement was against his wish. He can not serve on battleships and in such service. He can not give good service there, but in the aviation service, the most dangerous and important service of all, he is an excellent officer, and now is in charge of the aviation reserve force, which he organized. The men who were graduated with him are now lieutenant commanders in the Navy. He has had active service ever since he entered the aviation service. All this bill does is to provide that if he should be retired he would have the same position his comrades would have. The department has recommended him highly for promotion. They all tell us that the aviation service really has the most efficient personnel. I am sure there is not a man on the Naval Affairs Committee in either House who does not think that Mr. Byrd is entitled to this right.

Mr. ROBINSON. Mr. President—

Mr. SWANSON. I yield.

Mr. ROBINSON. I will say to the Senator that there is a bulletin which states that the department considers that Lieutenant Byrd has rendered exceptional service, and that his case is a deserving one. The only reason favorable action is not recommended is that it is not general legislation.

Mr. SWANSON. I will say to the Senator that I assisted in fixing the law in the act of 1916 which would not permit a man who is on the retired service to receive a rank higher than that of lieutenant commander when he is transferred to active service.

Mr. SMOOT. That is a good law.

Mr. SWANSON. That was fixed in that way because we did not desire to have men who retired on their own volition coming and doing the work of people that we need in the Navy.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SWANSON. I ask for five minutes more.

Mr. SMOOT. There is no need for the Senator to speak longer, for I shall object to the consideration of the bill. The Senator can talk if he wants to, and I have no objection to his having five minutes extra, but I shall object to the consideration of the bill.

Mr. SWANSON. If the Senator would examine into this case, and go and consult the Navy Department about it, and then tell me that a retired officer who would go and serve eight years in war, in the most dangerous service—the aviation service—become an expert in that service, and then, when the time comes, that the Government can not reward him because there is no general law, I would say he was mistaken in his judgment. He is now in active service doing this work. He is doing the work that any graduate of the academy does, except that his service is more dangerous—in the Aviation Corps—and when a man did not shirk, and entered the most dangerous service during the war, it is a gross act of injustice to refuse to let this be fixed up for him.

The PRESIDING OFFICER. The bill goes over, under objection.

Mr. SMOOT. For the record, I want to say that the Acting Secretary of the Navy says:

In view of the fact that this legislation is for the benefit of an individual and not for the general good of the naval service, the department can not consistently recommend its passage.

Upon that statement I shall object, for the present at least.

DAMAGE BY U. S. S. "LAMBERTON"

The bill (S. 708) for the relief of various owners of vessels and cargoes damaged by the U. S. S. *Lamberton* was announced as next in order.

Mr. ROBINSON. Mr. President, this appears to be an omnibus claims bill for damages against the Government through the operation of a destroyer. The claimants are some 20 in number. I would like to have an explanation of how it happens that so many claims are embraced in one bill.

Mr. CURTIS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

GROVER ASHLEY

The bill (S. 615) for the relief of Grover Ashley was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Grover Ashley the sum of \$778.80.

The amendment was agreed to.

Mr. JONES of Washington. The bill apparently does not indicate what that is for. I wish the Secretary would read it.

The PRESIDENT pro tempore. The Secretary has read all there is to the bill.

Mr. JONES of Washington. That is what I thought, and the bill apparently does not indicate anything but that this is simply a donation.

Mr. ROBINSON. The preamble explains that the money was taken from him by a lieutenant acting as adjutant.

Mr. JONES of Washington. The Secretary did not read the preamble, so I did not know what it was.

Mr. ROBINSON. The preamble will be read after the bill.

Mr. JONES of Washington. I know, but that does not inform us; I would like to have the preamble read.

The PRESIDENT pro tempore. The Secretary will read.

The READING CLERK. The committee proposes to strike out the preamble in the following words:

Whereas Grover Ashley was a private in the Eighteenth Field Artillery, American Expeditionary Forces; and

Whereas, while under arrest, he was relieved of a sum of money amounting to \$815.15 by officer of the day, Second Lieut. Charles S. Allen; and

Whereas said officer either stole said money or permitted it to be stolen: Therefore

And to insert in lieu:

Whereas Grover Ashley was a private in the Eightieth Field Artillery, American Expeditionary Forces; and

Whereas while in confinement he was relieved of \$70 United States currency and 5,290 francs, French currency, by Second Lieut. Charles S. Allen, personnel adjutant; and

Whereas only part of this currency has been returned to Grover Ashley and the balance, equivalent in United States currency to \$778.80, was lost through inexcusable negligence on the part of Charles S. Allen, then a second lieutenant, United States Army: Therefore

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

STONE TOWING LINE

The bill (H. R. 1682) for the relief of the Stone Towing Line was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Stone Towing Line, Wilmington, N. C., the sum of \$1,519.15, as reimbursement of costs of repairs to its wharf known as the steamer *Wilmington's* wharf, at Southport, N. C., damaged in collision with the U. S. dredge *Absecon*, on July 20, 1919, in accordance with report submitted in Senate Document, No. 382, Sixty-sixth Congress, third session.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIEUT. E. J. McALLISTER

The bill (H. R. 6241) for the relief of Lieut. E. J. McAllister was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lieut. E. J. McAllister, Tenth Regiment United States Infantry, the sum of \$116.88, in full compensation for damages to automobile, resulting from collision with truck belonging to the United States Army, which occurred at Camp Sherman, Ohio, August 1, 1921.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF CHARLES L. FREER

The bill (S. 3368) to cancel the additional taxes, together with all penalties and other charges assessed against the estate of Charles L. Freer, deceased, and to remit any further taxes, penalties, or charges which may hereafter be found due from the said estate, was announced as next in order.

Mr. ROBINSON. Mr. President, a House bill similar to this has already passed the Senate to-day. I presume this bill should be indefinitely postponed.

Mr. CURTIS. I ask that the bill be indefinitely postponed. The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

BILL PASSED OVER

The bill (S. 1640) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United

States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

JOHN F. MALLEY

The bill (S. 2714) for the relief of John F. Malley was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on line 6, to strike out the word "sum" and insert the word "sums," and after the numerals "\$1,200" to insert "and \$683.34, respectively," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit to John F. Malley, former collector of internal revenue of the State of Massachusetts, and his accounts with the sums of \$1,200 and \$683.34, respectively, being the value of internal revenue stamps charged to him, stolen, lost, or accidentally destroyed at Boston, Mass., in the spring and summer of 1918.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET RICHARDS

The bill (S. 854) for the relief of Margaret Richards was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on line 6, to strike out "\$10,000" and to insert in lieu thereof "\$5,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Margaret Richards, of Little Rock, Ark., the sum of \$5,000 for injuries sustained while en route to Camp Pike to participate in an entertainment for convalescent soldiers on May 6, 1920.

Mr. DIAL. Mr. President, this bill appears simply to be a donation to this lady. The report, on page 3, says:

The board therefore recommends that the accident was due to no fault or negligence on the part of the driver, Albert Bruner, or anyone else in the military service, and no responsibility can be placed on anyone in the military service.

Whether or not Congress wants to donate that money I do not know.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3327) to provide for the cooperative marketing of agricultural commodities was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2646) to provide for the expeditious and prompt settlement, mediation, conciliation, and arbitration of disputes between carriers and their employees and subordinate officials, and for other purposes, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

LEHIGH VALLEY RAILROAD CO. AND McALLISTER LIGHTERAGE LINE (INC.)

The bill (S. 2293) for the relief of Lehigh Valley Railroad Co. and McAllister Lighterage Line (Inc.) was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 2, line 23, after the word "damage" and the comma, to strike out the words "including interest"; and on page 3, line 12, to strike out the words "Provided further, That all proceedings heretofore taken in said suits, pleadings filed, testimony taken, decisions rendered, and orders entered shall stand, saving to all parties, including the United States, their rights of appeal," so as to make the bill read:

Be it enacted, etc., That the claim of Lehigh Valley Railroad Co., as carrier and bailee of a quantity of steel billets laden on board the barge McAllister No. 85, against the United States for damage to and loss of said billets, and the claim of McAllister Lighterage Line (Inc.), as carrier and bailee of a quantity of steel billets laden on board the barge

McAllister No. 85 and as owner of the barge McAllister No. 85, against the United States for the loss of and damage to said steel billets and for losses sustained by reason of damage to the barge McAllister No. 85, all alleged to have been caused by collision on the 7th day of November, 1917, between said barge and the United States steamship *Aeolus*, then in the possession and control of the United States and being operated by the Navy Department in its transport service, in the slip adjoining No. 1 pier, Hoboken, N. J., may be sued for by Lehigh Valley Railroad Co. and McAllister Lighterage Line (Inc.) in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in the suits heretofore commenced in the said district entitled "Lehigh Valley Railroad Co., as bailee of a quantity of steel billets laden on board the barge McAllister No. 85, libellant, against steam tug J. P. McAllister, her engines, boilers, etc., McAllister Lighterage Line (Inc.), claimant," in which the steamship *Aeolus* has been impleaded and the United States of America has appeared as claimant, and "McAllister Lighterage Line (Inc.), libellant, against steamship *Aeolus*, United States of America, claimant"; and such court shall have jurisdiction to hear and determine such suits and to enter judgments or decrees for the amount of such damage and costs, if any, as shall be found to be due against the United States in favor of said Lehigh Valley Railroad Co. or said McAllister Lighterage Line (Inc.), or against the said Lehigh Valley Railroad Co. or said McAllister Lighterage Line (Inc.) in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of proceeding with the said suits shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such notice of proceeding with the said suits shall be given and proceedings in said suits shall be commenced within four months of the date of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3398) to authorize the city of Norfolk, Va., to construct a dam from the southern and northern banks of Lafayette River to the southern and northern edges of the channel of said river was announced as next in order.

Mr. ROBINSON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

NORWEGIAN STEAMSHIP "HASSEL"

The bill (H. R. 7558) to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian steamship *Hassel* as the result of a collision between that steamship and the American steamship *Ausable* was announced as next in order.

Mr. CURTIS. Let that go over. It does not seem to have been referred to any committee.

Mr. REED of Pennsylvania. Mr. President, that is the same as Senate bill 2718, which is on the calendar as Order of Business 594, and which was passed.

Mr. CURTIS. Then I ask that the House bill be indefinitely postponed.

Mr. REED of Pennsylvania. Would it not be better to pass this and reconsider the action in passing the Senate bill?

Mr. SMOOT. I have a number of letters here in relation to this very bill, objecting to some of the provisions in it, and suggesting amendments to it.

The PRESIDENT pro tempore. The Chair understands that the Senator from Minnesota [Mr. SHIPSTEAD] asked that this bill be passed and that the Senate bill be indefinitely postponed.

Mr. SMOOT. I object to that, Mr. President. I ask unanimous consent for the reconsideration of the vote by which the Senate bill was passed, and then we can bring it back before us.

The PRESIDENT pro tempore. The Senate bill has not been passed.

Mr. SMOOT. That is all right, then.

Mr. REED of Pennsylvania. Was not Senate bill 2718 passed?

The PRESIDENT pro tempore. When the bill was reached it was passed over upon the suggestion of the Senator from Minnesota. This bill is in Committee of the Whole and open to amendment.

Mr. SMOOT. I object.

Mr. ROBINSON. Let this bill go over, too.
The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 2424) to reduce the fees for grazing livestock on national forests was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2844) to place the agricultural industry on a sound commercial basis, to encourage agricultural cooperative associations, and for other purposes, was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3278) to establish a council on universities and colleges in the District of Columbia, and for other purposes, was announced as next in order.

Mr. HARRELD. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 25) authorizing a per capita payment of \$50 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation was announced as next in order.

Mr. HARRELD. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

PONCA TRIBE OF INDIANS

The bill (H. R. 4275) authorizing the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska to submit claims to the Court of Claims was announced as next in order.

Mr. HARRELD. A bill similar to that was passed a little while ago. Let this be passed over for the present, so that I may look into the matter. I am sure we passed a bill similar to it. I would like to have it passed over for the moment.

The PRESIDENT pro tempore. It will be passed over temporarily.

LANDS OF INDIANS OF QUAPAW AGENCY

The bill (H. R. 4818) to perfect the title of purchasers of Indian lands sold under the provisions of the act of Congress of March 3, 1909 (35 Stat. L. p. 751), and the regulations pursuant thereto as applied to Indians of the Quapaw Agency, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in all cases where lands allotted to members of any of the tribes belonging to the Quapaw Agency in Oklahoma are held under a trust or other patent containing restrictions on alienation, and said restrictions have been or shall hereafter be removed by order of the Secretary of the Interior pursuant to the act of March 3, 1909 (35 Stat. L. p. 751), or said lands or any portion thereof have been or shall hereafter be sold by said allottee or his heirs under the regulations of the Secretary of the Interior pursuant to said act, the deed of such allottee or his heirs executed after the removal of such restrictions, or when approved by the Secretary of the Interior, shall convey full title to the lands or interest so sold the same as if a fee simple patent without restrictions had been issued to the allottee: *Provided,* That nothing in this act shall be construed to apply to the lands of the Kaw or Osage Indians, or to lands of Indians of the Five Civilized Tribes in Oklahoma.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PONCA TRIBE OF INDIANS

Mr. HARRELD. Recurring to Order of Business 854, House bill 4275, I find that it is identical with Senate bill 1392, Order of Business No. 815, which was passed a while ago. I move that the vote by which the Senate bill was passed be reconsidered.

The PRESIDENT pro tempore. The Senator from Oklahoma asks unanimous consent that the vote by which Senate bill 1392 was passed be reconsidered. Is there objection? The Chair hears none, and the vote will be reconsidered.

Mr. HARRELD. I ask that we return now to Order of Business No. 854.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4275) authorizing the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska to submit claims to the Court of Claims, which was read, as follows:

Be it enacted, etc., That all claims of whatsoever nature, both legal and equitable, which the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska may have against the United States, in-

cluding among other things, claims for moneys due the Ponca Tribe but allowed or paid to some other tribe or tribes of Indians, shall be submitted to the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States for determination; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine any and all such claims and render final judgment thereon.

The Court of Claims shall advance the cause upon its docket for hearing, and shall have authority to determine and adjudge the rights, both legal and equitable, of the said Ponca Tribe in the premises: *Provided,* That the court shall hear and determine any legal or equitable defenses, set-offs, or counterclaims including gratuities which the United States may offer against the said Ponca Tribe notwithstanding lapse of time or statutes of limitation, and any tribe or band of Indians deemed necessary to a final determination of any suit hereunder shall be joined as the court may order. The suit or suits instituted hereunder shall be begun within five years from the passage of this act by the Ponca Tribe of Indians as parties plaintiff against the United States as the party defendant. The petition or petitions may be verified upon information and belief as to the facts therein alleged by the attorney or attorneys employed by the Ponca Tribe under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs, as provided by existing law; and no other verification shall be necessary: *Provided,* That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to decree the fees to be paid to the attorney or attorneys not to exceed 10 per cent of the amount of the judgment rendered in favor of said Indians and in no event to exceed the sum of \$25,000, together with all necessary and proper expenses incurred in preparation and prosecution of the suit; and the same shall be paid out of any sum or sums found due said tribe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HARRELD. I now ask for the indefinite postponement of Senate bill 1392.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

BUREAU OF INDIAN AFFAIRS APPROPRIATIONS

The bill (H. R. 7077) to amend an act entitled "An act to amend an act entitled 'An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914,' approved June 30, 1913," approved May 26, 1920, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 1 of an act entitled "An act to amend an act entitled 'An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914,' approved June 30, 1913," approved May 26, 1920, be, and is hereby, amended to read as follows:

"That the Secretary of the Interior is hereby authorized to pay, out of any funds of the Creek, Cherokee, Choctaw, Chickasaw, and Seminole Nations, on deposit in the Treasury of the United States, the proportionate cost of street paving, construction of sidewalks and sewers heretofore or hereafter constructed and abutting on unsold lots belonging to any of said tribes and as may be properly chargeable against said town lots, said payments to be made upon submission of proof to said Secretary of the Interior showing the entire cost of the said street paving, sidewalk, and sewer construction, and that said improvement was duly authorized and undertaken in accordance with law: *Provided,* That the Secretary of the Interior shall be satisfied that the charges made are reasonable and that the lots belonging to the above-mentioned tribes against which the charges were made have been enhanced in value by said improvements to not less than the amount of said charges."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF LANDS ON QUAPAW INDIAN AGENCY, OKLAHOMA

The bill (H. R. 7453) to amend an act approved March 3, 1909, entitled "An act for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes," was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 1 of the act of March 3, 1909 (35 U. S. Stat. L. p. 751), being "An act for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and

for other purposes," be, and the same is hereby, amended so as to authorize the sales, under regulations prescribed by the Secretary of the Interior, and upon application of allottees or heirs of lands allotted to Indians of the Quapaw Agency, Okla., and now held and designated as homesteads, whenever in the opinion of the Secretary such sales would be for the best interests of the applicants.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND RESOLUTIONS PASSED OVER

The bill (S. 3459) to encourage and promote the sale and export of agricultural products grown within the United States was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 253) to continue the Select Committee on the Veterans' Bureau was announced as next in order.

Mr. REED of Pennsylvania. Let the resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (H. R. 5420) to provide fees to be charged by clerks of the district courts of the United States was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5423) to amend section 2 of the act of August 1, 1888 (25 Stat. L. p. 357), was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 227) to authorize an adjustment of the claim of the city of New York for expenses incurred on behalf of the United States during the Civil War was announced as next in order.

Mr. DIAL. Let the resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (H. R. 8086) to amend the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915," approved August 1, 1914, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

FEES FOR CLERKS OF UNITED STATES COURTS

Mr. PEPPER. Mr. President, Calendar No. 861, the bill (H. R. 5420) to provide fees to be charged by clerks of the district courts of the United States was called a moment ago, and on the suggestion of a Senator it was to go over. I wish to ask permission to make a moment's statement in regard to the bill, with the permission of the Senator who requested that it be passed over.

It will be remembered that this morning half a dozen bills were passed by the Senate relating to practices in the district courts and offices of clerks of the courts of the United States. I called attention to the fact in the case of one of those bills that the House of Representatives had passed a similar measure and procured the substitution of the House bill after reconsideration of the passage of the Senate bill, and the House bill was passed. I have since discovered that the House had passed two of the other measures which we passed this morning, and one of them is House bill 5420, Order of Business 861. I should like to ask unanimous consent to reconsider the action taken in the case of Senate Calendar 675, the bill (S. 2173) to provide fees to be charged by clerks of the district courts of the United States, in order that I may then ask for the consideration and disposition of Senate Calendar 861, to which I have just referred.

Mr. ROBINSON. Are the two bills identical?

Mr. PEPPER. They are identical, with the single exception that the House has substituted February 1, 1925, for the effective date. The effective date in the bill as the Senate passed it was inadvertently allowed to remain as July 1, 1924.

Mr. ROBINSON. I suggest to the Senator that it would require an amendment to the House bill now, since July 1, 1924, has already passed, and perhaps he had just as well let the House act upon the Senate bill. Nothing can be accomplished here now. It is getting very late in the day and a number of Senators are anxious to leave.

Mr. PEPPER. It would take but a moment to dispose of it.

Mr. ROBINSON. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 3394) to amend section 26 of the interstate commerce act as amended was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3035) to provide for the appointment of a commissioner of reclamation, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

STATISTICS OF COTTON

The bill (S. 3530) to amend the act entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton" was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the first sentence of section 2 of the act entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton," approved April 2, 1924, is amended to read as follows:

"Sec. 2. That the statistics of the quantity of cotton ginned shall show: The quantity ginned from each crop prior to August 1, August 16, September 1, September 16, October 1, October 18, November 1, November 14, December 1, December 13, January 16, and March 1, by States, the name, post-office address, and owner of each ginnery reporting to the Bureau of Census, together with the quantity ginned by each ginnery; and the name of the special agent or other employee of the Bureau of the Census reporting for each district statistics of the quantity of cotton ginned: *Provided*, That the Director of the Census may limit the canvasses of August 1 and August 16 to those sections of the cotton-growing States in which cotton has been ginned."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSTRUCTION OF RURAL POST ROADS

The bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was announced as next in order.

Mr. STERLING. Mr. President, I want to say just a word in regard to the bill. It is a very important measure and should be passed at an early date. It is a bill appropriating for good roads, \$75,000,000 for the year 1926, and a like amount for the year 1927 for good roads generally, and \$7,500,000 for each of two years for forest roads and trails. It is in pursuance of a policy of the Government in regard to good roads as established by the act of 1916, the first Federal highway act, and by the more comprehensive act of 1921. I hope the bill will pass. It is a House bill.

Mr. SMOOT. I was asked by a Senator to object to the consideration of the bill if it came up to-day and therefore I shall have to object to the passage of the bill to-day.

Mr. STERLING. Very well.

The PRESIDENT pro tempore. The bill will be passed over.

RETIREMENT FOR DISABILITY IN LIGHTHOUSE SERVICE

The bill (S. 3613) to provide for retirement for disability in the Lighthouse Service was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. JONES of Washington. If the Senator will withhold his objection just a moment, I think he will withdraw it when I read from the letter of the department upon which the committee acted, as follows:

The employees of the field service of the Lighthouse Service now may be retired for age under the lighthouse retirement act of June 20, 1918, but these provisions should be extended to cover cases of disability before the retirement age is reached. The general civil service retirement act of May 22, 1920, contains such a provision, as do the laws applying to the Coast Guard, the Coast and Geodetic Survey, and the Army and Navy, and the result is that the field employees of the Lighthouse Service are now the only persons in the Government service who can not be retired for disability. Retirement for disability is of especial importance in the work of the Lighthouse Service, because it is essential that the personnel on lighthouse vessels and stations shall be physically competent; the work is hazardous, and the safety of lives and property is dependent on its faithful performance. This provision will increase the efficiency of the Lighthouse Service by tending to reduce accidents and to increase the reliability of aids to navigation.

I call the Senator's attention, too, to this part of the letter:

References will be found in my annual reports for 1922, 1923, and 1924, recommending this legislation, the present need of which is urgent. Reports have been received by the department of a number of distressing cases, not due to misconduct, such as blindness, heart or other organic trouble, paralysis, and cancer.

Upon that letter the Commerce Committee was unanimous in recommending the bill, and I hope the Senator will withdraw his objection.

The PRESIDENT pro tempore. Is the objection withdrawn?

Mr. SMOOT. I have not had time to read in detail nor to study the bill as I should. I do not know where this special privilege granted to field clerks and other employees of the Government is going to end. I can not see where it is going to end. It seems to me it will not be many years before we will have every man and every woman who works for the Government of the United States put in some particular position, forever and ever to draw compensation from the United States, not under the retirement law but following the plan mapped out here for the Army and Navy. We are fast drifting to that end. The bill may be all right, but I have not had time to study it, and for that reason I object to its consideration at this time. I will ask the Senator to let it go over to-day and I will give it attention at the first opportunity.

The PRESIDENT pro tempore. The bill will be passed over.

CLAIM OF NEAR EAST RELIEF

The joint resolution (S. J. Res. 118) to authorize the United States Shipping Board to adjust the claim of the Near East Relief was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, at the last session we passed a bill canceling a claim of the United States against the Near East Relief for some quarter of a million dollars or \$300,000. A representation was made at that time that the Near East Relief was entirely without assets, that the claim was utterly worthless, and that was given as the reason why we ought to pass the bill.

Here comes a bill showing that they have an asset in the shape of a claim against the Shipping Board. The bill, if passed, would be nothing more nor less than a charitable donation by the United States Government to the Near East Relief work. I do not think, when we have just been through the other process of canceling a claim against them, that we ought to be asked now to make a contribution to them.

Mr. JONES of Washington. The bill does not contemplate the payment of any money to them. It is to be repaid in the transportation of their supplies if there are any to be transported. That is all the bill provides.

Mr. REED of Pennsylvania. We pay them in services.

Mr. JONES of Washington. We pay them in services by transporting supplies that they are taking for the relief of people for which they get nothing. It is an eleemosynary institution.

Mr. REED of Pennsylvania. I know it is, but I do not think the United States ought to be compelled to contribute to an eleemosynary institution without a frank disclosure by them of all the facts. I do not believe they gave us a frank disclosure when we passed the other bill. I know I raised the question then, and I was told by the sponsor of the other bill that the organization had absolutely nothing; that it was going out of business as fast as it could, and that our claim was utterly worthless. Here they bob up with some assets.

Mr. JONES of Washington. Of course, I knew nothing about that.

Mr. REED of Pennsylvania. Of course, the Senator had nothing to do with that, and I am not in any way ascribing any blame to him.

Mr. JONES of Washington. The Shipping Board recommended the matter to us very strongly. The Near East people paid the Shipping Board, I think, something over \$400,000 for the transportation of their supplies, with the understanding that there would be no return cargo, and therefore the freight charges were higher. They did help in giving a return cargo of some \$70,000 of freight, and for that reason they come to the Shipping Board asking for reimbursement, and the Shipping Board recommends it. The Commerce Committee knew nothing about the other matter and simply acted on these facts.

Mr. REED of Pennsylvania. I think I shall ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

LAND IN DULUTH, MINN.

The bill (S. 3123) authorizing the Secretary of Commerce to convey certain lands to the city of Duluth, Minn., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc., That the Secretary of Commerce is authorized to convey to the city of Duluth, Minn., the following-described land, now a part of the fisheries station in said city: Beginning at a point on the east line of Sixtieth Avenue east in the city of Duluth, State of Minnesota, said point lying 15.96 feet in a southerly direction from a point at the intersection of the center line of London Road, extended with the said east line of Sixtieth Avenue east; thence extending in an easterly direction at an angle of 68° and 15' to the left of said east line of Sixtieth Avenue east, a distance of 37.80 feet to a point of curve; thence continuing on a curve to the left whose radius is 1,390.7 feet, a distance of 406.3 feet to the center line of Lester River as now located; thence in a southerly direction along the center line of said Lester River, a distance of 72.8 feet to a point; thence westerly, parallel to the curve above described and distant therefrom 68 feet, a distance of 178.2 feet to a point; thence northerly on a radial line a distance of 8.5 feet to a point; thence westerly parallel to the curve first above described and distant therefrom 57.5 feet, a distance of 278.1 feet to a point of tangency; thence westerly on a tangent line a distance of 12.50 feet to a point on the east line of Sixtieth Avenue east; thence northerly on said east line of Sixtieth Avenue east a distance of 62.82 feet to a point of beginning and there terminating, containing an area of 0.637 acre: *Provided*, That the land authorized to be conveyed hereunder shall be used for the construction of and be maintained as a public highway free of any expense to the United States, and all work thereon shall be such as not to interfere with the operations and efficiency of the fisheries station and in a manner satisfactory to the Secretary of Commerce: *Provided further*, That in the event of the discontinuance by the city of Duluth of the use of the above-described property as a public highway or the failure to maintain same in a manner satisfactory to the Secretary of Commerce, the title of said land shall revert to the United States.*

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAUL CRUM

The bill (H. R. 3388) to place the name of Paul Crum on the muster rolls of Company E, First Regiment Nebraska Infantry, United States Volunteers, was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. FRAZIER. Will the Senator from Utah withhold his objection a moment until I can make a brief statement?

Mr. SMOOT. Certainly.

Mr. FRAZIER. The beneficiary of the bill is a North Dakota boy who was under age at the time of the Spanish-American War. He ran away from home and got over to Manila and went into the service there and made a mighty good record. If the bill is passed, it will put him in line for the McKinley medal, and that is all it amounts to.

Mr. SMOOT. The bill has no reference whatever to the McKinley medal. It gives him all rights and privileges as if he had never left the Army. I can not see any reason why the bill was reported. There is no report upon it from the department. I would like, at least, to know what the department has to say in relation to it.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit an interjection?

Mr. SMOOT. Certainly.

Mr. REED of Pennsylvania. The Committee on Military Affairs considered the case very carefully. As a matter of fact, Congress has previously passed a bill crediting this man with his service up to March 28, 1899. That was a mistake in date, but the bill which was passed would entitle him to a pension, if any pension were paid to Spanish War veterans. However, he has never made any effort to get a pension. He is not at all disabled. He is practicing law now successfully. The only purpose in having a new bill presented is to make him eligible for the McKinley medal, which is highly prized by the men who had service in the Spanish-American War.

Mr. SMOOT. That may be the only purpose of the bill, but that is not the only result that can follow from its passage.

Mr. REED of Pennsylvania. He is not entitled to a pension even if the bill should pass.

Mr. SMOOT. If it was extended to June 20, 1899, and he was considered to have served until that time, then he would be entitled to a pension.

Mr. REED of Pennsylvania. No.

Mr. SMOOT. I do not see why.

Mr. REED of Pennsylvania. Because veterans of the Spanish War are not entitled to service pensions.

Mr. SMOOT. But the Senator knows very well there will probably not another session of Congress pass before they are entitled to it. I know there is a general feeling in this Chamber that such a law should be enacted for the Spanish War veterans.

Mr. REED of Pennsylvania. He would already fall within the provisions of such an act, because his service has been legitimated by the prior act. We passed another bill for him at a prior Congress.

Mr. SMOOT. I do not remember that act.

Mr. REED of Pennsylvania. It is an unusual case. This young man was under age and tried to enlist, and they would not take him. Somehow he smuggled himself on a transport, went to the Philippines, joined up with a company, was carried through in uniform, and participated in all the battles. He was waging a private war of his own against Spain, because he never was a part of our military forces. All the bill does is to assimilate his war into our war and recognize him as a part of that military force.

Mr. SMOOT. That is a splendid statement of the case, but did not the Government pay him while he was serving?

Mr. REED of Pennsylvania. Not a cent. We fed him, because he joined the company at mess, and he got clothing in some manner, so that he was uniformed as a soldier, but he was never on the rolls and never got a cent of pay, and yet he served.

Mr. ROBINSON. All he wants is a medal?

Mr. REED of Pennsylvania. Yes.

Mr. ROBINSON. Then I say give it to him.

Mr. SMOOT. But that is not what the bill provides.

The PRESIDENT pro tempore. Does the Senator from Utah withdraw his objection?

Mr. SMOOT. Yes; I will withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That Paul Crum, formerly of the city of Fargo, State of North Dakota, shall be held and considered to have served as a private in Company E, First Regiment Nebraska Infantry, United States Volunteers, in the war with Spain, from March 28, 1899, to June 20, 1899, and to have been honorably discharged of said last date.

SEC. 2. That said Paul Crum be, and he is hereby, entitled to all privileges and immunities belonging to a private soldier of said regiment, including all medals, citations, and decorations for remaining in the service after the expiration of the usual term of enlistment during the war with Spain, the same as though he had been regularly enlisted therein.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRANSFER OF LIGHTHOUSE REAL PROPERTY

The bill (S. 3571) authorizing the transfer of real property no longer required for lighthouse purposes was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized to transfer to the War Department for military purposes that portion of the Elm Tree Beacon Lighthouse Station described as follows, the same being no longer needed for lighthouse purposes:

Beginning at a point on the center of a granite monument on the southwesterly side of New Dorp Lane, which monument marks the northwesterly corner of the property and bears 125° 50' 15.53 feet from a monument of the topographical department of New York City, thence the property line bears 122° 9' 92.38 feet to the center of a similar granite monument, thence continuing in the same straight line 154.66 feet more or less to high-water line of New York Bay, thence along the said high-water line as the same winds and turns to the southwesterly corner of a stone jetty, thence along the southwesterly face of the said jetty 301° 9' 144.03 feet to the westerly corner thereof, thence 38° 54' 1.56 feet, thence 304° 7' 75 feet to the center of a granite monument at the southwesterly corner of the property, thence 36° 35' 229.033 feet to the center of the stone monument at the point or place of beginning, being an area of 1.1 acres more or less.

SEC. 2. The transfer herein authorized shall be made without charge to the War Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUPPRESSION OF LIQUOR TRAFFIC AMONG INDIANS

The bill (S. 2375) to facilitate the suppression of the intoxicating liquor traffic among Indians was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the first paragraph of section 6 of the act of November 23, 1921 (ch. 134, 42 Stat. L. pp. 222-223), shall not apply to operations in Indian country under the special laws prohibiting the introduction, sale, gift, possession, manufacture, etc., of intoxicating liquors within Indian country.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMPILATION OF INDIAN LAWS AND TREATIES

The resolution (S. Res. 271) authorizing preparation of compilation of Indian laws and treaties was announced as next in order.

Mr. SMOOT. Let the resolution go over.

Mr. HARRELD. Does the Senator want a statement with reference to the resolution, or does he want to have it go over without any explanation?

Mr. SMOOT. I want it to go over.

The PRESIDENT pro tempore. The resolution will be passed over.

CHIPPEWA INDIANS OF MINNESOTA

The bill (H. R. 26) to compensate the Chippewa Indians of Minnesota for lands disposed of under the provisions of the free homestead act was announced as next in order.

Mr. ROBINSON and Mr. DIAL. Over.

The PRESIDENT pro tempore. The bill will be passed over.

OMAHA INDIAN RESERVATION LANDS

The bill (H. R. 6541) to amend an act entitled "An act to provide for the disposal of the unallotted lands on the Omaha Indian Reservation, in the State of Nebraska," was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the act approved May 11, 1912 (37 Stat. L. p. 111), entitled "An act to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska," is hereby amended by striking out all after the enacting clause and inserting the following:

"That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed, if necessary, and appraised in such manner as he may direct, in tracts of 40 acres each, or as nearly thereto as the Secretary may deem practicable, and after such survey and appraisalment to sell and convey in quantities not to exceed 160 acres to any one purchaser, all the unallotted lands on the Omaha Indian Reservation in the State of Nebraska except such tracts as are hereinafter specifically reserved: *Provided*, That the said land shall be sold to the highest bidder under such regulations as the Secretary of the Interior may prescribe, but no part of said land shall be sold at less than the appraised value thereof: *Provided further*, That the use of the underground mineral rights of the unallotted lands be, and the same are hereby, reserved for the benefit of the children who are entitled to participate in said lands under the act of May 11, 1912, supra.

"SEC. 2. That the Secretary of the Interior is hereby directed to reserve from sale under the terms of this act the following tracts of land in sections 24, 25, and 26, in township 25 north, range 9 east of the sixth principal meridian in Nebraska for the purposes designated: Sixty acres of the land now used for agency purposes described as the southeast quarter of the northwest quarter and the south half of the northeast quarter of the northwest quarter of section 25 be reserved for agency and school purposes for so long as the need thereof exists; and 40 acres for use as a tribal cemetery, described as the southwest quarter of the southwest quarter of section 24, including the tract now used for that purpose: *Provided*, That two and one-half acres thereof may be reserved for the use of the Presbyterian Church now located thereon so long as needed for religious or educational purposes; and 230 acres, more or less, described as the east half of the northeast quarter of section 26, and the west half of the northwest quarter and the north half of the northeast quarter of the northwest quarter of section 25, and that portion of the southeast quarter of the northwest quarter of section 25 lying south and west of a certain irrigation ditch consisting of approximately 10 acres, and the southeast quarter of the southwest quarter of section 24, for the special and specific use of the Omaha Tribe, to be used for fair purposes, camping grounds, race track, and other tribal needs, the same to be held in reserve from the sale authorized by this act until such time as the Secretary of the Interior may determine that such lands are no longer needed for such purposes.

"SEC. 3. That the proceeds of such sale, after paying all the expenses incident to and necessary for carrying out the provisions of this act, and after reimbursing the general trust fund of the tribe for any assessment paid therefrom for protecting the unallotted tribal lands from overflow, shall be divided pro rata among the children of the Omaha Tribe living on May 11, 1912, who have not received allotments of land under the acts of August 7, 1882 (22 Stat. L. p. 341), and March 3, 1893 (23 Stat. L. p. 630), and shall be expended for the benefit of said Indians when and in such manner as in the opinion of the Secretary of the Interior shall be to their best interests, and pending such expenditure by the said Secretary the sums due the respective Indians shall be placed to the credit of the said Indians in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum, but in the event of the death of any such Indian

while there remains in the Treasury to his credit any part of the sum so deposited the said sum shall be paid at once to his heirs, who shall be determined by the Secretary of the Interior in accordance with the laws of descent in force in the State of Nebraska, and the action of the Secretary of the Interior in determining the legal heirs of any deceased Indian, as provided herein, shall in all respects be conclusive and final.

"Sec. 4. That for the purpose of carrying out the provisions of this act there is hereby authorized to be appropriated the sum of \$1,000, or so much thereof as may be necessary, to be reimbursable out of the funds arising from the sale of said lands.

"Sec. 5. That sections 1, 3, and 4 of this act shall not become operative so long as the need thereof exists of maintaining an agency and school for the Omaha Tribe of Indians residing on the Omaha Indian Reservation in the State of Nebraska."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

YANKTON BAND OF Santee SIOUX INDIANS

The bill (H. R. 8545) conferring jurisdiction on the Court of Claims to determine and report upon the interest, title, ownership, and right of possession of the Yankton Band of Santee Sioux Indians to the Red Pipestone quarries, Minnesota, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNITED STATES BOTANIC GARDEN

The joint resolution (H. J. Res. 257) providing for the procurement of a design for the use of grounds in the vicinity of the Mall by the United States Botanic Garden was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OHIO RIVER BRIDGE

The bill (S. 3428) authorizing the construction of a bridge across the Ohio River to connect the city of Portsmouth, Ohio, and the village of Fullerton, Ky., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Fullerton & Portsmouth Bridge Co., a corporation organized and existing under the laws of the State of Kentucky, its successors and assigns, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, to a point in Greenup County, Ky., near the village of Fullerton, from a point near the central portion of the city of Portsmouth, county of Scioto, in the State of Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 28, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER

The bill (H. R. 4168) to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same," approved February 13, 1913 (37 Stat. L. p. 670), was announced as next in order.

Mr. FESS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. 283) favoring the allotment of sufficient funds to the Interstate Commerce Commission to enable it to carry on the work of valuation of common carriers was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

OUACHITA RIVER BRIDGE

The bill (S. 3621) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Monroe, La., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Louisiana to construct, maintain, and operate a bridge and approaches thereto across the Ouachita River,

at a point suitable to the interests of navigation, at or near Monroe, La., and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BAYOU BARTHOLOMEW BRIDGE, LA.

The bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Louisiana to construct, maintain, and operate a bridge and approaches thereto across the Bayou Bartholomew, at a point suitable to the interests of navigation, and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, at or near each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COOSA RIVER BRIDGE

The bill (H. R. 9518) granting the consent of Congress to the State of Alabama, through its highway department, to construct and maintain a bridge across the Coosa River at or near Leesburg, Ala., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DELAWARE RIVER BRIDGE

The bill (S. 3584) to extend the time for completing the construction of a bridge across the Delaware River was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the time for completing the construction of the bridge authorized by act of Congress approved August 24, 1912, to be built by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. across the Delaware River near the city of Trenton, N. J., which has heretofore been extended by Congress to August 24, 1925, is hereby extended for a further period of three years from the last-named date.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN MONTANA

The bill (H. R. 7522) to authorize and direct issuance of patents to purchasers of lots in the town site of Bowdoin, Mont., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KARL T. LARSON, DECEASED

The bill (S. 3548) for the relief of the heirs of Karl T. Larson, deceased, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the homestead entry No. 051866, Glasgow, Mont., made by Karl T. Larson, deceased, on September 21, 1917, under section 2289, Revised Statutes, for lot 8, section 29, lots 5 and 6, section 28, and lot 2, section 33, township 28 north, range 53 east, Montana meridian, containing 155.84 acres, be, and the same is hereby, validated, and the Secretary of the Interior is hereby authorized to issue patent thereon to Lars Larson, for the benefit of the heirs of the said Karl T. Larson.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CANADIAN CAR & FOUNDRY CO. (LTD.)

The bill (S. 3505) for the relief of Canadian Car & Foundry Co. (Ltd.) was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to the agency of the Canadian Car & Foundry Co. (Ltd.), the sum of \$192,278.83 paid by the agency of the Canadian Car & Foundry Co. (Ltd.), as duties on certain materials imported into the United States for shipment abroad but which were destroyed by fire after such manufacture and before the same were exported, such refund to be paid out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS C. JOHNSON, DECEASED

The bill (S. 3534) to correct the military record of Thomas C. Johnson, deceased, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 10, after the word "That," to strike out "other than as above set forth," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers and their widows, Thomas C. Johnson, who was a private in Company G, Eighteenth Regiment Iowa Volunteer Infantry, shall hereafter be held and considered to have been mustered in as a member of said company or regiment on December 22, 1863, and honorably discharged therefrom on December 1, 1864: *Provided,* That no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT E. MAGOFFIN

Mr. WILLIS. Mr. President, earlier in the day objection was made by the Senator from South Carolina [Mr. DIAL] to the consideration of Senate bill 3066, Order of Business 638. I understand that the Senator is not now disposed to press that objection, and I ask unanimous consent to return to the bill. Its consideration will take only a moment.

The PRESIDENT pro tempore. Is the objection to the consideration of the bill withdrawn?

Mr. DIAL. Mr. President, I do not insist on the objection, although I think it is bad legislation.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3066) for the relief of Albert E. Magoffin, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert E. Magoffin, out of any money in the Treasury not otherwise appropriated, the sum of \$75 in full settlement of all pay, bounty, and allowance due by reason of his service in the Eighty-ninth Regiment Ohio Volunteer Infantry during the Civil War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMISSIONER OF RECLAMATION

Mr. McNARY. Mr. President, a few moments ago I was called from the Chamber, and while absent this body reached the consideration of Order of Business 870, Senate bill 3035. I ask unanimous consent to recur to that bill.

Mr. SMOOT. Mr. President, I will say to the Senator that the Appropriations Committee have inserted in the Interior Department appropriation bill the very item for which this bill provides.

Mr. McNARY. Very well.

Mr. SMOOT. I think it will become a law quicker in that way than in any other.

Mr. McNARY. Very well, Mr. President. I am very happy to have that statement in the RECORD. My point is accomplished, and I will not press the request.

Mr. ROBINSON. What salary does the commissioner receive now?

Mr. SMOOT. Seven thousand five hundred dollars.

EDITH BOLLING WILSON

Mr. BURSUM. Mr. President, I ask unanimous consent to present a report favoring the passage of a special act granting a pension to the widow of Woodrow Wilson. I ask consent that the report be received and that the bill be given immediate consideration.

The PRESIDENT pro tempore. The Senator from New Mexico asks unanimous consent to report favorably, from the

Committee on Pensions, Senate bill 3707, granting a pension to Edith Bolling Wilson. Is there objection to the presentation of the report? The Chair hears none.

The Senator from New Mexico asks unanimous consent for the immediate consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Edith Bolling Wilson, widow of Woodrow Wilson, late President of the United States, and to pay her a pension at the rate of \$5,000 per year from and after the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COLUMBIA RIVER BRIDGES

Mr. JONES of Washington. Mr. President, from the Committee on Commerce I ask unanimous consent to report back favorably, with amendments, Senate bill 3640, granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River south of Chelan Falls, Wash., and I submit a report (No. 827) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the reception of the report? The Chair hears none. The Senator from Washington asks unanimous consent for the immediate consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 6, before the word "about," to strike out "on State road No. 10, at a point," and to insert "at a point suitable to the interests of navigation"; in line 7, after the word "between," to strike out "Orondo in"; and in line 8, after the word "and," to strike out "Chelan Falls in," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Washington, or its assigns, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River at a point suitable to the interests of navigation, about one mile south of Chelan Falls, between Douglas County and Chelan County, Wash., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JONES of Washington. From the same committee, I ask unanimous consent to report back favorably, with an amendment, Senate bill 3641, granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River at Vantage Ferry, Wash., and I submit a report, No. 828, thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the reception of the report? The Chair hears none. The Senator from Washington asks unanimous consent for the immediate consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 1, line 6, after the words "Columbia River," to strike out "on State road No. 7, at," and to insert "at a point suitable to the interests of navigation, at or near," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Washington, or its assigns, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River at a point suitable to the interests of navigation, at or near Vantage Ferry, between Kittitas and Grant Counties, Wash., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JONES of Washington. From the same committee, I ask unanimous consent to report back favorably, with amendments, Senate bill 3642, granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River at Kettle Falls, Wash.; and I submit a report (No. 829) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the reception of the report? The Chair hears none. The Senator from Washington asks unanimous consent for the immediate consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 6, after the words "Columbia River," to strike out "on State road numbered 3, at Kettle Falls," and to insert "at a point suitable to the interests of navigation, at or near Kettle Falls, and"; in line 7, after the word "between," to strike out "Laurier in"; and in the same line, after the word "and," to strike out "Coville in," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Washington, or its assigns, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River at a point suitable to the interests of navigation, at or near Kettle Falls, and between Ferry County and Stevens County, Wash., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRICES OF FARM PRODUCTS

Mr. NORBECK. Mr. President, on behalf of a subcommittee appointed by the Committee on Agriculture and Forestry, I ask that the time be extended until February 1 within which to make the report on Senate Resolution 249, authorizing an investigation of the amount of losses sustained by the farmers of the United States on account of governmental fixing of price on wheat during the World War. The original resolution calls for a report by January 1.

Mr. SMOOT. It is a Senate resolution, is it?

Mr. NORBECK. It is.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the time is extended accordingly.

ADJOURNMENT

Mr. CURTIS. Mr. President, I move that the Senate adjourn, the adjournment being, under the order previously made, until Friday at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until Friday, January 2, 1925, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, December 30, 1924

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God of our fathers, we thank Thee for the memory of the past, for those who lived according to Thy law and labored in Thy Spirit. May their influence so abide that it shall reveal unto us our greater and our better selves. This day keep our hearts pure, our visions clear, and our actions upright. As we engage in our labors may we breathe the atmosphere of truth and goodness. Dispel all sadness and sorrow from our lives and let the light of Thy presence fall upon our firesides and loved ones wherever they may be, O Lord of mercy and love. Amen.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT OVER NEW YEAR'S DAY

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow it adjourn to meet on Friday, January 2, 1925.

The SPEAKER. The gentleman from Ohio asks unanimous consent that when the House adjourns to-morrow it adjourn to meet on Friday next. Is there objection?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message in writing from the President of the United States, by Mr. Latta, one of his secretaries.

TREASURY AND POST OFFICE APPROPRIATION BILL

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10982) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1926, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10982, with Mr. TILSON in the chair.

The Clerk reported the title of the bill.

The CHAIRMAN. The Clerk will continue the reading of the bill for amendment.

The Clerk read as follows:

For incidental and contingent expenses, \$1,000.

Mr. SMITH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SMITH: Page 35, line 4, after the word "expenses," strike out "\$1,000" and insert in lieu thereof "\$1,500."

Mr. SMITH. Mr. Chairman, on account of the increasing amount of business at the assay office at Boise, Idaho, it is necessary to have, for contingent expenses, \$1,500 instead of \$1,000.

The appropriation for the incidental and contingent expenses for the fiscal year 1924 was \$1,000, and it was necessary to appropriate \$300 additional in the deficiency appropriation bill enacted during the last session.

For the current fiscal year \$1,000 was appropriated, and it will be necessary to have a deficiency appropriation for the balance of the fiscal year of from three to five hundred dollars.

The Budget recommended an appropriation of \$1,500 for the incidental and contingent expenses for the next fiscal year. The hearings disclose that when the Director of the Mint was before the subcommittee he stated that from this appropriation of \$1,500 it would be necessary to purchase a new grinder, and in addition the usual quantity of acid, fuel, chemicals, crucibles, and other articles must be purchased.

The volume of business at the Boise assay office has increased 100 per cent during the last year, \$200,000 having been paid for bullion during the first six months of the current fiscal year. During the last fiscal year there were 553 deposits of gold and silver, the coining value of which was \$296,936.88.

I hope my amendment may be adopted, as the office can not be operated for less than \$1,500 for contingent expenses.

Mr. MADDEN. Mr. Chairman, in order to save time I will say that the committee inadvertently struck out the increase of \$500 in the item to which the gentleman from Idaho offers his amendment. Last year we had to grant a deficiency appropriation to meet the needs of this office, and the amendment the gentleman offered should be adopted.

Mr. BLANTON. This is a small item, Mr. Chairman; but does the chairman of the committee know what the extra \$500 is for?

Mr. MADDEN. Yes. They spent \$1,300 in 1924 for this same activity. We had to grant them a deficiency item of \$300. When we were considering it we overlooked the fact that we had to give them a deficiency.

Mr. BLANTON. Suppose the item had been left at \$1,000, what particular hurt would have come?

Mr. MADDEN. We would have to give them a deficiency later on.

Mr. BLANTON. It is an increase in some salary there?

Mr. MADDEN. No; this is the purchase of materials in connection with the assays.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Idaho.

The amendment was agreed to.

Mr. WILLIAMSON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read, as follows:

Amendment offered by Mr. WILLIAMSON: Page 35, following line 4, insert a new paragraph as follows:

"Deadwood (S. Dak.) assay office: Salaries—for compensation of officers and employees at rates corresponding as nearly as may be practicable to the rates established by the classification act of 1923 for similar positions in the departmental services in the District of Columbia, \$5,280; for incidental and contingent expenses, \$400."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment that it is unauthorized by law.

Mr. WILLIAMSON. Mr. Chairman, the point of order is not valid against this amendment. The assay office at Deadwood has been established as a matter of law for many years.

Mr. BLANTON. As I understood it, the office there was discontinued.

Mr. WILLIAMSON. It has at no time been discontinued since I have known anything about it, and I have known about it for a long time.

Mr. BLANTON. If that is so, why have they not allowed this fund?

Mr. WILLIAMSON. Because they are seeking to abolish the office by denying the appropriation for its maintenance.

Mr. BLANTON. If it is an institution of the Government, it could go on and function just as the Idaho office is functioning and establish a deficiency item, which the Appropriations Committee always comes in and provides for in a deficiency appropriation bill.

Mr. WILLIAMSON. Whatever the fact may be in regard to that, Mr. Chairman, the fact is that the office is a going institution and has been for many years. It was authorized by statute as early as 1873.

The CHAIRMAN. Unless this office is authorized by law the point of order will lie against it, and the Chair desires to be furnished with the authority for this appropriation.

Mr. BLANTON. I ask the gentleman from South Dakota to show the authority for it.

Mr. WILLIAMSON. Mr. Chairman, reading from page 1403, section 5714, of Barnes' Code:

Deadwood Assay Office: Said assay office shall be conducted under the provisions of the act entitled "An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States," approved February 12, 1873.

There is a later act of February 19, 1897.

The CHAIRMAN. In the United States Statutes at Large, volume 29, on page 559, at the bottom of the page, the Chair finds this authorization:

The Secretary of the Treasury is hereby authorized and directed to use the unexpended balance of the appropriation of \$15,000 for establishing an assay office at Deadwood, S. Dak., made by the sundry civil appropriation act approved June 11, 1896.

Mr. WILLIAMSON. That is a later act. The original law is still in force.

The CHAIRMAN. There has been no repeal, so far as the gentleman from Texas knows, of this statute?

Mr. BLANTON. Except the attempt of the Committee on Appropriations to starve it to death by not supplying appropriations.

The CHAIRMAN. The Chair overrules the point of order.

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the committee, as I stated a moment ago, the assay office at Deadwood, S. Dak., has been an active and going institution for many years. The Black Hills region in which this office is located is the richest gold-mining region in the United States and has the largest gold-producing mine in the world, producing in the neighborhood of between \$6,000,000 and \$7,000,000 annually in gold. There are also other gold-producing mines in the hills at the present time, besides a large number of other mines, including silver, tin, feldspar, and innumerable other minerals.

The Black Hills is perhaps the richest mining region in the entire country, when you take into consideration the area involved. The assay offices were not intended to pay their own way. There is not one that does it in the whole country. Regardless of the volume of its business, there is not one that pays the cost of operation. That question therefore is not involved. If that were the criterion, all would have to go; yet a number are retained, and among these I notice some of the heaviest losers. The question then is whether an assay office is a useful and necessary institution in the neighborhood where it is located. The assay office at Deadwood has been of great help to the miners and prospectors throughout the years of its existence. The need for the office is probably greater now than in any year in the immediate past, because the

mining industry in the hills is beginning to recover from the relapse suffered during the war.

I notice the report given by Mr. Grant to the Committee on Appropriations is very incomplete and, in fact, misleading, so far as the office at Deadwood is concerned. In the year 1924 there appears to have been 38 deposits, upon which there were made 228 assays. There were also 456 assays of gold and silver and 64 assays of base metals; and I find from the figures from July 1, 1924, to December 4, 1924, that there has been a considerable increase in the work of the Deadwood office, indicating a better condition in the hills and a greater demand for the facilities afforded by this office than there has been in the past three or four years.

I hope the chairman of the committee will not resist my amendment providing for the necessary appropriation and that the House will approve it by an affirmative vote. Mr. Chairman, I ask unanimous consent to insert a letter which I wrote to the chairman of the Appropriations Committee, in order that I may place before the Congress the facts as furnished by the assayer in charge.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to insert the letter indicated. Is there objection?

There was no objection.

Following is the letter referred to:

DECEMBER 9, 1924.

HON. MARTIN B. MADDEN,
Chairman Appropriations Committee,
House of Representatives, Washington, D. C.

MY DEAR MR. MADDEN: Some time ago I wrote the assayer in charge at Deadwood, S. Dak., for a report on the business transacted there during the fiscal year ending June 30, 1924; also a report from July 1 to December 1. This report is as follows:

Operations Deadwood assay office

	Fiscal year ended June 30, 1924	Since July 1, 1924
Deposits received.....	38	7
Melts of bullion.....	51	12
Value of deposits:		
Gold.....	\$7,371	\$782
Silver.....	\$12,768	\$2,733
Assays of—		
Deposits.....	228	24
Gold and silver.....	456	244
Base metal.....	64	27
Forest Service.....	0	6
Special bullion.....	0	1

Six assays are generally run on each deposit of bullion.

Accompanying this report I received the following letter from the assayer in charge under date of December 4, 1924:

"Your telegram received, and I inclose statement of operations from fiscal year ended June 30, 1924, also the amount of business from July 1 up to present date.

"We are receiving an increase of correspondence and assays from different States, as the mint department is turning inquiries in regard to assays over to this office, and we are now receiving assays from nearly every State, including a good many from Southern States.

"The Cutting Mining Co., a short distance from the Homestake, are now operating with a large force of men and are blocking out ore in the mine and building a mill and will be ready to operate about January 1.

"The Trojan will start extensive development work shortly to open up some higher grade of ore to mix with their low-grade ore and will again be a producer of bullion.

"The Keystone Arsenic Co., at Keystone, have produced a lot of high-grade arsenic and are now combining several good properties under one head, and this will make them a strong company, as the ore carries gold and silver as well as arsenic."

I believe that in the interest of the development of mining in the hills region that the assay office should be continued. Considerable activity has developed in that region during the past summer and more is in prospect. In the interest of the little fellows the assay office ought to be continued.

Yours truly,

WM. WILLIAMSON.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized.

Mr. MADDEN. The committee has no desire to embarrass any section of the country in the transaction of important business, but the Director of the Mint, who came before the

committee, recommended the abolishment of the Deadwood office. He says that it is not necessary. At the same time he says that if they have assays to make on any of the materials produced in that section they would have to go to Denver, which is about 12 hours away. The committee itself, under the recommendation made by those in responsible charge of the work, would be derelict in the performance of its duty if it recommended an appropriation for the continuation of this office.

Of course, we sympathize with the gentleman who represents that district on the floor, and he undoubtedly knows a great deal about the hardship that might follow the closing of the office; much more than we do. But as a committee, speaking for the House, we are bound to take notice of the recommendation of those who are charged with the responsibility of recommending, and we come here not with any desire to embarrass the gentleman who speaks for the district, nor the people who live in the territory, nor to make it harder for those who are engaged in mining to conduct their work. But I do not see what else we can do other than what we have done.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes; indeed.

Mr. WILLIAMSON. So far as the convenience of the assay office at Denver is concerned, that same argument will apply to others of these offices. The point is that if you are going to take the assay office away from there, you are going to seriously interfere with the mining activities in the hills. The individual prospector goes to the home office for the purpose of having his ores assayed, and if he has to send a long distance he will probably be compelled eventually to quit the business. In the interest of continued mining in the hills, it seems to me this appropriation ought not to go out.

Mr. BYRNS of Tennessee. Mr. Chairman, I want to say a word by way of supplementing what the gentleman from Illinois [Mr. MADDEN] has said relative to what was stated by the Director of the Mint with reference to this office. Here is where \$5,000 can be saved without detriment to anyone, according to the Director of the Mint; and certainly, it seems to me, the committee was justified in following the recommendations of the Director of the Mint and of the Budget Director, and that Congress would not be justified if it failed to do so.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Certainly.

Mr. WILLIAMSON. So far as any "detriment" is concerned, the offices left in the bill are no more important than the offices taken out, and the saving spoken of would not in fact be a real saving. It is true that the office has not a large volume of business at the present time, but the mere fact that there has been a depression heretofore, and that the need of it was less in the past few years than now, ought not to be a reason for discontinuing the office at the present time, when the report of the assayer in charge shows that the business is on the increase. If the director had been frank in the matter with the committee he would have called attention to this increase.

Mr. BYRNS of Tennessee. So far as I am concerned, I have felt for many years that nearly all of these assay offices could be eliminated without detriment to anyone. I have always favored the elimination of these assay offices, with the exception of two or three, like Seattle and possibly other places. The Director of the Mint was of the opinion that this office, including one other office, could be eliminated and should be eliminated at this time. Without regard to what he may have thought of some other office he certainly selected the two offices which he thought should by all means go and not be appropriated for. Now, here is what he says, gentlemen, just briefly, because his statement is worth more than any I can make. Mr. Grant said this:

Mr. GRANT. In 1923 Deadwood did a business of \$22,319. There were 24 deposits—only 2 a month. Last year, 1924, they had 37 deposits and did a business of \$35,170. They also did \$294 worth of assaying in 1924.

Mr. VARE. Is that the total amount of business they did?

Mr. GRANT. That is the total amount.

Mr. BYRNS. Where do these deposits come from, individuals?

Mr. GRANT. Yes; they are all individuals. Some of them come from close to Deadwood and some come from other places in the State.

Mr. BYRNS. What is the nearest assay office to Deadwood?

Mr. GRANT. The nearest would be Carson City, but San Francisco would be nearer because it is direct. Carson City is off the main line, but it is quite easy for those shippers to ship to San Francisco the amount of stuff they have.

Mr. BYRNS. It would not be much expense?

Mr. GRANT. No; very little.

Mr. THATCHER. Is this elimination of the Deadwood office made at your recommendation or upon recommendation by the Budget?

Mr. GRANT. Both; the Budget asked me my opinion, if I thought this office were of sufficient use to the public and the Government to keep it open.

Mr. THATCHER. You do not think it is of sufficient importance?

Mr. GRANT. No, sir. Let me correct myself. You asked me the nearest place to ship from here. Denver will be the nearest; it is quite near; it is less than 12 hours ride.

Mr. BYRNS. And you say it would be very little expense for them to ship it there?

Mr. GRANT. Very little.

Mr. THATCHER. That will result in the saving of about how much?

Mr. GRANT. Last year the Deadwood office received gross expenses of \$5,117 and they took in \$363. The loss was \$4,754.

Now, further:

Mr. VARE. You felt that you were not justified in keeping the office open?

Mr. GRANT. I did not consider it justified.

Mr. BYRNS. Was this assaying for people there?

Mr. GRANT. No; most of it from the outside. It comes from all over the United States.

Mr. BYRNS. You mean the assaying done at Deadwood?

Mr. GRANT. The assaying done at Deadwood and Salt Lake, both.

Mr. BYRNS. It was not local?

Mr. GRANT. No, sir; only a part was local.

Mr. BYRNS. Why send it to Deadwood?

Mr. GRANT. Because we try to send the assays to the offices having the least work. A great many of those assays come to Washington; they think we have an assay office here for that purpose.

Mr. BYRNS. This was ore from other sections being assayed at this place, and the elimination of the office would not result in the slightest inconvenience in the matter of assaying?

Mr. GRANT. Not the slightest; 50 per cent of that came from the South.

I submit, gentlemen, that under those circumstances the committee was justified in not making an appropriation for the Deadwood office.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. WILLIAMSON. Mr. Chairman, I ask unanimous consent that the gentleman from Tennessee may proceed for an additional two minutes.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that the gentleman from Tennessee may have his time extended two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMSON. Will the gentleman yield for a question?

Mr. BYRNS of Tennessee. Yes.

Mr. WILLIAMSON. While all the gentleman has read is perhaps true in a sense, the fact is it does not give a true picture of the situation at all. The number of deposits is not the important thing; it is the number of assays made. Now, if the director had been frank with the committee in giving all the information the committee ought to have had before it he would have told the committee that there were 748 assays made during the year 1924 and not lead the committee to believe the office was of no importance because, forsooth, there were only two deposits a month in 1923. There appears to have been 748 assays for the year 1924.

Mr. BYRNS of Tennessee. Let me ask the gentleman a question. I do not think the director stated just how many assays were made, but he does state that the total receipts from the assays amounted to \$294. Now, does the gentleman think that in the interest of economy it is worth while for the United States Government to spend \$5,117 in the maintenance of the Deadwood assay office in order to take in \$294, when the Director of the Mint says positively it will not result in the slightest inconvenience to anyone to send the assays to the Denver office, which is 12 hours away? He says that will not cause the slightest inconvenience, will involve no delay in time, and at the same time will involve very little expense to anyone.

Mr. WILLIAMSON. I want to say, so far as that last statement is concerned, that it is not true that the discontinuance of the office will not cause any inconvenience.

Mr. BYRNS of Tennessee. We must look to the Director of the Mint for that.

Mr. WILLIAMSON. And so far as the receipts are concerned, you are maintaining an office at Helena, Mont., which, while it has a larger business, has an income of only \$800. You are losing on that office annually over \$5,000, considerably more than you are losing on the Deadwood office.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired. The question is on agreeing to the amendment offered by the gentleman from South Dakota.

The question was taken; and on a division (demanded by Mr. WILLIAMSON) there were—ayes 14, noes 46.

So the amendment was rejected.

The Clerk read as follows:

For incidental and contingent expenses, including new machinery and repairs, wastage in the melting and refining department, and loss on sale of sweeps arising from the treatment of bullion, \$90,000.

Mr. LEATHERWOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Utah offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEATHERWOOD: Page 35, line 21, after the figures "\$90,000," insert a new paragraph, as follows:

"SALT LAKE CITY, UTAH, ASSAY OFFICE

"Salaries: For compensation of officers and employees at rates corresponding as nearly as may be practicable to the rates established by the classification act of 1923 for similar positions in the departmental services in the District of Columbia, \$3,600. For incidental and contingent expenses, \$300."

Mr. LEATHERWOOD. Mr. Chairman, some days ago I appeared before the Committee on Appropriations and presented to them at that time my views with reference to the advisability of abolishing the Salt Lake City assay office by failure to provide funds for the next fiscal year.

May I call the attention of the gentlemen of the committee for a moment to a phase of this question which I have not heard emphasized this morning? If we are to abolish these offices upon the basis of the excess of cost of maintenance over actual fees taken in, then upon the report of the Director of the Mint and upon the record before the committee practically every assay office should be abandoned.

I find in examining the record that the greatest loss is in the New Orleans office, where there is an excess of cost of maintenance of something like \$10,400 over the receipts of the office.

Mr. BYRNS of Tennessee. Will the gentleman yield right there?

Mr. LEATHERWOOD. I will yield in a moment. I ask you to consider for a moment another phase of this question. I now yield to the gentleman for a question.

Mr. BYRNS of Tennessee. The gentleman spoke of New Orleans. I want to call his attention to the statement of the director to the effect that the business at that office in 1924 was \$1,314,946. The director states that they get a lot of bullion from South America—South American coins and some Mexican.

Mr. LEATHERWOOD. Will the gentleman yield to me?

Mr. BYRNS of Tennessee. Yes.

Mr. LEATHERWOOD. I want to call the attention of the gentleman to the fact that the figures the gentleman has just quoted represent the value of the bullion received; but I also call the gentleman's attention to the fact that in the Report of the Director of the Mint, upon page 7, the excess of the cost of maintaining the office over the gross receipts from assays was \$10,796.87.

But, gentlemen of the committee, I maintain that is not the real test or the real reason for maintaining these offices. The Salt Lake City assay office is in the center of one of the great mining districts of the West. No greater mining district, perhaps, is served anywhere in the United States than that served through this local assay office. I call the attention of the members of the Committee on Appropriations and the attention of you gentlemen of this committee here that the amount received in fees in these assay offices is not the real test as to whether they should be continued.

Five or six years ago a struggling mine that was using the assay office at Salt Lake City is now producing more lead and silver than any other mine in the United States, or in the world, for that matter. The test is what is the Government getting back from our State by the development of the mining industry. If you examine the returns from that State as to

what the Government gets back from Utah, you will find that a large percentage of the income coming from that State back to the Federal Government comes from the values produced from the mines and from the development of the mining industry of that country.

Why select this office, which is a service station for a great industry, and abolish it?

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. LEATHERWOOD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Utah asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LEATHERWOOD. Mr. Chairman, I want to further call the attention of this committee to the fact that you can not be governed wholly by the figures for the last fiscal year with reference to these offices. The past two years have been periods of depression in the mining industry. The price of metals is now coming back and the men are going out into the hills again and prospecting. They are looking for new sources of great wealth. Nearly all of the great office buildings in my State were built from incomes derived from the mines. Many of the large incomes that are taxed by the Government in my State are derived from the dividends from these mines which have been developed, many of them, in the last few years, from most humble beginnings.

I call your attention to the business transacted in this particular office, and I call it especially to the attention of the great Appropriations Committee. It will show you the development of the business, and I have no doubt the same showing could be made with reference to the assay office at Deadwood, to which the gentleman from South Dakota addressed himself. In the Salt Lake assay office, comparing the last 11 months of 1923 with the first 11 months of 1924, I invite your attention to what is going on.

For the last 11 months of 1923 the receipts in gold in that office were only 384.58 ounces, while for the first 11 months of this year the receipts in gold were 5,322.67 ounces.

For the last 11 months of 1923 the value of the gold was \$7,949.86, while for the first 11 months of 1924 the value of the gold taken in was \$110,029.18. For the last 11 months of 1923 the number of ounces of silver received was 902.49, while for the first 11 months of 1924 the number of ounces of silver was 6,542.84. The value of the silver for 1923 was \$578.84, while for the first 11 months of 1924 the value of the silver was \$4,308.49. The increase in the value of the silver taken in 1924 over that in 1923 was \$3,729.65. The increase in the value of the gold taken in 1924 over that of 1923 was \$102,079.32. The increase in the number of ounces of gold taken in 1924 over that of 1923 was 4,938.093.

In addition to that, gentlemen, I want to call attention to the fact that the figures show the value of the bullion received from the 2d of December to the 26th of December of this year to be \$11,000, at a time, Mr. Chairman, when transportation was largely paralyzed by virtue of great storms in the mountain country, and it has been difficult for men to go from place to place. The enormous increase of business comes along day after day and month after month at this office. Now, gentlemen, I want to know in all fairness what excuse there is for taking away from these people in that great district that pays so much in taxes to this Government on large sums of money derived from the mines? Why take away this instrumentality, when if you attempt to justify it on the ground of reducing the excess of cost of operation over receipts, then this office makes the best showing of any one in the list, although it is not the greatest in point of bullion received?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LEATHERWOOD. I ask for 2 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEATHERWOOD. I yield to no man on the floor in my desire to cooperate with this great Appropriation Committee in economizing and saving the Treasury of this Government from useless expense. But, Mr. Chairman, I can not sit idly by and see the instrumentalities of this great western country destroyed one by one when I believe you are doing it under a mistaken idea.

I have no criticism to make against Mr. Grant, who appears on behalf of the mint. I have only to say in the greatest kindness that he does not understand our problems nor the problems of mining out in that country. I wish these gentle-

men who are so ready to strike at that great industry could come out and see what we are doing to contribute to the wealth of this country. I appeal to you, gentlemen, not to destroy this instrumentality for the sake of the paltry dollars involved, this service to the people that will indirectly, Mr. Chairman, bring into the Treasury of the United States by fostering the mining industry a thousand dollars for every one invested in cost of operation. [Applause.]

Mr. MADDEN. Mr. Chairman, it is unfortunate that conditions are as they are. Nobody would like more to accommodate the people of that section of the country than I. But we have a Director of the Mint who is presumed to have direct official knowledge of the conditions in all these places. Prior to the time he was appointed Director of the Mint he was superintendent of the Denver Mint for a long time. He is presumed to be a practical man. I would like to ask the gentleman from Utah what he would do if he was in our place in the face of this testimony. I will not ask him to answer until I have read the testimony:

Mr. VARE. Why did you discontinue the assay office at Salt Lake City?

Mr. GRANT. The same reason we discontinued Deadwood.

Mr. VARE. Suppose you place some statistics before us along that line.

Mr. GRANT. Salt Lake City did a business of \$15,042 in 1923 and a business of \$61,189 in 1924.

Mr. VARE. I assume you are stating the value of the deposits?

Mr. GRANT. Yes, sir.

Mr. VARE. How many deposits were there?

Mr. GRANT. One hundred and thirty-five in 1924 and 130 in 1923.

Mr. VARE. What were the receipts in 1923?

Mr. GRANT. \$508 in 1923 and \$502 in 1924.

Mr. VARE. What were the expenditures?

Mr. GRANT. The expenditures were \$4,073 in 1923 and \$4,074 in 1924.

Mr. VARE. Where would be the next nearest place to transfer this business?

Mr. GRANT. The nearest place is San Francisco.

Mr. BYRNS. Or Denver?

Mr. GRANT. Or Denver; about the same distance. Both the Deadwood and the Salt Lake office are in the post-office buildings and that space should be taken up by something else.

Mr. VARE. Will there be any great inconvenience to those having business with this office by its discontinuance?

Mr. GRANT. No; I do not think so. There will be a little, but not enough to keep it up.

Mr. VARE. Not enough to justify keeping the office open?

Mr. GRANT. No; not enough to keep the office open; that is my opinion.

Mr. BYRNS. These receipts come from assaying, this is the same condition that applies to Deadwood, and they will be diverted to the other places for the reason you stated?

Mr. GRANT. Yes; particularly the assaying; it is nearly all diverted there.

Now, this man speaks for the assay offices and is an official representative of the Government. Coming before the Appropriations Committee he says that even the space that the assay office occupies in the public building ought to be dedicated to some other use. We were trying to give Mr. Grant every chance in the world to make a case for the Salt Lake office. Every time we gave him the chance to make a case he made the case so bad that we could not act favorably on it. What were we to do in face of all this testimony? Of course, the gentleman from the Salt Lake district understands the mining needs and understands the importance of the continuation of the office. He understands this sort of preliminary work, the discovery of mines and the future development, and we would like to take his judgment, but when the man who is paid by the Government to administer the office says that he has no use for the office, what could the committee do? What do you suppose you would say if it was not an assay office, if we should come in here and say in the face of the protest of the director that we will appropriate the money anyhow?

We would not have the confidence of the House very long. Of course, I have no personal pride about this thing at all. We are simply reporting to you the facts as we find them and leaving the matter to your judgment to decide what should be done.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LEATHERWOOD. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Illinois be extended for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEATHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LEATHERWOOD. Mr. Chairman, I take it that the question which the chairman has directed to me is what I would do in view of such circumstances as he has delineated in his statement. I realize fully that the committee must be bound to a great extent by the statement of the Director of the Mint, but I also realize that the committee is not divested of its right to hear all of the evidence and to use its best judgment. What I would do if I were a member of this great committee would be to exercise my best judgment and not be bound by the statement of some one who may have overlooked some very important facts. I believed that was what the committee was going to do. As I glance back over the history of this committee I find several cases where this great committee has not been bound by the statements of officials of the Government as to conditions, but has exercised its discretion—wisely, I think—in protecting industry and in protecting the rights and welfare of the Government. So I am not very forcibly impressed with the idea that we must bow before the statement of any individual who may have appeared before the committee. Let us have all of the facts, Mr. Chairman, and weigh them.

Mr. MADDEN. Mr. Chairman, what I endeavored to say to the committee was that we presented the case on the facts stated by Mr. Grant. We have no pride of opinion about it. We do not care what the Committee of the Whole does in connection with it. If that committee wants to pass this amendment offered by the gentleman from Utah, it will not make me sore at all.

Mr. BYRNS of Tennessee. Mr. Chairman, the committee has not been controlled or actuated by any purpose of discriminating against any of these assay offices. This action was taken with reference to this office just as it was taken with reference to the Deadwood office on the express, positive, emphatic recommendation of the Director of the Mint, which was approved by the Director of the Budget. The Director of the Mint is a competent officer. He was appointed by the President of the United States. He certainly has in his mind all of the facts, or he ought to have in mind all of the facts, since he is a capable, conscientious officer of the Government. The gentleman from Utah [Mr. LEATHERWOOD] in his opening remarks seemed to think that there was some motive of discrimination on the part of the committee. We have eliminated from our recommendation to this House only those two offices which were recommended by the Director of the Mint and the Director of the Budget to be eliminated, and as one member of the committee I believe their reasons for such recommendation to have been good.

The gentleman has referred to New Orleans and said that there is more justification for the Salt Lake office than there is for the office at New Orleans. I call attention to the fact that in 1924 the business done in the New Orleans assay office amounted to \$1,314,946, as compared with a business of \$61,189 in the Salt Lake office in 1924. There were 500 deposits in the assay office in New Orleans in 1924 as compared with only 135 in the Salt Lake office. I submit that the comparison made by the gentleman from Utah is most unfortunate, waving for the moment the fact that the New Orleans assay office is the only southern assay office on the extreme southern border, and it receives South American bullion and South American coin, and bullion and coin from Mexico, which are assayed there and which, of course, makes its business so considerable and most important to the United States.

The gentleman from Illinois has read the testimony of the Director of the Mint. Let me read one other statement that he made. Speaking of the Salt Lake office he was asked by me the question:

These receipts come from assaying, this is the same condition that applies to Deadwood, and they will be diverted to the other places for the reason you stated?

Mr. GRANT. Yes; particularly the assaying; it is nearly all diverted there.

I submit that if we really want to practice economy, here is the time to practice it. Taking the statements of the director, there is no more reason for eliminating the Deadwood office than there is for eliminating the Salt Lake office. If you are going to maintain one in the face of the statement of the Director of the Mint then I am in favor of maintaining both; but as a Member of this House, believing in and seeking to practice economy, I think we not only ought to eliminate both

these offices but if I had my way there would be a number of others eliminated, and which I believe the director thinks could be eliminated without any particular inconvenience to the Government.

Mr. LEATHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. LEATHERWOOD. Is it not a fact that you maintain both an assay office and a mint at New Orleans?

Mr. BYRNS of Tennessee. They have no mint in actual operation. They used to have a mint there. There are a good many silver dollars which are stored there. It is a storage place.

Mr. LEATHERWOOD. Has there been any minting of coin during the last fiscal year in that office?

Mr. BYRNS of Tennessee. I think not, and not for many years. They discontinued the mint many years ago.

Mr. LEATHERWOOD. It is carried as a mint and assay office.

Mr. BYRNS of Tennessee. It is only an assay office. The building there, Government property, formerly used as a mint is now used for storing silver coins. There is no minting done there at all.

The CHAIRMAN. The time of the gentleman from Tennessee has expired. The question is on the amendment offered by the gentleman from Utah.

The question was taken; and on a division (demanded by Mr. LEATHERWOOD) there were—ayes 11, noes 26.

So the amendment was rejected.

The Clerk read as follows:

PUBLIC BUILDINGS, CONSTRUCTION AND RENT

Birmingham, Ala., post office and courthouse: For extension of mailing platform and changes in approaches, and miscellaneous minor items, \$25,000.

Mr. LANHAM. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee one or two questions. I notice that in this section of the bill, which has to do with the construction and rent of public buildings, there are three or four items, each of which is under \$20,000 in amount. The last paragraph of the section is the usual and general provision appropriating \$800,000 for the use of the Supervising Architect in remodeling, enlarging, and extending occupied public buildings. That paragraph contains the provision that no expenditure may be made from it in excess of \$20,000 for any single improvement.

Now I would like to ask the gentleman from Illinois why these three or four items in this section of less than \$20,000 each are provided for specifically and not allowed to be taken care of out of the general appropriation of \$800,000?

Mr. MADDEN. Well, under that appropriation no money can be expended in excess of \$20,000 in any one case, and no money at all can be expended except where they acquire additional space by the expenditure. These special items are in cases where no additional space is to be obtained. In several cases much more was asked for than was allowed, and only a part of the things they wanted to do were authorized.

Mr. LANHAM. These are for purposes not included in the work of a general character covered in the last paragraph?

Mr. MADDEN. Yes. We put \$400,000 on that appropriation for increase of space in order that all the sections of the country might get much-needed improvements.

Mr. LANHAM. I think the committee has acted wisely in that regard. Is it customary in this section of this bill to make provision for specific places, and is there express authority for it?

Mr. MADDEN. It is a work in progress, where they have modifications to make in order to improve the facilities. For the expenditures here there is ample authority in law.

Mr. LANHAM. Then there is no encroachment on the prerogatives of the Committee on Public Buildings and Grounds?

Mr. MADDEN. None whatever. Our committee would not do that. We religiously refrain from that.

Mr. LANHAM. And these appropriations here are authorized by existing law?

Mr. MADDEN. Yes, indeed. We did not grant all that they asked, I will say to the gentleman.

Mr. WINGO. Mr. Chairman, I ask leave to proceed out of order.

The CHAIRMAN. The gentleman from Arkansas asks leave to proceed out of order. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman and gentlemen of the committee, on yesterday I spoke in general debate in the House as in Committee of the Whole, as will appear on page 962 of the

RECORD. My remarks there, as is apparent to even a foolish bureaucrat, were in reference to an editorial in a newspaper. My object in taking the floor was well known; it was to read the editorial and get it in the RECORD as part of my remarks. As leave to extend it in the Appendix had been refused in the beginning, I frankly stated to the House that I would not have time to read all of the article, but asked leave to extend my remarks by printing it in extenso. The Chairman put the question very properly, using the words "to embody." The official reporters of debates, whose duty it is so to do under the rules, which are printed in the RECORD and which have been prepared by the Joint Committee on Printing, very properly prepared the manuscript for the Public Printer; but that bureaucrat, or one of his underlings, decided that my speech would appear better if it were distributed in sections throughout this "great religious daily" known as the CONGRESSIONAL RECORD. [Laughter.]

Now they took the head and the tail of my speech and scattered it all around, and left just the umbilicus, so to speak, in the RECORD proper. [Laughter.] I spent the morning in trying to find out from the bureaucrats who preside over the Temple of Printing by whose authority this was done, and they shunted me successively to seven different persons or phones, and finally one of them informed me that Congress had nothing to do with the printing of the RECORD; that the Committee on Printing controlled that, and they referred me to rule 9.

Rule 9 provides for printing in the Appendix where one asks leave to extend remarks by inserting a newspaper or magazine article, and nothing more, and makes no remarks on the floor; but it is further provided—

But this rule shall not apply to quotations which form part of a speech of a Member, or to an authorized extension of his own remarks.

But, of course, Mr. Chairman, in this day, when Congress is supposed not to have enough sense to know how to expend the people's money, it is an insignificant thing to say that the Congress has not sense enough to control the recital of its own proceedings which take place in the Committee of the Whole. I realize that it serves no useful purpose for me to rise and express my opinion on this matter. Owing to parliamentary restrictions I am not permitted to express my opinion on the action of the Public Printer or on the condition that is responsible for this situation. The economy part of it is their only plea; but that economy shall be shattered, so far as the day's proceedings are concerned, in a protest against such asinine interference with the printing of remarks that are uttered by Members on this floor. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Brooklyn, N. Y., post office: For extension of toilet room and miscellaneous changes incident thereto, \$50,000.

Mr. SUMNERS of Texas. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes out of order.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for 10 minutes out of order. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen of the committee, while technically I may be proceeding out of order, as a matter of fact I think I am proceeding in order.

I want to direct the attention of the committee to the very significant statement made by the distinguished gentleman from Illinois [Mr. MADDEN] in charge of this bill, and I am presuming, too, to direct the attention of the committee not only to what the gentleman said—but I want also to call the attention of the Congress and of the country to another phase of the same matter. The gentleman from Illinois [Mr. MADDEN] said:

The hope for the future lies in not taking on new Federal activities or enacting legislation which greatly increases the cost of government. Normal growth of the Government as now constituted is natural and must be expected in many lines, but the precipitation of the Government into further lines of new activity and Federal aid to States in various fields will not only increase our expenditures and therefore our taxes, but will be an invitation and inducement to the States to do likewise. The remedy lies with us. If we are to have further tax reduction we must refrain from creating fresh obligations, many of which start in a small way, but take on accretions and a momentum that jolt the Treasury severely.

It will be observed that the gentleman from Illinois was dealing purely with the question of revenue and of expenditure. Some time ago I had occasion to investigate the ex-

penditure of one fund of a million dollars on the 50-50 arrangement between the Federal Government and the States.

The hearings upon that item disclosed that there had been expended in the city of Washington \$86,000 for additional clerk hire in connection with the disposition of that fund, and that in addition to that expenditure it was necessary for the representatives of the States to come to Washington, at State expense, to straighten out, as it was expressed, the kinks that developed in getting back to the States their share of the money.

From the standpoint of economy, of sound governmental policy generally, of the most ordinary common sense, could anything be more absurd? We send the tax gatherers of the Federal Government into the States to collect from the people of the States money in taxation, bring it to Washington, clear it through the Federal Treasury, and send a part of it back to the very source from which it came, deducting therefrom, however, the cost of collection, the cost of distribution, and the cost of maintaining an ever-increasing army of Federal employees. But I want to direct the attention of the country to a very significant and tremendously important fact with reference to what is happening to our system of government through this process of concentration. Time has arrived, gentlemen of the Congress, when we must be candid with our respective constituents with regard to what we know is happening to our system of government—we have concentrated at Washington a total of governmental responsibilities which is beyond human capacity intelligently and efficiently to deal with. Now, that is a plain statement of a fact which everybody who has any sense knows. As these additional powers come up from the States, it is not humanly possible to handle them through the machinery of the Federal Government functioning under popular control. God Almighty has fixed the limitations upon human capacity, and we have reached it, we have gone beyond it. I emphasize the statement, I make it in all deliberateness and with all certainty of the fact. It is not humanly possible to deal with these additional governmental responsibilities as they come up from the States, dealing with them through the agencies of popular government. We must deal here with great legislative matters; we pass great appropriation bills when only a very small number of the Members of Congress understand all the details of need which we ought to understand in order to be certain of an individual and independent judgment with regard to all these items of appropriations. Now, those are facts. But that is not all.

As these powers come up to us we shunt them out to a bureau, because the machinery of the Federal Government is absolutely overloaded. And may I direct the attention of my colleagues to this fact: That when we shunt these governmental responsibilities out to these bureaus we give to them an aggregate of power which no human beings have ever been able to exercise without tyranny, oppression, extravagance, and corruption? I do not mean to reflect upon the present personnel, but it is axiomatic in our system of Government—not as a theory but as a thing determined by human experience in the realm of Government—that you can not put legislative, executive, and judicial powers in the same personnel and preserve liberty. You can not preserve efficiency in Government; you can not avoid favoritism and corruption. And yet that is exactly what we do and do not because we will to do it but because we have no other choice than to do it. We give to these bureaus the power to make rules, the power to construe their rules, and the power to enforce their rules, which are all the powers a king ever had. All three powers of Government concentrated in an irresponsible personnel; I mean that they are not directly answerable to the people.

That is not all that is happening. Of course, I am covering a great big subject in a very limited time. This is happening: That as these powers and responsibilities gather about the small number of elected agents of the Federal Government there is less and less time—and this is a very significant fact—for these elected representatives of the Government to supervise the activities of the appointed personnel. Why, we do not know what they are doing in these bureaus and departments. We hear of it months and sometimes years after it has been done, and most of the time never at all.

I hope it will be understood that I am not criticizing individuals, but that I am discussing a condition and a system which obtains. And so it is coming about that though we have the paraphernalia for popular government, and though in theory we have these bureaus that are agencies of popular

government effectuating the public will, the truth of it is that we have these bureaus which are becoming more and more the actual, the unsupervised governors of the people. You take a bureau employee who goes out into a remote community—I wish I had the time to analyze just what this bureau organization is—he comes in contact with an American citizen of humble position; he tells him what he must do; and that man of humble position, far removed from the Federal Capital, is powerless to resist the mandate of a man who comes to him with all the powers of the great Federal Government.

May I say in passing that it was a tremendously fortunate thing that a man like John Marshall sat on the supreme bench during the formative period of the Government. Written constitutions, of course, can never be or hold within themselves the element of cohesive strength in government; they can only help hold territorial units and people together until, if they have sufficient community of interest and homogeneity, they grow together at the point of contact. That development has already come about and now we have reached the situation where we must begin an intelligent decentralization of governmental power and responsibility. [Applause.] And I want to make this observation: In the name of progress many reactionary measures are proposed. I say in all kindness to my friends, that after the formative period of a popular government, all true progress in that government must be in that direction which puts the power to govern and the responsibility to govern close to the governors, to the people. It is not progress to move these governmental powers and responsibilities away from the units of government more directly under popular control.

Now, summing up—because I think my time must be about spent—not only is the question of revenue involved, but the question of preserving a system of government under popular control is involved. Whenever you take away from those agencies in government that are close to the people—those agencies administered more directly by a personnel elected by the people to administer that government—the right to govern, and more important still, the necessity to govern, and move that power to Washington, you do that which is directly to the interest of somebody who wants to use the government for a selfish advantage and you do that thing directly contrary to the interest of the average citizen who can not reach to the National Capital. I make no appeal to prejudice. I appeal to knowledge and to judgment. The great interests can send their representatives to Washington to present their matters to these appointed people, who are the real administrators of the Federal Government in so far as its operation directly affects the citizen, but the average citizen can not do that. He can not come to Washington to the Government, but the Government, its power and its responsibility, can be sent back to him. It must be done to reduce the load on the Federal Government so that it can properly do that which it alone can do. It must be sent back to the States in order that they may be compelled to exercise those essential powers and discharge those responsibilities which they must retain in order that through their exercise they may keep the governmental vigor necessary for them to have in order properly to discharge the governmental responsibilities which the States alone can discharge. Strength comes from the struggle and efficiency comes from experience. We must send these responsibilities back to the people in order that through the grapple with the problems incident to self-government their governmental capacity may keep pace with the increase in the difficulties of government. The strength of government, its security, and its glory does not depend upon its institutions formally established, but upon the governmental capacity of its people. Neither constitutions nor statutes can create governments.

We are destroying our system of government at both ends and at its foundation. We are breaking down at the Federal end by the overload of governmental responsibility. We are changing its distinctive characteristics from that of a representative government to a bureaucracy, the least efficient, the most expensive, the most corrupt, and in some respects the most tyrannical of all the known systems of government. And we are weakening the sense of responsibility and of power and of self-reliance of the citizens with reference to the operation and the control of their system of government. This Federal Government can not endure resting upon a citizenship which fails for any reason to make its States function to the approximate maximum of their governmental capacity. It is not the right of the people to govern which is the important thing to preserve. It is the necessity to govern which is of transcendent importance.

But we are not dealing now with theories or with governmental philosophy. We do not confront free choice. We confront inexorable necessity.

A few days since, in the consideration of a proposition to reduce the obligatory jurisdiction of the Supreme Court, I asked Mr. Justice Van Devanter, of that court, this question:

I understand, in substance, the statement which you make to this committee and which we may make to our colleagues, is that your court, by reason of the concentration of responsibility here, does not have the time properly and expeditiously to take care of those cases which, in their nature, it is necessary shall be finally decided by the Supreme Court?

And he replied:

I mean to say that directly.

That condition obtains everywhere in the Federal Government.

We are at the decision point. We choose between decentralization, with the possibility of preserving efficient Federal and State Governments, and a citizenship developing to equal in capacity the larger and more difficult problems of the future, or a bureaucracy.

I wish I had the time to discuss the State end of this matter. Let us of the States be warned, however, by what we observe of the operation of that great law which will not permit power of any sort to remain where it is not exercised.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SUMNERS of Texas. Mr. Chairman, may I have two minutes more?

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SUMNERS of Texas. Now, I hope in the two minutes to give a sort of picture of what the Federal Government is. In so far as its functioning machinery is concerned, here in the city of Washington to-day are assembled all the elected agents of the Federal Government, every one of them; and when you enumerate them you find there are less than 600. There are between 500,000 and 600,000 civilian employees of the Federal Government operating its machinery. When we are assembled here there lies all the back country to the Pacific. It is no reflection upon the intelligence of the men who assemble here that they do not know what these more than a half million appointed people are doing. It is not humanly possible. Nearly all of the less than 600 elected agents of the people belong to the legislative branch of the Government having nothing to do with the administration of government nor the adjudication of conflicts that arise under our system of government.

When you come to examine just what is the organization of the administrative-executive branch of the Government you find over 500,000, and only one of them is elected, if we may say that the President is elected by the people, and I assume we may, for all practical purposes. There is one man, and just one man, out of more than half a million who is responsible to the sovereign citizens of this country.

The President must deal with the great national problems, with the great international problems. It would be absurd to expect him to know any considerable part of what these more than half a million people are doing. In so far as the details of governmental administration are concerned, they are governing the people of the Nation unsupervised and uncontrolled. That is what they are doing. And yet we are being pressed from every angle to put the most delicate and the most far-reaching of all governmental powers—powers over the people—in this sort of governing personnel. By constitutional amendment and statutory enactment we are taking away from the States and their people vital and necessary governmental powers and loading them upon this great, rapidly becoming bureaucratic Federal Government, which, it would not be too extravagant to say, if held to the responsibility of functioning through the machinery of a popular government, has broken down under the weight of its present overload. The people are ready to listen if we will dare to tell them the truth. They are ready to preserve our system of government and to preserve and to develop their own governmental capacity by coming again to a grapple with the problems and responsibilities incident to the state of a self-governing free people. We have got to do it or reconcile ourselves to being governed by a Federal bureaucracy.

Mr. LaGUARDIA. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman of the subcommittee a question. The item provides for \$50,000 for extensions to the Brooklyn post-office building.

Mr. MADDEN. That is to remodel the toilet rooms and the swing room.

Mr. LaGUARDIA. I want to call the attention of the chairman and the committee to the fact that both the Brooklyn and the New York post-office buildings have become obsolete and antiquated, and we will have items each year for extensions and repair. I personally doubt the wisdom of spending any money on these two old structures. We need two new buildings. Of course, that is a matter that is not under the jurisdiction of this committee at this time; but in connection with the use of buildings in New York City and in keeping with the policy of economy outlined by the administration, I desire to call the chairman's attention to the necessity of greater scrutiny in the renting of buildings for the Post Office Department in New York City.

As the chairman knows, it is necessary to rent branch offices all over the city, and often this very important duty is delegated to a clerk or to an employee who has not the experience or the contact to strike the best bargain. This results in excessive rents at certain points being paid or in leases being entered into with the Government at points where a branch office would not be necessary owing to the constant shifting character of various neighborhoods in our greater city.

If greater efficiency is to be obtained by the Post Office Department, at the same time exercising some degree of economy in the renting of branch offices, I would suggest to this committee, when making appropriations, that they see to it that a committee of proper, competent men are assigned to the very important duty of carrying on the real estate business of the Post Office Department in New York City, which has become a very important factor in the business of that office.

Mr. MADDEN. I thank the gentleman for his statement, and we will pay some attention to it the next time we have the question up.

The pro forma amendment was withdrawn.

The Clerk read as follows:

St. Louis (Mo.) post office: For reconstruction and repairs to skylights and roof, \$25,000.

Mr. DYER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DYER: On page 37, after line 2, insert a new paragraph as follows:

"St. Louis (Mo.) customhouse: For alterations and repairs, \$35,000."

Mr. DYER. Mr. Chairman, the principal Government building in St. Louis is the United States customhouse. In this building are housed the courts, the marshals, the clerks, and various agencies of the Government.

This building is in the most advantageous section of the city from the standpoint of value and convenience. The post office at St. Louis maintains on the main floor of this building a branch. This branch or this space could be rented for one hundred times the amount that ought to be given over to a branch of the post office; but, outside of that, the collector of the customs informs me that for the sum of \$35,000 he can make sufficient alterations on other floors of the building that will enable him to house other agencies of the Government that are now paying rents in various office buildings; and he tells me, and I am satisfied of the fact, that if he is allowed this amount of money to make necessary alterations he can house additional agencies of the Government that will save to the Government a great deal of money. I think he can save in one year the total amount I have asked the committee to authorize him to have to make the necessary alterations in the customhouse on Olive Street between Eighth and Ninth Streets.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. DYER. I yield to the gentleman.

Mr. BYRNS of Tennessee. Why did he not submit an estimate for this item through the regular channel? Does not the gentleman think it would be a rather bad policy and would it not establish a rather bad precedent if we were to adopt an amendment of this kind which has not been estimated for and has not been given consideration by those in charge of the matter here in Washington? I have some improvements in the customhouse in Nashville I would like to have made, but I would not expect Congress to authorize an appropriation unless the recommendation came through the regular channels.

Mr. DYER. I will state to the gentleman that a number of years ago this Congress enacted a law to authorize the construction of a Government building in St. Louis for the purpose of housing various agencies of the Government upon

ground which the Government now owns. The authorization was for a \$1,000,000 building. A number of times the Treasury Department asked the Committee on Appropriations for the money to go ahead with this building, but due to various reasons, which I have no doubt were good, because I have very great regard for the Committee on Appropriations and its able chairman, nothing has been done and the Government has been going on and on and continuing to pay an enormous amount of rent for space in many office buildings.

I spoke to the Director of the Budget about this matter, and I think I can say for him that he is favorable to it. Why he did not send in an estimate for it this year, I do not know, but I do not see any reason why we should not vote this amount of money at this time to save an enormous amount of rental expense to the Government.

Mr. MADDEN. Mr. Chairman, the gentleman from Missouri has made a very good speech on a very important subject, but there is no reason why the Committee of the Whole House should adopt the amendment. First, there has been no consideration given to the question. It has not been submitted by the President; it was not submitted to the Supervising Architect of the Treasury; it was not submitted to the Committee on Appropriations. It has not been given consideration anywhere except by the collector of customs at St. Louis.

Now, if the collector of customs believes that he ought to have additional space which would cost \$35,000 to create, he ought to have asked the gentleman from Missouri, who is very well advised on such subjects, what method he should pursue in order to get it. He ought to have found out just where to begin.

Mr. DYER. Mr. Chairman, I think the gentleman is right in his analysis of the situation, but the collector has recently come into office and he was not advised of the situation. With the assurance which I am sure I have of the Committee on Appropriations, I ask leave to withdraw my amendment and will see that it is presented to them in a proper way later.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. I suppose there is no doubt, Mr. Chairman, that there are many places in the United States where there is need of either addition to the present public buildings or the erection of new public buildings. I think it is also true that minds that have enough intelligence to be practical and who are not misled by the false cry of the pork barrel know that it would be economy on the part of the Government if we entered into an intelligent, sane, and consistent building program. But the propaganda has spread over this land in a twofold character. One is that any kind of a public building in anything but a city is nothing but pork-barrel legislation, and the other propaganda is that the Congress of the United States either has not the character or the intelligence to frame a public building bill. That reflection on the intelligence of Congress is a part of the general reflection that representative government is a failure.

I was somewhat interested last night when I spent several hours in going through a collection of newspaper clippings from different parts of the United States that had been made for me bearing upon this propaganda that is directed at the overthrow of constitutional government, because the merest tyro in the study of representative government knows that the keystone of our system of government of Anglo-Saxon civil institutions is that the people's representatives shall hold the power, especially the purse strings.

I say I was interested in reading the different articles, and I was struck by the oft repetition of some of the same phrases in the different publications throughout the United States.

With great glee they announce to an unrestrained and speculative world that they can engage in speculation to the limit, because, forsooth, on the 4th day of March Congress will adjourn and there will be no extra session. Time and time and time again running through these statements was one made by one of the great magazines of this country that Congress could not handle anything, that it did not have the intelligence or knowledge to legislate upon anything, and the people have come to believe that that is true. As stated before by me, the average man thinks 434 Members of Congress are deficient in character and intelligence. They acquit their own Congressman because—the muckrakers may say what they please—with all the faults, idiosyncracies, and weaknesses of any Member in this House the strife and competition in American politics is such that no man wholly deficient in character,

or courage, or intelligence can be reelected time and again to this House. There may be a freak creep into this body now and then, but he is not reelected.

Now, to come back to the public-building proposition: Every business man in this House knows that it would be economy to the Government if we should pass an intelligent, constructive building program for the next 10 or 15 years. What are you going to do about it? Are you going, as Members of the House, to say, "That is true; but if you bring out a public building bill on the floor weak, miserable Members can not restrain themselves in the discharge of their duties under their oaths, but will submit to logrolling, and that we shall have a pork barrel bill."

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. So, forsooth, it is proposed that Congress enter a written confession on the record of the charge of incompetency, of its weakness of character, and that to some bureau shall be delegated the exercise of that judgment which Members of Congress should exercise. Oh, it is true, Mr. Chairman, that I may be partial to the towns and communities in my district, but who knows better than I, the Representative of those people, the needs of that section that under the philosophy of government I am charged, under my oath and duty to speak for and represent? Some bureaucrat, however perfect a gentleman he may be, how good he may be on the adding machine, what does he know about the needs of the Federal activities in Texarkana or Van Buren, Ark.?

He does not know. In the rush of consideration of all of the different needs of the United States, it would mean that some little clerk coming down some day, having had possibly a bad night and feeling grouchy, would undertake to slash and cut and say, "They do not need that there; they do not need that here," or on some other day he might feel a little bit better and give more than there was particular need for. Is he any stronger than a Member of Congress? Is he any less susceptible to the wiles and flattery of Members of Congress who may approach him and by partisan influence or personal favoritism get something? And is it possible that the American people do not understand the inherent vices of bureaucratic government?

Mr. MADDEN. Of course, the man that the gentleman is talking about could not be elected to Congress.

Mr. WINGO. Certainly not; and that brings me back to the statement that, whatever may be the faults of each Member of this House, a great congressional district can not be fooled year in and year out and send a man to this House, a man who is wholly deficient in character or intelligence. I for one scorn and am irritated by this suggestion that we must acquiesce in this drive that seeks to destroy representative government. In the last campaign we heard a great deal about the effort of LA FOLLETTE to overthrow our Constitution. Yet some of the same gentlemen who were lying awake nights and having conniption fits over that, in their newspapers day in and day out are sneering at Congress and seeking to undermine the confidence of the American people in their own chosen Representatives, and they continually cry out, "Turn all of the functions of representative government over to some bureaucrat."

The gentleman from Missouri [Mr. DYER] mentioned a condition at St. Louis. I have no doubt but that what he says is true. I can tell him of a great building in the southwestern part of this Nation where recently a small corridor, which is the only place where witnesses can await their turn to be called, was not half large enough to hold the Government's witnesses, much less the witnesses for the defense. The district attorney's office is not big enough to cuss a cat in, and if you threw a cat through it, his passage would deface the furniture. The tragedy of it was that the editor of the paper in that very city joined in the cry recently and talked about this "pork-barrel" proposition. I cut out that clipping and sent it to the head of the committee down there with the statement that their editor was saying it would be "pork barrel" to give them any enlargement of that building. Gentlemen, I can name you another post office where to-day the Government of the United States by its power holds on to a man's piece of property, when he has a standing bid for it of three times what the Government is paying him. It is one of those old leases where the Government did not have the right of renewal, but what practical remedy has he in the courts? He has to furnish the building, the fuel, the lights, the fixtures, and everything for that post office for one-third of what private enterprise would give him for the

same space. The Government has held onto it for 10 years, and you can not even get a post-office inspector to go there.

Let us have the manhood to repel this insinuation and meet the needs of the Government. If anything is of a pork-barrel nature or is waste, cut it out; but surely this Congress has enough sense to determine the needs of the Government for public buildings. [Applause.]

The Clerk read as follows:

Remodeling, etc., public buildings: For remodeling, enlarging, and extending completed and occupied public buildings, including any necessary and incidental additions to or changes in mechanical equipment thereof, so as to provide or make available additional space in emergent cases, not to exceed an aggregate of \$20,000 at any one building, \$800,000.

Mr. COOPER of Ohio. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COOPER of Ohio: Page 37, line 22, strike out the figures "\$20,000" and insert in lieu thereof the figures "\$40,000."

Mr. COOPER of Ohio. Mr. Chairman, I have no desire to take up the time of the committee, except to offer this amendment and see if some relief can not be granted to post offices and public buildings that need additions at this time. This bill provides a total amount of \$800,000, which can be expended for this purpose, but there is a limitation of \$20,000 to any one building. There are conditions in post offices throughout our country that are very bad at this time. The Post Office Department would like to give some relief, but they are limited to the expenditure of \$20,000 on any one building. I have been told that the chairman of the Budget Commission, the Treasury Department, and the Post Office Department recommend that this amount be increased. Just why the committee did not put it in there I do not know.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Ohio. Yes.

Mr. MADDEN. They did not recommend anything, and they did not recommend this amount. The committee itself put it in there. We added \$400,000 to what they recommended, because we wanted to furnish relief. If the amendment of the gentleman prevails, the relief that we seek to give to the country will be dissipated. There may be two or three places where they ought to have \$40,000, but if you are going to establish \$40,000 as a limit, what they will do is to put up a new building with the \$40,000 and take away all of the added facilities that we are trying to propose by the \$800,000 appropriation. The amendment ought not to prevail.

Mr. COOPER of Ohio. Mr. Chairman, I believe the bill provides that no part of the \$800,000 can be used for new buildings.

Mr. MADDEN. Oh, this will tear them down and build them up.

Mr. COOPER of Ohio. It can be expended only for extensions on buildings already erected. I know of one condition where \$40,000 would build an addition to the post office which would probably meet the requirements of that office for the next 10 or 15 years to come. This office was built when the population of that particular city I have in mind was about 75,000. To-day the population is over 160,000, and just to show you the business it does, last week on one day they handled 181,380 pieces of mail, and on another day they handled 183,320 pieces. The employees are on top of one another; they have no room at all to work. They have erected a little temporary shed of sheet iron on the Government property, in which they are trying to handle the parcel post. We have the ground there, we have plenty of room, and for forty or fifty thousand dollars an addition could be put to this post office which would meet the requirements for the next 10 or 15 years. Under the provisions of this bill the Post Office Department is limited to \$20,000 as the amount that it can expend on any one building. I offer the amendment because I know that there are conditions in our country that could be remedied if the Post Office Department were permitted to expend \$40,000 instead of \$20,000, which is the limit that can be expended under the bill which we are now considering.

Mr. MADDEN. Mr. Chairman, the bulk of the money carried in the \$800,000 item will be expended in minor alterations to procure additional space. Perhaps there may not be more than \$2,500 spent on a single building, but they never should spend to exceed \$20,000. There would be no object in increasing the amount if we were going to increase the limit which can be spent on any one building to \$40,000. The purpose of

the increase of the sum recommended is to give added opportunities in the form of alterations. If there is a single case somewhere that ought to have \$40,000, and which has merit, that case ought to be submitted by itself and given special treatment; but under no circumstances, in my judgment, should the limit which may be expended on any one building be increased above the \$20,000. I hope the amendment of the gentleman from Ohio will be voted down.

Mr. WINGO. The gentleman from Illinois [Mr. MADDEN] has the correct idea about the specific item. I think some of us who have been here for some time will recall that there has never been any trouble about specific items when the department wanted to spend more than was authorized. In fact, in one city whose daily newspapers are constantly demanding that marble palaces be built in the cities of the country yet denounce as "pork barrel" any suggestion of fulfilling the needs of smaller cities of the country. I noticed that those newspapers were very influential when a few years ago the department saw the necessity of increasing the cost of the "facade"—I believe that is what they call it. I will say to my friend from Kansas that is the front of a building. As I recall, they said that absolutely the harmonious existence of the denizens of that city would be disturbed perpetually if we did not expend \$385,000 more in the decoration of that facade of the building, the front. I also remember how the department estimated for and Congress finally under pressure paid the bill for \$413,000 for interior decorations of a building in a city where they insist it is "pork barrel" to build a \$50,000 building in a western town.

Gentlemen, these people who demand great buildings in a city will insist upon and they will expend on mural decorations in each one of these great million dollar buildings more than it costs to build all the public buildings in a great many of the agricultural States.

Mr. BEGG. Mr. Chairman, will the gentleman yield right there?

Mr. WINGO. In a moment. There has been more money spent in mural decorations than on the facades. I believe that is right. I will ask my old friend from Florida [Mr. SEARS] if it is not a correct statement to say that more money has been spent in mural decorations in one building in one city than all the post-office buildings in the State of Arkansas have cost since they commenced erecting public buildings there. Then you did not hear any cry of "pork barrel."

Mr. BEGG. I agree that what the gentleman says has happened, but does the gentleman believe that the Treasury Department and the Supervising Architect's Office are at the present time wasting money on extravagant exteriors, or are they trying in every way they can to meet the necessities of post offices throughout the country?

Mr. WINGO. I think perhaps the gentleman is correct as to recent work; but does the gentleman think that the Supervising Architect's Office, in the last analysis, controls these things?

Mr. BEGG. I think the Supervising Architect's Office at this very minute is doing all it can to provide, at a minimum of cost, the absolutely necessary space required by the Post Office Department in a number of cities. I have visited them recently, and I know they are doing that.

Mr. WINGO. You are going to put through some big buildings—marble palaces—for certain cities in America, and I hope my friend will be here long enough—and I hope I will—fow me to indulge in that summum bonum of feminine felicity, "I told you so," and point to the interior decorations and artistic facades that will cost more than all the public buildings in the State of Kansas, outside of her big cities. But the point I am driving at is this: Why is it not "pork barrel" to meet the public needs of the city of Washington and yet it is "pork barrel" to meet the needs of Des Moines, or Van Buren, or Frankfort, or some other smaller city?

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. BEGG. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. BEGG. Mr. Chairman and gentlemen of the committee, I do not anticipate using five minutes, but I simply want to say that I do not think this Congress ought to be afraid to provide adequate housing facilities for our Post Office Department simply because we can not build a post-office building in every city for every Congressman. I would like to have several post offices built in my district, and my people would like to have them. Not every city needs them, but there are some cities that must of necessity enlarge their quarters if they are

to work to the best advantage. It is poor business not to provide the necessary facilities.

If this committee, composed of business men, found their help cramped for quarters to such an extent they could not work efficiently in the discharge of their duties, what would they do? Would they refuse to build an enlargement, even at the cost of \$40,000, just because they could not build a whole new factory building for 5 years or 10?

Now, consider the matter on a business basis. I happen to know something about this good city that my colleague is interested in, Youngstown, Ohio, a city that has more than doubled in population in the past five years. The parcel post itself has doubled in the past five years.

Mr. MADDEN. They do not say that.

Mr. BEGG. Will the gentleman indulge me just a moment? Those conditions of cramped quarters in that city I happen to know from first-hand information.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BEGG. I yield to the gentleman.

Mr. MADDEN. The gentleman said that the parcel post had increased fivefold.

Mr. BEGG. No; I said it had doubled; if not in the past five years, then in the past several years.

Mr. MADDEN. The record has been closed by the report of the commission on the ascertainment of cost. It shows that the parcel-post business now is over a million parcels less than it was two years ago. Whether or not that is a correct statement of the facts I do not know, but that is what the report on the ascertainment of the cost of handling shows. It shows that there were a million less parcels for 1923 than there were for 1921 or 1922.

Mr. BEGG. Does the gentleman mean a million less parcels or a million less of cost in handling parcels?

Mr. MADDEN. A million less parcels.

Mr. BEGG. That has nothing to do with the actual condition obtaining in this particular city. A visit to the Post Office Department will show any man that there is congestion there and that they can not work efficiently. Anyway, I am not one Member of Congress who is afraid to trust the Post Office Department in providing adequate facilities for the employees. If it were a new building that they wanted in Youngstown, I would be opposed to it unless I could get a new building in Sandusky.

But when it comes to an enlargement of the present limited quarters by the expenditure of only \$20,000 additional to the \$20,000 that is needed it seems to me good business should recommend it.

Mr. WINGO. Will the gentleman yield?

Mr. BEGG. I would like to add one more sentence, and then I will yield, because I will be through. Twenty thousand dollars more added to the estimates for this particular building is just about half enough. If we give them \$20,000 this year and let it stand half finished, they can finish it next year; but if we raise the limitation, we could provide for the spending of \$40,000 this year; let them use that amount at once and have a completed building. I will now yield to the gentleman from Arkansas.

Mr. WINGO. Does not the gentleman realize that the condition which he is discussing at Youngstown is only typical of 30, 40, or 50 different places in the United States?

Mr. BEGG. I will simply say this: There should be no limit as to any one place, and I repeat that if—

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BEGG. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for two additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BEGG. I repeat if we can not trust the Treasury Department and the Post Office Department to go only to the extent that is reasonable then we are in a bad way. That is all I have to say.

Mr. HUDSON. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. HUDSON. Is it not a fact that perhaps the expenditure of \$20,000 would merely be a waste, because that amount will not meet the conditions in many of these cities?

Mr. BEGG. That might be true.

Mr. HUDSON. Twenty thousand dollars is allotted to the city of Flint for a building which was created for a population of 25,000, while that city has a population of 200,000, and the expenditure of \$20,000 will not relieve the condition there, and that expenditure will be wasted money. That is true in a dozen other cities outside of the Detroit situation.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. HULL of Iowa. If you are going to take care of the situation that exists all over the country, should you not make your amendment carry a greater amount? Should you not change the amount from \$800,000 to \$1,600,000, if you are going to raise or double the limitation?

Mr. BEGG. No; I will say to the gentleman from Iowa that I do not think that follows at all. In the first place, I do not know, and neither does the gentleman, that every city needs twice \$20,000. The chances are that one-quarter of \$20,000 would be ample for a majority of the post-office enlargements, but that would not be true in some cities. There are a few cities, like Flint, Mich., and Youngstown, Ohio, whose population has probably doubled or trebled in the past 10 or 15 years, and those cities can not get the needed enlargement with this small amount.

Mr. HULL of Iowa. The gentleman from Ohio knows, and every Member of the House knows, that \$800,000 will not take care of the situation.

Mr. BEGG. Well, I do not know that. The department asked for \$400,000 and the committee gave \$800,000.

Mr. MADDEN. Mr. Chairman, I have tried to impress upon the committee that the appropriation we are proposing is intended to be used for minor repairs; not for the construction of new buildings, but for minor repairs in such cases as will yield a little more space when the repairs are made.

Mr. HUDSON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. HUDSON. The gentleman means alterations, then, and not repairs?

Mr. MADDEN. Well, minor alterations.

Mr. HUDSON. The situation is that minor repairs will not relieve conditions.

Mr. MADDEN. Well, we can not start a public buildings bill on this repair item. Now, the money expended last year was \$375,000, and in connection with the expenditure of that sum the Treasury Department acquired 62,000 additional square feet of space. That was on 91 buildings and all over the United States, and it never was intended that this appropriation should apply to specific cases.

Mr. BEGG. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BEGG. Does the gentleman think he is quite fair when he insinuates, if I understand him correctly—

Mr. MADDEN. I did not insinuate anything.

Mr. BEGG. Or made the statement that if this amendment were to be adopted they could go on and build new buildings, because under this very paragraph they could not build new buildings.

Mr. MADDEN. I know. It is not the intention to either build new buildings or so to repair or alter buildings that it will be equivalent to building a new structure. I ask the committee this question: What is the use of recommending double the amount in order that all sections of the country may be accommodated by the expenditure of money for needed alterations? If you are going to double the limit to be expended on any one building, you do away by that act with the very thing we are trying to do. I do not think any one place ought to be singled out, I do not care where it is—Youngstown, Chicago, New York, or any other place—but the money should be placed at the disposal of the Supervising Architect, and he, in cooperation with the communities where they need the expenditure, shall expend it in the most judicious way.

Mr. HUDSON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. HUDSON. The gentleman suggests that this ought to be left to the discretion of the Supervising Architect.

Mr. MADDEN. Well, it is.

Mr. HUDSON. But does not the bill forbid that, for it says only \$20,000 to a place where needed?

Mr. MADDEN. Well, I say, within the limit of the discretion we allow.

Mr. HUDSON. Well, if \$20,000 will not remedy the situation, then he can not spend anything there?

Mr. MADDEN. Then they can do what other people have done.

Mr. HUDSON. And the serious situation must continue.

Mr. MADDEN. They can seek an estimate that would bring the specific case within our jurisdiction, or they can go to the Committee on Public Buildings and Grounds, if they want a new building, and have a bill reported and get it acted on. [Laughter.] But this item ought not, under any circumstances, to be enlarged.

Mr. HUDSON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. HUDSON. The gentleman is speaking facetiously now.

Mr. MADDEN. No; I am speaking by the cards. I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was rejected.

The Clerk read as follows:

New Orleans (La.) Marine Hospital No. 14: For steam heat for old ward and incinerator, \$5,000.

Mr. STENGLE. Mr. Chairman, I move to strike out the last word for the purpose of asking the Chairman a question. On page 38, line 101, which the Clerk has just read, appear the words "for steam heat for old ward and incinerator, \$5,000." I want to inquire why an incinerator needs steam heat.

Mr. MADDEN. It is for the construction of the incinerator and the steam heat.

Mr. STENGLE. Should we not put a comma after the word "ward" and not create the impression, which I have gotten, that you are going to warm up an incinerator?

Mr. MADDEN. We have to warm this up before it will incinerate.

Mr. WINGO. Will the gentleman yield?

Mr. STENGLE. Certainly.

Mr. WINGO. Does the gentleman think a comma would be a sufficient buffer between old wards and incinerators?

Mr. STENGLE. No; but the chairman of the committee would be.

Mr. WINGO. Mr. Chairman, I rise in opposition to the amendment.

My friend from Ohio, the administration leader on this floor, and a very able one, I will say—candor compels me to admit that, as well as a warm personal affection for the gentleman—in the course of his remarks last made on this floor, said, "Can you not trust the department?"

Gentlemen, this illustrates the false philosophy that is abroad in the land. Suppose I was to say, "Can you not trust the Department of Justice to make all the laws necessary to punish crime in this country?" There is quite a difference between trusting a department to administer laws made by Congress and to expend appropriations authorized by Congress and in leaving both the enactment of the law and the administration of the law in one department.

There was a time when it was the philosophy of our Government that we had three separate, coordinate branches; that the legislative branch enacted the laws and the Department of Justice and the other executive departments administered the laws. That was no reflection upon these departments. This was not the intention of the founders of the Government, when they said, "No; we will not concentrate in the administrative-executive branch of the Government also the making of the laws." It was the wisdom of the forefathers that we would not concentrate in one of the three coordinate branches of the Government too much power, and our old, foolish forefathers following out the same folly of their Anglo-Saxon ancestors said the representatives of the people should hold the purse strings. They presupposed that they had both the intelligence and the courage and the character to spend the people's money wisely.

But in this new day, this new apostle of this new idea of government says, "Oh, that old system is a failure, can you not trust the department?" Suppose the gentleman should say, "We will abolish the judicial department and the legislative department and let the executive do it all." That is the logic of the gentleman's remarks. Well, I am not worried; sooner or later we will come back to it. The people will get tired of this and ultimately will fall onto this propaganda.

The American people, as I have often repeated, have a line of thought and a characteristic that is well illustrated by an old story that you may have heard many times. A friend was attending a Fourth of July picnic and he had imbibed too freely of roasting-ear wine and other things and was waiting at a wayside station out in Kansas or somewhere else for the return excursion train to take him back to his own home. He felt a little sleepy and was nodding a little bit at the station and the flies were kind of swarming around after the sweetness on his face, and every now and then he would wake up and rub them off, but finally a wasp lighted on the side of his nose and as he wiped him off the wasp stung him, and he roused up and said, "Just for that you will all have to move." [Laughter.] Some of these days the American people will get impatient of bureaucracy and will rise up and say, "Just for that you will all have to move," and we will go back to the old constitutional government of three separate coordinate

branches, with the representatives of the people controlling the purse strings and the representatives of the people determining how that purse shall be drawn on.

Mr. BEGG. Will the gentleman yield?

Mr. WINGO. With pleasure.

Mr. BEGG. Does the gentleman think that is what was the matter with the American people last November?

Mr. WINGO. If the gentleman does not know what was the matter with them, he does not show that usual astuteness which was largely responsible for his unanimous selection as the administration leader on this floor, and possibly the gentleman will take time in his own time to explain what is the policy of this administration on meeting the needs of public buildings. I am sure the House will be delighted to know.

The Clerk read as follows:

PUBLIC BUILDINGS, REPAIRS, EQUIPMENT, AND GENERAL EXPENSES

Repairs and preservation: For repairs and preservation of all completed and occupied public buildings and the grounds thereof under the control of the Treasury Department, and for wire partitions and fly screens therefor; Government wharves and piers under the control of the Treasury Department, together with the necessary dredging adjacent thereto; care of vacant sites under the control of the Treasury Department, such as necessary fences, filling dangerous holes, cutting grass and weeds, but not for any permanent improvements thereon; repairs and preservation of buildings not reserved by vendors on sites under the control of the Treasury Department acquired for public buildings or the enlargement of public buildings, the expenditures on this account for the current fiscal year not to exceed 15 per cent of the annual rentals of such buildings: *Provided*, That of the sum herein appropriated not exceeding \$115,000 may be used for the repair and preservation of marine hospitals, the national leprosarium and quarantine stations (including Marcus Hook) and completed and occupied outbuildings (including wire partitions and fly screens for same), and not exceeding \$24,500 for the Treasury, Treasury Annex, Liberty Loan, Butler, and Auditors' Buildings in the District of Columbia: *Provided further*, That this sum shall not be available for the payment of personal services except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of \$100 at any one building, \$930,000.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word for the purpose of asking my friend, the gentleman from Tennessee [Mr. BYRNS], who seems to be more convenient to me on this side and who is a good lawyer and has shown himself to be thoroughly familiar with this measure, a question. You have the term here "such as necessary fences" under the appropriation for the Treasury Department. I want to state to my friend this case: There is a strip of land to the east of my home city where the beautiful Rio Grande in its rampages at one time turned to the south 1 mile and threw this land to the north of the present bed of the river. This area contains 347 acres of land. There is no line marking it at all. It is almost in the suburbs of the city, and at present it is known as "bootleggers' island," or more properly designated the "Cordova cut-off." It was asked of me by the customs department of my home city and other Federal departments at one time to secure a sum for the building of a fence in order to protect our Federal officials. A great many good officials and good men serving our Government have been foully murdered by lawbreakers on this spot.

I went to the Secretary of the Treasury, Mr. Mellon, and it was stated at that time that Mexico would match the \$10,000, I asked of Mr. Mellon—\$20,000 being necessary, as it was estimated, and the splendid Secretary of the Treasury found the \$10,000 and had it set aside, but Mexico, with that characteristic movement of hers that she transacts all of her business in the "manana," or on the to-morrow, when the time came for the expenditure of this \$10,000 on her part, failed to have the aforesaid sum in readiness, and claimed it had lapsed into the Treasury.

I want to say to my friend from Arkansas I am not so well versed in the king's English, but I do understand this façade statement of his after his lucid definition which he states is the front or exterior. It is a "dangerous front" that we are confronting and some of our good customs and immigration officials are killed there almost every month.

Only last week, I believe, two were killed trying to enforce the law against smuggling. It is necessary that something be done. There ought to be a fence similar to that that marks the boundary line at Tia Juana. I want to ask my friend from Tennessee if, under this appropriation reported by the committee, it would be permissible to take a sufficient sum to build a fence there to protect the officers of the American Government from assassination?

Mr. BYRNS of Tennessee. I think that the gentleman will find that this relates to the care of vacant sites belonging to the Government.

Mr. HUDSPETH. This is under the Treasury Department. It says "care of vacant sites under the control of the Treasury Department, such as necessary fences," and so forth. I very much doubt whether the department would have any authority to build a fence under that provision, except where it was necessary to preserve vacant sites.

This is a vacant site, although it does not belong to our Government, but belongs to Mexico. There is a boundary line there, and it appealed to the Secretary of the Treasury so that he granted us the sum of \$10,000, to be matched by an equal sum from the Mexican Government, to build a fence so that the line could be marked.

Mr. BYRNS of Tennessee. Was that under a provision similar to this?

Mr. HUDSPETH. As I recollect, it was under a like appropriation. If the Mexican Government had carried out its agreement the fence would have been built. What I would like to ask the gentleman is whether a sufficient sum could be taken from this appropriation of over \$900,000 to build a fence across this bootleggers' refuge, because there is nothing there to mark the boundary line.

Mr. WINGO. If the gentleman wants an expert opinion—

Mr. HUDSPETH. That is what I want, and that is the reason I asked the gentleman from Arkansas to remain.

Mr. WINGO. I do not think this appropriation refers to political fences or bootleggers' fences.

Mr. HUDSPETH. This is neither. It is a fence to protect our officers against smugglers and other lawbreakers that enter the country. The same kind of a fence existed at Tia Juana for a number of years. I know the disposition of the Secretary of the Treasury is to allocate the money if he can find it.

Mr. WINGO. I think the gentleman will have to put in an amendment.

Mr. BYRNS of Tennessee. I do not think this appropriation would apply to any such purpose.

Mr. MADDEN. I do not think you could use it for that purpose.

Mr. HUDSPETH. Would the chairman of the committee have any objection to an amendment providing that so much of this sum as is sufficient may be used by the Secretary of the Treasury for that purpose?

Mr. MADDEN. I think I should object to it; I think that it ought to go through the proper channels.

Mr. HUDSPETH. I want to say to the gentleman that it has been through the proper channel. It has not been submitted to the Appropriations Committee. I admit I have not been all over the city of Washington and seen every official on the highways and in the byways, but I did see the Secretary of the Treasury, who wants to protect the lives of his officials and also see that the laws are enforced, and he recommended it strongly.

Mr. MADDEN. I did not mean that the gentleman should go to every official.

Mr. HUDSPETH. I did not attempt to go to everybody.

Mr. WINGO. Did the gentleman go to the Lord of the Budget?

Mr. HUDSPETH. No; I did not.

Mr. BYRNS of Tennessee. This appropriation is for the preservation of the property of the United States and applies to vacant lots. I understand the gentleman desires this fence for an entirely different purpose, a very laudable and proper purpose, and one that should be allowed.

Mr. MADDEN. If the gentleman from Texas will give the Committee on Appropriations a chance to look into it, we will look into it on the first opportunity.

Mr. HUDSPETH. I will give the gentleman's committee a chance to look into it, because the Secretary of the Treasury says that he lost within a year a number of valuable men right there. I hope this will be impressed upon the committee and the chairman and that they will look into it.

Mr. MADDEN. We will be glad to do it.

Mr. HUDSPETH. Mr. Chairman, with the generous statement of the chairman of the committee and also the sympathetic attitude of my friend from Tennessee [Mr. BYRNS] I withdraw the pro forma amendment.

The Clerk read as follows:

CONTINGENT EXPENSES, POST OFFICE DEPARTMENT

For stationery and blank books, index and guide cards, folders and binding devices, including purchase of free penalty envelopes, \$27,000.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman if it is not possible to have a larger fund set aside in order that injuries sustained by persons and property, especially in the city of New York, where traffic conditions are very bad, may be settled without having to introduce and pass a claims bill in Congress? As the gentleman from Illinois knows, we have hundreds of mail trucks going through the streets of the city of New York, through the various congested parts of the city, in order to get mail and deliver mail to the many branch offices. People are constantly being injured by them. Children are injured. The gentleman from Illinois is familiar with the procedure necessary to get a bill through Congress. It takes years. Many of these people are in poor condition, and something ought to be done so that a small claim can be adjusted, and funds should be available for that purpose.

Mr. MADDEN. They now have authority to settle claims up to a given amount—

Mr. LAGUARDIA. Five hundred dollars.

Mr. MADDEN. And to pay them. We are giving them here \$10,000.

Mr. LAGUARDIA. As the gentleman will readily understand, where a child is killed or where it loses a limb—

Mr. MADDEN. Five hundred dollars is as far as the Post Office Department can go in a settlement of any claim.

Mr. LAGUARDIA. But it is not enough.

Mr. MADDEN. We would not want to authorize the Postmaster General to adjust claims of larger amounts than that.

Mr. LAGUARDIA. I understand; but as a practical proposition, suppose just compensation for an injury amounts to \$1,000 or more. By the time the claim goes through Congress, as the chairman knows, years may have elapsed. An injured person can not understand such delay.

Mr. MADDEN. Of course that is legislation, and we would not have any objection to such legislation provided the law, if such a law were enacted authorizing settlement for a larger amount by the Postmaster General, compelled him to come to the Appropriations Committee after he had made the settlement and before the payment was made.

Mr. LAGUARDIA. That would be satisfactory.

Mr. MADDEN. That is what we do with the Army and Navy Departments.

Mr. LAGUARDIA. Under such a plan, in a year anyway, claims could probably be paid.

Mr. MADDEN. I think somebody ought to have supervision, because the Postmaster General himself personally does not settle the claims. We ought to have some review somewhere to see that no collusion occurs.

Mr. LAGUARDIA. Then the gentleman would favor legislation that would enlarge the amount?

Mr. MADDEN. Yes; that would enlarge the amount.

Mr. LAGUARDIA. And have the Postmaster General come into the Committee on Appropriations and get an allowance each year?

Mr. MADDEN. Yes.

Mr. LAGUARDIA. That would help some. Conditions are bad now, and they create a great deal of hardship in many families.

Mr. MADDEN. I think that is true. We find that to be the case.

The Clerk read as follows:

For pay of letter carriers, City Delivery Service, \$92,000,000.

Mr. STENGLE. Mr. Chairman, occasionally from the ranks of private citizenship there steps forward a character which shines almost as brightly as the midday sun, causing his fellow beings to feel that the whole world was better because he had lived. Such a character was the late Edward J. Cantwell, for the past 26 years secretary of the National Association of Letter Carriers, who recently passed on to his final reward.

Unusual as it may seem to some for us to pause in our deliberations in order to pay tribute to the memory of a private citizen, I feel that this House will honor itself if it shall record here in the very midst of its discussion of postal legislation a brief reference to this noble American.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. STENGLE. Yes.

Mr. MADDEN. I want to say that I knew this man. I knew him for many years. I knew him in his work and had daily contact with him for more than 10 years. There never was a man in any walk of life who was cleaner, truer, broader, or more truthful in his dealings with men than was Edward J. Cantwell.

Mr. STENGLE. To all of which I say, Amen.

Ed Cantwell, as the most of the Members of this House know, was a man of wonderful personality, firm convictions, honesty of purpose, and devotion to duty. He was a conspicuous and successful leader of men, one who always commanded respect and held the confidence of those who knew him best. His convincing frankness and unerring judgment inspired high regard and esteem for the organization of which he was so long an honored member and directing genius. His heart and mind were filled with the sweetest attributes of real fraternity. He breathed the very essence of love and helpfulness and daily poured out these richest treasures of his life that all might benefit thereby. The nobility of his character shines out like a lustrous star, reflecting its beauty and brilliance wherever men have had opportunity to meet and know him. Although he was extremely modest, he possessed an undaunted and courageous manhood; his life was square and true to the trusts imposed upon him by both God and man. Surely the world is much better because he lived.

He gave his life to a cause; indeed, he was so wrapped up in his desire to make the lives of our letter carriers more livable and their homes and firesides more cheerful, that he forgot his frail body and sacrificed his all for their sake. I feel, my colleagues, that nothing would more clearly describe his real vision of a true letter carrier than the words of Blanche Goodman Eisen, of Chattanooga, Tenn., which run as follows:

When martial airs are playing
And streets with flags are gay,
And men in khaki uniforms
Are cheered along the way,
There comes to mind an army
That marches day by day;
The chaps who link the world of men—
The boys in bluish-gray.

They boast no crack battalions;
No chevrons do they wear;
On them no one in high command
Bestows the *croix de guerre*;
No wild huzzas acclaim them;
No "front-page heroes" they,
The lads who give us service plus—
The boys in bluish-gray.

In gloomy city canyon,
On winding village street,
On upland chill or arid plain,
Their steady footsteps beat,
With heavy-laden knapsacks
They "carry on" each day;
No slackers mar the columns of
The boys in bluish-gray.

They do not stop for weather,
Whatever storms impend;
A sacred obligation theirs
The letters that you send.
So doff your hats! Salute them!
And bounteous homage pay
The men who bring our daily mail—
The boys in bluish-gray!

The Clerk read as follows:

For the operation and maintenance of the Airplane Mail Service between New York, N. Y., and San Francisco, Calif., via Chicago, Ill., and Omaha, Nebr., and for the installation, equipment, and operation of the Airplane Mail Service by night flying, and to enable the department to make the additional charges for both night and day service on first-class mail matter, in accordance with existing law, including necessary incidental expenses and employment of necessary personnel, \$2,600,000.

Mr. HUDSON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee why there seems to be a change in the appropriation allowed for the Air Mail Service, which seems to be to be a very important branch of our department and affects our great industrial centers. There is apparently a cut of \$150,000 below what was appropriated last year.

Mr. MADDEN. The existing appropriation is \$2,750,000. The department asked for \$2,600,000 for the next year. They say that \$2,600,000 is all they need to do the same work that they are doing now, and that if they had the \$150,000 more it might possibly lead to some extravagance which would not be justified. They want to avoid temptation toward extravagance.

Mr. HUDSON. Is there any plan in the department for the expansion of the Air Mail Service?

Mr. MADDEN. They have nothing in contemplation now, unless they should operate under an act which was passed recently by the House. Whether it has been passed by the Senate I do not know.

Mr. LaGUARDIA. Not yet.

Mr. HUDSON. This does not provide for expansion?

Mr. MADDEN. This just carries on the work between New York and San Francisco, which is all they think they ought to do until they are certain it would be justified.

Mr. HUDSON. Mr. Chairman, I withdraw the pro forma amendment and ask unanimous consent to extend my remarks in the RECORD on this bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSON. Mr. Chairman, perhaps no one appropriation bill considered by Congress at this session is of greater interest to all the people than the bill (H. R. 11072) now before it. It touches by its expenditures for the Department of the Post Office in a very intimate and impartial way the life of the Nation. No citizen, be he or she ever so humble, but what it serves. Its representative, along the valleys and over the plains, in hamlet, village, and city, is anxiously looked for day after day as the messenger linking families together and the bearer of precious news. No business, whatever its size and volume, but must be dependent upon the service of this great Federal Government department.

The dispatch and efficiency with which the department may function is of the highest importance and the greatest consideration.

Then there are two factors that must be taken into consideration in the rendering of the best service by the department to its vast clientele scattered over the Nation, indeed, over the world.

ITS PERSONNEL AND ITS EQUIPMENT

It is, Mr. Chairman, my purpose to address myself in these few remarks to the latter, and only to say in passing that to my mind there is no more conscientious, efficient, painstaking, thoughtful Federal employee than those in the various branches of our mail service. In many instances, though illy paid and with increasing duties, nevertheless they have kept faith and served on. It is sincerely to be hoped that this Government will speedily do these faithful employees of the Government justice in the way of increased compensation.

Turning, Mr. Chairman, to the equipment of the department for the carrying on of this important, vital Government business—and Mr. Chairman, because of the necessity to be brief—I can only touch the one phase of the question, viz, that of adequate buildings and space in which to conduct the postal business of the Government.

The Government for 14 years has refused to pass any appropriation for the purchase of sites and the construction of buildings to house the Government's business in various sections of the Nation. Neither has it made any adequate provision for enlargements or extensions of buildings already erected but long since become wholly inadequate to the absolute needs of the communities in which they are located.

Mr. Chairman and gentlemen of this committee, consider for a minute the provision which this bill carries for the use of the department for the coming fiscal year. Under the item, public buildings, Office of the Supervising Architect:

For remodeling, enlarging, and extending completed and occupied public buildings, including any necessary and incidental additions to or changes in mechanical equipment thereof, so as to provide or make available additional space in emergent cases, not to exceed an aggregate of \$20,000 at any one building, \$800,000.

There are in my district at least two, if not three, cities where the conditions both for the public and the employees of the post office are intolerable. The inconvenience the patrons of the office are put to, as well as the insufficient service rendered the business interests of the cities in question, is really beyond description. The postmasters and employees of these cities are doing their best to render something near adequate service. They are bearing the burden of criticism unjustly while working under conditions that oftentimes not only makes their work doubly hard, but under conditions that greatly menace their health.

Mr. Chairman, the reason for all of this is the plea of economy in public expenditures and the cry of "pork barrel" legislation. May I say that there is no one among my colleagues that is a stronger advocate of economy in public expenditures than myself.

The President's stand for "economy, and after that, more economy," meets with my heartiest cooperation. But in the present instance the spending of \$800,000 next year—

For remodeling, enlarging, and extending completed and occupied public buildings, including any necessary and incidental additions to or changes in mechanical equipment thereof, so as to provide or make available additional space in emergent cases, not to exceed an aggregate of \$20,000 at any one building—

to my mind is not economy, but extravagance. Make the number of buildings treated, as above, less and the amount that can be expended \$50,000, or even \$75,000, and in so doing you can bring a measure of real relief to the cities where the situation is most pressing indeed.

The city of Flint, Mich., has a public office building erected to serve a city of 30,000 population. To-day it is a city of 150,000. The department has altered and remodeled and changed until the last available foot of working space has been utilized. The chamber of commerce in the rush times goes out and, at its own expense, rents additional space or the work of the post office would perforce be compelled to be carried on under a tent or the skies of heaven itself. When the post office was erected in this city in 1909 there were employed 12 clerks, 13 carriers, and its receipts for that year were \$58,925. For the present year, 1924, this office employs 51 clerks, 65 carriers, and its receipts are \$419,325.

Twenty thousand dollars can not help in any material way such a situation, yet conditions are critical for the still fast-growing business of that great industrial city.

Mr. Chairman, will you bear with me while I call to your attention one or two other instances of the same character?

Lansing, the capital city of Michigan, because of the fact that it too has in the past 10 years tripled its population, by the expansion of its great industrial concerns, and the ever-increasing growth of the State government, is suffering most seriously for lack of room in its Federal building. This appropriation of \$800,000 will not relieve in any way the very acute situation in this city. Built for a city of 25,000 and slightly enlarged once, it is trying to serve a city and community of more than 125,000. This Federal building when erected in 1914 employed in the post office 27 clerks, 29 carriers, and its receipts for that year were \$212,211.72. For the present year, 1924, this office employs 59 clerks, 49 carriers, and its receipts for the year are \$574,284.88.

Pontiac, a city of 50,000 population, has been promised relief for 10 years, and yet awaits the action of Congress. The legislation has been passed, but not the appropriation. In this splendid city patrons stood for hours at a time in line trying to be served during the recent holiday season. But, Mr. Chairman, it is not simply at such times as this that inconvenience and delay is occasioned, but the service is constantly delayed and hampered because of the lack of room. Some relief must be given or business will suffer greatly. When this post office was erected in 1912 the receipts of the office amounted to \$46,573.46, and there were employed 13 clerks and 15 carriers. To-day there are employed in the office 24 clerks and 29 carriers and the receipts for the present year are approximately \$146,000.

Mr. Chairman, I am aware that these situations which I call the committee's attention to can be duplicated in other sections of the country; my colleagues have called the attention of Members of Congress to them, both in this session and in former sessions. The question is, "What shall we do in the matter?" Can we not enact legislation in this session that will put this entire matter up to a commission of some kind, which will find the places such as I have named, and then make an appropriation ranging over 5 or 10 years that will bring some measure of relief to these great centers of population and industry which they are so urgently in need of.

The outlying districts of Detroit have grown so rapidly in population and commercial importance that it is hard for the imagination of one's mind to follow. One year is sufficient to change a series of farms to a community with 1,200 or 2,000, or even in one instance 2,400, new homes built and occupied within the year. Villages in five years have grown from 500 in population, and with little commercial standing, to cities of ten, twelve, or fifteen thousand inhabitants and financial and business interests of relative importance. So rapid has been this growth the problem of handling its postal needs has been almost impossible. Congress or the department has not foreseen these rapid growths and adequate funds have not been asked or granted by Congress. Civic bodies of one kind and another have tried to help meet these situations by furnishing buildings and paying salaries. This spirit is most commendable, but, Mr. Chairman, there is a limit. Congress must

face these imperative calls and provide the funds necessary to give adequate postal facilities everywhere.

These cities need help and their need is imperative. They have struggled along with buildings outgrown in capacity 10 years ago. Existing industries have expanded many times, doubling and trebling their pay rolls and employees. Banks have expanded, stores have grown, schools have multiplied, transportation facilities have increased; in fact, every facility of a growing city has increased but one, namely, its postal facilities.

Yet it is true, Mr. Chairman, that in these cities we have added a few more carriers to the force, and in some instances have altered buildings so as to make more room, but, as I stated a moment ago, the limit then has been reached—was reached, indeed, five years ago. To add more carriers will not solve—will almost increase the difficulty of the situation. The remedy is more room, either by an addition of sufficient size or new buildings. I repeat, the question has gone beyond a question of economy; it is a situation that demands relief. The demand is imperative, insistent, and just. Congress must meet it, and to delay is not economy or justice to these great cities and their commercial and industrial interests.

The Clerk read as follows:

For pay of rural carriers, substitutes for rural carriers on annual and sick leave, clerks in charge of rural stations, and tolls and ferrage, Rural Delivery Service, and for the incidental expenses thereof, \$88,350,000.

Mr. BUSBY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BUSBY: Page 63, line 7, after the word "thereof," strike out "\$88,350,000," and insert in lieu thereof "\$89,250,000."

Mr. BUSBY. Mr. Chairman and gentlemen of the committee, this amendment that I have offered seeks to restore this particular item to the same amount that was carried in the bill last year.

You will remember that the House recommitted and instructed the Committee on Appropriations to put in an additional million dollars. I want to call your attention, as I started to do yesterday when my time expired, to the fact of that having been done last year. For the 10-year period the average number of routes put in operation per annum was 160, but we found last year 1,302 extensions of routes that had been approved hanging over down at the Post Office Department. We found 496 inspected and approved rural routes that were hanging over because we had not furnished them enough money to put them into operation.

Now, this last year, according to the Fourth Assistant Postmaster General, Mr. Billany, he put into operation 525 routes and expended \$275,000 in addition thereto for extensions. Get that figure, gentlemen—\$275,000 for extensions. The bill that is before the House just now provides only \$350,000 for extension service and for new routes. If every cent of that were spent—and it all can not be spent by the department, because they are bound to maintain a margin to operate on—but if it were all expended at the average cost of \$1,900 per route, only 165 routes could be put into operation. The Fourth Assistant Postmaster General testified that there is now, after he puts into operation 100 more routes that he expects to put into operation, a situation where 423 routes will be carried over to 1926 without any additional routes being approved hereafter, and you gentlemen who represent sections of the country that need mail service, especially in the western section of the country, where the development and opening up of the sections you represent depend upon reasonable mail facilities, can easily see why it is necessary to have this work extended and the service given to the people, especially where it is proper and where it has been inspected and approved by the department. Is it not much better to put this service on and give your people the benefit of this mail service than to let these routes lie approved in the hands of the Fourth Assistant Postmaster General and he not be able to do a thing because we have not furnished the money?

I called your attention yesterday to a letter received from him, where he says it is impossible for him to put on and carry these routes over 1926 because he has not been given the money in the estimates. Let us see why he can not carry these routes. They have what they call fixed charges—that is, so many routes at such and such a cost per employee come to so many dollars. That is a fixed charge. In the appropriation bill for 1925, the one that the Post Office Department is now operating under, the fixed charge was \$82,965,000; but the

fixed charge in this bill, although we have 525 additional routes to carry through 1926, is \$82,779,000, or \$186,000 less than we provided last year, although we have enough additional routes on to make an expenditure of \$900,000 more than we had last year.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BUSBY. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BUSBY. I shall not take up all that time. I just want to answer the question of the gentleman from Illinois [Mr. MADDEN], the chairman of the committee, propounded on yesterday about the time my time expired. He called attention to the fact that although the estimate made by the Budget Bureau was for \$100,000 for putting into operation new work, they gave an additional \$150,000. I find that the exact amount given is \$350,000 for extension and for new service as against \$1,750,000 for this year, a falling off of \$1,400,000, which means an absolute curtailment of putting into operation any of the new projects or giving the new service that we are bound to have if we have adequate service in some sections of the country.

I offer this amendment to raise the amount back to what we carried in the last Post Office appropriation bill. If it is not needed, it certainly will not be expended and will not be wasted. I hope the committee will incorporate this amendment into the bill. [Applause.]

Mr. MADDEN. Mr. Chairman, the gentleman from Mississippi is always very industrious, and intelligently industrious. I commend him for his industry and for his intelligence. He has made a study of this problem. He is a new Member of Congress. He deserves every credit for the work he has done for delving into a problem that requires a lot of work.

But last year the gentleman said, I think, that if we did not appropriate the \$1,000,000 which he proposed there would be no extension of rural routes. I do not pretend to quote him, and I do not want to make any misstatement. If I should make one I would be glad to be corrected. The House in its wisdom agreed with him and disagreed with the committee, showing that they had great confidence in him and very little confidence in us. [Laughter.]

Mr. BUSBY. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes, indeed.

Mr. BUSBY. Does not the gentleman suppose that that grew out of past experience in trying to get rural routes established?

Mr. MADDEN. No. I think most of the Members thought they were increasing the pay of rural carriers. [Laughter.]

I think that, because a number came to see me in order to find out whether this had anything to do with increasing the pay of rural carriers. Well, we put the \$1,000,000 in the bill, and they did get all or nearly all the new routes established which the gentleman hoped for. If I am wrong, the gentleman will correct me.

Mr. BUSBY. If the gentleman will yield further, I call attention to the fact that the hearings disclose that \$275,000 was spent for extensions of routes, that 525 routes were put into operation, and that the average cost per route is \$1,830, which would make \$997,500, or a total of \$1,272,500, as against \$750,000 as provided in the bill, which shows that a part of that \$1,000,000 was needed.

Mr. MADDEN. Well, I want to show where the gentleman's mathematics were wrong, and I will try to do it. He said we could not get any routes unless we had a new \$1,000,000. Well, the House agreed with him. I think they did not quite understand the question, and I have explained why I think they did not understand it. We did get the routes. He admits that, and he admits that the routes we did get, with the extensions, amounted to a little more than \$1,000,000. Is that right?

Mr. BUSBY. About one million and a quarter, or a little better.

Mr. MADDEN. A little over \$1,000,000. Now, I maintained then that we could get these routes without adding the \$1,000,000 to the bill, and I think I shall be able to prove I was right. In the first place, they have not used the \$1,000,000 that was put in the bill, but they did give the routes, and they now say to us that at the end of this fiscal year they will have \$1,435,000 left in this fund which will not be used, all of

which goes to prove that the \$1,000,000 then put in was not needed.

Mr. BUSBY. Will the gentleman yield again?

Mr. MADDEN. Yes.

Mr. BUSBY. Will the gentleman please explain this paragraph in the letter written by the Fourth Assistant Postmaster General?

Mr. MADDEN. I would not pretend to explain what somebody else writes. Do not put that job up to me.

Mr. BUSBY. This comes from the Fourth Assistant Postmaster General.

Mr. MADDEN. I would not undertake that, but I will tell what the figures are. I would not pretend to do that, because it might be difficult for the Fourth Assistant Postmaster General to explain it himself.

Mr. BUSBY. Then I will ask this: Is it not a fact that they are always required to keep a substantial margin in those funds above the amounts authorized for emergency cases?

Mr. MADDEN. Well, I do not know what is required. I do not interpret the laws and I do not administer them. We provide what we think is the proper amount.

Mr. BUSBY. Just this other question.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I ask for two or three minutes more in order to answer the gentleman's question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for three additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BUSBY. Is it not a fact that \$300,000 of the \$1,000,000 authorized in the last appropriation bill went into the preceding year to take care of pending routes they could not establish?

Mr. MADDEN. We made \$300,000 immediately available, yes.

Mr. BUSBY. And that does not count on this year?

Mr. MADDEN. And they did get the routes. They got the \$1,000,000, but they did not use it, for they have \$1,435,000 left, or will have at the end of the fiscal year, and they have the routes. Now, they only asked us for \$88,200,000, and they say they can not use more than \$88,350,000 successfully, and we have given them \$88,350,000. I think we have met the needs of the service and I think we ought not to compel the President of the United States to take more money than he wants.

I ask for a vote, and I hope the amendment offered by the gentleman from Mississippi will not prevail.

Mr. HUDSPETH. Will the gentleman yield before he takes his seat?

Mr. MADDEN. Yes.

Mr. HUDSPETH. Do I understand the gentleman to make the statement that they have sufficient funds for the creation of all necessary rural routes in the future that they may be called upon to create?

Mr. MADDEN. That is what they said; that if they got \$150,000 more than was recommended they would have an adequate sum, and we gave them that additional amount.

Mr. HUDSPETH. Who made that statement?

Mr. MADDEN. The Fourth Assistant Postmaster General.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. BUSBY) there were—ayes 13, noes 34.

So the amendment was rejected.

The Clerk completed the reading of the bill.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 10982) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1926, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MADDEN. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

Mr. BUSBY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Mississippi offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. Busby moves to recommit the bill to the Committee on Appropriations with instructions to that committee to report the same back forthwith with the following amendment:

"On page 63, line 7, after the word 'thereof,' strike out the figures '\$88,350,000' and insert in lieu thereof '\$89,250,000.'"

Mr. BUSBY. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit. The question was taken; and on a division (demanded by Mr. BUSBY) there were—ayes 14, noes 47.

Mr. BUSBY. Mr. Speaker, I object to the vote, on the ground that no quorum is present, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Mississippi makes the point of order that no quorum is present. It is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 69, nays 147, answered "present" 1, not voting 215, as follows:

(Roll No. 15)
YEAS—69

Abernethy	Gardner, Ind.	Mansfield	Stedman
Allen	Garner, Tex.	Moore, Ga.	Swank
Allgood	Gasque	Morehead	Taylor, W. Va.
Almon	Gilbert	Morris	Thomas, Ky.
Aswell	Hayden	Oldfield	Thomas, Okla.
Baukhead	Hill, Wash.	Park, Ga.	Tillman
Bell	Howard, Okla.	Quin	Tydings
Browne, Wis.	Huddlestone	Ragon	Underwood
Browning	Hudspeth	Ralney	Vinson, Ga.
Busby	Jacobstein	Raker	Vinson, Ky.
Collier	James	Rankin	Ward, N. C.
Cook	Jones	Romjue	Watkins
Croll	Kerr	Rutley	Wilson, La.
Cummings	Kincheloe	Sanders, Tex.	Wingo
Davis, Tenn.	Lanham	Sandlin	Woodruff
Dickinson, Mo.	Lazaro	Schneider	
Favrot	McKeown	Sears, Fla.	
Fisher	Major, Mo.	Sinclair	

NAYS—147

Ackerman	Dickinson, Iowa	LaGuardia	Sinnott
Andrew	Dowell	Lampert	Smith
Ayres	Dyer	Leatherwood	Speaks
Bacharach	Elliott	Leavitt	Sproul, Ill.
Barbour	Evans, Iowa	Lee, Ga.	Stengle
Beedy	Faust	Lineberger	Strong, Kans.
Begg	Fenn	Luthicum	Summers, Wash.
Black, Tex.	Fleetwood	Longworth	Summers, Tex.
Bland	Foster	Lozier	Swing
Box	Frear	McLaughlin, Mich.	Thatcher
Boycne, N. J.	Freeman	McKeynolds	Tilson
Buchanan	French	MacLafferty	Timberlake
Bulwinkle	Frothingham	Madden	Tincher
Burdick	Fuller	Magee, N. Y.	Treadway
Burtess	Funk	Major, Ill.	Underhill
Burton	Cambrill	Manlove	Vaile
Butler	Gibson	Mapes	Vare
Byrnes, Tenn.	Griest	Miller, Wash.	Vestal
Cable	Guyer	Montague	Vincent, Mich.
Campbell	Hadley	Moore, Va.	Volgt
Canfield	Hardy	Moore, Ind.	Wainwright
Cannon	Hawley	Morgan	Wason
Carter	Hersey	Murphy	Watres
Chidblom	Hickey	Nelson, Me.	Watson
Clague	Hill, Md.	Nelson, Wis.	Wefald
Clary	Hoch	Newton, Minn.	White, Kans.
Cole, Iowa	Hudson	Newton, Mo.	White, Me.
Colton	Hull, Iowa	Parker	Williams, Ill.
Connolly, Pa.	Hull, Morton D.	Patterson	Williams, Mich.
Cooper, Ohio	Hull, William E.	Purnell	Williams, Tex.
Cooper, Wis.	Keller	Ransley	Williamson
Cramton	Ketcham	Rathbone	Winter
Crisp	King	Rayburn	Wood
Crowther	Knutson	Reid, Ill.	Wurzback
Darrow	Kopp	Robinson, Iowa	Wyant
Davis, Minn.	Kurtz	Seger	The Speaker
	Kvale	Sherwood	

ANSWERED "PRESENT"—1

Johnson, S. Dak.

NOT VOTING—215

Aldrich	Barkley	Black, N. Y.	Boylan
Anderson	Beck	Blanton	Brand, Ga.
Anthony	Berger	Bloom	Brand, Ohio
Arnold	Bixler	Boles	Briggs
Bacon		Bowling	Britten

Brumm	Graham	McSwain	Rouse
Buckley	Green	McSweeney	Sabath
Byrnes, S. C.	Greenwood	MacGregor	Salmon
Carew	Griffin	Magee, Pa.	Sanders, Ind.
Casey	Hall	Martin	Sanders, N. Y.
Celler	Hammer	Mead	Schafer
Christopherson	Harrison	Merritt	Schall
Clancy	Hastings	Michaelson	Scott
Clark, Fla.	Haugen	Michener	Sears, Nebr.
Clarke, N. Y.	Hawes	Miller, Ill.	Shallenberger
Cole, Ohio	Hill, Ala.	Milligan	Shreve
Collins	Holaday	Mills	Simmons
Connally, Tex.	Hooker	Minahan	Sites
Connelly	Howard, Nebr.	Mooney	Smithwick
Corning	Hull, Tenn.	Moore, Ill.	Snell
Crosser	Humphreys	Moore, Ohio	Snyder
Cullen	Jeffers	Morin	Spearing
Curry	Johnson, Ky.	Morrow	Sproul, Kan.
Dallinger	Johnson, Tex.	Nolan	Stalker
Davey	Johnson, Wash.	O'Brien	Stegall
Deal	Johnson, W. Va.	O'Connell, N. Y.	Stevens
Dempsey	Jost	O'Connell, R. I.	Stevenson
Denison	Kearns	O'Connor, La.	Strong, Pa.
Dickstein	Kelly	O'Connor, N. Y.	Sullivan
Dominick	Kendall	O'Sullivan	Sweet
Doughton	Kent	Oliver, Ala.	Swoope
Doyle	Kless	Oliver, N. Y.	Taber
Drane	Kindred	Palge	Tague
Drewry	Kunz	Parks, Ark.	Taylor, Colo.
Driver	Langley	Peavey	Taylor, Tenn.
Eagan	Lankford	Peery	Temple
Edmonds	Larsen, Ga.	Perkins	Thompson
Evans, Mont.	Larson, Minn.	Perlman	Tinkham
Fairchild	Lea, Calif.	Phillips	Tucker
Fairfield	Leach	Porter	Upshaw
Fish	Lehlbach	Pou	Ward, N. Y.
Fitzgerald	Lilly	Prall	Weaver
Frick	Lindsay	Quayle	Weller
Free	Lozan	Ramsayer	Welsh
Fulbright	Lowrey	Reese	Wertz
Fulmer	Luce	Reed, Ark.	Wilson, Ind.
Gallivan	Lyon	Reed, N. Y.	Wilson, Miss.
Garber	McIntic	Reed, W. Va.	Winslow
Garrett, Tenn.	McDuffie	Richards	Wolff
Garrett, Tex.	McFadden	Roch	Woodrum
Geran	McKenzie	Robison, Ky.	Wright
Gifford	McLaughlin, Nebr.	Rogers, Mass.	Yates
Glatfelter	McLeod	Rogers, N. H.	Zihlman
Goldborough	McNulty	Rosenbloom	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Howard of Nebraska (for) with Mr. Johnson of South Dakota (against).

Until further notice:

Mr. Garber with Mr. Hastings.
 Mr. Beers with Mr. Fulmer.
 Mr. Moore of Illinois with Mr. Arnold.
 Mr. Denison with Mr. O'Connell of Rhode Island.
 Mr. Aldrich with Mr. Garrett of Texas.
 Mr. Richards with Mr. Harrison.
 Mr. Curry with Mr. Drewry.
 Mr. Fairchild with Mr. Dickstein.
 Mr. Larson of Minnesota with Mr. Lindsay.
 Mr. Magee of Pennsylvania with Mr. Connally of Texas.
 Mr. Boles with Mr. Jeffers.
 Mr. Temple with Mr. Doughton.
 Mr. Reese with Mr. Barkley.
 Mr. Michener with Mr. Kindred.
 Mr. Sears of Nebraska with Mr. Larsen of Georgia.
 Mr. Zihlman with Mr. Bloom.
 Mr. Schafer with Mr. Kunz.
 Mr. Wertz with Mr. Celler.
 Mr. Britten with Mr. Pou.
 Mr. Cole of Ohio with Mr. Weller.
 Mr. Edmonds with Mr. Blanton.
 Mr. Lehlbach with Mr. O'Connor of New York.
 Mr. Fairfield with Mr. Greenwood.
 Mr. Michaelson with Mr. Sullivan.
 Mr. Green with Mr. Briggs.
 Mr. Kendall with Mr. Hammer.
 Mr. MacGregor with Mr. Lowrey.
 Mr. Strong of Pennsylvania with Mr. Gallivan.
 Mr. Morin with Mr. Mooney.
 Mr. Shreve with Mr. Wilson of Mississippi.
 Mr. Perkins with Mr. Black of New York.
 Mr. Ward of New York with Mr. Morrow.
 Mr. Snyder with Mr. Dominick.
 Mr. Yates with Mr. Quayle.
 Mr. Paige with Mr. Garrett of Tennessee.
 Mr. Swoope with Mr. Tucker.
 Mr. Simmons with Mr. Bowling.
 Mr. Welsh with Mr. Upshaw.
 Mr. Bacon with Mr. Driver.
 Mr. Dallinger with Mr. Weaver.
 Mr. McFadden with Mr. O'Connor of Louisiana.
 Mr. Kearns with Mr. Parks of Arkansas.
 Mr. Luce with Mr. Sabath.
 Mr. Taylor of Tennessee with Mr. Drane.
 Mr. Beck with Mr. Rouse.
 Mr. Hall with Mr. Carew.
 Mr. Taber with Mr. Woodrum.
 Mr. Graham with Mr. Smithwick.
 Mr. Sproul of Kansas with Mr. Brand of Georgia.
 Mr. Mills with Mr. Connery.
 Mr. Free with Mr. Crosser.
 Mr. Clarke of New York with Mr. Doyle.
 Mr. Anthony with Mr. Wright.
 Mr. Haugen with Mr. Peery.

Mr. Kless with Mr. Salmon.
 Mr. Bixler with Mr. Griffin.
 Mr. Anderson with Mr. Boylan.
 Mr. Erum with Mr. Taylor of Colorado.
 Mr. Fitzgerald with Mr. Deal.
 Mr. Kelly with Mr. McClintic.
 Mr. Brand of Ohio with Mr. Johnson of Texas.
 Mr. Thompson with Mr. Willson of Indiana.
 Mr. Stalker with Mr. Cullen.
 Mr. Winslow with Mr. Lilly.
 Mr. Sanders of Indiana with Mr. Davey.
 Mr. Reed of West Virginia with Mr. Hawes.
 Mr. Porter with Mr. Lea of California.
 Mr. Perlman with Mr. Jost.
 Mr. Moore of Ohio with Mr. McDuffie.
 Mr. Sanders of New York with Mr. Fulbright.
 Mr. Christopherson with Mr. Mead.
 Mr. McLaughlin of Nebraska with Mr. Prall.
 Mr. Holaday with Mr. McSwain.
 Mr. Merritt with Mr. O'Connell of New York.
 Mr. Ramseyer with Mr. Buckley.
 Mr. Scott with Mr. Oliver of Alabama.
 Mr. Johnson of Washington with Mr. Minahan.
 Mr. Leach with Mr. Lyon.
 Mr. McKensie with Mr. Logan.
 Mr. Rogers of Massachusetts with Mr. Oliver of New York.
 Mr. Fredericks with Mr. Reed of Arkansas.
 Mr. McLeod with Mr. Shallenberger.
 Mr. Robison of Kentucky with Mr. Collins.
 Mr. Dempsey with Mr. Stevenson.
 Mr. Roach with Mr. Goldsborough.
 Mr. Snell with Mr. Spearing.
 Mr. Gifford with Mr. Corning.
 Mr. Reed of New York with Mr. McSweeney.
 Mr. Sweet with Mr. Steagall.
 Mr. Rosenbloom with Mr. Milligan.
 Mr. Schall with Mr. Lanford.
 Mr. Phillips with Mr. Johnson of Kentucky.
 Mr. Nolan with Mr. Martin.
 Mr. Peavey with Mr. Hull of Tennessee.
 Mr. Miller of Illinois with Mr. Evans of Montana.
 Mr. Stephens with Mr. Hill of Alabama.
 Mr. Fish with Mr. Byrnes of South Carolina.

Mr. JOHNSON of South Dakota. Mr. Speaker, on this roll call I voted "nay." I have a pair with the gentleman from Nebraska, Mr. Howann. If he were present, he would vote "yea." Therefore I withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. MADDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

PROPOSED NATIONAL BOARD OF PUBLIC WORKS

Mr. THOMAS of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on a bill that I have introduced, H. R. 11064, an act creating a national board of public works.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. THOMAS of Oklahoma. Mr. Speaker, I have just introduced in the House H. R. 11064, same being a bill to be entitled "An act creating a national board of public works, defining the duties thereof, and for other purposes," which bill proposes the creation of such board to consist of three members, not more than two of whom shall be members of the same political party, and each member of the board shall be experienced in public affairs.

The members of the board shall be appointed by the President, by and with the advice and consent of the Senate.

The members shall serve for six-year terms save of those first appointed; the President shall designate one of the members to serve for two years, one to serve for four years, and one to serve for six years.

The members shall give bond and shall be subject to removal by the President.

The members shall not engage in any other business during the time of their service on the board.

Section 4 of the bill provides—

Said board shall have charge of the architecture, engineering, construction, repair, and maintenance of all buildings and works built or occupied by or on behalf of the Government; it shall have authority to purchase all material and perform all other duties necessary in the construction, repair, and maintenance of all such buildings and works.

Section 11 of the bill provides—

That said national board of public works shall have authority—when there is a surplus of supplies, equipment, tools, or machinery in one department and the same is not necessary for said department and would be necessary for another or additional department of government—then said board shall have authority to transfer said supplies, equipment, tools, or machinery to said department in need of the same.

Section 12 of the bill provides that—

The said national board of public works shall assume jurisdiction of buildings and works already under construction and shall proceed with the construction of new buildings and works only upon orders of the President, and the activities of such board shall at all times be subject to the order of the President.

The operations of the Government in the construction of public buildings and public works are so widely scattered that the time seems near when such operations must be centered in one governmental agency.

The Secretary of the Interior in his annual report for the fiscal year 1924 recommends the creation of a bureau of public works. His recommendations are found on page 11 of his report and are as follows:

Government responsibilities in construction, now scattered through the different Federal departments, have reached such magnitude that they need to be organized and coordinated. This should be accomplished by bringing them together under a single control through the creation of a bureau of public works, constituted under the Department of the Interior.

The establishment of such a bureau would create a coordinated governmental industrial organization, efficient and economical in times of peace, ready in time of war or emergency to bring instantly into action the whole unified engineering and public works functions of the Government.

It would render even more efficient the present Budget system, with standardized and simplified specifications and contract forms, coordinated estimates, and unified control of governmental construction activities.

It would enable the governmental service to attract and hold the highest type of technically trained men by offering more permanent and attractive work and ample scope for the exercise of technical and administrative ability.

The personnel for such a technical bureau could readily be assembled from the different departments of the Government to create this essential instrument of administration.

The detail business of the Government is handled by the various Cabinet departments, and at present a number of such departments have organized special construction bureaus to have charge of public buildings and public works under their immediate supervision.

These 10 national departments are as follows:

Department of State, Department of the Treasury, Department of War, Department of Justice, Post Office Department, Department of the Navy, Department of the Interior, Department of Agriculture, Department of Commerce, and Department of Labor.

The Treasury Department maintains a Coast Guard Bureau, a bureau known as "Supervising Architect," and also has a "Bureau of Supply," and a "General Supply Committee."

The Department of War maintains a bureau known as the "Office of the Chief of Engineers." Under this bureau we have subdivisions as follows:

- a. Board of Engineers for Rivers and Harbors.
- b. Office of Public Buildings and Grounds.
- c. United States Engineer Office.
- d. Mississippi River Commission.
- e. California Debris Commission.

The Department of the Navy maintains bureaus as follows:

- a. Bureau of Construction and Repairs.
- b. Bureau of Engineering.

The Department of the Interior maintains bureaus which supervise vast construction works such as the Bureau of Reclamation and the Alaskan Railroad.

The Department of Commerce maintains Bureau of Lighthouses and the Department of Agriculture has control of all moneys appropriated for road construction.

In addition to the 10 major departments of State, we have numerous secondary departments to be considered, as the United States Shipping Board, Emergency Fleet Corporation, the United States Veterans' Bureau, which is at present constructing numerous hospitals throughout the country for the relief of the ex-service men.

It is not the purpose of the bill to take over and assume jurisdiction of each of the departments, bureaus, and commissions just mentioned, but only such of them and such work as may be ordered by the President.

The real purpose of the bill is that of economy; economy to be secured through one board instead of many; elimination of duplication in overhead expenses; the saving of equipment and materials, and saving in making purchases of supplies—all to be accomplished by starting and developing a new and separate board independent of all Cabinet departments, bureaus, and commissions, and subject only to the order of the

President. The work of this board should perhaps first start in a small way and thereafter be developed so as eventually to have supervision of such construction activities of the Government as may be found to be efficient and to the best interests of the public service.

THE UNITED STATES COAST GUARD AND THE ENFORCEMENT OF THE EIGHTEENTH AMENDMENT

Mr. HUDSON. Mr. Speaker, under leave to extend my remarks in the Record, given to-day, it is my desire to call the attention of the House more especially to the work of the Coast Guard in relation to the suppression of smuggling along our coast line and thus greatly aiding in the enforcement of the eighteenth amendment.

President Coolidge in his first message to this Congress said:

The prohibition amendment to the Constitution requires the Congress and the President to provide adequate laws to prevent its violation. It is my duty to enforce such laws. For that purpose a treaty is being negotiated with Great Britain with respect to the right of search of hovering vessels. To prevent smuggling the Coast Guard should be greatly strengthened and a supply of swift power boats should be provided. The major sources of production should be rigidly regulated and every effort should be made to suppress interstate traffic. With this action on the part of the National Government and the cooperation which is usually rendered by municipal and State authorities prohibition should be made effective. Free government has no greater menace than disrespect for authority and continual violation of law. It is the duty of a citizen not only to observe the law but to let it be known that he is opposed to its violation.

Carrying out the recommendation of the President, Congress accordingly in the appropriation bill for 1925 carried an item of \$12,194,900 in the allotment for the work of the Coast Guard. That item was for the building and reconditioning of certain types of boats for the further strengthening of the Coast Guard. This program meant the reconditioning of 20 destroyers and 2 mine sweepers laid up for a number of years in the navy yard. These boats were not to be constructed; they simply required reconditioning for the service of the Coast Guard. It also called for the construction of 223 cabin cruiser type of motor boats and 100 picket boats. This enlargement of the fleet of the Coast Guard, authorized at the last session of Congress, Mr. Speaker, has gone forward with dispatch under the able direction of Rear Admiral Billard and his splendid corps of officers, and we are told by the rear admiral that all of the above boats will be in operation with a full personnel by July 1, 1925.

The Coast Guard is one of the oldest organizations under the Federal Government. It was created under an act of the First Congress and approved by President Washington on August 4, 1790. For nearly a century and a half it has had a most honorable and distinguished record of service. The work and service of the Coast Guard for the Nation in time of peace is of a varied character, but always for the peace, the protection, the safety, and the defense of the Nation and the enforcement of its laws.

From the date of its organization, Mr. Speaker, one of the duties of the Coast Guard, may I say the original duty, was the enforcement of laws—the customs laws, the prevention, if you please, of smuggling into the United States from the sea. In the early days there was much of this smuggling, and the vessels of the guard were very actively engaged in the apprehending of the fast sailing craft that stole into the bays and inlets along our coast line in an effort to land contraband goods.

In the early part of the nineteenth century the service of the Coast Guard waged unrelenting warfare on the pirates that infested the Caribbean Sea and the Gulf of Mexico. And, gentlemen of the House, they stamped out these depredations.

To-day we are faced with another condition of smuggling and piracy that makes the stories of the nineteenth century fade into insignificance. Great fleets of vessels carrying thousands upon thousands of dollars' worth of rum stand off the shore at various points along the Atlantic coast and in a lesser degree the Pacific coast. These are mostly of foreign register. Their crews and owners are of the most reckless and lawless character. This traffic constitutes a grave menace to the peace, health, and prosperity of our country. The difficulties encountered in stopping this traffic are enormous, but not insurmountable. The service is throwing itself with energy and steadily increasing success into meeting this serious situation.

I quote from the hearing on this bill on page 211:

Admiral BILLARD. The Coast Guard is making more seizures and accomplishing more to-day than ever before.

Mr. VARE. It ought greatly to lessen the general violation of law throughout the country.

Admiral BILLARD. It will certainly lessen the smuggling by sea.

Mr. THATCHER. When you get the fleet in action do you expect a very marked cessation among the smugglers?

Admiral BILLARD. We very confidently look for that.

I quote further from Admiral Billard in his article on "The United States Coast Guard. Its task in enforcing the eighteenth amendment":

The Coast Guard is under no misapprehension as to the magnitude of the job it has to do. Its officers are entirely familiar with the difficulties that confront them. They know the great extent of our coast lines, with their innumerable harbors of refuge for fleeing rum runners and of the vast number of speedy launches that swarm around the rum fleets lying off our coasts.

The Coast Guard officers know that their service has had imposed upon it a tremendous task, more arduous and more difficult than ever before assigned to a seagoing force in time of peace. But they, and the enlisted men under them, are undertaking this big job energetically, efficiently, and zealously. Why? Because they look upon the whole matter as something in the line of duty.

The Coast Guard is in this fight to uphold the honor and dignity of the Constitution of the United States as it has done since 1790.

Through its long history the Coast Guard has never yet failed in any task assigned it. It now faces the greatest and most trying task in its long history, but officers and men, with one accord, are going into this fight to uphold the Constitution with a splendid determination to give the best that is in them.

This splendid spirit and determination ought to be contagious and it might well be emulated by every branch of the Federal Government to the end that defiance of the Constitution of the United States may end.

The appropriation which this bill carries for the maintenance of the enlarged fleet of the service amounts to nine and a half millions of dollars. It surely is amply justified.

The action of the Department of State in securing anti-smuggling treaties with other nations is most wholesome and effective at this time, when we consider them in connection with the anti-smuggling work of our Coast Guard Service. Following is the list of treaties concluded between the United States and foreign countries for the prevention of the smuggling of intoxicating liquors. These treaties fall into two classes, namely (1), those which have been proclaimed, and (2) those which have been signed and no further action taken with respect thereto:

Country	Signed, 1924	Senate consent, 1924	Pro- claimed, 1924
Great Britain.....	Jan. 23	Mar. 13	May 22
Norway.....	May 24	May 31	July 2
Germany.....	May 19	May 26	Aug. 11
Sweden.....	May 22	May 26	Aug. 19
Denmark.....	May 29	June 3	July 25
Italy.....	June 3	June 4	Oct. 25

CLASS II

Panama, June 6, 1924; Netherlands, June 30, 1924; France, August 21, 1924.

On June 6, 1924, the Department of State announced that a convention was signed on that date by the United States and Canada for the suppression of smuggling operations across the international boundary, the prosecution of persons violating the narcotic laws of either Government, and for kindred purposes. It provided that each Government should furnish information upon request to the appropriate officer of the other concerning clearances of vessels or the transportation of cargoes, shipments, or loads of articles across the international boundary when the importation of the articles transported by land is subject to the payment of duties; also information respecting clearances of vessels to any ports when there is ground to suspect that the owners or persons in possession of the cargo intend to smuggle it into American or Canadian territory. Clearances are to be denied to vessels carrying cargo consisting of articles the importation of which is forbidden by either country when it is evident from tonnage, size, or general character of the vessel, or the length of the voyage, or certain other conditions, that the vessel will be unable to carry the cargo to the destination proposed in the application for clearance.

Mr. Speaker, a new day of law enforcement and observance of all laws is before us. The increasing benefits of a sober manhood and a temperate Nation are so manifest that each succeed-

ing year will see an increasing host who will hail the writing of the eighteenth amendment into the Constitution of our Nation as the greatest act of any people anywhere on the face of the earth.

The testimony now being written by manufacturers, business leaders of every kind, physicians, nurses, and social workers as to the improvement in the condition of the population at large which has taken place since the adoption of the eighteenth amendment is so potent that it will soon convince the doubting Thomases of our population. Enforcement is constantly improving and complete enforcement will follow with better trained and reliable enforcement officers, coupled with the conviction that is rapidly growing in the hearts and minds of the people, both foreign and native born, that complete disuse of alcoholic drinks will result in enormous benefits to any people which accomplishes it.

Let us strengthen every department of the Government that law may be honored and observed and the fabric of our national life be the stronger and the purer.

Mr. Speaker, I want to close my remarks by quoting the happy New Year message of Dr. W. B. Wheeler:

Uncle Sam starts on his fifth year water-wagon journey happy, prosperous, and hopeful. Each month he earns seven billions, saves a billion, pays premiums on a billion dollars' worth of new insurance, gives in charity \$25,000,000 at home and \$4,000,000 in philanthropic gifts to wet Europe, and carries in his pocketbook, unbanked, over \$400,000,000. Meanwhile \$3,000,000 of the public debt are paid each working-day.

Uncle Sam's garage stores 15,552,077 automobiles, seven-eighths of the world's total. He daily spends over a million dollars on the movies, another million on the radio, another million on outdoor sports. He has cut over half a million from the yearly arrests for drunkenness, reduced his penitentiary population by 5,000 in the last year, closed the doors of many jails once crowded, decreased alcoholic insanity by two-thirds, and lowered his almshouse ratio from 91 per 100,000 to 71, the smallest in our history. Only one drink cure survives for each 10 that prospered under license. He has increased longevity three years per person. He erected homes for 295,193 families during the first six months of the past year. His industrial accidents are 250,000 fewer per year than when beer made men clumsy.

Uncle Sam has 14,346,701 telephones. Few of his children are poor. He saves \$74,000,000 per year once spent to relieve drink-caused poverty. Instead of beer he buys bonds, until one in five are security holders. Private buyers alone hold over \$4,000,000,000 in foreign bonds, besides the enormous issues of domestic, industrial, and public securities.

Over 25,000,000 of his boys and girls are in school. Daily over 3,000 new members join his churches, which spent \$250,000,000 in the past year for new buildings.

ORDER OF BUSINESS

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar unobjected to may be in order on Friday.

The SPEAKER. The gentleman from Ohio asks unanimous consent that bills on the Private Calendar unobjected to may be in order on Friday.

Mr. BOX. That does not involve pending business?

Mr. LONGWORTH. That does not interfere with the vote on any bill where the previous question has been ordered.

Mr. BOX. The Oliver bill. Is there any other bill?

Mr. LONGWORTH. Only one bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. SEARS of Florida. Reserving the right to object—and I shall not object—the majority leader will recall that the day we recessed for the holidays he made some remarks, and I made a few remarks and stated that I hoped when we reconvened he could give us some definite idea as to when we could expect the rivers and harbors bill to be taken up for consideration. I do not know whether he is now able to give us the data, but I read in last night's paper that the bill possibly would not be reached until some time in February. Of course, the majority leader knows that if that is true, we might as well tell the country that there will be no rivers and harbors bill at this session.

Mr. CRAMTON. Does the gentleman think the country could stand that shock?

Mr. SEARS of Florida. The country withstood one shock last November, and it might stand a second shock; yes.

Mr. LONGWORTH. I will say to the gentleman from Florida that I have no further information at present than I had before.

Mr. SEARS of Florida. Can not the gentleman from Ohio assure us that it will be taken up soon? This is a vital question to many sections of the country, and the bill ought to be considered and passed at this session. We know that it could not pass the Senate if it did not go over there earlier than February.

Mr. LONGWORTH. I made this request because we finished the appropriation bill to-day in such a remarkably short time. I am informed by the chairman of the Committee on Appropriations that the Army bill will be ready to be taken up on Saturday and that leaves Friday an open day. Thereafter an urgent deficiency bill is ready, which will be taken up at the conclusion of the Army bill. I can give the gentleman from Florida no further assurance.

Mr. WINGO. It is now only 4 o'clock in the afternoon, what is the objection to taking up the rivers and harbors bill and passing it this afternoon? [Laughter.]

Mr. LONGWORTH. I believe the rule for its consideration has not been brought in.

Mr. SEARS of Florida. I do not believe in lobbying. I know the country is interested in this rivers and harbors bill, and, evidently from the answer of the gentleman from Ohio, the newspaper article is correct and we will not have a rivers and harbors bill at this session. Those who are interested in it—gentleman from Ohio and New York and Michigan—might get busy and perhaps assist in having the bill considered.

Mr. LaGUARDIA. May I ask the gentleman from Ohio if we will take up the unfinished business from the Committee on Claims on Friday morning?

Mr. LONGWORTH. If my request is granted, bills from the Committee on Claims unobjected to would be in order.

Mr. LaGUARDIA. And the unfinished business would be in order?

Mr. LONGWORTH. Yes.

Mr. BOX. The gentleman from Ohio knows the interest in the Oliver bill. The gentleman is going to insist on there being a quorum, and unless the gentleman is assured that a quorum is here—

Mr. LONGWORTH. "The gentleman from Ohio" can not be assured of a quorum. There are more than 150 bills on the calendar, and if there is not sufficient interest for Members to be here I shall make a motion to adjourn.

Mr. GARNER of Texas. The request of the gentleman from Ohio is to consider bills on the Private Calendar unobjected to. By unanimous consent you can set an order aside, and it might be as well to consider the Oliver bill at some other time.

Mr. LONGWORTH. I do not believe that could be done, because the Chair ruled that when the previous question was ordered it was in order on the next day on which the Private Calendar was considered.

Mr. GARNER of Texas. But the gentleman will remember that this is unanimous consent. We could have unanimous consent not to vote on it, regardless of the rules, at this session. So if the gentleman wants to consider bills on the Private Calendar unobjected to, regardless of the question of a quorum, he could make a request for unanimous consent not to vote on the Oliver proposition.

Mr. LONGWORTH. I am not making this request on my own motion. I do not think that would be a proper request to make at this time. Certainly it is true, under the ruling of the Chair, that whenever a claims day comes, and no preferential motion is made, the first business in order would be the final vote on the Oliver bill.

Mr. GARNER of Texas. Yes; but the gentleman is asking unanimous consent now, and he can ask unanimous consent in such a form that the Oliver proposition could not be considered next Friday. The query is whether the gentleman desires to make that request.

Mr. LONGWORTH. I do not think I care to make that request.

Mr. GARNER of Texas. In other words, the gentleman wants it considered next Friday?

Mr. LONGWORTH. Personally, I do not care whether it is considered or not; but that is the orderly way to dispatch business.

Mr. GARNER of Texas. But why take the chance of no quorum being present?

Mr. LONGWORTH. But I am not taking any chances. There are 150 private bills on the calendar. If my request is not granted, those bills can not be considered, and if gentlemen have not enough interest to be here, well and good.

Mr. GARNER of Texas. I want to see the bills considered. I was only trying to point out a way whereby you could avoid the question of a quorum on Friday, because the gentleman, my

colleague from Texas [Mr. Box], has notified the gentleman from Ohio that he must have a quorum present if he is to vote on the Oliver bill.

Mr. BEGG. Has the gentleman from Texas consulted his colleague from Texas who usually makes the point of no quorum?

Mr. GARNER of Texas. My colleague, Mr. Box, has just said that we must have a quorum at that time.

Mr. BEGG. He is not the gentleman from Texas to whom I refer.

Mr. WINGO. What is the objection to passing it over until some other day?

Mr. LONGWORTH. But I have not made that request.

Mr. WINGO. Why not make it?

Mr. LONGWORTH. If gentlemen are going to be captious about the matter, I shall withdraw the request. I am asking this at the request of a number of gentlemen. I have no personal interest one way or the other, whether it be agreed to or not. I have made the request.

Mr. WINGO. But the gentleman misunderstands my suggestion. I am not going to object. I am going to be here. Some of the gentlemen are not going to be here, and perhaps we will not have a quorum. It occurred to me that it would be avoiding the captious to simply agree that we will consider unobjected bills on that day, and then, after the new year, when we come around automatically to the regular claims day, we could take up the Oliver bill. I think that would be showing consideration for those who want to consider bills on the Private Calendar.

Mr. LONGWORTH. But I am showing consideration. However, there are certain gentlemen who want to vote on the Oliver bill, and I am willing to take the chance of a quorum being present.

Mr. BOX. Mr. Speaker, certain gentlemen who want to vote on the Oliver bill have requested that it be not considered in their absence, and they can not well be here. They so advised me. I am not disposed to embarrass the business of the House, but I do believe that a bill of such importance ought to be considered by something like a full House. The gentleman from Ohio is managing the business of the House, of course, in his own way, but I would be glad if he could so modify his request as to make it include other business on the Private Calendar, and then let that business be considered on another day.

Mr. LONGWORTH. In the circumstances I should not feel justified in making that request myself, though I shall not object if the gentleman from Texas makes it.

Mr. BYRNS of Tennessee. Mr. Speaker, there are one or two gentlemen whom I know are very anxious to have the Oliver bill voted on. That bill has been pending here for two or three years. It has now reached a point where it can be voted on. Although I have no interest in it myself, I expect to vote for the bill. I would not be willing to consent that any action be taken by the House which would displace that bill on the calendar and possibly throw it over so that it could not be considered at this session.

Mr. BOX. Mr. Speaker, I object to the request.

Mr. BYRNS of Tennessee. Especially in the absence of the gentleman from Tennessee [Mr. TAYLOR].

The SPEAKER. The gentleman from Texas [Mr. Box] objects to the request of the gentleman from Ohio.

Mr. BOX. I object with the understanding that a vote on the Oliver bill is going to be insisted upon. I would be glad to see the calendar considered if the request could be so modified that the vote on the Oliver bill be not taken.

The SPEAKER. That bill will be in order whether the request is made or not.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry. That is the order under the general rules of the House, but if the House to-day by unanimous consent agreed that it will consider only certain bills, which excludes the Oliver bill, would not that be permissible, and it would not destroy the privileged status of the Oliver bill, would it? If the House did not take any further action by unanimous consent, then on the next Friday that the Private Calendar is in order the vote would come on the Oliver bill.

The SPEAKER. Certainly; but the gentleman from Texas intimated that this request was to make the Oliver bill in order. The Chair wished to set that right.

Mr. LONGWORTH. The Oliver bill is in order on Friday.

Mr. WINGO. I think possibly the Chair has a different conception of it. I gathered from the last statement of the Chair that the request of the gentleman in its present form is really what the gentleman from Texas wanted—not to vote on the bill Friday, but to consider other bills unobjected to.

The SPEAKER. The gentleman from Ohio has not made that request.

Mr. LONGWORTH. Let me call the attention of the gentleman to the fact that it would be impossible to secure unanimous consent that the Oliver bill should not be considered.

Mr. WINGO. If the gentleman is confronted with that situation, I appreciate the difficulty.

Mr. GARNER of Texas. If I understand the parliamentary situation, it is this: If the request be objected to, then on Friday automatically the Oliver bill will come before the House for a vote?

The SPEAKER. Certainly.

Mr. GARNER of Texas. And then we would not have an opportunity to consider bills on the calendar unobjected to?

The SPEAKER. That is correct.

Mr. GARNER of Texas. So that nothing would be gained by an objection.

Mr. BOX. Mr. Speaker, I withdraw my objection, reserving the right to object further. I understood that this business was not to be considered last week or this week. I understood, perhaps misunderstanding the statement of the gentleman from Ohio, that that business would not be considered this week.

Mr. LONGWORTH. I did not anticipate it would. It is the remarkable dispatch of the public business by the House that has made it possible. In fact, it has made it necessary. Let me call the attention of the gentleman to the fact that we have to-day passed the necessary bills appropriating for all of the functions of five great departments of the Government, which is a record-breaking performance, so far as I know.

That is very good. Friday we find to be the day upon which we expected to pass the bill referred to, and we find that there is now a Friday upon which claims are in order.

Mr. BOX. The gentleman from Ohio is to be congratulated on his good management and on the good support he has had on both sides of the House.

Mr. LONGWORTH. And on the gentleman's cooperation.

Mr. BOX. The gentleman from Texas does not want to be an obstructionist. The gentleman from Tennessee [Mr. GARRETT] had the assurance that this bill would not be taken up. The gentleman from Texas, I say, does not want to obstruct the public business, and while he feels that this situation ought not to have occurred in this way he withdraws his objection, not desiring needlessly to obstruct the public business.

Mr. SWING. Mr. Speaker, reserving the right to object—though I shall not object—we had up a short time back, the first time, I recall, a bill from the Committee on Claims. It was the first time, I remember. Will there be an opportunity to consider bills from other committees on the Private Claims Calendar under the general rules of the House?

Mr. LONGWORTH. I assume so. But the way to dispatch business on the Private Calendar is to do it by the process of elimination.

Mr. SWING. But it is unfair to many meritorious bills to have some one person set up his peculiar intelligence as the test of the merit of bills reported by committees that have given the measures careful consideration. Mr. Speaker, I withdraw my reservation of the right to object.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. It is so ordered.

PRESIDENT'S MESSAGE—MAP OF THE WORLD

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State recommending a request to Congress to enact legislation providing for an appropriation of \$30 for the payment for the calendar year 1925 of a contribution by the United States toward the secretarial expenses of the Bureau for the International Map of the World.

The matter is fully explained in the report of the Secretary of State. In view of the importance which the Secretary of the Interior attaches to this bureau and its work, I trust that the small appropriation recommended will be granted.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, December 30, 1924.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. McDUFFIE (at the request of Mr. BANKHEAD), from December 29, indefinitely, on account of illness in his family.

To Mr. PATTERSON, for four days, on account of important business.

To Mr. LOWREY, for five days, on account of important business.

ADJOURNMENT

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Wednesday, December 31, 1924, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ROACH: Committee on War Claims. H. R. 9471. A bill for the relief of Henry T. Hill; without amendment (Rept. No. 1068). Referred to the Committee of the Whole House.

Mr. WILLIAMS of Michigan: Committee on War Claims. H. R. 5236. A bill for the relief of Mrs. M. J. Adams; with an amendment (Rept. No. 1069). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CABLE: A bill (H. R. 11167) providing for the transmission by registered mail of the results of the votes cast by presidential electors for President and Vice President to the Secretary of State of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. DOMINICK: A bill (H. R. 11168) granting the consent of Congress to S. M. McAdams, of Iva, Anderson County, S. C., to construct a bridge across the Savannah River; to the Committee on Interstate and Foreign Commerce.

By Mr. REED of West Virginia: A bill (H. R. 11169) to amend, revise, and reenact subchapter 3, sections 546 and 547, of the Code of Law of the District of Columbia, relating to the recording of deeds of chattels; to the Committee on the District of Columbia.

Also, a bill (H. R. 11170) to amend, revise, and reenact section 549 of subchapter 4 of the Code of the District of Columbia, relating to the appointment of deputy recorder of deeds, and fixing the compensation therefor; to the Committee on the District of Columbia.

By Mr. WINTER: A bill (H. R. 11171) to provide for aided and directed settlement on Government land in irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. GRAHAM: A bill (H. R. 11172) providing for the temporary detail of commissioned officers and enlisted men of the Army, Navy, and Marine Corps, and for other purposes; to the Committee on the Judiciary.

By Mr. WILSON: A bill (H. R. 11173) providing for the extension and enlargement of the post office and court building at Monroe, La.; to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM: A resolution (H. Res. 388) for the immediate consideration of House bill 8711, to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BECK: A bill (H. R. 11174) granting an increase of pension to Caroline Cox; to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 11175) granting an increase of pension to William S. Kemp; to the Committee on Pensions.

Also, a bill (H. R. 11176) granting a pension to John H. Hubbard; to the Committee on Pensions.

By Mr. BROWNING: A bill (H. R. 11177) granting a pension to Georgia A. Godwin; to the Committee on Invalid Pensions.

By Mr. BULWINKLE: A bill (H. R. 11178) granting a pension to Burl A. Fry; to the Committee on Pensions.

Also, a bill (H. R. 11179) granting a pension to John A. Mulwee; to the Committee on Pensions.

By Mr. COLE of Ohio: A bill (H. R. 11180) granting a pension to Mary Walterhouse; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 11181) granting an increase of pension to Frances Miller; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 11182) for the relief of Theodore W. Goldin; to the Committee on Military Affairs.

By Mr. FISH: A bill (H. R. 11183) granting an increase of pension to Mary A. Corwin; to the Committee on Invalid Pensions.

By Mr. FULBRIGHT: A bill (H. R. 11184) granting an increase of pension to Martha Weston; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 11185) granting a pension to Nellie Mooney; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 11186) granting a pension to William Lanier; to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 11187) granting an increase of pension to Bert Walker; to the Committee on Pensions.

Also, a bill (H. R. 11188) granting a pension to Rachel Wood; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 11189) granting a pension to Hannah L. Jennings; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 11190) granting an increase of pension to Elizabeth Siegler; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 11191) granting a pension to Ida M. Uline; to the Committee on Invalid Pensions.

By Mr. LUCE: A bill (H. R. 11192) granting a pension to Carrie E. Miett; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 11193) to provide for the retirement of Clarence W. Sessions, judge of the District Court for the Western District of Michigan; to the Committee on the Judiciary.

By Mr. MOREHEAD: A bill (H. R. 11194) granting a pension to Mary Demaree; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 11195) granting a pension to Sarah Jane Hardy; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 11196) granting a pension to Anna Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11197) granting an increase of pension to Mary Anne Bain; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 11198) granting an increase of pension to Matilda Hester; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 11199) granting an increase of pension to Frederick Sholes; to the Committee on Pensions.

By Mr. STEPHENS: A bill (H. R. 11200) granting a pension to Elizabeth J. Waddell; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 11201) for the relief of Charles Satchuel Taylor; to the Committee on Naval Affairs.

By Mr. SWOPE: A bill (H. R. 11202) granting a pension to Priscilla Allison; to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 11203) granting an increase of pension to Nancy E. Belk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11204) granting an increase of pension to Lee Byrd; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 11205) granting an increase of pension to Sarah A. Chadwick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11206) to correct the military record of John T. O'Neil; to the Committee on Military Affairs.

By Mr. TREADWAY: A bill (H. R. 11207) granting an increase of pension to Ellen Manix; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 11208) granting a pension to Lucinda Weaver; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 11209) granting a pension to Francis Forbes; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3314. By Mr. LEE of Georgia: Petition of sundry citizens of Rome, Ga., protesting against the passage of the compulsory Sunday observance law (S. 3218); to the Committee on the District of Columbia.

3315. By Mr. LINDSAY (by request): Petition of the Religious Liberty Association, C. S. Longacre, general international secretary, of Takoma Park, Washington, D. C., with request that said petition be entered in the CONGRESSIONAL RECORD and then referred to the House Committee on the District of Columbia, which may ultimately have to consider the compulsory Sunday observance bill (S. 3218), against which the Religious Liberty Association is unalterably opposed; to the Committee on the District of Columbia.

3316. By Mr. MILLIGAN: Petition of sundry citizens of Gentry, Mo., protesting against the passage of the compulsory Sunday observance law (S. 3218); to the Committee on the District of Columbia.

3317. By Mr. O'CONNELL of New York: Petition of the Jamaica Women's Club, of Jamaica, Long Island, N. Y., favoring the postal salary increase bill (S. 1898); to the Committee on the Post Office and Post Roads.

3318. Also, petition of Fox Patrol of Troop No. 14, Boy Scouts of America, Woodhaven, Long Island, N. Y., favoring the postal salary increase bill (S. 1898); to the Committee on the Post Office and Post Roads.

3319. Also, petition of the Arthur McArthur Camp, United Spanish War Veterans, favoring House bill 5954, for a uniform and equal standard for rating of all United States war veterans; to the Committee on World War Veterans' Legislation.

HOUSE OF REPRESENTATIVES

WEDNESDAY, December 31, 1924

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our Heavenly Father, as we pause in Thy holy presence, we are reminded that we are standing on the very verge of the old year. We thank Thee that the life of God and the life of man have been united and that behind the scenes on earth there surges still Thy mercy which floods the world. In abiding memory help us to treasure the good, the beautiful, and the true. Thy amazing love, so immense and free, have been our comfort and our support. Soon we shall be in the doorway of the new year. For all that awaits us, give us knowledge with conviction, ability with self-control, and the deepest thought with the deepest feeling. May our imperative concern be to fear God, to love righteousness, and to build manhood. As our dear ones of the hearthstone turn the new leaf of the new book with gladness, may it be prophetic of a year full of joy, love, and happiness. The Lord bless our President and Heaven's choicest blessings fall upon our entire country. O Lord God, the years are forming and disappearing; the months are woven only to be unraveled. We are powerless to stay the day when we shall pass forever from the scenes we love. O help us to carry along with us the choicest thoughts and aspirations, and whisper Thy presence to us each passing day, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the roll of committees.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 8235. An act for the relief of Aktieselskabet Marie di Giorgio, a Norwegian corporation of Christiania, Norway.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 162. An act to amend the act establishing the eastern judicial district of Oklahoma, to establish a term of the United States District Court for the Eastern Judicial District of Oklahoma at Pauls Valley, Okla.;

H. R. 644. An act providing for the holding of the United States district and circuit courts at Poteau, Okla.;

H. R. 704. An act to authorize the Court of Appeals for the First Circuit to hold sittings at San Juan, P. R.;

H. R. 914. An act granting six months' gratuity pay to Stausfield A. and Elizabeth G. Fuller;

H. R. 1078. An act for the relief of Fred E. Jones Dredging Co.;

H. R. 1082. An act for the relief of Henry A. Kessel Co. (Inc.);

H. R. 1333. An act for the relief of Joseph P. Ryan;

H. R. 1682. An act for the relief of the Stone Towing Line;

H. R. 2005. An act for the relief of William J. McGee;

H. R. 2335. An act for the relief of J. Jessop and sons;

H. R. 2373. An act for the relief of the Standard Oil Co., at Savannah, Ga.;

H. R. 2369. An act for the establishment of a United States industrial reformatory;

H. R. 2989. An act for the relief of Mrs. E. L. Guess;

H. R. 3046. An act for the relief of J. W. Cook;

H. R. 3388. An act to place the name of Paul Crum on the muster rolls of Company E, First Regiment Nebraska Infantry, United States Volunteers;

H. R. 3504. An act for the relief of Cornelia M. A. Tower;

H. R. 3595. An act for the relief of Fred W. Stickney and H. A. Reynolds;

H. R. 3511. An act to extend relief to the claimants in township 16 north, ranges 32 and 33 east, Montana meridian, Montana;

H. R. 3748. An act for the relief of Lebanon National Bank;

H. R. 4275. An act authorizing the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska to submit claims to the Court of Claims;

H. R. 4318. An act for the relief of Edward S. Schelbe;

H. R. 4432. An act for the relief of Orville Paul;

H. R. 4760. An act for the relief of the estate of C. M. Cole, of Butler County, Ky.;

H. R. 4818. An act to protect the title of purchasers of Indian lands sold under the provisions of the act of Congress of March 3, 1909 (35 Stat. L. p. 751), and the regulations pursuant thereto as applied to Indians of the Quapaw Agency;

H. R. 5425. An act to provide for the disposition of moneys paid to or received by any official as a bribe which may be used as evidence in any case growing out of any such transaction;

H. R. 5661. An act granting permission to Col. Harry F. Rethers, Quartermaster Corps, United States Army, to accept the gift of a Sevres statuette entitled "Le Courage Militaire," tendered by the President of the French Republic;

H. R. 6241. An act for the relief of Lieut. E. J. McAllister;

H. R. 6383. An act for the relief of the Maryland Casualty Co., the United States Fidelity & Guaranty Co., of Baltimore, Md., and the National Surety Co.;

H. R. 6384. An act for the relief of the Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co., of Baltimore, Md.;

H. R. 6506. An act for the relief of John Baumen;

H. R. 6541. An act to amend an act entitled "An act to provide for the disposal of the unallotted lands on the Omaha Indian Reservation in the State of Nebraska";

H. R. 6817. An act to provide for the construction of a vessel for the Coast Guard;

H. R. 7077. An act to amend an act entitled "An act to amend an act entitled 'An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914,' approved June 30, 1913," approved May 26, 1920;

H. R. 7194. An act for the relief of Bertram Gardner, former collector of internal revenue for the first district of New York;

H. R. 7296. An act for the relief of John W. Dilks;

H. R. 7420. An act for the relief of Albert E. Laxton;

H. R. 7453. An act to amend an act approved March 3, 1909, entitled "An act for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes";

H. R. 7522. An act to authorize and direct issuance of patents to purchasers of lots in the town site of Bowdoin, Mont.;

H. R. 8100. An act for the relief of the estate of Charles L. Freer, deceased;

H. R. 8343. An act for the relief of Jim Hennessee;

H. R. 8545. An act conferring jurisdiction on the Court of Claims to determine and report upon the interest, title, ownership, and right of possession of the Yankton Band of Santee Sioux Indians to the Red Pipestone quarries, Minnesota;

H. R. 9518. An act granting the consent of Congress to the State of Alabama through its highway department to construct and maintain a bridge across the Coosa River at or near Leesburg, Ala.; and

H. J. Res. 257. Joint resolution providing for the procurement of a design for the use of grounds in the vicinity of the Mall by the United States Botanic Garden.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 876. An act to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes;

S. 854. An act for the relief of Margaret Richards;

S. 747. An act for the relief of Joseph F. Becker;

S. 685. An act to authorize the Secretary of Commerce to sell certain department publications and to provide for crediting the department's printing allotment with the proceeds;

S. 660. An act for the relief of the Ogden Chamber of Commerce;

S. 369. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913;

S. 308. An act to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919;

S. 1543. An act for the relief of George E. Harpham;

S. 1392. An act authorizing the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska to submit claims to the Court of Claims;

S. 1340. An act to make the necessary survey and to prepare a plan of a proposed parkway to connect the old Civil War forts in the District of Columbia;

S. 1179. An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan, of other streets, roads, or highways in the District of Columbia, and for other purposes;

S. 1033. An act to establish the Benning National Forest in the State of Georgia;

S. 1022. An act for the relief of Francis Nicholson;

S. 1016. An act for the relief of Augusta Reiter;

S. 994. An act to amend the act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes";

S. 1897. An act for the relief of Mrs. Benjamin Gauthier;

S. 1893. An act to refund certain duties paid by the Nash Motors Co.;

S. 1828. An act to supplement the military record of Lieut. Commander Charles O. Maas;

S. 1733. An act to authorize the Secretary of War to secure for the United States title to certain private lands contiguous to and within the Militia Target Range Reservation, State of Utah;

S. 1705. An act for the relief of the heirs of Ko-mo-dal-kiab, Moses agreement allottee No. 33;

S. 1665. An act to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex.;

S. 1653. An act authorizing the expenditure for certain purposes of receipts from oil and gas on the Navajo Indian Reservation in Arizona and New Mexico;

S. 1569. An act to compensate Lieut. L. D. Webb, United States Navy, for damages to household effects while being transported by Government conveyance;

S. 52. An act for the relief of Alice M. Durkee.

S. 1937. An act for the relief of the Staples Transportation Co., of Fall River, Mass.;

S. 2053. An act to provide for designating the route of the Old Oregon Trail;

S. 2079. An act for the relief of the owner of the American steam tug *O'Brien Brothers*;

S. 2130. An act for the relief of the owner of the ferryboat *New York*;

S. 2139. An act for the relief of the estate of Walter A. Rich, deceased;

S. 2173. An act to provide fees to be charged by clerks of the district courts of the United States;

S. 2174. An act to provide for accounting by clerks of United States district courts of fees received by them in naturalization proceedings;

S. 2175. An act to provide for reporting and accounting of fines, fees, forfeitures, and penalties, and all moneys paid to or received by clerks of United States courts;

S. 2176. An act to amend section 2 of the act of August 1, 1893 (25 Stat. L. p. 357);

S. 2179. An act to provide for the rendition of accounts by United States attorneys, United States marshals, clerks of United States courts, and United States commissioners;

S. 2223. An act for the relief of the estate of Robert M. Bryson, deceased;

S. 2254. An act for the relief of the Beaufort County Lumber Co., of North Carolina;

S. 2293. An act for the relief of Lehigh Valley Railroad Co. and McAllister Lighterage Line (Inc.);

S. 2375. An act to facilitate the suppression of the intoxicating liquor traffic among Indians;

S. 2458. An act to authorize the payment of the indemnity to the Swedish Government for the losses sustained by its nationals in the sinking of the Swedish fishing boat *Lilly*;

S. 2478. An act to carry out the findings of the Court of Claims in the case of Kate Reaney Zeiss, administratrix of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, against the United States;

S. 2503. An act for the relief of W. H. King;

S. 2520. An act to give the Court of Claims jurisdiction to hear and adjudge the claims of the estate of John Frazer, deceased, and others;

S. 2534. An act for the relief of J. E. Sancier;

S. 2568. An act for the relief of the owners of the steam tug *Joshua Lovett*;

S. 2689. An act for the relief of the First International Bank of Sweetgrass, Mont.;

S. 2691. An act to amend the Penal Code;

S. 2714. An act for the relief of John F. Malley;

S. 2774. An act for the relief of G. Ferlita;

S. 2794. An act for the relief of Margaret B. Knapp;

S. 2833. An act for the relief of Rinald Bros., of Philadelphia, Pa.;

S. 2838. An act to provide for expenditure of tribal funds of Indians for construction, repair, and rental of agency buildings and related purposes;

S. 2842. An act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes;

S. 2860. An act for the relief of the Canada Steamship Lines (Ltd.);

S. 2879. An act for the relief of James E. Jenkins;

S. 2950. An act to define and determine the character of the service represented by the honorable discharge issued to John McNickle, of Company L, Seventh Regiment New York Volunteer Heavy Artillery, under date of September 27, 1865;

S. 2976. An act to authorize the Comptroller General of the United States to relieve Fred A. Gosnell, former disbursing clerk, Bureau of the Census, and the estate of Richard C. Lappin, former supervisor of the Fourteenth Decennial Census for the Territory of Hawaii, and special disbursing agent, in the settlement of certain accounts;

S. 2992. An act for the relief of the Berwind-White Coal Mining Co.;

S. 3036. An act to amend the law relative to timber operations on the Menominee Reservation in Wisconsin;

S. 3053. An act to quiet title to original lot 4, square 116, in the city of Washington, D. C.;

S. 3066. An act for the relief of Albert E. Magoffin;

S. 3072. An act to refund taxes paid on distilled spirits in certain cases;

S. 3073. An act for the relief of George A. Berry;

S. 3080. An act for the relief of the Utah and White River Tribes of Ute Indians of Utah;

S. 3084. An act to enlarge the fish cultural station at Orangeburg, S. C.;

S. 3123. An act authorizing the Secretary of Commerce to convey certain land to the city of Duluth, Minn.;

S. 3173. An act to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial in the city of Washington to an appropriate point in the State of Virginia, and for other purposes;

S. 3235. An act for the relief of Christina Conniff;

S. 3247. An act providing for the payment of any unappropriated moneys belonging to the Apache, Kiowa, and Comanche Indians to Jacob Crew;

S. 3252. An act referring the claim of the State of Rhode Island for expenses during the war with Spain to the Court of Claims for adjudication;

S. 3281. An act for the relief of Ralph Ole Wright and Varina Belle Wright;

S. 3292. An act granting the consent of Congress to the city of Hannibal, Mo., to construct a bridge across the Mississippi River at or near the city of Hannibal, Marion County, Mo.;

S. 3346. An act to provide that jurisdiction shall be conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and certain bands of Indians, and for other purposes;

S. 3352. An act to provide for the appointment of an appraiser of merchandise at Portland, Oreg.;

S. 3357. An act to amend sections 2 and 5 of the act entitled "An act to provide the necessary organization of the customs service for an adequate administration and enforcement of the tariff act of 1922 and all other customs revenue laws," approved March 4, 1923;

S. 3370. An act for the relief of Mary T. Metcalfe;

S. 3392. An act to amend section 558 of the Code of Law for the District of Columbia;

S. 3428. An act authorizing the construction of a bridge across the Ohio River to connect the city of Portsmouth, Ohio, and the village of Fullerton, Ky.;

S. 3505. An act for the relief of Canadian Car & Foundry Co. (Ltd.);

S. 3530. An act to amend the act entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton";

S. 3534. An act to correct the military record of Thomas C. Johnson, deceased;

S. 3548. An act for the relief of the heirs of Karl T. Larson, deceased;

S. 3571. An act authorizing the transfer of real property no longer required for lighthouse purposes;

S. 3584. An act to extend the time for completing the construction of a bridge across the Delaware River;

S. 3640. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River south of Chelau Falls, Wash.;

S. 3641. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River at Vantage Ferry, Wash.;

S. 3642. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River at Kettle Falls, Wash.;

S. 3707. An act granting a pension to Edith Bolling Wilson;

S. J. Res. 46. Joint resolution for the relief of Capt. Ramon B. Harrison;

S. J. Res. 131. Joint resolution authorizing the Director of the United States Veterans' Bureau to take assignments of certain claims of patients of General Hospital No. 55, Fort Bayard, N. Mex.;

S. J. Res. 133. Joint resolution authorizing and requesting the Postmaster General to design and issue a special postage stamp to commemorate the arrival in New York on October 9, 1825, of the sloop *Restaurationen*, bearing the first shipload of immigrants to the United States from Norway, and in recognition of the Norse-American Centennial celebration in 1925; and

S. J. Res. 135. Joint resolution granting permission to the Roosevelt Memorial Association to procure plans and designs for a memorial to Theodore Roosevelt.

EMERGENCY MAIL SERVICE IN ALASKA

Mr. MOORE of Ohio (when the Clerk called the Committee on the Post Office and Post Roads). Mr. Speaker, I am directed by the Committee on the Post Office and Post Roads to call up H. R. 6581, a bill authorizing the Postmaster General to provide emergency mail service in Alaska.

The SPEAKER. The gentleman from Ohio calls up the bill H. R. 6581, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Connecticut [Mr. TILSON] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6581, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 6581, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the Postmaster General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable without advertising therefor.

With the following committee amendment:

Page 1, line 3, after the word "That," strike out the word "hereafter."

Mr. MOORE of Ohio. Mr. Chairman and gentlemen of the committee, since 1901 this language, or similar language, has been carried in the annual appropriation bill, and the object of this bill is to give permanency to the legislation which we have been passing since 1901 for emergency mail service in Alaska. At certain seasons of the year in Alaska the regular carriers and those who carry the mail from place to place are unable to perform their duty and the mail accumulates, and that has been the necessity from year to year for this emergency legislation. Such legislation has been necessary each year, and the Post Office Department recommends that it be made permanent law, in order to do away with the necessity of passing language similar to this from year to year. Mr. Triem, of the Post Office Department, appeared before the committee and it is recommended by the Post Office Department. The Delegate from Alaska [Mr. SUTHERLAND] also told of the conditions there, and it seems to me it is desirable that this shall be made permanent legislation. That was the opinion of the committee, and the bill has been unanimously reported. I do not see any particular necessity for taking any more of the time of the committee, unless some Member has some questions to ask about the legislation.

Mr. LANHAM. Will the gentleman yield?

Mr. MOORE of Ohio. Yes.

Mr. LANHAM. While this is to be permanent legislation, it does not provide, does it, for permanent mail routes? It simply provides authority to take care of emergency cases, and these routes and facilities will be used only in time of emergency, and it is not contemplated that these will be permanent mail-service routes.

Mr. MOORE of Ohio. It is not. The bill provides that the authority shall exist in cases of emergency and it is so intended. It will have nothing to do with the regular mail service, but it will only assist when an emergency develops because of the ice, snow, and things of that kind, when the regular carriers can not handle the mail and when there is an accumulation of the mail.

Mr. RANKIN. Let me ask the gentleman a question. Does the Postmaster General have that same authority relative to conditions in the continental United States and the other Territories?

Mr. MOORE of Ohio. Well, I am not positive, but I should think not. If he had general authority for emergency cases like this, I should think it would apply to Alaska. That is merely my opinion, because I have not had that question raised so I could make an extensive investigation of that fact. But if the Postmaster General had general authority, I should think there would not be any necessity for this particular legislation for Alaska.

Mr. RANKIN. It seems to me that if we are going to pass legislation of this kind, putting this provision into the permanent law, that the same reasons which would argue in favor of passing it relative to Alaska would also apply to the continental United States.

Mr. MOORE of Ohio. Well, I do not believe there would be in continental United States any of the extreme conditions which exist in Alaska.

Mr. RANKIN. I will name one to the gentleman. Day before yesterday, in the town of Corinth, in my district, they had the most disastrous fire they ever had in the history of that city, and, among other things, it destroyed the Government post-office building. Now, there is an emergency that is as real and as urgent as any that will happen in Alaska or any other territory, and I just want to ask the gentleman whether or not this same provision would apply there, and whether the Postmaster General would have the same right to go ahead and make temporary provision for taking care of that situation.

Mr. MOORE of Ohio. I may say, in reply to the gentleman, that I do not know. He may know more about that local condition, but it seems to me that in a case like that the Post Office Department now has the authority to do that, although I am not sure.

Mr. RANKIN. I am asking for that information.

Mr. SUTHERLAND. The case the gentleman speaks of would not involve the letting of a contract for carrying the mail.

Mr. RANKIN. Oh, well, these are only temporary contracts as provided for in this bill, and this will involve the making of temporary contracts for the housing of the post office and for the handling of the mail at Corinth, and it is a situation that is very grave. So it seems to me that if we are going to make this provision for any Territory or insular possessions there ought to be some such provision for taking care of a similar situation at home.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill, with the following committee amendment:

Page 1, line 3, after the word "That," strike out the word "hereafter."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MOORE of Ohio. Mr. Chairman, I move that the committee do now rise and report the bill to the House with an amendment with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6581) authorizing the Postmaster General to provide emergency mail service in Alaska, and had directed him to report the same back to the House with an amendment with the recommendation that the amendment be agreed to and the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MOORE of Ohio, a motion to reconsider the vote by which the bill was passed was laid on the table.

AIR MAIL SERVICE—POST OFFICE DEPARTMENT

Mr. LA GUARDIA. Mr. Speaker, I am directed by the Committee on the Post Office and Post Roads to call up the bill (S. 1051) to authorize and provide for the payment of the amounts expended in the construction of hangars and the maintenance of flying fields for the use of the Air Mail Service of the Post Office Department.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union; and the gentleman from Connecticut [Mr. TILSON] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1051, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate bill 1051, which the Clerk will report.

The Clerk read as follows:

An act (S. 1051) to authorize and provide for the payment of the amounts expended in the construction of hangars and the maintenance of flying fields for the use of the Air Mail Service of the Post Office Department

Be it enacted, etc., That the Postmaster General is hereby authorized and directed to investigate, adjust, reimburse, and pay to municipalities and citizens found to be entitled thereto the proper and just amounts heretofore expended in the construction of hangars and the maintenance of flying fields, including the lease and clearing of fields therefor, insurance, and other necessary expenses incurred in connection therewith, at Reno, Nev.; Salt Lake City, Utah; Cheyenne, Wyo.; North Platte, Nebr.; and Omaha, Nebr., for the use of the Air Mail Service of the Post Office Department, where such hangars were constructed and such flying fields maintained under an understanding with a duly authorized officer or agent of the Post Office Department that reimbursement therefor would be made.

Sec. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$175,000, or so much thereof as may be necessary to carry out the provisions of this act.

Mr. BEGG. Mr. Chairman, I hesitate to take a chance on killing the day, but I notified the committee that I would not submit to the passage of this bill without a quorum. If the committee insists on calling the bill up, I am going to make a point of no quorum.

The CHAIRMAN. The committee has called it up.

Mr. BEGG. Then I make the point of no quorum, Mr. Chairman.

The CHAIRMAN. The Chair will count.

Mr. BEGG. Mr. Chairman, I move the committee do now rise.

The question was taken; and on a division (demanded by Mr. BEGG) there were—ayes 12, noes 38.

So the committee refused to rise.

Mr. BEGG. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Ohio makes the point of no quorum. The Chair will count. [After counting.] Sixty-eight gentlemen present; not a quorum. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 16.]

Ackerman	Eagan	Lehlbach	Richards
Anthony	Fairchild	Lilly	Roch
Arnold	Fairfield	Lindsay	Robison
Bacharach	Favrot	Linthicum	Rogers, Mass.
Barkley	Fitzgerald	Logan	Rogers, N. H.
Beck	Fredericks	Lowrey	Rouse
Beers	Free	Luce	Sabath
Bell	Freeman	Lyon	Salmon
Berger	Fulbright	McFadden	Sanders, Ind.
Bixler	Fulmer	McLaughlin, Nebr.	Sanders, N. Y.
Black, N. Y.	Gallivan	McLeod	Schafer
Bloom	Garber	McNulty	Schall
Boles	Garrett, Tenn.	McSweeney	Schneider
Bowling	Geran	MacGregor	Scott
Boylan	Gibson	Madden	Seger
Brand, Ga.	Gifford	Martin	Shallenberger
Brand, Ohio	Glatfelter	Mead	Sherrwood
Briggs	Goldborough	Merritt	Shreve
Britton	Graham	Michaelson	Sites
Broun	Green	Miller, Ill.	Smithwick
Buckley	Greenwood	Milligan	Snell
Burdick	Griffin	Mills	Snyder
Butler	Hall	Misahan	Spearing
Byrnes, S. C.	Hammer	Mooney	Sprout, Ill.
Carew	Harrison	Moore, Ill.	Sprout, Kans.
Casey	Hastings	Morin	Stalker
Celler	Haugen	Morris	Stephens
Christopherson	Hawes	Newton, Minn.	Stevenson
Cleary	Hill, Ala.	Newton, Mo.	Strong, Pa.
Clark, Fla.	Holiday	Nolan	Sullivan
Cole, Ohio	Hooker	O'Brien	Sweet
Collier	Howard, Nebr.	O'Connell, N. Y.	Swing
Collins	Hull, Tenn.	O'Connell, R. I.	Swoope
Connally, Tex.	Hull, Morton D.	O'Connor, La.	Taber
Connelly	Johnson, S. Dak.	O'Connor, N. Y.	Tague
Connolly, Pa.	Johnson, Tex.	O'Sullivan	Temple
Corning	Johnson, W. Va.	Oliver, N. Y.	Tinkham
Crosser	Jost	Paige	Tucker
Crowther	Kearns	Patterson	Upshaw
Cullen	Keller	Peavey	Vare
Curry	Kelly	Peery	Ward, N. Y.
Dallinger	Kendall	Perkins	Wardner
Davey	Kent	Perlman	Weller
Deal	Kies	Phillips	Welsh
Dempsey	Kindred	Porter	Wertz
Denison	Kunz	Pou	Wilson, Ind.
Dickstein	Lampert	Prall	Wilson, Miss.
Dominick	Langley	Quayle	Winslow
Doughton	Larsen, Ga.	Ratney	Wolf
Doyle	Larson, Minn.	Reece	Woodrum
Drane	Lazaro	Reed, Ark.	Wright
Drewry	Lea, Calif.	Reed, N. Y.	Zihlman
Driver	Leach	Reed, W. Va.	

The committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill H. R. 1051, finding itself without a quorum he had caused the roll to be called, when 218 Members answered to their names, and he reported the names of the absentees for entry in the Journal.

The committee resumed its session.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is hereby authorized and directed to investigate, adjust, reimburse, and pay to municipalities and citizens found to be entitled thereto the proper and just amounts heretofore expended in the construction of hangars

and the maintenance of flying fields, including the lease and clearing of fields therefor, insurance, and other necessary expenses incurred in connection therewith, at Reno, Nev.; Salt Lake City, Utah; Cheyenne, Wyo.; North Platte, Nebr.; and Omaha, Nebr., for the use of the Air Mail Service of the Post Office Department, where such hangars were constructed and such flying fields maintained under an understanding with a duly authorized officer or agent of the Post Office Department that reimbursement therefor would be made.

Sec. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$175,000, or so much thereof as may be necessary to carry out the provisions of this act.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the Postmaster General is hereby authorized to adjust, reimburse, and pay to municipalities and citizens found to be entitled thereto the proper and just amounts heretofore expended in the construction of hangars and the maintenance of flying fields, including the lease and clearing of fields therefor, insurance, and other necessary expenses incurred in connection therewith: *Provided*, That title to such hangars shall be vested in the United States Government and that no further rental shall be paid for such hangars."

Mr. LAGUARDIA. Mr. Chairman, by direction of the Committee on the Post Office and Post Roads, I reported this bill for the consideration of the House. A like bill was introduced in the previous Congress, and the Members will find the hearings under H. R. 11723. The committee this year used the hearings held by the committee in the previous Congress, feeling that it was not necessary to recall various representatives before the committee another time. We did call the Second Assistant Postmaster General.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. BLANTON. I notice that so far in this session of Congress every bill that has come to the House from the great Committee on the Post Office and Post Roads has been reported by the distinguished gentleman from New York.

Mr. LAGUARDIA. Oh, no.

Mr. BLANTON. But they have been fathered on the floor by the distinguished gentleman from New York.

Mr. LAGUARDIA. No.

Mr. BLANTON. Who has had charge of other bills on the floor that come from the Committee on the Post Office and Post Roads?

Mr. LAGUARDIA. The gentleman from Iowa [Mr. RAMSEYER], and the gentleman from Ohio [Mr. MOORE] had charge of the bill we just passed.

Mr. BLANTON. I have seen the gentleman from New York sitting with the committee's secretary, and I am simply trying to get at the new change or transformation.

Mr. LAGUARDIA. The gentleman knows that the gentleman from New York attends to his duty and feels his responsibility as a member of the committee.

Mr. BLANTON. Oh, I commend the gentleman for being able to lead that committee.

Mr. LAGUARDIA. I do not lead the committee.

Mr. WATKINS. Does not the gentleman know that always on the return of the prodigal son they kill the fatted calf? [Laughter.]

Mr. LAGUARDIA. They did not open any bottle. [Laughter.] We called the Second Assistant Postmaster General before the committee and asked him what his views were at this time, he having previously testified, and he urged a favorable consideration of the bill.

Now, the bill provides for the reimbursement not only to cities but to individuals of certain expenditures made by them for the construction of hangars. This is what happened. Under the previous administration Colonel Jordan, who had the Air Mail Service in charge, went through the country to establish air mail routes. He had no funds. He was keen to get service throughout various cities along the route. He called upon chambers of commerce, upon municipalities, for assistance.

Mr. BEGG. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. BEGG. Is it true, or is it not, that not nearly half of the cities have asked for reimbursement for their donation to the Government?

Mr. LAGUARDIA. I would not say that that was correct.

Mr. BEGG. Is the gentleman in possession of the information as to how much this will cost?

Mr. LAGUARDIA. I am coming to that.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JOHNSON of Washington. Is not this a proposition to revive some new style of pork-barrel legislation?

Mr. DOWELL. Oh, it is even worse than that. [Laughter.]

Mr. LAGUARDIA. This is not pork-barrel legislation.

Mr. SMITH. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SMITH. I want to ask the gentleman if this bill has been referred to the Postmaster General?

Mr. LAGUARDIA. Yes; I am coming to that.

Mr. SMITH. Where is his response? It is not in the report.

Mr. LAGUARDIA. Yes; you will find it on page 3.

Mr. SMITH. It is not in the report I have.

Mr. LAGUARDIA. I beg the gentleman's pardon, we are considering the Senate bill. The complete report you will find with bill H. R. 3261.

Mr. SIMMONS. Are those reports available?

Mr. LAGUARDIA. Yes; if you will read the report on H. R. 3261, which is to be considered together with S. 1051, you will get the desired information.

Mr. SMITH. The report I have in my hand is a report by the gentleman from New York on the Senate bill 1051. What I wish to learn is the report of the Postmaster General on this bill.

Mr. LAGUARDIA. You will find it on page 3 of the report on H. R. 3261.

Mr. JONES. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. JONES. Were not all of these cities and towns anxious to make the donation in order to secure the route?

Mr. LAGUARDIA. No doubt about that.

Mr. JONES. Was any assurance given by the man who located the routes that this would be repaid?

Mr. LAGUARDIA. Yes.

Mr. JONES. What authority did he have to make that promise?

Mr. LAGUARDIA. He did not have any authority.

Mr. JONES. Did he go out and assume that authority?

Mr. LAGUARDIA. There is no question about that.

Mr. JONES. Is he still in the service?

Mr. LAGUARDIA. No. That was Colonel Jordan. He was employed under the previous administration.

Mr. RAKER. The gentleman has gone into the matter fully and is familiar with the facts—

Mr. LAGUARDIA. Oh, give me a chance to state them.

Mr. RAKER. Would the gentleman advise the committee now of the approximate amount that is claimed to be due—the total amount?

Mr. LAGUARDIA. Yes; if gentlemen will just give me about five minutes. Then I shall yield to Mr. LEATHERWOOD, the introducer of the bill.

Mr. RAKER. Is the gentleman going to give that information to the House now?

Mr. LAGUARDIA. Yes; right now. Colonel Jordan, representing the Post Office Department, went through the country and represented to individuals and municipalities that if they would erect hangars and flying fields, that as soon as the air-mail line was established, they would be reimbursed.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Not now. Just give me a chance. The service was established, and then the Postmaster General of the new administration found itself confronted with continued demands on the part of these individuals for reimbursement. And now, in reply to the question of the gentleman from California [Mr. RAKER], let me state the amounts claimed by these various cities. Omaha, Nebr., claims \$40,000—and I shall give only the round figures; North Platte, Nebr., \$14,000; Cheyenne, Wyo., \$15,000; Salt Lake City, Utah, \$18,000; Reno, Nev., \$41,000; Newark, N. J., \$7,000; Bellefonte, Pa., \$2,000; Cleveland, Ohio, \$10,000; Bryan, Ohio, \$1,000; Chicago, Ill., \$14,000; St. Louis, Mo., \$28,000; La Crosse, Wis., \$3,000; Minneapolis, Minn., \$20,000; Iowa City, Iowa, \$4,000; Rawlins, Wyo., \$2,000; Rock Springs, Wyo., \$12,000; San Francisco, Calif., \$40,000.

This is the difficulty that the Post Office Department finds itself in. The hangars are the property of these individuals. The fields are being leased by the Government. If there is a leakage in a hangar, we can not make the repairs and our equipment is exposed to the weather. If we have to make any alteration, any addition, we can not do it, so that the department felt that it could rid itself of this annoyance by being given authority not to pay these full amounts but to make settlements all along the line.

We provide in the bill that no settlement should be made unless the Government took title to the property. That would in itself, I believe, entirely answer the suggestion made by the

gentleman from Iowa [Mr. DOWELL] that this is a "pork-barrel" proposition, because this is not giving something and getting nothing, but it is getting property in each instance where settlement is made.

Mr. BUSBY. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BUSBY. Is it not a fact that it has developed that a number of these places are out of line with the project of the Government to develop the Air Mail Service, and that they want to get paid for this before they are definitely abandoned by the Government?

Mr. LAGUARDIA. Yes; but if my colleague will read the bill he will see that we do not provide for those places in the bill, and it is not contemplated to make any settlement except for the property that we are actually using.

Mr. BUSBY. Why not limit in the bill the places that are to be settled with.

Mr. LAGUARDIA. The gentleman can see the difficulty about that. That is exactly what the Senate bill does. At the suggestion of the Second Assistant Postmaster General we authorize the Postmaster General to carry on negotiations for settlement in such cases as he deems necessary for the protection of the service. He will settle in such places where he is actually using the property for the protection of Government property.

Mr. BUSBY. Is it not the intention of all these places, some of which have never claimed or asked for settlement of expenditures made back from the beginning down to the present time, to come in and present their claims for settlement before the places are definitely abandoned as a part of the plan for carrying on the Air Mail Service?

Mr. LAGUARDIA. Not at all. The gentleman should know better. This does not legalize the claims. It simply vests the Postmaster General with authority to make such settlement as he deems necessary.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. RAKER. The gentleman has stated approximately the amounts claimed. There is this provision in the bill:

That title to such hangars shall be vested in the United States Government and that no further rental shall be paid for such hangars.

Will the gentleman advise the committee what is the estimated value of these hangars as presented to the committee, so that we will then have the total amount that is claimed and the total value of the property to be turned over to the Government?

Mr. LAGUARDIA. It was estimated that \$175,000 would be sufficient. That was in the previous Congress. I believe that the Postmaster General can make settlements for much less, and that he would not use more than perhaps \$100,000.

Mr. RAKER. The gentleman does not get the question. What is the estimated value of the hangars that will go to the Government under this bill?

Mr. LAGUARDIA. This is just the value of the hangars, and we figure that perhaps within \$100,000 we can acquire the hangars we are using now and be free to make the necessary repairs and have title to the property, and not be simply a tenant at will. We are renting the fields. This does not include the fields.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WAINWRIGHT. What is the estimated value of the real estate, the fee to which will be conveyed to the Government, provided they make these payments?

Mr. LAGUARDIA. There is no real estate involved.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JONES. Does the Post Office Department contemplate sending Colonel Jordan out to make these settlements?

Mr. LAGUARDIA. The gentleman will have to ask Mr. Burleson about that. He was your man, not ours.

Mr. JONES. I am talking about the man who did it.

Mr. LAGUARDIA. No.

Mr. JONES. What service was he in—in the Army?

Mr. LAGUARDIA. No.

Mr. JONES. Then why was he called a colonel?

Mr. LAGUARDIA. Oh, the gentleman knows that there were a lot of Washington colonels created during the war.

Mr. JONES. I understand; but I want to know what became of him.

Mr. LAGUARDIA. I do not know where he is. He is not in the Government service.

Mr. JONES. Did the committee have him before it at the time of the hearings?

Mr. LAGUARDIA. The previous Congress did.

Mr. JONES. Did the gentleman's committee have a quorum present when this bill was reported?

Mr. LAGUARDIA. When the bill was reported, of course; when the bill was reported we had a quorum.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. The gentleman from New York stated a while ago that when the money was paid out the Government would take title. The gentleman from New York was asked as to the value of the property, the land that would be taken, and the gentleman stated that there was no land.

Mr. LAGUARDIA. No real estate.

Mr. BLANTON. But there is property situated on somebody's land, for the use of which somebody can charge rental.

Mr. LAGUARDIA. We are under lease for the land.

Mr. BLANTON. And if we give them up when we pay for them, and establish a straight line instead of a roundabout one, we shall get no benefit whatever for these hangars that we are asked to pay out this unlimited amount of money for.

Mr. LAGUARDIA. It is not an unlimited amount of money.

Mr. BLANTON. The gentleman will remember that the amount in the bill was fixed at \$175,000, and his committee cut that out and put in no limitation whatever.

Mr. LAGUARDIA. Because we considered the \$175,000 too much.

Mr. BLANTON. The Postmaster General could expend \$175,000,000 under this bill.

Mr. LAGUARDIA. Where is he going to get the money?

Mr. BLANTON. You will authorize him to make settlements and give him unlimited authority. I have seen these settlements made, and I have seen Congress always pay the Government's debts when the settlements are made.

Mr. LAGUARDIA. Let me explain. It would be very costly for the Government to go out and buy all the land necessary for landing fields. As the gentleman knows, a landing field must be rather large, and it must be in close proximity to a city, and the purchase of such land would be very costly. Now, they have been able to negotiate very satisfactory leases for the use of these landing fields.

I may say that it is indifferent to me what you will do about this bill, but the Post Office Department is in this predicament. They have the land, but they are simply tenants at will. As to these hangars, they are not authorized to pay a penny on them, and some of our equipment is not properly cared for on account of the condition of these hangars.

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. VAILE. Can these hangars be removed, if we abandon these fields, without great expense?

Mr. LAGUARDIA. Oh, there is always expense, as the gentleman knows.

Mr. VAILE. Would we not be in the same situation as we were in after the war when we would have to abandon expensive buildings or sell them for a song?

Mr. LAGUARDIA. I think we have had some lessons in that line from our experience in the war concerning aviation.

Mr. FRENCH. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. FRENCH. Can the gentleman tell us what the terms of the leases are?

Mr. LAGUARDIA. I have them here.

Mr. FRENCH. Are they for 10 years or 50 years or what period of time?

Mr. LAGUARDIA. They are short-time leases. I have them here. They are not long leases.

Mr. FRENCH. I think the Members of the House ought to know, because it is of great importance, whether or not we are going to spend \$175,000 or any sum of money for hangars and buildings on land under short-time leases. If we had long-time leases, or if we owned the land, it would be a different proposition. But if the leases run for short periods of time I submit it is a dangerous proposition to authorize the acquisition of hangars or other buildings upon the lands as may be done under the bill before us.

Mr. LAGUARDIA. I took that matter up with the Second Assistant Postmaster General, and I can understand the gentleman's feeling in the matter. It is difficult, let me say to the gentleman, to get long-term leases on land situated as is required for the landing fields. Frequently we will have to acquire permanent landing fields. But, as the gentleman knows, up to a few days ago the Air Service was simply a year-to-year proposition carried on an appropriation bill. The Post Office Department could not go out and acquire the land necessary for landing fields when the service was not permanently estab-

lished. But we passed a law here a few days ago, and if the Senate passes it the Postmaster General will then know that the Air Service is something permanent, and he can make necessary preparations and go out and make long-term leases. But no Postmaster General can go out and make long-term leases and acquire land when he is conducting only a temporary proposition from year to year.

Mr. FRENCH. Does not the gentleman think we should await action by the Senate before undertaking to consider a bill of this kind? My attention has just been called to the last paragraph of the bill, with the suggestion that the title of the land under the last proviso would pass to the Government. That is obviously incorrect, and the gentleman, who speaks for the committee, did not make the statement. I call the attention of the Members of the House to the fact that under the proviso the Government may acquire only the hangars and other buildings and not the land.

Mr. LA GUARDIA. We are not pretending anything else.

Mr. FRENCH. Will the gentleman bear with me a moment further? I submit we are proceeding too fast in the matter of authorizing the acquisition of hangars and property to be placed on the land when we have no general law under which long-time leases or ownership of the land may be acquired.

Mr. LA GUARDIA. I have stated the circumstances under which leases are entered into by the Government, and also the difficulties that the Postmaster General was confronted with.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. LA GUARDIA. Yes; but let me finish the reply, if the gentleman will listen to it. The Postmaster General has looked into that and has reasonable assurance—and he can not have anything more—that he will be able to extend these leases. That is all any man can get.

Mr. FRENCH. Does not the gentleman know that when he goes from the Capitol Building to the Union Station, two or three blocks, he sees advertisements for the sale of land on which the Government has spent thousands and thousands of dollars in the erection of buildings? We built those buildings during the war and had no reasonable assurance when those buildings were built touching the time they would be occupied.

Mr. LA GUARDIA. The gentleman is in error. We had no such assurance, and some of us resisted the spending of the money at the time.

Mr. FRENCH. That is what I say, and the case is on all fours with the present proposition.

Mr. LA GUARDIA. We have such assurances.

Mr. FRENCH. Are they in contract form?

Mr. LA GUARDIA. They are not in contract form.

Mr. BLANTON. They are confidential with the committee?

Mr. LA GUARDIA. No; they are not with the committee.

Mr. FRENCH. Then what is the nature of the assurance?

It seems to me we are going too fast with this part of the program. If we are going to acquire hangars, first of all we should acquire the land under long-time leases or by the acquisition of title to the land itself.

Mr. LA GUARDIA. Let me say something to the gentleman, who is an expert on naval affairs. I understand that the Navy Department, for which the gentleman is spokesman on the floor from time to time, had title to certain very valuable lands, but notwithstanding that they gave up that title.

Mr. RAKER. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. RAKER. Could the gentleman tell the committee whether or not these leases permit the lessees to sublet or lease the property?

Mr. LA GUARDIA. The leases are now direct with the Government.

Mr. RAKER. The Government has leases on the land?

Mr. LA GUARDIA. Yes.

Mr. RAKER. The Government now holds the leases on the land?

Mr. LA GUARDIA. Yes; exactly.

Mr. WAINWRIGHT. What about the removal of the buildings?

Mr. LA GUARDIA. There is no question about the removal of the buildings.

Mr. RAKER. Then are the hangars and other fixtures such that they are a part of the realty?

Mr. LA GUARDIA. Exactly.

Mr. RAKER. Is that right?

Mr. LA GUARDIA. Of course, under the law they would be a part of the realty.

Mr. RAKER. Then they can not be moved?

Mr. LA GUARDIA. They can not be moved by the Government, but I understand the Postmaster General has reserved the right to the title of the hangars in the leases; in other

words, that if the leases terminate I believe the Postmaster General can, in his settlement, reserve the right to remove the hangars.

Mr. RAKER. Is there a provision in the leases to the effect that when the leases expire the Government can remove the hangars?

Mr. LA GUARDIA. No; and there could not be any such provision, because we do not own the hangars now, and that is what we are trying to get around; but in the event of a settlement, he would take title to the hangars and reserve that right for the Government.

Mr. RAKER. The hangars belong to private individuals now?

Mr. LA GUARDIA. Yes.

Mr. RAKER. The land belongs to a private individual, say, B?

Mr. LA GUARDIA. Exactly.

Mr. RAKER. The Government has a lease on the land?

Mr. LA GUARDIA. Yes.

Mr. RAKER. That is funny.

Mr. LA GUARDIA. Of course it is. It is a very peculiar legal situation to be in.

Mr. JONES. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. JONES. I notice in the hearings the report of the inspector to the effect that the Air Mail Service made no official agreement that the individuals or organizations contributing to the establishment of these air mail stations were to be repaid, and, according to the inspector's report, when the matter of remuneration was first brought up by the individuals or organizations desiring such remuneration Mr. Jordan, in writing, officially denied that he had ever made the promises attributed to him in the affidavits, and the report further states that there are no communications in the files supporting these claims. Now, what evidence has the gentleman, outside of the evidence of the people who are interested, that any such promise was ever made? It seems that Mr. Jordan denies it and the inspector denies that there was ever any such authorization or agreement. Now, what proof is there?

Mr. LA GUARDIA. Mr. Jordan went from place to place, made public statements in the press and made such assurances publicly, and there is not the slightest doubt that he left these people under the impression that they would be reimbursed. Of course, he had no authority, and I do not believe any Member here questions that.

Mr. BEGG. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. BEGG. I would like to ask the gentleman a serious question for his interpretation. When this route was proposed to be established there was more or less rivalry between the cities near the proposed route. Mr. John J. McInerney, commissioner of finance of the city of Cheyenne, testified, and my question is: What interpretation does the gentleman put on this statement and whether it was not a direct contribution by the city without expectation of remuneration? Mr. McInerney, the financial man, testified:

Mr. Jordan, apparently for the purpose of stimulating interest, set forth that the city of Laramie, Wyo., would doubtless be interested in the event Cheyenne declined to meet the requirements.

Now, does not the gentleman interpret that—and all the testimony is that way—to mean that these cities were vying with one another in raising a campaign locally for the purpose of getting funds to buy fields with the idea of getting the United States to establish an air route?

Mr. LA GUARDIA. There is no doubt about that; I want to say to my colleague from Ohio, but yet—

Mr. BEGG. If the gentleman concedes that, then he can add his "but yet" later and let me ask him one more question.

Mr. LA GUARDIA. No; let me complete my answer. But that does not relieve us of the situation in which we find ourselves, with valuable Government property in buildings on which we are not authorized to spend one cent for the necessary repairs and maintenance.

Mr. BEGG. The United States can extricate itself from that without difficulty through some other procedure than this.

Mr. LA GUARDIA. How? If you will appropriate a couple of hundred thousand dollars to build hangars and put that amendment in the bill, I will vote for such an amendment right away.

Mr. BEGG. Let me ask the gentleman my other question. If the city that was successful in the competition with other cities, and secured hangars and landing fields, is entitled to compensation from the Government, is not the city that tried

and failed entitled to damages? One is just as reasonable as the other.

Mr. LA GUARDIA. Well, I am not going to pass upon the good sportsmanship of any city, but I am interested in protecting the equipment we have, and we are taking good care of that equipment and we need it to be in safe buildings; it ought to be properly protected from the elements, and we must maintain and repair those buildings, and that is the proposition in which I am interested.

Mr. DOWELL. These buildings were erected by private individuals?

Mr. LA GUARDIA. Yes.

Mr. BEGG. And they refuse to let the Government repair them?

Mr. LA GUARDIA. The gentleman knows the Government can not do that.

Mr. DOWELL. Is it not a fact that the cities made small contributions and that the larger contributions were made by individuals?

Mr. LA GUARDIA. Yes.

Mr. DOWELL. And those contributions were made for the purpose of getting landing fields?

Mr. LA GUARDIA. There is no doubt about that.

Mr. DOWELL. They got the landing field which they paid for, and now the gentleman wants to reimburse them and does not make any argument for anything in the future.

Mr. LA GUARDIA. The gentleman wants to protect Government property; that is all. If you can find a way out of it, I will go with you.

Mr. DOWELL. I want to protect the Government Treasury instead of the hangars that were bought by the other people.

Mr. ROSEN BLOOM. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. ROSEN BLOOM. In direct connection with this proposed legislation, does not the gentleman believe the time has arrived in our advancement when Uncle Sam should get a hair cut and a shave, because not only in the United States but throughout the world they seem to mistake him for Santa Claus, and I think it is about time we gave him a hair cut and a shave.

Mr. RAKER. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. RAKER. The gentleman having explained about the leases, the Government holding them, will the gentleman tell the committee who built these hangars?

Mr. LA GUARDIA. These private individuals, chambers of commerce, clubs, and so on.

Mr. RAKER. Did they not contribute the money and the Government build and supervise them?

Mr. LA GUARDIA. I do not think so.

Mr. RAKER. That is an important proposition here.

Mr. LA GUARDIA. I am quite sure about that.

Mr. RAKER. Is it not true that the city contributed the necessary amount of money and the Government superintended and built the hangars on the land that the Government had leased, taking the lease in its own name?

Mr. LA GUARDIA. I think we supervised it, but, of course, we did not build them. We did not have the funds to build them at all.

Mr. BLANTON. Will the gentleman yield for one question?

Mr. LA GUARDIA. I yield to the introducer of the bill.

Mr. BLANTON. For just one question. The report filed by the distinguished scouting ace of the official flying service of the Republican steering committee shows that the inspector claims, as was shown here a moment ago, that there was no assurance given by anyone representing the Government, Mr. Jordan or anybody else, that they would be reimbursed. If the gentleman has any other information bearing on that question, does not the gentleman think it is due to the House and to the committee that is now considering the bill that the gentleman should furnish the evidence?

Mr. LA GUARDIA. Certainly.

Mr. BLANTON. The gentleman has not done that.

Mr. LA GUARDIA. The gentleman will find it in the hearings on H. R. 11723.

Mr. BLANTON. Oh, when we take up a bill here we are supposed to go on the hearings furnished with the bill, and the gentleman has not furnished us with those hearings.

Mr. LA GUARDIA. I explained in my opening remarks that we used the hearings of the previous Congress. Some of these people have had to travel a long way. The hearings were still fresh and we proceeded on those hearings. We then called the Second Assistant Postmaster General and brought them up to date.

Mr. BLANTON. Would the gentleman be kind enough to give us the name of one witness, outside of the claimants themselves, who will testify of any representations made on the part of the Government; just one witness?

Mr. LA GUARDIA. I have stated, in reply to the gentleman from Idaho [Mr. FRENCH] that it was pretty common knowledge at the time Mr. Jordan traveled throughout the country.

Mr. BLANTON. It was rumored.

Mr. LA GUARDIA. No; it was not a rumor.

Mr. BLANTON. It was hearsay.

Mr. LA GUARDIA. It was more than hearsay. It was established—it was history.

Mr. BLANTON. Well, it ought to be definite testimony.

Mr. LA GUARDIA. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from New York reserves 28 minutes.

Mr. BEGG. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. BEGG. I ask recognition in opposition to the bill.

The CHAIRMAN. Is there a member of the Committee on the Post Office and Post Roads opposed to the bill who claims recognition?

Mr. ROMJUE. Mr. Chairman, I am opposed to the bill, but if the gentleman wants to speak in opposition to the bill now, I will yield.

The CHAIRMAN. The Chair will recognize the gentleman from Missouri for one hour.

Mr. ROMJUE. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Chairman and gentlemen of the committee, I think it is probably unnecessary to spend any time presenting the merits of this proposition, because I fail to find any merits.

The Post Office Department wanted to experiment in the establishment of Air Mail Service. Congress has not made a sufficient appropriation for that purpose. They let it be known that if they could get landing fields, and in some places hangars, they would make the experiment through a particular city. According to the testimony of the claimants, and that is the only testimony we have here supporting the bill at all, in every single statement of the claimants they all say that the representative of the Government, the main representative being a certain Colonel Jordan, stated the Government was without funds, and that the only way the city of X, for instance, could have a postal service through the air was for that city of X to furnish the Government with a free landing field and hangar.

Rivalry existed between all the cities in proximity to the proposed route, and each city made an effort to put on a campaign to raise funds by various and divers methods. Some of them were popular campaigns. Everyone of us has been in such campaigns. They invited this Colonel Jordan to speak during several of the campaigns, and in his speeches, each and every time according to the testimony, he specifically stated that the Government had not appropriated any money for the purpose of buying fields and building hangars, and if the city wanted the route through its particular limits it would be compelled to furnish such facilities, and one city's possibility of securing the station was used as an inducement to spur on the other city, as evidenced by the testimony that I read to the gentleman from New York [Mr. LA GUARDIA] with reference to Cheyenne and Laramie, Wyo., in one of the campaign speeches to raise funds by popular subscription.

These funds were raised in this way, usually headed by the chamber of commerce, and the same kind of argument was used. Not a single place that I can find—and I am frank to admit I have not had a chance to review all the testimony this morning, not expecting the bill to come up—but in not a single instance, according to my memory and from what I have been able to review, can you find where a Government agent made a contract verbally binding this Government to compensate the people for their donation.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. BEGG. No; I can not yield in 10 minutes. The gentleman has more time, and if he will grant me some of his time I will be pleased to yield.

Mr. LA GUARDIA. I yielded to the gentleman.

Mr. BEGG. I yield to the gentleman. I do not want to be discourteous; but I only have 10 minutes.

Mr. LA GUARDIA. The gentleman knows that no agent of the Government could possibly go out and make any kind of agreement that would bind the Government.

Mr. BEGG. I understand that, and I stated that there was not even a verbal agreement.

I would now like to read to this committee the kind of agreement that was entered into by the Government, the consideration being \$1 a year:

During the course of the investigation it was disclosed, that Mr. John A. Jordan entered into a written agreement with the community of Reno, including city and county officials in their official and personal capacity, and as quoted in full in the affidavit of Mayor Stewart, this agreement definitely sets forth that the field and hangar would be provided at the expense of the community and for the use of the Post Office Department and the consideration for this grant, to be paid for by the Post Office Department, is \$1 for the first year and \$1 for each succeeding year for a period of at least five years.

Now I submit that if a manufacturing establishment—and this used to be indulged in more or less—came to a city on a contract that if they would come to that city and establish their factory and operate the factory the city should donate them 10 acres of land tax free, there is not a court in the world that would hold that that city could come in and collect from that corporation reimbursement or assess taxes against it. That is our problem here—the identical problem. The cities contributed this gift for the consideration of the establishment of an air-mail station, and when the Government established the air-mail station I submit that we complied with all the elements in the contract. [Applause.] I am frank to say that wherever that happened I think the good faith of the city that comes and asks us for reimbursement is at question.

Mr. COLTON. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. COLTON. Does the gentleman maintain that the city should keep the hangars in repair?

Mr. BEGG. No.

Mr. COLTON. This bill seeks to make it possible that they should keep it in repair.

Mr. BEGG. If that is all they want, that the Postmaster General should spend the money to improve the hangars to keep out the rain, I will tell you a simple way to do it—transfer the title to all the ground to the United States Government for the consideration of \$1; then we will repair them—but this is the most unfair proposition to my mind that I ever had referred to me.

Mr. NELSON of Wisconsin. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. NELSON of Wisconsin. Does the bill authorize reimbursement for all these fields?

Mr. BEGG. Yes; for the field, the hangar, and all expenses that the Postmaster General or the Post Office Department shall decide to pay. In other words, if we pass the bill, as far as you and I are concerned, they can pay Omaha, Reno, Cheyenne, and these other cities. I do not have a station in my city, but I could get the land for the Government without any strings tied to it.

Mr. BLANTON. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. BLANTON. Answering the gentleman from Utah [Mr. COLTON], he will find in the Post Office Department files leases for five years of offices for which the United States pays a dollar a year, where they not only furnish the building but every bit of equipment and furniture and keep them in repair, buildings where they could rent them to outside parties for \$3,000 or \$5,000. They ought to keep them in repair.

Mr. BEGG. There might be a bill drawn that I would not object to. I think the Post Office Department has in a few instances, not many, incurred moral obligations for a sum of money; but, as I say, this bill was called unexpectedly, and I can not find the testimony that I had last session. Now, if the statement I am about to make is not accurate, I will stand for a correction. According to my best memory, the few cities that were entitled to make a claim made their claims, and after they made their claims then these other cities all came in on the same ground when they did not have a single reason to ask for the return. Some cities that are being provided for in this bill have not even asked to be reimbursed. That is according to my best memory of the testimony.

Mr. SIMMONS. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. SIMMONS. In the latter part of the report the Postmaster General's statement is—

H. R. 8261, introduced by Mr. LEATHERWOOD, provides for reimbursement at Reno, Nev.; Salt Lake City, Utah; Cheyenne, Wyo.; North Platte, Nebr.; Omaha, Nebr., or elsewhere, where such hangars were constructed and such flying fields maintained under an understanding

with an officer or agent of the Post Office Department that reimbursement therefor would be made. This bill appropriates the sum of \$175,000 or so much thereof as may be necessary to carry out the provisions of this act.

These are covered by this bill.

Mr. BEGG. They are all covered by the bill.

Mr. ROMJUE. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. BUSBY].

Mr. BUSBY. Gentlemen of the committee, this is not a peculiar situation that we have before us, nor is it a new one. We all very well understand what enthusiasm can be aroused in a community when it is begun to be affected by any improvement. Just a few years ago, when it was first suggested that the Air Mail Service was going to be established in the United States, all the cities that thought it was possible to secure recognition and a station on the route got busy, and chambers of commerce got busy, and they stirred up the people, and they were glad and willing to provide certain facilities for a stop or station at their particular place. So they all started, in many instances and in various places, not at all according to any plan that was provided or worked out by the Post Office Department, but in a promiscuous sort of a way. They went about the proposition establishing what they conceived to be a necessary equipment for the station if the route should happen to be directed in their way. So they leased land and put forces to work grubbing off the stumps and did other things necessary to the establishment of this particular station at these places.

We have gone along, and the Post Office Department has somewhat developed a continuous plan for supplying air mail service. It now develops that a great many of these places are not in line at all with the project now being put forth by the department; and as shown by the information elicited just a moment ago from the gentleman in charge of the bill, we learn that some of these places are now being abandoned as unnecessary stations for the Air Mail Service. It is quite natural that they should come in here, since a bill has been introduced asking for authority to appropriate money out of the Federal Treasury to repay certain communities amounts they have expended, and this from the very initiation of the project. What does the bill provide? It says:

including the lease and clearing of fields therefor, insurance, and other necessary expenses incurred in connection therewith.

It will be seen, therefore, that it goes back to the beginning of the establishment of any of these fields and on down the line. It includes insurance and the other expenses that were put out by these people or by the chambers of commerce or by the cities where they appropriated the money to supply the hangar, as the case might be. I am not surprised at their coming to the Government and asking that the Government take over these propositions—useless to the Government, of course, in a number of instances; but as a Government we are able to pay, and they have no compunction of conscience about coming and asking us to include these other cities which got the benefit of the boost and the development incident to the establishment of the air mail. They now say that we should pay them back all that they have spent from the very beginning. I am opposed to any such proposition, and I gather from the sentiment expressed on the floor of the House that a large majority of the membership is opposed to the proposition. It is not a good business proposition. As the gentleman from Ohio [Mr. BEGG] just explained in detail, they have no legal claim; they got all they contracted for, all that was expected by them. Why should they now come in here and say that they want us to pay them back all this money after they got the benefit they expected?

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. SIMMONS. If a representative of the Government comes and says that if certain conditions are met there is no question in his mind but that the Government will pay for that which is received, is it right for the Government to keep what it gets and say that it will not pay, even though the man that got it for the Government said that the Government would?

Mr. BUSBY. I believe that the Government ought to pay for what it contracts to pay. I do not believe that men should go about over the country presuming to bind the Government without legal authority. I do not believe that we as representatives of the Government should stand behind propositions that have never been authorized. The rules of the House recognize that, because we can not incorporate an amendment into an appropriation bill making an expenditure that has not been expressly authorized by law.

Mr. SIMMONS. But the Government has kept what it got as the result of an unauthorized act on the part of an agent, and now refuses to pay.

Mr. BUSBY. I do not know anything about what the Government has that it got in that way. If it has, then I am in favor of turning it loose. When we work out a plan for establishing the Air Mail Service and it has been passed on by the proper authorities, I am in favor of our getting behind it and paying the expenses of it, but not before.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. MOORE of Virginia. Is it not a fact that in the last Congress a bill similar to the one we are now considering was before the Post Office and Post Roads and was referred to a subcommittee? Is it not a further fact that the subcommittee reported to the full committee recommending that the bill be laid on the table?

Mr. BUSBY. That is my understanding.

Mr. MOORE of Virginia. And that the subcommittee based its conclusion upon the very testimony that has been referred to here this morning? That subcommittee was strongly made up, consisting of Representatives KELLY, HARDY, RAMSEYER, SMITHWICK, and BOWLING. It seems to have been the unanimous opinion of the subcommittee that the bill ought not to receive favorable consideration.

Mr. BUSBY. I have been a member of this particular committee only about a week, and I am not advised as to what was done before I became a member of it.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. TINCHER. Is not the principle involved in this bill one that would justify a citizen, if the bill should pass, in contracting with a post-office inspector to build a post office on the assumption that Congress would subsequently authorize the Postmaster General to pay for it?

Mr. BUSBY. I think the gentleman is right.

Mr. SIMMONS. And if the post-office building was constructed under the circumstances that the gentleman from Kansas recites and the Government accepted it and used it, then ought not we to pay for it?

Mr. BUSBY. I do not know of any such instance. Simply because we are either abandoning these propositions where the community has erected a hangar and where leases have expired or are of short duration, it strikes me that we are under no obligation in connection with the matter. We can not be forced into a situation that we do not want just because somebody presumes on our good nature.

Mr. LaGUARDIA. Where does the gentleman get the information that it is contemplated to pay for hangars that we are not using?

Mr. BUSBY. This bill is a blanket proposition. The limit in this bill is the sky and the extent the Treasury of the United States can supply funds.

Mr. LaGUARDIA. Does the gentleman know that it is expected to make these settlements out of existing appropriations, and not come in here and ask for additional appropriations?

Mr. BUSBY. I do not know that, nor do I know that it is expected that the Government should stand behind every proposition that some subordinate in the Government goes out and says the Government shall pay for, when he has no authority to do such a thing. [Applause.]

Mr. LaGUARDIA. Does the gentleman know that this House authorized hundreds of millions of dollars of settlements on contracts of just that kind?

Mr. BUSBY. I know that, and I know further that every time the Congress makes a blanket authorization such as is proposed in this bill the Government gets the hot end of it; and the gentleman knows it, too.

Mr. SIMMONS. When a community accepts the unauthorized act of a Government agent, ought not the Government to pay for it? The Government is accepting the use of the hangar out in my country.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. McSWAIN. Mr. Chairman and gentlemen of the committee, this seems to be another illustration of the general tendency here to encourage the people of the country to rely upon the Federal Government for everything. It is in discouragement of personal initiative and individual effort. If such things as this continue to go on, after a while the people will not want to walk from their homes out to the road to get their mail.

This is what happens down in our country sometimes when a community wants a new rural route established. The in-

spector goes over it and says, "Well, there is too poor a bridge over this creek, and there is too bad a road over this hill; but if you fellows will warn out the workers and fix the bridge and fix the road and keep it fixed, we will recommend the route." Then the people go out with their plows and scrapers and hoes and shovels and hammers and nails and improve the road and repair the bridge, and then the route is established. If this bill should go through, we would find those people coming here with a bill, asking to be reimbursed for that which they have voluntarily contributed to the Government.

Why, gentlemen, people used to do something for themselves. All the old monuments and statues in this city were erected by individual subscriptions. Go up Pennsylvania Avenue and you will see there a marble monument to old Benjamin Franklin, one of the founders of the Republic and one of the promulgators of republican principles throughout the world. It is now crumbling through the wasting processes of time and weather. You will see that that monument was donated to the National Capital by an individual citizen. If you will read this morning's papers, you will see that the Secretary of State has recommended the appropriation of a thousand dollars to buy a replica of the Houdon statue of George Washington to be placed down in the Pan American Building.

Times have changed. The incomparable monument to George Washington was fathered by individual subscriptions at the outset, and Edward Everett, the preeminently eloquent orator, went through the country with a spirit of patriotism and tongue of flame asking the people, who then were comparatively poor, to raise such a monument to the Father of his Country, and the people raised something over \$250,000. Finally the monument was finished by congressional appropriation.

The gentleman from New York [Mr. LaGUARDIA], who was the chief spokesman for the committee here, said that his sole interest is to preserve the property of the Government from deterioration while it is lodged for a day or two in these hangars. I would suggest to him a way in which it may be done without the appropriation of a single dollar. Convey to this city of Cheyenne, or whatever other name the city has, this suggestion, that if the city does not keep in order the hangar that is put there as the result of the contest between that city and other cities on the great transcontinental route another route will be opened there and some other city will get the landing field. No doubt the fact that the cities are included in that transcontinental route is printed on the letterheads of the chamber of commerce of each of those cities. No doubt it is a big asset to all these cities. It is one of the boosting features. At every meeting of the boosters' club the members doubtless boast about the participation of the city in the transcontinental mail route. Just tell them that if they do not stop the leaks in the roof they can no longer boast of their participation.

Mr. LaGUARDIA. Suppose they call our bluff. What then?

Mr. McSWAIN. Then we will put it at Laramie, under a bond that they will keep it in order; and if they do not keep it in order, then we will skip Laramie and go somewhere else.

Mr. LaGUARDIA. It is necessary to understand that they must have a landing field.

Mr. McSWAIN. If they do not want the air mail, then they can go without it. Other cities are begging for air mail service and are willing to foot the bills for landing fields and hangars.

Mr. LaGUARDIA. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. DOWELL].

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. DOWELL. Mr. Chairman, this bill by its terms provides only for the reimbursement to those who have made contributions for the landing field of the Air Mail Service. It makes no provision whatever for any program or plan for the future of the Air Mail Service.

These contributions were made by the citizens of these various cities who desired the Air Mail Service, and while the bill provides for adjustment and payment to "municipalities and citizens found to be entitled thereto" I doubt if any city government appropriated money for this purpose. Anyway, the gentleman from New York [Mr. LaGUARDIA] has answered that most of these were private subscriptions. The Postal Department evidently understood that these contributions for the landing fields and hangars were made for the purpose of securing these landing fields in these various cities. I quote from the speech of Congressman Jefferson, from the State of Nebraska, on the 8th of January, I believe it was,

of 1921, where he quotes from the report of the Postmaster General; and I read as follows from that speech:

What is the fact in regard to the Air Mail Service?

That was the question then before the House, and Mr. Jefferis from Nebraska was attempting to show that the Government should continue to appropriate money for the carrying on of the Air Mail Service. He continued:

It is not propaganda in favor of it that is being put forth, as I understand it, but an earnest desire is being expressed by the business men of the great commercial centers of the United States. If you will refer to the report of the Postmaster General you will find that different cities of the country are raising or have raised, through subscriptions, large sums of money for the purpose of furnishing to the Postal Department landing fields and hangars for the operation of these air mail planes. In the city of Omaha, the report says that the commercial interests have cooperated splendidly with the Air Mail Service by furnishing a large landing field, and perhaps the largest civilian hangar in the United States.

The report of the Postmaster General in 1921, if Mr. Jefferis was correct, had no understanding that the Government would be called upon to reimburse the men who had furnished these fields for the purpose of operating the Air Mail Service.

It seems to me that at least in the interest of the Treasury of the United States Congress should accept the situation as it was evidently understood by the Postmaster General in 1921—that these were donations for the purpose of establishing mail routes through certain cities. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ROMJUE. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. BLANTON. Mr. Chairman, during the war, when cantonnments and various fields in the service were being established by the War Department, you found cities everywhere clamoring for recognition. They were offering to the Government every kind of an inducement imaginable to place an enterprise in their locality. They were offering great bodies of land and various other improvements connected with it absolutely free of charge. Why? They wanted the Government's money expended in their community on a Government enterprise, so they could profit by it financially.

Every time the State of Texas establishes a new normal school or other State college the legislature advertises for bids by various communities, and those communities raise funds by popular subscription among their citizens and offer so many acres of land—sometimes hundreds of acres and sometimes even into the thousands—to get the State to put that particular school in their community, because they want to profit by the expenditure of public funds in their community.

And when the Postmaster General was thinking about running this air mail service across the continent various towns and communities were interested in getting stations, and they made overtures to the department and said that the people would donate such and such property and make such and such an inducement for the Government to come there. You had rivalry between these cities. The Government accepted various of their propositions and went their way, and now, because the Government sees fit to go some other way, they want the Government to come in and pay for it.

Why, right now down in the Postmaster General's department you will find contracts with some of my constituents who furnish to the Government post offices at a dollar a year, where the post office, all the furniture, all the fixtures, and all the lock boxes, if you please, are kept in repair at the community's expense for so many years at a dollar or some other nominal consideration a year.

Are those buildings leaking? If they are, the Postmaster General says "You get busy and fix that roof; don't you let any more water come in," and they have to do it. For all of that they get \$1 a year. Why do we not reimburse them for some of those leases? If they could get rid of the Government just now, some of those leases could be made for several thousand dollars profit in all towns where there is a great demand for buildings. But the community and the parties in interest are tied up by a contract with the Government for \$1 a year.

Of all the ridiculous bills that I have seen come on this floor in the eight years of my service, whose enacting clause should be stricken out more than any other, this particular bill ought to have that kind of a surgical operation performed on it in a few minutes. I think the gentleman from New York [Mr. LAGUARDIA] ought to make that motion to strike out its enacting

clause. [Laughter.] I do not think this kind of a bill really appeals to him. If you could put your fingers on his bosom now and feel the real articulation of his heart throbs, I think you would find they would beat the other way and be against this bill. It is taking money out of the Treasury when it ought not to be taken out. It ought to stay there.

Mr. WEFALD. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WEFALD. Does not the gentleman think that when the Committee on the Post Office and Post Roads has left it to the gentleman from New York [Mr. LAGUARDIA] to champion this bill on this floor—

Mr. BLANTON. He has championed every bill they have brought in at this new session.

Mr. LAGUARDIA. No; I have not.

Mr. BLANTON. The RECORD will show that he has been in control of the time here and that he has been at that desk pushing them through.

Mr. LAGUARDIA. No. The Post Office Committee is composed of very active members.

Mr. BLANTON. I am not complaining. I think the gentleman is about the best material they could find to put in charge of these bills, that is, this particular kind of bill.

Mr. LAGUARDIA. May I ask the gentleman this question?

Mr. WEFALD. May I complete my question? Does not the gentleman think this is a part of the punishment that is going to be inflicted on men like the gentleman from New York under a resolution passed by the National Republican Committee?

Mr. BLANTON. They are going to punish him after a while. He does not know it, but they are going to punish him later.

Mr. LAGUARDIA. The gentleman will take care of himself. The gentleman does not need to worry about that.

Mr. BLANTON. You know that in another body somewhere—I am not saying what body it is—they let a new Member come in and walk up to the front and take a prominent seat and stay there just two or three days, and then unceremoniously they take him back and seat him in the rear, and you know how they do it. That is about what this steering committee is going to do with the gentleman from New York.

Mr. LAGUARDIA. They will not take the gentleman off of the Committee of the Whole.

Mr. BLANTON. They are putting him in charge of bills which they do not want to get behind themselves. They do not want to father these bills, and they are putting them off on him. They are using our friend from New York as the head of his new party as their cat's-paw to pull these chestnuts out of the fire for them.

Mr. LAGUARDIA and Mr. MACLAFFERTY rose.

Mr. BLANTON. I yield first to our genial friend, the gentleman from New York.

Mr. LAGUARDIA. Of course, the gentleman is not serious when he says that the great Republican Party is using the new party to pull its chestnuts out of the fire. Of course, I can understand the readiness of the Republican Party to seek inspiration and new thought from the new party, and that is all. But let us get back to the question. The gentleman is very active on the floor of this House and takes a keen interest in all legislation. Assuming that this bill will meet its fate within a few minutes, does the gentleman realize we will have to come in and ask for an appropriation for landing fields and hangars?

Mr. BLANTON. I would rather do that, if it is necessary. Then we would know what we are doing. We would know how much we are spending. If the Postmaster General is going to conduct an air service, then let us give him definite money to locate his own air service, build his own hangars, and make his own plans. I would rather vote for that than to support this bill.

Mr. LAGUARDIA. That is what would happen.

Mr. BLANTON. But I will not vote for a blanket bill like this that will let the Postmaster General have open sesame through the front door of the Treasury and obligate public money to be paid out in unlimited amounts. You have taken out the limitation of \$175,000 from the bill and you leave this bill so that he could expend in settlements \$175,000,000 and we would be bound by those settlements. The gentleman from New York would say that the Government must pay its debts and that the Postmaster General was authorized by an act of Congress to make the settlements and that we must pay them, and the gentleman would insist upon appropriating the money to pay them.

I now yield to the gentleman from California.

Mr. MACLAFFERTY. The point of my question has almost gone, but I will say to the gentleman that I was interested in his statement of the treatment accorded the gentleman from

New York by the steering committee, and I wanted to know if the gentleman does not think that after putting him in charge of bills like this they sometimes turn around and fight him when he gets on the floor. I am for this bill and am going to vote for it. I believe in it.

Mr. BLANTON. I knew the gentleman was. I assumed that almost every man, probably, from the Pacific coast would vote for it.

Mr. MACLAFFERTY. No; I do not think so. I see opposition on the floor of this House to the bill from the Pacific coast.

Mr. BLANTON. Well, thank God for that.

Mr. MACLAFFERTY. I will agree that my support of the bill may be wholly mistaken, but it is entirely conscientious.

Mr. BLANTON. The gentleman thinks that locality and coveted air mail service across the continent for Californians has nothing to do with it?

Mr. MACLAFFERTY. No; but I see from the record of this House so many instances where just claimants against this Government are treated outrageously that I have said I would almost rather have a claim against his satanic majesty and have to go to heel to collect it than to have a claim against the Government of the United States.

Mr. BLANTON. I have seen so many bad bills passed by Congress almost without reading them that I feel just the other way. My sympathy is with the Government. My sympathy is with the people's Treasury. My sympathy is with the taxpayers. My sympathy is with the women and the little children who in the hot sun follow the plows out in California, in that Imperial Valley, and elsewhere over the United States, trying to pay the big interest and the big rentals they have to pay, where the land is worth from \$200 to \$300 an acre and on up. They are trying to make ends meet by working an entire year and sometimes not making more than \$400 or \$500 income from a whole year's work. It is from the angle of their viewpoint that I am inspecting these bills.

Mr. LAGUARDIA. Mr. Chairman, I yield 20 minutes to the gentleman from Utah [Mr. LEATHERWOOD].

Mr. LEATHERWOOD. Mr. Chairman and gentlemen of the committee, I am glad to have this opportunity of saying a few things with reference to this bill before this committee.

The bill as reported out with the amendment by the Committee on the Post Office and Post Roads merely contemplates, if I understand the language, giving authority to the Postmaster General to ascertain what the facts were surrounding the building of these hangars at various points; and in cases where there was a moral obligation on the part of the Government to make settlement, to make some sort of adjustment with the people who contributed the money.

Mr. RAKER. Mr. Chairman, I think I shall have to make a point of order. It seems there is going to be a motion to strike out the enacting clause; and if that is the case, there ought to be some more Members here to hear the gentlemen who know something about the bill.

Mr. LEATHERWOOD. I will ask the gentleman not to do that.

Mr. RAKER. I withdraw it.

Mr. LEATHERWOOD. The bill, as originally framed, gentlemen, contemplated including four or five cities where it was believed the facts surrounding the transaction at each of the cities were very similar. I want to say at the very outset, gentlemen, I can bring you no additional information other than that found in the printed reports and the hearings, except as to one particular city where I believe I know exactly what the facts were. I refer to Salt Lake City. I also want to say at the very outset that the State of Utah is not asking a dollar from the Government. The city of Salt Lake is not asking a dollar from the Government and expects not a dollar if this legislation should be enacted. The Chamber of Commerce of Salt Lake City expects not a dollar from the Government if this bill should be enacted.

After I have presented to you as briefly as I may the facts under which certain individuals contributed very substantial sums of money to the Government for the construction of the hangar at Salt Lake City I believe you will agree with me that some of the conclusions which gentlemen have reached here upon the floor of the House, apparently without any knowledge of the facts in the individual cases, are unwarranted.

Mr. ROMJUE. Will the gentleman yield?

Mr. LEATHERWOOD. Will the gentleman allow me to proceed with my statement of facts, and then a little later I will be very glad to yield to the gentleman and answer any questions?

I have listened with considerable interest to conclusions reached here by various gentlemen during the debate upon this bill; and if they are right as to their assumption of facts, I am not at variance with their conclusions; but I have heard two or three gentlemen this afternoon making positive statements here as to what the facts were surrounding this bill, that I am constrained to think are greatly misinformed as to what transpired.

As I stated a moment ago, I must confine myself to the city where I believe I know what the facts were, and let me say to the gentlemen from Texas who questioned whether there was a man upon the floor of the House who knew of his own knowledge what transpired that I think I can give him that information with reference to my city.

I want you to understand at the outset that Salt Lake City was not bidding for the erection of the hangar prior to the entry upon the scene on the part of the Government. From my own knowledge, I know that no individual or any chamber of commerce had any thought of bidding for the location of a hangar at that place. There appeared on the scene in 1920, Col. John A. Jordan, claiming at that time that he represented the Post Office Department of the United States, and no gentleman here has had the temerity to deny that he was representing the Post Office Department. He immediately got in touch with some of the business men of Salt Lake City through the chamber of commerce, stating that he was there on an emergency matter, that it was the intention of the Post Office Department to have the western air-mail route across the country established and to provide for it, and there would have to be quick action because of the urgent necessity of the Government. I am informed and believe that this same gentleman went to the county commissioners of Salt Lake County and asked them to provide the land for the landing field where there could be erected a hangar to care for the planes at Salt Lake City. The county commissioners consulted the county attorney, who informed them that they had no authority to appropriate a dollar of the taxpayers' money for that purpose. At the same time Colonel Jordan positively represented to certain business men that if they would meet this emergency, advance the money for the construction at once of the hangar, that as soon as he got back to Washington he would take the matter up with the Post Office Department and Congress, which was to meet soon—this was in the fall of 1920—and see that the business men would be reimbursed for every dollar they advanced for the construction of this hangar. Now, that is not disputed. It was admitted by the late Mr. Shaughnessy, Second Assistant Postmaster General, who made an investigation at my request, and found that Colonel Jordan did make the representations as I have stated.

I happened to be present accidentally at one meeting. I think the second or third day after Colonel Jordan made his appearance in the city, when he was discussing the urgency and the great necessity of the building of this structure, and in my presence he positively stated, without any equivocation, that if these business men would advance this money every dollar of it should be repaid. Nobody has ever denied that that statement was made, and two Postmasters General and one Assistant have admitted that these representations were made in substance as I have repeated them here to you.

Now, what happened on account of this investigation and with these assurances, not for the purpose of advertising that city, but believing that there was a necessity for this immediate construction, the money was advanced by several business men. One gentleman, the head of a hardware firm, furnished considerable of the material. They immediately caused to be constructed a hangar involving an expense of nearly \$10,000. This gentleman I speak of furnished the bulk of the material, and that, together with other credits that he had given, caused him to fail, and it was largely because of the large sum which he had advanced in this manner.

Now, in addition to that, the citizens of Salt Lake bought and paid, in round numbers, \$9,000 for the landing field. We are not asking one red cent from this Government to be paid back to anybody for the \$9,000 field. That, gentlemen, was a donation; and I want to say to you that the people out there do not give money for any purpose and then come to Congress and ask to have it handed back to them.

But we do believe the same rule of action, the same laws that apply between individuals should apply between the Government and an individual doing business with the Government. I am amazed to hear gentlemen versed in the law, who have not only a State but a national reputation as attorneys, make a statement and state conclusions here which as prac-

being attorneys they would not dare go back home and put into practice among the citizens in their district.

When this building was nearly completed—and up to this point the citizens were erecting it—the Government came in through another of its agents—a Captain Hinckley, I think—and said we must have certain doors on this building. The money put into the fund by citizens had been exhausted; and then, through the agent, who had the same authority that Colonel Jordan had, the Government went to the Campbell Construction Co. and authorized them to go ahead and put on top of that work certain additions, the building of certain doors and a wing room to protect the parts. The Government paid to the Campbell Construction Co. for that at one time \$3,200. Various modifications were made on the main building. In addition to that, the Campbell Construction Co. was instructed to build an office and storeroom in the immediate vicinity. That was built and paid for by the Government, and the contract was made by a gentleman who had no greater authority than Colonel Jordan.

Mr. RAKER. Was that change of construction and additions paid for by the Government?

Mr. LEATHERWOOD. It was paid out of Government money, because they had exhausted the fund that was furnished by the citizens.

Mr. NELSON of Wisconsin. And erected on private property?

Mr. LEATHERWOOD. On property that at every moment of time the citizens have been willing to give to the Government without asking a penny for it. In any way that the Government wants to take dominion of that landing field it may do so for the asking, but all these people want is that the Government shall keep its agreement.

Let us see now why the Government should keep the agreement. I ask you gentlemen who are practicing attorneys, who are practical business men, to follow me for a moment and see whether this is all a one-sided question. Early in the spring of 1921 this whole situation was brought to the attention of the Government. An investigation was made first by Mr. Shughnessy and later by his successor in office. As I stated in my opening remarks, they found that these representations had been made. You who have so glibly drawn some conclusions here, I ask you what, in equity and good faith, the Government should have done when this matter was brought to its attention, if Colonel Jordan acted without authority and the Government did not intend to keep its agreement with these citizens?

In business life and in the conduct of the business of your clients, you would say that one could not send out an agent and have him do something without authority, get property into his possession or under his dominion and then say that the agent had no authority but that the principal would keep and enjoy the fruits of his agent's unauthorized act. This great Government in the spring of 1921 ought to have said to these men in Salt Lake City, "We find upon investigation that this man had no authority," and then have turned back and ceased to possess and use the property. Did the Government do that? Not by any means. It kept on improving the property and at every minute of time since that moment it has had possession and use of this particular building.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. LEATHERWOOD. Yes.

Mr. GARRETT of Texas. Does not the gentleman think, however, that to meet the situation that he presents it would be better to have a private bill for relief of the particular persons rather than general legislation?

Mr. LEATHERWOOD. I think the gentleman and I are not very far apart upon that theory. This bill has been greatly modified since I presented the question on behalf of these people. I do not see that there is the danger in it that some of you gentlemen anticipate, but I do say that there is an opportunity here for the Government to do justice, and I think without any risk to the Treasury of the United States or to anybody concerned.

Briefly, those are the facts surrounding the advancement of the money in this particular place. I challenge any gentleman to produce any evidence that this particular city was bidding for this hangar in order to advertise itself for any purpose whatsoever. True, it has been claimed by one or two that that was the case. I think at one time before one of the committees, one of the post-office officials stated that it was located at this particular point because it was the home of the senior Senator from my State, but to show you how accurate that gentleman was, as they usually are, he did not know that Salt Lake had never been the home of the senior Senator from the State of

Utah, and that he had never had a home established under 50 miles from the city where the building was located.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. LEATHERWOOD. Yes.

Mr. WILLIAMSON. I think the gentleman has made out a perfectly good case for his own city, but would it not be possible to fix a limitation in this bill beyond which the Post Office Department could not go? Here is a bill without any limitation whatever.

Mr. LEATHERWOOD. I appreciate that there is much force in the gentleman's suggestion, and I am limiting my remarks to this particular locality because I know what the facts are. I do not know what the facts are that surround these other points. There are gentlemen here who represent the districts in which some of these buildings are located who can speak more to the point in respect to the facts in those cases, but I want to present to you the facts with reference to Salt Lake City. I resent having the people in my district put in a position where it would appear they gave the Government something and now are trying to get it back. We do not grow that kind of people in my country.

Mr. ALLGOOD. Does the gentleman know why the bill was changed?

Mr. LEATHERWOOD. Oh, I have some idea.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. LEATHERWOOD. Yes.

Mr. LAGUARDIA. In reply to the suggestion made by the gentleman from South Dakota [Mr. WILLIAMSON] why the amount was stricken out, permit me to say that it was because we know that we can keep it below that amount; but if the committee desires to limit it to \$175,000, we feel confident we can make all the settlements within that amount.

Mr. LEATHERWOOD. I would not have asked for time this afternoon except for one purpose, and that is to put these business men out there right before this legislative body. Whatever the story may be some place else, I say to you there is not a scintilla of evidence to show that the conclusions drawn here against that little group of business men have any foundation in fact, and if they have no foundation in fact, then are you going now to do something that you would not dare go home and do as practicing lawyers representing clients in your district. Common honesty is just as important as between the Government and individuals as it is between individuals.

Mr. BUSBY. Mr. Chairman, will the gentleman yield?

Mr. LEATHERWOOD. Yes; for a question.

Mr. BUSBY. The argument of the gentleman has been a legal argument. Does the gentleman contend that the Government of the United States is ever bound except by its express authority?

Mr. LEATHERWOOD. Oh, I have had that question asked very often, but two Postmasters General, two Assistant Postmasters General, the superintendent of the great transcontinental air line, say that the Government is morally bound and that this legislation or something like it should be passed to do justice.

Mr. BUSBY. Is not this purely a question of agency, and is it not necessary always for the individual acting with the agent to prove the agent's authority, and that can not be done here?

Mr. LEATHERWOOD. Oh, yes, my young friend; but you have practiced law long enough, I have no doubt, to know that you can not come in and take advantage of the fruits of the unauthorized acts of your agent and enjoy those fruits and then deny the authority. [Applause.]

Mr. BUSBY. Does not the gentleman recognize that this act is ultra vires, beyond any authority?

Mr. LEATHERWOOD. I do not care what it was. The Government had its opportunity to play fair and it did not. It has kept the property and used it and enjoyed it, and now this House is about to say it will not let the Post Office Department pay because Jordan did not have authority.

Mr. BUSBY. Is this the first time the Government has ever been called upon to pass upon the proposition from a governmental standpoint?

Mr. LEATHERWOOD. Not by any means. It has been pressed before the great Post Office Department since the early spring of 1921. It has been before the Committee on Post Offices and Post Roads.

Mr. BUSBY. Does the gentleman contend that the Post Office Department can bind Congress and the lawmaking bodies of our Nation to perform under such circumstances?

Mr. LEATHERWOOD. The gentleman has not followed me. I say that morally and in equity and good conscience this

Congress should give the Post Office Department authority to do equity and to do justice as between these business men and the Government. [Applause.]

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. ROMJUE. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLACK].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BLACK of Texas. Mr. Chairman, I think the gentleman from Utah [Mr. LEATHERWOOD] in his excellent argument for his side of the question has overlooked one important consideration, and that is this: The Post Office Department has no power to erect buildings or construction of that sort without congressional action, but it does have power to make leases. For example, the Post Office Department has no authority to go down into my town and build a post-office building without the express authorization of Congress, but it does have the power, when it needs mail facilities, and it not only has the power but it has the resources to go down in my town and lease a building for that purpose.

I dare say that the Post Office Department now holds that flying field at Salt Lake City under a lease. I guess the consideration is probably \$1 a year. But it is holding it, and I want to propound this interrogatory to the gentleman from Utah, and ask him if I am not stating the facts correctly when I say the Government does now hold the property at Salt Lake City under a lease. Is not that correct?

Mr. LEATHERWOOD. In an attempt to try to do something in a way to repay these good people in the last few years they have been paying a rental upon that field. All that has been credited to the money expended, and the balance would be all that they would expect.

Mr. BLACK of Texas. Yes; I thought so. But if we had been moved a while ago by the eloquent remarks of the gentleman from Utah I fear we would have thought that the Government of the United States had gone in there as a trespasser and by force of arms was holding on to something which it had no right to hold.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. RAKER. As a gentleman familiar with it and as a good lawyer, does the gentleman advise the committee that the Post Office Department had the right to lease these premises for the purpose for which they were used?

Mr. BLACK of Texas. Undoubtedly; of course it had.

Mr. COLTON. The gentleman understands that the lease money is for the hangar and not the land?

Mr. BLACK of Texas. I have not examined the lease.

Mr. LEATHERWOOD. As a fact, we are not getting a cent for the \$9,000 field, and we will never ask a cent.

Mr. BLACK of Texas. I do not know what the consideration of the lease is, but I dare say that the Government holds the lease to the land and all the improvements.

Now, whether or not it is paying sufficient consideration is not for me to say, but it is holding the property under a lease. Yes, a voluntary lease, under which there was an agreement by the Post Office Department and the owners of the property that the Government was to have the use of the property for the consideration therein named.

Mr. RAKER. Will the gentleman yield for another question?

Mr. BLACK of Texas. Yes.

Mr. RAKER. The gentleman is familiar with the subject, and we would like to have the information. The gentleman having answered, and everybody conceding, that the Government had the power to make the lease legally, how can the Government get out of paying for the material that goes on the leased premises obtained by one who claims to be an agent of the Government and the Government afterwards actually using that property?

Mr. BLACK of Texas. I will answer by saying that the Government did not lease these fields until the improvements had been made. That was the proposition. Representatives of the Post Office Department went down there and told the people that we were now about to begin the operation of an Air Mail Service that would be a great Nation-wide asset, and in order to do that we have got to have landing fields and we have got to have hangars; and they said to those people, "You construct them. We have not the money to do that. The appropriation from Congress is not sufficient to do it; but if you will do this for us, then we will make your city one of the landing fields on the route."

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK of Texas. Will the gentleman yield me about three more minutes?

Mr. ROMJUE. Yes.

The CHAIRMAN. The gentleman from Texas is recognized for three minutes more.

Mr. BLACK of Texas. Now, here is the trouble with this bill.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield right there?

Mr. BLACK of Texas. I want to complete this statement first, and then I will yield. You can take the view that the Salt Lake City item, for example, is a meritorious one. You can adopt that view. But if you do that and will read this bill, you are bound to adopt the view that it is too loosely drawn and will permit the settlement of claims that ought not to be allowed.

Mr. JOHNSON of Washington. And the invitation of other claims.

Mr. BLACK of Texas. Yes. Not only an invitation for other claims, but the bill contemplates them.

Now, let us read the report made by the distinguished gentleman from New York [Mr. LaGUARDIA]. As to Reno, Nev., it contemplates that a settlement will be made with that place for \$41,000. Now let us see about Reno, Nev. Whatever may be said as to the merits of the Salt Lake City claim, I do not see how anyone can read the hearings and say that Reno, Nev., has any equitable claim. Why do I say that? Let me read you the written proposition that Reno, Nev., has submitted through its mayor and committee of citizens:

The community of Reno, Nev., which includes the city and county officers in their official and personal capacities and the leading citizens of the community, hereby offer to the Aerial Mail Service of the United States Post Office Department the use and occupancy of an aerial landing field, dimensions not less than 2,600 feet north and south and 2,300 feet east and west, as a landing field for Aerial Mail Service.

And then it goes on and makes a further description. The consideration of this grant to be paid by the Aerial Mail Service of the Post Office Department is \$1 for the first year, and \$1 for each succeeding year for a period of at least five years, and so forth. It is signed by the mayor and leading citizens of that place.

Yet the bill contemplates that we reimburse the city of Reno, Nev., to the extent of \$41,000, notwithstanding their mayor and their committee of citizens sent a written statement to the Government—to the Post Office Department—to the effect that "If you will establish this route and make Reno, Nev., a landing field we will construct the landing field, and construct a hangar, tender you the full use of it, and all you will have to pay us for it is \$1 a year for five years." I submit this bill ought not to pass. If these are just claims, let them be submitted to the Committee on Claims and take their regular course. I shall vote to strike out the enacting clause of this bill.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. ROMJUE. Mr. Chairman, I want to use about five minutes of my own time.

The CHAIRMAN. The gentleman has 11 minutes remaining.

Mr. ROMJUE. I want to call the attention of the committee to this situation: That here is a large number of claims, a multiplicity of claims, which this bill proposes, if enacted into law, to pay in one block or lump sum. I conceive that if there is merit in some of these claims there may not be merit in some of the other claims. If this becomes a law, you provide for the payment not only of those listed in the hearings, but God only knows how many other claims of similar character may arise and confront the Postmaster General.

In the first place, authority is given to the Postmaster General to settle all of these claims and pay any of them any amount under the sun he sees fit to pay them.

The gentleman from Utah made a very able discussion from the standpoint of his individual case, but he is not punished by this bill not becoming a law, because the avenue of the Court of Claims is open to him. He can introduce a private bill, have it referred to the Claims Committee, and then have that committee pass it on to a court of justice or even have it enacted into law by this House, if it is meritorious. Now, my good friend ought not to complain of such a process. He could have a private bill come up separately and have it enacted into law by this House. The gentleman himself said he does not know about the merits of these other claims, and in that he is en-

tirely honest, because he does not. And, as I said a moment ago, there is a multiplicity of claims, and the Postmaster General will not only have to meet the claims that come up here but very likely there will be other claims come up demanding payment.

Blanket authority is given to the Postmaster General to pay out not \$100,000, not \$50,000, but the sky is the limit. He can pay any amount he desires to pay; and, in the face of that and when gentlemen favoring this bill confess upon the floor of this House that they do not pretend to know the equities and justice in the other claims coupled together here, I submit it is a dangerous precedent for this Congress to vote authority to the Postmaster General or to any other single individual to liquidate and pay claims brought against the Government, the number of which are unknown and the amounts and merits of which are unknown. I do not believe this bill should pass, especially in view of the fact that the defeat of it at this time does not deprive any just claimant of any rights he may have.

Now, the gentleman said a private subscription was made by the citizens of his town, but, so far as the report goes, all of the claims listed in the report are filed in the name of the municipalities.

Authority in this case, my friends, was specifically denied to Mr. Jordan. The Government specifically said, "You must not attempt to bind the Government in these matters" to the extent which the gentleman now claims the Government is bound. When the Government goes that far, I submit to you that it is our duty to somewhat look after, and particularly at this time, the interests of the taxpaying citizens of the country.

Then is there not a duty upon the individual citizen who makes contracts even with an agent of the Government? Is there not some duty upon him to make some investigation and to enter into a contract, if any, about which there can be no cavil or dispute in the future?

The CHAIRMAN. The gentleman has consumed five minutes. Mr. ROMJUE. I desire to use a moment or two more. What Member of this House will invest \$10,000 of his own money without having some contract to show under what terms the money is invested? Not one of them. What private citizen anywhere, in Utah or elsewhere, will take his own estate and tie it up—\$10,000 or \$20,000—and then have nothing to show except what is alleged to be a verbal assurance of some Government agent, and that assurance directed specifically by the Government not to be given? Is there a moral obligation there on the part of the Government? I think not. If there is, gentlemen of the committee, a moral obligation on the part of this Government to pay individual citizens who choose to recklessly and negligently invest their own capital or put it out without evidence to show how it is put out, then I submit there is some moral obligation on the individual citizen to go into the Court of Claims and not ask this body to pass a blanket bill providing for the payment of a large number of claims, many of which, in my opinion, may be unjust and inaccurate. No claimant has yet otherwise said than that he does not know how many claims are involved. If those who ask this to become a law, who confess they do not know as to the merits and amounts of all claims, is it not unwise to say the Government should pay them?

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. ROMJUE. Yes.

Mr. GARRETT of Texas. If this precedent is to be established, then why not give the same blanket authority to the Secretary of War and the Secretary of the Navy to settle the multiplied thousands of dollars worth of claims now pending before the War Claims Committee and the Claims Committee, claims growing out of war activities and claims for damages to land and property and everything else. Why not give the same blanket authority?

Mr. ROMJUE. I see no difference in that. And, moreover, the denial of the enactment of this proposed legislation into law does not deprive, if the Chair please, individual citizens who may have a just claim from asserting their rights and having them allowed in another way, but not through the House itself. This bill should, in my opinion, be defeated by striking out the enacting clause. [Applause.]

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk completed the reading of the bill.

Mr. ROMJUE. Mr. Chairman, I move that the enacting clause of the bill be stricken out.

Mr. LA GUARDIA. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion to strike out the enacting clause.

Mr. LA GUARDIA. Mr. Chairman, a parliamentary inquiry. I have offered a motion that the committee rise.

The CHAIRMAN. That is a preferential motion. The question is on the motion of the gentleman from New York [Mr. LA GUARDIA] that the committee do now rise.

The motion was rejected.

The CHAIRMAN. The question is on the motion offered by the gentleman from Missouri to strike out the enacting clause. The motion was agreed to.

Mr. ROMJUE. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 1051 and had directed him to report the same back to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is on agreeing to the recommendation of the committee that the enacting clause be stricken out.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. A point of no quorum would bring a vote now?

The SPEAKER. Yes.

Mr. RAKER. I make the point of no quorum, Mr. Speaker.

The SPEAKER. The gentleman from California makes the point of order that no quorum is present. The Chair will count.

Mr. RAKER. Mr. Speaker, I withdraw the point of no quorum. They are all here anyhow. [Laughter.]

The SPEAKER. The ayes have it, and the House agrees to the action of the committee.

On motion of Mr. BLANTON, a motion to reconsider the vote by which the action of the committee was agreed to was laid on the table.

MAIL-EQUIPMENT SHOPS

Mr. GRIEST. Mr. Speaker, by direction of the Committee on the Post Office and Post Roads and in the absence of the chairman of the subcommittee having charge of the bill, I call up the bill (H. R. 6353) to authorize the Postmaster General to grant sick leave to employees of the mail-equipment shops.

The SPEAKER. The gentleman from Pennsylvania calls up a bill which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar. The House automatically resolves itself into Committee of the Whole House on the state of the Union, and the gentleman from Michigan, Mr. MAPES, will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 6353, with Mr. MAPES in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6353) to authorize the Postmaster General to grant sick leave to employees of the mail-equipment shops, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to grant to employees of the mail equipment shops, sick leave with pay at the rate of 10 days a year, exclusive of Sundays and holidays, to be cumulative for a period of three years, but that no sick leave with pay in excess of 30 days shall be granted during any three consecutive years: *Provided,* That sick leave shall be granted only upon satisfactory evidence of illness and if for more than two days the application shall be accompanied by a physician's certificate.

Mr. GRIEST. Mr. Chairman, this bill speaks for itself. I do not see how there can be any difference of opinion with regard to it. Sick leave applies to every other bureau and department in the Government, I understand, with this exception. It is recommended by the Post Office Department and I think merits the immediate approval of this House.

The CHAIRMAN. If there is no further debate the Clerk will read the bill for amendment.

The Clerk concluded the reading of the bill.

Mr. GRIEST. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6353) to authorize the Postmaster General to grant sick leave to employees of the mail-equipment shops and had directed him to report the same back to the House with the recommendation that the bill do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GRIEST, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. GRIEST. Mr. Speaker, that is all the business the Post Office Committee has to-day.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. WAINWRIGHT. Will the gentleman withhold that for a moment?

Mr. BLANTON. I will withhold it.

LEAVE OF ABSENCE

Mr. WAINWRIGHT. Mr. Speaker, on behalf of the gentleman from New York, Mr. CROWTHER, I ask that he may be excused for three days on account of illness.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CONNERY (at the request of Mr. GALLIVAN) by unanimous consent was given leave of absence indefinitely on account of important business.

Mr. BLANTON. Mr. Speaker, I renew my point of no quorum.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 51 minutes p. m.) the House adjourned until Friday, January 2, 1925, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GIBSON: Committee on the District of Columbia. H. R. 5327. A bill to provide for the payment to the retired members of the police and fire departments of the District of Columbia the balance of retirement pay past due to them but unpaid from January 1, 1911, to July 30, 1915; with amendments (Rept. No. 1070). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 11210) to grant certain public lands to the State of Washington for park and other purposes; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 11211) for the inclusion of certain lands in the Plumas National Forest, the Eldorado National Forest, the Stanislaus National Forest, the Shasta National Forest, and the Tahoe National Forest, and for other purposes; to the Committee on the Public Lands.

By Mr. VARE: A bill (H. R. 11212) to amend sections 405 and 406 of Public Act 242, Sixty-eighth Congress; to the Committee on World War Veterans' Legislation.

By Mr. UPSHAW: A bill (H. R. 11213) to renew patent No. 848913 to Howard P. Mallory, administrator of the estate of Alonzo R. Mallory; to the Committee on Patents.

By Mr. REED of West Virginia: A bill (H. R. 11214) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, as amended by the act of December 30, 1910; to the Committee on the District of Columbia.

By Mr. CABLE: A bill (H. R. 11215) to promote the erection of a monument in commemoration of the treaty of peace between the United States of America and certain Indian Tribes at Fort Greene Ville, now the site of Greenville, Ohio; to the Committee on the Library.

By Mr. McKENZIE: Joint resolution (H. J. Res. 314) providing for the appointment of a commission to consider and

report to Congress ways and means of establishing within the Pension Office Building a war memorial; to the Committee on the Library.

By Mr. JOHNSON of South Dakota: Resolution (H. Res. 889) for the consideration of House bill 6484; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 11216) granting a pension to Hattie Reynolds; to the Committee on Invalid Pensions.

By Mr. COLTON: A bill (H. R. 11217) for the relief of J. C. Irwin & Co. and Charles A. Perry & Co.; to the Committee on Claims.

By Mr. EVANS of Iowa: A bill (H. R. 11218) granting a pension to Nathan W. Hamilton; to the Committee on Pensions.

By Mr. GIBSON: A bill (H. R. 11219) granting an increase of pension to Julia A. Stockwell; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 11220) granting an increase of pension to Ellen Douglass Gowin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11221) granting a pension to Jennie Benjamin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11222) granting an increase of pension to Henrietta D. Washburn; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 11223) granting an increase of pension to Laura R. Cummings; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11224) granting an increase of pension to John Dudley; to the Committee on Pensions.

By Mr. McREYNOLDS: A bill (H. R. 11225) for the relief of Andrew J. Ware; to the Committee on Claims.

Also, a bill (H. R. 11226) for the relief of N. W. Ellis; to the Committee on Claims.

By Mr. MAGEE of Pennsylvania: A bill (H. R. 11227) granting an increase of pension to Virginia Hubley; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 11228) granting a pension to Maria E. Smith; to the Committee on Invalid Pensions.

By Mr. ROBSON of Kentucky: A bill (H. R. 11229) granting an increase of pension to Rachel Peace; to the Committee on Invalid Pensions.

By Mr. ROGERS of Massachusetts: A bill (H. R. 11230) granting a pension to Susan O. Jellison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11231) granting a pension to Gilbert B. Perrin; to the Committee on Invalid Pensions.

By Mr. SEARS of Nebraska: A bill (H. R. 11232) granting a pension to Clotilda M. Hanna; to the Committee on Pensions.

Also, a bill (H. R. 11233) granting a pension to Miriam C. Buck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11234) granting a pension to Ellen Litzel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11235) granting an increase of pension to Sarah C. Gross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11236) authorizing the Treasurer of the United States to refund to the Farmers Grain Co. of Omaha, Nebr., income taxes illegally paid to the United States Treasurer; to the Committee on Claims.

Also, a bill (H. R. 11237) authorizing the Treasurer of the United States to refund to the Nebraska Buick Co. funds illegally covered into the United States Treasury; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11238) granting a pension to Jane Lawson; to the Committee on Pensions.

Also, a bill (H. R. 11239) granting a pension to Sarah Andrews; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 11240) granting an increase of pension to William T. Hedges; to the Committee on Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 11241) granting an increase of pension to Mary J. Herbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11242) granting a pension to Meairda Mullins; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 11243) granting an increase of pension to Emma S. Gray; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 11244) granting a pension to Peter Sheplar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11245) granting an increase of pension to Rebecca Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11246) granting a pension to Jemima Meehling; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 11247) granting a pension to Amelia Weber; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3320. By Mr. ANDERSON: Petition of residents of Simpson and Stewartville, Minn., protesting against the passage of compulsory Sunday observance legislation (S. 3218); also from residents of Winona, Winona County, Minn., protesting against the passage of compulsory Sunday observance legislation (S. 3218); also from residents of Austin, Minn.; to the Committee on the District of Columbia.

3321. By Mr. CLARKE of New York: Petition of thirty-fourth congressional district, State of New York, not to concur in the passage of Senate bill 3218, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3322. By Mr. JOHNSON of Washington: Petition of citizens of Cathlamet, Wash., opposing the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3323. Also, petition of various citizens of Clarke and Cowlitz Counties, Wash., opposing enactment of the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3324. Also, petitions of various citizens of Camas, Battle Ground, and Washougal, Wash., opposing the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3325. Also, petition of various citizens of Carrolls and Kelso, Wash., opposing the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3326. By Mr. KETCHAM: Resolution passed by the Benton Harbor City Commissioners, Benton Harbor, Mich., favoring the passage of Senator FLETCHER's bill which provides for the construction of certain public buildings; to the Committee on Public Buildings and Grounds.

3327. By Mr. KOPP: Petition of Grant McKee, Lillie McKee, W. W. Wiley, Grace Mathias, Margaret Greenfield, Retta Wiley, Oscar Mathias, G. W. Lowe, Chas. E. Greenfield, Victor Burden, Edith Burden, C. J. Burden, and Veleda Lowe, of Birmingham, Iowa; M. E. Graves and J. T. Graves, of Bentonsport, Iowa; E. W. Graves and Lillie Graves, of Stockport, Iowa, asking that the House of Representatives do not concur in the passage of the compulsory Sunday observance bill (S. 3218) nor pass any other religious legislation which may be pending; to the Committee on the District of Columbia.

3328. By Mr. SINNOTT: Petition of residents of Portland, Oreg., protesting against the passage of the Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3329. By Mr. WILLIAMS of Michigan: Petition of Mrs. Nettie Pugh and seven other residents of Albion, Mich., protesting against the passage of Senate bill 3218, known as the Sunday observance bill; to the Committee on the District of Columbia.

